

On this view, the brutal decades of the late 20th century were a temporary diversion from the road to greater peace. In 2014, when UK crime rates had fallen significantly below 1990 levels, researchers from Cambridge University and the World Health Organization said a future in which rates of homicide, child abuse and domestic violence fell by as much as 50% was achievable in 30 years. Today, they may not be so confident. Gun deaths reached their highest point in US history in 2020, a year the Princeton sociologist Patrick Sharkey described as "the most violent" of the century. A gradual rise in crime since 2014 had culminated in "a really terrible year across the whole country". American exceptionalism should make you wary of looking west for guides to what will happen next here. I just mention in passing that UK crime rates have risen since 2014, too, and plateaued around their 1990 level. They are still below their peak but, if they should explode, the justice system would fall apart. Indeed, it has already fallen apart.

Miscarriage of Justice Declared in Case of Man Who Spent 14 Months in Prison

Paul Reynolds, RRE: The case of a Co Louth man who spent 14 months in prison for IRA membership before his conviction was overturned has been declared "a miscarriage of justice". Michael Connolly, of Grange Drive in Dundalk, denied he was a member of the IRA but was convicted and jailed in June 2017. The prosecution had claimed that the 47-year-old had been observed by gardaí driving in convoy with another man, who was then found with two improvised explosive devices (IEDs). However, the conviction was overturned by the Court of Appeal in June 2018 and in a retrial of the case in 2019 Mr Connolly was acquitted of IRA membership after the Special Criminal Court found it could not rely on the belief evidence of a Garda Assistant Commissioner as being independent from the investigation. The court examined the issue of whether there might have been "an overlap and therefore possible double counting" of matters contained in the garda intelligence file and matters in the Book of Evidence. Assistant Commissioner Michael O'Sullivan, who gave evidence of his belief that Michael Connolly was a member of the IRA, told the court he had not seen the Book of Evidence and did not know what was in it. Today the court found that "this assertion gave a false assurance to the original court of trial that the issue of double counting did not arise". It said it was satisfied that "it was careless of the senior officer to make the relevant assertion" but there was no evidence the assertion was "misleading" and "nor could there be because the witness had no knowledge of what was in the Book of Evidence". The court pointed out that "unhappily no application was made to recall the relevant garda officer to explain why he had relied on the entirety and totality of the materials in the intelligence file". It also found that "if the issue of double counting had been considered, it is probable that the original court of trial would have considered itself compelled to acquit the applicant". The Special Criminal Court concluded in its judgement there has been "a grave defect in the administration of justice" which "constitutes a miscarriage of justice".

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£250,000 Damages to Margaret Deery Shot in the Leg During Bloody Sunday

She was shot in the left thigh by a high velocity round fired by a soldier (identified as Lance Corporal V at the Saville Inquiry). Lance Corporal V claimed he fired one shot aimed at a male petrol bomber and that he hit his intended target. The Saville Inquiry, however, rejected this account and concluded that Lance Corporal V had given knowingly false evidence to the Widgery Inquiry and that the deceased was an entirely innocent victim who, without justification, was shot by him. Margaret Deery was taken to a house at 33 Chamberlain Street after the shooting where she was given first aid. While there, soldiers entered the house and directed abusive comments towards her. The Saville Inquiry was satisfied that some soldiers directed foul language at the civilians sheltering in the house and that it was probable that abusive remarks were directed towards or about Margaret Deery. The Inquiry concluded that it could find no excuse for the remarks. The compensatory payment in this case for general damages for pain, suffering and loss of amenity including psychiatric injury and injury to feelings and aggravated damages for the increased and enduring injury to feelings suffered by the plaintiff was in the sum of £250,000. This sum shall attract interest from date of service of the writ (16th June 2014). The special damages award consists of £17,028 for the cost of care provided to the deceased plus the agreed calculation in respect of the loss of caregiver's facility.

UK Prison Population Third Highest in Europe and Suicide Rate Twice the Average

Noah Robinson, Justice Gap: The UK has the third largest prison population and the suicide rate in our jails was twice the Europe average, according to a recent report by the Council of Europe. In the report, England and Wales also ranked higher in main prison indicators compared to other European countries. Being assessed as 'very high' means a country's scores were at least 25% higher than the European median value and 'high' between 5% and 25% higher. England and Wales scored 'very high' for a number of categories including prison population, suicide rates, the proportion of prisoners not serving a final sentence, rate of admissions per 100,000 inhabitants and 'high' for prison density. The UK had the third largest prison population (91,870) after Russia (519,618) and Turkey (297,019) and was ranked 'very high' alongside Georgia, Lithuania, Azerbaijan, and Albania. Countries that scored 'very low' (more than 25% lower than the European median) included Germany, Denmark, Norway, and Netherlands. Spending on prisons was higher than in any other European country besides Russia with a total budget of £3.4 billion in 2019 for the UK. This is only slightly under that of Russia which had a £3.6 billion budget. The average prison admissions of the 47 Council of Europe member states was 149.8 per 100,000 whereas in England and Wales it was 215.5. Compared to an overall fall in the prison population rate over the last year of (1.7%), England and Wales experienced a 0.1% rise. The suicide rate per 10,000 inmates in England and Wales doubled the average European suicide rate (5.2 compared to 10.1). England and Wales also experienced a lower turnover rate of prisoners – i.e., the release rate per 100 potential releases. The median rate was 47% compared to England and Wales' rate of 30%. In reaction to the report, Frances Crook, chief executive of the Howard League told the Independent that 'our European neighbours have recognised that there are far more effective ways to tackle crime than cramming people into prisons that create more problems and more victims'.

Misogyny Alive and Well in the Criminal Justice System

Harriet Wistrich, Centre for Women's Justice: On Monday (29th March), following her retrial for murder, Emma-Jayne Magson was sentenced by Mr. Justice Jeremy Baker to life imprisonment with a minimum term of 17 years. She had three weeks earlier been convicted of the murder of her abusive boyfriend James Knight, by a majority jury verdict of 10-2, following an 8-week retrial. Justice for Women were contacted by Emma's mother following her first trial in 2016 when she was previously convicted of the murder. They assisted her to instruct a new legal team who presented fresh psychiatric evidence supporting the defence of diminished responsibility. The court of appeal quashed her murder conviction on 28th January 2020 and ordered a retrial. The recent conviction and subsequent sentencing of Emma-Jayne Magson is shocking in light of the evidence put forward at the retrial and confirms the discrimination faced by women in the criminal justice system. Justice for Women have been monitoring, supporting, and campaigning around cases like Emma's since 1990, and whilst a lot has changed for the better, there are still many huge barriers to justice for abused women who kill.

In February, we released our research findings on the systemic failings of the justice system in the context of women who had killed their abuser. Our findings showed that 77% of women who killed their partners had been victims of violence and abuse by the deceased, yet only 7% were successful in the use of self-defence, and 43% were convicted of murder. Recommendations highlighted the need for further law reform and changes to practice at every stage of the criminal justice process – as well as change beyond the criminal justice system – in order to challenge common myths and stereotypes which remain prevalent around women who offend. We also highlighted the failure of the criminal justice system to prevent violence and abuse towards women, which are often the triggers to women's lethal violence against their abusers. The Emma Jayne Magson case illustrates several of the issues highlighted in our report which were evident in the prosecution, conviction, and sentencing - both in the original trial and this recent retrial.

The evidence presented at retrial in support of Emma-Jayne's defence to murder included:

- *Toxicology evidence showing that the deceased had taken cocaine, cannabis, anabolic steroids, and alcohol which had contributed to his aggressive demeanour
- *CCTV was shown at trial of him squaring up to strangers outside a club earlier that night and included footage of him violently pushing Emma into a parked car in a seemingly unprovoked attack – this can be viewed on the BBC website here
- *Witnesses provided evidence of the deceased shouting and kicking at her front door immediately after the offence
- *Medical evidence, including red marks and bruising around her neck and a pathologist report, supported the defendant's account that she was strangled by the deceased
- *Five out of six psychiatric or psychologist reports evidencing a mental impairment that was likely to have diminished Emma's responsibility for the stabbing
- *Evidence in the form of social media messages of the deceased's past bad character; the fact that steroids and drugs had made him aggressive towards his previous partner
- *There were a significant number of text messages which had not been provided to Emma's legal team at the original trial, which disclosed James Knight's abusive behaviour to his previous partner and revealed threats to both her and her sister
- *Evidence of the deceased's previous violence towards the defendant and his regular abusive language towards her, including typically describing her as a 'slag', calling her 'fat' when she was pregnant with their child, and telling her to lose weight

So why was Emma convicted a second time of murder? *The police and prosecution team seemed determined to re-convict Emma of murder. It was open to them to have offered a plea to manslaughter by reason of diminished responsibility after two experts they instructed agreed with the three experts instructed by the defence. However, they went searching for a further expert who did not support the diagnosis, so they could improve the prospects of a re-conviction for murder

station in the north-west was included in the fire sale and an organised crime group bought it. The gang run it as a pizza restaurant and a front for the distribution of drugs – “extra toppings”. Afzal tells me police intelligence heard the gangsters “crowing” about getting one over on their old adversaries. A country where crime gangs do business from former cop shops is not one whose politicians should be able to boast of their toughness on crime. Boris Johnson and Priti Patel get away with it by saying they will restore the 15% cut in police numbers their own party imposed by 2023. No sensible person believes a Johnson promise. But humour me and assume he isn't lying. When newspapers from Cheshire to the Thames Valley report that local officers dealt informally with suspects accused of child sex crimes, drugs trafficking, stalking, robbery, firearms possession, kidnapping and blackmail rather than take them to court, the softest liberal may concede Johnson has a point. He cannot make it stick, and not just because the courts will still be hearing Covid-delayed cases in 2023, and have no idea when they will return to normal. For the court system, failure was the “normal” of the 2010s. As with so much else, the pandemic has accelerated existing trends and, in the case of the criminal justice system, the trend was downhill all the way. Johnson's party reduced the Crown Prosecution Service to an organisation “creaking” under the strain of a loss of a quarter of its budget, in the words of Alison Saunders, a former director of public prosecutions. With malign timing, the explosion in evidence from online data coincided with the assault on the public sector, slowing the ability of prosecutors and police officers to process cases. Legal aid payments for defence solicitors have become so miserly that suspects may soon be unable to find lawyers in large parts of the country. Prisons have confined inmates to their cells, meanwhile, in conditions the Prison Reform Trust says “amount to solitary confinement”. The pandemic destroyed what attempts the jails made to turn them from crime when it closed classrooms, gyms, libraries, workshops and offending behaviour programmes.

I could go on to the withdrawal of public support from youth workers, social workers and teachers who might identify and divert young men at risk of turning to crime, and from probation officers who might rehabilitate offenders. I could look at drug and alcohol consumption rates and poverty. However long I spent, the fact would remain that, when Patel said: “I want criminals to feel terror”, she must have known the odds were criminals would be left in peace. What applies to the failing system applies to libertarians who worry, understandably, about the authoritarian powers the government has taken in the crisis. They cry that the UK is becoming a police state without understanding that we don't have enough police to police a police state. Liberals, who want a humane prison system or a police force that takes the abuse of women seriously and does not disproportionately target young black men, not only need to think about where they will find the funding, but about who they might train and recruit and how many years it will take to rebuild from the wreckage.

The Conservatives got away with defunding the police and the rest of the criminal justice system in part because their 11 years in power began during a period of social peace across the developed world. From the mid-1960s until the 1990s, crime rates exploded and then fell back, spectacularly, in the 21st century. Criminologists argue about the reasons: ageing populations, the aborting of unwanted children, even reductions in air pollution and levels of lead in the blood. As always, left and right pick the explanation that suit their biases. Perhaps we do not need an explanation. What American researchers call “the great crime decline” may just be a reversion to the mean. Humanity progresses, as Steven Pinker has argued, and a part of the progress has been a decline in everyday violence that began at the end of the Middle Ages.

to accept it. It was part of the culture and I should be grateful for it.” More “drinks” followed at a time when the force was meant to be investigating three major armed crimes: the £175,000 robbery of the Daily Express payroll in 1976; the £520,000 Williams & Glyn’s bank robbery the following year; and the 1978 Daily Mirror payroll robbery in which a security guard, Tony Castro, was shot dead and £200,000 was stolen. No one was ever convicted of the robberies.

‘I thought: this is not why I joined the police the higher you went, the bigger the drink you got,’ said Tassell. “There was no one I could go to ... Nothing would have happened except I would have been out of the CID ... I thought: this is not why I joined the police.” When he finally decided to cooperate with the investigation into corruption, “I was concerned about my own personal safety ... One of the officers said: ‘Is it true, Lew, what we hear about you?’ ... [Another officer said:] ‘I don’t think he’s a grass because if what you say is true you’ll be wearing a ... cement raincoat.’ It terrified me.” He added: “I would sometimes go home and sob.” Tassell, who remained in the police until 1999, gave evidence against Cuthbert, who was jailed for three years in 1982. The former DCS John Simmonds, then the head of the CID in the City, recalls that Cuthbert asked him if they could have a chat “on the square”, indicating that he, like Simmonds, was a Freemason. “I kept Freemasonry and the police separate and when he started admitting to criminality I withdrew my Freemasons’ hat and put my police helmet back on because I realised that this was extremely serious.” Simmonds clandestinely recorded Cuthbert describing how Commander Hugh Moore, then the third most senior officer in the force, was involved. “Hughie’s run Bishopsgate and half the City police for years and years,” Cuthbert told him. “He’s been the greatest villain unhung.” Of the Daily Express robbery, he said: “That was a Hughie Moore job and he’s a greedy bastard. Always has been.”

Simmonds said he was “not proud” of having to tape Cuthbert secretly, “but I never lost sight of the fact that a man had got killed on one of the robberies”. Those officers who accepted bribes were taking “blood money”, he said. Of Moore, he said: “I had a hard time from him daily, hourly ... When he had the opportunity to snipe at me or try to catch me out, he did his level best. I was completely and utterly disillusioned and decided to get out.” He left the force. Moore, who died in 1993, two weeks after attempting to arrest a violent suspect, was never charged and always denied any wrongdoing. Cuthbert said later that his remarks about Moore were made when he was drunk. Moore’s role is covered in the book, *Operation Countryman*, by the former Flying Squad officer Dick Kirby. While Kirby is very critical of the way that the *Countryman* investigation into corruption was conducted, he concludes that Moore “championed the cause of officers thought to be crooked, denigrated those who were straight”.

Is a Party That Sells Police Stations to Criminals so Very Tough On Crime?

Nick Cohen: Defund the police was a provocative slogan for the US radical left and the settled policy of Britain’s ruling right. You should switch off politicians and commentators who talk about building a safer country, if they don’t face up to the debilitation that 11 years of Conservative defunding has inflicted on the criminal justice system. Let one anecdote stand in for the bigger picture. The Tories sold half the magistrates’ courts and more than a third of county courts in England and Wales between 2010 and 2020, and about 600 police stations. The same government is engaged in a screeching U-turn today and trying to deal with the tens of thousands of Covid-delayed trials by opening “Nightingale courts”, although I doubt that Florence Nightingale would have sent the lowliest British soldier in Crimea to our fetid prisons.

Bewildered detectives reported to former chief crown prosecutor Nazir Afzal that a police

at the retrial *The police searched for witnesses who could provide evidence of Emma’s previous violence and bad character *A number of witnesses did provide such evidence, including a former boyfriend who alleged she had hit him with a vacuum cleaner pipe. All these witnesses were cross-examined to show their accounts were dishonest or unreliable. However, it seems the majority on the jury still believed these accounts *During the course of the retrial, the Crown Prosecutor made reference to Emma as a typical council estate girl who had experienced ‘50 one night stands.’

The focus of the trial was on Emma’s character and the lies that she told immediately after the offence *The most damning evidence that is likely to have persuaded judge and jury that her account of being attacked and acting in self-defence lacked credibility, was the fact that Emma, on her own admission at trial, lied afterwards to a 999 call handler, paramedics, police officers and bystanders after the stabbing *A recording of the 999 call made by Emma following the attack made her seem calm, lying, and unbothered by the condition of the deceased. Without an understanding of her underlying personality disorder, this made her appear callous *Evidence was adduced of Emma’s previous bad character, including previous convictions for violence. She had a caution for hitting a bouncer, had hit a woman in a pub and attacked a woman with a glass for which she incurred convictions for battery. However, these incidents occurred when she was in a relationship with someone who had physically assaulted her and set fire to her clothing and personal possessions *5 out of 6 experts agreed that Emma had a personality disorder and that this was due to neglect and trauma during her childhood.

Sentencing of Emma-Jayne by Judge Jeremy Baker *To assist with mitigation upon sentencing, evidence was provided by prison officers commending Emma for her work during the time she has been in prison. Reports highlighted her dedication to self-improvement, her helping others, and her willingness to discuss her offending behaviour, including demonstrating remorse for causing James Knight’s death *However, Mr Justice Jeremy Baker told Magson that he would have passed an even stiffer sentence had it not been for legal limitations on the court’s powers. “I regret I am unconvinced you have, as yet, any real remorse for having caused James Knight’s death” *He stated that “I am sure that the account which you provided to the police in your prepared statement of being strangled by James Knight is untrue.” And explained that the red marks on Emma’s neck “could equally have been caused when James Knight had pushed you [Magson] into the car on Pool Road at an earlier point in the night”.

Minimum tariff for murder. When someone is convicted of murder, a mandatory life sentence will be imposed. The judge must set a minimum tariff, which means the number of years a convicted murder must serve in prison before she can be considered by the parole board for release on licence. The length of tariff set by the judge should depend on the presence of mitigating or aggravating circumstances surrounding the killing. The statutory guidance on sentencing indicates that the starting point for a murder tariff will be 15 years, this can be reduced if there is evidence of provocation, lack of pre-meditation, the presence of a psychiatric vulnerability and the lack of an intention to kill. All these factors were present in Emma’s case but it seems the judge wanted to impose a sentence well over the starting point tariff of 15 years.

Trial Under Conditions of lockdown: The retrial took place at Birmingham Crown Court, following a number of delays due to Covid lockdown. The presenting of evidence may have been hampered by lockdown conditions, when her defence counsel had to isolate for part of the trial, when junior counsel was diagnosed with covid and the defence had to cross examine prosecution witnesses remotely (whilst the prosecution team remained at court). Several defence experts gave evidence by video link which may have weakened the impact of their evidence. However, the jury verdict was shocking and unexpected given the weight of evidence that favoured her defence.

Comments: Speaking of her experience Emma said “It’s a horrible feeling to hurt someone. I wouldn’t fight back again”. It seems in law the only credible victim is a dead one. Is this really the 21st century approach to survivors of domestic abuse who are confronted by their abusers? Emma’s mother, Jo stated “Emma has been convicted because of the lies she told when she was terrified rather than the actual incident which even the prosecution agreed was not done with an intent to kill. I just don’t understand how his aggression and violence as caught on CCTV was disregarded. Her last words overheard to him were ‘I’m not letting you in after last time’. It was obvious she was frightened of him. She has nothing but remorse for killing James. Even the prison officers have said that. I can’t believe she has been failed by the system again.” A Justice for Women spokeswoman said “Contrast her case to the sentencing the next day of Thomas McCann, who strangled his estranged wife Yvonne, after a row, then chopped up her body and hid her. He pleaded guilty to murder and was sentenced to a minimum tariff of 13 years. . Or to the case of Anthony Williams who strangled his wife to death and was sentenced to five years for manslaughter. In neither case did the defendant face violence, coercive control or anything more than feeling irritated by their wife’s conduct yet, and you can see clear misogynistic discrimination in action.” Emma’s lawyers are considering grounds of appeal against conviction and sentence.

Is Prosecution Counter-Productive? New US Research Says It can be

There is a strong belief that criminal sanctions reduce crime. But a new study from the USA suggests the opposite is the case for minor crimes. 80% of cases processed by the US criminal justice system are “misdemeanours”. Misdemeanour offences include minor criminal damage, “disorderly conduct, disturbing the peace, possession of small quantities of prohibited substances, trespassing, and driving without a valid license/registration/insurance”. In some states you can be prosecuted for actions which would never see a court in England and Wales.

But the tide is turning in the States away from prosecution for non-violent misdemeanours. The criminal justice reform movement, fuelled by Black Lives Matters, has campaigned for changes in prosecution policy and for more liberal District Attorneys (state prosecutors). Nearly all senior prosecutors are subject to election in USA and local DAs have considerable discretion to sway prosecution policy and practice.

A new study backs up the policy with evidence. A team of economists studied the outcomes for those who were and weren’t prosecuted for minor crimes in Suffolk County – an area in Massachusetts. They followed up the suspects over two years to check whether prosecution seemed to make any difference to reoffending. It did. When comparing similar cases, the suspects who were not prosecuted were less likely to be subject to another criminal complaint over the subsequent two years – they were 33% less likely to be arrested. “We see significant reductions in subsequent criminal complaints for violent, disorderly conduct/ theft, and motor vehicle offenses”. Those who were “first time entrants”, who had not been prosecuted before, were particularly likely not to reoffend.

This is powerful evidence to suggest that prosecution of minor crimes is counter productive. But why? The study’s authors only had the data, but their hypotheses, based on previous research, were: Going through the court system disrupts defendants’ work and family lives. The average time from arrest to resolution of the case was 185 days. This disruption can result in people losing their jobs or income. The prosecution process in the USA can lead to a criminal record, even if the defendant is not convicted. And the criminal record is a barrier to getting and retaining a job as well as to getting promotions. “Misdemeanor convictions can decrease employment

prospects, increasing the likelihood that those with misdemeanor conviction records turn to illegal forms of economic activity”. If someone has been prosecuted for a minor crime, that record is on police systems. The view that “once a criminal, always a criminal” may influence police behaviour – making police more likely to arrest someone with a record. People who have never been arrested and prosecuted previously are particularly likely to benefit from diversion since they then avoid being labelled as a criminal, and seeing themselves as a criminal.

Those who support prosecution for minor crimes often argue that it is the general deterrence effect that matters – if people see others “getting away” with crime they will commit crime with impunity. The authors also analysed this. In 2019, a new progressive District Attorney, Rachael Rollins, was elected in Suffolk County. She was committed to reducing the number of minor crimes prosecuted. Her staff still had some discretion but she instructed “her attorneys to decline to prosecute a list of 15 low-level charges—or to request supervisory approval should they think prosecution is warranted. These are charges Rollins has identified as both taking up the greatest amount of her office’s time, and that stem from factors that can often be better addressed through “services, not sentences.””

As a result “estimates indicate that the increases in non-prosecution after the Rollins inauguration led to a 41 percentage point decrease in new criminal complaints for nonviolent misdemeanor cases on the Rollins list (not significant), a 47 percentage point decrease in new criminal complaints for nonviolent misdemeanor cases not on the Rollins list ($p < .05$), and a 56 percentage point decrease in new criminal complaints for all nonviolent misdemeanor cases ($p < .05$)”. The researchers tracked whether this non-prosecution approach had led to more crime being committed. It didn’t seem to. Reports of theft/fraud actually went down and reports of other misdemeanour type offences were stable. So the researchers concluded that this policy shift reduced future crime and had no “detrimental effects on public safety”.

This is just the latest in several international studies suggesting prosecution of minor offences is counter productive. We have no such study in England and Wales. Raw reoffending data suggests that out of court disposals reduce reoffending more than court sanctions, but we have no study which directly measures the effect of prosecution vs out of court disposals vs complete diversion from the criminal justice system. Given the problems caused by the Covid-related delays in court hearings, and news that the magistrates’ court backlog has increased since Christmas, studies like this should prompt a sea-change in prosecution policy. If there are still qualms, let’s do a nation-wide randomised control trial, taking 5% of the least serious magistrates’ court cases out of the list, and either offering an out of court disposal or complete diversion, and tracking reoffending over the next two years.

Ex-Police Reveal Bribes and Threats Used to Cover up Corruption in 70s London

Duncan Campbell: One of London’s most senior police officers, described by a colleague as “the greatest villain unhung”, was believed to be involved in major corruption in the 1970s but never prosecuted, according to a new documentary on police malpractice. Former officers who exposed corruption at the time describe how they were threatened that they would end up in a “cement raincoat” if they informed on fellow officers and were shunned by colleagues when they did. The fresh revelations come from half a dozen former officers from both the Metropolitan and City of London police forces, including one who has admitted receiving payments. The claims are made in a three-part documentary series about the widespread acceptance of bribes that led to the setting up of the anti-corruption unit A10, on which Line of Duty’s fictional AC-12 is based. The former City of London detective Lew Tassell describes how his commanding officer, DCI Phil Cuthbert, handed him £50 with the words: “I’ve got a drink for you’ ... It was expected of me