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MOJUK: Newsletter 'Inside Out' No 856 (21/07/2021) - Cost £1

Nearly 50 Years to Overturn Wrongful Conviction of Three Black Citizens

On Tuesday 6th JUly 2021, three more men finally had their names cleared as the Court of Appeal quashed their convictions after they were jailed nearly 50 years ago on the word of a detective with the British Transport Police who was later found to be corrupt. Known as members of the 'Stockwell Six' the CCRC referred the cases of Paul Green, Courtney Harriot and Cleveland Davidson. The CPS confirmed they would not be opposing the three appeals in March of this year. The three young friends were jailed in strikingly similar circumstances to the 'Oval Four' also involving DS Ridgewell. The detective was a member of the British Transport Police's (BTPs) anti-mugging squad on the London Underground in the 1970s.

Counsel for the respondent, Andrew Johnson conceded that the convictions were unsafe on behalf of the CPS and said, "This was a shocking set of circumstances. It was quite apparent now and has been for many years that DS Ridgewell was a dishonest officer. Misconduct of an officer does not mean that every case where there was a conviction is unsafe, but in this case it is apparent that there was a clear lack of integrity. We accept that these appeals should be allowed and the names of the appellants, albeit many years later, should be cleared." Presiding Judge and Chancellor of the High Court, Lord Justice Flaux said: "The facts here are shocking. The appeals are allowed and all convictions should be quashed. It is most unfortunate that it has taken nearly 50 years to rectify the injustice suffered by these appellants."

However, the CCRC is still attempting to trace the two remaining men they understand were also wrongly convicted. "We are delighted that these three men have, quite rightly, had their appeals quashed in court today which is long overdue," said Chairman of the CCRC, Helen Pitcher OBE. "Our attention now turns to the two men we have been trying to reach for some time now who were also wrongly accused many years ago." After attempting numerous ways to find them, the CCRC is urging the media, broadcasters and the public to join them in helping to spread the word. "We are desperate to find other men who were part of this group of friends so many years ago," said Helen. "They too were convicted. By tracking them down we can take another step towards achieving justice and finally clear their names."

The independent body set up to investigate miscarriages attempted to contact the pair using information obtained from other public bodies but have still been unable to find them. "It is clear to us that the wider media and social media could really boost our chances of tracing them by supporting this. It is entirely possible that they are now living in another country but the more coverage we get, the better our chances are of locating them."

All six friends were charged with assault with intent to rob at the Stockwell tube station in 1972. The supposed victim of the alleged attempted robbery was Ridgewell himself. The events unfolded on the London underground, where the detective confronted young black men, accused them of theft and of making incriminating remarks. They were also accused of assaulting the police if they resisted arrest.The sixth defendant was acquitted at trial, and it was Paul Green himself who contacted a third man, Cleveland Davidson, after his case was referred. Mr Davidson applied to the CCRC, and his case was also referred back in March. This is the third time convictions have been quashed involving Ridgewell. Stephen Simmons' 1976 case was the first. Mr Simmons had been accused and convicted of mailbag theft in 1976, which was quashed in 2018. This opened the door to other related appeals off the back of police misconduct by Ridgewell. In December 2019, four men, referred to as the Oval Four, Winston Trew, Omar Boucher, Sterling Christie and George Griffiths saw their 1972 convictions quashed too. At the time, Lord Chief Justice, Lord Burnett, told them: "Our regret is that it has taken so long for this injustice to be remedied."

Winston Trew has since been a big advocate of the CCRC. Working closely with them concerning stakeholder engagement he is an important ambassador for those believing they have been subject to a miscarriage of justice, talking to National Prison Radio and openly relaying his own experience. DS Ridgewell died in 1982 in prison, where he was serving a sentence for conspiracy to steal mailbags during his time as a police officer.

Do you know the men who were part of this group of friends? Is this you and you wish to come forward in a bid to clear your name? If so, please call our applicant telephone helpline 0300 456 2669 or email info@ccrc.gov.uk You can also follow our twitter account @ccrcupdate where you can also retweet our appeal.

Priti Patel Rattles the Handcuffs – but Tories Have Lost Control of Law And Order

Guardian Opinion: Justice is grinding to a halt. The handcuff-rattling home secretary, Priti Patel, likes announcing draconian new sentences – but without adequate police, prisons and, above all, law courts to hear cases, her bombast is empty. Justice delayed is justice denied when a four-year-old alleged victim of sexual abuse has to wait so long – purely for lack of court time – that they could be aged eight before their case reaches court. What will they remember? The defence can make a reasonable argument to the jury that after so long, such a young child's memory will be unreliable. That's not exceptional, just one case I have come across while interviewing solicitors. Court delays deny justice to victims, to witnesses fast forgetting what they saw, to the guilty who should face consequences quickly, to the innocent wrongly locked up on remand or with a cloud hanging over them, and to anyone else expecting legal redress. Figures for late May show more than 57,000 cases waiting for crown court hearings, and more than 450,000 waiting for magistrates courts. The pandemic worsened an existing crisis: there was a 37,000 crown court backlog in 2019.

In the tsunami of post-2010 cuts to the Ministry of Justice, half the crown courts and magistrates courts were closed down and sold off. The government says most people can reach a court within a six-hour round trip, but unsurprisingly many are failing to attend, so those showing up find cases postponed and themselves obliged to make that journey again. Added to the loss of courtrooms is an acute shortage of judges, recorders, clerks, staff and duty solicitors following £1bn in legal aid cuts. "Your letter made a mistake," complained one client to Richard Atkinson, a solicitor in Maidstone, Kent, last week. "You put my trial date as October 2022. You meant 2021?" No, replied Atkinson, who is also the Law Society's head of justice: that was the date – it was set back five years after his client was arrested for fraud in 2017, purely due to lack of a crown court slot. "They're already listing cases for 2023," Atkinson says wearily, adding that many cases received no date "because if they were listed, it would be 2024".

Every kind of justice is blocked. It takes 34 weeks to get a hearing for unfair dismissal from an employment tribunal. The backlog of cases was already at 36,000 pre-Covid – a wait so long that a third now give up. Coroner's courts leave grieving families to wait a year, while family courts are backed up too. Cris McCurley, a family solicitor in Newcastle, sounds utterly

distraught. “Every part of the system suffered cuts, with a massive rise in domestic abuse.” Three in four domestic abuse cases in England and Wales are dropped before coming to trial. “It’s a perfect storm. I’ve never encountered so much raw emotion.” She talks of desperate cases, such as the mother made homeless by an abusive husband amid an acute shortage of refuge places. “I can’t get a hearing listed, and waiting makes emotions rougher.”

The government may hide all problems behind the pandemic, but in researching the book The Lost Decade, I sat in on the only grant-aided advice centre for parents facing family courts. I heard a nurse, terrified that her foreign ex-husband was about to steal her children, whose passports he holds. Before the cuts she’d have had a legal aid solicitor. During the 2010s, the number of police officers was cut by 15%, community support officers by 40%, prison officers by 26%; 51% of council youth centres in England were closed, and knife crime soared. The Tories inherited from Labour falling numbers of reported crimes, which increased as the cuts hit home. Jimmy McGovern’s TV drama Time tells the prison story: with about 80,000 inmates in England and Wales now, the astonishing official projection is a rise to 98,700 over the next five years. That anticipates the home secretary’s penchant for regular punishment fixes: Patel’s eye-catcher this week is a four-year sentence for anyone entering Britain illegally.

Atkinson says prisons this year have been “the worst I’ve seen”, with inmates “locked in 23 hours a day since Covid, with no family visits for a year. People are in custody with no trial date, yet if they’re acquitted, there is no compensation.” Rehabilitation? Cuts since 2010 have led to 62% fewer courses being taken by prisoners. Visiting Woodhill prison in Milton Keynes, observing an exceptionally fractious prisoner among a jail full of reoffenders, I asked the governor, Nikki Marfleet, what would best keep them out? “Sure Start,” she said without hesitation, “to help families from the day a baby’s born. Damage is done so young: that’s where I’d put resources.” But Sure Start too has been reduced to rubble since 2010.

All this makes law-and-order Tories vulnerable, with concerns about crime raised in recent byelections. All civilisation rests on trust in the law. As victims, witnesses and local communities find the courts seized up with no redress for years, leaving thousands in limbo, Labour needs to capture crime and its causes as its own territory. It’s time for Labour to abandon squeamishness about anything that smacks of tough-talk crowd-pleasing: this government’s dereliction of duty undermines the bedrock assumptions of any decent society. There’s no one better placed than Labour’s leader – a former director of public prosecutions – to expose the gulf between Priti Patel’s posturing and the law-and-order reality.

HMP Cornton Vale Criticised for Segregating Mentally Ill Women

BBC News: Scotland's female prison has been criticised for how it is managing women with complex mental health needs. Cornton Vale was found to be using segregation as a way to manage "high levels of distress" experienced by some inmates. The Mental Welfare Commission for Scotland found some were experiencing up to 82 days in segregation. This meant up to 22 hours a day in cells described as "sparse and lacking in comfort".

A report compiled by the commission noted that the women "seemed more disturbed" within the separation and reintegration unit (SRU). It added: "For women who were floridly unwell with acute psychosis or manic psychosis, the severity of their symptoms and level of disturbance significantly worsened in the SRU." The commission went on to say it was "concerning to see how little mental health staff were sometimes able to engage with and support women who were acutely mentally ill or distressed". During 2020, a total of 23 women prisoners were kept under Rule 41 - where a

health professional requests they are either confined to their cell or put into segregation - for mental health reasons. A total of 25 of these episodes were recorded, with these lasting from one day to 82 days. The average stint in segregation was just over a month (32 days).

Segregation 'Lead to Escalation' - The commission said: "For those women with more complex mental health problems and vulnerabilities, for whom hospital care was often not an option, segregation appeared to be used as a way to manage their high levels of distress and behavioural disturbance in the custody environment, though it appeared to only lead to escalation." A contract was awarded last year to replace the existing Cornton Vale women's prison with a new facility on the same site outside Stirling. The commission noted that it was "planned that women with mental health needs will no longer be cared for in the SRU". The report said the segregation unit in the new building would be "used solely for women requiring segregation for disciplinary issues" and that women with significant mental health needs should be cared for in what was described as an "enhanced needs area".

The Commission said it has also been told by the Scottish Prison Service that it had updated mental health and trauma-informed care training for new prison officers in autumn of 2020. The report was produced in the wake of work by the European Committee for the Prevention of Torture (CPT), which visited prisons and police facilities in Scotland in 2018. It found cases of delays in transferring mentally unwell prisoners to hospital, saying that the records showed "patterns of escalating symptoms, indicating that each woman's acute illness was evolving whilst they were not receiving the inpatient care and treatment they urgently required". It also highlighted "repeated inequalities" of women in prison being unable to readily access intensive psychiatric care unit beds due to a lack of facilities and pressure on local services.

Claire Lamza, senior manager at the Mental Welfare Commission, said: "This document opens a window on the lives of some of the most marginalised women in society. It gives some insight into the irreparable damage that is being done to those individuals, and we can only imagine the wider impact on their families and communities. We hope this detailed review will be read and acted upon by those who are examining Scotland's future approach to the best ways to care for mentally unwell people in prison. While changes are being made at Cornton Vale, the wider situation needs to be addressed, and Scotland as a society needs to do more."

Reclaim These Streets Vigil: Permission Granted to Challenge Metropolitan Police

Bindmans Solicitors: Permission has been granted to Reclaim These Streets in their judicial review challenge to the Metropolitan Police’s handling of a vigil in memory of Sarah Everard, and in opposition to violence against women. Reclaim These Streets planned to organise a socially distanced vigil on Clapham Common on Saturday 13 March 2021 both in memory of Sarah Everard and in opposition to violence against women. Following threats of criminal prosecution and fines from the Metropolitan Police, the women brought an urgent court application seeking clarification that gathering for the purpose of protest was not necessarily unlawful. Despite apparently accepting this position in court, the police subsequently refused to change tack, and the women were forced to withdraw from organising the event. A spontaneous vigil did take place, without Reclaim These Streets' involvement. The policing of that event has been the subject of sustained criticism, including in the APPG report published last week.

Reclaim These Streets are challenging by judicial review the police’s decisions which forced them to withdraw from organising the event on the basis that: The decisions were based on an unlawful belief that a gathering which was not explicitly exempted under the Health

Protection (Coronavirus Restrictions)(All Tiers)(England) Regulations 2020 would necessarily breach criminal law; the decisions were a serious and unlawful interference with their rights under Article 10 and 11 of Schedule 1 to the Human Rights Act 1998 – the rights to freedom of expression and assembly, which together protect the right to protest.

The High Court on the 9th JUly 2021, held that the Claimants' case is arguable on all grounds. The case will now proceed to a two day judicial review hearing, on a date to be decided by the court. John Halford, joint Head of the Public Law and Human Rights team, and partner at Bindmans LLP said: Protest rights are vital and no forms of protest are more vital than those that seek to expose unlawful killings and demand accountability. Here the police lost sight of that, blinkering themselves with the Covid-19 regulations and maintaining a position than any protest involving more than two people was unlawful. The Permission decision marks the Courts' willingness to grapple with what happened and decide whether rights really could be compromised in this way.

Jamie Klingler of Reclaim These Streets said: We are pleased that the court has recognised the strength and importance of our case by granting permission for a full judicial review. If the Police cannot be held accountable for suppressing an organised, safe and peaceful vigil on the issue of violence against women and girls in the immediate aftermath of a murder by a serving police officer, then when where can there be any accountability? And what meaningful protest rights are there for anyone? Bindmans LLP is acting for the Claimants in the case: Anna Birley, Jessica Leigh, Henna Shah and Jamie Klingler. Tom Hickman QC of Blackstone Chambers, and Adam Wagner and Pippa Woodrow of Doughty Street Chambers, are instructed as counsel.

CCRC: Murder Cases Reopened in Wake of Sally Challen Appeal

Hannah Summers, Guardian: A number of murder cases are being re-examined to investigate possible unsafe convictions where coercive and controlling behaviour may not have been available as a defence, the Observer can reveal. The Criminal Cases Review Commission began the painstaking work of sifting through 3,000 cold cases in the wake of the landmark case of Sally Challen, who was jailed for life after killing her abusive husband in 2010 but later had her murder conviction quashed in the wake of new, coercive control laws introduced in England and Wales. Fresh evidence that found she was suffering from two mental disorders at the time of the killing meant her case was returned to the court of appeal in 2019, and she walked free due to time already served after submitting a plea of manslaughter.

Now the CCRC is appealing to anyone who has had their case rejected by the court of appeal and believes they may have suffered a miscarriage of justice because coercive control – a sustained pattern of abuse intended to harm, punish or frighten – was not explored as a factor during their trial. So far, the commission has identified at least five cases which are undergoing further investigation and could be returned for appeal. "This is not a static number. Investigations are continuing, and hopefully it will go up as more cases are identified," said Linda Lee, one of the CCRC commissioners. "We are looking at murder cases where coercive control may have had a serious impact on events but wasn't raised because nobody recognised it or thought of it at the time." Coercive control was made a specific criminal offence in 2015 and can be used as a partial defence to murder where the victim's controlling behaviour affected the defendant prior to the offence.

Challen's son, the domestic abuse campaigner David Challen, said: "Our family is really welcoming of a review of any cases where someone has killed as a result of their experience of coercive control and that abuse was not recognised. My mother says that many other women who are victims of abuse are in prison serving life sentences for murder instead of manslaughter – she knows this

because she has met them. If only a small handful of cases or even one case can be overturned as a result of this process, it will be worth it because the transformative impact on the life of that person and their family is huge. We're not just looking at the cases of cis women who were in heterosexual relationships. We are inviting anyone who believes coercive control played a role in their case – and there may be potential to examine fresh evidence – to make an application." Lee, a former president of the Law Society, said she could not comment on individual cases but that one scenario, for example, may be that a mental health issue stemming from coercive control was not explored at trial but warranted the gathering of fresh expert evidence.

Harriet Wistrich, a lawyer with the Centre for Women's Justice, which has done some work with the CCRC, said: "The problem with some of the cases that we've seen is that women do not disclose abuse or are too frightened or ashamed to discuss it for a variety of reasons, including that they may fear for their safety or that their children will be taken away." Kate Paradine, chief executive of the charity Women in Prison, said: "Nearly two-thirds of female prisoners are survivors of domestic abuse. We know that earlier intervention to provide safety and support could have prevented women being swept into the criminal justice system. Domestic abuse and coercive control wreak a devastating impact on survivors and our society, so we must ensure all parts of the justice system take this into account."

'The Met Colonised my Life for 34 Years', Says Daniel Morgan's Brother

Elliot Tyler, Justice Gap: The brother of Daniel Morgan has accused Metropolitan police commissioner Cressida Dick of putting 'every possible obstacle' in the path of progress into the investigation of the 1987 murder and called for her to resign. Alastair Morgan was speaking in the aftermath of the long-awaited report into the unsolved murder of his brother, private detective Daniel Morgan before the Police and Crime Committee at the London Assembly and called for the resignation of Dick. The Metropolitan Police was accused last month of 'institutional corruption' over its 34 year cover-up of the murder of private investigator Daniel Morgan in the report of the independent panel which was set up by set up by Theresa May as home secretary in 2013. The panel report revealed the Met's seven year refusal to allow access to its own Holmes database. The panel chair Baroness Nuala O'Loan said the force's primary objective had been to 'protect itself' for its own failings.

Despite multiple investigations and a collapsed trial, no-one has been brought to justice over the father-of-two's murder, with a 2021 independent review finding that the Met Police had concealed or denied failings in the case. 'We've been through five investigations, one of which lasted six years, and one which I have latterly been told was not actually an investigation into my brother's murder,' Alastair Morgan told the committee. 'We've also been through an inquest, a two-year High Court disclosure battle, the longest pre-trial hearing in British criminal history lasting nearly two years before the collapse of the last prosecution, and then on top of that, we've had this eight-year inquiry. The only way I can describe all of this is to say that the Met has colonised my life for the last three-and-a-half decades.'

Alastair Morgan revealed that he had received a 'short letter' from Cressida Dick to apologise and that it did not include any acknowledgement of 'her own involvement in delaying and obstructing' matters. As well as delays to the panel report, Morgan holds Dick responsible for a 'shoddy "cut and paste"' report into the case delivered some 15 months after the collapse of the trial in 2011. 'My job isn't finished,' he said. 'It's pretty obvious that there is corruption, those cases happen on a regular basis, though I think they just pluck the low-hanging fruit.'

Morgan identified three commissioners – Peter Imbert, John Stevens and Cressida Dick –

as being 'reprehensible in their behaviour'. Recalling his first meeting with former Deputy Assistant Commissioner Roy Clark in 1997, Morgan added: 'I wanted such pressure to be put on them so they couldn't wriggle around, or duck and dive, or lie anymore.'

He went on to claim he had been 'grossly misled' and subsequently discovered his concerns had been dismissed by Clark as paranoia in private correspondence as revealed in the panel report. 'I don't cry easily, but I felt like sitting down on the sofa and bursting into tears,' Morgan told the committee. Tthat Clark later became a director of investigations at the Independent Police Complaints Commission, Morgan said, 'exemplified the kind of institutionalised police corruption' that he had personally experienced. Asked what the Met's priorities should be following the publication of the independent report, Alastair Morgan said: 'Deep, deep cultural change. Nothing less than that would be worthy for this country. A duty of candour, above all, would be the most relevant to me.'

He spoke about the emotional toll of the family's fight for justice and, in particular, the impact on his mother who died three years ago. 'It was an open wound for her, even on her death bed. It's part of the psychological brutality inflicted on people in my position.' Even though the murder took place more than three decades ago, he told the committee he continued to feel a fear of reprisals. He also said he had received telephone death threats. 'Thinking about what happened to my brother, and the people behind it, it scared me. I can remember going with my disabled partner down to her car, every morning, feeling like I had to escort her – to the extent of looking under the car for bombs.'

Criminal Purgatory – Release Under Investigation – is the End In Sight?

Sam Sharp Senior Paralegal at QS Jordans writes about the controversial Release Under Investigation Regime and whether the new Consultation on pre-charge Bail will address the concerns of victims and suspects The Government has recently announced a consultation into pre-charge bail following criticism of the new Release Under Investigation Regime. Announcing the Review Home Secretary Priti Patel accepted the concerns commenting that: 'Since rule changes in 2017 there have been concerns that pre-charge bail is not always being used where appropriate to protect victims, investigations are taking longer to conclude and that this has had adverse impacts on the courts.' She further intimated the Government was looking to achieve a balance: 'Our aim is to have a system which protects victims, enables the police to investigate crimes effectively and respects the rights of individuals under investigation. ' In order to address whether this consultation can deliver an effective resolution of the problem it is worth revisiting how we came to be in this situation.

Historical Context: Before 2017 both practitioners and campaigners were calling for the end of unrestricted pre-charge bail periods which resulted in individuals accused of a crime being left in limbo for months or even years before being notified as to whether the case would go any further. This practice came to the forefront of the public eye in the case of Paul Gambaccini who was left on pre-charge bail for a year before the cases being brought were dropped. On the back of this, the Government in 2017 through the Police and Crime Act brought in reforms to combat the issue. Amber Rudd the then Home Secretary stated 'Pre-charge bail is a 'useful and necessary tool but, in many cases, it is being imposed on people for many months, or even years, without any judicial oversight – and that cannot be right. These important reforms will mean fewer people are placed on bail and for shorter periods. They will bring about much-needed safeguards – public accountability and independent scrutiny – while ensuring the police can continue to do their vital work'

In effect, the reforms introduced time limits to pre-charge bails, initially a 28-day time limit which could only extended if it could show that it was appropriate and necessary. For example, in a complex case, an extension of three months can only be authorised by Superintendent or above. If there was need for a further extension that would have to be to be achieved via the Court. Ministers at the time proudly stated that the reforms "would bring an end to those long periods of bail without any independent oversight that we have seen in the past" and praised the police for their swift and efficient work in preparing for these new rules.

Release Under Investigation – What actually happened: Unfortunately, the pre-charge bail reforms came at a time when many police forces around the country were suffering from both a lack of funding and resources. Faced with the new time restrictions placed upon them and lack of resources to effectively investigate allegations it was inevitable that they would look for an alternative to the new regime for bailing suspects pre-charge. Release Under Investigation (RUI) was seemingly the answer. What is a RUI: If a suspect is released under investigation (RUI) it means that the individual will be released from custody but unlike a pre-charge- bail, there will be no conditions placed upon them. Effectively they are free to return to their normal lives until the day that they receive a letter containing a ' postal requisition' to say that they are being charged or being informed that charges will not be pursued. The police, once they have released the individual, are at liberty to continue with their investigation without any time limits being placed upon them. Additionally, once released the police are not mandatorily forced to tell the suspect that the investigation is still on-going or even that it has come to an end. Particular poor practices arose in regard to this.

What was the Impact of RUI? The Law Society in recent reports highlighted a significant decrease in the use of bail post-2017 and an upward trend in the use of RUI's. For example, the London Metropolitan Police Force in 2016- 2017 (Pre- Reform) bailed 67,838 individuals before being charged whereas post-reform 2017-2018 only 9881 were bailed but 46,674 were released under investigation. This pattern can be seen around the country, for example in Cleveland 2016-2017(Pre-Reform) 1693 individuals were bailed before being charged whereas in 2017-2018 only 78 were bailed and 4364 were released under investigation. Similarly, in Nottingham in 2016 -2017 (Pre-Reform) 7392 individuals were bailed before being charged, whereas 2017-2018 562 bailed and 4728 released under investigation.

What are the consequences of RUI's to the individual involved? The current Law Society briefing highlights investigations where RUI's have been used which have been allowed to run on for months and years. They highlighted in the briefing that in Nottinghamshire the average individual released under RUI is under investigation status for 114 days and in Surrey 288 days. In my own firm we have seen cases left by the police in limbo under RUI for 12 months and above , furthermore, despite the fact that the National Police Chief's Council ("NPCC") issued guidance in 2019 which recommended that suspects be updated every 30 days, it can be seen that the majority of police officers fail to do this.

Inevitably the longevity of the investigation stage has negative impacts on both the victim and the suspect. They are both are left in a situation where they are placed under enormous stress without any real support. Victims are inevitably left in a situation where they do not know for a long period whether they are believed, when they may have to go to court, whether they will obtain justice, or if the accused will continue to be an immediate risk to them. Questions such as can they go on holiday, can they move, what should they do if they come across the accused on the street or the supermarket all become major issues for them every day.

The suspect is equally left in a situation where they never know when the letter will arrive and therefore unable to move on in their lives. They may find it impacts on their employability , their family relationships , their reputation , their financial stability and it is extremely likely that this may cause a huge strain on their mental health and those around them in a process which at the end of the day could come to nothing. It can be particularly damaging in sexual offence cases where a suspected person may have children or access to them , as this may often then be restricted. Quite apart from the enormous impact elongation of the process has on the key players, sight should not be lost of the increased cost of logistics in prolonging the process in order to release the pressure on the Police. Individuals move and for one reason or another may not provide addresses to the investigation force. When the postal requisition arrives it may well go to the last known address and as a result, the individual may not even know that they are charged until they are arrested and dragged to court for not meeting the requisition requirements, all adding to the cost and time involved in the process . Complainants and witnesses in such cases may be asked to give evidence in trials that are no longer fresh in their minds. Many investigations have themselves fallen into disarray as Officers go off sick as they are pressured to handle an increasing burden of cases under investigation.

What about the Lawyers: Firstly, the legal aid fee scheme is not fit for purpose and RUI's put an even greater strain on this. Solicitors who attend their clients on legal aid basis at the police station do so on a fixed fee and once they have been released on RUI's there is no additional funding to cover the subsequent issues that arise. Those on RUI's will inevitably need further support or advice in respect of chasing up their investigation. Acting Solicitors are left in a lose-lose situation. The advice they give to their client about chasing up an investigation whilst on a RUI is quite simply not clear cut and brings risks since chasing up after some time could result in the police restarting an investigation that had previously been forgotten about. 'Let sleeping dogs lie' can then seem attractive but equally fails to be cost effective or to bring a matter to a final conclusion. There is certainly no recompense of the inevitable extra resources needed to deal with a stressed and emotionally strained client who has been left in purgatory.

The Public criticism of RUI's Similar to the pre-2017 reforms of the pre charge bail period there is now a growing chorus of criticism of RUI's. The Law Society is one of the loudest critics of RUI's having published a briefing that has made several recommendations. The Government introduces time limits for RUI. That the police report data on RUI usage centrally. That the police ensure decisions on RUI/bail are proportionate and informed by the potential risk to the public. Following on from the briefing which at the time received widespread media attention the Home Office late last year indicated that they would be reviewing RUI's. It was further announced in February of this year that there will be a public consultation on pre-charge bail reform. This has been welcomed by Richard Miller Head of Justice at the Law Society of England and Wales who has stated that the Law Society will fully contribute to the consultation..

What is the Government now Proposing? The return of pre-charge bail Firstly The Government is proposing to end the presumption against pre- charge bail, instead requiring pre-charge bail to be used where it is necessary and proportionate and to add a requirement that the police must have regard to the following factors when considering whether application of pre-charge bail is necessary and proportionate: The severity of the actual, potential or intended impact of the offence; The need to safeguard victims of crime and witnesses, taking into account their vulnerability; need to prevent further offending; need to manage risks of a suspect absconding; and need to manage risks to the public.

The Control of the Grant of Bail – Different Models: The Government propose to amend the statutory framework governing pre-charge bail timescales and authorisations and seeks views on three potential models. All three models propose: restoring the initial bail authorisation to custody officers: introducing additional points at which the investigation including the use of pre- charge bail will be reviewed; maintaining an initial bail period – but increasing its length; and maintaining judicial oversight but changing the point at which judicial oversight of authorisations is introduced. The proposals suggest different models of authorisation and consequent time periods .

Effectiveness of bail conditions: Finally, the Government is seeking views on how bail is controlled and the relevant sanctions that should be imposed for those in breach. What should we make of the new proposals? It would be wrong not to recognise this is a genuine attempt by the government to respond to a serious issue , but the challenges in finding an effective solution will be diverse and simply returning the presumption of bail and tinkering with the time periods and authorisations for this may not necessarily address this complex problem . Unless the Police and CPS are adequately resourced to deal with any new system, then it is likely that the proposals will not meet their aspirations.

The consultation also recognises the unique problem that many suspects are now never arrested but attend as volunteers and having an effective way to monitor these voluntary attenders will be an equal challenge. Currently the system for booking in volunteers in complex and administratively challenging for the police with technology or equipment that often does not work. The reality is a new system of pre-charge bail which offers assurance to victims and those under investigation is urgently needed, but it has to be workable and effective. The outcome of the consultation will need to be watched with interest.

Mental Capacity and the Immigration System

Brian Dikoff , Freemovement: What is mental capacity? This is relevant to immigration how exactly? What are you doing to address the problem? Assisting migrants who lack mental capacity to instruct a lawyer, or whose capacity fluctuates, can pose challenges. Without having clear instructions on a person's immigration history and what they would like to do, it can often be impossible to provide legal advice and representation. Law Society guidance is also clear that solicitors can only continue to act with capacitious instructions, such as from a litigation friend.

The Mental Capacity Act 2005 (MCA) defines "mental capacity" as the ability to make specific decisions at a specific point in time. A straightforward example of someone who lacks mental capacity would be someone who is in a coma. Mental capacity can however be more difficult to assess. For example, those who are under the influence of drugs and alcohol may temporarily lose capacity to make certain urgent decisions. The MCA is a crucial piece of legislation which provides a systematic framework to safeguard a person's right to make their own decisions about their own life in various different situations. The main thinking behind the MCA is the idea that people have the right to live as they choose. Just as people with capacity are able to make their own decisions about their lives, the MCA's purpose is to support and enable — as much as possible — those without capacity to do the same. Put simply, the idea is that individuals should be able to become the author of their own lives.

There are five main principles underpinning the MCA: 1) A person must be assumed to have capacity unless it is established that they lack capacity. In other words, a person cannot simply assume that another person lacks capacity, even if he suffers from conditions associated with lack of capacity such as dementia. 2) A person is not to be treated as being unable to make decisions unless all practicable steps have been taken without success to help them to do

so. This ensures that priority is given to helping people make their own decisions about their lives. 3) A person is not to be treated as unable to make decision merely because they make unwise decisions. The ability to make decisions which might be imprudent is equally protected. 4) An act done, or decision made, under the MCA on behalf of a person who lacks capacity must be done, or made, in their best interests. 5) Before an act is done or decision is made, regard must be had as to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action. The five principles encapsulate the legislation's supportive nature. The provisions are there to help people who lack capacity to be able to make their own decisions as much as possible.

This is Relevant to Immigration How Exactly? Someone who lacks mental capacity might not be able to understand what the role of a lawyer is or understand any advice that is given. They might not be able to understand the concept of an appeal or an independent tribunal. In such circumstances, the big question is how do we ensure that the immigration system remains accessible to those who might not even know that they need to access it in the first place? Equally, how do we make sure that their cases are still given the same due process and consideration, when they might not even be able to articulate to their lawyers what their cases are?

The hostile environment policy has made the UK particularly violent for migrants without immigration status. Without any status, migrants who lack mental capacity (and therefore by definition suffer from mental disabilities) will be hard pressed to find the support that they require and often instead forced into destitution or street homelessness. The Migrants Mental Capacity Advocacy Project was established due to concerns that there is a gap in the immigration and social welfare systems when it comes to supporting mentally disabled migrants who might have issues with their capacity to engage with the process. The project provides holistic support and pushes for strategic changes in cases at litigation and pre-litigation stage (where an application needs to be made).

For example, at the moment, there is no system to identify a litigation friend of last resort. In AM (Afghanistan) [2017] EWCA Civ 1123 the Court of Appeal confirmed the tribunal's power to appoint a litigation friend where an appellant lacks capacity to litigate. However, many vulnerable migrants and asylum seekers would not have family or friends who can step into that role. The Official Solicitor acts as litigation friend of last resort in the Court of Protection and the High Court – but while she has the power to also act in the tribunal system, this is very rarely done in practice. As a result, cases where the appellant lacks capacity and a litigation friend can't be identified can grind to a halt. We have worked with one man with learning disabilities, whose case was adjourned for more than two years. Lacking immigration status in the meantime, his benefits were stopped. He accrued more than £10,000 of rent arrears and was served with an eviction notice from his supported accommodation.

What are you doing to address the problem? Under the MMCA project we have recruited 22 welfare professionals (solicitors, barristers and social workers) who can act as litigation friends in individual cases, while at the same time gathering experience and best practice on the use of litigation friends in the immigration tribunal. We have also pushed for HM Courts & Tribunals Service to provide ex-gratia payments to cover the cost of litigation friends, given the valuable service that they provide. Over the past few years, we have uncovered many other issues relating to access to the immigration system for migrants who lack the requisite mental capacity. We have produced a report of our experience so far to shed light on these issues and also a guide to the use of litigation friends in the immigration tribunal. We hope that this will be a good first step towards improving the immigration system.

MP Questions Transfer of Children From Rainsbrook Secure Centre to Youth Jails

Jamie Grierson, Guardian: Children held in a condemned youth jail for vulnerable offenders have been moved into unsuitable alternative custody, a committee has been told. About 30 children previously held at the privately run Rainsbrook secure training centre are being transferred into alternative custody arrangements following calls for urgent action over problems at the unit. The government was urged to step in after it emerged that children were being locked up during the coronavirus pandemic for more than 23 hours a day at the site, which is near Rugby, Warwickshire. The prisons and probation minister, Alex Chalk, told MPs on the justice committee on Tuesday that at least half the children had been transferred to young offender institutions (YOIs), jails for which previously they would have been considered too vulnerable. Secure training centres take in more vulnerable offenders and have a higher staff-to-child ratio than YOIs. The reminder of the children have been split between secure children's homes and another secure training centre, Oakhill, near Milton Keynes. Chalk told the committee that the future of Rainsbrook and the involvement of its private operator, MTC, were now under consideration. The chair of the committee, Bob Neill, the Conservative MP for Bromley and Chislehurst, challenged the minister over the decision to transfer children from a secure training centre to a YOI. "Surely that's the wrong place to put them?" he said. Chalk said the numbers held in YOIs were much lower than previously, creating a regime that was "closer" to that of secure training centres. Rainsbrook can hold up to 87 children, aged between 12 and 17, whether serving custodial sentences or on remand from the courts. The schools watchdog, Ofsted, the Inspectorate of Prisons and the Care Quality Commission issued a rare urgent notification to Buckland in December 2020 over "continued poor care and leadership" The justice secretary, Robert Buckland, had previously described the situation as an "unacceptable failure" and MPs increased pressure for the site to be taken back under public control. MTC's facilities in the US have been subjects of similar controversy.

Abdulkhanov v. Russia Violations of Articles 2/3/

The applicant, Rizvan Abdulkhanov, is a Russian national who was born in 1974 and lives in Grozny (Russia). The case concerns the serious wounding of the applicant by the police and their allegedly obstructing him from receiving medical treatment for his injuries. Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention, the applicant complains that he was seriously wounded as the result of excessive use of force by the police, that the authorities prevented him from receiving necessary medical treatment and failed to investigate the matter effectively. Violation of Article 2 (right to life) Violation of Article 2 (investigation) Violation of Article 3 (investigation) No violation of Article 3 (access to medical assistance) Just satisfaction: pecuniary damage: 200 euros (EUR) non-pecuniary damage: EUR 40,000

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan.