Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

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Fifty-Two Prisoners in Close Supervision Units 'That May Amount to Torture'

Haroon Siddique, Guardian: Fifty-two people are being held in prison units in England and Wales in conditions that a UN human rights expert has said may amount to torture, the Guardian has learned. Close supervision centres (CSCs) hold some of the most dangerous men in the prison system in small, highly supervised units within high-security jails in conditions previously described by the prisons inspector as "the most restrictive … with limited stimuli and human contact". Nils Melzer, the UN special rapporteur on torture, has raised concerns that they expose inmates to prolonged and indefinite periods of isolation, while Amnesty International UK has previously described CSCs as akin to "cruel, inhumane or degrading treatment".

A freedom of information request from the Guardian revealed that 52 people were being held in CSCs as of 1 May. Of the inmates, 20 – approximately 40% – were not white British, compared with 14% of the population of England and Wales and 27% of the prison population as a whole. The Ministry of Justice (MoJ) declined to provide a breakdown of the ethnicity of those who were not white British, saying it could lead to them being identified. Six of the 52 had been convicted of wounding with intent, 10 for murder and 32 for attempted murder. The offences of the others were not disclosed. A 2015 report by the Prison Reform Trust found that half of CSC inmates at the time were Muslim, though Muslims make up only 4% of the population of England and Wales and accounted for 16% of the prison population last year. The average length of stay of all prisoners in such units was 40 months. Melzer has described the conditions in CSCs as "comparable to solitary detention". The Nelson Mandela rules, international non-binding standards, state that no prisoner should be held in prolonged solitary confinement, defined as more than 15 consecutive days. Solitary confinement is defined as being confined for at least 22 hours a day "without meaningful human contact".

Sharon Shalev, a research associate at the University of Oxford's Centre for Criminology and co-author of the Prison Reform Trust report, said conditions varied at the five prisons with CSCs, which have a total capacity of 54 inmates, but added: "There is no doubt – the literature is very, very clear – that solitary confinement is harmful, certainly when it goes on for such a long time and added to the fact that it's indefinite. Fifteen days is almost nothing compared to some of the length of time that people spend in CSCs. Even if people are treated fairly and receive good nutrition, it's harmful. "I'm not sure about the entry criteria, but certainly it's not so clear how people can leave the CSC, how they can work towards what they need to actually do. That was one of the findings of our report." The special rapporteur said in May: "When used for more than 15 consecutive days, these conditions of detention amount to torture or other cruel, inhuman or degrading treatment or punishment and, therefore, are neither legitimate nor lawful." The special rapporteur wrote to the UK government in March about Thakrar's case and CSCs more widely. Among the issues he asked for clarification on were safeguards taken to ensure that prisoners in CSCs are not subjected to "prolonged or unnecessary solitary confinement" and "measures taken to end solitary confinement and isolation of persons with mental conditions and psychosocial disabilities experiencing a mental health crisis".

An MoJ spokesperson said: "We strongly disagree with this depiction of close supervision centres, which are only used when a prisoner poses a significant risk of harm to others. These prisoners are entitled to legal representation at monthly reviews, as well as education, exercise and support from expert staff and clinicians to address their behaviour so they can return to the main prison population."Welcome to the Punishment Show

Timothy Kiely, Law Gazette: If you were travelling through various parts of the southern United States or Australia during the 19th or early 20th centuries you might occasionally have seen gangs of men out at work, hoeing fields or laying down railway tracks, under the watch of a nearby overseer. A closer inspection might reveal them to be wearing distinctive clothes, such as striped or orange jumpsuits, and that their heads had been shaved to mark them out as offenders undergoing punishment. Sometimes they would have been linked together by a single long chain passing through manacles worn around their ankles, a practice which gave them the popular names 'irons gang' or 'chain gang'. The fact that this took place in public, and in conditions designed to drive home that the offenders were to be treated with contempt, was part of the point. Members of the public could be brutal in their behaviour towards such offenders; verbal abuse, or even attacking them with thrown objects, could pose as much of a danger as the overseer or the work itself. By the 1950s the practice had largely disappeared, though not entirely – well into the 1990s and even the 2010s some jurisdictions in the USA continued to use them to 'send a message' about the potential costs of criminal action.

And now, apparently, our Justice Secretary, Robert Buckland, thinks that reintroducing some of that ethos into how we oversee community offences would be quite a good idea. In England and Wales one of the stated purposes of sentencing offenders (per Part 12 Chapter 1 of the Criminal Justice Act 2003) is the reduction of crime, including by deterrence, but also the making of reparation by offenders to those affected by their offences, and the reform and rehabilitation of offenders. Even if you confined yourself to the first of these points, a glance at the evidence would show you that there is no relation between the public shaming of offenders and the reduction of crime. As Professor Wendy Fitzgibbon has noted in a 2015 study on the use of community supervision produced with the Howard League, rehabilitation is only possible when those subject to it are 'supported to gain social capital and build up their lives towards resilience and desistance'. Most of us understand this intuitively – why would you have any incentive to reintegrate into society if that same society had devoted so much time and energy to grinding you under its heel? In remarks last week the Justice Secretary did acknowledge that 'literally millions of hours' of unpaid work are performed every year by those undergoing community service. You might occasionally see some of these offenders out and about – my partner and I once saw a group of young people performing their unpaid work by picking up litter on the Isle of Dogs while we were out walking – but it's not something which tends to draw a lot of attention. Which, given what we know about the relationship between shame and rehabilitation, is just as well.

Nevertheless, the Justice Secretary seems to think that these penalties are less than effective unless they are made as public as possible. The implication of all this is that communities will only trust that offenders are being appropriately punished if they can be seen doing the work they do, presumably deterring other would-be offenders in the process by showing them the humiliation that awaits them if they are caught. In some ways, talking about the paucity of evidence for the effectiveness of this policy is missing the point; if the Justice Secretary was interested in evidence then he would never have gone near this outdated notion. To be sure, we should be concerned with the shaky evidential foundations for this proposal. But there is also something fundamentally vicious about a society which insists that the most appropriate way of building public trust in the justice system is by turning prisoners or offenders into a kind of carnival sideshow for everyone else to gawp at. This is not, in Buckland's words, a way of ensuring that 'justice is

seen to be done'; it is a way of providing a kind of grotesque catharsis – a spectacle for the vindictive pleasure of the 'law-abiding' onlooker, which no doubt would prove just as edifying in its own way as the stocks and pillory of a different time. We must not lose our capacity to shudder with disgust when we contemplate a future in which visible groups of offenders in high-vis jackets, marked out for hostile treatment by the public, are as common a sight as chain gangs were in times past. Perhaps we might begin to get an idea of what that might feel like if we pre-emptively took to calling them 'Buckland gangs'? At the very least the Justice Secretary would be forced to think before attaching his name to such a legacy.

Complete Removal of Hope': Kevan Thakrar Life in a Close Supervision Centre

Haroon Siddique, Guardian: Kevan Thakrar was given a life sentence with a minimum term of 35 years in jail in 2008 for the murder of three men in a dispute over drugs, and the attempted murder of two women who were in the house at the time. His brother, Miran, fired the shots but Kevan was convicted under the law of joint enterprise. After being accused of attacking prison guards at HMP Farkland, he was reportedly moved to a close supervision centre (CSC) in March 2010. The following year he was acquitted of two counts of attempted murder and three counts of wounding with intent in relation to the attack on prison guards, whom he admitted injuring but claimed he did so because he feared being attacked himself. Despite the acquittal he is believed to have remained in CSCs at different locations ever since.

Nils Melzer, the UN special rapporteur for torture, said of Kevan Thakrar: "For the past 11 years, he is being held alone in a cell for more than 22 hours a day, is not permitted to participate in regular prison activities, receives his food through a hatch and does not even have a privacy screen when using the toilet inside his cell." Melzer said Thakrar had been informed that he was a "high risk" prisoner without any concrete written evidence and without being told what he needed to do to be released from the CSC "beyond the subjective stipulation that he must engage with the authorities". Thakrar is now reportedly being held at a CSC at HMP Full Sutton He told Novara Media in a handwritten note last year: "No other environment within this country could possibly be as depressing or frustrating as the complete removal of hope, and the impossibility of doing anything to achieve progression to escape the oppression … It is no surprise that the CSC has always had a massively disproportionate rate of suicide and self-harm attempts." Responding to a request from Melzer for information on Thakrar, the UK government said data protection rules prevented it from commenting on individual prisoners. It said, however, that it disagreed with the characterisation of confinement in CSCs as being akin to solitary confinement. "All prisoners located within a CSC, including Mr Thakrar, are provided with a clear explanation as to the reasons that require that location," it said. "Ongoing and transparent communication with prisoners is embedded within CSC operational policies and procedures, from the point of initial referral onwards."

Deaths During or Following Police Contact 2020/21

Deborah Coles, Director of INQUEST said: "Last year the world responded to the death of George Floyd and mobilised against deaths in police custody and racial injustice. Yet once again the data on deaths in police custody and contact in England and Wales repeat the same patterns, nothing changes. This is despite the lifesaving recommendations from multiple inquests and the Angiolini review. This gives the impression that successive governments are willing to accept these deaths, which we know from our casework are often caused by systemic failures to safeguard intoxicated people or people in mental health crisis, dangerous

restraint, and neglect. The focus of this Government however is denying structural racism and inequality, appearing tough, ignoring evidence and repeating failed policies focused on criminalisation. Ultimately to prevent further deaths and harm, we must look beyond policing and redirect resources into community, health, welfare and specialist services."

The Independent Office for Police Conduct has published its annual report on deaths during or following police contact in 2020/21. Published for the 17th year, the statistics provide an official record setting out the number of such deaths, the circumstances in which they happen, and any underlying factors. Figures across the different categories can fluctuate each year, and any conclusions about trends need to be treated with caution. The report shows: There were 19 deaths in or following police custody, an increase of one from 2019/20, and in line with the average figure for the last decade. Seven people were taken ill or were identified as being unwell in a police cell, four of whom were taken to hospital where they died on arrival, or sometime later, and three people died in a police custody suite. Ten people were taken ill at the scene of arrest, of whom two died at the scene. Two people died following release from police custody. There was one fatal police shooting, compared to three the previous year, and the lowest figure since 2014/15.

This year there were 25 fatalities from 20 police-related road traffic incidents (RTIs). This represents an increase of one death on 2019/20. Of the 25 deaths, 20 fatalities arose from 15 police pursuit-related incidents. There was one emergency response-related incident resulting in a fatality. There were 54 apparent suicides following police custody, the same as the previous year. The IOPC also investigated 92 other deaths following contact with the police in a wide range of circumstances, a decrease of 15 on the previous year. Deaths are only included in this category when the IOPC has conducted an independent investigation. Mental health concerns and links to drugs or alcohol were again common factors among many of those who died: 12 of the 19 people who died in or following police custody had mental health concerns, and 14 had links to drugs and/or alcohol, over half (48) of those who died following other police contact were reported to be intoxicated with drugs and/or alcohol at the time of the incident, or it featured heavily in their lifestyle. Over two-thirds (62) were reported to have mental health concerns.

Restraint and use of Force: 12 of the 19 people who died in or following police custody had been restrained by the police (11) or others (1) before their deaths. There were nine, out of the 92 other deaths following contact investigated, that involved restraint or other use of force by police (8) or others (1). The use of force did not necessarily contribute to the death.

Ethnicity: Of the 19 deaths in or following custody, 17 of the deceased were White and two were Black, the person fatally shot by police was White, Of the 12 deaths in or following custody where restraint was used, 11 of the deceased were White and one was Black, Of the nine other contact deaths involving use of force, four of the deceased were White, three were Black, and two were Asian.

Concerning Road Traffic Fatalities: this year, three pursuit-related incidents resulted in eight fatalities, compared to no multiple fatality incidents in 2019/20, Of the 20 pursuit-related fatalities, 16 were the driver or passenger in the pursued vehicle and three people were pedestrians who were hit by the pursued or suspect vehicle. The average age of those who died as either driver or passenger in a pursued or fleeing vehicle was 23.

'*Other Deaths' Category*: 86 fatalities followed contact with the police, either directly or indirectly, after concerns were raised about someone's welfare – of these, 21 related to a report of a missing person; 21 were linked to concerns that were domestic related. Apparent suicides: Of the 54 apparent suicides, 26 (48%) of those who died had been arrested for an alleged sexual offence – of these 21 (39%) involved alleged offences against children. These proportions are higher than

the figures recorded last year (30% and 22% respectively), and higher than average figures.

When Complaints Must be Referred to the Independent Office of Police Conduct

Cecily White, UK Police Law Blog: In R (Rose) v Chief Constable of Greater Manchester Police [2021] EWHC 875 (Admin), a businessman successfully challenged a decision not to refer his complaint to the Independent Office of Police Conduct (IOPC) under the mandatory referral criteria. The High Court concluded that the chief constable had failed to review the conduct alleged and consider whether, if substantiated, it would constitute serious corruption as defined in the (then) Independent Complaints Commission (IPCC) Statutory Guidance on the handling of complaints. Instead, he had performed an assessment of the merits which had rendered the decision not to refer the complaint unlawful. The case makes clear that complaints engaging the mandatory criteria, especially that of "serious corruption", must be referred to the IOPC.

In 2014, the Claimant, Mr Rose, reported to the police that his staff were stealing from his business. An investigation resulted in a decision of the Crown Prosecution Service (CPS) in 2016 not to prosecute. Mr Rose believed that the investigation had been influenced by the fact that some of the suspects were related to a serving police officer, and that evidence had been deliberately withheld from the CPS due to police nepotism and corruption. The 2016 complaint, which related to the alleged withholding of evidence including CCTV and witness statements, was sent to the IPCC (now IOPC), which forwarded it to the defendant Chief Constable. A chief inspector reviewed the 2014 investigation and concluded that the complaint should be closed with no further action. Dismissing Mr Rose's appeal, an appeals officer found that the complaint had been suitable for local resolution because the conduct complained of would not justify criminal or disciplinary proceedings.

Mr Rose made a second complaint, in 2018, to the IPCC, this time complaining about the manner in which the chief inspector had reviewed the 2014 investigation, making allegations of bias, and accusing him of seeking to protect the officers involved. Again, the complaint was forwarded to the defendant, addressed through the local resolution process, and closed without further action. Mr Rose appealed, arguing that this complaint met the criteria for mandatory referral to the IOPC. The appeals officer rejected the appeal, concluding that local resolution had been appropriate. Whilst awaiting the outcome of this appeal, Mr Rose lodged a third complaint in 2019, which the defendant concluded did meet the criteria for mandatory referral and which led to a local investigation. The 2019 complaint was not upheld and the IOPC rejected Mr Rose's appeal. Mr Rose contended that it had been wrong not to refer the 2018 complaint to the IOPC because it met the mandatory referral criteria.

Decision: The regime which applies to complaints against police officers is: - Part 2 and Schedule 3 of the Police Reform Act 2002 (PRA); - The Police (Complaints and Misconduct) Regulations 2012 (PCMR) (now the PCMR 2020). Para 4(1) of Schedule 3 PRA provides that the chief constable of the relevant police force has a duty to refer a complaint to the IOPC if the complaint is of a specified description within the PCMR reg 4(2)(a)(iii), which includes complaints of "serious corruption" as defined in the IPCC's Statutory Guidance on the handling of complaints. At para. 8.13 "serious corruption" was defined as conduct including "any attempt to pervert the course of justice or other conduct likely seriously to harm the administration of justice, in particular the criminal justice system".

The Administrative Court (HHJ Eyre QC) concluded, at para. 44: "I am satisfied that the Claimant's interpretation of these provisions is correct. The appropriate authority is to look at the conduct which is alleged in the complaint and consider whether that conduct, if substantiated, would constitute serious corruption as defined in the Guidance. If it would then the criteria for mandatory referral are met. The appropriate authority is not at that stage to consider

the merits of the complaint but instead to focus on the nature of what is being alleged. Whether the conduct alleged falls within the definition is a matter of objective interpretation of what is being alleged by reference to the definition. It will not be sufficient for a complainant simply to say that "serious corruption" is alleged but once a complainant goes beyond that and alleges particular conduct then the assessment is to be whether such conduct if substantiated would fall within the scope of the definition in the Guidance."

The Chief Constable mounted a "strenuous" defence to the effect that the definition of "serious corruption" required him to assess whether the complaint "had substance", which involved an assessment of the gravity of the alleged conduct (paras. 48-49). It was suggested that the IOPC's mandate was limited to the investigation of only the most serious complaints against the police (para. 50) and that the complaint was not to be taken "at face value": instead, an element of judgment, including consideration of the circumstances, was required (para. 58).

HHJ Eyre QC disagreed (with emphasis added): "61. At paragraph 36 of his skeleton submissions Mr. Reichhold asserted that the statutory framework and the Guidance "call for some measure of flexibility". He accepted that "referral should be mandatory for the vast majority of complaints that allege 'serious corruption'" but then said that "there must be some flexibility in exceptional cases". Mr. Reichhold said that the 2018 Complaint was such an exceptional case. I was unable to identify any indication in the terms of the Schedule, the Regulations, or the Guidance that there is an exceptional category of case where the appropriate authority is entitled to conclude that the otherwise applicable duty to refer the complaint to the IPCC does not apply. In this context it is relevant to note again the point made at [31] and [46] above that the duty to refer a complaint of serious corruption to the IPCC only arises once the complaint in question has been recorded by the appropriate authority. A complaint which is vexatious, repetitious, or fanciful will not have been recorded. That provision is the safeguard which the Regulations provide by way of filter against patently unmeritorious complaints and there is no basis for implying into the Regulations the flexibility for which [counsel for the Chief Constable] contended. 62. Thus it is not sufficient for a complainant simply to say that he or she is complaining of "serious corruption" for a complaint to be referred to the IPCC. However, once conduct constituting serious corruption as defined in the Guidance is alleged there must be such a referral and there is no scope for the appropriate authority to consider the merits of the allegations before making that referral provided that the complaint has met the requirements for being recorded."

HHJ Eyre QC distinguished the cases of R (Yavuz) v Chief Constable of West Yorkshire [2016] EWHC 2054 (Admin) and R (Shakoor) v Chief Constable of West Midlands Police [2018] EWHC 1709 (Admin), cited by the defendant as demonstrating situations in which an "exercise of judgment" is required, on the basis that they related to different provisions – the certification of an investigation as one subject to "special requirements" under para 19B of Schedule 3 PRA in the case of Yavuz; and whether a complaint involves a "conduct matter" making it suitable for local resolution or local investigation, in the case of Shakoor (paras 56 and 60).

HHJ Eyre QC therefore concluded that the decision not to refer the 2018 complaint had been wrong in law (para 70). The 2018 complaint should have been treated as one of serious corruption, i.e. alleging conduct which, if substantiated, constituted an attempt to pervert the course of justice or conduct likely seriously to harm the administration of justice. The letter of complaint needed to be read as a whole, bearing in mind that it had been drafted by a layperson: it did not make allegations of mere "incompetence or error" but of a "deliberate cover up" and conspiracy by named police officers to protect the culprits of crime and prevent the criminal prosecution of family members of serving police officers (paras 65, 68).

HHJ Eyre QC could not be satisfied (for the purposes of section 31(2A) and (2B) of the Senior Courts Act 1981) that it was "highly likely" that the outcome would not have been substantially different had the 2018 complaint been referred to the IPCC (para 91). Although subsequent analysis, performed during the investigation into the 2019 complaint, had revealed that far from seeking to forestall a prosecution, the original officers had been "pressing for one", the error of law had deprived Mr Rose of the IOPC's consideration of his complaint, a decision by the IOPC as to how it should be investigated, and a right of appeal in the event that Mr Rose disagreed with the outcome of the investigation (para. 91). Accordingly, the decision was quashed.

Analysis: Forces frequently find themselves in the position of having to determine whether a complaint satisfies the mandatory criteria for referral to the IOPC, including where (as in this case) one individual makes multiple complaints. Rose confirms that which is apparent from the PRA/PCMR and the Guidance, namely that it is not for the chief constable to perform an assessment of the merits of the complaint or to exercise judgment as to whether the complaint "has substance", but to consider whether the nature of the allegation, if substantiated, falls within any of the mandatory referral criteria – in this case, serious corruption. A decision to refer a case to the IOPC is, of course, separate to decisions taken subsequently about whether an investigation should be performed, if so in what form, and what the findings of such an investigation might be.

What if a complaint merely asserts "Serious Corruption" without identifying any particular facts in support? HHJ Eyre QC suggested, at para 61, that the mere assertion of serious corruption will not be sufficient to bring a complaint within the mandatory criteria. There must be something more: in this case, there were particular allegations of corruption and cover-up on the part of named officers said to have been connected to the thefts at the claimant's business. It is tempting for those handling large numbers of complaints to make an assessment of those which are likely to be meritorious and those which are not, especially where serious allegations are made. This judgment confirms that an assessment of the merits is not permitted at the stage of determining whether a complaint needs to be referred to the IOPC.

'Discriminatory' Crime Crackdown Will Divide Communities, say Liberty

Elliot Tyler, Justice Gap: The government's 'discriminatory' crackdown on crime will 'compound discrimination and divide communities', the human rights campaign group Liberty has said. The plans, which, according to Liberty, could 'funnel young people into the criminal justice system', include the permanent expansion of controversial stop-and-search powers – proven to have a disproportionate impact on ethnic minorities – and the use of high-visibility fluorescent jackets for those completing community service. In response, campaigners have pleaded for an opposite direction to be taken in favour of the repeal of stop and search powers and introduction of community-based schemes.

Reacting to the government's Beating Crime Plan, Liberty's Emmanuelle Andrews said: 'Greater police powers and more oppressive policies only serve to funnel young people into the criminal justice system. We instead need community-led interventions through investment in services such as health, education, housing and social welfare and work with communities to develop strategies for keeping all of us safe. In short, we need strategies with fairness, participation, and human rights at their heart. We all want to feel safe in our communities, but expanding what have proven to be discriminatory police powers isn't how we get there,' she continued. 'Many communities experience overbearing and oppressive policing and the package the government has put forward will only worsen this. It will subject more young people to further coercion, punishment and control.'

The plans, which will 'deliver the change that Britain needs' according to the government, also propose 999 'league tables' for call-answering times, an expansion of the role of Police and Crime Commissioners, and constant monitoring of burglars and thieves with surveillance technology. Alongside that, it details a violence reduction package of youth interventions to target those who are offending, at a cost of £17m, and specialist support to young people to exit 'county lines' drug gangs. The government is also looking at permanently relaxing section 60 conditions which allows police officers to stop and search individuals without needing to suspect they've committed a crime. The Criminal Justice Alliance has written to Priti Patel, calling on the government to publish its assessment behind the decision. There CJA warned in a recent super-complaint that section 60 was 'a sweeping and ineffective power' that damaged trust and confidence in policing.

The letter references two equality impact assessments published in 2019 which highlighted that section 60 could disproportionately impact Black, Asian and minority ethnic groups, damage their trust and confidence in policing, and create issues for community policing which relies on trust and cooperation. 'The impact of any relaxation would be under regular review and scrutiny, including one year after the announcements of said changes,' one assessment read. 'All the evidence suggests that this power does more harm than good,' says the CJA in its letter. 'Stopping people without reasonable grounds destroys trust and confidence in the police, building walls of silence which only make "beating crime" more difficult.' Andy Burnham, the mayor of Greater Manchestersaid that the relaxation of section 60 needed to be dealt with with 'great caution'. 'We support stop and search as a tool that the police need at their disposal, but it has to be used with real care,' he said.

A report into race equality in Greater Manchester police (GMP) punisher this week found that black people in the region were 5.3 times more likely to have been stopped and searched than their white counterparts however black people searched were only marginally more likely to be found to be carrying anything illegal (28% of searches on black people resulted in an outcome such as arrest or a caution compared to 26% for white). It was reported that Black people are nine times more likely to be stopped and searched by police than white people – see here.

The day after the publication of the plans, the Prime Minister, Boris Johnson, renewed his attack on 'lefty' lawyers who, he said, act 'against the interests of the public'. His comments, which echo his speech last year in which he expressed hostility towards the legal profession, were made in response to Labour's branding of the Conservatives as 'the party of crime and disorder'. In May 2019, Boris Johnson in a column for the Telegraph attacked the 'Leftist culture of so much of the criminal justice establishment'. In that article, he asserted that 'stop and search is not racist or discriminatory'. 'In fact there is nothing kinder or more loving you can do when you see a young kid who may be carrying a knife than to ask him to turn out his pockets,' he said.

Beating CrimePlan: In Brief - 'Crime is a scourge on our society,' say Home Secretary Priti Patel and Lord Chancellor Robert Buckland. 'Unchallenged, it grows and wrecks the lives of individuals and families, robbing them of their sense of safety and their quality of life. It undermines and destroys the neighbourhoods we call home. We all have a right to live a life free from the blight of crime and those who choose to break our laws must face justice.' Homicide, serious violence, and neighbourhood crime are concentrated in certain neighbourhoods, says the plan, 'with nearly a quarter of neighbourhood crime concentrated in just 5% of local areas'. 'We also know that many of these crimes are committed by a small number of persistent criminals, with just 5% of offenders accounting for up to 50% of all crime. Drugs often play a prominent role; and in the year to March 2020 48% of homicides were drug-related,' it reads.5

This plan includes the following measures: 'We will ensure every single person living in England and Wales will have access to the police digitally through a national online platform';

Improving the responsiveness of local police through 'league tables for answering calls and ensuring that the public know how responsive their local force is when they call them for help'; Intervening early to keep young people safe and away from violence – including 'a new £17 million package focused on those admitted to A&E with a knife injury or following contact with police'; £45 million for 'specialist teams in both mainstream schools and Alternative Provision in serious violence hotspots to support young people at risk of involvement in violence to re-engage in education'; Expanding electronic monitoring for serious acquisitive offenders and 'ensuring that many more neighbourhood criminals have their movements tracked upon release from prison'; Alcohol tags – which detect alcohol in the sweat of offenders guilty of drink-fuelled crime – for prison leavers; Empowering the police to take more knives off the streets and to prevent serious violence by 'permanently relaxing conditions on the use of section 60 stop and search powers'; and Expanding the role for Police and Crime Commissioners (PCCs).

Soft on Justice? Does Diversion From Court Have an Image Problem?

Fionnuala Ratcliffe, Transform Justic: Diversion and out of court disposals (the ways in which the police can deal with people who commit crime without sending them to court) get a bad rep in the media, often labelled as "soft justice" and letting people off. This might go some way to explain why, over the last ten years, their use has declined by 80%. Does the negative media reflect public attitudes? To find out, Transform Justice commissioned public focus groups and a nationally representative survey of 2,000 people to find out what the public thought about diversion and out of court disposals, and what, if any, messaging we could use to boost support for these policies.

The biggest challenge when communicating about diversion and out of court disposals is hardly anyone knows what they are. As one police officer told us: "people tend to have a very old fashioned view of what "justice" should look like, i.e. court hearing and prison sentence". If people don't understand diversion, they'll default to the solutions they're more familiar with (court and prison). How can we help people remember that diversion and out of court disposals exist?

Spelling things out in plain English helped. The terms – diversion and out of court disposals – did not mean much to people. The longer form phrase of "resolving crime without going to court" tested better. Adding examples also improved understanding. Not only that, they also increased support – a higher majority (74%) of people were supportive of the police diverting people from court when we gave specific examples than when we kept it generic.

The ultimate way to help people grasp a new concept is to use a metaphor like "justice gears", which describes the criminal justice system as a bike with diversion and out of court disposals as the first and second gears. There are different gears for different situations, and if we overuse the high gears (imprisonment) the bike won't work as well. Understanding is one thing, but we also want to persuade people that resolving more crimes without going to court is a good idea. What lines of argument work to boost support, and which fall flat?

The good news is that the public are overall supportive of policies to resolve more crimes without going to court (58% supportive, compared to only 17% opposed). Most people agree that they tend to be a good use of police resources, a sensible response to crime and that they can help those who commit crime make positive change. There is scepticism, though. Those who responded to our survey weren't convinced that these options can tackle the root causes of crime, deliver justice for victims or prevent future crimes.

Values? This is where values come in. By leading with values in our messaging, we not only pique people's interest, but also increase support by connecting what we're saying with

values that people already hold. Two values were effective at getting people to feel more warmly towards diversion from court: Pragmatism A focus on problem-solving and solutions rather than theories and ideals. The 'problem' you're solving could be how to reduce crime (resolving crimes without going to court is a pragmatic way to reduce crime and make our communities safer) or how to provide resolution for victims.

Human potential: our response to crime should help people rehabilitate and contribute to our communities. People do believe in rehabilitation as a purpose of our criminal justice system. By tapping into this belief and explaining how diversion and out of court disposals can help rehabilitate people, we can increase support. With both of these, we needed to back up our claims with evidence and case studies. As one focus group participant said: "I want to believe in the potential for people to change but I'm just not convinced. It sounds idealistic and naive." Have a look at our briefing on the case for diversion and out of court disposals for recent evidence you could draw on to back up your claims. Not all values work though. We tried out a "swift justice" argument (that diversion and out of court disposals are good because they allow crimes to be dealt with more quickly than in court). This is an argument ripe for the making at the moment, given long court backlogs and the steadily increasing court times. But the swift justice argument made people worry that justice would be rushed and therefore not done properly or fairly.

That leads on to another interesting finding, which was about the British public's complicated relationship with our courts system. In focus groups, people were quick to voice negative views about court – that it's posh, scary, slow, and stressful for victims. Nevertheless, they also saw it as the bedrock of our criminal justice system. Any language that (accidentally) implied a shrinking or replacement of courts – terms like "alternatives to court", or "new" and "innovative" programmes – seemed to backfire and reduce support for diversion policies. People may support diversion and out of court disposals, but they still think courts play an important role What does this mean for the court backlog and those communicating about it? Diversion and out of court disposals are definitely part of the solution to the backlog, but better to frame arguments around how they work to reduce crime and provide resolution for victims. Talking about how it will help get through cases faster didn't work.

Witness Discussion Greater Predictor of Misinformation Than Intoxication

Scottish Legal News: New research has found that witnesses are almost seven times more likely to include misinformation if a crime has been discussed with co-witnesses and that intoxicated witnesses give accurate accounts but remember fewer details. Researchers from Abertay University and London South Bank University set out to test how both discussion between co-witnesses and alcohol consumption impacts the accuracy of statements given after an incident has taken place. The study, published in the journal Psychopharmacology, included a mix of sober participants and participants who were moderately intoxicated through the consumption of vodka and orange juice, with both groups asked to recall details from videos showing a mock opportunistic theft. Participants were tested in pairs and each member of the pair saw a different version of the mock crime, although they were made to believe that they watched the same video.

Before being asked to recall what they had witnessed, half of the participants were allowed to discuss what they had seen. It was found that participants who engaged in discussion incorporated errors into their testimony 6.95 times more often than those who recalled alone, with 87.7 per cent of participants giving at least one piece of incorrect information that they had not actually seen themselves, but had heard about from their co-witness. This effect was not influenced by alcohol, with drunk participants found to be no more susceptible to recalling misinformation than those who

were sober. It was also found that drunk participants were not less accurate than sober ones, but their accounts were less detailed. Consumption of alcohol also had a detrimental effect on participants' confidence, meaning that they thought their memory was less accurate, when in fact it wasn't.

Co-leader on the study, Dr Julie Gawrylowicz of Abertay University's School of Applied Sciences, said: "Contrary to perceptions commonly held by the general public and many professionals working within the criminal justice system, our findings suggest that mild to moderate alcohol intoxication does not make individuals more susceptible to incorporating misleading information obtained from a co-witness. "Our work also shows that alcohol does impact recall completeness but not accuracy, so mild to moderately intoxicated witnesses may be regarded as a reliable source of information, even if questioned in an intoxicated state. It is important to note though, that this study tested memory at low to moderate intoxication levels, with a minimal delay before recall, and no other influencing factors. "Those involved in the criminal justice chain, including police, judges and jurors should therefore be aware that although mildly to moderately intoxicated witnesses might report fewer details and might be less confident in their accounts, their version of events might not be necessarily less accurate. The results also show there is clear potential for all witnesses, sober and intoxicated alike, who discuss a crime with a co-witness, to report information that they did not see but have just heard about from the other witness. This indicates it may be important to minimise co-witness discussion where a crime has been witnessed in public settings such as bars and restaurants.

Police Bill is Not About Law and Order – It's About State Control

Joshua Clements, Guardian: Tucked away in the government's 300-page police, crime, sentencing and courts bill, are various clauses which will have serious implications for the right to protest. The bill seeks to quietly criminalise "serious annoyance", increase police powers to restrict protests, and give the home secretary discretion over what types of protests are allowed. It is striking that such an enormous bill had its second reading less than a week after it was published and was only allocated two days of debate. It appears that the government had hoped to pass it quickly and without fanfare, but instead the introduction of the bill coincided with the fallout from the police response to the Sarah Everard vigil and ultimately sparked in Bristol the very thing it sought to limit: protests. Clauses 55 and 56 of the bill will make it easier for the police to impose conditions on marches and static protests, removing the distinction between the two. Where before, protests would have to threaten serious public disorder to warrant certain restrictions, under this bill police could intervene merely if the protest was noisy enough to cause a person in the vicinity "serious unease".

Further, the range of conditions that may be imposed would be increased. Where before police could only rule on the place, duration and number of persons attending a protest, under this bill, the police would be able to impose any condition they thought necessary. As Liberty, the civil liberties organisation, points out, this would give the police the power to ban static protests altogether.

This is significant because breaching one of these conditions is a criminal offence, and the bill also lowers the threshold for committing such an offence and increases the maximum penalty. Whereas before, someone would have to actually know that the condition had been imposed by the police, under this bill organisers can be prosecuted if they merely ought to have known, and could end up facing nearly a year in prison. This bill would make it a crime to cause "serious annoyance" to the public, with a maximum penalty of 10 years in prison. However, one of the most worrying powers created by the bill gives the home secretary control over the definition of "serious disruption to the life of the community" and "serious disruption to the activities of an organisation", both of which can determine when police powers to limit protest are engaged. This power effectively grants a minister the ability to suppress the kinds of protests that he or she does not like or agree with. In the debate on the bill, even former Conservative prime minister Theresa May, herself an ex-home secretary, pointedly commented: "It is tempting when home secretary to think that giving powers to the home secretary is very reasonable – because we all think we're reasonable. But actually future home secretaries may not be so reasonable." The government refers to the 2019 Extinction Rebellion protests and the recent "Kill the Bill" protests in Bristol as justifying these new powers. After all, given the images of a seemingly beleaguered police force struggling to defend itself against a mob who have set fire to vans, with officers suffering broken bones and a collapsed lung, ought we not to give the police the tools to fight back? Except that it turns out that the media coverage of the Bristol protests has been misleading, the Avon and Somerset police admitted there had not been any broken bones or punctured lungs and the locals in Bristol tell a very different story of heavy-handed police tactics. In addition, it has been reported that far more protesters than police were injured. The reality is that the police do not need more powers to limit protests, as much as they might like them. Even if all of the protesters in Bristol were being as violent as the initial reports claimed, there are already laws in place to deal with that behaviour. The clauses in this bill about noise, inconvenience and annoyance betray what it is really trying to do: keep those pesky protesters away from the places they will have the most impact. That way, the government will not have to worry about protests the next time they do such things as authorise police informants to commit torture or excuse soldiers for historic war crimes. Make no mistake, this bill is not about law and order, it is about state control and the subtle erosion of freedom of expression. Protests are supposed to be loud and inconvenient; they would not be particularly effective otherwise. As Theresa May put it: "There will be people who will have seen scenes of protests and asked, 'Why aren't the government doing something?' The answer, in many cases, may simply be that we live in a democratic, free society."

UK Plan Thwarts Access to Truth Over Northern Ireland 'Troubles'

UN Human Rights Council: "We express grave concern that the plan outlined in July's statement forecloses the pursuit of justice and accountability for the serious human rights violations committed during the troubles, and thwarts victims' rights to truth and to an effective remedy for the harm suffered, placing the United Kingdom in flagrant violation of its international obligations" The experts recalled that in presenting the plan, Mr. Lewis justified the measures by stating criminal justice can impede truth, information recovery and reconciliation. They were concerned that this justification "conflates reconciliation with impunity", noting that criminal justice is an essential pillar of transitional justice processes. "The essential components of a transitional justice approach - truth, justice, reparation, memorialization and guarantees of non-recurrence - cannot be traded off against one another in a 'pick and choose' exercise," they stressed.

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