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CCRC Refer Conviction of Patrick Thompson for Murder to Court of Appeal

Patrick Thompson received a life sentence with a 30-year minimum term for the murder of four British Army officers in a Northern Ireland landmine attack in the mid-1970s. The explosion, which happened early in the morning of July 17th, 1975, on the road between Dundalk and Newtownhamilton, is often referred to as the 'Forkhill landmine attack'. The CCRC has referred Mr Thompson's case on the grounds that there is a real possibility that the Court of Appeal will find his conviction to be 'unsafe' because the senior officer who led the investigation was not a credible witness.

Patrick Thompson appeared before a Trial Judge in March 1976 at the Belfast City Commission. He was charged on four counts of murder and of being a member of a proscribed organisation. The prosecution relied upon admissions that Mr Thompson was alleged to have made in police custody. Mr Thompson stated that the alleged admissions were the result of ill-treatment by the police. Around a year after his sentencing in March 1977, Mr Thompson's appeal against conviction was heard. He repeated that his admissions had been the result of inhuman and degrading treatment by members of the Royal Ulster Constabulary, and as such should have been excluded from his 1976 trial. However, his appeal was unsuccessful.

Mr Thompson applied to the CCRC in February 2018 and after careful consideration, the CCRC has found compelling evidence that calls into question the credibility of the senior investigating police officer who questioned him at the time of his arrest. The same police officer was later criticised in the Northern Ireland Court of Appeal's decision in R v Latimer, Hegan, Bell and Allen [1992] 1 NIJB 89. Having considered the Court's findings in that case, the CCRC considers that the credibility of this police officer as 'a witness of truth in criminal proceedings' is substantially weakened. On that basis there is a real possibility that the Northern Ireland Court of Appeal would conclude that Mr Thompson's conviction is unsafe. Mr Thompson was represented in his application to the CCRC by Ó Muirigh Solicitors, Belfast.

CCRC Mystery Statement: Northern Ireland Three Court of Appeal Referrals

The CCRC on the 1st March 2022, decided to refer three linked 1991 convictions to the Northern Ireland Court of Appeal. Given the sensitive nature of the referral, the CCRC will not be commenting further at this stage.

CCRC Refers Youth Court Indecent Images Convictions to Crown Court

In 2015, Mr J (then aged 15) pleaded guilty in the Youth Court to offences of downloading and possessing indecent images of children. He was sentenced to a 6-month referral order. Mr J had told his parents about the images who, in turn, reported the matter to the police. Mr J initially told the police that he had downloaded the images whilst looking for legal pornography. However, during a later interview, he said that he had been directed to the images by a third party in an online chatroom. After careful scrutiny of his case, the CCRC has decided that there is a real possibility that the Crown Court will allow Mr J to vacate his guilty pleas and would not now convict him of these offences. The CCRC considers that the circumstances in which Mr J was incited to download the images made him a victim of sexual exploitation rather than an offender and that the prosecution therefore amounted to an 'abuse of process'. Mr J's previous lawyers didn't make this argument to the CPS, nor did they advise him of defences to these charges which may have succeeded.

Helen Pitcher OBE, Chair of CCRC said: "Unfortunately, the worrying circumstances of this case were not properly considered by the police, the CPS or defence lawyers at the time – and for these reasons we have decided to refer it to the Crown Court. The CCRC is hopeful that the Crown Court will now consider that Mr J's earlier guilty pleas are "an affront to justice" and that the prosecution of these matters would be an abuse of process." Mr J was represented in his application to the CCRC by Just For Kids Law.

Human Rights Act Reform May Halt Payouts to Prisoners

Insided Time: Prisoners whose human rights are breached may be barred from receiving compensation because of their previous bad behaviour which landed them in jail. The prospect was raised by Justice Secretary Dominic Raab in a consultation paper outlining the Government's plans to reform the Human Rights Act. Among his proposals are that when court finds that a person's rights have been breached, "damages may be reduced in part or in full on account of the applicant's wider conduct". The measure forms part of a series of proposed changes aimed at deterring prisoners from bringing human rights challenges to the courts. Raab's paper says a solution is needed because "human rights claims have been brought by many people who have themselves showed a flagrant disregard for the rights of others". It adds that "dealing with repeated spurious claims [from prisoners] takes up the valuable time of those working in the prison, and incurs costs for the public purse". However, the proposal has sparked a backlash from human rights campaigners and prisoner welfare charities. Critics warned that by preventing compensation payouts to prisoners, the Government would remove a financial incentive for lawyers to work on the cases – making it even harder than it is at present for cases to be brought to court.

In its response to the consultation, submitted to the MoJ this month, the Prison Reform Trust (PRT) said: "If enacted, these proposals would send a dangerous message to those working in the prison system that the rights of those held in their care do not count. This could undermine respect for the importance of a culture of human rights in prisons." The charity added that given the absence of legal minimum standards in prisons, a culture of human rights is "vital for ensuring that people in prison are treated with a minimum of decency and respect". Raab published his proposals in December in a paper called Human Rights Act Reform: A Modern Bill of Rights. It proposes a new Bill of Rights for the UK, replacing the 1998 Human Rights Act which enshrined in British law the protections offered by the European Convention on Human Rights. The UK would not withdraw from the Convention, but it would be harder to bring claims under it. Raab claims his measures will introduce "common sense" and counter "wokery and political correctness", and stop UK judges from following European rulings "blindly". To back up his attack on the existing law, Raab's paper cites a series of challenges brought by prisoners against alleged breaches of their human rights including the ban on prisoners voting, the separation of prisoners who are in a sexual relationship, and the opening by staff of confidential mail. The paper states that even when such cases are unsuccessful, "often the fact that they can be brought at public expense serves to undermine public confidence in the Human Rights Act".

However, leading lawyers have accused Raab of seeking to "roll back" human rights and ignoring the findings of the Government-commissioned Independent Human Rights Act Review, chaired by Sir Peter Gross QC, which recommended more modest changes. Any move to restrict compensation to prisoners for human rights breaches would mirror the sys-

tem already in place for criminal injuries compensation, where the state-funded Criminal Injuries Compensation Scheme withholds payouts to crime victims who have unrelated prior convictions. In proposing to reduce damages, or block them entirely, for successful claimants whose prior conduct is judged to be bad, the consultation paper states: "Whilst human rights are universal, a Bill of Rights could require the courts to give greater consideration to the behaviour of claimants and the wider public interest when interpreting and balancing qualified rights. More broadly, our proposals can also set out more clearly the extent to which the behaviour of claimants is a factor that the courts take into account when deciding what sort of remedy, if any, is appropriate. This will ensure that claimants' responsibilities, and the rights of others, form a part of the process of making a claim based on the violation of a human right."

In its response, the PRT says: "We are extremely concerned that the proposals in this consultation will severely limit the ability of people in prison to seek redress when their human rights have been violated. Indeed, many of the proposals in the consultation seem to have been devised with this explicit intention in mind. "We are extremely concerned by the language and tone adopted by the consultation in respect of the human rights of people in prison … Prison determines a person's confinement, movement, association, work, level of contact with the outside world, accommodation, education, recreation, healthcare and even the food they eat. As such, people in prison need to be able to ensure their rights are respected and protected through our domestic laws. "It is impossible to escape the conclusion that, with respect to the treatment of prisoners, the government would rather deny their legitimate rights than accomplish a long overdue reform of the conditions in which they are held." The PRT's criticism was backed up by the British Institute of Human Rights, which said of Raab's proposals: "We all have human rights because they are universal. This is not specific to the Human Rights Act – this underpins all human-rights law. If a new Bill of Rights seeks to change this, then it is not a human-rights law, and weakens all of our protections."

Don't Return to Full Wing Unlock, Says Prison Officers Association

Inside Time: As prisons relax their Covid rules, the Prison Officers Association (POA) has renewed its call for some of the restrictions to be made permanent. When most controls in the community were lifted in late February, prisons did not immediately follow suit – but the Government gave the green light for them to begin easing. From February 25, prisons in England and Wales were permitted to move to Stage 1 – the lowest alert level on the five-stage National Framework for Covid recovery in prisons – on a case-by-case basis. At Stage 1, social distancing and the wearing of face masks are not normally required. No end date has been set by which all prisons should be at Stage 1.

In a circular to members of his trade union, Mark Fairhurst, National Chair of the POA, said: "Progressing regimes is not an excuse to return to pre Covid regimes and the chaos and violence those regimes promoted. The days of full wing unlock and pointless association periods must cease." He pointed out that any prison Governor seeking to offer a fuller regime with more out-of-cell activities for prisoners must reach a local agreement with staff – and he urged trade union members to notify the union's National Executive Committee if they disagreed with any of the changes.

In his Prison Strategy White Paper last December, Justice Secretary Dominic Raab endorsed the POA's claim that the Covid lockdown had made prisons safer, and said the Prison Service's Future Regime Design initiative would give governors new powers to reshape the prison day, in a move that is likely to mean prisoners spending more time in small groups or locked in their

cells. Meanwhile, prisons in Northern Ireland have set a target date of April 4 to return to near-normal regimes. Announcing the date in mid-February, Naomi Long, the province's Justice Minister, said that many restrictions introduced to curb the spread of the virus would be lifted – including the restarting of social visits and the restoration of full face-to-face learning and skills provision will be restored. Ronnie Armour, Director General of the Northern Ireland Prison Service, said: "We want to be ambitious about recovery. By April 4 we plan to have a full and purposeful day for people in our care and we will now work with a range of partners to make that happen. "We will of course continue to follow any advice and guidance from the Public Health Agency and others, and we will regularly review progress as we put our plans into action."

Locked up for 20 Months Awaiting Trial on Minor Charge

Inside Time: A court has apologised to a man who spent 20 months in prison awaiting an appearance for possessing a small amount of drugs for personal use. The 38-year-old was staying at a halfway house in Gloucester, having recently been released from prison on parole, when it was searched by police in June 2020 on a warrant relating to another resident. Officers found two small wraps of heroin in the man's room. Although the quantity was small, it was a breach of the man's parole conditions so he was recalled to prison to await the outcome of the court case.

The GloucestershireLive news website reported that in a hearing at Cheltenham Magistrates Court, the man – speaking by video link from HMP Portland – pleaded guilty to possessing the drug, telling the court: "I've been waiting for the case to be dealt with for almost two years. It is a simple matter of possession of heroin. In all this time I have not been able to enter my plea. I've at last managed to enter my guilty plea. I just want to get this case dealt with. I fully admit that I got caught with drugs, which were for my own use, in my room. I admitted all this to the police at the time… I was recalled to prison because of this offence and it took the authorities some 18 months to charge me with possession."

The hearing last month took place only five weeks before the man was due to be released. He asked the court to hand down an immediate short sentence so that he could still be released on the date he and his family had been planning for The court clerk said that on behalf of HM Courts and Tribunal Service he would like to apologise to the man for the fact that his case had taken 20 months to get to court. The presiding justice, Richard Longstreth, said: "I echo that apology, especially as you were recalled for this particular offence and the length of time taken doesn't reflect well on the bodies involved." However, the man did not receive any compensation. Instead, he was fined £120 for possessing the drug – and given one day in prison, to be served concurrently so as not to delay his release.

Prisoner Found Dead After Cell Bell Went Unanswered

Inside Time: A prisoner was found dead in his cell after his emergency bell was left unanswered for 45 minutes. Joseph Carr, 35, was taken to a new cell at HMP Doncaster by officers using force, after he objected to moving to a different area of the jail. Staff placed him face down in his new cell and locked him in. He then rang the bell, but no officer responded. Another prisoner discovered him hanging 45 minutes later.

In a report into Carr's death, which occurred in February 2020, the Prisons and Probation Ombudsman concluded: "It is unacceptable that staff failed to respond when Mr Carr rang his cell bell 45 minutes before he was discovered and that he was found hanging by another prisoner. If staff had responded to Mr Carr's cell bell promptly, the outcome for Mr Carr may have been different and his life might have been saved." The Ombudsman's report added: "We recognise that staff may not always be able to respond to cell bells within five minutes at

particularly busy times. However, this long delay is troubling and unacceptable. It would have been unacceptable in any circumstances but in this case, Mr Carr had just been restrained and staff could not be sure he was not injured or suffering some physical reaction."

Carr had a history of violence and was assessed as posing a high risk of harm. He was not allowed to share a cell because of his homophobic and racist views. On the day of his death, he phoned his mother from an illegal mobile phone shortly before noon, apparently in a good mood. However, he became aggressive when staff told him it was time for him to move from a cell where he had been detoxing from drugs to the prison's Early Days Centre. During a scuffle, Carr called out that an officer had kicked him in the testicles. A post-mortem did not find any bruising in that area, but noted bruises on his face which might have been caused by blows during the restraint. Two members of staff who took part in the restraint were initially suspended, but an internal investigation by the Serco-run prison cleared them of wrongdoing, and police dropped an investigation into the matter after reviewing footage from body-worn camerasWest Midlands

Thomas Burns Family Granted Judicial Review Into Matter of His Death by a British Soldier

The family of Thomas Aquinas Burns have been granted leave by the High Court in Belfast to challenge the Attorney General's decision not to grant a fresh inquest. The original 1973 inquest verdict of "misadventure". Thomas Burns was shot by a British soldier as he left the Glenpark Social Club in North Belfast on the 12th of July 1972. He died from the gunshot the following day. Thomas Burns had served with the British Royal Navy in Singapore and Scotland before returning to settle with his wife and 4 young children in Belfast. The first stage of the judicial review challenge was heard by the Court in Belfast in February 2022. High Court judge Mr Justice Humphreys, who is also the Presiding Coroner for Belfast, granted on the for a full hearing into the case on Friday 11 th March 2022. The Attorney General has now asked the Court for time to consider the leave judgement and the case is listed for a review in early April 2022.

Lawyers acting for Patricia Burns, daughter of Thomas, applied to the Attorney General for Northern Ireland for a fresh inquest in 2015. Further submissions were made by Mrs Burns lawyers in 2019 in relation to the verdict of misadventure found by inquest jury in April 1973. In his response in 2019 the then Attorney General, Mr John Larkin QC, accepted that Thomas Burns was an innocent victim, and that the verdict of misadventure was wrong in both fact and law. However, he refused the family a fresh inquest on the basis that there was no usefulness to an inquest 47 years after their father was killed.

The family sought leave of the High Court by way of judicial review procedure to challenge the negative decision of the Attorney General. Previously in 2013 the Historical Enquiries Team (HET) identified and liased with new witnesses, some of whom were British soldiers on duty in Glenpark Street and Louisa Street at the time Thomas Burns was killed. One of those soldiers witnessed the shooting. That witness confirmed to the HET that the statement, which was purported to be his, which was submitted to the 1973 inquest, was not in fact his evidence. He also reported that his recollection of the events and his location at the time Thomas Burns was shot were different from the information contained in the statements of other soldiers. This new evidence called into doubt the veracity and validity of the statements provided by other soldiers at the time of the original inquest. Both the HET and the Attorney General accepted that Thomas Burns was an entirely innocent victim of the Troubles.

The written Court judgement granting leave states that; "It is striking that nowhere in the detailed correspondence passing between the applicant's solicitors and the AGO does the

latter address the issue of the alleged fabrication of statements on behalf of soldiers. On that basis, and despite the claim that all submissions were considered, I have determined that there is an arguable case to be made that the AG failed to take into account a material consideration, namely that one of the soldiers now says that a statement was falsely attributed to him and handed into the coroner at the original inquest. This not only calls the version of events into doubt but also calls for further investigation in its own right.

[40] The decision of the AG is also based on the proposition that the 'shooter' would be entitled to invoke the privilege against self-incrimination and decline to answer questions. This is, of course, a feature of any inquest involving a violent death and is a matter with which coroners are familiar. As the Court of Appeal recently held in M4 –v- Coroners Service [2022] NICA 6, the proper course of action is for a witness to be compelled to attend to give evidence and the privilege invoked, if sought, at an appropriate time. This does not mean that someone who is suspected of causing a death cannot given important and material evidence to a coroner charged with carrying out an inquest. I am satisfied that there is an arguable case that the AG failed to consider this feature of the potential evidence which could be presented to a fresh inquest.

[41] The AG has also asserted that the 'gunman' firing from the social club has never been identified. This proposition appears to emanate from the same flawed analysis as the HET Report and does not recognise that, on the sworn evidence of the civilian witnesses, there was no such gunman. There is also therefore an arguable case that the AG had failed to have proper regard to the evidence as a whole, both that which was given at the original inquest and the new material generated through the HET process."

Patricia Burns said on behalf of the family said; "The family are delighted to have been granted leave for a full hearing by the High Court Judge. We retain our faith that the courts in Northern Ireland will not let people be treated as second class citizens. We need to re-write history for myself, my family, and my children, and most importantly for my Daddy."

Nichola Harte, of Harte Coyle Collins, Solicitors & Advocates said; "The 1973 inquest verdict of misadventure regarding Mr Burn's killing is incorrect in fact and in law. The Attorney General accepted this in correspondence. The previous Attorney General maintained that there is no usefulness in a fresh inquest. Given the new evidence contained in the HET Review, this cannot be either correct or appropriate. The shooting of Thomas Burs was a mindless assassination, not an accident or a reaction. The rule of law must apply and be upheld."

The family of Thomas Burns are supported in their campaign for information, justice and accountability by their lawyers and Relatives for Justice. In November 2019 RFJ published a Report on the murder of Thomas Burns by the British Army on the 13th of July 1972. Copies of the Report are available from RFJ.

Firearms Officer Investigated for Homicide Offences Following Death of Sean Fitzgerald

INQUEST: Independent Office for Police Conduct (IOPC) has announced that a West Midlands firearms officer, who shot dead Sean Fitzgerald on 4 January 2019 during a police operation, is being investigated for potential homicide offences. Sean was 31 when he died after receiving a single gunshot wound to the chest as he exited a property, whilst unarmed, in Burnaby Road in Coventry. In April 2021, the IOPC announced that the firearms officer who shot Sean had been served with a gross misconduct notice in respect of that officer's use of force. No individual police officer has ever been found guilty of murder or manslaughter offences following a fatal police shooting in England and Wales, despite evidence of serious failures. Three murder or manslaughter charges have

been brought against police involved in fatal police shootings since INQUEST began recording this in 1990. In all cases the officers were not found guilty or the trial collapsed.

Liam Fitzgerald, Sean's brother, said: "I welcome the decision of the IOPC to conduct a homicide investigation into my brother's death. From very soon after Sean's death, it has been my belief that this should have been a criminal investigation. I now hope that the investigation is concluded quickly and that a decision to bring criminal charges will follow. Sean was completely unarmed when he was killed, and I believe the force used was unnecessary and disproportionate."

Helen Stone of Hickman and Rose, the solicitor for Liam Fitzgerald, said: "It is now over three years since Sean's death, and his family still do not have answers. However, we consider the fact that the IOPC are now investigating homicide offences to be a positive development, and trust that the IOPC will act swiftly to complete their investigation in a robust manner and in close coordination with the Crown Prosecution Service to ensure there is no delay in reaching a charging decision."

Deborah Coles, Director of INQUEST, said: "The fatal police shooting of Sean Fitzgerald raises serious questions and concerns, and requires the utmost scrutiny. As such, we welcome the progress in this investigation. Accountability to the criminal standard for police officers or forces involved in deaths is rare, leading to concerns that police are too often above the law. It is essential that fatal use of force by police is examined with this high level of scrutiny. We hope this criminal investigation is conducted promptly, rigorously and sensitively in order to establish the truth and hold those responsible for any wrongdoing to account."

Dominic Raab's Courts Plan: Making a Bad Situation Worse

Guardian Editorial: Justice delayed, they say, is justice denied. After a decade of underfunding and two years of the pandemic, courts in England and Wales are grinding to a halt. Dominic Raab, the lord chancellor, thinks there's no quick fix for the criminal legal aid sector. Mr Raab claimed instead that he would take his time to get things right. The evidence suggests that he is getting things wrong. The backlog in crown courts, which hear the most serious cases, now stands at more than 59,000 cases, up on both before and since the onset of Covid-19. These include rape and sexual offence cases – in which the moving or rescheduling of trials at the last minute causes needless distress. Not only is the backlog lengthening, but the law is taking longer to run its course. As the average wait between crime and verdict in crown courts increases, so does the probability that a case collapses as victims drop out. Prior to the pandemic, defendants waiting to plead their innocence or victims desperate for their day in court could expect it to take a year and two months to see justice done. It's now almost two years.

Mr Raab says that he wants "swifter justice". But his words are belied by his actions. He has managed to secure only enough Treasury cash to reduce the backlog to 53,000 cases by March 2025, a tally still higher than before the pandemic. Even this modest target looks unachievable thanks to a decade of running down the criminal courts system. About a quarter of junior barristers have left criminal practice in the past five years along with nearly half of all silks. The system is in such disarray that in almost 200 cases between July and September last year, a barrister could not be found for either prosecution or defence. Little surprise that during this period the number of trials postponed was 29% more than the number of trials completed. Matters came to a head this week when criminal barristers in England and Wales voted overwhelmingly to take industrial action. Mr Raab suddenly put out his response to last November's independent review into criminal legal aid with a pay increase for barristers.

While the extra cash is welcome, it's too little, too late. The Criminal Bar Association thinks its members might get £100 a week extra, which might sway some barristers but probably not enough to stop the planned disruption. Mr Raab's offer also contained a mechanism to undercut lawyers' fees. Legal practitioners have waited nearly four years since an independent review into criminal legal aid was first committed to by ministers to get this deal. That the new funding won't be implemented until the autumn only adds insult to injury. Last month, the lord chief justice – the most senior judge in England and Wales – made a rare public plea for Mr Raab to value the courts. "They must be properly funded in a way that leaves behind the notion that they are no more than an ordinary public service," said Lord Burnett. Sadly, Mr Raab shows no sign of sharing this admirable sentiment.

More Than 400,000 People are Locked up Pretrial Every Single Day in the US

Jon Robins, Justice Gap: More than 400,000 people are locked up pretrial every single day in the US. According to the annual Prison Policy Initiative (PPI) report, the 'pre-trial' or 'unconvicted' population was 'driving' America's addiction to mass incarceration. 'In fact, 99% of the growth in jails over the last 15 years has been a result of increases in the pre-trial population,' the group says. Approximately 1.9m people are behind bars run the US population. The PPI points out that the US does not have a single 'criminal justice system'; instead there are 'thousands of federal, state, local, and tribal systems'. 'Together, these systems hold almost 2 million people in 1,566 state prisons, 102 federal prisons, 2,850 local jails, 1,510 juvenile correctional facilities, 186 immigration detention facilities, and 82 Indian country jails, as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories.'

That total prison population has fallen by about 16% during the pandemic however that decline was driven by pandemic-induced 'slowdowns' in the criminal justice system rather than policies facilitating people leaving prison. 'Even when the US prison population was at a historically low point in the pandemic, we were still locking up far more people per capita than any other country on earth,' said Wendy Sawyer, the PPI's research director. 'It's important for people to understand that the temporary population drops during the pandemic were due to COVID jamming the gears of the criminal justice system — not because of any coordinated actions to reform the system.'

Black people are still overrepresented behind bars, making up about 40% of the prison and jail population. PPI highlighted the 'enormous churn' in and out of correctional facilities. 'In a typical year, about 600,000 people enter prison gates, but people go to jail over 10 million times each year,' the report says. Jail churn is particularly high because most people in jails have not been convicted, the report says. 'Some have just been arrested and will make bail within hours or days, while many others are too poor to make bail and remain behind bars until their trial,' the PPI says.

Legal Action Over Pat Finucane Public Inquiry to go Ahead in June

Long-delayed legal action against the British government for not holding a public inquiry into the assassination of solicitor Pat Finucane is set to go ahead in June. The challenge mounted by the murdered lawyer's widow has been provisionally listed for a three-day hearing at the High Court in Belfast. Mr Finucane was shot dead by loyalist paramilitaries at his home in the north of the city in February 1989.

His family have campaigned ever since for a public inquiry to establish the full scale of security force collusion in the murder. In February 2019, the Supreme Court held that previous probes into the killing failed to meet Article 2 human rights standards. The solicitor's widow, Geraldine Finucane, initially issued proceedings in a bid to force the British government to

act on the finding that no proper investigation had been carried out.

Although Secretary of State Brandon Lewis subsequently apologised for the delay in making a decision, he announced in November 2020 there would be no public inquiry at this stage. He said that other police review processes needed to run their course. An order was then made for the secretary of state to pay £7,500 damages to Mrs Finucane for the "excessive" delay in reaching his position.

Since then, she has been seeking a judicial review of the position adopted by Mr Lewis. The current challenge centres on the legality of his decision to await the outcome of reviews by the PSNI's Legacy Investigations Branch and the Police Ombudsman. Mrs Finucane and her legal representatives allege that it breaches her Article 2 rights, and that the secretary of state is bound by the violation identified by the Supreme Court. The case has been repeatedly put back amid efforts to recover and analyse all relevant archived documents from police facilities at Seapark in Co Antrim. Lawyers for the government sought more time to carry out security assessments and get ready for the challenge. The High Court was previously told the process to prepare evidence involves going through 1,000 pages of documents. Counsel for Mrs Finucane has repeatedly expressed scepticism about the secretary of state's motives. It was claimed that he has been involved in an "outrageous" attempt to undermine the Supreme Court findings by trying to "run down the clock" in the challenge. Following a series of adjournments, Mr Justice Scoffield today provisionally listed the case for a full hearing, beginning on June 15. He scheduled a further review at the end of the month to confirm the new date.

Judge Warned for Conducting Hearing While Driving

A judge who conducted a hearing while driving his car has been given a formal warning for misconduct. Deputy District Judge Christopher McMurtrie 'conducted a hearing in his car, partly while driving and using his phone in hands-free mode', the Judicial Conduct Investigations Office (JCIO) said. 'The judge failed to meet the expectation to avoid conduct which might reduce respect for judicial office.' The lord chief justice Lord Burnett and lord chancellor Dominic Raab issued McMurtrie with a formal warning for misconduct. No further details were provided about the nature of the hearing. 'In reaching their decision, they took into consideration that Judge McMurtrie accepted that his decision to proceed with the hearing, after he had to travel unexpectedly for personal reasons, was misguided and he gave assurances as to his future conduct,' the JCIO said. The JCIO is an independent statutory body that supports the lord chief justice and lord chancellor in their responsibilities for judicial discipline. The latest warning follows a judge's criticism last month of a witness who attempted to give evidence in the Intellectual Property Enterprise Court while driving a van.

Diane Abbott Comments on Police Strip-Search of a 15-Year-Old Black Girl at School

The revelation that a black schoolgirl was strip-searched by police at school in Hackney, east London, after teachers claimed that they smelt marijuana on her, is shocking. But the details of the search, the indignities inflicted on a 15-year-old girl, are truly distasteful. She was made to strip naked, to spread her legs, to use her hands to spread her buttock cheeks and then to cough. She was menstruating. According to family members, the police insisted that she take off the bloody pad and would not let her go to the toilet to clean up. Then they made her reuse the same pad.

No drugs were found, yet the rumour spread around the school that this perfectly innocent girl was a drug dealer. Her mother told the local child safeguarding review that the experience had left her daughter traumatised. Her aunt added: "I see the change from a happy-go-lucky girl to a timid recluse that hardly speaks to me." She said the girl was now in therapy and that she self-harms. It would be easy to dismiss the 2020 incident as an aberration, to believe

that the police officers involved were the proverbial "bad apples". After the damning review, the Met has voiced public contrition, calling the strip search "truly regrettable" and apologising "to the child concerned, her family and the wider community."

But there is a deeper truth here: although senior Metropolitan police officers are better media trained than ever, the racism and misogyny that has always characterised and blighted the force is still very much present. Recent incidents make that clear. Start with the Independent Office for Police Conduct report on behaviour at Charing Cross police station that found a culture of toxic masculinity. Think then of the Met, again in Hackney, having to apologise and pay compensation to a completely innocent woman, Dr Konstancja Duff, for the use of "sexist, derogatory and unacceptable language" when she was arrested and strip-searched in 2013. She was only trying to help a 15-year-old black boy who the police were stopping and searching by giving him a know-your-rights card. Duff described what happened next: "I was pinned to the floor of a cell by three female officers. I had my hands cuffed behind my back and my legs tied together while they cut off my clothes with scissors. They ripped out my earrings, grabbed my breasts roughly while turning me over, and even touched me between my legs, apparently looking for genital piercings." It took Duff nine years to get an apology arising from the encounter. How many other women, black and white, are abused in this way and give up before getting justice?

People are all too aware of the tragedy of Sarah Everard, the young woman kidnapped on a London street, and raped and murdered by a serving police officer. Then there is the case of Bibaa Henry and Nicole Smallman, two young black sisters from north London who went missing in June 2020. Their bodies were eventually found by family members in a nearby park after police seemed to show little interest in investigating. After the murders and a trial, two police officers were subsequently jailed for photographing the women's bodies at the murder scene and sharing the photos on WhatsApp, including one group of 41 police officers.

A recent interview with Hampshire deputy chief constable, Maggie Blyth, who is now the national lead for violence against women and girls for the National Police Chiefs' Council, is revealing in this context. She said the concept of a "few bad apples" is wrong and that policing, like other jobs with access to power, could attract people who wanted to "use their power in a corrupt and criminal way." She added: "There will be some attracted into working in policing because of the powers that it offers them, the powers to exert and coerce other people, particularly vulnerable individuals. I think we shouldn't be naive to that."

Obviously, not every police officer abuses their power, but too many do. And racial discrimination in the way the police exercise their power has been a statistically verifiable fact for far too long. The use of stop and search continues to increase: by some estimates, black people are nine times more likely to be victims. How many of those are children? Look to Hackney again. According to the child safeguarding review, in 2020/21 in the central east basic command unit of the Met (which covers Hackney), 25 children under the age of 18 were strip-searched (or "further searched") to use Met police terminology). Most of the searches (88%) were negative. And only two of the children searched were white. The Hackney schoolgirl was failed in so many ways. The police abused her and no teacher thought to contact her parents, to ask the girl afterwards how she was: certainly they don't seem to have grasped the gravity of this awful situation.

That's dispiriting in itself, but the most dispiriting thing about all of this is that, after decades of marching, demonstrating, campaigning, police practice is as bad as ever – and now the government is changing the law to make it even harder to march and campaign, to highlight these injustices. The conclusion to be drawn is stark: black schoolgirls are not safe from police abuse, even at school, supposedly a place of safety. What kind of society tolerates this?

Police Officers Accused of Abuse Avoid Convictions and Keep Their Jobs

Bureau of Investigative Journalism: Eight out of ten police employees accused of domestic abuse are still working, an investigation by The Bureau of Investigative Journalism and ITV has found. The figures, obtained through freedom of information requests from 41 forces across the UK, show that more than 1,300 officers and staff have been reported for alleged domestic abuse since 2018. Only 36 have been dismissed. 203 have retired, resigned or left for other reasons. As well as keeping their jobs, police employees across the country were more likely on average to avoid prosecution, with only 3.4 per cent of the reports leading to a conviction. The conviction rate for the wider general public is twice as high. The Bureau's data showed lower than expected conviction rates at forces across the UK.

Ruth Davison, the CEO of Refuge, said: "I can't overstate how serious this is. Domestic abuse is fundamentally about power and control, the abuse of power. And police officers do have power — they're supposed to use that for our benefit to uphold the law and to keep us safe." David Tucker, head of crime at the College of Policing, said: "Allegations of domestic abuse by an officer must be treated with the utmost seriousness. The charging and conviction rates for all domestic abuse is a matter of great concern."

The data comes as the culture of British policing is under renewed scrutiny. Last month a watchdog report into a Metropolitan police station in Charing Cross found officers exchanging WhatsApp messages that included rape threats and jokes about abusing their partners. In the wake of the report, and under intense pressure from Sadiq Khan, the mayor of London, Dame Cressida Dick resigned from her position as the Metropolitan police commissioner.

The Met, which is the UK's largest police force with more than 33,000 officers and almost 10,000 staff, accounts for approximately one third of the Bureau's figures. Almost 400 officers and staff were reported for alleged domestic abuse over an almost four-year period. A spokesperson for Khan said: "The mayor has been very clear about the scale of the change he believes is urgently required to rebuild the trust and confidence of Londoners in the Met – including change right at the top – in order to root out any misogyny and sexism that still exists. This is vital to ensuring that Londoners feel confident that any allegations against police officers are taken seriously."

UK Proportion of Remand Prisoners Who Are Minority Ethnic Rises 17% in Six Years

Data from the Ministry of Justice for England and Wales also shows that the proportion of BAME people held on remand has risen since the beginning of the pandemic in late 2019. People from Black or minority ethnic background make up 34% of those held on remand, latest figures for England and Wales show The likelihood that a prisoner held on remand is from a Black or minority ethnic background has increased by 17% over six years, new figures have disclosed. The figures were provided under the Freedom of Information Act to Liberty Investigates amid concerns that many of those on remand are being held beyond the legal time limit. They show that the proportion of Black and minority ethnic people in the total remand population was 29% at the end of September 2015, rising to 31% at the end of September 2019. This rose to 32% at the end of the September in 2020 and 34% at the end of September 2021, the most recent month included in the figures. It means that the likelihood that a prisoner held on remand is from a Black or minority ethnic background has increased by five percentage points over those six years.

Minority ethnic people make up about 13% of the UK's population, according to census data. At the end of September 2021, 15% of those on remand were Black, the data shows. Black people make up about 3% of the UK population. Adults are held on remand in prisons while awaiting a trial or sentencing hearing. Many are being held after entering a not guilty plea and have not been convicted of a criminal offence. The decision to remand is made by courts according to criteria including the seriousness of the crime and whether it is believed the person will attend future hearings or commit a crime on bail. At the end of September 2019, 9,602 people were in prison on remand, while a year later this had risen to 12,274, and at the end of September 2021 the figure was 12,990. Of these, 2,923 of the September 2019 figure were from ethnic minorities compared with 3,897 in September 2020 and 4,286 at the end of 2021 – an increase of 1,363 people across the three years.

The remand population is particularly at risk of self-harm and suicide. From September 2020 to September 2021, 34 out of 81 prisoners (42%) who died by suicide were on remand, despite this group making up only 16% of the overall prison population. The 2017 Lammy review into the treatment of Black and minority ethnic (BAME) people in the criminal justice system found they were more likely to plead not guilty than white defendants. The main reason, according to the report, is a "lack of trust in the [criminal justice system] among BAME communities". Tyrone Steele, a lawyer at Justice, said that the pressures of Covid backlogs and cuts to legal aid meant therewas less scope to "correct" for biases and thus a higher chance of them operating in remand decisions." An increase in disproportionate policing could provide another explanation, said Steele. He said: "Policies which have serious racialised impacts, such as the Gangs Violence Matrix (GVM) and expansion of stop and search powers under section 60, were created to 'crack down' on serious crime. "Given 88% of the GVM are non-white, and that Black young men in London are 19 times more likely than their white counterparts to be stopped and searched, it is evident that this 'crackdown' disproportionately targets racialised communities." A government spokesperson said: "While decisions to remand individuals in custody are made by independent judges, we are tackling the deep-rooted reasons why people from ethnic minorities are disproportionately represented in the criminal justice system. "Stop and search helps the police to save lives, with 16,000 weapons taken off the streets last year. Statutory codes of practice and body-worn video ensure nobody is targeted because of their race. "All prisoners receive mental health support and we have trained more than 25,000 staff in suicide and self-harm prevention."

More Than 400,000 People are Locked Up Pretrial Every Single Day in the US

According to the annual Prison Policy Initiative (PPI) report, the 'pre-trial' or 'unconvicted' population was 'driving' United States addiction to mass incarceration. 'In fact, 99% of the growth in jails over the last 15 years has been a result of increases in the pre-trial population,' the group says. Approximately 1.9m people are behind bars across the whole of the country.

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