

Transforming Justice: Beliefs we Want to Trigger - Try Not to Trigger These Beliefs

People's reactions to communications about criminal justice are guided by a set of strong beliefs about why people commit crime and how to reduce crime. These beliefs affect everyone, are deep seated, strong, and sometimes contradictory. We are unlikely to fundamentally change people's beliefs, but we can change their appetite for progressive reforms by triggering some beliefs and avoiding engaging with others. This guide is based on research done by the FrameWorks Institute on behalf of Transform Justice, the Criminal Justice Alliance, Clinks and the Standing Committee for Youth Justice. Sponsored by the Paul Hamlyn Foundation.

Try Not to Trigger These Beliefs - Crime Is An Individual, Rational Choice - The belief that those who commit crime are "rational actors" is powerful. People think that crime is committed by those who logically weigh up the chances of being caught, and the punishment that would follow, against the potential benefit of committing the crime. If this belief is triggered, people will exclude social and health factors as drivers of crime, since they will be focussed on individual motivation. The words agency, choice and personal responsibility are all likely to trigger this belief. Avoid these words, and be wary of framing any case study to suggest that the individual got into and out of trouble totally of their own volition.

Deterrence - If you believe people decide whether to commit crime by considering the punishment that would be meted out to them if caught, you are also likely to believe in deterrence. People think that the prospect of punishment prevents people from committing crimes, and from reoffending. Triggering people's faith in deterrence will lead them to call for harsher and more "consistent" punishment, since that would provide a strong incentive against committing crime.

An Eye For An Eye – Uniform Fairness - Fairness can mean treating everyone in the criminal justice system the same. People have a firm belief in an eye for an eye – that "the punishment should fit the crime", not be flexible according to context. They worry that too many people avoid the correct sanction, and that those contemplating crime need to know exactly how they will be punished if caught. If this belief in "uniform fairness" is triggered, people find it hard to understand why women should be treated any differently to men (equality for them equates to equal and consistent treatment), or why any sentence should be subject to mitigation.

Punishment - The criminal justice system is there to punish criminals and to deliver retribution – to satisfy society and victims' desire for revenge. This is a strong belief which underpins support for harsher punishment, and for imprisonment. For many, punishment is the primary purpose of the criminal justice system. There are two ways to deal with the belief in punishment. Do Not Refer to Punishment as a Goal of The System - Tackle the belief head on by explaining why harsh punishment does not reduce crime. Avoid saying "punishment like prison is right for those who commit serious crimes, but not for more minor crimes". Such mixed messages simply strengthen the belief that punishment is the primary purpose of the system and reduces crime.

Human Nature and Moral Breakdown - Many people think that some people are just bad, that it is in their nature to commit crime, and that nothing can be done to reform bad people. Some blame moral breakdown for this badness. They think moral standards are declining, and people no longer know right from wrong. Avoid any implication that a propensity to commit crime is innate, genetic or runs in families, and any support for a decline in morality.

Fatalism - The beliefs that some people are bad and that moral standards are declining, feed another strong belief – fatalism. It's commonly thought that people will always commit crime, and there is little government or society can do to reduce crime. Communications that dwell on the problems of the criminal justice system, but do not suggest solutions, will trigger fatalism.

Crisis - The media often talks about crises, in the health service, in housing, in war torn countries and, latterly, in prisons. Unfortunately talk of crisis triggers fatalism – if things are that bad, there is probably little that can be done to improve things. Don't refer to what is happening in the prisons, or the criminal justice system as a crisis and try not to use alarmist language. Do talk about problems, but always in a measured way.

Beliefs We Want To Trigger

Crime Has Societal Causes - People do understand that being poor can lead people into crime, either because they need to steal to survive, or because they are encouraged to want unattainable "nice things" by our materialistic culture. People also understand that if someone is surrounded by people who commit crime, they are more likely to commit crime. Conversely, if someone has a positive and supportive environment with good role models, they are less likely to commit crime.

Contextual Fairness - The "eye for an eye" idea of fairness is unhelpful. But people can also think about fairness in "contextual" terms ie take into account someone's upbringing, health and social background in thinking about how the justice system should deal with them. Trigger this "contextual" belief in fairness by describing the background of those who commit crime, and the actual circumstances of the crime.

Rehabilitation - The public supports rehabilitation as one of the purposes of the criminal justice system. It is not as strong as the beliefs in punishment and deterrence, but can be triggered. Rehabilitation is usually viewed as providing prisoners with an education and job skills, to help them rebuild their lives on release. Focus on rehabilitation in prison, and in the community.

Alternatives to Prison - These are definitely not top of mind but can be triggered. People can see that, given the conditions in prison, alternatives for those who commit less serious crimes are worth considering. People also understand that those who are imprisoned may learn "bad lessons" from others in prison. This does not mean we should say "those who commit serious crimes should be punished in prison", but that we should promote alternatives to prison. Source: Transform Justice: <https://rb.gy/t69nft>

Derry Four 'Coerced and Oppressed' Into Murder Confessions

BBC News: Police unfairly forced confessions from four men wrongly accused of murdering a British soldier, a report has found. Gerry McGowan, Michael Toner, Stephen Crumlish and Gerard Kelly were charged with killing Lt Stephen Kirby in Londonderry in 1979. The so-called Derry Four fled Northern Ireland until their acquittal in 1998. Police Ombudsman Marie Anderson said they had been subjected to "an oppressive and fearful environment" prior to confessing.

Lt Kirby was an officer in the Royal Welsh Fusiliers, who was shot by an IRA sniper when he was on foot patrol in the Abercorn Road area of Derry on 14 February 1979. The four men charged with his murder were all teenagers at the time. They remained outside of Northern Ireland for more than 20 years before they were acquitted and lived openly in the Republic of Ireland. During that time no extradition proceedings were ever taken against them.

In her report published on Friday 19th June, Mrs Anderson said the four men should have been given legal representation when detained at Strand Road RUC station. The ombudsman said the men had been subjected to a "coercive and oppressive atmosphere". "I am of the view, given

the 'immature age' and vulnerability of these young men, added to the serious nature of the offences, that an opportunity to access legal advice ought to have been afforded to them during their detention at Strand Road RUC Station," Mrs Anderson said. I have been unable to establish a rationale as to how this may have delayed or hindered the police investigation".

The men, who have always maintained their innocence, had signed a total of 21 confessional statements in 1979, relating to the murder of Lt Kirby and a number of other terrorist incidents. Speaking to BBC Radio Foyle, Gerard Kelly said he hoped the report would now bring him closure. He said he felt "someone had finally taken notice of what was going on for us". Mr Kelly said he had often reflected on the actions of the police officers who had detained him and the three other men. They were not much older than us, they must have been quite young when they interrogated us. I often thought they were going home to their own families having interrogated us, knowing we were totally innocent. I thought about that when I had my own children, how could someone do that, destroy someone's life, and also that of my family?". Gerry McGowan said that the Police Ombudsman report helped to give the Derry Four "closure". "But I do still think I did a life sentence because I spent 20 years on the run. I wasn't able to see my mother being buried - I missed out on a lot."

'Susceptible to Compliance' - Mrs Anderson also criticised the practice of allowing the men to speak to each other during their detention. On two occasions police allowed suspects to meet to confirm that one had made a statement implicating the other. "Whether by design or not, I am of the view that this had a profound effect on the coercive atmosphere generated during the interviews and the subsequent securing of 'confessional' statements," said Mrs Anderson. That along with a number of other factors including the "prolonged and repeated nature of the interviewing", had made the men "susceptible to compliance with those in authority," she added.

In 2003, the men made complaints to the Police Ombudsman's Office alleging that they were subjected to mental and physical abuse during their time in custody. Their treatment by the RUC was investigated by the Police Ombudsman and in 2012, the matter was referred to the Public Prosecution Service (PPS). In 2014, the prosecution of two former police officers in connection with the interrogations of 'The Derry Four' collapsed after the PPS received new information from the ombudsman. In the wake of that collapse, the then Ombudsman, Dr Michael Maguire, commissioned an independent review of the Police Ombudsman's procedures for disclosure to the PPS. The former Police Ombudsman also referred the matter to the PSNI. The four men reached a final settlement for damages against the PSNI's chief constable in 2019.

Union to Crowd Fund Judicial Review Challenges of Council Strip Club Bans Across UK

United Sex Workers (USW), which is raising funds to launch a judicial review against Edinburgh City Council over a blanket strip club ban, has said it wishes to fund similar legal challenges across the UK. The union, claims that Edinburgh's implementation of a ban on sexual entertainment venues (SEVs) is in breach of the Equality Act 2010. USW argues that SEV bans are unlawful "as they discriminate against women and other marginalised groups, such as people with disabilities and migrants, who make up the majority of strippers". It also raised concerns that bans may force sex workers to work in unlicensed environments without security and could create environments "ripe for exploitation".

Edinburgh's ban is instituted under the Air Weapons and Licensing (Scotland) Act 2015, which adds new sections to the Civic Government (Scotland) Act 1982, enabling Scottish local authorities to introduce a discretionary licensing system for SEVs. In March, Edinburgh's Regulatory Committee agreed on a 'nil-cap' on SEVs, effectively establishing a blanket ban

on the businesses. The union has received £12,000 in donations on its crowdfunding page, with a goal of £20,000 in funding for its case against Edinburgh. Bristol City Council has been mulling its own SEV ban for more than a year, which the USW has raised concerns over. The union said it hopes to raise a further £20,000 to distribute funds to any future legal costs towards the ongoing SEV nil-cap debate in Bristol. Adam Carey, Local Government Lawyer:

Root and Branch Review of the Parole System

Published on 30 March 2022 the review sets out a number of reforms to the parole system, some of which will require primary or secondary legislation. The review reaffirms the government's intention, as part of our commitment to make the parole system more transparent, to allow for some parole hearings to be held in public; that requires a change to the Parole Board Rules which will be implemented via a Statutory Instrument later this year. The review also made a number of commitments that will require primary legislation, namely: changes to the statutory release test to make clear public protection is the overriding consideration; new ministerial powers to oversee release decisions in the 'top-tier' cohort of the most serious parole cases; and mandating that Parole Board members with a law enforcement background sit on panels for these top-tier offenders. The necessary legislation will be brought forward as soon as the parliamentary timetable allows. Other measures to strengthen the parole system, which do not require legislation, are already being implemented - such as the change we have announced to introduce, from 6 June, a tougher test and ministerial oversight when considering the most serious offenders for a move to open prison conditions.

Jail Sentences Have Got 48% Longer and Prison Places May Run Out

Inside Time: The average jail term for people sentenced to prison in England and Wales has lengthened by 48 per cent in the past decade, according to Ministry of Justice figures. In 2011, the average sentence handed down for indictable offences was 16.8 months. By 2021 it had risen to 24.9 months. The overall increase is thought to reflect both a more punitive approach by judges on a like-for-like basis, and a change in the mix of cases, with a higher proportion offences in the more serious categories coming before the courts. Among particular categories of offences, over the period the average sentence for sexual offences increased from 53.5 months to 61.2 months (up 14 per cent); for drug offences, from 30.7 months to 41 months (up 34 per cent); for robbery, from 35.4 months to 51.6 months (up 50 per cent); and for fraud, from 14.9 months to 26.3 months (up 77 per cent).

Over the 10-year period, the prison population in England and Wales has stayed fairly stable – because the increase in sentence lengths has been balanced by a decline in police clear-up rates, leading to a drop in the number of suspects brought before the courts. Average terms could lengthen further with the passing into law last month of the Government's Police, Crime, Sentencing and Courts Act, which increases sentences for a range of offences from assaulting an emergency worker to causing death by dangerous driving. The Prison Reform Trust said the package of reforms "continues the long legacy of inflationary sentencing proposals in England and Wales begun in the 1990s". Last year, then-justice minister Chris Philp admitted in Parliament that lengthening jail terms has little impact on crime rates. He told MPs that research had found that "harsher sentencing tends to be associated with limited or no general deterrent effect", whereas by contrast, "Increases in the certainty of apprehension and punishment have consistently been found to have a deterrent effect." *The urgency of the Government's prison-building programme has been highlighted by a Ministry of Justice representative who told a council planning meeting that there is a "real risk" that prison places will run out.*

Open Prisons: Prisoners' Transfers

From 6 June, all indeterminate sentence prisoners recommended for a move to open conditions by the Parole Board will face much stricter criteria. The new rules will mean the Deputy Prime Minister can block any such prisoner moving to an open prison unless they can demonstrably pass a tough three-step test including: • Proving the prisoner is assessed as low risk of abscond; and • a period in open conditions is considered essential to inform future decisions about release and to prepare for possible release on licence into the community; and • a transfer to open conditions would not undermine public confidence in the Criminal Justice System. It is expected that the Parole Board will make fewer recommendations than was the case under the previous criteria, although no formal estimate has been made of the number of recommendations which will need to be considered by Ministers personally or by officials under approved delegated authority.

There Will Be 'A Price To Pay' For Locking Up Prisoners 23 Hours

Jon Robins, Justice Gap: A 'post-Covid torpor' had infected many prisons which was, in part, the result of massive cuts in experienced police officers, according to the chief inspector of prisons. Charlie Taylor, delivering the Royal Holloway's Magna Carta Lecture, warned of the consequences of locking up prisoners for 23 hours a day for so long. 'We can't yet know what the long-term effects of extended lockdowns will be on this generation of prisoners, but it is likely there will be a price to pay for the boredom, the inactivity, the loss of family ties, the postponement of group therapy and the lack of education or work,' he said. 'Reoffending rates for those leaving custody remain stubbornly high at around 40% for adults and over 60% for children. This suggests that most prisons are doing a better job of punishing than they are at rehabilitating or protecting the public from future crime. I don't expect that after the last two years we will see an improvement these numbers.'

According to inspections, most prisoners have been locked in their cells (in Taylor's words) 'for around 22.5 hours a day – more in some cases and especially at weekends'. He continued: 'In a Victorian jail like Bedford or Leicester, that meant that two prisoners were typically spending most of their time in a 12 foot by six foot cell, with a bunk bed, a sink, an unscreened lavatory in the corner, a kettle, a chair and a television set'. 'Any pretence at rehabilitation was sacrificed to keep staff and prisoners safe from the virus,' he added.

The prison service lifted its last Covid restrictions last month. 'A sort of post-Covid torpor seems to have infected many prisons, with workshops and classrooms remaining empty and prisoners willing away their time watching daytime television and sleeping,' Charlie Taylor said. 'This is, in part, because some prisons simply do not have enough staff to run properly. In 2015, in order to save money, ministers reduced the head count of the prison officers. The result was that between 2015 and 2019 the percentage of prison officers with more than three years' service fell from 91% to 58%.'

The loss of staff combined with the arrival of a new generation of synthetic psychoactive substances such as Mamba and Spice had been 'catastrophic' for prisons. 'By the time these drugs had been criminalised, networks for getting them into prisons had been established, meaning that letters, photographs and even clothing could be impregnated, brought into the prison and cut up, sold and smoked,' Taylor said. 'Fewer staff and more drugs meant that prisoners built up debt they couldn't pay, and rival gangs began to compete for the lucrative prison market. From 2016 to 2019, levels of violence doubled as the prison service tried in vain to stem the assaults both on staff and between prisoners. More prisoners than ever began to self-harm as the anxiety caused by drugs, violence and debt increased.'

'Every week I meet prisoners who are desperate to escape the cycle of crime and incarceration. Many are addicted to drugs or alcohol, and they describe how their lives, and those of the people around them, have often been destroyed by their habit, and they want help to change.' Charlie Taylor - Taylor made the case for rehabilitation with close links between prisons and the community and a continuity of health care, so that when prisoners were released, their cases could be picked up by health services outside the jail. He flagged up the success of HMP Grendon providing 'intense, therapeutic support for prisoners, some of whom have been fighting the system inside and outside custody all their lives'.

Inquest Into Prison Death of Thoko Shiri

Thoko was a prisoner at HMP Chelmsford when he died at Broomfield Hospital on 14 April 2019. He was a young man in a vulnerable position, due to his long-standing diagnosis of HIV, for which he was receiving treatment prior to his imprisonment. His vulnerability was exacerbated by his dependency upon prison healthcare to provide him with life-saving medication. Thoko was imprisoned at HMP Chelmsford from 13 November 2017 until 19 March 2018. However, he was not seen at an HIV clinic until 13 March 2018 and he did not receive any HIV medication before his release. Thoko was again imprisoned at HMP Chelmsford from 10 October 2018 until his death on 14 April 2019. On that occasion, he did not attend an HIV clinic until 23 March 2019, and he did not receive HIV medication until 26 March 2019, some 19 days before his death. The prison healthcare provider, Essex Partnership University Trust (EPUT), were aware that Thoko had HIV throughout both his periods at HMP Chelmsford.

Jury Conclusion: When reaching their conclusions, the jury found that five separate failings had probably caused Thoko's death. The failures identified by the jury included a failure to provide antiretroviral medication to Thoko during both periods of imprisonment, a failure to refer Thoko to an HIV clinic during both periods of imprisonment, and other systemic failings. The jury also concluded that each of those five areas of failing amounted to neglect. This means that the jury identified a gross failure to provide basic medical attention to Thoko, who was in a dependent position, and that the failure had caused Thoko's death. Thoko became unwell on 7 April 2019. He told a prison officer "I can't breathe... I need to go to hospital". Despite that conversation being recorded, that prison officer has still not been identified by the Ministry of Justice. Shortly after Thoko's death, the family requested that CCTV footage from 7 April be preserved. However, all CCTV footage of 7 April was overwritten and was unavailable to the inquest.

The Coroner was so concerned that the prison officer in question had not been identified by the time of the inquest, over three years later, and the fact that a senior prison governor appeared not to understand the "Code Blue" policy during his evidence to the Inquest, that a formal report on the prevention of future deaths addressing this point will be sent to the Secretary of State for Justice. Prison governors admitted at the inquest hearings that a "Code Blue" should have been triggered that day meaning an ambulance would have been called, but Thoko was not admitted to hospital until five days later on 12 April 2019.

"Gross Insensitivity" The inquest heard how, upon Thoko's mother Beauty Shiri's arrival at the hospital on 13 April, arrangements were not put in place as quickly as they should have been to allow her to see her son before his condition deteriorated. Thoko was already in an induced coma, as he remained until his death, when his mother was finally able to see him. The inquest heard that, whilst in an induced coma, the prison restrained him unnecessarily with handcuffs. When Thoko's mother was finally allowed to see him, he was chained to the bed and barely recognisable to her. She stayed at his side until he died 12 hours later.

The Prison and Probation Ombudsman concluded in a damning report that “this is a case in which a young man died a preventable death as a result of what I can only describe as neglect by healthcare staff, and whose mother was then treated with gross insensitivity by prison staff”.

Thoko’s family have issued the following statement: “Thoko was just like any young man—he loved life, his friends and family. He was exploring what the world had to offer him, but he ended up on the wrong side of the law, culminating in a short-term custodial sentence. As a family we had great hopes that this would allow him to reflect and look to a brighter future. This was not to be, as a short-term prison sentence turned into a death sentence. Thoko was denied very basic care that would have enabled him to live his life despite his long-term condition. We are saddened as we know that people with his condition do not have a reduced life expectancy and that, with basic management, his condition was not fatal.”

Deborah Gold, Chief Executive of National AIDS Trust said: “Thoko’s death was heartbreaking and completely avoidable. This jury conclusion underlines how many crucial opportunities were missed leading to his entirely preventable death. It is shocking that a young man died whilst in the care of the state from a condition that is entirely treatable. Most people with HIV in the UK live long healthy lives. It is absolutely essential that all state places of detention including prisons and immigration detention centres, have robust systems in place to identify, treat and support detained people living with HIV. It is now incumbent upon all bodies responsible for the care and treatment of prisoners and detainees to ensure this happens. As Thoko’s death shows, failure to do so has devastating consequences.”

Selen Cavcav, Senior Caseworker at INQUEST, said: “This is a very disturbing case which raises serious issues around the failure to provide basic health care to a young black man. This is not the first neglect conclusion against this prison nor is it the first neglect conclusion involving EPUT whose actions are already a subject to an independent inquiry. It’s only through proper culture change and corporate accountability that further deaths can be prevented”

Leigh Day solicitor Maya Grantham, who represents Beauty Shiri, said: “Thoko was a young man, who was dependent on EPUT to provide basic medical care that would have saved his life. However, despite knowing Thoko had HIV, that basic medical care was not provided by EPUT to Thoko during two separate periods of imprisonment. The circumstances of Thoko’s preventable death must never be repeated, and it is hoped that this inquest investigation has shone a light onto those circumstances to ensure that will be the case.”

Adam Wagner of Doughty Street Chambers represented Thoko’s family.

Turkey: Not Allowing Inmate to Attend Friday Prayers Violation of Article 9

In Chamber judgment in the case of Abdullah Yalçın (No.2) v. Turkey (application no. 34417/10) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 9 (freedom of religion) of the European Convention on Human Rights. The case concerned the Diyarbakır high-security prison’s refusal to allow the applicant’s request for congregational Friday prayers (jumuah) to be held and for him to take part. The Court found in particular that the authorities had failed to strike a fair balance between the competing interests at stake, namely security and order in prison and the applicant’s right to freedom of collective worship. In particular, they had neither carried out an individualised assessment of the case, to ascertain for example whether the applicant had been a high-risk inmate or whether inmates congregating for Friday prayers would pose any more of a security risk than their gathering for other activities, nor explored any other arrangements as concerned appropriate premises.

Ballymurphy Victims' Families to Receive Significant Damages

BBC News: The Ministry of Defence is settling a number of civil claims arising from the 1971 shootings which happened in the wake of an Army operation in Belfast. The settlement covers nine of the 10 killed. Last year an inquest found the victims were "entirely innocent". The judge said the inquest findings made the conclusion of the civil actions "easier" to reach. At the High Court in Belfast on Monday 13th June, Mr Justice Humphreys said that given the "arduous nature" of the inquest, it was "the best thing" that the claims were settled without further hearings. The shootings happened after the introduction of internment - an operation in which paramilitary suspects were detained without trial. Those who were shot dead included a priest trying to help the wounded and a mother of eight. Civil actions were brought against the Ministry of Defence and chief constable of the PSNI, claiming damages for negligence and misfeasance in public office.

The cases had been listed for a week-long trial, due to get under way at the High Court on Monday 13th June. But confidential settlements were announced in actions relating to the deaths of Fr Hugh Mullan, Francis Quinn, Joan Connolly, Noel Phillips, Daniel Teggart, Edward Doherty, Joseph Corr, John Laverty and Joseph Murphy. Claims against the chief constable are to be discontinued. Meanwhile, litigation in connection with the deaths of John McKerr and Paddy McCarthy, as well as others shot and injured by the British Army in the same incidents, is ongoing.

'The loss is felt every day' John Teggart's father, Daniel, was among those killed in the series of shootings between 9 August and 11 August 1971. Speaking outside court on behalf of the families he said "although it was a win, it is tempered with sadness". "Today's settlement doesn't bring our loved ones back," he said. "The hurt, the loss is felt every day." "Today and every day we think of our family members who can't be with us, this victory is for them. "It is for our loved ones, whose lives were brutally cut short and it is for other families who follow in our footsteps seeking the truth for justice. "Never give up." Mr Teggart also criticised legislation introduced by the UK government to draw a line under so-called legacy issues. A central element of the legislation involves immunity from prosecution for those who co-operate with investigations run by a new information recovery body. It will also prevent future inquests and civil actions related to the Troubles. He said: "We have proven that the current legal routes open to all victims of our troubled past do work despite the claims of Brandon Lewis and Boris Johnson. "All victims deserve justice and full access to the courts, the British government aren't interested in helping us victims."

Janet Donnelly's 41-year-old father, Joseph Murphy, was shot dead on 9 August 1971. "My only regret is my mummy isn't here," she said. "She died in 2016, she didn't live to hear the innocent verdict but she didn't need anyone to tell her my daddy was innocent." Ms Donnelly said her mother went to court after her father's death where she was offered "a measly" £350. "The case just before my mum was a case of a prized greyhound that had been knocked down, the owner of that dog was offered £700," she said outside court. "Whereas my mummy was offered £350 for the death of my daddy." "Where, in any land, is the price of a dog more important than my daddy?"

'Small degree of comfort' Solicitor Pádraig Ó Muirigh, who represented eight of the nine families, said: "The confidential nature of the settlement of this legal action prevents me disclosing the settlement figure. "I can confirm, though, that the figure is significant and that our clients are satisfied with the outcome of this litigation." Mr Ó Muirigh said while nothing would bring back their loved ones or reverse the traumatic impact these events have had, he hoped this would bring "some small degree of comfort" to the Ballymurphy families. Nine of the 10 victims were killed by the Army, the coroner said at last year's inquest. The coroner, now Lady Chief Justice Dame Siobhan Keegan, could not say definitively who shot the tenth victim, John McKerr. She delivered her findings over the course of more than two hours in May 2021. She said the deaths took place during Northern Ireland's Troubles in a "highly charged and difficult environment".

Grenfell—Why is There No Justice Five Years On?

Breakfast in Red: How companies risked lives and then covered it up: Five years on there has been nothing close to justice for the 72 people whose lives were snatched in the Grenfell Tower fire. Cost-cutting, cover-ups and corruption were at the core of the blaze in North Kensington, west London which began in the early hours of 14 June 2017. Thousands of survivors and bereaved were left with life-changing injuries and unimaginable trauma—stuck in temporary accommodation and denied access to mental health services. But the fire was no accident. It was the bloody result of Tory and Labour politicians’ disregard—in the council and government—for housing, safety and working class people. For construction companies behind the refurbishment of Grenfell, which was completed just a year before the fire, it was a chance to cash in. Competing with rivals meant falsifying tests and knowingly selling deadly materials without care for the human cost. Haunting forewarnings of the fire’s inevitability were routinely ignored.

Inquiry is a Farce: In the days since, what has been unearthed about the Grenfell fire should’ve meant immediate prosecutions and jail time. Instead, the system these criminals represent has enabled them to thwart accountability. The lengthy and delayed public inquiry has produced a mountain of damning evidence against numerous corporations, Kensington and Chelsea borough council and successive governments. Calls for institutional racism to be at the forefront of investigations were batted away. Those responsible for the disaster instead had immunity from prosecution. The Met police only collected and submitted evidence at the last possible minute, years after the fire. That delayed the inquiry’s second phase into the fire’s wider causes. Witnesses from Kensington and Chelsea tenant management organisation (KCTMO) handed in key notebooks about the refurbishment days before testifying, or binned them. The inquiry, set to finish late this year, has shown that it is not acting for the benefit of the bereaved, survivors and victims.

Recommendations Were Ignored: The fire spread due to the flammable polyethylene cladding installed on the outside of the building. A 50-millimetre gap between the aluminium composite material (ACM) cladding and flammable insulation acting as a chimney flue, despite a ban on such construction. Overseeing the inquiry Sir Martin Moore-Bick ruled after Phase One that the refurbishment breached building regulations. He said that the tower’s walls “promoted” the spread of fire. Recommendations from Phase One’s report included a building safety law that would require owners of high rise buildings to inform fire services of its materials. It also called for an immediate inspection of fire doors and lifts in all high rises, and guidelines for evacuations. Yet the Tories voted these recommendations down three years after the fire and no law breakers have been prosecuted. As of January, some 40 percent of buildings in England with the same flammable cladding have not been made safe.

Residents’ Lives Weren’t Valued: Critical safety mechanisms failed on the night of the fire. KCTMO labelled residents who raised safety concerns during and after the refurbishment as “troublemakers” and “antagonists”. Firefighters experienced problems with water supplies because there was no water pipe running up the building and had limited access for emergency vehicles. Lifts were unfit for evacuating vulnerable residents and there was only one staircase and exit to the entire building. Fire alarms failed to sound, and the 24 storey building didn’t have a sprinkler system. A blog by residents’ Grenfell Action Group warned “only a catastrophic event will expose the ineptitude and incompetence of our landlord”. The London Fire Brigade issued the KCTMO with a notice about the smoke ventilation system in March 2014. It was given a six-week deadline to fix this but missed it, and a system from 2016 failed on the night of the fire. KCTMO also removed door closers from fire doors making them

illegal because they would not self-shut. Disabled residents had no emergency escape plan, meaning 15 of 37 never made it out alive. Changes to floor numbers during the refurbishment also meant there was no clear record of who lived where in the building.

Tories Cut Costs and Regulations: David Cameron, prime minister during the Tory-Lib Dem 2010-2015 coalition, delivered £10 billion of cuts to deregulate and privatise the building industry. The “Red Tape Challenge” meant new health and safety policies ended in “one in, three out” by 2016. Ministers responsible for housing, fire safety and construction ignored specialist warnings about Class 0 rated materials—the lowest-ranking standard for building materials. They also failed to install sprinkler systems in over 4,000 tower blocks, and to review fire safety and “stay put” regulations despite recommendations following previous fires. The Tory council’s priority was to make Grenfell more attractive. Deputy leader Rock Feilding-Mellen only waded into a discussion about the cladding to advocate against the champagne colour. Council plans originally included zinc cladding panels. But construction company Rydon and subcontractor Haley Façade chose ACM panels to save £300,000. Celotex also sold its RS5000 insulation foam boards to Harley with a 47.5 percent discount amounting to £45,803. KCTMO hired Studio E architects without a proper selection process to sidestep costs and public contract rules. The inquiry has revealed that companies involved in the refurbishment were critically lacking experience and ignorant to basic safety issues and checks.

Companies Dealt in Death: Throughout the inquiry each corporation has passed the blame, and most are still in business. Phase Two of the inquiry revealed that Arconic, the company that made the deadly cladding, admitted to selling the flammable panels to grab more money. Classification of the panels was “significantly misleading” and Arconic supplied a test report for a fire-resistant version of the product, not the version put on Grenfell. Meanwhile managers at Kingspan celebrated that their flammable K15 insulation—earlier described as “a raging inferno”—had passed tests. This successful result was from a previous version of K15. Celotex rebranded its existing flammable FR5000 insulation product as RS5000 to be used on buildings taller than 18 metres. RS5000 failed testing in February 2014. It passed a second test, but by using thinner boards to strengthen the cladding panels. Celotex also added fire-resisting magnesium oxide boards to the test wall. The Building Research Establishment advised the company on this—and omitted it in its reports.

Raab to End Friday Releases For Prisoners

Jon Robins Justice Gap: Domic Raab is to end the practice of releasing prisoners on Fridays without any support in an effort to cut reoffending and cut crime. The charity NACRO last year highlighted the problems of people being released from custody at the end of the week who are left without vital support over the weekend ‘leading to homelessness, lost contact with services, relapse, and reoffending’. It has been reported that the Justice Secretary is to change the law to allow governors to release prisoners earlier in the week. ‘Around one in three offenders leave jail on a Friday, but can struggle to sort out accommodation, register with a GP and sign up for job support before services shut down for the weekend,’ reported the Daily Telegraph. ‘This race against the clock can result in ex-offenders failing to get the support they need, so they end up homeless on the streets, where they can be easily drawn back into crime.’ According to Ministry of Justice (MoJ) research, the release day can make a five per cent difference in the likelihood of reoffending – with 35% of those freed on a Monday re-convicted within a year compared with 40% for a Friday. The release date of a prisoner is calculated in days from the point when they are sentenced.

According to NACRO, more than a third of prison leavers are released on a Friday. 'This can result in people being released later in the day, leaving limited time to present to services before the weekend,' the group says. 'People may also have to travel significant distances to reach the area they are being resettled to, arriving late in the day, which reduces the likelihood of them securing all the support they need. This issue is particularly relevant to women and young people due to the configuration of the prison estate and the distance they may be from their home area.' The group reckons that women are held, on average, 63 miles from their homes and 11% of children in custody are held over 100 miles from their homes. The Friday release also places 'unnecessary stress' on probation officers, housing authorities, other accommodation providers, Jobcentre Plus and other community services staff. Last year Lord Atlee and Lord Hodgson tabled an amendment to the Police, Crime Sentencing and Courts Bill allowing governors discretion over when to let inmates out. It was backed by Lord Bird, founder of the Big Issue. 'I know from when I was homeless the deep and interconnecting link between prison and the streets,' he said. 'We need to break that link to have any hope of stopping this endless cycle of releasing people homeless, and seeing them go back into prison. Ending Friday releases, with the linked increased risk of homelessness, is one positive move towards that.'

Pat Finucane's Family Calls For Public Inquiry Into Solicitor's Murder

BBC News: Only a public inquiry into the murder of Belfast solicitor Pat Finucane will uncover the full extent of a state-operated policy of "extrajudicial executions", the High Court has heard. NI Secretary Brandon Lewis ruled out a public inquiry into state collusion in the killing in November 2020. However, in April 2021 his widow Geraldine Finucane was granted leave to seek a judicial review of the decision. Mrs Finucane's lawyers claim the decision breached her human rights.

On Wednesday 15th June 2022, counsel for Mrs Finucane described her late husband as victim of a scheme where loyalist paramilitaries were infiltrated, resourced and manipulated to target those identified for assassination. Her lawyer said: "The available evidence suggests that employees of the state, responsible for law enforcement, devised and operated a policy of extrajudicial executions. "In other words, a policy of murder by proxy whereby the state itself engaged in terrorism through the agency of loyalist paramilitaries." Mr Finucane was 39 when he was shot 14 times by two masked men from the Ulster Defence Association (UDA) in front of his wife and children at his home in February 1989. His family has since campaigned for a public inquiry

In February 2019 the Supreme Court held that previous probes into the killing did not meet Article 2 human rights standards. Mrs Finucane took legal action in a bid to force the government to act on the finding that no proper investigation had been carried out. The Northern Ireland Secretary apologised for the delay in making a decision, but ultimately announced there would not be a public inquiry at this point. A court 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.

The current challenge centres on the legality of the decision to await the outcome of reviews by the PSNI's Legacy Investigations Branch and the Police Ombudsman. Mrs Finucane's lawyer told the judge that the secretary of state's decision was "irrational and unlawful." "Patrick Finucane was a victim of this policy, he was identified by state agents as suitable for assassination and duly shot dead in front of his family in a particularly brutal fashion," she said. "The Army, the police and the security services have been implicated to varying degrees in the events surrounding his death, in the operation of the policy that led to it, and in attempts to prevent the truth about it emerging."

Counsel said questions still remained as to "the identities and culpability of those who authorised the policy". Mrs Finucane was described as a "veteran" of court proceedings due to her ongoing fight to expose what happened to her husband and those responsible. Ms Doherty said: "Had the clear guidance of the Supreme Court been followed, on what's known about the facts of the case and of the law, the only option open to the Secretary of State was a public inquiry." She asked the judge to quash Mr Lewis' decision, adding that the state should not be allowed to "run down the clock on this investigation".

Rabah Kherbane, Secures Acquittal of Music Artist After 3-Month Murder Trial

Represented by Rabah Kherbane leading Chloe Carvell (15NBS), H was acquitted after a 3-month trial. Rabah represented the music artist and fashionista charged with perverting the course of justice in a murder investigation. The prosecution alleged H had assisted in the disposal and destruction of a vehicle used in a double shooting in Northwest London. The Crown's case asserted a carefully planned and sophisticated double shooting, targeting specific rival gang members as revenge for a previous violent attack on a high-profile music artist. One of the shootings at point-blank range to the victim's face causing his death was caught on CCTV from a nearby store. The first two defendants were charged with murder, and the Crown's case against all defendants relied on a vast volume of complex material, including CCTV footage, substantial phone material, cell site, alleged gang 'membership', social media material, and extensive police intelligence. Defendants including H were music artists signed to award-winning music outfits. Rabah instructed gangs and music (hip-hop/rap) experts, and a private investigator to build the Defence case. Rabah built a case discrediting the prosecution assertion of gang membership, and guided his client through five-days of giving evidence from the witness box in an Old Bailey courtroom. Rabah also challenged alleged 'gang' materials during legal argument. After a 3-month trial, H was unanimously acquitted.

Clarity Needed on Changes to Eligibility For Open Conditions

Peter Dawson, Prison Reform Trust: Prisoners and families are confused and deeply apprehensive about the implications of new "much stricter criteria", announced by the Ministry of Justice earlier this month, for people seeking to progress their sentence by transferring to open prison. Prison Reform Trust Director Peter Dawson has written to the prisons minister Victoria Atkins seeking further clarity, in the apparent absence of any policy or operating documents to accompany these significant changes. The changes have the potential to dramatically lengthen time that people who have served the requirements of punishment still remain in custody. On 5 June, by way of press release, the government announced a profound change in the way indeterminate sentence prisoners will be given the opportunity to show that they can safely be released. Ministers have always been able to veto Parole Board recommendations that a prisoner should be moved to an open prison as part of their progression towards eventual release on licence. But the criteria by which ministers will now exercise that veto — and which will therefore govern the Parole Board's recommendations — have been dramatically changed. The clear intention and expectation is that significantly fewer indeterminate sentence prisoners will be allowed to go to open prisons, making it much harder to show that they can safely be released. This reactionary and irrational change has been introduced without even a statement to parliament, much less any debate on its merits.