

MOJUK: Newsletter 'Inside Out' No 906 (06/07/2022) - Cost £1

Prisons and Probation Strategic Plan 2022 / 23

Our vision: To carry out independent investigations to make custody and community supervision safer and fairer. Our values: *Impartial*: we do not take sides *Respectful*: we are considerate and courteous. *Inclusive*: We value diversity *Dedicated*: we are determined and focused *Fair*: we are honest and act with integrity. I am publishing this Strategic Plan in June 2022 to cover the period to November 2023. Our Strategic Plan usually covers a three-year period, however we have opted for a shorter duration for this Plan due to my imminent departure as the Prisons and Probation Ombudsman and to enable the incoming Ombudsman to have an input into the future strategic direction of the PPO. We have reviewed the four strategic themes we set out in our previous plan, and we agree that they remain relevant and should continue to inform our priorities for the current year. The four strategic themes are confidence, effectiveness, impact and efficiency. As well as our focus on these four themes, we have confirmed our commitment to, and emphasis on, diversity and inclusion. Our Race Action Plan, which has been published on our website, sets out what we will do to be a truly inclusive organisation where our Black, Asian and Minority Ethnic colleagues are empowered to reach their full potential and where they feel valued and respected. *Sue McAllister CB Prisons and Probation Ombudsman June 2022*

Statement of Purpose The Prisons and Probation Ombudsman's office exists to carry out independent investigations into complaints and deaths in custody. Our service is in respect of prisoners, young people in detention, those under probation supervision and individuals detained under immigration powers (detained individuals). The purpose of our investigations is to understand what happened, to correct injustices and to identify learning for the organisations whose actions we oversee. Strategic Goal To carry out effective and independent investigations to help make custody and community supervision safer and fairer.

Function The Prisons and Probation Ombudsman (PPO) is appointed by and reports directly to the Secretary of State for Justice. The Ombudsman's office is wholly independent of the services in remit, which include those provided by Her Majesty's Prison and Probation Service (HMPPS), Prisoner Escort and Custody Services; the Home Office (Immigration Enforcement); the Youth Justice Board; and those local authorities and voluntary organisations who administer secure youth detention accommodation. It is also operationally independent of, but sponsored by, the Ministry of Justice (MoJ). The roles and responsibilities of the PPO are set out in their Terms of Reference (ToR). The PPO has three main investigative duties: • Complaints made by prisoners, young people in secure accommodation, offenders under probation supervision, and individuals detained under immigration powers. • Deaths of prisoners, young people in secure accommodation, approved premises' residents and detained individuals due to any cause. This also includes neonatal deaths and stillbirths that occur in prisons or in hospital following a transfer from prison. • The investigation of deaths of recently released prisoners.

Context This section makes some assumptions about the kind of environment the PPO will be working in over the period of this plan, from June 2022 to November 2023, and what would have a direct impact on the strategic priorities of the Ombudsman. • The PPO's adjustment to a hybrid pattern of working. • The ongoing impact of COVID-19 on the services in remit. • Continued change

across the services in remit, including updated prison safety and security policies, as well as consideration around future prison regimes. • The projected increase in prison population and the impact of this on the PPO's workload and resources. • Ongoing relationships with investigation partners, for example NHS England and NHS Improvement, requiring us to work together to accomplish our shared goals with maximum efficiency and to a high standard.

The Approach PPO's Strategic Plan 2022/23 key activities under this Strategic Plan are set out under each of these themes: • Confidence • Effectiveness • Impact • Efficiency

Confidence Improve the confidence of our stakeholders in our role as an independent, impartial and fair investigative body and complaints resolution service. Confidence in our independence, impartiality and fairness is essential to the acceptance and impact of our recommendations, as well as being crucial to encouraging complainants to raise concerns in the first place. It is therefore vital that we foster this confidence among all our stakeholders including complainants, bereaved families, staff and management in the services in remit, and other interested parties. • We will seek opportunities to improve our relationships with services in remit in order to increase awareness of learning from PPO investigations and facilitate effective implementation of recommendations by frontline staff. • We will seek opportunities to improve relationships with those who use our services to increase awareness of, and confidence in, the PPO. • We will continue to seek legislative opportunity for placing the Ombudsman's role on a statutory footing.

Effectiveness: Empower staff to continually review and improve the quality and timeliness of our investigations and resulting reports ensuring a robust and proportionate approach. Investigating all eligible complaints and fatal incidents in our remit in a timely and proportionate manner requires continual focus. It remains a priority area for the PPO to identify ways to improve performance. • We will work with staff to adopt a continuous improvement methodology to maximise effectiveness across the office. • We will use feedback from stakeholders, complainants and bereaved families to improve our operational effectiveness. • We will promote diversity and inclusion, and support and empower our staff to develop professionally, achieve their potential and drive success.

Impact Focus on the outcomes of investigations and increase the impact of our work on the actions of services in remit and the day to day lives of those in custody. A key concern of the PPO is that we have been identifying the same lessons and making the same recommendations to services in remit for many years and we continue to do so. If our investigations are to make a difference, we need to be even more outcome focused and identify actions we can take to ensure services in remit address the failings that we have identified. • We will produce thematic material and share learning from our investigations to drive changes and improvements in services in remit. • We will review our approach to making recommendations, including looking at the wording and prioritisation, to ensure they are achievable and can be implemented. • We will review our definition of a repeat recommendation and develop effective means of tracking repeat recommendations and holding services in remit to account. • We will explore how we can present our recommendations and learning in a clear, thematic way on our website • We will explore options for working collaboratively with HM Inspectorate of Prisons, the Independent Monitoring Boards, HM Inspectorate of Probation and the Independent Advisory Panel for Deaths in Custody, in order to magnify our voices and to increase our collective impact. • We will use our evidence base to target our services to where they are needed most. • We will use thematic learning from our investigations and pilots, including the post release death investigations pilot, to influence policy development in the MoJ and services in remit. • We will improve reporting on the outcomes achieved as a result of the PPO's work.

Efficiency: *Use our resources efficiently and effectively.*

The work of the PPO is demand led and so the office must respond to all eligible complaints and deaths in remit. It is therefore difficult to predict the volume of work that will come into the office at any one time. This means the bulk of our budget pays for staff to support our operational delivery. Changes to financial allocation have a direct impact on the number and type of staff that we employ. To operate efficiently within existing constraints, we will continue to monitor our resources and spending. • We must identify actions that will allow us to use our existing resources with maximum efficiency and support improvements in delivery. This will ensure that we remain resilient to and can respond robustly to fluctuations in workload. • We will develop a knowledge management strategy that promotes and supports effective and efficient knowledge sharing within the PPO. • We will work with our partners and stakeholders to embrace digital working and new technology to provide a more efficient, effective, environmentally friendly, and inclusive service.

Review Into "Discriminatory" Prosecutions of Women for Non-Payment of TV Licence Fee

Naima Sakande Appeal: "TV Licensing convictions are a feminist issue. 'Appeal' have long been concerned by the staggering sex disparities in prosecuting this crime. For years women have been disproportionately bearing the burden of the BBC's enforcement scheme and it is high time that this is re-examined The BBC have announced it is conducting a new review to better understand why there is a significant gender disparity in prosecutions for TV licence evasion. The disparity has been branded as "discriminating heavily against women", "regressive" and "not fair" by Culture Secretary Nadine Dorries in a recent LBC interview. 76% of all TV licensing prosecutions in 2021 were against women. TV licence prosecutions account for 30% of all female convictions, making it the most common offence for which women are being taken to court. Non-payment of the fine can result in imprisonment. The BBC has previously sought to investigate this gender imbalance, but since its December 2017 Report, the disproportionality has increased a further 4%, suggesting measures to improve the disparity have failed. The corporation has agreed to carry out and publish a follow-up to its 2017 "gender disparity review" after a single mother from Essex who faced prosecution for failing to pay a fine after being caught without a TV licence threatened a judicial review of the system on the basis of sex discrimination. She was supported in bringing this claim by the law charities APPEAL and the Public Law Project (as reported in the Times in February).

Will Harsher Sanctions Reduce Assaults on Police and NHS Workers?

Fionnuala Ratcliffe, Justice Gap: The maximum sentence for assaulting a police officer, NHS worker, prison officer or firefighter has doubled twice in the last four years. But are increased maximum penalties for assaulting an emergency worker helping to 'protect our protectors'? Transform Justice's new research finds that not only has this done nothing to reduce violence or abuse towards emergency workers, it's also having detrimental consequences, sweeping more people with mental health conditions into the criminal justice system.

Many cases of assaulting an emergency worker that appear in court involve defendants with mental health conditions, cognitive impairments and/or who are neurodivergent. Lawyers who defend these clients estimate the proportion could be as high as 80%. In theory, many of these cases should be diverted, but the mechanisms to facilitate this are falling short. Police rarely have the information they need about someone's mental health to factor it into decision-making – even when health professionals are available to assess and give advice, police don't seek it or are reluctant to follow

it. In courts, the CPS are particularly hard line with assault emergency worker offences, even for low-level matters and when it is clear that the mental health of the accused contributed to the incident. One defence lawyer told us: 'I don't think the prosecution gave it the thought that they should. They still put forward submissions to the court that made no allowances for his autism... I think they have a positive prosecution policy when it involves public sector workers.'

Prosecution and prison don't reduce violence and abuse. As one magistrate put it: 'These aren't premeditated acts, after all.' The government's own impact assessment said of the move to increase penalties that 'the evidence of the existence and scale of any deterrent effects or incarceration effects is weak and mixed'. Our research identified much better ways to show emergency workers they feel valued. Police and NHS workers told us that support from their employer following an assault was sometimes lacking. They didn't get the debrief they were promised, or when they did they were made to feel the incident was their fault, or that it was just part of the job. Plans for how to prevent the incident happening again, or to support the employee to recover, were not always followed through. One forensic NHS employee whose shoes were ruined in an incident with a patient spent 18 months waiting for his claim form for new shoes to come through. If we want to show emergency workers that they're valued, better employer support offers a lot of low hanging, and more effective, fruit.

Valuing police and NHS staff also means finding out how incidents of violence and abuse arise in the first place and what could be done to prevent them. A large scale analysis of thousands of police records found that police officers were more likely to be assaulted when they used force themselves (tactics such as Tasers, batons or physical force), and that this use of force was more likely when a person has a mental health condition. Testimony from defence lawyers and prosecutors backs this up. Many police and NHS workers responding to our survey also agreed they didn't have the right training to effectively de-escalate incidents. Verbal de-escalation training modules have been cut in many police forces, and training in communicating effectively with people with mental health conditions is limited. The new influx of police recruits presents a crucial opportunity to ensure officers are equipped with the skills they need to prevent incidents escalating to violence.

Ultimately the report advocates for bigger thinking in how we show public sector workers that they matter, and that abuse against them is taken seriously. Ramping up the criminal justice repercussions for assaulting a police officer or NHS worker may feel like a solution but if it doesn't reduce abuse (and assaults have increased since the maximum sentence went up), what's the point? Better to improve support for staff when assaults do occur, make use of effective diversion and restorative justice options, and take steps to prevent incidents in the first place.

'Significant' Increase in Use of Force at HMP Elmley

The use of force on a category B prison on the Isle of Sheppey had 'gone up significantly' despite levels of violence at the jail being lower than average for similar prisons across England and Wales, according to a new report published by Her Majesty's Inspectorate of Prisons on Tuesday 21st June. The report on at HMP Elmley was released following a surprise inspection conducted earlier this year recorded that there had been 361 uses of force in the past year – approximately 20% higher than at the last inspection. Inmates at the jail currently holding around 1,000 men told inspectors that they had been assaulted by staff members who deliberately did not turn on their body-worn cameras. Inspectors noted that this rise in the use of force against prisoners had occurred 'even though prisoners were locked up or subject to a more restricted regime' in comparison to the previous inspection in 2019. Many incidents – including those involving the use of batons or PAVA

incapacitant spray – had not been recorded on body-worn cameras. Investigations into violent incidents were not always thorough, and in some cases there had been no investigation at all, with ‘little evidence that lessons were learned’ from those incidents that were investigated.

Systems designed to understand and respond to the underlying causes of violence were ‘underdeveloped’, making it difficult to assess whether the use of force in a particular case had been reasonable or proportionate. While prisoner-on-prisoner violence had decreased, half of prisoners said they had experienced bullying and victimisation by staff members, and one in four said they did not feel safe in the prison. Among the prison’s foreign national population, the number of prisoners reporting that they currently felt unsafe rose to one in two. Violence was not the only issue raised in the report. On each of the four ‘healthy prison test’ criteria – safety, respect, purposeful activity, and rehabilitation and release planning – inspectors rated outcomes for prisoners ‘not sufficiently good’ – the second-lowest possible grade. Education provision was rated ‘inadequate’ in four out of five key areas. The report also highlighted concerns about the end of the mental health screening pilot, shortages of healthcare staff, and the fact that HMP Elmley received ‘more complaints than any other local prison’, with Chief Inspector Charlie Taylor commenting that responses to these complaints ‘were neither timely nor helpful [...] leading to greater prisoner frustration’. Inspectors raised concerns about the treatment of foreign nationals who made up 18% of the population – for example, they were often not given an induction in a language they understood and there was no senior lead appointed for the group. ‘We heard several complaints from prisoners about racist attitudes from some staff,’ the report noted.

Hidden Disabilities and the Criminal Justice System

Sean Parker, Ex-Prisoner: Whether it’s being advised not to speak at trial in case the jury see a speech impediment as a sign of guilt or the blatant over-representation of autistic spectrum conditions in prisons, hidden disabilities have a majority prevalence in the UK criminal justice system. Communication disorders can be very circumstantial, but they clearly disable when it comes to obstacles to employment or freedom of self-expression. While autism is a state of being rather than a disability per se - and society treats it as a disability - it seems to be regularly ignored in mitigation and sentencing.

If a person with diagnosed autism spectrum disorder is charged with an offence which can be open to cultural misinterpretation, the charge is likely to be too politically nuanced and counter-intuitive to process, adding a great deal of guilt to a way of thinking that tends to already prize justice as a prime principle. If this person is then advised to plead guilty to an allegation for which they don’t feel guilty by their legal team to get a shorter sentence, they are almost bound to opt for this. Most people have little choice but to follow legal professionals’ advice in these situations: it’s double-baffling for the often highly black-and-white thinking of those on the autistic spectrum.

Once in prison, the orderly, precise, quiet-loving person with say Asperger’s syndrome can be seen as an arrogant, aloof loner by the majority of the rest of the population. He or she will most likely be moved directly onto a ‘vulnerable’ wing for their own protection (as the myth goes). There they may be doubled-up with another or living in close proximity with the physically disabled, elderly, those with various addiction issues or in chronic prison debt. ‘Mainstream’ prisoners are usually also vulnerable however; there are very few people in prison who haven’t been victims of some kind of cyclical abuse, be that physical, emotional or professional.

Of course, disability is a protected characteristic, meaning that any discrimination arising from it is liable to prosecution. The trouble is that in prison people are acutely sensitive to others

gaining advantage for any reason. This will inevitably be called playing the race card, the sexism card, the disability card and increasingly the transgender card. Prison is a kind of parallel reality purgatory to normal society, and many of its inhabitants - prisoners and staff - like to keep it that way. Many prisoners resist attempts at rehabilitation as they happily identify with the public idea of the criminal image, encouraged by the media. The experience of incarceration for those with hidden disabilities generally couldn’t be further from this ‘professional criminal’ model.

If a person with Asperger’s and anxiety asks an officer if she can be moved because she can’t bear the noise coming through the wall, she is likely to be met with words along the lines of: ‘If you can’t do the time, don’t do the crime’. You can imagine how that feels for the 1500 people wrongfully convicted each year. For everyone else, is prison meant to be a living hell, even for those who don’t really understand why they are there? This is where self-harm can come in: a desperate cry for help in the belly of an underfunded, undervalued and intentionally misunderstood industry.

People on the transgender pathway obviously aren’t disabled by virtue of that characteristic, but they are often treated as such. Their numbers, pre and post-op, are vanishingly small in the prison estate compared to their voice on social media, but, anecdotally, they mainly want to be left alone to get on with their lives. The (generally older) prisoners who persist in calling them ‘it’ tend to be quite racist too, setting the bar for efficient or praiseworthy performance at work insurmountably high. These people know they aren’t permitted to express racist, sexist or ableist sentiments (anymore), so it’s instead expressed tacitly, passively and in the eyes.

Making just the expression of discriminatory thoughts illegal in prison has led to a toxic, simmering silence on all balkanised sides. The expression of suspicion, followed by conflict resolution and shared experience would be a far healthier route. This can happen, but in rare, individuated cases. It’s astonishing how self-segregating prison is, again supported by both prisoners and staff.

Hidden disabilities are rife in both the mainstream and vulnerable divisions, segregations which would be much better represented as ‘active’ and ‘reflective’. If a singer in a prison band is always trying to attract attention to themselves, and their behaviour seems to be based on manipulating people surrounding them, an explanation of narcissistic personality disorder will probably fall on deaf ears in his community, who may prefer to consider him an idiot. Psychology departments seem to be more interested in the impossible job of predicting ‘risk’ to society than treating the causes of that perceived risk. The links to the relatively new offence of coercive control feel almost too obvious to mention.

The spectrum of attention deficit and opposition defiance disorders find a much better community fit in the mainstream—or active—silo. These people tend to replace societal hyperactivity with super-muscled exercise. The application of discipline is good until that spills into passively bullying more reflective members of the community into their increasingly evangelical fitness regime, misunderstanding the right not to exercise. The desire to have influence over others is thus expressed in both the NPD and ADHD cases, in both the active and reflective divisions. Both have already been ‘othered’ by mainstream society, so aren’t going to let slip this opportunity for a bit of officially-sanctioned punching down.

It is often said that the prison estate is twenty years behind the rest of society and that the justice industry seems to have a vested interest in keeping things opaque. This is in total denial of other twenty-first-century social progress, which seems to head determinedly towards total transparency. The British Isles already had the highest incarceration rates in western Europe; post austerity and Covid, numbers are predicted to soon go up by tens of thousands, making it by far one of the largest constituencies in the land—but without the right to vote. Keeping this 95% male, majority mental illness/hidden disabled precariat in a paral-

lel purgatory, and training them in the disempowered pointlessness of learned helplessness is completely counter-intuitive. Being tough on crime and tough on the causes of crime may now sound like some kind of modern wartime anachronism, but being cognizant of the causes of antisocial behaviour or allegations of it has always been a deeper, nobler aim. The justice industry, multi-billions of pounds though it processes, seems to think that deepening the divisions between people, ignoring the causes of those divisions, and demonising certain groups in society is a world-beating way forward. From allegation to release and at every stage between, people with hidden disabilities are having their disabilities made worse by the present system, and the ambivalent segregation within it.

The Language of Rehabilitation

Sean Parker: There is a belief among many behavioural psychologists that all behaviour, however good or bad, comes from good intentions. This might mean for example that if someone shows bullying behaviour, this comes from this having happened to the individual, and their playing out the behaviour as an acceptable pattern. Thus the bullying behaviour, negative as it is perceived, comes from a place of trying to return the 'bully' to a nurturing, comfortable environment where such things were acceptable. The idea then is that this bullying behaviour is comparable to coercive control, gaslighting, psychological game-playing, emotional blackmail, criminal persuasion in terms of the effects of these phenomena having a core which is in fact wholesome: the desire to create nurturance in the individual of those around them.

There is another dominant truism at the moment: that we are changed by that which we see or hear. Social linguistics says that a person's inner core locus can be influenced or changed by that which he or she hears in the childhood home, then as an adult on the television or on the internet, et cetera. There is an argument however over whether 'human nature' can be changed in this way, with many claiming there is no such thing as human nature at all.

The social scientist Steven Pinker claimed in his book *The Blank Slate* that humans do indeed have an evolutionarily-determined human nature and that moral messages we receive are in conflict with this rather eternal-feeling understanding. Others are more determined to believe that babies are born with no history or problematic capabilities and that any anti-social behaviours are a result purely of what they have seen or heard while growing up.

This is essentially an extension of the nature/ nurture debate: or, which is more influential, how we are brought up or our genetic inheritance? Genetics are something of a taboo subject right now, with social scientists often extrapolating to the supremacist aspects of the subject of eugenics too quickly, and so how a person is raised tends to take on the majority of blame for the person's future behaviour. Other aspects have a part to play too, such as the relatively new discovery that the human brain isn't fully developed to adult capability until the age of twenty-five. That fact itself asks urgent questions about the age and nature of criminal responsibility — that being age ten in the UK. This evokes moving images of young lads being covered in soot as infant chimney sweeps, and beaten up for doing an incomplete job.

The fact remains that if a child is told they are good, loved and well-behaved enough as they are growing, they are still not guaranteed to grow into a well-behaved adult, however much the psychologists might want them to. There are also deep, eternal, blood-fused codes and messages in individuals which are far more embedded than received, transmitted messages (as comforting as those can be). The use of 'positive' language against these deeply-embedded instincts is like warriors with spears coming up against bayonets in the Boer War: wor-

thy and useful but more dependant on the primacy on the dominance of the visible than it probably should be. Bad behaviour can be modified, but it can't, and arguably shouldn't, be totally expunged. Bad behaviour, or behaviour which is seen as bad, is part of being human.

These theories have been around for much of the post-Freudian, post-war era, and since the millennium their dominance has accelerated in society. Put simply, while Sigmund Freud thought pathological human behaviour came from various sexual psychoses, the post-war behavioural psychologists thought it came from problems with upbringing.

This theory fitted in nicely with increasingly ubiquitous equal rights and identity politics, as the all-wise hand of social services and the priority of protecting the rights of all minorities took precedence in the democratic West. The increasing prevalence of issues such as societal ADHD, undiagnosed autism spectrum conditions and apparently rapidly growing Oppositional Defiance Disorder (ODD; or simply 'being an honest rebel' as many who have it will hold) have helped put most well-meaning, priority 'nurture' positions in question.

While some nice, upper middle-class young men from nice, nurturing homes might be under the influence of negative cyclical behaviours, they appear to be equally likely simply to have a long dormant gene pop up in their present psyche that makes them do bizarre things. No amount of telling them that they are innately good people who can be the change they want to see, or indeed that tomorrow is the first day of the rest of their lives, is going to help much in rehabilitating them for behaviours which might have seemed to them perfectly natural, if not necessarily societally acceptable; particularly not in a society that seems obsessed with constantly reframing the context of what societally acceptable is (which is more often than not dependant on market forces or changing fashions).

There is a powerful desire to intellectually control the unpredictability of the natural human, and each societal generation seems to try to apply this manipulative pressure from the top down. Beyond all these absolutist, divisionist nature/nurture stances, a person is a hundred-trillion celled structure borne of myriad psychological, evolutionary and cosmological influences. Whether the motivational words are 'build back better, 'give peace a chance' or 'the only bars are in the mind', they can only ever really be a slippery sticking plaster randomly slapped onto the shifting sands of far more ancient truths.

Khaled Boutaffala - Conviction for Resisting Arrest Violation Article 6 & 1

The applicant, Khaled Boutaffala, is a Belgian national who was born in 1976 and lives in Brussels. The case concerns the applicant's criminal conviction by the Belgian courts for resisting the police and assaulting an officer who came to assist. The facts of the case relate to events which occurred when the applicant was stopped by the police on 28 August 2009 and which gave rise to two sets of proceedings: one (the subject of the present application) against the applicant, who was charged with resisting and assaulting the officers who had stopped him, and another (the subject of a prior application, no. 48302/15 – see details below) against those officers.

The applicant's grounds of complaint in the present case are as follows: First, the applicant contends that his conviction by the domestic courts for resisting the police violated Article 46 (binding force and execution of judgments) read in conjunction with Article 3 (prohibition of inhuman and degrading treatment) of the European Convention on Human Rights. He alleges that the Belgian courts misrepresented the unilateral declaration previously filed with the European Court by the Belgian Government in connection with application no. 48302/15, in which he had complained of suffering violence at the hands of the police on the day of the events. In those

proceedings the Belgian Government had filed a unilateral declaration recognising that “the manner in which the stop of the applicant took place was not conducive to full respect for his right against degrading treatment guaranteed by Article 3 of the European Convention” and had agreed to pay the applicant the sum of 15,000 euros in respect of non-pecuniary damage. The Court had subsequently issued a striking-out decision (*Boutaffala v. Belgium (dec.)*, no. 48302/15, 27 June 2017) recording the Government’s recognition of a violation of Article 3 of the Convention. Second, the applicant contends that his conviction for resisting the police was contrary to Article 6 (right to a fair trial) of the Convention. Violation of Article 6 § 1

Met Police Placed Under Special Measures by Watchdog After Series of Scandals

Lizzie Dearden, Independent: Britain’s biggest police force is to be placed under special measures after a series of scandals. The Metropolitan Police will be under increased scrutiny as part of a monitoring process instigated by HM Inspectorate of Constabulary (HMIC) “to help it make improvements”. The full report detailing the reasons behind the rare step has not been published, but a letter from inspector of constabulary Matt Parr to acting commissioner Sir Stephen House reportedly cited “several examples of high profile incidents” that raised concerns about performance and damaged public trust. The letter directly mentions the murder of Sarah Everard, the inquiry into the unsolved murder of private detective Daniel Morgan and the stop and search of Black Olympic athlete Bianca Williams. The killing of Zara Aleena, a 35-year-old court administrator who was attacked while walking home from a night out in Ilford, has drawn fresh focus to the protection of women this week.

London mayor Sadiq Khan said the decision “laid bare the substantial performance failings by the force”. “HMIC has raised very serious concerns about the Met’s performance and I welcome the additional scrutiny and support that these measures will now bring,” he added. A series of appalling scandals have not only exposed deep cultural problems but have damaged the confidence of Londoners in the capital’s police service. This will be a crucial first step for the next commissioner to start rebuilding trust and credibility with our communities. I will work with HMIC and will hold the Met to account in delivering the police reforms and step change in policing performance and culture that all our communities deserve.”

Scotland Yard’s slide into special measures comes as officers await the appointment of a new commissioner, following Dame Cressida Dick’s shock resignation earlier this year. Only three other forces in England and Wales are in the same category of monitoring – Greater Manchester Police, Cleveland Police and Gloucestershire Constabulary. Official guidance says the process is used “if a force is not responding to a cause of concern, or if it is not succeeding in managing, mitigating or eradicating the cause of concern”. Scotland Yard will be ordered to develop an “improvement plan” to address the issues identified by the inspectorate and may receive support from the National Police Chiefs’ Council and College of Policing. A “policing performance oversight group” will then consider the process made to address the failings identified. The Metropolitan Police will not be released from the process until HMIC is satisfied that sufficient and sustained improvement has been made.

A spokesperson for HMIC said: “We can confirm that we are now monitoring the Metropolitan Police Service through our Engage process, which provides additional scrutiny and support to help it make improvements.” A member of the Reclaim These Streets group that won a court battle against Scotland Yard over its refusal to facilitate a vigil for Ms Everard said: “It is amazing it took HMIC this long.” Jamie Klingler told *The Independent*: “They

have had zero accountability in the last fifteen months, from being forced to apologise to [murdered sisters’ mother] Mina Smallman, to refusing to accept the High Court judgment and waste taxpayers’ money on the hopeless appeals in our case, to refusing to admit that the activity around Stephen Port was because of systemic homophobia. Nothing has been demonstrated in terms of training, whistleblowing or anything else to show that the Met are interested in the deep reform needed.”

Revelations over sexist and racist behaviour at Charing Cross police station led to the resignation of Dame Cressida Dick in February, amid a row over the scale of changes demanded by Mr Khan. Her successor has not yet been appointed by Priti Patel, who has instigated inquiries into the circumstances of Dame Cressida’s resignation, the murder of Ms Everard and wider issues – including vetting – in policing. Last Thursday, the Independent Office for Police Conduct confirmed it was reopening its probe into Scotland Yard’s handling of serial killer Stephen Port who targeted gay men. Last year, an inquest found that failings by officers over the death of Port’s first victim probably contributed to the deaths of three others, because he was not caught.

Responding to Tuesday’s announcement, the home secretary said: “The public put their trust in the police and rightly expect the country’s largest force to protect them effectively and carry out their duties to the highest professional standards.” She added: “I expect the police to get the basics right. It is clear the Metropolitan Police Service is falling short of these expectations which is why I support the action that HMIC has taken today to highlight their failings – and I expect the Met and the London mayor to take immediate action to begin addressing them.” Ms Patel said the process of recruiting a new commissioner was “well underway” and that the successful candidate must demonstrate improvements and regain public trust.

Caroline Pidgeon, a Liberal Democrat member of the London Assembly’s police and crime committee, said the next commissioner “must command cross-party support” following concerns over politicisation of the appointment amid tussling between the Conservative government and Labour mayor. This would at least provide some reassurance to the public that change will be delivered and no party political games are being played,” she added.

Jill Dando: Barry George’s Family Have ‘No Faith’ Met Will Investigate ‘Mafia Mix-Up’

Emily Atkinson, Independent: The family of a man who was wrongly convicted of the murder of Jill Dando said they have no faith that the Metropolitan Police “will fully and properly investigate” claims she was killed in error by a Russian hitman. It comes after court papers reportedly suggested that French fashion boss Gerald Marie hired a killer to “deal with” BBC journalist Lisa Brinkworth after she went undercover to expose his agency Elite Model Management. They claim that Ms Dando may have been shot dead on her doorstep by mistake due to a confusion of identity because of similarities in the appearance, occupation and addresses of the two women. Crimewatch presenter Ms Dando, 37, was shot dead outside her home in Fulham, west London, on 26 April 1999. Barry George endured an eight-year-long prison sentence after being wrongfully convicted of killing her. In August 2008, Mr George was acquitted of the crime at retrial. He was the only person ever to be put on trial for Ms Dando’s murder.

In light of new developments regarding the alleged confusion of a Russian hitman, Michelle Diskin Bates, Mr George’s sister, told *The Mirror*: “If this can be proved then it is huge. But that’s going to leave the Dando family, who were always told by police they had the right person, to realise how badly they were let down. There are two families in the middle of a turmoil.

If this is true, how could police have got it so badly wrong? We’ve had to live with this every

single day.” She continued: “We never believed police believed he was guilty, we know serving officers that don’t believe he did it. We need to see this story play out. Barry will not be ‘free’ unless they have 100% proof somebody else did it. Do I have faith they will fully and properly investigate this latest story? No I don’t, not at all.”

Mr Marie, 72, is being investigated in France over multiple accusations of alleged sexual assaults, all of which he denies. Ms Brinkworth alleges she was assaulted by Mr Marie in 1998 while working undercover on a BBC exposé about sex crimes in the fashion industry. Lawyers in the documents submitted to a court in Paris refer to a conversation witnessed by former Elite executive Omar Harfouch in which Mr Marie allegedly ordered a member of the Russian mafia to “deal with a problem”, the Daily Mail reports. The papers from French law firm Bourdon Associes reportedly state: “Shortly thereafter... a BBC journalist, Jill Dando, was shot dead in April 1999. Indeed, these two journalists were in their thirties, were blonde with the same facial features, of the same height and of similar stature. They lived close to each other and had people in common, including the husband of Jill Dando.”

Severity of Penalty Imposed for Complicity in Defence of Terrorism Violation of Article 10

In Chamber judgment in the case of Rouillan v. France (application no. 28000/19) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 10 (freedom of expression) of the European Convention on Human Rights on account of the severity of the criminal penalty imposed. The case concerned the sentencing of Jean-Marc Rouillan, formerly a member of the terrorist group Action directe, to a term of 18 months’ imprisonment including a suspended portion of 10 months with probation, upon his conviction as an accessory to the offence of publicly defending acts of terrorism for remarks he had made on a radio show in 2016 and which had subsequently been published on a media website. The Court took the view that the applicant’s conviction and sentencing as an accessory to the offence of defending acts of terrorism had amounted to an interference with his right to freedom of expression. It recognised that the interference had been prescribed by law and had pursued the legitimate aim of preventing disorder and crime.

Turning to whether the interference was necessary in a democratic society within the meaning of Article 10 § 2, the Court accepted, first, that the remarks in issue fell to be regarded as an indirect incitement to terrorist violence and saw no reasonable basis on which to depart from the meaning and scope attached to them by a decision of the Criminal Court, whose duly stated reasons had been adopted by the Court of Appeal and the Court of Cassation. The Court further stated that it saw no reasonable ground, in this case, on which to depart from the domestic courts’ assessment regarding the principle behind the penalty. It held in this regard that their reasoning as to why the penalty imposed on the applicant had been warranted – based on the need to combat defence of terrorism and on consideration of the offender’s personal characteristics – appeared both “relevant” and “sufficient” to justify the interference at issue, which fell to be regarded as responding, in principle, to a pressing social need.

However, after reiterating that the authorities were required, in matters of freedom of expression, to exercise restraint in the use of criminal proceedings and especially in the imposition of a sentence of imprisonment, the Court held that, in the particular circumstances of the case, the reasons relied on by the domestic courts in the balancing exercise which had been theirs to perform were not sufficient to enable it to regard the 18-month prison sentence passed on the applicant – the suspension of 10 months notwithstanding – as proportionate to the legitimate aim pursued. The Court thus concluded that there had been a violation of Article 10 of the Convention on account of the severity of the criminal penalty imposed on the applicant.

Jeremy Bamber: CCRC's Deference to Flawed Pathology Evidence of Dr Peter Vanezis

The CCRC is very forgiving of flawed expert witness testimony. Their stance is essentially to accept the evidence of anyone deemed at trial to be an ‘expert’ as if it was inviolable. If doubts are raised after a trial about the veracity of expert witness opinion, the CCRC does little more than refer any criticism to the original ‘expert’ who gave evidence for comment. The CCRC is highly deferential to the Court of Appeal viewpoint that they do not like appellants to produce a “bigger and better” expert to challenge the original testimony. Is this the reason why, despite convincing evidence as outlined below, the CCRC has to date refused to refer Jeremy Bamber’s submission to the Court of Appeal?

The prosecution case against Jeremy Bamber alleges that he killed five members of his family using an Anschutz .22 calibre rifle. It is alleged that in doing so he encountered minimal resistance from the victims, and he suffered no injuries himself. Three adults seemingly did not manage to put up much resistance at all to his assaults. In support of this contention, at Bamber’s trial the pathologist, Dr. Peter Vanezis, gave testimony that outlined bullet wound injuries to the deceased but omitted mention of other wounds. Indeed, Vanezis went as far as to deny the existence of any injuries other than bullet wounds. In particular, he said that Bamber’s sister, Sheila Caffell, suffered just two bullet wounds to her neck and no other injuries of any sort.

Examination of images of the deceased reveals approximately 35 injuries to Sheila Caffell not mentioned by Dr Vanezis and numerous wounds to her parents, June and Nevill Bamber, similarly ignored by Vanezis. The existence of these wounds leads to an entirely different conclusion about what happened during the incident at White House Farm.

The worrying aspect about everything revealed in this article is that it could and should all have been discovered by the Criminal Cases Review Commission (CCRC) at least ten, perhaps twenty, years ago. When Bamber is eventually released, he will have spent at least ten years unnecessarily in prison because CCRC staff did not bother to examine the evidence that they had in their sole possession. What is the point of the CCRC if they don’t explore anything further than asking questions of police officers and expert witnesses who have a vested interest in keeping someone incarcerated? Time and again, the CCRC have accepted at face value assurances that nothing was amiss in the prosecution case and the CCRC dismissed Bamber’s submissions in 2012. The delayed release of Jeremy Bamber, the years stolen from him, are to a large part the fault of the CCRC, an agency that it supposed to help those wrongly convicted. The CCRC is a sham, set up by Government to give the appearance of dealing with miscarriages of justice. In many instances the CCRC contributes significantly to perpetuating the injustice.

Empowering the innocent (ETI) a research and communications project that highlights the insurmountable challenges that alleged innocent victims of wrongful convictions can face in attempts to overturn their convictions by way of application to the Criminal Cases Review Commission (CCRC). The overall aim of Empowering the Innocent (ETI) is the reform or replacement of the Criminal Cases Review Commission (CCRC), so that an avenue truly exists that can guarantee that ALL innocent victims of wrongful convictions will be able to overturn their wrongful convictions when they occur. Towards this aim, CCRC Watch is an Empowering the Innocent (ETI) project that features articles which centre on applications that are rejected by the CCRC, not because applicants are not innocent but, rather, because they are not deemed to have the so called ‘fresh’ evidence required to fulfil the real possibility test and have their case referred back to the Court of Appeal (Criminal Division).