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Why so Much of What We're Told About Solving Crime is Wrong

Nick Ross, Broadcastor: Former Crimewatch presenter Nick Ross argues that conventional thinking about the causes of offending are wrong. Crime has been with us since Adam and Eve and, surprisingly, God didn't spot the solution. Rather than punishing the miscreants, it might have been better had he put the forbidden fruit higher up the tree.

We have been too slow to realise how strongly crime levels are dictated by temptation and opportunity. Human nature remains more or less constant from one generation to another but situations change, and it is those evolving situations that largely determine how much is stolen, how many people are assaulted and how many citizens get hooked on drugs or even child pornography. The message is that if you want to cut crime then you need to spend more time on low-hanging fruit. Removing provocations like the apple in Eden is quicker, cheaper and generally less fraught with moral pitfalls than politicking about how best to treat offenders.

Why TV Causes Crime: Years ago, at the start of China's astonishing race towards modernisation, I stood on a top-floor balcony in a dusty town with the local mayor and an interpreter. I was a reporter for the BBC and they proudly pointed out the local hospital, a big school and a prosperous cluster of new houses. Why, I asked, were some of the new homes surrounded by barbed wire? The mayor responded sorrowfully: 'Burglaries,' he said. 'Mostly televisions.' I hadn't realised burglary was a problem in China. 'It wasn't,' said the mayor. 'My father never knew it, nor did my grandfather.' 'So what changed?' I asked. As the interpreter translated, the mayor recoiled slightly as though it were a trick question. After a moment he responded gravely: 'We didn't have televisions.' This simple exchange struck me as revelatory: television does indeed cause crime, though not in a way I had ever considered before.

Of course in any society there are bad 'uns, the repeat offenders who are socially maladroit, addicted, brought up in criminal families, dissolute, psychologically damaged or even psychopathic. They cause a hugely disproportionate amount of crime and have to be dealt with; but crime statistics do not surge or collapse in response to how well we do that.

For the most part such people are depressingly resistant to punishment or help, and generally grow out of it. They are more of a constant in the equation than many people realise. In any case, even recidivists' offending rates are strongly influenced by how much temptation they face and how easy it is to act out their antisocial impulses. At very least they can often be diverted from the juiciest targets to ones that cause less harm.

Charles Rowan and Richard Mayne, Britain's first police commissioners, realised this, and must be rolling in their graves at what has happened since. They set out to stop crime happening in the first place, not detect it after the event. But policing has evolved very much as they feared it might: preoccupied by catching and prosecuting offenders rather than cutting crime. Worse still, police, politicians and the public mix up two quite different aims: justice and crime prevention. They are both important but they have disappointingly little in common. The conflation of the two goals leads to confusion, and human rights tend to get trampled in the muddle.

You do not have to be a sophisticated statistician to recognise that conviction rates and sentencing tariffs rarely correlate with crime, let alone determine its trajectory. Take any of the mass offences which plagued the industrialised world from the postwar period onwards: shoplifting, burglary and car crime. We shall see how each of these rose exponentially until the 1990s before peaking and then falling dramatically. Neither the surge nor the plunge owes much to sentencing changes or even to detection rates. Most of the different categories of violence followed the same rise-and-fall pattern, albeit often a few years later. They did so more or less equally in jurisdictions with hard punitive systems, such as Texas, and soft ones, as in Denmark. In England, homicide surged before falling to its lowest levels for well over a decade. Yet detection rates remained about the same and conviction for murder continued to attract a uniform life sentence.

Does this mean policing is a waste of time? Obviously not. Imagine a world with no sanctions for behaving badly. But it does suggest something almost as dramatic: while policing plainly suppresses crime, it is surprisingly tangential to long-term changes in victimisation rates. For me, as a broadcaster best-known for helping police to catch offenders, this was a light-bulb insight. Just as China had taught me how temptations like TVs provoke crime, I now understood that conventional policing has few of the tools to control it.

For the most part, offending levels rise when more of us get sucked in and they fade when we don't. It really is true that opportunity makes the thief. To a vast extent it also creates the football hooligan, drink-driver, knife-wielding youth, sex offender, violent lover, fraudster and murderer too. This is why crime rates rise, and it is how we make them fall. It is why burglary and car theft rocketed until we became serious about home and vehicle security. It is how we so radically curbed football violence and road fatalities. It is the reason why so many British politicians got caught with their hands in the till until their expenses protocols were changed. And it explains why Americans seem so crazily homicidal; their murder rate would be broadly the same as ours were it not for all their handguns.

As we go on I shall set out the facts behind each of these assertions. I realise I shall need to be persuasive because this whole approach flies in the face of almost every sociological and political assumption. The traditional view is deeply instinctive and long predates that infamous apple from the Book of Genesis: crime is caused by people's fall from grace into a state of badness. It is up to individuals to stick to the straight and narrow, and they need to be helped to do so with threats of punishment in this world or the next. Nowadays some people may blame social factors too, but the idea that, ultimately, crime is caused by humans falling from the path of righteousness still seems so self-evident as to be entirely beyond challenge. For frontline police officers it seems axiomatic: offenders are the problem rather than a symptom. Their principal approach to crime, indeed a large part of their training, is to act as paralegals, precisely as Charles Rowan and Richard Mayne hoped they would not.

But all this presupposes that crime really is caused by criminals. If you think about it for a moment, this is essentially a tautology. It is like arguing that motoring is caused by motorists. It runs the risk of categorising people as though a driver is a distinct type of person, as opposed to a pedestrian or passenger, when in fact the label 'motorist' merely defines an action at a given point in time. Even the most prodigious criminals spend the overwhelming part of their lives eating, sleeping, drinking, going to the movies and behaving within the law as most other people do. The willingness to see the world as goodies and baddies is so deep-seated that psychologists have a name for it: fundamental attribution error.

We tend to denounce failures in others that we excuse or don't notice in ourselves. We blame the person not the circumstance, and by assuming crime is caused by crimi-

nals, we also assume the answer must lie in reducing criminality. It is rather like believing we can reduce traffic by cutting back on the sort of people who drive. Instead the best way is to provide alternatives which are more attractive, so people's behaviour defaults to walking, cycling or using public transport.

Yes, there will be petrol-heads who will always prefer driving, and, as I say, there are serial delinquents who often gravitate to crime – but these are a small minority. And even for them, their behaviours are tendencies, not absolutes. Even fanatics make choices dependent on their options. We can often shape those options. And we shall see that we can get more leverage if we act before the event rather than after a crime has taken place.

Prevention is Better than Drama: All this calls for the police to be pushed higher up the food chain. Crime prevention is undramatic. Like public health, it lacks the macho theatre of emergency intervention. But it is generally better to avoid a crisis than chase after it with sirens and blue lights. And crime prevention is a very great deal better than relying on the cumbersome, costly and recidivism-plagued courts and prison services. We, as Rowan and Mayne did, should regard the criminal justice system as the symbol of our failures, not the answers to our problems.

As I say, our reverence for the criminal justice system and our beliefs in deterrence and redemption are fundamentally misplaced. Lawyers neither blush if crime rates rise, nor take credit if they fall. Why should they? It is not their responsibility. Magistrates and judges would be aghast at the prospect of being paid by results, because they know they can't deliver crime reduction. Theirs is the important but distinct task of dispensing justice. Court disposals are fire-and-forget, based on a philosophy of just deserts rather than calibrated for strategic crime reduction. Beyond the realms of formalised religion, perhaps no great human institution in any Western democracy is quite so powerful, and yet unaccountable for cost-effectiveness or measured outcomes. Policy-makers can be as tough or tender to offenders as they like but, for the most part, they will be responding to a public mood or private preference rather than making a predictable difference to public safety. There are ways to use the courts more scientifically, but at very best their impact on crime rates will be tangential. Yet the idea that crime and punishment go together is so ingrained in our psyche that detecting and convicting offenders sometimes seems to be the only tool in the toolbox. This has huge implications for policing. Detection has become one of its most important roles, so much so that politicians and commentators often seek to judge police almost exclusively on detection rates. Later in the book we will see how and why the first police chiefs fought so hard to keep detection out of the equation. For the moment, consider some consequences of confusing catching villains with forestalling villainy.

The first and the most worrying is that it has diverted the police from preventing society's problems to sorting out the mess. We so take this for granted that we don't even expect the police to cut crime. At one stage in the 1990s chief constables were required to meet over a hundred so-called key performance indices but not one of them measured actual reductions in victimisation. The corollary is that they have surprisingly little knowledge about the reasons crime fluctuates, and have access to very few evidence based means of crime prevention. There are some notable exceptions, but the demands we have placed on the service to improve detection rates have increasingly turned officers into procurers for the courts. And their world gets more bureaucratic each year. Long gone are the days when a word from a copper would suffice to have someone sent down. The law has become increasingly complicated; more people know their rights, and proving guilt beyond reasonable doubt is now a much higher bar than it was in previous generations. It is now a colossal task to prepare a

case for trial, and trials that once took minutes or hours now take days or weeks.

So the police become increasingly trapped in servicing the lawyers. And since the end-game is to go to trial, they are far more concerned with offenders than with victims. This has led to frequent and vocal complaints that police let victims down. Campaigners, notably Victim Support, have helped to redress the balance, but fundamentally the problem is a consequence of our whole approach to crime. In many respects the police and courts are facing the wrong way.

There are many other ramifications of this emphasis on detection, not least that it has clouded the picture we have of crime. Since our principal expectation of police is to catch and convict criminals, it follows that people only tend to report things they think the police can do something about. Partly as a result of this, at least half of all crime across all levels of severity, from bike theft to savage injury, is not recorded. To make things worse there are oceans of crime almost entirely uncharted by police because it's not clear their remit extends there, such as internet scams or consumer rip-offs which can cause awful grief but which tend to be downplayed as trading standards matters. All in all, the police know surprisingly little about crime and what they do know can be perilously misleading.

The detection rate agenda also means police privilege the sort of intelligence that helps them prosecute offenders at the expense of information that exposes vulnerabilities in crime targets. This in turn means we are late in recognising and designing out the products and policies which enable and provoke crime. Meanwhile the tidal flows of crime are dictated by gravitational forces far beyond the control of conventional policing. The reckless manufacturing of high-value cars or mobile phones with no inbuilt security was tackled only when the products had spawned crime epidemics. Now, as crime migrates from physical to virtual, the police are ill placed to prevent the next pandemic.

As fraud becomes pervasive, most forces have no fraud squads let alone decisive understanding or control of crime which has no clear physical location. They certainly cannot be said to have their hands on the levers that will dictate the next crime surge. The emphasis on criminals means we suffer more crime. Yet the dogma is so entrenched that we describe a crime as solved when we have found someone to blame.

Almost all experts have lazily accepted the agenda. For journalists, crime is a dramatic story of dastardly deeds rather than a set of presumptions to be challenged. Academics too have swallowed the view that crime is caused by criminals. As we shall see, criminology is so obsessed by criminality that it has contributed almost nothing to our knowledge of how to cut crime. In recent years some police have begun to grasp this, albeit half-heartedly, and there have been ingenious efforts to tackle underlying causes rather than manifestations. But so-called problem-oriented policing is more talked about than embedded in the culture, largely because most voters and politicians have never heard of it, don't know what it is, and so the pressure on borough commanders and police chiefs is to stick with chasing crooks.

Finally, by seeing crooks as the big issue we tend to not to notice how important immediacy is in crime. We favour solutions which are remote, such as bad parenting in years gone past, rather than the absence of security at the scene of the crime. When we learn that crime rates have been cut by a procedural or technical innovation, we tend to dismiss it as a sticking plaster rather than a cure. The truth is it is more like vaccination, keeping a disease at bay rather than hoping to kill each infective agent one cell at a time. What we need is a wholesale shift to preventive medicine.

Taking the Medicine: If pooh-poohing the traditional approach to crime sounds radical it is not. The fork in the path from belief and assumption to reassessing the evidence has been

taken many times in other fields of human endeavour and has always been the road to progress, often leading to developments that seem miraculous. It is why we know the earth is round and not the centre of the universe. It is how we learned to put lightning conductors on church steeples rather than pray to be spared the wrath of God. It was why, after all mankind's attempts to copy birds, the Wright brothers stopped flapping and invented powered flight. In crime too, we need to stop flapping. Above all, we need to learn from medicine.

For millennia people supposed that sickness was a punishment for misdeeds, and even when human anatomy was fairly well understood, illness was ascribed to an imbalance of energy or humours. Until 200 years ago, deeply rooted theories about disease restricted the average European to the life expectancy of the Stone Age; and woe betide anyone who could afford a doctor, since the cure invariably involved inducing vomiting, draining blood or forcing wounds open to stimulate pus. Almost certainly physicians killed more patients than they cured.

But once scientific reasoning began to prove that spirits could not be cast out, nor bad humours improved by blood-letting, the results have been spectacular, with such huge improvements in life expectancy that healthcare systems now can't keep up with ageing populations. It was a long and bumpy ride from remedies based on supposition to evidence-based medicine built on science, and even now the comforting lure of belief ensures the survival at the fringes of faith-based treatments; but these are mostly for the worried well. When something goes really wrong we no longer seek out witch doctors or their new-age incarnations. We turn to scientific medicine.

In crime too, we need to overcome a deeply rooted assumption: the doctrine that crime is mostly caused by badness. Do not underestimate the ancient mysticism which underpins our attitudes. It is always tempting to invent the undetectable and the immeasurable to explain what we cannot otherwise explain. We used to believe that light travelled through the heavens because space was filled with luminiferous ether, that fire burned because of phlogiston, or that cholera spread through a miasma. Likewise, scratch most commentators and you will find they really believe that crime rates are determined by fluctuations in some invisible force which essentially boils down to evil.

The reasons they cite for this malaise are invariably ones which conveniently fit their own perspectives on life. As with Galen's medicine, in which sanguinity was caused by the blood, and anger by the spleen, or Eastern equivalents which posited imperceptible meridians, they fit the facts round their theories and see what they want to see. It is well meaning, but it mostly amounts to quackery and juju. Liberals and left-wingers are convinced crime is caused by unfairness and poverty, and social conservatives are equally certain it is down to lack of discipline and failing values. Religious people cite decline of religion, disciplinarians identify lack of discipline, believers in the power of genes blame nature, others blame nurture, promoters of family values cite decline of the family, social reformers prefer social disaffection, and you can fill in your own blanks according to your outlook on life.

In the absence of more convincing explanations, even nonbelievers are often taken in by these resolutely argued theories. Tony Blair cunningly appealed to softies and disciplinarians alike in his promise to be tough on crime and tough on the causes of crime. It was merely equivocation, of course, and as I know from a private discussion with him, he really had no answers. Nor could he tear himself away from the ancient presumption that it is the quantum of badness out there in our communities that we need to change.

It is time to follow the evidence and to subject hallowed theories to scientific challenge. Just as doctors learned to be sceptical of intuition, anecdote and ideas passed down through

generations, we need to set a new agenda when it comes to cutting crime.

'We Deserve a Justice System That is Open and Transparent' *Jon Robins, Justice Gap*

People in the UK deserve a justice process that is both open and transparent. It is inexcusable to maintain a secretive process where records of important criminal proceedings are destroyed within relatively short periods of time. In this new digital age, it is reckless and irresponsible.' Marika Henneberg - Campaigners, university criminal appeals units and innocence projects, and lawyers are calling on the government to stop systematically destroying court transcripts after five years preventing victims of miscarriages of justice appealing their convictions. The issue has come to the fore as a result of the success of the Netflix docuseries Making a Murderer which tells the story of a Wisconsin man, Steven Avery accused of murder who claims to have been fitted up by the police. Avery's defence lawyers draw heavily on a wealth of case paperwork that is all too often permanently lost in the UK shortly after conviction as a result of government data retention policy and professional guidelines – namely, the audio recordings of court proceedings, court transcripts and lawyers' files.

Every hearing in the crown court must be recorded in full. Audio tape recordings of those hearings are destroyed after five years, and digital recordings are deleted after seven years under MoJ guidelines (known as the Crown Court Record Retention and Disposition Schedule). This policy applies to the judge's summing up which is widely considered essential for any chance of an appeal. Parties can apply to the court where the hearing was held to listen to recordings but copies are not available. The guidelines were drafted in 1972 and last reviewed in 2011 when proceedings began to be recorded digitally. The retention regime is seemingly at odds with the 30-year evidence retention policy of the National Police Chiefs' Council (formerly ACPO) in relation to murder cases. An MoJ spokesman explained that the 'practices, retention policies and records management procedures' of other organisations were 'not a factor taken into consideration' when deciding upon retention periods nor are they considered when deciding whether records merit permanent preservation. 'And neither the Public Records Act 1958 nor the Data Protection Act 1998 nor any other piece of legislation requires that we do so,' he said. He also told the Justice Gap that there were 'no plans to change the guidelines'.

Professor Julie Price, head of pro bono at Cardiff Law School reckons there is now 'a compelling case' for 'a permanent digital archive maintained by the courts or MoJ. Everyone convicted of a serious crime should have free access to a digital record of their trial. Clearly there would be resource implications but I would be very interested in the CCRC's views on this issue, as preservation of this evidence must surely be a priority for them too.' Separately, lawyers' client files are frequently not available after six years have elapsed. It used to be that the Solicitors Regulation Authority recommended a six-year minimum retention period under the 2007 code of conduct; but the watchdog says that this is not the case now and it was 'up to individual firms to decide how long a file should be retained'. 'This is an issue that we have been asked about time and again by solicitors,' a spokesman said. 'There's no set regulatory requirements for file retention. We expect solicitors to have appropriate arrangements for each client.

'The system goes unaudited': Emily Bolton of the Centre for Criminal Appeals, who set up the Innocence Project New Orleans, makes the point that US appeal lawyers have access to the full transcript of the trial and, in many states, the police and prosecution files once a conviction becomes final. 'In this country we have none of this. As representatives of wrongfully convicted prisoners we feel like we are fighting their cases with two hands tied behinds out backs, hopping on one leg,' she says. 'The transcript is critical,' Bolton argues. 'In the court-

rooms of cash-strapped states like Mississippi, a prisoner gets a record of everything that was said in his or her trial. In this country, the system was privatized, and now profit-driven transcription firms hold justice to ransom, demanding thousands of pounds to provide sections of transcript of a trial. Neither the Legal Aid system nor individual prisoners or their families can afford this, and so the recordings languish un-reviewed, and the system goes unaudited.'

Bolton points out that the Criminal Cases Review Commission can use its powers under section 17 of the Criminal Appeal Act 1995 but, she argues, is so under-resourced that it cannot deploy this power where it should – and even when it does – it is forbidden from sharing these files with the prisoner's lawyers. 'We quite often find that the tapes or transcripts of proceedings in which we are interested have been destroyed in line with the five year retention period currently operated by court reporters,' commented spokesman Justin Hawkins. He said that there was 'considerable force' in the argument that recordings from some criminal proceedings should be kept for longer than five years. 'It would be more appropriate to follow some guidelines similar to those in use by the police, the Forensic Archive or the Crown Prosecution Service where the length of time that material about a case is kept depends on the seriousness of the offence or length of sentence,' he adds. That said, Hawkins also says that the watchdog 'very rarely' has need of a full transcript of a criminal trial but 'routinely' used specific parts of proceedings such as the summing-up or evidence given by a particular witness.

Dr Dennis Eady, case consultant at Cardiff Law School's innocence project, reckons that the transcript of the judge's summing up is 'vital' and in many cases this is destroyed along with the rest of the transcript, making a fair and informed review of the case virtually impossible. 'In any event it normally costs several hundreds of pounds to get even the summing up from the transcription company,' he says. 'However having the prohibitively expensive full transcript of the trial, as opposed to just the summing up, enables innocence projects to assess how reflective of the trial a summing up really is.' In one Cardiff case, PhD student and case worker Holly Greenwood obtained 44 cassette tapes of a 13 day trial were obtained from a transcription company at a cost of £600 paid for by well-wisher nuns. Students typed up some 275 pages. The transcript meant they could match the evidence given at trial to the summing up. 'It revealed that the judge had wrongly told the jury a key witness had said in her statement that our client had confessed to her – in fact, she made no mention of this,' she said.

'Cost is a real barrier to obtaining trial transcripts for all but a few people.' reckons Julie Price. 'The transcripts frustration was aired by Dr Michael Naughton in the early days of the Innocence Network UK, and continues unaddressed.' A prisoner recently wrote to Cardiff's project claiming to have paid £11,000 for his trial transcripts and a client of the Centre for Criminal Appeals was recently quoted £19,000 for the transcript of a three-week trial. 'The expense appears to be out of proportion to the work involved to produce these, and the private companies that hold these service contracts are businesses that exist to make a profit from what should surely be a public service,' Price says. Sophie Walker of the CCA reckons that the courts are 'stuck 50 years back in time'. 'There is perfectly adequate technology to do an electronic transcription,' she says. 'This is not a 'miscarriage of justice' issue, it is an 'access to justice' issue.' 'People who want to fight their convictions absolutely need access to the evidence. But we also need it because of the importance of transparency, access to justice and the rule of law. Only one third of people who go to the CCRC have a lawyer. Many law firms considered to be leaders in the field of criminal appeals have shut their appeals departments down as a result of the freeze in legal aid rates years ago. It is

becoming harder and harder to find decent representation. When you're making your case to the CCRC you have to find fresh evidence – so you need to understand how the evidence was presented in the first instance. This is critical.' Transcription companies insist their rates are not exploitative. They charge according to rates set out in their contracts with the MoJ according to a 72-word 'folio'. According to Aileen Hodgkins, of Cater Walsh which covers courts throughout the North West, the rate works out on average as £150 per court hour plus VAT. 'It takes about five times as long to type, as it did to listen to,' she explained. 'So we really aren't making a huge amount of money out of this.'

Police to Pay £11,000 in Damages to 15 year old Victim Assaulted by a Police Dog

On 15th February 2016 Quincy Whitaker a 5 day trial at Birmingham County Court. West Midlands Police are to pay £11,000 damages to the 15 year old girl after Judge Recorder Davies found the police liable in assault for injuries caused by a police dog which was set loose on her in order to detain and arrest her. Recorder Davies held that it was an unreasonable use of force and she did not attempt to run away from the officer involved. The damages were made up of £7,000 for the assault and £4,000 in respect of her false imprisonment which the police had previously settled.

$16.8 Million Awarded to Four Wrongfully Convicted Men *Wrongful Convictions Blog*

Carlos Ashe, Darcus Henry, Sean Adams, and Johnny Johnson. Have each received $4.2 million in compensation. The four were convicted of murder, assault, and conspiracy resulting from a December 14, 1996, shooting in New Haven, Connecticut. Jason Smith, 23, was killed and brothers Marvin Ogman, 19, and Andre Clark, 22, were injured when allegedly four men utilized semi-automatic weapons in a gang-related retaliation shooting. Including both jail and prison, the four were incarcerated for more than 16 years. The defendants presented alibi witnesses at trial. The primary evidence presented by the prosecution was inconsistent testimony of the surviving victims. Henry and Adams were convicted in December 1999. The juries deadlocked in the trials of Ashe and Johnson, but they were retried and convicted in 2000 and 2001 respectively. The four men's sentences differed within the range of 75 to 100 years.

Adams' conviction was upheld on appeal. He then filed a state petition for a writ of habeas corpus in which he claimed that the prosecution had neglected to reveal a deal to reward Andre Clark for his testimony. Clark had testified that he had no deal, and the prosecutor, James G. Clark, did not correct this claim. Andre Clark was facing drug and weapons charges that could have resulted in a sentence of 35 years. Following his testimony, he was convicted of reduced charges and sentenced to 4 years. While the prosecutor acknowledged he should have revealed that Clark lied in his trial testimony, he argued that this revelation would not have changed the jury's decision. In 2001, the Connecticut Appellate Court disagreed. The Court reversed Adams' conviction ruling that he had been denied a fair trial. In 2013 the Connecticut Supreme Court upheld this decision. On July 25, 2013, the prosecution dismissed the case not only of Adams but also those of Ashe, Henry, and Johnson, and the men were released from prison.

Following a formal hearing in which the men testified regarding their trial and prison experiences and the impact these had on their lives and that of their families, J. Paul Vance, Jr., Claims Commissioner of the State of Connecticut, released his Memorandum of Decision on January 15, 2016. The decision confirmed that the claimants had met all six requirements of compensation in the state, namely that "Claimants (1) were convicted of crimes, (2) are innocent of crimes, (3) were sentenced to prison, (4) served a part of that sentence and (5) has

the conviction vacated." On the sixth requirement regarding innocence, the Commissioner ruled that the evidence supported dismissing the charges "on grounds consistent with innocence." Official misconduct is a factor in compensations in the state of Connecticut. Referencing that the Connecticut Supreme Court's ruling had called the actions of prosecutors in the four Claimants' trials as "indefensible" the Commissioner ordered immediate payment of $4.2 million each to the law firm of the four men.

Mental Health Services For Prisoners Need To Improve Further, Says Ombudsman

Some improvement has been made in managing the mental health needs of prisoners, but there is still a long way to go, said Prisons and Probation Ombudsman Nigel Newcomen. As he published a review on prisoner mental health arising from his investigations into deaths in custody. Mental ill-health is one of the most prevalent and challenging issues in prisons and is closely associated with high rates of suicide and self-harm in custody. These mental health needs range from mild forms of depression to serious and enduring conditions, such as psychotic illnesses and severe personality disorders, which can be much more difficult to manage. Echoing previous research, the review found that 70% of the prisoners who killed themselves had one or more identified mental health needs.

The report considers the deaths of 557 prisoners who died in prison custody between 2012 and 2014, including 199 self-inflicted deaths, where the prisoner had been identified as having mental health needs. It goes on to identify the lessons learned from these investigations. The review makes clear the importance of identifying mental health issues, as without accurate diagnosis, it is very difficult to provide appropriate treatment and support. Once a need is identified, effective intervention is required. However, the identification and treatment of mental health issues among prisoners was variable and many areas for improvement remain. One particular challenge for prisons is that some mental health conditions cause sufferers to present very challenging behaviour, which staff may deal with as a behavioural, rather than a mental health problem. This may lead to a punitive, rather than a therapeutic, response. Often this only worsens the prisoner's underlying mental ill-health, further compromising their ability to cope.

Among other findings, the report found a number of cases where: • there was poor information sharing, failure to make referrals to mental health professionals, inappropriate mental health assessments and inadequate staff training; • there was a lack of coordinated care, with little evidence of prison staff and healthcare staff working together or a lack of joined-up work between primary healthcare, mental health in-reach and substance misuse services; • prisoners with mental health needs sometimes find it difficult to understand the importance of taking their medication and staff did not always remind or encourage them to do so.

Prisoners with mental health needs can sometimes be very difficult to manage. Commendably, investigations also found impressive examples where staff went to great lengths to ensure that prisoners in crisis received excellent care.

Nigel Newcomen said: "While there were many examples of very good practice, there were also too many cases where practice could and should have been better. Issues ranged from poor monitoring of compliance with medication and lack of encouragement to take prescribed drugs, to inappropriate care plans which were not reviewed and updated. There have also been investigations in which we found that the provision of mental health care was simply inadequate. Given the scale of mental ill-health in prison and the pressures in the system, it is perhaps not surprising that this review identifies significant room for improvement in the

provision of mental health care."

Republican Prisoners Take Legal Action to Enforce Ombudsman Recommendations

It was interesting to note that Alastair Ross, of the DUP, in a recent media interview (Belfast Telegraph 11/01/16) referred to the abuse of the complaints process within Maghaberry Jail. In that he specifically focused on Republican Prisoners and alleged that complaints from them were vexatious. Given that the DUP is essentially the political extension of the Prison Officers Association (POA); to Republican Prisoners such comments are unsurprising.

It is also clear that the objective in this instance is to deflect the current and predictable criticism emanating from independent bodies, politicians and groups such as HMIP and CJINI whom fully appraised the evidence after having first studied factual and detailed statistics readily available, including that supplied by Roe 4 Republican Prisoners, and taking cognizance of both the recent and current inspections.

Alastair, quite conveniently, overlooked a number of fundamental facts. Primarily, the persistent failure of the Maghaberry Administration to respond to requests and complaints; neither "within timescales" nor "specifically and substantively" as repeatedly recommended by the former and current Prisoner Ombudsman. Indeed the Jail Administration has condensed the Internal Complaints Process (ICP) to an mechanical denial and nugatory response mechanism. This was noted in the recent damning report by the HMIP/CJINI who described the jail's trite responses as both perfunctory and poor.

In his efforts, as Chair of the Justice Committee, to shield the POA from criticism, Alastair has also disregarded and indeed contradicted the Prisoner Ombudsman's 2015 Annual report. Prior to and following that report the Ombudsman's Office unambiguously stated to Republican Prisoners that the majority of Roe 4 complaints are "upheld" and that the reason for that number not being greater is because of the jail not retaining CCTV evidential footage regardless of it being immediately requested., which is in direct defiance of the multiple Ombudsman recommendations, therefore negating any opportunity to properly investigate.

The Jail Administration has consistently refused to accept many recommendations by the Prisoner Ombudsman. Of those recommendations which have been accepted by the jail, they have habitually failed to implement them, thus requiring more time and effort simply to repeat recommendations. This has resulted in large volumes of complaints over issues previously and extensively investigated, of which recommendations were already made and also previously accepted by the jail.

It has also been the case that numerous outside bodies, including the Ombudsman's Office, the Independent Assessment Team (IAT), politicians and others have encouraged Republican Prisoners to pursue complaints and Requests not only as a remedy but as a means of documenting abuse and repression. Republican Prisoners consistently reference such complaints and logs thereof to all those aforementioned so as to demonstrate the reactionary and discriminatory actions pertaining to our treatment by the Maghaberry Administration.

Because of such obstinacy, and the circumventing of the Ombudsman's Office, Republican Prisoners have been forced to initiate legal action in the form of Judicial Review (JR) in order to enforce Prisoner Ombudsman recommendations and ensure basic human rights. The Maghaberry Administration has repeatedly challenged such JRs, at public expense, with minimal if any chance of success. This includes four successful legal actions by Republican Prisoners in 2015, with all costs awarded against the jail, running into hundreds of thousands of pounds. Republican Prisoners are not the problem, Alastair; we are a target for bigotry and vindictiveness, which we will always resist.

The Lack of Access to Justice is a National Disgrace *Charles Falconer and Willy Bach*

Britain's most senior judge, Lord Thomas of Cwmgiedd, wrote last week that "our justice system has become unaffordable to most". It's a remarkable statement for the lord chief justice to make. But unfortunately it's right. In Britain, in the 21st century, a growing number of people can't afford to defend themselves and make sure their rights are respected. The facts are startling. In 2009-10, more than 470,000 people received advice or assistance for social welfare issues. By 2013-14, the year after the government's reforms to legal aid came into force, that number had fallen to less than 53,000 – a drop of nearly 90%. At the same time, tribunal fees have been introduced and court fees increased, time and again. Advice centres – which provide straightforward guidance on legal problems – have closed across the country. And the "exceptional funding scheme" – the government's "safety net" for the most vulnerable – has helped a mere eight children since it was created.

Legal Aid has often been in the news associated with controversial cases or "fat-cat" lawyers. In reality, the vast majority of the hundreds of thousands, if not millions, of people who need and no longer have access to legal advice are ordinary people dealing with everyday issues that could affect any of us. They are the small businesses facing bankruptcy because court fees mean they can't chase unpaid debts; the parents denied access to their children because they're not able to take their partner to court; the elderly man with dementia forced out of his home because he can't stand up to the local authority on his own; the victim of domestic abuse trapped with their abuser because the alternative is to face them directly in court. Individuals across the country are suffering. But the lack of access of justice also has wide-ranging implications for our society as a whole. A recent Citizens' Advice research report found that only 39% believe the justice system works well for citizens and only 17% believe it's easy for people on low incomes to access justice.

A strong and reliable justice system is key to a secure society and a growing economy. The success of our society relies in large part on the trust we all put in the rule of law and the knowledge that the courts will be there to enforce our rights should something go wrong. When that trust breaks down, the fundamental principle of the rule of the law is being eroded. It is urgent that something is done but this government is just burying its head in the sand. That's why, back in September, Labour decided to launch its review into the future of legal aid. And this week we are announcing that we will be working with the Fabian Society and a newly formed commission of experts – chosen strictly for their expertise and not their political leanings – to start to make progress on this crucial matter.

Our commission will examine both the principles that should underpin a modern legal aid system and the practical ways that such a system should operate, given the great demand for legal services and inevitably limited resources. We will hear from experts from the law, civil society and academia as well as from citizens who have had experiences, both good and bad, of how the system works in practice. We are determined to be collaborative, inclusive and innovative. It has been far too long since a major political party took a fresh and serious look at such a vital, national resource. We will not shy away from uncomfortable truths. We cannot just revert to the old system; that too was far from perfect. We must look at technological change as a benefit to be grasped rather than something to be afraid of. We must use the great work already done in this area by among others the independent Low Commission, the Legal Aid Practitioners Group and the Law Society. We need to develop policies that will stand the test of time, but we also want to influence the present government to change some of the worst effects of their policies.

When our commission reports this autumn, its findings will feed into Labour's policy review. But we want it to go wider than that – our aim is to build a coalition of support across the political divide. Beveridge pioneered the welfare state to counteract what he called the "five giant evils" of his time – squalor, ignorance, want, idleness, and disease. The lack of access to justice is increasingly becoming another great evil of 21st century Britain. Just as we all accept the need for the state to provide a right to healthcare, to a decent education or to social security protections when genuinely needed, we must argue for access to justice – the right for every person who believes themselves dealt with unlawfully, particularly by powerful institutions, both private and public, to receive quality advice – as a fundamental right and key public entitlement. We believe there should be minimum guarantees to which every citizen is entitled when it comes to enforcing their rights – otherwise they are worthless. For decades, there was a broad consensus about legal aid and the beneficial effects it had on our legal system. That consensus has regrettably broken down. We hope to make a start in rebuilding it.

Prison Officers 'Falling Ill' After Inhaling Inmates' Legal Highs *Guardian, 18/01/2016*

Union bosses reported that staff were being taken to hospital suffering from the effects of breathing in the fumes of new psychoactive substances (NPS) such as Spice and Black Mamba, which mimic the effects of cannabis. In one incident last week, seven officers reported suffering ill effects, according to the Prison Officers Association (POA). Steve Gillan, general secretary of the union, said they were searching a cell when they came across a large quantity of NPS. "They all then complained of nausea. They were seen by the healthcare department and signed off duty," he said. Anonymous accounts from officers laid bare the impact of NPSs. One described noticing a sweet smell and smoky atmosphere before starting to feel unwell, saying his heart was racing and his head felt like it would pop. The officer could not remember his journey home. Another officer experienced a crushing chest pain and dizziness followed by what felt like a severe hangover. The prisons watchdog has warned that NPSs are the most serious threat to the safety and security of jails. Last month, it emerged that the rampant use of the drugs behind bars is placing local ambulance services under strain as paramedics are increasingly called out to tend to criminals who have used them. The substances have been linked to rising levels of violence and 19 deaths behind bars. Gillan said: "This is causing that sort of concern for prisoners and we are extremely concerned about the effects they have on officers as well."

The POA is launching a judicial review in an attempt to speed up a blanket ban on smoking in prisons. In September, the government announced that smoking would be prohibited in all Welsh prisons and four in England to reduce health risks in a move seen as the first step towards all jails becoming smoke-free. The POA is calling for a "clear timetable that will ban smoking totally in every prison establishment". A Prison Service spokeswoman said: "We have long been committed to a smoke-free prison estate. Implementation will be phased over a long period in order to make these changes safely. Prisoners will have access to e-cigarettes and other support to stop smoking. Our careful approach will ensure prison officers and inmates are no longer exposed to second-hand smoke, while not compromising the safety and security of our prisons." The service added that it took a zero-tolerance approach to drugs in prison. A new law is being introduced to target smugglers attempting to sneak drugs into prisons, while new testing technology has been described as a "gamechanger" in the fight against so-called legal highs. A Prison Service spokesperson said: "Governors use sniffer dogs, cell searches and mandatory drugs tests to find drugs in prison and punish those responsible. We have also passed laws so that people who

smuggle packages over prison walls, including drugs, face up to two years in prison. However, it's clear we need to do more. The justice secretary has asked the Ministry of Justice to look at how we can ensure prisons have the right tools in place to tackle this problem."

Policing With Accountability or Policing With Impunity?

Media stigmatisation of poor multicultural neighbourhoods of Europe as strongholds of Islamist terrorism and organised crime is lending legitimacy to a more coercive, more militarised style of policing. The Home Office is currently reviewing legal protection for police officers who shoot to kill as well as considering whether to transfer the lead role in fighting terrorism from Scotland Yard to the National Crime Agency. And a review of the rules on the use of lethal force is underway in France, where, in a separate move, President Hollande has asked parliament to approve changes to the French constitution, to deprive French-born dual nationals convicted of terrorist offences of their citizenship and to allow the indefinite renewal of the state of emergency.

Policing at the crossroads: Policing by consent, articulated as such, may be a British policing concept, emerging as it did as a philosophy (its practice is another matter) from Sir Robert Peel's 1829 'Bill for Improving the Police in and Near the Metropolis' which was followed by instructions to the newly-formed Metropolitan police to act as 'servants and guardians of the public and to treat all citizens with civility and respect'. Nonetheless, and certainly since the second world war, European states (outside the southern European countries where dictatorship continued until the mid-1970s) were sensitive to the demand that civilian police forces should abide by democratic principles. But is this changing? Are liberal principles like the rule of law, community cohesion, racial equality and police accountability to the communities they serve now obsolete across much of Europe, as the war on terror hits neighbourhoods, particularly the 'quartiers sensibles' of France and certain inner cities of Belgium?

A 'Social Europe' as envisaged by the EU Charter of Fundamental Rights is one wherein governments rule not just for the white majority, but commit to the protection of non-white minorities and other marginalised populations. One way of achieving this is by ensuring that the police are representative of local communities they serve and accountable to them. But in the last year, as terrorists have struck in Copenhagen, Belgium and Paris, best practices, whereby one works with communities to combat crime and terrorism by establishing forums to ensure dialogue between the local state, police and the community, for instance, have been undermined. Politicians in France and Belgium are now openly advocating the use of repression in the northern Parisian suburb of Saint-Denis and the western Brussels neighbourhood of Molenbeek, where two of the French-born terrorists behind the Paris November 13 attacks lived. Yet there has been barely any acknowledgement of the threat that such a drift towards militarised policing might pose to positive community relations (let alone race relations, a concept that has roots in administrative thinking in the UK but not in French-speaking countries with a tradition of civic individualism, where the individual participates in politics as a citizen, free of community or ethnic ties). These potentially retrogressive legal and policing changes are not confined to the sphere of anti-terrorism. They are taking place in the context of other forces: the impulse towards privatisation in and breaking up of national police forces; the evolution of pre-emptive policing; the growth of specialist elite squads with a paramilitary role; and the creation, out of controversial deaths in police custody, of uncompromising US-style 'Black Lives Matter' movements of young people.

Urban wars, Islamophobia, stigmatisation: In his important study, Cities Under Siege: the New Military Urbanism (2011), the urban geographer Stephen Graham discussed the dangers that

accrue when the metaphor of war becomes the dominant framework for any discussion of urban problems, pointing out that 'immigrant zones' of cities all over the world are often depicted in the media as conflict zones inhabited by lurking shadow enemies threatening mainstream society. More recently, in the context of the French state of emergency, the Paris-based architect Léopold Lambert warned that the 'stigmatising en masse' of the residents of certain neighbourhoods 'introduces ambiguity into calculations' of who is 'considered a civilian', thereby legitimising the indiscriminate use of force against those members of the public unfortunate enough to live in neighbourhoods inhabited by known terrorists.[Anthropologist Alexandre Laumonier, writing in Le Monde, has expressed similar sentiments in relation to the stigma now attached to Molenbeek in Brussels.

Media stigmatisation of certain, often supposedly 'ethnic', neighbourhoods (Brixton, Tottenham, Moss Side, Liverpool 8 come to mind) has a long history – as drug-infested, gun-toting, police-hating zones, full of muggers and street gangs, cut off from the mainstream and certainly to be feared and avoided by decent people. But the war on terror and terrorist-related incidents have intensified the war/crime frameworks of much media reporting. The fact that some members of Islamist fundamentalist organisations such as Sharia4Belgium (and its equivalents) operate in specific districts of ethnically diverse neighbourhoods has provided an excuse for journalists to make lazy generalisations. Many such areas are described quite wrongly as 'ghettos' and then written off as crime-infested, no-go zones (for the police) and the breeding ground for violence, sharia law and 'foreign fighters'.

All these misrepresentations, at a time when urban problems are being systematically decoupled from state economic models based on austerity and the shrinking of welfare provision, have profound consequences. For when the media stigmatise whole towns as pathological breeding grounds for violence, they create the incentives for politicians to reach for police-led enforcement wars, invading communities to enforce compliance through stop and search, for instance, or emergency measures to deal with 'traitors', such as the deprivation of citizenship clause for French-born dual nationals – a Front National proposal – currently being debated in the French parliament. Stigmatisation and repression in turn alienate young people, contributing further to the erosion of their sense of belonging. Postcode discrimination escalates. Young people complain that their job applications are rejected if they come from neighbourhoods such as Nørrebro (Copenhagen), Molenbeek (Brussels), Saint-Denis (Paris), Schilderswijk (The Hague) and Tottenham (London). Every time an incident relates to these neighbourhoods – whether it is a killing by armed police, or the worst-case scenario of a terrorist hailing from there, the media crews arrive en masse, often acting with great insensitivity and leaving a trail of anger and disgust about their subsequent over-hyped reporting or downright lies, particularly around gangs, no-go areas and jihadi cells.

With the exception of Tottenham, all the neighbourhoods discussed in this article are now being stigmatised in the media as strongholds for Islamist movements and Muslim terrorists. Yet the reality is that a wide range of secular protest movements have take root in each of these areas, around far-right activities, escalating rents, gentrification and evictions, on the one hand, or police or immigration raids and racial profiling, on the other. The way the media misreport these issues means that mistrust of journalists also increases.

Multiculturalism plus poverty equals threat: Recent events and coverage of a number of multicultural neighbourhoods in Europe that are currently living under the impact of media stigmatisation read like this: * 'Gunman's Neighborhood Is Infamous Underbelly of Copenhagen' was the Reuters headline after Omar Abdel Hamid El-Hussein, a Danish-Palestinian

gunman, was shot dead in Nørrebro on 14 February 2015 after killing two people during attacks on a synagogue and the 'Art, Blasphemy, Freedom' cultural festival in Copenhagen.

El-Hussein was a petty criminal with a history of assault and weapons offences, who had at one point been homeless, yet he came to personify Nørrebro. While residents objected to the media siege that followed his actions, and the negative portrayal of their neighbourhood, Nørrebro had long since been represented in the press as an area of conflict, crime and danger. The Danish People's Party and controversial New Right celebrity authors have set the agenda, Islamicising a vibrant ethnically diverse district where around 20 per cent of the population are of immigrant origin.[5] Despite the fact that by any scientific measure there are no ghettos in Denmark, the Danish government has put the state's imprimatur on neighbourhood-stigmatisation through the publication of a 'Ghetto list' of public housing areas with a high percentage of immigrants from non-western countries, welfare dependency and crime. Three districts of Nørrebro are cited as ghettos amongst thirty-three districts listed in the 2015 report.

In Summer 2015 in the Hague, the Netherlands, there was a similar media frenzy in the district of Schilderswijk where 90 per cent of residents from 110 nationalities are of immigrant origin. Serious public disturbances had erupted and hundreds of arrests were made over several nights following the death through asphyxiation in police custody of Mitch Henriquez, a 42-year-old tourist from the Dutch Caribbean island of Aruba. This was the second police-related death in Schilderswijk. In 2012, Dutch citizan Rishi Chandrikasing, aged 17, was shot dead by police officers who wrongly claimed he was armed. A newspaper article about Perdiep Ramesar: The Dutch media's negative relationship with the local community had already been framed by events in 2014 when Perdiep Ramesar of the Trouw newspaper, quoting anonymous sources, claimed that the area was part of the 'Sharia Triangle' in the Hague. This resulted in parliamentary questions and visits from extreme-Right leader Geert Wilders, the deputy prime minister and other politicians. The newspaper later sacked the journalist and issued a public apology, admitting that the reality on the ground was far more complex.

In the aftermath of Henriquez' death, the media were criticised again, this time for their over-reliance on police and prosecution briefings. The public prosecutor had stated that Henriquez was drunk at the time of his arrest and had become ill on the way to jail. However, after witness statements on Facebook and amateur video emerged on YouTube showing Henriquez being placed in a van already unconscious after a violent arrest, the official version had to be revised. Protesters went to the police station to make their feelings known and it is then that the riots began. The Dutch prime minister Mark Rutte appeared to characterise the disturbances as the work of wannabes and riff-raff when he told journalists, 'I'm not planning to go in person to every neighbourhood where backward lilies are stirring up trouble.'

Since Rutte's public stigmatisation of the neighbourhood, some districts of Schilderswijk have been subjected to multi-agency 'enforcement actions' involving the local authority, police and fire services, acting on unspecified complaints from businesses and residents, saturating an area, closing streets, issuing fines and towing away cars. A grassroots monitoring group, 'Actiecomite Herstel van Vertrouwen', has been formed to counter police violence.

After 28-year-old Jermaine Baker, who lived in Tottenham, was shot dead in nearby Wood Green in December 2015, the Daily Mail, Sunday Times and the Sun claimed that Baker, who was of mixed heritage, was part of a gang, which was later found not to exist, and linked the shooting (as though to justify it) to another gang that has been linked to Mark Duggan. Duggan was shot dead by an officer from the Specialist Firearms Command deployed as part of

the anti-gun crime initiative Operation Trident in August 2011, leading to the worst rioting experienced in England in recent times.

Ever since the 1985 uprisings on the Broadwater Farm estate, Tottenham has been depicted by much of the press as a lawless zone, lost to postcode gangs, guns, and the anti-police hatred of its largely black communities. Cynthia Jarrett (1985), Joy Gardner (1993), Roger Sylvester (1999), Mark Duggan and now, Jermaine Baker, all died in police custody or as a result of police action in Tottenham, but the circumstances of their deaths were misrepresented in the media. Jermaine Baker was shot dead outside Wood Green crown court by an armed Metropolitan police officer on 11 December, following a covert operation ostensibly to stop two prisoners escaping from a police van. However, after the sensationalist reporting and claims, denied by the local police commander, that Jermaine Baker was a gang member, there was some attempt to rebuke the media for inflaming tensions in its reporting. After complaints from local MP David Lammy and Jermaine Baker's family, the attorney-general issued a note to the media warning them against stoking community tensions by making any more unsubstantiated allegations.

From extreme counter-jihadists to mainstream politicians: Unfortunately, the wild accusations about no-go neighbourhoods, now aided and abetted in the US, are finding voice among Europe's politicians. US Republican presidential candidate Donald Trump and the US media outlet Fox News, which regularly hosts notorious Islamophobic commentators, have been ridiculed for claims that Europe is full of no-go zones off-limits to the police. Birmingham was famously named on a Fox News report as a 'no-go zone' after the January attacks in Paris on Charlie Hebdo and a Jewish kosher store, leading to a rebuke from David Cameron and an apology, of sorts. But after the 13 November Paris atrocities, Fox News was at it again, broadcasting a map of French 'no-go' zones where sharia law was practised.

Fox News doesn't have to rely on US cranks to popularise its no-go zones myth. The work is being done in Europe by conspiracy theorists such as Melanie Phillips (Londonistan: How Britain Created a Terrorist State Within), and Georges Bensoussan (The Lost Territories of the Republic). Added to their supposed theses is the steady drip-drip of Islamophobic reporting in every country, epitomised by Perdeip Ramesar's 'Sharia Triangle' stories about the Hague, mentioned above. But it's not only journalists and 'professional' counter-jihadists that fuel the anti-Muslim machine. On 15 November, two days after the atrocity in Paris, the Belgian prime minister Charles Michel said that whenever there's a terrorist incident there's always a link with Molenbeek. Anti-radicalisation programmes have failed, he said, adding that 'now' the only solution was to 'get repressive'. The interior minister Jan Jambon voiced a view that seemed perilously close to a colonial-style counter-insurgency model when he vowed to 'clean up' Molenbeek personally. He subsequently ordered civil servants to embark on a mapping exercise of all Molenbeek's inhabitants, by carrying out house-to-house checks to ascertain who lived at every address in the area.

Dar al Amal (The House of Hope), a women's collective in Molenbeek, in an open letter, implored Jambon 'to choose his words better'. 'He should make sure our children have the same possibilities instead of talking about us like [we are] some different breed'. Dehumanising language 'strip[s] our children of their attachment to the country', one mother added. Meanwhile, the residents of Molenbeek held a candlelit peace vigil, both to remember victims of the Paris atrocity and to highlight the stigmatisation of their neighbourhood.

'Mullahbeek', foreign fighters and the language of war: Molenbeek, described in the international media as the 'Islamist ghetto' and 'pit stop', the 'jihadist refuge', 'the crucible of terror' and the 'ghetto of misery', is currently the centre of a global media invasion after it

emerged that two of the terrorists involved in the November 2015 Paris massacre had lived there. A review of the international press by La Libre Belgique found Molenbeek to be an 'incriminated neighbourhood'. Across the EU, the US and across the Mediterranean region, Molenbeek is described as a 'hub', a 'crossroads', a 'rear base', a 'refuge', an 'obligatory stop' for the network of jihadists in Europe. Certainly, it has to be accepted that Islamists linked to many of the key terrorist plots in Europe have either grown up, or lived at some point, in Molenbeek. In addition, an estimated twenty-four of its residents have gone to fight in Syria. However, it clearly makes no sense to paint all its 100,000 residents as jihadist sympathisers and guilty by association. Molenbeek is in Brussels, not Kabul. In 2012, in the context of Sharia4Belgium protests and wider disturbances that broke out after the violent arrest of a woman wearing the niqab, the foreign minister jokingly compared Molenbeek to Afghanistan. Far-right websites since then regularly refer to the neighbourhood as 'Mullahbeek'.

True, some conscientious journalists have attempted to delve deeper, reminding readers of the commune's industrial and political history. It was once dubbed 'Little Manchester' and was a refuge for the Paris Communards in the 1870s. Better features have included reference to the near 50 per cent unemployment amongst young people, rising rents due to gentrification, government neglect and the ever-present reality of postcode discrimination. Reporters at ABC News gave space to young people to counter the 'decrepit slum' myth by describing the cultural vibrancy and architectural stylishness of much of Molenbeek, drawing attention to community volunteerism and all the positive things that happen in Molenbeek and are never reported.

Molenbeek is not a 'Muslim ghetto' for anthropologist Alexandre Laumonier, who has lived in Molenbeek for seven years without encountering any problems. He points out that over one hundred nationalities peacefully co-exist in an inclusive community, largely abandoned by a government which has slashed grants to vital community organisations, with a local commune which can't even afford to clean the streets and is close to bankruptcy. In Belgium, politicians often hold dual mandates (the same system, of holding two or most posts at different levels of government pertains in France), and Molenbeek's mayor Françoise Schepmans, who helpfully told the press that the area she oversees is 'a breeding ground for violence', is also a parliamentary deputy. Molenbeek parents, concerned by the increasingly military-style policing of their neighbourhood since 13 November 2015, have set up the Committee of Parents Against Police Violence and, on 10 December, Human Rights Day, a whole host of organisations across civil society demonstrated outside the Palais de Justice under the slogan 'You don't stop terrorism by limiting democracy'.

France towards a permanent state of emergency: Meanwhile, in France, on 17 December 2015, over one hundred organisations, including human rights bodies, Muslim associations, environmental activists and trades unions, called for an end to the assaults on established freedoms rendered lawful by the state of emergency. Proclaimed by President Hollande immediately after the 13 November attacks, and extended for a further three months by parliamentary vote on 19 November, the state of emergency grants the police powers to carry out house searches without judicial authorisation, assign residency (otherwise referred to as house arrest), ban organisations and prohibit demonstrations. Amidst a growing number of violent searches on mosques, businesses and homes, as well as of environmental activists and organic farmers, innocent people have been left deeply traumatised (watch these videos). A state of emergency observatory blog has been set up by Le Monde and by the association Quadrature du Net. Some commentators have come to believe that France is pursuing a colonial-style Low Intensity Conflict (LIC) model of policing whereby military force is applied selectively and with restraint, not to fight crime, but to enforce compliance with the policies and objects of the State.

The Collective Against Islamophobia in France (CCIF) states that by the first week of January 2016, only three preliminary investigations for terrorist offences had resulted from the 3,000 police raids. These have been carried out by the gendarmerie national (a military corps with special powers to use guns without the restrictions imposed on police officers), the Brigades Anti-Criminalité (BAC) and Brigades de Recherche et d'Intervention (BRI, sometimes referred to as the 'anti-gangs brigade'). One raid on the home of a Tunisian family, which left a 6-year-old girl with fragments of wood in her face from a shattered front door, was the result of riot police turning up at the wrong address. In the same period, 360 people were placed under assigned residency, forcing them to live in a certain area and to report up to three times a day to the police, on the basis of what the former president of the Lawyers Union of France, Jean-Jacques Gandini describes as 'prediction-based suspicion' as such orders are based on behaviour or associations, not known criminal activities.

CCIF is currently working on 161 cases involving violence or abuse of police power. Twenty-four environmental activists placed under house arrest to prevent them from attending the Climate Change Summit have launched legal writs against their assigned residency at the Council of State. In fact, the Council of State, France's highest administrative court, advised the government against changing the Constitution to allow an indefinite state of emergency on the basis of undefined threats. Nevertheless, the French Council of Ministers approved Hollande's proposal to change the French Constitution, which parliament will now debate in February. Meanwhile Marine Le Pen, backed by Nicolas Sarkozy, has proposed the creation of a Guantánamo-style detention centre for 20,000 people on the national 'watch list'. Apparently, half of the people on this list are suspected of Islamic radicalisation, while the other half are monitored for political/trades union activism or 'hooliganism'.

The limits of legitimate force: What is now being put in question, across a number of European countries, is how far it is legitimate to change laws and practices to deal with organised crime and/or terrorism and how far this 'threat' is being used to diminish liberal norms and civil rights – with marginalised communities being the first victims. The debate is at its sharpest in the UK, where Jean Charles de Menezes, Azelle Rodney, Mark Duggan, Anthony Grainger and Jermaine Baker were shot dead by police officers over the last ten years, and in France, where hundreds of people of Arab or African origin have died in police custody since the 1981 abolition of the death penalty.

As stated at the outset, policing developed in Britain in ways that were markedly different from much of the Continent. Lord Scarman, in his report on the 1981 inquiry into the 'Brixton disorders', tacitly acknowledged this when he stated that it was necessary to limit the power of the police, as 'abuse of power by a police officer, if it is allowed to occur with impunity, is a staging post to the police state'. Many black and working-class people in England, as well as Catholics in Northern Ireland, may feel that policing by consent is an ideal never fully realised for them in practice. Indeed, in the 1970s and 1980s it was the breakdown of trust in the police that led to black community campaigns in London to abolish the Special Patrol Group, a specialist squad which appeared to work to its own rules and some of whose members were implicated in the killing of Blair Peach, a teacher who died after being assaulted by a police officer at a demonstration against the National Front in Southall, London in 1979.

Across Europe, with its different policing traditions (Greece, Spain and Portugal, for instance, only emerged from dictatorship in the mid-1970s and elements of authoritarian policing linger on), squads that had by necessity to have specialist roles were not supposed to operate above or outside the law. But now something very different seems to be happening across Europe. There is a danger that we are sleepwalking into a more military-style of policing (in the first instance being tried on poor,

multicultural communities) which affords an effective impunity for its officers far more serious and undermining of democracy, than anything we have hitherto known.

The omens in Britain, for example, do not look good: a campaign by the police against the possibility of armed officers ever facing prosecution following a fatal shooting is underway, and the home secretary has suggested that counter-terrorism policing be taken away from the conventional force altogether. The irony is that if the country does face new threats or levels of threat, then government should be strengthening and reinforcing, not undermining, the police's accountability to the community. It is community support that is needed more than ever before.

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Refusal to grant prisoner access to Internet containing legal information breach of Article 10

In Chamber judgment1 in the case of Kalda v. Estonia (application no. 17429/10) the European Court of Human Rights held, by six votes to one, that there had been: a violation of Article 10 (freedom of expression) of the European Convention on Human Rights. The case concerned a prisoner's complaint about the authorities' refusal to grant him access to three Internet websites, containing legal information, run by the State and by the Council of Europe. Mr Kalda, the applicant, complained in particular that the ban under Estonian law on his accessing these specific websites had breached his right to receive information via the Internet and prevented him from carrying out legal research for court proceedings in which he was engaged. The Court found in particular that Contracting States are not obliged to grant prisoners access to Internet. However, if a State is willing to allow prisoners access, as is the case in Estonia, it has to give reasons for refusing access to specific sites. In the specific circumstances of Mr Kalda's case, the reasons, namely the security and costs implications, for not allowing him access to the Internet sites in question had not been sufficient to justify the interference with his right to receive information. Notably, the authorities had already made security arrangements for prisoners' use of Internet via computers specially adapted for that purpose and under the supervision of the prison authorities and had borne the related costs. Indeed, the domestic courts had undertaken no detailed analysis as to the possible security risks of access to the three additional websites in question, bearing in mind that they were run by an international organisation and by the State itself.

Prisons: Crimes of Violence

Andrew Selous: Our prison system needs reform. There is much more to do to ensure prisons are places of decency, hope and rehabilitation. Violence in prisons has increased in recent years. The nature of offenders currently in custody and the widespread availability of novel psychoactive substances have both contributed to making prisons less safe. There is no single, simple solution to the problems we face but we are making progress. We have launched a two year Violence Reduction project to reduce violent incidents and the propensity of violence in prisons. This project will help us to gain a better understanding of the causes and characteristics of violence in prisons and to strengthen the handling of this. We are also trialling the use of body worn cameras in prisons, developing better case management of individuals identified as being at heightened risk of harming others, introducing a psychologically based assessment tool to understand better local factors driving violence in prisons, and training sniffer dogs to detect novel psychoactive substances. We have also made it an offence to smuggle novel psychoactive substances into prison. However, ultimately the only way to reduce violence in our prisons is to give governors and those who work in prisons the tools necessary to more effectively reform and rehabilitate offenders, which we are determined to see through.

Criminal Record Disclosure Checks Ruled 'Unlawful' *BBC News*

Two people who claimed their careers were being blighted by having to disclose their minor criminal convictions to employers have won their case at the High Court. Lord Justice McCombe ruled the government's criminal record checks scheme was "arbitrary" and unlawful. People are forced to divulge their record when applying for certain jobs. The Home Office said it would consider whether to appeal against the decision. Lawyers for the pair had told the High Court that people were being unfairly disadvantaged throughout their lives by convictions for minor criminal offences committed years beforehand. One woman, referred to in court as P, was charged with shoplifting a 99p book in 1999 while suffering from a then undiagnosed mental illness. She later failed to attend court, which meant she ended up with two convictions - for which she received a conditional discharge. The woman, 47, who now wishes to work as a teaching assistant and has sought voluntary positions in schools, argued that having to disclose her criminal record, and subsequently her medical history, was disproportionate and breached her right to privacy. Her case was heard alongside that of another claimant, A, who was convicted of two minor thefts in 1981 and 1982 when aged 17 and 18. He has since worked as an accountant, company finance director and is now a project manager - work that often requires due diligence and criminal record checks. He was concerned he would be forced to disclose his convictions and that his family might learn of them.

Broken system': Lord Justice McCombe said it was not justifiable or necessary for any individual to have minor offences disclosed indefinitely, from many years ago merely because there is more than one minor offence. He described the results of the current system as "arbitrary" and said "where the rules are capable of producing such questionable results, on their margins, there ought, it seems to me, to be some machinery for testing the proportionality of the the interference, if the scheme is to be in accordance with the law". The government will now have to submit plans to improve the system. James Welch, legal director for Liberty, which backed P, said: "This ruling will bring reassurance for the very many people who have had their ambitions dashed because of very small mistakes they made years, or even decades, in the past. "The government must urgently fix this broken system, which rightly allows people with a single minor offence to move on with their lives, while those with two - no matter the nature or circumstances of their crimes - cannot."

A Home Office spokesman said: "We are disappointed by the decision of the court. We will now carefully consider the content of the court's judgment and whether there are grounds for seeking leave to appeal. This government remains committed to protecting children and other vulnerable people by providing employers with proportionate access to criminal record information in order to support safer recruitment decisions."

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