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Women Doing Long Jail Sentences Failed by 'System Designed for Men'

Prison Reform Trust: Women serving long jail sentences are being treated with programmes designed for violent male offenders and are punished when male prisoners misbehave, a damning new report has suggested. Research by the Prison Reform Trust, shared exclusively with The Independent, discovered that women serving longer terms are being locked up with those serving short stints. They are also struggling to access education and opportunities for employment. The study found female prisoners who are subjected to additional security measures are caught in a "catch-22" situation in which they are blocked from accessing the services they require to have their extra security removed.

"There are a number of women in the prison estate who have restricted status, which means they are subjected to additional security measures and they are only able to be held in three prisons," said Emily Evison, one of the report's authors. To have the security measures removed they need to attend compulsory courses held only at other prison. She warned female prisoners were being viewed as the same as their male counterparts despite posing less of a risk and also having had very different life experiences.

Although the majority of women in prison are serving short sentences of less than a year, there is a small but growing minority serving very lengthy jail sentences, researchers said. The number of women serving an indeterminate sentence has risen from 96 in 1991 to 381 in September of last year. Researchers conducted long-term interviews with dozens of current and former female prisoners on long sentences and also with frontline workers and experts. "Because there are a small number of women's prisons, women on long sentences are often housed alongside those on short sentences," Ms Evison, women's policy lead at the Prison Reform Trust, said.

Being in close proximity to those close to being released is bad for longer-serving women's mental health, she said. Ms Evison explained that women serving longer sentences must engage in offender programmes to prove to a parole board they have reduced their risk in order to be released, but many of these courses are designed for men. There are problems with the amount of money available for women's prisons and many female prisoners "feel they are set up to fail in a system in which they are an afterthought", she added.

Kate*, a lifer who was imprisoned for a violent offence, told The Independent she served over 20 years in prison but is now living in the community. "Prison is not created for women, every course was written for men," she added. "Although a couple are coming on board just now designed for women, I know women who were in for perpetrating sex offences and they were doing courses designed for male sex offenders." Kate said female prisoners are penalised when things go wrong in male jails, warning women are "background noise" in the wider criminal justice system. "I was fortunate, I had the experience of being on a wing with all lifers," she added. "I don't know how I would have coped now – in lots of women's prisons you will come off remand and be sentenced and be put on a wing among prisoners with sentences that vary from a month to longer." She voiced frustration about her current licence conditions, which forbid her from going on holiday – saying she is desperate to go to the Louvre in Paris due to her interest in art history.

"Women are much more likely to be coming into the criminal justice system having been at the hands of domestic abuse, childhood abuse, and mental health problems," Kate said. "The criminal justice system has this antiquated view that women shouldn't be in court in the first place and demonises them." "This includes rolling out bespoke support with extra face-to-face time with specialist staff, embedding forensic psychologists at every women's prison, and improving mental health training for all frontline officers."

Researchers found women on long sentences had lengthy stints of "nothing time" where they were not able to use their time effectively or make progress. One female prisoner said: "For long-termers, you have the bit at the beginning, the bit at the end, and the great depression in between." Another added: "It stops being about rehabilitation and just becomes incapacitation." A spokesperson for the Ministry of Justice said: "The number of women in prison has fallen dramatically since 2010 but we continue to provide specialist support to those in custody – helping them deal with the issues which lead them to crime in the first place.

As it Stands, State Operatives are Officially Above the Law'

'A basic rule of government is never look into anything you don't have to, and never set up an inquiry unless you know in advance what its findings will be.'

By Alison she is one of eight women who first took legal action against the Metropolitan police over the conduct of undercover officers and a founder member of Police Spies Out of Lives. A core participant in the Public Inquiry into Undercover Policing, she is one of the authors of Deep Deception – The Story of the Spycop Network by the Women who Uncovered the Shocking Truth.

This was the advice of permanent secretary Sir Humphrey Applebey in the 1980s satirical political sitcom Yes Minister, in response to the Prime Minister explaining his concern about British arms deals to terrorists and his wish to investigate further. Sir Humphrey's comments feel particularly resonant for those of us involved in the real Public Inquiry into Undercover Policing currently being chaired by Sir John Mitting.

When in 2015 then Prime Minister Theresa May established the public inquiry into the wrongdoing by undercover police officers – colloquially known as 'spycops' scandal – she clearly felt she had no choice. The revelations of sexual abuse of women activists by undercover police, the spying on family justice campaigns including the Lawrence family, and the practice of stealing the identities of dead children to create fake persona for the spies proved too shocking a public story for parliamentarians to ignore. Perhaps she and those who advised her to set up this inquiry believed, as Sir Humphrey suggested, that they knew in advance what its findings would be. Perhaps they hoped to control the narrative: agree to all anonymity requests by the police; place great emphasis on the importance of secrecy to protect both police officers' privacy and the security of the nation; hang individual officers out to dry whilst promoting the importance of undercover policing as a tactic; exploit the inevitable bureaucratic delays and drag it out for years so those who are most invested either give up the fight or die. Their problem, however, is that for those of us who contributed to this scandal being exposed in the first place we won't give up. For us, it's personal.

A few weeks after my boyfriend Mark Cassidy disappeared from my life in Spring 2000, I started to suspect he had been some sort of state spy. I had been involved in a political campaign group in Hackney that he'd joined five years earlier in 1995 called the Colin Roach Centre, an independent group that had exposed police corruption in the early 1990s and promoted trade union, anti-fascist

politics. I've told my story in the book Deep Deception, written with some of the other women who first discovered and then exposed this appalling secret state abuse. Our experiences, like those of more women who later found out that they too had been victims of these undercover police deployments, followed a pattern. The police call it tradecraft. We call it violation.

These men ingratiated themselves into our lives by mirroring our passions, presenting us with their easy-going alter egos, and cultivating our hopes and dreams of a shared future. For many of us we were robbed of our most fertile years and when they executed their pre-planned exit strategies – usually in the style of a well performed emotional breakdown – we were left devastated and confused. When Mark left his final note on the kitchen table explaining he wasn't coming back, I needed answers. It was my quest for these answers that ultimately led me to exposing his true identity as police officer Mark Jenner who had been married with children throughout our entire five-year relationship.

The public inquiry has been organised chronologically in tranches. The first tranche, covering deployments into political groups between 1968-1982, ended in February 2023 and was followed by an interim report published in June 2023. We welcomed some of the findings of this report. For example, Inquiry chair Sir John Mitting accepted our arguments about the unreasonable level of intrusion into lives of members of the public and the likelihood that officers had been guilty of trespass when they entered private homes illegally without a warrant. Furthermore, he concluded that by the end of this period – that is, the early 1980s – the Special Demonstration Squad (SDS) should have been disbanded: 'had the use of these means been publicly known at the time, the SDS would have been brought to a rapid end'. For those of us campaigning to draw public attention to these human rights violations by undercover police in order for such abuse to never happen again, this was a real victory. It felt like an important acknowledgment that from its early days in the 1970s, the SDS's spying could not be justified. And yet it continued for 40 more years.

Given the apparent shared understanding between those running the public inquiry and those participating as non-state witnesses as to the unjustified nature of these spying operations, many of us have been surprised to learn that Tranche 2 hearings are being approached almost as if this interim report had not been written. In other words, the issue of 'justification' is back on the table to the extent that Sir John has explained he will make findings of fact regarding serious criminal allegations about members of the public based on police reports from the time. The focus, therefore, appears to be shifting from the actual wrongdoing of the police to the alleged wrongdoing of members of the public based on allegations made by the very officers under investigation.

The argument seems to be that whilst Sir John accepts that the sexual violation of women activists is not acceptable, the presence of the undercover police officer in a woman's life might be justified if he judges she was guilty of a serious crime. When agreeing to participate in this inquiry, members of the public did so in order to make sure lessons were learnt, to prevent any repetition of the serious human rights abuses committed by these units and to learn the truth about the officers spying on them and to expose the murky underbelly of the British secret state. No-one signed up for being found guilty of criminal allegations based on the reports written by trained liars who were seeking to justify and continue their own existence as a unit. Knowing these reports were to be shared with Box 500 – that's M15 to you and me – officers appear to have submitted exaggerated and misleading reports filled with hearsay and gossip about supposedly violent and volatile political activists. If staff at Special Branch and MI5 who sifted through these reports at the time did not feel it appropriate to share these allegations with the Crown Prosecution Service in order to

bring charges against those alleged criminals, then how can it be acceptable for an inquiry Chair to pass judgement decades later? It is simply not what this inquiry is meant to be about. To make matters worse, many activists have still not been provided with all the reports written on them, despite being asked questions about the allegations made against them. The same reports have nevertheless been supplied to former police officers two or three years ago. To many activists affected, this feels like an attempted cover up, preventing them from having an equal opportunity to see and comment on the material being used against them.

Starting this July and covering deployments between 1982-1993, Tranche 2 will include evidence from a range of officers guilty of violating the human rights of women activists. For those who have been following this scandal from the outset, it includes some of the more well-known cases such as Bob Lambert, John Dines and Andy Coles: Lambert deceived at least four women into sexual relationships and even fathered a child with one of them. Dines subjected Helen Steel to prolonged emotional and psychological abuse during their relationship; Coles lied about his age (32) when he made his advances towards 19-year-old 'Jessica' and is now denying the relationship took place. What these men all have in common – apart from their obvious misogyny – is an arrogance that led them to believe that despite their years undercover they could nevertheless go on to take up public facing roles pontificating about matters of policing, security and intelligence. Lambert lectured on counter-terrorism at London Metropolitan, Exeter and St Andrews Universities, Dines was involved with the Charles Sturt University's policing programme in New South Wales, Australia, whilst Coles became a Conservative party councillor on Peterborough City Council and deputy police and crime commissioner for Cambridgeshire and Peterborough. The idea that these men's undercover experience, a significant part of which involved violating the bodily autonomy of women activists, qualified them to train or advise others is sickening.

I have been involved in this campaign since 2011, soon after 'Lisa' unmasked Mark Kennedy, when eight of us first met with lawyer Harriet Wistrich and we started working to bring our legal challenge against the Metropolitan police. I've still received no disclosure as to why Mark Jenner was in my life and I have to wait until 2025 for Tranche 3 (covering the years 1993-2007) before I hear his evidence first hand. Despite having little faith in the judge who oversees the inquiry, like many others I continue to participate. With those involved in our campaign group Police Spies Out Of Lives, I will keep trying to draw public attention to the misogynistic, human rights abuses perpetrated by these policing units so this cannot happen again to other women.

Instead of that task getting easier, however, new legislation passed in 2021, has made things more difficult. Rushed through parliament during the Covid years, the Covert Human Intelligence Sources [CHIS] (Criminal Conduct) Act, places no limits on what state spies can be authorised to do. Criticism of the Bill by the parliamentary Joint Committee on Human Rights Legislative Scrutiny report from 2020 was ignored; it stated: 'The lack of limits on the use of Criminal Conduct Authorisations risks the human rights of victims … being violated.' In its current form, this Act enshrines in law the very wrongdoing and criminality we have been fighting to legislate against. Despite the College of Policing's guidelines for undercover operatives, there is still no law that specifies sexual relationships between CHIS and members of the public are prohibited. Without this specificity, interpretation of the law can be warped by institutional prejudice and discrimination.

As it stands, state operatives are officially above the law. A society that allows for authorised sexual offences and even torture and murder is one that is brutalised and desensitised to violence and which has no respect for human rights. A key element of our campaign work, therefore, is to call on opposition parliamentarians to commit to reforming this regressive legis-

lation. We welcome all the support we can get to enable this progressive change.

£16.2m Taxi/Hotel Bill to Send Prison Staff Around the Country to Plug Gaps

Andy Gregory, Independent: The government is spending millions of pounds taxiing prison officers around the UK and putting them up in hotels in an attempt to deal with the desperate staffing crisis in jails, The Independent has learnt. Officers are being sent hundreds of miles away from home, for just a few days or weeks at a time, to "paper over the cracks" where prisons are struggling due to chronic difficulties with hiring and retaining staff. The government has now admitted spending £16.2m on accommodation costs, transport and extra pay in 2023, costing the taxpayer almost £50,000 per officer, more than the annual salary of a senior recruit.

The number of officers being dispatched – mostly from northern to southern England – has soared by nearly 350 per cent in the space of just four years, with HM chief inspector Charlie Taylor warning that several prisons are now "entirely dependent" on borrowed staff. The growing reliance on temporary staff is having a destabilising impact on the prisons that are sending the officers as well as those that are receiving them, experts warn, in some cases even fuelling violence and causing inmates to be locked in their cells for all but two hours a day.

An average of more than 350 officers a month were deployed in 2023 on what is termed "detached duty". This is a huge jump from just 79 officers a month in 2019, which cost £2.3m according to data previously released via freedom of information requests. A total of 21 struggling prisons – one in six prisons in England and Wales – relied on detached duty last year, figures released to Labour's shadow prisons minister, Ruth Cadbury, show, with the taxpayer spending an average of nearly £1,000 per officer each week.

"Although recently the recruitment numbers have got better, what's actually happening is that there's over-recruitment going on in parts of the north of England – in order, in effect, to bus people down to jails in the south of England," HM chief inspector of prisons told The Independent. That's fine if it's for a few weeks, and it's expedient because there's an issue with numbers of staff. But this has now become a longer-term solution to the challenge of just not having enough officers in certain parts of the country."

Several prisons in the South – such as Sheppey's HMP Swaleside, Woodhill in Milton Keynes, and Long Lartin in Worcestershire – are suffering chronic staffing difficulties in the face of a more competitive local employment market, and are now entirely dependent on detached duty, inspectors have warned. Swaleside – where 14 inmates have died in just two years – borrowed an average of 45 officers a month in 2023, new figures show. Despite receiving 44 officers a month, Woodhill still faced a 36 per cent shortfall and had the highest self-harm rate of any prison, while frustrations exacerbated by temporary staffing arrangements were reported to be fuelling violence among inmates. Long Lartin – which houses some of the country's highest-risk offenders and suffers among the worst rates of assaults on staff – topped the list, relying on an average of 58 borrowed staff each month. All of the four prisons issued with emergency warnings in the past year – Bedford, Bristol, Woodhill and Cookham Wood – were among those that required temporary staff.

This increasing reliance on the decades-old practice of detached duty is merely "papering over the cracks" at an "enormous cost" to the taxpayer, said Mr Taylor, warning that "while there are many brilliant officers working on detached duty, those staff won't remain in the prison in the longer term. That's a challenge for governors, because it means constantly training new arrivals to the particular issues within your jail, but it also means they can't build up the kind of stable culture that we know encourages safer, more productive regimes that

make people less likely to reoffend on release."

It can also be destabilising for prisons to lose officers to detached duty. Independent monitoring boards have warned that the "over-recruitment" of officers in order to allow more to be sent on detached duty is having adverse effects in at least three Yorkshire prisons, one in Stafford, and another in Shropshire. In HMP Wakefield, managers were overstretched by having to train new recruits to run the prison without their more experienced colleagues, who had been sent on detached duty. In HMP Wealstun, this was causing a similar shortage, leading to inmates being locked in their cells for up to 22 hours a day.

Two-thirds of the 52 jails that sent officers in November were in the North or the Midlands, analysis by The Independent found. When there are not enough staff willing to volunteer for detached duty, some governors are now being forced to use a rotational system whereby officers are sent on compulsory two-week stretches, said Tom Wheatley, who governed Wakefield until becoming chief of the Prison Governors Association in March. This has been the case for around eight months, Mr Wheatley believes, and can cause a "knock-on effect" whereby – as an example – staff at Wakefield have to be sent every day to cover for officers at Leeds, who have volunteered to be sent on detached duty to Kent for a longer period. It's a really complicated, labour-intensive and expensive way – but it's the only way we've currently got until we solve the problem," said Mr Wheatley, who suggested introducing a system of locality pay to help to entice people to join southern prisons that are struggling to recruit and retain new officers.

While officer starting pay has increased from £23,529 to £32,851 since 2019, this has come at the expense of decent pay increases for serving officers, which is harming staff retention, said Mr Wheatley, who noted that some staff in Kent, for example, are transferring to less violent Border Force roles. Meanwhile, detached duty costs more than the starting pay for a senior officer. As of February, officers were paid a bonus of £500 for four weeks of detached duty, rising to £2,000 for 12 weeks, in addition to being reimbursed 45p per mile in travel costs, having accommodation paid for, and being given a subsistence allowance of £25 per night.

Calling for a "complete shake-up of recruitment" and a new strategy to stem the "major problem" of officers leaving the service, the chair of the justice committee, Tory MP Bob Neill, said there is a "growing case for regional pay arrangements" because "governors need to be able to match local job-market conditions". Ms Cadbury, the shadow prisons minister, said the new figures illustrate "how the Conservatives' mismanagement of our prisons is leaving taxpayers to pick up the bill. The government have already spent nearly £50m to rent police cells – now it's revealed they're spending millions sending prison officers across the country to plug the gaps of staff shortages. 14 years of Conservative government has left our prisons in a state of crisis."

Police Barred From Blaming Restraint Deaths On 'Excited Delirium'

Shanti Das, Observer: The police watchdog for England and Wales has removed a controversial medical term from its incident forms after claims it plays into racist stereotypes and detracts attention from police brutality. Until now, police forces referring a death or serious incident to the Independent Office for Police Conduct (IOPC) have been given the option to tick "excited delirium" in a list of relevant factors. The term has historically been used to describe people who are agitated or acting bizarrely, usually because of mental illness, drug use or both. Symptoms are said to include insensitivity to pain, aggression, increased strength and elevated heart rate. But it is not a recognised medical condition, is rooted in pseudoscience and has been criticised for playing into racial tropes about superhuman strength, which cam-

paigners say can lead to increased use of police force. In 2021, excited delirium was mentioned in the trial of Derek Chauvin, the former US police officer found guilty of the murder of George Floyd. Police officers discussed whether Floyd might have excited delirium as they restrained him. It has also come up in police restraint cases in Britain.

Last month, an Observer investigation found excited delirium and the alternative term "acute behavioural disturbance", as it is now more commonly known in Britain, had been cited as a cause of death, or a contributing factor, in IOPC reports and inquests in at least 44 police restraint death cases since 2005. A disproportionate number of the cases where it was used involved black and ethnic minority men in mental health crisis. In its statement the IOPC said it had now reviewed the use of the term excited delirium on its official referral forms and decided to remove it. A spokesperson said that "following recent public debate" it had "decided to stop using the term 'excited delirium' as we recognise that it is language which is outdated and potentially offensive. We are in the process of removing it from IOPC forms that police forces use to make referrals to us and will not use the term as an option for categorising our investigations," they said. The watchdog, which oversees complaints about police forces, said it planned to keep references to acute behavioural disturbance for now because although this was also controversial, it was "currently used by police and coroners and we need to be able to identify its use".

It is not clear why excited delirium remained in official IOPC paperwork for so long. The term originated in Miami in the 1980s after 32 black women who worked as sex workers were found dead, naked from the waist down and with no obvious injuries. A medical examiner concluded they must have died from cocaine and sex, a phenomenon he termed "excited delirium". The women were later found to have been murdered, but use of the term persisted. It was also claimed that men in states of excited delirium would become extra strong and impervious to pain. Excited delirium has since been put forward by police and their lawyers to explain deaths after police intervention in the US and elsewhere. Seven years ago, a Home Office-commissioned review into deaths in police custody said the term should be removed from guidance for police officers.

Elish Angiolini, who chaired the inquiry into policing issues arising from the murder of Sarah Everard by a serving officer, wrote that it was a "contentious and controversial term". Lady Angiolini also said any mention of it in police death cases could become "the focus of an investigation, and the use of any restraint may be subsequently downplayed". The Royal College of Psychiatrists has said the term plays into racial stereotypes and should not be used.

Deborah Coles of the human rights charity Inquest said the use of excited delirium on IOPC referral forms was "outrageous" and that she was "surprised and disappointed" by its inclusion, adding that IOPC investigations "very often inform the evidence that comes out at the inquest". She said its removal was a "welcome step" but would only have a true impact if the watchdog also strengthened its approach to investigating restraint deaths, including properly scrutinising the use of force and the potential role of racism. Coles also criticised the IOPC for a "serious error" in an initial announcement about the change, when it said it would keep references to "acute behavioural disorder". It has since clarified that this was meant to be acute behavioural disturbance. It is an important distinction because while acute behavioural disturbance is used by emergency services as an umbrella term to describe symptoms that might suggest someone is in crisis, calling it a "disorder" perpetuates the myth it is a genuine medical condition.

Campaigners and the families of people who died after police restraint say this confusion has led to excited delirium and acute behavioural disturbance being listed as a contributing factor or cause of death, while the role of restraint has been minimised. The issue of excited delirium has received renewed attention in recent months since the release of a podcast series by journalist Jon Ronson, Things Fell Apart, which delved into the origins of the term and its use by US police. Two US states – California and Colorado – recently banned excited delirium from being recorded as a cause of death in police custody cases. The College of Policing for England and Wales is reviewing its guidance on acute behavioural disturbance. Existing training materials say restraint should not be used when someone is displaying signs of acute behavioural disturbance unless absolutely necessary.

Canada - Historic Win for Migrants & Asylum Seekers - No More Immigration Detention

Human Rights Watch: All 10 Canadian provinces have now agreed to stop using their jails for immigration detention. Tens of thousands of you wrote to Canada's leaders, and they heard you. This is a major victory for migrant and refugee rights in Canada. Over the past decade, the Canada border agency has incarcerated thousands of people on immigration grounds in dozens of provincial jails across the country, on the basis of agreements and arrangements with provinces. Conditions in provincial jails are abusive, and these facilities are inherently punitive.

With your help, Human Rights Watch and Amnesty International went coast-to-coast with #WelcomeToCanada and a clear message—people seeking safety or a better life should not be jailed. Thanks to the hard work of our partners and people like you, all provinces have now agreed to void those contracts and to no longer house migrants and asylum seekers in their jails. However Our Work is Not Yet Complete - We are calling on Prime Minister Justin Trudeau to ensure that the Canada Border Services Agency (CBSA) halts the use of jails for immigration detention permanently. Now, it's time to officially ban the practice for good. Call on the federal government of Canada to take meaningful steps to end immigration detention across the country. Let's continue the momentum, and demand that Justin Trudeau move forward with a federal ban on the use of jails for immigration detention.

Unlawful Killing Verdicts at Stardust Inquests

On 18 April 2024 the jury at the inquests into the fire at the Stardust nightclub in Dublin in 1981 returned verdicts of unlawful killing in respect of all 48 of the deceased. The Stardust fire is often described as the greatest disaster to have occurred in the history of the Irish State. 48 young people died and 214 were injured. The average age of the deceased was 19 years old, with some as young as 16. The verdicts are vindication for the families of the deceased, who battled for many years to secure a proper investigation into the disaster. In 2019 the families obtained a direction from the Attorney General for fresh inquests. The inquests were the longest running and largest in Irish history with the jury hearing evidence from 373 witnesses over 1 year.

The Taoiseach, Simon Harris, said: "The Stardust tragedy was one of the darkest moments in our history, a heartbreaking tragedy because of the lives that were lost, the families that were changed forever, and the long, drawn-out struggle for justice that followed. Their relentless pursuit of truth and accountability, their profound commitment to justice, even in the face of overwhelming challenges and setbacks, was not only a fight for their loved ones but a campaign to ensure that such a disaster never happens again." The former manager of the Stardust, Mr Eamon Butterly, brought judicial review proceedings to argue that unlawful killing was not available at an inquest in Ireland. The High Court rejected his claims on two occasions, setting an important precedent that unlawful killing is available as a verdict at inquests in Ireland. The families also helped bring about new legislation to assist with the inquests, including new legislation for jury selection.

Andrew Malkinson's Response to CCRC Chair Helen Pitcher's Offer of an Apology

"I feel vindicated by this unreserved apology – but it is too little too late.The time for Helen Pitcher to apologise was last summer when I was exonerated. It was already crystal clear that the CCRC had completely failed me. Yet she's held off on apologising until a report spelled this out for her in black and white. It is hard for me to see sincerity in an apology after all this time – when you are truly sorry for what you have done, you respond immediately and instinctively, it wells up in you. The CCRC's failings caused me a world of pain. Even the police apologised straight away. It feels like Helen Pitcher is only apologising now because the CCRC has been found out, and the last escape hatch has now closed on them. Their delay in apologising to me added significantly to the mental turmoil I am experiencing as I continue to fight for accountability for what was done to me. Last September, my lawyer wrote to Helen Pitcher directly requesting an apology. She replied saying she didn't agree with many of our criticisms of the CCRC's handling of my case and refused. That smacks to me of someone who is in denial and not fit to lead a body which is meant to be dedicated to rooting out failings in our justice system. I hope the Justice Secretary Alex Chalk will bring in new leadership at the CCRC. I am innocent and I am not the only one. Others must not be let down as I was. The CCRC should be led by people with empathy, humility, and a track record of fighting injustice."

Psychologist's Evidence Used to 'Ramp Up' Allegations of Parental Alienation

The Bureau of Investigative Journalism have reported on the role psychologists are playing in court disputes between separated parents battling over custody for their children. They are the only media organisation in the UK to have a full-time reporter covering the family courts. This week she showed how a father used evidence from a psychologist to bolster his case against the mother in one acrimonious case. This reporting is important, because it reveals how significant these experts can be in court cases that deal with people's most sensitive and intimate concerns.

In this particular case, as with many others, the father accused the mother of "parental alienation", a concept used to describe one parent turning a couple's children against the other parent. Allegations of parental alienation have led to some parents having their children removed from their care. This time around, the judge found against the father and did not adopt the psychologist's recommendations, saying that they didn't look at the evidence as a whole. Nevertheless, the presence of the expert in the court case is significant. And what's more, the psychologist isn't registered with a professional regulator. The head of the family courts division in England and Wales has said that the label of psychologist isn't a protected title, meaning anyone can call themselves a psychologist. That does of course raise questions over who should be considered an expert in court and what weight should be placed on their evidence.

Brazilian Extradition Collapses

Abigail Bright secured the discharge on Wednesday of a Brazilian national from an extradition request issued by Brazil's Ministry of Justice and Public Security in the Federative Republic of Brazil. The extradition request sought to enforce the decision of a court in Brazil to sentence the defendant to fourteen years and ten months imprisonment after a trial, at which he was present, for rape and sexual assault on a girl then aged fifteen. Yesterday, the Government of Brazil gave notice that it will not appeal the decision. At an urgent hearing this morning, a judge ordered that the defendant must be released from prison.

The Government's extradition case collapsed when a judge accepted the defendant's submissions and found that extradition to Brazil would expose him to real risk of breaches of his absolute right to be free from violations of Article 3 of the European Convention on Human Rights ('No one shall be subjected to torture or to inhuman or degrading treatment or punishment'). The defendant's account (which Brazil disputed) was that he had served in prisons in Brazil for murder where he had witnessed extrajudicial killings. Abigail's submissions focused on evidence demonstrating that prison conditions in Brazil breached the UK's obligations under Article 3 of the Convention. The Government of Brazil had filed solemn diplomatic assurances in support of its extradition request. Principally, Abigail's submissions rested on the inadequacy of such assurances. The defendant's earlier asylum appeal in the First-tier Tribunal (Immigration and Asylum Chamber) against the Secretary of State for the Home Department also succeeded.

Sex Offender Banned From Using AI Tools In Landmark UK Case

Shanti Das,Observer: A sex offender convicted of making more than 1,000 indecent images of children has been banned from using any "AI creating tools" for the next five years in the first known case of its kind. Anthony Dover, 48, was ordered by a UK court "not to use, visit or access" artificial intelligence generation tools without the prior permission of police as a condition of a sexual harm prevention order imposed in February. The ban prohibits him from using tools such as text-to-image generators, which can make lifelike pictures based on a written command, and "nudifying" websites used to make explicit "deepfakes". Dover, who was given a community order and £200 fine, has also been explicitly ordered not to use Stable Diffusion software, which has reportedly been exploited by paedophiles to create hyper-realistic child sexual abuse material, according to records from a sentencing hearing at Poole magistrates court.

The case is the latest in a string of prosecutions where AI generation has emerged as an issue and follows months of warnings from charities over the proliferation of AI-generated sexual abuse imagery. Last week, the government announced the creation of a new offence that makes it illegal to make sexually explicit deepfakes of over-18s without consent. Those convicted face prosecution and an unlimited fine. If the image is then shared more widely offenders could be sent to jail. Creating, possessing and sharing artificial child sexual abuse material was already illegal under laws in place since the 1990s, which ban both real and "pseudo" photographs of under-18s. In previous years, the law has been used to prosecute people for offences involving lifelike images such as those made using Photoshop.

Recent cases suggest it is increasingly being used to deal with the threat posed by sophisticated artificial content. In one going through the courts in England, a defendant who has indicated a guilty plea to making and distributing indecent "pseudo photographs" of under-18s was bailed with conditions including not accessing a Japanese photo-sharing platform where he is alleged to have sold and distributed artificial abuse imagery, according to court records. In another case, a 17-year-old from Denbighshire, north-east Wales, was convicted in February of making hundreds of indecent "pseudo photographs", including 93 images and 42 videos of the most extreme category A images. At least six others have appeared in court accused of possessing, making or sharing pseudo-photographs – which covers AI generated images – in the last year.

The Internet Watch Foundation (IWF) said the prosecutions were a "landmark" moment that "should sound the alarm that criminals producing AI-generated child sexual abuse images are like one-man factories, capable of churning out some of the most appalling imagery". Susie Hargreaves, the charity's chief executive, said that while AI-generated sexual abuse imagery currently made up "a relatively low" proportion of reports, they were seeing a "slow but continual

increase" in cases, and that some of the material was "highly realistic". "We hope the prosecutions send a stark message for those making and distributing this content that it is illegal," she said. It is not clear exactly how many cases there have been involving AI-generated images because they are not counted separately in official data, and fake images can be difficult to tell from real ones. Last year, a team from the IWF went undercover in a dark web child abuse forum and found 2,562 artificial images that were so realistic they would be treated by law as though they were real. The Lucy Faithfull Foundation (LFF), which runs the confidential Stop It Now helpline for people worried about their thoughts or behaviour, said it had received multiple calls about AI images and that it was a "concerning trend growing at pace". It is also concerned about the use of "nudifying" tools used to create deepfake images. In one case, the father of a 12-year-old boy said he had found his son using an AI app to make topless pictures of friends.

Scarce Resources Are No Excuse For Discrimination

A ruling from the High Court this month shows how public bodies must promote equality, even when things are tight. Content warning: child sexual abuse; suicide; self-harm.

Jess O'Thomson, Good Law Project: A mother stuck living next door to a neighbour who sexually abused her daughter has won her case against Westminster City Council, after the High Court said the council's housing policy discriminates against women. The abuse and its consequences have had a devastating impact on the family. The daughter spent time sleeping rough to avoid her home and had been self-harming, taking drugs and was excluded from school. It is now over two years since the mother started looking for another place to live and the daughter moved abroad to live with relatives for her own safety. Both mother and daughter have struggled with depression and suicidal thoughts.

The mother lives in social housing in a borough next to Westminster, and started her search for another home there. The family has close connections with Westminster, so after her borough was unable to find any suitable accommodation, she applied to Westminster City Council. The council rejected her application in line with its housing policy, citing demand for housing from priority groups. It added that accepting her application would see her jump to the front of a 10-year waiting list for housing. The claimant argued that Westminster's policy treated applicants from within and outside the borough differently, and that this discriminated against women, because women are more likely to need to move out of their borough to escape abuse. Westminster maintained that the policy was lawful, emphasising that its very limited housing stock means it cannot provide for everyone in need.

The court found that Westminster's housing policy did treat people applying from outside the borough differently. The policy gave more "points" to existing Westminster tenants and included specific factors to be considered, such as safety and the risk of violence. These factors weren't included in the policy for people applying from outside the borough, who the policy said "will not be rehoused out of turn". But did this different treatment amount to discrimination? Under the Equality Act 2010, it is usually unlawful to discriminate against someone on the basis of a protected characteristic, such as religion, disability or sex. Treating someone less favourably because of a protected characteristic is direct discrimination – for example, deciding not to hire someone because they are a woman. In contrast, indirect discrimination happens when a policy, criterion, or practice disadvantages a group of people with a protected characteristic, even if you are treating everybody the same. For example, setting a minimum height requirement for a job will indirectly discriminate against women because, on average, women are shorter. This kind of discrimination can be lawful if it has an "objective justification", such as a genuine business need that can't be resolved in any other way.

Using evidence from the Pan-London Housing Reciprocal Scheme, the court found that Westminster's policy was indirectly discriminatory against women. That report showed that 90% of referrals for a transfer to another borough come from women and girls, with 63% fleeing some form of violence against women. The fact that women are more likely to need to move boroughs to escape abuse means that the policy disadvantaged women, and so was indirectly discriminatory. Westminster did not supply any evidence to justify such discrimination, and as a result, it was found to be unlawful.

The court also found that the council had failed in its Public Sector Equality Duty. This requires public bodies to make sure they are promoting equality. The court considered multiple pieces of statutory guidance, which specifically referred to the need to consider applications from outside boroughs when allocating housing, in order to protect victims of domestic abuse. But the Court found no evidence that Westminster City Council had considered its duty to promote equality in relation to its policy, which was unlawful. Westminster must now reconsider the claimant's application – treating her on the same basis as someone who is already a Westminster tenant. It's yet to be seen if this will allow the family to move out of their dire situation. This case shows that decision makers must avoid discrimination, even when things are tight. It also highlights serious concerns about how our country's vital resources, such as social housing, have been allowed to deteriorate so badly. Waiting lists of 10 years and more are leaving some of the most vulnerable out in the cold. This is a problem that the High Court alone cannot fix.

Letby to Seek Permission For Conviction Appeal

She is to apply for permission to appeal against her convictions for the murder and attempted murder of babies in her care. A panel of three judges at the Court of Appeal in London is due to consider the former nurse's case later. The 34-year-old was handed 14 whole life terms last year. She was found guilty of murdering seven babies and attempting to murder a further six at the Countess of Chester Hospital between 2015 and 2016. Shortly after her trial ended in August, Letby applied for leave to appeal against her convictions. She lost the first stage of the process, in which a single judge reviewed her arguments as a paper exercise. Letby, originally of Hereford, now has the right to a second stage, which involves renewing her application before a panel of judges at a hearing at the Court of Appeal. It is understood the nurse will say there are four grounds of appeal and will argue that the judge at her trial wrongly refused applications that her legal team made during the case, which lasted for 10 months. Separately to the appeal, Letby is due to be re-tried on one charge of attempted murder, which the jury at her trial was unable to decide on. That re-trial is due to commence in June. As a result, to avoid prejudice, the media will not be allowed to report the full detail of the appeal hearing at this stage. A public inquiry into events at the Countess of Chester Hospital is also planned, and its first hearings are expected in the autumn.

Joe McCann: Attorney General Orders Fresh Inquest Into Official IRA Man's Death

Northern Ireland's Attorney General has ordered a fresh inquest into the death of an Official IRA man in 1972. Joe McCann, 24, was shot in disputed circumstances near his home in the Markets area of Belfast. Two former paratroopers accused of the murder were formally acquitted after their trial collapsed in 2021.