search for truth. Lawyers and coroners can change this; given the tools and confidence, they have a vital role to play in helping to uncover the truth, achieve racial justice, and save future lives." Deborah Coles, Executive Director of INQUEST, says: "The evidence of racial inequality in state institutions is glaring and undeniable. INQUEST's casework shows the deaths of Black and racialised people are some of the most violent, contentious, and neglectful of all deaths in state custody. Despite this, inquests and post death investigations continually fail to investigate the potential role of racism, rendering racism invisible in the official narratives. This precludes the possibility of accountability and change – and most significantly – the prevention of future deaths. This guide is a step towards addressing this by arming professionals with the skills, strategy, and knowledge to challenge these issues."

His Honor Judge Mark Lucraft KC, Chief Coroner of England & Wales from 2016-2020: "This important guide equips practitioners and coroners to recognise, raise and investigate issues of race or racism when they arise, sensitively and without reticence. It is an invaluable resource, not only for promoting racial justice, but for improving fact finding, increasing racial awareness, and providing better representation to families."

Prisoners Serving Years On Remand

A record 16,200 people are presently imprisoned on remand without being tried or convicted. This is 16% of the total prison population – a 50-year high. The backlog of pending cases has risen to over 66,000, a significant increase from the 38,000 pre-pandemic. Chief Inspector Charlie Taylor raises the issue of inmates serving their sentences ahead of court appearances, resulting in unexpected, unprepared releases. Prisons are described as "on the edge," with only 1,100 spaces available out of 89,050, and a surge in violence, self-harm, and suicide.

The prolonged legal delays are taking a toll on victims, forcing them to put their lives on wait. The stress and delays increase the possibility that victims would abandon their claims, adding to an increasing "attrition" rate. To decrease overcrowding, Justice Secretary Alex Chalk announced plans to eliminate many sentences of less than a year. Early release has become a widespread practice to relieve the burden on jail capacity.

Criminal justice watchdogs are deeply concerned about the increased risk to the public. Prolonged durations of remand may result in inmates being released into the community without proper supervision after conviction. The Ministry of Justice claims that courts are functioning at full capacity and have boosted funding to manage the growing backlog. Efforts include increasing sitting days and having 20 Nightingale courtrooms available by 2024 to facilitate more hearings across the nation.

Degrading Mass Strip Search - Women in Prison Win $1.4M Settlement

A class-action lawsuit against the Orange Crush, a self-described "tactical team" of prison guards who carry out coordinated searches of cells. While such brutal exercises are carried out widely in prisons across the country, in Illinois, the guards dress in orange jumpsuits — wearing riot gear, carrying shields and waving batons — earning them their infamous nickname. More than a dozen years later, much longer than class-action lawsuits typically last, the women and their attorneys finally reached a settlement that was finalized in November 2023 with the Illinois Department of Corrections (IDOC). In a historic decision, a federal judge approved a $1.4 million settlement, with each plaintiff receiving an average of $13,000.

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MOJUK: Newsletter 'Inside Out' No 992 (28/02/2024) - Cost £1

Prison Reform Trust - UK's Chronic Addiction to Imprisonment

Prisons have had a "tumultuous" year but there are encouraging signs that the political costs of our addiction to imprisonment may have finally hit home with ministers, a new briefing from the Prison Reform Trust (PRT) suggests. "The Government should seize this opportunity to show that the status quo is not working and present a positive alternative vision for our criminal justice system," says the charity's chief executive Pia Sinha writing in the introduction to the latest edition of the Bromley Briefings Prison Factfile. "One that is rooted in the things that matter to the communities that they serve—safety, fairness, effectiveness and decency—and which relies on evidence rather than rhetoric," Sinha adds. PRT's annual Bromley Briefings Prison Factfile highlights the latest facts and figures about our prisons and the people in them. Drawn largely from government statistics, and fully referenced, they provide an authoritative source of information on prison conditions. The evidence they contain underpin PRT's programmes and advocacy work to influence ministers and policy makers. Key facts revealed in this year's edition include:

*Scotland and England and Wales have the highest imprisonment rates in western Europe.

*The prison population has risen by 75% in the last 30 years and currently stands at 87,982.

*For more serious, indictable offences, the average prison sentence is now 62.4 months—almost two years longer than in 2010.

*More than two and a half times as many people were sentenced to 10 years or more in the 12 months to December 2022 than the same period in 2010.

*More than 44,000 people were sent to prison in the year to June 2023. The majority had committed a non-violent offence. Almost two in five were sentenced to serve six months or less.

*Short prison sentences are less effective than community sentences at reducing reoffending.

*Community sentences are particularly effective for people with many previous offences, people aged under 21 and over 50, and people with mental health problems. Yet, their use has more than halved in only a decade.

Charting a difficult 12 months for people living and working in prisons, Sinha highlights how:

*The chief inspector of prisons issued five urgent notifications (UN)—raising immediate, urgent concerns about conditions—the highest number in a single year.

*The prison service ran out of places, forcing the government to adopt emergency measures to hold people in police cells; release people from prison early; delay court hearings; and warn judges about the pressure on our already overcrowded prisons.

*Meanwhile, staff leave the service in droves. Quickly burnt out by the conditions they face each day as they pick up their keys to start their shift.

*Prisons continue to be places of hopelessness and despair for too many people, with levels of self-harm now higher than before the pandemic, and self-harm by women reaching its highest level on record.

"Whilst crisis and scandal can trigger defensiveness and introspection, they can also act as a launch pad for bold reform," Sinha says. She commends the current justice secretary Alex Chalk for having "begun this journey" to set out a positive alternative vision for the justice system. Sinha highlights from his record as justice secretary since he was appointed 10 months ago:

*A swift reconsideration of his predecessor's intransigence to ending the injustice of the Imprisonment for Public Protection (IPP) sentence.

*A reversal of measures which prevented people from progressing in their sentences.

*The introduction of legislation—currently before Parliament—for a presumption that prison sentences of a year or less should instead be replaced with a suspended prison sentence.

"All of these are causes for celebration in a sector where the wins are few and hard fought for," Sinha adds. Drawing on her own experience as governor of HMP Liverpool, Sinha highlights overcrowding as "the single biggest barrier in providing a safe, decent and rehabilitative prison." "I know first-hand the powerful impact that reducing prisoner numbers had on my ability to bring about the reform measures that were needed" she says. "Having fewer people in the prison not only reduced the churn of people flowing in and out of the gates each day, but it also gave me and my management team some breathing space to work through the plethora of problems we needed to fix."

Sinha concludes: "As long as we have a justice system trapped in survival mode—one that is focused on just getting through the day—prisons are unlikely to become the places that they need to be in order to deliver on their core mission. Unless there is truth and honesty in this age-old debate of how society should respond to crime, and the political will to break out of the dysfunctional and reactive cycle of lock 'em up or let 'em out, we will continue to get the justice system we deserve. This requires not just a reset in one prison—transferring the burden onto another overstretched governor and their staff. This requires a reset of the system, with a positive vision for what our criminal justice system should look like. As the new chief executive of the Prison Reform Trust, I assure you that we will be that voice."

Systemic' Staffing Issues Within Criminal Justice System Failing Victims of Crime

Melin Onal, Justice Gap: A recent report by the policing watchdog has highlighted pervasive issues in recruiting and retaining skilled personnel within the criminal justice system. The body have raised concerns about worrying levels of inexperience that may fail the victims of crime. The joint report by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services said there are 'systemic' issues with recruiting new staff and retaining experienced people, and this has 'seriously hindered' their ability to deliver for victims. The head of the CPS, Andrew Kayley KC, said: 'An effective criminal justice system relies on each agency having a sufficient number of staff, with the requisite experience and skill sets. 'While we have seen each criminal justice agency respond positively to the pandemic and boost their numbers, they have also lost experienced staff who cannot be easily replaced. Inevitably, this has placed significant burdens on the shoulders of senior staff and ultimately, reduces the quality of service being provided to defendants, witnesses – and to victims of crime.'

The findings underscore the criminal justice system's struggles to maintain a high-quality service amid a backlog of cases and post-pandemic challenges. The aftermath of the COVID 19-pandemic has deepened recruitment and retention challenges. At the same time the number of outstanding cases in crown courts is at an unprecedented high of 66,547 cases in 2023, contributing to the strain on the criminal justice system. The report stresses that Crown Prosecution Service (CPS), prisons, and probation service should better understand and address reasons for staff departure, suggesting regular reviews of caseloads, to ensure adequate supervision and support for staff. Responding to the report, bodies including the National Police Chiefs' Council (NPCC) and the Ministry of Justice have outlined their efforts to address these challenges. In the last three years over 20,000 new members of staff were recruited as response to the issues of officers leaving and retiring.

Amnesty International has previously described the GVM as 'part of an unhelpful and racialised focus on the concept of gangs at the expense of concentrating on the most violent offenders.' Research found that the threshold for adding individuals to the GVM was extremely low, with no clear guidance or criteria, and a wide discretion left to police officers. Information about those on the database could be blanket-shared with other agencies, negatively impacting jobs, housing and education.

Jude Lanchin, a senior associate in criminal defence at Bindmans LLP, which has previously represented individuals on the database, said that, whilst she welcomed the news the GVM has been discontinued, she remained 'very concerned that the racial discrimination embedded in the GVM' would remain in the new Violence Harm Assessment tool.

Achieving Racial Justice at Inquests

New guide to help evidence the role of racism in state-custody deaths. The deaths of Black and racialised people are among some of the most violent, neglectful and contentious of all deaths in state custody. Yet the inquests into these deaths do not address the race of the deceased nor the potential role of racism. The guide will equip lawyers representing bereaved families with the tools to raise the potential role of racism in a state-custody death and coroners investigating deaths with the knowledge to determine whether racism was a factor.

Released Wednesday 21st February 2024, the guide will provide lawyers representing families bereaved by deaths in police custody, prisons, immigration detention, and mental health settings with the legal expertise to raise the potential role of race and racism at inquests. It also provides foundational knowledge and strategy to coroners to ensure they satisfy their duty in fully investigating the circumstances in state custody deaths.

Achieving Racial Justice at Inquests is a joint guide developed by human rights charities JUSTICE and INQUEST together with legal experts, academics, and bereaved families. As the deaths of Black and racialised people are some of the most violent, neglectful and contentious of all deaths in state custody, the question of whether racism contributed to the treatment of a loved one is invariably in the minds of Black and racialised families. Yet inquests rarely ever address race or racism. For bereaved families, inquests present key opportunities to find out how and why their loved one died. The failure to explore issues of race and racism not only stops families from learning the truth, but prevents potentially life-saving issues from being identified and addressed. This new guide equips lawyers and coroners with the tools to recognise, raise, evidence and investigate issues of race and racism.

The continued failure of inquests to examine the potential role of race and racism in deaths in state custody puts lives at risk. This new guide aims to achieve truth, justice and accountability for bereaved families and prevent further people from dying in state custody. Professor Leslie Thomas KC, leading expert on inquests and public inquiries, says: "Ensuring accountability and justice in cases of deaths in state custody is paramount. Yet, too often, inquests overlook the critical factor of race, particularly when Black and racialised individuals are involved. By ignoring or sidestepping this issue, they neglect to confront the systemic racism embedded in policies and practices that endanger lives. This guide will ensure race is no longer the elephant in the room in these investigations. Publicly acknowledging and investigating issues of racism are necessary first steps towards achieving justice and preventing further harm."

Fiona Rutherford, Chief Executive of JUSTICE, says: "Inquests are key to achieving justice, learning lessons, and repairing trust when someone dies in state custody, whatever their skin colour. Yet failures to investigate the potential role race and racism plays are blocking this

Tutor for the School of Physics noted that "She does have a problem with what looks like panic and anxiety issues with the interview assessment format". Her body was found in her flat just six months later, on the day she was due to give a presentation to fellow students and staff in a 329-seat lecture theatre. Her death followed earlier suicidal behaviour and attempts in the months leading up to her death. She was at least the tenth student at the University of Bristol to take their own life since October 2016, and was just 20 years old.

The University argued amongst other points that the oral assessments that caused Natasha distress were a 'competence standard' and as such it was not obliged to make any adjustments to it even if they would have benefited Natasha. It also maintained that even if the oral assessments were not a competence standard, it was not reasonable for the University to make the adjustments identified by Mr Abrahart as Natasha had failed to comply with its internal procedures or engage with its Disability Service. These defences were rejected by the County Court Judge, not least because Natasha's non-engagement was a symptom of her disability. Mr Justice Linden has now confirmed that HHJ Ralton was correct to do so.

Summing his overall conclusions, Mr Justice Linden stated at paragraph 267 of his judgment: "For the avoidance of doubt, the lesson of [the discrimination] part of the case is not that due process and evidence are unimportant where the question of reasonable adjustments arises in this context. They are important. There will no doubt be many cases where it is reasonable to verify what the disabled person says and/or to require expert evidence or recommendations so as to make well informed decisions. A degree of procedural formality will also generally be appropriate for the reasons which the University advanced. But what a disabled person says and/or does is evidence. There may be circumstances, such as urgency and/or the severity of their condition, in which a court will be prepared to conclude that it is sufficient evidence for an educational institution to be required to take action. That was the view of the County Court on the facts of this particular case."

A claim in negligence was rejected by the County Court, which found that no relevant duty of care was owed. Mr Abrahart cross-appealed on this issue. However, Mr Justice Linden did not decide whether a duty of care existed as it was unnecessary for him to do in order to uphold the Order of the County Court. Therefore, the existence, nature and scope of any duty of care on universities in this context will have to be the subject of another case. The case sets a significant precedent and has been widely reported in the media, including the BBC, ITV and Channel 4 news.

Met Police Overhaul 'Discriminatory' Gang Database

Aisling Martinez Gorman, Justice Gap: The Metropolitan Police has now officially discontinued its controversial Gangs Violence Matrix following the highly publicised legal challenge by civil liberties group Liberty in 2022. It will be replaced with an adapted tool called the Violence Harm Assessment. The Gangs Violence Matrix (GVM) database was created by the Met following the 2011 London riots to identify and risk-assess individuals involved in gang violence across the city. The recent announcement of its discontinuation comes following the Met agreeing to a complete redesign of the GVM in 2022 following widespread concerns over its 'disproportionality'.

As previously reported in the Justice Gap, the lawfulness of the GVM was challenged by Liberty on the basis that it discriminated against people of colour, particularly black men and boys, and breached human rights, data protection laws and public law principles. At that time, 86.5% of those on the database were black, Asian or other minority ethnic (BAME). Furthermore, whilst 79% of those on the matrix were black, the percentage of black people responsible for serious youth violence was much lower at only 27%.

Harsher Sentences For 'Rough Sex Gone Wrong' May Close Loophole For Killers

Alyson Lim, Justice Gap: The government has unveiled plans to implement harsher sentences for those who kill their partners through abusive, degrading or dangerous sexual behaviour ('rough sex'). This new statutory aggravating factor will impose longer sentences for such killers and applies to all manslaughter cases. This change is intended to recognise the gravity of extremely dangerous sexual practices that are inherently non-consensual, and builds upon the Domestic Abuse Act 2021 to emphasise that the 'rough sex defence' does not exist in law. Three years ago, the Centre for Women's Justice (CWJ) alongside campaign group 'We Can't Consent To This' (WCCTT) put forth evidence at the Court of Appeal hearing of Sam Pybus to request for an increased sentence; a unique intervention by the women's groups. Sam Pybus was jailed for four years and eight months after killing Sophie Moss by strangulation during sex. Yet the Court of Appeal declined, finding it not to be 'Unduly Lenient'

The founder of WCCTT, Fiona Mackenzie, said at the time: 'We were horrified to see the court accept Pybus' claim that Sophie had consented and was a willing participant, in… a 'risky sexual practice', despite this never being tested in court, and… being strongly refuted by Sophie's former long-term partner and by Sam Pybus' ex-wife.' She added that this 'could not be clearer case to show that the law must change'.

This leniency in sentencing men who have killed women through sexual violence has been echoed in previous cases, highlighting the highly gendered nature of 'rough sex' cases: In 2021, Martin Coultin was sentenced to six years imprisonment for killing his partner through asphyxiation after gagging and tying her hands behind her back. In 2018, Jason Gaskell was sentenced to six years for killing Laura Huteson by slitting her throat and claiming its use as part of a sado-masochistic game.

Harriet Wistrich, Solicitor and Director of CWJ, said of the law change: 'Cases of so called 'rough sex gone wrong' are highly gendered offences and the sentencing disparities we have seen fail to recognise the gravity of such killings. We hope this reform to homicide along with others under consideration will mark the start of an adjustment to the law so that male violence towards women is properly reflected in sentencing.'

Black Mental Health Patients More Likely to be Injured at Hands of Police

Nic Murray, Guardian: The number of black inpatients injured while being restrained by police in mental health units has risen dramatically – at the same time as the number of non-black inpatients injured has fallen, according to analysis of government data by the Observer. The Home Office's police use of force statistics for 2022/23 show that police forces across England recorded 820 incidents of force used in mental health units against black inpatients, resulting in 36 injuries. This is up from the 770 use of force incidents and 27 injuries recorded in 2021/22.

Over the same time, use of force incidents against non-black inpatients decreased by 19% from 7,698 to 6,244, and resulting injuries fell from 559 to 406. "These figures reveal that the shocking racial inequalities in our mental health services are only widening," said Abena Oppong-Asare, the Labour MP for Erith and Thamesmead and shadow minister for women's health and mental health.

This latest data covers the first full year since the main provisions of the Mental Health Units (Use of Force) Act came into use in 2018. The act, also known as "Seni's law", was introduced following the death of Olaseni Lewis, a 23-year old black man who died in Bethlem Royal Hospital in 2010, having been restrained by 11 police officers from the Met police. These provisions require mental healthcare providers to develop and publish policies on the use of restraint, keep records of the use of force, and to train staff in de-escalation techniques to help reduce its occurrence.

Since August 2022, in the event that police are called to attend mental health units, they have been required to wear body cameras. However, experts remain concerned that little has changed in practice. "The family of Seni Lewis fought for this law, to ensure what happened to Seni never happened again," said Lucy McKay, spokesperson for the charity Inquest. It is clear that the law and guidance has led to some important changes, but that has not been felt by black inpatients like Seni, for whom things appear to be getting worse." Ground restraint and limb and body restraint, two of the tactics used by police during the restraint of Lewis, rose by 9% and 20% respectively against black inpatients, while their use against non-black inpatients fell by 38% and 14%.

Aji Lewis, the mother of Seni Lewis and a campaigner on mental health, said: "Since my son died more than 13 years ago, we have fought to ensure he has a legacy. That legacy should be that what happened to Seni does not continue to happen." The enactment of Seni's law and the subsequent guidance was a positive step forward. Yet this data shows the change we need is not taking place. We must see urgent action to address continued racial disparities in restraint of patients, and to end the use of dangerous restraint of mental health patients."

A Home Office spokesperson said: "Police officers must only use force where it is reasonable, necessary and proportionate to do so, in order to keep the public and themselves safe. "Nobody should experience police use of force because of their ethnicity. We are making it easier for officers to use body-worn video and are providing local communities with more opportunities to scrutinise incidents of police use of force."

Suspicionless Searches - Human Rights Act - Police Accountability

Habib Kadiri, Justice Gap: From Dominic Raab's attempts to make the UK supreme court the 'ultimate judicial arbiter' in interpreting the European Convention on Human Rights (ECHR), to Suella Braverman's allegation that the European Court of Human Rights (ECtHR) is 'treading on the territory of national sovereignty', the government has made no secret of its disdain for a law that directly defends British subjects' human rights against the whims of state actors. This is reflected in the incumbent Conservative Party's 2019 election manifesto, which promised at the time to 'ensure that there is a proper balance between the rights of individuals, our vital national security and effective government.' That the party would – in order to achieve the said balance – be prepared to warp a legal instrument originally proposed by former Conservative Party leader and prime minister Winston Churchill and drafted mainly by British lawyers seems an odd move. Things become more curious when we are reminded that that the police – as state actors – breach individuals' human rights daily in the (mis)use of stop and search powers. In particular, there are significant discrepancies between police powers to conduct stop and searches without reasonable suspicion – recently expanded under the Police, Crime, Sentencing and Courts Act (PCSC) 2022 and the Public Order Act 2023 – and human rights law.

The 2010 ECtHR case Gillan and Quinton v the United Kingdom covered suspicionless police searches under the Terrorism Act 2000, finding that 'coercive powers to require an individual to submit to a detailed search of his person, his clothing and his personal belongings amount to a clear interference with the right to respect for private life.' Stop and search provisions under the most recent criminal justice legislation are similarly coercive, allowing for up to two-years' imprisonment. Those convicted may also be required to notify the police of their name and regular addresses at which they reside. This raises concerns of systematic monitoring of those individuals, which seriously interferes with the right to respect for private life, as well as the rights to liberty and rights to remain silent (Articles 5 and 6 of the European Convention on Human Rights).

Conditions at 'Neglected' HMP Bedford 'Worst' Seen by Prison Inspectorate

Lauren Carty, Justice Gap: A recent report following an inspection of HMP Bedford has identified severe issues with the prison's accommodation, safety, and management. The full report follows an urgent notification in November 2023 for action to be taken on issues of violence, overcrowding, and poor conditions. One of the core findings of the report was the inadequacy of accommodation. Conditions were described as 'filthy' and 'squalid.' The inspection found evidence of rat, cockroach, mould, and pigeon infestations. One segregation unit was found to be flooded with raw sewage after heavy rain, meaning prisoners had to be regularly moved. Furniture was both sparse and often broken. HM Chief Inspector of Prisons, Charlie Taylor, declared in the report that some of the accommodation was 'the worst I have seen.'

Concerns were also identified with prison overcrowding and safety. Bedford held 334 prisoners at the time of the inspection, 50% over its certified normal capacity of 229 prisoners. Rates of self-harm were noted to have increased by 84% since the last inspection, with 533 incidents of self-harm and one self-inflicted death in the last 12 months. Staffing levels and mental health support were also identified as insufficient and the number of assaults on staff 'were among the highest in the country.' Bedford prison has been the subject of heavy scrutiny over the years by the HM Prison Inspectorate. Concerns rose to national prominence after a 2016 prison riot. The most recent report follows a similar investigation by the HM Prison Inspectorate in 2022 which identified issues with conditions, safety, and rehabilitation. However, the prison has failed to achieve most of the recommended improvements. In fact, evaluation scores for safety, respect, purposeful activity, and preparation for release have all worsened since then.

The Howard League for Penal Reform, the world's oldest prison charity, has responded to the report, with Andrea Coomber KC (Hon.), Chief Executive of the Howard League, saying, 'These images are an utterly appalling indictment of the prison system today, and they should compel politicians on all sides to work constructively to ensure that no one is held in such terrible conditions ever again.'

Natasha Abrahart: Disability Discrimination Contributed to Student's Death

Doughty Street Chambers: In what was believed to be the first case of its kind, the County Court Judge found in Mary 2022 that disability discrimination by the University caused Dr Abrahart's daughter, Natasha, "serious and … continuous" suffering and that the un-adjusted requirement to carry out oral assessments, despite Natasha's distress, was "the primary stressor and cause of Natasha's depressive illness", which led to her suicide. The County Court concluded that the University's actions constituted and a failure to make reasonable adjustments and unlawful disability and indirect discrimination under the Equality Act 2010. The Judge ordered the University to pay damages of £50,518. This reflected the injury to Natasha's feelings and the deterioration in her mental health caused by the University, and funeral costs. The University challenged both the County Judge's findings of fact and his application of the law in a wide-ranging appeal. However, Mr Justice Linden rejected all of the grounds of appeal and upheld the County Court Order in all respects.

Natasha Abrahart was a physics student and had Social Anxiety Disorder. She had been a high-achieving student until her second year at university but from October 2017 she was required to undertake oral assessments as part of a laboratory module. Academic staff first became aware of her profound difficulty with oral assessments when she left the first such assessment without being able to answer a single question. In December 2017 Senior

staff had been instructed to decline or cancel bookings for people who had Irish accents. Pontins had also introduced rules requiring guests to appear on the electoral register. This was deemed discriminatory against Gypsies and Travellers as such communities are lesslikely to be on the register, according to the EHRC. Chris McDonagh, the campaigns officer at Friends, Families and Travellers, said: "It is deeply saddening that Irish Traveller people have become so used to hate and prejudice that the Pontins 'blacklist' did not come as a surprise. While we are certain that Pontins are not the only ones operating such discriminatory policies, we welcome the EHRC's investigation and commend the whistleblower's principled stance. Everyone deserves to live free from hate and prejudice."

The EHRC entered into a legally binding agreement with Pontins to tackle discrimination in 2021 after a whistleblower revealed the "undesirable guest" list to the watchdog in 2020. However, the watchdog was forced to launch a formal investigation in 2022 after Pontins failed to comply with the terms of the agreement. The operator is now required to produce an action plan by 9 April 2024. Britannia Jinky Jersey Ltd said in a statement: "We are in the process of reviewing the unlawful act notice and investigation report from the Equality and Human Rights Commission. The specific incidents reported by the EHRC are historic issues predating 2018. The call centre where the incidents took place has closed and the majority of the staff involved have now left Pontins. We apologise to all who may have been affected. Pontins is committed to ensuring ongoing compliance with the Equality Act 2010."

Devon & Cornwall Police Accused of "Protecting" Officers Accused of Domestic Abuse

Vanessa Li, Justice Gap: Allegations have been made Devon and Cornwall Police had failed to investigate reports of domestic abuse, including rape, physical and psychological abuse, involving both serving and former officers. Seven women contend that the perpetrators are "protected" by the force, with investigators connected to the accused officers. It is also alleged that, following allegations, some of the accused officers were promoted to specialist roles dealing with violence against women.

One of the seven women is Paula Kressinger, who served in the Devon and Cornwall Police Force for three decades. She says she was put in a neck hold by her former partner, a retired police officer. When police intervened, she was called "pathetic", treated as the offender and completely dismissed. Kressinger waived her right to anonymity and expressed her disappointment to the Guardian. She said: "It defies belief. I was completely failed by them, disrespected and insulted. I lost confidence in the police as a result. It was a definite cover-up." Another woman was a mother of three and allege that her former partner, also a police officer, raped and physically controlled her during their marriage, and persistently stalked and harassed her after their separation. She was later informed by the specialist investigative unit responsible for her case that no charges would be brought. A recent assessment by His Majesty's Inspectorate of Constabulary regarding the Force, recorded that "without exception, every female respondent interviewed in the cultural audit reported experiencing some form of sexual harassment or discrimination in the workplace." Assistant Chief Constable of Devon and Cornwall Police, Jim Pearce, said the force had made a mandatory referral to the Independent Office for Police Conduct.

Debaleena Dasgupta, of the Centre for Women's Justice, represents the seven women. She told the BBC, 'The women's combined testimonies paint a picture of a force not just unable to investigate police-perpetrated domestic abuse, but seemingly unwilling to. These shortcomings demonstrate a failing system, and are so egregious, they breach the women's human rights. It takes immense bravery to report a police officer to their own police force. For the victims to then be so badly failed is deplorable. This case shows that sadly things have not changed [after the convictions of Wayne Couzens and David Carrick]. It is hard to see how public confidence will be restored in policing if this is not robustly addressed."

The joint committee on human rights found that powers under the new legislation also interfere with Articles 10 and 11 – the rights freedom of expression and assembly. Police can search for 'objects made or adapted for the use in course of or in connection with a protest-related offence' if an inspector reasonably believes any protest-related offences may be committed. This power is very likely to have a chilling effect not only because of its intrusive nature but also the vast range of people that would be caught under it. Suspicionless stop and search powers also compound discrimination against ethnic minorities, in contradiction to Article 14.

Suspicionless search powers stem from the 30-year old Criminal Justice and Public Order Act, ostensibly created to deal with acts of serious violence. In 2015, considering the case Roberts v Commissioner of Police, the Supreme Court warned against the arbitrary and discriminatory use of these powers. Only plans to introduce safeguards could justify them. However, seven years later, the government announced its intention to relax the Best Use of Stop and Search scheme safeguards and we see how suspicionless search powers have subsequently been extended to far less serious offences in today's Public Order Act. The expansion and even the existence of suspicionless searches clearly challenges our commitment to human rights legislation, which makes the Roberts decision so striking, in that it failed to recognise the discriminatory harm driving suspicionless searches against ethnic minorities as an interference with Articles 8 and 14 of the ECHR. Contrarily, the judgement made unsubstantiated assertions that the use of these powers was effective to its deterrent effect, which saved 'mostly young black lives'. This is despite the fact that section 60 powers are consistently ineffective in preventing crime. These powers only result in a 3.4% arrest rate. The court was in no position to offer a criminological rationale for their effectiveness without considering the evidence in the public domain. Thus Roberts has had the effect of endorsing racially discriminatory policing.

Meanwhile, the ECtHR has repeatedly found, in the cases Gilian and Quinton v UK in 2010 and Beghal v United Kingdom in 2019, that suspicionless searches can and do violate our right to respect for our private and family life. The court found that there were insufficient safeguards against abuse of these powers, and recognised the risks of such powers being used in a discriminatory manner against ethnic minorities. In light of this, there is a compelling case to revamp the tried-and-tested approaches to police accountability. Examination of the powers' effectiveness is not enough – rather, these powers should be scrutinised from a human rights perspective. In particular, the legality of the original CJPOA power needs to be revisited, with an eye to compliance with our rights to liberty, respect for our private life, and prohibition against discrimination. Unfortunately, public discourse around police powers in England and Wales has focussed on crime reduction, service quality and the grandstanding of punitive measures. Comparatively little attention from politicians and the police has been devoted to interrogating whether the exercise of police powers is compliant with human rights standards. As a result of this, our colloquial understanding of how the police should (and indeed, can) be held to account using all the legal and political equipment available to us has been woefully distorted.

The Police Service for Northern Ireland follow a statutory duty to comply with human rights standards, through a monitoring framework and annual report. By contrast, the Metropolitan Police has failed to take any meaningful stance towards a human rights' compliant practice, or encouraged any sustainable or substantive scrutiny in this manner. Even the Casey Report – which shone a devastatingly critical eye on the institutional failures of the Met – made only occasional reference to the force's obligations under human rights standards. While embedding human rights norms into the Met and other police forces in England and Wales is by no means a panacea for its ills, a human rights based approach reasserts the enduring importance of safeguarding individual liberties against the excesses of state power.

'Covert Tech' Will Spot Drones at Scottish Jails

Prisons in Scotland are developing "covert technology" to detect drones being flown in to deliver drugs and other contraband, according to the country's Justice Secretary, Angela Constance. She revealed the programme when asked in the Scottish Parliament what efforts were being made to keep drugs out of jails. She responded: "On technology, I will say briefly that the Scottish Prison Service continues to work with Police Scotland and an external provider to develop a pilot programme that is trialling covert technology that alerts establishments to drone activity in SPS airspace. That is one of the many actions that are being taken." She was replying to a question from Scottish Conservative justice spokesperson Russell Findlay, who claimed that prisons were "under siege from gangsters who control the drugs trade". A Scottish Prison Service spokesperson told current affairs publication 1919 Magazine, which reported the exchange: "Any attempt to bring illicit substances into our establishment, including by a drone, poses a significant threat to the health and wellbeing of those in our care, and we will use all technological and intelligence tools available to prevent this wherever possible. We continue to work with Police Scotland, and other partners, to take action against those who attempt to breach our security." Official figures have shown that in the first nine months of 2023, a total of 54 drones were recovered at Scottish prisons, compared to only seven in the whole of 2022, and only 19 during the three-year period from 2019 to 2021. Of the 54 recovered last year, 16 were carrying phones, 12 contained drugs and two had weapons. Constance added: "The safety and security of our prison staff, who do a difficult and, at times, dangerous job, is of the utmost priority to me and this Government. There needs to be a whole range of action, including continuing work to prevent contraband from coming into prisons in the first place, because that does not make prisons safer and it can often add to the violence in our prisons."

'Dehumanising' Electronic Monitoring up by 300% in the US

*Rehoboth Ogunjimi, Jusstice Gap:*A report has found that Electronic Monitoring has increased substantially in the US in all sectors, with some even tripling. The report, produced by the Vera Institute of Justice's national American census has found that more than half a million adults are under surveillance nationwide by either the criminal legal system or the immigration system. It also highlighted that more than 150,000 people were under electronic monitoring surveillance 'at any given time.' Immigration and Customs Enforcement's Intensive Supervision Appearance Program (ISAP) accounted for two thirds of the total electronic monitoring. ISAP's electronic monitoring conditions are particularly dehumanizing and taxing, both physically and mentally, for asylum-seekers. The methods of monitoring vary, including voice reporting and GPS ankle monitoring.

Electronic monitoring is a method of digital surveillance, tracking people's 'physical locations or other markers of behaviour,' to limit an individual's freedom of movement. It is commonly used as a condition for bail or post-trial supervision e.g. probation, parole, or home detention. On methods, the report points out that the use of GPS devices has increased thirtyfold between 2005, and the use of mobile phone apps to track and monitor people has raised new areas of concern over the potential compromise of highly personal data. More than $1.2B was spent on electronic monitoring in 2023, highlighting the huge increase in business for the 11 companies that take up majority of the electronic monitoring market, shifting the burden onto lower income families. The programs, in many jurisdictions, are 'primarily sustained by user fees.' Overall, while electronic monitoring is advertised as an alternative to incarceration and hailed for its effectiveness in reducing recidivism and prison overcrowding, the report underscores that it may expand mass incarceration and create 'harm for directly impacted people and their loved ones.' These concerns are worsened by the knowledge that electronic monitoring is 'deeply entrenched' in the criminal legal systems.

Policy into Practice - Prison Officers Use of Force Upon Prisoners

When investigating complaints about use of force, the question of whether force was used is rarely in dispute. The most common question our investigations need to consider is whether the use of force was necessary, reasonable and proportionate in the operational context and specific circumstances of the case. - As a result of the PPO actively feeding into HM Prison and Probation Service policy consultations, this Policy into Practice publication combines policy and case studies from real PPO investigations to highlight how the policy should be applied in practice. The PPO makes recommendations about use of force, and a common consideration in our investigations is whether the use of force was necessary and reasonable in the circumstances. Our publication highlights some areas of learning from the HMPPS Use of Force Policy Framework, which sets out the standards on how and when force should be applied:

* Necessity – all use of force must be necessary, even at a low level. Incidents can escalate, and this can increase the risk of harm to staff and prisoners. * De-escalation – Staff must seek to diffuse confrontational situations and attempt to resolve them without the use of force wherever possible. If force is initiated, attempts to de-escalate should continue. * Body worn video cameras – BWVCs provide evidence of actions leading up to and during a use of force incident. * Role of healthcare – prisoners must see a registered healthcare professional within 24 hours of force being used, even if they do not appear to have sustained an injury. Issued Thursday 15th February 2024, the Prisons and Probation Ombudsman released the next Policy into Practice publication, highlighting key learning for officers on the use of force in prisons. Ombudsman, Adrian Usher said: "Our Policy into Practice publication series shows why policy needs to be put into practice by prison staff. I hope that the learning highlighted impacts the actions taken by prison staff and healthcare, and in return, the lives of those in custody".

Pontins Served 'Unlawful Act Notice' Over Discrimination Against Irish Travellers

Neha Gohil, Guardian: The holiday park operator Pontins has been served with an "unlawful act notice" after an investigation by the equality watchdog found multiple instances of race discrimination against Irish Travellers. The Equality and Human Rights Commission (EHRC) found the operator, which is owned by Britannia Jinky Jersey Ltd, committed several clear breaches of the Equality Act. The investigation found that staff at the operator labelled a list of common Irish surnames as "undesirable guests" and instructed staff to decline or cancel bookings made under those names. The EHRC also found staff had created a "banned guest" list which contained the names of people Pontins suspected to be Irish Travellers and their friends or family.

The unlawful act notice will require the holiday operator by law to produce an action plan to address how they will meet the equality watchdog's recommendations. If they fail to do so by early April this year, the operator could face criminal sanctions. Kishwer Falkner, chair of the EHRC, said their investigation "uncovered flagrant breaches of the Equality Act". She said: "Their business practices demonstrated shocking overt race discrimination towards Irish Travellers and there was a culture of denial. We remain deeply concerned about these discriminatory practices. They were instigated and supported by senior managers and their leadership failed to take any action or accept corporate responsibility."

The watchdog's list of recommendations to Pontins includes an apology and engagement with the Gypsy and Traveller communities, the delivery of equality training and the monitoring of booking cancellations to identify issues. Lady Falkner added:"As regulator of the Equality Act, we will be monitoring Pontins closely to ensure they take accountability and make meaningful change happen by implementing our recommendations." The investigation by the EHRC also found that call centre