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For those of us in Prison There is Only One Season the Season of Sorrow

The very sun and moon seem taken from us. Outside, the day may be blue and gold, but the light that creeps down through the thickly-muffled glass of the small iron-barred window beneath which one sits is grey and niggard. It is always twilight in one's cell, as it is always twilight in one's heart.

I know not whether Laws be right, Or whether Laws be wrong; All that we know who lie in jail Is that the wall is strong; And that each day is like a year, A year whose days are long. But this I know, that every Law. That men have made for Man, Since first Man took his brother's life, And this sad world began, But straws the wheat and saves the chaff With a most evil fan. This too I know — and wise it were If each could know the same —That every prison that men build Is built with bricks of shame, And bound with bars lest men should see How men their brothers maim.

For us in prison, suffering is one very long moment. We cannot divide it by seasons. We can only record its moods and chronicle their return. With us, time itself does not progress. It revolves. It seems to circle around one centre of the pain. The paralysing immobility of a life every circumstance of which is regulated after an unchangeable pattern, so that we eat and drink and lie down and pray, or kneel at least for prayer, according to the inflexible laws of an iron formula: this immobile quality, that makes each dreadful day in the very minutest detail like its brother, seems to communicate itself to those external forces the very essence of whose existence is ceaseless change. Of seed-time or harvest, of the reapers bending over the corn, or the grape gatherers threading through the vines, of the grass in the orchard made white with broken blossoms or strewn with fallen fruit: of these, we know nothing and can know nothing. *Oscar Wilde, De Profundis, HMP Reading, January/March 1897*

Met Pays Damages to Two Black Men Wrongly Suspected of Dealing Drugs

Abdallah Barakat, Justice Gap: The Metropolitan police have apologised to Dijon and Liam Joseph and paid tens of thousands of pounds in damages for a stop and search incident in 2018. Officers saw the two black men innocently fist bumping in south London and wrongly suspected them of dealing drugs. The brothers were left 'humiliated and distressed' from the incident, with one of them being placed in handcuffs. This was a common occurrence for the brothers, as they'd been stopped and searched more than 25 times between them since they were children. The brothers believed they were targeted because of their skin colour, and as a result sued the force for false imprisonment, assault and racial bias. The Met initially chose to fight the case, and asked to change their defence after the court started hearing evidence, leading to criticism from the judge. Eventually, the Met agreed to pay damages and the pairs' legal costs, issue a wide-ranging apology, and declare the brothers to be of 'good character', stating that they 'did nothing wrong to cause the police to stop them.'

Six officers were involved in the 2018 incident where no drugs were found on the brothers and no further action was taken. It was claimed they were stopped because the Deptford area where the incident took place was known for drug dealing. The Met claimed that as well as the fist bumping, it looked like an object had been passed between the brothers. The police alleged that Dijon had to be handcuffed for 'acting aggressively.' The force's apology in the settlement stated: "It being agreed, a letter of apology will be sent on the defendant's behalf to each claimant acknowledging they are men of good character who did nothing wrong to cause the police to stop them on 27th February 2018, that they found the experience traumatic and humiliating, that their prior experiences of stop and search reflect those of other young black men in London over many years, and that the defendant is publicly committed to rebuilding the trust and confidence of the black communities in policing.".

Greece: Prisoner Refused Leave to Attend Mothers Funeral Violation of Article's 8 & 13

The applicant, Mr G.T., is a Greek national who was born in November 1990. The case concerns, firstly, the refusal to grant the applicant's requests for prison leave, initially in order to visit his mother while she was in hospital and subsequently in order to attend her funeral, and, secondly, the conditions of his detention. Relying on Article 3 (prohibition of inhuman and degrading treatment) of the Convention, the applicant complains of the conditions in which he was detained in Grevena and Korydallos Prisons. Relying on Article 8 (right to respect for private and family life), he alleges that the authorities' refusal to grant his requests for urgent leave to visit his mother while she was in hospital and, subsequently, to attend her funeral breached his right to respect for his private and family life. Relying on Article 13 (right to an effective remedy) taken together with Article 3, and also on Article 13 taken together with Article 8, he alleges that he had no effective remedy under domestic law either to complain about his conditions of detention or to challenge the refusals to grant him prison leave. Violation of Article 8, Violation of Article 13 combined with Article 8 - Just satisfaction: non-pecuniary damage: 4,000 euros (EUR)

Prisons: A New Year Brings Hard Choices For Government

Christmas and New Year have always been hard in prison, but it's difficult to think of a time when the gap between what's happening outside the walls and life inside has been wider. While most of us will expect to spend time face to face with friends and family this year, in prison the likelihood is that the holiday period will be spent largely behind the cell door. In this final blog of the year, PRT director Peter Dawson reflects on the increasing disconnect between what ministers say and the reality on wings up and down the country.

Everything we read in inspection and IMB reports, that we see on visits to prisons, and hear about from letters, emails and phone calls, tells us at PRT that excessive bang-up is still common across most of the prison estate. We also know that overcrowding levels have been increased in some prisons, and that staff and prisoners are being constantly shuttled between establishments to avoid even greater use of police cells. It's all too obvious that the government's response to a second "urgent notification" about HMP Exeter is hamstrung by the inability to move prisoners out of an overcrowded and crumbling prison as it has in response to similar reports in the past. We hear about prisons where the heating or water supply has failed for days on end and all the prison service can do is distribute extra blankets. The system's in permanent crisis mode.

People are in prison for longer than ever, but doing less than ever - But you wouldn't guess that from the answers ministers have been giving to parliamentary questions on the subject. According to the government, "the majority of prisons are delivering a full or near full regime". When you dig a little deeper, what this means in reality is that a "full regime" is no more than what the Governor thinks is deliverable with the resources they have. It certainly isn't the opportunity for everyone to be out of their cell doing something constructive. And there is no system in place to measure how many people are actually spending most of every day locked in their cell, still less to prevent that from happening.

The government faces hard choices in the new year, all politically unwelcome. But none of them are made easier by looking the other way We know that the new prisons minister, Damian Hinds, has inherited a disastrous situation. It can't have been easy for him as one of his first acts to have to stand up in parliament to say that the prison service had run out of space and was having to use police cells. And we know that the staffing crisis which is crippling prison regimes is not of his making. But the answer cannot be to pretend that all is well when it isn't. We hear about prisons where the heating or water supply has failed for days on end and all the prison service can do is distribute extra blankets. The system's in permanent crisis mode.

So We've Written to the Minister to Ask Four Specific Questions:

1) How are you monitoring excessive confinement? 2) What is the department's projection of the prison population and capacity over the next 12 months? 3) How long does the department intend to keep Operation Safeguard in place? 4) What further measures do you plan in the immediate future to reduce both excessive confinement and overcrowding?

The government faces hard choices in the new year, all politically unwelcome. But none of them are made easier by looking the other way. There is a way out if they want it — but it requires politicians of all persuasions to end their competition to look tougher than their opponent. Reducing the demand for prison places — not increasing their supply — is the only sustainable solution. At PRT, we will continue to tell the truth about what prisoners and their loved ones are facing, and to argue that the time has come to abandon our national addiction to imprisonment. Thank you for your interest in and support of our work during the last year. Whatever your connection to prisons and the people who live and work in them I hope that you enjoyed a peaceful Christmas.

Parole Data – A Very Odd Response From the Ministry of Justice

Peter Dawson, Prison Reform: The last week brought both a very unusual response from the MoJ and a very familiar one to our continuing quest to get information about parole changes into the public domain. Peter Dawson, director of the Prison Reform Trust, examines what the response does — and crucially doesn't — tell us. The decision to deny an indeterminate sentence prisoner access to open conditions is very likely to postpone their eventual release, possibly indefinitely. Decisions of that gravity, affecting a person's liberty in such a profound way, are normally taken in a court with all the safeguards that involves.

The unusual thing about the response to my letter to the Permanent Secretary complaining about delay was that it produced almost immediate action. The head of the Public Protection Casework Section (PPCS) emailed me a letter saying that the matter would be investigated and I would receive a response within 20 days. The fact that the complaint is about the conduct of that section makes it slightly odd to have a letter from the person in charge of it, but we should reserve judgement, at least until we see what the investigation concludes.

The wholly familiar response, however, came in the form of a letter purporting to provide the information I asked for back in July. It is dated 25 November, but until we asked it was not sent electronically, and as of 12 December, no hard copy had arrived at our offices either. It ignores most of the questions that I had asked. Here's what it does and doesn't tell us.

I asked whether the ministry had made any estimate of the impact of the change in criteria for open conditions on the need for additional prison spaces. - *The question is ignored — all that the ministry has said in public is that it expects the consequences to be "manageable".*

I asked if any pre-tariff sift applications had been delayed pending the implementation of new

criteria on 6 June. - *The question is ignored. The response does tell us that of 69 pre-tariff sift applications considered under the new criteria, just eight have been referred to the Parole Board. We already know that is a dramatic reduction compared to practice under the previous criteria.*

We know from the Parole Board that most recommendations are now being rejected where until 6 June recommendations were overwhelmingly accepted. But now the response gets very strange indeed. My letter to the minister back in July was very clear that we were seeking information about the way recommendations for transfer to open conditions were being handled and what outcomes were emerging. This response over four months later appears to take the obtuse interpretation that all I was interested in was the eight pre-tariff sift applications that have been referred to the Parole Board since 6 June. Unsurprisingly, none of those eight have yet been considered by either a minister or an official.

So we know nothing further from the ministry about how its practice has changed in considering recommendations from the Parole Board for moves to open conditions. We know from the Parole Board that most recommendations are now being rejected where until 6 June recommendations were overwhelmingly accepted. But we can't say whether ministers are getting involved personally, or whether there is any monitoring of decision making with reference to protected characteristics, or whether the process is being completed in a timely way. Rather more helpfully, the ministry did send us the equality analysis relevant to the 6 June changes. But it concludes that there is nothing to worry about, despite there being no data on which to assess whether practice either before or after 6 June shows any disproportionate impact in relation to any of the protected characteristics. There is a reason we are working so hard to inject some openness and transparency into this process. The decision to deny an indeterminate sentence prisoner access to open conditions is very likely to postpone their eventual release, possibly indefinitely. Decisions of that gravity, affecting a person's liberty in such a profound way, are normally taken in a court with all the safeguards that involves. The impact on the individual is identical, but these decisions are being taken in circumstances where there is virtually no accountability and no public visibility. The very least we should expect is a willingness to answer questions in a prompt and straightforward way. We will now submit fresh FOI requests in the hope of achieving that modest ambition.

Black Prison Staff Face Overt Racism and Slurs at Work

Nadine White, Guardian: Employees described feeling isolated from other staff, with some reporting being called the n-word, a probe by His Majesty's Inspectorate of Prisons found. Black prisoners and staff said racism was widespread and persistent; prisoners expressed concerns that they were less likely to be offered coveted jobs or education or enhanced regimes designed to incentivise good behaviour while serving time. "We live in a racist world, I believe, and prison reflects the outside world," one Black staff member told inspectors in the Thematic review: The experiences of adult black male prisoners and black prison staff report, published on Tuesday 13th December. Experienced staff described being subject to overt racism from colleagues, such as being called "monkey" and being given National Front cards for Christmas. One Black prison employee, where nearly all staff were white, said that he was approached during a staff social event and called a "Black bastard", while another officer was asked by a manager after the Brexit vote: "Where does that leave you?"

Many Black staff thought that Black officers were more likely to be overlooked for promotion, noting that decisions about promotion were mostly made by white staff who, they felt, were less inclined to promote a Black officer. While most Black staff saw white colleagues as the main source of racism, a few had experienced it from white prisoners with one officer being called a "cotton-picking n-word". But the review found that most white prison staff did not recognise or accept the findings, saying that they went out of their way to treat all prisoners fairly and felt frustrated that this went unrecognised.

Responding to this report, Peter Dawson, director of the Prison Reform Trust, said the review was a "compelling description of how racial discrimination may have changed in character, but not gone away. Anyone familiar with our prisons will recognise it as presenting a deeply truthful account. In doing so, it illuminates a structural failure to build the relationships between staff and prisoners on which an effective prison system depends. Thanks to the insight of both prisoners and staff, the report also describes very practical ways to bridge the gulfs in understanding that it describes. Those solutions utterly depend on being given the time and attention to implement them, and there are glimpses of good practice from which to learn. The benefits of doing so could be transformational."

Echoing what inspectors were told by Black prisoners, Black staff said they were not confident to report discrimination by colleagues because of the potential repercussions and a lack of faith in the confidentiality of the process. Some reported feeling being worn down by their experiences in the prison service, referring to deteriorating mental health. Force was used against Black prisoners far more frequently than against other groups, HM Inspectorate found, while their risk category was sometimes assumed rather than known, especially in relation to gang membership. The probe comes after the charity Inquest's recently-released study found that the deaths of Black people in UK prisons are among the most violent and neglectful.

Jessica Pandian, policy and research officer at Inquest, said the incidents of racism detailed in the inspectorate's report spoke to institutional racism embedded across the prison estate and criminal justice system. "As our recent report shows, racial stereotyping, negligent mental and physical healthcare, bullying and victimisation, and the inappropriate use of segregation are systemic issues. The sharpest end of which are seen in the premature and preventable deaths of Black people in prison. The inspectorate's report makes clear that Black people in prison are calling out for effective oversight and accountability on racism and discrimination. Yet Inquest have reported on how post-death investigations and inquests are consistently silent on issues of racism and discrimination. Imprisonment perpetuates harm and violence, with Black and marginalised people worst affected. Inquest believes the government's strategy of prison expansion must be halted and resources redirected from the criminal justice system and into welfare, health, housing, education and social care to end this continued injustice." HM Inspectorate suggested that these problems could be tackled by taking a more "creative approach", focused on building mutual trust and respect, including Black prisoners and white staff cooking and eating together because of its "deep cultural relevance and meaning" to some Black communities. Other suggested solutions included "reverse mentoring" where prisoners provide insights into their lives during private discussions with staff, joint prisoner and staff forums, and joint training and education. Chief Inspector of Prisons, Charlie Taylor, said: "Our report proposes a number of solutions developed in discussion with both Black prisoners and prison staff that focus on creating opportunities for respectful communication and the development of mutual understanding.

Access to Justice in Immigration Detention

"Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful". ICCPR [1966] (Article 9(4))

Rudy Schulkind, Justice Gap: Governments cannot simply lock people up and throw away the key – people who are being deprived of their liberty must be able to access the courts and to do that they must have access to legal advice and representation. If it is the government depriving people of their liberty then it is the government that must make provision for accessing justice. In immigration detention, that provision is desperately failing. New research published today

brings together the outcomes of 42 interviews with people in immigration detention. Those people were in different situations – some had made asylum claims and were awaiting a decision or an appeal, some were people who grew up in the UK and were facing deportation, some were parents separated from their children by immigration detention. All were being deprived of their liberty in different immigration removal centres and in desperate need of legal advice.

Just 43% of people have legal representation in their immigration case. This is the same figure as for May 2013, and across 19 Legal Advice Surveys the figure has never been lower. It is also significantly lower than in previous years – in 2019 the figures were at 64% (Spring) and 59% (Autumn). In fact, Immigration advice for people in detention has never recovered from the deep cuts to immigration legal aid in 2013. Before the Legal Aid cuts came into force, 79% of people had legal representation, but since then there has only been one BID legal advice survey where the number of people with a legal representative was above 60%.

It is a bleak time for people to be facing the immigration system unrepresented. Immigration law has never been as harsh or punitive than it already is (although recent announcements by Rishi Sunak suggest more draconian legislation could be around the corner). The Nationality and Borders Act 2022 criminalised asylum-seekers; introduced additional complexity and onerous procedural requirements; and made it harder for people in detention to be granted bail and easier for the Home Office to refuse, detain and remove. Out of 24 people who had previously been in prison, only 2 people received legal advice from an immigration solicitor while held there. This reflects the results of our recent prison legal advice survey which found that people detained in prisons under immigration powers face immense and sometimes insurmountable barriers to accessing legal advice – with 70% of participants without a legal representative for their immigration case.

Prisons are already entirely unsuitable for administrative immigration detention, a fact that has been recognised by international human rights bodies. People in prisons are even more isolated and vulnerable to denial of basic rights than those in Immigration Removal Centres, without no mobile phones and significantly stricter lock-up regimes equivalent to time-serving prisoners. Their status as a forgotten group is most powerfully symbolised by the fact that even the Home Office rarely bothers to visit or engage with those people it detains scattered across the prison estate, for which they have been chastised by several key stakeholders including the Independent Monitoring Boards and Her Majesty's Inspector of Prisons.

More than a third of interviewees told us that they were not aware of how to access free legal advice in the removal centre, and a fifth told us that they had never had a lawyer while in immigration detention. Those figures are unacceptably high. Meanwhile, although several interviewees told us that money was part of the reason they didn't have a lawyer, not a single person we spoke to had been told about the Exceptional Case Funding scheme (for accessing legal aid in cases that are out of scope). For those who were able to speak to a lawyer, several people said the advice they received was unhelpful, or generic. Others were unable to get a lawyer to take on their case – one man we spoke to had spoken with 8 different solicitors and not a single one had taken on their case. This is a reflection of the variable quality of advice delivered under the detention surgery scheme, and the lack of capacity in a sector that has been on its knees since the 2013 legal aid cuts.

People who used the internet to research their case said that websites had been blocked, including websites that would potentially have been helpful in preparing their immigration case. Crucially, social media continues to be banned across the immigration detention estate. This exacerbates the isolation that is intrinsic to immigration detention, by making it more difficult for people to remain part of their networks outside of the detention centre, while also interfering with people's ability to pre-

pare evidence for their case. As our social lives increasingly move online, this restriction is becoming ever more regressive and draconian. The government has never bothered to justify its necessity. We are fundamentally opposed to the practice of locking people up for immigration reasons. There is no good ethical, practical or financial justification. But even those who do not share our position would agree that if the state locks you up, it must at the very least provide access to legal advice and representation. That is a fundamental pillar of the rule of law, and particularly vital in the immigration context, where the law is so complex and the stakes are so high when detention, normally used for punitive reasons, is used for purely administrative purposes. Sadly, our research shows that even on this basic measure the system is badly failing people in immigration detention. To support BID's campaigning work, use their simple tool to write to your MP, to ask them to oppose the building of two new detention centres.

Black Prisoners and White Guards 'Should Cook Together to Break Down Barriers'

Rajeev Syal, Guardian: Some senior prison staff told HM Inspectorate of Prisons that the initiative could begin immediately after concerns of deep divisions between black prisoners and prison staff who remain predominantly white. Fundamental to the divisions that the report identified were a lack of trust and communication – a factor that has contributed to a disproportionate use of force against black prisoners, a report released on Tuesday has found. The report said senior managers, guards and black prisoners were supportive of the idea of cooking and eating food together.

"Specific food preparation can reinforce confidence, pride and enjoyment in cultural identity. It is a point of connection with other people and has a deep emotional significance," the report said. Managers in some prisons told inspectors said they could launch the initiative straight away. Some senior managers thought that they could start to explore this suggestion immediately because they had enough space and cooking facilities in their establishments," the report said. Others said it would be a challenge because of a lack of space and resources. Staff stressed the need for proper investment in equipment and health and safety assessment.

Immigration removal centres already have "cultural kitchens", where groups of detainees are able to obtain raw food ingredients, cook meals together and then invite others to share meals with them, the inspectorate said. "An expanded version of this type of facility might provide a useful blueprint for prisons, and we have already seen self-catering kitchens work well on inspection, providing prisoners with opportunities to socialise, plan meals and practice budgeting skills," the report said. Other potential solutions to existing divisions include "reverse mentoring", whereby prisoners provide insights into their lives during private discussions with staff, joint prisoner and staff forums, and joint training and education.

Black men in prison told inspectors that staff viewed them as a group rather than as individuals and did not understand their distinct cultures. White staff often wrongly associated black prisoners with gangs, and black prisoners felt that this had far-reaching implications for their day-to-day treatment. While making up approximately 13% of the prison population in 2020–21, black prisoners accounted for disproportionately more use of force by officers, the report found. They were more than twice as likely as other ethnic groups to have batons and incapacitant spray used against them.

Charlie Taylor, the chief inspector of prisons, said: "Our report proposes a number of solutions developed in discussion with both black prisoners and prison staff that focus on creating opportunities for respectful communication and the development of mutual understanding. We believe they have the potential to be transformative." The report, entitled "Thematic review: the experiences of adult black male prisoners and black prison staff", has been produced after

interviewing black prisoners, black staff, white staff and senior managers at seven prisons. It comes amid reports that restaurant chains such as Wagamama are sending their chefs into prisons to teach prisoners how to create signature dishes.

Amy Rees, director general and chief executive of HM Prisons and Probation Service, said: "This report shows we have further to go to drive out discrimination and intolerance from our prisons. "We have made real progress over recent years in recruiting a more diverse workforce, improving training and providing new forums in which concerns can be raised safely and honestly. But I want to assure staff and prisoners that we are listening and will set out further steps shortly to address the issues raised in this report."

Scathing Report Condemns UK Police For 'Victim Blaming' in Rape Cases

Alexandra Topping, Guadian: A damning official examination into how police forces tackle rape has exposed persistent failings in the criminal justice system, including a failure to track repeat suspects, "explicit victim-blaming" and botched investigations. The long-awaited independent report into the first year of Operation Soteria Bluestone – launched by the government after a catastrophic fall in rape prosecutions – also paints a picture of a over-worked, traumatised and inexperienced police workforce in England and Wales, which is struggling to cope with an increase in rape reports after years of austerity.

The report – whose findings have been accepted by the Home Office – analyses 80,000 rape reports across five forces, includes deep dives into police data and reveals detailed discussions with officers. It is one of the first times academics have been given access to such a range of police records and have worked with select forces to understand how investigations proceed. It comes as the Ministry of Justice said the most recent data showed "significant improvements" 18 months after the government's Rape Review into the rape prosecution crisis. The MoJ said police referrals to the Crown Prosecution Service (CPS) were up 95%, cases charged up by two-thirds and the number of cases reaching the court up 91% compared to the quarterly averages of 2019. In 2019 there were 2,102 prosecutions – the lowest level on record.

But the 191-page report, which contains anonymised evidence from police officers, will make for uncomfortable reading for police leaders and government ministers. The report said officers lacked specialist understanding and while some didn't rely on inaccurate perceptions of victim credibility "the overwhelming direction of travel [was] still reliant on inaccurate understandings of victims and offenders". It stated: "At worst, officers demonstrated explicit victim blaming and lack of belief in the victim, which impacted on the subsequent investigation. For example, victim credibility was often focused on and used to either close or not investigate cases within some forces."

Academics also found serving officers who "don't think that [sexual offences] should be a priority for policing". "Some stated that they believed that most reports of rape are just examples of 'regretful sex', or that if victims presented additional issues, such as mental health problems or alcohol/substance misuse, then this was the victim's problem and the legal system was not obligated to safeguard them," states the report.

The report angered women's groups with Andrea Simon, director of the End Violence Against Women coalition saying it exposed "the underbelly of policing and the extent to which the police are failing women and girls". Jayne Butler, CEO of Rape Crisis England and Wales, said it revealed "the most basic failings". The report also found that checks to see if suspects had already been reported were not always carried out, despite the fact that researchers found that across all five forces more than half of named suspects had criminal histories for a range of offences and one in four had a

history of sexual offending. The report stresses that officers are struggling to cope with workload and emotional trauma and needed support. A bespoke survey found burnout to be higher than among NHS staff during the first year of the Covid-19 pandemic.

None of the forces had the necessary "data systems, analysts or analytic capability", and several found vacancies for specialist sexual offences units hard to fill, said the report. One officer who previously worked in CID said he used to consider sexual offence cases "'pink and fluffy' cases as they were victim focused, and that he avoided them in favour of burglary and robbery". The disbandment of specialist units during austerity had led to a "de-professionalisation of the rape and other sexual offences investigator role" and a lack of learning and development "undermines the ability of any force to upskill officers".

Inexperience was common in the five examined forces. One officer said: "I think my shift alone consists of about 80% of people with less than two years' service. And when a sexual offence job comes in, there's almost like this panic of like 'Oh my God, what do I do'." The report also provides rarely seen in-depth data on the tens of thousands of cases it examined. It found that around one-third of police recorded rapes examined were also related to domestic abuse, rape charge rates varied by local policing areas within the pilot forces, and charge rates were lower for cases involving partners and former partners.

Joint academic lead Prof Betsy Stanko said the report made for "hard reading", but said it had taken bravery by the forces involved. "I have been amazed at the bravery and honesty of many officers who are determined to change this area of work. At this point, it's not getting worse, it's getting better. The conversation that we sparked has made people think about what they're doing and how they could improve."

Home secretary Suella Braverman said the report showed "there are big obstacles to overcome" but said that there were early signs of improvement, adding: "I'm determined to build on these to deliver a sustainable shift in the way rape is investigated." Justice secretary Dominic Raab said the government had launched a 24/7 rape and sexual abuse helpline, allowed victims to pre-record evidence and introduced a new approach to police investigations "that focuses on the behaviour of the suspect rather than the victim". Reacting to the report Labour's shadow justice secretary Steve Reed said that after 12 years under the Conservatives women "did not feel safe" and "sexual violence and rape has effectively been decriminalised".

Chief constable Sarah Crew, National Police Chiefs' Council lead for adult sexual offences, said her force of Avon and Somerset, which first introduced the pilot and implemented changes based on the academics' findings, had increased its adult rape charge rate from 3% to over 10%. "Uncovering deep rooted and systemic issues within policing is the first big milestone in achieving the transformational change required to improve the policing response to rape," she said. "Everyone in policing recognises that we must do better and this programme has been met with a genuine willingness and openness to change."

Revealed: Police May be Assessing Climate Protesters for Terrorism

Jack Barton, Open Democracy: Police could be labelling climate activists whose actions 'threaten businesses' as potential terrorists, according to secret documents obtained by openDemocracy. Intelligence on protesters who specifically target large companies is being handed to counter-terror police (CTP) to see if their activity could "indicate a path towards terrorism". Public order and protest-related duties were removed from CTP's remit in April 2020, following reviews of intelligence handling and sharing in the wake of the 2017 terror attacks in London and Manchester. But documents seen by openDemocracy show intelligence about protests is still being shared with CTP HQ – a

Metropolitan Police department that coordinates a national counter-terror network – on a range of grounds, including if it could cause "large-value loss" to a business.

Campaigners say this latest finding follows a "disturbing pattern" of "escalating government rhetoric against non-violent protest". Government politicians including the home secretary have made references to activists as "extremists" in recent months. The documents – obtained under Freedom of Information law – do not indicate whether CTP is retaining intelligence or acting upon it when demonstrations are being planned. CTP HQ told openDemocracy that intelligence is collected only if "relevant to [its] core mission." Marked "official sensitive", the documents include an intelligence-sharing 'Matrix', designed to help officers decide which policing body is responsible for handling intelligence about upcoming demonstrations. Further guidance on how to use the matrix states that activism can reach the threshold of 'substantial' – meaning it is relevant to CTP – if it "causes cross-regional or national harm to a business/businesses that places their ability to operate in significant peril".

Unwarranted Use of Police Custody - Should it be Classed as False Imprisonment?

Transform Justice: The detention of vulnerable people in police custody, whether children or adults, will always present challenges. A busy custody officer is tasked with spotting mental ill health or neurodivergence in every deeply stressed suspect. It's a difficult call. Custody officers are supposed to refer all who appear vulnerable to liaison and diversion or health services for further assessment and to get an appropriate adult to provide support. But analysis by the National Appropriate Adult Network indicates that many vulnerable adults were not assessed as such. 6% of adults in custody get an appropriate adult but NICE estimates 40% have a mental health condition.

Even if a suspect is assessed as mentally ill, most are still imprisoned in police custody for many hours. Severely mentally ill suspects can and should be transferred from police custody into the NHS. This system has improved. Fewer extremely mental ill people are detained in police custody, and they are transferred more quickly into hospital, but the threshold for Section 136 – hospital transfer – is very high. So most people who are arrested by the police and are mentally ill and/or neuro-divergent stay in police cells. A small number take their own life as a result of the experience, many more self-harm, and even more are traumatised.

The Independent Advisory Panel makes a series of recommendations to prevent future deaths. One of these is the completion of a risk assessment of all detainees before they leave custody. I can understand the thought process, but am not convinced resources are available to do this nor that this is the right route. If vulnerable people are being released from custody, why were they were detained in the first place? Police have an alternative to the policy custody interview – the voluntary interview. Most suspects given the choice between being imprisoned in custody or making an appointment to be interviewed in police offices, will choose the latter. There is little data on voluntary interviews, but I doubt they are nearly as traumatising as being detained and interviewed in police custody.

The most effective way of preventing deaths in or after police custody would be to limit its use, particularly for vulnerable people and children. In the most recent year 546,170 people were detained in police custody, of which 35% were accused of the least serious type of crime (non-notifiable offences such as not having the right train ticket or using a mobile phone while driving). 6631 children were detained in police custody, 19% for the least serious type of crime. We can never eliminate the risk of someone harming themselves. But we could prevent another miscarriage of justice or another suicide as a result of police custody much more easily if fewer adults and children were detained. If existing resources were devoted to fewer detainees, staff/suspect staff ratios and the facilities could be improved. Sometimes less is more.

Poor State of English and Welsh Courts Worsening Backlog,

Haroon Siddique, Guardian: Broken heating, sewage, mould, asbestos and leaking toilets and roofs are among the problems encountered by solicitors in courts in England and Wales, a survey by the Law Society has found. Approximately two-thirds of respondents said they had experienced delays in cases being heard in the last year owing to the physical state of the courts, with their professional body warning that it is contributing to the large backlog. Other problems identified by solicitors included lack of private spaces for client consultations, broken air conditioning, lack of drinking water or other refreshments, poor technology, broken lifts and other accessibility problems, particularly affecting clients and advocates with disabilities,

Less than a fifth of respondents considered court buildings as being fit for purpose"to a large extent". A solicitor said of Thames magistrates court in east London: "The walls are falling in, tiles falling off, the roof leaks. The consultation rooms are not private and lots of seating is broken. Inside court seven is particularly bleak. No air con. Often heating broken. Last year sewage came up into the cells it took a day for it to be decided to close the cells." Another said: "I've had a piece of an air conditioning unit fall on my head at a magistrates court a few years ago and the ceiling fan it fell from still hadn't been mended when I last went."

The Law Society invited 9,663 solicitors with higher rights of audience to complete the online survey, with 446 answering all of the questions and 135 some of them. Almost half said they had experienced cases being adjourned because of the state of the courts, and a quarter had cases that had been transferred to a different venue. Delays and cancellations were said have left clients in limbo, denied access to justice and wasted time and costs. Writing about a London crown court, a solicitor said: "Everything is falling apart. Chairs and floors are held together with gaffer tape. Ceilings leak, toilets leak and fail to flush. Mould everywhere." There were several accounts of broken heating and poor air conditioning, meaning that some courts were too hot during the summer and freezing during the winter. One survey respondent, said that non-functioning air conditioning during summer at Southwark crown court led to "illness from overheating of jurors and staff".

How Long Before Ministers Call in the SWAT Team on People Waving Placards?

Doug Parr, Greenpeace: Speaking to openDemocracy, Emily Apple, communications coordinator at police monitoring group Netpol, said: "It comes as no surprise that maintaining corporate interests is a priority in defining what actions are classed as aggravated activism and what actions reach the threshold of interest by counter-terrorism policing." In a 2018 paper, the government said CTP have "a range of tactical and technical capabilities at their disposal to disrupt terrorist activity, including covert human intelligence sources, surveillance assets and the lawful intercept of communications". OpenDemocracy's latest findings suggest these measures could be being used against direct action groups such as Just Stop Oil and Extinction Rebellion, which regularly target oil giants or other major businesses with links to fossil fuel firms.

The groups' members have been involved in protests such as blocking the entrances to offices of organisations including the Bank of England, NewsCorp, Shell, Ferrari and Bentley. A spokesperson for Just Stop Oil told openDemocracy they had "no option but to continue" these activities despite the risk of being assessed by the CTP. They added: "The coming terror [the climate crisis] is being driven by the policies of the current government, right now it is planning to destroy the Global South and low-lying states, to destroy farming, to destroy the rule of law, democracy, culture and tradition."

OpenDemocracy contacted the government over this allegation but did not receive a response.

The Met says it has arrested 755 people in relation to activism led by Just Stop Oil since 2 October. Hertfordshire Police also arrested three journalists covering the demonstrations, though the force later apologised after an independent review found the arrests "were not justified". Braverman is pushing to hand police more powers to confront activists. The Public Order Bill currently going through Parliament contains measures to restrict protest activity and increase police powers. It criminalises 'locking on' and interfering with infrastructure – protest tactics popular among climate activists – as well as introducing protest-related stop-and-search powers and 'serious disruption prevention orders', which prevent individuals with previous protest-related offences from protesting.

Jerome Jones v Birmingham City Council and Another

Birmingham Citizen Jerome Jones to Challenge Court Order Banning him From Entering Certain Parts of Birmingham and Associating With Named Individuals

[Gang-related violence and the resulting public disorder have become a scourge which affects many cities. It may flow from drug dealing but is not unusually accompanied by the discharge of firearms or other acts of extreme violence directed at members of other gangs such that entirely innocent members of the public can become caught up in the crossfire. Investigation of such incidents is rendered more difficult (if not impossible) by the refusal of those who are injured to assist the police by naming their attackers (whom they will frequently have recognised), either because they fear the potentially violent consequences of doing so or because they prefer to take the law into their own hands and retaliate in like mode. Additionally, members of the public are fearful of being involved in prosecutions because of the risk of intimidation and violence. The result is not only that public safety is seriously affected but also that maintenance of the rule of law is endangered.]

On appeal from the Court of Appeal Civil Division (England and Wales)

In 2016-2017, in an effort to tackle gang-related crime, Birmingham City Council obtained injunctions from the Birmingham County Court against 17 individuals, including Mr Jones, on account of their alleged involvement in gang-related violence, drug dealing and/or anti-social behaviour. The injunction against Mr Jones prevented him from entering a large part of central Birmingham, associating with a number of named individuals, participating in music videos relating to certain gangs as well as using violence and possessing illegal drugs. Mr Jones appealed to the High Court on the basis that the legislation on which the injunction was based was incompatible with Article 6 of the European Convention on Human Rights, which guarantees the right to a fair trial. Mr Jones argued that although the injunction was obtained in civil proceedings, Article 6 required that the allegations on which the injunctions were based (i.e. that Mr Jones had been involved in gang-related violence or drug dealing) should be proved to the criminal standard (i.e. beyond reasonable doubt) rather than the civil standard (i.e. on the balance of probabilities) as the legislation specifies.

The High Court dismissed that appeal on the basis that there was no incompatibility but gave Mr Jones permission to appeal to the CoA. The CoAl also dismissed the appeal. Mr Jones now appeals to the Supreme Court on the basis that Article 6 ECHR requires that the allegations be proved beyond a reasonable doubt.

The issue is: Whether legislation that allows a civil court to grant injunctions against people on the basis that it is proved on the balance of probabilities they have been involved in gang-related violence or drug dealing is incompatible with the right to a fair trial under Article 6 of the European Convention on Human Rights.