Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

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Kevan Thakrar is Suicide Risk After More Than Two Years In Solitary

Haroon Siddique, Guardian: A prisoner's detention in solitary confinement in England for more than two years has been "wholly unnecessary" and has made him suicidal, the high court has heard. Kevan Thakrar, 36, who is serving a life sentence for murder and attempted murder after being convicted on a joint enterprise basis in October 2008, is challenging his solitary confinement, claiming it is unlawful.

He has spent 749 consecutive days – and five of the last eight years – in a designated cell, totally isolated from other prisoners, within a high-security close supervision centre (CSC), a judge was told on Tuesday. Opening Thakrar's judicial review in London against Alex Chalk, the new justice secretary, Nick Armstrong KC said in written submissions: "He remains locked up on his own for more than 22 hours a day; he cannot associate with any other prisoner; he has no access to corporate [non-solitary] worship; he cannot work and he cannot attend education classes; he can exercise alone in a cage, he has no access to a gym.

"C [the claimant] feels that his transfer to segregation was an 'unofficial punishment' which felt as though it was designed to 'break him' – it caused him to have suicidal thoughts. Being held in these conditions is causing C to experience helplessness and despair on an ongoing basis." Thakrar, who watched proceedings via video link from HMP Belmarsh, was originally placed in a CSC after he used force against prison officers at HMP Frankland in March 2010. Armstrong said this continued to be cited as a justification for the conditions in which his client was held, despite the fact that Thakrar was acquitted at trial by a jury who accepted that his use of force against officers was reasonable and lawful because he anticipated an assault on him. He said prison staff "reacted furiously to the acquittal", and added: "The concern is that this has become an enduring source of serious resentment which has coloured the Prison Service's attitude towards C ever since."

Armstrong told the court there had been a failure to comply with the requirement to regularly review Thakrar's segregation, and the reasons given for his solitary confinement were confused, inconsistent and arbitrary. These included alleged "non-engagement", particularly with psychologists, which Armstrong claimed "can never be a proper basis for prolonged solitary confinement, and the policy which permits that is unlawful". The barrister said it was also alleged that Thakrar was disruptive when on a main CSC unit – not in solitary – despite the fact that his client had been attacked by other prisoners and not responded with violence. Armstrong cited a November judgment against the Ministry of Justice, which led to it paying damages to Thakrar, a practising Muslim, for failing to protect him from racial and religiously motivated abuse and assaults by other CSC prisoners between 2012 and 2019, and failing to investigate such incidents. The court heard that another reason used to justify Thakrar's solitary confinement was an indirect comment he is said to have made about a prison offender manager in April 2021. Armstrong said Thakrar denied the allegation, which was never formally proved and was "obviously incapable of justifying two years and counting of solitary confinement". (Judgement has been reserved and will be handed down anon)

Soldarity Letters to: Kevan Thakrar, A4907AE, HMP Belmarsh, Western Way, London, SE28 0EB

High Court Gives Green Light To Challenge IOPC

Bhatt Murphy Solicitors: After it finds police officer who grabbed and punched elderly Black man has no case to answer for misconduct. Errol Dixon is a 71 year old Black man who suffers from mild dementia. On 13 September 2021 Mr Dixon was stopped in his car by police officers on Blyth Road, South East London. During the incident, the primary officer PC Read grabbed Mr Dixon around the neck with both hands and punched him in the face. The IOPC accept that Mr Dixon suffered a broken nose, fractured cheekbone and eye socket and a displaced septum.

The Independent Office for Police Conduct (IOPC) conducted an independent investigation and concluded on 14 November 2022 that no officer had a case to answer for misconduct or gross misconduct such that the conduct of the officers would not be considered at either a police misconduct meeting or hearing. In a public statement released at the conclusion of the investigation the IOPC stated that they had found that PC Read was acting in self-defence and that the force used was reasonable, justified and proportionate.

On 14 February 2023 Mr Dixon (acting through a litigation friend, his son) applied to the High Court for permission to challenge the outcome of the IOPC investigation on a number of grounds. By Order dated 24 April 2023 Mrs Justice Lang of the Administrative Court has now granted permission to Mr Dixon to challenge the decision by way of judicial review. The case will now go to a full hearing at the High Court. The Order granting permission can be seen here.

Errol Dixon said: "In September 2021 during a road stop I was punched in the face by PC Read and suffered serious injuries. I was shocked and disappointed by the decision of the IOPC that the force used was justified and that he should not face any misconduct proceedings. I strongly believe that a misconduct hearing must be held to decide whether PC Read used excessive force upon me, whether he is dangerous, a risk to the public and whether I was subjected to discrimination on account of being a Black man.

Sophie Naftalin, solicitor for Errol Dixon said: "Errol Dixon, an elderly and infirm Black man has suffered very serious facial injuries at the hands of a Metropolitan Police officer. Plainly a misconduct panel could find that the level of force used was disproportionate and this is a case that should go to a public hearing where the evidence can be properly scrutinised. We welcome the Order of the High Court granting permission, and await the full judicial review hearing where the legality of the IOPC decision can receive full judicial scrutiny.

Police Force Wrong To Dismiss Ex-MP's FOI Requests as 'Vexatious'

Michael Cross, Law Gazette: A police force was wrong to dismiss as vexatious freedom of information requests from a disgraced former MP, an appeal has ruled. Overturning a decision by the information commissioner, the Information Rights Tribunal reminded South Yorkshire Police that the way to avoid being chased for missing a deadline is not to miss it in the first place. The appeal was brought by former Labour MP Jared O'Mara and heard by video before O'Mara was sentenced to four years in prison for fraud in February.

In Jared O'Mara v The Information Commissioner and South Yorkshire Police, the tribunal heard that O'Mara had made dozens of requests under the Freedom of Information Act, many overlapping and 'of a confusing nature'. He also made unfounded accusations against the force and its data protection officer. In the belief that O'Mara was deliberately intending to cause disruption and annoyance, the force rejected a request for information on charging referrals as vexatious under section 14 of the act. The information commissioner agreed.

Overturning that decision, the Information Rights Tribunal found that, when O'Mara launched his

stream of requests 'there would have been justifiable concerns about his motive and the value of the information he sought'. In subsequent requests, however, O'Mara 'changed his ways'. In contrast to the typical 'relentlessly deteriorating pattern of requests' his final request had 'all the characteristics one might wish: easily complied with; politely and respectfully worded; on a new topic with an identifiable public interest; and coming some six months after any previous request.'

The judgment also criticises South Yorkshire Police for treating as 'harassing behaviour' O'Mara's habit of chasing a late response within seconds of a deadline being missed. Saying it had not been shown any chasing correspondence that was unreasonable, the tribunal judges noted: 'The burden of being chased for missing a deadline can be avoided by not missing it in the first place.' O'Mara's appeal was allowed and South Yorkshire Police ordered to issue a fresh response to his request.

Stoking the Fires of Racism

Nicholas Reed Langen, Justice gap: Hearing a knock on his door at 10pm on a Monday night, the reaction of 84-year-old Andrew D. Lester was not to shuffle to the door, or to call out 'who is it?'. It was to ready his shotgun, and then, without a word of warning, to fire it through the door. Had he taken but a moment, he would have discovered that the visitor tapping on his front door was Ralph Yarl, a muddled sixteen year-old hoping to collect his two siblings from their friend's house. The simple mistake of confusing Northeast 115th Street with Northeast 115th Terrace left Yarl in hospital, and could have taken his life.

Perhaps this is emblematic of the violence in America, the age and vulnerability of the shooter, or the insanity of America's gun laws. Perhaps it is emblematic of all three. But what it certainly reveals is the parlous state of race relations in the United States. Had Yarl been a white boy, it may be that Lester would still have fired. There is – as of yet – no evidence that the attack was racially motivated, but given the state of American politics and society, it is difficult to dismiss the idea that had Yarl been a white boy, the outcome would have been very different

Regardless of his motivation, responsibility is Lester's. There is no defence to firing a shotgun at a closed and locked door while a person stands, unaware of the threat they face, on the other side. But if it was racially motivated, he is not the only party with blood on his hands. Some is daubed on the hands of America's political and social leaders. It is the people that Americans elect to lead them, or hold up as guides to conduct, who must shoulder their share of responsibility for the fact that when hearing a knock at the door and seeing a black boy, a citizen chose to shoot rather than to open it. As Congressman Emmanuel Cleaver, told the New York Times, he was 'frightened how easily we are willing to shoot each other'.

Questions of race are never far from the surface in America. In electing Donald Trump to the presidency, a minority of Americans chose an openly racist candidate over a woman. As a landlord, Trump was sued by then-President Nixon's Justice Department for discriminating against black tenants and, as a property magnate, he bought out full-page ads in the New York Times calling for the death penalty against the Central Park Five. The five black boys convicted were later exonerated after years in prison. During Trump's presidency, white supremacists marched at rallies, brandishing torches and chanting 'you will not replace us'. And in bidding to return to the White House, Trump's racism has returned, accusing Alvin Bragg, the black New York District Attorney, of prosecuting him for 'racist' and 'politically motivated' reasons.

Nor is Trump alone. The Urban League's annual State of Black America report, published earlier this month, shows that hate crimes and extremist views are on the rise. In America's classrooms, efforts are being made to obscure America's racist past and to disguise the scars that

slavery and Jim Crow inflicted – and still inflict – on the country. Last year, over 650 bills were introduced by local, state, and federal institutions seeking to restrict the teaching of critical race theory, which considers how race is still relevant in society today. Florida, a state governed by another Republican presidential candidate, Ron DeSantis, is at the forefront of this, with one elementary school rewriting material on Rosa Parks and the bus boycott, editing out the fact that Parks was black. Ta-Nehesi Coates wrote 'The Case for Reparations' for The Atlantic eight years ago. If the Florida legislature had its way, the future electorate would not be arguing about how to achieve equality, but asking what evil made reparations a consideration in the first place.

The issue of race and identity might be most blatant in America, but British politics is not immune. We may have a Hindu prime minister from Punjabi descent, a Home Secretary with Indian origins, and a racially diverse Cabinet, but that has not stopped the government from stoking the fires of racism. Unable to restrain inflation, and bereft of any ideas that might resurrect Britain's economy or its place in the world, the government's entire public communications strategy hinges on persecuting and othering asylum seekers. Suella Braverman's Home Office releases photographs of her cackling while viewing a housing development (ostensibly for the deported refugees) on a visit to Rwanda, while press release after Home Office press release muses about how decommissioned barges could house asylum-seekers. Meanwhile, the fact that nothing is being done to deal with the groaning backlog of asylum cases is ignored by the mainstream press, who obsess over the sisyphean task of 'stopping the boats'.

An inevitable consequence of these attacks from ministers is that intolerance will rise. For the most part, British people are welcoming of asylum-seekers and refugees. There may be institutional racism across all of British society, but British people are not, by and large, racist. However, as the attack on Napier Barracks, which was housing asylum-seekers, shows, people are susceptible to narratives that seek to 'other' parts of society. Institutions like the courts, the legislature, and the government guide people's thinking.

If we look once more across the Atlantic, we can see how America's Supreme Court tried to do this in, Brown v Board of Education. In a decision handed down in the 1950s, the Court ruled that segregating students by race was unlawful. It put momentum behind integration. But rather than push further, it was cautious, letting resistance build in the southern states, wary of pushing the racist south too hard, too quickly. The consequence was not gradual tolerance, but entrenching division, with America's institutions unable – then and now – to bring about genuine race equality.

By the UK's standards, the USA may be dystopian, but it is not alien. Similar urges exist within the UK population, and we should not assume that they cannot be unmasked. Consider the government's response to the Casey Report, which found evidence of institutional racism and sexism (to name but two) within the Metropolitan Police. No root and branch reform is being undertaken, with the Home Office sitting back, watching business continue as usual.

As we come closer to an election, the pressure on the Conservatives to find a way to win will grow. With the economy in tatters and the NHS collapsing, the only path to victory will be that which fans the flames of division, whether over immigration, over law and order, or over the judiciary, as we see with this week's announcement on interim judgments from the European Court on Human Rights . With their feckless ads about Sunak supporting paedophiles and criminals, Labour have shown they are willing to fight in the gutter. What Starmer and his advisors have ignored is that the Conservatives have been bathing in sewage for decades. Getting dirty doesn't matter to the Conservatives – winning does. If a few asylum-seekers and refugees get hurt in the process, that's just the cost of victory.

ECtHR Conviction of Dursun Aliyev Violation of Article 6 § 1

The applicant, Dursun Israfil oglu Aliyev, is an Azerbaijani national who was born in 1961 and lives in Baku. He used to work as an operations officer in a police office. The case concerns criminal proceedings that were brought against him on charges of drug dealing. Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial) of the European Convention, he alleges, among other things, that he was framed because of a conflict with his superiors and he was convicted on the basis of fabricated or otherwise unreliable evidence; that he was not given an opportunity to effectively challenge that evidence and to effectively present arguments for consideration in his favour; and, that he was deprived of access to effective legal assistance during his initial questionings at the pre-trial stage of the criminal proceedings. Violation of Article 6 § 1

How Police Cautions Can Persuade Innocent Suspects to Admit Guilt

David Wacks, Justice Lab: Cautions, a type of Out of Court Disposal, are criminal sanctions which can be issued by the Police, rather than the Courts. They are particularly useful in dealing with low level crime speedily and much more cheaply than charging a suspect and taking them to court. They will mostly affect people less adversely than if found guilty at Court and avoid adverse publicity, which attending court can result in.

However, Cautions are criticised by some as too lenient, and not as effective in deterring crime as bringing criminal charges. On the other hand a tick box approach to "resolving" crime by out of court disposals can result in suspects being persuaded to admit guilt, thinking that it is just "a slap on the wrist," and in order to get out of the Police station. For this reason, Cautions, while useful, can contribute to innocent people admitting guilt. This is important, since although a caution is not a criminal conviction, it can have significant adverse consequences on a suspect's life through showing on both standard and enhanced Disclosure and Barring Service (DBS) checks (for some more discussion of the potential adverse impacts of accepting a caution, see here). There are a variety of Out of Court Disposals each with differing legal consequences but in this article consider only Police Cautions.

Protections for Defendants: Informed Consent, Duty Solicitors and Appropriate Adults.

There are a number of safeguards in place to stop innocent defendants accepting cautions and to ensure suspects are appropriately informed. Every Caution must be signed by the suspect, who must admit guilt to receive it and avoid prosecution. In 2013, the High Court declared that in order to be valid, the Caution itself must clearly set out the long-term consequences of accepting it and as a result all the Police Forces in England and Wales updated the warnings as to the consequences of signing. Arrested suspects should also be offered the benefits of a free legally aided duty solicitor who can attend at the police interview and subsequently advise the suspect as to whether or not to sign any Caution offered or refuse it and possibly be charged.

Quite separately, suspects under the age of 18 must have an Appropriate Adult with them to advise the suspect and countersign the Caution Form. This adult can be a parent or solicitor or another independent person. An appropriate adult may similarly be needed for other vulnerable suspects, for example a suspect who is blind, illiterate, does not read English or has some mental health problem. However, despite these safeguards there remains a significant risk that innocent suspects will accept Cautions both due to a lack of understanding and due to incentives making accepting a Caution a logical thing to do even when innocent.

Pressure to Accept a Caution: Even after amendments to the warnings given on Cautions they are still difficult to understand in full. Most people arrested for the first time are terrified at the potential consequences if they are proceeded against and just desperate to get out of the Police Station (which they may only be able to do if they are willing to 'admit' guilt and accept a Caution). Individuals are advised they can get a duty solicitor but despite this being legally aided and free of charge, a significant minority still refuse this, often telling us subsequently that they did not realise it was free. If they do ask for a duty solicitor, suspects often ask how long it would take to get the solicitor and especially for those arrested at night they are often given to understand it could take a few hours and many then agree to be interviewed by themselves.

After an interview the Police may advise that "because it is a first offence," that they will not charge them and that if they sign a Caution it would just be a "slap on the wrists." The individual frequently agrees to do so and is often so stressed and desperate to get out that they don't read the warnings properly but just sign where pointed to! The regularity of the reference to a "slap on the wrist," was emphasised when a Latvian client who when asked by us what was said to him to persuade him to sign the Caution, said he was told it was just a "hit on the hand," obviously translating the phrase but remembering that translation.

Even where a duty solicitor is called, many do not understand all the long-term consequences of signing a Caution. This area of law falls between the criminal law and civil law and trainee lawyers are rarely if at all told of these complications and are often just anxious to save the client from being arrested. Many may be unaware of the option of downgrading an offer of a caution to a Community Resolution which has much fewer consequences, and the Police themselves do not consistently offer this option.

The warnings even on updated Caution forms are very legalistic and difficult to understand in full by most suspects. This is even more true for those for whom English is not their original language or those who may be dyslexic, illiterate or suffering from a mental health issue. There have been improvements to Police training but it is by no means perfect and more use needs to be made of health professionals to assess the suspects' state of mind and mental capacity before proceeding to an interview let alone asking them to sign a Caution.

Police Decision-Making: In some cases, Police may deliberately or recklessly mislead suspects, but probably more often mistakes can be caused by a lack of training and guidance or a lack of time. For example, in one case I know of, a 15 year old pushed her mother away when she tried to take the cigarettes they found her with, shortly after the grandmother's death from lung cancer. The father called the police just to scare her but was then called as the Appropriate Adult even though he was not independent. Generally a bit of common sense should have persuaded the Police that a Caution was disproportionate even if guilty and by applying the Public Interest Test they could have downgraded their approach, but the child ended up admitting guilt and being cautioned. This kind of situation is not unusual. In a leading High Court Judgement on the use of Cautions, the Judge, in setting aside a Caution for assault, acknowledged that the Police were not being malicious in offering a Caution. They had a lot of calls on their time, especially on a busy weekend meaning that balanced judgments could not always be made. However, the judge also acknowledged that such mistakes should be rectified.

When we are helping clients who have received cautions, we always seek to emphasise that the client is not seeking to punish officers for any mistakes, but just to rectify any mistakes that have been made and that even where a Caution is deleted, the Police still have other options to protect vulnerable people. One other practical area for mistakes is charging with an incorrect offence. Often solicitors don't wait to explain the Caution warnings to the client and the Police should therefore provide a copy of the draft to explain to the client and also to make clear exactly what the Caution will be for eg ABH rather than Common Law Assault (Battery).

The mistaken use of ABH for minor assaults is the biggest mass mistake in the use of Cautions. Legally, it can be argued that ABH can be used even for minor assaults but for the last 25 years the CPS have issued periodic guidance that ABH should only be used for more serious injuries. In fact, up until the filtering rules came into force 6 years ago the effect of wrongful use was minimal. However, now, under filtering, a Caution for common assault will be filtered after 6 years but a Caution for ABH only when you reach 100. In addition, even spent and filtered Cautions can affect you as they still prejudice you getting a visa to travel even for a holiday, let alone on business- unless the caution can be deleted.

Other Pressures to Accept Cautions: Sometimes and with the best legal advice a client is so terrified of being charged that they agree to sign a Caution even after the Solicitor has advised them that there was definitely no crime! For example, one client was desperate to avoid publicity and the risks of going to court but contacted us years later when she found that she could not get work because of this caution for (allegedly) having an offensive weapon with intent to cause harm. My client was returning home on the motorway with one of her friends both still dressed up after a fancy-dress party. The motorway was bumper to bumper in all 3 lanes and with them in the middle lane. In the inner lane was a lorry driver who noticed their outfits, rolled down his window, pointed 2 fingers at my client and shouted "bang , bang!" My client pulled out her bright plastic water pistol pointed it at him and shouted the same back. She ended up being arrested at gunpoint and taken to the police station where she felt so frightened she signed the Caution just to get home! It can be appreciated that there was pressure to get a result and thankfully we were able to get this Caution removed, but the client should never have been given a Caution. Only a few years ago, President Obama's security picked up a mechanical clock a schoolboy had made and sent as a present. The boy was arrested as a precaution, but as soon as the President heard he arranged for all potential charges to be dropped and for the boy and his family to see him in the Whitehouse to encourage his enterprise. This shows the ability of those in authority to turn what could be embarrassments into positive PR, something that could help the Police increase trust.

Conclusion: There will always be pressure on the Police to dispose of matters promptly and at times when they are rushed off their feet. Likewise, duty solicitors have many calls on their time especially with the low rates for duty solicitor work, but there does need to be a balance between protecting the public and not risking destroying an innocent person's career. Some better education for both police and solicitors and fair funding for both could help minimise miscarriages of justice even without major changes to the law.

How do we Create Change In Criminal Justice?

Centre for Crime and Justice: Is change, indeed, even possible? Or are we reduced to eking out small victories and minor concessions, while the penal juggernaut careers on? As we approach the next General Election, the political debate risks becoming ever more toxic. Earlier this month, the Home Secretary, Suella Braverman, accused Labour-run councils of failing to act on "gangs of rapists" grooming "vulnerable white girls" for sexual abuse. Labour responded with an advertising campaign claiming, among other things, that the Prime Minister, Rishi Sunak, opposed imprisonment for adults who sexually assaulted children.

Last week in parliament, Sunak and the Labour leader, Keir Starmer, traded blows on prison and punishment. Convicted criminals were "walking free" from court, said Starmer, thanks to government incompetence. The government was "putting more people behind bars", said

Sunak, no thanks to "Sir Softie" Starmer, countered Sunak. "No one any the wiser", wrote John Crace in The Guardian, "as they clashed over who had sent more people to prison. Who could lock up crims the longest". Criminal justice policy-making also appears stuck. The careful and cautious recommendations by the House of Commons Justice Committee, to reform the Imprisonment for Public Protection (IPP) sentence, have been met by government stonewalling. Despite a landmark Supreme Court ruling in 2016, which found that the rules on joint enterprise prosecutions had been wrongly applied for more than three decades, the number of prosecutions continues to grow. Earlier this month, a man fell to his death from a balcony in south London, after a police officer fired a Taser stun gun at him. His death is but one in a long line of deaths in police custody, or following contact with the police: 1,854 since 1990, according to the charity, Inquest.

The injustices of the IPP sentence, of joint enterprise prosecutions, and of deaths at the hands of the police are particular examples of a more general malaise. But it is hard to see a way forward when political debate degenerates, and policy-making is stuck in a complacent consensus. At the Centre for Crime and Justice Studies, we believe that a creative, energetic and optimistic challenge is the antidote to the entrenched monotony of repeated policy failure. Grounded in principles of solidarity and the practices of collaboration, we think such a challenge can open up new possibilities for transformational change. At our 'Hope and Change: Campaigning for a Better Future' event on the evening of 15 May, we will be discussing how we keep hope alive, for the possibility of change. Led by a panel of amazing and experienced campaigners, it promises to be an energising occasion.

Failing Investigations of Deaths In Mental Health and Care Settings

Bereaved families are facing persistent challenges following the death of their loved one in mental health services, as highlighted in a new report by INQUEST. The report shows that families face numerous hurdles during investigations and inquests into their loved ones' deaths, and the processes are not delivering the change required. They are instead shrouded in delay, secrecy and animosity towards families, who simply wanted active participation and a truthful account of what caused their relatives' deaths.

INQUEST's Family Consultation Day heard from 14 family members who were bereaved by deaths in the care of mental health services or settings for people with learning disabilities and/or autism, and had faced or were going through inquests and investigations. Key concerns raised were around lack of candour, transparency and accountability. Families also highlighted the inadequate levels of communication between families and the bodies responsible for care. Many felt they were immediately placed on the backfoot during investigations into their loved ones' death.

Bereaved people engage in the post death processes with the hope that they can access truth, but also that their participation can inform change to prevent future deaths in similar circumstances. However, the research found that a litany of issues left unchanged following these processes is adding to the distress families feel and risks making them disengage from investigatory processes entirely or being retraumatised by the process.

Speaking anonymously to INQUEST, one bereaved family member said: "The death wounded me, dealing with mental health services has broken me. Everything is a fight when you have the least fight in you. Nothing can bring your child back. All we can do is help them ensure it doesn't happen again." In 2016, INQUEST published the report of a Family Listening Day which was commissioned by the Care Quality Commission for their review of how NHS

Trusts investigate and learn from the deaths of people who are under their care. Seven years on, many of the same issues were repeated by families in very similar situations today. If a person dies whilst an inpatient under the care of a mental health Trust, there is currently no automatic independent investigation (in contrast to other detention settings). One family member said, “They came to my house and said trust us, we’re going to change things, but how can I trust you when you killed my son?”

Families are calling for major changes to the investigatory and inquest system, including: *independent investigations into mental health related deaths, *a national coronial service to address inconsistences in the inquest system, *non-means tested legal funding for all families involved in inquests where state bodies are involved to provide proper equality of arms.

Nim and Doug Cave, parents of Stephanie Cave who died in 2017, said: “When our teenage daughter unexpectedly died in the care of a NHS-funded mental health hospital, 125 miles from home, our family was thrust into a process of investigations and an Article 2 inquest, which we expected in good faith, would result in truth and learning. However, we were faced with defensive barriers which prevented learning and denied us access to the answers we had a right to receive. We want to ensure that Article 2 inquests and associated investigation processes fulfil their purpose in identifying areas for learning and change that would prevent similar deaths from occurring in the future. We also want no other individual to experience what our daughter did, and no other family to go through what we have had to. This is in the public interest. Alongside other bereaved people, we are calling for urgent changes to right these wrongs.”

Deborah Coles, Director of INQUEST, said: “I was saddened and angered to hear families discuss many of the same issues raised over many years. Too often, investigations into deaths of people with mental ill health, a learning disability or autism are woefully inadequate, and inquests isolate and demonise families. The consequence of the failures in the investigative system is that families can feel retraumatised, and some disengage entirely. Successive governments have been repeatedly warned that the investigation system is not fit for purpose. INQUEST’s casework shows that this is a systemic problem and not isolated to one rogue Trust or provider. The lack of effective scrutiny and accountability frustrates the ability of organisations to learn and enact changes to policy and practice to prevent future deaths. The voices reflected in this report are too strong and their stories too compelling to be ignored.”

Patsy Kelly: Family Hails Vindication of Police Ombudsman Report

The family of a nationalist politician murdered almost 50 years ago have said they feel vindicated by a Police Ombudsman report that found they were failed by "a wholly inadequate" police investigation. Patsy Kelly was shot dead after being abducted on his way home from work at a pub in Trillick, County Tyrone in 1974. The ombudsman also found there was evidence of collusive behaviour. Patsy Kelly's son said it was one of the report's most damning elements. "My God, how badly has my family been let down by men in uniforms?" his son, also called Patsy Kelly, said when speaking to BBC's Talkback programme.

What happened to Patsy Kelly? The 35-year-old's body was found weeks after his abduction on 10 August 1974, weighed down in Lough Eyes, about 20 miles away in County Fermanagh. He had been shot six times. No-one has ever been convicted. The father-of-five's family have always been convinced that soldiers from the Ulster Defence Regiment (UDR) were responsible for the murder and that the police did not conduct a proper investigation because of this. What

did the ombudsman find? She found numerous "significant" investigative failings, including that the police had failed to verify the alibis of UDR soldiers suspected of involvement. She also found evidence of collusive behaviour, as RUC special branch had withheld intelligence from the original murder investigation. Ms Anderson also said there had been a failure to pursue forensic evidence, including a footprint at the scene of Mr Kelly's abduction which was from boots "associated with a type worn by members of the security forces". Among the other failings were: *Failure to record detailed witness statements *Failure to link cases *Forensic failings including not making enquiries about footwear marks, failure to recover the boat at Lough Eyes and no record of fingerprint enquiries *Failure to make enquiries about an anonymous letter *'Latent' investigative bias on the part of the senior investigating officer.

What has been said about the report? Mr Kelly's son Patsy said the family felt "vindicated" but this was just one more step in the process of finding the truth. He also said one of the most damning lines included in the report was in reference to collusive behaviour by the security forces. "The state has acted to put as many obstacles and obstructions in our way for decades but today the truth, in some form, has come out," he said. The next step will be the granting of a fresh inquest into his father's murder, Mr Kelly added. He said that the report had not changed what the family believed happened. "We still believe that it was carried out by the security forces and since 1974 has been covered up by members of the security forces." Describing his father's work, Mr Kelly said: "He was an independent nationalist councillor who simply wanted to better his community for equality of jobs and housing those were the things that were motivating him on a daily basis."

Det Ch Supt Ian Saunders, head of the PSNI's Legacy Investigation Branch, said Mr Kelly was the "innocent victim of a brutal sectarian murder. Policing in 1974 operated in a very different context. Investigative standards for detectives and forensic opportunities were very different to those rightly expected today. None of this seeks to excuse any inadequacies or failings in the original RUC investigation, it is simply to place them in the wider context of the time. Policing has developed enormously over the past forty nine years and the Police Service of Northern Ireland now have greatly improved policies and procedures which guide how we approach criminal investigations and I note the comments of the Police Ombudsman regarding the re-investigation in 2003-2005."

What is meant by collusive behaviour The term collusion has been raised in several official reports and inquiries related to the Northern Ireland Troubles over the past two decades - but what does it mean? It is worth stating there is no offence of collusion, although it may involve a criminal act. It has been said to have many faces. Generally, it covers a broad range of behaviours, from deliberate wilful actions to "a look the other way" approach. There is no universally-accepted definition of collusion, but from 2003 onwards judges and others have spelled out what it means in a Northern Ireland context.

Revolutionary Journalist Mumia Abu-Jamal - Was 69 years old on 24th April

Mumia Abu-Jamal is a revolutionary journalist, former Black Panther, and political prisoner. After being falsely convicted of the 1981 killing of a police officer, he was sentenced to death. In 2011 this was revised to life without parole – a living death behind the bars of the US incarceration machine. Mumia’s latest appeal has now been rejected. Solidarity is needed now! Prior to his arrest Mumia was a target of the infamous COINTELPRO, the FBI’s system of covert and illegal projects aimed at destroying the activities of political activists, involving every tactic from phone-tapping to murder. From the outset, the prosecution case against Mumia’s was beset with racism, coercion, and corruption.

As a teenager, Mumia helped form the Philadelphia branch of the Black Panther Party. He became a distinguished young journalist and is known for defending MOVE, the multi-racial, Black-led commune advocating for nature and animal rights. In 1980 Mumia was framed for killing a policeman in a trial drenched in racism. Black jurors were excluded, the judge a known racist, key evidence was withheld and 'lost' for decades, witnesses bribed and coerced. Mumia's real 'crime' is to be outspoken, articulate, and a dedicated movement journalist. Mumia has inspired support around the world because he uses his talents and energy to strengthen every movement for justice, including environmental justice.

Our Exonerated: We love Philadelphia and agonize how many of our Native Sons (Black men) are framed up by ambitious District Attorneys, racist police, and compromised judges. The newest Philadelphia District Attorney's Office's Conviction Review Unit (CRU) and its detailed review of suspicious cases have, so far, exonerated 29 innocent men. All Black. All were framed for murder. Read their stories. All defendants exonerated by the Conviction Integrity Unit, except one, were initially convicted in the 1990s and in the 2000s. It's time to open up the cases that were litigated in the darkest, the most racist period in the history of Philadelphia's criminal punishment system.

The new evidence that emerged again in the last number of months, filed by Mumia's defense attorneys on Feb 22, proves further that Mumia was framed in 1982 by the DA's office and that the subsequent DA's continued to cover up the wrongful conviction. The whole point of the Conviction Integrity Unit (CIU) is to throw out corrupt, wrongful convictions and set free the wrongfully convicted prisoner. Larry Krasner's office has exonerated 29 people since he took office. Let Mumia be number 30.

Take Power Away From Police and Give it "Back To Communities,"

*Ngozika Ndiwe, Justice Gap:*A report that calls for some police powers to be curbed, and resources redirected "back to communities so our young people can thrive" was released by Liberty, a human rights advocacy group, on Tuesday. The report was a collaboration between similar community-based organisations, including Kids of Colour and Art Against Knives. Both organisations create spaces for young people to discuss and explore their racial experiences and identities.

The report, 'Holding Our Own,' provides a guide to non-policing solutions to serious youth violence. It criticises what Liberty has described as the failure of government to "solve society's ills through ever-expanding police powers and criminalisation." In calling for reform, the report highlights the disproportionate use of stop-and-search powers on young Black men and boys. It also condemns the use of strip searches, which it describes as the "most traumatic and invasive extension of police powers." According to Liberty, over-policing has led to "thousands of children [that are] strip searched every year." Highlighting the killing of Stephen Lawrence and Jean Charles de Menezes in particular, the report argues that a "true reckoning with racism in policing is long overdue.

Whilst recommending an end to school exclusions, police in schools, pre-crime policing, drugs policing and cuts to youth services, the report also proposes more community-driven projects. These include the development of an "emancipatory education system based on care and support" and "community-based solutions to harm that allow young people's friendships, communities and cultures to flourish." Providing trauma informed safe spaces and healing-centred support for the youth are also amongst the recommendations made in the report.

Defenders of the report argue that such alternatives offer a more humane approach to complicated issue of crime amongst youth. Gracie Bradley, co-author and former Director of Liberty said, "We need imaginative and compassionate responses to social harms and their causes."

71 Year Old Black Man Punched by Police Given Green Light to Challenge IOPC

Bhatt Murphy Solicitors: After it finds police officer who grabbed and punched elderly Black man has no case to answer for misconduct. Errol Dixon is a 71 year old Black man who suffers from mild dementia. On 13 September 2021 Mr Dixon was stopped in his car by police officers on Blyth Road, South East London. During the incident, the primary officer PC Read grabbed Mr Dixon around the neck with both hands and punched him in the face. The IOPC accept that Mr Dixon suffered a broken nose, fractured cheekbone and eye socket and a displaced septum.

The Independent Office for Police Conduct (IOPC) conducted an independent investigation and concluded on 14 November 2022 that no officer had a case to answer for misconduct or gross misconduct such that the conduct of the officers would not be considered at either a police misconduct meeting or hearing. In a public statement released at the conclusion of the investigation the IOPC stated that they had found that PC Read was acting in self-defence and that the force used was reasonable, justified and proportionate.

On 14 February 2023 Mr Dixon (acting through a litigation friend, his son) applied to the High Court for permission to challenge the outcome of the IOPC investigation on a number of grounds. By Order dated 24 April 2023 Mrs Justice Lang of the Administrative Court has now granted permission to Mr Dixon to challenge the decision by way of judicial review. The case will now go to a full hearing at the High Court. The Order granting permission can be seen here.

Errol Dixon said: "In September 2021 during a road stop I was punched in the face by PC Read and suffered serious injuries. I was shocked and disappointed by the decision of the IOPC that the force used was justified and that he should not face any misconduct proceedings. I strongly believe that a misconduct hearing must be held to decide whether PC Read used excessive force upon me, whether he is dangerous, a risk to the public and whether I was subjected to discrimination on account of being a Black man.

Sophie Naftalin, solicitor for Errol Dixon said: "Errol Dixon, an elderly and infirm Black man has suffered very serious facial injuries at the hands of a Metropolitan Police officer. Plainly a misconduct panel could find that the level of force used was disproportionate and this is a case that should go to a public hearing where the evidence can be properly scrutinised. We welcome the Order of the High Court granting permission, and await the full judicial review hearing where the legality of the IOPC decision can receive full judicial scrutiny.

Prisoners' Transfers: Open Prisons

How many parole board recommendations for the transfer of prisoners to open conditions were (1) accepted, and (2) rejected, by the Secretary of State for Justice January /March this year. Secretary of State will accept a recommendation from the Parole Board to approve an indeterminate sentenced prisoner (ISP) for open conditions only where all criteria of the HM Prison and Probation Service Policy Framework have been met.

The Secretary of State (or an official with delegated responsibility) will accept a recommendation from the Parole Board (approve an ISP for open conditions) only where: • the prisoner is assessed as low risk of abscond; • a period in open conditions is considered essential to inform future decisions about release and to prepare for possible release on licence into the community; and • a transfer to open conditions would not undermine public confidence in the Criminal Justice System. Between 1 January and 31 March 2023, the Secretary of State for Justice accepted 14 and rejected 76 recommendations by the Parole Board to transfer an ISP to open conditions.