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Met Police: Women Arrested at Sarah Everard Vigil Paid Damages

Alexandra Topping and Vikram Dodd, Guardian:Scotland Yard has apologised and paid "substantial damages" to two women arrested during the vigil for Sarah Everard, in a major climbdown following years of legal battles over the policing of the event. In a move that the new Metropolitan police commissioner, Mark Rowley, will hope draws a line under one of the darkest periods of the Met's recent history, the force acknowledged that it was "understandable" that Patsy Stevenson and Dania Al-Obeid had wanted to attend a candlelit vigil at Clapham Common because they felt women had been "badly let down".

The women told the Guardian the apology had been hard-won and was welcome, but vowed to continue to "speak up about police abuse" and fight for better policing of violence against women and girls. The women both attended the vigil for Everard, who was kidnapped, raped and murdered by a serving Metropolitan police officer, in March 2021, when Covid restrictions on large gatherings were in place. The image of Stevenson being pinned to the floor by officers as she was arrested sparked widespread fury and distrust among women, while the Met's actions at the vigil saw it and its then commissioner Cressida Dick widely criticised. A 2021 police inspectorate review into the event called the Met's conduct "absolutely right". The pair launched legal claims against the Met under the Human Rights Act after prosecutors halted attempts by the Met to bring prosecutions against them and four others.

On Wednesday 13/09/2023, Stevenson expressed relief that this chapter of the "tiring" fight was over, but said that while the apology was welcome, it was "half-arsed". She added that the controversial Public Order Act had "further eroded and undermined" citizens' fundamental right to protest. "Every step has been a huge hurdle, so I appreciate what they've said, but [...] even if you go through a [legal battle], they still won't hold themselves accountable for what they've done. But this is a very big win for us, and for everyone who attended the vigil."

Al-Obeid, who was handcuffed and arrested at the vigil, discovered that she had been convicted behind closed doors under the Single Justice Procedure (SJP) only after being contacted by media. She challenged the conviction on the grounds that she had no opportunity to plead guilty, and the case was then dropped by the CPS and her "crime" removed from the record. She called the apology "empowering", but said victims of abuse needed more support that could not be provided by the police. "The police are not the right organisation to be on the frontline for victims of violence. They just end up re-traumatising them," said Al-Obeid, herself a victim of domestic abuse. "There is a real need for specialised resources to deal with these situations. I will continue speaking out about the abuse that goes on in police forces and their lack of support for victims of abuse."

In letters to the two women from Commander Karen Findlay, the Met acknowledged that even during Covid, their "fundamental right to protest remained", but noted that the pandemic "presented an extremely difficult challenge for policing and the officers present". It added: "That aside, I appreciate the anger, frustration and alarm your arrest undoubtedly caused you, exacerbated by the subsequent proceedings."

The settlements follow damning findings by the Baroness Casey review into the standards of behaviour and internal culture of the Met. The Casey review said the force had behaved with

"characteristic defensiveness, internal focus and lack of humility", both in the policing of the event and the decision afterwards to pursue those who were arrested and appeal against a decision by the high court that found that it was unlawful for them to have tried to prevent the original vigil.

Anna Birley, who as part of the organisation Reclaim These Streets was told she would face tens of thousands of pounds' worth of fixed penalty notices and potential prosecution if it went ahead, said she hoped it was the first of many apologies from the Met. "The ability to admit when you've made a mistake and make amends is an important part of changing culture and doing better by London's women and girls," she said. "I hope this indicates a fresh approach for the Met and isn't just a cynical way to avoid an embarrassing loss in court."

Rachel Harger, a solicitor at Bindmans LLP who represented Stevenson and Al-Obeid, alongside Jude Bunting KC and Pippa Woodrow of Doughty Street Chambers, said the Met had paid "substantial damages" to the women, who had "demonstrated that we protect the right to protest by protesting. They have both overcome significant adversities in their attempts to hold the Met police accountable, and in full public view. I hope other women, particularly survivors of physical and sexual violence, will feel strengthened in their efforts to do the same."

A spokesperson for the Met said: "The Clapham Common vigil took place in extraordinary circumstances … We tried to achieve a balance that recognised the rights of the public to protest and to express their grief and sadness, while also continuing to enforce the relevant Covid legislation. A protracted legal dispute is not in the interests of any party, least of all the complainants who we recognise have already experienced significant distress as a result of this incident. The most appropriate decision, to minimise the ongoing impact on all involved, was to reach an agreed settlement."

'Costly and Bureaucratic': Met Police Chief Calls For Criminal Justice Reform

The head of the Metropolitan Police has called for 'overdue' reform of the criminal justice to end bureaucracy for his officers and 'let the police police'. In conversation with Sir Trevor Phillips OBE for thinktank Policy Exchange yesterday, Met Police commissioner Sir Mark Rowley said it takes fives times more work to get cases to court than it did 20 years ago. 'The complex legal duties of disclosure and redaction have been pushed to the front end of the system, slowing down justice and creating nugatory work for officers,' Rowley said.

'In other jurisdictions, prosecutors do most of this work, the work we expect police officers to do, and it's done post-charge. It's no surprise if you make a system more costly and bureaucratic, it will achieve less. That's why we have fewer cases solved and successfully prosecuted than we did over past decades. 'Criminal justice reform is overdue and the effect of that will be to let the police police.'

Lord Carlile of Berriew (Alex Carlile KC), the first chair of the London Policing Ethics Panel, told Rowley during Q&As that it was a big deal for a man or woman to make a rape complaint. 'Isn't it still the case that about 95% of rape complaints are not pursued but over 60% of rape complainants in cases that start to be pursued withdraw because of the complexities of process and the time it takes, and that it's inexcusable for such cases to take two-and-a-half years to reach court. 'Isn't it high time for all police forces to get together with the CPS and the courts to ensure that the existing and competent police RASSO process is reproduced in a way that brings these cases to trial quickly and fairly? I think I speak confidently when I say to you, young women have very little trust in the police in London at the present time.'

Rowley replied: 'The criminal justice reform agenda is so overdue because victims need to be able to get this behind them as quickly as possible and we do not at the moment have a system that does that. Part of that is about charging – we need to be able to charge offenders much more early. 'The

temporary arrangements that were put in place for Covid have effectively been sustained where most cases are bailed for a CPS decision rather than charged at the first opportunity.'

Following the event, a CPS spokesperson said: 'We apply the Code for Crown Prosecutors in accordance with the law. The guidance applies to everyone and ensures that decisions are fair, transparent, and consistent. The job of our prosecutors is not to decide whether someone is guilty or innocent, but to present cases to a jury to consider whenever a case meets our legal test.'

Prisoners on Remand: Terrorism

Ruth Cadbury: To ask the Secretary of State for Justice, how many individuals on remand for terrorrelated charges are held in Category B prisons as of 8 September 2023.

Damian Hinds: Information on the number of persons in custody for terrorism-connected offences are routinely published on gov.uk and include a total figure for those who have been convicted and those being held on remand. The latest figures show that as at 31 March 2023, there were 232 persons in custody for terrorism-connected offences in Great Britain. Given the sensitive nature of the information, we do not publish any further breakdowns, or disclose operational detail (e.g., the categorisation and location of terrorist offenders) which may lead to the identification of individuals or undermine our national security efforts.

All prisoners are categorised under the Security Categorisation Policy Framework. Those whose offences meet the threshold for consideration for Category A are then referred to the national Category A team in HMPPS and assessed against that policy. Generally, remand prisoners are held in Category B reception prisons which are designed to serve their local courts. In each case, risk assessments are carried out to determine the appropriateness of the specific placement of each prisoner. The risk assessment looks at a range of factors, not just what offence on which someone has been charged.

Frank Ospina Begged to be Sent Home - But Died in UK Detention

The family of a Colombian man who is believed to have killed himself at a Heathrow immigration removal centre say he begged for help and was willing to leave the UK. Frank Ospina died within a month of being detained, while he was waiting to be deported. His family say he had no existing mental health problems.

The BBC has been investigating conditions inside immigration centres, at a time when the government is taking a harder line on migrants. We have also uncovered new details about an incident in which a group of detainees tried to kill themselves in the days following Frank's death. It comes ahead of the publication of a report, into abusive behaviour by staff at the Brook House facility, a centre near Gatwick. A public inquiry was launched following a landmark undercover BBC Panorama investigation, in 2017. The BBC has been given internal documents from inside the immigration system obtained by two organisations, the human rights journalism unit Liberty Investigates, and the charity, Medical Justice. The documents suggest there is growing frustration among those being held at immigration centres because of delays to the resolution of their cases, which are in turn having a negative impact on detainees' mental health.

Frank Ospina, 39, a Colombian engineering graduate, came to the UK in late 2022 to visit his mother, who had settled here, and to visit prospective universities. Having decided to instead enrol on a master's course in Spain, which was due to begin in May, his family say he took a short-term job washing dishes. But as a foreign national Frank did not have the right to work in the UK. He was arrested in an immigration raid, and taken to the Heathrow detention centres.

Police Failed to Take Adequate Steps to Prevent Drug Overdose in Custody

In Chamber judgment in the case of Ainis and Others v. Italy the European Court of Human Rights held, by 6 votes to 1, that there had been: a violation of Article 2 (right to life) of the European Convention on Human Rights. The case concerned the applicants' relative, C.C., who had died from a drug overdose while in police custody in Milan. He had been arrested as part of an anti-drug-trafficking operation. The Court found in particular that the Government had failed to provide convincing arguments or evidence that sufficient steps – such as searches or medical assistance – had been taken to protect the life of C.C. while in the Milan police headquarters.

Principal facts:The applicants, Rosalba Ainis, Nancy Calogero and Giuseppa Dammicela, are three Italian nationals who were born in 1974, 1994 and 1946 respectively and live in Milan. They were the mother, daughter and partner of C.C. In the early morning of 10 May 2001 C.C. was arrested along with three other individuals in an anti- drug-trafficking operation while he was leaving his flat in Milan. C.C. appeared to be in poor psychological and physical condition, possibly owing to consumption of drugs. He was allowed to rest half-in and half-out of a police car. He was dry retching, with clear liquid trickling from his mouth. At 3.30 a.m. C.C. was transferred, handcuffed, to a holding cell in the Milan police headquarters. At 5.50 a.m. he asked to use the toilet. He began to vomit and collapsed; the report noted saliva coming from his mouth and blood from his nose. The officer who had taken him to the toilet stated that he had not paid "continuous attention to [C.C.], as [I had been] busy booking and taking photographs of other individuals". An ambulance was called, with C.C. appearing to be in a cyanotic state, with breathing difficulties and convulsions. At 6.07 a.m. an ambulance arrived. C.C. was pronounced dead at 6.16 a.m. at Fatebenefratelli Hospital.

An autopsy was performed, which found brain and lung swelling caused by fluid blood, congestion in the internal organs, and petechial spots compatible with a natural death characterised by respiratory difficulties or death by asphyxiation. The pathologist was not able to determine the exact cause of death. A later report issued in 2003 concluded the cause of death had been acute cocaine intoxication taken at a time "very close to his death".

In April 2003 prosecutors decided not to open an investigation as there was no evidence a criminal act by a third party had been committed. The applicants sued the Ministry of the Interior on the grounds of failure to provide assistance to a person in danger (omissione di soccorso) and failure to adequately supervise (omessa sorveglianza). The Milan District Court found the Ministry responsible, concluding that the police had either failed to search C.C.'s person at the time of arrest, or that the supervision of him had been inadequate, as he had either been in possession of a large amount of cocaine at the time of his arrest, or had acquired it while at the police headquarters. It added that there had been a responsibility on police officers in this case to have sought court permission to conduct an intimate body search. The court awarded 100,000 euros (EUR) in damages to C.C.'s mother and EUR 125,000 to his daughter.

However the Milan Court of Appeal overturned that decision, finding no civil liability on the part of the Ministry. It highlighted – without specific reasoning – that although the immediate cause of C.C.'s death had been the ingestion of a large quantity of cocaine shortly before his death, it had also been caused by the ingestion of cocaine at the time of the arrest and that the fatal attack had occurred suddenly "because it [had] found fertile territory in a body which had been put under severe strain by a previous ingestion – or ingestions – of drugs".

In 2011 the Court of Cassation ruled that it could not revisit the reconstruction of the facts as set out by the Court of Appeal and that the latter court had reached its conclusions in a logical and reasoned manner. Complaints, procedure and composition of the Court - Relying on Article 2 (right to life), complained that the authorities had failed to take adequate steps to protect the life of C.C. while in police custody.

Decision of the Court - The Court reiterated that the right to life is one of the most fundamental provisions of the Convention, and that the authorities were obliged to account for the treatment of individuals in police custody owing to their vulnerable position. It reiterated that, in respect of injuries and death occurring during detention, the burden of proof may be regarded as resting on the authorities to provide a satisfactory and convincing explanation.

It stated at the outset that, although there was insufficient evidence to show that the authorities had known or ought to have known there had been a real and immediate risk that C.C. would ingest a lethal dose of cocaine, they had had a duty to take basic precautions to minimise any potential risks to his health and wellbeing, particularly given that he had been unwell and in an impaired state, cocaine had been seized on his person at the time of his arrest, and he had been known to the police as a drug addict. At no time had C.C. received medical attention following his arrest. There was no record of his having been searched at the Milan police headquarters. As concerned the Government's argument that an intimate search of C.C.'s body would have raised issues under other Convention articles, the Court affirmed that it would be excessive to search everyone arrested, but that nevertheless had not released the authorities from any obligations in the matter, in particular to ensure that in this case C.C. had not been carrying drugs when he had arrived at the Milan police headquarters. The Court was unable to conclude that any such steps had been taken.

Furthermore, it was unclear whether C.C. had been properly supervised, and not all the officers involved had not been questioned by prosecutors in the case. The Government failed to rebut the allegations of the applicants with adequate arguments or evidence.

The Court concluded that the authorities had not provided C.C. with sufficient and reasonable protection of his life, in violation of Article 2 of the Convention. Just satisfaction (Article 41). The Court held, by 6 votes to 1, that Italy was to pay the applicants jointly 30,000 euros (EUR) in respect of non-pecuniary damage and EUR 10,000 in respect of costs & expenses.

The Lone Defendant – Facing Prison Without a Lawyer

How would you cope with defending yourself in a trial which could end with your own imprisonment? It's little known that judges in magistrates' courts can imprison adults for up to six months for one offence and more for multiple offences. The decision on conviction and sentence is made by a bench of two or three magistrates or by a single district judge (no jury is involved). All defendants faced with a possible prison sentence can use a lawyer for free for their first appearance in the magistrates' court, but can't have a free lawyer for subsequent hearings unless their income is below £22,325 pa.

Our whole criminal justice system is designed to be an adversarial "contest" between lawyers, a defence lawyer representing the person accused and a prosecution lawyer representing the interests of the state. The language and process is complex – observers, defendants and witnesses often find it hard to know what is going on when lawyers are there. So it's a tall order for anyone to represent themselves, to know whether the charge against them is the right one, whether to plead guilty or not guilty, how to argue for a particular sanction if convicted. Transform Justice published research on unrepresented defendants in 2016 and have championed the interests of unrepresented defendants ever since.

We were hampered in 2016 by a lack of data. There was no court data at all on unrepresented defendants. Now the data is there thanks to the Common Platform, a new digital case file system. The Centre for Public Data has analysed some very interesting numbers which indicate the problem is much worse than it was, or than anyone thought. Ideally every defendant faced with getting a criminal sanction in the courts would have a lawyer. But its particularly important for those facing imprisonment either on remand or sentence – they're facing a life-changing experience in an institution in crisis. Violence in prison is rife and many prisoners are locked up 22 hours a day. Anyone who serves a prison sentence acquires a life-long criminal record. The new data shows that half of all those at risk of receiving a prison sentence in the magistrates' court are unrepresented at every stage of the process. This includes over two thirds of those accused of driving when over the alcohol limit or of having taken illegal drugs, of driving when disqualified and of failing to surrender to court/police bail.

At least one in five defendants are unrepresented for every category of serious offence. Those accused of "indictable only" offences will be tried in the Crown Court but it is critical that they're represented at the early stages of the process – in police custody and in the magistrates' court – to prevent a miscarriage of justice. Yet these figures show that 29% of those accused of rape and 20% of those accused of murder are unrepresented in the magistrates' court.

Transform Justice has recruited courtwatchers to observe London magistrates' courts. Their figures of cases where the defendant is unrepresented are slightly lower than the national picture – on average one in five are unrepresented. Courtwatcher Dhillon Shenoy recently observed a case which highlights why people are unrepresented and how the courts adapt. A woman was accused of four offences – driving without insurance, possession of cannabis and a class B drug and obstructing a section 23 search (as in stop and search) by the police. Being convicted of just one of these could have landed her in prison. She arrived at court expecting to be represented but communication with legal aid lawyers had broken down and she learnt that they would not be coming. She hadn't had access to any of her own case papers since she thought she had a lawyer. She was on benefits, neurodivergent and with mental health problems. Despite this, she was encouraged by the judge to defend herself in her own trial. The judge said she could apply for an adjournment but he didn't have to grant it, and if she represented herself the case would be dealt with by the end of the day. I think this type of pressure on defendants is wrong, but in the event the judge and the prosecutor appear to have done their absolute best to support the woman. The charge of possession of class B (in fact ADHD medication) was dropped, she was acquitted of the cannabis possession charge, given a conditional discharge for obstructing the section 23 search and fined for driving without insurance. Dhillon particularly praised the prosecutor Lydia Marshall Bain for her fair approach.

It is impossible to know whether the outcome would have been different had the defendant been represented. But I really worry that such a complex trial (involving cross examining a police officer) was held when the defendant was "vulnerable and fragile" and "very distressed throughout the hearing". Its traumatic enough to face a trial in the magistrates' court without learning you must represent yourself at only a few minutes notice.

Ironically, the tool for providing this new data on unrepresented defendants – the new digital case file system called the Common Platform – is also increasing the discrimination they face. It will contain all the case files for a hearing, including disclosure, and is accessible to any professional participant in the process. But it has been designed to exclude the unrepresented defendant. So they have no digital access to the files a defence lawyer would see. This disadvantages all those unrepresented defendants who work better digitally then reading paper files, but also means that, in reality, unrepresented defendants often don't receive any case papers before their hearings – merely the instruction to turn up.

This new data is a revelation. Most people accused of imprisonable offences have the right to free legal advice. Previous research suggests most unrepresented defendants would prefer to have a

lawyer. So why aren't they getting one? And what are the results of so many people defending themselves? Our 2016 research suggested justice outcomes were different – that unrepresented defendants were less likely to get their charge downgraded, more likely to make the wrong plea given the evidence, and less likely to be able to mitigate their sentence if convicted. Maybe now the data can tell us whether this is the case. NB the raw data on unrepresented defendants was a response to a parliamentary question from shadow courts minister Alex Cunningham.

Alex Cunningham Shadow Minister (Justice) To ask the Secretary of State for Justice, pursuant to the Answer of 12 June 2023 to Question 188260 on Magistrates' Courts: ICT, how many and what proportion of defendants have appeared without legal representation in magistrates' courts where the Common Platform has been used by (a) court and (b) the alleged criminal offence of the defendant in each of the past three years.

Mike Freer Assistant Whip, Parliamentary Under-Secretary of State for Justice: Common platform first started receiving criminal cases in September 2020. The total number of defendants whose cases have been handled on Common Platform is 456,597 of which 231,223 had no legal representation recorded on the case. It is important to note that this data includes Single Justice Service Cases.

Met Police Admit Overusing Powers to Strip-Search Children

Kevin Rawlinson, Guardian: Scotland Yard has admitted overusing its power to strip-search children after four of its officers were told they would face disciplinary proceedings over allegations that their search of a 15-year-old black schoolgirl known as Child Q was inappropriate and amounted to discrimination owing to her race and sex. The Independent Office for Police Conduct (IOPC) said three of the officers faced accusations of gross misconduct over the search, carried out at a school in Hackney, in east London, in December 2020. A fourth officer faces lesser misconduct action over the absence of an appropriate adult.

It is alleged that the decision to carry out the strip-search, while the girl was having her period, was inappropriate; that Child Q was treated differently because of her race and sex; that there was no appropriate adult present; and that the officers did not get authorisation from a supervisor. Met bosses have agreed, at the suggestion of the IOPC, to write formal letters of apology to Child Q and her family. Any person subject to a search involving the exposure of intimate body parts is in a vulnerable position and they are entitled to be treated with respect and courtesy," said the IOPC's director, Steve Noonan, on Thursday, adding that the incident had "caused widespread concern". His organisation began investigating in May 2021 after Scotland Yard referred complaints on behalf of Child Q and her school. The IOPC said it was now recommending that police officers in England and Wales be made to better "understand their duties and responsibilities regarding the role of an appropriate adult during a strip-search".

Chanel Dolcy, the solicitor for Child Q, said the family welcomed the IOPC's decisions but were "disappointed that it has taken over two years to reach this stage in the process and that they must wait further still for the disciplinary proceedings to conclude". She said: "In the meantime, they urge the Home Office, the National Police Chiefs' Council and the College of Policing to act promptly on the recommendations from the IOPC for a substantial review of police powers and laws so that what happened to Child Q does not happen again. Until that happens, children across the country will remain at risk."

Det Ch Supt James Conway, a senior police officer in the London borough where the strip-search took place, said: "The experience of Child Q should never have happened and was truly regrettable." In March this year, an official report accused police of the widespread abuse of

their power to strip-search children, with black children 11 times more likely than their white peers to be selected by officers for the ordeal. Conway admitted on Thursday that the force had been "overusing this power". He said that since the Child Q case, the force had "made significant practical improvements, such as requiring more senior levels of authorisation, in how we carry out strip-searches in custody and what we call more thorough searches where intimate parts are exposed outside of custody". He said the work had "significantly reduced our numbers".

The IOPC's investigation prompted a review of four other cases involving the strip-searching of children. Three have concluded, with misconduct action recommended in two, including one in which race was found to be a factor in the child's treatment. No grounds for misconduct proceedings were found in a third; a fourth is continuing. In April 2022, Scotland Yard was urged by a council head to accept that institutional racism was a problem in the force over the treatment of Child Q. The previous month, it emerged that the force had been rebuked by a watchdog for conducting "unjustified" strip-searches on children two years before the Child Q case.

Prisons and Probation Ombudsman Annual Report 2022/23

Fatal incidents Investigations started In 2022/23, we started investigations into 404 deaths, a 23% increase compared to the previous year. We began investigations into: 224 deaths from natural causes, 24 more than last year 65 other non-natural deaths, 28 more than last year. It is important to note that, at the time of writing, there are 20 deaths awaiting classification (which tend to be classified as other non-natural) 3 apparent homicides, 2 more than last year 92 self-inflicted deaths, 5 more than last year

Of the 404 deaths in 2022/23, the location of investigations started consisted of: 322 prisoner deaths, 34 more than last year 15 deaths of residents living in probation approved premises, 2 more than last year 63 post-release deaths 2 deaths of residents of the immigration removal estate, 2 more than last year 2 discretionary cases • the death of an individual who was released into a care home and died shortly after • the death of an individual who had been in a hospital and was moved to a hospice

Use of force: We received 35 complaints about the use of force in 2022/23, of which 25 were eligible for investigation. This is slightly more than in 2021/22, when we received 30 complaints, of which 16 were eligible. We recognise the use of force is often the last resort for staff dealing with a difficult operational environment. However, when it is used, it is important that staff act in line with lawful principles, are proportionate and make every attempt to de-escalate the situation.

Inquest Concludes Police Neglect Factor in River Death

Marcel Wochna was just 15 years old when he drowned in the River Itchen, Southampton, on 8th November 2021 after coming into contact with the police. The evidence was that Marcel jumped into the freezing cold water when two police officers tried to arrest him on a dark and unsteady pontoon. Neither of the officers were aware of the Hampshire Constabulary policy on working near water before the incident, nor the risk to life posed by cold water shock. Marcel's friend said that he jumped into the river because he did not want to get into trouble. He had been grounded and so was not supposed to be out of the house. Tragically, when Marcel went into the water, the police officers did not take any direct action to help him. They did not shout out to him, did not throw him a buoyancy aid, did not even shine a torch on him to see whether he was struggling. They just turned around and walked away.

The expert evidence was that Marcel would have quickly become incapacitated by cold

water shock and the weight of his waterlogged clothing. The jury concluded that there was insufficient immediate action taken by the police to rescue Marcel, and that this failure probably contributed to his death. They found that this was a gross failure by the police, and that Marcel's death was contributed to by neglect. The coroner, Mr Jason Pegg, confirmed that he will be sending a Prevention of Future Deaths report to Hampshire Police.

The family was represented by Matthew Turner instructed by Caroline Bayyoud of Broudie Jackson Canter. Matthew is a specialist in police deaths, deaths in custody, and hospital deaths. He has secured seven neglect verdicts in different inquests since December 2021.

Psychiatric Assessments Form Basis of CCRC Referral

CCRC have referred a 2013 murder conviction to the Court of Appeal after commissioning fresh psychiatric assessments about the defendant's mental health at the time of the offences. Nicole Thomas, who was known as Nicola Edgington at the time of her conviction, was convicted at the Central Criminal Court in 2013 of the attempted murder of Kerry Clarke and the murder of Sally Hodkin in Sussex in 2011. She is serving a life sentence for murder with a minimum term of 37 years. The CCRC referral is based on the question of whether she should have been convicted of manslaughter by way of diminished responsibility rather than murder. Prior to the offences, Ms Thomas had experienced a psychotic episode. Nicole Thomas had also been convicted of manslaughter in 2006 on the grounds of diminished responsibility and had consequently served three and a half years in a secure psychiatric prison.

In 2016 the CCRC received an application to review her case and later instructed a psychiatrist to assess the mental health evidence used in the trial. After conducting a series of complex and lengthy investigations, the CCRC has called into question key aspects of the medical and psychiatric evidence in the prosecution case against Ms Thomas. Its fresh psychiatric report identified that the jury had not been made aware of important aspects of the earlier evidence, which gave the jury a misleading impression of Ms Thomas's mental health.

The CCRC therefore considers that there is a real possibility that the Court of Appeal will quash Ms Thomas's conviction for murder and replace it with a conviction for manslaughter by way of diminished responsibility. CCRC Chairman, Helen Pitcher, OBE said: "At the time of Nicole Thomas's trial, prosecution evidence around the full extent of her mental health issues was not fully explained. Important information was overlooked or not conveyed correctly, and this may have misled the jury. Had this evidence been explained sufficiently it might have changed the outcome at her trial."

Alfie Meadows: Met Agrees Pay-Out For Man Injured in 2010 Protest

The Metropolitan Police has apologised and agreed to pay a settlement to a man who suffered a brain injury after being hit on the head by a police baton during a protest 13 years ago. Alfie Meadows was injured during a demonstration against student tuition fees in London on 9 December 2010. He was charged with violent disorder and faced numerous trials before being unanimously acquitted in March 2022. In Friday's 15/09/2023) statement, the Met said Mr Meadows was "protesting peacefully". It said it had apologised to him in June and settled a civil action following a claim he made in August 2020. But the force added that the officer who struck Mr Meadows has not been identified and "held to account for their actions". The amount of the settlement has not been disclosed but could run to six figures, according to the PA news agency. Mr Meadows suffered "very serious injuries" during the 2010 demonstration, which coincided with a vote on the proposed tuition fees increase in Parliament.

"Although the situation in Parliament Square was chaotic and threatening, we acknowledge that

Mr Meadows was protesting peacefully and the use of force against him was unjustified," he said. The spokesperson added that between 2010 and 2019 a number of investigations had taken place, but "none were able to identify the officer in question. We sincerely regret, despite extensive CCTV and witness inquiries, the officer who struck Mr Meadows did not come forward, could not be identified and has not been held to account for their actions. We have apologised to Mr Meadows for this." He added that since 2010 the force has introduced body-worn cameras and improved self-defence training for officers in an effort to help prevent such an incident ever occurring again.

"It felt like a process that was never going to end," Mr Meadows told Channel 4 News. "It felt like I was on trial the whole time, that I was being punished for the crime of surviving this police assault. I've just been so aware of how I've been treated and how the police have been failed to be held to account," he said, adding that the incident and trials that followed had a "serious impact" on his life and mental health. All of the years I've lost fighting for truth and accountability and coming up against denial, blame and attempts to criminalise me," he said.

IPP: Jump In Recalls Where No New Offence Committed

Last year 625 people were recalled to jail for breaching their lifelong IPP licence, of whom 461 (74 per cent) had not been charged with a new offence. The figure of 461 is the highest annual total recorded. The finding emerged in data released by the Ministry of Justice in response to a Freedom of Information request by the Centre for Crime and Justice Studies (CCJS). Richard Garside, the director of the CCJS, said: "I am shocked that ever more IPP prisoners who have successfully secured their release are being sent back to prison for no good reason. This injustice must be devastating for hundreds of IPP prisoners and their families. "While the government claims that it has a plan to solve the IPP scandal, it continues to preside over a processing machine that is churning people in and out of prison with no clear end in sight." People released from prison on licence can be recalled to jail if they are charged with committing a further offence, but also for a range of other breaches including failing to turn up for meetings with probation or failing to be of "good behaviour".

Inspectors Find Race Gap In Probation Delivery

The Probation Service does better work with White people it supervises than with those from Black and minority ethnic (BAME) backgrounds, inspectors have found. A report by HM Inspectorate of Probation, published last week, raised wide-ranging concerns about racial equality for both people under supervision and probation staff. Justin Russell, HM Chief Inspector of Probation, said in a foreword: "Assessment, planning, and implementation and delivery were worse for minority ethnic people on probation than for White people, and fewer services were delivered for them. However, there was no evidence of any disproportionality in the use of enforcement and breach."

Inspectors examined 1,550 cases of people under probation supervision. For 51 per cent of BAME people, the sentence or post-custody period was implemented effectively with a focus on engaging the person on probation. For White people the figure was 58 per cent – a statistically significant difference. When the inspectors judged whether implementation and delivery of services effectively supported desistance, they concluded that it had done so for 39 of BAME people on probation, compared with 47 per cent of White people – also statistically significant.

Among the findings were that probation officers tend not to ask about the cultural background or religion of the people they supervise. A separate survey of people on probation by User Voice, commissioned by the inspectorate, found that faith was seen as a "no-go area

of discussion", with some being told by their probation officer that talking about religious beliefs was banned in supervision sessions. Asked why the quality of work by the Probation Service was worse with BAME people, Trevor Worsfold, the inspectorate's lead inspector on service delivery for the report, said: "It's about assessment and engagement. It's about understanding the person who's in front of you, asking questions, being curious. If you get your assessment right with that person, and then you take their diversity into account in your planning, you're going to improve your engagement – and then, if you have more services available that are tailored, then that will improve the delivery."

Prisoners Released With Sleeping Bags and Woolly Hats

An investigation into the health of prisoners and ex-prisoners has condemned the practice of releasing men with just a sleeping bag for shelter. An addiction support service worker referred to as Alison, who works with recently-released men in the community, told the investigators: "A couple of prisoners I've met on the day of release have literally turned up and they've been given a woolly hat and a sleeping bag by the prison." In its conclusions the report noted: "The current instances of prisoners being released with just a sleeping bag and no fixed abode are unacceptable, along with the number of participants in this project who stated that they had no idea how to access avenues of support when leaving prison."

The watchdog spoke with 29 serving prisoners at Chelmsford in focus groups and one-to-one interviews, as well as ex-prisoners attending addiction support groups or homeless centres, and professionals. The fieldwork was all carried out in 2023. The 39-page report, called Hidden Homeless, was written by Sharon Westfield De Cortez and published in August. Alison told the researchers that some prison leavers were left homeless because they were unable to obtain housing, either from a private landlord or from the council – sometimes due to their previous antisocial behaviour. She added: "It might be that they have to physically sleep rough before they can get help from the outreach Rough Sleeper Team. Which is something that really doesn't sit well with me when you've got a vulnerable person. It must feel hopeless if you've just done a whole prison sentence; you must feel to some extent that you've done your dues, you've done your time. Now you need to be given a chance."

The woman said that some prison leavers were in poor health, yet were turned away by GP surgeries when they tried to register as a patient because they had no fixed abode. She called for people leaving prison to be given mobile phones to allow them to stay in touch with service providers. A member of staff in the prison's resettlement team, referred to as Stephanie, described to the researchers the efforts made to help prisoners at Chelmsford in the 12 weeks before they are released – including obtaining copies of birth certificates, opening bank accounts, and applying for jobs or training.

However, Stephanie added: "There are problems when people are released from prison. Community mental health support is very hard to get and will not work with them if they have active addiction issues. Those who leave prison without an address don't get follow up health appointments." Describing problems with the Government's CAS-3 initiative to provide temporary accommodation to prison leavers who would otherwise be homeless, Stephanie said: "Many are only told a day or two before release if they are going into temporary accommodation provided by the Probation Service. These premises can also be in areas not known to the individual as it depends upon where there is space, and this can be really daunting. This type of accommodation is limited and only for a maximum of 84 nights. "A lot of prisoners have no idea how to manage out in the community. Sometimes it would be good for a prison leaver to move to a different area, so they don't fall back into their old routine and can make a fresh start. However, this is not allowed unless they are moving to a probation approved address, so this is a barrier to some making that positive change."

MoJ Decision Not to Move Prisoner to Open Conditions Unlawful

The High Court has ruled that the Secretary of State's decision not to move a prisoner to open conditions was unlawful. The challenge was brought to a decision made under Dominic Raab's much criticised open conditions policy which had introduced a "public policy" test into these decisions. That test was dropped and the policy changed on the morning this case was heard. The judge found the decision on this case was unlawful as it had been made without taking into account critical oral evidence heard by the Parole Board. He noted that it was hard to understand what the public confidence test had added to the risk assessment process and commented that: "It is entirely unsurprising that this policy criterion has now been withdrawn. It adds nothing."

In this application for judicial review, the sole question for the court is whether the decision of the Secretary of State for Justice to reject the recommendation of the Parole Board that the claimant be transferred to open prison conditions was lawful. Nothing more, nothing less. The claimant now calls himself Reginald Zenshen and is presently incarcerated at HMP Warren Hill. At the time of his murder conviction in July 1991, he called himself Reginald James Wilson. He has therefore served 32 years' imprisonment following the imposition of a life sentence with a minimum term of 30 years. He is thus "post-tariff". That means that he has completed the punishment part of the sentence and the question that remains before any release is one of risk to the public. His severe sentence was richly deserved. The crime he committed was of the utmost gravity. The word "appalling" is used too frequently. However, this is certainly a case in which it was justified.

The question before the court was not whether he should be released from his sentence, but a markedly narrower one: whether the refusal of the Secretary of State to accept the recommendation of the Parole Board that the time was right for the claimant to be transferred to open prison conditions with a view to monitoring and testing him prior to any final release was a decision that can stand in light of the settled principles of public law. The fact is that the claimant is not serving a whole life term, and thus the prospect remains of his being released into the community at some point.

"Proceed Without Caution: Impact of Cautions and Convictions on Sex-Workers' Lives".

Dear friends, We would like to invite you to the launch of our new report "Proceed Without Caution: the impact of cautions and convictions on sex workers' lives". Wednesday11th October 2023 @ 6pm. Crossroads Women's Centre, 25 Wolsey Mews, London, NW5 2DX

Thousands of women in the UK have been cautioned and/or convicted for prostitution offences; that is for loitering and soliciting for working on the street and for brothel-keeping and controlling for working together with others from premises.

Having a criminal record for prostitution brands sex workers as criminals making them an easy target for the police and others in authority to discriminate and deny them their rights. It can put sex workers at greater risk of exploitation, abuse, and other violence and is a barrier to getting another job and leaving sex work. It can mean sex workers lose custody of their children, are deported or prevented from travelling to other countries and denied compensation and insurance, among other injustices. The impact is compounded for sex workers who are migrant, trans, women of colour, street workers and working class.

Proceed Without Caution is community-based research conducted by sex workers many of whom have convictions themselves who interviewed their work mates and friends. The launch will hear from some of the women interviewed and include a presentation of the key findings