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

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German Group Buying Ticket Dodgers Out of Prison

Tim Mansel, BBC News: One day in late 2021, Arne Semsrott set out with €20,000 ($21,200; £17,000) stuffed into his pockets. Some of it was his, some he had borrowed from friends. He admits to having been a little nervous. "I had no idea if this was going to work," he says. His destination was the Plötzensee prison in the north-west of Berlin. His plan was to buy out as many prisoners as the cash in his pockets would allow.Arne, a 35-year-old journalist and activist, had discovered a loophole in the German legal system. Someone sentenced to pay a fine doesn't have to pay it themselves. In exploiting the loophole he hoped to draw attention to what he saw as a glaring injustice: the law that enables judges to send people to prison for not buying a ticket on public transport. "We freed 12 men from Plötzensee that day and nine women from the Lichtenberg prison the next day," he says.Since then, Arne and his organisation Freiheitsfonds (The Freedom Fund) has enabled around 850 people to walk free at a cost of more than €800,000. Arne says he believes the law is unjust. "It discriminates heavily against people who don't have money, against people who don't have housing, against people who are already in crisis. We believe this law has to change because it is not something that you want in a democratic and just society."

It has been estimated that some 7,000 people are held in German prisons for not having paid their fare on a train, tram or bus. Most of them will have been sentenced initially to a fine and been unable to pay. They are serving what's called an Ersatzfreiheittsstrafe - a substitute custodial sentence. But some will have gone straight to prison. Gisa März falls into the second category. A small, fragile looking woman in her mid-50s, she has for years supported herself in part by selling the Düsseldorf street magazine fiftyfifty. Gisa spent four months in prison from last November until March this year. She had been caught twice on trains in Düsseldorf without a ticket. "I was on methadone," she explains, "the drug they give you when you're coming off heroin. And you have to go into the clinic every day. I didn't have any money. I was getting unemployment benefit, but it was the end of the month and I didn't have any money left."

Gisa was sentenced initially to six months in jail suspended for three years. But she failed to meet the conditions laid down by the court and eventually found herself behind bars. Fiftyfifty worked hard to raise awareness of her case. There were demonstrations outside government buildings; reporters at a national news magazine visited her in prison; her circumstances were even raised in the Bundestag, the lower house of the German parliament. Most people who take a bus journey without a ticket don't end up in prison. They pay the €60 penalty fare and that's the end of it. But the public transport companies take a harder line with serial offenders. They are the ones who are referred for prosecution, regardless of whether or not they've paid the penalty fare. Gisa was one of those. She was caught another seven times without a ticket in the period between her sentencing and finally going to prison. And she had previous convictions for the same offence. Arne Semsrott wasn't able to help Gisa because she hadn't been sentenced to pay a fine. Nonetheless he believes people like her should never be sent to prison; and he says that many prison governors think the same thing.

"Prisons love the Freedom Fund," he says. "Why? Because people who end up in prison for riding without a ticket just don't belong there. These are people with psychological problems, people who don't have housing, who need help from social services. Prisons are the wrong

place for them." He says that many prisons hand out the Freedom Fund's application form as people arrive to begin their sentences. "So on the one hand the state criminalises people for this offence and then, on the other, the same state comes to civil society and asks for help to correct this. It really shows you the absurdity of it all."

Arne calculates that in buying out 850 people so far, his organisation has saved the state some €12m, based on the estimated cost per day of keeping someone in prison. Public transport in Germany has resisted any change in the law. In a statement forwarded to the BBC, the head of the VDV, the organisation that represents more than 600 rail and bus companies, said it was "urgently necessary" to retain the threat of prison as a deterrent for serial offenders. A spokesperson said that people not paying a fare costs the industry an estimated €300m a year. It is unclear if the law will be changed before Germany's next parliamentary election in 2025. But the Gisa März case has been the catalyst for change in Düsseldorf. The city council there has now ordered the local transport authority, Rheinbahn, not to prosecute those caught without a ticket. Rheinbahn has confirmed to the BBC that it will abide by this instruction "until further notice".

Psychologists Having to Talk to Young Offenders Through Cell Doors

Helen Pidd, Guardian: Traumatised children in a young offender institution are talking to psychologists through the hatch in their cell doors as there are not enough guards to unlock them for therapy sessions, the Guardian has learned. "Our ability to have children unlocked for sessions has decreased massively," said Dr Radha Kothari, the principal clinical psychologist at Feltham young offender institution in west London, which holds boys aged 15 to 18 who have committed the most serious crimes, including rape and murder.

Many of the teenagers have suffered childhood trauma, with an overrepresentation of autism, ADHD and other neurological disorders. She said there were about double the number of children in Feltham since she started work there a year ago, and frequently not enough officers to unlock their cells safely. The MoJ would not comment on the number of children in the institution. "Often we are only able to speak to the children through cell doors," said Kothari, who is employed by the local health trust rather than the Ministry of Justice. Alternatively, she and colleagues try to snatch conversations with the teenagers during their exercise time, in lieu of private sessions in dedicated consultation rooms. We are not delivering therapy through the cell doors or on the yard," she stressed. "Rather, when we are unable to have a full session in a contained and confidential space, we are attempting to have therapeutic conversations to check in, risk-assess and try and support."

She added: "I feel frustrated about being unable to … provide the young person the kind of support that they need in a safe contained environment. It's very difficult to have conversations that are really open and honest, because there isn't confidentiality and other people on the unit would be able to hear." She underlined that it is "absolutely not the fault of the prison staff" but a "broader systemic issue". They will try very hard to accommodate us. We operate a trauma-informed approach, which means that prison staff are trained in early attachment theory and trained in trauma. Everybody is really working together to try and enable that access to activities to therapeutic work, etc. But we are limited by the security guidelines of how many people are needed on a unit to be able to unlock safely."

Feltham became the first children's prison to be put into special measures in 2019 after inspectors found an "extraordinary decline in standards". A follow-up inspection last year found marked improvements, but warned it remained a "fragile place". The Guardian has learned that gang rivalries are starting to cause problems again in Feltham, with an increase in the number of children on "keep apart" lists designed to prevent certain groups from mixing. This is partly

blamed on transfers from Cookham Wood, a young offender institution in Rochester, Kent, which was put into special measures in July after inspectors found a dirty, unsafe environment. Inspectors found 90% of boys in Cookham Wood were being segregated from other prisoners, with staff managing 583 individual conflicts in a population of 77 children. As a result many children were only allowed out of their cells for half an hour a day. They came across two boys requiring protection from their peers who had been subjected to conditions amounting to solitary confinement for more than 100 days. In Feltham, "there's definitely more reports from the children that they are not being let out every day for the things that they should be let out for, such as education, exercise, gym, etc", said Kothari. She worries about the psychological damage caused to children by the lack of social interaction at a key point in their development. "They are in a developmental period that is very much focused on socialising, understanding your place in the world, understanding your identity amongst others, learning how to interact socially. And not having the space to sit with someone one to one in a confidential space can really limit all of these things," she said.

The Guardian asked the Ministry of Justice about staffing levels at Feltham but the department did not respond to the question. Instead, a Youth Custody Service spokesperson said: "We are taking decisive action to deliver improvements at HMP and YOI Feltham and providing extra support to the governor. "While assaults across youth custody have fallen by 12%, the number of children in custody has fallen by 77% and we have recruited and trained 4,000 youth justice workers since 2017, we know there is still work to do to support the most complex and vulnerable children in the justice system. "The first-ever secure school will open next year and create a modern and safe environment that gives young offenders the skills and support they need to turn away from crime."

Türkiye Must Address Systemic Problem of Convictions For Terrorism Offences

In Grand Chamber judgment in the case of Yüksel Yalçınkaya v. Türkiye (application no. 15669/20) the European Court of Human Rights held: by 11 votes to 6, that there had been a violation of Article 7 (no punishment without law) of the European Convention on Human Rights, by 16 votes to 1, that there had been a violation of Article 6 § 1 (right to a fair trial) of the European Convention, and unanimously, that that there had been a violation of Article 11 (freedom of assembly and association) of the Convention.

The case concerned the conviction of a former teacher for membership of an armed terrorist organisation, namely the FETÖ/PDY, formerly known as the "Gülen movement" and considered by the Turkish authorities to be behind the attempted coup d'état of 15 July 2016. Mr Yalçınkaya's conviction had been based decisively on his use of the encrypted messaging application called "ByLock", which the domestic courts held had been designed for the exclusive use of FETÖ/PDY members under the guise of a global application.

Indeed, anyone who had used Bylock could, in principle, be convicted on that basis alone of membership of an armed terrorist organisation. The Court held that such a uniform and global approach by the Turkish judiciary vis-à-vis the ByLock evidence departed from the requirements laid down in national law in respect of the offence in question and was contrary to the object and purpose of Article 7 which is to provide effective safeguards against arbitrary prosecution, conviction and punishment. There had also been procedural shortcomings in the criminal proceedings against Mr Yalçınkaya, notably concerning his access to the ByLock evidence which concerned him specifically and his ability to effectively challenge it, in breach of his right to a fair trial under Article 6. There are currently approximately 8,500 applications on the Court's docket involving similar complaints under Articles 7 and/or 6 of the Convention

and, given that the authorities had identified around 100,000 ByLock users, many more might potentially be lodged. The problems which had led to findings of violations were systemic in nature. The Court held, under Article 46 (binding force and implementation of judgments), that Türkiye had to take general measures as appropriate to address those systemic problems, notably with regard to the Turkish judiciary's approach to Bylock evidence.

Prisons Struggle to Keep Staff as Officers Leave for Border Force and Police

Helen Pidd &Rajeev Syal, Guardian: Prisons near ports and airports in England and Wales are struggling to retain staff because so many are leaving for "less stressful" jobs in the Border Force. Younger members of staff are also quitting because they do not like being without their mobile phones all day, according to senior prison officers. Staff retention is a huge problem in the Prison Service. Nearly half of officers (47%) who left last year had been in the role for less than three years, and more than a quarter (25%) left after less than a year. Charlie Taylor, the chief inspector of prisons, said those in south-east England were under pressure to retain staff because of recruitment drives from the Border Force and police.

Around 10,000 people work for the Border Force, with most in frontline roles at airports and seaports across the UK and overseas. In 2020, the government said it was spending £10m to recruit about 500 more personnel in preparation for post-Brexit border controls. Taylor said: "What we're seeing now, particularly in places such as Kent, Surrey, Sussex, we're seeing people being lost, or certainly under pressure from Border Force and these sorts of organisations. So jails such as Maidstone, Elmley, Swaleside and Lewes are all under pressure. You've got Gatwick airport nearby as well."

Dr Radha Kothari, the lead clinical psychologist at Feltham young offender institution in west London, said many officers there were quitting for jobs with the Border Force at nearby Heathrow. She said: "One of the things that comes up quite a lot when you talk to prison staff about why people are handing in their notices is that Border Force are offering jobs to prison officers, which are, in theory, at least, less stressful jobs. So that can be appealing when you've had a period of being stretched, burnt out and overworked."

Prison officers are attractive candidates for Border Force recruiters as they have similar skills and can move within the civil service on a "level transfer", which means candidates can move over with their existing salaries and pensions. Starting salaries are lower in the Border Force than in prisons, with new recruits paid as little as £21,431, while the starting salary for a prison guard is more than £30,000 or over £35,000 in inner London. A spokesperson for the ISU, the union for borders, immigration and customs, said: "Often we get prison officers who have been injured on the job, perhaps carrying out sort of physical restraint, or officers who have developed mental health issues because of the stresses of working in jails." She said the Border Force was recruiting very regularly because turnover was so high, with 45% of staff leaving each year. One in four new recruits to the Prison Service leave within a year. Reasons given include lack of management support, staff shortages and antisocial hours. But two officers who have conducted exit interviews said another reason was increasingly given: younger officers object to having to surrender their mobile phones when they clock in each day. "They don't like being separated from their phones," said a veteran officer, while another had been told the same thing. "I've always quite enjoyed the break from my phone," she said. "But a lot of these young kids now that we employ, they just don't like being away from their mobile phone."

The Ministry of Justice did not reply to questions about staff retention in the Prison Service but said: "We have committed to hiring up to 5,000 prison officers across public and private prisons by the mid-2020s.

Inexperienced Prison Officers at Risk Of 'Grooming' From Most Dangerous Criminals

Matt Mathers, Guardian: Nearly a third of officers at high-security prisons have fewer than three years of experience, official figures show, fuelling concerns about safety and "grooming" of staff by the most dangerous criminals in the country. As of June 2023, a total of 2,993 (31 per cent) prison officers had not been in their jobs longer than 36 months – up from just 236 (6 per cent) in June 2015, according to Ministry of Justice data. Experts warned that newer recruits who require more support, training and mentoring were at "very real risk" of being groomed by "experienced" inmates, presenting new dangers in already "overstretched" prisons. A union representing prison officers said the figures were reflective of the staffing "crisis" across the sector, with Her Majesty's Prison and Probation Service (HMPPS) losing staff "hand over fist".

Labour said the government needed to "urgently address" the challenges facing prison staff. The figures come following suspected terrorist Daniel Khalfe's escape from Wandsworth prison. Mr Khalife, a 21-year-old former soldier, pleaded not guilty to escaping from the category B jail in south London. He appeared in court last Thursday via video link from the category A Belmarsh prison, also in London. It sparked a national debate about security across the UK prison estate as well as staffing and morale issues more broadly among the officers working in them. Overcrowding and drug abuse are also significant problems.

Category A prisons have the highest level of security, and house male prisoners who pose the greatest threat to the public, the police, or national security – such as terrorists, murderers and rapists. Category D prisons have the lowest security and house criminals who are not deemed a risk to society. At HMP Belmarsh, where Mr Khalife is held, 116 prison officers (27 per cent) had fewer than three years of experience as of June 2023 – up from 19 (5 per cent) in 2015.

Of all the category A jails in England, HMP Woodhill in Milton Keynes and HMP Wakefield in West Yorkshire had the highest percentage of these officers – 38 per cent. HMP Lartin in Worcestershire had the lowest on 24 per cent, according to the figures, published by prisons minister Damian Hinds, in response to a parliamentary question tabled by the Labour Party. Charlie Taylor, the chief inspector of prisons, said that some recruits go on to do an "outstanding" job but that those new to the service needed more support and mentoring from experienced staff. Whereas in the past recruits to the Prison Service were often older and more experienced, we now have officers starting who are only just out of school," he told The Independent. Mr Taylor said that when mentoring was lacking "it can actually be the prisoners who end up imparting key knowledge to new recruits and I have heard many tales of this taking place". He added: "Positive relationships between staff and prisoners are, of course, to be encouraged. But there is a very real risk that inexperienced new recruits can be groomed by experienced prisoners, introducing new areas of risk to an already stretched service."

Earlier this month The Independent revealed that across the prison estate, only 30 per cent of officers had more than 10 years of experience – down from 60 per cent in 2017. More than 1,000 of those staff left in the past year. "The sharp rise in the proportion of inexperienced staff in prisons reflects the staffing crisis in the Prison Service, with one in seven uniformed officers leaving their job during 2021-22," Mick Pimblett, assistant general secretary of the Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers, said. I am sure that HMPPS will make the same old statements regarding staffing retention toolkits, the intention to recruit extra staff and so on, but the simple fact is that HMPPS are losing staff hand over fist."

He added: "The recent pay announcement, which stated that experienced staff on old terms and conditions would not receive a pay award this year or in the future, along with unsafe

or unachievable regimes, and increased violence will only lead to further staff leaving the service. "These prisons in the high secure estate hold some of the most dangerous people in society, including terrorists and murderers. Recent His Majesty's Inspectorate of Prison reports regarding prisons such as HMP Woodhill, HMP Whitemoor and HMP Long Lartin make for very grim reading. New members of staff are being mentored by other new members of staff, and it is a recipe for disaster which is of HMPPS's own making".

Sir Bob Neil, chair of the Commons justice committee and the Conservative MP for Bromley and Chislehurst, said of the high-security prison figures: "This is a stark and worrying statistic. Retaining experienced and knowledgeable prison staff is vital to safety on the estate and rehabilitation work with prisoners. "The government risks failing in its duty of care to prison staff and prisoners alike by allowing this situation to perpetuate."

Shabana Mahmood, the shadow justice secretary, said: "Our prisons are in crisis after 13 years of Conservative chaos, but these figures paint a stark picture of the reality of a mass exodus of staff. "The high staff turnover means a lack of experience on prison wings and new recruits struggle to find people to learn from. The Prison Officers' Association estimates that almost 100,000 years of cumulative experience have been lost since 2010. The government needs to urgently address the challenges that prison staff are facing to ensure we see an improvement in engagement and retention. Labour will get a grip of the prison system and ensure public safety." A Prison Service spokesperson said: "We are doing more than ever to attract and retain the best staff, including starting salaries for officers which have risen from £22,000 to £30,000 since 2019.

The Justice Delusion

Dennis Eady: After 17 years of struggle against an increasingly reckless and intransigent criminal justice system, the small group of staff who have worked on the Cardiff University Law School Innocence Project have reluctantly concluded that "justice" in the UK, and probably throughout most of the world, is a delusion. Our common belief in the institutions and concepts of the law is founded on an ill-placed faith rather than evidential reality.

The title of this series of articles mimics Professor Richard Dawkins' seminal work, "The God Delusion". There are good reasons for this, but please be assured we are not embarking on a debate about the existence or otherwise of God. However, we will draw on certain parallels that the justice system, and society's perception of it, has to the debate between science and religion. Dawkins argues that science (significantly evolution in "The God Delusion") requires and relies upon evidence, while religion relies upon faith which he argues is not evidence based. Few people of faith would argue that they can prove the existence of God (in fairness Dawkins concedes that he cannot disprove it) although they may well argue that they experience the existence of such a being or beings.

In the context of religion, faith is fundamental, and for people of faith, experiential and unavoidable. The quality of our social institutions however should not be matter of faith. They are not infallible and should be considered realistically, critically, and evidentially before investing trust in their reliability and credibility.

Many people are brought up with faith-based assumptions about the justice system that are based on little or no evidence: "the best justice system in the world", "the best police force in the world". There is no doubt that there are worse justice systems and worse police forces in some countries, but what is the evidence base for believing ours is the best? Do they believe

the same of their own systems in Norway, Germany etc?

We will show in articles to follow why our belief in justice in the UK is a delusion, an act of faith rather than an evidence-based process. Why is this a problem? That may be obvious, but I will draw on some of Professor Dawkins' concerns about faith, which, when applied to a social structure such as the justice system, shows how problematic an ill-founded faith in a social system can be when it overrides a realistic critical analysis.

In faith, you do not have to justify what you do – it is justified by your faith. Just because a belief is comforting does not mean that it is true. Faith provides easy solutions to complex problems and fills the gaps in our knowledge without the need to seek explanations. Faith can bring good things, but it can also justify bad things. Faith can lead good people to do bad things. We could substitute ideology for faith and make the same point – and this would in some ways be fairer, given that faith is often a way of trying to explain the meaning of life rather than a justification for social institutions.

The point however is the same – we have been indoctrinated to believe that the criminal justice system has integrity, demands fairness and proof, and that it cannot be any other way. We have never been encouraged to question it, because we have grown up to believe in it; at least until that dreadful moment experienced by many of our clients, when they realise that they have been suffering under a dangerous misapprehension.

We hope we can illustrate these arguments adequately in the articles that will follow. For now, I will provide just one, admittedly somewhat random, but I think poignant, example. These are actual comments taken from a Judge's Summing Up in what we have come to term "no evidence cases" – cases based purely on allegations about incidents often alleged to have happened decades ago. The comments are not atypical: "You will note from the directions I have given you that there is no rule of law that says when you are dealing with a criminal trial if it is simply one person's word against the other a jury can never be sure……that urban myth that if it's one person's word against the other you can't be sure ,put that out of your mind. You look at the evidence and decide on the evidence that you have heard whether or not you can be sure".

This notion is not evidence-based; psychological research has shown consistently over many years that people are not good at deciding who is lying and who is telling the truth – It is a complex area of study but generally the success rate is around 50% [see, for example A. Vrij "Detecting Lies and Deceit" 2008: " A layperson's performance is only marginally better than what can be expected by chance, that is what could be expected by flipping a coin" (p141). The research further suggests that 'professional lie detectors' such as police officers are little or no better]. The real urban myth is the reverse of the judge's statement: the belief that a jury can do this and be sure that their belief is factually correct. Only an act of faith can decide on a one word against another case, and yet, judging by many of the convictions we see, juries seem to believe mantras of this kind, when evidentially the judge's comment is palpable nonsense. The delusion continues:

"When deciding the facts of the case, what did or did not happen, do not speculate or fill gaps by speculating, for that is no better than guesswork which has no place in a criminal case." This might make sense were it not for the fact that the jury are being asked to do exactly that: to speculate on who is telling the truth in the absence of any other substantive evidence; to fill the gaps left by the lack of evidence. Juries in cases of this kind are being asked to look at the evidence and not to speculate – but there is no evidence, there is only speculation.

There are of course aspects of the justice system which are necessary and even commendable, but the unquestioning faith that the system demands, and often receives, is a dangerous delusion. It demands that we believe things that we simultaneously know to be untrue (George Orwell's concept of "Doublethink" in the novel "Nineteen Eighty-Four"). It demands a level of respect which is not justified by evidence, but by faith and ideology. We need to examine our faith in the justice system and question whether it is leading good people to do bad things. This series of articles will attempt to begin that examination.

Proposed Police Reforms 'A License to Kill', Claims INQUEST

Holly Greenwood, Justice Gap:: INQUEST has stated that proposed reforms to investigations of police misconduct amount to 'a license to kill', in response to comments made by the Metropolitan Police Commissioner and the Home Secretary in the wake of murder charges for the officer who shot Chris Kaba. The decision of the CPS to bring a murder charge against the officer responsible for the shooting has been met with protests by Metropolitan police firearms officers who surrendered their weapons. The Home Secretary, Suella Braverman, called for a review of armed policing.

Met Commisioner Sir Mark Rowley welcomed the review's potential to 'address a number of imbalances' in the way police officers are held to account for decisions to use force. They include a call to increase the standard of proof required to find unlawful killing in inquests and inquiries, along with increasing the threshold at which the Independent Office of Police Conduct could launch criminal or misconduct investigations.

In response, Deborah Coles, Director of INQUEST, emphasises that 'accountability for officers involved in wrongdoing and deaths is exceedingly rare' even when there is 'clear evidence of disproportionate, dangerous and unnecessary use of force'. She cautions that the proposed reforms would make 'accountability for police use of force virtually impossible' by allowing the police to 'be judge, jury and executioner' and effectively 'giving a license to kill'. Coles also drew attention to the Casey Review published in March this year, which 'laid bare the uniquely toxic culture within the firearms unit in the Met,' urging the Home Secretary and Met Police Commissioner to focus on addressing this as their priority.

Earlier this year, the Supreme Court examined the threshold for assessing use of force in police misconduct hearings, in relation to the shooting of Jermaine Baker. The Court unanimously held that the civil standard was the appropriate one to apply.

Suspect Anonymity in Northern Ireland

Chloe Hanna, Inside Justice: Since the infamous Belfast Rugby Rape Trial in 2018, reform of the law and procedures in sexual offence cases in Northern Ireland (NI) has been a key priority of the NI Department of Justice. An independent review commissioned by the Criminal Justice Board, the Gillen Review, set out 253 recommendations aimed at improving outcomes in sexual offence cases and the experiences of those who become involved with the criminal justice system, including complainants, witnesses, and defendants.

Last year the Justice (Sexual Offences and Trafficking Victims) Act (NI) 2022 ('SOTV') was enacted, seeing many of the recommendations of the Gillen Review implemented. Some of those provisions came into operation the day after Royal Assent. The remaining provisions, which included new criminal offences such as up-skirting, cyber-flashing, and non-fatal strangulation, were to be implemented over a period of time later. This month marks the commencement of sections 8 – 19 of SOTV, regarding privacy and anonymity in sexual offence cases.

While there has been much discussion around the significant changes implemented in SOTV, this article focuses on one important issue that often gets overlooked – anonymity for the accused. The high-profile nature of the Rugby Rape Trial defendants and prominent discussion of the trial in the media led to many issues being raised, including discussion regarding the granting of anonymity to defendants in sexual offence trials. As a contentious topic, defendant anonymity 'generated more controversy and division of opinion than any other issue' in the Gillen Review and, ultimately, remains an area that needs explored further.

The new anonymity and privacy provisions of SOTV are contained within Chapter 2 of the Act. Sections 8 – 11 deal with amendments to further protect a complainant's right to lifelong anonymity in sexual offence cases. This includes the extension of anonymity beyond a complainant's life, now lasting 25 years after the date of their death, and increasing the penalty for breaching the anonymity rules. While prior to SOTV all sexual offence trials were heard in open court, section 19 will now exclude the public from entering court during certain trials and in appeal hearings to further enhance the privacy of proceedings.

A prominent change to the law on sexual offences is found in sections 12 – 18 SOTV, which provide restrictions on the reporting of suspects of sexual offences. The new protections include: Anonymity automatically starting from the moment an allegation that a person has committed a sexual offence is made to the police or the police have taken a step to investigate a sexual offence, Publication of the suspect's name or anything relating to a suspect which may likely identify them, such as their address, place of work, still or moving pictures, are not allowed. Anonymity ceases to apply if there is a summons, warrant, committal, or the person is charged with the offence either in custody or by indictment. If none of those events occur, then anonymity expires upon 25 years after the suspect's death. SOTV also creates a new criminal offence of breaching the suspect anonymity provisions with a maximum penalty of 6 months imprisonment and/or a fine of up to £5,000. This is commensurate with the new penalty for breaching complainant anonymity.

The new provisions are the first legislative change to anonymity for the accused since the Sexual Offences (NI) Order 1978 was repealed in 1994, which had previously provided anonymity for persons accused of rape until the point of conviction. This also marks the first time that NI's legal position on defendant anonymity will differ from the rest of the United Kingdom, in that it provides a statutory automatic right to anonymity for the accused in sexual offence cases until they are charged.

Creating a Legal Right to Anonymity: As stated at the outset, the change to defendant anonymity was guided by the recommendations of the Gillen Review. Chapter 12, Voices of the Accused, was devoted to the issue of defendant anonymity. At the time, police practice was to withhold suspect identities before charge, although this was not enshrined in legislation. Gillen considered a range of arguments in favour of and against anonymity for the accused, finding that 'there are compelling arguments on either side of the issue.' He also gave thought as to whether any such anonymity should be until the point of charge, as it was currently in practice, or extended until the point of conviction.

Ultimately, Gillen's recommendation was to maintain the current practice of pre-charge anonymity, albeit on a more secure statutory footing. This recommendation is what SOTV sections 12 – 18 will now implement. The decision not to extend the anonymity provisions related to the accused was justified in the review on the basis that: the 'jigsaw identification' argument, whereby the publication of the accused's identity may lead to the public identification of the complainant, was unsustainable; the public interest in encouraging other complainants to come forward was a greater imperative

for the rule of law than the need to protect those who have been acquitted; it would be fundamentally unfair for those accused of sexual offences to have anonymity when those accused of other serious offences, like murder, child abuse or blackmail do not, because the stain of a rape acquittal is no greater than the potential stain of those offences

Future Reform? While the introduction of a statutory protection for anonymity until the point of charge is certainly a welcome development, further reform in defendant anonymity provisions is needed to sufficiently address issues in NI. Primarily, individuals who are accused of sexual offences are subject to intense stigma as a result of their identity being public, caused by media and social media scrutiny. They endure a long-term stain, even when acquitted, that is unique because of the nature of the offences which they are accused. The Gillen Review highlighted some consequences, including loss of employment, the perceived need to leave NI, verbal abuse, and severe psychological distress. It was noted that these consequences can also extend to affect members of the accused's family, especially in the bullying of children in school and elderly relatives suffering poor health. These consequences are not limited to the period before charge.

This experience is perhaps heightened in NI, which has long been a socially and morally conservative society, with attitudes of shame and stigma reflected in respect of issues relating to sex. There are also the added dimensions of NI being a small, close-knit jurisdiction and one where there is the threat of extra-judicial violence at the hands of paramilitary organisations. These context-specific factors further justify the need for anonymity until the point of conviction, to protect those who are subsequently acquitted from the unique stigma of an accusation of sexual offending – an argument rejected by the Gillen Review.

In the interests of justice for those acquitted, there are strong arguments for anonymity to be provided until conviction. However, without further research that adds to the debate in an informative manner, there may not be future reform. My ongoing PhD research is exploring these issues through qualitative interviews with leading stakeholders and will add to this debate by setting the tone for constructive discussion of defendant anonymity provisions in NI.

Record Number of Trials Adjourned Failure to Bring Suspects From Prison to Court

Andy Gregory, Independent: A record number of trials have been adjourned at the last-minute because of failures to bring defendants from prison to court, The Independent can reveal. These failures – linked to severe overcrowding in prisons – can delay proceedings for months at "untold" costs to the taxpayer, while "keeping juries waiting and increasing the anxiety of all concerned", warned the Criminal Bar Association. Their analysis of Ministry of Justice figures dating back to 2010 showed 58 trials were postponed because of no-shows or late deliveries of prisoners in the crown courts alone during the first three months of this year – 23 of which involved alleged violent and sexual offences, including rape.

This is the highest quarterly figure in records stretching back to 2010, having quadrupled since the same period in 2022. Further analysis by The Independent shows it is three times higher than the average in the decade to 2021, excluding 2020 when the pandemic halted in-person trials. There were also 202 last-minute adjournments in magistrates' courts, making it the worst quarter for five years. Both sets of figures do not include the number of additional failures to deliver defendants to pre-trial hearings, which are not publicly available.

Despite record court backlogs, "victims will bravely try to hold on for the two to three years it can take to get to court and live their lives in the permanent shadow of reliving what happened to them," said former victims' commissioner Dame Vera Baird. "Then the chaos that

this government had made of the criminal justice system deals them a final blow by getting them to court only for the prison system [to be unable to produce] the defendant." Warning that victims of sexual assault or serious violence "lose sleep for weeks before they are due to testify" and are quite likely to feel unable to go through such stress again, potentially waiting months for the case to be re-listed, Dame Vera added: "How is a victim to believe that the criminal justice system cares twopence for their wellbeing with this mess?"

The "damning" delays are symptomatic of chronic overcrowding and staffing problems within prisons, and "demonstrate a criminal justice system in crisis", prison guards warned. With the remand population soaring to an effective record high in the first quarter of 2023, with a fifth of the 10,000 people awaiting trial in prison trapped there for over a year, as reported last week by The Independent, defendants are being moved from bursting jails to others situated hours away from court. A "national shortage" of prison escort staff and van drivers is also being exacerbated by the fact that police custody is being used as "an emergency alternative" to overcrowded jails, adding to the number of journeys required each day, warned Charlie Taylor, HM chief inspector of prisons. This challenge with getting prisoners to court on time is causing significant delays in courts across the country, and was our single biggest concern in a report on court custody facilities in Surrey, Sussex and Kent published earlier this month," Mr Taylor said. To add to this, we are hearing of men refusing to go to court at all because they do not want to end up in a different prison at the end of the day because the original prison is now full up – they would rather face the wrath of the judge than the strain of settling into a new jail."

The rise in delays comes as the number of completed trials fell by nearly a third in 2022, when 15,000 trials were successfully heard – compared with 21,546 the previous year, as the crown court backlog continues to hit new record highs of nearly 65,000 cases. As a result, further delays due to the non-delivery of defendants are "the last thing" victims, defendants and witnesses need", warned Law Society president Lubna Shuja.

Jack Woodley: Ten Youths Who Killed 18-Year-Old Lose Appeals

BBC News: Ten youths who killed an 18-year-old man in a group attack have lost their murder appeals. The boys, aged between 14 and 18 at the time of Jack Woodley's October 2021 killing, had claimed the judge at their murder trial "failed" to be fair. Mr Woodley suffered multiple injuries including spinal fractures but was killed by a single stab wound during an 80-second attack in Houghton-le-Spring. Appeal judges said they were "satisfied that all of the convictions are safe".

One of the youths, who was aged 15 at the time, admitted stabbing Mr Woodley in the back with a 25cm (9in)-long "Rambo-style" knife but claimed it was an accident. The other youths were also convicted of murder at Newcastle Crown Court after jurors heard they were involved in the pile-on to various extents. All 10, now aged between 16 and 19, were sentenced to life with minimum terms of between eight and 17 years. The youths could not be identified but reporting restrictions were lifted on three of them in July after they turned 18, namely Grant Wheatley, Clayton Owen, both 19, and Sonny Smith, 18. As part of the appeal judgement, restrictions have now been lifted against a further four - Joe Lathan, Leighton Mayo, Blaine Sewell and Calum Maddison, who delivered the fatal knife wound. Restrictions remain in place to prevent the identification of three 16-year-olds.

Defence lawyers argued a break in the 11-week-long trial had an unfair impact on the youths and, in his summing up, that His Honour Judge Rodney Jameson KC "crossed the boundary" from being an impartial and "neutral umpire" into offering an opinion that damaged jurors'

views of the defendants. However, the appeal judges said: "Viewing the factual summing up as a whole, and not cherry-picking a word here or a phrase there, we are unable to accept that it was flawed in the ways which the appellants suggest. "On the contrary, it was in our view a thorough and fair rehearsal of the evidence and issues, and was sufficient to overcome any difficulties which may have been caused by the two-week interruption of proceedings."

'Prevented from escaping' At the trial, prosecutors said the group had gone to the Houghton Feast on 16 October looking to fight someone and attacked Mr Woodley as he walked towards the town centre. He was punched, kicked and stamped upon with prosecutor Mark McKone KC saying the gang "prevented him from escaping and other people from helping him". Witnesses described the scene as like animals attacking a piece of meat, with one telling the jury it appeared to be a deliberate attempt to kill. Mr Woodley collapsed in an alley next to the Britannia Inn and died the following day in hospital from a 7cm (2.8in)-deep knife wound that passed between his ribs and into his lung.

Children Who Have a Parent Serving Prison Sentence

Tulip Siddiq MP: To ask the Secretary of State for Education, what steps her Department is taking to help support children who have a parent serving a prison sentence.

Government Response: Working Together to Safeguard Children 2018 sets out local areas' responsibilities to provide support and services. It highlights dependent children of imprisoned parents as a cohort which practitioners should be particularly aware of and should provide the appropriate needs-based advice and support to where needed. The department's ambition is for every family to receive the right support, at the right time. In Stable Homes, Built on Love, the department outlined its strategy for whole system reform, including family help which will provide effective and intensive support to any family facing significant challenges. Prison Mother and Baby Units Admission Boards must be in receipt of a Children's Services assessment in order to facilitate a Board. Every assessment by a social worker should reflect children's needs within their family and community context, which would include taking account of a parent being in prison. These children's circumstances vary considerably and therefore local agencies are best placed to determine what support is needed, whether early help, statutory social care services, or support for other needs such as mental health.

BBC Investigation Uncovering Police Camera Misuse

DPG clients' Louisa and Yufial featured in a BBC report on police officers' misuse of body-worn video. The two-year BBC investigation uncovered more than 150 reports of camera misuse by forces in England and Wales including police officers switching off their body-worn cameras when force is used, as well as deleting footage and sharing videos on WhatsApp.

Our clients were arrested for assaulting police officers at a Black Lives Matter protest in London in May 2020. They always maintained their innocence and that the police assaulted them. Body-worn video that was not initially disclosed to them showed Louisa being pushed by a female officer while another showed Yufial being struck by another officer. Our clients said that the failure to turn on cameras and disclose the correct footage was responsible for a two-year legal "nightmare". They were both acquitted.

The Metropolitan police have accepted that there were errors with the disclosure of evidence in their cases. Our clients are represented by Elliot Bannister in relation to ongoing police complaints and civil claims. The BBC article can be found here and our clients' full interviews can be found in the BBC programme The Issue – Bodycam Cops Uncovered.