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Glyn Razzell - Helens Law From the Perspective of the Wrongly Convicted

Helen McCourt and I are from the same generation growing up in the 1970's. We both worked as clerks in financial services in our early twenties. By all accounts Helen was lovely. Had we known each other we would probably have been friends. Helen was believed murdered in 1988 aged just 22. Unless you've actually been in their position it's hard to fully comprehend the pain and suffering her family must have gone through and no doubt continue to feel to this day. No punishment of the person responsible could be enough to make up for their loss.

The British justice system may be 'the best in the world' but most reasonable people wouldn't claim that it's infallible. Things can and do go wrong. This can lead to both guilty people being acquitted and innocent people being wrongly convicted. Estimates of the size of the problem vary. Some people might argue that any complex process that got things right 90% of the time was a credit to the professionals involved. With over 70,000 people in prison at any one time, that's still a lot of prisoners who don't deserve to be there.

With modern forensic science, there should be less scope to get things wrong. That's the theory but even experts can sometimes disagree about the way the science is interpreted. Rare successful appeals against conviction seem to suggest there are ongoing problems with the police failing to disclose evidence helpful to the defendant or appellant.

A murder trial would normally involve comprehensive forensic evidence. This might include a post-mortem to establish the cause of death, the weapon used together with any fingerprints or DNA recovered from it, where the weapon came from, any DNA, hairs, clothing fibres, foot or tyre prints, or soil samples recovered from the crime scene. The same from a body disposal site if different to the crime scene. Any CCTV or ANPR showing what happened and how people arrived at then left a scene. Electronic data from devices such as phones reveal GPS or mast locations together with calls or messages that can place people at a crime scene with pinpoint accuracy and often explain what their role was.

In murder cases with no body and no crime scene, most of the usual forensic evidence isn't available. It follows that murder convictions without a body will always be less 'safe' than those based on forensic science. Before the 1960's the 'Corpus Delicti' rule meant that it was almost impossible to bring a murder charge without a body. The authorities would occasionally bend the rules such as in the notorious 1910 case of Dr Crippen. His conviction was secured on the basis of remains purported to have been found in his cellar that were claimed to be Cora, his wife. Modern DNA testing of the remains, now kept by Barts Health NHS Trust at Whitechapel Museum revealed they were from a man. The unfortunate Dr Crippen was hung. His conviction, now clearly unsafe, still stands which demonstrates how difficult it is to appeal a murder conviction in the British Courts, even posthumously.

The rule that prevented a murder charge from being made without a body was a good one. It meant that the police had to keep looking until they found the remains or the missing person. There would be fewer miscarriages of justice and no need for a 'Helen's Law'. At the time of my trial 20 years ago the police used a College of Policing protocol to 'prove' that someone was dead and I assume it's still in force today. The thinking was that in the 21 st century it was impossible to live in Britain without being registered with the authorities. The police obtain

statements from institutions such as the NHS, Inland Revenue, DVLA, Utility companies, other police forces, Passport Office, National Insurance records, and so on, 28 different sources in total. No record of contact means the missing person must be dead.

Flaws in this process 20 years ago included the fact that there was no check against people changing their name by deed poll (or just adopting a new identity informally) and no record of people leaving the country. Furthermore, the police cannot always be trusted to disclose what their checks reveal. In my case, we uncovered three examples where police encouraged false or misleading statements but we don't know how many other instances there were. When asked why evidence like this wasn't adduced at trial my barrister told me that the judge would not let him 'put the police on trial'.

That was all 20 years ago but can we be more confident about the checks today? Government databases are now mostly cross-referenced. Irregular migration has led to more stringent checks on identity and entitlement to access services such as NHS or accommodation or work. Anti-money-laundering laws mean banks and other financial institutions must 'know their customer'. Since Brexit proper records are kept on the identities of those entering or leaving the country.

The Metropolitan Police run a National Missing Persons Bureau. Published figures show that every year in Britain around 250,000 people are reported missing. Around 90% are found within a few days. A further 9% turn up within the year, leaving around 2,500 missing people unaccounted for every year. It's not a huge number, just 50 a week, but if they can't be found despite all the databases and record keeping of 21st-century life then what does that say about the reliance of the 'poof of death' protocol, even today.

Against this background, it is inevitable that there will be wrongly convicted prisoners sentenced to 'life' for a murder without a body that they did not commit. Every case is different but the absence of a body can make a murder conviction inherently unsafe.

In Britain, a mandatory life sentence for murder is split into two parts. There is the minimum term or tariff which must be spent in prison. This is set by the trial judge and the absence of a body in a murder case will normally be treated as an 'aggravating factor' leading to a longer term. Then there is the remainder of the prisoner's life which may be spent out of prison with restrictions but only if the parole board deem them safe to be released.

The parole board test for release is that a prisoner does not present a risk of serious harm. Any conditions applied must be necessary and proportionate to prevent a risk of serious harm. The parole board has a reputation for erring on the side of caution.

Statistically, life-sentenced prisoners who maintain their innocence tend to serve longer in prison before parole than those who admit guilt. This is not supposed to happen. In the 1990's there were several test cases in the House of Lords eg 'Zulfikar' or 'Oyston' where it was ruled that maintaining innocence should not be a barrier to release. In fact, perhaps counter-intuitively, maintained innocence has been shown to be a strong protective factor in reducing recidivism.

I am not aware of any recent academic study into the reasons why prisoners who maintain their innocence spend longer in prison. There is anecdotal evidence that both prison staff and parole board members look for contrition or remorse when assessing whether a prisoner is suitable for progression to lower security conditions or release. The understandable anger and resentment often harboured by the wrongly convicted rarely help their cause.

The current political trend to make the criminal justice system more 'victim-focused' may be making the plight of the wrongly convicted worse. A murder victim's family can claim that a prisoner who maintains their innocence is causing further serious emotional harm so is unsuitable

for release. It would be understandably difficult for a victim's family, who had been through a trial supported by police family liaison officers with a strong motive to secure a conviction, to change their belief and accept that the person convicted of murdering their loved one may in fact be innocent. Professionals such as victim's representatives or probation officers appear to see their role as acting on behalf of victims and if victims want prisoners to stay in prison or be given tougher release conditions then that's what they'll try to achieve.

Helen's Law was first proposed almost 10 years ago when the political environment was more stable. Both the David Cameron government and Theresa May government rejected the concept with ministers citing undesirable consequences such as prisoners being incentivised to make up stories about pyres or burials at sea bringing further suffering to victim's families. The more populist governments of recent years had no such scruples and Helen's Law came into force in 2021.

Whilst Helen's Law doesn't expressly forbid a parole board from releasing a prisoner in a missing body case it strongly discourages them from doing so. So far, since coming into force more than two years ago, no prisoner in a missing body case has been released. I understand that my own case was the first Helen's Law case to be considered by the parole board for a second time. Caroline Corby, The Chair of the Parole Board for England and Wales decided that the parole hearing should be held in public and the hearing took place in August 2023.

Predictably, I was not released. My end-of-tariff parole hearing should have been held in 2019 but was adjourned and delayed for two years until Helen's Law came into effect, then the panel members were changed partway through without explanation. It doesn't inspire confidence in the parole board's independence from the executive.

I think all I can do is explain why my conviction remains unsafe, maintain my innocence, and keep the moral high ground. Four years ago I clearly met the parole board release test by demonstrating hundreds of releases from open prison on temporary licence without incident. Since then I've done hundreds more, all without incident. What further evidence could they possibly need?

By all accounts, Helen McCourt was a lovely girl. She doesn't deserve to have her good name associated with this awful legislation designed to keep the wrongly convicted in prison. What were her family thinking?

Glyn Razzell

'Helens Law' means that criminals who do not disclose the location of the remains of their victims or the identity of victims of child abuse, cannot be granted parole for their offences. It is named Helen's Law after the murder of Helen McCourt by Ian Simms in 1988.

'linda Must Still be Alive' In November 2003, Glyn Razzell was convicted of killing his wife, Linda. Yet her body was never found - and several witnesses said they had seen her after her disappearance. So was she murdered, or did she simply decide to leave? Glyn Razzell may well have been the first person in this country to be convicted of murdering someone who isn't dead. Bob Woffinden unravels the evidence: https://is.gd/bxxqKx

15 Weeks in Prison for Feeding Pigeons

The man received his sentence after breaking a civil injunction for antisocial behaviour. “Antisocial behaviour” is a broad legal term that covers actions ranging from harassment to even sleeping rough. In 2014, civil injunctions were introduced as a new way to tackle allegations of antisocial behaviour. Breaking an injunction can lead to imprisonment. However, TBIJ found that injunctions are being handed out to people begging on the streets, elderly men playing dominoes in public and numerous people with debilitating mental health issues.

Domestic Abuse Victim, Convicted for Naming her Abuser, Acquitted on Appeal

In November 2022, Rochelle Bakhtiari, a student, was convicted before Wimbledon Magistrates Court for harassment against her former partner by naming him on social media as having subjected her to domestic abuse both during and after their relationship. Prior to the prosecution against her, Ms Bakhtiari had previously reported the complainant to the police five times for abusive behaviour including coercive control, threat of physical violence, and persistent unwanted contact via multiple platforms over the course of several years. She had also reported him to authorities within the Brazilian jiu-jitsu community, where they had met and where he continued to teach and operate as a senior figure; and to a professional regulator. Following serious failures to investigate both by police and by the various BJJ bodies, and in the wake of Sarah Everard’s murder by a man in a position of power, Ms Bakhtiari felt compelled to speak out about her experience for the benefit of other women in the BJJ community. Thereafter, Ms Bakhtiari was reported by him to police for her online posts and threatened by her alleged abuser with civil proceedings (which did not materialise).

Following flawed police investigations which failed to recognise the context of Ms Bakhtiari’s previous police reports and the domestic abuse she alleged, she was charged and tried before Wimbledon Magistrates’ Court. She was prosecuted on the basis that – whilst her account of his domestic abuse was not challenged, and unwanted contact post-relationship was accepted - her posts identifying her abuser nevertheless amounted to harassment because they were said to contain some minor technical or semantic inaccuracies, and because they had led to the complainant receiving unwelcome messages from other members of the public (albeit not at Ms Bakhtiari’s request or invitation). At various times in the civil litigation pre-action correspondence and during the criminal investigation and proceedings (and in comments made online), Ms Bakhtiari’s mental health and stability were called into question, unsupported by any evidence. Ms Bakhtiari appealed to the Crown Court. She maintained her belief in the truth of her posts, and argued that her conduct in naming her abuser, could not reasonably amount to harassment and was also undertaken in good faith in order to prevent harm to others (including other young women in the BJJ community).

During the appeal proceedings an application to stay proceeding was submitted on Ms Bakhtiari’s behalf arguing that the prosecution against her amounted to an abuse of process because it was infected by clear and manifest failures adequately to investigate the domestic abuse she had experienced at the hands of the complainant. In those circumstances, it was argued that the prosecution had been pursued in breach of:

CPS policy in relation to domestic violence and prosecution of alleged victims; the state’s obligations towards victims of gender-based violence (including domestic violence) under Article 3 ECHR – which include a duty to investigate allegations of gender-based violence; Ms Bakhtiari’s rights under the ECHR to freedom of speech, and in particular her right to speak about her experience of gender-based violence.

It was argued that similar protections should be afforded to potential victims of article 3 mistreatment, as those which are applied in the context of victims of human trafficking (under Article 4 ECHR). As such, victims of domestic violence should not be prosecuted for conduct potentially relating to or arising from their mistreatment in the absence of adequate investigation into their abuse. In the absence of such an investigation, any decision to prosecute would not comply with relevant policies or with the Crown’s operational duties under Article 3 which exist both to protect victims from further harm, and to facilitate their recovery.

Following receipt of the defence's abuse of process application the Crown Prosecution Service indicated that the case would no-longer be pursued and that they would offer no evidence on the basis that there was "no realistic prospect of conviction". No evidence was offered on 5th October at Kingston Crown Court and Ms Bakhtiari's wrongful conviction was quashed. The CPS have thereby recognised that the prosecution against Ms Bakhtiari was flawed and should not have been brought. This outcome is a welcome one, both for Ms Bakhtiari who has been caused significant hardship as a result of these proceedings, and for victims of domestic abuse whose right to speak publicly about their experiences should be respected and protected. Ms Bakhtiari was represented on appeal by Pippa Woodrow of Doughty Street Chambers, and Jacob Smyth of Russell-Cooke Solicitors.

Palestinian Prisoners Fight Repression

John Bowden: The machinery of genocidal repression that the Israeli Zionist state inflicts on the Palestinian people has always included arbitrary imprisonment without charge or trial, and alongside the massacre of Palestinians in Gaza throughout October there has been a further increase in the already wide-scale arbitrary imprisonment of Palestinians in the Occupied West Bank, with nearly 1,700 arrests between 7 and 31 October.

Administrative Detention (AD) is a means for Israel to imprison Palestinians without laying criminal charges against, putting them on trial or even informing them of the reason for their imprisonment. AD was originally introduced in Palestine by the British occupation in 1938, after a popular uprising known as The Great Revolt, and has remained a weapon against Palestinians in the hands of the subsequent Zionist state ever since. Since the1948 Zionist state was founded, over a million Palestinians have been imprisoned.

Prison is a disturbingly common experience for Palestinians, and around one-fifth of the Palestinian population has at one time or another been imprisoned. As of 1 November, the total number of Palestinians imprisoned by the Israeli state stands at 6,809, including 170 children. Over 2,070 of these prisoners are held under Administrative Detention. In prison, Palestinians endure appalling treatment. They are physically and psychologically abused and have little or no legal recourse against the occupying power. Human rights groups have documented various forms of physical and psychological abuse: arbitrary beatings, excessive use of solitary confinement and the denial of family visits. The UN has concluded that in some cases the treatment of Palestinian prisoners by the Israeli state constitutes torture.

Imprisoned children are not excluded or protected from such treatment. The charity Save the Children says Palestinian children suffer inhuman, treatment in Israeli prisons and are treated like animals. Eight in ten detained children are psychically beaten and all face inhuman treatment such as strip searches, weeks of solitary confinement, and denial of all legal protection. The Zionist state uses prisons to liquidate and kill Palestinians but still the Palestinian prisoners' fight back and their struggle is a core part of the wider Palestinians struggle. One form of the prisoners' resistance has been the hunger strike during which they risk their health and lives to demand the rights that Israel denies them. The current neo-fascist Israeli government had implemented a plethora of cruel and inhuman measures against Palestinian prisoners that eventually pushed 1,000 of them to announce a hunger strike in mid-August this year to protest against their inhuman conditions. This protest was successful and the regime conceded the prisoners' demands.

In many ways, the prison experience and struggle of Palestinian activists in Israel mirrors that

of Irish Republicans in the British occupied north of Ireland during the 1970s and 1980s. The terms of the Israeli 'Order regarding Security Provisions', which allows for administrative detention of Palestinians in the West Bank, are very similar to those which allowed the internment without trial of Irish people, and the methods of resistance are very much the same. And, just as the struggle of the Irish political prisoners fuelled the wider Irish anti-imperialist struggle in Republican communities, the courage of the Palestinian prisoners in resisting their inhuman treatment at the hands of the Zionist state, continues to fuel the resistance of the wider Palestinian community, even at this time when that community is being subject to genocidal attack by the Zionist state.

Solidarity from Euskadi: On 27 October, Basque political prisoners held by the Spanish state refused food for the day in protest against the 'genocidal policy carried out by this terrorist Zionist state, the massacres and horrors in Gaza that the whole world has been able to see in these past days' and 'in solidarity with the Palestinian people, and declaring the legitimacy of the right to defend oppressed peoples'.

The Broken System of Antisocial Behaviour Laws

Bureau of Investigative Journalism: Mentally ill people are being sent to prison in England and Wales for breaking antisocial behaviour rules that experts say they are unable to follow. They often face their court hearings with no legal representation and can be sent to prison even if their actions are deemed to have caused no real harm. People sentenced to prison under these rules in the last three years included a homeless man who was given six months in jail for breaching an injunction that ordered him to stop begging and another man sentenced to 15 weeks for failing to stop feeding pigeons from his balcony. In one instance a woman was moved directly from a mental health hospital to a six-month prison stretch.

"Antisocial behaviour" is a broad legal term that covers actions ranging from harassment or threats to playing loud music, drinking in the street or even sleeping rough. In England and Wales, this used to be dealt with via the antisocial behaviour order (ASBO) but a 2014 legislation introduced a new way to tackle the issue: a civil injunction, which sets out a list of things the recipient cannot do or actions they must take. If the person breaks these rules, they are considered in contempt of court – which can be punished with prison.

The Bureau has found this system to be riddled with severe problems. Injunctions have been handed out against people begging on the streets, elderly men playing dominoes in public and numerous people with debilitating mental health issues. Police even applied for an injunction to stop a suicidal woman from standing on a bridge, meaning an attempt to kill herself would have been contempt of court and could have ended in her imprisonment. The Ministry of Justice does not collect any data on when and how antisocial behaviour injunctions are used or what happens when they are breached, so the Bureau analysed hundreds of court judgments, published between 2019 and mid-2022, to create a first-of-its-kind database. We found:

At least every eight days someone is in court facing prison for breaching an antisocial behaviour injunction. Women make up 27% of people jailed for antisocial behaviour – a proportion seven times higher than women in the wider prison population. At some hearings, judges openly expressed concern that the person's actions had caused no real harm but, given the limited sentencing options for contempt of court, sent them to jail anyway. Several lawyers told the Bureau that the majority of the people they had seen given injunctions did not have the mental capacity to face court, let alone adhere to the rules of the injunction. The Bureau spoke to people with serious mental health issues who had been given injunctions, one saying "I don't think I'll ever get over it" and another describing the process as "a nightmare" that had "ruined our lives".

New Rwanda Bill disregards Human Rights Act

The emergency Safety of Rwanda (Asylum and Immigration) Bill, which proposes to disapply international law, has been published, in response to the Supreme Court's judgement last month. The Bill instructs courts to "conclusively treat Rwanda a safe country", regardless of any evidence to the contrary. It also includes provision to disapply sections of the Human Rights Act as well as international conventions, making it extremely difficult for individuals to challenge their removal to Rwanda. Individuals will only be able to appeal their removal if they can prove that relocating them to Rwanda puts them at a risk of serious harm.

This follows the UK Supreme Court ruling that removal of asylum seekers to Rwanda left them at a real risk of refoulement and return to the country they fled. The bill specifically removes such a consideration from the courts, circumventing this objection. Further, it gives ministers the power to ignore emergency orders by the ECHR preventing an individual's removal to Rwanda, as happened before. The Bill supports the 'Rwanda Policy', by which asylum seekers will be deported to Rwanda to have their claims processed there. This, the government proposes, will deter migrants from travelling to the UK illegally through unsafe routes. Lord Jonathan Sumption, a former Supreme Court judge, said that the Rwanda policy was a breach of the UK's intentional law obligations.

Akiko Hart, Intermin Director of Liberty, said, "Either we all have human rights, or none of us do. This new Bill is an extraordinary attempt to rip apart the basic principles of our human rights protections. The Government should not be allowed to pick and choose when our fundamental rights apply." Prime Minister Rishi Sunak has said that Parliament "will disapply sections of the Human Rights Act from the key parts of the Bill, specifically in the case of Rwanda, to ensure [their] plan cannot be stopped."

Crimes Against the Climate: Violence and Deforestation in the Amazon

Crisis Group: The fires and clearcutting rampant in the Amazon have stoked global concern about the future of the world's largest rainforest, which plays a vital role in containing climate change by absorbing the carbon dioxide produced by combustion of fossil fuels. What can get lost in the international debate is that organised crime is a major driver of this environmental destruction.

Organised crime has infiltrated the Amazon basin, seeking land for growing coca, rivers for drug trafficking and veins of gold underground. These groups are endangering the rainforest and the safety of those attempting to defend it. It is imperative that regional governments take protective measures. Curbing the activity of illicit groups in the region is imperative, not just because of the environmental degradation these organisations inflict, but the increasing danger they pose to communities in the region.

Levels of violence in the Amazon are high, even by the standards of Latin America and the Caribbean, a region that, with only 8 per cent of the global population, accounts for 29 per cent of homicides worldwide. Homicide rates in the Amazon, moreover, surpass regional averages. This violence occurs in rural areas and smaller cities that tend to be under the radar of national governments, and is therefore widely overlooked.

Within the Amazon, territories that are host to legal and illegal logging and mining, coca cultivation and drug trafficking suffer both the worst ecological damage and the most violence. These areas often overlap with the ancestral lands of Indigenous peoples, who historically have played a crucial role in safeguarding the rainforest. Not surprisingly, crime rings plundering the Amazon's bounty have made environmental activists their prime targets. In 2022, one in five killings of land and environmental defenders worldwide took place in the Amazon, with Colombia and Brazil the two most dangerous countries for this work.

The relationship between the escalating climate crisis and violent crime is finally getting the attention it warrants. The 28th UN climate summit, or COP28, in Dubai, United Arab Emirates, features "peace" on its agenda for the first time in this gathering's history. By examining the interplay of violence and climate in different parts of the immense rainforest – the Amazon basin covers as much territory as India and the European Union combined – states and foreign partners can start to identify ways to protect it and the people who reside there. In three parts of the Amazon, the interplay between crime and environmental exploitation shine through.

Appellant's Defence Generated by AI - Dismissed by First-tier Tribunal (Tax)

Mrs Harber disposed of a property and failed to notify her liability to capital gains tax ("CGT"). HMRC issued her with a "failure to notify" penalty of £3,265.11. Mrs Harber appealed the penalty on the basis that she had a reasonable excuse, because of her mental health condition and/or because it was reasonable for her to be ignorant of the law.In a written document ("the Response") Mrs Harber provided the Tribunal with the names, dates and summaries of nine First-tier Tribunal ("FTT") decisions in which the appellant had been successful in showing that a reasonable excuse existed.

However, none of those authorities were genuine; they had instead been generated by artificial intelligence ("AI"). In this decision, we have called these "the Cases in the Response" or "the AI cases", and they are set out at §13ff below. We accepted that Mrs Harber had been unaware that the AI cases (Cases generated by artificial intelligence such as ChatGPT) were not genuine and that she did not know how to check their validity by using the FTT website or other legal websites. (Cases generated by artificial intelligence such as ChatGPT)

In deciding Ms Harber's appeal, we applied the principles set out in Christine Perrin v HMRC [2018] UKUT 156 ("Christine Perrin"), and having done so, we found that she did not have a reasonable excuse. We therefore dismissed her appeal and upheld the penalty. In coming to that decision, we did not take into account her reliance on the AI cases. In other words, our decision would have been the same if Mrs Harber had not provided the cases in the Response. Nevertheless, providing authorities which are not genuine and asking a court or tribunal to rely on them is a serious and important issue.

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ecological damage and the most violence. These areas often overlap with the ancestral lands of Indigenous peoples, who historically have played a crucial role in safeguarding the rainforest.

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Failure to Deal Appropriately With Sexual Violence in The Workplace - Violation of Artilce 3

In Chamber judgment1 in the case of Vučković v. Croatia the European Court of Human Rights held, unanimously, that there had been: a violation of Articles 3 (prohibition of inhuman and degrading treatment) and 8 (right to respect for private and family life) of the European Convention on Human Rights. The case concerned the sexual assaults that Ms Vučković, a nurse, suffered at the hands of an ambulance driver colleague while working shifts together. Her assailant was sentenced to 10 months' imprisonment, but that sentence was commuted to community service on appeal. The Court found it concerning that the appellate court had chosen to replace the prison sentence with community service without giving adequate reasons or considering in any way the interests of the victim. Such an approach suggested that the Croatian courts were lenient in punishing violence against women.

McDonald's/KFC/Burger King Rely on Alabama Prison "Slavery"

Zane McNeill, Truthout: Incarcerated Alabamans and labor organizations have filed a federal class action lawsuit to dismantle the forced prison labor system in the state, which rakes in $450 million annually from leasing incarcerated people to companies like McDonald's, KFC, Burger King and Wendy's. The lawsuit, filed in the U.S. District Court for the Middle District of Alabama, seeks compensation for incarcerated people who have been exploited by the state's forced prison labor system, which the lawsuit says is discriminatory. Despite a 2015 state law requiring that the Alabama Bureau of Pardons and Paroles make evidence-based parole decisions, the lawsuit alleges that the state denies Black Alabamians parole at a 2 to 1 rate compared to white candidates in order to maintain its pool of workers.

"Incarcerated people are trapped in this labor trafficking scheme," says the lawsuit, which was obtained by The New York Times. "Although they are trusted to perform work for the state, local governments, and a vast array of private employers, some of the same people who profit from their coerced labor have systematically shut down grants of parole." One of the 10 plaintiffs, Alimireo English, was denied parole last month. He told The New York Times that he is on call 24-7 and that his labor is unpaid. "They deny us parole to keep us doing the jobs," English said. "The mentality is: 'Why would the slave master let the slave go when he can continue working him for free?'"

According to the lawsuit, the state's forced prison labor system resurrects Alabama's "convict leasing" program in which, from 1875 to 1928, Black laborers were forced to work for private companies who in turn paid state and county governments rather than the workers.

Since 2018, 575 private companies and more than 100 public agencies in Alabama have partnered with the state to force incarcerated people to work as landscapers, janitors, drivers, metal fabricators and fast food workers. The lawsuit demands that the court end Alabama's forced prison labor system, order the reform of the state's parole system, and compensate incarcerated people who have had their labor exploited by the state.

Alabama has one of the country's highest rates of incarceration and "disproportionately harm[s], traumatize[s] and incarcerate[s] Black people," according to the Alabama Appleseed Center for Law and Justice. Between January 1, 2021, and July 31, 2021, the Board of Pardons and Paroles denied parole for 90 percent of Black applicants, compared to 77 percent of parole-eligible white applicants. One of the plaintiffs in the lawsuit, the Union of Southern Service Workers (USSW), has demanded that Gov. Kay Ivey (R) and Attorney General Steve Marshall end forced labor in the state. USSW has also called on corporations to hire the incarcerated people working at their companies once they are released from prison, pay back wages to all incarcerated laborers, allow workers to freely organize unions, and negotiate binding benefits agreements with local communities. "We refuse to perpetuate this system of discrimination and injustice, " the USSW said in a statement.

Met Police Officers Sentenced for Racist WhatsApp Messages

Venita Yeung, Justice Gap: Six former Metropolitan Police officers have received suspended prison sentences for sending racist, sexist, and homophobic messages on WhatsApp. The officers received sentences ranged from 6 to 14 weeks of imprisonment, all suspended for 12 months, along with unpaid work. They were all now retired, but had served in the Met's Parliamentary and Diplomatic Protection command. One had also worked as a Border Force officer. The racist messages were exchanged between 2020 and 2022 were exposed by a BBC Newsnight investigation. References were made to public figures such as the Duchess of Sussex and Prime Minister Rishi Sunak. Sentencing the officers, Deputy Chief Magistrate Tan Ikram said that the officers had damaged public confidence in the police, which was an aggravating factor. Adeniyi Ogunleye, senior crown prosecutor at the CPS, expressed dismay, stating, "It is shocking that six retired police officers, who dedicated their careers to upholding the law, could find it acceptable to send such grossly offensive messages."

Structural Racism Behind Increased Taser Use Against Black People

Vikram Dodd, Guardian: Police are far more likely to use a Taser electrical weapon against black people due to structural and institutional racism rather than the views of individual officers, a new report says. It follows the biggest ever academic study of the police's use of the weapon, which found officers increasingly see it as a tool that can get suspects to comply, rather than a potentially lethal item. Communities see its use as humiliating and traumatic and the report, which was funded by the police, says radical reforms are needed to training. The Taser electrical weapon has been linked to several deaths in the UK. Officials insist it is safe for widespread use but some campaigners claim it should be curtailed or banned.

While some officers see black people as more threatening and thus use a Taser electrical weapon, the study said the biggest reasons for the racial disparity was not decisions by individual officers. How and where officers were deployed by their chiefs were the key reasons. Officers are more frequently deployed into higher crime areas, which tend to have acute levels of poverty and higher ethnic minority populations. The report says: "Our study suggests it may be a combination of societal issues and institutional policing priorities, policies and practices which are systematically and dis-

proportionately affecting black and other ethnic minority communities in deprived neighbourhoods relative to the populations of more wealthy surrounding, predominantly white areas. “In other words, our study supports the idea that the patterns of ethnic disproportionality evident in the UK Home Office statistics cannot be explained solely or even primarily at the level of individual officer behaviour or psychology because they are an outcome of an interaction between structural and institutional racism.”The weapon fires an electric current of 50,000 volts and is meant to temporarily incapacitate a suspect by interfering with the body’s neuromuscular system. Its use has grown, it was deployed just under 17,000 times in 2017-18, by 2021-22 this had grown to 34,276 uses. The number of officers issued with a Taser electrical weapon has also increased.

Use of the weapon in official statistics does not necessarily mean it is fired at a suspect. The official figures include where it is unholstered and a suspect threatened with it, and also where a suspect is “red dotted”, where the red laser used to aim the device is visible to a suspect, often leading them to obey an officer’s commands. It is fired in about a tenth of incidents. Inquest juries have found that its use played a part in the deaths of Jordan Begley in 2013 in Manchester, and the death of Marc Cole in 2017 in Falmouth. In 2021 a police officer was convicted of the manslaughter of former premiership footballer Dalian Atkinson having kicked him in the head while he was on the ground, and also having fired the weapon into him for 33 seconds – longer than recommended.

The report was commissioned by the College of Policing, which sets standards in law enforcement. The report found that officers need to be taught when not to use a Taser electrical weapon and deploy de-escalation skills instead: “Our data suggested an institutionalisation of Taser had occurred such that the question for control room staff had become not ‘can we justify sending Taser officers’ but, rather, ‘can we justify not sending Taser officers’. .” Report co-author Dr Ben Bradford said: “A central issue … will be exploring whether and how police can change policy and practice to alleviate ethnic disproportionality in Taser use. If this is not possible, then there must be fundamental questions about continued use of the weapon, at least in its current form.”

Chief constable Lucy D’Orsi, who speaks for the NPCC on use of the weapon, said: “In 2019-20 black people were eight times more likely to have it used on them. Whilst figures from 2022-23 stats have shown a reduction to 4.2 times more likely, it is vital that we question why that is and take action. “We welcome the findings of the report and are committed to thoroughly reviewing the content so that we can make appropriate changes to have a positive impact on the lives of black people.”

Rapheael Olufemi Oluponle £20,000 Damages for Unlawful Detention

Mr Oluponle a Nigerian national, claims damages for false imprisonment, unlawful detention and personal injury following detention by the defendant between 4 May and 2 November 2016 – a period of 182 days, almost 6 months. It is not in issue that the claimant was detained. The issues are 1) First, was any part of the claimant's detention unlawful at Common Law? 2) Second, was any part of the claimant's detention unlawful by reason of a public law error bearing on the decision to detain? 3) Third, if any part of the claimant's detention was unlawful by reason of the public law error on the decision to detain, can the defendant prove that the claimant could and would have been detained in any event? 4) Fourth, if the claimant was falsely imprisoned or unlawfully detained in in what sum should damages be assessed?

Caspar Dlyn, Kings Counsel: As a result of my findings it is clear that the claimant was detained lawfully from 4 May 2016 until 3 September 2016. He was unlawfully detained from 4 September until his release 60 days later. Compensatory including aggravated damages are pursued, exemplary damages are not. I note that theclaimant's unlawful detention followed

on from an almost four month period of a lawful detention. The claimant's unchallenged evidence was of frightening conditions in his continued detention into the unlawful period. It extended the claimant's separation from his family and extended his experience of these conditions. I take into account that he was racially abused and man handled. I take into account that the first and greater period of detention was lawful so that the initial shock of detention and separation from his family was attributable to lawful conduct and does not sound in damages. However, that his detention was wholly unnecessarily and unreasonably extended by the defendant's failures for a period of 60 days.The gravity of the wrongdoing of false imprisonment is worsened by its length, that longer time should be tapered in respect of damages or placed on a reducing scale. I regard the impact on this claimant as in a wholly different class of severity. Equally there was no first shock and the claimant was detained in what by then, were surroundings which he had come to know over the previous four months although I take into account that they were frightening and had a severe effect on him although there is no evidence of personal injury.

In my view the appropriate sum of damages for Mr Oluponle's continued detention for 60 days is £20,000. The effect on him was serious, the conditions appalling and he told me of the long-lasting effects on him. I am unpersuaded that an award of aggravated damages applies in this case. The compensatory damages fully reflect the conditions in which the claimant was unlawfully detained and compensate him for his unlawful extended imprisonment. The Home Office failure to review the detail of the interview and mistakes were made in respect of certification and then there was a delay before the case was properly reviewed. The mistakes resulted in unlawful conduct and should not have occurred but they were not highhanded, oppressive, insulting or malicious. The claimant's remedy lies in the compensatory award that I have made. Accordingly, judgment for the claimant in the sum of £20,000.

After 20 Years in Prison - Woman Jailed Over Infant Deaths Has Convictions Quashed

A woman once branded "Australia's worst mother" has had her convictions for killing her four children quashed. The New South Wales Supreme Court ruled on Thursday that the evidence originally used to jail Kathleen Folbigg was "not reliable". The 56-year-old was pardoned and freed by the state government in June, after spending 20 years in prison. Ms Folbigg welcomed the latest news but said proof of her innocence had been "ignored and dismissed" for decades "The system preferred to blame me rather than accept that sometimes children can and do die suddenly and unexpectedly and heartbreakingly," she said outside court on Thursday. Ms Folbigg's case has been described as one of Australia's greatest miscarriages of justice. It concerned the deaths of her four infant children Caleb, Patrick, Sarah, and Laura - each of whom died suddenly between 1989 and 1999, aged between 19 days and 18 months. Prosecutors at her trial alleged she had smothered them. The case relied on circumstantial evidence, using Ms Folbigg's diaries - which were never examined by psychologists or psychiatrists - to paint her as an unstable mother, prone to rage. It was later downgraded to 30 years on appeal, but Ms Folbigg lost a string of legal challenges that sought to overturn her convictions. Earlier this year, a landmark inquiry into her case concluded there was reasonable doubt over her guilt, due to scientific findings that her children could have died of natural causes because of incredibly rare gene mutations. In 2003, she was sentenced to 40 years in jail for the murders of Sarah, Patrick and Laura, and the manslaughter of Caleb.