

Global Study of Miscarriages of Justice Highlights 'Myth of Exceptionality'

Jon Robins, Justice Gap: A new global study of miscarriages of justice has highlighted the 'institutional reluctance' of criminal justice systems to admit mistakes and calls for 'honest and open reflection' to make necessary systematic changes. 'Miscarriages of justice pose less of a threat to trust in criminal legal system if they are downplayed as isolated aberrations,' writes Jago Russell, former chief executive of the international legal charity Fair Trial, in a new book published this month.

Murder, Wrongful Conviction and the Law | An International Comparative Murder, wrongful conviction and the law: an international comparative analysis brings together 14 experts in wrongful convictions from around the world including the US, Canada, Argentina, France, Germany, Italy, Spain, Sweden, Norway, Taiwan, New Zealand, and Australia. 'Every country's criminal legal system makes mistakes,' writes Jago Russell in the book's concluding chapter. 'Honest and open reflection about the causes of these mistakes is crucial to the systemic change our justice systems require. It is the very least we owe to the people whose lives have been damaged and destroyed by wrongful conviction.' In his overview, the solicitor highlights what he calls the 'myth of exceptionality'. 'The cases that are recognised as wrongful convictions are likely to represent the tip of the iceberg in most countries,' he argues. 'There are many reasons why governments and judges would wish to keep most of the iceberg beneath the surface.'

Contributors to the edited collection come from a broad range of disciplines including academia, the law, psychology, and journalism – full details below. They were sent an editorial brief identifying common themes contributors would be expected to cover including any possible estimates as to how many miscarriages there might be in a jurisdiction and how many convictions are overturned (or otherwise recognised); to describe the legal mechanism for the correction of a wrongful conviction as well as arrangements for compensating the victims of miscarriages; and common causes of miscarriages of justice.

Experts were also asked to consider the profile of 'miscarriages of justice' in their jurisdiction in light of the reawakened interest as result of the global success of US documentaries such as *Making a Murderer* and true podcasts such as *Serial* and consider how important wrongful conviction been in driving criminal justice reform and to describe high profile cases which have had a particular impact on the public and led to significant reform.

'The debate about our criminal justice system and the treatment of the victims of miscarriages of justice needs to be reenergised,' writes Barry Sheerman MP, co-chair of the All-Party Parliamentary Group on Miscarriages of Justice in his foreword. 'We need radical new ideas. We welcome this project.' The MP notes that the 'last major structural change to our system of criminal appeals' was the establishment of the Criminal Cases Review Commission (CCRC). 'This exciting innovation was introduced in response to the public outrage over a series of wrongful convictions, notably the Birmingham Six and the Guildford Four,' argues Sheerman; noting it has been 'a model that has been exported to Scotland, Norway, New Zealand and Canada' which have all since introduced their own commissions.

Sheerman pointed out that the the APPG, in its Westminster Commission on Miscarriages of Justice report published in 2021, called for a review of the system of criminal appeals in

England and Wales. 'We are delighted to see that our key recommendation has been accepted and the Lord Chancellor has supported our call for the Law Commission to review the criminal appeals system.' Sheerman points out that the AAPG report called for a new statutory test to replace the 'problematic' real possibility test. 'We argued that this encourages the CCRC to the APPG's report criticised the test for leaving the CCRC 'overly deferential to the Appeal judges – and we believe that a new statutory test would give the CCRC permission to be bolder and the truly independent watchdog we need.'

Jago Russell highlighted 'deference to the initial decision-maker' in many of jurisdictions as one of a number of 'obstacles to reform'. He also pointed out that those who suffer most often from miscarriages of justice were 'often the most marginalised people in our societies'. 'This may, in part, explain the failure of so many countries to put in place effective mechanisms to tackle wrongful convictions.'

He argued that racialised people were more likely to be drawn into criminal legal systems. In New Zealand, for example, Māori account for more than half of prisoners (53%) but make up only 16% of the country's population. In the US, African Americans represented 13% of the population but made up 37% of the prison population. He quoted contributor Professor Justin Brooks who reported that Black people are seven times more likely to be wrongfully convicted of murder and 12 times more likely to be wrongfully convicted of drug possession in the US.

Released After 20 Years in Jail Over Deaths of her Four Children

Tamsin Rose, Guardian: Kathleen Folbigg has been pardoned and released after two decades in prison over the deaths of her four children, following a decision of the New South Wales attorney general, Michael Daley. Folbigg, who has always maintained her innocence, had served 20 years of a 25-year sentence since being convicted in 2003 of murdering three of her children, and the manslaughter of one child. Daley on Monday 5th June 2023, released summary findings prepared by an inquiry into Folbigg's convictions, led by the former state chief justice Thomas Bathurst. Bathurst told the attorney general that he had reached "a firm view that there was reasonable doubt as to the guilt of Ms Folbigg for each of the offences for which she was originally tried". This prompted Daley to recommend to the state's governor that Folbigg be unconditionally pardoned and released immediately.

She was subsequently released from the Clarence correctional centre, near Grafton, shortly after 11am. The pardon does not erase Folbigg's convictions, but supporters were on Monday already calling for "very, very significant" compensation for her. While he would not take a view on Folbigg's innocence, Daley said it was a tragic case. "We've got four little bubbas who are dead. We have a husband and wife who lost each other, a woman who spent 20 years in jail and a family that never had a chance," he said. "You'd not be human if you didn't feel something about that."

Peter Yates, a friend and supporter, confirmed Folbigg had been released and was on her way home, with her lawyer on the way to Grafton to meet her after the surprise pardon on Monday morning. While he had not spoken to her, Yates said she would be "so happy", but noted she had been locked up for two decades and no one could "just wave a wand" and make it all OK. "[Compensation] is a matter that we will be discussing with the state in due course," he said. "I think people in NSW would expect that compensation to be very, very significant."

Bathurst advised there was a reasonable possibility that three of the children died of natural causes. In the case of daughters Sarah and Laura Folbigg, there was a reasonable possibility a

genetic mutation known as CALM2-G114R occasioned their deaths. The council assisting the inquiry, Sophie Callan SC, had earlier said there was “persuasive expert evidence” that one of Folbigg’s sons, Patrick, may have died from an underlying neurogenetic disorder such as epilepsy. In relation to the death of a fourth child, Caleb, Bathurst found that “the coincidence and tendency evidence which was central to the (2003) Crown case falls away”.

Bathurst was “unable to accept ... the proposition that Ms Folbigg was anything but a caring mother for her children”. He said diary entries used to convict her were the writings of a grieving and possibly depressed mother, blaming herself for the death of each child, as distinct from admissions that she murdered or otherwise harmed them. Daley said he was open to any legal changes that were required to avoid such a situation in the future.

Daley expected the final report from Bathurst to be completed and released within weeks, not months. The NSW Greens’ justice spokesperson, Sue Higginson, was jubilant that Folbigg had been released and said it had only happened after years of “influence and agitation”. She’s walking, she’s outside, she’s in the sunshine ... justice has been done. This is our Lindy Chamberlain case.”Higginson also indicated that Folbigg will be pursuing compensation for the “20 years of her life that has been lost”.

EI Salvador Maltreatment of Accused Gang Members in Prisons

The NGO Cristosal released a report Monday 29th June, highlighting maltreatment of accused gang members in the country’s jails. It said 153 people have died in custody since last March, when President Nayib Bukele launched a campaign of mass arrests. Of the dead, 29 bore signs of torture, such as strangulation and beating. Crisis Group expert Ivan Briscoe says harsh prison conditions do not resolve the deep issues driving gang membership and criminal activity. But Bukele is unlikely to halt his crackdown, which has reduced violence sharply and remains popular.

Family Call for Answers a Year After Death of Oladeji Omishore - Tasered by MET

Samantha Dulieu, Justice Gap: A year after the death of Oladeji Omishore, killed after being tasered by a Metropolitan Police Officer, his family are calling for answers from Scotland Yard and the police inspectorate. Omishore, known as Deji, was experiencing a mental health crisis when he was tasered on Chelsea Bridge. The 41 year old died after falling in the Thames after contact with the police officer. The Independent Office for Police Conduct (IOPC) are conducting an investigation, as is undertaken in the event of any death after contact with the police, but an inquest has not yet taken place.

The IOPC has so far ruled out any disciplinary action against Met officers involved, although Deji’s family has recently learned that two officers involved are now subject to a separate investigation by the body. This investigation concerns their potential failure to cooperate fully with the investigation into Omishore’s death.

The family are bringing a legal case against the IOPC for their decision not to hold a criminal or misconduct investigation, which would include examining the officer’s decision to treat Omishore as ‘aggressive’ while he was in a mental health crisis. The IOPC deny there is any case for the officers involved to answer to, though the family are questioning why the body appears to take more seriously the officers’ failure to cooperate with the investigation than it does their actions towards a vulnerable Black man who died on the day in question.

This comes amid widespread criticism of police force’s ability to effectively police themselves, including vetting prospective officers and disciplining those who fall below the standards expected. A solicitor representing the family in their legal challenge has criticised ‘a

lack of critical curiosity’ about what happened on Chelsea Bridge and this incident’s relationship to ‘systemic issues’ within the Met and wider policing. Omishore’s family are awaiting a listing in the High Court in which they could challenge the IOPC’s investigation. In a joint statement they said: ‘The anniversary of Oladeji’s passing serves a painful reminder of the profound impact his death has had on our lives. Our grief is compounded by the fact that our loved one’s life was cut short, and we continue to grapple with unanswered questions surrounding the circumstances that led to this tragic event.’ They continue that they welcome the decision of the Met Police last week to not send officers to emergency calls involving individuals experiencing mental health crises, saying ‘we recognise the need for specialised responses to individuals experiencing mental health crises, especially among vulnerable black men’.

Director of charity INQUEST, who are supporting the family, said: ‘While the conversation around policing and mental health shifts, the family of Oladeji Omishore are still left waiting for answers and change. Delay, denial and defensiveness from police and the investigation system frustrates opportunities for change.’

Prison Abolition and the Struggle Against Capitalism

The 2020 police murder of George Floyd and growth of the subsequent massive Black Lives Matter movement internationally have led to much discussion around the questions of ‘defunding the police’ and ‘abolition’ of the machinery of imprisonment. We asked former long-term prisoner and FRFI contributor John Bowden to review Abolition Revolution. John writes: Before the events of 2020, the politics of prison abolition had been totally marginalised and cast into a utopian wilderness. Abolition Revolution is an important contribution to re-establishing the discussion.

During the late 1960s and early 1970s prisoner support groups like Radical Alternatives to Prison (RAP) and Preservation of the Rights of Prisoners (PROP) represented a growing political awareness of the revolutionary significance of the struggle against prisons and an understanding of how prisons are essentially weapons of the capitalist state to keep the disobedient poor contained, and therefore must be abolished as part of a wider revolutionary struggle against capitalism. During the 1980s the backlash of Thatcherite authoritarianism re-established the impregnability of prisons and even among the so-called radical left the dialogue regarding issues like prisoners’ rights became centred on acceptance of the inevitability of prisons in whatever form. The murder of George Floyd reawakened an awareness of the true purpose of the police and other instruments of state repression like prisons, and how their abolition must be a vital part of the revolutionary struggle for socialism.

Abolition Revolution was published in 2022 and gives a powerful analysis of the true purpose of prisons and why the struggle against them must merge into a broader struggle against the capitalist system. The authors, Aviah Sarah Day and Shanice Octavia McBean, are members of Sisters Uncut - a group which began as a radical feminist campaign against cuts to domestic violence services and which gradually became abolitionist, as the impossibilities of reformism became apparent.

As well as describing the long history of colonial legacy embodied in modern police and prison systems, Abolition Revolution identifies the struggle to destroy prisons as an important part of the wider class struggle to overthrow and destroy capitalism. ‘Abolition is class struggle’ heads a chapter in the book and throughout the book their position that ‘Abolition cannot be anything other than a revolutionary, anti-capitalist struggle’ is expressed in a revolutionary communist way. Whilst the authors do not explicitly cite Marx, Engels or Lenin, other than via secondary sources, all of the underpinning of the book’s narrative, and the way it describes

racism and imperialism, the use of a reserve army of labour, the role of women in the reproduction of labour for capitalism, and the way that police and prisons operate to protect capital, will be familiar to anyone who has ever looked at Engels on the family, private property and the state, or Lenin on State and Revolution.

Drawing on their own experiences in Sisters Uncut and the recent Kill the Bill demos and setting up of Copwatch groups, the authors also look back at some examples of where people in detention took direct action against the system oppressing them. Section 11 of the book therefore recounts the experiences of the men incarcerated in Strangeways in 1990 who took to the roof of the prison in a 25-day long protest against the brutality and neglect of the system, and the women in the Yarl's Wood immigration prison in 2018, who staged a determined and high profile hunger strike to draw attention to their punitive detention and treatment. The section on the Strangeways uprising draws on Larkin Publications book *Strangeways 1990: a serious disturbance*, as well as protester Alan Lord's autobiographical *Life in Strangeways: from riot to redemption*.

Day and McBean write that 'The rebels at Strangeways and Yarl's Wood may not have had explicitly abolitionist goals but they risked everything to take militant action in the hope of a dignified life'. They contrast this to activists who limit themselves to 'academic theory, purity politics or ally-ship models'. Looking back at Strangeways they pose the question of unity in terms of the politics of the day: 'We wonder what the revolutionary potential might have been, had the hundreds of thousands of political rebels made their way to the prisons to combine the rage on the streets with that in the cells.'

Abolition Revolution centres the struggle against prisons firmly in the context of the struggle against the capitalist system itself: 'Abolition must also be underpinned by an anti-capitalist, class analysis and practice. One that seeks to leverage class power in order to abolish the underlying conditions that give rise to a society that requires the control of the masses – the working and underclass – by the few in the ruling elite. This is the revolution in the abolition.'

The book emphasises how the abolition of prisons can only take place within the abolition of a social and economic system that marginalises and criminalises the most disadvantaged and oppressed: 'A revolutionary and abolitionist vision cannot limit itself to dismantling. This is not the end goal of our liberation. Abolition must work towards the wider goal of seizing the land, natural resources and wealth stolen from us by capitalists; abolition must work in the service of proletarian revolution. The brutal police murders of Sarah Everard and George Floyd refuelled an atmosphere of discussion about abolition of the police, prisons and 'criminal justice system'. Abolition Revolution is an excellent contribution to revitalising the possibility of building an anti-capitalist movement for abolition.

Abolition Revolution, Aviah Sarah Day and Shanice Octavia McBean, Pluto Press, 2022, £14.99

Disproportionate Deployment of Tasers Against the Black Community

Jessica Pandian, *Institute of Race Relations*: Tasers were first introduced to the UK in 2003 for use by firearms officers 'to fill the operational gap between the baton and the gun', and were rolled out to non-firearms officers called Specially Trained Officers four years later. Since then, the UK has witnessed a rapid increase in the number of Taser-trained police whereby in 2019, 17,000 out of 123,000 police officers were Taser-trained in England and Wales.

However, since their first appearance, the disproportionate use of Tasers against the black population has been an enduring issue. Across England and Wales, new analysis of Home Office figures found black people almost eight times more likely to have Tasers deployed against them compared to white people. Moreover, the increasing deployment of Tasers on BME children is a progressively

disturbing matter, with 2019 statistics indicating that minors in 74 percent of Taser deployments in London were of BME background. Disproportionate Taser usage against black people can be attributed to a combination of factors, namely: the persistence of racial stereotypes relating to black criminality; the over-policing of BME communities; and institutional racism in policing – all of which can be grouped together under the banner of structural racism.

The potency of the black criminal stereotype is epitomised by the case of Judah Adunbi, a black race relations adviser for the police who was tasered by his own police force after being mistaken for a wanted man – and who, a year later in 2018, was mistaken by the police for the same wanted man again. Taking this into account, we see how racially disproportionate Taser deployment can be understood as both a product and an intensifier of structural racism. The way in which Tasers entrench structural racism is evidenced in a recent analysis by Dr Michael Shiner, associate professor at LSE and member of StopWatch, which demonstrates that disproportionality between black people and white people is markedly higher when the police use high-degree force, such as Tasers and firearms, compared to low-degree force.[1]

There has also been significant controversy over the growing use of Tasers against those with mental health problems, given the significant pain (the UN Committee Against Torture determined that the pain inflicted by Tasers is intense enough to be considered a form of torture), distress and health problems they can induce. In fact, in the year from 1 April 2017, Tasers were used against mental health patients in healthcare settings 96 times. It is a well-known fact that black people are overrepresented in mental health statistics and systems, illuminating how multiple forms of inequality coalesce in the experiences of black Britons, rendering them increasingly exposed to the dangers of Tasers. Addressing how Tasers exacerbate intersecting inequalities, Dr Kerry Pimblott, lecturer at the University of Manchester and member of Resistance Lab, said, 'Tasers are used by police in ways that reinforce systemic racism and other interlocking inequalities with disproportionate and potentially lethal consequences for black communities and individuals with mental health conditions in particular.'[2]

Long-Term Impacts of Tasers: The recent case of Mr Walker-Brown, paralysed by a Taser, demonstrates the fact that Tasers can result in lifelong injuries – contradicting the Metropolitan Police's definition of Tasers as a weapon which 'temporarily interferes with the body's neuromuscular system'. The Metropolitan Police also define Tasers as a 'less lethal' 'single shot weapon' – yet 18 people in the UK have died after being tasered since 2003, and coroners have identified Tasers as having caused or contributed to the deaths of Marc Cole, Jordan Begley and Andrew Pimlott. Clearly then, Tasers are indeed lethal, and when not lethal, can engender long-term health problems. Potential long-term impacts of Tasers include injuries from uncontrolled movements and Taser probe penetration of sensitive body parts.

It is important to note that Tasers can cause not only long-term physical harm, but also long-term psychological trauma for the individuals affected and the communities they belong to. As such, Tasers contribute to existing police practices such as stop and search which induce trauma collectively, principally within BME communities. In an open letter to the Greater Manchester Police regarding the Taser incident involving Mr Mombeyarara, the Northern Police Monitoring Project highlighted the issue of collective trauma, saying that the 'The taser appears to be deployed without warning or justification, and without any regard to the lasting impact that witnessing such events will surely have on the child, and our wider communities – particularly those that are already familiar with police violence.' Similarly, a parent articulated to the NGO 'Kids of Colour' how the incident added to extant trauma within the black community: As a mother, I would like

to say that it has really traumatised me. It's really made me feel as a mother of 3 black sons aged 21, 15 and 10 that there's no protection or support for them. I just feel very scared and fragile at a time like this, that certain systems are not taking accountability of these behaviours. We keep seeing these behaviours over and over again, and the trauma it has for our children and young boys in the community, we need to find a better way that police are responding to young black males. It's out of hand, it's disrespectful. My son is really upset by it, he's 15.

In an interview, Dr Rebekah Delsol, Programme Manager for the Fair and Effective Policing Project at the Open Society Justice Initiative and member of Stopwatch, remarked on the worrying near-absence of research concerning the psychological trauma Tasers cause to BME communities. In light of this, she called for research to be carried out on the diverse ways in which Tasers engender trauma within over-policed BME communities, stressing that research should be realised by BME academics embedded within those communities.

Policing: Inertia and Impunity. On 24 March 2020, rights groups Open Society, Inquest, Stopwatch and Liberty announced their resignation from the National Police Chiefs Council (NPCC) independent Taser advisory group in protest, stating that no significant steps are being taken to address the disproportionate use of Tasers against BME people. In a joint resignation letter to the NPCC, the rights groups explained, 'We are increasingly concerned that the NTSAG [National Taser Stakeholder Advisory Group] is now regularly sidestepped, while the group's existence is relied on to legitimise current use of Taser.'

The fact that three Taser incidents – in Tottenham, Greater Manchester and Haringey – occurred within six weeks of the rights groups quitting the police body underscores the police's continual refusal to acknowledge and tackle the excessive discharge of Tasers against the black community. Part of the reason for the police's inertia to concerns regarding disproportionality can be attributed to their apparent impunity in unjust Taser usage. The statistics show that police officers are practically never suspended or arrested for wrongful use of Tasers. In fact, since 1990, 1,745 people have died in police custody in the UK, but not one police officer has been successfully convicted of homicide or assault.

Concerning the Taser incidents involving Mr Walker-Brown and Mr Mombeyarara, the Independent Office for Police Conduct (IOPC) has stated that it will conduct criminal investigations into both cases. Regarding the Taser incident involving Mr Scott, the Metropolitan Police's review found 'no indication of misconduct' and said the incident did 'not meet the criteria for a referral to the IOPC'. Despite Wretch 32 sharing the footage on Twitter, which gained nearly 2 million views, drawing widespread criticism from the likes of Sadiq Khan and Amnesty International UK and leading the IOPC to reassess the incident, the IOPC ultimately decided on 15 July that they will not conduct a criminal investigation into the Taser incident of Mr Scott.

Though the cases of Mr Walker-Brown and Mr Mombeyarara will be investigated, it should be noted that an IOPC criminal investigation does not necessarily mean that criminal charges will follow – and given that police are rarely held accountable for their actions, the likelihood of this occurring is not promising. Thus far, none of the police officers involved in these three cases have been suspended. Deborah Coles, the director of Inquest, said, 'The test of the IOPC will be what comes out of those investigations and whether or not it results in anybody being held accountable.'

Considering the police's resistance to address disproportionate Taser usage combined with their evident impunity, it becomes clear that institutional racism is deeply embedded within the structures of policing as well as within the bodies that regulate it. Speaking about how the IOPC has consistently let down the families of those who died in police custody, Lisa Cole, sister of Marc Cole, who died after being tasered whilst suffering a mental health crisis in

2017, said, 'There's no accountability. That comes back to the government. The government protects these officers at all costs. And I'll say it again, it's another example of state violence. You know, it's the systemic refusal and the systemic discriminatory policing practices [that] are protected by institutionally racist systems. We cannot talk about policing and accountability unless we talk about the systems that deliberately protect them.'

Growing frustration about the failings of the IOPC coincided with the Black Lives Matter protests in the UK, part of the worldwide movement since the death of George Floyd. As a result, the United Families and Friends Campaign, a coalition of family and friends of people who died in state custody, of which Lisa Cole is a member, drew up a plan calling for the abolition of the IOPC, amid concerns that it is not truly independent, and for the immediate suspension of police officers implicated in deaths until investigations are concluded.

The Paradox: Increasing Taser Usage. Despite the deaths caused by Tasers, evidence of racially disproportionate use, and the severe lack of research on their physical and psychological impacts, in September 2019 the government announced that it would be spending £10 million on arming 10,000 more police officers across England and Wales with Tasers. This is cause for great concern, as the use of Tasers increased by 39 percent in 2019 alone as more officers were equipped with them.

The government's mass Taser roll-out plan has been widely condemned by rights groups. Rosalind Comyn, policy and campaigns officer at Liberty, drew attention to how greater Taser usage will drastically change the nature of policing, stating that the increase 'risks escalating, rather than reducing, violence on our streets and will further corrode the fractured relationship between police and the communities they serve.' This point is highlighted by a 2018 study which demonstrates that police officers carrying Tasers are causally linked to a 48 percent increase in the use of force. In this vein, many groups, such as Liberty, Amnesty International UK and StopWatch, have highlighted the need to limit Taser usage to 'highly-trained specialist officers' and 'critical situations'.

Rights groups, academics and family campaigns have also questioned the government's decision to allocate £10 million to a Taser roll-out scheme as they argue the money could be better spent investing in oft-neglected areas such as health, education and housing services of vulnerable communities. Speaking through the concept of defunding the police, Rebekah Delsol, Lisa Cole and Deborah Coles all emphasised that spending £10 million on a Taser roll-out scheme will further perpetuate violence within deprived and BME communities, whilst investing holistically in those communities would address the underlying causes of violence, thus reducing it.

Towards Change? Responding to the recent spate of Taser deployment against black men and mounting pressure from rights groups and the Black Lives Matter movement, on 12 June the National Police Chiefs Council announced that it will commission an independent review into racially disproportionate Taser usage. Whilst an independent review may signify a step in the right direction for some, there is still a great deal of doubt amongst the family members of those who died in police custody. Lisa Cole voiced her mistrust, questioning how independent the researcher appointed would be, saying, 'Anybody who says they're independent and working on behalf of investigating the police or independent reviews, we seriously question. How independent are they?' Deborah Coles added that it is imperative that the chosen researcher in any review consults the families of those who have died or suffered lasting injuries after being tasered, in order to understand and address their concerns.

'End Taser Torture' Campaign Moreover, mirroring David Lammy's recent call to implement changes recommended by Angiolini, Baroness McGregor-Smith, Lammy's own and the Home Office Windrush Review to tackle structural racism in the UK, Lisa Cole stressed that

beyond reviewing disproportionate use of Tasers, it is absolutely crucial that the recommendations are implemented. To this effect, the families of Marc Cole and Adrian McDonald started an 'End Taser Torture' campaign in June 2020 to demand the enactment of policy changes, such as the prohibition of 'prolonged and multiple Taser Electrocutation' on vulnerable persons and the complete revision of police Taser training. In an interview, Wayne McDonald, brother of Adrian McDonald, also stated that the police should seek medical assistance immediately for anyone tasered longer than five seconds. This is absolutely critical for Wayne McDonald, as Adrian was tasered for 25 seconds according to his family, and died in the back of a police van unattended to, begging for assistance whilst saying 'I can't breathe'.

Reflecting on the views of researchers, family members and campaigners who talked to IRR News, it is clear that disproportionality is not the only issue related to Taser usage. In and of itself, it is evidently a problematic feature of British policing that unequivocally necessitates further scrutiny and immediate systemic change. Taking a step further, Resistance Lab and Northern Police Monitoring Project have expressed their support for abolishing Tasers altogether, citing their lethality and 'an ever-growing body of evidence that the police simply cannot be trusted with such power, particularly where Black and Brown communities are concerned'. [3] If no action is taken, then it is inevitable that the incidence of Taser-induced injuries, deaths and trauma will rise. In the words of Wayne McDonald, 'We have to do something, and now is our time'. (Six officers are being investigated over an incident where an 91 year old woman was pointed at with a Taser, handcuffed and had a mesh hood placed over her head.)

British Justice: Boris Johnson Gets Legal Aid - Mother of Three on the Breadline Doesn't

Owen Jones, Guardian: Boris Johnson is a very rich man, even though he suffers from a self-pitying syndrome that afflicts many of the well-off: believing himself to be poorer than he actually is. Although he once described his £250,000-a-year newspaper column salary as "chicken feed", and reportedly complained that his prime ministerial annual pay packet of more than £150,000 wasn't enough to live on, he was already in the top 1% of earners when he lived in No 10. And he has only prospered since, having moved into a £3.8m Oxfordshire mansion –with nine bedrooms and a moat on three sides – and earned well over £5 million since resigning from the prime ministerial office in disgrace. Yet this enormously wealthy man, who as prime minister presided over the illegality that saw government officials partying while ordinary citizens could not hold the hand of a dying relative – while also being fined himself for violating the rules – somehow benefits from a taxpayer-funded legal defence in the Partygate inquiry, already to the tune of a quarter of a million pounds.

Now consider the difference between Boris Johnson and a woman I spoke with recently, who, for the sake of her anonymity, I'll call Sally. Sally is a single mother of three children who was paid a modest salary as a health professional. Although she can only give limited details, she was dragged through the court by an abusive, controlling former partner. She has spent about £40,000 on legal fees, was driven into so much debt that she had to sell her house and was forced to use food banks to feed her children. But here's the kicker. "I wasn't entitled to legal aid as I had too much equity in my family home," she tells me. So there she is, on universal credit, languishing on the breadline, having been taken to court multiple times and left too ill to work by the trauma of it all. "Boris Johnson and his millionaire friends have their legal bills paid when they are rich ... it's another injustice in an already unjust, broken system," she said.

"In England, justice is open to all – like the Ritz Hotel!" quipped the Irish judge James Mathew in the 19th century. It was a succinct takedown of the perversities of class-bound societies, where supposedly universal rights in fact depend on your bank balance. It's tempting to mourn how little has changed since then but, actually, things did change, if only temporarily. The

postwar Labour government first introduced legal aid as one of the central pillars of a new welfare state in 1949, allowing eight out of 10 Britons to access free or affordable legal assistance. But a tragic historical lesson that needs to be learned over and over again is that, however permanent victories may seem, unless they are continually fought for, they can and will be reversed. Even before the Tories assumed power in 2010, only 27% had access to legal aid, and from 2013, David Cameron's administration lopped off £751m from the £2.2bn legal aid fund.

The primary victims? Women, low earners and those from minority backgrounds. On the eve of Tory rule, there were about a million legal aid cases to get early advice; that number has now dropped to 130,000, and ordinary citizens are unable to get support for problems ranging from family to housing to debt. In the half a decade after the Tory onslaught against legal aid, half of all law centres and not-for-profit legal advice services in England and Wales vanished.

Ours is a country where a rich, powerful man like Johnson receives state support for his legal problems, despite his obvious wrongdoing in office. After all, he didn't resign for nothing. But often traumatised women are left with nothing. Another woman I spoke with, Sarah – again, not her name – said that, even though her former partner was violent and her children fear him, working 16 hours a week took her over the threshold for legal aid. "No legal aid for us common people who aren't former prime ministers," is her caustic summary. She's right to be furious. As our disgraced former ruler milks the state, despite being awash with millions, think of the struggling people his party has condemned to misery and hardship.

£200,000 Settlement for Woman Who Suffered Severe Sexual Harassment and Assault

The sexual violence suffered by the woman, who we have called "Ms B", was very serious and took place over a prolonged period of time. The perpetrator was a senior colleague of Ms B and used his position and authority to create opportunities to harass and assault her. There was concern that the employer operated a culture that allowed the perpetrator's abusive and bullying behaviour towards Ms B, and other members of staff, to go unchallenged. Ms B did try to alert her manager and other colleagues to the fact that she was being targeted by the perpetrator, but their response was ineffective. The claim was brought as a personal injury claim, but Leigh Day's employment team also assisted Ms B to negotiate the end of her employment relationship with the employer.

Urgesi and Others v. Italy Judged by the Same Judge Twice - Violation of Article 6 § 1

The applicants, Roberto Urgesi, Vincenzo Albano, Giuseppe Florio, Lucia Bocconi, Assunta Esposito, Maria Fanelli, Ciro Florio and Filomena Spinelli, are eight Italian nationals who were born between 1943 and 1967 and live in Taranto. The case concerns the public character of the hearings held in proceedings for the application of preventive measures, and the impartiality of the court of appeal which ruled in the case. In July 2000 the Taranto District Court convicted some of the applicants (Mr Urgesi, Mr Albano and Mr G. Florio) in the "Cahors" case concerning the activities of a criminal organisation operating in Puglia. The applicants in question were charged with usury, and also with criminal conspiracy (Mr Urgesi) and membership of a mafia-type organisation and extortion (Mr Albano and Mr G. Florio). Relying on Article 6 § 1 (right of access to an independent and impartial tribunal) of the Convention, the applicants complain that the court of appeal which ruled on the application of the preventive measures was not impartial owing to the presence on the bench of a judge who had previously, as a prosecutor, expressed an opinion on the criminal responsibility of some of the applicants in the criminal trial in the "Cahors" case. - Violation of Article 6 § 1

Turkey: Order by Civil Court to Pay Damages for Injury to Police - Violation of Article 11

Kazan v. Türkiye: The applicant, Şerife Kazan, is a Turkish national who was born in 1975 and lives in Ankara. The case concerns a civil court decision following a claim for reimbursement lodged by the Ministry of the Interior, ordering the applicant jointly and severally with forty-five other individuals to reimburse the State for the compensation paid in respect of medical expenses to a number of police officers injured during a demonstration, in spite of the applicant's acquittal in the criminal proceedings. Relying on Article 11 (freedom of assembly and association) of the Convention, the applicant complains of being ordered by the civil courts – despite having been acquitted of the charges against her in the criminal proceedings – to reimburse the sums paid by the Ministry of the Interior in compensation for medical expenses to the police officers injured during the dispersal of a demonstration outside the courthouse, where the applicant had gone to attend a hearing as the relative of a prisoner and where she had expressed her views. Under Article 10 (freedom of expression), she alleges a breach of her right to freedom of expression. Relying on Article 6 § 1 (right to a fair hearing), she complains of a lack of reasons for the civil courts' decisions and maintains that the finding that she was liable for the physical injuries sustained by the police officers lacked any justification. Violation of Article 11 - No request for just satisfaction made

Adultification Bias - Vulnerability Not Extended to Young Black People

(Adultification bias is a form of racial prejudice where children of minority groups, typically Black children, are treated by adults as being more mature than they actually are. Actions committed by these children that would be deemed normal for child development are more likely to be treated as opportunities for discipline and children are more likely to be seen as having malicious intentions. A clear example of this bias in action is when a Black child is assumed to be older than their actual age.)

Rachel Riklan, Justice Gap: A safeguarding review found evidence that killer James Waddell was a victim of child exploitation, and “highlighted the presence of adultification” when vulnerability is not extended to young black people. In August 2021, James Waddell stabbed 16-year-old Dylan Holliday to death in Northamptonshire with a Rambo-style knife just hours of leaving care. He was convicted of manslaughter. The report evidenced that Waddell possessed the knife while he was in the care of local authorities and that authorities did not utilise appropriate safeguarding practices to identify adolescent risk. Waddell claimed that he had been carrying a knife since he was thirteen and used the weapon for self-defence.

Under the care of social workers and supervision, Waddell showed signs of violence and had an “extensive history of trauma”, extending to enduring an attack by his father with a machete at a young age. The Child Safeguarding Practice Review (CSPR) issued that an explicit agreement to place Waddell in foster care was not defined and his “risk of harm” was not adequately addressed. The review also found that the victim, Dylan Holliday, was involved in drugs at a young age, citing that he had been smoking cannabis since he was 11. Holliday was involved with child services during a family domestic abuse and alcohol misuse case. Around the time of Waddell's trial, the Northamptonshire Safeguarding Children Partnership Review (NSCP) stated that they would begin a report on his case. The CSPR found that missed opportunities to understand the risk of harm to Dylan were due to “limited communication between agencies”. Northamptonshire Police Deputy Chief Constable, Ivan Balhatchet, said the report “notes the importance of information sharing across all agencies in cases where gang activity is ongoing.” A new training procedure for multi-agency information shar-

ing and professional understanding of child exploitation is now in development.

Poor and Overcrowded Conditions at Manston IRC Put Detainees at Risk

Gabrielle Purcell, Justice Gap: Manston Short Term Holding Centre, a holding facility for asylum seekers, remains overcrowded due to the Home Office's lack of hotel provision for detainees. With increasing arrivals, detainees have been subjected to longer stays at the facility than intended, which has led to difficulties in management. At the last HM Inspectorate of Prisons inspection in the summer of 2022, officials identified leadership as a main problem within Manston. Due to insufficient organisation and allocation of services, lack of coordination between the agencies and their roles has become an issue. The Home Office had on record the overall amount of small boat arrival referrals made to the National Referral Mechanism (NRM). However, these referrals were unable to be divided into type, whether by adult or child, along with the referral's location. Therefore, 91 vulnerable adult warning forms were handled by Mitie personnel, which only equated to .5% of the overall migrants moving through the facility. The inspectorate found that no other agencies in charge of vulnerable detainee supervision provided adequate plans for proper support. As a result, at risk migrants could easily be overlooked and neglected. The Mitie staff appeared distracted and disengaged with the migrants, instead talking amongst themselves behind the desk. Disregard for the migrants intended to receive Mitie's care was evident. Detainees were having difficulty getting their problems resolved, lacking the information needed to settle their issues. In addition, they lacked faith in the prospect that their welfare obstructions were being handled in the appropriate fashion.

The inspectorate also found violent incidents were inadequately recorded at Manston. No data was provided as to when these incidents have occurred, when force needed to be used, or if the occurrence happened under justifiable circumstances. HM Chief Inspector of Prisons Charlie Taylor raised his concern for the vulnerability of families and children in the length of time spent at the facility, along with the increased risk of the spread of infectious diseases and disorderly conduct when migrant numbers heightened. Chief Taylor recommended the Home Office allocate sufficient accommodation and staff so that detainees can pass through the facility as quickly as possible. Medical confidentiality was not taken into consideration, with custody officers disregarding respect for detainees by openly discussing private medical information and records. Neighboring detention facilities, Kent Holding Unit and Jet Foil also failed to provide safe medical isolation management with poor conditions not fit for use. At all three sites, detainees' ability to contact family or any party outside the facilities was hindered and restricted. Migrants were not updated on the steps to move forward, resulting in uncertainty on where they were going next.

HMP Berwyn Prison Officer Convicted Over Illicit Relationship

A fourth female officer at Berwyn prison has been convicted over an inappropriate relationship with a prisoner. The 34-year-old woman was seen on CCTV talking closely with the man, stroking his arm and giggling. She told a colleague that the man was her “type”. He added her, under a false name, to the list of approved phone numbers he could call, and they engaged in sexually explicit conversations. She later admitted to police: “I've made a mistake. I've fallen in love with [the prisoner]. It's completely wrong.” At Mold Crown Court last week, she admitted misconduct in public office and a separate offence of cannabis possession. She was handed a nine-month suspended sentence with a requirement to do 200 hours of unpaid work. Passing sentence, Judge Niclas Parry told the woman: “There's a very good reason why, during your induction and training, significant emphasis was placed on the importance of having appropriate relationships with prisoners. The security of the prison, the safety of staff, prison discipline and the safety of other prisoners are all placed at risk when officers fail to be controlled by prisoners.