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Police Everywhere Justice Nowhere - 24 Reasons to Abolish the Met Police

The Metropolitan Police was founded by Robert Peel in 1829. It is Britain's largest and oldest police force, founded four years before the abolition of slavery. Peel cut his teeth on imposing British rule in Ireland, and he used the Royal Irish Constabulary to secure the smooth running of Britain's punitive and extractive colonial regime, in spite of Irish uprisings. Alex S. Vitale writes that the original function of the Met Police was 'to protect property, quell riots, put down strikes and other industrial actions, and produce a disciplined industrial work force.' Its original aim was to police, punish and incarcerate the working class, especially women and racialised groups. Today it is clear that it cannot escape these roots.

Daire Ní Chnáimh, RS21: Louise Casey's report on the Met Police has been published. It will show the force to be riddled with racism, sexism and homophobia. Already, Justice Secretary Dominic Raab has come to the Met's defence, claiming that 'the vast majority' of cops act 'professionally'. This is an argument often used to defend police – the system in general is fine, the problem is individual 'rotten apples'. In this in-depth report, Daire Ní Chnáimh highlights how the issues go far beyond individuals, listing 24 reasons why we need to abolish the Met.

In February 1999 the MacPherson Report was published, labelling the Metropolitan Police 'institutionally racist' and condemning their racist and inept response to the murder of Stephen Lawrence. The report came out just one month after police held down Roger Sylvester until he stopped breathing. He died a week later. The MacPherson Report was touted as heralding 'a new era of race relations'. 24 years later, looking at the Met's behaviour since that proclamation, we can only conclude that all reforms to the police must hold police and prison abolition as their ultimate horizon. The Met Police don't protect or serve. The Met Police use gratuitous force, including against children - uphold racist policies - Stops strikes and represses protest - Perpetuate homophobic and gender-based violence

1. The Met Aren't Very Good At Dealing With 'Crime': The category 'crime' designates behaviour the state will not tolerate – it is used to defend private property, borders and capital, and to create a class of 'criminals' who are disenfranchised and wrenched from their communities. Even harms we would like to stop, such as sexual violence and illegal evictions, are dealt with by robbing the affected communities of their power and pulling the victim through a traumatising criminal justice procedure – if it gets that far. So on that reduced basis, how are the Met doing? The stats would suggest: not well. 'The proportion of crimes resulting in a charge and/or summons remained stable during the pandemic but this year fell to 5.6%, which continues the long-term downward trend.' Figures from 2021 showed the Metropolitan Police were one of the worst forces in England and Wales for 'solving' sexual and violent crime. The Met investigated just 22 of thousands of illegal evictions in 2020. Insofar as the Met are there to deal with 'crime', they aren't very successful even on their own terms.

2. Shootings: Since 1999, the Met Police have shot and killed 27 people. In 2011, police shot and killed Mark Duggan. Despite Duggan being unarmed, the court inquest found that he was "lawfully killed," as is the verdict in the majority of these cases. Just last year, Met officers shot and killed 24-year-old Chris Kaba. The IOPC inquest is still underway and Kaba's family and community are keeping up pressure for justice in this case.

3. Deaths in Police Custody: Between 1999 and today, 135 people are known to have died in Metropolitan Police custody. The United Friends and Families Campaign continue to fight for justice for these victims of police brutality.

4. Taser: In June 2022, police mistook Oladeji Omishore's cigarette lighter for a screwdriver, which was their excuse to taser him repeatedly. He then fell off Chelsea Bridge into the Thames, and died later that day. An IOPC spokesperson said: 'At this early stage we have no indication that any of the officers involved may have breached police professional standards or committed a criminal offence.' It took them almost two weeks to correct their statement about the screwdriver. In the first 10 months of 2019, nearly 74% of Met Police Taser use on children was on BAME children.

5. Spit Hoods: Spit hoods are tightly meshed sack-like hoods, pulled over people's heads with the intention of protecting police from spitting. Liberty describes them as 'distressing, degrading and potentially lethal', and already several adults have died after being hooded by police. Spit hoods were rolled out in recent years without any robust claim as to why, and were used on over 100 kids in 2018, including children as young as 10.

6. Child Q: In April 2022, Met Police strip searched a 15-year-old girl without any safeguarding adult present. A Freedom of Information request to the Met revealed that the force conducted over 9,000 strip searches on children in the past five years. What happened to Child Q is devastatingly common and has fuelled a campaign to end strip searches by the police. It also led to the biggest anti-police demonstration since 2011, which blocked the main road outside the police station for hours.

7. Strip Searches: A Freedom of Information request into details of Met Police strip searches between 2019 and 2021 found that 92,000 strip searches were recorded, over 5,000 on children under 18. Koshka Duff took a judicial review against the Met officer Kurtis Howard's decision to strip search her after she was arrested for giving legal advice to a young man being stopped and searched. She is running another to push further the issue that strip searches should not be in the police repertoire of tactics.

8. Met Police Still 'Institutionally Racist' No Matter How 'Diverse' They Appear: Despite 24 years to act upon the MacPherson Report, it is undeniable that the police apply laws in different ways to white vs racialised communities. But the force is more than just a collection of racist individuals applying policy in a discriminatory way: the policies that they are there to uphold are racist and designed to police and maintain power structures that rely on racism to reproduce themselves, as we illustrate below. As Northern Police Monitoring Project summarises, 'At every level of policing, racism endures as a problem. From stop and search and inclusion in "gang" databases, to the use of tasers and deaths following police contact, black people are disproportionately likely to be harmed by the police.'

In 2020, the Met Police were told that 40% of new recruits must be from a BAME background. This is an irresponsible attempt to place the onus for anti-racism in the police upon BAME officers, rather than reckoning with the 'institutional racism' and white supremacy reported two decades previously. The 'more Black officers' argument assumes that black people are inherently anti-racist. Research on racial profiling carried out by black police officers in the US shows this assumption to be false. Institutional racism cannot be solved with tokenistic police diversity, because each new recruit enters an environment where it is difficult if not impossible to challenge the institutional norm. More black officers create only 'the illusion of change.'

9. Predictive Policing: Not only are the Met Police racist, they ingrain and cement their historical racism through the use of AI, exonerating themselves from culpability for their decisions. Since at least 2014, they have been using predictive machine learning software to suggest which crime 'hotspots' to patrol. Of course, the data the algorithmic system uses comes entirely from the Met Police database which, as we know, is 'institutionally racist'. Producing these racist decisions through an algorithmic system gives the Met Police an appearance of neutrality as they continue to target racialised and criminalised neighbourhoods.

10. Gang Matrix Database: The Metropolitan Police's Gang Violence Matrix contains the names and details of thousands of people who police say pose a risk of committing gang violence. In consequence, they face greater exclusion by the benefits system, education and housing. Criteria for inclusion on the database includes who someone is friends with and where they live. Some in the database are as young as 13. A review of the list in 2021 saw 1,000 names of people who posed no risk at all removed. But the remaining names are still 86.5% from BAME communities.

11. Collusion with Border Control: The Met Police regularly co-operate with border control services, as in Operation Nexus. Nexus was introduced in 2012 and is a scheme to embed immigration officers in police custody suites across the UK. The police's collusion in border control extends to victims of violence as well as those suspected of criminal offences. Written evidence to Parliament by the organisation Clinks raises instances where the police have reported victims of domestic abuse and sexual violence to the Home Office. Thus, migrant survivors of violence are often either deterred from seeking protection through the courts system entirely, or they risk being sent into the traumatising hands of the detention and deportation arms of state violence.

12. Crushing Strikes: Police are used as a bulwark against the working class fighting for better conditions, and have a long history of heavy-handed policing at picket lines, most notably during the miners' strike of 1984-5. Today's Met Police can be called on by businesses to break pickets that are deemed to be a 'nuisance' to the workplace, and they work with employers in various ways to increase co-operation between bosses and the police (see for example this gross scheme where employers can get their staff trained up as voluntary special constables). When Met Police officers tried to break a picket outside a London medical school in 2020, the legality of their actions was questioned by a trade union lawyer present. Police promptly placed this barrister under arrest. Police themselves are not allowed to strike, perhaps lending an envious streak to their aggression toward striking workers...

13. Kettling: The tactic of kettling has been used regularly by the Met since the 1990s, especially at protests. It is a repressive crowd management technique that involves surrounding protesters in such a way as to detain them, sometimes for hours on end, and arresting anyone that attempts to leave the cordon. Infamously, they were used to contain hundreds of people for hours inside a police cordon in Oxford Circus at a protest against the World Bank in 2001, without food, water or toilet facilities. Some kettles, such as a 2013 anti-fascist protest in East London or the 2010 student fees protests ended with police arresting protesters one by one for no clear reason – many of whom were de-arrested later or never charged with offences.

14. Protecting Fossil Capital: Barclays is the worst bank in Europe for investing in fossil fuel extraction, and is thus a key contributor to the ongoing ecocide which will cause mass death and displacement across the globe. Despite this social murder, when women from Money Rebellion tried to raise awareness of Barclay's crimes by breaking the windows of its Canary Wharf HQ in 2021, it was not the bankers who the Met Police came to arrest, but the activists.

15. Censorship, Cover-Ups and Surveillance: In July 2001, Migrant Media launched their film Injustice, documenting killings in police custody and the families fighting back against the impotence of the Police Complaints Authority. 19 minutes before the premiere, the police faxed the Metro Cinema threatening legal action if they showed the film, and the screening was stopped. They used the same intimidation tactics at the next screening in Conway Hall, but the audience barricaded themselves inside and screened the film. The film can be watched online here.

16. Racist Targeting of Black Musicians and Events: Between 2005 and 2017, the Metropolitan Police used the controversial Form 696, a risk assessment that primarily targeted music venues which host events aimed at black audiences and with black performers. The

form asked the stage and real names, addresses and phone numbers of all performers, as well as questions about the ethnicity of the audience. Form 696 played a big part in normalising moral panic about black artists, leading to many musicians such as the rapper Giggs having their concerts in London shut down.

17. Surveillance With Impunity: During the 2011 Occupy movement, Met Police asked all businesses and local companies to report sightings of anarchists. This, alongside the policing and repressing of protests, is part of a longer-term police strategy to safeguard the wealthy few from the many who would challenge their hegemony.

18. Spycops: Throughout the 90s and 00s, Metropolitan Police's Special Demonstration Squad (SDS) spied on trade unionists and climate activists, and entered relationships with women under false pretences, in order to control and manage left-wing groups and others who might challenge state power and capital. The Spycops Inquiry continues to bring to light more instances of harm caused by undercover police. In February 2023, the inquiry ruled that the Scotland Yard unit was not justified in intruding deeply into the private lives of campaigners, including their sexual relationships, and that undercover policing caused 'outrage and pain' to the public and acted in a sexist and racist way.

19. Covering up for Boris: As Sue Gray worked to produce a Cabinet Office report on Downing Street's 'Partygate' scandal, the Met Police requested for 'minimal reference to be made' about the party on which she was reporting. Many recognised this as a cover-up for the Prime Minister's recklessness and impunity during the Covid pandemic. Meanwhile, the Met Police used their heightened powers during Covid to overstate incidence of illegal raves and disproportionately targeted BAME people with Covid fines.

20. Blatant Lies: In 2017, 20-year-old Rashan Charles died after an incident with Met Police in Hackney. The BBC quoted Scotland Yard's insistence that police 'intervened and sought to prevent the man from harming himself.' Writer and agitator Kuchenga published some pertinent questions in response: If the police officer believed that Rashan had swallowed an object, why did the officer put his arm around Rashan's neck and wrestle Rashan to the ground? Will the officer be suspended until the investigation has been concluded or will he be free to patrol the community that has been traumatised by this death? How can the Metropolitan Police justify using a chokehold as lawful, proportionate and necessary, if the suspect is believed to have their windpipe blocked by an object? Will the police accept responsibility if the non-uniformed person's intervention contributed to Rashan's death? Will the Metropolitan police ban the use of chokeholds as a legal form of restraint?

21. Homophobia and Ignoring Crimes Against the LGBT+ community: Between June 2014 and September 2015, serial killer Stephen Port killed four young gay men. The Met's handling of the murders has attracted scrutiny, with victims' friends and family commenting on the homophobia and callousness of the Met police officers during inadequate investigations into the murders – including not seeing male partners as 'next of kin'.

22. Police Targeting Of Sex Workers: Although it is legal to sell sex in Britain, 'persistently loitering for the purpose of prostitution' is criminalised. One of the safer environments for sex work is working together in a flat, but in 2013 Met Police attempted to close down 20 working flats in Soho, confiscating the earnings of 300 sex workers in the process. As Juno Mac and Molly Smith write in Revolting Prostitutes, police persecution of sex workers produces more 'silence, precarity and vulnerability' in a trade where it is difficult to secure safe work environments.

23. The Met are Institutionally Misogynistic: Historically, women were not allowed to become police officers, and when they were admitted to the force, they were restricted to cases involving women, children and family welfare. To this day, 69.6% of Met police officers are still men. In 2021, the Independent Office for Police Conduct (IOPC) released findings from its Operation Hotton investigations into the misconduct of several Met Police officers, and found widespread complicity with abusive men and sexist behaviour, showing consistent a failure by management and peers to challenge sexist incidents where male police officers had abused their power with colleagues and the public, widespread discrimination, and a culture of joking about rape and sexual harassment.

24. A shocking Number of Met Officers are Abusers: As of January 2023, 1,071 Met Police officers were under investigation for alleged domestic and sexual violence. A Met detective was jailed for three years after using hidden cameras to spy on 19 women in rented rooms such as hotels and Airbnbs. Protests erupted in 2021 when Met officer Wayne Couzens arrested Sarah Everard by pulling out his badge while off duty, and then killed her. The incident highlighted how the power afforded to police opens new possibilities for abuse. In 2021, Met Police Officer David Carrick was found guilty of 71 serious sexual offences, including 24 counts of rape, across 17 years of Metropolitan Police service. Police don't solve rape – they are all too often its perpetrators. How can police protect survivors of rape, when 2% of Met Officers are currently alleged to have committed sexual and domestic violence? We need to find other answers to the question of how to deal with rapists than depending on the police.

Conclusions: Since 1990 there have been 1,774 deaths in police custody or otherwise following contact with police in England & Wales – more still were killed before that, and more still have been killed in British prisons. Last year, a YouGov poll found that the public's belief that the police were doing a 'good job' dropped by 22% in the space of 2 years. As of last March, 47% had 'not very much confidence' or 'no confidence at all' in the police. With continued pressure from below, this vote of no confidence could win more gains for the growing movement to defund and abolish the police. While the government continues to roll out more and more legislation to increase police power, curb the right to protest, and curb the right for workers to take industrial action, organisations like Sisters Uncut, Gypsy, Roma and Traveller Socialists, 4Front, Northern Police Monitoring Project, Sistah Space, African Rainbow Family and B'ME Cancer Communities, Decrim Now are at the forefront of the abolitionist movement to work toward the transformation to a world without police.

Obituary: Ronnie Knight London Nightclub Owner and Gangster

Ronnie Knight, the former London club owner, wide boy, convicted criminal and ex-husband of the actor Barbara Windsor, played as big a part as anyone in establishing the south of Spain as the "Costa del Crime". For many years he acted as an unofficial consul for British criminals seeking a home away from the bothersome gaze of the police.

Knight, who has died aged 89, first came to public attention in the 1960s through his marriage to Windsor, then a rising star of musicals, whom he had started dating while still married to his childhood sweetheart June, the mother of his two children. He dabbled in various illegal enterprises, including a Soho peep-show business, although some of the large profits had to be handed over to corrupt Scotland Yard detectives. A very sociable if flash character, he found his metier running the Artistes and Repertoire nightclub in London, which changed its name to the A&R. It became a hang-out for members of showbusiness and the underworld, reflecting the mutual fascination between those two worlds in the 60s and 70s.

Born to Nellie and Jim in east London, Knight grew up, after being briefly evacuated to Cambridge during the second world war, in the bombed-out East End. He had a nodding acquaintance with the Kray twins, for whom he carried out an occasional service. His younger brother, David, was stabbed to death in a gangland fight in 1970 in which Knight was also involved. Four years later the man who killed him, Alfredo Zomparelli, who had received a four-year sentence for manslaughter, was shot dead in the Golden Goose, a Soho amusement arcade. In 1980 Knight was accused of having arranged the murder of Zomparelli, something he had always vowed to do. He stood trial at the Old Bailey and was acquitted.

By 1985 he was divorced from Windsor, whose showbusiness career had flourished, and he had moved to Spain, where he and Windsor had already bought a property. At the time it was an attractive destination for UK criminals because of the lack of an extradition treaty between the two countries. He established himself in Fuengirola with a bar called Wyn's and later with an Indian restaurant, both catering to the growing expat British population.

"If I'd got commission for every Londoner I'd introduced to the delights of the Costa del Sol," he wrote in *Blood and Revenge* (2004), one of his two ghosted memoirs, "I would have earned fortunes." In 1987 he became the unwilling subject of the television programme *The Cook Report*, which was investigating criminals on the run. No article or television show on the Costa del Crime was complete without a picture of the tanned Knight and his third wife, Sue Haylock, a young blonde whom he had met at the A&R. Their Spanish wedding attracted tabloid and police attention, with Knight supposedly sending out glasses of champagne to the plain-clothes officers detailed to monitor it.

Cocaine and alcohol took their toll, and the law was now on his tail in connection with his role in the £7m Security Express robbery in 1983; two of his brothers, Jimmy and Johnny, had already been convicted for their parts in it. In 1994 he was charged with handling £315,000 of the proceeds. Offered a £150,000 deal by the News of the World under which he would grant them and Sky News exclusive access as he returned to the UK to give himself up, Knight decided to leave Spain and face the music. The deal did not work out as he had hoped and, to make matters worse, a photo of Knight in his cell in Wormwood Scrubs prison appeared in the press while he awaited trial, a clear contempt of court. He pleaded guilty to the handling charge and was jailed for seven years. The high-rolling Costa days were over, as was his marriage to Sue. In 2002 he was reported to have launched a now-defunct website, *Crooks Reunited*, as a supposed forum for ex-cons and even former prison officers; sex offenders and paedophiles were told they could not join. He eventually moved into sheltered housing in Cambridge, suffering from Parkinson's and dependent on the charity of friends.

Ronald Knight, club owner, born 20 January 1934; died 12 June 2023

Three Accused of Blocking a Detention Centre Acquitted at Trial

Micayla Fling, Justice Gap: Three people, known as the Brook House Three, locked onto each other on a road outside of Brook House detention center to prevent coaches from forcibly transporting people onto deportation flights to Jamaica. The group used metal pipes in their efforts to latch together, and due to their protesting, prevented 46 people from deportation.

Initially charged with aggravated trespass, the Brook House Three were then charged with causing a public nuisance, a much more serious offence. The charge has a direct relationship with an increase in state hostility and negative views of protestors in the UK. Activists, should they be convicted, commonly face serious sentences upon conviction, with a maximum of 10 years imprisonment. The Public Order Bill passed earlier this year claims to up the offenses of all forms of protest-

ing, and threatens to criminalise those which were previously protected under Articles 10 and 11 of the European Convention on Human Rights. A freedom of information request, which provides the right to inquire with public sector organisations for information, was made about the trial. The request revealed that of the 50 people that were set to be forcibly removed from the UK in November 2021, 41 still currently reside in the UK. With another flight scheduled to depart in May 2022, this statistic suggests that by the Home Office's high standards, 41 of the 50 people set to be forced out had an arguable legal claim despite their prior forced removal attempts.

While on trial, the defendants gave evidence regarding their motivations for blocking the road. They spoke about their desire to protect families at risk of being separated, people who could be in immediate danger if deported, and people who have survived modern slavery. They spoke about their collaborative efforts with those inside Brook House in attempts to delay their deportation. The defendants also gave several accounts in which the detention centre guards were racist and dehumanising.

According to UK abolitionist direct action group Stop Deportations, this case exists in a time when "compassion, solidarity, and any attempt to hold the government accountable are being turned into a crime." While the Brook House 3 stood on trial, the judge refused to let a witness statement and evidence from experts on the UK detention and deportation regime be presented to the jury. The trial closed with the Brook House Three's acquittal, a demonstration that the jury "refused to adhere to the government's authoritarian anti-protest and racist, anti-migrant rhetoric."

Debate About Woman Jailed for Abortion is Missing Something Crucial

Janey Starling, Open Democracy: Another of three has been sent to prison for ending a pregnancy and Britain is in uproar. Radio stations are rolling out condone-or-condemn debates on the woman's choice to end her pregnancy. Feminists on Twitter are contrasting the length of her sentence with the average time men serve for rape. But, amid the outrage, aren't we missing something startlingly obvious?

This is a chilling reminder of the state's power to police both women's pregnancies and their right to be mothers, and a flexing of the cruelty that the state is willing to inflict on mothers – and consequently, the children who depend on their care. The woman's case is a bleak indictment of reproductive justice in Britain. Reproductive justice, coined by Women of African Descent for Reproductive Justice in 1994, is "the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities". This woman's simultaneous rights to mother her children, and decide not to have more children, have been smashed to pieces by the state's iron fist. When a court tears a mother from her children in order to reinforce a Victorian law introduced in 1861, before women's suffrage and the NHS, the cruelty is plain to anyone.

While her case has brought renewed calls for the government to stop criminalising women for abortion, it should also call women's criminalisation into question more generally. The judge's choice to imprison a woman for ending a pregnancy is sickening. However, those shocked by the fact that she is being removed from her children to serve her prison sentence will be horrified to understand that courts do this to families on a weekly basis. Some 95% of children whose mother goes to prison end up having to leave their home. While the majority of women in England enter prison for less than six months, for things like shoplifting, studies have shown the distress even short sentences causes to mothers and children. Prison disrupts the bond between mother and child in maddening, devastating ways. One mother in a 2017 study described how heartbreaking it was that, when her four-year-old daughter came to visit, she wasn't allowed to sit on her knee: "Even when I explained why, my daughter said: "But Mummy, I wouldn't do anything naughty, I promise. Shall I go and ask?"

Another mother, writing about her experiences of pregnancy and early motherhood in prison, described how she had to stop her mum bringing her newborn son to visit because it was too traumatic to say goodbye each time. As a consequence, she missed his developmental milestones: "I missed his first tooth, and I missed when he started babbling and waving his hands around." Years later, she is racked with guilt over the impact her incarceration has had on her child.

Our anger at what another woman is now facing must extend to the thousands of mothers who are sent to prison and separated from their children, some immediately – without a chance to say goodbye, or even pick them up from nursery – and some on a permanent basis if there is nobody to look after their child. While there are sentencing guidelines that say judges should consider the impact of a parent's prison sentence on their dependent children, and whether this is disproportionate to the offence, shockingly, this consideration is not mandatory.

A 2007 government review found that women in prison had been driven there by poverty, domestic abuse, mental illness and substance use – and that their relationships with men often played a part, with many women coerced into crime. The famous Corston Report articulated a case for government investment in community centres to support women who are at risk of being swept up into crime – and to consider their children too.

However, since then, successive Conservative governments have done the opposite: shrunk all social support and widened the carceral net to catch more people. Women's criminalisation, in particular, is set to increase. The Ministry of Justice predicts that the number of women in prison will rise due to government plans to employ more police officers. This woman should not have been prosecuted – let alone imprisoned – for the Victorian "offence" of "procuring an abortion". But before we unravel the discussion on precisely which "offences" warrant prison – and lifelong disruption to a mother's bond with her child – we should pause and ask: what benefit do prisons bring to society anyway? As US prison abolitionist Angela Davis neatly summarises: "Prisons do not disappear social problems. They disappear human beings." Instead of being drawn into the dirty politics of deservingness, we should be clear-sighted about the cruelties of the carceral system. True liberation for all means overhauling the justice system in its entirety, not just removing the 'respectable' women from it.

We must remain courageous in our calls to push back against criminalisation, full stop. Like thousands in Britain, this woman was sent to prison and separated from her children for something that should never have put her there.

Breaking the Silence – Court Rules Mark Alexander's Voice Should be Heard

After almost 8 years of patiently requesting permission from the Ministry of Justice to speak with an investigative journalist about his wrongful conviction, former King's College London law student Mark Alexander has today Friday 16th June, won his legal challenge against the government's restrictive policy on prisoners' access to the media. Multiple journalists have been frustrated in their attempts to gain access to Mark for interview, having been repeatedly turned down by the Ministry of Justice Press Office and its draconian vetting process – a problem familiar to any documentary film and podcast maker attempting to investigate potential miscarriages of justice here in England and Wales. As journalist Robin Eveleigh explained to the Court: The role of the media in highlighting and exposing miscarriages of justice cannot be overstated. The BBC's pioneering investigative documentary *Rough Justice* led to 18 convictions being overturned". Many of us will have watched or listened to such

documentaries produced in America and elsewhere, where media access is made much more straight forward. The approach in this country however has had a long-term chilling effect on the production of such documentaries, which have become far less common, leading to a lack of effective scrutiny of our criminal justice system while marginalising prisoner voices.

In a landmark judgement, the High Court issued important guidance as to how the policy should be correctly interpreted, vindicating the governor of Mark's prison – Niall Bryant – who was initially supportive of the documentary going ahead until forced to roll back on his decision when 'misdirected' by government officials: "I am willing to support your application locally, based on the knowledge I have of your case, the discussions we have held, and the information you have provided. However, as I understand, I am unable to progress this for you until I have approval from the Press Team".

Turned down on four occasions by the Ministry of Justice, and turned away by the High Court in March last year, Mark could very easily have succumbed to the inertia of the system. Undeterred however, he successfully appealed the refusal to hear his Judicial Review at the Court of Appeal earlier this year as a litigant in person – having earned a Master of Laws degree whilst in prison. He has since been generously assisted by the barrister Greg Callus KC from 5RB Chambers.

Mr Justice Andrew Baker, in today's High Court judgement, found that the Ministry of Justice had enforced its policy in an irrational way by assessing the possible impact upon victims in the abstract, thereby ignoring the wishes of the deceased's family who actually support the documentary being made and who believe that Mark has been framed. In a derisive response, Ministry of Justice officials insisted that the deceased's family "do not have a monopoly on distress to victims", thereby claiming its own 'monopoly' by which to silence both Mark and his family.

In future, a specific individual who might be impacted must be identified, rather than simply any potential victim of crime more generally who has no personal connection to the case. In addition, this means that it is no longer the case that all five criteria set out in paragraph 3.2 of the policy have to be met in order to approve such an application. Indeed, as the Judge has now highlighted, the wording of the criteria is unclear and should never have been interpreted in this way.

The news has been welcomed by relatives of the deceased, including Mark's grandmother, who explains: As a family we need this documentary to happen. We all feel it can bring about fair justice, to prove Mark's innocence and clear his name. I will always support Mark, because I know in my heart that he is innocent".

Critically, the rights of victims must be carefully balanced against the need to ensure that no injustice has occurred. In potential cases of wrongful conviction, the rights of a prisoner to seek the support they need to scrutinise and investigate that decision must be given more weight and should not be automatically overridden by consideration of the potential impact on victims. No victim would wish the wrong person to be in prison for the harm they have suffered. Whilst this may risk reopening old wounds, and victims may feel convinced through the trial process and surrounding media coverage that the right person was convicted, the justice system is not infallible and should not be immune from scrutiny. Brushing mistakes under the carpet for the sake of finality or institutional credibility does a disservice to victims when they are being sold lie.

Public Taste: The Ministry of Justice also tried to bar Mark's application for an interview on that basis that it may cause what it described as 'public outrage'. This was, in Mark's view, "a cynical attempt by the Ministry of Justice to weaponise its policy and discriminate against minority interests – namely to suppress the free speech of prisoners, in particular those maintaining innocence, in the name of 'public sensibilities'".

As journalist Robin Eveleigh told the Justice Gap earlier this year: The Ministry of Justice seems to be setting itself up as some kind of arbiter of 'good taste', but it really shouldn't fall to a government department to decide what might or might not cause 'outrage to public sensibility'. I think the public is far more resilient to this kind of material than the Justice Secretary imagines – you've only got to look at the global interest in the case of convicted murdered Adnan Syed, covered in a podcast that's been streamed something like 300 million times. Syed has since had his conviction overturned, thanks in no small part to the podcast".

The Judge rightly ridiculed the idea that an interview with someone who may have suffered a miscarriage of justice might cause 'outrage' to public sensibilities. The notion that someone who has been wrongly convicted is not only being silenced, but being kept in prison for longer because of their inability to access support, is quite obviously a more likely source of 'outrage'. When applied in this way, the policy effectively suppresses attempts to remedy wrongful convictions, and places the Ministry of Justice in the bizarre position of actively obstructing prisoners' access to justice. This approach has now been declared irrational by the High Court.

Urgency of Interview: The policy scrutinised by the High Court states that applications by the media to speak to a prisoner over the phone, where intended for broadcast, will only be allowed if: a telephone conversation is the most suitable method of communication; for example, where the prisoner needs to provide comment as a matter of urgency, due to the immediacy of the subject or the media's need to report it within a timescale that could not be met by written correspondence."

The Ministry of Justice has wrongly interpreted this to mean that calls will only be suitable if they are 'urgent', allowing them to dismiss almost any application with ease because they can always insist that no call is so urgent that letter writing won't suffice as an alternative. Mr Justice Andrew Baker found that this "wrongly narrowed the Governor's focus" when considering Mark's application. In future, urgency should not be treated as a requirement in such applications.

Assessing the need for phone calls: Finally, and in a breakthrough for press freedom, the Ministry of Justice must now take into account the professional opinion of the journalist concerned as to why the interview is necessary. This should include evidence as to the likelihood of the documentary being able to proceed without such an interview, which the Ministry of Justice refused to consider in Mark's case – wrongly deeming it to be 'beyond the scope of the policy'. The reality of today's competitive marketplace is that journalists have to consider the expectations of a commissioning editor. Many documentaries simply never get made for lack of such funding. As one Producer informed the Court, In my professional judgement it would be very difficult to provide a thorough and rounded podcast on the subject without being able to use original audio recordings of the applicant; and certainly, if restricted to just the contents of written material it would not be sufficient to produce a podcast of this kind." Journalist Robin Eveleigh made it clear that Mark's "voice would be an essential component of any radio production", but was told that he should rely on letters from Mark instead.

Mr Alexander's story is never going to reach the audience it needs and deserves via print media, nor would a print media commission or commissions go anywhere near supporting the volume of work required to investigate his case thoroughly. It is telling that in response to the quashing of Adnan Syed's conviction – following the global attention his case received through the American podcast 'Serial' – veteran BBC journalist Justin Webb told Radio 4's Today programme that podcasts were now "the place to go" for innocent people wrongly convicted".

Next Steps: The High Court has quashed the Ministry of Justice's decision and given clear guidance as to how the policy should be correctly interpreted. The Ministry of Justice will now

be given the opportunity to reach a new ‘properly directed’ decision that could give the green light to the production team to begin working on a podcast series about Mark’s case. Reflecting on judgement, Mark says: Today’s ruling is an important milestone in the fight for an open, transparent and accountable justice system in which prisoners’ voices are heard; wrongful convictions can be properly scrutinised; and our free press is able to work without resistance or obfuscation from government. More needs to be done to address other systemic failings at the heart of our penal and justice system, but today at least marks a step in the right direction and will hopefully enable more recognition to be given to miscarriages of justice here in the UK.”

Mark and his family would like to thank the staff at the criminal justice charity APPEAL for their advice, with special gratitude to barrister Greg Callus KC at 5RB Chambers who so generously agreed to take up this Judicial Review on a pro bono direct access basis and dedicated so much of his time to the case in its later stages. Mr Callus has donated his fees to the Access to Justice Foundation.

Three Years Since Death of Baby Brooke Leigh Powell at HMP Styal

Bhatt Murphy Solicitors: Sunday 18th June 2023 marked three years since Baby Brooke passed. Her mother Louise Powell has lived with the agony and trauma of that loss for three years. She remains looking for answers and explanations from the Ministry of Justice and healthcare about what happened. Louise Powell said: “When she was born, Brooke was perfect, her skin was perfect. I believe that she died in the process of labour. I believe that if someone had taken me seriously and listened to me, I would have been taken to hospital and my baby would be here today.

I was crying and begging for an ambulance but they did not get me one. I believe that the staff had listened to me and I had been seen by healthcare they would have immediately recognised that I needed urgent medical help and I was in labour. I want justice for Brooke and for her story to be told. I have not been the same since Brooke was born. My life has been turned upside down. It’s traumatising for me every day that things could have been different if someone listened to me and took me seriously, but nobody tried to help me. My life will never be the same because of this.”

Jane Ryan, solicitor for Louise Powell said: “There were multiple missed opportunities to help baby Brooke and Louise. There was no system in place to recognise unexpected births at the time. The Ministry of Justice cannot wash their hands of the events by solely blaming healthcare. There were more than enough warning signs and Louise’s pleas for an ambulance should have been listened to by staff, rather than leaving her to give birth in a prison toilet. As we have seen with the appalling events in Bronzefield and Styal, prisons are not safe for pregnant women. The risk to life and of inhumane treatment is too high.”

Offenders Day of Release from Detention Bill (Passed and Now Law)

Lord Bird: What is so interesting about the Bill is that we invest a vast amount of money in putting people in prison and if, at the end of that period, they are released on a Friday and have no family support, friendships or relationships and cannot go to Citizens Advice, the local authority or any of the other support services, they often fall homeless over the weekend. We know that homeless people who have been let out of prison have the temptation and possibility of falling back into the crisis of poverty and the crisis of crime. Therefore, I am pleased that we are making this wonderful little nugget of change to help us consider that there are a lot of other things to do. Is it not wonderful that we

can say, “If we make that investment in somebody’s life, let’s make sure that, when they get out, they don’t fall back into grief”?”

Lord Bellamy: This simple yet effective Bill, will play an important role in supporting the Government’s drive to reduce reoffending and protect the public. It will ensure that custody leavers have a better chance to access the support they need to reintegrate into the community and turn their backs on a life of crime. The Bill achieves that by enabling the offender’s release date, where it would have fallen on a Friday or the day before a public or bank holiday, to be brought forward by up to two eligible days, so that they will be released earlier in the week. Offenders with resettlement needs will no longer need to try to access these services, under what may well be very challenging circumstances, as the weekend begins and services and support stop or fade away. The Bill applies to both adults and children sentenced to detention. It will ensure that the relevant release provisions exist and apply in all youth settings, including the recently created secure 16-to-19 schools. Bill passed and now Law.

CCRC Refer Sexual Offence Conviction to the Court of Appeal

A man who spent almost a decade in prison has had his conviction referred to the Court of Appeal following a thorough review. In 2013, ‘Mr Q’ was sentenced to 18 years in prison after being convicted of a range of crimes including the rape and assault of a child. A comprehensive investigation of new evidence by the Criminal Cases Review Commission (CCRC) has concluded that there is a real possibility that the Court of Appeal could overturn his conviction. Due to the nature of the conviction and possible identification of others involved, the CCRC is not naming the applicant or going into any further detail about this investigation.

Thousands of Prisoners ‘Rotting Away With Little or no Hope of Finding Justice

The Crown Prosecution Service is running a six-month study of joint enterprise cases to inform an ongoing review of the criminal appeals process. The pilot was revealed in a date tabled by Lord Tony Woodley who told the House of Lords that he was ‘increasingly concerned’ that there were ‘thousands of prisoners who are rotting away with little or no hope of finding justice’. The Labour peer and former Unite general secretary highlighted joint enterprise ‘guilt-by-association’ sentences and indeterminate IPP sentences ‘abolished a decade ago but not retrospectively’.

‘It seems to be going nowhere,’ Lord Woodley told justice minister Lord Bellamy KC. ‘So, what is the minister doing to correct these obvious miscarriages of justice, particularly as the Government have already accepted, at least on joint enterprise, that BAME groups are disproportionately affected?’ Lord Bellamy insisted that miscarriages of justice occurred ‘relatively rarely’ within our justice system. He appeared to accept problems with the joint enterprise noting that the ‘existing case law does operate in a harsh way on certain young black boys and men’. The minister confirmed that the CPS, which has been heavily criticised for not keeping data on the racial disproportionality of joint enterprise, began a pilot in February this year and established a national scrutiny panel to review its findings with a report due to be published by the end of September. Its results will be considered in relation to the Law Commission’s ongoing review of the criminal appeals process. The minister was also asked whether the Criminal Cases Review Commission would be given ‘sufficient funding efficiently to ensure that miscarriages of justice are dealt with in a timely way’. CCRC had suffered the ‘biggest cut’ of any part of the criminal justice system since 2010.