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# MOJUK: Newsletter 'Inside Out' No 996 (27/03/2024) - Cost £1

### Crown Prosecution Service Home of Victim-Blaming and Rape Myths

*Amanda Amaeshi, Justice Gap:* CPS lawyers in England and Wales downplay teenage sexual abuse, fixate on rape victims' credibility, and employ victim-blaming language, according to independent research from the University of Warwick. The CPS commissioned this research to assess the impact of Operation Soteria, a programme which has sought to revamp the CPS' prosecution and handling of sexual violence cases. This is the first major independent evaluation of the service's handling of sexual violence cases since the pledged overhaul of the criminal justice system.

Academics reviewed CPS case files and conducted interviews with prosecutors, police, and independent sexual violence advisers (ISVAs) between July 2022 and November 2023. The research uncovered a persistent disparity between lawyers' theoretical understanding of trauma reactions and the 'rape myths', and their practical assessment of sexual violence cases. The research highlighted a significant imbalance in legal scrutiny, with lawyers more frequently questioning the credibility of complainants than suspects. It also revealed persistent reliance on myths and stereotypes, including potential new myths about modern sexual practices. Also highlighted were inadequate documentation and recognition of coercive control, grooming behaviours, and broader abuse contexts.

Professionals were found to dismiss complaints involving young complainants and suspects, claiming teenage exaggeration or fabrication. Non-penetrative offences were often labelled as youth "banter", rather than predatory behaviour. Young people were 'doing a disservice to the cases that really need to be investigated … because they're getting attention'" remarked one interviewee, a CPS prosecutor. Professor Vanessa Munro stated, 'Further efforts are required if the ambitions driving Soteria, and the Government's wider Rape Review, are to be achieved," she said. "These include in relation to myths and stereotypes in decision-making, communication with victims, collaboration with counsel, reviewing lawyers' presence in the courtroom, and staff wellbeing." CPS leaders have welcomed these findings. Baljit Ubhey, CPS director of strategy and policy, said, "We are committed to ensuring that this work is prioritised as our new approach is put in place across England and Wales.…we know we still have a long way to go to drive lasting change."

### Shawn Campbell and 3 Others - Convictions Quashed? Possible Retrial

(1) Shawn Campbell (2) Adidja Palmer (3) Kahira Jones and (4) Andre St John (Appellants) v The King (Respondent) No 2 (Jamaica) - On appeal from the Court of Appeal of Jamaica

After a trial lasting 64 days before the trial judge and a jury in the Home Circuit Court in Kingston, Jamaica, the appellants were convicted of Mr Williams' murder. The prosecution's case was that the appellants murdered Mr Williams on 16 August 2011 after he failed to return two unlicensed firearms which the second appellant, Mr Palmer, had given him for safekeeping. Mr Williams was not seen or heard from after that date, and his body has never been found.

The police took the appellants into custody on 30 September 2011, and seized their cellular telephones. The prosecution relied heavily on evidence derived from these phones, which was taken from a copy of a CD rom provided by Digicel (a telecommunications provider in Jamaica) in response to a police request. At the trial, the appellants challenged the admissibility of this telecommunications evidence. They argued that the police request to Digicel and Digicel's provision of data to the police were carried out in breach of the Interception of Communications Act. Further, the evidence had been obtained in breach of the fundamental right to the protection of privacy of communication guaranteed by the Charter of Fundamental Rights and Freedoms contained in the Jamaican Constitution. However, the trial judge ruled that the telecommunications evidence was admissible.

During the trial, the judge became aware of an allegation that a juror had attempted to bride others by offering $500,000 JMD for a particular outcome. After investigating the allegation and considering it with counsel for both the prosecution and the defence, the judge decided that the trial should proceed. He did not discharge the jury, or the particular juror said to have offered the bribes. The judge finished his summing up at 3.42pm on 13 March 2014. The jury returned at 5.35pm, when the forewoman told the court that the jury had not reached a unanimous verdict. The judge sent the jury out again. At 6.08pm, the jury returned and, by a majority of 10 to 1, convicted the appellants of the murder of Mr Williams.

The Court of Appeal dismissed the appellants' appeal against conviction. The appellants Appealed to His Majesty in Council. The issue is: On 13 March 2014, the appellants were convicted of the murder of Clive "Lizard" Williams. The issue in this appeal is whether their convictions are safe in light of the following grounds of challenge: Should the trial judge have excluded the telecommunications evidence relied on by the prosecution? How should the judge have handled the allegations that there were attempts to bribe members of the jury during the trial? Should the jury have been discharged? Was the judge wrong to invite the jury to reach a verdict late in the day, given the special circumstances of the case?

The Judicial Committee of the Privy Council has concluded that the appeals should be allowed and the appellants' convictions should be quashed on the ground of juror misconduct, and that the case should be remitted to the Court of Appeal of Jamaica to decide whether to order a retrial of the appellants for the murder of the deceased.

Lord Lloyd-Jones gives the unanimous judgment of the Board.

On 13 March 2014, following a 64-day jury trial in the Home Circuit Court in Kingston, Jamaica, the appellants, Shawn Campbell, Adidja Palmer, Kahira Jones and Andre St John, were convicted of the murder of Clive "Lizard" Williams ("the deceased"). At trial, the prosecution case was that the deceased and another man, Lamar Chow, had been given two unlicensed firearms belonging to Palmer for safekeeping. On 16 August 2011, Campbell summoned Chow and the deceased to Palmer's house after they had failed to comply with Palmer's deadline for returning the weapons. The prosecution alleged that they were met on arrival by Palmer, Jones and St John, and that Chow and the deceased were both attacked, after which Chow saw the deceased lying motionless on the ground with Jones bending over him. Chow escaped but the deceased was never seen again.

Police attended Palmer's house on 22 August 2011. They noticed the house smelled of disinfectant. On 25 August 2011 they cordoned off the perimeter wall, treating the premises as a crime scene. When they returned on 27 August 2011 they found that the entire interior of the house had been destroyed by fire. On 29 August 2011 police forensics reported a foul odour emanating from the living room. On a further visit on 30 September 2011 it was discovered that the rear of the house had been demolished. Police dug at the premises but did not find a body. The police seized the mobile phones of Palmer and St John. Text messages, voice notes and a video from those phones were put in evidence at trial. The prosecution also relied on telecommunications data which the police had obtained from Digicel, a communications

provider. The prosecution case was that the mobile phone evidence and telecommunications data, taken as a whole with Chow's evidence, proved the fact of the killing, the reason for the killing, the method of disposal of the deceased's body and the identity of at least one of the killers, namely Palmer. The four appellants each denied murdering the deceased.

At trial, the appellants objected to the telecommunications data being admitted as evidence. They argued that the data was inadmissible because it had been obtained in breach of the Interception of Communications Act and the fundamental right to the protection of privacy of communications guaranteed by the Charter of Fundamental Rights and Freedoms contained in the Jamaican Constitution. The judge admitted the evidence. He ruled that the data could be relied upon by the prosecution, even if it had been obtained in breach of the Charter or the Interception of Communications Act.

Over the course of the 64-day trial, there was a series of incidents involving the jury. The jury was reduced to eleven members after a juror was discharged almost eight weeks into the trial. On the final day of the trial, it was brought to the judge's attention that a member of the jury, who will be referred to as Juror X, had attempted to bribe other members of the jury. The judge questioned the jury forewoman who stated that Juror X had offered bribes to each of the other jurors to acquit the appellants. The judge asked counsel for the prosecution and the defence if the trial could continue. It would not have been possible only to discharge Juror X, because under the Jury Act, a trial for murder cannot continue with fewer than eleven jurors. The judge decided to proceed with his summing up and gave a direction to the jury reminding them of their function.

The jury retired to consider its verdict at 3.42 pm. The jury returned at 6.08 pm and by a majority of 10:1 convicted all four appellants of the deceased's murder. A fifth defendant was unanimously acquitted. Juror X was immediately arrested and was later convicted of attempting to pervert the course of justice. There was no evidence to connect his activities with the appellants. The appellants appealed against their conviction to the Court of Appeal of Jamaica, which dismissed their appeals. The Court of Appeal granted permission to appeal to the Judicial Committee of the Privy Council on three grounds, which were:

1) The trial judge failed properly to enquire into allegations of juror misconduct;

2) The trial judge departed from standard practice in inviting the jury to retire to consider their verdict so late in the day, putting undue pressure on them to reach a verdict;

3) The trial judge erred in admitting the telecommunications data because it had been obtained in breach of the Interception of Communications Act and the Charter.

**Judgment:** The Judicial Committee of the Privy Council has concluded that the appeals should be allowed and the appellants' convictions should be quashed on the ground of juror misconduct, and that the case should be remitted to the Court of Appeal of Jamaica to decide whether to order a retrial of the appellants for the murder of the deceased. Lord Lloyd-Jones gives the unanimous judgment of the Board.

**Reasons for the Judgment:** Issue 1 (*Juror Misconduct)* The Board has considerable sympathy with the dilemma faced by the trial judge on the final day of a long and complex trial. Following the allegations of bribery, he had either to continue with the eleven remaining jurors or to discharge the jury. Despite this, the Board considers that the approach taken by the judge was a material irregularity in the course of the trial which makes it necessary to quash the convictions [41]–[42]. This is for three reasons.

***Firstly,*** the direction to the jury on the final day was inadequate to save the situation. The judge simply reminded the jury that they had sworn or affirmed that they would return verdicts in accordance with the evidence they had heard in court. The judge did not refer to the alleged bribery, of which, if the allegations were true, the jurors were already aware [43]-[44].



***Secondly***, the trial continued with the allegedly corrupt juror serving as one of its eleven members. In the Board's view, there should have been no question of allowing Juror X to continue to serve on the jury. Allowing Juror X to remain on the jury is fatal to the safety of the convictions which followed. It was an infringement of the appellants' fundamental right to a fair hearing under the Jamaican Constitution [45].

***Thirdly***, the judge should have considered whether the remaining jurors might have become consciously or unconsciously prejudiced for or against one or more of the appellants as a result of Juror X's behaviour [48]. For example, there was a danger that the attempted bribe could have made the other jurors overcompensate, consciously or unconsciously, if they assumed that the offer must have come from one of the appellants and that therefore they must be guilty. The judge took no account of this risk [52].

The Board is mindful of the very serious consequences which may flow from having to discharge a jury shortly before the end of a long and complex criminal trial. It is also very conscious of the danger of deliberate attempts to derail criminal trials by engineering situations in which it is necessary to discharge the jury. In England and Wales there is legislation which allows a judge in certain situations to discharge a jury because of jury tampering and to continue the trial by judge alone. There is no such legislation in Jamaica. It follows that there will be occasions where, as in this case, a court will have no alternative but to discharge a jury and end the trial to protect the integrity of the system of trial by jury [54].

On behalf of the Crown, Mr Knox submits that, if the Board concludes that a serious irregularity has occurred in the course of the trial, this would nevertheless be an appropriate case in which to apply the proviso to section 14(1) of the Judicature (Appellate Jurisdiction) Act and to dismiss the appeals on the ground that no substantial miscarriage of justice has actually occurred. However, in the light of our conclusion that the verdicts were returned by a jury which was not a fair and impartial tribunal of fact, there is no room here for the application of the proviso. [55]

***Issue 2*** (timing of jury retirement) and Issue 3 (evidence obtained in breach of the Charter): In view of its conclusion on the issue of juror misconduct, the Board holds that it is not necessary to express a concluded view on these grounds of appeal [59]–[62]

Retrial: Section 14(2) of the Judicature (Appellate Jurisdiction) Act permits a retrial where a conviction is quashed if that is in the interests of justice. The Board proposes to follow in this case its usual practice of remitting to the local courts the question whether a retrial should be ordered.

Conclusion: For the reasons set out above, the Board will humbly advise His Majesty that the appellants' convictions should be quashed and that the question whether there should be a retrial should be remitted to the Court of Appeal of Jamaica.

**Women Eligible For Release From Prison Early Under Emergency Scheme**

*Andy Gregory, Independent:* The government is quietly allowing women to be freed from prison early, The Independent can reveal, in an extension of the emergency scheme dramatically expanded this week amid a dire shortage of cells. Justice secretary Alex Chalk announced in October that prisoners would be released up to 18 days early to ease the overcrowding crisis, but this was thought to apply only to men's prisons. He extended this to between 35 and 60 days on Monday, as prisons came dangerously close to running out of space. An internal document obtained by this publication now suggests women are also being released early under the End of Custody Supervised Licence scheme. Ministers have refused to publish figures on how many people have been freed early since October. However, it appears that women are only eligible

for release up to 18 days early – despite warnings that men convicted of crimes including domestic abuse are among those being released up to 60 days early.

In response to a request for comment, the government said it has never been gender-specific about which prisoners can be released "It's outrageous that the Tories have draped major changes to the justice system in total secrecy," said Labour's shadow justice secretary Shabana Mahmood. "Rishi Sunak has a duty to urgently tell the public today – which types of prisoners are being released and when? The public shouldn't have to rely on media leaks to drag the truth out. After 14 years of the Conservatives running prisons and the criminal justice system into the ground, victims feel completely let down. A Labour government would get these new prisons built to ease the capacity crisis and deliver on our mission to make Britain's streets safe." The leaked guidance, issued by a governor to officers at an unnamed women's prison, states: "In recent weeks we have also seen increase in the population in the women's estate.

"We do not have the same range of options as the male estate has – for example we would not hold women overnight in a police cell which has been done in some circumstances in the male estate when places are low and our open estate does not operate in the same way. Therefore we must introduce End of Custody Supervised Licence (ECSL) which is an emergency lever that will see certain lower-risk women released on licence up to 18 days ahead of their Automatic Release Date." Ian Lawrence, head of the probation union Napo, told The Independent that he understands there are three women's prisons included in the scheme, and raised concerns over a lack of equality in the treatment of women appearing to be eligible for release only 18 days early and men up to 60. We're not intrinsically opposed to it if it's managed properly, and if it is, women should be given full and equal treatment," said Mr Lawrence.

With probation already in crisis and some officers allegedly handling caseloads of up to 200 per cent of their recommended workload, Mr Lawrence said: "We're not convinced that the haste with which this is being introduced is going to allow our members to be able to process these cases as safely as everyone would want. He added: "Is there going to be the accommodation available? Is there going to be access to the relevant agencies to meet the needs of the person being released?" The internal document suggests that, as with the men's early release scheme, prisoners serving sentences for sexual offences, terrorism or violence of over four years will be among those automatically excluded, in addition to those subject to Parole Board decisions. The guidance notes that while there is "no scope to rule out eligible women", the governor can escalate the decision to a central panel if early release is deemed to pose a material risk, including to their physical or mental health.

It states: "This may be unsettling for some of our women who feel safer in prison than they do at home. It will be vital that we provide all the support they need, take the time to talk them through the scheme if they are eligible and escalate any concerns you may have." There were 3,651 women held in prison as of 8 March – meaning the population has soared by more than 500 since January 2023, in spite of a government pledge to reduce the number of women behind bars. Experts have long called for an end to prisons being used as a so-called "place of safety" for women merely because there is no suitable provision in the community – despite overwhelmed prison officers often lacking the training needed to support people in mental health crisis, and often months-long waits for transfer to a secure health unit.

Violence in women's prisons has now overtaken men's prisons to hit an all-time high, with assaults tripling in a decade, while incidents of self-harm have skyrocketed 38 per cent to a new peak of 5,988 incidents per 1,000 prisoners – 10 times higher than in men's prisons. The



Prison Reform Trust has found that around six in 10 women sent to prison in 2022 were sentenced to less than six months, with 80 per cent in jail for non-violence offences. Ministry of Justice data shows almost half of all female prisoners say they committed their offence to support the drug use of someone else. A Ministry of Justice spokesperson said: "While we are carrying out the biggest prison expansion programme since the Victoria era and ramping up removals of foreign national offenders, the prison estate remains under pressure following the impact of the pandemic and barristers' industrial action. "So alongside our action to lock up the worst offenders for longer, we are extending the number of days some lower-level offenders are moved on to supervised licence and will make changes to ensure probation staff continue to have the capacity to deliver high-quality supervision for offenders in the community."

**HMP Hindley 'Rife' With Drug Use, Violence and Self-Harm**

Aisling Martinez Gorman, Justice gap: An inspection of HMP Hindley has revealed a 'near tsunami of illegal drugs', violence and self-harm among inmates. An unannounced inspection of the Greater Manchester prison, which houses 600 prisoners, was carried out late last year. Testing revealed more than half of inmates used illegal drugs, with the highest drug-testing rate in any prison in England and Wales. The report further details serious staffing shortages and inexperience as a contributing factor to high levels of violence and self-harm. The prison was also criticised for its cramped conditions, with a fifth of prisoners living in overcrowded accommodation. The infrastructure was deemed in need of priority investment from HM Prison and Probation Service to deliver improvements.

Chief Inspector of Prisons, Charlie Taylor, described the 'indolence, boredom and frustration' felt by inmates over the prison's poor regime. Activity was limited, with almost a third of prisoners spending less than three hours a day out of their cell. Despite Hindley being designated in part as a training prison, the report found that far too little purposeful work, education or training was taking place at the time of the inspection. Chief Executive of the Howard League for Penal Reform, Andrea Coomber KC, expressed concern over the recent report, stating that drugs are a 'destructive force' in prisons. She emphasised the need for adequate staffing at HMP Hindley to ensure prisoners are able to engage in exercise, education, and training, in order to reduce the reliance on drugs as a way to alleviate boredom or depression.

**'Achieving Racial Justice at Inquests'**

As the deaths of Black and racialised people are some of the most violent, neglectful and contentious of all deaths in state custody, the question of whether racism contributed to the treatment of a loved one is invariably in the minds of Black and racialised families. Yet inquests rarely ever address race or racism.

A joint guide developed by human rights charities JUSTICE and INQUEST, together with legal experts, academics, and bereaved families. Provides lawyers representing families bereaved by deaths in police custody, prisons, immigration detention, and mental health settings with the legal expertise to raise the potential role of race and racism at inquests. It also provides foundational knowledge and strategy to coroners to ensure they satisfy their duty in fully investigating the circumstances in state custody deaths.

For bereaved families, inquests present key opportunities to find out how and why their loved one died. The failure to explore issues of race and racism not only stops families from learning the truth, but prevents potentially life-saving issues from being identified and

addressed. This new guide equips lawyers and coroners with the tools to recognise, raise, evidence and investigate issues of race and racism.The continued failure of inquests to examine the potential role of race and racism in deaths in state custody puts lives at risk. This new guide aims to achieve truth, justice and accountability for bereaved families and prevent further people from dying in state custody.

Professor Leslie Thomas KC, leading expert on inquests and public inquiries, says: "Ensuring accountability and justice in cases of deaths in state custody is paramount. Yet, too often, inquests overlook the critical factor of race, particularly when Black and racialised individuals are involved. By ignoring or sidestepping this issue, they neglect to confront the systemic racism embedded in policies and practices that endanger lives. This guide will ensure race is no longer the elephant in the room in these investigations. Publicly acknowledging and investigating issues of racism are necessary first steps towards achieving justice and preventing further harm."

Fiona Rutherford, Chief Executive of JUSTICE, says: "Inquests are key to achieving justice, learning lessons, and repairing trust when someone dies in state custody, whatever their skin colour. Yet failures to investigate the potential role race and racism plays are blocking this search for truth. Lawyers and coroners can change this; given the tools and confidence, they have a vital role to play in helping to uncover the truth, achieve racial justice, and save future lives."

Deborah Coles, Executive Director of INQUEST, says: "The evidence of racial inequality in state institutions is glaring and undeniable. INQUEST's casework shows the deaths of Black and racialised people are some of the most violent, contentious, and neglectful of all deaths in state custody. Despite this, inquests and post death investigations continually fail to investigate the potential role of racism, rendering racism invisible in the official narratives. This precludes the possibility of accountability and change – and most significantly – the prevention of future deaths. This guide is a step towards addressing this by arming professionals with the skills, strategy, and knowledge to challenge these issues."

His Honor Judge Mark Lucraft KC, Chief Coroner of England & Wales from 2016-2020: "This important guide equips practitioners and coroners to recognise, raise and investigate issues of race or racism when they arise, sensitively and without reticence. It is an invaluable resource, not only for promoting racial justice, but for improving fact finding, increasing racial awareness, and providing better representation to families."

**Challenge to Home Office Policy of GPS Tagging Migrants**

*Doughty Stree Chambers:* The President and Vice-President of the Upper Tribunal (Immigration and Asylum Chamber) handed down their decision in the first challenge to the Home Secretary's policy of imposing an electronic monitoring condition by way of GPS tags on non-UK nationals facing deportation. The Applicant, Mark Nelson, challenged the Home Secretary's decision to require him to wear a GPS tag as a condition of his immigration bail on the basis that it was an unlawful interference with his Article 8 rights under the European Convention on Human Rights.

At the date of the hearing, the Applicant had been wearing his GPS tag for 18 months and had never been held to be in breach of his immigration bail conditions. On the first day of trial, the Home Secretary accepted that the Applicant's GPS tag had not been sending any GPS signal for about six months – an issue which the Home Secretary had previously denied. The Home Secretary also conceded that there had been a failure to conduct lawful reviews of the proportionality of the decision to maintain the GPS tag until July 2023.



The Tribunal held that the imposition of the GPS tag had been an unlawful interference with the Applicant's Article 8 rights as the Home Secretary's failure to comply with his published policy to conduct reviews was not "in accordance with the law" under Article 8. The Tribunal held that the requirement to conduct regular reviews were an "integral part of the legal framework" given that the statutory duty to impose an electronic monitoring condition as a condition of bail was subject to the legislative exceptions that electronic monitoring must not continue if its continuation would be either impractical or incompatible with a bailed individual's human rights. The Tribunal emphasised that "[n]either of those considerations are static, and the existence of those exceptions is undoubtedly an important feature which underpins the need for the policy" (§64).

Moreover, the Tribunal held that the 197-day period during which the Applicant's tag was not sending GPS signal was a disproportionate interference with his Article 8 rights. During this time, requiring the Applicant to wear this tag was "essentially pointless" as the Home Secretary knew it was not working and that imposing it could not fulfil the "legitimate aims" of the legislation (§69). Notwithstanding its previous findings, the Tribunal held that the ongoing decision to require the Applicant to wear a GPS tag as a condition of immigration bail was proportionate owing to various factors which were all "finely balanced" (§77).

**Nearly One In Six Prisons Have No Officers Trained to Deal With Riots**

*Andy Gregory, Independent:* Exclusive: Seventeen prisons have zero Tornado riot officers in 'scandalous' shortage, government admits There are no prison officers trained to deal with riots at nearly one in six jails in England and Wales, the government has admitted – despite a surge in deployments last year. With the overcrowding crisis inside increasingly violent prisons fuelling the prospect of serious disorder, The Independent revealed last week that the number of officers trained to deal with riots as part of so-called Tornado squads has plummeted by almost a third in just five years.

That means there were just 1,620 Tornado officers across the entire prison estate as of 27 February – down from 2,310 in 2018. Furthermore, 17 out of the 120 prisons in England and Wales had no Tornado officers at all, while a further 21 prisons had fewer than 10 such officers The concession was made by prisons minister Edward Argar in response to a series of parliamentary questions by Labour's Ruth Cadbury. Labelling the situation "scandalous", former prison governor and Tornado section commander Ian Acheson noted that these include prisons where previous riots have caused "huge disruption and damage", as well as those in remote locations and with complex "When there is a large-scale disturbance the prison service doesn't fight fair," said Mr Acheson. "That means typically a 3:1 ratio of officers to prisoners to contain and manage a riot. There is no prison in the country that has the resources to contain that threat immediately."

Tornado officers – typically deployed in large groups armed with batons and shields to help nearby jails cope with outbreaks of serious disorder – were called out 13 times in 2023, more than any year since at least 2018. Two prisons which required Tornado support last year – Downview and Wetherby – had just one such officer among their own staff as of February. Similarly, Werrington had only six, Feltham 11, Lowdham Grange 12, Portland 13, Stocken 14, and Stoke Heath 15. Only a quarter of prisons had 20 or more Tornado-trained officers among their staff, analysis by The Independent found. This is without contending for staff absence due to sickness, annual leave or training days.While the Prison Service also has a national unit of specialist riot officers deployed the equivalent of twice a day last year, up 40 per cent on 2022, Mr Acheson said: "The best people to deal with a disturbance before it becomes a major threat are those staff who are readily available and who crucially know the prison. I think the capa-

bility of dealing with widespread disorder at more than one establishment [simultaneously] is perhaps fatally compromised," Mr Acheson added, warning this grim prospect was "on [the] horizon" as a result of the overcrowding and staffing crisis blighting prisons.

While the Prison Officers union suggests that a contingency of at least 2,100 Tornado staff across the prison estate is the official recommendation, Mr Argar told parliament last month that the government has not set a minimum staffing requirement. "So how on earth can you contingency plan?" asked Mr Acheson. Assaults on prisoners and staff soared by 20 per cent in the year to September, with more than 25,000 incidents in a single year. Violence in the women's estate skyrocketed to an all-time high, overtaking men's prisons for the first time.Despite overall officer numbers increasing slightly in recent years to exceed 22,000, this is still around 2,500 fewer than in 2010, over which period the prisoner population has grown by around 3,000. Meanwhile, the number of officers with at least a decade of experience has nearly halved in just six years.

Ms Cadbury, the shadow prisons minister, said: "Last week the justice secretary was forced to admit that the prisons capacity crisis this government has created may lead to riots. And yet today we see there a significant number of prisons without a single specialist riot officer – the government need to explain how they have allowed this to happen."It is shocking, but is part of the wider picture that simply shows that our prison estate is in utter crisis. With violence rising and assaults on officers increasing, and reoffending rates on the rise, it's clear the government have no plan to address this crisis." A Prison Service spokesperson said: "The safety of our staff and prisoners is our priority which is why we're bolstering our Tornado teams by training more than 800 staff this year to deal with serious incidents. This is on top of our £100m investment into tough security measures to clamp down on violence and improve safety."

**San Quentin Begins Prison Reform - But Not For Those on Death Row**

Black people comprise 34% of California's death row, but only 6% of the state's population. California is transferring everyone on death row at San Quentin prison to other places, as it tries to reinvent the state's most notorious facility as a rehabilitation centre. Many in this group will now have new freedoms. But they are also asking why they've been excluded from the reform - and whether they'll be safe in new prisons. Keith Doolin still remembers the day in 2019 when workers came to dismantle one of the United States' most infamous death chambers. He was in his cell at San Quentin prison on the north side of San Francisco Bay, watching live footage on television showing an execution chair - where 194 people had been put to death - carried away after more than 80 years of use. The green gas chamber being taken apart was just several hundred feet from where he sat. A former long-distance truck driver convicted of murder, Doolin has spent nearly 23 hours a day for the last 28 years in a tiny cell. He long worried he would one day be shackled to a mint-green chair and executed.

But in the last few years, California has been moving fast with some plans for prison reform. Governor Gavin Newsom's decision to deconstruct the death chamber - and also place a moratorium on the death penalty in the state - was a watershed moment for Doolin. "He [Newsom] was sending the message: 'Look, it might take a while, but things are going to change'." Mr Newsom is now seeking more changes at San Quentin, which currently has the nation's largest death row. The governor announced last year that he planned to transform the state's oldest prison into a rehabilitation centre.

He will close the prison's death row unit and move Doolin and the other 532 death row inhabitants to standard prisons across the state in the coming months (70 have been



moved already). Doolin and his neighbours will still have death sentences - meaning they will spend the rest of their lives in prison. For some, the threat of execution still looms large, as a future governor could reinstate the state's death penalty. Six people on death row who spoke to the BBC over the phone shared mixed feelings about their move. Some were elated by the opportunity to live closer to family and step outside their cells without handcuffs, while others were terrified at the prospect of starting over after decades living alone in a cell.

Rats, Birds and Handcuffs: Life on Death Row: Built in 1852, San Quentin is California's oldest prison and the state's only facility for incarcerated males who have been sentenced to death. Since 1893, 422 people have been executed there, including by gas, hanging or lethal injection. Family members walk by the entrance to the prison's execution chamber every time they visit their loved ones, said Doolin's mother, Donna Larsen, who drives a nine-hour round trip once a month to visit her son. The execution chamber would emit a green light that turned red as a person was being executed, a sight visible to Californians driving by on the highway, she said. This green room of death - and infamous inmates such as cult leader Charles Manson - have brought international notoriety to San Quentin, featured in podcasts, television shows and films.

When Ramon Rogers arrived at the prison in 1996, rain leaked through the ceiling of the death row unit, and mice and rats would run rampant. But the biggest pests, he said, were the birds. "They started defecating all over the place - all over the railings," he said. "It was a gross environment." Since then, life on death row has remained restrictive and, at times, hazardous. An outbreak of Covid-19 during the height of the pandemic killed at least 12 death row inmates - part of a wider coronavirus surge at the prison that infected 75% of the population. Ms Larsen - Doolin's mother - said she was shocked by how dirty the prison was the first time she visited. "It had a stench to it," she said. "Sometimes Keith's clothing smells mouldy when we visit. To know that your loved one is living in that made me sick."

People housed in San Quentin's death row are kept alone for most of the day in a roughly four foot (1.2m) by nine foot (2.7m) cell, a space that Doolin said feels like a "sardine can". The 51-year-old was sentenced to death in 1996 for killing two sex workers and shooting four others. Doolin has maintained his innocence, and a California attorney has alleged that he has information learned while working on another case that could potentially exonerate him. But the lawyer, David Mugridge, told the BBC that he could not share the details due to attorney-client privilege. Doolin and others living on death row are required to wear handcuffs at all times when outside their cells, which officers have to unlock with metal keys after strip-searching them. "Our daily life confinement is based on going from one box to another," said another inmate, Tony, who declined to share his last name for privacy reasons. Death row inmates are offered little access to rehabilitative programmes except for some college courses and jobs such as cleaning showers.

*Ending Death Row*: In March 2019, Governor Newsom issued an executive order that halted the death penalty in the state and ordered the dismantling of the gas chamber in San Quentin. Mr Newsom's move did not alter any incarcerated individuals' sentences, though he said that he might later consider commuting death row sentences. While the state had not actually performed an execution since 2006, Mr Newsom argued the death penalty system had been "by all measures, a failure" that was unfairly applied to people of colour and people with mental illness. According to the Death Penalty Information Center, black people comprise 34% of California's death row, but only 6% of the state's population. Since 1973, seven people on death row in the state have been exonerated.

**Criticism Mounts of 'Flawed' 9 Page Report Into Corrupt Officer Derek Ridgewell**

Samantha Dulieu, Justice Gap: An inquiry into the actions of the notorious corrupt British Transport Police Officer, Derek Ridgewell, has been criticised for running to just nine pages. The Mirror obtained a copy of the report by the Force which has been described as 'flawed', and fails to reckon with the extent of Ridgewell's crimes. Many documents that are of vital important to uncovering the actions of Ridgewell and his co-conspirators had already been destroyed. The author of the report said: 'It is unfortunate the relevant records are no longer available as I have been unable to identify further cases'. Matt Foot, Director of the legal charity APPEAL, said BTP's probe goes 'nowhere near enough', and accuses the force of not examining all the available internal records that would uncover the full extent of the scandal. Derek Ridgewell died in prison aged 37 in 1982, but lawyers say there may be more victims of his corruption that this limited report has failed to identify. Two men, Saliah Mehmet and Basil Peterkin, who were framed by a disgraced British Transport Police (BTP) officer, had their unsafe convictions quashed posthumously in 2023, ending a 46-year miscarriage of justice following a Criminal Cases Review Commission (CCRC) investigation. Ridgewell's racism and corruption led to the prosecution of the Oval Four and Stockwell Six in the 1970s. In 2021 the British Transport Police issued a formal apology to the British African community for 'systemic racism' relating to these convictions and their failure to prevent racism and corruption within the force.

As reported on the Justice Gap, the convictions of the Oval Four and Stockwell Six have been overturned by the Court of Appeal following referrals by the CCRC. Deputy Chief Constable Alistair Sutherland, told The Mirror: 'We are profoundly sorry to everyone affected by DS Ridgewell's atrocious actions in the 1970s and the trauma that victims and their families suffered as a result. 'In 2020 we undertook a review into the background service history of DS Derek Ridgewell. As a result of this review and our contact with the Criminal Cases Review Commission (CCRC), we identified seven officers associated with Ridgewell. Additionally two officers DC Ellis and DC Keeling also received convictions for their involvement in criminality with DS Ridgewell… As a force we are truly disgusted by the actions of Derrick Ridgewell. We cannot change our past, but we can certainly learn from it. 'In January this year we launched a further operation bringing together senior leaders and detectives from across the force to establish if there is anything else we can do to identify further individuals who are victims of miscarriage of justice. The team will be working closely with the CCRC to establish if there are any other potential means of locating information or records from that time.'

**Disputed Medical Terms May 'Deflect Attention' in Deaths Following Police Restraint**

Kavya Srinivasan, Justice Gap:A recent investigation by the Observer has revealed widespread use of disputed medical terms, 'Acute Behavioural Disturbance' (ABD) and 'Excited Delirium,' in explaining deaths following police restraint incidents in the UK. Further concerns have been raised about the disproportionate application of these terms to black individuals, exacerbating existing inequalities in the use of coercive measures.

Despite being rooted in pseudoscience and rejected by medical experts, these terms continue to be employed by authorities, raising concerns among campaigners who argue they perpetuate racial stereotypes and obscure police accountability. ABD and excited delirium are often used interchangeably to describe individuals exhibiting agitation or bizarre behaviour, often attributed to mental illness or drug use. Symptoms include insensitivity to pain, aggression, and elevated heart rate. While authorities claim these terms aid in identifying individuals in need of medical assistance, critics argue they serve to deflect attention from police



actions and responsibilities in restraint-related deaths. In the case of Krystian Kilkowski, whose death in 2020 involved prolonged police restraint, ABD was cited as a contributing factor, despite subsequent findings of 'serious failures' in police conduct. This pattern is not isolated, as at least 44 restraint cases since 2005 have referenced these disputed terms, according to research by Inquest, the Royal College of Psychiatrists, and the Observer. Deborah Coles, the executive director of Inquest, cautions that use of the terms deflects attention from the 'inherently dangerous' way police use restraint against people in crisis. Furthermore, that the terms are used 'without any doubt, to try and downplay the significance of the police use of force and explain away the role of dangerous and negligent restraint,' which 'can really undermine effective public scrutiny and accountability.' The origins of excited delirium, traced back to a debunked theory from the 1980s, highlight the danger of relying on unproven medical concepts. Despite its discredited status, excited delirium continues to be invoked to explain mysterious deaths after police encounters, both in the US and elsewhere.

While police receive training on ABD recognition, questions remain about its validity and implications. The Independent Office for Police Conduct (IOPC) and the College of Policing have announced a review of their documentation and guidelines regarding these terms. Dr. Habib Naqvi of the NHS Race and Health Observatory emphasizes the need for a collaborative approach to address systemic issues and prevent further tragedies. As calls for reform intensify, stakeholders emphasize the urgency of action to prevent future deaths and ensure justice for victims of police restraint. For Raju Bhatt, founding partner of a law firm representing affected families, the imperative is clear: he said, 'It is a much more urgent question of stopping more deaths. Now, today, tomorrow, next week.' The controversy surrounding these disputed medical terms underscores broader issues of police accountability, racial bias, and the imperative for reform within law enforcement and healthcare systems. As stakeholders grapple with these complex challenges, the need for transparent, evidence-based approaches to policing and mental health crisis intervention remains paramount.

**Climate Protesters in England and Wales Lose Criminal Damage Defence**

*Sandra Laville, Guardian:* One of the last defences for climate protesters who commit criminal damage has been in effect removed by the court of appeal. The court said the "beliefs and motivation" of a defendant do not constitute lawful excuse for causing damage to a property. The defence that a person honestly believes the owner of a property would have consented had they known the full circumstances of climate change has been used successfully over the last year by protesters. After an appeal by the attorney general, Victoria Prentis KC, based on a case brought against a defendant known as C, the court of appeal said "the political or philosophical beliefs" and the "reasoning and wider motivation" of the defendant were "too remote" from the criminal damage and did not constitute lawful excuse, and said evidence from defendants about the facts of climate change would be inadmissible.

Tom Little KC, acting for the attorney general, had told the appeal court judges that use of the so-called "consent" defence under the Criminal Damage Act 1971 was wrong and too broad an interpretation of the law. The defence, which relates to criminal damage only, involves a defendant arguing they had an honest belief that the owner of the property damaged would have consented if they had known the reasons why the action had been taken. Henry Blaxland KC, for C, said it was a matter for a jury to decide whether a defendant honestly believed that the owner of a property would have consented to the damage caused.