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

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Massive Increase in Use of 'Joint Enterprise' as a Result of CPS Strategy in Wake of Jogee

Jon Robins, Justice Gap:There has been a significant ramping up of 'joint enterprise' prosecutions in the five years since the Supreme Court ruled that the law had taken 'a wrong turn'. According to an investigation by the New York Times (NYT), data from the Ministry of Justice shows a 42% increase in the number of murder cases involving four or more defendants since the landmark judgment of Jogee and that black defendants are three times as likely as white. According to the NYT investigation, the increase in the use of joint enterprise has been the result of a deliberate strategy to ensure successful convictions despite concerns by the courts about the soundness of the law as well as concerns from MPs about how the law acts as a 'dragnet' disproportionately drawing young black men into the criminal justice system.

As widely reported on the Justice Gap, the 2016 ruling was anticipated to herald a wave of successful appeals however the Court of Appeal almost immediately closed off the possibility of successful appeal (in the case of R v Johnston). Since the ruling, there have been just two successful joint enterprise appeals – the first being John Crilly and the second being Philippe Sossongo. According to the NYT report, of 156 joint enterprise-related cases submitted to the miscarriage of justice watchdog Criminal Cases Review Commission, only four were sent to the appeals court. Judges rejected all of them.

The NYT report by Jane Bradley draws on data on homicide prosecutions involving four or more defendants obtained through multiple Freedom of Information Act requests: 59 such cases were brought from 2011 to 2015 (an average of 11.8 cases per year), compared to 84 (16.8 cases per year) between 2016 and 2020. According to the NYT data, almost a third of Black defendants (32%) were prosecuted in cases with four or more defendants, compared with nearly one in 10 white defendants. The article sees joint enterprise as one of a number of tactics 'imported from the 1990s war on drugs' in the US. But, it is argued, while 'American officials have reconsidered many criminal justice policies over the past decade' such approaches have become 'an entrenched part of British politics'.

'The zealous use of these prosecutions is one example of how British leaders from both parties have pursued criminal justice policies that have disproportionately punished Black people,' Bradley writes in the NYT. 'Black defendants are three times as likely as white defendants to be prosecuted for homicide as a group of four or more — a widely accepted measure of joint enterprise cases — according to the new data'. The article claims to draw on interviews with a dozen prosecutors and law enforcement officials including Simon Harding, a senior detective who ran a homicide unit at London's Metropolitan Police until 2021. Harding recalls how campaigners and prisoners apparently received the Jogee ruling. 'In prison, you could hear all these people saying, "Yes!".' Harding explained: 'The CPS said: "Don't worry. It's not going to be this radical change." By the time all the questions had been asked, it was business as usual.' The NYT article continues: 'They needed a strategy for convincing jurors that people intended to commit the crimes, even when they did not carry them out themselves. An elite group of lawyers with the office of the attorney general… trained officers and prosecutors nationwide on how to do just that.'

The article also shines a light on the 'refusal' by the CPS to publish data on joint enterprise despite calls by the House of Commons' justice committee in 2014. 'After The Times filed two formal complaints with the government and the public prosecutor's office, they relented and provided data on multi-defendant homicide cases,' the NYT notes.

Freed Women Prisoners Leave Belongings Behind – Because They'll be Back Soon

InsideTime: At Styal prison, near Manchester, there are shelves in the reception department holding the possessions of recently-released women who expect to return before long. The trend was highlighted by Charlie Taylor, HM Chief Inspector of Prisons, when he briefed MPs on the rising number of women and men held on remand in English and Welsh jails. He called it "depressing" and said it demonstrated a failure to provide women with help to resettle in the community. Taylor told the Commons Justice Committee on October 25: "Some of the services that are available for women when they are released from prison sometimes aren't in place, which means that prison becomes a real revolving door for some women. For example, one of the most depressing things I've seen on my travels was at HMP Styal where women were leaving the prison and simply leaving their property in the jail, storing their property in the prison, because they knew they would be going back there, so there was no point taking it out with them. Which shows some women who are really caught in that cycle of mental health difficulties, homelessness, substance misuse and crime … expect to be returning to prison."

The existence of the shelves holding released women's property was revealed in an inspection report on Styal published earlier this year. It said: "The prison held a complex mix of women: about a quarter were remanded or unsentenced, just over a quarter were serving short sentences and about 15 per cent had been recalled to custody. So prevalent was the churn of women coming and going from the prison that there were shelves in reception holding the belongings of women who expected to return to prison almost immediately after release."

Police Pay Woman £40,000 After Using Unlawful Force

BBC News: A woman has been paid £40,000 compensation by a police force after two officers trespassed in her home and unlawfully arrested her. Nottinghamshire Police has admitted that the officers used unlawful force against the woman and "committed batteries". The woman, called Sharon, said she only complained initially because she did not believe the two men were real police officers. Part of the incident was captured on the bailiff's body-worn camera. "I still get frightened when someone comes and knocks on the door," said Sharon, who has been diagnosed with post-traumatic stress disorder (PTSD) as a result of what happened. Sometimes I get paranoid when I see police coming in my direction and I think 'What have I done wrong?'"

The incident happened on 24 April 2017 but it has taken more than five years for Sharon to be given compensation. The bailiff went to her home due to an outstanding debt. He called the police alleging two young men in the street, who were related to Sharon, had stolen "a parcel" [singular] from his car. One of the officers, Sgt Jonathan Flint, then arrived and indicated he would assist the bailiff in seizing items from the house - which police are not meant to do. In the footage, the bailiff can be heard saying: "I've come to take that [Sharon's car] and then take goods out of the house as well." Sgt Flint replies: "Yeah, OK, well we'll do that shall we?" Sharon's aunt, who is standing outside, then points out that police should not assist bailiffs in seizing property. Sgt Flint replies: "Yeah we are, so that's that. Well, that's what's happening, that's what's happening." Sharon's aunt then points out the law again, but Sgt Flint dismisses her, saying: "Cool, that's fine, that's what's happening. Right, let's go." Sharon does not think she would have been believed without the bailiff's video footage as evidence. She is calling for all police officers to switch on their own body-worn cameras when they enter people's homes. One of the officers was dismissed for gross misconduct but got his job back after appealing the sanction twice. Neither of the police officers wanted to comment to the BBC.

Court Hearing Adjourned After Firm Faced Six-Week Wait to See Prisoner

Monidipa Fouzder, Law Gazzette: Acourt hearing was adjourned because a criminal defence firm had to wait six weeks after requesting a prison visit to see the client, the Gazette has learned. The London Criminal Courts Solicitors Association revealed last week that it has been liaising with Wood Green Crown Court about the 'dire state' of legal visits at HMP Pentonville. The court manager has asked for examples of access issues that can be taken up directly with the prison governor. LCCSA member Rumit Shah, who has been gathering examples, told the Gazette that his firm, Galbraith Branley Solicitors, contacted the prison on 12 September to see its client. The visit was booked for 26 October. A plea and trial preparation hearing due to take place on 30 September had to be adjourned. Other issues raised by solicitors include being unable to take paper into the prison. Solicitors have also complained about consultation rooms. Shah said legal visits used to take place in private rooms. Now, they are conducted in an open setting.

A prison service spokesperson said: 'Drug-soaked paper is one way that illicit substances can be smuggled into prisons and we must do everything in our power to reduce the risk of this happening - including reducing the amount of paperwork entering the prison. Lawyers have special exemptions from the rules to bring in laptops or other digital devices without prior authorisation.' Guidance provided by the Ministry of Justice to the Gazette states that letters and documents handed over to or by prisoners during visits from their legal advisers are subject to whatever monitoring procedures would have been appropriate if they had been sent through the post.

Solicitors can bring in laptops without prior authorisation. Where prisons wish to print legally privileged documents in advance, the prisoner must agree to waive their right to legal privilege, as prison staff would have to open the documents to print them. The ministry said paper and pens are readily provided at HMP Pentonville once inside the establishment. National policy states that when meeting rooms cannot be found, visits can take place in communal areas but must be out of earshot of others. Staff must be able to see, but not hear, official meetings. The ministry said HMP Pentonville has a video-conferencing centre which can be used if legal representatives require additional privacy, adding that there is currently no wait to book a video legal conference. Where a firm needs to see a client urgently, the ministry said the prison always endeavours to offer legal representatives the earliest and safest possible alternative date. However, the ministry added that non-attendance of legal representatives for legal visits was a 'significant issue' causing delays. On Monday, 13 visits were booked but eight representatives did not attend..

”**Is the UK Falling Behind on Criminal Records?**

FairChecks Team: Home to 20% of the world's prison population, America is often thought of as the most punitive country in the world. But what about criminal records? Americans with criminal records face many of the same barriers as those in the UK, such as difficulties accessing employment, housing, and insurance. In some ways, the American system is harsher than ours here in England and Wales, with many background checks revealing previous arrest records even if the person was not charged with any crime. But in recent months and years, changes have been made in several states to allow better opportunities for people to clear their record – a process called expungement. Following work from the Clean Slate Initiative and other passionate campaigning organisations, eight states have now introduced expansive legislation allowing automatic record clearing for many offences. According to the Clean Slate Initiative, this has provided a pathway for 2 million people to obtain a completely clear record. Just last month, the state of California went even further and introduced an incredibly progressive policy which will allow many more people to leave their record behind for good. The new bill signed by Governor Newsom in September will automatically seal most arrest and conviction records once someone has completed their sentence and

gone four years without further contact with the criminal justice system. Meanwhile, data obtained by FairChecks through Freedom of Information requests to the Disclosure and Barring Service found that last year thousands of police cautions from more than a decade ago were revealed on criminal record checks, and more than 11,000 checks revealed offences committed when the applicant was under 18. A third of these childhood offences happened more than 40 years ago. It seems we have some catching up to do. In the next few months, FairChecks will be seeking meetings with key ministers and preparing for a big push to gain support from MPs to reform our outdated criminal records system. Watch this space!

New Repressive Laws Used Against Just Stop Oil

Those who warned of how the Tories' police bill would be used to clamp down on protest were right. Police arrested 23 people on Monday 7th November, following three arrests the day before. They had not actually done anything but were believed to be likely to take part in "disproportionate" Just Stop Oil protests. The charge was "conspiracy to cause public nuisance contrary to section 78 Police, Crime, Sentencing and Courts Act 2022." It carries a maximum sentence of ten years' imprisonment. The British state has a record of using conspiracy charges against those who protest, particularly at times of crisis. What's going to happen now over these arrests? Likely there will be agreement with the crackdown from Labour and silence from the unions.

Joe Stone KC Collapses Terror Indictment at Kingston Crown Court

Joe Stone KC was instructed to represent the defendant (AH) on six allegations of Disseminating Terrorist Publications contrary to section 2(1) Terrorism Act 2006. The allegations centre around the alleged criminal use of "nasheeds" (Islamic orientated songs, prayer and poetry) in encouraging others to commit acts of terrorism against the UK State . Leading defence experts in the field of Islamic culture were called to rebut the allegations which were supported by previous bad character evidence. The defendant was acquitted on all 6 counts.

Joe Stone KC was instructed as leading counsel by Shahida Begum of CS Solicitors.

BULLDOZER - The Only Vehicle For Prison Abolition!

Criminal (in)justice system: Denotes lack of justice in a series of procedures beginning with arrest and ending with release from prison or parole, which are not part of a single coherent system. Bulldozer is a Magazine for prison abolition. Prisons are tools of oppression. Tools that are used by Governments to discipline the working class and repress political dissent. The prison system is also an industry. An industry that commodifies prisoners and generates significant private profits for Capital. The human beings churned up in prisons suffer dehumanising experiences while inside, and stigmatisation when they are released. Bulldozer speaks back to this industry of oppression, the suffering it creates and the profits it makes. Bulldozer is produced by members of the Industrial Workers of the World's (IWW) Incarcerated Workers Organising Committee (IWOC) Ireland. The IWW Ireland is a union based on grass-roots action and real democracy from the bottom up. IWOC Ireland are currently involved in a number of campaigns to support individual prisoners as well as fighting for prisoners collective rights to education, health and employment. We are also on hand to connect and support prisoners family members. Join the IWW for real solidarity! We welcome people irrespective of their employment status, industry, country of origin, race, gender, or sexuality.

To find out more about the IWW and IWOC or to Get Copies of Bulldozer write to:

Bulldozer P.O. Box 346 Derry City, BT48 4FZ, Ireland.

Solidarity Confinement

(IWW): On the 1st of February 2022, the Criminal Justice Inspectorate Northern Ireland's (CJINI) report into the Care and Supervision Units (CSUs) was released. The report clearly shows that the Northern Ireland Prison Service (NIPS) is in breach of international standards in its use of CSUs as sites of 'solitary confinement.' More than that, the report high lights the NIPS' complete disregard for prisoners' health and well-being and willingness to abuse their fundamental rights to purposeful activity and meaningful human contact. The CJINI report into Care and Supervision Units reflects the flagrant abuse of prisoners' rights in Northern Ireland. Prison authorities claim that CSUs are used only when a person is evidenced to be violent or proven a danger to themselves or others.

However, IWOC members have witnessed prisoners being labelled 'disruptive' and moved to CSUs under the pretence of 'maintaining good order and discipline - with no due process in the decision making. This has allowed prison authorities to use the CSUs as 'Control and Segregation Units' - to isolate and repress prisoners deemed 'difficult,' with no regard for the psychologi cal and physical harm caused. It is intolerable that public money is being used to enable solitary confinement - a mode of torture with the capacity to ravage the mental health of a person. In response, IWOC Ireland published a statement, calling on all workers, unions and public officials to speak out about the state spon sored torture of prisoners in the north of Ireland and campaign to ensure prisoners' right to access healthcare and purposeful activity is upheld. The CJINI's report is further evidence that prisons are toxic institutions that wreak havoc on individuals, families and communities. If actioned, the recommendations made by the CJI may go some way to slightly lessen the harms some prisoners experience, yet they will never quell the unerring violence of prisons. They are, and always will be, violent instruments of class oppression.

Met to Overhaul 'Racist' Gangs Matrix After Landmark Legal Challenge

Doughty Street Chambers: The Metropolitan Police Service has agreed to overhaul its controversial Gangs Violence Matrix, admitting that it needs 'wholesale change,' after a landmark legal case brought by Liberty on behalf of Awate Suleiman and UNJUST UK forced them to concede that the operation of the Matrix was unlawful.

In a win for the human rights organisation and its clients, the Met has admitted that the Matrix breached the right to a private and family life. Personal data of those on the Matrix is shared broadly with third parties – putting them at risk of over-policing, school exclusion, eviction, and in some cases being stripped of welfare benefits, deportation or even children being taken into care. The Met have also accepted that Black people are disproportionately represented on the Matrix and that efforts to address this have not worked, with the latest review of the Matrix showing that 80% of those named on the Matrix were Black.

Adam Straw KC and Tayyiba Bajwa were instructed by Lana Adamou at Liberty who challenged the legality of the Matrix on behalf of Awate Suleiman and UNJUST UK, a community interest company challenging injustice in the criminal justice system, on the grounds that it discriminates against Black people, who are disproportionately represented on the Matrix. Now, the Met have agreed that people can apply to be informed if they were on the Matrix, and will only be refused if necessary for limited specified reasons, with the Information Commissioner to review refusals upon request. The case was due to be held at the Royal Courts of Justice next week. However, the Metropolitan Police Service has agreed to an overhaul of the list, with more than a thousand names to be removed as a result of the legal action.

EDM 591: Imprisonment for Public Protection Sentences: Justice Committee Report

That this House welcomes the Justice Committee's report on Imprisonment for Public Protection (IPP) sentences, which were introduced under the Criminal Justice Act 2003 to detain people in prison who posed a significant risk of causing harm to the public; notes that IPP sentences were abolished prospectively, but not retrospectively, by the Legal Aid, Sentencing and Punishment of Offenders Act 2012; further notes that there were 2,926 IPP prisoners in England and Wales as of 30 June 2022, of which 1,492 had never been released and 1,434 had been recalled to custody, which is expected to rise sharply over the next few years; agrees with the Committee's recommendations calling for significant reform of the operation of IPP sentences, and especially its key recommendation that the Government legislate to enable a resentencing exercise for all IPP-sentenced individuals, except for those who have successfully had their licence terminated; believes that, a decade after the prospective abolition of the IPP sentence, it is time for the Government to take steps to bring certainty and hope to those prisoners still serving a sentence that has since been discredited; calls on the Government to respond to the Committee in a timely fashion and to accept its recommendations in full; and further calls on the Government to make Parliamentary time available, at the earliest opportunity, for the legislation necessary to enable a resentencing exercise. Tabled By Kim Johnson, MP on 15 November 2022

Gwent Police Mired by 'Industrial Levels of Abuse, Racism And Corruption'

Jack Sheard, Justice Gap: Abuse, racism and sexual harassment have formed part of "one of the most toxic police cultures in the UK", the Sunday Times reports. Investigations of a phone belonging to a former police officer in the Gwent Police force have uncovered graphic messages, exchanged between current and former officers. These included references to "poofs" and the racist slur "slopes", as well as pornographic images, misogynist memes, and racist messages about the Grenfell Fire. One notable exchange included the offer to help someone conceal assets from their spouse in advance of divorce proceedings, an activity amounting to fraud, and punishable with a prison sentence.

The investigation has also brought to light the case of Clarke Joslyn, who resigned from Gwent Police in 2018 while facing a misconduct hearing for "domineering, controlling and physically abusive behaviour" to female police officers. Gwent Police had known about similar behaviour since 2012. Joslyn, having harassed his former partner, had been issued with a court order. Even having breached it, he was allowed to continue serving as an officer. Moreover, female police officers who accused Joslyn were fired and even arrested on spurious grounds. Other female officers, who reported allegations of sexual harassment and misconduct, faced similar dismissal. Those they accused faced cursory or no investigation. One victim said it left her suicidal. Gwent Police "is like an old school boys' club. They keep everything in-house. It's just quite toxic, and it's a small force, so they manage to hide things really well."

Earlier this year the number of police forces under 'special measures' reached 6 – the highest it has ever been. The most recent of these is the Metropolitan Police, who have been dogged by scandals – the murder of Sarah Everard, a culture of bullying, racism among the officers and the Stephen Port investigation, among several others. Nazir Afzal, a former Chief Crown Prosecutor, stated "these are industrial levels of abuse, racism and potential corruption… there needs to be a public inquiry into police culture nationally – it requires a wholesale root and branch approach." This month, the Home Affairs Select Committee has begun an inquiry into 'policing priorities', including into the extent to which forces are "building trust with the communities they serve".

Stop Press! "More Jail Time Not a Deterrent"

Well, that's not a headline you read every day, especially not in the Daily Telegraph. But there it was, looking at me over the cornflakes. A completely objective article in a right-wing broadsheet reporting that longer prison sentences don't deter. Peter Dawson PRT

Supporters of the Prison Reform Trust may not take much convincing that ever longer prison sentences (average sentences up from under three years to nearly five since 2008) have been a serious mistake. But repeated polls show that much of the general public takes a different view. People understandably conclude that sentencing must be too lenient when they are bombarded with stories about crime on a daily basis. That's one of the reasons why reliable independent research about the actual impact of punishments matters. If we are going to use the most extreme sanction allowed under law—imprisonment—we should be confident that it's doing what we want it to. It's very much to the credit of the Sentencing Council that it commissioned The Effectiveness of Sentencing Options on Reoffending published in September this year, seeking to fulfil its statutory duty to "have regard to the effectiveness of sentences in preventing reoffending."

Anyone who has ever spent an evening in a local prison reception area, watching the staff greet their "regular customers", knows that short prison sentences certainly don't deter. It's not surprising that people think deterrence works. For lots of us in lots of situations it does. Most people slow down when they see a speed camera. But of course, the deterrence there comes from the likelihood of getting caught, not the penalty that follows. If there are no cameras, speeds pick up. That's one of the key findings of the research which prompted the Daily Telegraph article. Deterrence, if it features at all, comes from the certainty of detection, not the harshness of punishment. In many situations, people committing crime are not thinking ahead at all, but when they are it's more likely to be about whether they will get caught than about what the punishment might be.

Most of us have experienced a "don't do that or else" form of discipline, either on the receiving end as a child or trying it out as a parent. The research draws on a wide range of studies and is properly cautious about the conclusions that it is safe to draw on "effectiveness". It also recognises that sentencing can have several purposes—reducing reoffending being only one of them. Perhaps its most confident finding, drawn from multiple studies, is that short prison sentences appear to undermine rather than support rehabilitation. Anyone who has ever spent an evening in a local prison reception area, watching the staff greet their "regular customers", knows that short prison sentences certainly don't deter.

We are not being stupid or unkind when we cling to the belief that the threat of harsh punishment delivers more than it really does. Most of us have experienced a "don't do that or else" form of discipline, either on the receiving end as a child or trying it out as a parent. There's everything to be said for connecting bad behaviour to a consequence. What doesn't make sense is expecting the threat of that consequence to do all the heavy lifting when it comes to changing behaviour the next time around. It makes even less sense to ratchet up the severity of consequence when the technique has already failed one or more times before.

While it can be pretty confident about what doesn't work, the research commissioned by the Sentencing Council doesn't pretend that the evidence neatly points to sentences that are always effective. The best evidence on that issue has to take on board studies of how and why people change, and what tends to lie behind offending in the first place. But the report does tentatively conclude that sentences that take account of the particular characteristics of the offender are more likely to have a rehabilitative effect. It also suggests that the content of a sentence—rather than its length—can sometimes do the same. Those findings suggest

that we would do better to invest in securing good information about someone before they are sentenced, and make far better use of their time in prison if that is really the only appropriate punishment for what they've done.

People understandably conclude that sentencing must be too lenient when they are bombarded with stories about crime on a daily basis. In a report earlier this year, Bishop James Jones, best known for chairing the inquiry into the Hillsborough stadium disaster, called for a fundamental reassessment of the policy and practice of sentencing. Anyone who reads his report or bothers to read the research highlighted by the Daily Telegraph is likely to reach the same conclusion. The way we use prison in particular makes no sense. We think longer sentences deter when they don't, and we allow the content of those ever longer periods in custody to be devoid of meaning or purpose.

The Justice Select Committee of the House of Commons is also currently looking at public understanding of sentencing. This Sentencing Council document should be a key report for the committee to bear in mind. If the public is frustrated by what our sentencing law delivers, it might just be because we've created a false expectation, rather than because the law hasn't been properly explained. It's good that the debate is starting to happen, and high time it moved on from stale political posturing on whether sentencing is either "tough" or "soft". It's not something I would have expected to hear myself say, but reading an article in the Telegraph might be a good place for our politicians to start. - Peter Dawson, Director, Prison Reform Trust

Entrenched Biases in Fingerprint Scanning and Facial Recognition

Anna Yang, Justice Gap: A new report highlights both racial and gender biases entrenched in biometric fingerprint scanning and facial recognition technology's use disproportionately targeting Black and Asian males. The Racial Justice Network and Yorkshire Resists have recently released an analysis report on the increased use of the Biometric Services Gateway (mobile fingerprinting) by UK police forces, as well as a live facial recognition pilot run by South Wales police. It uses FOI responses from 34 forces.

The Biometric Service Gateway (BSG) is a mobile application system allowing the user to scan an individual's fingerprint and receive an instantaneous check against the police database (IDENT1) or the Immigration and Asylum Biometric database (IABS). Currently 24 forces use the BSG. The basis for stopping and scanning appears subjective and discretionary; most scans were conducted due to an officer suspecting an offence had been committed, or doubting the verity of personal information (e.g., names) given by a stopped individual. The report states that all but eight responding forces did not collect or refused to provide ethnicity information. As expressed by Jake Hurfurt, the Head of Research and Investigations of Big Brother Watch, the discretionary nature of the practice 'appears to be continuing and exacerbating racial disparity in police use of suspicionless surveillance powers.' It further showed that Black people are four times more likely to be stopped and scanned than a white person, and Asian people are two times more likely to be stopped. Men are around twelve times more likely to be stopped and searched than women.

Likewise, there are evident racial and sexist biases in Facial Recognition Technology. A 2019 NIST study showed that many algorithms were between 10 to 100 times more likely to misidentify a Black or East Asian than a white face; the category most prone to misidentification was Black women. Similar algorithms have been used by South Wales police on 35 people, of which six were minors between the ages of 10-17. Furthermore, six forces stated that they routinely scan the police and immigration databases simultaneously, whilst a separate six forces stated that they scan specifically for immigration reasons. As the report highlights: 'This both reflects

and entrenches the damaging conflation of immigration with criminal activity…this technology is increasing the pervasive trend towards the criminalisation of migration.'

It also suggests the increasing adoption by police forces of immigration and border guard duties, further embedding Hostile Environment policies which disproportionately impact on migrant and vulnerable communities. Movements such as LAWRS's Step Up Migrant Women campaign, which supports victims' safe-reporting mechanisms irrespective of immigration status, have long since recognised this issue. There is a great disparity between the percentage of arrests and/or matches from conducted scans between forces, ranging from 1.22% to 57.72% on immigration matters, and from 11.81% to 57.72% on police matters. This casts doubt on the objective functionality and accuracy of such practices. The report proposes several recommendations including the immediate ceasing of BSG use, and the implementation of a firewall between immigration and police databases. The report also highlights that both practices fail to increase community safety; rather, it further exacerbates issues of community trust and the marginalisation of vulnerable individuals.

Krystian Kilkowski: Serious Failures by Police/Emergency Services Contributed to Death

INQUEST: Krystian died shortly after midnight on his 32nd birthday after being restrained by five police officers the previous evening in the hot sun during a summer heatwave. On Tuesday 8th November 2022,, an inquest concluded, finding that Krystian died "a drug related death following amphetamine intoxication leading to acute behavioural disturbance which was exacerbated by a period of physical activity, and further complicated by serious failures in the methods of restraint". They also found that "operational failures in the emergency services led to delays in Krystian receiving timely critical care".

Krystian was a fit and healthy Polish man who had been living in England for nine years. His family describe him as a very passionate and hard-working man who was always happy and smiling, with many friends and liked by all who met him. On 10 August 2020, police officers from Norfolk Constabulary who attended Krystian's home address thought he was behaving strangely and were made aware that he had taken drugs. Distressing video footage available showed how Krystian had gone from walking and talking to police officers and others outside his home, to being detained on a grass bank shortly after. The footage shows Krystian being restrained mainly face down for over an hour with officers repeatedly pushing his head down towards the ground. He was clearly frightened for his safety and was expressing concerns that he was going to die. Despite this, and already being in handcuffs, he was taken to the ground where immediately two sets of leg restraints, and subsequently further methods of restraint, were applied to him. The police said they detained Krystian because they had concerns about his mental health and proposed to take him to a place of safety under s136 of the Mental Health Act 1983. However, it was accepted that Krystian was not told of the reason he was being detained. Krystian was also not told why increasingly severe methods of restraint were being applied to him as he struggled against the officers' uses of force. During the prolonged restraint, Krystian was held mainly face down and his level of distress was visibly increasing such that he began biting his own arms and his tongue. His tongue injury was described by the pathologist as the worst she had ever seen. Police officers were waiting for an ambulance from EEAST to attend, but miscommunications contributed to significant delays in the attendance of the ambulance.

By the time the ambulance arrived, Krystian was bleeding and barely conscious, and an officer noted him to be turning blue. A paramedic's evidence was that he was shocked by what he encountered and that the case of George Floyd immediately came to his mind. He said that Krystian's

condition was so critical that it was beyond his expertise and that Krystian required emergency critical care. This did not arrive until after Krystian was already en route to hospital. Instead, the police's restraint (which had been by this point ongoing for over an hour) continued for another 20 minutes or so before he was put into the ambulance where he subsequently collapsed. Expert evidence was that from that point he was likely beyond help and the hospital was unable to provide effective treatment. Sadly, Krystian passed away after suffering multi-organ failure some hours later.

The pathologist, Dr Fitzpatrick-Swallow, gave her expert opinion that the police restraint contributed to Krystian's death. Although amphetamines were found in Krystian's blood, the amount was not within the fatal range. The medical cause of death which was agreed by all medical experts and confirmed by the jury was: (a) Multi-organ failure, (b) Hyperthermia and Rhabdomyolysis and (c) Complications arising during restraint of a man with acute behavioural disturbance and amphetamine intoxication following a period of physical activity.

Although the medical cause of death refers to Krystian's presentation being of 'acute behavioural disturbance', expert evidence was clear that this is not a medical condition and that most people presenting in this way would survive. Recent guidance from the Royal College of Psychiatrists, published on 26 September 2022, draws attention to the significance of restraint in the deaths of people subsequently said to be presenting in this way. In Krystian's case, as agreed by the pathologist and the jury, the restraint played a part in his death.

The jury's conclusions also noted that the police's "approach lacked lea dership" and their "decision making was inadequate". The jury concluded there was "a serious failure to keep Krystian safe" which "contributed to his rapid physical deterioration during the restraint." The jury's findings reflect what was obvious from the distressing video footage of the restraint.

Jodie Anderson, Caseworker at INQUEST, who support the family said: "Krystian's death is another shocking example of the lethal consequences of police officers dealing with people in mental health crises. Krystian was in distress and needed care, not brutality. The failure to treat his rapidly deteriorating condition as a medical emergency meant that he was deprived any chance of survival. We call for a widespread structural and cultural change in the way that those in acute mental health crisis are treated on the streets. A failure to acknowledge this growing problem will result in further unnecessary deaths following disproportionate use of force at the hands of police forces."

"No Justice – No Peace" Bereaved Families - We Remember

The United Families & Friends Campaign (UFFC), is a coalition of those affected by deaths in police, prison and psychiatric custody, supports others in similar situations. Established in 1997 initially as a network of black families, over recent years the group has expanded and now includes the families and friends of people from varied ethnic and cultural backgrounds. The coalition includes the families of: Leon Patterson (died in police custody in 1992), Roger Sylvester (died after being restrained by police in 1999), David (Rocky) Bennett (died in psychiatric custody in 1998), Harry Stanley (shot dead by police officers in 1999) and Sarah Campbell (died in Styal prison in 2003) and many others. Arlington Trotman of the Churches Commission for Racial Justice (CCRJ) commented: "Deaths in custody and the way that the victims are handled by the state is a tragedy. The [families] not knowing for years and years how their loved ones died and the poor treatment of families during that process." He also called for transparency in the criminal justice system and for its workers to stand back and take a look at the suffering of the families affected, particularly those from black and minority ethnic communities. For him, Christian principles meant extending concern and support to the families of the UFFC coalition.

Three Ring Fucking Circus- Makrylakis v. Greece Violations of Article 6

Charalambos Makrylakis, is a Greek national who was born in 1968 and lives in Rethymno (Crete, Greece). In 2011 Mr Makrylakis was convicted of cultivation of cannabis and sentenced to 18 years' imprisonment and a fine of 300,000 euros (EUR). After two years in prison, he was acquitted. The case concerns the dismissal of his applications for compensation in respect of his two years in detention

His first application for compensation was adjourned until the acquittal judgment became final; Court then declared his 2nd application as inadmissible for having been submitted out-of-time, Subsequently declaring the first application inadmissible for having been premature.

Relying on Article 6 § 1 (right to a fair hearing within a reasonable time) and 5 § 5 (right to liberty and security) of the European Convention, the applicant complains of the unfairness of the proceedings relating to his applications for compensation and alleges that the criminal proceedings before the domestic courts at first instance took too long. Violation of Article 6 § 1 on account of the breach of the applicant's right of access to a court Violation of Article 6 § 1 on account of the length of the criminal proceedings against the applicant

CCRC Refer Historic Convictions of Three Anti-Apartheid Protestors

The Criminal Cases Review Commission ("CCRC") has referred the historic convictions of three anti-apartheid protestors for appeal, after it came to light that the police had failed to reveal the participation of an undercover police officer to the prosecutor or court. On 12 May 1972, a group of protesters from the Putney Young Liberals took part in a demonstration aimed at disrupting the departure of the England rugby union team from the Star and Garter Hotel in Richmond ahead of a tour of South Africa. A total of 14 people were arrested and charged after sitting in the path of the coach – resulting in 13 people being convicted following trial. However, unknown to the trial or fellow defendants was that one of the group was an undercover police officer, who continued to participate in group defence discussions and report back to the police.

Helen Pitcher OBE, Chairman of the CCRC said: "During our investigation we have seen evidence of deliberate and persistent non-disclosure by the police which was sanctioned by senior officers. The court was misled, and the defendants' basic legal rights were breached. In our view, the misconduct by the police in this case was so egregious that a judge in possession of all the facts would have decided it was necessary to halt proceedings in order to protect the integrity of the criminal justice system." Although these convictions date back a long time, issues around public confidence in the police and our wider public institutions are always important. Old convictions can also have an enduring impact on the lives of the individuals concerned." The rugby team was due to tour South Africa, which was then under the apartheid regime. The protesters assembled and sat down in the path of the coach, and a total of 14 people were arrested and charged. 13 were later convicted following trials at Mortlake Magistrates' Court in June and July 1972.

Unbeknown to almost anyone at the time, one of the group was an undercover police officer (known as "HN298") from the Metropolitan Police's Special Demonstration Squad ("SDS"). The officer had protested alongside the group, was arrested at the scene, and convicted alongside them under his assumed name. Contrary to guidance in force at the time, the SDS failed to reveal the presence of HN298 to the investigating officers, the prosecutor or the court. The undercover officer was also party to discussions about defence tactics and legal advice that had been provided to the other defendants. He reported this information back to his superiors, therefore breaching the confidentiality between his co-defendants and their lawyers. In light of these revelations, the CCRC has decided that there is now a real possibility that the convictions would be quashed as an abuse of process. The three cases referred to Kingston Upon Thames Crown Court by the CCRC are:

Christabel Gurney – convicted on 14 June 1972 of obstructing the highway and obstructing the police. Ernest Rodker – convicted on 12 July 1972 of obstructing the highway and obstructing the police. Jonathan Rosenhead – convicted on 12 July 1972 of obstructing the highway. The CCRC is appealing for any of the other members of the Putney Young Liberals convicted of offences connected with this protest to come forward so that their cases can also be considered in light of the new evidence. The new information at the heart of the CCRC's referral was provided by the Undercover Policing Inquiry ("UCPI"). These were the first cases referred to the CCRC by the UCPI.

Grieving Families Demand Meeting With Nicola Sturgeon

The grieving families of two men who died in police custody have delivered a letter to the First Minister's residence in Edinburgh, as they requested a meeting with her and the Justice Secretary. Allan Marshall and Sheku Bayoh both died in custody in 2015. Mr Marshall, 30, was being held on remand at HMP Edinburgh in March 2015 when he suffered a cardiac arrest during a lengthy struggle with staff. Later that year, in May, 31-year-old Mr Bayoh died after he was restrained by nine police officers in Kirkcaldy. A fatal accident inquiry found that Mr Marshall's death was "entirely preventable", while Mr Bayoh's is currently subject to a public inquiry. The two families came together to hold a remembrance vigil outside the First Minister's Bute House residence, where Mr Marshall's family announced that they have requested a review of his case by the Lord Advocate.

Why Defending Dissent Matters Now

In April 2022, new sweeping anti-protest laws come into force from. Many of the new powers in the Act are poorly defined, with the Home Secretary having powers to regulate the meaning of "serious disruption". In practice, the police themselves will often be able to decide when and how to impose conditions, opening the door for widespread abuse. This means that protesters, especially if they are near a business or a public building, may find themselves facing threats of arrest in circumstances that they have not previously encountered. It's vital that we resist these new police powers. Netpol will support grassroots groups as they face these new police powers, working to provide information and resources and looking for ways to challenge the Act in the courts and on the streets. A last-minute concession offered by the government, to ensure the Act was passed, was for the Home Secretary to "prepare and publish a report" on the way new powers are used. Based on how so much of what emerges from the government is self-congratulatory propaganda, we have little faith a Home Secretary's report on protests will be any different. That is why, over the next two years, we need to build up our own body of evidence on the way police powers are misused and freedom of assembly rights are violated.

Background Police, Crime, Sentencing and Courts Act?

The Act is a huge piece of legislation, and as well as targeting our right to protest it increases the criminalisation of Gypsy, Roma and Traveller communities, and increases harsh measures in the criminal justice system which disproportionately effect Black and Brown communities. Section 3 of the Act deals with protest related offences. Policing bodies had lobbied hard for years to gain new powers, and found a receptive audience with Home secretary Priti Patel, who referred to protesters as "vandals and thugs". In March 2021, the government first introduced their draft Police Crime Sentencing and Courts Bill, which became an Act in April 2022. The passage of the Act through Parliament – with new and ever more draconian amendments from the Tories, many of which were rejected by the Lords – shows ministers' transparent desire to use the Act to attack and criminalise protest movements using direct action tactics.