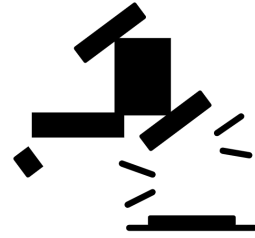


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a tech-enabled natural justice

Presenter:
Mil Williams

Email – positive@secrecy.plus
Online whitepaper –
legalallways.com |
www.secrecy.plus/law



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"Towards a *Natural* Justice"

A PhD-level Research Proposal on How to Promote and Enable Justice's Common Sense

Background

Criminal Justice traditionally places the focus on crime.

Natural Justice – when allowed to exist – places the focus on justice.

In Western democracies – and their antecedents – we have been trying to eliminate crime by focussing on crime itself.

We still haven't achieved its elimination – and in Anglo-Saxon countries like the UK and the USA, law enforcement and policing are lately hitting the headlines for all the worst of reasons.

The state of crime-fighting in the UK

“You read of David Carrick, the officer who kept his uniform, his badge and, for many years, his gun even as he pursued a parallel career as a prolific sex offender, and of course you are sickened by the evil he has done: dozens of rapes and sexual offences against 12 women, over two decades, including imprisoning one of his victims, naked and terrified, in a tiny cupboard under the stairs. But an equal horror comes when you learn that the police had been warned eight times about Carrick’s behaviour – eight – but did nothing. In fairness, that’s not quite right; they did do something. They promoted him in 2009 to an elite armed unit.”

<https://www.theguardian.com/commentisfree/2023/jan/20/violence-against-women-terrorism-police-met-rapists-murders>

What to do with a Met police that harbours rapists and murderers? Scrap it and start again

Jonathan Freedland



Violence against women is a threat more lethal than terrorism and our biggest force bears great responsibility

Fri 20 Jan 2023 16.17 GMT

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The state of crime-fighting in the US

“I immediately noticed that almost all of the reforms that liberals suggest will save Black lives were present in Tyre’s death. Diversity was not an issue: the five cops who killed him are all Black. The body cameras strapped to their chests did not deter their fists from delivering blow after blow. Memphis has about 2,000 cops, and if this were a “few bad apples” in the department issue, then maybe they all happened to be working on the same shift. Cops did not shoot Tyre; they opted for a less deadlier force: they beat him for three minutes, shocked him, and pepper sprayed him.”

<https://www.theguardian.com/commentisfree/2023/jan/30/what-would-have-saved-tyre-nichols-life>

What would have saved Tyre Nichols’ life?

Derecka Purnell

All of the reforms that liberals suggest will save Black lives were present in Tyre’s death. So what works?

Mon 30 Jan 2023 11.18 GMT

 Follow Derecka Purnell



“Dark figure”: everyone’s go-to tool?

It's all too apparent that crime-fighters in such countries are habitually reserving themselves the right to use what has been called – in sociology and criminology since the 19th century – “dark figure”.

Dark figure involves criminal and related activities conducted by both criminal actors and supposedly legitimate ones:

<https://crimehunch.com/neocrime>

“Dark figure”: everyone’s go-to tool?

What is "dark figure"?

Although an organized reporting system exists that includes the UCR, NIBRS, NVCS and self-reports, an even greater number of unreported crimes form the dark figure of crime.

The term “dark figure of crime” was first used by the Belgian mathematician and sociologist Adolphe Quetelet in 1832.

The dark figure of crime is crime that is neither reported nor recorded by law enforcement agencies.

The dark figure includes criminal incidents/occurrences that meet the definition of recordable crime that are not recorded in official statistics.

<https://onlinelibrary.wiley.com/doi/abs/10.1002/9781118517383.wbeccj248>

“Dark figure”: everyone’s go-to tool?

What is dark figure?

To recap,
dark figure
constitutes
crimes that
aren't
reported.
This may be
due to the
fact that ...

... its victims fear to report them because of the criminals themselves, or because of law-enforcement inefficacy and failure to deliver;

... its victims don't realise that what has been happening actually is a crime;

... its victims are simply faced with currently undetectable criminal activity; or

... its victims are simply faced with law-enforcement officers, nation-state security personnel, and private security employees who themselves participate in and promote “dark figure spaces, processes, and opportunities”, as actively as the criminals do.

More on “dark figure” and “neo-crime”

Such activities are often intended to be invisible by those who choose to use these, and analogous, spaces.

They are invisible, for various reasons (see the previous two slides), to the systems they should be pursued by: Criminal Justice and Mental Health for example, as two corrective discourses which interface directly with certain criminal behaviours.

This means that a significant degree of criminal activity is carried out by people and organisations which a wider society may be intended to judge as legitimate.

The implications of consenting to “dark figure”

In order to keep the societal peace as defined by such crime-fighters – inevitably through their praxis – they find they must sometimes bend or even break the rules: that is, apply their discretionary versions of what has been legally codified (itself naturally open to judicial interpretation).

The legitimacy they have as a result in such societies is flawed – and sometimes fatally so.

When Criminal Justice is criminal, not justice

Can women in Britain ever trust the police again? Here's what must happen first

Harriet Wistrich



The Met's failure to investigate David Carrick shows how little changed even after the murder of Sarah Everard. It's time for radical reform

Wed 18 Jan 2023 16:30 GMT

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<https://www.theguardian.com/commentisfree/2023/jan/18/women-britain-trust-met-police-david-carrick-sarah-everard>

commentisfree

The killing of Tyre Nichols was heinous and shocking. It was also not an aberration

Simon Balto

The majority of Americans have resigned themselves to accepting policing as it currently exists. This must change

11:13 Sat January 28, 2023

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<https://www.theguardian.com/commentisfree/2023/jan/28/t-he-killing-of-tyre-nichols-was-heinous-and-shocking-it-was-a-iso-not-an-aberration>

Proposing a *Natural* Justice which is justice, not criminal ...

So what am I suggesting we do about this?

I think that focussing on a *Criminal* Justice shows an (understandable but manifest) absence of aspiration.

I think we can be much more ambitious. And women in London and citizens in the US and people who just seek a good life all round deserve that we should exhibit this ambition.

I'd like to lay the academic foundations of these ideas with a PhD-level research proposal, whose principle goal is to kickstart the delivery of an increasing number of nation-state *Natural Justice* systems.

Proposing a *Natural* Justice which is justice, not criminal ...

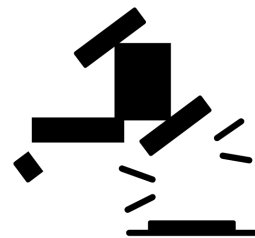
Very preliminary draft of a Conceptual Roadmap of new approaches:

- first, we focus our systems less on debating what we think Criminal Justice should deliver;
- second, we start focussing our efforts on working out how to codify what we consider Natural Justice could be, and might become:
 - a. how it might differ from Criminal Justice as we understand it ...
 - b. once better understood, how it can be legally enshrined and therefore applied ...
 - c. how we can continue to deepen its capacity to deliver a better world – that is, increase its sophistication and agility without confusing both citizens and professionals with its potential for future complexities ...

Proposing a *Natural* Justice which is justice, not criminal ...

My aspiration in proposing the delivery of a PhD-level research project over five years is to:

1. Identify the real meaning of what I am beginning to argue we need to call Natural Justice as opposed to Criminal Justice.
2. Once usefully scoped and deepened as a concept – and in a firmly practice-based way – give broad and global access to the centrally developed “software, firmware and hardware toolkits”, alongside what could become “template legislative codes”, in order that nation-state interpretations of this Natural Justice as an inalienable overarching set of human rights may be locally and regionally applied, on each community’s own particular terms.



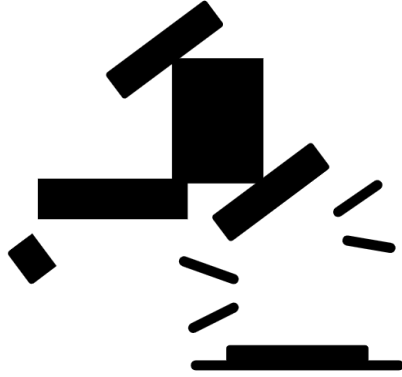
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