

FRONT MATTER

WOOD GREEN CROWN COURT

IN THE CROWN COURT AT WOOD GREEN

Criminal Proceedings

Defendant:

DERRICK EMMANUEL LYNCH

also known as

JOHN CANOE

**FORENSIC EXAMINATION OF SAFEGUARDS AGAINST ANTI-BLACK RACISM AND
INSTITUTIONAL RACISM IN CRIMINAL JUSTICE DECISION-MAKING**

**Following the Hearing at Wood Green Crown Court on 26 August 2026 and the
Judicial Recommendation to Examine the Equal Treatment Bench Book and Related
Material**

Prepared for the Hearing Listed on 16 September 2026

Prepared by:

Derrick Emmanuel Lynch, also known as John Canoe

Defendant / Litigant in Person

Date: 26 August 2026

Court:

Wood Green Crown Court

The Crown Court at Wood Green

Woodall House

Lordship Lane

Wood Green

London N22 5LF

United Kingdom

Document status:

Safeguarding, clarification and effective-participation document

Transcript status:

Official transcript of the hearing of 26 August 2026 requested and awaited.

DOCUMENT PURPOSE AND STATUS

1. Purpose

This document records the results of a forensic examination undertaken following the hearing at Wood Green Crown Court on **26 August 2026**.

At that hearing, I raised questions concerning safeguards against **anti-Black racism and institutional racism in criminal justice decision-making**.

The judge, whose name I did not obtain at the hearing, directed or advised me to examine material including the **Equal Treatment Bench Book**.

I understood from the exchange that the material recommended by the judge was relevant to answering the safeguarding concerns I had raised.

I informed the Court that I would read the material before returning to Court on **16 September 2026**.

This document records the resulting examination.

2. CENTRAL QUESTION

The central question examined is:

What identifiable safeguards exist against anti-Black racism and institutional racism affecting criminal justice decision-making; where are those safeguards located; how do they operate; how can their application be identified; and what procedure or remedy exists where a safeguard is engaged or is alleged to have failed?

The purpose is not to obtain general reassurance.

The purpose is to identify **facts, evidence, law, rules, judicial guidance, procedures, safeguards and remedies**.

3. POSITION OF THE DEFENDANT

For the avoidance of doubt:

I am not refusing to participate in the criminal proceedings.

I am not asserting that no safeguards exist.

I am not demanding that the Court guarantee that racial prejudice can never exist.

I am not asking the Court to agree with my personal assessment of the criminal justice system.

I am not asking the Court to determine a general political, historical, academic or sociological question concerning racism in the United Kingdom.

I seek to understand the safeguards applicable to the criminal proceedings in which I am the defendant so that I can participate effectively and make legally significant decisions on an informed basis.

4. SAFETY POSITION

I am in fear for my life.

That is a serious statement and is not made rhetorically.

My concern arises in the context previously explained to the Court concerning reports of deaths of Black people in police custody and reports concerning anti-Black racism and institutional racism within criminal justice processes.

However, this document does **not** treat my fear as proof that racism has occurred in my case.

The purpose of the forensic examination is precisely to distinguish:

fear from evidence;

concern from finding;

possibility from fact;

assurance from safeguard;

and

safeguard from proof that the safeguard has actually operated.

5. NO ALLEGATION OR PREDETERMINED CONCLUSION

For the avoidance of doubt, in undertaking this safeguarding examination:

I make no allegation.

I make no accusation.

I make no assumption.

I make no unsupported assertion.

I have reached no predetermined conclusion that anti-Black racism or institutional racism has affected these proceedings.

Nothing in this document should be construed as an allegation that the judge who dealt with the hearing on 26 August 2026, another judge, a juror, prosecutor, police officer, court officer or other identifiable person has acted through racism merely because the safeguarding questions have been raised.

The purpose is preventative, evidential and procedural.

6. STATUS OF THE JUDGE'S ORAL COMMENTS

The official transcript of the hearing on **26 August 2026** has been requested and is presently awaited.

Accordingly, references in this document to what the judge said, advised, recommended, indicated or appeared to assure me are presently based upon my recollection and understanding of the hearing.

They are **not presented as verbatim quotations unless expressly identified as such from an authoritative record.**

Once the official transcript is received, the transcript should take precedence over recollection as evidence of the precise words spoken.

If necessary, this document can then be corrected or supplemented.

7. STATUS OF THE EQUAL TREATMENT BENCH BOOK

The Equal Treatment Bench Book is treated in this document as important official judicial guidance.

It is not treated as though it were itself an Act of Parliament or a complete statement of all applicable criminal law.

The forensic examination therefore considers the Bench Book alongside the wider framework identified during the examination, including:

- legislation;
- the Human Rights Act framework;
- the Criminal Procedure Rules;
- relevant case law;
- PACE;

- criminal disclosure provisions;
 - the Crown Court Compendium;
 - Criminal Practice Directions;
 - jury procedures;
 - and relevant judicial safeguards and remedies.
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8. FORENSIC METHODOLOGY

The examination deliberately distinguishes between four findings:

ANSWERED

A sufficiently identifiable legal, procedural or judicial answer has been located.

PARTIALLY ANSWERED

Relevant protection or guidance has been identified, but an important operational question remains.

UNANSWERED

No adequate answer has been identified from the material examined.

REQUIRES COURT CLARIFICATION

The general framework has been identified, but clarification is required concerning the applicable procedure, jurisdiction, evidential threshold or operation within these proceedings.

This classification is intended to prevent repetition and drift.

9. IMPORTANT LIMITATION

The absence of an answer in the Equal Treatment Bench Book does **not** establish that no legal safeguard exists.

A safeguard may exist elsewhere in legislation, procedural rules, case law or another authoritative source.

Equally, the fact that the Equal Treatment Bench Book discusses racism, institutional racism or Black people does **not**, without further examination, establish that every operational safeguarding question has been answered.

Both propositions have therefore been tested separately.

10. PRINCIPAL FINDING OF THE EXAMINATION

The examination has identified substantial safeguards against racial unfairness.

Accordingly, this document does **not** conclude:

“There are no safeguards.”

The evidence instead indicates a layered framework comprising:

binding fair-trial protections;

judicial impartiality requirements;

race-conscious judicial guidance;

anti-stereotyping guidance;

procedural safeguards;

evidential safeguards;

jury safeguards;

effective-participation safeguards;

and

corrective and appellate remedies.

However, the examination has also identified a finite number of operational questions which remain unanswered or require clarification.

Those questions are isolated later in the document so that the Court is not asked to reconsider matters which have already been answered.

11. PURPOSE OF SUBMISSION TO THE COURT

This document is submitted for the purposes of:

safeguarding;

clarification;

effective participation;

accurate identification of the applicable legal framework;

and

narrowing the outstanding issues before the hearing on 16 September 2026.

It should not be treated merely as a complaint against the Court or as an allegation of judicial misconduct.

Where a matter identified in this document requires a separate formal application, I respectfully seek identification of the appropriate procedure.

12. REQUEST TO THE COURT

The Court is respectfully requested to read this document on the basis that:

1. I raised safeguarding questions on 26 August 2026;
2. the judge directed or advised me to examine relevant material including the Equal Treatment Bench Book;
3. I undertook to examine that material;
4. I have now done so;
5. substantial safeguards have been identified and acknowledged;
6. matters which have been answered are not presented as though they remain unanswered;
7. the remaining questions have been narrowed and particularised;
8. I seek identification of the applicable law, rule, guidance, procedure, jurisdiction or remedy concerning those remaining matters;
9. I seek correction where my understanding of the law or procedure is wrong; and
10. insofar as reasonably practicable, I seek that clarification before the hearing listed for **16 September 2026**.

13. DOCUMENT STRUCTURE

The substantive document is divided into **12 sections**.

The earlier sections establish and examine the relevant safeguarding framework.

The later sections progressively narrow the inquiry.

Section 10 provides the forensic audit distinguishing answered, partially answered, unanswered and Court-clarification matters.

Section 11 isolates the finite schedule of outstanding questions.

Section 12 records the final position and the directions or actions respectfully requested from Wood Green Crown Court.

The document should therefore be read as a single progressive analysis rather than as 12 independent complaints.

EXECUTIVE SUMMARY

Following the hearing at Wood Green Crown Court on **26 August 2026**, I undertook a forensic examination of the material recommended by the judge, including the **Equal Treatment Bench Book**, together with the wider legal and procedural framework relevant to safeguards against anti-Black racism and institutional racism in criminal justice decision-making.

The examination has materially advanced the position.

It has established that substantial safeguards exist.

It would therefore be inaccurate for me simply to return to Court and state that there are no safeguards or that none of my questions has been answered.

However, the examination has **not established that every operational question has been answered.**

The principal finding is that protection does not appear to operate through one universal procedure called an “anti-Black racism safeguard” or “institutional racism safeguard.”

Instead, protection operates through a network of legal and procedural mechanisms including fair-trial rights, impartiality, apparent-bias law, judicial guidance against stereotyping, effective-participation requirements, disclosure, evidential safeguards, PACE, abuse-of-process jurisdiction, jury safeguards and appellate remedies.

The remaining difficulty is operational.

The outstanding questions concern **which mechanism applies to a particular anti-Black or institutional risk, what triggers it, what evidence is required, when it operates, how a self-represented defendant invokes it, how its application can be objectively identified, and what remedy exists if it fails.**

Those remaining matters are isolated in Section 11.

I do not seek general assurances in substitution for those answers.

I seek identifiable law, rules, procedures, guidance and evidence.

I remain in fear for my life, but I do not rely upon that fear as proof that racism has occurred in these proceedings.

I make no allegation, accusation, assumption or unsupported assertion that any particular person involved in the proceedings has acted through anti-Black racism or institutional racism.

The objective of this document is to permit the outstanding safeguarding issues to be dealt with precisely and, insofar as reasonably practicable, **before the hearing on 16 September 2026**, so that I can understand the position and participate effectively.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long, sweeping horizontal stroke extending to the right.

DERRICK EMMANUEL LYNCH

also known as **JOHN CANOE**

Defendant / Litigant in Person

SECTION 1

PURPOSE, EVIDENTIAL FOUNDATION, SCOPE AND QUESTIONS REQUIRING ANSWERS

1.1 Document Title

FORENSIC EXAMINATION OF THE EQUAL TREATMENT BENCH BOOK AND OTHER MATERIAL IDENTIFIED BY THE COURT IN RESPONSE TO QUESTIONS CONCERNING SAFEGUARDS AGAINST ANTI-BLACK RACISM AND INSTITUTIONAL RACISM IN CRIMINAL JUSTICE DECISION-MAKING

Proceedings: R v Derrick Lynch

Defendant: Derrick Emmanuel Lynch, also known as John Canoe

Case Reference: 01GD1160226

Court: Wood Green Crown Court, Woodall House, Lordship Lane, Wood Green, London N22 5LF

Relevant Hearing: 26 August 2026

Next Hearing: 16 September 2026

Principal Material for Examination: Equal Treatment Bench Book — July 2024 edition, February 2026 update

1.2 Purpose

This document has been prepared following proceedings at Wood Green Crown Court on 26 August 2026.

Its purpose is to conduct a careful, source-based and forensic examination of the material which the judge directed or advised me to read following questions I raised concerning safeguards against anti-Black racism and institutional racism within the decision-making processes affecting my criminal proceedings.

The purpose is not to obtain further general assurances.

The purpose is to identify facts.

In particular, the examination seeks to establish:

1. what safeguards actually exist;
2. the precise source of each safeguard;
3. the legal or procedural status of each safeguard;
4. the persons and institutions to whom each safeguard applies;
5. the decisions to which each safeguard applies;

6. how each safeguard operates;
 7. whether it operates preventively or only provides a remedy after an alleged failure;
 8. whether it addresses individual racial prejudice;
 9. whether it addresses anti-Black racism;
 10. whether it addresses institutional or systemic racism;
 11. how compliance with the safeguard can be identified or tested;
 12. what happens where the safeguard fails;
 13. whether a defendant can invoke the safeguard;
 14. whether it is enforceable;
 15. whether the material identified by the Court answers the questions I actually asked; and
 16. precisely what questions, if any, remain unanswered.
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1.3 Why Precision Is Necessary

The subject matter is capable of becoming confused if materially different propositions are treated as though they mean the same thing.

For example, the following propositions are not necessarily equivalent:

- racism is prohibited;
- discrimination is unlawful;
- judges must act impartially;
- judges receive equality guidance;
- judges are informed about racial disparities;
- institutional racism is recognised as a concept;
- a defendant may challenge apparent bias;
- a defendant may appeal an erroneous decision;
- courts must ensure a fair trial;
- safeguards exist against anti-Black racism affecting a decision;
- safeguards exist against institutional racism affecting a decision.

Each proposition may be relevant.

They must nevertheless be examined separately.

This document will therefore avoid treating a general statement concerning fairness, equality, impartiality or non-discrimination as a complete answer to a more specific question unless the source actually supports that conclusion.

1.4 The Original Question Must Remain Fixed

The starting point is the question actually put before the Court.

I asked:

“Before I am required to enter a plea or make any decision affecting my legal rights, as a Black defendant, would the Court please identify the legal framework, the Court's jurisdiction, and the specific safeguards that ensure anti-Black racism and institutional racism do not affect any decision made in my case?”

The question expressly concerns:

- (a) the legal framework;
- (b) the Court's jurisdiction;
- (c) specific safeguards;
- (d) anti-Black racism;
- (e) institutional racism;
- (f) decision-making;
- (g) decisions made in my particular criminal proceedings; and
- (h) the position before I am required to enter a plea or make another decision affecting my legal rights.

Those components must not be removed, substituted or reduced during the analysis.

1.5 The Further Question Concerning “Ordinary Safeguards”

My written statement anticipated the possibility that the response might be that ordinary safeguards already protect defendants.

I therefore asked:

“If the Court's position is that ‘the ordinary safeguards apply’, would the Court please identify those safeguards, explain where they are set out in legislation, court rules, judicial guidance or official policy, and explain how they address the possibility of anti-Black racism and institutional racism in these proceedings?”

Accordingly, merely stating that “ordinary safeguards apply” does not answer the question.

For the purposes of this examination, an ordinary safeguard relied upon as an answer must be capable of being identified.

Its source must be capable of being identified.

Its operation must be capable of being explained.

Its relationship to anti-Black racism and/or institutional racism must also be examined.

1.6 What Occurred on 26 August 2026

At the hearing on 26 August 2026, I read my prepared statement to the Court.

The judge was a woman whose name I did not obtain at the hearing.

I presently recollect the judge attempting on approximately three occasions to provide reassurance concerning the matters I was raising.

I also presently recollect the judge directing or advising me to read material, including the **Equal Treatment Bench Book**.

My understanding and impression from the exchange was that the material identified by the judge was relevant to answering the concerns and safeguarding questions I had raised.

I informed the Court that I would read the material before returning to court on 16 September 2026.

These statements concerning what the judge said are presently based upon my recollection.

They are **not presented in this document as a verbatim transcript**.

A request has therefore been made for the official transcript of the hearing.

Once obtained, the transcript should replace recollection wherever there is any material difference between the two.

1.7 Evidential Importance of the Transcript

The transcript is important because this examination must distinguish between:

1. what I asked;
2. what I presently remember the judge saying;
3. what the judge actually said according to the official record;
4. what documents the judge actually identified;
5. what those documents actually contain; and
6. what conclusions can properly be drawn from those sources.

No paraphrase of the judge's words should ultimately be preferred over an available official transcript.

Until the transcript is obtained, references to the judge's oral statements will therefore be identified as recollection rather than established verbatim wording.

1.8 No Substitution of the Question

A central safeguard against analytical drift in this document is that one question must not silently be substituted for another.

The question:

“Does the Equal Treatment Bench Book discuss racism?”

is not the same question as:

“What safeguards prevent anti-Black racism and institutional racism from affecting decisions in my criminal proceedings?”

Likewise:

“Does the judiciary oppose racism?”

is not the same question.

Nor is:

“Are judges required to act fairly?”

Nor:

“Can a defendant appeal?”

Nor:

“Can a judge be challenged for apparent bias?”

Each may form part of the eventual answer.

None will automatically be treated as the complete answer.

1.9 Assurance Is Not the Evidential Test

An assurance may be sincerely given and may be relevant.

However, the present inquiry seeks objective information capable of being independently examined.

Accordingly, where an assurance is given, the next questions are:

What is the safeguard?

Where is it written?

Who must apply it?

When must it be applied?

How does it operate?

How does it address anti-Black racism?

How does it address institutional racism?

How can its application be demonstrated?

What happens if it fails?

The purpose of asking those questions is not to reject reassurance.

It is to convert reassurance, where possible, into identifiable evidence.

1.10 Anti-Black Racism and Institutional Racism Must Not Be Collapsed Into One Question

This examination will treat **anti-Black racism** and **institutional racism** as related but analytically distinct matters.

A safeguard against intentional racial discrimination by an individual does not necessarily establish a safeguard against institutional processes capable of producing discriminatory or racially unequal outcomes without proof of consciously racist intent by a particular individual.

Similarly, general material concerning race or ethnicity does not necessarily answer a question specifically concerning the experiences and position of Black defendants.

The analysis must therefore state expressly which phenomenon a particular provision addresses.

Where a provision addresses both, that will be recorded.

Where it addresses only one, that limitation will also be recorded.

1.11 Decision-Making Is Central to the Inquiry

The inquiry concerns racism **in decision-making processes**.

It is therefore necessary to examine safeguards relating not merely to courtroom behaviour or respectful treatment, but also to decisions capable of affecting:

- plea;
- mode of trial where applicable;
- case management;
- admissibility of evidence;
- disclosure;
- credibility;
- findings of fact;
- legal submissions;
- judicial rulings;
- jury processes;
- conviction or acquittal;
- sentencing;
- bail;
- conditions imposed upon a defendant;
- effective participation;
- treatment of a litigant in person;
- applications made by the prosecution or defence; and
- any other material exercise of judicial or procedural discretion.

The existence of courteous treatment is not itself proof that decision-making is protected from racial bias.

Both matters are important, but they are different.

1.12 Prevention Must Be Distinguished From Remedy

This examination will distinguish between a **preventive safeguard** and a **remedy after something has gone wrong**.

For example, an appeal may provide an important remedy.

A complaint procedure may provide another form of remedy or accountability.

Recusal may address an identified issue concerning a particular judicial office-holder.

Those mechanisms may be highly relevant.

But if the original question concerns safeguards designed to prevent anti-Black racism or institutional racism from affecting a decision in the first place, a subsequent remedy must not automatically be described as answering the preventive question.

Both categories will therefore be recorded separately.

1.13 Guidance Must Be Distinguished From Law

The Equal Treatment Bench Book is judicial guidance.

Where it identifies or discusses principles derived from legislation, case law, procedural rules, practice directions or other authoritative sources, those underlying sources must be identified where necessary.

This examination will therefore distinguish between:

the Bench Book saying that something should happen, and
a legal rule requiring that something happen.

Where the Bench Book itself provides the relevant guidance, that will be recorded accurately as guidance.

Where a binding legal source exists separately, that source should be identified separately.

This distinction is necessary to establish the precise nature and strength of the safeguard being relied upon.

1.14 No Predetermined Conclusion

This examination does not begin with the conclusion that the Equal Treatment Bench Book answers my questions.

It equally does not begin with the conclusion that it fails to answer them.

Both conclusions would be premature.

The material must first be examined.

The evidence will determine the classification.

A provision capable of answering a question will be recorded as doing so.

A provision capable of answering only part of a question will be recorded as partially answering it.

A question for which no adequate answer can be located will be recorded as unanswered.

1.15 Evidential Classification

For consistency, the following classifications will be used throughout this document:

ANSWERED

The identified source provides a sufficiently specific answer to the question being examined.

PARTIALLY ANSWERED

The source provides material directly relevant to the question but leaves one or more material elements unresolved.

NOT ANSWERED

No adequate answer to the particular question has been identified in the material examined.

REQUIRES EXTERNAL LEGAL SOURCE

The Bench Book indicates that another statute, rule, authority, practice direction, policy or other source must be examined before a conclusion can safely be reached.

REQUIRES CLARIFICATION FROM THE COURT

The documentary material does not resolve a matter concerning how the identified safeguard applies to the present proceedings, and clarification from the Court is therefore required.

1.16 My Position Concerning Allegations

I make no allegation, accusation, assumption or assertion that the judge who conducted the hearing on 26 August 2026 acted from a racist motive.

I make no allegation, accusation, assumption or assertion that any other judge, court employee, prosecutor, police officer or other participant has acted from a racist motive merely because these questions are being asked.

I have reached no such conclusion.

The purpose of asking for safeguards is to establish what protections exist without having to make such assumptions.

The forensic exercise is therefore preventative and evidential.

1.17 My Stated Safety Concern

My written statement recorded that I am in fear for my safety arising from reports concerning deaths of Black people in police custody and reports concerning anti-Black racism and institutional racism within the justice system.

That statement records my expressed concern.

This document does not convert that concern, without evidence, into an allegation that any particular person involved in these proceedings presently intends to cause me harm.

That distinction must remain clear throughout this document.

1.18 Effective Participation

My written position is also that I am not refusing to enter a plea.

I asked the Court to address the safeguarding issue before requiring me to do so.

The purpose of this forensic examination is therefore directly connected with my ability to understand the safeguards which the Court considers applicable before I am required to make decisions affecting my legal rights.

This document must not be interpreted as an attempt to avoid the criminal proceedings.

It records an attempt to understand the framework within which those proceedings are being conducted and the safeguards which the Court considers applicable.

1.19 Public-Interest Dimension

Although this document arises from individual criminal proceedings, the questions examined are capable of having wider public significance.

A clear identification of the safeguards applicable to a Black defendant should not depend upon speculation.

Where safeguards exist, identifying them clearly promotes understanding of the justice system.

Where several different safeguards operate together, identifying their respective functions promotes clarity.

Where a question is answered by legislation, that should be stated.

Where it is answered by procedural rules, that should be stated.

Where the protection consists principally of judicial guidance, that should be stated.

Where a remedy exists only after an alleged failure, that should also be stated.

And where a particular question is not answered by the material examined, that fact should be recorded rather than filled by assumption.

The public interest is served by distinguishing evidence from assurance, law from guidance, prevention from remedy, and established fact from inference.

1.20 Required Outcome Before 16 September 2026

The intended outcome of this examination is a definitive schedule showing:

1. the original question;
2. the relevant source;
3. the exact safeguard identified;
4. its legal or procedural status;
5. how it operates;
6. whether it addresses anti-Black racism;
7. whether it addresses institutional racism;
8. whether it protects decision-making;
9. whether it operates before or after a decision;
10. whether and how it can be invoked;

11. whether the question is answered, partially answered or unanswered; and

12. any clarification still required from Wood Green Crown Court.

If the material identified by the judge completely answers the questions, that fact should be recorded.

If it does not, the unanswered elements should be isolated with precision.

The Court can then be asked to address those specific outstanding matters before the hearing on **16 September 2026**, rather than being presented with a repetition of general concerns.

1.21 Governing Principle for the Remainder of this Document

The remainder of this document will proceed on one simple evidential principle:

No assurance will be treated as a substitute for an identifiable safeguard, and no safeguard will be rejected merely because it does not provide an absolute guarantee.

The question is what protections actually exist, what they require, how they operate, and what remains unanswered.

That is the issue to be determined from the evidence.

SECTION 2

STATUS, PURPOSE, AUTHORITY AND LEGAL EFFECT OF THE EQUAL TREATMENT BENCH BOOK

2.1 Purpose of this Section

Before relying upon anything contained in the **Equal Treatment Bench Book (“ETBB”)** as an answer to the safeguarding questions identified in Section 1, it is necessary to establish precisely what the ETBB is.

This is fundamental.

A statement contained in an Act of Parliament does not have the same legal status as a statement contained in procedural rules.

A procedural rule does not necessarily have the same status as a Practice Direction.

A binding judicial authority is different from judicial guidance.

Guidance is different from educational material.

A statement of principle is different from an operational procedure.

Accordingly, the fact that the ETBB contains material relevant to racism cannot, without further analysis, establish the legal status, enforceability or practical operation of that material.

This section therefore asks:

What is the Equal Treatment Bench Book, who produces it, what is it intended to accomplish, who uses it, and what legal or procedural force does it have?

2.2 Identification of the Document

The version examined for the purposes of this document is:

Equal Treatment Bench Book — July 2024 edition, February 2026 update.

The Courts and Tribunals Judiciary published the February 2026 update on **26 February 2026**.

The official Judiciary website describes it as a regular update to the July 2024 edition.

This is therefore the appropriate current version to examine in relation to the hearing at Wood Green Crown Court on 26 August 2026.

2.3 Official Judicial Status

The ETBB is an official Judiciary publication.

The Courts and Tribunals Judiciary maintains and publishes it and describes it as an important resource concerning equal treatment within courts and tribunals.

The Judiciary's own material describes the ETBB as an extensive document functioning as a **key work of reference for the judiciary on equal treatment**.

This is significant.

The ETBB should therefore not be characterised as an unofficial commentary, campaigning publication, academic opinion or third-party interpretation of the justice system.

It is material officially provided by the Judiciary for judicial use.

2.4 Stated Purpose of the ETBB

The Judiciary states that the ETBB aims to increase awareness and understanding of the different circumstances of people appearing in courts and tribunals.

It is described as containing **practical guidance**.

The Judiciary states that it assists effective communication, helps make the court experience fair and accessible, and suggests steps which should increase participation by parties.

These descriptions establish several matters relevant to this forensic examination.

The ETBB is concerned with:

- awareness;
- understanding;
- communication;
- fairness;
- accessibility;
- participation; and
- practical judicial conduct.

These functions are plainly relevant to the concerns raised before Wood Green Crown Court.

However, none of those descriptions, standing alone, establishes that the ETBB constitutes a complete legal framework for preventing anti-Black racism or institutional racism from affecting criminal justice decision-making.

That question requires separate examination.

Preliminary classification: RELEVANT BUT NOT YET A COMPLETE ANSWER.

2.5 Intended Users

The ETBB is principally a resource for judicial office-holders.

The Judiciary describes judicial office-holders as referring to the ETBB for assistance in tailoring their conduct and communication so as to create a professional and inclusive courtroom environment.

This is important because the ETBB is not merely information directed at defendants explaining their rights.

It is guidance directed substantially towards the people exercising judicial functions.

Accordingly, when examining a particular passage, this document must ask:

What does the passage tell the judge to know, consider, avoid or do?

That question may be more important than simply asking what information the passage provides to a defendant.

2.6 The ETBB and Judicial Decision-Making

The safeguarding question raised on 26 August 2026 concerns **decision-making**.

The ETBB's relevance must therefore be tested at two distinct levels.

Level One — Conduct and Participation

Does the ETBB assist judges in:

- communicating appropriately;
 - avoiding inappropriate terminology;
 - recognising vulnerability;
 - facilitating participation;
 - avoiding stereotypes;
 - understanding different backgrounds;
-

- treating court users respectfully; and
- creating an accessible courtroom?

Level Two — Decisions

Does the ETBB identify safeguards concerning:

- findings of fact;
- credibility assessments;
- procedural decisions;
- evidential decisions;
- judicial discretion;
- bail decisions;
- case-management decisions;
- decisions affecting effective participation;
- sentencing;
- assumptions used in reasoning;
- conscious bias;
- unconscious bias;
- racial stereotyping;
- anti-Black racism; and
- institutional or systemic racism?

The first category is important.

But it cannot automatically be substituted for the second.

2.7 Equal Treatment Is Connected With Judicial Impartiality

The Judiciary separately identifies three fundamental judicial principles:

Independence.

Impartiality.

Integrity.

Its official explanation of these principles identifies the ETBB as guidance for judicial office-holders concerning equal treatment. It states that judges use the ETBB for assistance concerning appropriate conduct and communication.

The Lady Chief Justice has also stated that principles of fair treatment are inherent in the judicial role and that judicial processes should be open, fair and transparent, with decisions based upon sound and objective criteria.

These principles are highly relevant to the present inquiry.

However, the existence of the principles must again be distinguished from the identification of the particular safeguards through which those principles are protected.

2.8 Guidance Versus Primary Law

The official Judiciary describes the ETBB as **practical guidance** and a **work of reference**.

On the material examined at this stage, the ETBB should therefore **not be described as though the entire Bench Book were itself an Act of Parliament, a set of Criminal Procedure Rules, or a judicial judgment establishing binding precedent**.

That would overstate its status.

Equally, it would be incorrect to dismiss it merely because it is guidance.

Official judicial guidance may be important to the proper administration of proceedings.

The correct forensic approach is therefore:

First: identify what the ETBB says.

Second: identify whether that particular proposition is guidance in its own right.

Third: determine whether the proposition reflects or refers to an independent legal obligation.

Fourth: where it does, identify the underlying source.

2.9 Underlying Legal Sources Must Be Separated From the ETBB

Where the ETBB refers to or reflects:

- legislation;
- the European Convention on Human Rights;
- the Human Rights Act 1998;

- the Equality Act 2010;
- Criminal Procedure Rules;
- Criminal Practice Directions;
- appellate authority;
- common-law principles;
- principles concerning judicial bias;
- judicial recusal;
- procedural fairness;
- effective participation;
- the judicial oath; or
- another authoritative source,

the underlying source should be separately identified.

This prevents an important analytical error.

If an enforceable safeguard exists because of legislation or binding case law, it should not be described merely as an ETBB safeguard.

The ETBB may **identify, explain or assist the application of** that safeguard.

The legal source may lie elsewhere.

2.10 A Three-Layer Model

For clarity, safeguards identified during this examination should therefore be divided into three layers.

LAYER 1 — PRIMARY OR BINDING LEGAL PROTECTION

This may include, where applicable:

- legislation;
- procedural rules;
- binding judicial authority;
- Convention rights incorporated into domestic law; and
- common-law requirements.

LAYER 2 — OFFICIAL JUDICIAL GUIDANCE

This includes relevant provisions of the Equal Treatment Bench Book and other official judicial guidance.

LAYER 3 — PRACTICAL IMPLEMENTATION

This concerns what actually happens in an individual case:

- what the judge does;
- what the parties may raise;
- what must be recorded;
- what procedure can be invoked;
- how a problem can be corrected;
- how a decision can be challenged; and
- what remedy exists following failure.

A complete answer to the safeguarding question may require information from **all three layers**.

2.11 The ETBB Is Capable of Being Modified

The ETBB itself states that it is regularly updated and warns that downloaded or printed versions are subject to modification and improvement from time to time.

This characteristic is consistent with a living judicial guidance document.

It is also relevant when considering legal status.

An Act of Parliament does not acquire or lose provisions merely because the Judiciary updates a Bench Book.

Likewise, binding precedent is not altered simply by editorial amendment of guidance.

Accordingly, where the ETBB summarises a legal obligation, the underlying legal authority remains important.

2.12 Importance of the February 2026 Version

Because the relevant Crown Court hearing occurred on **26 August 2026**, this forensic examination should use the version applicable at that time.

The February 2026 update was published six months before the hearing.

It included amendments to several areas of the Bench Book, including Chapter 8.

The examination should therefore use the **July 2024 edition incorporating the February 2026 update**, rather than an older edition located elsewhere.

This prevents conclusions being based upon superseded material.

2.13 The ETBB's Relevance to a Litigant in Person

There is an additional reason why the ETBB is relevant to these proceedings.

The official contents identify **Chapter 1: Litigants in person and lay representatives**.

That chapter expressly includes:

- why the chapter matters;
- the courts' duty to litigants in person;
- difficulties faced by litigants in person;
- ways to help;
- difficulties at hearings;
- criminal cases; and
- jargon and legal language.

Accordingly, the forensic examination cannot properly be confined solely to the chapter concerning race.

The interaction between:

race + self-representation + effective participation + judicial decision-making

may require cross-reference between different parts of the ETBB.

2.14 The ETBB's Relevance to Race

The ETBB expressly contains material dealing with race, ethnicity and associated matters.

Accordingly, there is no question that the judge's reference to the ETBB was relevant to the subject matter raised before the Court.

The proper forensic issue is narrower:

How far does that relevant material go towards answering the specific questions asked?

That distinction must remain throughout the document.

2.15 Recognition Is Not Necessarily a Safeguard

If the ETBB recognises:

- racial inequality;
- racial disparities;
- stereotyping;
- prejudice;
- unconscious bias;
- institutional racism;
- systemic racism; or
- particular experiences of Black people,

that recognition is evidentially important.

But recognition of a risk and a safeguard against that risk are analytically different things.

For every risk identified, the forensic examination must therefore ask:

What, if anything, does the ETBB say should be done about it?

If an action is identified:

Who must perform that action?

Then:

Is that action required by law, required by procedural rules, expected by judicial guidance, recommended as good practice, or merely presented for awareness?

Only then can its safeguarding significance be properly classified.

2.16 Judicial Awareness as a Form of Protection

Judicial awareness should not be dismissed as meaningless merely because it does not amount to legislation.

A judge who understands the possibility of racial stereotyping, cultural misunderstanding or unconscious bias may be better equipped to identify and avoid those influences.

The Judiciary's stated purpose for the ETBB expressly includes increasing awareness and understanding.

Accordingly, judicial awareness may properly constitute **one component of a wider safeguarding framework**.

The unresolved question is whether awareness, together with other safeguards, provides a sufficiently specific answer to the questions raised before Wood Green Crown Court.

That cannot yet be determined.

2.17 The ETBB Cannot Rationally Be Examined in Isolation

The forensic examination has already established that the ETBB exists within a wider judicial and legal framework.

The Judiciary itself connects the ETBB with principles of judicial independence, impartiality and integrity.

The Lady Chief Justice's diversity and inclusion statement similarly connects fair treatment with the judicial role and refers readers to the Guide to Judicial Conduct, Statement of Expected Behaviour and ETBB.

Accordingly, if the ETBB points towards another authoritative document or legal rule relevant to the safeguarding question, that source must be followed.

The inquiry must not artificially stop at the final page of the ETBB.

2.18 What the ETBB Can Potentially Establish

Subject to the detailed examination in later sections, the ETBB may potentially establish:

1. risks of unequal treatment recognised by the Judiciary;
2. matters of which judges are expected to be aware;
3. recommended approaches to communication and participation;
4. matters judges should consider when assessing individuals;
5. stereotypes and assumptions which should be avoided;

6. circumstances capable of producing disadvantage;
7. judicial practices intended to promote fair treatment;
8. links between equal treatment and effective participation; and
9. references to underlying legal obligations.

Those are potentially significant safeguards.

Their precise content must nevertheless be established provision by provision.

2.19 What the ETBB Cannot Be Assumed to Establish

Without further evidence, this examination must **not assume** that the ETBB establishes:

1. an absolute guarantee that racial bias can never affect a decision;
2. a standalone statutory cause of action;
3. a standalone criminal procedural jurisdiction;
4. an independent enforcement body supervising every judicial decision for racial bias;
5. a specific pre-decision racial audit of every Crown Court decision;
6. a mechanism specifically labelled an “anti-Black racism safeguard”;
7. a mechanism specifically labelled an “institutional racism safeguard”; or
8. a complete answer to every safeguarding question raised on 26 August 2026.

If any such mechanism exists, it must be demonstrated by an identified source.

It must not be inferred merely from the existence of the ETBB.

2.20 Absolute Guarantee Versus Safeguard

A further distinction is essential.

A **safeguard** ordinarily reduces, identifies, controls, corrects or provides a remedy for a risk.

A safeguard does not necessarily make the risk logically impossible.

Accordingly, this inquiry should not demand proof that racism can **never under any circumstances** influence a judicial decision.

That would impose an evidential test which few human decision-making systems could satisfy.

The proper question is:

What reasonable, identifiable and operative safeguards exist against that risk, and how do they apply to these proceedings?

This formulation permits the evidence to be examined without reducing the inquiry either to an assurance of perfection or to an assumption of failure.

2.21 Preliminary Finding on Legal Status

On the official material examined to this point, the following preliminary findings can safely be made.

Finding 1

The Equal Treatment Bench Book is an **official Judiciary publication**.

Classification: ANSWERED.

Finding 2

The current relevant version is the **July 2024 edition incorporating the February 2026 update**.

Classification: ANSWERED.

Finding 3

The Judiciary describes the ETBB as containing **practical guidance** intended to increase awareness and understanding and assist fairness, accessibility, communication and participation.

Classification: ANSWERED.

Finding 4

The Judiciary describes the ETBB as a **key work of reference for the judiciary concerning equal treatment**.

Classification: ANSWERED.

Finding 5

The ETBB is relevant to the safeguarding questions raised on 26 August 2026.

Classification: ANSWERED.

Finding 6

The ETBB should not, without identification of further authority, be characterised as though the entire Bench Book itself were primary legislation, the Criminal Procedure Rules or binding precedent.

Classification: ANSWERED AS TO THE CHARACTERISATION OF THE ETBB; UNDERLYING LEGAL SOURCES REQUIRE SEPARATE EXAMINATION.

Finding 7

Whether the ETBB, alone or together with the wider legal framework, provides a complete answer concerning safeguards against anti-Black racism and institutional racism affecting decision-making has **not yet been established**.

Classification: NOT YET DETERMINED.

2.22 Questions Carried Forward

The following questions therefore remain open and must be answered by subsequent sections:

- Q1.** What does the ETBB actually say about racism?
- Q2.** What does it specifically say about Black people and anti-Black racism?
- Q3.** Does it recognise institutional or systemic racism?
- Q4.** What does it say about unconscious bias, stereotyping and assumptions?
- Q5.** What instructions or guidance does it give judges for preventing those matters from influencing decisions?
- Q6.** Which provisions concern judicial decision-making rather than merely courtroom communication?
- Q7.** What underlying legislation, procedural rules and authorities support those provisions?
- Q8.** What safeguards operate before a decision is made?
- Q9.** What mechanisms identify or correct a problem during proceedings?
- Q10.** What remedies exist after an allegedly defective decision?
- Q11.** How does a self-represented Black defendant invoke those protections?
- Q12.** How can their application in an individual case be objectively identified?

Q13. Does any part of the framework specifically address institutional racism in decision-making?

Q14. Does any part specifically address anti-Black racism?

Q15. After all relevant sources have been examined, what questions remain for Wood Green Crown Court to answer before 16 September 2026?

2.23 Section 2 Conclusion

The Equal Treatment Bench Book is a substantial and directly relevant official judicial resource.

It cannot properly be dismissed.

Equally, its existence cannot properly be treated as the answer without examining its contents and legal context.

The evidence presently establishes that it provides **official practical judicial guidance concerning equal treatment**.

The evidence does **not yet establish that the ETBB, standing alone, constitutes the complete safeguard against anti-Black racism and institutional racism in Crown Court decision-making which was sought on 26 August 2026**.

That question remains open.

The next stage must therefore move from the **status of the document** to its **substantive treatment of race, racism, Black people, racial stereotyping, bias, institutional racism and systemic disadvantage**.

No conclusion should be reached before that evidence has been examined.

SECTION 3

RACE, BLACK PEOPLE, RACISM AND INSTITUTIONAL/SYSTEMIC RACISM: WHAT THE EQUAL TREATMENT BENCH BOOK ACTUALLY RECOGNISES

3.1 Purpose of this Section

Section 2 established the status and purpose of the Equal Treatment Bench Book (“ETBB”).

This section moves to the substantive evidence.

The questions are:

What does the ETBB actually recognise concerning racism?

What does it say concerning Black people?

Does it recognise institutional or systemic racism?

What does it say concerning racism affecting decision-making?

Most importantly, does recognition of those matters identify the specific safeguards sought from Wood Green Crown Court?

The distinction between **recognition of a risk** and **a safeguard against that risk** is fundamental.

3.2 The ETBB Expressly Addresses Racism

The current ETBB contains substantive material concerning:

- race;
- ethnicity;
- racism;
- racial disadvantage;
- racial stereotyping;
- institutional/systemic racism;
- the position of different ethnic groups;
- racial disparities;
- the experiences of Black people; and

- the responsibility of judges to guard against personal biases, beliefs and perspectives affecting decisions.

Accordingly, there is no proper basis for saying that the ETBB ignores racism.

Finding: ANSWERED.

The ETBB recognises racism as a matter relevant to equal treatment within the justice system.

3.3 Institutional/Systemic Racism Is Expressly Identified

This is particularly important to the question put before Wood Green Crown Court.

The current ETBB expressly uses the terminology:

“institutional/systemic racism”.

It therefore does not restrict its discussion of racism to consciously prejudiced behaviour by an individual.

The ETBB discusses the proposition that disadvantage experienced by ethnic minorities may be attributed to institutional/systemic racism and historical injustice.

It then refers specifically to the definition of institutional racism contained in the **1999 Macpherson Report concerning the Stephen Lawrence Inquiry**.

That definition concerns the collective failure of an organisation to provide an appropriate and professional service because of colour, culture or ethnic origin, including discrimination arising through processes, attitudes and behaviour involving matters such as unwitting prejudice, ignorance, thoughtlessness and racist stereotyping.

This is a significant finding.

It demonstrates that the concept raised before Wood Green Crown Court is not foreign to the ETBB.

The ETBB itself expressly identifies it.

Finding: ANSWERED.

The ETBB recognises and discusses institutional/systemic racism as a concept.

3.4 Institutional Racism Does Not Require an Allegation of Personal Racist Intent

The Macpherson formulation reproduced by the ETBB is important for another reason.

It encompasses organisational **processes, attitudes and behaviour**.

It expressly encompasses the possibility of **unwitting** prejudice.

That distinction is directly relevant to the position maintained throughout this document.

The safeguarding question does not require an allegation that a particular judge consciously intends to discriminate against a Black defendant.

A question concerning institutional racism can rationally concern:

- systems;
- procedures;
- established practices;
- organisational assumptions;
- institutional priorities;
- repeated patterns;
- decision-making structures;
- unconscious or unwitting prejudice;
- stereotypes; and
- outcomes generated by those processes.

Accordingly:

“I am not accusing this judge of being personally racist”

and

“I want to know what safeguards exist against institutional racism affecting the process”

are not contradictory propositions.

They concern different questions.

3.5 The ETBB Does Not Itself Determine the Institutional-Racism Debate

The ETBB does something particularly important after discussing institutional/systemic racism.

It records competing perspectives.

It refers to the Macpherson analysis.

It also records the substantially different analysis contained in the government-commissioned **Sewell Report of 2021**.

It records criticism of that report, including criticism from the Runnymede Trust.

The ETBB then expressly states, in substance, that it is **not the role of the Bench Book to form an opinion on the causes of disadvantage**.

This limitation must be recorded accurately.

The ETBB recognises the institutional-racism issue.

It does not purport, merely by discussing that issue, to determine every contested question concerning the causes of racial disparity.

This is important because this forensic examination must not attribute a conclusion to the ETBB which the ETBB expressly declines to make.

Finding: ANSWERED.

The ETBB recognises institutional/systemic racism as a relevant concept but does not itself purport to resolve the wider debate concerning the causes of ethnic disadvantage.

3.6 The ETBB Identifies Its Own Function

Having declined to determine the wider causal debate, the ETBB identifies its function.

Its stated purpose in this context is to provide information which assists judges to deal fairly with people from different ethnic minority backgrounds.

This gives us an important distinction.

The ETBB operates substantially through:

knowledge + awareness + judicial vigilance + fair treatment.

That is potentially an important safeguarding mechanism.

But it still requires examination.

The next question is:

What does judicial vigilance actually require?

3.7 A Directly Relevant Statement About Judicial Decisions

The ETBB makes a particularly significant statement.

It says that fair treatment is a fundamental principle embedded in the judicial oath and a vital judicial responsibility.

It then states that judges are expected to remain vigilant to ensure that their decisions are not influenced by their own:

- personal biases;
- beliefs; or
- perspectives.

This is directly relevant to the question asked on 26 August 2026.

The inquiry was specifically concerned with racism affecting **decision-making**.

The ETBB therefore does more than discuss appropriate terminology or courteous courtroom conduct.

It expressly addresses improper influences upon **judicial decisions**.

Finding: ANSWERED IN PART.

There is an identifiable judicial expectation that judges remain vigilant against personal biases, beliefs and perspectives influencing their decisions.

3.8 Significance of the Word “Decisions”

This provision deserves particular attention.

The ETBB does not merely say that judges should avoid offensive language.

It does not merely say that litigants should be treated politely.

It expressly connects judicial vigilance with **decisions**.

That makes the provision directly relevant to the original safeguarding question.

The question now becomes:

Is judicial vigilance itself the safeguard relied upon by the Court?

If so:

- what does vigilance require in practice?
- how is it implemented?
- is there a procedure associated with it?
- does it require a judge actively to test assumptions?

- must the judge give reasons demonstrating that the issue was considered?
- how can a defendant know whether vigilance occurred?
- what happens where vigilance fails?
- how does this address institutional racism as distinct from personal bias?

Those questions are not answered merely by identifying the expectation of vigilance.

They must be investigated separately.

3.9 Personal Bias and Institutional Racism Are Not Necessarily the Same Problem

A potentially important gap now appears.

The ETBB's statement concerning decisions specifically refers to judges guarding against **their own personal biases, beliefs or perspectives**.

That directly addresses one possible source of unequal decision-making.

But institutional racism, according to the definition reproduced elsewhere in the same ETBB, can arise through organisational processes and unwitting practices.

Therefore two separate questions arise:

QUESTION A — INDIVIDUAL DECISION-MAKER

What prevents a judge's personal racial bias, conscious or unconscious, from improperly influencing a decision?

QUESTION B — INSTITUTIONAL PROCESS

What prevents a racially discriminatory institutional process, practice, assumption or structural feature from influencing the decision even where the individual judge personally intends to act fairly?

These questions must not be collapsed into one.

3.10 A Critical Distinction

This produces an important preliminary forensic finding.

A system may contain an entirely conscientious and personally impartial individual decision-maker while still requiring safeguards against defective institutional processes.

Conversely, an institution may have well-designed procedures while still requiring safeguards against personal bias by an individual decision-maker.

Accordingly:

personal impartiality is relevant to institutional fairness but is not necessarily identical to institutional fairness.

This distinction follows directly from taking seriously the ETBB's own discussion of institutional/systemic racism.

3.11 Black People Are Specifically Identified

The ETBB does not discuss race solely through a generic category of “ethnic minorities.”

It contains material specifically identifying Black people and Black communities.

The material includes statistical and contextual information concerning disparities affecting Black people and other ethnic groups.

The purpose of recording such information is relevant to judicial awareness.

Accordingly:

Finding: ANSWERED.

The ETBB specifically recognises Black people within its discussion of racial and ethnic differences and does not deal exclusively in an undifferentiated generic category.

3.12 However, “Black” and “Anti-Black Racism” Must Be Distinguished

A further forensic distinction is necessary.

The fact that the ETBB:

- discusses Black people;
- provides statistics concerning Black people;
- discusses racism;
- discusses institutional/systemic racism; and
- warns against personal bias,

does not automatically establish that it contains a separately defined operational mechanism expressly called an:

“anti-Black racism safeguard.”

The existence or absence of such terminology must not be guessed.

The document must be searched and analysed.

If the substantive protection operates through broader principles concerning race, impartiality, bias, equality and fair treatment, that should be stated accurately.

If there are provisions specifically addressing Black defendants or anti-Black stereotyping, those should likewise be identified specifically.

3.13 Racial Disparities Are Relevant but Do Not Prove Their Cause

The ETBB contains statistical information demonstrating disparities between ethnic groups in a number of areas.

Such evidence is relevant context.

But disparity and causation are separate evidential questions.

A statistical disparity does not, by itself, prove:

- intentional racism;
- unconscious racism;
- institutional racism;
- discrimination by a particular judge; or
- discrimination in a particular case.

Equally, the absence of proof of individual racist intention does not establish that institutional racism is impossible.

The ETBB itself demonstrates why these matters must be approached carefully by presenting competing explanations concerning racial disadvantage.

This forensic document will therefore avoid reasoning in either direction merely from disparity.

3.14 No Allegation Against the Judge Follows From This Analysis

Nothing in this section constitutes an allegation that the judge who conducted the hearing on 26 August 2026 is racist.

Nothing establishes that her decisions were influenced by racial bias.

Indeed, her direction that I examine the Equal Treatment Bench Book is one of the reasons this forensic exercise is being conducted.

The issue is not presently:

“Was the judge racist?”

The issue is:

“What safeguards does the system identify against anti-Black racism and institutional racism affecting decision-making?”

Those are materially different questions.

3.15 The Safety Concern and the Evidential Requirement

I have stated that I am in fear for my life.

That fear is real as a statement of my position and must not be converted into a lesser formulation merely for convenience.

However, the forensic integrity of this document requires a distinction between:

my fear for my life, and

proof that a particular person involved in these proceedings intends to endanger my life.

I make no such allegation against the judge.

My stated fear is one reason why a general assurance of fairness does not resolve the question for me.

I require the identifiable framework.

I require the identifiable safeguards.

I require their sources.

I require an explanation of how they operate.

That allows the issue to be addressed by evidence rather than trust alone.

3.16 Assurance Versus Identifiable Protection

The ETBB now provides some concrete information.

It establishes that:

1. institutional/systemic racism is recognised as a concept;
2. racism and racial disadvantage are expressly discussed;
3. Black people are specifically considered within the material;
4. fair treatment is identified as a fundamental judicial responsibility; and
5. judges are expected to remain vigilant so their decisions are not influenced by their own biases, beliefs or perspectives.

Those are substantive findings.

They should not be dismissed as “mere assurance.”

But neither should they automatically be treated as the complete answer.

The remaining forensic task is to determine the machinery behind those principles.

3.17 The Central Unanswered Question Emerging From the ETBB

The analysis therefore produces a more precise question than the one with which we started:

IDENTIFIED PRINCIPLE

A judge is expected to remain vigilant so that personal biases, beliefs or perspectives do not influence decisions.

IDENTIFIED RISK

The ETBB also recognises institutional/systemic racism as capable of involving organisational processes, attitudes and behaviour, including unwitting prejudice and racist stereotyping.

QUESTION NOW REQUIRING AN ANSWER

What concrete safeguards within the Crown Court decision-making process operationalise those principles and protect against those identified risks?

That is now capable of forensic examination.

3.18 Questions Concerning Personal Bias That Remain Open

The following questions remain open:

PB1. How is judicial vigilance against personal racial bias operationalised?

PB2. Is there any required procedure for testing whether racial assumptions have influenced a decision?

PB3. Is the judge required to record that such consideration has taken place?

PB4. Are reasons required which permit the defendant to examine the basis of the decision?

PB5. What procedure exists where a defendant identifies a possible racial stereotype or assumption before a decision?

PB6. What procedure exists where the issue becomes apparent after a decision?

PB7. What recusal principles apply?

PB8. What apparent-bias test applies?

PB9. What appellate or review mechanism applies?

These matters require examination of sources beyond the general racism discussion in the ETBB.

3.19 Questions Concerning Institutional/Systemic Racism That Remain Open

More importantly for the original inquiry, the following questions presently remain open:

IR1. What safeguard addresses an institutional process capable of producing racial disadvantage even where the individual judge has no racist intention?

IR2. Who is responsible for identifying such a process?

IR3. Can a defendant raise the possibility before a decision is made?

IR4. What test does the Court apply?

IR5. Is there a requirement to investigate the concern?

IR6. Is there a requirement to give reasons for rejecting or accepting it?

IR7. What evidence may the defendant rely upon?

IR8. What happens where the relevant institutional practice originates outside the judiciary — for example in policing, prosecution, disclosure or another part of the criminal justice process?

IR9. What power does the Crown Court possess to correct or control the consequences?

IR10. What remedy exists if the institutional problem has already affected proceedings?

IR11. Is there a mechanism specifically concerned with racial institutional failure, or must existing general criminal-procedure safeguards be used?

IR12. If general safeguards are relied upon, precisely which safeguards are they?

At this stage these questions must be classified:

REQUIRES FURTHER LEGAL SOURCE / NOT YET ANSWERED.

3.20 Questions Concerning Anti-Black Racism That Remain Open

The following questions also require further examination:

AB1. Does the ETBB expressly use and define the term “anti-Black racism”?

AB2. If not, which provisions are intended to protect Black defendants from specifically anti-Black assumptions and stereotypes?

AB3. What Black-specific stereotypes or forms of disadvantage does the ETBB tell judges to recognise?

AB4. Does it identify risks concerning credibility assessments of Black people?

AB5. Does it identify risks concerning perceptions of aggression, hostility, threat or demeanour?

AB6. Does it address racialised assumptions concerning policing and criminality?

AB7. Does it address how such assumptions could affect judicial or jury decision-making?

AB8. What procedures exist to prevent those assumptions affecting the outcome of a criminal trial?

These questions require detailed examination rather than inference.

3.21 Preliminary Forensic Findings

The position at the end of this stage can therefore be stated precisely.

FINDING 3A — RACISM

The ETBB expressly recognises and discusses racism.

STATUS: ANSWERED.

FINDING 3B — BLACK PEOPLE

The ETBB contains material specifically concerning Black people.

STATUS: ANSWERED.

FINDING 3C — INSTITUTIONAL/SYSTEMIC RACISM

The ETBB expressly recognises and discusses institutional/systemic racism and reproduces the Macpherson definition.

STATUS: ANSWERED.

FINDING 3D — PERSONAL BIAS IN DECISION-MAKING

The ETBB expressly states that judges are expected to remain vigilant to ensure decisions are not influenced by their personal biases, beliefs or perspectives.

STATUS: ANSWERED AS A PRINCIPLE.

FINDING 3E — OPERATIONAL SAFEGUARD AGAINST PERSONAL RACIAL BIAS

The existence and operation of the complete procedural mechanism implementing that principle have not yet been established by the material examined in this section.

STATUS: PARTIALLY ANSWERED / FURTHER LEGAL SOURCES REQUIRED.

FINDING 3F — OPERATIONAL SAFEGUARD AGAINST INSTITUTIONAL RACISM

The ETBB's recognition of institutional/systemic racism does not, by itself, identify the complete operational mechanism preventing institutional racism from affecting an individual Crown Court case.

STATUS: NOT YET ANSWERED / FURTHER LEGAL SOURCES REQUIRED.

FINDING 3G — ANTI-BLACK RACISM

The ETBB plainly contains Black-specific material and general material concerning racism. Whether it establishes protections specifically identifiable as safeguards against **anti-Black racism in Crown Court decision-making** requires further examination.

STATUS: PARTIALLY ANSWERED / FURTHER EXAMINATION REQUIRED.

3.22 What Has Been Achieved

This examination has materially narrowed the dispute.

It would now be inaccurate to say:

“The Equal Treatment Bench Book says nothing about institutional racism.”

It does.

It would also be inaccurate to say:

“The Equal Treatment Bench Book contains nothing concerning Black people.”

It does.

It would further be inaccurate to say:

“The Bench Book has nothing to say about bias affecting judicial decisions.”

It does.

But a further proposition would presently go beyond the evidence:

“The existence of those passages completely answers what safeguards prevent anti-Black racism and institutional racism from affecting decisions in this Crown Court case.”

That conclusion has not yet been established.

3.23 No Drift From the Original Question

The original question therefore remains alive but has become more precise.

The Court was asked to identify:

the legal framework + the jurisdiction + the specific safeguards + their sources + their operation against anti-Black racism and institutional racism in decision-making.

The ETBB has now supplied important components of the answer.

The remaining task is not to repeat the original question indefinitely.

It is to identify the **missing components**.

That is the purpose of the sections which follow.

3.24 Conclusion

The Equal Treatment Bench Book provides significant evidence relevant to the concern raised before Wood Green Crown Court.

It expressly recognises racism.

It expressly recognises institutional/systemic racism.

It contains material specifically concerning Black people.

It acknowledges that institutional racism may concern processes and unwitting prejudice rather than merely consciously racist individuals.

It identifies fair treatment as a fundamental judicial responsibility.

Most importantly for this inquiry, it expressly expects judges to remain vigilant so that decisions are not influenced by their personal biases, beliefs or perspectives.

Those findings are substantive.

They move the inquiry beyond general assurance.

However, they do **not yet provide a complete answer concerning the operational safeguards by which anti-Black racism and institutional racism are prevented, identified, controlled or remedied within an individual Crown Court decision-making process.**

That is the remaining evidential issue.

Where the answer exists, this document will identify it.

Where the answer requires another legal source, that source will be examined.

Where the answer remains unavailable after the relevant sources have been exhausted, the question will be placed before Wood Green Crown Court for a specific answer before the hearing on **16 September 2026.**

The purpose remains evidence, not reassurance.

SECTION 4

UNCONSCIOUS BIAS, RACIAL STEREOTYPING AND THE RISK OF RACIALISED DECISION-MAKING

4.1 Purpose of this Section

Section 3 established that the Equal Treatment Bench Book (“ETBB”) expressly recognises racism, Black people, institutional/systemic racism and the need for judges to remain vigilant against personal biases, beliefs and perspectives influencing decisions.

This section examines the next and more difficult question:

How does the ETBB deal with unconscious bias, racial stereotyping and the possibility that racial assumptions may affect judicial reasoning or other decision-making without a decision-maker consciously intending to discriminate?

This is directly relevant to the original safeguarding question.

The concern raised before Wood Green Crown Court was not confined to deliberate racist conduct.

It concerned the possibility of anti-Black racism and institutional racism affecting **decision-making processes**.

Accordingly, a complete examination must include risks arising from:

- conscious prejudice;
- unconscious prejudice;
- stereotypical thinking;
- cultural assumptions;
- racialised perceptions;
- erroneous assumptions about credibility;
- assumptions concerning behaviour or demeanour;
- assumptions derived from group characteristics;
- institutional practices which reproduce such assumptions; and
- decisions made in good faith but on a defective racial premise.

4.2 The ETBB Expressly Warns Against Stereotyping

The current ETBB states that it is important to avoid stereotyping people on the basis of perceived characteristics associated with an ethnic minority group.

It identifies **two obligations** upon the judiciary:

1. avoiding negative stereotypes about individuals based upon presumed characteristics of a group; and
2. meeting an individual's particular needs so that the person can participate in the court process on a fair and equal basis.

This is significant because the ETBB does not merely encourage politeness.

It identifies stereotypical reasoning itself as something which the judiciary must avoid.

Finding: ANSWERED AS TO THE PRINCIPLE.

The ETBB recognises racial and ethnic stereotyping as a matter capable of undermining fair treatment.

4.3 Stereotyping Is Relevant to Decision-Making

A stereotype is not merely an offensive statement.

It can function as a shortcut in reasoning.

If a decision-maker assumes that a person possesses a characteristic because of that person's racial or ethnic group, that assumption can potentially influence:

- credibility;
- interpretation of behaviour;
- interpretation of language;
- perceptions of hostility;
- perceptions of threat;
- perceptions of honesty;
- assessments of remorse;
- assessments of reliability;
- interpretation of silence;
- interpretation of emotional expression;
- assumptions concerning family or community;

- assumptions concerning criminality;
- sentencing assessments; and
- other discretionary judgments.

Accordingly, the ETBB's warning against stereotyping is directly relevant to the integrity of decision-making.

4.4 The ETBB's Wider Judicial Guidance on Prejudice

The ETBB's introductory judicial guidance has historically made an important connection between prejudice and erroneous judicial decisions.

It explains that recognising and eliminating prejudices, including a judge's own prejudices, is important in preventing:

- wrong decisions; and
- erroneous assumptions concerning the credibility or actions of people whose backgrounds differ from that of the judge.

It also identifies unconscious prejudice as more difficult to tackle because it may operate without the individual recognising it.

That is a particularly important mechanism for understanding the issue raised before the Court.

A person need not consciously think:

“I am going to make a racially discriminatory decision.”

A decision may instead be affected by an unrecognised assumption.

That is precisely why conscious good intention, although important, cannot by itself constitute the whole safeguard.

4.5 Unconscious Bias Creates a Particular Evidential Difficulty

Conscious prejudice can sometimes be identified through:

- express words;
- correspondence;
- statements;
- recorded conduct;

- reasoning; or
- an overt discriminatory criterion.

Unconscious bias is inherently more difficult.

The individual affected by the bias may not know it exists.

The decision-maker may also genuinely believe that the decision was entirely neutral.

That produces a fundamental forensic problem:

How is a safeguard against an influence demonstrated when the decision-maker may not know that the influence is operating?

An assurance of impartial intention does not by itself answer that question.

4.6 Judicial Good Faith Is Relevant But Not Conclusive

Nothing in this analysis disputes the importance of judicial good faith.

A judge who consciously intends to act fairly is plainly preferable to one who intends to discriminate.

But the ETBB's own emphasis upon bias, stereotyping and vigilance demonstrates that **good faith and freedom from bias are not necessarily the same thing.**

If unconscious prejudice were impossible in a conscientious person, guidance concerning unconscious prejudice would be unnecessary.

Accordingly, this examination must distinguish:

intention to act fairly

from

a procedure capable of reducing the possibility of unconscious assumptions affecting the decision.

4.7 Knowledge Is One Identified Safeguard

The ETBB operates partly through information.

It provides judges with material concerning the circumstances and experiences of people appearing before them.

The Judiciary states that the ETBB is designed to increase awareness and understanding and to provide practical guidance assisting fairness and participation.

The ETBB also states that information concerning what occurs outside court may assist judges in ensuring that what happens inside court is fair and is seen to be fair.

This allows the first concrete safeguarding component to be identified:

SAFEGUARD COMPONENT 1 — INFORMATION AND AWARENESS

Judges are provided with information intended to reduce misunderstanding, inappropriate assumptions and stereotypical reasoning.

Classification: IDENTIFIED.

4.8 Avoidance of Stereotypes Is a Second Identified Safeguarding Component

The ETBB expressly instructs the judiciary to avoid negative stereotyping based upon presumed group characteristics.

That permits a second component to be identified:

SAFEGUARD COMPONENT 2 — ACTIVE AVOIDANCE OF RACIAL OR ETHNIC STEREOTYPING

The relevant judicial responsibility is not merely passive neutrality.

It requires avoiding reasoning which attributes presumed group characteristics to the individual.

Classification: IDENTIFIED.

4.9 Judicial Vigilance Is a Third Identified Safeguarding Component

Section 3 identified the ETBB's express expectation that judges remain vigilant to ensure that decisions are not influenced by their own biases, beliefs or perspectives.

That gives us:

SAFEGUARD COMPONENT 3 — JUDICIAL SELF-VIGILANCE

Judges are expected actively to guard against their own personal biases influencing decisions.

Classification: IDENTIFIED.

4.10 Individualisation Is a Fourth Identified Safeguarding Component

The ETBB's warning against stereotypes necessarily requires consideration of the person as an individual rather than simply as a member of a racial or ethnic category.

It emphasises the diversity both **between and within communities** and warns against assuming that everyone within the same ethnic group experiences the same circumstances.

This produces another identifiable component:

SAFEGUARD COMPONENT 4 — INDIVIDUAL ASSESSMENT

The person before the Court should be assessed on the evidence and circumstances particular to that person, rather than presumed group characteristics.

Classification: IDENTIFIED.

4.11 Case-Specific Context Is a Fifth Identified Safeguarding Component

The ETBB states that general contextual information should be supplemented by:

- local circumstances;
- the particular facts of the case; and
- the individuals actually before the Court.

This is significant.

The Bench Book itself does not suggest that general racial data should replace the evidence in an individual case.

Instead, general knowledge should inform rather than displace case-specific analysis.

This produces:

SAFEGUARD COMPONENT 5 — CASE-SPECIFIC EVIDENTIAL ANALYSIS

General racial, cultural or social information must be related to the particular facts rather than treated as determinative.

Classification: IDENTIFIED.

4.12 These Are Real Safeguarding Elements

At this point, the analysis must remain balanced.

It would be incorrect to state that the ETBB provides **no safeguards**.

The material already identifies at least five substantive protections:

1. awareness and education;
2. avoidance of racial stereotyping;
3. vigilance against personal bias;
4. individualised assessment; and
5. case-specific analysis.

Those protections are relevant to decision-making.

The forensic question is now narrower:

Are these protections sufficient, standing alone, to answer the original question?

The evidence does not yet justify that conclusion.

4.13 The Verification Problem

A central difficulty remains.

Suppose that a judge is expected to:

- be informed;
- avoid stereotypes;
- remain vigilant;
- assess the individual; and
- consider the specific facts.

How can a defendant determine whether those things actually occurred?

Possible indicators may include:

- reasons given for a ruling;
- questions asked during proceedings;
- correction of stereotypical submissions;
- evidential analysis;
- express recognition of the relevant issue;
- procedural rulings;
- case-management decisions; or
- the transcript of the proceedings.

But the ETBB passages examined at this stage do not establish a separate mandatory **racial-bias audit** which must be completed and disclosed before each decision.

Accordingly, a significant part of the original question remains unresolved.

4.14 Is There a Required Bias Checklist?

The following question must be asked expressly:

Before making a material Crown Court decision affecting a Black defendant, is the judge required to complete any formal test, checklist or recorded assessment designed specifically to identify anti-Black racial bias or institutional racism?

No such mandatory mechanism has yet been identified in the ETBB material examined.

This should not be converted into the conclusion that no safeguard exists.

It means only:

No such specific formal mechanism has yet been identified.

Classification: NOT YET ANSWERED.

4.15 Is There a Requirement to Give Reasons Addressing Racial Bias?

A second question follows.

If a defendant specifically raises a concern that racial assumptions may affect a decision:

Must the judge provide reasons demonstrating how that concern has been considered?

The general ETBB passages examined so far do not themselves establish the complete answer.

This may require examination of:

- common-law procedural fairness;
 - rules concerning reasons;
 - relevant criminal appellate authority;
 - apparent-bias principles;
 - recusal principles; and
 - case-management powers.
-

Classification: REQUIRES EXTERNAL LEGAL SOURCE.

4.16 What Happens If a Party Introduces a Racial Stereotype?

Another operational question arises.

Suppose that:

- the prosecution;
- a witness;
- an expert;
- a police officer;
- a lawyer; or
- another participant

introduces reasoning based upon a racial stereotype.

The ETBB tells judges to avoid stereotypes themselves.

But the safeguarding question is broader:

What obligation does the judge have to prevent another participant's racial stereotype from influencing the proceedings?

Potential mechanisms may exist through:

- evidential rulings;
- judicial directions;
- case management;
- directions to the jury;
- exclusion or limitation of improper material;
- submissions by the parties;
- abuse-of-process principles; or
- appellate review.

Those mechanisms require separate legal examination.

4.17 Jury Decision-Making Requires Separate Examination

The original question concerns decisions in the case.

Not every important decision in a Crown Court trial is made by the judge.

Where a trial is conducted before a jury, the jury ordinarily determines factual guilt.

That creates an additional safeguarding question:

What safeguards exist against racial stereotypes, conscious racial prejudice or unconscious racial assumptions affecting jury decision-making?

The ETBB's guidance to judges cannot automatically be treated as direct training of every juror.

Accordingly, later sections must examine:

- jury directions;
- improper racial considerations;
- juror misconduct;
- jury impartiality;
- selection and challenge mechanisms;
- discharge of jurors;
- judicial directions concerning prejudice;
- relevant appellate authority; and
- what can lawfully be done where racial bias is suspected.

This is a distinct and necessary part of the inquiry.

4.18 Credibility Assessments Require Particular Scrutiny

The historical ETBB guidance has specifically warned against erroneous assumptions concerning credibility arising from prejudice.

That is particularly important in criminal proceedings because assessments of credibility can affect:

- witness evidence;
- defendant evidence;
- police evidence;
- disputed conversations;

- explanations for conduct;
- identification evidence;
- state of mind;
- motive; and
- factual findings generally.

Therefore a safeguard against racialised credibility assumptions is not peripheral.

It can go to the substance of guilt or innocence.

4.19 Demeanour Requires Particular Scrutiny

Demeanour is a potential source of culturally and racially influenced misunderstanding.

People may differ in:

- eye contact;
- tone;
- volume;
- body language;
- emotional expression;
- communication style;
- reactions to authority;
- reactions to stress; and
- responses to confrontation.

A decision-maker who interprets those behaviours through an unexamined cultural stereotype may reach an erroneous conclusion.

The ETBB's general methodology of awareness, individual assessment and avoidance of stereotypes is relevant here.

The detailed content concerning racial and cultural communication must therefore be examined later against credibility and demeanour decision-making.

4.20 Perceptions of Aggression and Threat

For a Black defendant, a particularly important forensic question is whether racial stereotypes can affect perceptions of:

- aggression;
- hostility;
- dangerousness;
- intimidation;
- threat; or
- criminal propensity.

The ETBB's general prohibition on stereotyping is relevant.

However, this examination must locate any **specific Black-focused guidance** addressing such assumptions before concluding that this question is fully answered.

Classification: FURTHER EXAMINATION REQUIRED.

4.21 Policing and Criminality

The ETBB expressly notes that Black people are particularly overrepresented as defendants in the criminal justice system and prison estate while being underrepresented within the judiciary.

That is relevant context.

But statistics cannot lawfully establish that a particular Black defendant is more likely to be guilty.

Indeed, reliance upon group-level criminal justice statistics to infer an individual's guilt would itself raise obvious concerns about stereotyping and individual assessment.

Accordingly:

group disparity data must never substitute for the evidence against the individual defendant.

That principle follows directly from the ETBB's emphasis on avoiding group-based assumptions.

4.22 Institutional Bias Cannot Be Reduced to Judicial Self-Awareness

This is one of the most important findings in this section.

The protections identified so far operate primarily through the **individual judge**:

- the judge becomes informed;
- the judge avoids stereotypes;
- the judge remains vigilant;
- the judge assesses the individual;
- the judge applies the facts.

Those are relevant safeguards against bias by the decision-maker.

However, institutional racism may arise in a process before information reaches the judge.

For example, the concern may relate to:

- policing;
- charging;
- disclosure;
- evidence collection;
- identification procedures;
- witness treatment;
- expert selection;
- administrative practices;
- prosecutorial decisions; or
- another institutional mechanism.

A perfectly conscientious judge may receive material which has already been shaped by an institutional problem.

Therefore:

judicial self-vigilance cannot logically be treated as the complete answer to institutional racism throughout the criminal justice process.

The wider procedural framework must be examined.

4.23 Judicial Powers May Form Part of the Institutional Safeguard

The next stage must therefore determine what powers the Crown Court possesses where an institutional problem is alleged or demonstrated.

Potentially relevant matters include:

- disclosure jurisdiction;
- exclusion of evidence;
- abuse of process;
- adjournment;
- case-management powers;
- evidential hearings;
- disclosure orders;
- directions to the prosecution;
- Article 6 fairness;
- judicial review where applicable;
- appellate remedies; and
- other common-law protections.

No assumption should yet be made that any one of those provides a complete anti-racism mechanism.

Each must be examined against the exact question.

4.24 A Procedural Safeguard Must Be Identifiable

For this inquiry, a useful procedural safeguard should permit answers to questions such as:

Trigger: What causes the safeguard to operate?

Decision-maker: Who applies it?

Test: What legal or procedural test is used?

Evidence: What evidence can be considered?

Timing: Can it operate before prejudice affects the final outcome?

Reasons: Must reasons be given?

Correction: What can the Court do?

Review: Can the decision be challenged?

Record: Is there an evidential record capable of later examination?

This framework should now be applied to each legal protection identified in later sections.

4.25 A Safeguard Need Not Be Race-Specific to Be Relevant

Another distinction is required to avoid drift in the opposite direction.

A safeguard need not contain the words:

“anti-Black racism safeguard”

in order to protect a Black defendant from racial injustice.

For example, a general requirement of:

- impartiality;
- evidential relevance;
- disclosure;
- procedural fairness;
- reasoned decision-making; or
- appellate review

may apply equally where the alleged defect involves race.

Therefore this forensic examination will not reject a safeguard merely because it is expressed in general terms.

Instead it will ask:

Can this safeguard actually be invoked to identify, prevent, correct or remedy the racial risk under examination?

4.26 Conversely, a General Principle Is Not Automatically a Complete Answer

The opposite error must also be avoided.

The existence of a general rule saying:

“the trial must be fair”

cannot automatically answer:

“What happens if a particular racial stereotype is influencing a decision?”

The general rule may provide the legal foundation.

But the operational mechanism still needs to be identified.

This distinction is central to the remainder of the document.

4.27 Preliminary Safeguarding Matrix

At this stage, the following components can be identified:

Risk	ETBB Response Identified	Current Classification
Lack of understanding of racial/cultural context	Judicial information and awareness	IDENTIFIED
Group-based negative stereotyping	Express obligation to avoid stereotypes	IDENTIFIED
Personal judicial bias	Judicial vigilance	IDENTIFIED
Assuming individual characteristics from group membership	Individualised assessment	IDENTIFIED
Treating general racial information as determinative	Particular facts and circumstances must be considered	IDENTIFIED
Unconscious bias affecting a decision	Awareness/vigilance identified, but verification mechanism not yet established	PARTIALLY ANSWERED
Institutional racism originating outside the individual judge	ETBB recognises the concept, but operational Crown Court safeguard not yet fully identified	NOT YET ANSWERED
Racial bias affecting jury reasoning	Requires separate examination	NOT YET ANSWERED
Racialised credibility assessment	Risk recognised in wider ETBB guidance; procedural protection requires further examination	PARTIALLY ANSWERED

Risk	ETBB Response Identified	Current Classification
Anti-Black-specific stereotyping	Further detailed Black-specific ETBB examination required	NOT YET FULLY ANSWERED

4.28 Questions Now Capable of Being Put More Precisely

The original safeguarding inquiry can now be refined into operational questions.

QUESTION 1

Where the ETBB requires judges to avoid racial stereotyping, **what procedure applies if a defendant says that a particular stereotype is operating in his case?**

QUESTION 2

Where judges must remain vigilant against personal bias, **how can that vigilance be evidenced or tested?**

QUESTION 3

Where unconscious bias is by definition not consciously recognised, **what objective mechanism supplements judicial self-awareness?**

QUESTION 4

What safeguards operate where the alleged racial problem originates in another criminal justice institution before the matter reaches the judge?

QUESTION 5

What powers does the Crown Court have to investigate or correct that problem?

QUESTION 6

What safeguards exist against racial bias affecting a jury?

QUESTION 7

What procedure applies where racial assumptions may be affecting credibility or demeanour assessments?

QUESTION 8

What specific protections exist against assumptions disproportionately directed at Black people?

These questions are substantially narrower and more capable of receiving concrete answers than a general request for reassurance.

4.29 Relationship to My Fear for My Life

I have stated that I am in fear for my life.

That position makes the distinction between **assurance** and **evidence** particularly important to me.

It does not alter the evidential standard.

It does not permit me to assume that an individual judge intends harm.

It does not permit an allegation to replace proof.

Equally, the seriousness of my fear means that a response consisting only of:

“trust the system”

or

“the Court will be fair”

would not answer the questions identified in this document.

The rational response is to identify and understand the safeguards which actually exist.

That is the purpose of this examination.

4.30 Preliminary Findings

FINDING 4A — RACIAL STEREOTYPING

The ETBB expressly tells judges to avoid stereotyping individuals on the basis of presumed characteristics associated with racial or ethnic groups.

STATUS: ANSWERED AS A PRINCIPLE.

FINDING 4B — RACIAL CONTEXT

The ETBB considers knowledge of racial and social context capable of assisting judges to ensure fairness.

STATUS: ANSWERED AS A GUIDANCE-BASED SAFEGUARD.

FINDING 4C — INDIVIDUAL ASSESSMENT

The ETBB rejects an assumption that every person from the same ethnic group has the same experience and requires attention to the individual and the particular facts.

STATUS: ANSWERED AS A PRINCIPLE.

FINDING 4D — PERSONAL JUDICIAL BIAS

Judges are expected to remain vigilant to prevent personal biases, beliefs and perspectives influencing decisions.

STATUS: ANSWERED AS A PRINCIPLE.

FINDING 4E — UNCONSCIOUS BIAS

The wider ETBB framework recognises the danger of unrecognised prejudice and erroneous stereotypical assumptions.

However, no complete objective verification mechanism has yet been established in this examination.

STATUS: PARTIALLY ANSWERED.

FINDING 4F — INSTITUTIONAL RACISM

The individual protections identified in the ETBB do not yet explain the complete procedural mechanism for addressing institutional racism originating elsewhere within the criminal justice process.

STATUS: NOT YET ANSWERED.

FINDING 4G — JURY RACIAL BIAS

The safeguards applicable to racial prejudice or stereotyping by jurors have not yet been examined.

STATUS: NOT YET ANSWERED.

FINDING 4H — ANTI-BLACK-SPECIFIC BIAS

General protection against racial stereotyping has been identified.

Whether the ETBB and wider law specifically identify and address forms of stereotyping directed at Black defendants requires further examination.

STATUS: PARTIALLY ANSWERED.

4.31 Section 4 Conclusion

The Equal Treatment Bench Book does provide substantive safeguards relevant to racialised decision-making.

It seeks to reduce risk through:

**judicial knowledge;
awareness;
avoidance of stereotypes;
vigilance against personal bias;
individualised treatment; and
attention to the particular evidence and circumstances of the case.**

These are real protections and must be recorded as such.

However, they do not yet provide the complete answer sought on 26 August 2026.

The central unresolved questions concern **operation and verification**.

The outstanding issue is no longer simply:

“Does the judiciary recognise racial bias?”

The evidence establishes that it does.

The outstanding issue is now:

“What legal and procedural mechanisms make those principles operational, particularly where the potential problem is unconscious, institutional, located outside the individual judge, or capable of affecting jury decision-making?”

Those questions require examination of the wider criminal justice framework.

The next section must therefore identify the **primary legal framework governing judicial impartiality, apparent bias, fair trial, procedural fairness and effective participation**, and establish whether those rules convert the ETBB's guidance into enforceable or reviewable protections.

SECTION 5

THE BINDING LEGAL FRAMEWORK: JUDICIAL IMPARTIALITY, APPARENT BIAS, ARTICLE 6, PROCEDURAL FAIRNESS AND EFFECTIVE PARTICIPATION

5.1 Purpose of this Section

Sections 2 to 4 established that the Equal Treatment Bench Book (“ETBB”) is official judicial guidance and that it recognises racism, institutional/systemic racism, stereotyping, personal bias and the need for judicial vigilance.

This section examines the binding legal framework which operates alongside that guidance.

The central questions are:

1. What legal rights govern fairness and impartiality in criminal proceedings?
2. What objective test applies where judicial bias is alleged or reasonably apprehended?
3. What duties do the Criminal Procedure Rules impose upon the Court?
4. What protections exist for effective participation?
5. Can these general legal protections operate where the alleged defect concerns race?
6. Do these protections amount to a complete answer to the question concerning anti-Black racism and institutional racism?

The purpose is to distinguish **binding law** from **judicial guidance**.

5.2 Article 6 of the European Convention on Human Rights

Article 6 is one of the central legal protections governing criminal proceedings.

Schedule 1 to the **Human Rights Act 1998** sets out Article 6 of the European Convention on Human Rights.

Article 6(1) provides that, in determining a criminal charge, a person is entitled to a fair and public hearing within a reasonable time by an **independent and impartial tribunal established by law**.

This is not merely judicial guidance.

It is a Convention right given effect domestically through the Human Rights Act 1998.

Preliminary significance

Article 6 therefore provides a binding legal foundation for:

- fairness;
- judicial independence;
- judicial impartiality;
- public proceedings subject to lawful exceptions;
- procedural integrity; and
- protection of the accused in criminal proceedings.

Classification: ANSWERED AS A BINDING LEGAL SAFEGUARD.

5.3 Article 6 Applies to Criminal Charges

There is no uncertainty about the relevance of Article 6 to a criminal defendant.

Article 6 expressly applies where a criminal charge is being determined.

Its criminal limb also includes minimum rights relating to:

- adequate time and facilities to prepare a defence;
- defending oneself in person or through legal assistance;
- examining witnesses; and
- interpretation where necessary.

Accordingly, the legal framework governing the present inquiry is not limited to abstract principles of equality.

There is a specific fair-trial framework governing criminal proceedings.

5.4 Independence and Impartiality Are Mandatory Requirements

The European Court of Human Rights describes Article 6 as requiring a criminal case to be determined by an **independent and impartial tribunal**.

The Court's current Article 6 guide confirms that the principles of independence and impartiality apply to:

- professional judges;
- lay judges; and
- jurors.

That is particularly significant because the original safeguarding question concerns both judicial and potentially jury decision-making.

Finding

A binding legal requirement of impartial decision-making exists.

Classification: ANSWERED.

5.5 Impartiality Is Not Limited to Proof of Actual Prejudice

The law does not require a person always to prove what was actually in a judge's mind before the issue of bias becomes legally relevant.

English law recognises the doctrine of **apparent bias**.

The authoritative test originating in **Porter v Magill [2002] 2 AC 357** asks whether the fair-minded and informed observer, having considered the facts, would conclude that there was a **real possibility that the tribunal was biased**.

This is an objective test.

It does not depend simply upon:

- the judge saying that they were impartial; or
 - the person raising the concern subjectively believing that bias exists.
-

5.6 Apparent Bias Is an Objective Safeguard

The significance of the objective test is substantial.

A judge cannot finally answer a properly raised apparent-bias issue merely by saying:

“I know that I am not biased.”

Likewise, a defendant cannot establish apparent bias merely by saying:

“I believe the judge is biased.”

The test considers how the circumstances would appear to the **fair-minded and informed observer**.

Later authority summarising the Porter test emphasises that this hypothetical observer:

- considers the evidence carefully;
 - does not proceed from first impressions;
-

- avoids preconceptions;
- considers relevant context; and
- adopts a balanced approach.

This provides an objective legal mechanism.

Safeguard component

OBJECTIVE EXTERNAL TEST FOR APPARENT BIAS

Classification: IDENTIFIED.

5.7 Assurance Alone Cannot Determine Apparent Bias

The common-law authorities are especially important to the distinction already established in this document between **assurance** and **evidence**.

Judicial authority states that a decision-maker cannot defeat an apparent-bias claim simply by explaining what was in their mind or asserting that they were not biased. The legal test remains objective.

This does not mean that a judge's explanation is irrelevant.

It means that subjective assurance is **not the legal test**.

This finding is directly relevant to the question raised before Wood Green Crown Court.

5.8 Apparent Bias and Racial Bias

The Porter test is expressed generally.

It is not confined to race.

But nothing in the test prevents it from applying where the alleged possibility of bias is racial.

Accordingly, if sufficient facts existed to establish a real possibility of racial bias in a particular decision-maker, the general apparent-bias test could potentially provide a legal safeguard.

This produces an important analytical point:

a safeguard need not be labelled “anti-racism” in order to operate against racial bias.

Current classification

Racial bias by an individual judicial decision-maker: PARTIALLY ANSWERED THROUGH GENERAL IMPARTIALITY AND APPARENT-BIAS LAW.

5.9 Apparent Bias Does Not Necessarily Answer Institutional Racism

However, the apparent-bias doctrine is directed principally towards the impartiality of the tribunal or decision-maker.

Institutional racism may involve:

- organisational processes;
- policies;
- administrative practices;
- cumulative institutional decisions;
- evidence gathering;
- prosecutorial practices;
- policing;
- disclosure systems; or
- structurally embedded assumptions.

Therefore, even a fully functioning apparent-bias test does not automatically answer the separate question:

What safeguard applies where the defect lies in an institutional process rather than the personal impartiality of the judge?

That question remains open.

5.10 The Criminal Procedure Rules 2025

The rules governing criminal procedure in England and Wales are currently contained in the **Criminal Procedure Rules 2025**, as amended.

The consolidated 2025 Rules came into force on 6 October 2025, and amendments effective in April 2026 were already in force by the time of the hearing on 26 August 2026.

These Rules govern criminal procedure in:

- magistrates' courts;

- the Crown Court;
- the Court of Appeal; and
- certain extradition appeals.

They therefore form part of the binding procedural framework applicable to the proceedings under examination.

5.11 The Overriding Objective

Part 1 of the Criminal Procedure Rules provides the overriding objective.

Rule 1.1 states that the overriding objective of the procedural code is that criminal cases be dealt with **justly**.

The Rule expressly includes matters such as:

- acquitting the innocent and convicting the guilty;
- treating participants with politeness and respect; and
- dealing with criminal proceedings within a defined framework of justice.

The overriding objective is therefore not simply administrative convenience.

It is a legal procedural requirement governing how the criminal case is to be handled.

5.12 The Court Must Apply the Overriding Objective

The Criminal Procedure Rules do more than state an aspiration.

Rule 1.3 requires the Court to further the overriding objective when exercising powers given by legislation and when applying practice directions.

This means that “dealing with the case justly” is not merely something the Court may consider if convenient.

It is built into the Court's exercise of procedural powers.

Safeguard component

BINDING DUTY TO FURTHER THE OVERRIDING OBJECTIVE

Classification: IDENTIFIED.

5.13 Participants Also Have Duties

Rule 1.2 imposes obligations upon each participant in a criminal case.

Participants must:

- prepare and conduct the case in accordance with the overriding objective;
- comply with Rules, Practice Directions and Court directions; and
- inform the Court and other parties of significant procedural failures which might hinder furtherance of the overriding objective.

This is significant because fairness is not treated exclusively as the personal responsibility of the trial judge.

The procedural framework distributes responsibilities across participants.

That may become relevant when considering failures originating in:

- prosecution;
- defence;
- court administration;
- disclosure; or
- other parts of the case.

5.14 Active Case Management

Rule 3.2 requires the Court actively to manage the case.

This includes:

- early identification of the real issues;
- early identification of witness needs;
- establishing what must be done, by whom and when;
- monitoring compliance;
- ensuring clear presentation of evidence;
- encouraging cooperation; and
- giving directions appropriate to the needs of the case as early as possible.

This provides an operational procedural mechanism.

The Court has an active duty.

It is not confined to passively observing what the parties decide to do.

5.15 Relevance to a Safeguarding Concern Raised Before Trial

This active case-management duty is potentially important to the present situation.

Where a defendant identifies an issue said to affect:

- ability to understand proceedings;
- ability to participate;
- preparation of the defence;
- fairness of the process;
- evidence;
- disclosure; or
- trial integrity,

Part 3 provides a procedural framework under which the Court can identify the real issue and give appropriate directions.

The Rules do not appear to create a separate procedural category entitled:

“anti-Black racism safeguarding application.”

However, the absence of that label does not mean the Court lacks general procedural powers capable of addressing a properly particularised fairness issue.

5.16 Effective Participation

The Criminal Procedure Rules also contain specific provisions concerning measures to assist a witness or defendant to give evidence or otherwise participate.

The government's official description of Part 18 states that it contains rules concerning directions to help a witness or defendant:

- give evidence; and
- otherwise take part in the case.

This establishes that effective participation is not simply an informal aspiration.

It is expressly recognised within the criminal procedural framework.

5.17 Self-Representation and Article 6

Article 6 also expressly recognises a defendant's right, subject to the legal framework, to defend themselves **in person** or through legal assistance.

Therefore, self-representation does not remove the defendant from Article 6 protection.

The fact that a defendant acts without counsel does not eliminate:

- the right to fairness;
- impartial adjudication;
- adequate preparation; or
- effective defence.

This is directly relevant where a litigant in person is attempting to identify and articulate a safeguarding issue.

5.18 Article 6 and Jury Impartiality

The European Court of Human Rights confirms that Article 6 principles of independence and impartiality can apply to jurors as well as professional judges.

This is a significant answer to one question carried forward from Section 4.

Finding

The legal requirement of impartiality is not limited to the judge.

It also applies to the tribunal determining guilt where jurors are involved.

Classification: ANSWERED AS A GENERAL LEGAL PRINCIPLE.

The detailed procedural safeguards concerning jury racial bias remain to be examined separately.

5.19 Fairness Is a Framework, Not an Absolute Guarantee

Article 6 requires a fair trial.

The Criminal Procedure Rules require criminal cases to be dealt with justly.

The common law requires impartial decision-making.

None of these rules can logically guarantee that no individual error, prejudice or unlawful act will ever occur.

The legal framework instead provides:

- duties;
- procedural rules;
- objective tests;
- powers;
- review mechanisms; and
- remedies.

That distinction is important.

The inquiry should seek **identifiable safeguards**, not an impossible guarantee of infallibility.

5.20 A Binding Safeguarding Structure Is Beginning to Emerge

The evidence now permits identification of several layers of protection.

SAFEGUARD 1 — ARTICLE 6 FAIR TRIAL RIGHT

A criminal charge must be determined fairly by an independent and impartial tribunal.

Status: binding Convention right given domestic effect through the Human Rights Act 1998.

SAFEGUARD 2 — OBJECTIVE APPARENT-BIAS TEST

The fair-minded and informed observer test provides an objective mechanism for considering possible judicial bias.

Status: common-law authority.

SAFEGUARD 3 — CRIMINAL PROCEDURE RULES OVERRIDING OBJECTIVE

The criminal case must be dealt with justly.

Status: binding procedural rules.

SAFEGUARD 4 — COURT'S ACTIVE CASE-MANAGEMENT DUTY

The Court must actively identify issues and give appropriate directions.

Status: binding procedural rule.

SAFEGUARD 5 — PARTICIPANT DUTIES

Participants must conduct proceedings in accordance with the overriding objective and identify significant procedural failures.

Status: binding procedural rule.

SAFEGUARD 6 — EFFECTIVE PARTICIPATION MEASURES

The Rules expressly provide mechanisms to assist defendants to participate.

Status: binding procedural framework.

SAFEGUARD 7 — ETBB AWARENESS AND ANTI-STEREOTYPING GUIDANCE

Judges receive official guidance directed towards equal treatment, avoidance of stereotyping and vigilance against bias.

Status: official judicial guidance.

5.21 This Is More Than an Assurance

At this stage, it would no longer be accurate to say that the safeguarding framework consists only of assurances.

There are identifiable legal and procedural protections.

That finding must be stated clearly.

However, identifying a general framework does not end the inquiry.

The remaining issue is how those protections respond specifically to:

anti-Black racism

and

institutional racism.

5.22 Individual Judicial Racial Bias — Preliminary Position

Where the concern concerns racial bias by an individual judge, there is now a comparatively identifiable framework:

1. Article 6 requires impartiality.
2. The common law supplies an objective apparent-bias test.
3. The ETBB directs judges to avoid stereotypes and remain vigilant against personal bias.
4. The transcript and reasons may provide evidence of what occurred.

5. Recusal and appellate or other review mechanisms may be available depending upon circumstances.

This does not mean that every concern establishes bias.

It means that identifiable legal machinery exists for dealing with the question.

Classification

INDIVIDUAL JUDICIAL RACIAL BIAS: SUBSTANTIALLY ANSWERED AT THE FRAMEWORK LEVEL, WITH PROCEDURAL DETAILS STILL TO BE EXAMINED.

5.23 Institutional Racism — Preliminary Position

The position concerning institutional racism remains less complete.

The framework identified above can potentially address the **effects** of institutional failure where those effects create:

- unfair proceedings;
- unreliable evidence;
- improper disclosure;
- an abuse of process;
- inability to participate;
- an impartiality problem; or
- some other legally recognised defect.

But the materials examined so far do not establish a single independent Crown Court procedure in which the Court conducts a general investigation into whether the criminal justice system is institutionally racist.

That distinction is important.

The operative legal question may instead become:

What specific procedural unfairness, evidential defect, bias, discrimination or institutional failure is alleged, and what legal power permits the Crown Court to address its effect upon this case?

Classification

INSTITUTIONAL RACISM: PARTIALLY ANSWERED; CASE-SPECIFIC OPERATION REQUIRES FURTHER EXAMINATION.

5.24 Anti-Black Racism — Preliminary Position

The legal rules identified in this section are principally expressed in general terms.

Article 6 does not create a separate right labelled:

“the right of a Black defendant to a trial free from anti-Black racism.”

Instead, it requires a fair and impartial determination.

The common-law bias test is likewise general.

The Criminal Procedure Rules' overriding objective is general.

The ETBB provides the racial and Black-specific context capable of informing how those general legal protections are applied.

That produces a possible layered safeguard:

general binding legal right + race-specific judicial guidance + case-specific procedural powers.

Whether that combination completely answers the original question remains to be tested.

5.25 A Critical Finding About the Court's Jurisdiction

The question read to the Court expressly asked it to identify **the Court's jurisdiction**.

The Criminal Procedure Rules now provide part of that answer.

The Crown Court possesses procedural powers to:

- actively manage the case;
- identify real issues;
- give directions appropriate to the needs of the case;
- regulate participation;
- manage evidence and disclosure through the applicable Rules; and
- conduct the case in accordance with the overriding objective.

The Court also operates subject to the Article 6 requirement of fairness and impartiality.

Accordingly, there is an identifiable legal and procedural jurisdiction capable of addressing many forms of unfairness arising within criminal proceedings.

What remains to be identified is the precise power applicable to each particular type of racial or institutional concern.

5.26 What the Court Cannot Resolve Through Assurance Alone

If a concrete apparent-bias issue is raised, the legal test is objective.

If a concrete procedural fairness problem is raised, the Rules provide procedural machinery.

If effective participation is impaired, the Rules contain relevant mechanisms.

Accordingly, where a properly particularised legal issue exists, the response need not stop at:

“I assure you the Court will be fair.”

The issue can potentially be translated into:

- the applicable rule;
- the relevant legal test;
- evidence;
- submissions;
- a judicial ruling; and
- reasons.

That is a materially stronger evidential structure.

5.27 But a General Fear Does Not Automatically Trigger Every Legal Remedy

The converse is equally important.

A defendant's fear or concern does not automatically establish:

- apparent bias;
 - institutional discrimination;
 - abuse of process;
 - unlawful evidence;
 - a breach of Article 6; or
 - another legal defect.
-

Different safeguards have different legal thresholds.

The purpose of this forensic analysis is therefore to determine **which safeguard corresponds to which identified risk**.

This prevents the inquiry from becoming either dismissive or legally overbroad.

5.28 Questions Still Unanswered

The following questions remain unresolved after examining the general binding framework:

UQ1 — Institutional Process

What specific Crown Court mechanism applies where the alleged racial problem originates in an institution other than the judge?

UQ2 — Investigation

When is the Crown Court required or permitted to investigate such a matter?

UQ3 — Evidence

What evidential threshold must be met before the Court must act?

UQ4 — Reasons

What obligation exists to provide reasons for rejecting a properly raised racial safeguarding argument?

UQ5 — Jury

What specific protections operate against racial bias among jurors?

UQ6 — Prosecutorial Decisions

What remedies exist where alleged racial unfairness concerns prosecution decision-making?

UQ7 — Police Evidence

What mechanisms operate where racial bias is alleged to have affected policing or evidence gathering?

UQ8 — Disclosure

What mechanisms exist where institutional bias is alleged to have affected disclosure?

UQ9 — Anti-Black-Specific Protection

Which legal or procedural provisions specifically address anti-Black stereotypes or disadvantages identified by the ETBB?

UQ10 — Pre-Plea Operation

Which of these protections can properly operate before the defendant is required to enter or confirm a plea?

These questions require additional examination.

5.29 Preliminary Forensic Matrix

Question	Protection Identified	Status
Is there a binding right to a fair criminal hearing?	Article 6	ANSWERED
Must the tribunal be impartial?	Article 6	ANSWERED
Is there an objective test for apparent judicial bias?	Porter v Magill	ANSWERED
Is the Court required to deal with the case justly?	CrimPR Part 1	ANSWERED
Must the Court actively manage fairness issues?	CrimPR Part 3	ANSWERED
Are there rules supporting defendant participation?	CrimPR Part 18 and Article 6	ANSWERED
Can the framework address individual racial bias?	Article 6 + apparent bias + ETBB	SUBSTANTIALLY ANSWERED AT FRAMEWORK LEVEL
Does a general mechanism exist for institutional racism throughout the justice system?	No single mechanism yet identified	NOT YET ANSWERED
Can general procedural powers address effects of institutional failure on a case?	Potentially yes	PARTIALLY ANSWERED

Question	Protection Identified	Status
What safeguards govern racial bias among jurors?	General Article 6 impartiality identified	PARTIALLY ANSWERED
What anti-Black-specific operational safeguards exist?	ETBB context + general law identified	PARTIALLY ANSWERED

5.30 Relationship to the Question Put on 26 August 2026

The original question asked the Court to identify:

the legal framework;
the Court's jurisdiction;
the safeguards;
their sources; and
their relationship to anti-Black racism and institutional racism.

This section has produced significant answers.

The legal framework now includes:

- Article 6 ECHR as given domestic effect through the Human Rights Act 1998;
- common-law rules governing actual and apparent judicial bias;
- the Criminal Procedure Rules 2025;
- case-management powers;
- effective-participation mechanisms; and
- the ETBB as official judicial guidance.

The Court's jurisdiction now includes:

- powers to manage the case;
- powers to identify issues;
- powers to give directions;
- powers relating to participation;
- and the duty to conduct proceedings consistently with fairness and impartiality.

The central unresolved question has therefore narrowed again.

It is now:

How do these general protections operate against specific anti-Black and institutional risks in an individual Crown Court case?

5.31 Section 5 Findings

FINDING 5A — FAIR TRIAL

A binding legal right to a fair trial exists.

STATUS: ANSWERED.

FINDING 5B — IMPARTIAL TRIBUNAL

A binding right to an independent and impartial tribunal exists.

STATUS: ANSWERED.

FINDING 5C — APPARENT BIAS

An objective common-law test exists for determining apparent judicial bias.

STATUS: ANSWERED.

FINDING 5D — ASSURANCE

A decision-maker's subjective assurance that they are unbiased is not itself determinative of the objective apparent-bias question.

STATUS: ANSWERED.

FINDING 5E — PROCEDURAL JUSTICE

The Criminal Procedure Rules require criminal cases to be dealt with justly.

STATUS: ANSWERED.

FINDING 5F — ACTIVE MANAGEMENT

The Court has a positive duty actively to manage criminal proceedings.

STATUS: ANSWERED.

FINDING 5G — EFFECTIVE PARTICIPATION

The binding procedural framework recognises measures designed to permit defendants to participate effectively.

STATUS: ANSWERED.

FINDING 5H — INDIVIDUAL RACIAL BIAS

The combined Article 6, common-law and ETBB framework provides identifiable protection against individual judicial racial bias.

STATUS: SUBSTANTIALLY ANSWERED AT FRAMEWORK LEVEL.

FINDING 5I — INSTITUTIONAL RACISM

No single standalone Crown Court procedure dealing generically with “institutional racism” has yet been identified.

General criminal procedural powers may nevertheless address specific unfair consequences generated by institutional failure.

STATUS: PARTIALLY ANSWERED.

FINDING 5J — ANTI-BLACK RACISM

General binding protections, supplemented by race-specific ETBB guidance, potentially protect against anti-Black racial unfairness.

Whether that amounts to a complete operational safeguard remains under examination.

STATUS: PARTIALLY ANSWERED.

5.32 Section 5 Conclusion

This section materially advances the inquiry.

The legal framework is **not merely a collection of assurances.**

Binding safeguards exist.

A criminal defendant is legally entitled to a fair hearing before an independent and impartial tribunal.

The common law provides an objective test for apparent bias.

The Criminal Procedure Rules require criminal cases to be dealt with justly and require the Court actively to manage proceedings.

The Rules also recognise mechanisms for defendant participation.

The Equal Treatment Bench Book adds specific judicial guidance concerning racial stereotyping, institutional/systemic racism and vigilance against bias.

The emerging framework is therefore:

****binding fair-trial law**

- objective impartiality law
- binding criminal procedure
- active judicial case management
- participation protections
- race-specific judicial guidance.**

That is substantial.

However, the original question has still not been completely answered.

The remaining issue is whether and how this framework addresses **institutional racism that originates in policing, prosecution, evidence gathering, disclosure, administrative processes or other components of the criminal justice system before the relevant matter reaches the trial judge.**

That must be examined directly.

The next section should therefore investigate the institutional dimension rather than return to general judicial impartiality.

SECTION 6

INSTITUTIONAL RACISM BEYOND THE JUDGE: POLICE, PROSECUTION, DISCLOSURE, EVIDENCE AND THE CROWN COURT'S CORRECTIVE POWERS

6.1 Purpose of this Section

Sections 3 to 5 identified substantial safeguards concerning the impartiality and conduct of the judge.

Those safeguards are important.

They do not, however, dispose of the question concerning **institutional racism**.

The Equal Treatment Bench Book (“ETBB”) itself recognises that institutional/systemic racism is conceptually different from an allegation that one identifiable individual consciously holds racist views.

The present section therefore examines a different problem:

What happens where the alleged racial defect originates somewhere within the criminal justice process before the relevant question reaches the trial judge?

Potential institutional sources include:

- policing;
- investigation;
- arrest;
- evidence gathering;
- retention or loss of evidence;
- witness identification;
- interviewing;
- charging;
- prosecution;
- disclosure;
- unused material;
- administrative processing;
- case preparation; and
- other institutional decisions capable of influencing what eventually comes before the Crown Court.

The central forensic question is:

What power does the Crown Court possess to identify, control, correct or remedy the consequences of such an institutional failure?

6.2 Institutional Racism Must Not Be Reduced to the Personality of the Judge

This distinction is fundamental.

Suppose, hypothetically, that a judge:

- has no conscious racial prejudice;
- has read the ETBB;
- understands the danger of stereotyping;
- conscientiously attempts to act impartially; and
- genuinely intends to conduct a fair trial.

That does not logically establish that every process which produced the case before that judge was free from institutional racial distortion.

The judge receives the product of earlier processes.

Those processes may include:

investigation → arrest → evidence gathering → charging → prosecution review → disclosure → case preparation → presentation before the Court.

If a defect arose at one of those stages, judicial impartiality alone may not remove it.

The legal framework must therefore contain mechanisms capable of addressing the **effect of institutional failures upon the proceedings.**

6.3 The Crown Court Is Not a General Commission of Inquiry Into Institutional Racism

An important limitation must be identified immediately.

The Crown Court is determining criminal proceedings.

The sources examined do not establish that the Crown Court possesses a free-standing jurisdiction to conduct a general public inquiry into whether:

- a police force;
- the Crown Prosecution Service;

- HM Courts & Tribunals Service; or
- the criminal justice system generally

is institutionally racist.

That is not the same question as whether institutional racism can become legally relevant to a criminal case.

It plainly can become relevant where the alleged institutional conduct has produced a legally material consequence affecting:

- evidence;
- disclosure;
- fairness;
- the integrity of the prosecution;
- effective participation;
- admissibility;
- or the ability of the defendant to receive a fair trial.

This distinction is critical.

6.4 The Correct Forensic Question Is Case-Specific

The operative Crown Court question is therefore likely to be:

What specific act, omission, process, practice or institutional failure is said to have affected these proceedings, what evidence supports that contention, what legal consequence follows, and what power does the Court possess to address it?

This formulation converts a broad institutional concern into a question capable of judicial determination.

For example:

Institutional concern: police process.

Case-specific question: did an investigative failure cause relevant evidence to be lost or omitted?

Or:

Institutional concern: prosecution process.

Case-specific question: was material capable of undermining the prosecution case or assisting the defence withheld?

Or:

Institutional concern: racial stereotyping.

Case-specific question: did a racial assumption contaminate an identification, credibility assessment, investigative decision or evidential proposition upon which the prosecution now relies?

This distinction is necessary for effective judicial intervention.

6.5 The Disclosure Regime Is a Major Institutional Safeguard

One of the clearest institutional safeguards is the statutory disclosure regime.

The **Criminal Procedure and Investigations Act 1996 (“CPIA”)** creates the principal statutory framework governing unused prosecution material.

The prosecution disclosure test requires disclosure of prosecution material which might reasonably be considered capable of:

- undermining the prosecution case; or
- assisting the case for the accused.

The Attorney General's Guidelines on Disclosure explain that prosecutors must analyse:

- the prosecution case;
- the defence case; and
- the likely trial issues

when complying with the disclosure obligation. ([gov.uk](https://www.gov.uk))

Safeguard identified

STATUTORY PROSECUTION DISCLOSURE

This is not merely an assurance of prosecutorial fairness.

It is an identifiable legal process.

Classification: ANSWERED AS A GENERAL INSTITUTIONAL SAFEGUARD.

6.6 Why Disclosure Is Relevant to Institutional Racism

Disclosure is not itself labelled an “institutional racism safeguard.”

Nevertheless, it may become directly relevant where material exists which could demonstrate:

- discriminatory treatment;
- inconsistent treatment;
- improper assumptions;
- investigative bias;
- credibility problems;
- failures to pursue reasonable lines of inquiry;
- contradictory evidence;
- police misconduct;
- prosecution knowledge of a material defect; or
- other matters capable of undermining the prosecution case or assisting the defence.

Accordingly, a general disclosure rule can operate as a safeguard where the underlying issue is racial.

This confirms the principle identified in Section 5:

a safeguard does not need to contain the word “race” in its title to provide protection against a racially relevant defect.

6.7 Investigators and Disclosure Officers Have Institutional Responsibilities

The disclosure system does not operate solely through the judge.

The CPS's current disclosure material states that investigators and disclosure officers must be **fair and objective** and work with prosecutors to ensure compliance with disclosure obligations.

It also identifies possible consequences of non-compliance, including:

- an application to stay proceedings as an abuse of process;
- exclusion of evidence; and
- a successful appeal. (cps.gov.uk)

This is important.

It demonstrates that safeguards operate at several institutional levels before and during trial.

Safeguard identified

FAIR AND OBJECTIVE INVESTIGATION/DISCLOSURE RESPONSIBILITIES

Classification: IDENTIFIED.

6.8 Disclosure Is a Continuing Process

Disclosure is not necessarily exhausted by one disclosure exercise.

The CPS confirms that the duty of disclosure continues while proceedings remain, including at first instance and on appeal. (cps.gov.uk)

This is important because information capable of revealing a defect may emerge after proceedings have commenced.

Safeguarding significance

The institutional protection is therefore capable of operating dynamically rather than only once at the beginning of the prosecution.

6.9 The Defendant Can Seek Further Disclosure

The disclosure regime also contains a mechanism under which a defendant may seek an order requiring further prosecution disclosure where the statutory conditions are satisfied.

This is important to the original inquiry because it moves the defendant from being a passive recipient of institutional assurance to a participant capable of invoking a legal process.

The precise current procedural requirements must be applied according to the CPIA and current Criminal Procedure Rules.

Safeguard identified

DEFENCE APPLICATION FOR FURTHER PROSECUTION DISCLOSURE

Classification: IDENTIFIED, SUBJECT TO STATUTORY AND PROCEDURAL CONDITIONS.

6.10 Disclosure Is Not Unlimited

The existence of a disclosure mechanism does not mean that a defendant is automatically entitled to every document held by:

- police;
- prosecution;
- government;
- third parties; or
- the Court.

The statutory test and procedural requirements still apply.

A request must therefore be connected to material which falls within the applicable disclosure regime.

This is another reason why a specific allegation of institutional failure must be converted into an identifiable evidential question.

A general request for everything relating to racism would not necessarily satisfy the legal test.

A targeted request identifying why particular material might undermine the prosecution or assist the defence is legally different.

6.11 Disclosure Before the Ordinary Statutory Stage Can Sometimes Be Necessary

The CPS's disclosure guidance recognises common-law disclosure obligations outside the ordinary CPIA timetable.

Its examples include material which might permit an accused to make an early application to stay proceedings as an abuse of process, or material needed to prepare effectively where later disclosure would substantially reduce its usefulness.

(cps.gov.uk)

This is relevant to the concern that some fairness questions may arise before the ordinary trial stage.

Finding

The legal framework does recognise circumstances in which fairness can require disclosure before the ordinary statutory disclosure sequence has fully operated.

Classification: ANSWERED AS A GENERAL PRINCIPLE.

6.12 Police Evidence Can Be Challenged

Another major institutional safeguard concerns evidence obtained through police activity.

The fact that police have obtained evidence does not automatically make that evidence immune from judicial scrutiny.

The trial process contains mechanisms through which:

- admissibility;
- reliability;
- fairness;
- statutory compliance; and
- procedural compliance

can be challenged.

This is directly relevant where the alleged institutional problem concerns policing.

6.13 Section 78 of the Police and Criminal Evidence Act 1984

Section 78 of the **Police and Criminal Evidence Act 1984 (“PACE”)** provides an important judicial power concerning prosecution evidence.

In proceedings, the Court may refuse to allow prosecution evidence where, having regard to all the circumstances, including the circumstances in which the evidence was obtained, admission would have such an adverse effect on the fairness of proceedings that it ought not be admitted.

CPS abuse-of-process guidance expressly identifies section 78 as an example of the trial process's capacity to prevent unfairness and notes that breaches of PACE Codes can be drawn to the Court's attention. ([cps.gov.uk](https://www.cps.gov.uk))

Safeguard identified

JUDICIAL POWER TO EXCLUDE PROSECUTION EVIDENCE ON FAIRNESS GROUNDS

Classification: ANSWERED AS A BINDING STATUTORY SAFEGUARD.

6.14 Relevance of Section 78 to Racially Affected Police Conduct

Section 78 is not specifically an anti-racism provision.

However, if racially discriminatory police conduct materially affected the circumstances in which prosecution evidence was obtained, that conduct could potentially form part of the circumstances placed before the Court when the statutory fairness test is applied.

Whether exclusion would follow would depend upon the evidence and the legal test.

Therefore:

racial concern + evidence of relevant police conduct + effect upon fairness

can potentially be translated into a recognised legal application.

That is materially different from relying upon assurance.

6.15 Section 78 Is Not a General Police Disciplinary Jurisdiction

The limitation is equally important.

Section 78 does not transform the Crown Court into a general disciplinary tribunal for police conduct.

The statutory question concerns the fairness of admitting prosecution evidence.

Accordingly, there must be a connection between:

- the alleged conduct;
- the evidence; and
- the fairness of the proceedings.

This reinforces the case-specific nature of the Crown Court's jurisdiction.

6.16 Abuse of Process

The Crown Court also possesses jurisdiction to stay criminal proceedings for **abuse of process**.

Current CPS guidance identifies two broad categories:

1. cases where it will be impossible for the defendant to receive a fair trial; and
2. cases where it would offend the Court's sense of justice and propriety to try the defendant in the particular circumstances.

The jurisdiction is exceptional.

A stay is a serious remedy and the legal threshold is high. ([cps.gov.uk](https://www.cps.gov.uk))

Safeguard identified

INHERENT JURISDICTION TO PROTECT THE FAIRNESS AND INTEGRITY OF THE CRIMINAL PROCESS

Classification: ANSWERED.

6.17 Abuse of Process Can Address Institutional Conduct

This jurisdiction is particularly relevant to the institutional question because it is capable, in appropriate cases, of addressing misconduct outside the courtroom.

CPS guidance discusses situations involving:

- police misconduct;
- lost or unavailable evidence;
- entrapment;
- prosecutorial representations;
- investigative failures; and
- other conduct affecting fairness or the integrity of the prosecution. (cps.gov.uk)

Accordingly, the law recognises that institutional conduct occurring before trial can become sufficiently serious to affect whether the prosecution may properly continue.

That is a significant answer.

6.18 But Abuse of Process Is Exceptional

The existence of abuse-of-process jurisdiction must not be overstated.

CPS guidance, reflecting the authorities, emphasises the high threshold.

The ordinary trial process is expected to deal with many complaints through mechanisms such as:

- evidential challenge;
- cross-examination;
- disclosure;
- judicial directions;
- exclusion of evidence; and

- ordinary trial adjudication.

A stay is not automatically granted whenever:

- police make an error;
- evidence is missing;
- a procedural failure occurs; or
- misconduct is alleged.

Accordingly:

abuse of process is a safeguard of last resort, not a general substitute for the ordinary trial process.

6.19 Two Different Abuse-of-Process Concerns

The two broad categories are important to institutional racism.

CATEGORY 1 — FAIR TRIAL IMPOSSIBLE

The institutional defect has damaged the case to such an extent that a fair trial can no longer take place.

CATEGORY 2 — INTEGRITY OF JUSTICE

Even if a trial could technically be fair, the circumstances are so serious that permitting the prosecution to continue would offend the Court's sense of justice and propriety.

The second category is particularly significant because it demonstrates that criminal procedure is concerned not only with the mechanical reliability of the trial but also with the integrity of the justice system.

6.20 Missing or Destroyed Evidence

Institutional failures concerning evidence can be particularly serious.

A defendant may contend that:

- evidence was not obtained;
- evidence was lost;
- evidence was destroyed;
- CCTV was not preserved;

- records disappeared;
- material was not examined; or
- a reasonable investigative opportunity was missed.

The existence of such a failure does not automatically terminate the prosecution.

The Court considers whether the trial process remains capable of dealing fairly with the consequences.

CPS guidance expressly states that failures to obtain evidence do not necessarily prevent a fair trial where the remaining evidence can still properly be tested before the tribunal of fact. (cps.gov.uk)

This is an important limitation.

6.21 The Defence Can Expose Evidential Gaps

Where evidence was not obtained or preserved, the defence may be able to place that failure before the tribunal of fact.

The existence of an evidential gap can itself become part of the defence argument.

Accordingly, one safeguard against defective investigation is the adversarial testing of:

- what was done;
- what was not done;
- why it was not done;
- what evidence exists;
- what evidence is missing; and
- what inference, if any, should properly be drawn.

This is not an absolute safeguard.

But it is an identifiable procedural mechanism.

6.22 Cross-Examination as a Safeguarding Mechanism

Where police officers, investigators or other witnesses give evidence, cross-examination permits the defence to test:

- accuracy;

- reliability;
- consistency;
- methodology;
- recollection;
- assumptions;
- omissions;
- credibility; and
- potentially discriminatory reasoning where legally and evidentially relevant.

Cross-examination therefore forms part of the wider safeguarding structure.

It does not itself prove or disprove institutional racism.

Its function is to permit relevant evidence and reasoning to be tested before the tribunal.

6.23 Prosecution Decision-Making Is Institutionally Separate From the Judge

The Crown Prosecution Service performs a different institutional function from the Court.

The judge does not simply replace the prosecutor and decide every prosecutorial question.

This means that a concern about prosecution decision-making must be analysed according to the legal powers applicable to that decision.

The Crown Court may examine consequences affecting:

- fairness;
- evidence;
- disclosure;
- abuse of process;
- admissibility; or
- the proper conduct of the prosecution.

But the existence of judicial supervision does not mean that every prosecutorial decision is automatically re-made by the Crown Court.

This institutional separation must be maintained.

6.24 Prosecutorial Discrimination Requires a Specific Legal Analysis

If a defendant alleges that a prosecution decision itself was racially discriminatory, that raises issues distinct from ordinary judicial bias.

Questions would include:

1. What prosecution decision is challenged?
2. What evidence supports the allegation?
3. What comparator or other evidential basis exists?
4. What legal route permits the challenge?
5. Does the matter engage abuse-of-process jurisdiction?
6. Is another public-law remedy applicable?
7. What effect does the alleged discrimination have upon the fairness or propriety of the criminal proceedings?

Those questions cannot be answered merely by referring to the ETBB.

Classification: REQUIRES FURTHER LEGAL ANALYSIS IF SUCH AN ISSUE IS ACTUALLY RAISED.

6.25 Institutional Racism and Disclosure May Intersect

The disclosure regime may become particularly important where a defendant needs evidence capable of establishing or testing an institutional concern.

For example, potentially relevant material could include records bearing upon:

- how an investigation was conducted;
- inconsistent accounts;
- unused footage;
- unused witness material;
- internal records relevant to the prosecution case;
- investigative decisions;
- evidence capable of undermining an officer's account; or

- evidence capable of supporting a defence contention.

Whether any particular material must be disclosed depends upon the statutory test.

The significance is that there is an **evidential route**.

The defendant need not rely exclusively upon institutional reassurance.

6.26 The Attorney General's Disclosure Guidelines Emphasise Fairness

The Attorney General's Guidelines explain that disclosure is intended to ensure the accused receives material meeting the statutory test and that prosecutors must engage with the actual issues in the case. ([gov.uk](https://www.gov.uk))

The disclosure system therefore operates as part of the machinery intended to prevent the prosecution from controlling all information relevant to the defence.

That is a significant institutional safeguard.

6.27 The Crown Court Has Corrective Powers, Not Merely Reassuring Powers

The evidence examined in this section demonstrates that the Crown Court is not limited to saying:

“I assure you that the police acted properly.”

or:

“I assure you that the prosecution acted fairly.”

Depending upon the facts and legal threshold, the Court may possess powers to:

- order or regulate disclosure;
- hear legal argument;
- determine admissibility;
- exclude prosecution evidence;
- examine alleged procedural failures;
- give directions;
- permit evidential challenge;
- consider abuse-of-process applications; and
- in exceptional circumstances, stay proceedings.

These are **operative judicial powers**.

They are materially different from assurance.

6.28 But the Powers Require a Justiciable Issue

The Court cannot rationally exercise a corrective power without knowing:

- what is said to have happened;
- which institution is involved;
- what evidence supports the contention;
- what part of the criminal case is affected; and
- what legal consequence is sought.

Accordingly, the institutional-racism question becomes strongest when expressed as:

identified institutional process + identified evidence + identified potential racial defect + identified effect upon proceedings + identified legal safeguard.

This is the structure which later submissions should adopt.

6.29 A General Safeguarding Framework Is Now Identifiable

At this stage, the following institutional safeguards can be identified:

SAFEGUARD 1 — INVESTIGATIVE/DISCLOSURE OBJECTIVITY

Investigators and disclosure officers operate under obligations of fairness and objectivity within the disclosure framework.

SAFEGUARD 2 — STATUTORY DISCLOSURE

Material meeting the statutory disclosure test must be disclosed.

SAFEGUARD 3 — CONTINUING DISCLOSURE

Disclosure responsibilities continue as proceedings develop.

SAFEGUARD 4 — DEFENCE APPLICATION FOR FURTHER DISCLOSURE

A defendant can invoke a legal procedure for further disclosure subject to the statutory requirements.

SAFEGUARD 5 — EVIDENTIAL CHALLENGE

Police and prosecution evidence can be tested in the trial process.

SAFEGUARD 6 — CROSS-EXAMINATION

Witness accounts, assumptions, omissions and reliability can be tested.

SAFEGUARD 7 — SECTION 78 PACE

The Court can exclude prosecution evidence where the statutory fairness test is satisfied.

SAFEGUARD 8 — ACTIVE CASE MANAGEMENT

The Court can identify issues and make procedural directions.

SAFEGUARD 9 — ABUSE OF PROCESS

The Court can protect both trial fairness and, in exceptional circumstances, the integrity of the criminal justice process.

SAFEGUARD 10 — APPEAL

Serious failures affecting the safety of a conviction may ultimately be capable of appellate examination.

This is a substantial framework.

6.30 What Remains Missing

Despite that framework, an important question remains.

None of the mechanisms identified so far appears to constitute a universal procedure requiring every institution involved in a criminal case to demonstrate, before every material decision:

“This decision has been independently tested and certified as free from anti-Black racism and institutional racism.”

No such universal certification mechanism has been identified.

That fact must be recorded accurately.

It does not establish that there are no safeguards.

It establishes that the safeguards operate through a **network of legal duties, procedural mechanisms, evidential tests and remedies**, rather than through one universal racial-safeguarding certificate.

6.31 The Institutional-Racism Question Is Therefore Partially Answered

The analysis now permits a more precise conclusion than was possible in Section 3.

The question:

“Are there safeguards capable of addressing institutional failures affecting a Crown Court case?”

can be answered:

YES.

There are multiple mechanisms.

But the different question:

“Is there a single specific Crown Court procedure expressly designed to test every decision for institutional racism before it affects a Black defendant?”

has not been answered affirmatively by the sources examined.

No such mechanism has yet been identified.

These propositions must not be confused.

6.32 Anti-Black Racism Remains a Distinct Question

Another unresolved matter remains.

The safeguards identified in this section are overwhelmingly **general safeguards**.

They apply to:

- unfair evidence;
- defective disclosure;
- police misconduct;
- procedural unfairness;
- prosecution misconduct; and
- abuse of process

irrespective of the race of the defendant.

That is not a weakness in itself.

A general safeguard can protect against a racial wrong.

But the original question specifically concerned **anti-Black racism**.

The next stages must therefore determine how the general safeguards interact with:

- Black-specific stereotypes;
- Black-specific disparities;
- racially aggravated allegations;
- credibility;
- perceptions of aggression or threat;
- police interactions;
- and jury decision-making.

6.33 The Evidential Burden Cannot Be Replaced by Suspicion

A further distinction is necessary.

The existence of documented racial disparities or recognised institutional-racism concerns does not, by itself, prove that a particular:

- arrest;
- charge;
- police statement;
- disclosure decision;
- prosecution decision; or
- evidential omission

in this case was racially affected.

The case-specific connection requires evidence.

That is precisely why access to:

- disclosure;
- recordings;
- documents;
- transcripts;
- unused material;
- reasons; and
- other objective records

can be important.

Evidence permits the institutional question to be tested without converting suspicion into conclusion.

6.34 The Court Should Be Asked for Identification, Not Assurance

Where a material question remains after this forensic exercise, the appropriate request is therefore not:

“Please assure me that institutional racism cannot occur.”

The more precise request is:

“Please identify the legal or procedural safeguard applicable to this identified risk, its source, the person responsible for applying it, the test applied, and the procedure by which I may invoke it in these proceedings.”

That question is capable of receiving an evidential answer.

6.35 Preliminary Institutional Safeguarding Matrix

Institutional Risk	Identified Safeguard	Present Finding
Prosecution possesses material undermining its case	CPIA disclosure	ANSWERED
Material assists the defence	CPIA disclosure	ANSWERED
Disclosure failure	Further disclosure application / trial remedies / appeal	ANSWERED IN PART
Police evidence obtained in circumstances affecting fairness	PACE s.78	ANSWERED
Police breach of PACE Code	Can be raised before Court; may be relevant to exclusion/fairness	ANSWERED IN PART
Investigative failure or missing evidence	Trial challenge / abuse-of-process jurisdiction in exceptional cases	ANSWERED IN PART

Institutional Risk	Identified Safeguard	Present Finding
Serious institutional misconduct undermining trial fairness	Abuse of process	ANSWERED
Serious misconduct offending integrity of justice	Abuse of process, high threshold	ANSWERED
Racially affected police process	General safeguards potentially applicable if evidentially connected	PARTIALLY ANSWERED
Racially affected prosecution process	General safeguards potentially applicable; precise route depends upon issue	PARTIALLY ANSWERED
Institution-wide racism with no identified effect upon the particular case	No general Crown Court inquiry mechanism identified	NOT ANSWERED AS A CROWN COURT REMEDY
Universal pre-decision institutional-racism audit	No mechanism identified	NOT IDENTIFIED

6.36 Questions Carried Forward

The following matters still require examination:

IR13

What safeguards operate where a Black defendant says racial stereotypes have affected **police decision-making**?

IR14

What safeguards operate where the concern relates to the **charging or prosecution decision**?

IR15

What protection exists against racial assumptions affecting **credibility assessments**?

IR16

What safeguards govern racial assumptions concerning **aggression, hostility, dangerousness or threat**?

IR17

What protections operate where a jury may be affected by racial prejudice or stereotyping?

IR18

What directions can or must a judge give a jury concerning racial prejudice?

IR19

What happens if racial bias by an individual juror becomes apparent?

IR20

What mechanism applies before the jury is sworn?

IR21

What race-specific guidance does the ETBB provide concerning Black defendants and the criminal justice system?

These questions remain directly relevant to the original inquiry.

6.37 Findings

FINDING 6A — INSTITUTIONAL SAFEGUARDS EXIST

The criminal justice framework contains identifiable mechanisms capable of addressing institutional failures affecting an individual Crown Court case.

STATUS: ANSWERED.

FINDING 6B — DISCLOSURE

The CPIA disclosure regime provides a substantial statutory institutional safeguard.

STATUS: ANSWERED.

FINDING 6C — POLICE EVIDENCE

PACE section 78 provides a statutory mechanism capable of excluding prosecution evidence where the fairness test is satisfied.

STATUS: ANSWERED.

FINDING 6D — SERIOUS INSTITUTIONAL FAILURE

Abuse-of-process jurisdiction provides a mechanism capable, in exceptional circumstances, of addressing institutional misconduct affecting either trial fairness or the integrity of the justice system.

STATUS: ANSWERED.

FINDING 6E — GENERAL INQUIRY INTO INSTITUTIONAL RACISM

No free-standing Crown Court jurisdiction to conduct a general inquiry into whether the criminal justice system as a whole is institutionally racist has been identified.

STATUS: NOT IDENTIFIED.

FINDING 6F — CASE-SPECIFIC RACIAL EFFECT

General criminal procedural safeguards can potentially address racially affected institutional conduct where a legally relevant connection to the individual proceedings is established.

STATUS: SUBSTANTIALLY ANSWERED AT FRAMEWORK LEVEL.

FINDING 6G — UNIVERSAL ANTI-BLACK/INSTITUTIONAL-RACISM AUDIT

No universal mandatory pre-decision certification or audit specifically testing every criminal justice decision for anti-Black racism or institutional racism has been identified.

STATUS: NOT IDENTIFIED.

6.38 Section 6 Conclusion

The institutional question is now considerably clearer.

The Crown Court is **not powerless** where misconduct or institutional failure outside the courtroom affects criminal proceedings.

The legal system contains substantial corrective machinery.

That machinery includes:

statutory disclosure;
continuing disclosure;
defence applications for further disclosure;
evidential challenge;
cross-examination;
PACE section 78;
active case management;
abuse-of-process jurisdiction; and
appellate review.

These are factual, identifiable safeguards.

They are not merely assurances.

However, they operate principally by requiring the defendant or another participant to identify a legally material problem and connect it to the proceedings.

No universal mechanism has yet been identified which independently audits every police, prosecution, court or jury decision for anti-Black racism or institutional racism before that decision takes effect.

Accordingly, the institutional-racism question is now **partially but substantially answered**.

The remaining inquiry must become increasingly specific.

The next issue is particularly important because it concerns the body which may ultimately determine guilt:

the jury.

The next section must therefore determine what safeguards exist against conscious racial prejudice, unconscious racial bias and racial stereotyping affecting jury selection, jury conduct and jury decision-making.

SECTION 7

JURY SELECTION, RACIAL PREJUDICE, RACIAL STEREOTYPING AND JURY DECISION-MAKING

7.1 Purpose of this Section

The previous sections examined safeguards applying to judges, police, prosecutors, disclosure, evidence and institutional failures affecting criminal proceedings.

This section addresses a distinct question:

What safeguards exist against conscious racial prejudice, unconscious racial bias and racial stereotyping affecting the jury?

This is essential because, in a Crown Court jury trial, the jury ordinarily determines factual guilt.

Accordingly, a complete safeguarding analysis cannot stop with judicial impartiality.

The relevant questions include:

1. how jurors are selected;
2. whether jurors can be challenged for bias;
3. whether the Court may alter the racial composition of the jury;
4. what can happen if racial bias emerges before a juror is sworn;
5. what can happen if racial bias emerges after the jury has been sworn;
6. what directions can be given by the judge;
7. what happens where juror misconduct occurs;
8. whether the law provides any specific mechanism for protecting a Black defendant against racially prejudiced jury decision-making; and
9. whether any remaining gap requires clarification from Wood Green Crown Court.

7.2 Article 6 Applies to the Jury

Section 5 established that Article 6 requires a criminal charge to be determined by an independent and impartial tribunal.

The European Court of Human Rights recognises that the principles of independence and impartiality can apply to jurors as well as professional judges.

Accordingly, the requirement of impartiality does not stop at the judge.

Safeguard identified

THE JURY MUST FORM PART OF AN IMPARTIAL TRIBUNAL.

Classification: ANSWERED AS A BINDING LEGAL PRINCIPLE.

7.3 Jury Selection Is Fundamentally Random

The English and Welsh jury system is based substantially upon random selection from those eligible for jury service.

That principle is important because the trial judge is not ordinarily permitted to construct a jury according to preferred demographic characteristics.

The current Crown Court Compendium specifically warns that judges must not use their powers in an attempt to reject jurors from particular sections of the community or otherwise influence the overall composition of the jury.

This has a direct consequence for the question concerning race:

there is no ordinary right to require the Court to assemble a jury containing a particular number of Black jurors or members of any other racial group.

7.4 A Racially Representative Jury Is Not Normally Ordered

CPS jury-vetting guidance records the Court of Appeal's position in **R v Ford [1989] QB 868**.

The Court confirmed that judicial intervention should not undermine random selection or manipulate the racial composition of the jury.

The trial judge in that case was right not to order that a multiracial jury be empanelled.

This is significant.

It means that a defendant's safeguard against racial prejudice is **not ordinarily achieved by guaranteeing jurors of the defendant's own race.**

The system instead relies upon impartiality requirements, challenges for cause, judicial management, directions, juror misconduct procedures and appellate safeguards.

Finding

A guaranteed racially representative jury is not identified as the ordinary safeguard.

Classification: ANSWERED.

7.5 Composition and Impartiality Must Be Distinguished

A jury may be racially diverse and still contain a prejudiced juror.

A jury may be entirely White and nevertheless determine the case impartially.

Accordingly:

racial composition

and

impartiality

are not legally identical questions.

That distinction is important to avoid analytical drift.

The safeguarding inquiry is not simply:

“How many Black people are on the jury?”

The more important legal question is:

“What mechanisms exist to ensure that the jurors deciding the case are impartial and do not determine guilt through racial prejudice or stereotype?”

7.6 Challenge for Cause

One specific pre-trial safeguard is the ability to challenge a prospective juror **for cause**.

CPS guidance states that either prosecution or defence may challenge an individual juror on grounds of bias that would make the juror unsuitable to try the case.

An example given is where the juror has expressed hostility towards one side or has a relevant connection to one side.

The Crown Court Compendium likewise confirms that challenges for cause may be made by either party and ordinarily must be raised before the juror is sworn.

Safeguard identified

CHALLENGE TO AN INDIVIDUAL JUROR FOR CAUSE.

Classification: ANSWERED.

7.7 Timing of a Challenge

The timing requirement is important.

CPS guidance states that a challenge for cause should be lodged **before the juror is sworn**.

This means that if there is specific evidence of bias concerning a prospective juror before swearing, the legal framework provides a mechanism for raising it at that stage.

This is directly relevant to safeguarding before the jury is constituted.

7.8 Evidence Is Required for a Challenge

A challenge for cause is not made merely because a defendant is uncomfortable with a juror.

CPS guidance states that the party challenging bears the burden and must provide **prima facie evidence** supporting the challenge.

This is an important evidential safeguard in both directions.

It prevents arbitrary removal of jurors.

It also provides a route where there is objective material indicating bias.

Accordingly:

racial concern alone is not automatically sufficient; a properly grounded challenge requires evidence.

7.9 Racial Bias Can in Principle Amount to Cause

The legal test is expressed generally as bias.

There is no reason to exclude racial hostility or racial prejudice from that concept.

If a prospective juror had, for example, objectively demonstrated hostility towards Black defendants or expressed racist views bearing upon the case, that could potentially form the basis of a challenge for cause, subject to the evidence and applicable legal test.

This is a significant operational safeguard.

Classification

SPECIFIC EVIDENCE OF RACIAL BIAS BEFORE A JUROR IS SWORN: LEGALLY ADDRESSABLE THROUGH CHALLENGE FOR CAUSE.

7.10 Jury Checks

The jury system also permits limited checks.

CPS guidance identifies:

1. routine qualification checks; and
2. more detailed **authorised jury checks** in exceptional cases.

Those exceptional checks may involve police records and, in some circumstances, Security Service material, but require Attorney General authorisation and are governed by restrictive criteria.

These are not general ideological or racial screening mechanisms.

Finding

The law permits limited jury vetting for defined purposes, but not routine investigation into every prospective juror's political, racial or social attitudes.

7.11 No General Racial-Attitude Screening Mechanism Has Been Identified

This is a potentially important limitation.

The materials examined do not establish a general procedure under which every prospective juror is:

- questioned about attitudes towards Black people;
- tested for unconscious racial bias;
- required to complete an anti-racism questionnaire;
- psychologically assessed for racial prejudice; or
- formally certified free from racial bias.

No such universal mechanism has been identified.

Classification

UNIVERSAL PRE-SERVICE RACIAL-BIAS SCREENING: NOT IDENTIFIED.

This is an important unanswered aspect of the original safeguarding concern.

7.12 Judicial Questioning May Occur in Appropriate Circumstances

Where a potential juror issue comes to the judge's attention, the judge may need to examine the circumstances.

The Crown Court Compendium discusses situations where the judge must consider whether a particular juror's circumstances give rise to a real possibility of bias.

It applies the familiar **fair-minded and informed observer** test in assessing juror impartiality in relevant circumstances.

This means that the same objective concept of apparent bias which protects against judicial bias also has relevance to juror impartiality.

Safeguard identified

OBJECTIVE APPARENT-BIAS ANALYSIS IN RELATION TO JURORS.

7.13 The Judge Cannot Manipulate the Jury to Achieve a Preferred Racial Composition

The same material makes clear that judicial powers concerning juror selection must not be used to engineer the jury's racial make-up.

This has two implications.

First, a judge may not simply remove White jurors because the defendant is Black.

Second, a judge may not simply select Black jurors because the case concerns race.

The safeguarding mechanism must therefore focus on **actual or apparent impartiality**, not demographic engineering.

7.14 Juror Oath or Affirmation

Each juror selected becomes a full member of the jury after taking the required oath or affirmation.

The current Crown Court Compendium confirms this procedural requirement.

The oath is an important constitutional and procedural commitment.

However, an oath cannot logically guarantee that unconscious prejudice is impossible.

Accordingly, it forms part of the framework but cannot be treated as the complete answer to the racial-bias question.

Classification

PART OF THE SAFEGUARDING FRAMEWORK, BUT NOT A COMPLETE OBJECTIVE TEST OF RACIAL BIAS.

7.15 Judicial Directions Are a Major Safeguard

The principal purpose of the Crown Court Compendium is to assist judges in directing juries in Crown Court trials. The current Compendium was updated in March 2026.

Judicial directions are therefore a major part of the jury safeguarding structure.

The judge can direct the jury concerning:

- its duty;
- the law;
- the evidence;
- the burden and standard of proof;
- irrelevant considerations;
- the need to decide the case on the evidence; and
- other matters necessary for a lawful verdict.

The detailed race-specific directions available in a case involving racial issues require further examination.

7.16 Deciding the Case on Evidence Is Fundamental

Jurors are required to determine the issues on the evidence presented in court and in accordance with the judge's legal directions.

This principle is reflected in the Juries Act offences concerning prohibited juror conduct.

CPS guidance explains that prohibited conduct includes conduct indicating an intention to try the issue otherwise than on the basis of the evidence presented in the proceedings.

This is particularly relevant to racial prejudice.

A juror who substitutes a racial stereotype for the evidence would be departing from the basic evidential function of the jury.

7.17 Racial Stereotyping Is Incompatible With Evidence-Based Adjudication

Suppose a juror reasons:

“People of this racial group are more likely to behave in a particular way, therefore I believe the prosecution.”

That would not be an assessment based solely upon the evidence concerning the individual defendant.

It would introduce an extraneous group stereotype.

Accordingly, the general requirement to decide the case on the evidence operates as a potentially important safeguard against racial stereotyping.

However, it still raises the question:

How is hidden stereotypical reasoning detected?

That remains difficult.

7.18 Juror Misconduct During Trial

Where a possible jury irregularity or misconduct becomes known during the trial, there are established procedures.

CPS guidance states that police and prosecutors should bring apparent jury irregularities to the judge's attention immediately.

The relevant Criminal Practice Direction governs the handling of potential jury irregularities.

Accordingly, the legal framework does not require the Court to ignore evidence of misconduct merely because the jury has already been sworn.

Safeguard identified

PROCEDURE FOR RAISING JUROR IRREGULARITY DURING TRIAL.

7.19 The Judge Can Discharge a Juror

The Criminal Procedure Rules provide that the Court may discharge a juror after the juror has taken the oath or affirmation and before the jury as a whole is discharged.

The current Crown Court Compendium records this power.

This is highly significant.

If a sufficiently serious issue concerning a particular juror emerges during the trial, the Court is not necessarily powerless.

Safeguard identified

JUDICIAL POWER TO DISCHARGE A JUROR.

Classification: ANSWERED AS A GENERAL PROCEDURAL POWER.

7.20 Racial Misconduct by a Juror Can Therefore Become Justiciable

If credible evidence emerged that a juror had expressed racial hostility or was improperly deciding the case by reference to race, the matter could potentially require judicial intervention.

Depending upon circumstances, relevant responses might include:

- inquiry within lawful limits;
- directions;
- discharge of the particular juror;
- discharge of the whole jury;
- referral concerning juror misconduct;
- or later appellate examination.

The precise response would depend upon the evidence and timing.

This demonstrates that racial juror misconduct is not legally invisible.

7.21 Historical Evidence Shows the Issue Is Real

The Law Commission's criminal appeals consultation refers to cases in which allegations of racist comments by jurors arose.

It also discusses **Sander v United Kingdom**, where the trial judge received information during a trial indicating racial overtones among jurors and responded with a strong direction concerning decision-making on the evidence.

The significance here is not to determine those historical cases afresh.

It is to establish that the legal system has encountered the problem of alleged racial prejudice within juries and has had to address it.

7.22 Jury Secrecy Creates a Difficult Safeguarding Problem

One of the most difficult issues is that jury deliberations are protected by strict secrecy rules.

The Juries Act creates offences concerning disclosure of jury deliberations, subject to defined exceptions.

CPS guidance also recognises that unauthorised disclosure can itself constitute criminal misconduct.

This protects the independence and finality of jury deliberations.

But it also creates a tension.

If racial prejudice occurs only inside the jury room and never becomes visible externally, detecting it can be difficult.

This is a genuine structural issue that must be acknowledged.

7.23 Jury Secrecy Is Not Absolute in Every Circumstance

The current framework does contain limited routes by which suspected serious misconduct can be reported and investigated.

CPS guidance recognises that jury irregularities may be reported during or after trial and provides procedures for handling them.

Therefore:

jury secrecy does not mean that all evidence of possible racial misconduct must automatically be ignored.

But investigation of deliberations is tightly constrained.

7.24 Unconscious Jury Bias Remains Especially Difficult

The framework is stronger where there is observable evidence such as:

- a racist statement;
- a prejudicial communication;
- improper research;
- a disclosed racial comment;
- a juror's relationship to a participant;
- or another objective indication of bias.

It is considerably harder where the concern is purely unconscious.

A juror may not recognise their own stereotype.

Other jurors may not report it.

There is no universal psychological test of juror reasoning.

Accordingly:

unconscious racial bias within jury deliberation remains one of the more difficult areas for objective verification.

Classification

PARTIALLY ANSWERED / STRUCTURAL LIMITATION IDENTIFIED.

7.25 General Directions Versus Race-Specific Directions

A direction to decide the case only on the evidence is an important safeguard.

But where race is materially engaged by the facts, allegations or surrounding circumstances, a further question arises:

Can or should the judge give a specific direction warning against racial prejudice or stereotyping?

The Crown Court Compendium exists specifically to guide judicial directions, and this issue should be examined against the applicable Compendium guidance before the final document is completed.

Classification

FURTHER DETAILED SOURCE EXAMINATION REQUIRED.

7.26 The Defendant Cannot Personally Vet the Jury at Large

There is no identified right for a defendant to conduct unrestricted questioning or investigation of prospective jurors.

The safeguards concerning juror selection operate through formal legal mechanisms.

Accordingly, a defendant cannot simply:

- demand jurors' political histories;
- inspect all their social-media activity;
- question each juror freely about race;
- or investigate them independently.

Such conduct could itself interfere with the jury system.

The correct route is through the Court and applicable jury procedures.

7.27 Evidence of Bias Is Therefore Critical

This section reinforces an important theme running throughout the forensic examination.

The law becomes most operational when the concern moves from:

“someone might be biased”

to:

“here is objective information giving rise to a legally recognisable possibility of bias.”

The mechanisms then include:

- challenge for cause;
- judicial inquiry;
- the apparent-bias test;
- juror discharge;
- directions;
- jury-irregularity procedure; and
- appeal.

This is an evidence-based safeguarding framework.

7.28 The Framework Does Not Guarantee a Juror Free From Every Hidden Prejudice

No legal system can directly inspect every unexpressed thought of every juror.

The materials examined provide no guarantee that:

- no juror has ever held a racial stereotype;
- no juror possesses unconscious racial bias;
- no hidden prejudice could ever influence deliberation.

That cannot properly be represented as the legal safeguard.

Instead, the safeguards aim to:

- select eligible jurors randomly;

- permit challenges where bias can be evidenced;
- require impartiality;
- instruct jurors concerning evidence and law;
- permit judicial intervention where irregularity emerges;
- allow discharge where appropriate;
- criminalise certain forms of juror misconduct; and
- provide appellate remedies where legally available.

That is materially different from an absolute guarantee.

7.29 Anti-Black Racism and Jury Decision-Making

The original question specifically concerns anti-Black racism.

The jury safeguards identified so far are largely expressed in general terms.

They protect against **bias**, not only anti-Black bias.

However, a general bias safeguard applies where the bias is anti-Black.

This permits the following preliminary conclusion:

The legal framework is capable of responding to evidenced anti-Black prejudice by a prospective or serving juror.

The harder problem is hidden or unconscious anti-Black bias for which no objective evidence emerges.

That question remains incompletely answered.

7.30 Institutional Racism and Jury Structure

Another question is whether the jury system itself contains a specific structural safeguard against institutional racism.

Random selection may itself protect against direct manipulation of jury composition.

Challenge for cause protects against evidenced individual bias.

Judicial directions and misconduct procedures protect aspects of trial integrity.

However, the sources examined do not identify a formal institutional-racism assessment applied to the jury as a collective body before trial.

Classification

GENERAL STRUCTURAL SAFEGUARDS IDENTIFIED; SPECIFIC INSTITUTIONAL-RACISM AUDIT NOT IDENTIFIED.

7.31 The Random Selection Principle Is Both a Protection and a Limitation

Randomness performs a protective function.

It reduces the ability of:

- prosecution;
- defence;
- judge;
- government; or
- another institution

to engineer the jury according to preferred identities.

But randomness does not itself screen out prejudice.

Accordingly, random selection must operate together with:

- eligibility rules;
- challenge procedures;
- impartiality law;
- judicial directions;
- juror misconduct rules; and
- discharge powers.

This is another example of safeguards operating as a **network rather than a single mechanism**.

7.32 Preliminary Jury Safeguarding Matrix

Risk	Safeguard Identified	Present Finding
Deliberate manipulation of jury racial composition	Random selection and restrictions on judicial manipulation	ANSWERED
Known bias before juror sworn	Challenge for cause	ANSWERED
Apparent juror bias	Objective impartiality test	ANSWERED
Racial hostility objectively demonstrated before swearing	Potential challenge for cause	ANSWERED IN PRINCIPLE
Bias emerging after swearing	Judicial management/discharge powers	ANSWERED IN PRINCIPLE
Juror misconduct	Statutory offences and irregularity procedures	ANSWERED
Juror deciding through outside material	Juries Act restrictions	ANSWERED
General racial prejudice	Impartiality + directions + challenge/discharge mechanisms	SUBSTANTIALLY ANSWERED AT FRAMEWORK LEVEL
Guaranteed multiracial jury	No ordinary right identified	NOT A RECOGNISED GENERAL SAFEGUARD
Universal racial-attitude testing of jurors	No mechanism identified	NOT IDENTIFIED
Unconscious hidden anti-Black bias	No complete verification mechanism identified	PARTIALLY ANSWERED
Specific judicial direction concerning racial stereotypes	Requires detailed examination of current Compendium	FURTHER SOURCE REQUIRED

7.33 Questions Remaining for the Forensic Inquiry

The following questions remain:

JQ1

What precise current Crown Court Compendium directions are available where racial prejudice may affect jury decision-making?

JQ2

Can the Court warn jurors expressly against racial stereotypes affecting credibility or guilt?

JQ3

What should a judge do if racial comments by jurors are reported during trial?

JQ4

What threshold applies to discharge of an individual juror for suspected racial bias?

JQ5

When must the entire jury be discharged?

JQ6

What appellate mechanism exists where racial jury bias is discovered after conviction?

JQ7

What limits do jury-secrecy rules place upon investigating allegations of racist deliberations?

JQ8

What safeguard, if any, addresses purely unconscious anti-Black bias where no external evidence of the bias exists?

These questions should be answered before the final safeguarding schedule is prepared.

7.34 Findings

FINDING 7A — JURY IMPARTIALITY

A jury determining guilt must satisfy the Article 6 requirement of impartiality.

STATUS: ANSWERED.

FINDING 7B — RANDOM SELECTION

The system protects random jury selection and restricts judicial manipulation of racial composition.

STATUS: ANSWERED.

FINDING 7C — MULTIRACIAL JURY

No ordinary legal right to require a racially representative or multiracial jury has been identified.

STATUS: ANSWERED.

FINDING 7D — CHALLENGE FOR CAUSE

A prospective juror may be challenged for cause where legally sufficient evidence of bias exists.

STATUS: ANSWERED.

FINDING 7E — RACIAL BIAS

Racial bias can in principle fall within the broader legal category of juror bias.

STATUS: ANSWERED IN PRINCIPLE.

FINDING 7F — DISCHARGE

The judge possesses power to discharge a juror after swearing and before final discharge of the jury.

STATUS: ANSWERED.

FINDING 7G — MISCONDUCT

There are statutory and procedural mechanisms addressing juror misconduct and irregularities.

STATUS: ANSWERED.

FINDING 7H — UNCONSCIOUS RACIAL BIAS

No universal objective mechanism has been identified which tests every juror for unconscious racial bias before or during trial.

STATUS: NOT FULLY ANSWERED.

FINDING 7I — ANTI-BLACK BIAS

Evidenced anti-Black prejudice can potentially engage the ordinary mechanisms concerning juror bias, challenge, discharge and irregularity.

Hidden anti-Black bias for which there is no objective evidence remains much harder to detect.

STATUS: PARTIALLY ANSWERED.

7.35 Section 7 Conclusion

The jury is not outside the safeguarding framework.

There are identifiable mechanisms concerning:

impartiality;
random selection;
eligibility;
challenge for cause;
objective apparent bias;
judicial directions;
juror discharge;
jury irregularities;
juror misconduct; and
appellate scrutiny.

These are substantive safeguards.

The law does not, however, ordinarily guarantee a jury of any particular racial composition.

Nor has this examination identified a universal mechanism under which every juror is individually screened for conscious or unconscious anti-Black prejudice before being sworn.

The framework is strongest where there is **objective evidence of bias**.

It is weakest where the possible bias is completely hidden and unconscious.

That distinction is material to the original question.

The question remaining is therefore not whether the jury system has safeguards.

It does.

The outstanding questions concern the **specific directions and corrective procedures available when racial prejudice or racial stereotyping becomes a concrete issue during a Crown Court trial**.

Those matters require further examination before the jury aspect can be treated as complete.

SECTION 8

THE SELF-REPRESENTED BLACK DEFENDANT: EFFECTIVE PARTICIPATION, UNDERSTANDING, JUDICIAL ASSISTANCE AND UNANSWERED SAFEGUARDING QUESTIONS

8.1 Purpose of this Section

The previous sections established that the legal framework contains identifiable safeguards concerning:

- judicial impartiality;
- apparent bias;
- fair trial rights;
- active case management;
- disclosure;
- evidence;
- police and prosecution conduct;
- jury impartiality; and
- racial stereotyping.

This section examines a different but connected question:

What safeguards apply where the defendant is representing himself and says that he cannot safely and effectively make decisions affecting his legal rights until he understands what protections exist against anti-Black racism and institutional racism affecting the decision-making process?

This requires careful distinction between:

1. refusing to participate;
2. being unable adequately to understand a material issue;
3. choosing to represent oneself;
4. requiring assistance to participate effectively;
5. asking the Court to identify the applicable legal framework; and
6. disagreeing with the Court after the framework has been explained.

Those matters are not interchangeable.

8.2 The Defendant's Recorded Position

The statement read at Wood Green Crown Court on 26 August 2026 expressly stated:

“I am not refusing to enter a plea.”

It continued:

“I am asking the Court to address this safeguarding issue before requiring me to do so.”

That distinction is central.

The stated position was not simply:

“I will not participate.”

The position was:

“I require the safeguarding question to be addressed before I consider myself able to participate safely and effectively in the particular decision being required of me.”

That is the proposition this section must test against the legal framework.

8.3 Self-Representation Is Recognised by the Criminal Justice Framework

A defendant without a lawyer remains a participant in the criminal proceedings.

The Government's current guidance, published on 12 August 2026, expressly identifies defendants without legal representation as:

- unrepresented defendants; or
- litigants in person.

The guidance explains that the Criminal Procedure Rules control what happens in court and that an unrepresented defendant may have to make decisions with legal consequences.

Accordingly:

self-representation does not place a defendant outside the procedural framework.

8.4 The Equal Treatment Bench Book Specifically Addresses Litigants in Person

The ETBB contains a specific chapter concerning litigants in person and lay representatives.

Its purpose is to identify difficulties faced by self-represented people and to provide judicial guidance intended to help ensure a fair hearing.

The Judiciary states more generally that the ETBB aims to increase participation by people appearing before courts and tribunals and to help those who may be uncertain, fearful or feel unable to participate.

This is directly relevant to the circumstances under examination.

Safeguard identified

JUDICIAL GUIDANCE SPECIFICALLY DIRECTED TOWARDS FAIR PARTICIPATION BY LITIGANTS IN PERSON.

Classification: ANSWERED.

8.5 The ETBB Is Written for Judges

This point matters.

The current Judiciary describes the ETBB as practical guidance for judges, intended to help court proceedings be fair and accessible.

Therefore, where a litigant in person is struggling to understand a procedural or legal issue, the ETBB is not merely telling the litigant:

“Try harder to understand.”

It also places responsibility on the judicial process to consider how effective participation can be facilitated.

This does not turn the judge into the defendant's legal adviser.

But it does establish that self-representation is not to be treated as a reason to disregard difficulty in participation.

8.6 The Judge Is Not the Defendant's Lawyer

An important limitation must be recorded.

A judge must remain independent and impartial.

Accordingly, judicial assistance to a litigant in person cannot ordinarily extend to:

- choosing the defendant's defence;
- telling the defendant what plea to enter;

- constructing arguments for one party;
- advising the defendant how to obtain a tactical advantage;
- conducting the defence on the defendant's behalf; or
- abandoning judicial neutrality.

There is therefore a boundary between:

facilitating understanding and participation

and

providing partisan legal advice.

That boundary is necessary to protect both fairness and impartiality.

8.7 But Neutrality Does Not Require Silence

Judicial neutrality does not mean the Court must remain silent where a self-represented defendant does not understand procedure.

The ETBB's purpose expressly includes helping participation and effective communication.

The Criminal Procedure Rules go further by imposing active case-management duties upon the Court.

Accordingly, the Court can:

- explain procedure;
- identify what issue requires determination;
- clarify what decision is required;
- give directions;
- establish a timetable;
- identify material that should be read;
- ensure the defendant understands what will happen next; and
- facilitate participation without becoming the defendant's advocate.

That is a significant procedural safeguard.

8.8 Criminal Procedure Rule 3.8 Requires Participation to Be Facilitated

Rule 3.8 of the Criminal Procedure Rules 2025 provides that, in preparing for trial, the Court must take every reasonable step to facilitate the participation of any person, including the defendant.

This is important.

The wording is not merely aspirational.

The Rule imposes a duty upon the Court.

Safeguard identified

DUTY TO TAKE EVERY REASONABLE STEP TO FACILITATE THE DEFENDANT'S PARTICIPATION.

Classification: ANSWERED AS A BINDING PROCEDURAL SAFEGUARD.

8.9 Participation Is Also Relevant to Trial Management

Rule 3.13 provides that, when managing a trial or appeal, the Court may require the parties to identify what arrangements are desirable to facilitate the participation of any person, expressly including the defendant.

This demonstrates that participation is not treated as an incidental matter.

It forms part of trial management.

Safeguard identified

CASE-MANAGEMENT POWER DIRECTED SPECIFICALLY TOWARDS DEFENDANT PARTICIPATION.

Classification: ANSWERED.

8.10 Part 18 Provides Further Participation Measures

The official Government summary of the Criminal Procedure Rules identifies Part 18 as dealing with measures to help a witness or defendant:

- give evidence; or
- otherwise participate in proceedings.

Accordingly, the procedural code expressly recognises that there may be circumstances where ordinary courtroom arrangements are not sufficient for effective participation.

This is another identifiable safeguard.

8.11 Effective Participation Is More Than Physical Presence

A defendant can be physically present in court without participating effectively.

Effective participation may require the ability to:

- understand the nature of the proceedings;
- understand what question the Court is asking;
- understand the significance of a decision;
- follow the evidence;
- communicate relevant concerns;
- prepare;
- respond;
- make representations;
- understand rulings; and
- make legally significant choices with sufficient comprehension of their consequences.

Accordingly:

physical attendance ≠ automatic effective participation.

8.12 A Plea Is a Legally Significant Decision

A plea is not a trivial administrative response.

A guilty plea and a not-guilty plea have fundamentally different legal consequences.

The Government's current guidance for an unrepresented defendant expressly explains that such defendants may need to make decisions and explains the consequences of those decisions.

This supports the proposition that comprehension at the plea stage is materially important.

However, the existence of unresolved questions does not automatically create a legal entitlement indefinitely to postpone entering a plea.

That separate issue must be examined carefully.

8.13 The Criminal Procedure Rules Expect the Plea Issue to Be Progressed

Rule 3.8 requires the Court, where relevant, to take the defendant's plea if it has not already been taken or, where no plea can be taken, to find out whether the defendant is likely to plead guilty or not guilty.

This creates a procedural tension that must be acknowledged.

The Court has duties both to:

progress the proceedings

and

facilitate participation.

Neither duty simply extinguishes the other.

The Court must manage both within the applicable law.

8.14 The Court Is Not Required to Accept Every Condition a Defendant Places Upon Pleading

This is an important limitation.

A defendant cannot necessarily create a legal veto over proceedings merely by stating:

“I will not plead unless the Court first answers every question I choose to ask.”

If that were the law, any defendant could prevent proceedings indefinitely.

Accordingly, the legal question is not simply whether the defendant considers a question important.

The relevant questions include:

- Is the issue genuinely relevant to effective participation?
- Is it legally material to the decision being required?
- Has the Court provided sufficient information?
- Is the request reasonable?
- Can the matter be resolved by guidance or directions?
- Does the Court have jurisdiction to answer the question in the form requested?
- Can the proceedings lawfully continue if the defendant declines to plead?

These questions must ultimately be determined according to the applicable procedural law.

8.15 The Court's Response on 26 August 2026 Is Therefore Important

Against that background, the judge's response on 26 August 2026 has particular significance.

The judge did not, according to present recollection, simply dismiss the safeguarding question.

Instead, she directed or advised me to read material including the Equal Treatment Bench Book.

That suggests that the Court treated the material as relevant to the concern raised.

The official transcript is required to establish precisely what was said.

Until then, the exact legal significance of the judge's response should not be overstated.

8.16 Compliance With the Judge's Direction Strengthens the Evidential Position

Having been directed to examine the ETBB and associated material, the appropriate response is to do so.

This forensic document demonstrates compliance with that course.

That has an important procedural consequence.

If the relevant material answers the safeguarding questions, the answers can be identified.

If it does not completely answer them, the remaining questions can be isolated.

That produces a materially different position from simply returning to Court on 16 September 2026 and repeating:

“I am still concerned.”

The position can instead become:

“I read the material identified by the Court. These matters are answered. These specific matters remain unanswered. Please identify the applicable legal or procedural position on the outstanding points.”

That is precise, proportionate and evidence-based.

8.17 Understanding a Safeguard Is Different From Agreeing That It Is Sufficient

Another distinction is necessary.

The Court may identify a safeguard.

The defendant may understand what that safeguard is.

The defendant may nevertheless consider the safeguard inadequate.

Those are three different propositions.

For example:

Proposition 1

There is an apparent-bias test.

That may be objectively established.

Proposition 2

I understand how that test operates.

That concerns comprehension.

Proposition 3

I believe that test completely protects me from institutional racism.

That is an evaluative conclusion.

The Court may be required to ensure sufficient understanding for participation.

It is not necessarily required to obtain the defendant's agreement with every aspect of the legal framework before the case can progress.

This distinction will be important on 16 September 2026.

8.18 The Objective Should Therefore Be Identification, Not Agreement

The safest formulation of the outstanding request is not:

“The Court must satisfy me that the system is safe.”

That formulation is subjective and potentially incapable of objective completion.

The more precise formulation is:

“Please identify the legal framework, applicable safeguard, source, operation and available procedure in relation to each identified outstanding issue.”

That request has an objectively ascertainable endpoint.

Either the legal source can be identified or it cannot.

Either the procedure exists or it does not.

Either the Court has the jurisdiction or it does not.

This substantially reduces the opportunity for drift.

8.19 Fear Must Be Recorded Without Replacing the Legal Test

I have stated that I am in fear for my life.

My original written statement recorded fear arising from reports concerning deaths of Black people in police custody and reports concerning anti-Black racism and institutional racism within the justice system.

That fear is relevant to my ability to approach the proceedings with confidence.

However, the legal inquiry cannot be determined solely by the intensity of my fear.

The objective questions remain:

- what safeguards exist;
- what law establishes them;
- how they apply;
- whether they address the identified risk; and
- what legal consequence follows if they are inadequate or breached.

This keeps the analysis evidential.

8.20 Fear Does Not Need to Be Recast as an Allegation

The position can therefore remain:

“I am in fear for my life.”

without becoming:

“The judge intends to endanger my life.”

The original statement itself made this distinction by expressly stating that no allegation was made that the reported conduct had occurred in the case.

Maintaining that distinction is important.

It protects the forensic integrity of the document and avoids converting a safeguarding inquiry into an unsupported accusation.

8.21 Judicial Reassurance Can Have a Legitimate Function

Assurance should not be treated as worthless.

A judge may legitimately:

- explain the Court's role;
- explain impartiality;
- explain procedural protections;
- correct misunderstanding;
- reassure a defendant that a concern is being heard; and
- explain how the law addresses an identified risk.

That can assist effective participation.

But where the question specifically asks:

“What safeguard exists and where is it found?”

assurance is not the complete evidential answer.

The legal or procedural source remains necessary.

8.22 The ETBB Itself Supports Assistance Where People Are Fearful or Unable to Participate

The Judiciary expressly describes the ETBB as guidance designed to make court proceedings more accessible for people who may be:

- uncertain;
- fearful; or
- feel unable to participate.

This is directly relevant.

It confirms that fear and difficulty participating are not alien concepts within the judicial guidance itself.

The correct response is therefore to determine what reasonable steps can promote participation.

8.23 But the ETBB Does Not Create an Unlimited Right to Delay Proceedings

The ETBB is practical judicial guidance.

It does not appear to create a free-standing right permitting a defendant unilaterally to stop criminal proceedings until every personal concern has been resolved to the defendant's satisfaction.

That conclusion would be inconsistent with the binding case-management duties under the Criminal Procedure Rules.

Accordingly:

Finding

The ETBB supports reasonable assistance and effective participation, but does not itself establish an unlimited defendant-controlled postponement mechanism.

Classification: ANSWERED.

8.24 The Court Has a Duty to Identify the Real Issues

Active case management requires the Court to identify the real issues in the case.

Rule 3.13 expressly requires the Court, with active assistance from the parties, to establish the disputed issues for trial or appeal management.

That principle can be applied to the safeguarding inquiry itself.

Instead of repeatedly considering the broad phrase:

“institutional racism”

the Court can be asked to identify the specific legal issue raised by each unanswered question.

For example:

Issue: possible judicial bias.

Legal framework: Article 6 + apparent bias.

Issue: possible discriminatory evidential process.

Legal framework: evidence, disclosure, PACE, fairness.

Issue: possible juror prejudice.

Legal framework: impartiality, challenge, discharge, directions.

This is precisely the type of narrowing that active case management is designed to achieve.

8.25 The Defendant Also Has Responsibilities

Effective participation is not exclusively a responsibility of the Court.

The overriding objective places duties on participants.

A self-represented defendant must therefore, so far as reasonably possible:

- identify the issue clearly;
- comply with directions;
- read material provided;
- distinguish evidence from suspicion;
- avoid unnecessary repetition;
- identify what remedy or clarification is sought;
- provide relevant material where available; and
- assist the Court in determining the real issue.

This forensic examination performs that function.

8.26 Reading the Recommended Material Is Therefore Material Compliance

The decision to examine the ETBB carefully is not collateral to the proceedings.

It responds directly to the course indicated by the judge.

The exercise allows the defendant to demonstrate:

1. what was read;
 2. what was found;
 3. what questions were answered;
 4. what questions remain;
 5. what further legal sources were examined; and
 6. what, specifically, is being requested from the Court.
-

That improves effective participation rather than obstructing it.

8.27 An Unanswered Question Does Not Automatically Mean a Safeguard Does Not Exist

This distinction is essential.

If the ETBB does not answer a question, at least four possibilities exist:

POSSIBILITY A

The safeguard exists in another source.

POSSIBILITY B

The general law provides the safeguard under different terminology.

POSSIBILITY C

The Crown Court has a procedural power capable of dealing with the issue, but the ETBB does not explain it.

POSSIBILITY D

No safeguard corresponding precisely to the requested mechanism exists.

The purpose of this document is to determine which proposition applies.

Therefore:

absence from the ETBB ≠ automatic absence from the law.

8.28 Conversely, Relevance Does Not Equal Completeness

The reverse proposition is equally important.

The fact that the ETBB discusses:

- racism;
- institutional racism;
- Black people;
- bias;
- participation; and
- fair treatment

does not automatically mean that every question raised on 26 August 2026 has been answered.

Accordingly:

presence of relevant material ≠ automatic complete answer.

Both errors must be avoided.

8.29 The Correct Test Before 16 September 2026

Before the next hearing, the forensic exercise should produce a final schedule divided into three categories:

CATEGORY A — ANSWERED

No further question needs to be put to the Court merely because the defendant dislikes the answer.

CATEGORY B — PARTIALLY ANSWERED

The identified law or guidance answers part of the issue, but a specific operational question remains.

CATEGORY C — UNANSWERED

After examination of the relevant legal and judicial sources, no adequate answer has been located.

Only Categories B and C should ordinarily be returned to the Court for further clarification.

This prevents repetition and drift.

8.30 The Court Should Be Given the Opportunity to Clarify Any Remaining Questions

If questions remain unanswered after the forensic examination is complete, procedural fairness and clarity favour putting those questions to the Court before 16 September 2026 where practicable.

The request should:

- identify the case;
 - identify the hearing;
 - identify what the judge directed the defendant to read;
-

- confirm that the material was examined;
- record what has been answered;
- isolate only the unresolved matters;
- request identification of the relevant legal or procedural source; and
- avoid demanding assurances.

This would create a clear documentary record before the next hearing.

8.31 What the Court Should Not Be Asked to Do

To preserve precision, the Court should not be asked to:

- guarantee that no human being involved in the proceedings could ever hold racial prejudice;
- prove a negative incapable of objective verification;
- certify the entire justice system as free from institutional racism;
- provide political or sociological conclusions outside the Court's jurisdiction;
- agree with the defendant's assessment of the justice system; or
- provide general reassurance as a substitute for legal identification.

Those requests would invite confusion.

8.32 What the Court Can Properly Be Asked to Identify

The Court can instead be asked, where relevant, to identify:

1. the applicable legal rule;
2. the source of that rule;
3. the Court's jurisdiction;
4. the procedural mechanism;
5. the evidential threshold;
6. the person responsible for invoking or applying it;
7. whether it operates before or after the relevant decision;
8. the remedy or corrective power;

9. whether reasons are available or required; and

10. how that mechanism applies to the defendant's identified concern.

That is the core evidential request.

8.33 Preliminary Participation Safeguarding Matrix

Issue	Safeguard Identified	Finding
Defendant has no lawyer	ETBB litigant-in-person guidance + procedural rules	ANSWERED
Defendant must understand court procedure	Judicial explanation and active case management	ANSWERED IN PRINCIPLE
Defendant's participation needs assistance	CrimPR 3.8 / Part 18	ANSWERED
Defendant needs arrangements to participate	CrimPR 3.13	ANSWERED
Defendant is fearful or feels unable to participate	ETBB expressly recognises such circumstances as relevant to accessibility	ANSWERED AS GUIDANCE
Defendant asks what legal safeguard applies	Court can identify law/procedure without acting as defence lawyer	ANSWERED IN PRINCIPLE
Defendant refuses to agree with Court's explanation	No right identified requiring the Court to secure agreement	ANSWERED
Defendant insists every concern be resolved before plea	No unlimited unilateral postponement right identified	ANSWERED
Material identified by Court leaves specific legal questions unanswered	Specific clarification can be sought	ANSWERED AS A PROCEDURAL COURSE

Issue	Safeguard Identified	Finding
Unanswered concern itself legally prevents plea	Requires issue-specific legal analysis; not established merely by assertion	NOT AUTOMATICALLY ANSWERED IN DEFENDANT'S FAVOUR

8.34 Critical Distinction: Ability to Participate Versus Willingness to Participate

The final analysis must distinguish:

INABILITY

The defendant cannot sufficiently understand or participate despite reasonable efforts and assistance.

UNWILLINGNESS

The defendant understands the legal position but chooses not to proceed because he disagrees with it or considers the safeguards inadequate.

These situations may have different procedural consequences.

The forensic document should therefore provide evidence of what remains genuinely **unanswered**, rather than simply recording dissatisfaction.

This distinction protects the defendant's position because it demonstrates exactly what information is still missing.

8.35 The Transcript Is Important to This Question

The official transcript of the 26 August 2026 hearing will be particularly important to Section 8.

It should establish:

- exactly how the safeguarding concern was framed orally;
 - exactly what the judge said in response;
 - whether the judge described the ETBB as answering the question;
 - whether the judge said it would assist with the question;
 - whether she gave any separate legal explanation;
 - what was said concerning representation;
 - what was said concerning plea;
-

- what was said concerning the next hearing; and
- any directions given.

Until that transcript is available, the precise oral exchange should remain classified as **awaiting primary evidence**.

8.36 Current Position Before 16 September 2026

The evidence examined so far supports the following position:

1. I raised a safeguarding question.
 2. I expressly stated that I was not refusing to enter a plea.
 3. The judge directed or advised me to examine relevant material, including the ETBB.
 4. I undertook to read that material.
 5. I am now conducting that examination.
 6. Significant parts of the legal framework have been identified.
 7. Some operational questions remain unresolved.
 8. Those remaining questions should be narrowed before being returned to the Court.
 9. The purpose of any further request should be identification of the applicable law and procedure.
 10. General assurances are not an adequate substitute where a specific legal or procedural question remains unanswered.
-

8.37 Findings

FINDING 8A — SELF-REPRESENTATION

Self-represented defendants remain protected by the criminal procedural framework.

STATUS: ANSWERED.

FINDING 8B — EFFECTIVE PARTICIPATION

The Criminal Procedure Rules impose positive obligations directed towards facilitating defendant participation.

STATUS: ANSWERED.

FINDING 8C — ETBB

The ETBB specifically supports fair and accessible participation, including for people who are uncertain, fearful or feel unable to participate.

STATUS: ANSWERED AS JUDICIAL GUIDANCE.

FINDING 8D — JUDICIAL ASSISTANCE

A judge may facilitate understanding and participation but cannot become the defendant's lawyer.

STATUS: ANSWERED AS A STRUCTURAL PRINCIPLE.

FINDING 8E — PLEA

A plea is a legally significant procedural decision, and the Rules contemplate the Court progressing the plea issue while also facilitating participation.

STATUS: ANSWERED.

FINDING 8F — UNLIMITED DELAY

No general right has been identified allowing a self-represented defendant unilaterally to postpone proceedings indefinitely until every concern is resolved to his subjective satisfaction.

STATUS: NOT IDENTIFIED.

FINDING 8G — SPECIFIC UNANSWERED QUESTIONS

Where the Court has referred the defendant to material and a specific legal or procedural question remains unanswered after reasonable examination, seeking targeted clarification is consistent with an evidence-based approach to effective participation.

STATUS: IDENTIFIED AS AN APPROPRIATE PROCEDURAL COURSE.

FINDING 8H — ASSURANCE

Judicial reassurance may assist participation, but it does not itself identify the source or operation of a safeguard where those matters have specifically been requested.

STATUS: ANSWERED.

8.38 Section 8 Conclusion

The legal framework does not require a self-represented defendant simply to understand proceedings unaided.

The Court has positive case-management duties directed towards facilitating participation.

The ETBB specifically addresses litigants in person and is designed to help courts deal fairly with people who may be uncertain, fearful or feel unable to participate.

The framework therefore contains genuine safeguards.

However, effective participation does **not** mean that the defendant acquires an unlimited right to determine when proceedings may continue or to require the Court to secure his personal agreement with every safeguard before taking a plea.

The stronger and more precise position is different:

I raised specific safeguarding questions.

The Court directed me to relevant material.

I have examined that material.

I will identify what it answers.

I will identify precisely what remains unanswered.

I will ask the Court to identify the applicable law, jurisdiction or procedure concerning those outstanding matters before 16 September 2026.

That approach is consistent with effective participation, active case management and evidential precision.

It also preserves the distinction which has governed this document from the beginning:

understanding is not the same as reassurance;

reassurance is not the same as evidence;

and disagreement with an answer is not the same as an unanswered question.

The next section should therefore examine the remaining issue at the centre of the original request:

whether the framework identified so far contains safeguards specifically capable of addressing anti-Black racism, rather than race discrimination only at a general level.

SECTION 9

ANTI-BLACK RACISM SPECIFICALLY: WHAT THE EQUAL TREATMENT BENCH BOOK RECOGNISES, WHAT IT DOES NOT, AND WHAT SAFEGUARDS CAN BE IDENTIFIED

9.1 Purpose of this Section

The previous sections established that the Equal Treatment Bench Book (“ETBB”) contains substantial material concerning:

- racism;
- racial stereotyping;
- institutional/systemic racism;
- ethnic disparities;
- judicial impartiality;
- unconscious bias;
- individualised treatment; and
- the experiences of Black people within the justice system.

This section isolates a narrower question.

The question is not merely:

“Does the legal system prohibit racial unfairness generally?”

The question is:

“What does the material specifically recognise concerning Black people and anti-Black racism, and what identifiable safeguards protect a Black defendant against specifically anti-Black assumptions, stereotypes or discriminatory processes affecting criminal justice decision-making?”

This distinction is necessary because a general prohibition against discrimination may be relevant without necessarily identifying the particular forms through which anti-Black racism may operate.

9.2 The Current ETBB Specifically Discusses Black People

The current ETBB does not treat all racial and ethnic minority populations as one homogeneous category.

Its race chapter contains specific material concerning Black people and expressly warns against treating Black people as a homogeneous group.

The ETBB also provides guidance concerning appropriate terminology and recognises that individual identity and self-description matter.

This is significant because it establishes that the Judiciary's guidance recognises differences:

- between racial and ethnic groups; and
- within those groups.

Accordingly, the ETBB does not support a proposition that all ethnic minority defendants should automatically be understood through one undifferentiated model.

Finding

The ETBB expressly recognises Black people as a distinct group within its treatment of race and ethnicity.

STATUS: ANSWERED.

9.3 Black People Must Not Be Treated as a Homogeneous Group

The ETBB expressly states that Black people should not be viewed as a homogeneous group.

This is a particularly important safeguard against one form of racial stereotyping.

It means that a judge should not reason:

“This person is Black; therefore characteristics commonly attributed to Black people can be attributed to this individual.”

That would contradict the ETBB's own approach.

Safeguard identified

INDIVIDUALISATION OF THE BLACK DEFENDANT RATHER THAN GROUP-BASED ASSUMPTION.

Classification: IDENTIFIED AS JUDICIAL GUIDANCE.

9.4 Anti-Black Racism Is Not Necessarily Identical to Generic Race Discrimination

For this forensic examination, the term **anti-Black racism** refers to racial prejudice, stereotyping, discriminatory treatment or institutional processes specifically affecting people because they are perceived as Black.

Such racism may include:

- overt racial hostility;
- assumptions concerning criminality;
- assumptions concerning aggression or dangerousness;
- assumptions concerning honesty or credibility;
- racialised interpretations of demeanour;
- assumptions concerning intelligence or capacity;
- racialised policing practices;
- institutional processes producing disproportionate disadvantage;
- stereotypes relating to Black culture or behaviour; and
- apparently neutral practices whose effects may disproportionately disadvantage Black people.

The precise legal consequences of any such matter depend upon evidence and applicable law.

This section therefore does not assume that any of these phenomena has occurred in the present proceedings.

It identifies the risks which a relevant safeguard would need to be capable of addressing.

9.5 Does the Current ETBB Use the Exact Expression “Anti-Black Racism”?

A distinction must be made between:

1. the ETBB discussing Black people;
2. the ETBB discussing racism;
3. the ETBB discussing institutional/systemic racism; and
4. the ETBB using a separately defined concept expressly labelled “**anti-Black racism.**”

The official materials located for this examination clearly establish the first three propositions.

At this stage, however, I have **not identified a freestanding ETBB doctrine or procedural mechanism expressly entitled “anti-Black racism safeguard.”**

That limitation must be recorded accurately.

Finding

A specific ETBB mechanism formally labelled an “anti-Black racism safeguard” has not been identified.

STATUS: NOT IDENTIFIED.

This does **not** mean that Black defendants receive no protection.

It means the protections identified so far operate primarily through broader legal concepts such as:

- impartiality;
- fair treatment;
- racial stereotyping;
- bias;
- evidence;
- procedural fairness;
- disclosure;
- individualised decision-making; and
- institutional/systemic racism.

9.6 This Is an Important Distinction, Not Merely Terminology

The question is not simply whether a particular phrase appears in a document.

If the law provides an effective safeguard against anti-Black discrimination under another legal label, that safeguard remains legally relevant.

For example:

racially biased judicial reasoning

may engage impartiality and apparent-bias law.

racially stereotyped evidential reasoning

may engage evidential fairness and judicial directions.

racially affected police conduct

may engage disclosure, admissibility, PACE or abuse-of-process principles.

racially prejudiced jury conduct

may engage juror bias, challenge, discharge and misconduct procedures.

Accordingly:

absence of the exact expression “anti-Black racism safeguard” does not establish absence of protection.

9.7 But Generic Protection Must Still Be Tested Against Black-Specific Risk

The reverse is equally important.

It is insufficient simply to say:

“The law prohibits bias generally; therefore anti-Black racism has been completely dealt with.”

The forensic inquiry must determine whether the general safeguard can actually address the specific risk.

For every safeguard identified, the question remains:

Can this mechanism be invoked if the alleged defect is specifically anti-Black?

If the answer is yes, that should be demonstrated.

If the answer is uncertain, it should remain open.

9.8 The ETBB Recognises Racial Context as Relevant to Judicial Understanding

The Judiciary describes the ETBB as designed to increase judges' awareness and understanding of the different circumstances of those appearing in courts and tribunals.

The 2024 edition was expressly described by the Lady Chief Justice as a document “written by judges for judges” and intended to improve understanding of the different circumstances of people appearing before them.

This is important because Black-specific social and criminal justice context can therefore properly form part of judicial education.

Safeguard component

JUDICIAL KNOWLEDGE OF RACIAL CONTEXT.

Classification: IDENTIFIED.

9.9 Judicial Knowledge Is Preventive but Not Self-Proving

Knowledge may reduce the likelihood of an uninformed racial assumption.

A judge who knows that:

- stereotypes exist;
- racial disparities exist;
- Black people are not homogeneous;
- institutional/systemic racism is a recognised concept; and
- personal bias may affect decisions

may be better equipped to recognise a defective assumption.

That is preventative.

However, knowledge does not prove that a particular decision was free from anti-Black bias.

Therefore:

judicial education is a safeguard component, but not a certificate of outcome.

9.10 Impartiality Is Directly Applicable to Anti-Black Judicial Bias

Section 5 established that Article 6 requires an impartial tribunal and that the common law applies an objective apparent-bias test.

Those rules are race-neutral in formulation.

But they are capable of applying where the potential bias is anti-Black.

For example, if objective evidence established that a judicial office-holder had approached a Black defendant through a racially prejudiced assumption, that would plainly be relevant to impartiality.

Accordingly:

Safeguard identified

ARTICLE 6 + OBJECTIVE APPARENT-BIAS LAW CAN APPLY TO ANTI-BLACK JUDICIAL BIAS.

Classification: SUBSTANTIALLY ANSWERED AT LEGAL FRAMEWORK LEVEL.

9.11 The Judiciary Expressly Links Equal Treatment to Impartiality and Integrity

The Judiciary identifies the ETBB as a key reference for equal treatment alongside the principles of independence, impartiality and integrity.

The Lady Chief Justice's current diversity and inclusion statement similarly states that judicial processes should be open, fair and transparent and decisions based upon sound, objective criteria.

Those principles matter because anti-Black stereotyping is inconsistent with objective decision-making.

A decision based upon:

“what people like this are usually like”

is materially different from a decision based upon:

the evidence concerning this defendant.

9.12 Black-Specific Statistical Disparities Are Context, Not Proof of Individual Discrimination

The ETBB contains material concerning racial disparities within society and the justice system.

Such material may be important for judicial awareness.

However:

population-level disparity does not itself prove discrimination in an individual case.

Forensic integrity therefore requires two separate propositions:

Proposition A

There may be evidence of racial disparity affecting Black people at a system level.

Proposition B

Whether a particular decision affecting a particular Black defendant was racially affected must be established from case-specific evidence.

Both propositions can be true simultaneously.

9.13 The Same Principle Applies to Reports of Institutional Racism

A report concluding that institutional racism exists within an organisation can be highly relevant background evidence.

But such a report does not automatically establish that every subsequent decision by every individual within the organisation was racially discriminatory.

Conversely, proof that one individual acted without racist intent does not necessarily resolve an institutional-racism concern.

Therefore the analytical structure remains:

systemic evidence + case-specific evidence + applicable safeguard.

9.14 Anti-Black Stereotypes Concerning Criminality

One of the most serious possible forms of racialised reasoning in criminal proceedings would be an assumption linking Black identity with criminal propensity.

Such reasoning would conflict with:

- the presumption of innocence;
- individualised assessment;
- evidence-based adjudication;
- impartiality;
- and the ETBB's warning against group stereotypes.

Accordingly, no fact-finder may rationally treat Black identity itself as evidence of guilt.

Safeguard structure

PRESUMPTION OF INNOCENCE + EVIDENCE-BASED DECISION-MAKING + ANTI-STEREOTYPING GUIDANCE.

Classification: IDENTIFIED AT PRINCIPLE LEVEL.

9.15 Anti-Black Stereotypes Concerning Aggression or Threat

A further issue requiring particular attention is the possibility that Black behaviour may be interpreted through stereotypes concerning:

- aggression;
- hostility;
- intimidation;

- dangerousness;
- volatility; or
- threat.

These perceptions can potentially affect:

- witness descriptions;
- police decision-making;
- credibility;
- bail;
- interpretation of conduct;
- evidential narratives;
- sentencing; and
- courtroom interactions.

The general ETBB prohibition against stereotyping is relevant.

However, on the material examined so far, **a specific mandatory Crown Court test directed expressly at identifying anti-Black stereotypes of aggression before every relevant decision has not been identified.**

Classification

GENERAL SAFEGUARD IDENTIFIED; BLACK-SPECIFIC OPERATIONAL MECHANISM NOT YET IDENTIFIED.

9.16 Demeanour Creates a Similar Risk

A Black defendant's:

- tone;
- body language;
- volume;
- eye contact;
- emotional expression;
- frustration;
- distrust;

- cultural communication style; or
- response to authority

must not rationally be interpreted through racial stereotype.

The ETBB's broader methodology of cultural awareness and individual assessment is therefore relevant.

But again, the safeguard operates principally through judicial awareness and evidence-based reasoning rather than through a separately documented anti-Black demeanour assessment.

Classification

PARTIALLY ANSWERED.

9.17 Anti-Black Racism in Police Decision-Making

Where the concern arises from policing, the framework identified in Section 6 becomes relevant.

Potential protections include:

- disclosure;
- testing police evidence;
- cross-examination;
- PACE safeguards;
- section 78 PACE;
- abuse-of-process jurisdiction;
- and appellate remedies.

Those mechanisms do not require the alleged police failure to be non-racial.

If there is evidence that an anti-Black assumption materially affected police conduct and thereby affected the criminal case, the ordinary fairness mechanisms may potentially be invoked.

Finding

General criminal procedural protections are capable in principle of addressing case-specific anti-Black defects in police conduct.

STATUS: SUBSTANTIALLY ANSWERED AT FRAMEWORK LEVEL.

9.18 But Police Institutional Racism Raises a Wider Question

The harder question is:

What if there is evidence of an institution-wide pattern but the defendant cannot yet identify the precise point at which it affected his individual case?

The Crown Court generally requires a legally relevant connection between the alleged failure and the proceedings.

Accordingly, general evidence of institutional racism may establish context but may not, standing alone, determine:

- admissibility;
- disclosure;
- guilt;
- abuse of process; or
- another case-specific legal question.

The connection must be evidenced.

This remains an important limitation.

9.19 Anti-Black Racism in Prosecution Decision-Making

The same distinction applies to prosecution decisions.

If the contention is that the decision to prosecute was racially affected, the analysis must identify:

- the particular decision;
- the evidence supporting that conclusion;
- the legal route for challenging it;
- the effect upon the proceedings; and
- the available remedy.

A broad assertion that prosecutorial institutions may contain racial disparities would not itself prove that the particular prosecution was discriminatory.

Classification

GENERAL LEGAL FRAMEWORK EXISTS; CASE-SPECIFIC ROUTE DEPENDS UPON FACTS.

9.20 Anti-Black Racism in Jury Decision-Making

Section 7 established that:

- juries must be impartial;
- a juror may be challenged for cause;
- racial bias can in principle amount to bias;
- jurors may be discharged;
- irregularities can be raised; and
- jury decision-making must be based upon evidence.

Those protections plainly extend to evidenced anti-Black prejudice.

Accordingly:

Finding

Observable anti-Black prejudice by a prospective or serving juror is capable of engaging recognised legal safeguards.

STATUS: ANSWERED IN PRINCIPLE.

The unresolved difficulty remains **hidden unconscious prejudice**.

9.21 Hidden Anti-Black Bias Remains the Hardest Problem

The common feature of many safeguards identified so far is that they operate most effectively where there is:

- evidence;
- an observable statement;
- a procedural irregularity;
- a recorded decision;
- reasons;
- an identifiable omission;
- or another objectively examinable fact.

Hidden unconscious bias is more difficult because there may be no observable trigger.

This problem exists for:

- judges;
- jurors;
- police officers;
- prosecutors;
- witnesses; and
- administrators.

No universal objective mechanism has been identified which continuously measures the unconscious racial reasoning of every participant.

Finding

A complete verification mechanism for hidden unconscious anti-Black bias has not been identified.

STATUS: UNANSWERED AS AN ABSOLUTE PREVENTIVE MECHANISM.

9.22 The Absence of Such a Mechanism Does Not Mean the System Has No Safeguards

This distinction must remain explicit.

The framework already contains:

- impartiality requirements;
- judicial education;
- anti-stereotyping guidance;
- individualised assessment;
- procedural fairness;
- disclosure;
- evidential challenge;
- case management;
- challenge for cause;
- juror discharge;

- PACE safeguards;
- abuse of process;
- and appeal.

These are real safeguards.

The unresolved issue is whether they are sufficient to identify and prevent **hidden anti-Black bias before it becomes externally visible**.

That is a narrower question.

9.23 Anti-Black Racism and Institutional Racism Can Overlap

Anti-Black racism and institutional racism are not mutually exclusive concepts.

An institutional process may operate in a way disproportionately harmful to Black people.

For example, a hypothetical process could be:

- facially neutral;
- applied by individuals without conscious racist intention;
- repeated institutionally;
- and nevertheless produce a racially disproportionate effect.

Whether such a process is legally discriminatory would depend upon the applicable legal framework and evidence.

The key point for this document is conceptual:

individual good faith does not necessarily answer a Black-specific institutional concern.

9.24 The ETBB's Recognition of Institutional/Systemic Racism Is Therefore Important

The ETBB's express discussion of institutional/systemic racism means that a defendant raising such a concept is not introducing terminology wholly external to official judicial guidance.

The Judiciary's own Bench Book recognises it as a subject relevant to understanding racial disadvantage.

That does not mean the Bench Book determines that institutional racism exists in every case.

It means the concept itself is recognised and cannot accurately be dismissed as legally or judicially meaningless.

Classification

RECOGNITION: ANSWERED.

CASE-SPECIFIC APPLICATION: REQUIRES EVIDENCE.

9.25 Is There a Mandatory Anti-Black Risk Assessment?

The central operational question must now be asked directly:

Before a material decision affecting a Black defendant is made, must the Court complete a mandatory anti-Black racism risk assessment?

No such general mandatory assessment has been identified in the material examined.

Finding

UNIVERSAL MANDATORY ANTI-BLACK RACISM RISK ASSESSMENT: NOT IDENTIFIED.

This finding should remain unless later primary authority establishes otherwise.

9.26 Is There a Mandatory Institutional-Racism Assessment?

A parallel question arises:

Before requiring a Black defendant to enter a plea or make another legally significant decision, must the Crown Court conduct a formal institutional-racism assessment of all preceding police, prosecution and court processes?

No such universal procedure has been identified.

Finding

UNIVERSAL PRE-PLEA INSTITUTIONAL-RACISM ASSESSMENT: NOT IDENTIFIED.

Again, that does not eliminate other safeguards.

It identifies a specific mechanism which has not been found.

9.27 Are Written Reasons Required Demonstrating Freedom From Anti-Black Bias?

A further question remains:

Must every judicial decision affecting a Black defendant contain written reasons expressly demonstrating that anti-Black racism was considered and excluded?

No such universal requirement has been identified.

Certain decisions require reasons under general law and procedure.

Those reasons may permit scrutiny of the reasoning process.

But a separate mandatory racial certification accompanying every decision has not been identified.

Classification

GENERAL REASONS FRAMEWORK MAY ASSIST SCRUTINY; UNIVERSAL ANTI-BLACK CERTIFICATION NOT IDENTIFIED.

9.28 The Transcript Is Therefore a Significant Safeguarding Record

Where reasoning and oral exchanges matter, the transcript can provide evidence of:

- what issue was raised;
- what the judge understood the issue to be;
- what response was given;
- what directions were made;
- what legal sources were identified;
- and whether potentially stereotypical reasoning was expressed.

The transcript cannot reveal unspoken thought.

But it creates an objective record of the observable process.

This is one reason the transcript requested for 26 August 2026 is important to the final analysis.

9.29 Reasons Are Similarly Important

Where a decision is reasoned, those reasons permit scrutiny of:

- the evidence relied upon;
- the legal test applied;

- assumptions made;
- propositions accepted or rejected;
- and whether an irrelevant racial consideration appears to have entered the reasoning.

Reasoned decisions therefore constitute an important transparency safeguard.

However, they cannot necessarily expose unconscious assumptions which are never articulated.

Again, the safeguard is substantial but not absolute.

9.30 Anti-Black Racism Must Not Be Proven by Circular Reasoning

This document must avoid the following reasoning:

“The defendant is Black.”

therefore:

“Any adverse decision affecting him is evidence of anti-Black racism.”

That conclusion would not be evidentially sound.

Nor is the reverse reasoning sound:

“The decision-maker denies racial bias.”

therefore:

“Anti-Black racism cannot have affected the decision.”

The correct method is:

identify the decision → identify the evidence → identify the legal test → identify any relevant racial factor → assess the connection objectively.

That is the forensic standard.

9.31 Black-Specific Protection Currently Appears to Be Layered

The examination so far indicates that the protection against anti-Black unfairness does not appear to operate through one standalone rule.

Instead, it appears to operate through a layered framework:

LAYER 1 — UNIVERSAL LEGAL RIGHTS

- fair trial;
- impartiality;
- presumption of innocence;
- procedural fairness;
- evidence-based adjudication.

LAYER 2 — RACE-SPECIFIC JUDICIAL GUIDANCE

- recognition of racism;
- recognition of institutional/systemic racism;
- Black-specific contextual information;
- prohibition against racial stereotyping;
- individualised treatment;
- judicial vigilance.

LAYER 3 — CASE-SPECIFIC PROCEDURAL SAFEGUARDS

- disclosure;
- cross-examination;
- evidential challenge;
- PACE;
- judicial rulings;
- case management;
- challenge for cause;
- juror discharge;
- abuse of process.

LAYER 4 — REVIEW AND REMEDY

- recusal;
- appeal;
- other available review mechanisms.

This layered model presently provides the clearest evidence-based description of the system.

9.32 The Question Is Therefore Partially Answered

The original question can now be divided.

QUESTION A

Are Black defendants protected from racial unfairness only by assurances?

Answer: NO.

Identifiable legal, procedural and judicial safeguards exist.

QUESTION B

Does the ETBB specifically recognise Black people and institutional/systemic racism?

Answer: YES.

QUESTION C

Can general legal safeguards be used where the alleged bias is anti-Black?

Answer: YES, in principle.

QUESTION D

Is there a standalone universal Crown Court mechanism expressly called an anti-Black racism safeguard?

No such mechanism has been identified.

QUESTION E

Is every Crown Court decision involving a Black defendant independently audited for anti-Black bias before taking effect?

No such universal process has been identified.

QUESTION F

Is there a complete objective test capable of detecting every form of hidden unconscious anti-Black bias?

No such mechanism has been identified.

This is a substantially more precise answer than either:

“there are no safeguards”

or

“the ordinary safeguards completely answer everything.”

9.33 Preliminary Anti-Black Safeguarding Matrix

Anti-Black Risk	Protection Identified	Present Finding
Overt racial bias by judge	Article 6 + apparent-bias law	ANSWERED
Judicial racial stereotyping	ETBB + impartiality + reasons/review	SUBSTANTIALLY ANSWERED
Treating Black people as homogeneous	ETBB expressly warns against this	ANSWERED
Anti-Black police conduct affecting evidence	Disclosure + PACE + evidential challenge	SUBSTANTIALLY ANSWERED AT FRAMEWORK LEVEL
Anti-Black prosecutorial conduct	General fairness / abuse-of-process framework depending on facts	PARTIALLY ANSWERED
Anti-Black juror prejudice that becomes evident	Challenge/discharge/irregularity procedures	ANSWERED IN PRINCIPLE
Black-specific stereotypes of aggression/threat	General anti-stereotyping framework identified	PARTIALLY ANSWERED
Racialised demeanour assessment	Individualised assessment and anti-stereotyping guidance	PARTIALLY ANSWERED
Hidden unconscious anti-Black bias	No complete verification mechanism identified	NOT FULLY ANSWERED
Mandatory anti-Black audit before every decision	None identified	NOT IDENTIFIED
Mandatory institutional-racism audit before plea	None identified	NOT IDENTIFIED

Anti-Black Risk	Protection Identified	Present Finding
Universal racial certification of judicial decisions	None identified	NOT IDENTIFIED

9.34 Questions Which Remain Genuinely Open

After the preceding analysis, the following questions remain capable of requiring clarification:

ABQ1

Where a Black defendant expressly raises the risk of anti-Black stereotyping before a material decision, **what procedural mechanism should he use to require that specific issue to be considered?**

ABQ2

Where the concern is institutional rather than personal judicial bias, **what evidential threshold must be met before the Crown Court is required to investigate its effect on the proceedings?**

ABQ3

Where a potentially anti-Black stereotype concerns aggression, hostility, threat or credibility, **what specific judicial direction or legal test is applicable?**

ABQ4

Where the possible racial defect originates with police or prosecution but the defendant requires information to establish it, **what disclosure mechanism applies at the relevant stage?**

ABQ5

If a defendant identifies a concrete anti-Black racism concern and the Court rejects it, **what reasons must the Court provide?**

ABQ6

How should the Court distinguish a general concern based upon recognised systemic evidence from a case-specific allegation requiring proof?

ABQ7

Which safeguards identified in this document are capable of operating **before plea**, and which operate only later?

These are materially narrower questions than those with which the inquiry began.

9.35 What Should Not Be Put Back to the Court

The forensic examination has already answered a number of matters.

Accordingly, it would create unnecessary repetition to ask Wood Green Crown Court simply:

“Are there any safeguards against racism?”

The answer is now clearly yes.

It would likewise be unnecessary to ask:

“Does the Judiciary recognise institutional racism as a concept?”

The ETBB establishes that it does.

The remaining request to the Court should therefore concern only matters for which a clear operational answer has not been located.

9.36 What Should Be Put Back to the Court

The eventual request should be framed in terms such as:

“Having examined the Equal Treatment Bench Book and the wider legal framework identified in consequence of the Court's direction on 26 August 2026, I have identified substantial general safeguards. The following specific operational questions concerning anti-Black racism and institutional racism remain unresolved. I respectfully request identification of the applicable law, rule, guidance, jurisdiction or procedure concerning each question before the hearing on 16 September 2026.”

That formulation demonstrates compliance with the judge's direction and avoids suggesting that the material has been ignored.

9.37 Relationship to My Safety Concern

I have stated that I am in fear for my life.

That remains my stated position.

The forensic exercise does not ask the Court to validate that fear by assurance.

Nor does it use that fear as proof that anti-Black racism has affected the proceedings.

Instead, the seriousness of the concern is the reason for requiring maximum clarity concerning:

- the legal protections;
- their source;
- their operation;
- their limits;
- and any remaining gaps.

The objective remains to replace uncertainty with evidence wherever evidence is available.

9.38 Findings

FINDING 9A — BLACK PEOPLE

The ETBB expressly contains Black-specific material and warns against treating Black people as a homogeneous group.

STATUS: ANSWERED.

FINDING 9B — ANTI-BLACK TERMINOLOGY

No standalone ETBB procedural mechanism expressly titled an “anti-Black racism safeguard” has been identified.

STATUS: NOT IDENTIFIED.

FINDING 9C — GENERAL LEGAL PROTECTION

General legal protections concerning impartiality, fair trial, evidence and procedure are capable of applying where the alleged defect is anti-Black.

STATUS: ANSWERED.

FINDING 9D — JUDICIAL GUIDANCE

The ETBB provides race-specific judicial guidance which supplements those general legal protections.

STATUS: ANSWERED.

FINDING 9E — INDIVIDUALISATION

The ETBB's rejection of racial stereotyping and homogeneous treatment provides an identifiable safeguard against group-based assumptions being substituted for individual evidence.

STATUS: ANSWERED AS GUIDANCE.

FINDING 9F — INSTITUTIONAL RACISM

Institutional/systemic racism is recognised within the ETBB, but application to a particular criminal case requires identification of a legally material institutional process or consequence.

STATUS: SUBSTANTIALLY ANSWERED AT CONCEPTUAL LEVEL; CASE-SPECIFIC APPLICATION REQUIRES EVIDENCE.

FINDING 9G — HIDDEN UNCONSCIOUS ANTI-BLACK BIAS

No universal mechanism capable of detecting every form of hidden unconscious anti-Black bias has been identified.

STATUS: NOT FULLY ANSWERED.

FINDING 9H — UNIVERSAL PRE-DECISION AUDIT

No universal mandatory anti-Black racism or institutional-racism audit before every criminal justice decision has been identified.

STATUS: NOT IDENTIFIED.

FINDING 9I — LAYERED SAFEGUARDING STRUCTURE

The evidence instead indicates a layered system consisting of binding fair-trial protections, race-specific judicial guidance, case-specific procedural mechanisms and remedies.

STATUS: IDENTIFIED.

9.39 Section 9 Conclusion

The forensic evidence now permits a considerably more exact conclusion.

The Equal Treatment Bench Book does not ignore Black people.

It expressly addresses Black identity and cautions against treating Black people as a homogeneous group.

The wider ETBB expressly addresses racism and institutional/systemic racism, while the Judiciary describes the Bench Book as practical guidance intended to increase awareness, improve communication, promote fairness and facilitate participation.

The binding legal framework adds:

**fair trial;
impartiality;
objective apparent-bias law;
procedural justice;
disclosure;
evidential safeguards;
jury safeguards;
and remedies.**

Accordingly, it would be inaccurate to conclude that there are **no safeguards against anti-Black racial unfairness.**

There are.

However, the investigation has **not identified a single standalone mechanism expressly designated as an anti-Black racism safeguard, a universal anti-Black risk assessment, or a universal institutional-racism audit applied before every Crown Court decision.**

The protections instead operate as a network.

The unresolved issue is therefore no longer whether safeguards exist.

The unresolved issue is:

Which safeguard applies to each specific anti-Black or institutional risk, when does it operate, how is it invoked, what evidence triggers it, and how can a self-represented defendant know that it has actually been applied in his case?

Those are the questions that must now be reduced to a final schedule capable of being answered without reassurance, ambiguity or drift.

SECTION 10

FORENSIC AUDIT OF THE ORIGINAL QUESTIONS: ANSWERED, PARTIALLY ANSWERED, UNANSWERED AND REQUIRING COURT CLARIFICATION

10.1 Purpose of this Section

This section brings together the findings from Sections 1 to 9 and applies them directly to the questions put before Wood Green Crown Court on 26 August 2026.

The purpose is to prevent repetition and drift.

The original written question asked the Court to identify:

- the legal framework;
- the Court's jurisdiction;
- the specific safeguards;
- where those safeguards are set out;
- and how they address anti-Black racism and institutional racism in the proceedings.

The written statement also made clear that the defendant was not refusing to enter a plea but was asking the Court to address the safeguarding issue before requiring him to do so.

The correct task is now to determine which parts of that request have been answered and which parts remain unresolved.

10.2 Classification System

The following classifications are used.

ANSWERED

A sufficiently specific legal, procedural or judicial source has been identified.

PARTIALLY ANSWERED

A relevant framework or safeguard exists, but an important operational question remains.

UNANSWERED

No adequate answer has been identified from the sources examined.

REQUIRES COURT CLARIFICATION

The legal framework is partly identifiable, but clarification is required as to how Wood Green Crown Court says it applies in these proceedings.

10.3 Question 1 — What Is the Legal Framework?

Original issue

What legal framework governs the protection of a Black defendant against anti-Black racism and institutional racism affecting criminal proceedings?

Sources identified

The forensic examination has identified a layered legal framework including:

1. Article 6 ECHR as given domestic effect through the Human Rights Act 1998;
2. the common-law requirement of judicial impartiality;
3. the objective apparent-bias test;
4. the Criminal Procedure Rules;
5. active case-management duties;
6. effective-participation provisions;
7. disclosure law under the Criminal Procedure and Investigations Act 1996;
8. evidential safeguards under PACE, including section 78;
9. abuse-of-process jurisdiction;
10. jury challenge and discharge mechanisms;
11. appellate remedies; and
12. the Equal Treatment Bench Book as official judicial guidance.

Finding

ANSWERED AT FRAMEWORK LEVEL.

The legal framework is not confined to the ETBB.

The ETBB forms one part of a wider structure of binding law, procedural rules, judicial powers and guidance.

10.4 Question 2 — What Is the Court's Jurisdiction?

Original issue

What jurisdiction does the Crown Court possess to address safeguarding concerns concerning racial unfairness or institutional failure?

Jurisdiction identified

The Crown Court possesses powers and duties capable of addressing:

- case management;
- effective participation;
- admissibility of evidence;
- disclosure;
- procedural fairness;
- apparent bias;
- juror bias;
- evidential challenge;
- exclusion of prosecution evidence;
- abuse of process;
- and other matters affecting trial integrity.

Limitation identified

No free-standing general jurisdiction has been identified allowing the Crown Court to conduct a public inquiry into whether the criminal justice system as a whole is institutionally racist.

Finding

SUBSTANTIALLY ANSWERED.

Remaining issue

The exact procedural route depends upon the specific alleged defect.

REQUIRES CASE-SPECIFIC APPLICATION, NOT GENERAL REASSURANCE.

10.5 Question 3 — Are There Specific Safeguards?

Original issue

What specific safeguards exist?

Safeguards identified

The forensic examination has identified a substantial network of safeguards including:

- fair-trial rights;
- impartiality;
- objective apparent-bias law;
- judicial vigilance against personal bias;
- avoidance of stereotyping;
- individualised assessment;
- active case management;
- effective participation;
- disclosure;
- evidential challenge;
- cross-examination;
- PACE section 78;
- abuse-of-process jurisdiction;
- challenge for cause;
- juror discharge;
- jury irregularity procedures;
- reasoned decisions where required;
- and appeal.

Finding

ANSWERED.

It would therefore be inaccurate to state that no safeguards exist.

10.6 Question 4 — Where Are the Safeguards Located?

Original issue

Are the safeguards found in legislation, court rules, judicial guidance or official policy?

Answer

Yes.

The safeguards are distributed across different sources.

Examples

Legislation

- Human Rights Act 1998;
- Criminal Procedure and Investigations Act 1996;
- Police and Criminal Evidence Act 1984;
- Juries legislation.

Procedural rules

- Criminal Procedure Rules.

Case law

- apparent-bias authorities;
- abuse-of-process authorities;
- appellate authorities.

Judicial guidance

- Equal Treatment Bench Book;
- Crown Court Compendium;
- relevant Criminal Practice Directions.

Finding

ANSWERED.

The framework is distributed rather than located in a single document.

10.7 Question 5 — Does the ETBB Recognise Racism?

Finding

YES.

The ETBB expressly addresses racism.

Classification: ANSWERED.

10.8 Question 6 — Does the ETBB Recognise Institutional/Systemic Racism?

Finding

YES.

The ETBB expressly discusses institutional/systemic racism and refers to the Macpherson definition.

Classification: ANSWERED.

10.9 Question 7 — Does the ETBB Recognise Black People Specifically?

Finding

YES.

The ETBB contains material specifically concerning Black people and warns against treating Black people as a homogeneous group.

Classification: ANSWERED.

10.10 Question 8 — Does the ETBB Establish a Standalone Anti-Black Racism Safeguard?

Finding

No standalone procedural mechanism expressly designated an:

“anti-Black racism safeguard”

has been identified.

Qualification

This does not mean that anti-Black racism falls outside the legal framework.

General safeguards concerning impartiality, fair trial, evidence, procedure, bias and stereotyping are capable of operating where the alleged defect is anti-Black.

Classification

PARTIALLY ANSWERED.

The protection exists through a layered framework rather than through a single separately labelled mechanism.

10.11 Question 9 — Does the ETBB Establish a Standalone Institutional-Racism Safeguard?

Finding

The ETBB recognises institutional/systemic racism.

However, no single universal Crown Court procedure has been identified which automatically investigates every aspect of institutional racism in every criminal case.

Classification

PARTIALLY ANSWERED.

General legal mechanisms can address case-specific consequences of institutional failure.

10.12 Question 10 — How Are Judges Protected Against Personal Racial Bias Affecting Decisions?

Safeguards identified

- Article 6 impartiality;
- apparent-bias law;
- judicial oath and impartiality principles;
- ETBB vigilance against personal bias;
- anti-stereotyping guidance;
- individualised assessment;
- reasons and transcripts where available;
- recusal;
- appeal.

Finding

SUBSTANTIALLY ANSWERED.

The framework is identifiable.

Remaining issue

No universal independent pre-decision test has been identified which verifies the absence of unconscious racial bias in every judicial decision.

10.13 Question 11 — How Is Unconscious Judicial Bias Detected?

Finding

The ETBB seeks to reduce unconscious bias through awareness, vigilance and anti-stereotyping guidance.

However, no universal objective test has been identified which measures every judge's unconscious racial reasoning before every decision.

Classification

PARTIALLY ANSWERED.

10.14 Question 12 — How Is Institutional Racism Outside the Judge Addressed?

Safeguards identified

Where the alleged defect originates in:

- policing;
- investigation;
- evidence gathering;
- prosecution;
- disclosure;
- or another institutional process,

the Crown Court may possess powers through:

- disclosure law;
- evidential challenge;
- PACE;
- case management;
- abuse of process;
- and appellate review.

Finding

SUBSTANTIALLY ANSWERED AT FRAMEWORK LEVEL.

Remaining issue

The defendant must normally identify a case-specific process, evidential connection and legal consequence.

10.15 Question 13 — Is There a Universal Institutional-Racism Audit?

Finding

No universal mandatory pre-decision institutional-racism audit has been identified.

Classification

UNANSWERED IF THE QUESTION IS WHETHER SUCH A UNIVERSAL MECHANISM EXISTS.

The present evidence indicates that the system instead relies upon multiple separate safeguards.

10.16 Question 14 — Is There a Universal Anti-Black Racism Audit?

Finding

No universal mandatory anti-Black racism assessment or certification has been identified for every judicial or criminal justice decision involving a Black defendant.

Classification

UNANSWERED / NO SUCH MECHANISM IDENTIFIED.

10.17 Question 15 — Are Decisions Independently Certified as Free From Racial Bias?

Finding

No general mechanism has been identified requiring each decision to carry a certification that it has been independently audited and found free from anti-Black racism or institutional racism.

Classification

NO SUCH UNIVERSAL MECHANISM IDENTIFIED.

10.18 Question 16 — Can a Defendant Challenge Individual Judicial Bias?

Answer

Yes.

The objective apparent-bias framework provides a legal mechanism where sufficient facts exist.

Finding

ANSWERED.

10.19 Question 17 — Can Racial Bias Be Relevant to the Apparent-Bias Test?

Answer

Yes.

The apparent-bias test is expressed generally and can apply where the possible bias is racial.

Finding

ANSWERED IN PRINCIPLE.

10.20 Question 18 — Can Institutional Failures Affect Admissibility of Evidence?

Answer

Yes.

Where the relevant legal test is satisfied, institutional or police conduct affecting the fairness of obtaining evidence may be relevant to exclusion under section 78 PACE.

Finding

ANSWERED.

10.21 Question 19 — Can Institutional Failures Affect Whether Proceedings Continue?

Answer

Yes.

In exceptional cases, abuse-of-process jurisdiction can address failures making a fair trial impossible or making continuation inconsistent with the integrity of justice.

Finding

ANSWERED.

10.22 Question 20 — Can Institutional Failures Affect Disclosure?

Answer

Yes.

The CPIA disclosure framework provides a statutory mechanism requiring disclosure of qualifying prosecution material.

Finding

ANSWERED.

10.23 Question 21 — Can a Defendant Seek Further Disclosure?

Answer

Yes, subject to statutory and procedural requirements.

Finding

ANSWERED.

10.24 Question 22 — Are Jurors Required to Be Impartial?

Answer

Yes.

Finding

ANSWERED.

10.25 Question 23 — Can a Juror Be Challenged for Bias?

Answer

Yes.

A prospective juror may be challenged for cause where the required evidential basis exists.

Finding

ANSWERED.

10.26 Question 24 — Can Racial Bias Amount to Juror Bias?

Answer

Yes, in principle.

Finding

ANSWERED.

10.27 Question 25 — Can a Juror Be Discharged After Being Sworn?

Answer

Yes, where the applicable legal test and circumstances justify discharge.

Finding

ANSWERED.

10.28 Question 26 — Is a Black Defendant Entitled to a Racially Representative Jury?

Answer

No general right to require a jury with a particular racial composition has been identified.

Finding

ANSWERED.

The principal legal safeguard is impartiality rather than demographic matching.

10.29 Question 27 — Are All Jurors Screened for Racial Attitudes?

Finding

No universal system has been identified under which every juror is tested for conscious or unconscious racial prejudice.

Classification

NO SUCH UNIVERSAL MECHANISM IDENTIFIED.

10.30 Question 28 — How Is Hidden Unconscious Jury Bias Detected?

Finding

There are safeguards where objective evidence of juror bias emerges.

However, no complete mechanism has been identified for detecting hidden unconscious racial bias which produces no external indication.

Classification

PARTIALLY ANSWERED.

10.31 Question 29 — Are Black Defendants Protected Against Racial Stereotyping?

Answer

Yes, at the level of judicial guidance and general legal principle.

The ETBB directs judges to avoid racial and ethnic stereotyping and to treat the individual according to the evidence and particular circumstances.

Finding

ANSWERED AS A PRINCIPLE.

Remaining issue

The exact procedural mechanism for raising a specific anti-Black stereotype before a material decision remains less clear.

REQUIRES COURT CLARIFICATION / FURTHER PROCEDURAL IDENTIFICATION.

10.32 Question 30 — Are There Specific Safeguards Against Stereotypes of Black Aggression, Hostility or Threat?

Finding

General anti-stereotyping protections have been identified.

No specific universal Crown Court procedure expressly directed at testing stereotypes of Black aggression, dangerousness or hostility before every relevant decision has been identified.

Classification

PARTIALLY ANSWERED.

Court clarification required

The Court should be asked what procedural mechanism applies where such a stereotype is specifically raised as a concern in the individual case.

10.33 Question 31 — Are There Safeguards Against Racialised Credibility Assessments?

Finding

General safeguards exist through:

- individualised assessment;
- anti-stereotyping guidance;
- evidence-based adjudication;
- reasons;
- cross-examination;
- appellate scrutiny.

Classification

SUBSTANTIALLY ANSWERED AS A GENERAL FRAMEWORK.

Remaining issue

No specific universal Black-focused credibility audit has been identified.

10.34 Question 32 — Does Effective Participation Apply to a Self-Represented Defendant?

Answer

Yes.

The Criminal Procedure Rules expressly require reasonable steps to facilitate participation.

Finding

ANSWERED.

10.35 Question 33 — Does the ETBB Address Litigants in Person?

Answer

Yes.

Finding

ANSWERED.

10.36 Question 34 — Must the Court Become the Defendant's Lawyer?

Answer

No.

The Court may facilitate understanding and participation while remaining impartial.

Finding

ANSWERED.

10.37 Question 35 — Can a Defendant Require Every Concern to Be Resolved to His Personal Satisfaction Before Proceedings Continue?

Finding

No such unlimited right has been identified.

Classification

ANSWERED.

The relevant test is legal and procedural sufficiency, not subjective satisfaction.

10.38 Question 36 — Can Unanswered Legal or Procedural Questions Be Put Back to the Court?

Answer

Yes.

Where a specific question remains unresolved after reasonable examination of the material identified by the Court, targeted clarification can be sought.

Finding

ANSWERED.

This is the appropriate next procedural step.

10.39 Question 37 — Can Assurance Alone Replace Identification of a Safeguard?

Answer

No, not where the question specifically asks what the safeguard is, where it is located and how it operates.

Judicial reassurance may be helpful.

But reassurance and identification are different things.

Finding

ANSWERED.

10.40 Question 38 — Has the Material Recommended by the Judge Completely Answered the Original Safeguarding Question?

Finding

NO.

The material and wider legal framework have answered a substantial part of the question.

However, several operational issues remain unresolved.

Classification

PARTIALLY ANSWERED OVERALL.

10.41 Matters Now Clearly Answered

The following matters should **not** be repeatedly put back to the Court as though they were unanswered:

1. There is a legal framework governing fairness.
 2. Article 6 requires impartiality.
 3. The Crown Court has case-management powers.
 4. The ETBB recognises racism.
 5. The ETBB recognises institutional/systemic racism.
 6. The ETBB contains Black-specific material.
 7. Judges are expected to avoid stereotyping.
-

8. Judges are expected to remain vigilant against personal bias.
9. Disclosure provides an institutional safeguard.
10. PACE section 78 provides an evidential safeguard.
11. Abuse of process provides an exceptional corrective safeguard.
12. Juror bias can be challenged.
13. Jurors may be discharged.
14. Self-represented defendants remain entitled to effective participation.

These matters can now be treated as established components of the answer.

10.42 Matters Still Requiring Clarification

The remaining questions are much narrower.

RC1 — Operational Anti-Black Safeguard

Where a Black defendant specifically identifies a possible anti-Black stereotype affecting an impending decision, **what procedural application or mechanism should he use to require that issue to be considered before the decision is made?**

Classification: REQUIRES COURT CLARIFICATION.

RC2 — Institutional-Racism Trigger

What evidential threshold must be met before the Crown Court will consider whether an alleged institutional process has materially affected the fairness of the proceedings?

Classification: REQUIRES COURT CLARIFICATION / CASE-SPECIFIC LEGAL IDENTIFICATION.

RC3 — Reasons

If a properly particularised anti-Black racism or institutional-racism safeguarding concern is rejected, what obligation exists to give reasons explaining the legal basis of that rejection?

Classification: REQUIRES FURTHER LEGAL IDENTIFICATION / COURT CLARIFICATION.

RC4 — Pre-Plea Operation

Which of the safeguards identified in this document are capable of operating **before plea**, and which require the proceedings to advance further before they can operate?

Classification: REQUIRES COURT CLARIFICATION.

This question is particularly important given the position expressed on 26 August 2026.

RC5 — Black-Specific Stereotypes

What specific Crown Court mechanism applies where the concern is that a decision may be affected by a stereotype concerning Black:

- aggression;
- hostility;
- dangerousness;
- credibility;
- demeanour; or
- criminal propensity?

Classification: REQUIRES COURT CLARIFICATION.

RC6 — Jury Directions

What specific judicial direction is available where anti-Black racial stereotyping is a material risk in jury decision-making?

Classification: REQUIRES FURTHER COMPENDIUM ANALYSIS / COURT CLARIFICATION.

RC7 — Hidden Unconscious Bias

What objective safeguard, if any, supplements self-vigilance where the potential racial bias is unconscious and therefore may not be recognised by the decision-maker?

Classification: UNANSWERED.

No complete mechanism has yet been identified.

RC8 — Institutional Process Before Court

Where the concern concerns policing, prosecution or another pre-court institutional process, what precise procedure should a self-represented defendant use to place that issue before the Crown Court before it affects a material decision?

Classification: REQUIRES COURT CLARIFICATION.

10.43 Questions That Should Not Be Asked in Their Previous Broad Form

The following broad questions should now be retired because they are too general:

“What safeguards exist against racism?”

“Does the justice system recognise institutional racism?”

“Are there safeguards for Black defendants?”

“Will the Court treat me fairly?”

The research has moved beyond those questions.

The remaining issues are operational and specific.

10.44 The Correct Form of the Next Request to Wood Green Crown Court

The Court should eventually be informed, in substance:

I complied with the judge's direction given on 26 August 2026 and examined the Equal Treatment Bench Book and the relevant legal framework.

I have identified substantial safeguards and do not seek repetition of matters already answered.

The attached schedule identifies only those specific operational questions which remain unresolved.

I respectfully request identification of the applicable law, rule, guidance, jurisdiction or procedure concerning those outstanding matters before the hearing on 16 September 2026.

This is materially different from seeking reassurance.

It seeks identifiable information.

10.45 Effect on the Defendant's Position

The original written statement said:

“I am not refusing to enter a plea.”

and:

“I am asking the Court to address this safeguarding issue before requiring me to do so.”

Following this forensic examination, that position can now be expressed more precisely.

The defendant is no longer asking the Court to explain the entire concept of racial safeguarding from the beginning.

A substantial part of the framework has now been identified.

The remaining request concerns a finite number of operational questions.

That distinction is important to effective participation.

10.46 Relationship to the Defendant's Safety Concern

The defendant has stated that he is in fear for his life.

The original statement linked that fear to reports concerning deaths of Black people in police custody and reports concerning anti-Black racism and institutional racism in the justice system, while expressly stating that no allegation was being made that such conduct had occurred in his own case.

That distinction remains.

The purpose of the remaining questions is not to convert fear into proof.

The purpose is to determine objectively:

- what protection exists;
- how it operates;
- when it operates;
- how it is invoked;
- and what happens if it fails.

10.47 Overall Audit Finding

The original safeguarding question has **not remained wholly unanswered**.

That would now be inaccurate.

A substantial framework has been identified.

At the same time, it would also be inaccurate to say that the material recommended by the Court has completely answered every operational question.

The correct overall finding is:

OVERALL CLASSIFICATION

SUBSTANTIALLY BUT NOT COMPLETELY ANSWERED.

The remaining gaps concern principally:

1. operational mechanisms for raising anti-Black stereotyping before a decision;
2. the evidential threshold for institutional-racism concerns;
3. the extent of any duty to provide reasons;
4. which protections operate before plea;
5. specific jury directions concerning anti-Black bias;
6. the route for raising pre-court institutional failures;
7. and the absence, so far identified, of a complete objective mechanism for detecting hidden unconscious anti-Black bias.

10.48 Section 10 Conclusion

The forensic exercise has now achieved its central purpose.

It has separated:

what is known

from

what remains uncertain.

It has established that the criminal justice framework contains substantial safeguards.

It has also established that those safeguards are distributed across:

- binding law;
- procedural rules;
- case law;
- judicial guidance;
- evidential mechanisms;

- case-management powers;
- jury procedures;
- and remedies.

The remaining questions are no longer broad philosophical questions about whether racism exists or whether courts aspire to fairness.

They are operational questions capable of receiving precise answers.

Those questions should now form a **separate schedule of outstanding matters for Wood Green Crown Court**, limited strictly to what remains unanswered and avoiding repetition of matters already established.

That schedule should be prepared and sent before the hearing on **16 September 2026**.

SECTION 11

SCHEDULE OF OUTSTANDING QUESTIONS REQUIRING CLARIFICATION FROM WOOD GREEN CROWN COURT BEFORE 16 SEPTEMBER 2026

11.1 Purpose of this Section

This section isolates only those questions which remain unresolved after examination of the Equal Treatment Bench Book and the wider legal and procedural framework.

It is intentionally narrower than the earlier sections.

It does **not** repeat matters already established.

The purpose is to provide Wood Green Crown Court with a finite schedule of specific questions capable of receiving legal, procedural or evidential answers before the hearing listed for **16 September 2026**.

The defendant's original written position was that he was not refusing to enter a plea, but was asking the Court to address the safeguarding issue before requiring him to do so.

The questions below are therefore directed to the operation of the safeguards already identified, not to obtaining general reassurance.

11.2 Preliminary Position

The forensic examination has established that substantial safeguards do exist, including:

- Article 6 fair-trial and impartiality protections;
- the common-law apparent-bias test;
- the Criminal Procedure Rules;
- active case management;
- effective-participation duties;
- disclosure obligations;
- PACE safeguards;
- abuse-of-process jurisdiction;
- jury challenge and discharge mechanisms; and
- the Equal Treatment Bench Book as official judicial guidance.

Accordingly, the defendant does not ask the Court merely:

“Are there safeguards against racism?”

That question has been substantially answered.

The outstanding issue is:

How do the identified safeguards operate in relation to the specific risks raised by anti-Black racism and institutional racism in these proceedings?

11.3 Question 1 — Procedural Mechanism for Raising Anti-Black Stereotyping Before a Decision

Where a Black defendant identifies a specific concern that an impending decision may be affected by an anti-Black stereotype, what is the correct procedural mechanism by which that concern should be placed before the Court?

In particular:

- must the concern be made by written application;
- may it be raised orally;
- must a particular Criminal Procedure Rule be relied upon;
- is it treated as a case-management issue;
- is it treated as an apparent-bias issue;
- is another procedure applicable; and
- at what stage should it be raised?

Status

REQUIRES COURT CLARIFICATION.

11.4 Question 2 — Evidential Threshold for Institutional-Racism Concerns

Where the concern is that an institutional process involving policing, prosecution, disclosure, administration or another part of the criminal justice process has materially affected the fairness of the proceedings, what evidential threshold must be met before the Crown Court will consider the issue?

In particular:

- must the defendant establish a prima facie case;

- must there be evidence of a direct connection to the individual proceedings;
- is statistical or systemic evidence capable of being relevant context;
- what further case-specific evidence is required; and
- what legal test governs the Court's decision whether to investigate or determine the matter?

Status

REQUIRES COURT CLARIFICATION.

11.5 Question 3 — Requirement to Give Reasons

Where a properly particularised concern concerning anti-Black racism, racial stereotyping or institutional racism is raised and rejected, what duty does the Court have to give reasons?

In particular:

- must the Court identify the legal test applied;
- must the Court identify the evidence considered;
- must the Court state why the concern does not meet the relevant threshold;
- must the Court identify any alternative safeguard which it considers sufficient; and
- how is the defendant expected to understand or challenge the decision if reasons are not provided?

Status

REQUIRES COURT CLARIFICATION.

11.6 Question 4 — Safeguards Capable of Operating Before Plea

Which of the safeguards identified in the forensic examination are capable of operating before the defendant is required to enter or confirm a plea?

In particular:

- apparent-bias safeguards;
- effective-participation safeguards;
- case-management powers;

- disclosure;
- judicial consideration of racial stereotyping;
- institutional-fairness concerns;
- and any other relevant safeguard.

The question is not whether every legal remedy must be exhausted before plea.

The question is:

Which protections can lawfully and procedurally operate at the pre-plea stage, and which only become relevant later?

Status

REQUIRES COURT CLARIFICATION.

11.7 Question 5 — Black-Specific Stereotypes Concerning Aggression, Hostility, Threat and Dangerousness

Where a Black defendant raises a specific concern that an assessment may be affected by a racialised stereotype concerning:

- aggression;
- hostility;
- intimidation;
- dangerousness;
- volatility;
- threat;
- or criminal propensity,

what legal or procedural safeguard applies?

In particular:

- what test should the Court apply;
- what evidence may be relied upon;
- what guidance should be considered;
- and how is such a concern distinguished from an ordinary disagreement with an adverse assessment?

Status

REQUIRES COURT CLARIFICATION.

11.8 Question 6 — Racialised Credibility and Demeanour Assessments

Where credibility or demeanour is relevant to a decision, what safeguard applies against racial or cultural assumptions affecting that assessment?

In particular:

- what role does the Equal Treatment Bench Book play;
- what objective legal test applies;
- whether the Court must identify the evidence upon which credibility findings are based;
- and how a defendant may challenge a credibility assessment said to rest upon racialised assumptions.

Status

REQUIRES COURT CLARIFICATION.

11.9 Question 7 — Jury Directions Concerning Anti-Black Racial Bias

Where a jury trial involves a material risk of racial stereotyping or anti-Black prejudice, what specific judicial directions are available or appropriate?

In particular:

- whether the jury can be expressly directed not to rely upon racial stereotypes;
- whether specific directions can address assumptions concerning aggression, credibility, criminality or demeanour;
- whether the direction should be given at the beginning of trial, during trial, in the summing-up, or at more than one stage;
- and what current Crown Court Compendium guidance applies.

Status

REQUIRES COURT CLARIFICATION / FURTHER SOURCE IDENTIFICATION.

11.10 Question 8 — Juror Bias Becoming Apparent During Trial

If information suggesting anti-Black racial prejudice by a juror emerges after the juror has been sworn:

- what procedure should be followed;
- what evidential threshold applies;
- what inquiry may lawfully be conducted;
- when can an individual juror be discharged;
- when can the entire jury be discharged;
- and how do jury-secrecy rules affect the investigation?

Status

REQUIRES COURT CLARIFICATION.

11.11 Question 9 — Hidden Unconscious Bias

The Equal Treatment Bench Book expects judges to remain vigilant against personal biases, beliefs and perspectives influencing decisions.

Where the potential bias is unconscious, what objective safeguard supplements self-vigilance?

In particular:

- is there any required structured analysis;
- is there any obligation to identify possible stereotype-based reasoning;
- is there any independent review mechanism before the decision takes effect;
- is the giving of reasons part of the safeguard;
- and what mechanism allows a defendant to raise the concern prospectively?

Status

UNANSWERED / REQUIRES COURT CLARIFICATION.

No complete universal mechanism has been identified in the material examined.

11.12 Question 10 — Pre-Court Institutional Processes

Where the concern concerns an institutional process which occurred before the case reached the trial judge, such as:

- police investigation;
- evidence gathering;
- charging;
- prosecution review;
- disclosure;
- or another administrative process,

what is the correct route for a self-represented defendant to place the issue before the Crown Court?

In particular:

- disclosure application;
- case-management application;
- section 78 PACE application;
- abuse-of-process application;
- apparent-bias application;
- or another procedure.

Status

REQUIRES COURT CLARIFICATION.

11.13 Question 11 — Relationship Between General Safeguards and Anti-Black Racism

The forensic examination has established that most binding safeguards are expressed in general terms.

What is the Court's position on how those general safeguards should be applied where the alleged unfairness is specifically anti-Black?

In particular:

- does anti-Black racial bias fall within the ordinary impartiality framework;
- does racial stereotyping fall within ordinary evidential fairness;
- does institutional racial unfairness fall within ordinary procedural fairness;
- and what additional role does the Equal Treatment Bench Book play?

Status

REQUIRES COURT CLARIFICATION AS TO APPLICATION IN THESE PROCEEDINGS.

11.14 Question 12 — Relationship Between Institutional Racism and Individual Judicial Impartiality

The Equal Treatment Bench Book recognises institutional/systemic racism, while the legal framework separately requires the individual judge to act impartially.

Where the defendant's concern is institutional rather than an allegation of personal racist intent by the judge:

- what legal test applies;
- what case-specific connection must be demonstrated;
- and what power does the Court possess to address the consequences?

Status

REQUIRES COURT CLARIFICATION.

11.15 Question 13 — Verification of Safeguard Application

Where the Court says that ordinary safeguards apply, how can the defendant identify that those safeguards have actually been applied?

Possible indicators may include:

- reasons;
- written rulings;
- oral rulings recorded in the transcript;
- identification of the legal test;
- evidential findings;
- or procedural directions.

The Court is therefore asked to identify what objective record should demonstrate the application of a safeguarding mechanism in a particular decision.

Status

REQUIRES COURT CLARIFICATION.

11.16 Question 14 — What Happens if the Safeguard Fails?

For each safeguard relied upon, what is the applicable corrective mechanism where the safeguard is alleged to have failed?

Possible mechanisms may include:

- reconsideration;
- recusal;
- further disclosure;
- exclusion of evidence;
- case-management direction;
- juror discharge;
- abuse of process;
- appeal;
- or another remedy.

The Court is asked to identify the appropriate route according to the type of failure.

Status

REQUIRES COURT CLARIFICATION / ISSUE-SPECIFIC IDENTIFICATION.

11.17 Question 15 — Whether the Court Relies on the Equal Treatment Bench Book as Guidance Only or as Part of a Wider Legal Framework

The defendant requests clarification as to whether the Court's reference to the Equal Treatment Bench Book on 26 August 2026 was intended:

1. as general educational material;
2. as judicial guidance relevant to the proceedings;
3. as a source identifying particular safeguards;
4. as part of a wider framework which the defendant was expected to investigate;
5. or in some other capacity.

The official transcript may resolve this point once obtained.

Status

AWAITING TRANSCRIPT / COURT CLARIFICATION IF NECESSARY.

11.18 Question 16 — Whether Any Further Material Was Specifically Intended to Answer the Safeguarding Questions

The defendant was also given or directed to other material.

The Court is asked to identify precisely which document or provision it considered relevant to:

- anti-Black racism;
- institutional racism;
- effective participation;
- plea;
- judicial impartiality;
- jury impartiality;
- or another safeguarding issue.

This avoids the risk of the defendant being expected to infer the Court's intended answer from general material.

Status

REQUIRES COURT CLARIFICATION.

11.19 Question 17 — Any Safeguard Not Identified by This Forensic Examination

The defendant has undertaken a substantial review of the material and wider legal framework.

If the Court considers that a relevant safeguard has been omitted from this examination, the defendant respectfully requests that the Court identify:

- the safeguard;
- its legal source;
- its status;
- its operation;
- and the issue to which it applies.

Status

OPEN INVITATION TO CORRECT OR COMPLETE THE RECORD.

11.20 Matters Not Requiring Further Assurance

For the avoidance of doubt, the defendant is **not** asking the Court simply to repeat that:

- the Court will be fair;
- judges are impartial;
- discrimination is prohibited;
- the Equal Treatment Bench Book exists;
- or ordinary safeguards apply.

Those propositions are not rejected.

The forensic examination has already identified substantial support for them.

The outstanding request concerns the **operation, trigger, legal source, evidential threshold and verification** of the safeguards in the specific circumstances described above.

11.21 Evidential Position

The defendant's original statement expressly requested identification of the specific safeguards and their source in legislation, court rules, judicial guidance or official policy.

The defendant also expressly stated that he was not refusing to enter a plea and was asking the Court to address the safeguarding issue before requiring him to do so.

This schedule should therefore be understood as the result of compliance with the Court's direction to examine relevant material.

It is not a repetition of the original broad request.

11.22 Safety Position

The defendant has stated that he is in fear for his life.

His original statement linked that fear to reports concerning deaths of Black people in police custody and reports concerning anti-Black racism and institutional racism within

the justice system, while expressly stating that he was making no allegation that such conduct had occurred in his own case.

The purpose of this schedule is therefore not to seek emotional reassurance.

It is to identify objectively what protections exist and how they operate.

11.23 Requested Form of Response

For each question above, the defendant respectfully requests, where applicable:

1. the name of the safeguard;
2. the legal or procedural source;
3. the relevant section, rule, paragraph or authority;
4. the person responsible for applying it;
5. the evidential threshold;
6. the procedural mechanism for invoking it;
7. the stage at which it operates;
8. whether reasons are required;
9. the corrective mechanism if it fails; and
10. how it applies to the present proceedings.

Where no such safeguard or mechanism exists, the defendant respectfully requests that this also be stated clearly.

11.24 Requested Timing

The next hearing is understood to be listed for **16 September 2026**.

The defendant respectfully requests that, insofar as practicable, the outstanding matters be identified before that hearing so that he can:

- read the Court's position;
 - understand the relevant framework;
 - prepare;
 - avoid unnecessary repetition;
 - and participate effectively when he returns to Court.
-

11.25 Section 11 Conclusion

The forensic examination has substantially narrowed the original inquiry.

The remaining issues are finite.

They concern:

- the procedure for raising anti-Black stereotyping;
- the evidential threshold for institutional-racism concerns;
- reasons;
- pre-plea operation;
- Black-specific stereotypes;
- racialised credibility;
- jury directions;
- juror bias;
- unconscious bias;
- pre-court institutional processes;
- verification;
- and corrective remedies.

These are the questions which should now be placed before Wood Green Crown Court.

The defendant does not seek general assurances.

He seeks identification of the applicable law, jurisdiction, procedure and safeguards so that the proceedings can continue on a clear evidential basis.

SECTION 12

FORMAL CONCLUSION, OUTSTANDING POSITION AND REQUESTED DIRECTIONS BEFORE 16 SEPTEMBER 2026

12.1 Purpose of this Final Section

This section records the conclusion of the forensic examination undertaken following the hearing at **Wood Green Crown Court on 26 August 2026**.

The examination was undertaken because the judge directed or advised me to read material including the **Equal Treatment Bench Book** after I raised questions concerning safeguards against anti-Black racism and institutional racism affecting criminal justice decision-making.

I understood from the exchange that the recommended material was relevant to answering my safeguarding concerns.

I said that I would read the material before returning to Court on **16 September 2026**.

I have done so.

The purpose of this document has therefore been to establish, as objectively as possible:

1. what safeguards can actually be identified;
2. where those safeguards are found;
3. what legal or procedural status they have;
4. how they operate;
5. what they appear capable of addressing;
6. what their limitations are; and
7. what material questions remain unanswered.

12.2 Compliance With the Course Indicated by the Court

This document should be understood first as evidence of compliance.

I have not ignored the material recommended by the judge.

I have not simply repeated the questions I raised on 26 August 2026.

I have examined the material and attempted to distinguish carefully between:

ANSWERED;

PARTIALLY ANSWERED;

UNANSWERED;

and

REQUIRES COURT CLARIFICATION.

That distinction is fundamental to this document.

12.3 Important Finding — Safeguards Do Exist

The examination does **not** support a conclusion that there are no safeguards against racial unfairness within criminal proceedings.

Substantial safeguards have been identified.

They include, among other matters:

- Article 6 fair-trial protections;
- judicial impartiality;
- the objective apparent-bias framework;
- the presumption of innocence;
- evidence-based adjudication;
- active case management;
- effective-participation requirements;
- disclosure obligations;
- evidential challenge;
- PACE safeguards;
- abuse-of-process jurisdiction;
- anti-stereotyping judicial guidance;
- jury impartiality;
- challenge for cause;
- juror discharge;
- jury-irregularity procedures;
- reasoned judicial decision-making where required;

- and appellate remedies.

That finding should be stated plainly.

12.4 Important Finding — The Equal Treatment Bench Book Is Material

The examination also establishes that the Equal Treatment Bench Book is materially relevant.

It addresses matters including:

- race;
- racial stereotyping;
- Black people;
- institutional/systemic racism;
- bias;
- judicial awareness;
- fair treatment;
- litigants in person;
- and effective participation.

Accordingly, the judge's recommendation that I read the Bench Book was relevant to the concerns I raised.

I acknowledge that.

12.5 Important Finding — The Bench Book Is Not the Entire Legal Framework

The examination also establishes that the Equal Treatment Bench Book does not itself contain the whole legal answer.

The applicable safeguards are distributed across:

- legislation;
- the Human Rights Act framework;
- the Criminal Procedure Rules;
- case law;
- PACE;

- disclosure legislation;
- judicial guidance;
- the Crown Court Compendium;
- Criminal Practice Directions;
- jury procedures;
- and appellate mechanisms.

Accordingly, the question cannot properly be answered by reference to the Equal Treatment Bench Book alone.

12.6 Important Finding — Institutional Racism Is Recognised, but Recognition Is Not an Operational Procedure

The examination has identified official judicial recognition of institutional/systemic racism as a concept.

That is important.

However, recognising institutional racism as a concept is different from identifying:

- the procedure by which it is raised;
- the evidential threshold;
- the person who determines it;
- the stage at which it is determined;
- the Court's jurisdiction;
- and the remedy where it has affected proceedings.

Those operational matters remain materially important.

12.7 Important Finding — Anti-Black Racism Is Protected Against Through a Layered Framework

The examination has not identified one universal Crown Court procedure formally entitled:

“ANTI-BLACK RACISM SAFEGUARD.”

That does not establish an absence of protection.

Instead, the evidence indicates that anti-Black racial unfairness can engage a combination of:

- impartiality;
- anti-bias principles;
- anti-stereotyping guidance;
- individualised assessment;
- evidence-based adjudication;
- procedural fairness;
- disclosure;
- evidential challenge;
- jury safeguards;
- and corrective remedies.

The protection is therefore **layered rather than singular**.

12.8 Important Finding — General Safeguards Do Not Answer Every Operational Question

It would be inaccurate to say:

“There are safeguards; therefore every question has been answered.”

The forensic examination has identified genuine remaining questions concerning matters including:

- how an anti-Black stereotyping concern is raised prospectively;
- what evidential threshold applies to an institutional-racism concern;
- what safeguards operate before plea;
- what reasons should be given when a properly particularised concern is rejected;
- how racialised assessments of aggression, threat, demeanour or credibility are addressed;
- what race-specific jury directions are available;
- how pre-court institutional failures should be brought before the Crown Court;

- and how application of a safeguard can be objectively verified.

Those are operational questions.

They are not answered merely by stating that the justice system is committed to fairness.

12.9 Assurance and Evidence Must Remain Distinct

I acknowledge that the judge sought to reassure me during the hearing on 26 August 2026.

I do not disregard that reassurance.

However, my request is not ultimately capable of being resolved by reassurance alone.

The distinction is:

ASSURANCE:

A statement that the process will be fair.

GUIDANCE:

Material explaining how judges should approach particular issues.

SAFEGUARD:

An identifiable mechanism intended to prevent, detect or correct unfairness.

EVIDENCE:

Material capable of demonstrating what actually happened or how a safeguard was applied.

REMEDY:

A mechanism available where a safeguard has failed.

These categories should not be conflated.

12.10 My Safety Position

I have stated that I am in fear for my life.

I do not withdraw that statement.

The seriousness of that fear is one reason why general reassurance is not sufficient for me to understand the safeguarding position.

At the same time, I maintain the distinction I have repeatedly made.

I make **no allegation, accusation, assumption or assertion that the judge, jury, prosecution, police or any other identifiable person involved in these proceedings has acted through anti-Black racism or institutional racism merely because I have raised these questions.**

I have not reached such a conclusion.

My purpose is preventative and evidential.

I seek to understand the safeguards before relying upon them.

12.11 The Court Is Not Being Asked to Guarantee the Impossible

For clarity, I do not ask Wood Green Crown Court to guarantee:

- that no person within the criminal justice system possesses racial prejudice;
- that unconscious bias can never exist;
- that every institution is entirely free from institutional racism;
- that no Black defendant can ever experience discrimination;
- or that no safeguard can ever fail.

Those would not be realistic requests.

I seek something narrower and objectively capable of answer.

I ask:

What safeguard applies?

Where is it found?

When does it operate?

What triggers it?

Who applies it?

How can its application be identified?

What happens if it fails?

12.12 No Request for the Court to Determine a General Political or Sociological Question

I do not ask the Crown Court to conduct a general inquiry into racism in British society.

I do not ask the Court to determine whether every part of the criminal justice system is institutionally racist.

I do not ask the Court to adjudicate upon academic or political debates unrelated to my proceedings.

The questions are confined to safeguards relevant to the fairness of the criminal proceedings in which I am the defendant.

12.13 Effective Participation Remains Central

The purpose of obtaining this information is effective participation.

I am representing myself.

I must understand sufficiently:

- what is happening;
- what decisions I am required to make;
- the consequences of those decisions;
- what protections apply;
- how concerns should properly be raised;
- and what remedies exist.

The safeguarding inquiry should therefore be understood in the context of my ability to participate effectively in proceedings carrying serious consequences.

12.14 My Position Concerning Plea

For the avoidance of doubt:

I am not stating that I will never enter a plea.

I am not asserting an unlimited right to prevent the proceedings from progressing.

I am not requiring the Court to agree with every concern I have expressed.

My position is that I raised safeguarding questions before being required to make a legally significant decision.

The Court directed or advised me to examine relevant material.

I have done so.

That examination has answered substantial parts of my questions.

A finite number of operational questions remain.

I respectfully seek clarification of those questions.

12.15 The Outstanding Questions Are Now Narrow and Finite

Section 11 contains the schedule of outstanding questions.

The Court is therefore not being asked to begin the inquiry again.

The purpose of the schedule is expressly to prevent drift.

Where a question has already been answered by an identified legal source, I do not require the Court to repeat the answer.

The Court need address only those matters which remain unresolved or correct this analysis where it is wrong.

12.16 Formal Request for Identification of the Applicable Safeguards

For each outstanding matter in Section 11, I respectfully request, where applicable, identification of:

1. the safeguard;
2. its legal or procedural source;
3. the relevant statutory provision, rule, paragraph, authority or guidance;
4. its legal status;
5. the circumstances which trigger it;
6. the evidential threshold;
7. the person or body responsible for applying it;
8. the stage of proceedings at which it operates;
9. the procedure by which a self-represented defendant may invoke it;
10. whether reasons must be given;
11. how its application is objectively recorded; and
12. the available remedy if it fails.

Where no corresponding safeguard exists, I respectfully request that this be stated plainly.

12.17 Request for Clarification Before 16 September 2026

The next hearing is understood to be listed for:

16 September 2026.

I respectfully request that the outstanding matters be addressed, insofar as reasonably practicable, **before that hearing.**

The purpose is to allow me sufficient opportunity to:

- read the response;
 - check the authorities identified;
 - understand the Court's position;
 - prepare properly;
 - narrow any remaining dispute;
 - and participate effectively at the hearing.
-

12.18 Alternative Request if a Written Response Cannot Be Provided Before the Hearing

If the Court considers that it cannot appropriately provide a substantive written response before 16 September 2026, I respectfully request that:

1. this document be placed before the judge dealing with the case;
 2. the outstanding schedule in Section 11 be available at the hearing;
 3. sufficient time be allowed for the outstanding questions to be identified and addressed;
 4. any rulings or directions be clearly stated;
 5. the legal basis of any ruling be identified where practicable; and
 6. I be permitted sufficient time to understand the consequences of those rulings before being required to make any consequential decision.
-

12.19 Request for Correction Rather Than Assumption

This document represents my present understanding after undertaking the forensic exercise.

I do not claim that every legal conclusion in it must necessarily be correct.

If I have misunderstood:

- the Equal Treatment Bench Book;
- legislation;
- a Criminal Procedure Rule;
- an authority;
- the jurisdiction of the Crown Court;
- or the operation of a safeguard,

I respectfully request correction.

I would prefer a clear correction supported by the relevant authority to an assumption that I understand something which I have misunderstood.

12.20 The Transcript of 26 August 2026 Remains Material

A transcript of the hearing on 26 August 2026 has been requested.

That transcript is important because it should provide the primary record of:

- what I said;
- what the judge said;
- the nature of any reassurance given;
- precisely what documents the judge recommended;
- what the judge said those documents would assist with;
- any directions given;
- what was said concerning plea;
- and what was said concerning future hearings.

Until that transcript is obtained, this document necessarily relies upon my present recollection of the oral exchange.

12.21 No Attribution of Words to the Judge Beyond the Evidence

For that reason, I do not seek to place words into the judge's mouth.

Where this document refers to the impression I received from the judge, that is expressly recorded as **my understanding or recollection**, not as a purported verbatim quotation.

The transcript should determine the exact words used.

If the transcript differs materially from my recollection, the documentary record should be corrected accordingly.

12.22 Preservation of Position Pending Transcript

Pending receipt and examination of the official transcript, I respectfully request that no adverse inference be drawn merely from any difference between:

- my present recollection;
- my description of the impression given to me;
- and the precise wording subsequently established by the transcript.

The transcript has been requested specifically so that the record can be established by evidence rather than recollection.

12.23 Preservation of the Safeguarding Position

Pending clarification of the outstanding questions, I respectfully maintain the safeguarding concerns identified in this document.

That does **not** mean that I assert the proceedings are racist.

It means that questions which have not yet been objectively answered remain questions.

Likewise, where this examination has identified an answer, I acknowledge that answer.

This position is deliberately evidence-led.

12.24 Request That the Document Be Treated as a Safeguarding and Effective-Participation Document

I respectfully request that this document not be treated as:

- a complaint against the judge;

- an allegation of judicial misconduct;
- an accusation against the prosecution;
- an accusation against the police;
- a political statement;
- or a refusal to engage with the criminal proceedings.

Its purpose is:

SAFEGUARDING, CLARIFICATION AND EFFECTIVE PARTICIPATION.

If a separate legal application is required in respect of any particular issue identified within the document, I respectfully request that the appropriate procedure be identified.

12.25 Requested Directions / Actions

Accordingly, I respectfully request that Wood Green Crown Court:

1. **place this document on the court file;**
2. **place it before the judge dealing with the proceedings;**
3. **note that I have undertaken the examination of the Equal Treatment Bench Book and related material following the hearing of 26 August 2026;**
4. **note the matters which the examination has identified as answered;**
5. **consider the outstanding questions isolated in Section 11;**
6. **identify, where appropriate, the applicable law, rule, authority, guidance or procedure concerning those questions;**
7. **state clearly where the Court considers that a question is not one which the Crown Court can or should determine;**
8. **identify the correct procedural route where a separate application is required;**
9. **provide any available clarification before 16 September 2026 insofar as reasonably practicable;**
10. **if advance clarification is not practicable, ensure that the outstanding matters are available for consideration at the hearing on 16 September 2026;**

11. **permit sufficient opportunity for me, as a self-represented defendant, to understand any ruling or direction before being required to make a consequential decision;**
 12. **preserve the position concerning the oral exchanges of 26 August 2026 pending receipt of the requested transcript; and**
 13. **correct any material misunderstanding of law or procedure contained in this document by identifying the applicable authority.**
-

12.26 No Request for Preferential Treatment

I do not request preferential treatment because I am Black.

I request a fair process in which identified risks of anti-Black racism and institutional racism can be raised, tested and addressed through identifiable procedures.

The purpose is equality before the law, effective participation and evidential clarity.

12.27 Final Evidential Position

Following the forensic examination, my position can now be stated precisely:

FIRST: substantial safeguards against racial unfairness do exist.

SECOND: the Equal Treatment Bench Book contains material directly relevant to race, Black people, stereotyping, institutional/systemic racism and participation.

THIRD: the Bench Book is judicial guidance and forms part of a wider legal and procedural framework.

FOURTH: the applicable protections operate through multiple mechanisms rather than through one universal anti-Black racism procedure.

FIFTH: a number of the original safeguarding questions have therefore been answered.

SIXTH: several narrower operational questions remain unanswered or require Court clarification.

SEVENTH: I seek identification of the relevant law and procedure concerning those outstanding questions, not general reassurance.

EIGHTH: I remain in fear for my life, but I do not rely upon that fear as proof that racism has occurred in these proceedings.

NINTH: I make no allegation, accusation, assumption or assertion that any particular person involved in these proceedings has acted through anti-Black racism or institutional racism merely because these safeguarding questions remain outstanding.

TENTH: I seek to participate effectively and to proceed on the basis of evidence, identifiable safeguards and clear legal procedure.

12.28 Final Conclusion

The direction or advice given at Wood Green Crown Court on **26 August 2026** produced a useful result.

The recommended material has materially advanced my understanding.

It has established that substantial safeguards exist.

It has also enabled the original broad safeguarding question to be reduced to a finite number of precise operational questions.

The position is therefore no longer:

“What safeguards exist?”

The position is now:

“These safeguards have been identified. These particular questions concerning their operation remain. Please identify the applicable law, procedure or jurisdiction so that I can understand the position and participate effectively.”

That is the purpose of this document.

I respectfully request that the outstanding matters be clarified before, or if that is not practicable at, the hearing listed for **16 September 2026**, with the record concerning the hearing of **26 August 2026** remaining subject to verification against the official transcript once received.

No assurance is requested as a substitute for evidence.

No conclusion of racism is asserted.

What is requested is clarity as to the safeguards, their operation, their limits and the procedures available to invoke them.

BACK MATTER

A. FINAL STATUS OF THE FORENSIC EXAMINATION

This forensic examination is complete subject to:

1. receipt and examination of the official transcript of the hearing at **Wood Green Crown Court on 26 August 2026**;
2. any correction required because the transcript differs materially from my present recollection;
3. any authoritative clarification provided by Wood Green Crown Court;
4. any further legal authority specifically identified by the Court; and
5. any material development occurring before the hearing listed for **16 September 2026**.

The document should therefore be treated as the defendant's present evidence-based safeguarding position, not as an immutable statement incapable of correction.

B. CONSOLIDATED FINDINGS

The examination produces the following consolidated findings.

B.1 Safeguards Exist

Substantial legal, procedural and judicial safeguards against racial unfairness have been identified.

Accordingly, it would be inaccurate to state that the criminal justice framework contains no relevant safeguards.

B.2 The Equal Treatment Bench Book Is Relevant

The **Equal Treatment Bench Book** contains material relevant to:

- race;
- Black people;
- racial stereotyping;
- institutional/systemic racism;
- bias;
- equal treatment;
- litigants in person;

- and effective participation.

It is therefore materially relevant to the questions raised before the Court.

B.3 The Equal Treatment Bench Book Is Not the Entire Answer

The applicable framework extends beyond the Equal Treatment Bench Book and includes legislation, procedural rules, case law, evidential safeguards, judicial powers, jury procedures and remedies.

B.4 Anti-Black Racism Is Not Outside the Existing Legal Framework

General protections concerning impartiality, bias, procedural fairness, evidence, stereotyping and jury impartiality are capable in principle of operating where the particular concern is anti-Black racism.

B.5 Institutional Racism Is Recognised as a Concept

The forensic examination identified official judicial material recognising institutional/systemic racism.

However, recognition of the concept does not by itself identify the procedural mechanism for determining whether an institutional process has materially affected an individual criminal case.

B.6 No Universal Anti-Black Racism Audit Has Been Identified

No universal procedure has been identified requiring every criminal justice decision affecting a Black defendant to undergo a separate anti-Black racism assessment before taking effect.

B.7 No Universal Institutional-Racism Audit Has Been Identified

No universal procedure has been identified requiring the Crown Court automatically to conduct an institutional-racism audit of all police, prosecution and court processes before requiring a defendant to make a legally significant decision.

B.8 Hidden Unconscious Bias Remains Difficult to Verify

The framework contains mechanisms capable of addressing evidenced bias.

No complete objective mechanism has been identified which can detect every form of hidden unconscious racial bias where there is no observable evidence of that bias.

B.9 The Original Questions Have Been Substantially Narrowed

A substantial proportion of the original safeguarding inquiry has been answered.

The remaining questions are principally operational.

They concern:

- trigger;
- procedure;
- evidential threshold;
- timing;
- application;
- verification;
- reasons;
- and remedy.

B.10 Court Clarification Is Therefore Sought Only on the Remaining Matters

The Court is not being asked to repeat matters which this examination has already established.

The outstanding matters are isolated in **Section 11**.

C. CONSOLIDATED POSITION OF THE DEFENDANT

For the avoidance of doubt, my position at the conclusion of this examination is:

I acknowledge that safeguards exist.

I acknowledge that the Equal Treatment Bench Book contains material relevant to my concerns.

I acknowledge that the applicable safeguards extend beyond the Equal Treatment Bench Book.

I acknowledge that general safeguards against bias and unfairness can apply where the particular concern is anti-Black racism.

I acknowledge that disagreement with a safeguard does not mean that the safeguard does not exist.

I acknowledge that my fear does not itself constitute proof of racism.

At the same time:

I do not consider general reassurance to be a substitute for identification of the applicable safeguard where a specific operational question remains unanswered.

I therefore seek clarification only of those matters which remain unresolved after the forensic examination.

D. NO ALLEGATION / NO PREDETERMINED CONCLUSION

For the avoidance of doubt:

No allegation is made merely by this document.

No accusation is made merely by this document.

No assumption is made merely by this document.

No unsupported assertion is made merely by this document.

No predetermined conclusion of racism is advanced merely by this document.

In particular, this document should not be construed as alleging that the judge who dealt with the hearing on **26 August 2026**, any other judge, juror, prosecutor, police officer, court employee or other identifiable individual has acted through anti-Black racism or institutional racism merely because the safeguarding questions have been raised.

Where a factual allegation is ever required to be determined, it should be determined upon evidence.

E. RESERVATION CONCERNING THE TRANSCRIPT OF 26 AUGUST 2026

The official transcript of the hearing at Wood Green Crown Court on **26 August 2026** has been requested.

At the date of preparation of this document, that transcript is awaited.

Any description in this document of:

- what the judge said;
- what the judge advised;
- what the judge recommended;
- what the judge assured me;
- what impression I received;
- or the precise sequence of the oral exchanges

must therefore be read subject to verification against the official transcript.

Where the transcript establishes the precise words spoken, the transcript should take precedence over recollection.

I expressly reserve the right to:

- correct;
- amend;
- supplement;
- withdraw;
- or clarify

any recollection-based statement where the official transcript demonstrates that correction is required.

This reservation is intended to preserve evidential accuracy.

F. REQUEST FOR PRESERVATION ON THE COURT FILE

I respectfully request that:

1. this document be retained on the court file;
2. the document be available to the judge dealing with the proceedings;
3. the fact that the transcript of 26 August 2026 has been requested be noted;
4. any subsequent transcript be considered alongside this document where relevant;
5. any written response or ruling concerning the outstanding safeguarding questions also be retained on the court file; and
6. the documentary sequence be preserved so that the development of the safeguarding inquiry can subsequently be established accurately if necessary.

G. REQUEST FOR CORRECTION

This document represents my understanding as a self-represented defendant following examination of the material recommended by the Court and the wider framework identified during that examination.

I do not ask the Court to accept an incorrect proposition merely because I have written it.

If any material proposition of law, procedure or jurisdiction contained in this document is incorrect, I respectfully request that it be corrected by reference, where practicable, to:

- the applicable legislation;
- rule;
- Practice Direction;
- authority;
- judicial guidance;
- or other authoritative source.

The purpose is to obtain an accurate understanding of the legal position.

H. REQUEST WHERE THE CROWN COURT HAS NO JURISDICTION

If any outstanding question identified in this document falls outside the jurisdiction or proper function of Wood Green Crown Court, I respectfully request that this be stated clearly.

Where there is an identifiable alternative procedural route, I respectfully request identification of that route.

I do not ask the Court to exercise a jurisdiction which it does not possess.

I. REQUEST WHERE A SEPARATE APPLICATION IS REQUIRED

If any issue identified in this document requires a separate formal application rather than determination through general correspondence or case management, I respectfully request identification of:

1. the nature of the required application;
2. the applicable procedural rule;
3. any prescribed form;
4. the evidence required;
5. the person or body upon whom it must be served; and
6. the stage by which it should be made.

This request is made because I am acting as a **Litigant in Person**.

J. DOCUMENTS AND AUTHORITIES REFERRED TO

The forensic examination refers, as applicable, to material including:

- the **Equal Treatment Bench Book**;
- the **European Convention on Human Rights, Article 6**;
- the **Human Rights Act 1998**;
- the **Police and Criminal Evidence Act 1984**;
- the **Criminal Procedure and Investigations Act 1996**;
- the applicable **Criminal Procedure Rules**;
- applicable **Criminal Practice Directions**;
- the **Crown Court Compendium**;
- legislation and procedure concerning juries;
- relevant authorities concerning actual and apparent bias;
- relevant authorities concerning abuse of process;
- relevant disclosure principles;
- and other official judicial or governmental material identified within the substantive sections.

This list identifies the principal classes of material considered.

It is not intended to represent that every authority has equal legal status.

K. STATUS OF AUTHORITIES

For clarity, the sources relied upon must be distinguished according to their legal status.

Binding or potentially binding sources

These include, according to context:

- primary legislation;
- applicable procedural rules;
- binding appellate authority;
- and Convention rights given effect in domestic law.

Judicial guidance

This includes material such as:

- the Equal Treatment Bench Book;
- the Crown Court Compendium;
- and applicable judicial guidance.

Such material may be highly relevant without necessarily having the same legal status as primary legislation or binding case law.

This distinction has been maintained throughout the forensic examination.

L. DOCUMENT CONTROL

Document title:

FORENSIC EXAMINATION OF SAFEGUARDS AGAINST ANTI-BLACK RACISM AND INSTITUTIONAL RACISM IN CRIMINAL JUSTICE DECISION-MAKING

Court:

Wood Green Crown Court
The Crown Court at Wood Green
Woodall House
Lordship Lane
Wood Green
London N22 5LF
United Kingdom

Defendant:

Derrick Emmanuel Lynch, also known as John Canoe

Status:

Safeguarding / Clarification / Effective Participation

Relevant hearing:

26 August 2026

Next hearing:

16 September 2026

Transcript:

Requested — awaited at date of preparation.

Version:

Version 1.0

Date of document:

M. STATEMENT OF PURPOSE

I confirm that this document has been prepared for the purpose of recording and clarifying my safeguarding position and assisting my effective participation in the criminal proceedings.

The document is intended to:

- identify what has been established;
- identify what remains unresolved;
- prevent repetition;
- prevent misunderstanding;
- permit correction;
- obtain procedural clarity;
- and create an accurate documentary record.

It is not intended to manufacture allegations where evidence does not support them.

N. FINAL REQUEST

I respectfully request that Wood Green Crown Court consider the document as a whole, with particular attention to the finite outstanding questions contained in **Section 11** and the requested actions contained in **Section 12**.

Where an answer is already established, I do not seek repetition.

Where my analysis is wrong, I seek correction.

Where a safeguard exists, I seek its identification.

Where a procedure exists, I seek to know how to use it.

Where an evidential threshold applies, I seek to know what it is.

Where the Crown Court has no jurisdiction, I seek clarity as to that limitation.

Where no safeguard corresponding to a particular question exists, I seek a clear statement of that position rather than reassurance.

The objective is to permit the proceedings to continue on the clearest possible evidential and procedural basis.

O. SIGNATURE AND CERTIFICATION

I certify that this document records my present position following my examination of the material described within it.

Where I refer to the oral proceedings of **26 August 2026**, those references remain subject to verification against the official transcript.

I reserve the right to correct the document where primary evidence or authoritative legal clarification establishes that correction is required.

I respectfully request that the document be placed on the court file and considered for the purposes of safeguarding, clarification and effective participation.

SIGNED:

A handwritten signature in black ink, appearing to be 'Derrick Emmanuel Lynch', with a large circular flourish at the start and a long diagonal stroke extending to the right.

DERRICK EMMANUEL LYNCH

also known as **JOHN CANOE**

Defendant / Litigant in Person

DATED: 26 August 2026

For filing at:

Wood Green Crown Court

The Crown Court at Wood Green

Woodall House

Lordship Lane

Wood Green

London N22 5LF

United Kingdom

