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Update for "Justice for Kieron Hoddinott A1507EC HMP The Verne

"Adding Insult to Injury!" Kieron has recently learned from C.C.R.C. that vital evidence to prove perjury by the complainant and her "witness" has been destroyed along with other evidence from his case file by Kent Police. On 6th December 2021, C.C.R.C. requested that Kent Police preserve all evidence from said case file in preparation for appeal. However, on 7th November 2022, C.C.R.C., having requested copies of the discs, which contain data downloaded from the complainant's mobile device, were informed that the original discs plus other evidence from Kieron's case file had been erroneously destroyed in June 2022. There has not been adherence by Kent Police to C.P.I.A. 1996 Code of Practice, and obviously, their actions mean that the destruction of fresh evidence denies Kieron another chance of appeal.

Kieron Hoddinott, was convicted on 17th October 2017 and received a 15 year sentence for allegedly raping and seriously sexually assaulting his estranged partner, who is the mother of his younger daughter. 1) The complainant made her 1st allegation of sexual abuse after she and Kieron had a heated discussion about his rights to have contact with their daughter. 2) Her best friend, at that time a paralegal for South East Rape and Serious Sexual Offences division of the Crown Prosecution Service (CPS), persuaded her to contact Kent Police to make the allegation. 3) Several days later, after consultation with her friend, the complainant made more allegations to Kent Police. 4) No tangible evidence to determine Kieron Hoddinott's innocence was sought by Kent Police. 5) Text message conversations between Kieron and the complainant were provided to CPS by the Officer in Charge, Jonathan Pearce.(Now ex-officer Jonathan Pearce) However, vital messages to show that Kieron wanted formal visiting rights to his daughter and, also, that the complainant ridiculed his salary as insufficient for her needs were not exhibited.

6) The whereabouts of the download of the complainant's mobile 'phone has not been ascertained. This download would provide vital information about the true character of the complainant and her conversations about removing Kieron from her life 7) Kent Police have stated that MG6D file (Non-Sensitive Material) was not used in the investigation of Kieron's case. Officer in Charge testified that all data on handsets and SIM cards of devices from complainant and defendant was available to Kent Police. Respondent's Notice by CPS. states that the missing download is listed on MG6C file (unused material) but, although there is evidence of a submission form , albeit with an incorrect reference number, there is no listing of the 'phone download. Key Exhibits list records text messages from suspect's 'phone plus some unattributable screenshots from the complainant's old device, which she emailed to Officer in Charge of the case. CPS. have stated that the download of the complainant's 'phone is sensitive material and not to be disclosed to the Defence Team. The necessity for proof of the existence of this download went unanswered during the Appeal process with a response that Kieron's 'phone appeared to have been downloaded in the conventional sense.

8) The witness statements (MG11)of the complainant and her witness differ as do their testimonies and this was dismissed as inconsequential during the Appeal process .

9) During trial, the jury was sent out by the Trial Judge Martin Joy, on more than one occasion because the prosecution "witness" kept adducing inadmissible evidence. However, the jury was not disharged and a retrial odered.

10) The complainant , during a break in her cross- examination, emailed the Officer in Charge and, having looked at her 'phone data, provided a date for one of her allegations. Prosecution Counsel asked the Jury to add this date to their notes. Post conviction, Kieron provided an alibi from his employers. Subsequently, CPS. stated that this was possibly not the date provided by the complainant during trial. The response in refusing leave to appeal, was that the complainant was at liberty to change the date if a mistake had been made at Court.

11) With reference to the date, which was provided by the complainant during trial, Prosecution Counsel advised Trial Judge that Kieron has been cross-examined on evidence)that was not in the Digital Case System (DCS. and that this could lead to "other issues".

12) In October 2020 the Officer in Charge of Kieron's case was dismissed for gross misconduct of a sexual nature with a vulnerable witness in another case and for not recording the investigation. (Report of his immediate dismissal from Kent Police, https://rb.gy/pqxnea) Upon learning this news , Kieron's former partner and mother of his older daughter revealed that ex-officer Pearce had contacted her via telephone to take a character witness statement about Kieron. He then attempted to make contact with her on Facebook but deleted his messages when she did not respond to him. This telephone call was 8 months after Kieron had been charged with the offences, although Kieron had put her name forward as a person to be contacted during his second police interview. Ex-officer Pearce transcribed her statement in his handwriting on a scrap of paper and e-mailed her to say that he had submitted it to CPS. Defence solicitors have confirmed that this character witness statement was not included in served material nor unused material. In indictable only cases, cases which are likely to be deemed not suitable for summary trial and cases in which the defendant elects trial in the Crown Court, the Non-Sensitive Schedule (MG6C) must be completed along with the MG6D.

Attemps to appeal conviction: Data for points of appeal were composed mainly by Kieron's twin brother, after discussions with Kieron. Letter requesting leave to appeal sent 06/11/17, refused. Further effort to CoA 09/08/19 Single Judge Mr. Justice Edis refused to grant leave to appeal. At this point in appeal process, a barister, was paid a substantial amount by Kieron's family to review the case and to write a perfective letter to Full Court. However, the barister decided after a lengthy interval that there were no grounds for appeal and that he would not write the letter but that he would still keep the fee! A letter was hurriedly composed by the family and sent 25/01/20. 11/02/20 Decision received from Full Court hearing. Mr. Justice Chamberlain refused to grant leave to appeal, Justice Edis also sat in on the appeal

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Question for Ministry of Justice - Prisoners: Deaths

Steve Reed MP: To ask the Secretary of State for Justice, what estimate he has made of how many Prevention of Future Death reports his Department has received from coroners relating to deaths in prison in the last three years; and what assessment he has made of the adequacy of the (a) collation, (b) review and (c) implementation of the recommendations of those reports.

Damian Hinds MoJ, respnded: Prevention of Future Death (PFD) reports are published on the Courts and Tribunals Judiciary. The low number of PFD reports received in 2020/21 is due to the lower number of inquests held due to the Covid-19 pandemic, resulting in a higher number of reports received when restrictions were lifted in 2021/22. All PFD reports arising from inquests into deaths in public sector prisons are handled by a central casework team which works with senior staff at the prison at which the death occurred, and where relevant those responsible for policy

within HMPPS and/or MoJ, to draft a response. The response is agreed by the governor and is signed off by the Director General of Operations who responds to the coroner in each case.

The response explains the action that has been taken to address the matter of concern identified by the coroner and/or describes measures that are being introduced to provide assurance that such action has been effective and that consistent compliance with policy is being achieved. Depending on the nature of the concern this may include actions such as issuing reminders and/or providing refresher training to staff and/or the introduction of additional management checks with a follow-up process to address any identified non-compliance. PFD reports are an important part of our broader system for learning from deaths, which also includes internal early learning reviews and independent investigations by the Prisons and Probation Ombudsman, and we study all these sources carefully to identify themes to inform improved guidance, regular learning bulletins and the development of our prison safety programme more generally.

William Holden Waterbaorded/Tortured by the British Army

Legal action by Mr Holden against the Ministry Of Defence and Chief Constable of the Police Service of Northern Ireland. In respect of Mr Holden's claim for damages for personal injuries, loss and damage sustained by him arising out of the ill-treatment of himself during his unlawful detention at Black Mountain Army Base, including waterboarding, hooding and threats to kill, malicious prosecution and misfeasance in public office, I make the following awards:

(a) Waterboarding, hooding and threat to kill £50,000×00
(b) Psychological injury (compensation already received)
(c) Unlawful Detention (compensation already received)
(d) Malicious Prosecution £10,000×00
(e) Misfeasance in Public Office £10,000.00
(f) Aggravated damages £30,000.00
(g) Special Loss £250,000.00

William Holden, spent 17 years in prison after his wrongful conviction for the killing of a British Army private. Mr Holden was arrested approximately a month after the killing of Private Frank Bell, who died on September 20 1972, three days after he was shot by a sniper while on patrol in Ballymurphy. "He spent the next 17 years in Long Kesh. A lot of people would find this quite daunting but he spoke of this part of his life with great fondness, loved the sense of camaraderie, togetherness, empathy, the sharing of a common cause," Fr Downey said.

Settlement Achieved in Road Traffic Stop Handcuffing Case

The City of London Police have paid £7,500 in damages for assault to our client SA. SA, who is of Iranian heritage, was driving through the City of London in early 2020 when he was stopped under the Road Traffic Act. Despite SA being compliant with the stop, he was handcuffed within two minutes of stopping his vehicle. He remained in handcuffs at the roadside for almost 20 minutes while officers inspected his vehicle. During this time he was also threatened with PAVA spray.

In response to SA's formal complaint, a police Use of Force expert described the use of handcuffs as 'premature' and noted that there was 'little communication by the officers' before they were used. This incident reflects ongoing concerns around the routine use of handcuffs by the police, as highlighted by the IOPC in their National Stop and Search learning report of April 2022 (available here). Statistics published by City of London Police for the relevant period (available here) show that handcuffs were the first 'tactic' used by officers in 24% of incidents.

Police: Retention of Evidence

Section 22 of the Police and Criminal Evidence Act (PACE) 1984 requires that, once seized, property be retained only for so long as is necessary. Specifically, items may only be retained for use as evidence at a trial, for forensic examination or for investigation in connection with an offence or to establish the rightful owner of the property. It is the responsibility of the officer in charge of the investigation to ensure that property is returned as soon as practicable. PACE Code of Practice C covers the seizure and retention of evidence found by police officers on persons or premises. We of course expect the police to comply with all relevant legislative requirements.

Dominic Raab Could Face Legal Action for Contempt of Court

Haroon Siddique, Guardian: Minister for Justice Dominic Raab could ace proceedings for contempt of court after high court judges ruled that he acted unlawfully by stopping prison and probation staff in England and Wales from recommending whether a prisoner was fit for release or transfer to open conditions. The justice secretary made the change to the Parole Board rules last year, claiming they would ensure there would be one "overarching" Ministry of Justice (MoJ) recommendation and avoid conflicting views.

However, the amendment, which was criticised by unions, was successfully challenged at the high court by two prisoners, Adrian Bailey and Perry Morris, with Lady Justice Macur and Mr Justice Chamberlain finding that it was unlawful. The two judges also said refusing to answer a question posed by the Parole Board as to whether a prisoner was suitable for release or transfer to open conditions could amount to contempt of court. They further raised the prospect that Raab could be guilty of contempt of court if he was deemed to have instructed witnesses not to answer.

In a written judgment, published just before the Easter weekend, Macur and Chamberlain wrote: "We concluded in our first judgment that guidance issued under the authority of the secretary of state instructed HMPPS [His Majesty's Prison and Probation Service] witnesses to refuse to comply with the board's directions and to refuse to answer its oral questions in circumstances where the refusal could amount to a breach of the witness's legal obligation.

"The consequence of the conclusions we have reached in this judgment is that a refusal to answer an oral question could also amount to a contempt of court, provided that the question was relevant and necessary, the witness had a view to give, and the witness could not assert a legally recognised privilege against answering … If such a contempt were committed, the person giving the instruction not to comply or not to answer could also be guilty of contempt of court."

The judges said they did not currently have evidence as to who drafted the offending guidance, the process involved or whether it was approved by Raab. They wrote: "The fact that the contempt may have been committed by ministers or officials does not attenuate the obligation [to investigate it] … In our view, the secretary of state should be given a further opportunity to file further evidence on these matters. We shall decide … in the light of any such evidence, whether we should initiate contempt proceedings against any person or persons and/or give further directions as necessary." They noted that the court "is not required to initiate proceedings for contempt where a formal explanation of the breach, supported by witness statements, has been given and where it concludes that the breach was not intentional and that measures have been put in place to avoid any recurrence".

Morgan and Others - Judgment from the UK Supreme Court

Judgment has been given on 19th April 2023, by the Supreme Court of the United Kingdom in the following case: Morgan and others (Respondents) v Ministry of Justice (Appellant) (Northern Ireland) [2023] UKSC 14. The Respondents plead guilty to terrorism offences. On 13 November 2020, Colton J sentenced the Respondents to custodial terms of imprisonment. All sentences were to be served half in custody and half on licence. On 29 April 2021, the Counter Terrorism and Sentencing Act 2021 (the "2021 Act") received Royal Assent. Section 30 of the 2021 Act introduced Article 20A ('Article 20A') into the Criminal Justice (Northern Ireland) Order 2008 (the "2008 Order"). Article 20A provided that no prisoner convicted of certain terrorism offences shall be released on licence unless they have served two-thirds of their sentence in custody. The effect of Article 20A was that the Respondents must serve two-thirds of their sentences in custody and one-third on licence, rather than half in custody and half on licence. However, the end date of the Respondents' determinate custodial sentences was unaltered.

The Respondents appealed to the Court of Appeal. They submitted that Section 30 of the 2021 Act was incompatible with Articles 5, 6, and/or 7 of the ECHR. They sought an order that the terms of their original sentences be restored. The Court of Appeal granted a declaration of incompatibility to the effect that Section 30 of the 2021 Act is incompatible with Article 7 of the ECHR. The Court of Appeal found that Article 6 of the ECHR was not engaged and did not make a determination regarding Article 5 of the ECHR. The Appellant was granted permission to appeal the declaration of incompatibility with Article 7 of the ECHR and the Respondents were given permission to cross-appeal in relation to compatibility with Article 5 of the ECHR only.

The issue is: Whether Section 30 of the Counter Terrorism and Sentencing Act 2021 is incompatible with Articles 5 and/or 7 of the European Convention on Human Rights (the 'ECHR'). If so, what (if any) remedy is appropriate.

The Supreme Court allows the appellant's appeal in respect of Article 7 of the ECHR and sets aside the declaration of incompatibility made by the Court of Appeal. The respondents' cross appeal on Article 5 of the ECHR is dismissed.

Background to the Appeal: The respondents were convicted of terrorism offences. On 13 November 2020, they were sentenced to determinate custodial sentences by Colton J. In accordance with the Criminal Justice (Northern Ireland) Order 2008 (the '2008 Order'), the judge specified a "custodial period" of half of the term of their sentences which gave rise to an obligation on the part of the Department of Justice to release the respondents on licence (e.g. living in the community while complying with set rules) when they had served half their sentences.

On 29 April 2021, the Counter Terrorism and Sentencing Act 2021 (the '2021 Act') received Royal Assent. Section 30 of the 2021 Act introduced Article 20A ('Article 20A') into the 2008 Order. Article 20A provided that prisoners convicted of certain terrorist offences would not be released from custody at the halfway point, but rather their cases would be referred at the two-thirds point to the Parole Commission which would not direct their release on licence unless satisfied that it was no longer necessary for the protection of the public that they should be confined. The end date of the respondents' determinate custodial sentences was unaltered.

The respondents challenged section 30 of the 2021 Act, which inserted Article

20A. On appeal to the Court of Appeal and insofar as relevant, they argued that: • The changes effected by Article 20A breached Article 5(1) of the European Convention on Human Rights (the 'ECHR') as the change to their sentences was not foreseeable • The changes effected by Article 20A breached Article 7(1) of the ECHR as it retrospectively changed the penalty for the offences committed.

The Court of Appeal declared that section 30 of the 2021 Act, inserting Article 20A, was incompatible with Article 7(1) of the ECHR. Given that decision, it made no determination about Article 5 of the ECHR. The Court of Appeal considered that the changes to the respondents' sentences caused by Article 20A were a redefinition or modification of the scope of the penalty imposed applied retrospectively in breach of Article 7 of the ECHR.

The appellant appealed the declaration of incompatibility with Article 7(1) of the ECHR, and the respondents were given permission to cross-appeal in relation to Article 5 of the ECHR. The issues for the Supreme Court were therefore the compatibility of section 30 of the 2021 Act, inserting Article 20A, with Articles 5 and 7 of the ECHR.

Judgment: The Supreme Court allows the appellant's appeal in respect of Article 7 of the ECHR and sets aside the declaration of incompatibility made by the Court of Appeal. The respondents' cross appeal on Article 5 of the ECHR is dismissed. The Supreme Court finds unanimously that section 30 of the 2021 Act, inserting Article 20A, is compatible with Article 7 and Article 5 of the ECHR. Lord Stephens gives the lead judgment with which all the other justices agree.

Reasons for the Judgment: Article 7 of the ECHR distinguishes between redefinition or modification of a penalty (which is not permitted retrospectively) and changes to the manner of execution or enforcement of a penalty (which is permitted retrospectively under Article 7 of the ECHR). The key question was whether the changes effected by Article 20A redefined or modified the scope of the penalty, or whether they changed the manner of execution or enforcement of the penalty [105].

The Supreme Court found that section 30 of the 2021 Act, inserting Article 20A, changed the manner of execution or enforcement of the penalty and therefore did not breach Article 7 of the ECHR. Its reasons were: • The penalty was the determinate custodial sentence imposed [107]. • Specifying the custodial period did not change the penalty imposed [112]. • Judicial involvement does not mean that a measure is no longer a change to the manner of execution or enforcement of a penalty [110]. • There has been no retroactive increase in the penalties imposed on the respondents. The changes effected by Article 20A concern only the way in which lawfully prescribed determinate custodial sentences are to be executed [116].

Article 5 of the ECHR, insofar as relevant, ensures that no one shall be deprived of their liberty except in accordance with a procedure prescribed by law. The law authorising the detention must have a legal basis and must comply with the 'quality of law requirements', namely that the law authorising deprivation of liberty must be sufficiently accessible, precise, and foreseeable in its application [122].

The quality of law requirements in Article 5 of the ECHR apply to detention, with the effect that a measure which relates to the execution of a penalty (and therefore does not come within Article 7 of the ECHR) may authorise the deprivation of liberty (and therefore come within Article 5 of the ECHR and be required to meet the quality of law requirements in Article 5 of the ECHR) [121].

The Supreme Court therefore considered whether the changes effected by Article 20A complied with the quality of law requirements in Article 5 of the ECHR [123]. The Court concluded that the changes were compliant with Article 5 of the ECHR because: • The lawfulness of the respondents' detention was decided for the duration of the whole sentence, by the determinate custodial sentences imposed [125]. • The respondents' expectation that they would be released on licence does not affect the lawfulness of that detention [126] • It is entirely foreseeable that the manner of the execution of the sentence might be changed by policy or legislation [127].

HMP Whitemoor: Dirtiest Jail Ever Seen by a Prison Inspector

HMP Whitemoor is a category A prison that is part of the long-term, high-secure estate. At the time of our inspection, it held 315 men of whom 40% were category A and eight were high-risk category A. When we last inspected the prison in 2017, it was running well and was awarded scores of reasonably good in each of our healthy prison tests. It was very disappointing on this inspection to find it had declined in three out of our four tests. Staffing shortfalls were certainly a factor in this decline, but levels remained much higher than in most prisons. Despite being told multiple times that officers were too busy to attend to prisoners, we often came across them congregating in wing offices or standing in pairs on the wings talking to each other. The example we give in this report of staff not bothering to answer an emergency cell bell because it 'wasn't their job' showed a lack of imagination from leaders in coping with staff shortages that was illustrative of the problems at this jail.

Neither staff nor prisoners could explain the daily regime to inspectors, so there was no clarity on what was supposed to be happening. It was very complicated and inflexible, and prisoners complained about frequent cancellation of activities. The situation was similar for those on the psychologically informed planned environment (PIPE) unit, where one prisoner told me it was often no different to living on a mainstream unit. The provision of education was very poor, sessions were frequently cancelled and there were not enough spaces for English and maths despite the high levels of need in the jail. Many prisoners were desperate to learn but too often were left with photocopied 'learning' packs delivered to their cells.

The work of the offender management unit (OMU) was curtailed because of the frequent cross deployment of prison offender manager (POMs). The prison was delivering a significantly reduced number of accredited programmes, leaving prisoners feeling stuck in their sentences and unable to demonstrate the behaviour they needed to progress.

There is no better sign of decline in a prison than a lack of cleanliness and at Whitemoor the wings were the dirtiest I have seen since I became Chief Inspector. Floors, walls, serveries and prisoners' kitchens were filthy, there was rubbish lying around and bins were overflowing. The rigidity of the regime meant that cleaners were unlocked for as little as an hour a day, which evidently did not give them enough time to do their job. Prisoners said cleaning materials such as mop heads were, for some inexplicable reason, in short supply. When I walked round the jail, they frequently complained to me about the dirt, a contrast to their cells which most men kept in immaculate condition.

One of the bright spots in the prison was the Fen unit, which held up to 70 prisoners with personality disorders and provided a much more reliable, therapy-based regime. Here staff were actively engaged in supporting a vulnerable and potentially risky group of prisoners in an environment that was calm and relaxed. The Bridge unit, when the regime was not curtailed, also provided help for prisoners who had previously been segregated to get back onto the main wings. The segregation unit showed some improvement with a well-motivated staff group working well with some challenging prisoners, but we were concerned to see that prisoners were also being segregated on the inpatient unit, without the usual statutory safeguards in place such as visits from the duty governor, chaplain, and Independent Monitoring Board. Leaders at Whitemoor rightly prioritised the security and keeping staff and prisoners safe, but the focus was on procedure – searching, controlled unlocks, maintaining the perimeter and providing support to some particularly risky individuals. They had failed to pay sufficient attention to the other things that motivate prisoners to behave, such as a predictable regime, cleanliness, access to work and education, and sentence progression. Many prisoners were angry and frustrated with the lack of opportunity to move on with their sentences, and this added to the level of risk in the prison. There was work in progress to recruit more staff, both locally and nationally, but in the meantime the governor needs to consider how she can maintain a decent regime with the staff she has. Although there were some prisoners who posed the most serious risk to safety, half the prison was made up of category B men who could potentially be in prisons that are able to operate with far lower officer to prisoner ratios. Our roll checks found 59% of prisoners locked in their cells which was simply not acceptable in a jail where many men will be spending a substantial proportion of their lives.

There is much to be done to improve things at Whitemoor after this disappointing inspection, but there were some excellent staff and managers at the prison. Leaders will benefit from visiting other jails and understanding how they are able to cope with staff shortages. There must be a determination to provide a much better regime and access to activities that give these prisoners a sense of meaning and hope as they serve their long sentences.

What needs to improve at HMP Whitemoor: During this inspection we identified 12 key concerns, of which five should be treated as priorities. Priority concerns are those that are most important to improving outcomes for prisoners. They require immediate attention by leaders and managers. Leaders should make sure that all concerns identified here are addressed and that progress is tracked through a plan which sets out how and when the concerns will be resolved. The plan should be provided to HMI Prisons: Priority concerns

1. Limited interventions and a lack of purposeful activity made it difficult for prisoners to demonstrate a reduction in risk, and too few were able to progress in their sentence.

2. Much reduced time out of cell contributed to dirty conditions and limited prisoner access to health care, key work and offender management.

3. Leaders and managers had not established a predictable regime in which all prisoners consistently attended their allocated activity. Too often sessions were cancelled at short notice.

4. The curriculum did not meet the needs of all the prison population, particularly for vocational training.

5. Poor medicine administration had become established practice, despite contravening professional standards and being raised at previous inspections.

6.Staff were too passive in their contact with prisoners. Staff adhered rigidly to allocated duties and some congregated with each other rather than interacting with prisoners.

7. Leaders did not set and maintain sufficiently high standards on residential units and communal areas were dirty.

8. Prisoners were served small portions of food, some of which was unpalatable. Not all prisoners could afford to buy extra food from the canteen to supplement this.

9. Work to improve and promote equality was not given sufficient priority.

10. Leaders and managers had not made sure that all prisoners received effective careers information, advice and guidance at induction to allow them to make informed plans about their future.

11. Not all prisoners with learning difficulties and/or disabilities needs received the required help to remove barriers to their future development.

12. Contact between prison offender managers and prisoners was too limited to provide effective offender management.

Surrey and Sussex Police Unlawfully Recorded 200,000 Phone Calls

Joyce Claudia Choo, Justice Gap: The Information Commissioner's Office recently reprimanded two police forces after officers were caught with recording more than 200,000 phone conversations using an app that was originally meant for hostage negotiators. These automatic recordings, which were made over the span of several years, included 'highly sensitive' conversations with various victims, witnesses, and perpetrators of suspected crimes, the Information Commissioner's Office (ICO) reports. The app itself, which is called 'Another Call Recorder' (ARC) records all incoming and outgoing calls and was originally used at a small number of police branches in Surrey and Sussex forces. But concerningly, it was found that it was downloading to the work phones of more than 1,000 staff members, recording conversations that would be considered evidential material, per the ICO.

The Watchdog opted out of issuing a punishment, despite having considered issuing a fine of up to £1 million but instead issued a reprimand in order to reduce the impact on public services. The forces, in a joint statement, mentioned that the app was made available for use back in 2017 by a small number of specialist hostage negotiators to supporting kidnapping and crisis negotiations, with the aim of maximizing public safety. On this, they commented that "there was no means at that time of restricting use of the app, and, unintentionally, it was enabled for all staff to download without appropriate guidance in place. When enabled, the app records and stores all phone calls made in the mobile divide."

An internal audit confirmed that the app was used on 432 phones which also held audio files. This, in conjunction with the findings which also found that 1,024 officers and staff had downloaded the app, makes the breach of privacy significant. Three users had recordings related to active criminal cases, but it was concluded that only one of these cases could have had a potential impact if the case progressed to trial. Stephen Bonner, ICO deputy commissioner, wrote: "People have the right to expect that when they speak to a police officer, the information they disclose is handled responsibility."The ICO recommends that both forces take immediate action to ensure that they comply with wider data protection laws, by taking measures such as considering data protection at the start of any deployment of new apps and issuing data protection guidance to staff.

Reform Criminal Records Disclosure - FairChecks

Nobody should be trapped in the past because of mistakes made long ago. We urgently need to reform criminal record checks so that people who have already served their sentence can move on. "The FairChecks campaign is asking for three small changes to make the criminal record clearing system fairer. Over the last few months, with the support of the Responsible Business Initiative for Justice, FairChecks has reached out to businesses to discuss the need to reform the criminal record disclosure system. Over 12 million people in the UK have a criminal record, and many still have to disclose their convictions decades later when applying for work. In some cases, the offences are very old or minor, and they often have no bearing on the applicant's ability to complete the job at hand. Yet many struggle to find work because of these records.

To needlessly write off such an enormous talent pool is nonsensical, especially as employers around the UK struggle to fill more than one million vacant positions. Businesses want to give hard-working individuals the chance to meaningfully contribute to our economy, and supporting a labour pool that's keen to get to work makes good business sense.

As the government worries about economic inactivity, there's no better time to remove barriers and support people who are keen to find work into employment. But for this to happen, the law needs to change so that applicants no longer have to reveal irrelevant, old and minor incidents during the hiring process and face stigma and discrimination for years or even decades.

US Inmate Died in Insect-Infested 'Death Chamber

Brandon Drenon, BBC News: An inmate in the US state of Georgia who was found dead covered in insects had been placed in "a death chamber" not a jail cell, say family members. Lawyers for Lashawn Thompson's relatives are now calling for an independent post-mortem examination. He was discovered unresponsive on 13 September 2022 in a psychiatric wing of the jail in Atlanta. He had been "eaten alive" by bed bugs, say relatives. A medical examiner listed the 35-year-old's cause of death as undetermined. Three of Fulton County Jail's staff have resigned amid an ongoing internal investigation. Mr Thompson, who had schizophrenia, was arrested on 12 June 2022 for a misdemeanour simple battery charge and placed into the psychiatric wing of the Fulton County Jail. Civil rights and personal injury lawyer Ben Crump, who is representing the family, told a news conference outside the jail on Thursday that the legal team would seek an independent autopsy. Former NFL athlete Colin Kaepernick has agreed to pay for it, Mr Crump said.

Mr Crump held up an enlarged post-mortem photo of Mr Thompson with his eyes open, eyelids surrounded by bugs. Brad McCrae, Mr Thompson's younger brother, told the news conference that images of his body covered in insects were "horrific" and the cell "looks like a death chamber". Another family attorney, Michael Harper, told the media briefing: "Lashawn Thompson died with his eyes open. It is documented in the medical records... they saw him declining and did nothing." Mr Crump said Mr Thompson had over 1,000 bites and that insects were found in his mouth, ears, nose and across his body. The lawyers are calling for a criminal investigation and indicated a lawsuit was pending. Fulton County Sheriff Patrick Labat, who also spoke at the press conference alongside the Thompson family and attorneys, said: "We understand that this is absolutely unconscionable, point blank." Mr Thompson's death is still being investigated by the Office of Professional Standards and Atlanta Police Department, the sheriff said. It will then be handed over to the Georgia Bureau of Investigation. The Fulton County jail is to receive close to $5.4m (£4.3m) for upgrades. It has recently spent over half a million dollars on decontamination, said the sheriff. Emergency funds will be directed towards a twice-monthly clean-up of the psychiatric wing, he added.

Oversight of Police Custody 'Inadequate to Stop Misconduct'

Lola Sainsbury, Justice Gap: 15 to 20 detainees are dying annually within police custody, a disproportionate percentage being Black. There were 56 apparent suicides alone last year following custody. Kendall argues the UK are failing to comply with the Optional Protocol to the Convention against Torture laid out by the United Nations, requiring a standard of safeguarding for detainees. The way detainees in England and Wales are being treated in police custody is inadequate regarding the deterrence of police misconduct, a conference heard. The independent custody visitors scheme supposedly enabled members of the community to monitor the wellbeing and treatment of detainees. Yet Dr John Kendall, external associate at Birmingham University's centre for crime, justice and policing, deemed the scheme inadequate in a presentation to the British Sociological Association as reported in The Guardian.

He claims: 'my research found that visitors are not independent and the scheme is designed to cause the least trouble to the police. Meetings between detainees and visitors were brief and detainees disclosed that they did not trust the visitors, Under the code of practise there was always a member of the custody staff stood at the door, monitoring the meetings.' After consulting with visitors, custody staff and lawyers, additional to his observations of the diverse urban police force located in England, he found visitors failed to challenge police if access to specific detainees was denied. Other issues included visitors not reporting back to detainees when asked to

enquire on their behalf, as well as the visitors assuming detainees were guilty, failing to view themselves as independent. For Kendall an overarching issue was the visitors lack of independence due to schemes being run by Police and Crime Commissioners. He claimed both the Independent Custody Visiting Association (ICVA), made only of PCCs, and the Home Office refused discussion on the matter. Since the ICVA have welcomed Kendall's commitment to detainees wellbeing and have encouraged his recommendations, yet the 'the police continue to mark their own homework on how they treat detainees in their custody.' Kendall further suggested that the 'community should be given statutory powers to regulate and deter police conduct from causing potential harm and death to detainees.'

'Prisons are There to Protect, Not Punish'

InsideTime: The most important purpose of prisons is to protect the public from harm, according to an opinion poll commissioned by MPs. The survey found that public protection is regarded as more crucial than punishment, deterrence, securing justice for victims or the rehabilitation of offenders. The all-party Justice Select Committee paid for a survey of 2,057 adults across England and Wales as part of its inquiry into public opinion and understanding of sentencing. Members of the public were asked which of seven factors was the most important when it came to the setting of sentences. Among those surveyed, 26 per cent said that "protecting the public from further harm" was their most important consideration, and 64 per cent included it among their top three. By contracts, "punishment of the offender" was regarded as most important by 20 per cent, with 52 per cent including it in their top three; and "ensuring the victim and/or their family feel they have secured justice" was seen as most important by 18 per cent, with 56 per cent including it in their top three. The other four possible factors – "deterring others from offending", "ensuring public confidence in the justice system", "rehabilitation of offenders" and "the cost of providing prison places" – were all regarded as significantly less important. Another question in the survey asked members of the public whether average sentence lengths have stayed the same, got longer or got shorter over the past 10 years. Only 21 per cent of respondents correctly stated that they have got longer, whereas 30 per cent incorrectly believed they had got shorter. 23 per cent felt they had stayed the same and 26 per cent admitted they did not know. Asked whether sentences are too lenient, too tough or about right, 71 per cent said they were too lenient. Asked whether public opinion should influence sentencing, 49 per cent said it should whereas 35 per cent said it should not. Polling was carried out online by Savanta in February and March.

The Art of Doing Bird, Singing in the Chokey

Inside Time: Music is comforting and can remind us of better times, it can lift you out of prison if only for a short while. It is essential to the human spirit, a break in the misery of bars, walls and gates, a small patch of bright colour in the greyness of prison life. Along with books, music is the great escape.

Charms: I believe it was Billy Shakespeare who said – 'music hath charms to soothe the savage breast' – and as you will know, there is no shortage of savage breasts behind the high walls of HMP. No one really expects prison to be a musical place, it is not 'Jailhouse Rock', there are no smiley-faced cons dancing on the landings and musically extolling the virtues of their incarceration. But, music does play a large part in the British prison system.

Pans delight: Back in the 1970s, when Borstal was still a thing, the one time the wing television room was packed to the rafters was Thursday evening at 7pm for that old favourite Top of the Pops. We were all young men, under the age of 21, and seeing and hearing the music of the day kind of kept us connected to the outside world. Obviously, a lot of us were in the TV room not only for the music but also for a glimpse of the gorgeous Pan's People, the scantily clad

female dance troupe who appeared on the show every week. Borstal Boys were allowed a small transistor radio in possession but it had to have an earphone so that no one but the owner could hear the music. There was even a black market in radios, they were passed from wing to wing, almost like The Resistance of the second world war with their secret radios.

Milestones: In adult prisons music also has its place. I remember getting my first Roberts Rambler radio and being lifted by having access to music in my cell. I also remember 1998, when the Sony Walkman was finally allowed into prisons and we were allowed cassette tapes. Milestones in prison life, as before this occurred we were only allowed medium-wave radios, FM radio was considered 'dangerous' and Security would not allow it. Now, our only problem was that batteries were costing a fortune and there was no in-cell electricity.

The greatest gift: The advance of in-cell electricity points then changed the landscape again. Suddenly, with no batteries to pay for, music was everywhere in prison, usually way too loud. Beatbox stereos the size of a family suitcase became de rigeur with the younger element and fights were breaking out all over the system about noise. But, despite that, music was still keeping people sane and connected to the outside world. There are even prisons that allow prisoners to have a musical instrument in their possession, and some encourage prisoners to form bands, with some success. Music is probably the greatest gift we have. I was never more happy in prison than when I was singing at the top of my voice in the chokey. Music can set you free.

Rooftop Protest at Strangeways – Again

InsideTime: A prisoner climbed onto the roof of HMP Manchester to stage a 12-hour protest – in an echo of scenes three decades ago. The unnamed man was reported to have reached the roof at around 4.30pm on April 12. In large lettering, he wrote "FREE IPPZ" – a reference to the endless Imprisonment for Public Protection sentence, on which 3,000 people are still being detained in England and Wales a decade after it was declared illegal and abolished. Crowds gathered outside the jail to watch, film him and shout support. He stayed on the roof through most of the night, putting on a bin bag as makeshift protection against the rain, before ending his protest at around 4.30am. The Prison Service said it had begun an investigation into how the man was able to reach the roof. A spokesperson said: "Staff safely resolved this incident and the prisoner will face punishment, as disorder in prisons is not tolerated." In April 1990, HMP Manchester – then known as Strangeways – was the scene of the biggest riot in UK prison history. Hundreds of prisoners seized control of sections of the jail and held out for 25 days, staging a final rooftop stand. Other prison riots around the country followed. A public inquiry into the events, headed by Lord Woolf, produced a report which was seen as the blueprint for far-reaching reforms. Describing the scene outside the prison walls last week, Manchester Evening News reporter James Holt said that some spectators turned up in slippers and dressing gowns, while some filmed what was happening to post on social media. He wrote: "In the distance, the small figure of a man, wearing a bin bag, could be seen on all fours scaling the roof of one of the buildings in the prison grounds, before waving his arms in the air and repeatedly shouting at the top of his voice. "As the rain lashed down on Wednesday evening and gusts of wind grew stronger, many watching on assumed he would give up. He could be seen visibly sodden, shivering and rubbing his hands together to try and keep warm – but remained stationed on the roof for hours more. "'Go on lad!' shouted some in a seeming call of solidarity for his protest – as others laughed and giggled, whistling with their fingers in an attempt to grab his attention. As the night fell the protestor could be seen drying his clothes on the roof using one of the shiny metal chimneys, seemingly undeterred by the plummeting temperatures and Manchester's famous drizzle."