

ity of supervision was generally good. Young adults were, however, more negative in their perceptions of safety. Some effective self-harm prevention measures were in place and incidents of self-harm were not excessive, although the prison had had to deal with the aftermath of two relatively recent self-inflicted deaths. The prison was commendably developing adult safeguarding initiatives with local authorities in a much more advanced way than we normally see. The segregation unit was a reasonable facility with a fair regime and some meaningful work undertaken around reintegration planning. Throughput, however, appeared quite high, as was the use of formal disciplinary procedures. Use of force, in contrast, seemed to be reducing and scrutiny and governance was impressive in its thoroughness. Prison was reasonably clean but standards on the wings were variable. Access to sufficient prison clothing of decent quality remained problematic. Quality of relationships between staff/prisoners was good, vast majority of prisoners felt respected by staff. Elements of the prison's work promoting diversity was inconsistent, more needed to be done in respect of all the diverse groups, starting with improved consultation arrangements. In general, however, there was good leadership in promoting diversity and progress was evident. There was supportive provision for different faiths, prisoners had confidence in complaints procedures there was some good health care provision. Quality of food was good, despite some negative prisoner perceptions. Least progress had been made in the provision of activity. It was the area where the change to the prison's population had had the most impact, and it was clear that the prison was still adjusting provision to reflect those changes. At least a quarter of the population were locked in their cells during the working day, was worst among the young adults. There was a shortfall of around 130 activity places, despite status as a training prison. Allocation to activity was poor and many courses had long waiting lists. There was insufficient vocational training, although there were advanced plans to provide more. Despite clear inadequacies, however, the quality of what was on offer was generally good. Prison's resettlement work had improved since our last inspection, strategic management and effective analysis of need was still catching up with changes in the population, there was a significant back log of OASys assessments. All prisoners had an offender management supervisor. Quality assurance of offender management work was reasonably good and the approach was properly orientated toward assessing and reducing the risk of offending. Reintegration planning was also reasonably good, as was provision across most of the resettlement pathways. This is an encouraging report. The changes imposed on the prison were quite sudden and the requirement to respond urgent. Stoke Heath has made clear progress and outcomes for prisoners were generally much better than when we last inspected. It was also pleasing to see that the recent changes had not diverted the prison from getting to grips with its problems. It is arguable that the new population profile will be easier to manage and this may bring further opportunities, but it is also the case that we inspected a prison that was now properly focused and well managed, and that had applied new systems and initiatives with energy, application and thoroughness.

**Hostages:** Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Staney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar, Jordan Towers, Peter Hakala, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

### 121 Deaths during or following police contact 2011/12

"The figures reveal a disturbing number of people who despite being clearly vulnerable or in distress have been taken into police custody rather than to a hospital or specialist mental health unit. This reflects INQUEST's ongoing concerns about the way people with mental health issues are dealt with by the police, many of which are being scrutinised currently at the inquest into the death of Sean Rigg.

"We have raised this issue time and again. Urgent questions must be asked as to why such extremely vulnerable people are ending up in police cells which are so clearly inappropriate and dangerous places for them.

"The figures also highlight a disturbing number of restraint-related deaths. The dangers of restraint techniques have been well-documented as a result of previous deaths, and it is shocking and concerning that over half of those who died in or following police custody had been restrained. The investigations and inquests into these deaths must fully scrutinise the use of force in these tragic cases.

"Whilst there was a fall in the number of deaths in or following police custody or contact with the police there was in fact a rise in these deaths the previous year so we should be wary of viewing this as a continuing trend. What is essential is that these deaths are subjected to robust and transparent investigation in order to ensure those responsible are held to account and action taken to prevent further deaths." Deborah Coles, co-director of INQUEST commenting on the report

The Independent Police Complaints Commission (IPCC)'s annual report into deaths during or following police contact has been released. It shows that the general trend of a reduction in these fatalities over the last eight years has continued. Deaths during or following police contact: Statistics for England and Wales 2011/12, shows that there were –

- 18 police road traffic fatalities · Two fatal police shootings
- 15 deaths in or following police custody · 47 other deaths following police contact
- 39 apparent suicides following release from police custody

The number of road traffic fatalities and apparent suicides following police custody are the lowest recorded since the IPCC began work in 2004. The 15 deaths occurring in or following police custody equals the lowest number recorded during that period, in 2008/09.

The two fatal shootings took place in the Greater Manchester and Metropolitan police areas. Both are the subject of independent IPCC investigations.

Of the 18 police road traffic deaths, all were male. The average age of those who died was 34 - three were under 18 and the two youngest were both 16 years old.

Of the 15 who died in or following police custody, five were taken ill or identified as being unwell at the point of arrest. Ten were taken ill or identified as being unwell at a police station or in a police vehicle.

The number of apparent suicides following release from custody fell to 39.

The report shows that in a high proportion of deaths, the person was known to have mental health or substance misuse issues.

Under the Police Reform Act (2002) forces in England and Wales must refer to the IPCC

any incident or complaint involving a death which has occurred during or following police contact and where there is an allegation or indication that the police contact – direct or indirect – contributed to the death.

Dame Anne Owers, Chair of the IPCC, said: "It is welcome that there has been a further reduction in deaths during or following police contact this year. But every death is an individual and family tragedy, and we need to continue to ensure that the circumstances of each death are robustly examined and any lessons are learnt. It must be of concern that around half of those who die in or following police custody, or who apparently take their lives afterwards, are known to have mental health problems. This reinforces the need for a coordinated response to protecting and meeting the needs of this vulnerable group."

In February 2012 Jane Furniss, Chief Executive of the IPCC, approached the National Statistician Jil Matheson to request an independent review into the collation, analysis and presentation of IPCC annual statistics on deaths during or following police contact, and a one-off study into deaths in or following police custody. This request followed public criticism of the figures produced by the IPCC.

The review carried out by the National Statistician concluded that the criticisms were unsupported. A number of recommendations were made about how future publications could be improved to increase public confidence in their use and the report details how those recommendations will be implemented.

Definitions: In this report the term 'police' includes police civilians, police officers and staff from the other organisations under IPCC jurisdiction. Deaths of police personnel or incidents that involve off-duty police personnel are not included in these categories. Road traffic fatalities include deaths of motorists, cyclists or pedestrians arising from police pursuits, police vehicles responding to emergency calls and other police traffic-related activity.

This would not include:

- Deaths following a road traffic incident (RTI) where the police have attended immediately after the event as an emergency service.

Fatal shootings include fatalities where police officers fired the fatal shot.

Deaths in or following police custody includes deaths of persons who have been arrested or have been detained under the Mental Health Act 1983 by the police. It includes deaths that occur while a person is being arrested or taken into detention. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle.

This would include:

- Deaths that occur during or following police custody where injuries that contributed to the death were sustained during the period of detention.

- Deaths that occur in or on the way to hospital (or other medical premises) following or during transfer from scene of arrest or police custody.

- Deaths that occur as a result of injuries or other medical problems that are identified or that develop while a person is in custody.

- Deaths that occur while a person is in police custody having been detained under Section 136 of the Mental Health Act 1983 or other related legislation.

Would not include:

- Suicides that occur after a person has been released from police custody.

- Deaths of individuals who have been transferred to the care of another agency and subsequently die while in their care, of injuries or illness not identified or sustained while in police custody.

- Deaths that occur where the police are called to assist medical staff to restrain individuals who are not under arrest.

prisoners. Security was proportionate and drug use was commendably low.

Despite some locally managed refurbishment, most of the prisoner accommodation remained in poor condition and had deteriorated in some areas. Cleanliness varied from hut to hut. Resources to replace huts had not been made available and it was disappointing that many of the necessary improvements we had identified during the last inspection had not been made. Staff-prisoner relationships were generally good, despite a weak personal officer scheme and incentives and earned privileges scheme that had little impact on managing prisoners' behaviour.

Diversity work had improved but there remained significant gaps in planning and implementing care for prisoners with disabilities and older prisoners. There had been an overall improvement in health care provision but prisoner access to external hospital appointments was sometimes problematic with some evidence that appointments had been cancelled unnecessarily. The environment in the health care centre had improved but it remained cramped and worn.

There were very good educational and work opportunities, with particular improvements in providing short-term prisoners with useful employment. Partnerships with community organisations and local authorities had generated impressive training opportunities. The alignment of the prisoners' day with the normal working environment provided a more realistic regime that compared better to life outside prison. The library was cramped, but provided a popular service and physical education was satisfactory, with an increase in provision of accredited courses.

Resettlement provision was generally good with positive outcomes but provision was not informed by an up-to-date needs analysis. Offender management and public protection were very good. Life-sentenced and other indeterminate-sentenced prisoners were well managed and provision across all the resettlement pathways remained reasonable. Overall this was a good inspection. The prison has made considerable progress in many important areas. Spring Hill shows clearly the benefit that positive personal relationships can have along with an integrated working day that reflects life beyond prison. We have identified some areas that still require work but we acknowledge the improvements made by the establishment.

### **Report on an unannounced full follow-up inspection of HMP/YOI Stoke Heath**

Inspection 7–16 Mar 2012 by HMCIP, report compiled May 2012. published 18th July 2012

Inspectors were concerned that:

- at least a quarter of the population were locked in their cells during the day;
- a shortfall of 130 activity places, despite the establishment's status as a training prison;
- allocation to activity was poor and many courses had long waiting lists;
- there was insufficient vocational training,
- Access to sufficient prison clothing of decent quality remained problematic

Introduction from the report: Stoke Heath, n is an institution with long-established experience of holding and managing young offenders. Over recent years it has undergone change, with the loss of its juvenile population, to be immediately replaced for the first time by adult prisoners. Prison now holds a population of young adults up to the age of 21 and category C adult prisoners. When we last visited we made a number of criticisms of a prison that was not performing well. At this inspection, and despite the disruption that inevitably follows a period of transition, we found a prison that appeared to have greater clarity of purpose, that had managed the process of change well, and that was overall much improved.

Stoke Heath was a safer prison. Prisoners felt safe on arrival, number of violent incidents had reduced. A calm atmosphere was evident around the prison. Mature profile of prisoners clearly helped, prison had also been proactive in its application of safer custody procedures and the qual-

Services (G4S) contracted by the UK Border Agency (UKBA). This press release from INQUEST

### **Victor Nealon Via CCRC to Court of Appeal**

Great news for Victor - Tuesday 17th July 2012 CCRC confirmed that they are referring Victor Nealon's case to the Court of Appeal. After being in "the decision making stage" since August 2011 they have finally acted on what has been compelling evidence of a grave miscarriage of Justice. Victor is clearly delighted with the outcome and as this is also his birthday it is indeed the best present he could have had. I have just spoken to Victor and he has asked me to first of all to convey his deepest gratitude to Mark Newby - Jordan's Solicitors for all his hard work and perseverance. Victor is now starting his 17th year detained for a crime he did not commit.

Also he has asked me to say a huge thank you to all those who have stood by him during this long and difficult time. To Nigel Edwards, Gwyn Topham, Sion Jenkins, John Hemming MP, and the many others who have worked behind the scenes - WMAI, MOJUK, INKUK and the many other Miscarriages of Justice Groups fighting for the many victims of Miscarriages of Justice. Victor states - "No matter how long it takes and no matter how many sets backs you meet believe in your case and you will prevail and thank you for your support".

Great News - a Great Day. Regards, Leo O'Toole, on behalf of Victor Nealon Campaign

### **Prison Capacity Expected to Reach 100,000 by end of Year**

As of Friday 13th July 2012, the prison population was 86,562 and the prison estate had sufficient capacity for a further three and a half thousand prisoners. Capacity continues to grow and the number of available prison places is estimated to reach 91,600 by the end of the year.

### **Report on an Unannounced Short Follow up Inspection of HMP Spring Hill**

Inspection 5/7 March 2012 by HMCIP, compiled May 2012, published Friday 13th July 2012

Inspectors were concerned to find that: - despite some refurbishment, most prisoner accommodation remained in poor condition and had deteriorated in some areas; and - although diversity work had improved, there remained significant gaps in planning care for prisoners with disabilities and older prisoners. - disappointing that many of the necessary improvements we had identified during the last inspection had not been made - incentives and earned privileges scheme that had little impact on managing prisoners' behaviour. - prisoner access to external hospital appointments was sometimes problematic with some evidence that appointments had been cancelled unnecessarily

*Introduction from the report:* Following our last inspection in August 2008 we reported that Spring Hill was making adjustments to deal with national population pressures that had not only increased numbers, but had also required a shift in the prison's focus. Spring Hill had applied itself to this task and we found it to be a safe place, with an impressively purposeful regime and a proper focus on resettlement. We were, however, critical of a lack of investment in accommodation, much of which was reaching the end of its useful life. Diversity work had not been fully developed and health care structures needed review.

Spring Hill remained a safe and generally well run prison. Reception had improved and, although the work had not been fully completed, refurbishment had provided larger waiting areas for prisoners and rooms where they could be interviewed in private. Prisoners reported feeling safe and, as at the last inspection, there was very little bullying and very few instances of self-harm. Procedures to prevent violence had improved as had the deployment of peer supporters such as Listeners to support other

Other deaths following police contact includes deaths that follow contact with the police, either directly or indirectly, that did not involve arrest, or detention under the Mental Health Act 1983 and were subject to an IPCC independent investigation. An independent investigation is determined by the IPCC when an incident could cause the greatest level of public concern, have the greatest potential to impact on communities or have serious implications for the reputation of the police service. The criteria to only include independent investigations have been applied since 2010/11 to improve consistency in the reporting of these deaths.

This may include:

- Deaths that occur after the police are called to attend a domestic incident that results in a fatality.
- Deaths that occur while a person is actively attempting to evade arrest; this includes instances where the death is self-inflicted.
- Deaths that occur when the police are in attendance at a siege situation, including where a person kills themselves or someone else.
- Deaths that occur after the police have been contacted following concerns regarding a person's welfare and there is some concern about the nature of the police response.
- Deaths that occur where the police are called to assist medical staff to restrain individuals who are not under arrest.

Apparent suicides following police custody includes all apparent suicides that occur within two days of release from police custody. It also includes apparent suicides that occur beyond two days of release from custody, where the period spent in custody may be relevant to the subsequent death. IPCC press release, 09/07/12

### **Edmond Arapi Wins Payout from Italian Court for Wrongful Murder Conviction**

Duncan Campbell, guardian.co.uk, Monday 9 July 2012

A Staffordshire man wrongly accused of murder in Italy and held in prison for weeks under a European arrest warrant has been awarded £18,000 damages in a precedent-setting case. The decision has been hailed as a warning to judges and prosecutors throughout Europe not to grant such arrest warrants without examining the evidence closely.

In 2006, Edmond Arapi, 31, an Albanian who came legally to the United Kingdom in 2000 was convicted in his absence of a murder in Genoa, Italy and sentenced to 16 years. Arapi, who works as a chef in Leek, Staffordshire, was unaware of the case until he was arrested at Gatwick airport in 2009 on his return from a family holiday in Fier, Albania. He has only been out of the UK on two occasions since he first arrived and had never been to Genoa.

Despite his protestations of innocence and the flimsy case against him, he was held in jail for a number of weeks, to the distress of his pregnant wife, Georgina, whom he had met in 2001. They now have three children. Even after he was released on bail, he was under strict bail conditions as he awaited extradition to Italy.

A campaign was organised on his behalf by the charity, Fair Trials International (FTI), which has repeatedly warned that the European arrest warrants are being used too frequently and without proper consideration. Eventually, it was shown that Arapi could not have carried out the crime as he had been in working in a cafe in Staffordshire at the time. It became clear that he was the victim of a case of mistaken identity and another man with a similar name and from the same region in Albania was the actual suspect. The extradition order was withdrawn by the Italian authorities and the case against him dropped.

With the help of FTI, Arapi launched an action for compensation and the evidence was heard in Genoa earlier this year. He has now been awarded £18,000 by the appeal court in Genoa in recompense for his time inside and the distress caused to him and his family.

"No amount of money can really compensate Edmond, his wife and three children for their year-long ordeal and its long-term financial and emotional impact," said Jago Russell, the chief executive of FTI. "This decision, should, though, act as a warning to judges and prosecutors across Europe who have been using Europe's tickbox extradition regime without thinking and in completely inappropriate cases."

Fair Trials International have highlighted a number of cases where arrest warrants have been issued on cases where the evidence is insubstantial or the alleged offence is very minor. There has also been concern that in some European countries, those extradited under the warrants can spend months or even years before they actually come to trial.

### **Winston Green 8 - Murder Trial Update Monday 16th July 2012**

Shazad Ali, 30, Abdul Musavir, 31, and Haroon Jahan, 20, died on the 10th August 2011, after being hit by a car in the midst of severe rioting in Winston Green, Birmingham. Their deaths were deemed to have been unlawful.

Adam King, Joshua Donald, Ian Beckford, Ryan Goodwin, Shaun Flynn, Everton Graham, Juan Pablo Ruiz-Gaviria, and Aaron Parkins; were arrested and all were charged with three counts each of murder in that they all conspired/planned the murder of the three deceased. Their trial began on Wednesday 18th April and was scheduled to last 10 weeks but is now into its 14th week, mainly due to the shenanigans of the Crown Prosecution. Closing statements from the defence finished last Friday and the case is now in the hands of the judge and jury.

On Monday morning Mr. Justice Flaux began his summing with these words, "What happened to those three young men on Dudley Road on that night was a shocking and tragic waste of life. However, you must put all emotions and sympathy to one side and you must not let them cloud the judgment you have to make. It's for you to decide what evidence you accept, what evidence you reject and what evidence you are not certain about. What you mustn't do is speculate about what other evidence there might have been."

He then gave directions to the jury on the law in relation to the trial. First of all he said, that they must consider their verdict on Ian Beckford and only Ian Beckford (the driver of the car that hit the deceased, this is an agreed fact) before giving consideration to any of the other defendants. They have three options before them in relation to Mr. Beckford, 1) Murder with intent that he unlawfully took the lives of the deceased, or 2) that he intended the deceased serious injury but did not intend to kill them or 3) Manslaughter, that he had no intention to kill, that what happened was an accident.

If they the jury decide that it was not 1) Murder with intent, and Justice Flaux emphasised, that if they did find this they should not under any circumstance go on to examine any evidence against the seven co-defendants but acquit them immediately.

If they decide that Mr. Beckford did commit murder with intent, only then could they consider verdicts on the other seven and that they must consider each of these defendants separate from each other and the index offender and only consider the evidence against each of them

Mr Flaux then gave a brief summing up of the case, main points of evidence from the Crown Prosecution and the defence barristers.

He was quite clear that the opening statement by the Crown Prosecution that the defen-

including when restraint needs to be used. The Government are clear that restraint should only ever be used as a last resort where it is absolutely necessary to do so and where no other form of intervention is possible or appropriate.

The Restraint Advisory Board's report sets out the comprehensive assessment process the Restraint Advisory Board followed in order to make recommendations on minimising and managing physical restraint. After careful consideration, the Government have accepted all the recommendations. To support the delivery of MMPR, the Youth Justice Board and the National Offender Management Service will introduce a range of improved data collection and monitoring arrangements. A programme of work will now begin to roll out MMPR in secure training centres and under-18 young offenders institutions. We will publish the full Restraint Advisory Board report, Government response and a version of the MMPR manual.

I am also announcing a replacement for the Restraint Advisory Board whose primary objective of assessing minimising and managing physical restraint has been completed. The Independent Restraint Advisory Panel (IRAP) will retain a similar breadth of expertise to the Restraint Advisory Board and will be chaired by Professor Susan Bailey. The Independent Restraint Advisory Panel's objectives will be assessing the systems of restraint commissioned for use in secure children's homes and supporting the implementation of MMPR. Details of the Independent Restraint Advisory Panel will also be available on the Ministry of Justice website, [www.justice.gov.uk](http://www.justice.gov.uk). House of Commons / 10 July 2012 : Column 19WS

### **CPS Not to prosecute G4S Security Guards involved in the death of Jimmy Mubenga**

Makenda Adrienne Kambana, Jimmy Mubenga's wife said: "We are distraught my husband has been taken away from me and my children have lost their father. He was crying for help before he was killed. We can't understand why the officers and G4S are not answerable to the law as we or any other member of the public would be."

Deborah Coles, co-director of INQUEST said: "We are extremely disappointed by this decision. Yet again, there is a failure of the state to prosecute following the use of force. This is a shameful decision that flies in the face of the evidence about the dangerous use of force used against people being forcibly removed and the knowledge base that existed within G4S and the Home Office about the dangers of restraint techniques. It once again raises concerns about the quality of the investigations into deaths following the use of force by state agents and the decision-making process of the CPS.

"The impetus now must be for a far reaching, effective and prompt inquest, with the full involvement of his family. There must be full, open and public scrutiny of all the events that led to his death at the hands of private G4S security guards."

Mark Scott of Bhatt Murphy the family's solicitor said: "The family are devastated that the circumstances of Mr Mubenga's death and the people restraining him will not be called to explain their actions in criminal proceedings. The DPP's decision not to prosecute is deeply troubling. The evidence is that Mr Mubenga died after crying for help whilst under restraint. This is not capable of being determined behind closed doors without a full examination of the witnesses and the medical evidence. It is a surprise and shock that the DPP has not learned the lessons of earlier decisions and still sees fit to act as judge and jury rather than allowing the normal path of criminal justice to be followed."

Jimmy Mubenga died whilst being restrained during a removal from the UK on 12 October 2010. He was being escorted by three private security guards working for Group 4

original investigation into the murder of Stephen Lawrence. As my hon. Friend the Member for Old Bexley and Sidcup said at that time, allegations of police corruption must always be taken seriously. It is essential we ensure that the actions and behaviour of corrupt police officers do not undermine public confidence in the police's ability to respond to, investigate and fight crime. I undertook to keep the House updated.

On 31 May, the Home Office announced that I had decided to call for an independent, QC review of the work the Metropolitan Police Service has undertaken into allegations of corruption in the original investigation into the murder of Stephen Lawrence. I have asked Mark Ellison QC to carry out this review and he has agreed. Mr Ellison was the lead prosecutor in the successful prosecutions of Gary Dobson and David Norris for the murder of Stephen Lawrence. He will be supported by Alison Morgan, the junior counsel from the prosecution of Gary Dobson and David Norris.

The review team has agreed terms of reference with the Lawrence family and I will arrange for a copy to be placed in the Library of the House. The review will begin in July 2012 and will aim to complete its findings by July 2013. The team will report to me and I intend to publish the review's report. The review will address the following questions:

Is there evidence providing reasonable grounds for suspecting that any officer associated with the initial investigation of the murder of Stephen Lawrence acted corruptly?

Are there any further lines of investigation connected to the issue of possible corrupt activity by any officer associated with the initial investigation of the murder of Stephen Lawrence?

Was the McPherson inquiry provided with all relevant material connected to the issue of possible corrupt activity by any officer associated with the initial investigation of the murder of Stephen Lawrence? If not, what impact might that have had on the inquiry?

The review team is calling for evidence to be submitted to the review for consideration alongside the significant amount of material made available by the Metropolitan Police Service. Evidence should be sent to SLMEQC@qebhw.co.uk or by post to Stephen Lawrence Review, PO Box 70744, London, EC4P 4DT. I am grateful to the Commissioner for the support he has offered to the review. I know that the Metropolitan Police Service will co-operate fully with the review team.

### **Restraint in Secure Training Centres and Young Offender Institutions**

The Lord Chancellor and Secretary of State for Justice (Mr Kenneth Clarke): Today I am announcing that I have formally approved a new system of restraint for use in secure training centres (STCs) and under-18 young offender institutions (YOIs) in England and Wales, titled "Minimising and Managing Physical Restraint" (MMPR).

The new system is a major step forward in improving the way young people are safeguarded in the under-18 secure estate. A comprehensive programme of work has resulted in a new system of restraint that has been specifically designed for use on young people in custody. This has been independently assessed by the independent Restraint Advisory Board (RAB) chaired by Professor Susan Bailey.

The "Independent Review of Restraint in Juvenile Secure Settings" in 2008 called for a significant cultural change in the way challenging behaviour is managed and this has been the premise on which MMPR has been designed and developed.

The behaviour of some young people in custody is extremely challenging and can put the safety of themselves, other young people and staff at risk. It is important that custody staff are given the necessary skills to ensure the safety of those in the custodial establishments

dants were out that night to rob and loot was totally without foundation. That if this as the Crown Prosecution maintain was a plot, a conspiracy to murder and that all eight were in it together, then they would have had to have concocted all this in the space of three minutes.

Further that evidence from witnesses from the community would have to be treated with extreme caution due to the offer of police immunity from any criminality that any of the witnesses might have been involved in. The fact that this offer had been made was withheld from the court and only came to light ten weeks into the trial (after all the witnesses had given evidence), through the evidence of the second senior police officer in command of investigating the killings. That the withholding of this fact, had denied the defendants a fuller cross-examination of the witnesses. [Defence barristers had challenged this as an abuse of due process and that the trial should be stopped, but Mr Justice Flaux ruled that with proper cautioning to the jury the trial would proceed].

Now he will take the jury through the evidence bit by bit as he sees it, but has made clear to the jury that it is up to them and only them to decide the facts of the case. That they may where there is no direct clear evidence make inferences from indirect evidence.

His summing up is expected to last till late Wednesday afternoon and then Mr. Flaux will ask the jury to retire and consider their verdict/s.

The catalyst for the Winston Green Riot was the murder of Mark Duggan by police on the 4th August 2011. Well over a thousand civilians now languish in jail as a result of disturbances that followed the murder but amongst the thousands that have been arrested, not a single member of the police force. In fact 31 members of the police force who had some connection with the murder have refused to be interviewed and are not facing prosecution for refusing to do so. During 2011/2012, 121 people died after contact with the police, including two murders, 15 deaths in or following police custody, 18 police road traffic fatalities, 39 apparent suicides following release from police custody, 47 other deaths following police contact. Has there been any arrests of the police, not one?

### **Police 'Made Up' Evidence Against Muslim Student** Mark Townsend, guardian.co.uk, 14/07/12

Rizwaan Sabir a Muslim university student was held for seven days without charge as a suspected terrorist after police "made up" evidence against him. Documents from the professional standards unit of West Midlands police reveal that officers fabricated key elements of the case against former University of Nottingham student, Rizwaan Sabir. The highly controversial case generated a debate over the extent of Islamophobia within UK universities and also an international furore over academic freedom led by renowned US scholar Noam Chomsky.

Sabir was researching terrorist tactics for a master's at the University of Nottingham in 2008 when he was detained under the Terrorism Act and accused by police of downloading an al-Qaida training manual for terrorist purposes. The 27-year-old, however, had downloaded a manual from a US government website for his research which could be bought at WH Smith, Waterstones and Amazon as well as the university's own library. After seven days and six nights in police custody, Sabir was released without charge or apology.

The incident so incensed the university's sole terrorism expert Dr Rod Thornton, a lecturer at its department of Politics and International Relations that he published an article condemning the University's handling of the arrest and treatment of Sabir. In a paper prepared for the British International Studies Association, he alleged the university attempted to smear the student. Following publication of the article, Thornton was suspended by the university in

Spring 2011 provoking an international outcry over academic freedom with an international coalition of professors and doctors, including Chomsky, demanding his "immediate reinstatement". The 67 figures, from universities around the world, said they were "deeply concerned" and called for an inquiry into the affair. Documents released under the Freedom of Information Act also reveal that the arrests were mentioned in a report, cited and disseminated by the Home Office, called Islamist Terrorist Plots in Great Britain: Uncovering the Global Network.

Now, however, the results of the internal West Midlands police professional standards investigation into the affair following complaints by Thornton over the police's handling of the case is complete. It found that officers effectively invented what Thornton, the university's sole terrorism expert, told them about the al-Qaida training manual in a police interview. During the interview Thornton said that he merely told police that Sabir was studying al-Qaida, but was never asked to discuss the manual. Thornton says that officers invented claims that he had concerns over the manual which he says are an apparent attempt to justify the arrest and police anti-terror operation, codenamed Minerva.

The findings of the force's standard's inquiry upheld Thornton's claim that officers "made up what he said about the al-Qaida manual." It also states that the actual minutes of the Gold Group meeting of the detectives assigned to the case "incorrectly recorded" their conversation with Thornton. Internal notes from the Gold Group meeting, dated May 17 2008, actually reveal police quoting Thornton as believing the manual was a "tactical document" and could not be considered relevant to Sabir's academic research into terrorism.

Thornton has now referred the police treatment of him to the IPCC. The standards board, however, says that no officers will be investigated for misconduct. Thornton, a former counter terrorism officer in the British army who earlier this year left his post at Nottingham University by mutual agreement, said: "The police were totally unprofessional. After their mistakes they tried to cover them up. I've seen some altered police notes, I've seen evidence made up. The whole thing seems to be a complete tissue of lies, starting from the cover up of their mistakes in the first place."

Sabir, now a PhD student at The University of Bath, said: "I have known that the police lied and deceived in order to justify my arrest and treatment and this has now been proven. "What should raise alarm bells is how and why the police think it is acceptable to make up information to send innocent Muslims to prison as terrorists. The onus is now on the IPCC to conduct a full and proper investigation into this matter."

West Midlands police chief inspector Julian Harper, from the force's Professional Standards Department, said: "While certain aspects of his complaint were upheld, investigating officers found there was no case to answer in respect of misconduct. As is standard practice, we advised the complainant that he could appeal this decision through the Independent Police Complaints Commission. As he has chosen to take this course of action, it would be inappropriate for us to comment any further."

### **"Don't ever Expect Justice in an English Court of law, all you get is Law"**

"The Law is an Ass" (Charles Dickens 1838) : At my' age, ancient going on decrepit, there are not many things that can cause me to choke on my cornflakes, but, a Conservative MP stating "English law is the greatest gift Britain has given 'to the' world", did' just that.

Many years ago a barrister said to me, "Don't ever expect justice in an English court of law, all you get is law". How true those words we're, especially when weighed against any concept of 'natural justice'. English law, has long been in conflict with the perceived notion of justice.

### **Review of Lenient Sentences** House of Commons / 10 July 2012 : Column 162

Philip Davies (Shipley) (Con): How many sentences he has asked the Court of Appeal to review because they appear to be unduly lenient since May 2010; and in what proportion of those cases the sentence was subsequently increased.

The Attorney-General (Mr Dominic Grieve): The Attorney-General's Office records show that from 10 May 2010 to 6 July 2012 the Solicitor-General and I have referred the sentences of 188 offenders from 135 separate Crown Court cases to the Court of Appeal. One of those offenders' sentences has yet to be considered. Of 187 individual sentences that have been considered since May 2010, the Court considered 87% to be unduly lenient and increased the sentences of 155—or 83%—of them. Annual statistics are published on my Department's website, and the 2011 figures were published last week.

Philip Davies: May I congratulate my learned Friend on taking forward these unduly lenient cases and making sure that some proper sentences are handed out? However, can he tell us what remedial action is taken against the lily-livered, wet, soft, liberal judges who hand out these unduly lenient sentences in the first place to make sure that this does not happen again?

The Attorney-General: I am afraid that I do not entirely agree with my hon. Friend's basic premise. Just to get the position in perspective, I should say that 95,795 sentences were passed in the Crown Court in 2011, and we had referred to us in that period some 377 requests to reconsider sentences. Many of those requests were in fact wrong, and the total number we referred reflects the sorts of cases that we identify where a mistake has been made. I have to say to him that I am afraid that in human affairs such mistakes will always be made, which is precisely why we have the mechanism we have got to try to ensure that they are corrected.

Tony Lloyd (Manchester Central) (Lab): It would be odd for me to agree too often with the hon. Member for Shipley (Philip Davies) but, nevertheless, there is genuine public concern about levels of sentencing. It is certainly true, on one level, that too many people go to prison, but it is also a matter of fact that at any point in time there are cases that do trouble the public. A 71-year-old man being given a four-year prison sentence for sexually assaulting a very young child is not seen as the kind of punishment that the public would expect. Nobody wants overly harsh sentences, but we do want realistic sentences, so how do we assess the judges?

The Attorney-General: May I say to the hon. Gentleman that I can only do my job? I have a job, laid down by statute, to review cases where it is thought that the sentence may be unduly lenient, and if I think it is, I will refer it. The success rate that we have been enjoying seems to indicate that, broadly speaking, on most of the references we make the Court agrees with us. It is worth pointing out that there are sentencing guidelines, which lay down very clearly how a judge should go about sentencing. In some cases, although the public may be unhappy about a sentence, it may conform to those guidelines. If the lawyers who advise me and I consider that that is so, the case may not be suitable for a reference.

### **Stephen Lawrence [Independent Review of MET]** House of Commons / 11 July 2012 : Column 31WS

The Secretary of State for the Home Department (Mrs Theresa May): In response to an urgent question by my hon. Friend the Member for Eltham (Clive Efford) on 24 April, the Under-Secretary of State for the Home Department, my hon. Friend the Member for Old Bexley and Sidcup (James Brokenshire) made a statement on my behalf about the continuing allegations that have appeared in the media over recent months of police corruption in the

complaint has not been completed... the Directorate of Professional Standards awaits the outcome of the [criminal] investigation. No action has been taken against any officer at this stage. No disciplinary action can be considered until SC&O1 have finalised their investigation."

Timeline: Kester David Case

7 July 2010 Kester David dies around 4am. His burnt body is found under railway arches of Palmers Green station, north London, at 11am.

After 7 July Two detectives conclude he took his own life after losing £20,000 in a business deal. His family believe he was killed because he was a police informant.

January 2011 An inquest into Mr David's death returns an open verdict.

Around December 2011 Inspector Brian Casson reports there was a "catalogue of errors" amounting to a "failing in duty" in the investigation.

March 2012 DSI Keith Dobson's report finds no problems with the original investigation.

April 2012 Met Commissioner Bernard Hogan-Howe orders inquiry. The Met refers family's complaint to the IPCC; officers remain on duty.

June 2012 Dobson report is disclosed to Mr David's family

### **Michael Parr and Nathan Mann, Sentenced to Life for HMP Frankland Murder**

Mitchell Harrison, 23, originally of Wolverhampton, was serving an indefinite term for child rape in Cumbria when he was killed in October. Harrison was jailed in January 2010 after he admitted raping a 13-year-old girl in Kendal, Cumbria. He was killed in his cell at the category A facility, which has housed some of the UK's most high profile and dangerous inmates.

Michael Parr, 32, and Nathan Mann, 23, cut his neck with a scalpel made from plastic cutlery and a razor blade. Newcastle Crown Court heard they cut the dead victim's stomach and planned to eat his liver, but did not do so. Parr had earlier pleaded guilty to murder and must serve a minimum term of 32 years. He was already serving life for the attempted murder of a hospital patient. Mann pleaded guilty to manslaughter on the grounds of diminished responsibility and was sentenced to life with a minimum term of 16 years, to run consecutively to the 24-year minimum sentence he is already serving for a double murder.

The court heard that Mann and Parr had expressed "fantasies" about beheading other prisoners and cutting out their stomachs. Mann was described by a psychiatrist as "a remorseless, callous psychopath" who harboured "cannibalistic urges" and was "one of the most dangerous men in the criminal justice system". Sentencing the pair for the "ghastly and gruesome" killing, Judge Justice Openshaw said: "I can't envisage circumstances in which either of them will ever be released. "They will face the fact that they may well end their lives in prison."

The Prisons and Probation Ombudsman is carrying out an independent investigation into the circumstances surrounding Mitchell's death.

A Prison Service spokesperson said: "We take the responsibility of keeping staff, prisoners and visitors safe extremely seriously. That's why we have a violence management system in place to deal with incidents quickly and robustly with serious incidents referred to the police immediately."

Det Ch Insp Steve Chapman, from Durham Police, said: "Mitchell Harrison was a young man who was by all accounts a model prisoner at HMP Frankland. "Although his family never condoned his past actions, he was still their much loved son and brother and they were supporting him as he served his custodial sentence. His untimely death, and the horrific nature of it, left his family devastated." Mitchell Harrison's family said in a statement: "Our lives have been shattered by Mitchell's horrific murder. His death was cruel and unnecessary."

English law as it now stands, due to 'amendments' by various Home Secretaries, has more in common with the diktats of any despotic dictator of a third world banana republic, than what passes for a modern 'democratic' country. However, in England even the word democratic should be questioned as it seems that the true rulers of England are the Murdochs, who own most cabinet members.

It takes someone who has experienced the "Criminal Justice" system to fully appreciate the farce and bias of English law, and the lack of remedies to correct basic injustice, which inevitably lead to miscarriages of justice, an area in which England truly does lead the world. The most recent high profile and tragic miscarriage of justice case is that of Sam Hallam, whose father, unable to cope with his son's wrongful conviction committed suicide 16 months ago. On the 16th May 2012, Lady Justice Hallett declaimed to family and friends of Sam Hallam, "I will not have my courtroom turned into a circus". The reality is, all too often English court rooms are exactly that, a circus, and there is no system, remedy or intent to correct the risible, but tragic theatrics that occur all too often. In Sam Hallam's case, the CCRC sat on 8 witness statements for more than 4 years which stated that at the time of, the gang related murder of trainee chef Essayas Kassahun, Sam was in a pub with his Dad. Photo's on a mobile phone finally cleared Hallam, information that the Metropolitan Police had kept for around 7 years.

Information that can undermine a prosecution case can sit for years, hidden in unused material held in police files. "There is often gold hidden in those vast files", David Jessel told a recent Justice Gap meeting. Jessel should know, enjoying previous careers with BBC Rough Justice and Channel 4's Trial & Error programmes.

The English courtroom farce begins with the police. In English courts it is claimed that the law proceeds on the basis that a person is innocent until proven guilty. The police follow the opposite view, grabbing the most convenient suspect, exclude any facts that points to Innocence, shut down all other lines of inquiry, charge the suspect, then call a press conference to bask in media glory.

In France, under the Napoleonic Code, the police investigation is overseen by an examining magistrate to confirm there is a case. In the United States, the police evidence is examined by a Grand Jury. In England, the Grand Jury was abandoned in 1931 in favour of a committal hearing before a magistrate. Formal committal hearings are now a rarity, abandoned in favour of "paper committals", which translate as a rubber stamp.

In international law, the right to silence is enshrined, but not in England, as David Blunkett felt it interfered with the conviction rate, so removed it. Never mind, at least there is the right to a trial by jury. Really?

Having not achieved a conviction in three jury trials for a robbery offence, the Metropolitan Police arranged a non-jury trial by claiming tampering with jury members for John Twomey, Glen Cameron, Barry Hibberd and Peter Blake. Inevitably a conviction resulted, but the quartet were never told what jury tampering, if any, took place, (PII).

Justice must not only be done, but seen to be done, was a favourite quote of Blunkett, yet his introduction of Public Interest Immunity Certificates (PII) means that evidence can now be viewed in secret, used by the prosecution. but not disclosed to the defence. Injustice not seen to be done?

The introduction of the Criminal Cases Review Commission (CCRC) was claimed to be a fair and open forum for miscarriages of justice, preventing recurrences of cases like the Birmingham 6, Maguire Family, Guildford 4, Cardiff 3, Cardiff Newsagent 3, Bridgewater 4, Eddie Browning, Barry George, and all the many, many others. The CCRC have a success rate of about one quarter of one percent. By inference, that means 99.75% of everybody in prison is guilty. Anybody who believes that also believes in Alien Abduction.

In England, everyone is equal under the law. If 31 members of the public witnessed a

shooting incident, what would happen if they refused to be interviewed by authorities investigating the crime? The initial charge would be obstructing the police in the execution of their duty. Conspiracy to pervert the course of justice perhaps? That is the law?

Apparently not, as the 31 police officers involved in, directly or indirectly, the shooting of Mark Duggan on the 4th August 2011, are all refusing to be interviewed by the Independent Police Complaints Commission' (IPCC) who are investigating the crime. Equality under the law? Don't think so.

The well publicised cases of Mark Duggan, Harry Stanley and Jean Charles de Menezes, all victims of police shootings of unarmed men are perhaps the most graphic examples of the inequalities of English law. No policeman has ever been convicted of an extra-judicial killing even when the evidence of a premeditated, pre-planned event is overwhelming. In the de Menezes case, armed police threatened to "down tools" unless the IPCC investigation was halted. Needless to say, the government caved in to this blatant blackmail.

Just when you think the bigoted proponents of the myth of English law cannot sink any lower, they prove there are no depths they will not lower themselves to. Barry George who spent 8 years in prison after being wrongly convicted of the murder of Jill Dando was told by the Ministry of Justice that he is not legally entitled to compensation. Why? Are the Ministry of Justice now claiming he was not the victim of a miscarriage of justice? Think again, MoJ!

In the Grand Chamber Judgement of the European Court of Human Rights, on the application of Poghosyan & Baghdasaryan -v-Armenia. (No. 22999/06), the Chamber held unanimously that a failure to provide compensation for wrongful conviction was a violation of Article 3 of Protocol No.7.

Wait for the outcry from Conservative party back-benchers screaming for the repeal of the Human Rights Act, when they learn of this judgement. However, Blunkett did cap compensation payments for miscarriages of justice cases at £500,000. Perhaps the next case for the ECHR to consider?

English law Britain's greatest gift to the world? Sure, it is, right up there with gifts like Smallpox, Syphilis and Slavery.

[Sources: Guardian, Independent, MOJUK]

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#### **Did Police Cover up Murder of 'Informant'?** Nina Lakhani, Independent, 07/07/12

Scotland Yard has been accused of a "cover up" after it emerged that its own review into the controversial death of a man believed to be an informant did not address key evidence which suggested officers bungled the investigation. Kester David, 53, was found burned to death under railway arches in north London two years ago. Police concluded that he had committed suicide, but his family claim that he was murdered, possibly connected to him being a police informant, and that detectives failed to carry out a proper investigation because he was black.

In response, Inspector Brian Casson conducted an internal inquiry into the initial investigation. He found that officers had made a "catalogue of errors" that amounted to "a failing in duty". However, The Independent has established that the Met then ordered another review, carried out in March this year by DSI Keith Dobson, which did not address Casson's findings.

Dobson's report, obtained by The Independent, says: "I have not discovered anything which would have altered the 'course and direction' of the original investigation or alter the conclusions and findings which are documented by the investigators and experts involved...Based on all the information supplied to me I concur with that conclusion."

Mr David's brother Roger Griffith described the Dobson report as an attempted "whitewash" by the Met and part of a sustained attempt to cover up the failings of the original detectives, whom he believes were motivated by racism. He said: "The Dobson report was a cover up

which ignored everything Casson found and concluded that the original investigation was a good job. It was a complete whitewash." He added: "How is it right that two police officers who failed us so tragically are still on the streets? They seemed hell bent on not investigating and putting forward that it was suicide...The two officers should be suspended now, so that no other mother has to go through what our mum has been put through."

An inquest into Mr David's death recorded an open verdict in January 2011 amid unanswered questions and a missing DNA report. After the critical Casson report was leaked to the press, Met Commissioner Bernard Hogan-Howe ordered a new inquiry, which is still ongoing.

Inspector Casson, who was investigating the family's complaints, found two key witnesses who had called 999 with evidence that pointed to foul play, but were never interviewed by the detectives. One man, who was awake feeding his baby daughter, reported hearing two screams of 'no' by a man who sounded panicked, frightened and in pain at 4.20am. He was first interviewed by the Inspector Casson - almost 18 months after the incident. The second caller was a Morrison's supermarket night shift worker who had seen a white Mercedes van in the car park, which borders the Travis Perkin yard where Mr David was found, and two men walking towards the yard at 3.45am. He had never before seen a vehicle in the car park at that time of night. The CCTV footage was never recovered.

Mr David's burnt body was found without shoes but there was a pair of white Reebok trainers found close-by, which his family said did not belong to him. The detectives concluded that they were his because, they told the coroner, DNA taken from the shoes "would have" belonged to a close relative. This was not true; there is no mention of a close relative in the excerpt of the DNA report quoted by Casson, the same report apparently lost by the detectives so never seen by the coroner or family. The forensic scientist actually found two DNA profiles, one was dominant so most likely belonged to regular wearer of the shoes, but this was not run against the police DNA database. Casson's inquiry found that it was perfect match to a white man from the travelling community.

At the inquest, Detective Kirk told the coroner that the CCTV footage showing Mr David buying a canister of petrol a few hours before he is believed to have died, pointed to a planned suicide. The inquest was not shown footage from a few minutes later which showed an RAC van attend as Mr David's car had broken down because it was out of fuel. This footage was "not discovered" by the original investigation.

Casson also found that crucial mobile phone analysis was not done. The Casson report recommended "a severity assessment" be conducted in light of his findings. Even the Dobson report recommends they are "considered for local management action" because of the insensitivities shown to the family and the inaccurate information they passed on. But both still remain on full duty.

They family do not understand why the IPCC, which is currently investigating five alleged cases of racism, decided not to get involved pending the outcome of the criminal investigation. The IPCC said it was reviewing this decision following the family's request not to delay the investigation.

The Met did not comment on Mr Griffith's view that the Dobson report was a whitewash and an attempt to cover up the actions of racist officers but said: "There is a fresh on-going investigation into the death of Kester David by the Specialist Crime and Operations Directorate (SC&O)... detectives retain an open mind about the circumstances surrounding the incident. "An investigation into an unexplained death of this nature is reviewed as a matter of course after 28 days, usually internally, but in this case by an external police force ensure Mr David's family is as reassured as they can be about the effectiveness of our investigative process." She added: "The investigation into this