with resettlement. Our own observations suggested reasonable offender management work for higher-risk prisoners and some useful coordination of resettlement work for shorter-term prisoners. The provision of services across the resettlement pathways was either good or very good, although the prison could have done more for prisoners' families, especially to improve their experience of visits. Overall this should be seen as an encouraging report. Elmley is a large frontline establishment that deals with significant operational challenges and risk. Issues such as cleanliness and the environment required attention, and it was unacceptable that so many prisoners were underoccupied. However, we found a prison that continues to be well run, safe and respectful, with a good resettlement focus.

Philmore Mills' Family Win Fight for Independent Investigation

A family still searching for answers into how their frail father died while being restrained by police as a hospital patient, have won their battle for an independent investigation. Philmore Mills, a father-of-four from Langley, died within an hour of being handcuffed by police after an incident in ward nine at Wexham Park Hospital on December 27 - six days after he was admitted into intensive care with pneumonia. An Independent Police Complaints Commission (IPCC) investigation was launched, but is yet to be concluded seven months on.

The family, who have become disillusioned by the lack of progress made in the probe, forced a meeting with hospital chiefs last month. They discussed concerns and demanded the chance to have their own independent investigation - which chiefs granted. A hospital spokeswoman said: "The Trust has agreed to help support and facilitate the establishment of an independent investigation to supplement the Trust's own internal investigation." The solicitor for Mr Mills' family is now in negotiations with the hospital to set up the investigation.

US Innocence Project, Demands $50,000 for each Year of Wrongful Incarceration

A national advocacy group is urging Colorado lawmakers to pay prisoners exonerated by DNA evidence to compensate them for being wrongly imprisoned. The Innocence Project has recommended Colorado set a fixed sum of a minimum of $50,000 for each year of wrongful incarceration that would be retroactive. "With no money, housing, transportation, health services or insurance, and a criminal record that is rarely cleared despite innocence, the punishment lingers long after innocence has been proven. States have a responsibility to restore the lives of the wrongfully convicted to the best of their abilities," the group says on their website.

Those proven to have been wrongfully convicted through postconviction DNA testing spend, on average, 13.5 years behind bars. The agony of prison life and the complete loss of freedom are only compounded by the feelings of what might have been, but for the wrongful conviction.

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 Slaney, 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.

Miscarriages of JusticeUK (MOJUK)
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MOJUK: Newsletter 'Inside Out' No 383 02/08/2012)

Safety in Custody England and Wales Jan/Feb/March 2012

Prison population @ 31st march 2012 - 87,531 persons of these 83,313 (95.2%) were male, 4,218 (4.8%) female.

Self-Harm/Assaults - Quarter 1 Jan/Feb/March 2012

Assaults: There were 3,725 assault incidents during Quarter 1 Jan/Feb/March 2012. Of these, 724 were on staff. The role of individual prisoners in assault incidents cannot always be distinguished. In some incidents, it is clear which prisoners are assailants and which are victims while in other incidents the roles are blurred. In the latter cases, those involved may be identified as 'fighters'. The roles are determined by local investigation of the incident.

Younger prisoners are more frequently involved in violence than older prisoners. In 2011, prisoners aged 15 to 20 accounted for 11 per cent of the prison population. However, they accounted 59 per cent of all fighters 46 per cent of assailants and 38 per cent of victims.

In the context of assault incidents, gender refers to the type of prison and not the gender of those involved in the incident. The reason for this is that in a small percentage of cases, assault incidents in a male prison will be on females – typically members of staff. Similarly, in female prisons, a small percentage of assaults will be on male staff.

There were 5,611 Self-Harm incidents in Quarter 1 Jan/Feb/March 2012. Of these 4,083 were male of these 323 required hospital treatment, and 1,528 female of these 38 required hospital treatment. Though females only represent 4.8% of the prison population, they represent 27.2% of those self-harming.

Deaths in Prison Custody April 2011 to March 2012

Total deaths 211 of which: 66 were self inflicted, murder 1, natural causes 129, cause not known 15. A 'death in prison custody' is defined as any death of a person in prison custody arising from an incident occurring during (or, on rare occasions, immediately prior to) prison custody. This includes deaths of prisoners while released on temporary license (ROTL) for medical reasons but excludes deaths of any prisoners released on other types of temporary license. Until cause of death is confirmed at inquest, each death in prison custody is provisionally classified under one of the following causes: self-inflicted, natural causes, homicide.

Although the above concerns statistics, the incidents described are, by their nature, tragic and distressing to the prisoners, their families and staff.

*Self-harm in prison custody is defined as, "any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury."

The majority of prisoners do not self-harm. In 2011, 43 per cent of females that self-harmed and 60 per cent of males did so once, while six per cent of females and one per cent of males did so more than 20 times.

Early days or arriving in a prison are the highest risk times for self-harm with the incidence reducing over time. In 2011, approximately 23 per cent of self-harm incidents occurred within the first month of arriving in a prison

This is the first quarterly Safety in Custody Bulletin replacing the previous annual version.

Source: MoJ Safety in Custody Statistics Q1 Jan/Feb/Mar 2012, published 24/07/2012

Indeterminate Sentenced Prisoners Must Have Better Parole Rights

Following a High Court ruling that their strict parole terms may breach their human rights. Senior judges ruled criminals jailed for 15 years or more should not be refused parole if it suspected they may carry out minor crimes Senior judges said it was wrong that criminals jailed for 15 years or more find it harder to be granted parole than more serious offenders serving life or indeterminate sentences. Inmates given fixed-term sentences are only released early if the parole board believes they will not commit even minor offences. But criminals such as murderers serving life or other indefinite jail terms can be freed if they merely no longer pose a risk to “life or limb”.

Mr Justice Treacy paved the way for far-reaching changes to the criminal justice system when he said that the differing treatment may amount to discrimination under Article 14 of the European Convention on Human Rights. In a judgment handed down on Friday, he said: “When in each case what is under consideration at the early release stage relates to the risk of future offending, I can see no basis upon which the present situation – which exposes those subject to determinate sentences to a stiffer release test than those who must be taken to represent a greater risk to the safety of others – can be objectively justified.”

Lord Justice Thomas agreed, saying: “There can no longer be any objective justification for the different tests applied by the Parole Board to those serving indeterminate sentences and those serving determinate sentences of 15 years or more.” During the case, the judge had acknowledged that it would have “huge consequences” for long-serving prisoners.

The challenge was brought by the killer of the brother of one of the victims of the notorious moors murderers. Caz Telfer was jailed for 18 years in 2002 for the killing of Tommy West, whose sister Lesley Ann Downey was murdered by Ian Brady and Myra Hindley. Telfer, now known as Caron Foley, was convicted of two counts of arson with intent to endanger life and two counts of manslaughter after setting fire to a house in Moss Side, Manchester, killing Mr West and his seven-year-old daughter.

She was eligible to apply for freedom after serving half of her sentence, but the Parole Board refused to recommend her release last year on the grounds that she has failed to come to terms with her behaviour. Telfer will not be eligible for automatic release until she has served two-thirds of her sentence, in 2014, so her lawyers argued this put her in a worse position than life prisoners. They can be granted parole after serving half of their tariff as long as they no longer pose a serious threat.

The High Court dismissed her challenge, on the grounds that she would be deemed dangerous on any test, but she was granted permission to take her case to the Court of Appeal.

It is thought that the case may yet reach Britain’s most powerful judges in the Supreme Court, paving the way for a change in the law. But some commentators suggested it would only affect a few serious sexual or violent offenders who had been jailed many years ago, as the rules have changed recently.

Juliet Lyon, director of the Prison Reform Trust, said: “It is important that the fairness of Parole Board decisions can be tested in open court. This case has implications for a relatively small number of long determinate sentenced prisoners.”

A spokesman for the Parole Board said: "The legal tests for the release of long-term determinate sentence prisoners are imposed on the Parole Board in law through the Secretary of State's directions. These Directions and therefore the release test are binding on the Board. It is for the Secretary of State to consider the implications of this judgment for his Directions."

Frances Crook, chief executive of the Howard League for Penal Reform said:

- during the working day, about a third of Elmley's prisoners were locked up doing nothing.
- delays to prisoner mail deliveries - same as last inspection - had still not been resolved

Introduction from the report: HMP Elmley, as one of three prisons on the Isle of Sheppey in Kent was, until recently, part of the Sheppey 'cluster' of prisons. Organised as one entity, each governor reported to a cluster chief executive and shared a number of common services. In 2011 the formal clustering structure was abandoned and Elmley is now managed along more traditional lines, with a governor reporting directly to the Kent and Sussex Deputy Director of Custody. Primarily a local prison with a small category C facility, the institution holds mainly adult but also some young adult prisoners. Since we last inspected, the addition of house block 6 has seen the capacity grow to over 1,200 places, though this means that the prison is now holding 300 more than its normal capacity.

Overall our findings at this announced inspection were positive. The prison was, first of all, a reasonably safe place. Prisoners indicated to us that they felt safer than when we last visited and than in similar establishments. Levels of violence were also lower than in comparable prisons and there was a good understanding, based on consultation, about prisoners' safety concerns. Prisoners identified overcrowded cells and poorly supervised walkways as the places in which they felt least safe.

Incidences of self-harm were lower than in many local prisons and those in crisis received good levels of care, in particular from active Listener peer supporters. However, not all night staff had the confidence to deal with emergency situations and not all carried anti-ligature knives.

There appeared to have been some good work done to reduce reliance on the use of force and it had, as a consequence, fallen significantly. Arrangements in segregation were mixed. The regime had improved but governance and several procedures were weak. The prison had very good interventions to address drug and alcohol issues and data suggested that illicit drug use was not excessive. Some target testing procedures, however, were lacking.

Despite being a relatively modern prison some environmental standards, particularly on the wings, were disappointing. Amenities such as showers were in a poor condition, cells were often poorly equipped and larger cells originally designed for two prisoners were holding three. It was frustrating that delays to prisoner mail deliveries - something we saw at the last inspection - had still not been resolved. Staff-prisoner relationships were reasonably good and the promotion of equality was generally satisfactory. Some good work was done by staff and prisoners to support vulnerable prisoners through the 'Trust Programme', a locally developed initiative. Health services were generally good, although prisoners expressed negative perceptions which needed to be understood.

The prison's main weakness was in the provision of activity. We judged that outcomes in this area were not sufficiently good, and some outcomes remained poor. We were confident that staff understood the challenges they faced and there appeared to be strategies and plans in place to build on recent improvements. The quality of some learning and skills provision was reasonable but there was insufficient activity for about 400 prisoners. It was therefore unacceptable that poor promotion of activity and low attendance left some places unfilled. There was some underemployment with, for example, far too many doing notional and low skilled cleaning jobs. Access to time out of cell and association was also limited. During the working day about a third of Elmley's prisoners were locked up doing nothing.

The prison had an up to date reducing reoffending strategy but it was not based on a considered analysis of need and prisoners had some negative perceptions regarding the help they received

ing violence reduction was better but there was a worrying upward trend in levels of violence. Use of force was higher than we had previously seen but there was evidence that de-escalation techniques were deployed. The segregation unit was little used but its environment and regime required improvement. There had been limited progress on recommendations to address the problem of self-harm.

The establishment was clean, which was commendable considering the age of many of the buildings. Further refurbishment was still required, but we were pleased that the appalling Rodney and Hardy wings, which we criticised heavily in the past, had now finally been demolished.

Prisoners described the prison as being largely drug-free and there was a good focus on improving the drug strategy and better access to drug support services. The integrated drug treatment system (IOTS) had developed strongly since the last inspection. There had been good progress in health care and health staff were well integrated into the prison. Some prisoners complained about long waits to see health specialists, especially the dentist, but we found that waiting lists generally operated within the reasonable timescales. Unusually, prisoners raised very few complaints about the food with many commenting positively on its quality.

Progress on diversity was mixed. The perceptions of minority groups were less positive than their counterparts, despite a good overarching strategy for diversity and equality. Arrangements for identifying and supporting prisoners with disabilities had, however, improved. Assessment of foreign national prisoners' needs was generally good, as were arrangements for maintaining family contact.

There was some good work in learning and skills and many of the strengths identified at the last inspection remained in place. The quality of workshops leading to real work opportunities was good and progression opportunities in learning and skills were improving. Unemployment was impressively low, but a lack of punctuality and attendance at activities needed to be addressed. PE arrangements for the general population were adequate and the sporting academies for football and rugby were a good and popular initiative.

The strategic management of resettlement and offender management continued to be effective, supported by a good action plan. Links between offender supervisors at the prison and their community colleagues appeared to be better facilitated. Developing services for its new adult population appears to be Portland's new challenge. Although this is, overall, a mixed report, the provision of regime remains good and there is a meaningful focus on resettlement. The apparent complacency around ensuring safety, however, required attention.

Report on an announced inspection of HMP Elmley

Inspection by HMCIP 19–23 March 2012, report compiled May 2012, published 26/07/12

Inspectors were concerned to find that:

- not all night staff had the confidence to deal with emergency situations where a prisoner had self-harmed and not all carried anti-ligature knives;
- some environmental standards, particularly on the wings, were disappointing, despite it being a relatively modern prison;
- the quality of some learning and skills provision was reasonable but there was insufficient activity for about 400 prisoners;
- poor promotion of activity and low attendance left some places unfilled;
- there was underemployment with, for example, far too many people doing notional and low-skilled cleaning jobs;

“Hyperactivity in criminal justice legislation over the past 20 years has resulted in a myriad of complex regulations when it comes to people’s release from prison. The constantly changing goalposts do not garner public faith in the criminal justice system.”

A Ministry of Justice spokesman said: "This judgment makes no change to the current position. The discrimination point the court was concerned about - on which permission to appeal was granted - will be addressed with the implementation later this year of new provisions as part of The Legal Aid, Sentencing and Punishment of Offenders Act 2012 which will align the release tests for determinate and indeterminate prisoners.

"This change in the legislation will not require more prisoners to be released. The Parole Board will continue to conduct careful risk assessments and consider whether it would be safe for a prisoner to be released. The Board will only be able to grant release where the prisoner's detention is no longer necessary for the protection of the public - which will remain of primary importance in any release decision.

Martin Beckford, Telegraph, 27/07/12

R v Karl Ness [2011] EWCA Crim 3105

The applicant was criminally involved in offences committed by Raoul Moat in the North East of England between 3 and 9 July 2010. He was convicted of five offences: the murder of Christopher Brown; conspiracy to murder police officers; the attempted murder of David Rathband, a police officer in the course of his duty; possession of a firearm with intent to endanger life; and robbery. An application for leave to appeal against the total sentence of imprisonment for life, with a specified minimum term of 40 years, was dismissed.

R v M [2012] EWCA Crim 1144

The appellant pleaded guilty to an offence of sexual assault contrary to section 3 of the Sexual Offences Act 2003 and was sentenced to an 18-month community order with supervision and a requirement to complete the Engage and Change Programme. The appellant was also made subject to a restraining order pursuant to section 5 of the Protection from Harassment Act 1997 for a period of five years. Under the terms of the order the appellant was prohibited from (1) contacting directly or indirectly the complainant or any members of her immediate family, and (2) entering T Avenue in Hornchurch. The appellant lived with his parents in a house in T Avenue. The victim lived next door.

The grounds of appeal were that the second prohibition which restricted the appellant from going back to T Avenue had the effect of meaning that he could not return to his own home for five years, that he would be unable to look after his elderly parents who were unwell and that was the prohibition unnecessary, disproportionate and in breach of his article 8 rights.

It was submitted that there were no grounds upon which such an order could be made. The mere fact of knowing he was living next door or the anxiety of seeing him or bumping into him was not conduct by the defendant which would cause fear of violence. The victim it is said was properly protected by the first limb which prohibited the defendant from making direct or indirect contact with her or members of her family.

The court were satisfied that the factors and concerns which were said to require the second limb could not be considered necessary for the protection of the victim from conduct by the appellant which would cause fear of violence. The appeal was allowed to the extent that the second prohibition was removed.

Prisons/Probations Ombudsman Guilty of Maladministration Against Kevan Thakrar

Report by the Parliamentary Ombudsman to Mr Iain Stewart MP of an investigation into a complaint made by Mr Kevan Thakrar 29 June 2012

The complaint: 1. Mr Thakrar complained that the Prisons and Probations Ombudsman failed to carry out an adequate investigation of his complaint about an alleged assault at HMP Woodhill.

2. For reasons I will go on to explain, I uphold Mr Thakrar's complaint. I find that the Prisons and Probation Ombudsman's handling of Mr Thakrar's complaint was maladministrative. I have set out below my recommendations to remedy the injustice caused to Mr Thakrar by this maladministration.

Background: 23. At the time of the events in question Mr Thakrar was detained in HMP Woodhill. (Mr Thakrar moved to Whitemoor and then Frankland in 2009, and spent a brief period at Wakefield in 2010 before returning to Wood hill later that year.) He said he was unhappy with the treatment he had been receiving from his senior officer and that he had made a complaint to the prison that he was being bullied.

Mr Thakrar says that on 31 May 2008 several officers entered his cell, apparently to issue him with a warning under the prison's Incentive and Earned Privileges scheme (IEP) (paragraphs 19 to 21). He said that he was assaulted by the officers and sustained several injuries as a result. According to the officers' account of the alleged incident, Mr Thakrar was restrained because he was behaving aggressively. Mr Thakrar was taken to the segregation unit where he was noted to have minor injuries.

The decision: 80. I recommend that the Prisons and Probation Ombudsman write to Mr Thakrar within four weeks of the date of this report, and apologise to him for the way they handled his complaint, and for the misleading and contradictory information they provided him about the scope of their investigation.

81. I am acutely aware of how important it is for Mr Thakrar that the alleged assault be investigated. And I have considered very carefully whether or not that would be an appropriate outcome to my investigation. The passage of time, the likelihood that the prison officers could now recollect events in any detail, together with the lack of physical and CCTV evidence, means that any investigation could be inconclusive. (Even a more timely investigation might have been inconclusive. I understand that there is no dispute that Mr Thakrar was subjected to 'control and restraint' techniques by prison staff.

The question of whether he was assaulted turns on whether the force used was justifiable.) Mr Thakrar understands this but remains very keen for an investigation to be undertaken because he believes that the post traumatic stress disorder (paragraph 60) he says he is suffering from was caused by the incident.

82. For these reasons I recommend that the Prisons and Probation Ombudsman investigate the alleged assault, as they initially led Mr Thakrar to believe they would do. I expect them to investigate this on the same basis as they would have done in 2009 when the issue was complained about. Mr Thakrar has identified possible evidence-gathering opportunities which might be useful in the investigation. I recommend that the scope of the investigation, and a timescale for its completion, is agreed with Mr Thakrar within four weeks of the date of issue of this report.

Conclusion: 83. This report on the results of the investigation of Mr Thakrar's complaint has been approved and signed by me, acting within the power of the Ombudsman delegated to me under section 3(2) of the Parliamentary Commissioner Act 1967.

Gwen Harrison, Director of Parliamentary Investigations

Congratulations to:Kevan Thakrar: A4907AE, HMP Woodhill, Milton Keynes, MK4 4DA

- prisoners felt more use could be made of the video link facility for court appearances;
- over half of unconvicted prisoners said they spent less than 4 hours out of their cell on a weekday;
- most remand prisoners said they wanted to take part in work or education, but a lack of places and/or the prioritisation of sentenced prisoners meant some were unable to do so;
- remand prisoners are entitled to certain state benefits intended to mitigate the impact of their imprisonment while they await a verdict, but those inspectors spoke to had little or no awareness of this;
- although remand prisoners' welfare needs were assessed on arrival, little was done to follow these up and address identified needs.

Nick Hardwick said: “The specific circumstances and needs of remanded prisoners need to be much more clearly and consistently recognised so that they are held in custody for the shortest time possible and while there are given at least the same support as convicted and sentenced prisoners. This is not just a question of addressing injustice in the treatment of individuals, but ensuring that costly prison places are not used unnecessarily and that everyone is given the chance to leave prison less likely to commit offences than when they arrived.”

The findings in this report come from four main sources: inspection reports for 33 category B local prisons published between January 2009 and June 2011, data from surveys at 33 local prison inspections in this period (with 4,868 prisoner respondents, of whom 1,593 were held on remand), interviews with heads of resettlement and residential units at five establishments, and focus groups with unconvicted and convicted unsentenced prisoners at these same establishments.

A comprehensive review of strategies and polices for remand prisoners should take place to ensure their treatment and conditions is consistent with their unconvicted and unsentenced status and that they receive interventions and support to resettle successfully after release and do not subsequently offend.

The rights and entitlements for remand prisoners should be clarified to ensure they are in line with national legislation and international standards, and that they are considered and, where mandatory, implemented in full by establishments.

Report on an Unannounced Short Follow-up Inspection of HMP/YOI Portland

Inspection 3-5 April 2012 by HMCIP, report compiled May 2012, published 1st August 2012

Inspectors were concerned to find that:

- induction for young adults was only adequate and other induction arrangements were weak;
- a worrying upward trend in levels of violence, although governance concerning violence reduction was better;
- segregation unit was little used but its environment and regime required improvement;
- limited progress on recommendations to address the problem of self-harm.

Introduction from the report” Portland, located in a relatively remote part of Dorset, has operated, since its change of function in April 2011, as a combined adult category C training and YOI young adult facility. It has a capacity of 505.

Our last full inspection in 2009 found a prison that had changed both its outlook and its outcomes, with a focus on providing a positive and rehabilitative experience for prisoners. This short follow-up inspection found that the prison had continued to make progress against most of our healthy prison tests. Progress concerning a number of important safety recommendations, however, was slow.

Prisoners' early experiences on arrival at Portland had improved little, with only adequate induction for young adults and otherwise quite weak arrangements. Governance concern-

Remand Prisoners - Treated Worse Than Sentenced Prisoners

Many remand prisoners had a poorer regime, less support and less preparation for release than sentenced prisoners, said Nick Hardwick, Chief Inspector of Prisons, publishing a short thematic review 'Remand Prisoners'. This is despite a long-established principle that remand prisoners, who have not been convicted or sentenced by a court, have rights and entitlements not available to sentenced prisoners.

At any one time, remand prisoners make up about 15% of the prison population, between 12,000 to 13,000 prisoners.

Women and those from black and minority ethnic and foreign national backgrounds are over-represented.

17% of defendants proceeded against at magistrates' courts or tried at the Crown Court were acquitted or not proceeded against, and 25% received a non-custodial sentence. In total, approximately 29,400 prisoners were released after trial.

'Remand Prisoners', examines the experience of young adult and adult remand (unconvicted and convicted un-sentenced) prisoners in local prisons against the Inspectorate's four health prison tests: safety, respect, purposeful activity and resettlement.

The report found that:

- remand prisoners enter custody with multiple and complex needs that are equally, if not more, pervasive than among sentenced prisoners.
- remand prisoners are at an increased risk of suicide and self-harm and nearly a quarter said they had felt depressed or suicidal when they arrived at prison;
- a third or more said they had a drug or mental health problem;
- problems on arrival were exacerbated among women, with a higher self-reported incidence of housing problems, money worries and health concerns;
- women were more likely to report problems with ensuring dependants were being looked after;
- remand prisoners showed little awareness of support services available at the prison and, while most had received an induction, many felt they had been given too much information to absorb at a turbulent time.

The Prison Rules 1999 set out legally binding entitlements for remand prisoners which recognise they have not been convicted or sentenced. However, within Prison Service policy a considerable amount of discretion is permitted to governors on implementing these entitlements.

There is also an unresolved disjuncture between the Prison Rules and Prison Service policy, with the latter permitting remand prisoners to share cells with sentenced prisoners if they have consented, and the former appearing to suggest that remand and sentenced prisoners should under no circumstances be required to share a cell.

Those in our groups felt that staff were unable to distinguish between remand and sentenced prisoners on the wings, and prisoners in our groups and staff we spoke to had limited or no knowledge of their entitlements.

The report also found that:

- sharing cells with sentenced prisoners was the norm, but few recalled being asked for their consent;
- prisoners in survey groups and staff the inspectors spoke to had limited or no knowledge of the entitlements or remand prisoners;
- the right of remand prisoners to vote had not been facilitated at two of the five prisons visited;
- nearly half of remand prisoners surveyed reported difficulties with obtaining bail information;

Ray Gilbert Case Papers - Letter to Louise Ellman MP

I have been contacted by Mr Ray Gilbert a constituent of the Mersyside area who has spent over 31 years in prison for a murder that many believe he did not commit. Indeed his codefendant John Kamara was cleared at appeal many years ago, logically rendering the conviction of Mr Gilbert no longer tenable given the prosecution case that they acted together. I have for many years been in contact with Mr Gilbert and have followed his unending campaign to clear his name, his latest attempt being to engage the Bristol University Innocent Project in investigating his case.

I understand there are 6 boxes of documents that the Merseyside police are refusing to disclose to the Innocence project and I note that this is the same force that withheld potentially exculpatory evidence from Eddie Gilfoyle until recently.

Through my involvement with the Cardiff University Innocence Project (CUIP) and numerous other miscarriage of justice investigations I am acutely aware that nondisclosure and resistance to disclosure by the police and other authorities is a major obstruction to achieving justice.

It is disturbing in its implications for potentially innocence people and in almost all cases seems to be entirely unjustified in any public interest sense. Non-disclosure has of course been recognised for many years as a major cause of miscarriages of justice, yet the situation in the experience of many people in this field of endeavour is that the approach of the authorities is getting more resistant rather than becoming more helpful and open.

May I request therefore that you do all in you power to assist Mr Gilbert and the Bristol University Innocence Project to obtain this and any other material which appears to be being held for no other reason than to obstruct his right to a fair examination of his case, even after 30 years of incarceration. *Most grateful for your attention to this matter. Dennis Eady* CUIP

Perry and others (Appellants + 2) v Serious Organised Crime Agency (Respondent)

On appeal from the Court of Appeal Civil Division (England and Wales)

The issue in these appeals are:

(1) Whether SOCA has power under Part 8 of the Proceeds of Crime Act 2002 to issue and give certain notices requiring the provision of information („information notices‰) to persons who are outside the jurisdiction; (2) Whether SOCA‚s posting of such notices to the Appellants‚ London address amounted to a valid 'giving' of the notices. (3) Whether the High Court has jurisdiction to make a civil recovery order and a property freezing order under the Proceeds of Crime Act in respect of property situated outside the jurisdiction of the High Court.

The Supreme Court allows both appeals" Justices: Lord Phillips (President), Lady Hale, Lord Brown, Lord Judge, Lord Kerr, Lord Clarke, Lord Wilson, Lord Reed, Sir Anthony Hughes

Background to the appeals"On 24 October 2007 Mr Perry, was convicted in Israel of a number of fraud offences in relation to a pension scheme that he had operated in Israel. He was given a substantial prison sentence and paid a fine of approximately £3m.

The Serious Organised Crime Agency (SOCA) is now seeking to deprive Mr Perry, together with members of his family and entities associated with them, of assets obtained in connection with his criminal conduct, wherever in the world those assets may be situated. None of these persons resides in the United Kingdom.

As a preliminary step, aimed at ensuring that its action to recover assets is effective, SOCA obtained a worldwide property freezing order (PFO) against Mr Perry, his wife and Leadenhall Property Limited (the PFO appellants). Before that, it had obtained a disclosure order (DO) under which notices requesting information were given to Mr Perry and his daughters (the

DO appellants) by letter addressed to Mr Perry's house in London.

The PFO appellants challenged the PFO on the basis that a civil recovery order could only be made in respect of property that was within the territorial jurisdiction of the court making it. The DO appellants contended that notices under the DO could not be addressed to persons who were not within the UK. In the PFO matter, the High Court ruled that the provisions of the Proceeds of Crime Act 2002 (POCA) relied on by SOCA did apply, save as to orders made in Scotland, to property outside the jurisdiction and upheld the scope of the PFO. An appeal from this decision was dismissed by the Court of Appeal on 18 May 2011. Earlier, the Court of Appeal had also upheld the validity of the notices requesting information given to the DO appellants under the DO. Appeals against the PFO and the DO notices were brought to the Supreme Court and were heard together.

Judgment:The Supreme Court allows both appeals: the PFO appeal by a majority (Lord Judge and Lord Clarke dissenting) and the DO appeal unanimously. Lord Phillips (with whom Lady Hale, Lord Brown, Lord Kerr and Lord Wilson agree) gives the main judgment. Lord Reed and Sir Anthony Hughes give shorter concurring judgments. Lord Judge and Lord Clarke give a joint dissenting judgment on the PFO appeal.

Reasons for the judgment: SOCA,s application was pursuant to the powers in Part 5 of POCA for the court to make a civil recovery order in respect of property which is, or represents, property obtained through criminal conduct. The applicable definition of the term property, is in section 316(4) which provides that property is all property wherever situated,. However, many of the provisions referring to property in POCA plainly apply only to property within the UK and the scope of the term depends on its context. Thus the definition should not have been given the weight it had carried in the courts below [14].

Although there was a presumption under principles of international law that a statute does not have extraterritorial effect, states have departed from this by agreement in the case of confiscating the proceeds of crime. POCA must be read in the light of the Strasbourg Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, which recognises that the courts of state A may seek to seize property in state B which is the proceeds of the criminal conduct of a defendant subject to the criminal jurisdiction of state A [18-29]. Parts 2, 3 and 4 of POCA provide for (a) the imposition of personal obligations in respect of property worldwide; (b) proprietary measures to secure and realise property within the UK and (c) requests to be made to other states to take such measures in respect of property within their territories. This represents a coherent international scheme which accords with the Strasbourg Convention and with principles of international law [31-38].

The purpose of Part 5 of POCA is to enable recovery in civil proceedings in each part of the UK of property which is or represents property obtained through unlawful conduct. The focus is on the property rather than a particular defendant. In their natural meaning, and in the absence of provisions corresponding to those for enforcement abroad in Parts 2, 3 and 4, the provisions of Part 5 apply only to property within the UK [53-56, 136]. The only anomaly with this analysis was the presence of section 286(2) POCA which purported to create a different position in Scotland from that in the rest of the UK. There was no satisfactory explanation for this and it remained an enigma [75-77] (Lord Reed thought it may have reflected a misunderstanding [152]), but it did not alter the overall conclusion that the High Court of England and Wales had no jurisdiction under Part 5 to make a recovery order in relation to property outside England and Wales. Thus the property covered by the PFO must be limited to such property, and the appellants could not be required under it to disclose all their worldwide assets [78-82].

discreditable conduct for arming themselves with baseball bats and pickaxe handles to smash up a car and arrest a 19-year-old man with no criminal history. Channel 4 News has learnt that the victim Jonathan Billinghurst is now planning to sue the Met Police.

'Waterboarding': The next stage was to be a disciplinary hearing involving another three officers from the same crime squad. They were alleged, during the search of a house, to have smashed a suspect over the head with a bible, forced another's head into a bucket of water and threatened to use Guantanamo-inspired "waterboarding" torture methods.

The Independent Police Complaints Commission proposed to hold the hearing in public but had to abandon proceedings because a witness, a convicted criminal, refused to cooperate Another disciplinary hearing followed in May in which an officer was reprimanded for seizing an uninsured Mercedes from a suspect, driving it the wrong way up a one-way street, then crashing it.

Commander Peter Spindler, who is in charge of the Met's directorate of professional standards, said: "This has been a thorough and robust DPS investigation into a variety of allegations. The actions of some of the former Enfield Crime Squad officers fell below the high standards we expect and the public deserve." Metropolitan Police Federation Chairman John Tully fed said: "The latest findings were for minor offences when you consider the original allegations involved waterboarding and torture. This has been a long and protracted process. The officers have been honest throughout."

Rachel Hewitt Jailed For Cancer Lies to Police Colleagues

A police officer who took time off work after falsely claiming her daughter had cancer has been jailed for 18 months. Rachel Hewitt, 39, of Ash Grove, South Elmsall, West Yorkshire, admitted fraud and misconduct in public office earlier this year at Hull Crown Court. Hewitt claimed she had to miss shifts at North Yorkshire Police - where she no longer works - because her teenage daughter needed chemotherapy. In fact, the court heard, her daughter was taking part in show-jumping events. The offences relate to the period between 1 January 2009 and 10 October last year when Hewitt was a constable with North Yorkshire Police.

Ex-detective Peter Foster Found Hanged in Jail

A former detective jailed for life for murdering his partner has been found hanged in his cell. Peter Foster, 36, was jailed for at least 17 years at Lewes Crown Court last month after admitting murdering Heather Cooper, whose body was discovered in a shallow woodland grave. The 33-year-old was killed at the couple's home in Haslemere, Surrey.

Foster's death, at Lewes Prison, comes three days after a man who knifed his stepfather to death was found hanged. Nathan Vaughan-Jones, 34, was found at about 20:30 BST on Friday at the prison and pronounced dead about 30 minutes later. He had been jailed for 11 years in March 2012. Vaughan-Jones admitted the manslaughter of 63-year-old Nigel Ross on the grounds of diminished responsibility after he stabbed him 41 times in the garden of his sister's home in South Chailey, near Lewes. It is understood Foster was subject to suicide-prevention measures at Lewes jail.

The Prison Service said he was found hanged in his cell at 03:00 BST. "Prison staff tried to resuscitate him and paramedics were called but he was pronounced dead at 03:25," said a spokesman. As with all deaths in custody, the independent Prisons and Probation Ombudsman will conduct an investigation. We will now consider if these cases were completely isolated or if there were any common factors involved."

Police Inspector Jailed for 'Fitting up' Steven Johnston and Billy Allison

A former policeman has been jailed for five years for withholding evidence from prosecutors while investigating a murder in Fife 17 years ago. Richard Munro, 53, was found guilty last month of attempting to defeat the ends of justice, after a trial at the High Court in Edinburgh. As a detective inspector he led the investigation into the killing of Andrew Forsyth in Dunfermline in 1995. Steven Johnston and Billy Allison were jailed for murder then later acquitted.

Munro was sentenced at the High Court in Aberdeen. Passing sentence, judge Lord Doherty said: "The course of conduct you engaged in was a shocking affront to the principles which underly the criminal justice process. "Your offence was committed in a variety of ways over a considerable period. It was calculated and deceitful. You contributed substantially to the convictions of Johnston and Allison being miscarriages of justice.

He added: "You were in a position of trust. The criminal justice system depends upon police officers acting with honesty and integrity. In acting as you did you let yourself down, your police colleagues, the procurator fiscal, other representatives of the Crown, Mr Johnston and Mr Allison and their legal representatives and the court."

The Forsyth case saw Munro take charge of his first murder investigation. At the time, two suspects emerged, Mr Johnston and Mr Allison who had been involved in a fight with Mr Forsyth on Friday 3 November, but claimed to have left him alive and well. Mr Forsyth's body was found six days later, and prosecutors hung their case on the murder having been carried out on the Friday.

But it emerged crucial evidence was suppressed by Munro and kept hidden from both the crown and the defence. Johnston and Allison were acquitted on appeal in 2006, subsequently Lothian and Borders police were instructed to investigate Munro.

The Crown Office has told the BBC the Forsyth case will be reviewed. A Fife Constabulary spokesman said: "We note the sentence of Richard Munro, a retired police officer. The force will consider the full judgement of the court in detail when it is available." BBC News, 25/07/12

Enfield Crime Squad - 9 Guilty Corruption/Violence/Theft - No dismissals

A four-year corruption inquiry into the actions of a crime squad ends with nine police officers found guilty of discreditable conduct but no dismissals and no senior officers held to account. The last in a series of Metropolitan Police disciplinary hearings was held behind closed doors on Thursday and four detective constables were found guilty of mishandling property seized during searches by the Enfield crime squad, which has since been disbanded. DVD players, iPods and flat-screen TVs were distributed among some of the staff at Edmonton police station in north London.

One officer received a written warning. There were no sanctions for the other three. John Feavyour, deputy chief constable of Cambridgeshire and the chair of the misconduct board, said the officers had fully illustrated that they now understood the appropriate processes for handling property.

Anti-corruption investigation: Known as Operation Sumaq, it became one of the biggest investigations carried out by the Met's anti-corruption unit. It included covert surveillance of the squad with listening devices and secret cameras installed at Edmonton police station. Files on 15 officers, from constable to superintendent, were sent to the Crown Prosecution Service (CPS). The CPS decided there was insufficient evidence to charge.

Last October, the first disciplinary hearing found six officers from the squad guilty of

The notices under the DO were given to persons who were, and were known by SOCA to be, outside the jurisdiction of the UK. Compliance with such orders was subject to penal sanction. It was generally contrary to international law for country A to purport to make criminal conduct in country B committed by persons who are not citizens of country A. It was therefore implicit that the power to impose positive obligations to provide information could only be exercised in respect of persons who were within the UK and the DO did not authorise the sending of notices to persons outside the UK [94, 98].

Lord Judge and Lord Clarke, dissenting on the PFO appeal, agreed that POCA was poorly drafted but held that the objective was clearly to deprive criminals of the proceeds of their crimes, whether here or abroad [160]. The expression Œall property wherever situated, should have the same meaning in all sections in which it appeared [164]. Control mechanisms had been created in Part 5 to ensure that orders made could avoid any improper extra-territorial effect or infringement of the principle of sovereignty. Recovery orders took personal effect and, in respect of foreign property, were subject to the local law [167].

This is How Racism Takes Root

Joseph Harker, guardian.co.uk, Sunday 22 July 2012

The different ways the media covered two cases of men grooming children for sex show how shockingly easy it is to demonise a whole community

Five men found guilty of child sex abuse

By now surely everyone knows the case of the eight men convicted of picking vulnerable underage girls off the streets, then plying them with drink and drugs before having sex with them. A shocking story. But maybe you haven't heard. Because these sex assaults did not take place in Rochdale, where a similar story led the news for days in May, but in Derby earlier this month. Fifteen girls aged 13 to 15, many of them in care, were preyed on by the men. And though they were not working as a gang, their methods were similar – often targeting children in care and luring them with, among other things, cuddly toys. But this time, of the eight predators, seven were white, not Asian. And the story made barely a ripple in the national media.

Of the daily papers, only the Guardian and the Times reported it. There was no commentary anywhere on how these crimes shine a light on British culture, or how middle-aged white men have to confront the deep flaws in their religious and ethnic identity. Yet that's exactly what played out following the conviction in May of the "Asian sex gang" in Rochdale, which made the front page of every national newspaper. Though analysis of the case focused on how big a factor was race, religion and culture, the unreported story is of how politicians and the media have created a new racial scapegoat. In fact, if anyone wants to study how racism begins, and creeps into the consciousness of an entire nation, they need look no further.

Imagine you were living in a town of 20,000 people – the size of, say, Penzance in Cornwall – and one day it was discovered that one of its residents had been involved in a sex crime. Would it be reasonable to say that the whole town had a cultural problem, that it needed to address the scourge – that anyone not doing so was part of a "conspiracy of silence"? But the intense interest in the Rochdale story arose from a January 2011 Times "scoop" that was based on the conviction of at most 50 British Pakistanis out of a total UK population of 1.2 million, just one in 24,000: one person per Penzance.

Make no mistake, the Rochdale crimes were vile, and those convicted deserve every year of their sentences. But where, amid all the commentary, was the evidence that this is a racial issue; that there's something inherently perverted about Muslim or Asian culture?

Even the Child Protection and Online Protection Centre (Ceop), which has also studied potential offenders who have not been convicted, has only identified 41 Asian gangs (of 230 in total) and 240 Asian individuals – and they are spread across the country. But, despite this, a new stereotype has taken hold: that a significant proportion of Asian men are groomers (and the rest of their communities know of it and keep silent).

But if it really is an "Asian" thing, how come Indians don't do it? If it's a "Pakistani" thing, how come an Afghan was convicted in the Rochdale case? And if it's a "Muslim" thing, how come it doesn't seem to involve anyone of African or Middle Eastern origin? The standard response to anyone who questions this is: face the facts, all those convicted in Rochdale were Muslim. Well, if one case is enough to make such a generalisation, how about if all the members of a gang of armed robbers were white; or cybercriminals; or child traffickers? (All three of these have happened.) Would we be so keen to "face the facts" and make it a problem the whole white community has to deal with? Would we have articles examining what it is about Britishness or Christianity or Europeanness, that makes people so capable of such things?

In fact, Penzance had not just one paedophile, but a gang of four. They abused 28 girls, some as young as five, and were finally convicted two years ago. All were white. And last month, at a home affairs select committee, deputy children's commissioner Sue Berelowitz quoted a police officer who had told her that "there isn't a town, village or hamlet in which children are not being sexually exploited".

Whatever the case, we know that abuse of white girls is not a cultural or religious issue because there is no longstanding history of it taking place in Asia or the Muslim world.

How did middle-aged Asian men from tight-knit communities even come into contact with white teenage girls in Rochdale? The main cultural relevance in this story is that vulnerable, often disturbed, young girls, regularly out late at night, often end up in late-closing restaurants and minicab offices, staffed almost exclusively by men. After a while, relationships build up, with the men offering free lifts and/or food. For those with a predatory instinct, sexual exploitation is an easy next step. This is an issue of what men can do when away from their own families and in a position of power over badly damaged young people.

It's a story repeated across Britain, by white and other ethnic groups: where the opportunity arises, some men will take advantage. The precise method, and whether it's an individual or group crime, depends on the particular setting – be they priests, youth workers or networks on the web.

Despite all we know about racism, genocide and ethnic cleansing, the Rochdale case showed how shockingly easy it is to demonise a community. Before long, the wider public will believe the problem is endemic within that race/religion, and that anyone within that group who rebuts the claims is denying this basic truth. Normally, one would expect a counter-argument to force its way into the discussion. But in this case the crimes were so horrific that right-thinking people were naturally wary of being seen to condone them. In fact, the reason I am writing this is that I am neither Asian nor Muslim nor Pakistani, so I cannot be accused of being in denial or trying to hide a painful truth. But I am black, and I know how racism works; and, more than that, I have a background in maths and science, so I know you can't extrapolate a tiny, flawed set of data and use it to make a sweeping generalisation.

I am also certain that, if the tables were turned and the victims were Asian or Muslim, we would have been subjected to equally skewed "expert" commentary asking: what is wrong with how Muslims raise girls? Why are so many of them on the streets at night? Shouldn't the community face up to its shocking moral breakdown?

While our media continue to exclude minority voices in general, such lazy racial generalisations are likely to continue. Even the story of a single Asian man acting alone in a sex case made the headlines. As in Derby this month, countless similar cases involving white men go unreported.

We have been here before, of course: in the 1950s, West Indian men were labelled pimps, luring innocent young white girls into prostitution. By the 1970s and 80s they were vilified as muggers and looters. And two years ago, Channel 4 ran stories, again based on a tiny set of data, claiming there was an endemic culture of gang rape in black communities. The victims weren't white, though, so media interest soon faded. It seems that these stories need to strike terror in the heart of white people for them to really take off.

What is also at play here is the inability of people, when learning about a different culture or race, to distinguish between the aberrations of a tiny minority within that group, and the normal behaviour of a significant section. Some examples are small in number but can be the tip of a much wider problem: eg, knife crime, which is literally the sharp end of a host of problems affecting black communities ranging from family breakdown, to poverty, to low school achievement and social exclusion.

But in Asia, Pakistan or Islam there is no culture of grooming or sex abuse – any more than there is anywhere else in the world – so the tiny number of cases have no cultural significance. Which means those who believe it, or perpetuate it, are succumbing to racism, much as they may protest. Exactly the same mistake was made after 9/11, when the actions of a tiny number of fanatics were used to cast aspersions against a 1.5 billion-strong community worldwide. Motives were questioned: are you with us or the terrorists? How fundamental are your beliefs? Can we trust you?

Imagine if, after Anders Breivik's carnage in Norway last year, which he claimed to be in defence of the Christian world, British people were repeatedly asked whether they supported him? Lumped together in the same white religious group as the killer and constantly told they must renounce him, or explain why we should believe that their type of Christianity – even if they were non-believers – is different from his.

"It's nothing to do with me", most people would say. But somehow that answer was never good enough when given by Muslims over al-Qaida. And this hectoring was self-defeating because it caused only greater alienaton and resentment towards the west and, in particular, its foreign policies.

Ultimately, the urge to vilify groups of whom we know little may be very human, and helps us bond with those we feel are "like us". But if we are going to deal with the world as it is, and not as a cosy fantasyland where our group is racially and culturally supreme, we have to recognise when sweeping statements are false.

And if we truly care about the sexual exploitation of girls, we need to know that we must look at all communities, across the whole country, and not just at those that play to a smug sense of superiority about ourselves.

Prisoner transfer agreement with Albania

A new agreement seeing a greater number of Albanian prisoners transferred from the UK to complete their sentences in Albania has been signed. The agreement, signed by Prisons Minister Crispin Blunt and the Albanian Deputy Justice Minister, Brikena Kasmi , is the first to be signed with a country with a large number of foreign national offenders in UK prisons. It will see the compulsory transfer of Albanian national prisoners currently serving sentences in the United Kingdom, to prisons in Albania. The agreement also means that British citizens who are serving prison sentences in Albania may also be compulsorily transferred.