

to cover the interim receiver's investigation and report. "The starting point in this case is the possession of property by the appellants for whose provenance they were unable to provide a legitimate explanation," Lord Phillips said. "There was an abundance of evidence, set out at length by the judge with great care, which implicated them in criminal activity that provided the explanation for the property that they owned. "The judge rightly applied the civil standard of proof, but on my reading of his judgment he would have been satisfied to the criminal standard of the appellants' wrongdoing."

Lord Phillips dismissed the appeal on the burden of proof. Lords Mance, Judge and Reed agreed. Lords Clarke, Brown and Dyson agreed for their own reasons. On the issue of costs, Lord Clarke said the amount paid by SOCA to the interim receiver was "said to have totalled £1m". He went on: "SOCA submits that the investigation costs which it has reasonably paid to the receiver are part of the costs of or incidental to the civil recovery proceedings."

Lord Clarke said Gale argued that the receiver's remuneration was an expense of the receivership and not a cost of or incidental to the proceedings in which he was appointed. "It is commonplace for parties to proceedings to instruct experts of all kinds in connection with litigation," Lord Clarke said. "They include forensic accountants in a fraud case and consultants of all kinds in the investigation of, say, a maritime casualty or a death in a hospital. The reasonable amounts paid to such experts are treated as the costs of and incidental to the proceedings. In my opinion reasonable sums paid by SOCA to an interim receiver, at least in respect of his investigation, should in principle be regarded in the same way."

Lord Clarke dismissed the appeal on the issue of costs. Lords Phillips, Mance, Judge and Reed agreed. Lords Brown and Dyson agreed for their own reasons.

Prisoners: Personality Disorders

House of Lords / 21 Oct 2011 : Column WS31

Minister of State, Department of Health (Paul Burstow) Written Ministerial Statement.

I am publishing today a joint Department of Health and Ministry of Justice response to the public consultation on an offender personality disorder pathway implementation plan, which was completed on 17 May 2011. The consultation set out the Government's plans to reshape services, interventions and treatments for offenders with severe personality disorders. There were 91 responses to the consultation almost all of which supported the proposed approach.

The Government will now begin to take forward the pathway approach, which will enable the complex needs of high risk offenders to be addressed more effectively.

We will start to decommission the dangerous and severe personality disorder (DSPD) pilot sites in the NHS, the first being the unit based in Broadmoor high secure psychiatric hospital. The patients currently being held in these facilities will continue to be treated in the level of security necessary for the risk they present and no individual will be moved to a lower level of security as a result of these changes. Professional judgments on an individual's appropriate level of security will continue to be made as part of the normal assessment arrangements.

The new pathway will enable the complex needs of high risk offenders to be addressed more effectively. Interventions and treatment will be provided earlier and in the most suitable locations, additional support will be given to those who have completed programmes and ongoing supervision will be enhanced.

These plans strengthen public protection arrangements and improvements in psychological health outcomes through new collaborative services across the National Health Service and National Offender Management Service.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
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MOJUK: Newsletter 'Inside Out' No 343 (30/10/2011)

USA: 21 years of wrongful imprisonment ends for Jacques Rivera

Behind each wrongful conviction lie broken lives and shattered dreams. Each one represents a serious and substantial failure of law enforcement: the wrong person locked up; the actual perpetrator at large. Each is expensive, imposing millions in measurable costs and incalculable intangible harm on the City of Chicago and the criminal justice system. And every one of the cases raises this screaming question: "How could this have happened?"

At the Chicago Police Department, heads will not roll and questions will not be asked. At Chicago City Hall, a commission will not be appointed and an inquiry will not be conducted. The detectives in charge of the investigation that went awry will not be punished. Every person in a position to demand answers and accountability will be otherwise occupied. Nothing will change. That's exactly how it's unfolded here in each of the 62 Chicago exonerations that preceded Jacques Rivera. And that's what we must expect in the aftermath of his exoneration too.

Chicago, IL - Jacques Rivera has been released after 21 years in prison, after being exonerated for a murder he did not commit. On Oct. 4 he spoke to the press waiting outside the jail. Surrounded by his family, lawyers and members of the activist group Comite Exigimos Justicia (CEJ) which worked tirelessly for justice in this case he said, "The city of Chicago needs to know the truth and that is that I did not kill Felix Valentin."

Rivera's case was particularly shocking because the prosecution's 1988 case hinged solely on a 12-year old eyewitness. The issue of the obvious unreliability of eyewitness identifications in a police lineup – especially by children - was reported on widely in the Chicago coverage of this case. But what Jacques Rivera means when he says that "it didn't have to go like that" is the fact that his case was handled by Detective Reynaldo Guevara of the Gang Crimes Unit of Area 5.

Fight Back! has reported for years on the rampant corruption in Chicago's police department, especially in the Puerto Rican neighborhood of Area 5. A community campaign for justice developed in the late 1990s with over 40 wrongful conviction murder cases. These cases stemmed from a group of crooked cops, often with Detective Reynaldo Guevara at the head of the team. This was the same gang crimes unit where Detective Joseph Miedzianowski got sentenced to life in jail for running such a large and open drug organization that the Chicago Tribune titled him "Chicago's most corrupt cop."

The Comite Exigimos Justicia members demanded that all cases that these officers signed off on be made public and re-investigated when indicated. For example, the eyewitness in Rivera's case said that one week after the mistaken line up he had tried to tell the detectives the truth but they ignored him.

Jacques Rivera, 46 years old, is now home with his family trying to adjust to a very different Chicago than in 1988 when he was last out. He seems still in disbelief that the 80-year sentence for a crime he did not commit is finally behind him. His children have grown up

almost their entire lives seeing their father in 2 hour prison visits. This past weekend he sat on the brick bungalow front stoop looking at the scrapbook with flyers and photos of CEJ events held over the years. He recognizes the names of some of the other Area 5 frame up cases, like Mario Flores, freed from death row a few years ago; Angel Rodriguez, freed in 2004 in what had originally been a 70-year sentence and Juan Johnson, freed in 2010. Johnson received the largest settlement in the history of Chicago: \$21 million. In addition, the Johnson case was able to force Detective Guevara to testify in court and pay penalties.

Members of CEJ often spoke about Area 5 detectives pinning false charges on opposing gang members in order to protect their own contacts in the streets or to appear to have quickly closed a case. Rivera's mother Gwen Rivera was an active member of CEJ and believed all along that her son was innocent and had been framed. This Humboldt Park committee of mostly Puerto Rican and Mexican women protested regularly at Area 5 station, city hall, the state attorney's office, the Justice Department and monthly Chicago Police Board meetings fighting to free their loved ones.

These CEJ women were some of the strongest voices to raise the issues of the CPD's racist attacks in the Latino Northwest side neighborhood and link it to the CPD's policies that were terrorizing and falsely jailing people in the West and South Side Black community. That activism and research connecting the common patterns in the frame ups led to Northwestern Law School Center for Wrongful Convictions to take up Rivera's case.

These kinds of victories open the way for other Guevara frame-up cases like Nelson Gonzalez, Johnny Flores, Armando Serrano and Roberto Almadovar. These men are still locked up while they and their families suffer. Charlie and Esther Hernandez stood outside the jail gate to welcome Rivera. They held a photo of their son in prison. They said, "This hurts everyone because the community continues to pay to jail the innocent."

Jacques Rivera mentions his upcoming civil suit and plans he has to help others. He says he would be very happy to attend this year's People's Thanksgiving dinner and Fight Back! newspaper award event in Chicago on Dec. 3. At this event, guests write personal notes in holiday cards to send to political prisoners and the wrongfully convicted. He looks forward to getting to meet more of the people of CEJ, who he now calls part of his "dream team" as well as learn about other justice issues. Although this is only the 19th year of the Thanksgiving event, Rivera's freedom is an inspiring victory over 21 years in the making.

By Stephanie Weiner, Fight Back News, October 22, 2011

Part 2: Chicago Ought to Change the Standard Ending to That Old Wrongful Conviction Story Chicago Huffington post, Posted: 20/20/11

A short driveway leads from California Avenue to Division 5 of the Cook County Jail. It is the point of entry for hundreds who daily visit friends or family members confined behind the razor wire. It is a point of departure too. Each day dozens of men pass through the Jail gate and back to the streets: their bond posted, their sentences served, the charges dropped.

On a rare warm October night a few days ago a different scene unfolded at this place. With Northwestern Center on Wrongful Convictions attorney Judy Royal at his elbow, Jacques Rivera walked briskly down that driveway, out of the shadows and into the warm glow of television lights, the embraces of his children and his mother and the cheers of supporters. He was finally free after 21 years of imprisonment for a murder he did not commit. It was like a dream, his mother said as her son hugged her to his chest, a dream come true.

We have seen this movie before. Like a romance novel or a cowboy story, we know how the plot will unfold: the brutal crime; the seemingly airtight case against the innocent suspect;

Government has already announced proposals for a mandatory six month sentence for adults convicted of the same offence.

Kenneth Clarke said: 'We intend to replace the widely criticised IPP system, which the public doesn't have confidence in, with a new regime of tough, determinate sentences. Under our plans we expect more dangerous offenders to receive life sentences. Those getting the new Extended Determinate Sentence will have to serve at least two-thirds of it behind bars before release. We are clear that there will be no automatic release before the end of the full sentence for the most serious cases. The new regime will restore clarity, coherence and common sense to sentencing, rid us of the inconsistent and confusing IPP regime and give victims a clearer understanding of how long offenders will actually serve in prison.

We have already announced that we are bringing in an automatic prison sentence for any adults who use a knife to threaten and endanger. Clearly any extension of this sentence to children requires very careful consideration. However, we need to send out a clear message about the seriousness of juvenile knife crime, so we are proposing to extend a suitable equivalent sentence to 16-17 year olds, but not to younger children.'

The new measures will be debated in the House of Commons next week and if passed, will be added to the Legal Aid, Sentencing and Punishment of Offenders Bill which is currently progressing through Parliament.

Notes to editors 1. These changes will not apply retrospectively to current prisoners: those on existing IPPs will continue to be assessed on a case by case basis by the Parole Board.

2. Sentences of Imprisonment for Public Protection (IPPs) were created by the Criminal Justice Act 2003 and became available in April 2005. They were designed to protect the public from serious offenders whose crimes did not merit a life sentence.

3. Offenders sentenced to an IPP are set a minimum term (tariff) which they must spend in prison. After they have completed their tariff they can apply to the Parole Board for release. The Parole Board will release an offender only if it is satisfied that the risk of harm presented by an offender is such that it may be safely managed in the community. If offenders are given parole they will be on supervised licence for at least 10 years. If offenders are refused parole they can only apply again after one year.

4. The Detention and Training Order is the main custodial sentence for under-18s which is served half in custody and half under supervision in the community.

'Fruits of crime' can be confiscated by SOCA using civil burden of proof

The Serious Organised Crime Agency (SOCA) can rely on the civil burden of proof to confiscate property obtained through unlawful conduct, the Supreme Court ruled. The court rejected the argument that unlawful conduct had to be proved beyond reasonable doubt and failure to do so was a breach of the owner's rights to a fair trial or hearing under article 6. Giving the leading judgment in Gale and another v SOCA [2011] UKSC 49, Lord Phillips said SOCA obtained an order for recovery of property worth £2m from David Gale and his former wife Teresa. Gale had been tried for drugs trafficking in Portugal but was acquitted, and criminal proceedings brought against him in Spain were discontinued.

Lord Phillips said that, under part 5 of the Proceeds of Crime Act 2002 (POCA), SOCA had to prove that the property was obtained by unlawful conduct. Under section 241 of the Act, it must be proved 'on a balance of probabilities'.

The Court of Appeal rejected Gale's arguments and ruled that he should pay SOCA costs

There were some areas of concern. Good individual work such as thorough risk assessments, excellent work by the special needs coordinator, self-harm, health care and education assessments were not effectively pulled together into one coherent picture.

We also identified some individual incidents that caused concern. A disclosure of historic sexual abuse had been dealt with, at best, insensitively. We were concerned to see that there had been a very small number of cases where young women had been placed in the adult segregation unit.

We do not believe it was necessary - other units do not have that facility and manage perfectly well. Of greatest concern was an incident in which a young woman with a history of sexual abuse and who was subject to ACCT (self-harm and suicide prevention) procedures was held down and forcibly strip-searched. In my view that is not an acceptable procedure for this age group in any circumstance.

Although of serious concern, these were isolated and rare incidents. The general picture of the Rivendell Unit was of effective and sensitive work with some very needy and challenging young women. There is room for improvement but I hope the obvious strengths of the unit can be put to good use in the necessary rationalisation of facilities for this small part of the young offender population.

Nick Hardwick, HM Chief Inspector of Prisons

Clarke: Tough intelligent sentences

Justice Secretary Kenneth Clarke has announced a new sentencing regime.

This will see more dangerous criminals given life sentences, an end to the indeterminate sentencing system, to be replaced by long determinate prison terms, and mandatory custodial sentences to be available for both adults and 16-17 years olds convicted of aggravated knife and offensive weapon offences. It follows the Prime Minister's announcement on 21 June 2011 that the Government would review the Imprisonment for Public Protection (IPP) sentence with a view to replacing it with a new regime which would be better understood by the public and command greater confidence.

The new regime will include:

- * Mandatory life sentences - a 'two strikes' policy so that a mandatory life sentence will be given to anyone convicted of a second very serious sexual or violent crime. This will mean that mandatory life sentences can be given for crimes other than murder

- * Extending the category of the most serious sexual and violent offences to include child sex offences, terrorism offences and 'causing or allowing the death of a child' so that the new provisions will apply to them

- * The Extended Determinate Sentence (EDS) – all dangerous criminals convicted of serious sexual and violent crimes will be imprisoned for at least two thirds of their sentence, marking an end to the regime which allowed the release of these offenders at the half-way point. Offenders convicted of the most serious sexual and violent crimes in this category will not be released before the end of their sentence without Parole Board approval

- * Extended licence period – criminals who complete an EDS must then serve extended licence periods where they will be closely monitored and returned to prison if necessary. The courts have the power to give up to an extra five years of licence for violent offenders and eight years for sexual offenders on top of their prison sentence

- * Mandatory custodial sentence for aggravated knife possession - 16 and 17 years olds – but not younger children - convicted of using a knife or offensive weapon to threaten and endanger will face a mandatory four month Detention and Training Order (DTO). The

his conviction; the lonely years in which his protestations of innocence from a prison cell fall on deaf ears; the arrival, finally, of heroic, committed lawyers who take up his case; and then, that magical walk to freedom after the false case has fallen apart. The TV producers -- like the rest of us -- can't get enough of this drama with its great visuals.

The famed University of Chicago criminologist Norval Morris once said that an innocent man in prison is as rare as a pigeon in the park; they aren't everywhere, but if you look, you will see them. With Rivera, the Chicago Police Department has so far been implicated in 63 known wrongful convictions since 1989, according to Northwestern University's Center on Wrongful Convictions.

These actually aren't feel-good stories. *Behind each wrongful conviction lie broken lives and shattered dreams. Each one represents a serious and substantial failure of law enforcement: the wrong person locked up; the actual perpetrator at large. Each is expensive, imposing millions in measurable costs and incalculable intangible harm on the City and the criminal justice system. And every one of the cases raises this screaming question: "How could this have happened?"*

Here in Chicago, there's a final chapter we can count on too. At the Police Department, heads will not roll and questions will not be asked. At City Hall, a commission will not be appointed and an inquiry will not be conducted. The detectives in charge of the investigation that went awry will not be punished. Every person in a position to demand answers and accountability will be otherwise occupied. Nothing will change. That's exactly how it's unfolded here in each of the 62 Chicago exonerations that preceded Jacques Rivera. And that's what we must expect in the aftermath of his exoneration too.

Rivera's false conviction rested solely on the testimony of a 12-year-old eyewitness to the murder. The case fell apart when the eyewitness gave a heartfelt recantation under oath at a court hearing last summer. Among other things, he testified that he'd told police before charges were filed against Rivera that he'd identified the wrong person. That inconvenient fact was never revealed to Rivera and his criminal trial attorney.

So the Rivera case leaves us with several specific and important questions that Chicago officials won't be pondering: What procedures should police follow when dealing with a child witness in the investigation of a serious crime? How could the police reports in a murder investigation have failed to note the sole eyewitness's recantation of his identification? Could future, similar miscarriages of justice be prevented through reform of the procedures for eyewitness identifications in criminal investigations like those recently implemented in New Jersey? It's too bad these questions won't be asked. Some focus on these and similar issues might help prevent the future miscarriages of justice that are otherwise certain to unfold. Now if only the City administration and the Chicago Police would write a surprise ending to this standard epilogue.

Turkish prisoners riot after earthquake aftershock

Prisoners set fire to a jail in Turkey's earthquake-hit city of Van on Tuesday 24th October and gunshots were heard as inmates fought their guards following a big aftershock. A soldier said the prisoners, who feared they could be crushed to death in their cells, had attacked the guards with scissors and knives, two days after 200 people are reported to have escaped in the chaos after the original quake. Reuters journalists saw flames at the building and white smoke billowing into the night sky, before half a dozen shots rang out to quell the short-lived revolt by prisoners, angry that they were being kept locked in cells while the building shook. Fire services put out the flames, while members of parliament from a pro-Kurdish party joined government officials and prison administrators talking to the prisoners.

Kevan Thakrar begins his defence

The trial opened on the 17th October in Newcastle Crown court with Kevan charged with two counts of attempted murder and one count of wounding with intent; of three prison officers at HMP Frankland. Kevan denied all charges.

Five security guards surrounded Kevan as he entered the high security, glass screened dock in Court 1 at Newcastle Crown Court. Usual bollocks from the Crown Prosecution Service (CPS) as they outlined the charges, painting Kevan blacker than Adolf Hitler, the only thing they didn't accuse him of was 'buggering' Bambi, probably forgot. CPS barrister constantly harping on about his original conviction; they said Kevan had armed himself with the broken end of a 285ml glass bottle of hot pepper sauce, with which he attacked the three officers, his clear intention was to kill all them all.

Prison officers called to the witness box; seem to have been practicing together how they would give evidence. As when asked about injuries sustained by Kevan, they had mass collective amnesia. In particular when they were shown pictures of bruises to Kevan's face, which Kevan was adamant, was caused by them. All denied ever seeing any such bruises and had not the slightest idea how he had got them. Evidence against Kevan lasted for four and a half days, ending midday on Friday 21st October.

As reported last Friday, prior to start of defence, Kevan's barrister requested that Kevan should not be handcuffed whilst giving evidence in the dock, that four prison officers were more than sufficient to keep good order in the court.

The judge refused outright. Kevan then had a meeting with his legal team and asked them to seek a judicial review of the judge's decision. His legal team refused to do this, saying that it was up to the judge how he ran a trial in his court. Kevan was of the opinion that they were just not bothering, so sacked them.

An appeal by MOJUK on behalf of Kevan for case law on the use of handcuffs at trial had a more than positive response. MOJUK was sent several documents, which were passed onto Kevan he had a meeting with his legal team, discussed the content of the documents and the legal team went back into court on Monday morning (24th October) to reargue the use of hand cuffs. A compromise was reached which was acceptable to Kevan as to how he would appear in the witness box, which was to have one custody officer, with him in the doc. So Kevan rehired his legal team.

Later that morning, Kevan Thakrar opening his defence, accused prison officers of a "stitch-up" intended to ensure he spent the rest of his life behind bars. Kevan claimed there was a conspiracy of silence among HMP Frankland prison staff with regard to assaults by prison officers on inmates.

The former student and shop assistant told the jury at Newcastle Crown Court Frankland prison officers operated according to a principal of "see no evil, hear no evil" when it came to their colleagues' "abuse of power". He said he was denied food and sleep the night before he used a broken bottle of hot pepper sauce to defend himself against prison officers Craig Wylde, Claire Lewis and Neil Walker at Frankland High Security Prison, in March last year.

Kevan said: "It is obviously wrong what happened, the individuals that have been hurt, and I am sorry for that, but it should not have come to that. If you put an animal in a cage and you poke it, poke it and poke it and then unlock the door it is not going to just sit there is it?"

He accused wardens of planting the empty bottle in his cell in the hope he would use it to harm himself. He claimed it was part of a plot to prevent him from attending court to appeal against his con-

Report on an announced inspection of HMP/YOI New Hall Rivendell Unit

13 - 17 June 2011 by HMCIP. Report compiled August 2011, published 25h October 2011
Concerns:

- A disclosure of historic sexual abuse had been dealt with, at best, insensitively
- a very small number of cases where young women had been placed in the adult segregation unit. We do not believe it was necessary - other units do not have that facility and manage perfectly well.
- Of greatest concern was an incident in which a young woman with a history of sexual abuse and who was subject to ACCT (self-harm and suicide prevention) procedures was held down and forcibly strip-searched. In my view that is not an acceptable procedure for this age group in any circumstance.

Introduction from the report

The Rivendell Unit is a small specialist unit attached to New Hall women's prison, holding a very small number of young women who have been convicted or charged with the most serious offences. All are facing or have the prospect of very long sentences. At the time the inspection took place the total number of young women held in similar facilities in England and Wales had fallen sharply to around 35. The capacity of the Rivendell Unit itself had reduced from 26 to nine but at the time of the inspection, the unit held only five young women.

The unit could have been a depressing and hopeless place with these children - albeit older children -locked away in such a claustrophobic space for so long and after such terrible offences. However, exceptionally positive work by officers and other staff and the good relationships they created with the young women, outstanding education provision and the positive way the young women themselves responded to this created a much more hopeful environment than might have been expected.

However, there is obviously a question of whether a unit this size can be sustained financially or create the range of services and individual care the young women need. It seems clear to me that similar units will need to be combined or given a wider role and I am sure this will be under active consideration. I hope that, whatever changes are made, some way is found to ensure that the strengths and experience of this unit are not lost. There will be downsides to any changes which may well involve young women held in larger units further away from home - but they arise from a wholly welcome fall in the number of young women in custody and the need to effectively meet the complex individual requirements of those continuing to be held.

There were good procedures for caring for young women at risk of self-harm and bullying or other misbehaviour was effectively challenged. The young women's behaviour rose to meet the high expectations of staff. Good consultation arrangements enabled the young women to have a constructive say in the day to day regime and services. The young women contributed to keeping the unit clean and tidy (although the scruffy state of a couple of the empty cells for new arrivals struck a discordant note).

Diversity work was excellent - it was properly integrated into the day to day life of the unit rather than the rather awkward add on we sometimes see; an approach that much bigger establishments could usefully emulate.

We saw very good work in the classrooms and young women were motivated to learn and obtain qualifications. There had been some very positive work based around support for a number of national charities. Young women took advantage of the PE facilities they were offered but, given the small size of the unit, it was a shame that better use was not made of the outdoor facilities.

Nick Herbert, the Policing minister, said: "These figures confirm that, in the vast majority of cases, existing criminals were out in force during the disturbances in August. The fact that half of recorded crimes were for offences like stealing and looting shows that most of what we saw was motivated by opportunity and greed."

Diane Abbott, the Labour MP for Hackney North and Stoke Newington, among the areas worst hit by the violence, said: "The fact that David Cameron blames gangs, pure and simple, shows just how little the Government really knows about inner-city areas. It is a series of much more complex issues that the Government needs to start engaging with."

Just over half the crimes committed during the four days of unrest were against businesses, with electrical and clothing stores the top targets, 19 per cent were against vehicles, while 13 per cent were muggings of passers-by. Blame game: Who else pointed the finger

David Cameron (11 August): "At the heart of all the violence sits the issue of the street gangs ... In the past few days, there is some evidence that they have been behind the co-ordination of the attacks on the police and the looting that has followed."

Ed Miliband (11 August): "We need a sustained effort to tackle the gangs in our cities, something we knew about before these riots..."

Theresa May (11 August): "The violence of the last five days raises searching questions ... Why does a violent gang culture exist in so many of our towns and cities?"

Nick Clegg (16 August): "I don't think anyone could have witnessed last week's events and somehow been complacent about gang culture ... there is even some anecdotal evidence that gangs were co-operating to maximise their looting opportunities."

Iain Duncan Smith (3 October): "The riots were a wake-up call on street gangs ... Gang members were not the sole perpetrators of the riots but they played a significant part." [End]

Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes and stops and searches Great Britain 2010/11

* There were 121 terrorism arrests in 2010/11, down from 178 in 2009/10 and lower than the annual average of 206 since 1 April 2002. Since 11 September 2001 there have been a total of 1,963 terrorism arrests.

* Thirty-seven per cent of terrorism arrests in 2010/11 resulted in a charge. Of these, 42 per cent were under terrorism legislation.

* In 2010/11 no individuals were held in pre-charge detention for longer than 6 days. Six people have been held for the then maximum period of 28 days, since the extension of the pre-charge detention period in 2006. The maximum period for pre-charge detention was reduced to 14 days on 25 January 2011.

* Two hundred and forty-six suspects have been convicted of a terrorism related offence since 11 September 2001. All three of those individuals arrested and prosecuted in 2010/11 for terrorism related offences were convicted. Thirteen defendants were awaiting trial as at 31 March 2011.

* There were 119 prisoners (both convicted and remanded) at 31 March 2011 classified as terrorists. This total comprised 97 terrorism related prisoners (including 4 historic cases), as well as 22 domestic extremists.

* In 2010/11, 9,652 stops and searches were made under section 44 of the Terrorism Act 2000, a fall of 91 per cent on 2009/10. This coincides with the repeal of s44 and its replacement with s47a.

* In 2010/11 65,684 persons were stopped and examined in a border area in Great Britain under the powers under Schedule 7 Terrorism Act 2000. Of these, 2,288 persons were held for over one hour.

viction in 2008 for the murders of three men and attempted murder of two women in a drug dispute.

Cross-examining Kevan, prosecutor Tim Gittens said Kevan had tried to kill officers Wyld and Lewis with the bottle. Gittens said: "It had chunky, thick glass and it was empty, ready to be made into a weapon. It was a nice, handy size to be used as a weapon, as a shank. You made it into a very effective weapon, one capable of inflicting fatal violence, didn't you?"

Kevan replied: "I was not in control. I was not thinking right. You're trying to imply I was capable of making rational decisions having not slept, having not eaten, and having all those thoughts running round in my head. I had been awake all night. I was ready to go home in a few weeks after my appeal. Why would I do that? I believed I was going home. I should have gone home."

The court heard Kevan might have been suffering from posttraumatic stress disorder at the time of the attack, as a result of his experiences in the British penal system since being locked up in 2007. He denies all charges, saying he lashed out at the guards in self-defence because he believed he was about to be attacked himself.

Officers have denied a "culture of racism" at the County Durham jail. But Kevan refutes this he said he was told by Frankland officers, he had to be either "white or a Muslim". I was called a "Paki beast" by guards who he claimed had plotted to attack him following a row over prison privileges.

He said there was a split of about 10% black or ethnic minority to 90% white inmates at the jail, and just one black prison guard, who was referred to behind his back by the other wardens as "Officer Darkie". It was "total nonsense" to deny there was a culture of racism at Frankland, then and now. He said: "There was racism between the Muslim and non-Muslim inmates and between the Muslim inmates and the guards. It was fuelled by the staff."

Prosecution shoot themselves in the balls

Consultant psychologist Roy Shuttleworth a Crown Prosecution Service (CPS) witness, whom the CPS declined to call and was called by Kevan's defence. Said that when Thakrar lashed out, he was in the grip of severe depression and was suffering Post Traumatic Stress Disorder (PTSD). Experiencing symptoms of anxiety, rage, fear and depression as well as suffering flashbacks to prison beatings and nightmares. He went on to say, the very distinctive sights, sounds and smells of the prison intensified the former shop assistant's illness and led him to behave violently. Shuttleworth said: "It's a One Flew Over The Cuckoo's Nest approach to the situation."

When the defence rested the witness, the court was treated to the theatre of the unreal, the Crown Prosecution Service bizarrely cross examining their own witness and trying in vain to rubbish his analysis of Kevan, the analysis that they had paid for. It was all to no avail, the expert witness was expert and no amount of harassment, yes, harassment for that is what it was, to try and demolish their own witness, came to no avail.

It was now the turn of witnesses who were in HMP Frankland at the time of the incident; but now dispersed to other prisons, to give evidence for Kevan. First witness up was brought to the dock in handcuffs, but no challenge was made to this for obvious reasons. The next batch of witnesses was all by video link, with one witness getting cut off midway through his testimony, which pissed the judge off. Two of the main witness for Kevan, currently in HMP Frankland, declined to give evidence; Kevan feels they were leaned on.

The court will be in recess, Monday/Tuesday/Wednesday of this week and trial will resume on Thursday 3rd November.

Letters of Support/Solidarity to:

Kevan Thakrar, A4907AE, HMP Durham, Old Elvet, Durham, DH1 3HU

James Dowsett - still remains in prison, 8 years after ECtHR ruled his right to a fair trial had been violated

by Charles Hanson

James Dowsett was convicted at Norwich Crown Court in March 1989 and sentenced to life imprisonment with a tariff of 25 years later reduced to 21 years for the killing of his business partner Christopher Nugent. Two other men, Stephen Gray and Gary Nugent later pleaded guilty to the murder with Gray giving evidence for the prosecution which implicated Jim Dowsett. Because of serious irregularities at Jim's trial and the failure of the prosecution to disclose important evidence which showed that there had been deals between Gray and the police to implicate Jim which only came to light some 8 years after Jim's conviction, he went on to launch a complaint at the European Court of Human Rights (ECtHR).

In June 2003 that court decided that Jim's right to a fair trial had been violated Dowsett v UK: Application No. 39482/98) that there was a clear breach of Article 6 of the European Convention of Human Rights. However, the ECtHR does not have the powers to order either the quashing of the conviction or a retrial and because an earlier appeal had failed it was the function of the CCRC to refer the case back to the Court of Appeal.

The CCRC in spite of the ECtHR's judgement refused to refer the case back basing its decisions amongst other things that they are not interested in whether there had been a breach of Article 6 but whether there was any real prospect of the Court of Appeal rendering the conviction as being unsafe and quashing the conviction.

Throughout his time in prison, Jim now aged 65 has been beset by illness including being diagnosed as diabetic and later having a large tumour removed from his pancreas which resulted in some three quarters of the pancreas was removed. He now lives mainly on liquid foods.

He has now served almost 23 years in prison.

In 2010, Jim's lawyers launched a claim against the Prison Service and the NHS Trust which holds the healthcare contract at Highpoint prison citing medical negligence and delays in getting Jim the medical treatment he so desperately needed in the early stages of his illness which might have prevented him having to have the major surgery to his pancreas. That claim is outstanding.

During the course of his illness and later after surgery, Jim attended various appointments at the outside hospital and in spite of him being low risk and having had two escorted town visits where he was allowed to wander around Cambridge with one prison officer, at each hospital appointment he was always handcuffed. Moreover, during examinations by doctors at the hospital where he remained handcuffed, female prison officers were sometimes in attendance even during the more intimate examinations. Jim's lawyers launched another claim under the Human Rights Act and in September 2011, the Ministry of Justice agreed to settle out of court. Jim was awarded £5,500.

Clearly, the handcuffing of prisoners during medical treatment and examinations has to be weighed proportionally to risk and the presence of female officers where a male prisoner is to be examined seems on the face of it to be discriminatory for male officers would not be permitted to be present if the prisoner being examined was a female.

In September 2011, Jim was finally transferred to open condition at HMP Kirkham and although now almost 2 years over tariff it is hoped that he can now finally look forward to release in the not too distant future when he will have the opportunity of continuing his fight based on what the European Court of Human Rights declared in 2003; that his right to a fair trial in March 1989 had been violated.

Letters of Support/Solidarity to:

James Dowsett: A9058AK, HMP Kirkham, Freckleton road, Preston, PR4 2RN

The prison had made commendable progress on safety, about which we had previously been very concerned. Progress was less visible in many other areas, although we recognised that managers and staff were working hard to further develop the prison and we hope these efforts will bear fruit in the coming months.

Nick Hardwick August 2011, HM Chief Inspector of Prisons

Official: Cabinet ministers wrong about cause of riots

Young, poor and uneducated – but most rioters were not in gangs

By Nigel Morris, Independent, Tuesday, 25 October 2011

Only 13 per cent of those arrested were gang members

Most of the young rioters arrested during this summer's violence came from the country's most deprived homes and were struggling at schools in poor neighbourhoods, the Government's own research has concluded.

The findings contradict cabinet ministers' claims that the unrest in London and other English cities was fuelled by an aggressive gang culture, showing that the vast majority of looters acted alone. Last night the Government was warned that society was storing up future problems by ignoring the growing number of disaffected young people growing up in poverty in the inner cities.

The analysis by the Home Office and the Ministry of Justice (MoJ) suggested that many of the looters were caught in a cycle of deprivation, poor educational attainment, unemployment and criminality. More than a third (35 per cent) of adult rioters appearing in court were living on benefits – three times the proportion nationally.

Almost two thirds (64 per cent) of the young rioters lived in the country's worst-off districts, with 42 per cent relying on free school meals. Two-thirds were classed as having special educational needs – three times the national average – and more than a third had been excluded from school in the past year. Just one in 10 had achieved five or more A* to C grades at GCSE, compared with more than half of pupils across the country. The MoJ concluded: "It is clear that compared to population averages, those brought before the courts were more likely to be in receipt of free school meals or benefits, were more likely to have had special educational needs and be absent from school, and more likely to have some form of criminal history."

Rhian Beynon, of the charity Family Action, described the figures as a "devastating indictment of the way society has failed some of the poorest and most disadvantaged younger men". She added: "Poverty, disadvantage and disaffection experienced by this group are root causes of the August riots, and now their futures will be blighted by criminal sentences."

Days after the disturbances in August, David Cameron said gangs were "at the heart" of the trouble and announced he was calling in the US "supercop" Bill Bratton to advise on tackling gangs. Only three weeks ago Iain Duncan Smith, the Work and Pensions Secretary, claimed that gang members had played a "significant part" in the unrest.

But the Home Office found that only one in eight (13 per cent) of those arrested were gang members, rising to 19 per cent in London, but well below that in other parts of the country. It added: "Most [police] forces perceived that where gang members were involved, they did not play a pivotal role." Just over three-quarters of those prosecuted had a previous conviction, including 26 per cent with 10 or more offences. Of those arrested, 40 per cent described themselves as white, 39 per cent as black, 11 per cent as mixed race, 8 per cent as Asian and 2 per cent from another background.

The figures also cast doubt on reports that foreign nationals were heavily involved in the disturbances. One in eight (13 per cent) of those jailed were born abroad, which is likely to reflect the make-up of the areas affected by the rioting.

- when asked if they had done something during their time in custody that would make them less likely to offend in future, only half of all sentenced young people answered positively, despite 92% of young men and 93% of young women indicating they would like to stop offending; however

- the amount of time spent out of cell had generally improved and more young men said they had daily association.

Nick Hardwick, Chief Inspector of Prisons, said: "This report has highlighted some deterioration in children and young people's experience of custody. Despite the falling numbers, this population has well-defined vulnerability and increasing numbers within minority groups. The need, therefore, to provide these young people with support during their time in custody and in preparation for release is as greater as ever."

Frances Done, Chair of the Youth Justice Board, said: "The YJB commissioned this report to identify the progress made and the areas which need further improvement. We are very concerned that in some areas young people's experience of custody has deteriorated although in some it has improved. We will be looking closely at the experiences reported by young people and working with all secure establishments to make sure that young people's time in custody has positive results and that everyone working in youth justice is focused on rehabilitating young people to help them achieve a more purposeful life."

Report on an unannounced short follow up inspection of HMP Exeter

Inspectors main concern: - needs of foreign national prisoners and prisoners with disabilities were not being adequately met

Introduction from the report: We found that there had been significant improvements in safety, which had previously been our area of greatest concern, and also in health care. However, progress had been less marked in many other areas.

The progress on safety was particularly welcome. The reception facilities had been refurbished and transformed, but first night facilities were not consistently available. Violence reduction was well managed and prisoners at risk of self-harm were properly cared for. The integrated drug treatment system had been successfully introduced, providing a good level of care and treatment for substance abusers. Security was better resourced and use of force was low. The segregation unit was now a generally reasonable facility.

There had been some improvements to residential facilities. There were still problems with the provision of clean clothing, although these were being addressed. Relationships between staff and prisoners were generally good but would be improved further by a better personal officer scheme and more comprehensive consultation with prisoners. Progress on diversity issues was disappointing and the needs of foreign national prisoners and prisoners with disabilities were not being adequately met. Health care had improved.

At our last inspection we were critical of the lack of purposeful activity and little progress had been made. Almost 50% of prisoners were found to be locked in their cells during the working day, which was more than at the last inspection, and the number of activity places had not increased. Access to the library had reduced and the outside sports facility had been withdrawn from use.

Resettlement was found to be good at our last inspection but had not progressed sufficiently, with backlogs in offender management and too many delays in transferring sex offenders to other prisons which could address their risks.

Exeter prison faces all the challenges of an elderly, city centre local prison, including limited infrastructure and a transient population of prisoners with a vast array of risks and needs.

How not to cut corners in the police

If there is one institution which ought to be transparently accountable to the public it serves, it should be the police. Yet, as we report today, there are thousands of "private" officers, hired from security companies who do not come under the official watchdog, the Independent Police Complaints Commission. Some chief constables ensure that "private" staff are covered by IPCC jurisdiction. Many do not.

The loophole has come to light, as most loopholes do, because of a pattern that started to emerge when things went wrong. Several investigations into injuries in custody, for instance, turned up the involvement of "private" officers over whom the IPCC has no authority.

If the use of what are essentially agency workers by the police were a temporary phenomenon, or one clearly in decline, then the situation would be serious enough. But the numbers are expected to rise because of the spending cuts faced by police forces. One way chief constables try to cut costs, while keeping sufficient numbers on the front line, is to outsource specific tasks or take on agency staff to help with particularly demanding investigations.

Alarm at private police operating beyond the law

MPs to investigate legal loophole in private police contracts

By Nina Lakhani, Independent, Monday, 24th October 2011

Hundreds of privately contracted police officers are working for forces across the country despite being unaccountable to the watchdog responsible for investigating deaths in custody, public complaints and allegations of wrongdoing, an investigation by The Independent has found.

The Independent Police Complaints Commission (IPCC) has no automatic power to discipline privately contracted staff even if individual failures or misconduct contribute to the death or serious injury of a detainee.

The Government has failed to close this regulatory loophole despite warnings dating back several years. The IPCC has investigated a number of cases in which privately contracted staff were found to be working alongside police officers when a detainee suffered serious harm or death. Chief constables can currently choose to designate private custody and transport officers as working within the watchdog's jurisdiction, but this does not happen consistently, according to the IPCC.

MPs last night condemned the Government for failing to extend the IPCC's statutory powers despite the increased outsourcing of traditional police roles to private firms including Reliance Security and G4S. The use of privately contracted officers is rapidly expanding into areas such as call handling and ID parades as police forces grapple with budget cuts. South Wales, Lancashire and Cleveland are among those already outsourcing frontline police jobs.

The Independent has established that G4S has more than 300 staff working in 30 custody suites in three police forces, while Reliance Security employs 690 staff across 13 forces. A number of forces also buy in temporary extra manpower to assist in dealing with serious crimes such as murder investigations, manhunts and major protests through G4S Policing Solutions' database – which has 17,000 former police officers and support staff on its books.

Keith Vaz MP, chairman of the Home Affairs Select Committee, confirmed last night that the loophole would be investigated in the committee's forthcoming inquiry into the IPCC. "With 16,000 police officers due to be axed over the next four years, the use of private contractors to undertake the work of detectives, control-room call handlers and custody officers is set to increase," he said. "I will be writing to the Home Secretary to ask why no action has been

taken to close this gap in jurisdiction... We must ensure those who undertake these crucial positions are accountable to the public they serve."

The issues were first highlighted in the case of Gary Reynolds, 43, who was found in a coma in his cell more than seven hours after being restrained and arrested in Brighton in March 2008.

In May 2009, the IPCC found that the "combined actions and inactions of custody sergeants and privately contracted staff in the custody centre contributed to a systematic failure to adequately look after the man whilst he was in their care".

Three police officers were given "words of advice", but the custody sergeant was allowed to retire and so escaped any disciplinary proceedings. He now issues firearms licences in a civilian post with Sussex Police. The IPCC could not enforce disciplinary measures on the Reliance custody staff.

The IPCC proposed "legislative changes" in February 2011 to "extend IPCC jurisdiction to include contracted staff". A Home Office spokesman said last night it was "considering what types of contracted-out staff the police complaints system should apply to".

Tom Brake, co-chairman of the Liberal Democrat backbench Home Affairs, Justice and Equalities Committee, said the increase in publicly funded private contracts should not be an "excuse for a lack of accountability". "As government contracts move to the private sector we need to ensure that private companies are subject to the same scrutiny as the public sector ,which includes being subject to the IPCC and Freedom of Information," he said.

Following Mr Reynolds's case, the IPCC also recommended changes to the Home Office police code which would require custody staff to carry out regular checks on anyone suspected of drinking even a small amount of alcohol. Instead, a significantly revised version of the safer detention guidance will be made available to forces next month and formally published next spring – three years after the IPCC report.

The National Policing Improvement Agency, which undertook the review of detention guidance, said: "We have [also] recently completely reviewed and revised the police custody officer training and first-aid training. We have not made the training available to the private sector as there has been no request for this to date. We would make it available to them if they approached us."

Both Reliance and G4S said their training arrangements were approved by individual police forces. G4S said it would welcome the introduction of tighter regulation, a voluntary code of conduct and minimum standards: "We fully co-operate with IPCC investigations and work with the relevant police authorities to ensure any recommendations are applied as appropriate."

Reliance said: "Whenever there are investigations conducted by the IPCC or any other incidents occur within custody, Reliance works very closely with the relevant police force to ensure that appropriate action is taken by all staff with regards to the lessons learnt."

Case Study: Marathon runner now struggles just to get up

Gary Reynolds, 43, a painter and decorator who also ran marathons, was restrained and arrested for being drunk and disorderly in Brighton city centre in March 2008 after leaving a party at a pub. The arresting Sussex Police officers later reported hearing a "thud or crack" as if his head hit the ground, but instead of taking him to hospital, they performed only a cursory check for blood or other obvious injuries.

He was taken to a custody centre outsourced to Reliance Security, where he was left in a cell to sleep off the alcohol overnight; none of the officers mentioned his possible head injury to the custody sergeant. By the time someone finally tried to rouse him, nearly eight hours after he was placed in the cell, he had slipped into a coma having suffered a brain haemor-

rhage and fractured skull. The untreated head injury left him paralysed on his left side, cognitively impaired and in need of constant care.

In 2009, the IPCC found "a collective lack of appreciation of the content and importance of following Sussex Police Policy and Safer Detention Guidance, in particular among Reliance staff and custody officers".

His brother Graeme said their whole family had been "tortured" by the events of that night. "All the agencies involved had the opportunity to make changes. But they haven't; they have put money first again. It would make us all feel better without a shadow of a doubt if we knew lessons had been learnt and that this could never happen again," he told The Independent.

Gary is still struggling to come to terms with his injuries and finds getting up each day "more difficult than running three marathons". He is currently in a rehabilitation unit.

Children And Young People In Custody - Conditions Deteriorating

Although the number of young people in custody has fallen in the last two years. There has been a severe increase in the already over-represented, number of black and minority ethnic young men in custody.

Young people's experience of custody has deteriorated, said Nick Hardwick, Chief Inspector of Prisons, publishing a thematic report, Children and Young People in Custody 2010-11: an analysis of the experiences of 15 to 18-year-olds in prison.

The report, published jointly with the Youth Justice Board, sets out how young people aged 15 to 18 describe their own experience of imprisonment in 2010-11. The number of children and young people in custody, held in young offender institutions, continued to fall during 2010-11 from 1,977 to 1,822. As a result, in 2010-11 the children and young people's estate has reduced, with 710 spaces decommissioned and five young offender institutions closed, including a unit for young women.

Demographic information indicates a changing profile of the children and young people in custody and reflects the vulnerability of the population. The proportion of black and minority ethnic young men, already over-represented, rose to 39% (from 33% in 2009-10), the number of foreign national young men increased to 6% (from 4% in 2009-10) and the number who identified as Muslim reached 16% (compared with 13% in 2009-10).

The report found that:

- over half of young men (53%, an increase from 39% in 2009-10) and 48% of young women said it was their first time in custody - a group more likely to report feeling unsafe;
- over a quarter of young men and over half of young women said they had spent some time in local authority care;
- almost a quarter of young women and 13% of young men had children of their own;
- a fifth of young men and 38% of young women reported emotional or mental health problems;
- compared with 2009-10, young men were less positive about their treatment in reception and the facilities offered on arrival, and fewer said that they felt safe on their first night;
- although the proportion of young men who said they had ever felt unsafe had fallen, fewer felt that they could tell someone if they were being victimised or believed a member of staff would take it seriously;
- although getting a job was cited by young men (and by 52% of young women) as most likely to stop them offending, fewer than half of young people said they knew who to contact in the establishment for help with finding employment;