Traditionally, police operations have been tried and tested in the North of Ireland and then brought to England. But one of the surprise conclusions of the symposium is that, post 9/11 and the 'war on terror', this is no longer always the case. English counter-radicalisation programmes, such as PREVENT, are now being rolled out in the North of Ireland, while the Justice & Security Bill, drawn up in response to concerns at Westminster, following the Guantánamo detainees successful challenge of the British state, will have major repercussions in the North of Ireland where the use of secret evidence is growing. 'The police are the state's frontline, its interface' commented Stafford Scott, while veteran activist Suresh Grover of The Monitoring Group asked that we develop a new politics of civil rights, that did not just focus on mechanical legal or parliamentary strategies to achieve equal justice and police accountability. It is impossible here to do justice to the discussion held over two days of intense networking, with its immediate sense of fellowship and enhanced appreciation of the importance of practical solidarity. But the IRR and Professor Mark McGovern of the Power, Conflict and Justice Research Group at Edge Hill University will produce a full report of the proceedings next year. The discussion has only just begun.

R v B [2012] Crim 19 June 2012

The appellant had been assessed by two psychiatrists as being unfit to plead, and found that his condition would have been the same at the time of his interview. Accordingly, his conviction was set aside, as the court found it difficult to see how his interview could be admitted in evidence. In the light of the psychiatrist's findings, he would not have been able to understand the caution, or the significance of an interview. The court ordered his acquittal.

R v S and others [2012] EWCA Crim 1433

A number of convictions for child sexual abuse quashed due to incorrect interpretation of medical evidence. Whilst the appeals are of course fact specific, all practitioners are advised to take a look at this judgment, and perhaps note carefully the experts involved, to see whether any past cases might also be worthy of further scrutiny.

In the cases of C, S & B no factual issues arise from the new medical evidence which is accepted as correct. Insofar as evidence at trial was significantly inconsistent with it, the evidence at trial is conceded to have been incorrect. In the case certainly of C but possibly also of S and B it is arguable that errors in the medical examination and interpretation arose from incorrect/inadequate practice even by standards of the time. The most recent authoritative guidance is that provided by the Royal College of Paediatrics and Child Health entitled "An evidence based review of the literature on Physical Signs of Child Sexual Abuse" published in 2008 ("the 2008 RCPCH") http://www.bailii.org/ew/cases/EWCA/Crim/2012/1433.html

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.

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MOJUK: Newsletter 'Inside Out' No 379 05/07/2012)

Continuing IPP Failures Force Question in House of Lords by Raymond Peytors

IPP prisoners are facing unjust delays to their release. As the nightmare of Indeterminate Sentences for Public Protection (IPP) continues to cause chaos in overcrowded British prisons, the government seems to have come to a grinding halt when it comes to sorting out the mess created by the IPP sentence. Kenneth Clarke described it as being "a stain on British Justice" and the IPP has long been one of the most discussed issues on TheOpinionSite.org. Most of the British public however do not even know that the sentence exists and that makes the IPP a low priority for the government.

As a result of the delays in releasing IPP prisoners, in the House of Lords Monday 2nd July the former Director General of the Prison Service, Lord David Ramsbotham, asked the government exactly what it intends to do about releasing the 6,500 people serving the catastrophic, ill-thought out disaster of a sentence introduced by David Blunkett (on the instructions of Tony Blair) in order to satisfy child protection charities and crusading individuals.

The question relates to the lack of progress made by the National Offender Management Service prisoner co-ordination group. The fact is that the government is between a rock and a hard place over IPPs. On the one hand, it has passed legislation to abolish the IPP sentence and has done so in the face of severe political opposition from right wing MPs on both the Conservative and Labour benches; on the other, it has not introduced a timetable for the removal of the sentence from British Law and has done nothing about the thousands of prisoners already serving the sentence and who are completely unaffected by the recent legislation. Furthermore, their release would cause chaos in both the probation and police services.

The delay in taking action is also predicated on political grounds. With Tory right wing, anti-Europe MPs already snapping at David Cameron's heels over an EU referendum and reform of the House of Lords, it is hardly surprising that the government does not want to invite even more trouble - this time from both sides of the House - by releasing thousands of prisoners who have previously (and often wrongly) been described as "dangerous" back into the community. All IPP prisoners are expected to go to a secure hostel or 'Approved Premises' when they are released on licence. During this period, which can often last for up to 18 months, they are observed and evaluated as to their behaviour in the community. The evaluation is carried out by a Multi Agency Protection Panel (MAPP) convened under the MAPPA regulations (another New Labour invention) and is led by the Probation Service. If it is considered that the IPP prisoner is at any time showing indications of unsuitable behaviour during his licence - which is a minimum of 10 years in duration - he can be sent back to prison, even if he has not committed an offence. As MAPPA meets in secret and the offender is not even entitled to see the evidence used against him, it is almost impossible for him (or her) to defend themselves against the often over-zealous and risk-averse nature of the police and probation officers involved in the decision making process.

The biggest problem for the government is that there are simply insufficient hostel places for the 3,000 IPP prisoners currently due for release. There are only about 2,400 hostel places nationwide and most of those are filled with offenders serving very long determinate sentences and which also have long licences attached. The other main stumbling block is that prisoners serving IPPs cannot 'prove' that they will not be a future danger to the public until they are released. The only way open

to them is to attend so-called 'offending behaviour' courses in prison. The courses are unreliable indicators of future risk and in any case, as with hostels, there are insufficient course places available.

It follows therefore that as TheOpinionSite.org pointed out some time ago, the release criteria for IPP prisoners would have to be "fudged" somehow in order to justify the decision by the Parole Board to free an IPP prisoner in the face of what are usually highly damaging, negatively biased and often incompetently produced probation and psychology reports. One must also bear in mind that there is a huge backlog of cases waiting to come before the Parole board which in any event remains under-funded and under-resourced.

The Justice Secretary, Ken Clarke had proposed a new, probation officer-free 'release test' for the Parole Board to use but, either due to the difficulty in producing such a test, the political fear of doing so or the monumental resistance put up by the Probation Service when the test was suggested, it has not yet seen the light of day. This lack of action has resulted in no progress being made towards dealing with the thousands of IPP prisoners long overdue for release and who have no idea when - or indeed if - they will ever be freed.

It is obvious to anyone who is prepared to look at the evidence on IPP sentences that Blair and Blunkett actually intended that anyone serving an IPP sentence would never be released. Whilst it is true that Blunkett has now publicly admitted in the Commons that the sentence "has not worked as intended", he has also failed miserably to take responsibility for the disaster that he created and has certainly done nothing at all to help find a solution.It should also be noted that apart from the IPP prisoners themselves, the real losers are their family and friends who are often left struggling to understand the realities of an IPP sentence (explained in my book, "How to Survive an IPP Sentence") and often at a loss as to what to do about the nightmare situation in which they find themselves.

It is no good MPs and other sanctimonious people blaming the prisoner either, usually with phrases such as, "If you can't do the time, don't do the crime". The fact is that the offences for which an IPP must be given are laid down in Statute. As a result, the judge in the case has little option but to hand down an IPP even though he may believe that a long determinate sentence is more appropriate and more just.

Many marches, petitions and letters to MPs produced by worried relatives have simply resulted in the government ignoring the plight of those already serving IPP sentences because the problem is too politically sensitive. However, ministers should be commended for taking the difficult step of pushing through legislation to abolish the sentence - although ministers have not yet told anyone exactly when that will happen. The problem is that the abolition of the sentence does not affect those already serving an IPP. TheOpinionSite.org must therefore caution anyone who mistakenly believes that progress on releasing current IPP prisoners will be swift. They should think again and understand that any progress will be slow. Difficult to accept, certainly - but the truth none the less. The best the families and friends of those serving an IPP sentence can do is to learn about it and understand what the implications for them and their loved one really are, particularly with regard to the requirements for release and what to expect under the very tough post-custody licence that will be imposed if freedom is eventually successfully attained.

TheOpinionSite.org believes the government will move slowly and cautiously on the matter of releasing IPP prisoners, always measuring the political temperature at every stage and always being wary of political attack from those who would prefer to keep all IPP prisoners (and others) locked up forever.

Do not expect too many IPP prisoners to be home for Christmas this year. Regrettably and short of a political miracle, their release is likely to take much longer than that.

police led to the demonstration at Tottenham police station, the poor policing of which was to trigger the four days of rioting across England. Carol was joined by veteran community activists, Stafford and Millard Scott who recounted how after the uprisings of 1985 the Broadwater Farm Youth Association faced the same demonisation as young Muslim youth workers face today. (Only in those days, black youth were accused of being radicalised in training camps in Communist Cuba!) And former Guantánamo detainee and director of Cageprisoners, Moazzam Begg, spoke of the deep affinity he felt with the 'hooded men' who were tortured by the British Army in the North of Ireland, recounting with evident pride how he was honoured as a guest at the launch of the Museum of Free Derry.

Activists and lawyers from the Belfast-based Relatives for Justice and the United Campaign Against Plastic Bullets, formed in 1984 after the RUC shot dead 22-year-old John Downes, made a heart-rending plea to participants to join their campaign for a complete ban on the use of plastic bullets. In fact, the idea for bringing people from Belfast to Tottenham was born after an intervention by Relatives for Justice founder Clara Reilly who wrote a letter to the Guardian (published on 16 August) pointing out that plastic bullets do not save lives or property but kill and maim and in many cases it was the use of plastic bullets in the north of Ireland that was the cause of civil disturbance.

All those present were horrified to hear of the death and injury caused by plastic bullets, particularly on young people whose smaller bodies feel the impact of missiles that travel at 165mph more intensely. One of the key questions being asked over the two days was 'how do you prevent the militarisation of policing' , with Clara Reilly pointing out that 'The promotion of human rights must become a priority. Lethal weaponry runs contrary to this', adding that it was fundamental to justice that 'any police service was acceptable to all sections of community.' From the perspective of those living in the north of Ireland, the killing of Mark Duggan felt like a continuation of the 'shoot to kill' policy, the impact of which those present from Belfast, Derry and Portadown knew only too well.

But many other issues were covered over the two-day comparison of experiences – torture and cruel and degrading treatment, deaths in police (and army) custody, the joint enterprise laws, stop and search, the use of the criminal law against the Gypsy and Traveller communities, secret justice, closed material procedures, covert policing methods, and the lack of redress offered by mechanisms like the Independent Police Complaints Commission in England and the Police Ombudsman in the north of Ireland. Participants also touched on more sensitive issues, like the failure of leadership within the BME political establishment and how to stop communities imploding in the face of poverty, exclusion and historic injustices. The question of how to reach vulnerable and exposed youngsters, at the rough end of justice, was always central to the discussion. Jeremy Corbyn MP, who was invited, alongside Lord Herman Ouseley, to attend the final session, said that what was needed was a statute of limitations on offences committed by young people so that they are not 'permanently condemned'. He recounted how the session in parliament after the August disturbances turned into a competition as to who could be the most punitive and extreme and how he was hissed at when he tried to raise a question about excessive sentencing of young rioters. The MP for Islington North welcomed the fact that the symposium took place at the Bernie Grant Arts Centre, saying that his old-friend 'Bernie very early on saw the link between the treatment of black youth and the treatment of young people in the north of Ireland and was not afraid to say what was happening to youngsters in Tottenham was the same as what happened to youngsters in Belfast.'

http://www.bailii.org/ew/cases/EWHC/Admin/2012/1787.html

Police told to Hand Over Records on Duggan Death Paul Peachey, Independent, 29/06/12

A coroner threatened the independent police watchdog with contempt of court yesterday for withholding documents from its own investigation into the fatal shooting by police of Mark Duggan. The fatal shooting of the young black man by a specialist police team in August last year was the spark that led to nights of rioting in major urban centres – but it emerged in March that an inquest into the death may never be held.

Andrew Walker, the coroner, said yesterday that he was no closer to deciding whether it could go ahead than in March and in angry exchanges called on the Independent Police Complaints Commission (IPCC) to hand over documents within 28 days. "I am being told, if I understand it correctly, that I am not being copies of the statements and evidence [the IPCC] have gathered until they choose to give it," Mr Walker said. "My statutory obligation is being undermined, is that not a contempt of court?" He said that he had received the first statements from police officers, but nothing from those investigating the shooting by the specialist police team which had trailed the car carrying Mr Duggan to Tottenham, north London. Robin Tam, QC, representing the IPCC, said: "We take the view that it would be unhelpful and potentially misleading to be drip-feeding disclosure."

If the IPCC refuses the family may force a judicial review of the case. The inquest has been delayed because of a separate court case over the gun that was allegedly passed to Mr Duggan, and was said to have been found close to where he died wrapped inside a sock.

The coroner has also not been able to see documents, understood to relate to evidence from a phone tap in the run-up to the police operation, which by law cannot be shown to an inquest. It has led to calls from senior police officers, the IPCC, MPs and the family for a change in the law. Mr Walker will decide later this year if the inquest can go ahead or a different inquiry takes its place.

The family has been harshly critical of the IPCC investigation and yesterday called for the resignation of the senior investigator and the abolition of the organisation. The dead man's aunt, Carole Duggan, said: "There is a lot of anger from the family because we are almost 11 months down the line and we are still no further on, we know nothing more than we did last August. "They [the IPCC] are incompetent and they should be abolished… we do not trust them, they have to be abolished."

The Black, Irish, Muslim, Gypsy and Traveller Experience of Policing

Liz Fekete, Institute of Race Relations, 28th June 2012

Earlier this month, campaigning lawyers, scholar activists and community campaigners, from some of the most marginalised communities in England and the North of Ireland, came together at the Bernie Grant Arts Centre in Tottenham to analyse the 'joined-up state' and discuss how to form a community of solidarity network between activists from Black, Irish, Muslim Gypsy and Traveller communities.[1] The two-day symposium on 'Policing Communities: Race, Class and the State' was organised by the Institute of Race Relations and the Power, Conflict and Justice Research Group at Edge Hill University, in conjunction with the Tottenham Defence Campaign.

The choice of Tottenham as the venue for the two-day symposium was no accident. The demonisation of young people and the vengeance culture that followed the August 2011 'riots' was the immediate impetus for the organising of such an event. Those present from Tottenham included Carol Duggan, the aunt of Mark Duggan, whose fatal shooting by the

National Offender Management Service: Indeterminate Sentences

House of Lords / 2 July 2012 : Column 486

Lord Ramsbotham to ask Her Majesty's Government what progress the National Offender Management Service prisoner co-ordination group is making in preparing individual release plans for those serving Indeterminate Sentences for Public Protection.

Minister Justice Lord McNally: My Lords, the role of the indeterminate sentence prisoners co-ordination group is not to prepare individual release plans. It is for the prisoner's offender supervisor and offender manager to draw up a sentence plan to assess the prisoner's risk factors and then to propose a risk management plan to the Parole Board once the prisoner has completed his tariff.

Lord Ramsbotham: My Lords, I thank the Minister for that reply. The problem is that 6,500 prisoners are serving indeterminate sentences, with 3,500 over their tariff and 311 more than four years over it. . . . . *The problem was put into sharp relief last week at an inquest in south Wales into the death of an indeterminate sentence prisoner [*Shaun Beasley] who was a year over his tariff. Two weeks before he took his own life he was told at the prison to which he had just been moved that not only was the course that the Parole Board required him to complete before release not available in that prison, he was told that no such course would be available for two to three years.* This problem needs to be tackled with urgency. Whether I have the name of the board right or not, I hope that the Minister will be able to assure the House that someone in NOMS is tackling individual problems with urgency.

Lord McNally: As I explained in my original reply, there is an individual case manager for each prisoner. However, I understand the noble Lord's point. One of the original criticisms of this method of sentencing was that it created a Catch-22 whereby although you have to carry out a range of courses in order to make yourself available for parole and to convince the Parole Board that you are ready for release, those courses are not always available. Part of the reform programme that we have put in place, in parallel to the changes in the LASPO Act, is to try to make sure that prisoners are able to undertake reform training, and also to give the Parole Board greater flexibility in making its judgments on whether other aspects, rather than specific training programmes, can be taken into account in order to justify freedom. It is a difficult and delicate business. We are dealing with people who are in prison for serious offences and there must be a proper process to assess whether they should be allowed to go back into the community.

Lord Dholakia: My Lords, the Government were right to abolish IPP sentences-they were bad for the criminal justice system and bad for the prisons. As has been said, more than 6,000 inmates are currently in our prisons under IPP. If there is such a considerable delay in providing offender reform courses for inmates, could not the Prison Service use volunteers to help deal with it? Many prisoners also often find that despite assurances from the Parole Board about open conditions and release, the Prison Service is not meeting those assurances.

Lord McNally: That is why, in answering the noble Lord, Lord Ramsbotham, I referred to the fact that the Parole Board can now take into account other aspects of prisoner activity that might contribute to the assessment of whether prisoners can be safely released. We are also making sure that there is much more co-ordination of the policy so that there is an understanding in the various prisons of what is available and so that much greater use is made of compulsory intervention plans. However, it is a difficult problem. As the noble Lord, Lord Ramsbotham, said, there is a build-up of more than 6,500 prisoners on IPP sentences, and it will take time to unwind the system. We are unwinding it, and more prisoners are being released after proper assessment. However, we cannot simply release prisoners who have

received such a sentence because of the severity of their crime or the assessment that they are a long-term danger to the public.

Lord Lloyd of Berwick: My Lords, the noble Lord has clearly taken on board that this is a very serious question for those who are beyond their tariff. Can he give any indication of when the Parole Board is likely to see them? Can he suggest whether there is not some way that those who have committed less serious crimes could be released by some form of executive action?

Lord McNally: The LASPO Act provides for the possibility of executive action on this matter and for a change in the balance of judgment to be made by the Parole Board. For the moment the Government are waiting to see the impact on overall numbers of the new systems that we have put in place. About twice as many IPP prisoners are being released now than were released two years ago, but we are also facing the problem that judges are still imposing IPPs. I believe that we will have the first net reduction this year, with more people being released than are coming in under the new system. We hope to be able to announce later this year when the new sentencing system included in the LASPO Act will be introduced.

***Inquest Jury Finds Shaun Beasley Died Following Neglect at HMP Parc**

INQUEST press release, 29 June 2012

A jury at Aberdare Coroners Court has today concluded that 29 year old Shaun Beasley "took his own life in circumstances contributed to by neglect of healthcare and prison". Shaun was found hanging in his cell at HMP & YOI Parc on 24 August 2010. The inquest which started on the 25 June was heard before HM Coroner for Bridgend and Glamorgan Valleys District, Louise Hunt, sitting at Aberdare Coroner's Court.

HMP & YOI Parc is the only private prison in Wales. It is managed by G4 Securicor, and at the time of Shaun's death healthcare services were contracted out to Primecare Forensic Medical Services, a national provider of primary healthcare services to prisons, police and other forensic establishments. Shaun was highly vulnerable and suffered serious mental ill health. He had a history of self harm and had made several serious suicide attempts.

In May 2007 Shaun was given an indeterminate sentence with a minimum tariff of two years and 145 days. At the time of his death he had served over three years. He had been informed at a parole board hearing that he would have to complete a course before being eligible for release. Two weeks prior to his death, he was moved from HMP Littlehey, where he had been for two and a half years and was settled, to HMP Parc where he was told he would be able to take the course. Once he had arrived at Parc he was informed the course was not in fact available at the prison, and he would not be able to take it for another 2-3 years.

The evening of his death he rang his family and told them he could not cope any more. The family immediately rang the prison to alert them. Shaun was already on an ACCT document (Assessment, Care in Custody, and Teamwork - the system used for prisoners who are at risk of self harm) and on half hourly observations. Despite the family's telephone call observations were not increased and he was found hanging in his cell shortly after midnight.

HMP & YOI Parc was the subject of a damning HMIP inspection in September 2010, shortly after Shaun's death, which found that healthcare services were not being delivered to an acceptable standard. G4S took over healthcare services that month and a decision was taken to close the inpatient unit.

Giving evidence during the inquest, Louise Jeory, employed as Healthcare Manager at the time Shaun's death, described poor staffing, lack of training, lack of record keeping and low

- Arrangements for the administration of controlled drugs were poor

High Court Condemns Magistrates' Court Legal Aid System andrew@crimeline.info

In a strongly worded judgment the High Court today condemned the current system of means testing in the magistrates' court. Whilst the case was concerned with extradition proceedings (and is essential reading for lawyers in this area) it has broader application across the board and will require all courts to re-think their current attitude of always seeking to progress cases in the absence of a grant of legal aid.

"It is clear from what we have already said that delays occasioned by means testing which are not occasioned by the fault of the requested person or his legal advisers, cannot be held against the requested person. Indeed, as we have said, it would be unjust in cases where the initial advice of a duty solicitor (under a properly funded scheme) is insufficient, to proceed either (a) to obtain the consent of the requested person to extradition or (b) with the extradition hearing itself, unless and until the means testing procedure is completed and adequate time to advise and obtain evidence has been afforded.The effect of the Ministry of Justice's current system is in practice to stop the clock as regards the position of the requested person in such cases. Until means testing is complete, it is unreasonable to expect the legal adviser to advise. That may put the court as the executing authority and as the branch of the state responsible for the performance of the obligations under the Framework Decision in breach of those obligations, but that breach is not the fault of the judicial branch of the state, but of the Executive Branch. It is wrong, in principle, to visit that fault on the requested person. We appreciate that until the Ministry of Justice reforms its system for legal aid, this may cause significant delays and increase the work of the Westminster Magistrates' Court. However, the proper and fair administration of justice leaves the judiciary with no alternative until the present legal aid system is reformed."

This comment from a District Judge was particularly depressing:

"District Judge Evans drew attention to the risk of creating "an industry for lawyers to make money out of routine cases by allowing inappropriate adjournments so as to accommodate defence requests to seek evidence". Counsel in the appeal and the LSC all denied that there was any such industry. A court must, however, be astute to such a risk. It can guard against it by a suitably rigorous examination of requests for adjournments as we have set out. We therefore cannot accept the evidence of Mr Gascoigne that there is no systemic failing in the design or structure of the system for means testing. For example,

i) It is difficult to see how the target of 6 working days for the consideration of the legal aid application (see paragraph 4.ii) above) is compatible with the 60- day period in Article 17 or fair in the case of a person remanded in custody.

ii) The policy of presuming that a person remanded under an EAW will continue to receive his pay (as referred to in paragraph 4.iii) above) is irrational in extradition cases where the requested person is in custody. It has the consequence that the only option left to the requested person, or his advisors, is to trigger the "Hardship Review" procedure. This requires a fresh application and evidence. The requested person is, in effect, back at square one.

iii) As time is of the essence, it is inexplicable that Forms CDS14 and CDS15 (a) cannot be filled in and submitted on line but are merely electronically downloadable, (b) require physical signatures rather than electronic signatures and (c) are unnecessarily complex and non user-friendly.

iv) The system appears to take no account of the obligations imposed on the judiciary under Article 17 of the Framework Decision and the overriding requirement that the UK's system is compatible with its international obligations undertaken under Articles 11.2 and 17."

R v Williams [2012] EWCA Crim 1329

The applicant was convicted of two counts of having custody or control of counterfeit £50 notes and one count of having custody or control of counterfeit materials with intent to use them. He was sentenced to a total of 3 and a half years in all.

The applicant had entered a Marks and Spencer store and successfully used two counterfeit £50 notes in two separate transactions. One of the sales assistants was suspicious. Upon checking, it was discovered that the note was a counterfeit note. In his wallet were four more counterfeit £50 notes. The applicant's car was searched, and concealed behind the car stereo were two plastic bags containing bundles of counterfeit £50 notes and a sock containing more fakes. A total of £23,450 was found. At the applicant's home address the police found two booklets relating to counterfeit money: one entitled "Print your own money - a complete guide to hot foil printing", and another, "Loadsamoney", detailing a Russian syndicate which printed millions of pounds worth of counterfeit cash.

In passing sentence, the judge stated that the offence of counterfeiting of notes is a serious offence, and notes of this quality, which were not of poor quality, required organisation and skill. The judge did not believe that the applicant had the skills to produce the plates himself, but he did have the organisational skills to help put it in place. If the judge had thought he was the ringleader, he would have imposed a 5 or 6-year sentence. However, because he could not be sure that that was the case, the sentence would be less than that. The court was satisfied that the total sentence imposed of 3 and a half years was neither wrong in principle nor manifestly excessive.

Brazil Prisoners Reading Books to Shorten their Sentences

Brazil will offer inmates in its crowded prison system a novel way to shorten their sentences – cutting four days for every book they read. Inmates in four federal prisons holding some of Brazil's most notorious criminals will be able to read up to 12 works of literature, philosophy, science or classics to trim a maximum 48 days off their sentence each year, the government announced. Prisoners will have up to four weeks to read each book and write an essay which must "make correct use of paragraphs, be free of corrections, use margins and legible joined-up writing," said the notice published on Monday in the official gazette. A special panel will decide which inmates are eligible to participate in the program dubbed "Redemption through Reading". "A person can leave prison more enlightened and with an enlarged vision of the world," said Sao Paulo lawyer Andre Kehdi, who heads a book donation project for prisons. "Without doubt they will leave a better person," he said.

Report on An Unannounced Short Follow up Inspection of HMP Hull

Inspection 14–17 Feb 2012 by HMCIP, report compiled Apr 2012, published 27th June 2012

Inspectors had concerns: - progress under the respect heading had been insufficient

- environment was poor. Fundamentally, the prison remained overcrowded
- many cells designed for one, were shared
- In-cell toilets were shielded by a small screen or curtain.
- Prisoners had to eat their meals in their cells
- Exercise yards remained bleak
- prisoners routinely addressed by their surnames only and personal officer work was weak
- support for foreign national prisoners was inadequate

morale when she took up her post in June 2010. She admitted that the healthcare unit was "compromised and unsafe" at the time of Shaun's death and admitted that a breakdown in systems and a lack of competence of staff had contributed to his death. Ms Mackenzie of the Health Care Inspectorate Wales, described "chaos and crisis" within Parc's Healthcare facility. She concluded that Shaun's death was "foreseeable and preventable" and that the provision of care and treatment by Parc to Shaun Beasley was "grossly inadequate" leading to a systematic failure to protect him from suicide.

Shaun's family said: "Shaun was dearly loved by his family and his death has left a terrible gap in all our lives. It is painful for us to hear that had Shaun received the care and treatment he should have done, he is likely to still be alive today. We have been told changes have been made at Parc in the wake of Shaun's death. They come too late for us but we hope other families can be spared the pain and anguish we have had to go through."

Deborah Coles, co-director of INQUEST said: "Shaun's tragic death was an accident waiting to happen. What is deeply concerning is that Parc's healthcare was allowed to descend into such a state of chaos. Shaun's case raises startling similarities to the appalling death of Aleksy Baranovski at Rye Hill in 2006. An inquest in 2009 similarly made damning criticism of the failures of systems, training and communication in the healthcare wing run by Primecare at the time of Aleksy's death. G4S took over running Rye Hill in 2008. This begs the question, what control and accountability is in place when things go wrong with private contractors? What must happen now is national scrutiny and learning to address these deficiencies."

The family was represented by Stephen Webber of Hugh James Solicitors.

Sex in Prisons to be Studied by Howard League Dominic Casciani, BBC News, 27/06/12

Sex is unlawful in UK prisons, where cells are deemed to be public places

The Howard League for Penal Reform says it will spend two years looking at all elements of the issue, from consensual to coercive sex in jails. The investigation in England and Wales will also look at what can be done to improve the sex education of adolescent and teenage inmates. The UK has a ban on conjugal visits for prisoners - although more than half of European countries allow them.

There is virtually no reliable information about the extent of consensual and coercive sex in jails, although ministers recently told Parliament there were almost 140 sexual assaults in 2010, up on the two previous years. The Howard League said it wanted its independent commission to shed light on the issue, which had never been properly discussed.

The study has partly come about after the charity got involved in the cases of three teenagers who said they had been raped by other inmates. The research team will try to assess the scale of sexual offending in prisons - but will also look at whether the ban on consensual sex should go.

Frances Crook, chief executive of the Howard League, said: "These are three very big issues that have huge implications for the justice system. Nobody has looked at these at all in this country." She said that attitudes differed from country to country. More than half of European countries allow some form of private visits involving partners, although the rules differ widely. "The issues have never been thought through [in the UK]," said Ms Crook. "We are behind the times by not talking about them."

Canada has one of the most liberal systems and it allows private relationship visits for up to three days at a time for qualifying inmates. Canada's prisons service says the scheme

was established to "develop and maintain family and community ties in preparation for their return to the community". Other countries take a similar view that private family time while in jail improves the chances of an offender resettling after release. The Ministry of Justice, which runs prisons in England and Wales, has no plans to change the law.

A key part of the investigation will look at the experiences of teenagers jailed for a year or more and how their sexual development and education compares to those on the outside. "If you have a 15-year-old who is jailed for two years, they are missing out on what their friends are getting which is the development of their relationships, girlfriends and so on," Mr Crook said. "They come out of prison with none of these experiences and we expect them, as a miracle, to catch up."

"Cautious Rebalancing" Of Terrorism Laws in Favour of Liberty Should Continue

Adam Wagner, UK Human Rights Blog, June 2012

The Independent Reviewer of Terrorism Legislation has released his report into the operation of terrorism law in 2011. The press release is here. The report puts the case for continuing the process already begun by the Coalition Government of rolling back some of the laws instituted in the decade following 9/11 to address the threat of terrorism. The justification for this is that the threat has reduced in size. Notably, he argues that it may be possible to grant certain terrorist suspects ("the peripheral players") bail when arrested. David Anderson QC said of his report:

. . . . The threat from both al-Qaida related and Northern Ireland related terrorism is a real one. To meet it, we have some of the most extensive and effective counter-terrorism laws in the world. All the more need to keep them under review so that they impinge no further than is necessary on individual liberty. . . . . After a year spent studying the operation of the Terrorism Acts around the country, I have identified three respects in which I believe that change could be considered without diminishing their operational effectiveness. These are the rules governing the proscription of organisations, the detention of terrorist suspects and the examination of passengers at our ports and airports for the purpose of determining whether they are terrorists. Anderson's key recommendations are in relation to pre-trial detention, 'proscribed' (i.e. banned) groups and stop and search at ports and airports.

The 'independent reviewer' is an interesting innovation under terrorism law and a sensible one too. David Anderson QC, the current reviewer is a kind of 'reader's editor' for terrorism law. He is in a fairly unique position, as unlike journalists or most other lawyers, he has privileged access to some of the secret information which underlies difficult decisions impacting on personal liberty, but also the legal expertise to take an independent review.

Under terrorism law, the Secretary of State must appoint a person to review the operation of the Terrorism Act 2000 and Part 1 of the Terrorism Act 2000, and in particular proscription of organisations, stop and search powers, arrest and detention powers and prosecutions for terrorist offences.

Prisons to be given mobile phone jamming devices

Martin Beckford, Home Affairs Editor, Telegraph 29 Jun 2012

Prisons are to be given gadgets that block mobile phone signals in order to stop inmates committing more crimes while behind bars. The Ministry of Justice says that handsets smuggled into jails are being used by offenders to harass victims, organise gangs and deal drugs on the outside. It has already carried out trials of jamming equipment, which is illegal if used in public, and is about to give portable devices to some prison governors.

In S, the ECtHR assessed the blanket nature of the restriction (which never goes down well in a proportionality assessment): the Court stated that those . . . . who have not been convicted of any offence and are entitled to the presumption of innocence, are treated in the same way as convicted persons (at §122).

The claimants built on this proposition here: their objections to the policy were summarised as follows (§46): . . . . The policy does not distinguish sufficiently between those who are convicted and those who are not charged or who are charged but acquitted. It does not take sufficient account of the age of the person arrested or of the nature of the offence for which the person was arrested. It does not make provision for input by the individual concerned when considering the question of retention. It does not make provision for independent review

However, despite accepting that there were significant differences between the fingerprint policy assessed in S, Richards LJ judged the policy in relation to photographs also to fall foul of the proportionality balancing exercise. The following three factors were highlighted: . . . . The lack of distinction between those convicted of an offence and those either acquitted or not charged; particularly important when the stigmatisation associated with having photographs linked to an arrest is considered. . . . . The length of retention: at least six years, and to be reviewed every 10 years for RMC and potentially up to the age of 100 years for FJ. . . . . The effects of retention is particularly worse for minors, in relation to whom there exists in any case a particular obligation to protect.

Comment: The courts are often slow to rule against the police, in acknowledgment of the role they play in protecting people. This decision adds to the ones in S and GC as restricting police practice in order to protect individuals' Article 8 rights. But there are good reasons to support this strong judgment. The point of principle is simple. For an order to be lawful, government measures, even in areas acknowledged to be of great public importance, must be sensitive to genuine distinctions; that different types of public protection may permit different levels of interference with rights.

The issue in this case was clearly not the worst excess of police power imaginable; the retention of photographs of people arrested for a crime – where the checks on arrest are strong – may not seem a weighty issue. And it's worth noting, for all the liberal principles in favour of the claimants, that there are good liberal reasons for retaining for the police having the right to retain this information: protecting people vulnerable to crime is one potential example.

But the importance of proportionality should not be underestimated. An effective way of reducing the negative impact of the fact that contact with the police is so highly stratified along gender, racial and socio-economic status boundaries is tightly to require strong justification for practices such as the one considered here. In this context, the reasons factors highlighted by Richards LJ seem compelling. As Lord Nicholls noted in Campbell v MGN [2004] UKHL 22, recognised in in Richard LJ's judgment here at §37, a picture can be worth a thousand words, and a photograph taken on arrest conveys not only the identity of the person but also the fact of arrest. This deeply revealing information must be handled sensitively.

R v B [2012] Crim 19 June 2012

The appellant had been assessed by two psychiatrists as being unfit to plead, and found that his condition would have been the same at the time of his interview. Accordingly, his conviction was set aside, as the court found it difficult to see how his interview could be admitted in evidence. In the light of the psychiatrist's findings, he would not have been able to understand the caution, or the significance of an interview. The court ordered his acquittal.

The case was brought by two individuals. One, known as RMC, was arrested for assault occasioning actual bodily harm after she was stopped riding a cycle on a footpath. The second, known as FJ, was arrested on suspicion of rape of his second cousin at the age of 12. In both cases, the individuals voluntarily attended the police station, where they were interviewed, fingerprinted and photographed and DNA samples were taken form them, but the CPS decided not to prosecute.

The retention of the DNA samples, fingerprints and photographs was challenged by way of judicial review, though it was only in respect of the photographs that the court allowed the claims to proceed, as the case of R (GC) v Commissioner of Police of the Metropolis [2011] UKSC 21 has already addressed the use of DNA and fingerprints.

The power to photograph suspects arises from section 64A of the Police and Criminal Evidence Act 1984 ("PACE"). There is also a variety of policy documents, detailed in the Richards LJ's judgment at §§10-17, including the Code of Practice on the Management of Police Information ("the Code"). Although there was a question as to whether the Met did in fact apply the Code, Richards LJ held that it did, and so it was the lawfulness of the policy itself that was at issue. The reasons for keeping the photos were set out at §22 in the evidence of Commander Gibson from the Met. Essentially, it was a judgment call. In relation to RMC, Commander Gibson stated:

The arrest of RMC was lawful and proper process was followed. The allegation of assault remains classified as a substantive crime and RMC was the only suspect. The fact that RMC was not charged and no prosecution followed is not an exceptional criterion under the Exceptional Case Procedure. On this occasion I did specifically consider the custody photograph in my decision making. I do not accept the argument that no policing purpose is served by the retention of the information.

At both extremes, retention of data seems uncontroversial: information about convicted killers may protect the public, and keeping personal information of all people for no reason is unjustified and oppressive. The issue here was whether retention of these photographs would be an unjustified violation of Article 8, where there had been a decision not to prosecute, but the police considered there to be credible evidence behind the arrest and good reason to keep the information.

Interference with private life: The Court first assessed whether the retention of photographs was an interference with the respect for private life protected by Article 8. Crucial in deciding this was the case of S v United Kingdom (Apps No 30562/04 and 30566/04), in which the European Court of Human Rights ("ECtHR") decided that the indiscriminate retention of DNA samples and fingerprints violated Article 8 rights. In S, the court stated at §67 that, ... The mere storing of data relating to the private life of an individual amounts to an interference within the meaning of art.8.

Richards LJ recognised that although DNA samples represent information of a different nature to photographs, fingerprints have been explicitly likened to photographs, and therefore (§33): . . . . In the light of the court's conclusion that the retention of fingerprints constitutes an interference with the right to respect of private life, it is difficult to see how any different conclusion could apply to the retention of photographs.

The Court then had to judge whether the interference with Article 8 rights was justified. Two arguments were put forward on behalf of the claimants: first that the retention was not "in accordance with the law" as required under Article 8(2), and second that it was disproportionate.

With regard to the first argument, section 64A PACE came under some criticism as being insufficiently precise to make the retention in accordance with the law. There was also consideration of the newly enacted Protection of Freedoms Act. However, Richards LJ dismissed the argument. The real issue was the proportionality of the interference with private lives.

And next week the Government will back a Bill proposed by a Conservative MP that would allow the authorities to track mobile calls attempted by criminals as well as stop them getting through to their associates. It follows a series of reports by officials and experts warning that phones are being used to plan crimes and smuggle drugs into prisons. "The presence of wireless telegraphy devices, in particular, illicit mobile telephones, presents serious risks to the security of prisons and the other institutions to which the Bill applies, as well as to the safety of the public," according to notes on the new draft law written by the Ministry of Justice. Mobile telephones are used for a range of criminal purposes in these institutions, including commissioning serious violence, harassing victims and continuing involvement in extremist networks, organised crime and gang activity. Access to mobile telephones is also strongly associated with drug supply, violence and bullying."

It is already against the law to take mobile phones into prisons or young offender institutions or to use them within their walls, but they still find their way in thanks to inmates, their visitors and corrupt staff. Recent figures show that 40 mobiles were found at one prison, HMP Wakefield, in just nine months, when staff and visitors were searched at the gates. Many of the SIM cards were taken out and sent to a central unit to be analysed.

The MoJ confirmed in a Parliamentary written answer this week that it has already "trialled mobile signal denial technology" in a small number of prisons. The equipment works by transmitting radio waves at the same frequency used by phones, preventing signals reaching the nearest transmission mast. "These trials have demonstrated that equipment can be capable of denying signals to illicit mobile phones within the prison perimeter as required by law and Ofcom regulations, but that this is not a quick, simple or cheap solution," said Crispin Blunt, the prisons minister. One expert claimed it would cost £250,000 to block signals at a single jail. The minister added that "a number of short range portable mobile phone blocking devices" have also been purchased.

Also this week Sir Paul Beresford, the Tory MP for Mole Valley, tabled his Private Member's Bill that would expand the use of technology to combat mobile use behind bars. His Prisons (Interference with Wireless Telegraphy) Bill, to be debated in the Commons next Friday, will allow ministers to let prison governors "interfere with wireless telegraphy" in order to prevent the use of mobile phones, and also to "investigate the use of such devices". The provisions of the Bill are designed to create a clear and transparent legal basis on which signal interference equipment can be used within relevant institutions to enable the authorities to find mobile telephones and to disrupt, by means of signal interference equipment, the use of those telephones that cannot be found," according to the MoJ's note on the Bill.

Sir Paul told a local newspaper he was inspired to draft the Bill after seeing a mobile phone jammer used in a noisy train carriage. "I was sitting on the train on the way home and several people were making pointless and annoying calls in loud voices," he said. "Things like 'hi mum, I'm on the train, I was on the same train yesterday, what's for dinner?' These calls were driving a number of us up the wall and a guy got this little thing out and flicked a switch and stopped all the conversations. It is illegal but it was very funny."

Ofcom, the communications industry regulator, said it believed prisons could use mobile jammers within their walls because they are Crown property. A Ministry of Justice spokesman said: "Illicit mobile phone possession in prison is a very serious offence and is dealt with appropriately. "This bill will grant new powers to prison authorities so that they can block mobile phone signals within the prison walls. Technology to locate smuggled mobile devices or render them useless is improving and will play an increasing role in tackling this illegal activity in the future."

Revealed: the scale of sexual abuse by police officers

Exclusive: Guardian investigation finds sexual predators in police are abusing their power to target victims of crime Sandra Laville, guardian.co.uk, Friday 29 June 2012

Sexual predators in the police are abusing their power to target victims of crime they are supposed to be helping, as well as fellow officers and female staff, the Guardian can reveal. An investigation into the scale and extent of the problem suggests sexual misconduct could be more widespread than previously believed. The situation raises questions about the efficacy of the police complaints system, the police's internal whistleblowing procedures, the vetting of officers and a failure to monitor disciplinary offences. Police officers have been convicted or disciplined for a range of offences from rape and sexual assault to misconduct in public office relating to inappropriate sexual behaviour with vulnerable women they have met on duty. Others are awaiting trial for alleged offences, though many are never charged with a criminal offence and are dealt with via internal disciplinary procedures.

The problem is to a large extent hidden, as no official statistics are kept and few details are released about internal disciplinary action in such cases. By analysing the data available – including court cases and misconduct proceedings – the Guardian has attempted to document the scale of the corruption for the first time.

In the past four years, there were 56 cases involving police officers and a handful of community support officers who either were found to have abused their position to rape, sexually assault or harass women and young people or were investigated over such allegations.

The Independent Police Complaints Commission (IPCC) and the Association of Chief Police Officers (Acpo) are so concerned they are carrying out a rare joint inquiry into the scale of the problem, which will be published in September, the Guardian can reveal.

Their work was prompted by the case of the Northumbria police constable Stephen Mitchell, 43, who was jailed for life in January 2011 for carrying out sex attacks on vulnerable women, including prostitutes and heroin addicts, while he was on duty.

Despite being the subject of previous disciplinary offences, involving one inappropriate relationship with a woman and the accessing of the force computer to find private details of an individual, Mitchell had not been subjected to extra supervision or dismissed by the force. Those targeted by the officers are predominantly women, but in some cases are children and young people, many of them vulnerable victims of crime.

The Guardian's investigation has uncovered evidence of: • Vetting failures, including a concern that vetting procedures may have been relaxed post-2001 during a surge in police recruitment. • Concerns over the recording and monitoring of disciplinary offences as officers progress through their career. • A tendency for women who complain they have been sexually attacked by a policeman not to be believed. • A pervasive culture of sexism within the police service, which some claim allows abusive behaviour to go unchecked.

Debaleena Dasgupta, a lawyer who has represented women sexually assaulted and raped by police officers, said: "I don't think any [victims] are quite as damaged as those who are victims of police officers. The damage is far deeper because they trusted the police and … believed that the police were supposed to protect them from harm and help catch and punish those who perpetrate it. The breach of that trust has an enormous effect: they feel that if they can't trust a police officer, who can they trust? They lose their confidence in everyone, even those in authority. It is one of the worst crimes that can be committed and when committed by an officer, becomes one of the greatest abuses of power."

The officers involved come from all ranks within the service: the most senior officer accused of serious sexual harassment was a deputy chief constable, who was subject to 26 complaints by 13 female police staff. David Ainsworth, deputy chief constable of Wiltshire police, killed himself last year, an inquest heard this month, during an inquiry into his behaviour. He is one of two officers accused of sexual misconduct to have taken their own lives over the past four years.

In one of the worst cases in the past four years, Trevor Gray, a detective sergeant with Nottinghamshire police, broke into the home of a woman he met on a date and raped her while her young child slept in the house. Gray was jailed for eight years in May for rape, attempted rape and sexual assault. Many of the cases documented involve police officers accessing the police national computer to gain access to the details of vulnerable women and young people in order to bombard them with texts and phone calls and initiate sexual contact.

Deputy Chief Constable Bernard Lawson of Merseyside police, the Acpo lead on corruption, who is working with the IPCC on the joint report, said: "Police officers who abuse their position of trust have an incredibly damaging impact on community confidence in the service. There is a determination throughout policing to identify and remove those who betray the reputation of the overwhelming majority of officers."

In its report on corruption within the police service published last month, the IPCC identified abuse of authority by officers for their own personal gain, including to engage in sexual intercourse with a vulnerable female while on duty, and the misuse of computer systems to access details of vulnerable females, as two of the five key corruption threats to the service IPCC figures show that 15% of the 837 corruption cases referred by forces to the watchdog between 2008 and 2011 involved abuse of authority by a police officer, and 9% involved misuse of systems.

Clare Phillipson, director of Wearside Women in Need, who supported some of Mitchell's victims, said: "What you have here is the untouched tip of an iceberg in terms of sexually questionable behaviour and attitudes. The police service, in my experience, has an incredibly macho culture and women are seen as sexual objects. Police officers have a duty to steer away from vulnerable women in distress, some of whom see these police officers as their saviours. It is an abuse of their power to exploit that."

One area to be examined by the IPCC is whether there might have been vetting failures from 2001 onwards during a massive recruitment drive in the police. Between 2001 and 2007, the overall strength of the service grew by more than 16,000, with around 2,666 officers recruited each year on average. Six years ago, a study of vetting within the police service by Her Majesty's Inspectorate of Constabulary revealed "disturbing" failures that had allowed suspect individuals to join the service. The report, Raising the Standard, exposed more than 40 vetting failures among police officers and support staff. The report concluded: "The potential damage that can be caused by just one failure should not be underestimated."

High Court Rules - Police Retention of Photographs Unlawful

Rachit Buch, UK Human Rights Blog, 27th June 2012

Queen, on the application of (1) RMC & (2) FJ & Commissioner of Police of the Metropolis

Liberal societies tend to view the retention of citizens' private information by an arm of the state, without individuals' consent, with suspicion. Last week, the High Court ruled that the automatic retention of photographs taken on arrest – even where the there is no prosecution, or the person is acquitted – for at least six years was an unlawful interference with the right to respect for private life of Article 8 of the ECHR, as enshrined in the Human Rights Act.