

Police Vans To Be Fitted With CCTV To Uncover Hidden Abuse Independent, 28/08/12

Hundreds of police vans are to be fitted with closed-circuit television cameras to address concerns about the "hidden" abuse of suspects. Officers will not control the filming and footage will be preserved for a sufficient period of time. Scotland Yard Commissioner Bernard Hogan-Howe promised the £4m refit of all Metropolitan Police vans during a meeting with the family of Sean Rigg, a mentally ill man who died in controversial circumstances in police custody in August 2008. The Commissioner is also expected to announce an independent commission into the way that police respond to cases involving mentally ill people. It follows concerns that officers were left to deal with some of society's most vulnerable people without proper back-up from health agencies. Mr Hogan-Howe has said he believes cameras in vans will both prevent police wrongdoing and help identify false claims against officers. His commitment follows allegations that a police officer racially abused a black man arrested in the aftermath of the London riots. The abuse was allegedly captured by mobile phone as there was no recording equipment fitted inside the van. The officer, Constable Alex MacFarlane, 53, who denies racially abusing the suspect, faces trial in October. The issue of cameras was further highlighted during the inquest of Mr Rigg last month, when a jury rejected the evidence of officers about what happened in the back of the van where he was held. Mr Rigg, 40, died in Brixton police station less than an hour after being restrained and arrested by four officers in south London. His death was in part caused by an "unnecessarily" long restraint with "unnecessary force", according to the inquest's jury this month. The original Independent Police Complaints Commissioner (IPCC) concluded in 2010 that the "officers adhered to policy and good practice by monitoring Mr Rigg in the back of the van following his arrest". This was based on the testimonies of the officers themselves, who said that Mr Rigg was fine, but was violently "spinning himself around" the tiny caged area at the back of the van. But the inquest jury rejected much of the police evidence and found that Mr Rigg was in a V position in the well of the van for around 15 minutes, during which time his physical and mental health deteriorated. They concluded that he was "extremely unwell and not fully conscious" by the time he was taken out of the van. Marcia Rigg, said: "These cameras must be working and they must be monitored by people independent of the police. The evidence heard at the inquest proved that what the police officers said about my brother was not possible; a camera in the back of the van would have dealt with these issues straight away." The Met has just under 1,000 vans, part of its 6,000 vehicle fleet. Mr Hogan-Howe said: "We expect to start before Christmas. It takes a while because there are a lot of police vans but I would expect by the spring for it to be complete." Estelle du Boulay, of the independent community group Newham Monitoring Project, which has campaigned to have cameras put in the back of police vans, said Mr Hogan-Howe needed to give assurances that individual officers could not control the filming and that any footage could be preserved for a sufficient period of time to ensure any potential victims could get access to it.

Hostages: Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinane, 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 387 30/08/2012)

Row After Guards Stayed as Doctors Attended to Marian Price Belfast Telegraph 21/08/12

The family of veteran republican Marian Price claim her human rights were violated after a prison officer remained in a treatment room as she underwent intrusive medical procedures. Price, who has been suffering from pneumonia, was taken for a lung wash and an endoscopy so a camera could be inserted to examine her lungs. Doctors asked prison staff to leave the treatment room in Belfast City Hospital where Price was heavily sedated for the procedure on Friday.

Her husband Jerry McGlinchey said: "They refused, saying they were under instruction from Hydebank that at least one prison officer stay with her during the medical procedure. The doctors stated it was unacceptable to have prison staff beside Marian but they were over-ruled. My wife is a seriously ill woman. She is not a security risk. She can hardly walk, let alone run off and escape." Price (58) was moved to Belfast City Hospital in June to be treated for severe depression after spending a year in solitary confinement in Maghaberry and Hydebank jails. She developed pneumonia and arthritis and her family say her health is deteriorating rapidly.

Mr McGlinchey claimed that on Friday, for the second consecutive day, his wife was handcuffed by prison staff against medical advice. "Marian's wrists are badly swollen from arthritis. The doctors have repeatedly told prison staff not to handcuff her but they insist on doing so." Price's husband claimed that on Thursday his wife was subjected to "oppressive security" when she went to Musgrave Park Hospital for tests for her arthritis. She was double handcuffed as two prison staff and four PSNI officers accompanied her to the examination. When she went to give a urine test, one prison officer actually insisted on going into the toilet with her," Mr McGlinchey said. "This is inhuman and degrading treatment. Nobody has to agree with my wife's politics to see this is wrong."

Price was last year charged with encouraging support for a paramilitary organisation after holding a statement from which a masked Real IRA man read at an Easter Rising commemoration in Derry. A court granted her bail on that offence — the charge has since been dismissed — but she was taken to Maghaberry prison after Secretary of State Owen Paterson revoked her licence. Her lawyers claim he'd no right to do so as she'd been granted a royal pardon when freed from jail in 1980. The government says this pardon has been lost or shredded.

Profile - Marian Price is the national secretary of the 32 County Sovereignty Movement. With her sister Dolours and Gerry Kelly — now a senior Sinn Fein politician — she was part of an 11-member IRA unit which bombed London in 1973.

Act Now: Please raise this issue wherever possible and Write to David Cameron, Owen Paterson and your own MP to demand Marion's Immediate release. Please ask others to do the same. Contact details: David Cameron, 10 Downing Street, London, SW1A 2AA: Owen Paterson, Secretary of State for Northern Ireland, Northern Ireland Office, 11 Millbank, London SW1P 4PN e-mail: Your own MP, House of Commons, London, SW1A 0AA. Or if you are outside England, Scotland and Wales contact your own politicians to put pressure on the British Government

Jury ballot – R v M – Any objection to the balloting of a jury was to be taken at the time of jury selection or as soon as practicable thereafter. A challenge raised for the first time on appeal would not be entertained.

Gary Dobson and David Norris Lose Appeal Bid

Cathy Gordon, Independent, 23/08/12

The two men jailed for the racist murder of black teenager Stephen Lawrence have lost the first round of their attempt to challenge their convictions at the Court of Appeal. Gary Dobson and David Norris, who continue to protest their innocence, were given life sentences at the Old Bailey in January. Their applications for permission to appeal have been rejected by a single judge after consideration of the papers. The decision was confirmed by a spokeswoman for the Judicial Office. But the pair can still renew their applications before judges sitting at the appeal court.

Blunkett's Brain

In a recent interview with the I newspaper, *David Blunkett has declared his intention to donate his brain to the scientific project, "Brains for Dementia Research". This unselfish act is to be highly commended, given that Blunkett was one of the most demented Home Secretaries to serve in the last hundred years.

However, I must express my deep disappointment that Blunkett's charitable donation is not an immediate gift, but the 'Brains for Dementia Research' project are forced to wait until Blunkett's death to receive the bequest. This appears to me to be pure selfishness on Blunkett's part to unreasonably delay this donation.

Keith Rose B.A. (Hons) HMP Whitemoor Longhill Rd March Cambs PE15 0PR

Comment on - Blunkett's Brain

Donating David Blunkett's brain to medical research. I understand he once had a brain scan but they couldn't find anything. There they will find more sense in a coconut! He once refused an interview with me in Bakewell many years ago when he was a prison's minister because he was in a dark unforgiving mood about my role in a key miscarriage of justice case - so I did a spoof interview with his dog instead! It made all the nationals and the idea was later blatantly 'nicked' by one of his equally useless political colleagues. Judging by Blunkett's bizarre reputation with the ladies (were they blind too?) perhaps they should just preserve his dick instead! Don Hale

R v Goddard and Fallick - Conviction for Conspiracy to Rape Quashed

No case to answer as the "plan" was no more than fantasy on the appellants part.

"Mr Parker made the following submissions: (1) he accepted that the messages are, on the face of them, capable of being read either as an agreement or as a fantasy. However, (2) he points out that they do not disclose whether the appellants had ever met before, or whether they were living in close proximity or whether they had any realistic means of effecting their plan. There was no prosecution evidence that they did meet either before or after the exchange. (3) The description of the possible child victim is generic. (4) He accepted that there was evidence from other messages that were sent or received by Goddard which demonstrated that he did obtain sexual gratification from the discussion with other men of child sexual offences, but that fact also was equivocal. (5) There was no extraneous evidence that either appellant had taken any steps to execute the plan during the extended period between the texts being sent (in 2006) and their arrest for the count 1 offence in 2009, so that there was no evidence of overt acts to support a conclusion that, at the time of the agreement to commit the unlawful act – if there was one – that there could be inferred on the part of each defendant that he intended to put the agreement into effect. In short, the prosecution evidence, at its highest, could not entitle a reasonable jury to be sure that it could infer that each of the defendants did intend to carry out the agreement evidenced by the text exchanges.

Mr Price, for the Crown, submitted that there was sufficient evidence. He relied upon the fol-

behaviour with the highest levels of need is not acceptable. There are other relatively small groups of women who have untypical needs which are not being met. The progress the prison has made as a whole should provide a foundation from which to address these remaining concerns.

Inquiry Into The Fatal Police Shooting Of Azelle Rodney *INQUEST Press release 28/08/12*

Monday 3 September 2012: Inquiry Chair: Sir Christopher Holland, Court 80, Principal Registry of the Family Division, First Avenue House, 42-49 High Holborn, London, WC1V 6NP

The full oral hearings for the public inquiry into the fatal shooting by Metropolitan police in April 2005 of Azelle Rodney will begin on Monday 3 September 2012. This is the first time in England that an inquiry has been set up to establish how a person came to their death, replacing the role of the inquest. Azelle Rodney, a 24 year old black man, died on 30 April 2005 after a police operation in north London in which he was shot six times by a Metropolitan Police Service (MPS) officer. The shooting took place after the car he was in was brought to a halt in a 'hard stop' in Edgware, north London, having been under police surveillance for several hours. Two men were later convicted for firearms offences but there was no evidence that Mr Rodney was holding a weapon at the time of the shooting.

Azelle Rodney's mother, Susan Alexander, has waited over seven years to find out the truth about why her son died. Earlier this year, in a letter to the European Court of Human Rights, the government apologised for the excessive delay, admitting they had breached Ms Alexander's right to a prompt investigation under Article 2 of the European Convention on Human Rights. The case has been complicated due to sensitive evidence relating to the police operation, which Ms Alexander believes is subject to the Regulation of Investigatory Powers Act 2000 (RIPA). Evidence that is subject to RIPA is not able to be heard in the context of an inquest, which is a fully public hearing. After years of parliamentary wrangling it was finally announced in March 2010 that a public inquiry would replace the inquest into the fatal shooting. However the family do not know how public it will be.

Susan Alexander, mother of Azelle Rodney, said: "Waiting for so long to hear the evidence about the death of my son, Azelle Rodney, has had a profound effect on my life for the past seven years. I don't think I will ever recover from it, as it has had such a big impact on my state of mind, my work (when that has been possible), home, social and family life. No one should have to wait for so many years to find out why their son or daughter died at the hands of the police. I hope the admission to the European Court of Human Rights by the Government in February 2012 that my human rights have been violated by the failure to hold a prompt investigation into Azelle's death indicates that a much bigger effort will be made in future to avoid long delays in other cases. With the evidence finally being heard from 3 September, my main concern now is to see a robust, effective and transparent Inquiry. Everyone needs to know what happened on 30 April 2005 and why my son died that day."

Helen Shaw, co-director of INQUEST said: "Finally after years of being embroiled in a political controversy Susan Alexander will hopefully have the opportunity to find out why her son was shot dead by a Metropolitan police officer. His death is one of a number of fatal shootings by police that have raised profound concerns about possible operational and intelligence failings and about the quality of the investigations conducted by the Independent Police Complaints Commission. Despite the lack of a jury, and the appalling delay that Susan Alexander has had to endure, we really hope this inquiry can both establish the facts about Azelle Rodney's death, and thoroughly examine the broader issues relating to the planning and control of police firearms operations."

tional abuse, 46% physical abuse and 38% sexual abuse or rape. Twenty-one per cent of women said they had worked in the sex trade. The prison worked with community women's groups to address these issues but its own resources were adequate to meet the level of need.

Although for most women New Hall provided much improved outcomes, there was a smaller number whose treatment required significant improvement. Segregation and health care were managed together under the umbrella of 'custodial care integrated services', but we saw little evidence that they were effectively integrated. Responses to women whose behaviour caused concern were excessively punitive with too little attempt to tackle the underlying causes. Women on open suicide and self-harm prevention procedures (ACCTs) were sometimes placed on the basic level of the incentives and earned privileges scheme with the consequences for their vulnerabilities too readily dismissed. Special accommodation was seldom used but when it was women were routinely placed in strip clothing. Women who were forcibly strip-searched had their clothing cut off them. Although the environment of the segregation unit had improved the regime was very restrictive. Some of the most damaged women were placed there for 'good order and discipline' but efforts to address the causes of their distress and manage their behaviour constructively were inadequate.

Some adjudications were poorly conducted with findings of guilt not supported by the evidence recorded. Punishments were excessive and cellular confinement was used too often; in other instances, prisoners lost all privileges, which amounted to cellular confinement but without the safeguards that would normally be required. Use of force was generally appropriate and was often to prevent women from harming themselves. However, we also identified incidents where the use of force was neither necessary nor proportionate. One woman who arrived from another prison and refused to hand over clothes she had been allowed there was held down and they were forcibly cut off her; a manager's approval was not obtained and there was no attempt to resolve the issue in other ways.

The positive drug testing rate was within target but many women said drugs were easy to obtain and a more strategic response to reducing supply was required. Diverted medication was a problem and the prison had recognised that supervision of medication administration needed to be improved. There was a real risk to the safety of women on methadone treatment who also used other opiates and it was a concern that the clinical drugs team was not alerted when women tested positive for opiates in addition to their prescribed medication.

Just under 10% of the population were young adults aged 18 to 21. There was little attempt to identify and meet their specific needs, yet girls under 18 in the YOI attached to the prison received high levels of age-appropriate support. The needs of these young women did not suddenly change when they became 18 and needed greater consideration.

Visits and family contact is particularly important in a women's prison. At the time of the inspection, funding for the valuable family support worker was at risk. The visits centre and hall were reasonable environments but the visits centre closed too early and the booking system was unsatisfactory. We observed visits that began late and finished early. Women prisoners had to wear a reflective sash which was an unnecessary humiliation for those being visited by their children. Separation visits, when women had a last chance to say farewell to their children who were being taken for adoption, sometimes unacceptably took place in public in the visits hall during main visit periods.

Overall New Hall has improved. Despite a constantly changing population with high levels of need, most women are held safely and respectfully and given effective help to return to the community without reoffending. However, the treatment of a small number of women who combine the most challenging

lowing facts in particular which he said would entitle a jury to be sure it could infer an intent to carry out the plan: (1) the text exchange itself. (2) The fact that there was no evidence of masturbation by the defendants when the exchange took place. (3) The fact that no visual pornographic material was exchanged between the two defendants (unlike Hedgcock). (4) The fact that Fallick knew LL (who described him as her "best friend") and her son ML, who, it could be inferred, was the specific intended child victim. Fallick had given an accurate description of the child and had sought to be alone with him. (5) The fact that both defendants possessed indecent images of male children. This indicated their sexual interest in young boys and their willingness to break the law to pursue such interest. (6) The fact that both defendants had given "no comment" interviews and had not answered specific questions about whether this was a fantasy or not. In that regard Mr Price drew our attention to section 34(2)(c) of the Criminal Justice and Public Order Act 1994, which provides that when a court is considering whether an accused has a case to answer it can take account of the fact that he failed to answer questions in interview. Mr Price also drew our attention to section 38(3) of that Act which states that a submission of no case to answer cannot be rejected solely on the basis of such silence.

We have concluded that no reasonable jury, taking the prosecution evidence at its highest, could surely infer that the defendants intended to carry out the agreement. The evidence is all equivocal; it is as consistent with fantasy as with an intent to carry out the plan. It is particularly striking that these men never met at any stage, either before or after the text exchange nor did they even suggest meeting to discuss the plan further. Nor is there any evidence that they took any steps to advance the plan beyond suggesting "Friday night". No place or time or other practical details are identified. Nothing at all happened after the exchange of text messages. We appreciate that their silence in interviews and failure to mention that this was all a fantasy can be taken into account. But that is of very little weight given the other facts or rather lack of them."

Evans v North Somerset Magistrates' Court – Committal to prison for 12 months as a result of non-payment of compensation order quashed. The court ignored a clear finding of the Crown Court that E had no money to pay that order following the making of a confiscation order in the proceedings. The court also fell into error in taking into account the private monies of her husband and determining that those monies were available to discharge the order.

Summary: (para 19) "The magistrates appear, in my judgment, to have fallen into error in two significant respects. Firstly, they failed to have regard to the orders of the crown court by which it was accepted that she had no assets to meet the confiscation order and that the confiscation order was linked expressly on the face of the order to compensation. It was thus recognised by the crown court that she had no assets out of which to pay the compensation. The only basis upon which it would be right not to discharge the compensation order would be on the foundation of clear evidence that there were other resources by way, for example, of regular income from employment or some windfall subsequent to the discharge of the confiscation order out of which the compensation order could be made. No such finding was made by the magistrates. No such finding could be made because there was no such resource, there was merely the sum she received by way of benefit. The second error into which the magistrates fell arose out of their elision between the resources of her husband and her own resources. That elision could not, as a matter of law, arise out of the mere fact that her husband had made an offer of £3,000 in the circumstances I have described or indeed under any other circumstances; it was entirely open to him having made the offer to withdraw it and there was nothing to suggest that she had compelled him to do so." Citation [2012] EWHC 2382 (Admin)

Leicester Police Detention Death Man Named This Is Leicestershire, 24/08/12

A man who died in hospital within hours of being detained by police has been officially named. Rafal Delezuch was formally identified when an inquest into his death was opened and adjourned at Leicester Coroner's Court yesterday.

Mr Delezuch, a Polish national living in Leicester, was detained under the Mental Health Act in Devana Road, Evington, at 8.30am on Wednesday, August 15. Officers were called to the area when members of the public reported him behaving "strangely" in the street. In the course of detaining Mr Delezuch, officers used their incapacitant spray on him.

Officers took him from the scene to Leicester Royal Infirmary when they became concerned for his welfare. He died in hospital at 12.30pm. A post-mortem examination has been unable to determine what caused the 26-year-old's death.

The Independent Police Complaints Commission (IPCC) is investigating the death. "Further tests are being carried out," said an IPCC spokesman. "IPCC investigators have spoken to the family of Mr Delezuch to explain our involvement." IPCC commissioner Amerdeep Somal said last week: "In the circumstances of a man dying in hospital, hours after being detained by police, it is right that we carry out an independent investigation into what happened."

Man Spared Jail Over Sex With Dog - Placed on Sex Offender Programme

Rod Minchin, The Independent, Friday 24th August 2012

A father of three who had sex with his ex-wife's bull mastiff dog was spared a prison sentence today. Nicholas Saunders, 46, was caught in bed with Sasha by Kelly Thacker, mother of two of his children. Saunders, of Lechlade, Gloucestershire, was convicted by a jury at Gloucester Crown Court in June of having intercourse with an animal.

Today the court heard that Saunders continues to deny his guilt. Recorder Stewart Patterson sentenced Saunders to a two-year community order, placed him on the sex offenders register for five years and ordered him to attend a sex offenders' treatment programme. He told Saunders: "On January 15 2011 you had a row with your partner and as a result of that you went to visit your ex-partner of some considerable years.

Having visited her, you took to her bed while she was downstairs. Ms Thacker was not asleep and she heard you summoning the dog, a bull mastiff, to the bedroom. She then went to see what was happening and she saw what you were doing. You were performing an act of penetration of the dog's vagina with your penis." The judge added: "It is quite clear your behaviour that night demonstrates a distorted sexualised thinking which needs to be addressed by you. Although you continue to deny the incident, I am heartened to see you are fully prepared to work with the Probation Service to address these issues."

Saunders was also made the subject of a restraining order for four years, which bans him from any property where Ms Thacker and her children live unless he gets a court order or written permission from his ex-wife. Ms Thacker told the court of her shock at discovering her ex-husband having intercourse with the family pet.

During the two-day trial in June, Ms Thacker, who has teenage twin girls with Saunders, told the court she rejected her ex-husband's advances towards her after he had a fight with his bipolar girlfriend and sought comfort at her home. It was soon afterwards that she found him having sex with Sasha.

The jury was told Saunders, a fencing contractor, and his ex-wife remained on good terms following their separation 13 years ago. Saunders went to her house at around 1.45am. The

for those being visited by their children.

Introduction from the report: HMP New Hall is a closed local women's prison that, at the time of this inspection, held about 350 women aged 18 to 69, and two babies. There was a small YOI for young women attached to the prison that we inspect and report on separately. Our last inspection in 2008 found that the prison had improved but that there was plenty of scope for further improvement. This inspection found that considerable improvement had taken place and the prison now provided good or reasonably good outcomes for the women it held.

Women told us they felt much safer in the prison than before, and the proportion who had ever felt unsafe was now lower than in comparable establishments. This, in part, was due to much better reception and first night procedures with a more supportive and welcoming environment. Women were, however, still transported to the prison in partitioned vehicles shared with men, and some told us they had been harassed on the journey. Once at the prison, there was little bullying or violence.

There was now good mental health provision. The mental health team supported about a third of the total prison population, just over quarter of whom had complex problems. Commendably, almost nine in 10 uniformed officers had been trained in how to support prisoners with mental health problems and this was the highest level of training we have seen. The drug treatment system responded effectively to a high level of need. Better levels of safety, good mental health provision and better drug treatment all contributed to a significant reduction in self-harm and the number of women on suicide and self-harm procedures since the last inspection.

Senior officers had led a major drive to improve staff-prisoner relationships since the last inspection and the relationships were much improved. Significantly more women than at the last inspection said staff treated them with respect and more than at comparable prisons said they had a member of staff they could turn to with a problem. Equality and diversity work was satisfactory but over-dependent on an effective diversity officer rather than being embedded in the prison as a whole. A significant minority of women told us they were of Gypsy, Romany or Traveller origin and there was little provision for them. The external environment was generally clean and tidy and we were pleased to see that dormitories were no longer used. However, some women shared very small cells designed for one with inadequately screened toilets and insufficient furniture.

The mother and baby unit was an excellent facility but, like units elsewhere, it was underused. It was not clear whether this was an administrative problem or due to lack of demand. Prison staff continued to wear uniforms on the unit which was unnecessary and, as we have seen elsewhere, one male member of staff was in sole charge at night, which was unacceptable.

Women had a reasonable amount of time out of their cells each day and there was plenty of good quality activity. Provision was focused on employability and was now better organised to meet the needs of women with short sentences. The range of activities met the needs of women with different levels of ability. An excellent workshop prepared women to work in Max Spielman photography shops with very good employment prospects.

There was good offender management. Women who were high risk, prolific offenders or serving indeterminate sentences were well managed. There was a prompt, basic custody screen for women serving short sentences which identified their resettlement needs, but this needed to be more effectively followed up. The prison's needs analysis had identified that two out of five women did not have a discharge address. Despite good efforts to resolve this, 12% of women left the prison without a fixed address. The prison worked closely with community based services to support the high proportion of women with drug and alcohol problems on release. The prison's needs analysis identified that 38% of women had experienced emo-

712 men); and Doncaster, (CNA 743, 1,142 men). *James Meikle, The Guardian, Tuesday 28 August 2012*

Unannounced full follow-up inspection of HMP & YOI New Hall

Inspection 31Jan–10 Febn2012 by HMCIP, report compiled June 2012, published 29/08/12
New Hall is a closed female local prison, holds, adult female prisoners of all categories
Inspectors were concerned to find that:

- treatment of a small number of women who combine the most challenging behaviour with the highest levels of need is not acceptable.
- There are other relatively small groups of women who have untypical needs which are not being met.
- responses to women whose behaviour caused concern were excessively punitive with too little attempt to tackle the underlying causes;
- Some adjudications were poorly conducted with findings of guilt not supported by the evidence recorded. Punishments were excessive and cellular confinement was used too often;
- Special accommodation was seldom used but when it was women were routinely placed in strip clothing. Women who were forcibly strip-searched had their clothing cut off them.
- Although the environment of the segregation unit had improved the regime was very restrictive. Some of the most damaged women were placed there for 'good order and discipline' but efforts to address the causes of their distress and manage their behaviour constructively were inadequate.
- we also identified incidents where the use of force was neither necessary nor proportionate.
- One woman who arrived from another prison and refused to hand over clothes she had been allowed there was held down and they were forcibly cut off her; a manager's approval was not obtained and there was no attempt to resolve the issue in other ways.
- A significant minority of women told us they were of Gypsy, Romany or Traveller origin and there was little provision for them
- the prison's needs analysis identified high proportions of women who had experienced physical or sexual abuse, but its own resources were inadequate to meet the level of need;
- Twenty-one per cent of women said they had worked in the sex trade
- There was a real risk to the safety of women on methadone treatment who also used other opiates and it was a concern that the clinical drugs team was not alerted when women tested positive for opiates in addition to their prescribed medication.
- there was little attempt to identify and meet the specific needs of just under 10% of the population who were aged 18 to 21; needs of these young women did not suddenly change when they became 18 and needed greater consideration.
- separation visits, when women had a last chance to say farewell to their children who were being taken for adoption, sometimes unacceptably took place in public in the visits hall during main visits periods.
- the mother and baby unit, though excellent, was underused, and as inspectors have seen elsewhere, one male member of staff was in sole charge at night, which was unacceptable;
- despite good efforts by the prison, 12% of women left the prison without a fixed address;
- Women on open suicide and self-harm prevention procedures (ACCTs) were sometimes placed on the basic level of the incentives and earned privileges scheme with the consequences for their vulnerabilities too readily dismissed
- Women prisoners had to wear a reflective sash which was an unnecessary humiliation

prosecution said he was looking for more than just comfort that night and when Ms Thacker made clear to him that he did not have a chance with her, he turned to the large female dog.

Giving evidence, Ms Thacker, who owns a male boxer as well as the bull mastiff, said Saunders told the dog "You've just ruined my chances" when it jumped on to the bed between herself and her ex-husband. She told the court she took this to mean he had wanted to have sex with her. After going downstairs, she heard her ex-husband whistle to the dogs, calling them to come upstairs. A little while later she went to check on Saunders, who she said had been "a little bit drunk". But when she got halfway up the stairs she looked through the banisters and saw something that left her in shock. "It was just too quiet, whereas he'd been mumbling before, so I thought I would just go and check," she said. I didn't go all the way up, just halfway to the top banister. The bull mastiff was leant on her side and he (Saunders) was trying to guide his penis into her. I think I must have hit some kind of shock and I hid back a bit. I then looked round again. He was on all fours holding her thighs. He was having intercourse with her. She wasn't even moving." Ms Thacker added: "It was just utter shock, you don't think anything like this could happen."

Saunders denied the charge and claimed his ex-wife had seen him merely "climbing over the dog" to get out of bed to use the toilet. He told the court it was he who spurned Ms Thacker's advances that night and claimed he merely "tolerated" his ex-wife for the sake of their children. He claimed it was because he had not wanted to sleep with her that she made up the allegation against him. "The allegation is a total lie," he told jurors. But the jury did not believe him and unanimously convicted him of the charge.

Following his arrest, Saunders was asked to provide an "intimate sample" from his penis which, following forensic examinations, showed a 100% match to the DNA of a domestic dog. Frank Abbott, prosecuting, said it would have been an "incredible coincidence" that DNA was found on a "fairly inaccessible" part of Saunders, backing up what Ms Thacker told the court she had seen. Mr Abbott told the court the case had caused "a considerable degree of distress" to Saunders' ex-wife and their daughters.

Mr Abbott told the court today that the effect of the incident on Ms Thacker and her twin daughters had been "quite substantial" and they wanted to move to make a "fresh start". "The reaction within the local community has resulted in the children feeling 'on show'," he said. They have received at the very least jokes and at the very worst unpleasant comments, which has led the family to want to move away from the area."

The pre-sentence report prepared on Saunders noted: "The matter before the court is demonstrative of a high level of distorted sexualised thinking skills, risk-taking behaviours and levels of entitlement." Sarah Jenkins, defending, said Saunders was a hard-working man who had not seen his twin daughters for 18 months. "In all other respects Mr Saunders has led a really normal life," she said. It is fair to say this has been a matter which has been the subject of quite extensive reporting, particularly locally, and for that reason it has been difficult for members of the local community to take a considered view and form an opinion about the rights and wrongs of it."

Ms Thacker, 40, was not in court today but spoke out after her ex-husband was convicted. "I'm happy for the kids, really, because they were a bit upset that people were doubting me," she said in June. They didn't like people calling me a liar. It's been the most stressful time of my life, not just the last week but the last year and a half. I don't really care what happens to him now. I got what I wanted, which was a guilty verdict." Asked how she felt towards her ex-husband, she added: "I don't hate him, I feel sorry for him. "At the end of the day he's the father of my kids and I'm not a hateful person."

Ms Thacker said she now just wanted to move on with her life.

No Way Out For Foreign National Women Behind Bars Source: Prison Reform Trust

Too many vulnerable foreign national women are locked up for non-violent crimes and have often been trafficked or coerced into offending, according to a briefing by the Prison Reform Trust and the charity FPWP Hibiscus.

Women from foreign countries are one of the fastest growing groups in the female prison population and represent one in seven of all the women held in custody in England and Wales. Drawing on the experience and work of Hibiscus with foreign national women in prison and kindly supported by the Barrow Cadbury Trust, the briefing reveals that coercion, intimidation, misinformation and threats are frequent factors behind the offending of this group.

Foreign national women are far less likely than UK nationals to have committed serious violent or sexual offences or robbery. Only 15% of foreign nationals are serving sentences for serious crimes compared to 41% of UK nationals. A disproportionate number of foreign national women are in prison for drug or immigration related offences. The briefing's findings reveal that the average length of sentence given in 2009 for drug offences was six years, with findings of guilt after entering not guilty pleas resulting in sentences of up to 15 years. The average sentence for false documentation was eight months and for deception 12 months.

By failing to recognise the path of these women into crime and address their specific needs and vulnerabilities, the UK authorities are wasting taxpayers' money on needless imprisonment and could be in breach of international legal obligations to protect the victims of human trafficking.

One African woman who had her son kidnapped and needed money to pay legal fees to gain custody and provide for him, was caught on arrival in the UK carrying 5 kilograms of cocaine in her suitcase. She was arrested and tried and given a six and a half year custodial sentence.

She told Hibiscus: "I was scared, at that point, I have a baby... At that time we have no money, nowhere to live... I was with my son. I have to do this, it was a pressure. Big pressure on me. That person come to me and say [sic] "look I got a lot of money", ridiculous amount..."

The briefing reveals a dramatic rise in the number of women entering the justice system from Eastern Europe, representing 20% of all new cases. There was also a growth in the number of women from China and Vietnam, representing 12% of new cases. Research published by the Association of Chief Police Officers in 2010 found that nearly two thirds of women involved in off-street prostitution were migrants and half came from Eastern Europe and a third from Asia. Asian women, primarily from China, were also more likely to be victims of trafficking.

The UK is a signatory to the UN Protocol for the Protection of Victims of Trafficking and the European Convention on Trafficking. Damian Green, Immigration Minister at the Home Office, has stated that combating trafficking and looking after its victims is a priority for the government, and that "having any number of people trafficked into the UK is unacceptable".

Despite these commitments the briefing reveals that insufficient effort is made by the UK authorities to identify evidence of exploitation or persecution of foreign national women in contact with the justice system. Many of these women have no option but to plead guilty and are sentenced, with the assumption of deportation, before they can be assessed as potential victims.

The briefing calls for the development of a national strategy for the management of foreign national women in the justice system that addresses their particular needs and vulnerabilities. It says the sentencing guidelines on drug offences, due to be published in the New Year, should take account of the role foreign national women play in this offence and introduce scope for mitigation and a greater emphasis on proportionality in sentencing. The briefing

in the meantime it is a step in the right direction.

Prisons Holding 7,300 More Inmates Than They Were Designed For

Prisons in England and Wales are holding nearly 7,300 more inmates than they were designed for, according to figures released on Tuesday by the Prison Reform Trust. Some jails had twice as many inmates as they were supposed to, the analysis of official statistics found, despite a recent slowing of the rise in prison population. The trust argues that fewer short spells behind bars and community-based penalties are more effective at cutting crime.

It claims that last month 77 of the 131 prisons in England and Wales held more inmates than the Prison Service's certified normal accommodation (CNA) level – a measure of capacity for each jail that results in "the good, decent standard of accommodation that the service aspires to provide all prisoners". According to the trust Kenet prison in Liverpool was the most overcrowded. Designed for 175 men, it now holds 337. In second place was Shrewsbury (built to house 170 men, holding 326) and third Swansea (built for 240, holding 436).

The prison population has been steadily rising. On 17 August it was 86,801. The same time last year it was 86,233, and five years ago it was 80,762. The average population in custody during 2002 was 70,860. A spokesman for the trust said: "For people in prison themselves, overcrowding has a tangible impact. Figures for 2010/11 show that nearly a quarter of people in prison are being held in overcrowded accommodation, either doubling up in cells designed for one occupant or being held three to a cell in cells designed for two people. "Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public-sector prisons every year for the 13 years to 2010/11. Overcrowding makes it much harder for staff to work intensively with offenders on resettlement. Currently 47% of adults reoffend within a year of leaving prison, rising to almost 57% for those who had served a sentence of less than 12 months. Nearly 70% of children (10-17) released from custody reoffend within a year."

Juliet Lyon, the trust's director, added: "Building our way out of the overcrowding problem is not the answer. The prison population can be safely reduced by curbing inflation in sentencing, calling a halt to any unnecessary use of custodial remand, dealing with addictions and investing in effective community penalties. Court-ordered community sentences are more effective at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offences. Rather than falling back on short, ineffective spells behind bars, investment in more intensive community sentences and public health solutions would cut crime and save the taxpayer money."

This month Lyon lambasted the policy of remanding accused in custody, saying it was clear they were often held in worse conditions and received less help and support than those convicted of a crime and serving a prison sentence. She said the overused tactic netted nearly 55,000 people last year, 11,500 of whom were later acquitted, while many received a community penalty when their cases were finally heard in court.

A Prison Service spokeswoman said: "All of our prisons provide acceptable levels of accommodation for prisoners, although some prisons hold more people than they were originally designed for. We are aiming to reduce the existence of crowding alongside reducing the cost of the prison estate."

The other members of the top 10 most overcrowded prisons, according to the trust, were Leicester (which has a CNA of 200 but holds 342 men); Exeter (CNA 317, 530 men); Dorchester, Dorset (CNA 148, 242 men); Wandsworth, London, (CNA 730, 1,191 men); Northallerton, North Yorkshire, (CNA 146, 232 male young offenders); Preston, (CNA 455,

police authority, except on the rare occasion when the complaint is so serious as to warrant an investigation by police officers from a different authority.

It is quite possible that a police officer facing a complaint will be investigated by a colleague, a friend of a friend, or a friend of a family member. This is especially so in my case which involved over two hundred police officers from the Chelmsford area all being investigated by Chelmsford officers themselves. Therefore, police officers would potentially be able to discuss the nature of the complaint at their leisure. The public should not be surprised when their complaints are not upheld. Often evidence has been 'lost' or 'misaid' making it impossible for an investigation to reach a conclusion.

The IPCC's work is closely tied to other MOJ Departments including CCRC. I am sure that I am not the only person who has lodged complaints with the IPCC, and the progress of the complaint was deliberately stalled until the CCRC made an announcement, the defendant then finds that his or her complaints are dismissed very suddenly. These government departments are clearly dependent on one another for decision making. And yet the CCRC claim that their role is not to investigate the conduct of police officers and the IPCC maintain that they are not to be used as leverage to overturn a conviction. This dimension is employed by the police to avoid having to investigate complaints, the IPCC say that the Criminal Cases Review Commission (CCRC) has already investigated matters. In a letter from Charles Garbett, the Acting Chief Executive and Treasurer of the Essex Police Authority, dated 2nd August 2012, he states: "the documents held by the Force in regard to your complaints were available to the CCRC and no issue has been raised by them in respect that the Force has not co-operated with them"

The case documents total approximately three and a half million pages, three hundred and forty thousand of which are concealed behind a Public Interest Immunity certificate (PII). A good analogy would be: it's as difficult as trying to find a single needle in a haystack. Firstly, the CCRC needed to be looking for the needle and my complaints have been made since my submissions to the CCRC, who therefore cannot possibly have looked amongst the documents for my specific complaints and secondly the CCRC may have had access to the 'haystack' but the fact that they didn't find the 'needle' doesn't mean that the 'needle' didn't exist!

The IPCC have been provided with two DVD's which contain all the documents and case photographs that the CCRC couldn't find, but which prove specific police complaints. The IPCC have now been given that 'needle' from the 'haystack', and I wonder what excuse will be given by Essex police for not investigating these current police complaints. The public may believe that the IPCC actually police the police, but they do not. The police actually police themselves. Most of the time police complaints even fail to be investigated. When an investigation does occur they are rarely upheld as a police officer can avoid scrutiny by simply retiring. This loophole has been slightly tightened recently, but not made entirely obsolete. Retired police officers are still immune from an IPCC investigation.

Just as Juvenal wondered who is to 'Guard the Guards' themselves, it is likely that he would be equally dissatisfied with the actions of the IPCC, were they to be responsible for 'guarding the guards', just as the public are today with how the IPCC police our police, some two thousand years later.

Until police complaints are investigated by a truly independent organisation, corrupt or negligent police officers will continue to avoid being properly investigated. The Home Affairs Select Committee is due to report on the effectiveness of the IPCC in September 2012. It is to be hoped that this immunity for officers, whether they are in service or retired, becomes a thing of the past and equally it must be correct and lawful that all officers should be accountable for their misconduct. I also welcome the proposal by the new head of the IPCC, Dame Ann Owers, to recruit more people from outside of the police. Whether this move will bring about the radical changes needed remains to be seen but

recommends that those currently serving lengthy prison terms for drug importation should have their cases reviewed. It calls on the British government to ensure compliance with CEDAW, the Bangkok Rules and the UN Protocol on the Protection of Victims of Trafficking.

Juliet Lyon, Director of the Prison Reform Trust, said: "Far too many foreign national women are languishing in British jails having been coerced or trafficked into offending. There are ways out of this mess but only if the government is prepared to redouble its efforts to catch the traffickers, who profit from their grubby trade, rather than allowing the burden of punishment to fall on vulnerable women many of whom have been victims as well as perpetrators of crime."

Olga Heaven, Director of Hibiscus, said: "There is increasing diversity of nationality in the female prison population. High numbers of women are brought into the UK deceived and exploited. Many are young women with a dream of going to a first world country to achieve something but what they are brought in for is either prostitution or some other kind of enforced labour. Others who have been provided with false documents are detained by immigration or custom officials and often find themselves imprisoned on arrival. Many women who are here legally face multiple social and economic disadvantage which places them at high risk of offending. More needs to be done to identify vulnerable foreign national women in need of protection before they get into trouble with the law."

64 Year Old Women - Assaulted by Screws on Prison visit

On the 16/08/2012 I went to HMP Manchester to visit my son George Black. When I was taken over to the visits area for a closed visit, I spoke to George for two minutes, telling him that his daughter was still in reception and had been refused a visit, even though her name was on the visiting order.

George called a Senior Officer and asked him why the visit had been refused as the paper work was in order. All of a sudden 6 screws poured into the room followed by more. They asked me to leave, but I had nowhere to go as I was in a very small space. The screws began pushing me up against George and against the wall. All of a sudden fists were flying over me to get at George. I was forced to the floor and then dragged out into the main visits room. When I was picked up off the floor I could see about 15 screws jumping on George.

I was escorted out of the prison and banned from visiting for three months. I am 64 years of age and suffer with Osteoarthritis, asthma, bronchitis, Sciatica and panic attacks. I really didn't expect this sort of treatment from these people. For the last week I've had nightmares and am now afraid to visit anybody in prison. I was left with carpet burns, bruises and a swollen knee. I would like to know if anyone making a prison visit, has experienced unwarranted violence from the screws and what if anything they were able to do about it.

With thanks, Mary Maquire" C/o MOJUK 22 Berners Street, Birmingham B19 2DR

Black Teenager 'Stopped 50 Times' to Sue Met Police for Harassment

Youth claims false charges motivated by racism as CCTV footage leads to collapse of court case Diane Taylor, guardian.co.uk, Friday 24 August 2012

A black teenager who says he has been stopped about 50 times by the Metropolitan police is planning to sue the force, claiming he has suffered almost four years of harassment and false charges, which he believes have been motivated by racism. Between the ages of 14 and 17, the college student says he has faced a series of charges of which he has either been found not guilty or which have been dropped before getting to court, as well as numerous

stops and searches and two strip searches, none of which identified any criminal activity. He says he has also been detained several times in police cells after which he was released without charge. Last week the teenager appeared at Bromley youth court, south London, charged with assaulting a police officer. The case collapsed after CCTV footage contradicted the evidence in court of PC John Lovegrove, who claimed to have been assaulted by the youth during a stop and search. Lovegrove claimed the youth, who was handcuffed behind his back at the time and forced to the ground by police, rolled over and, in doing so, caused grazing and bruising to the officer's knuckles. The youth was also accused of spitting. However, the CCTV footage in court showed no evidence to support these claims.

The youth's solicitor, James Foong, told the court: "He appears to me to be lying there like a dead fish." After the court was shown the CCTV footage the CPS offered no further evidence and the case collapsed. The Crown Prosecution Service has admitted it did not review the case fully before it went to court and is to apologise to the youth for allowing the case to go ahead. The Met police confirmed the acquittal but declined to comment further. However, it is understood concerns about this and other failed charges against the youth, and all the stops and searches, are being investigated by police.

The youth had been stopped by police in Sidcup, south London, on 11 February this year, after reports on the police radio that a named white suspect had threatened his father with a knife and had then run off. The police description was later amended to black or mixed race male. Although no weapon or drugs were found on the youth, he remained handcuffed while the police forced him to the ground. He was then strip-searched at the police station. He had cigarette papers in his pocket and torn up cardboard that Lovegrove said could be used as a filter when smoking cannabis. No drugs were found during the strip search. The youth said: "I can't think of any other reason why the police keep doing this to me apart from racism. I've been stopped and searched so many times I've lost count, I think it's about 50 times." The Met police is 11 times more likely to stop and search black people than white ones, according to Equalities and Human Rights Commission research published earlier this year. It has accused the Met of racial profiling.

"I'm very relieved my son was cleared of a crime he did not commit," said his mother. "If it wasn't for the CCTV footage, he probably would have been convicted on PC Lovegrove's evidence. But I can't relax because I don't know what the police are going to do next. I'm trying to move the family to a different area that will be safer for us. Because of the way my son is targeted by the police, I'm frightened to let him leave the house. I'm worried he will be arrested again and won't come back." She added: "I believe my son has been targeted because of police racism. He has been accused of so many things – theft of a laptop, theft of a bike, doing etchings on a wall inside McDonalds. He's also been accused of being part of the Cherry Gang and of harassing young children for drug money. He's never done any of these things."

Lee Jasper, chair of the London Race and Criminal Justice Consortium said: "It is particularly shocking that this has been going on for such a long time and started when the boy was so young. This case exemplifies the harsh realities of being a black kid in London."

CPS said: "This youth was charged by the police with assaulting a constable and our review of the case relied upon a summary of the evidence and other information provided by the police. At trial, it was found the evidence did not support the charge and we decided to offer no evidence against the defendant. "We fully accept we should have reviewed all of the evidence more thoroughly before the beginning of the trial." The CPS will apologise to the youth "for not doing so and for not discontinuing the case earlier". The Met police said in a statement: "On 17 August, a 17-year-old male appeared at Bromley youth court accused of assault of a police officer at Sidcup High Street on

11 February 2012 . The case was discontinued by CPS and the youth was formally acquitted."

Who will Guard the Guards themselves?

by Jeremy Bamber, HMP Full Sutton

Roman society wrestled with the same question that today's society cannot answer: who polices the police? The public have always required protection from corrupt or negligent police officers and in today's society this protection is supposed to come from The Independent Police Complaints Commission (IPCC). Police corruption is a growing problem and in the last five years alone investigations handled by the IPCC rose from 30 to 150. The IPCC needs to cope with their ever increasing work load, but it also has to address how to make their investigations more successful. Police corruption not only affects the standards of policing, and undermines public faith in this service but the tactics employed by the IPCC and Police to maintain wrongful convictions have wider repercussions for us all.

Only at the end of July this year the IPCC wrote in a letter to me "we are completely independent of the police service and are responsible for making sure that the police complaints system in England and Wales works effectively and fairly." This statement suggests that they are autonomous, self-reliant and unconstrained when they investigate complaints against serving police officers. But the IPCC have no powers to investigate the actions of retired police officers, which is why so many retire when they face an IPCC investigation. Quite why police officers should be granted immunity from investigation upon retirement is unknown. No other criminal is given immunity from investigation, even if they have been law abiding for twenty years. Even the Metropolitan police are currently looking to bring charges 27 years after the murder of PC Keith Blakelock in a remarkable turn of events since the original conviction of Silcott, Braithwaite and Raghip in 1987, which was overturned in 1991 when forensic tests suggested fabricated interview records. There is no statute of limitation for ordinary criminals, even if they have retired from a life of crime many years previously. Police officers on the other hand gain immunity from investigation as soon as they retire which effectively allows a serving police officer to act corruptly or negligently with impunity. I believe that police officers should still be responsible for their actions upon their retirement. Under the current system the IPCC are the only organisation which can investigate the actions of serving police officers, but the IPCC doesn't actually do this itself. They state, "our role is to forward your complaint to the relevant police authority.....for them to consider.

In the process of investigating how a miscarriage of justice has occurred, a large amount of documents are filtered through by the Defence and evidence accumulated, and a cyclic process then begins. For example in my case between 1991 and 2012, there have been over 100 complaints made against Essex police in relation to my case, 24 made during 1991 alone. Further complaints have been made in the past ten years including seventy nine in the last 18 months. On each occasion recently the IPCC have accepted the advice from Essex police not to discipline or prosecute any of the police officers that have had complaints lodged against them. On many occasions Essex Police have applied for a "dispensation" on grounds that my complaints were not lodged within 12 months of the alleged offence, which is tricky given that the complaints could only be made after disclosure was granted by the police themselves, many years after the date of the offence. Another excuse for "dispensation" has been that the officers have retired. In some cases the IPCC have waited for considerable periods with a complaint lodged and during this time the offending officer has retired. The IPCC therefore have instructed Essex police officers to investigate themselves, which goes against the grain of being 'completely independent'. All police complaints are investigated within the same