

Prisoners: Community Work

House of Commons / Sep 2012 : Column 355W

Tom Blenkinsop: To ask the Secretary of State for Justice what the policy of the Prison Service is on allowing prisoners with indefinite sentences for public protection to undertake work in the community; and what supervision they receive for such work.

Jeremy Wright: Prison rules allow for prisoners to apply for release on temporary licence (ROTL). This enables prisoners to participate in necessary activities, outside the prison establishment, that directly contribute to their resettlement into the community and their development of a purposeful, law-abiding life.

Temporary release provides prisoners with a phased re-introduction into the community and is particularly important for long-term prisoners who may have been in custody for a number of years.

Prisoners are not granted temporary release unless they meet stringent eligibility criteria and pass a rigorous risk assessment. Prisoners serving indeterminate public protection (IPP) sentences may only be considered for ROTL after they have reached the point in their sentence when they have been approved by the Parole Board as suitable for open conditions. Some forms of ROTL are for the purpose of allowing prisoners to work outside the prison.

This can range from supervised activities, where a group of prisoners go out with prison officers who monitor and oversee the work, to individual unsupervised work placements. Prisoners would normally be expected to begin with supervised activities and work towards unsupervised work placements depending on progress against their sentence plan and assessments of risk and suitability.

Day 3: Azelle Rodney - Intelligence staff quizzed over shooting

Two intelligence officials were questioned yesterday during an inquiry into a police shooting seven years ago. The two, named only as S2 and S1, gave details about the intelligence operation in the run-up to the fatal shooting of Azelle Rodney, 24, who was believed to be on his way to rob members of a rival drugs gang in north London.

S2, who works for HM Revenue and Customs, told the inquiry that intelligence gathered on Colombian drug gangs had led to tens of arrests and the seizure of hundreds of kilos of drugs.

In her statement, she said intelligence indicated that the group comprising Mr Rodney and two other men would have automatic weapons as they headed to a meeting to steal class-A drugs from a Colombian gang.

Their car was stopped by police on 30 April 2005. Mr Rodney was shot by a Scotland Yard firearms officer, named only as E7, who believed Mr Rodney was reaching for an automatic weapon. Three guns were found in the car but none were machine guns.

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, Istiaq Ahmed.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Fax: 087 2023 1623

MOJUK: Newsletter 'Inside Out' No 388 06/09/2012)

Shrewsbury 24: Overturning a miscarriage of justice 40 years on by Ricky Tomlinson

We all like anniversaries and this year there has been a lot said about events 40 years ago. There was the miners' strike that led to power cuts and the "Battle of Saltley Gate". The dock workers were fighting for jobs and 5 shop stewards were sent to Pentonville Prison in July 1972 for contempt of court. The TUC called a national strike and an obscure fellow called the Official Solicitor intervened and persuaded the court to release them.

These were all important memories for me but 1972 stands out as the year that myself and fellow building workers stood up against the mighty building trade employers to fight for better pay and safer working conditions. Our industry had one of the worst records for serious injuries at work and was probably second only to the coal mining industry for fatalities. We were on strike for 12 weeks and eventually, in September 1972, we secured the highest pay increase in the history of the industry.

But it didn't end there. Five months later the police arrested 24 of us from the North Wales area. North Wales! We were hardly the centre of trade union militancy in Britain. In October 1973 the first six of us appeared at Shrewsbury Crown Court and after a trial lasting ten weeks three of us were sent to prison for conspiracy to intimidate, affray and unlawful assembly. On appeal our convictions for affray were quashed but we still served our sentences: I received 2 years, Des Warren 3 years and John McKinsie Jones got nine months. Our crime was to take strike action and organise picketing, just as the miners and dockers had done earlier in the year.

A campaign has been established to highlight this miscarriage of justice and to clear our names. The Shrewsbury 24 Campaign has carried out extensive research into the case and has discovered fresh evidence about the decision to prosecute us. We believe that it demonstrates that there was political interference in bringing these charges against us and we are asking the Criminal Cases Review Commission to refer the cases back to the Court of Appeal. We have a leading human rights law firm, Bindmans, acting for us. I would like to thank all the national and local trade union bodies, trades councils and individuals that have affiliated to the campaign. Full details of the campaign, the 1972 strike and the trials can be found on the website, as well as details of how to join us. I have created a Downing Street e-petition calling upon the Government to release documents from this period which they are withholding on grounds of national security! Please sign it, and help us get this miscarriage of justice put straight after 40 years. Ricky Tomlinson was sentenced to two years in prison after being found guilty of 'conspiracy to intimidate' as one of the so-called Shrewsbury Two.

In 1972, building workers held their first ever national strike for decent pay and health & safety at work. 5 months after the strike ended, 24 trade unionists were charged with offences allegedly arising from picketing in Shrewsbury in September 1972. They included individuals who were convicted of conspiracy and sentenced to imprisonment. Government files relating to the strike have been withheld from the National Archives even though more than 30 years have passed. The Shrewsbury 24 are demanding the Government to release all Cabinet minutes, documents, discussion papers, civil service notes, reports and telephone records produced from 1972 to 1976 by Government departments, agencies and prosecuting authorities relating to the strike, the building workers' unions, the arrested pickets, the prosecutions at Mold and Shrewsbury and the subsequent appeals, as well as any other material pertaining to the case that fall outside the above time period.

Prisoner's 16-Year Fight To Prise Open The Secrets of Operation Cactus

'Kevin Lane believes he was set up for murder by a bent detective and a criminal – and that people want him silenced, permanently': The story of Operation Cactus is still unfolding after 18 years, and in some respects it is a murder inquiry that can best be encapsulated by reference to a series of significant dates and numbers. Robert Magill was murdered near his home in Chorleywood, Hertfordshire, on 13 October 1994, as he was walking his dog, Oscar. In 1996, Kevin Lane was convicted of shooting him in what was seen as a contract killing, and for 16 years he has been protesting his innocence. In that time, Lane has written more than 5,000 letters and had six lawyers. Supporters have set up a website and raised more than £100,000 to help him conduct a miscarriage of justice campaign that is heavily focused on one man: a bent copper. Eight years ago, a detective in the Magill murder inquiry, Detective Sergeant Chris Spackman, was jailed for four years after a trial that exposed him as deeply corrupt and raised questions about his conduct in other investigations. Lane believes he is close to being able to show he was implicated as the result of an inappropriate relationship between Spackman and a known criminal, Roger Vincent. None of this could have been known to the Old Bailey jurors when Lane was sent down all those years ago, but it may all undermine the safety of the decision they made. That is Lane's contention, and the 44-year-old may soon prise open the files of Operation Cactus.

It is often said the wheels of justice turn slowly, but in some cases, they hardly seem to turn at all. The details get murkier and more confusing with every disclosure, but Lane's predicament is all too familiar to any prisoner attempting to challenge a conviction. Lane has had to turn detective and lawyer to keep his case from disappearing completely. With a secondhand laptop on his knees, he has been working on legal challenges for 40 hours a week during all the time he has been inside.

The Criminal Cases Review Commission (CCRC), which was set up the year after Lane was convicted, is currently undertaking its fourth review of the case, having been ordered to do so by the court of appeal last November. Judges had hoped the CCRC would have finished its work this January, and when that deadline was missed, by the end of April. The CCRC is still looking at the files. A spokesman said its investigation would be completed "sooner rather than later but it is not possible to put an exact date on it". Lane has criticisms of the CCRC, but the body set up to look at cases like his has its own problems, which go far beyond its investigation into any individual. During the time Lane has been in jail, since early 1995, the prison population has increased by about 75% to 86,000. Meanwhile, the budget for the CCRC has been cut. Its annual report for 2011 said: "Our budget has been reduced over the past six years by nearly 30% or £2.6m in real terms. We put on hold plans to recruit new commissioners, we made a round of redundancies and anticipated further, voluntary, redundancies; we implemented strict spending controls and reviewed all areas of expenditure." Though the CCRC says it does not believe this has compromised its inquiries into Lane's case, Lane himself is not convinced it has the capacity for an investigation as complex, and potentially sensitive, as his.

Little by little, Lane and his current solicitor, Maslen Merchant, have uncovered details about the original murder inquiry which suggest, they say, that Lane was the victim of a set-up. At the heart of this allegation is the Hertfordshire detective jailed in 2003 for what the judge called "a disgraceful catalogue of crime and lies". Spackman was caught plotting to steal £160,000 from his own force, and had been siphoning off money to spend on a younger woman he was trying to impress. This man was the officer in charge of disclosure evidence during the Magill inquiry, and he also questioned or had contact with other suspects and informers. One of the suspects was Vincent. In the early days of the investigation Vincent and his friend David Smith were named as Magill's murderers in 20 separate tip-offs. They were both questioned, and Vincent was charged alongside Lane. Official records, which were not

Underwood also praised the Met for their assistance and help in providing documents to explain the planning of the operation and its tactics. Firearms officers will testify in coming weeks, as will intelligence officers. Their evidence will be open to the public but their identities will be protected. The inquiry heard that one option considered was arresting those suspected of planning the heist for lesser offences. Rodney was a suspect in an earlier serious assault but this was not known to officers trying to stop what they considered was an imminent armed robbery.

Day 2: Azelle Rodney's Mother Says Son was 'Executed' Vikram Dodd, 04/09/12

As video footage of the incident is released, officer who opened fire claims he feared for his life and those of his colleague. The mother of a suspected criminal shot dead by police said that her son was "executed", as the officer who killed him told an inquiry that he opened fire fearing his life and those of his colleagues was in imminent danger.

The opposing accounts came on Tuesday at the inquiry into the death of Azelle Rodney who was shot six times by police in north London in April 2005 as he travelled in a car. Police believed he was part of an armed gang who were about to attempt a drugs heist. On Tuesday night video footage of the incident recorded by one officer was released by the inquiry, despite the objections of the Metropolitan police. Audio captures one officer saying "sweet as" three times, followed by what appear to be the dull thuds of police gunshots ringing out across a suburban street. The video does not capture the actual shooting. Rodney, 24, was shot without an armed officer shouting an oral warning, the inquiry has been told.

The inquiry heard from Rodney's mother, Susan Alexander, who believes her son was "summarily killed". In a statement during which she broke down, Alexander contrasted her son's death seven years ago to the fate of two other men in the car, Wesley Lovell and Frank Graham, who were later convicted of firearms offences. Alexander said: "To state the obvious they were at least able to walk away alive on 30 April, and have long since served their prison sentences, while it seems to be that Azelle was executed that day and as a result never got to see his baby daughter."

Her barrister, Leslie Thomas, said that his client's case accepted that Rodney was not wholly innocent: "We do not seek to justify what Azelle was doing on the day he died. Nor do we seek to portray him as an angel. But he was entitled to be apprehended, if there was evidence he was entitled to be charged. "He was entitled to be brought before a court of law to face a trial before a jury of his peers and if convicted, rightly and properly punished with the deprivation of his liberty. The fact that he was strongly suspected of being involved in criminal wrongdoing does not justify him or anyone else being summarily killed."

The intelligence in the Rodney case was passed to the Met by Customs. It is understood to have been developed through intercepts. Police believe it suggested that a gang would stage an armed heist against Colombian drug pushers on the streets of London, and steal their class A drugs.

Samantha Leek QC, barrister for the firearms officer who killed Rodney, known as E7, said: "He believed that Mr Rodney had picked up and was preparing to shoot a fully automatic weapon, and he fired at Mr Rodney until he believed that there was no longer a threat. He fully understands that Mr Rodney's family hold him responsible for Mr Rodney's death. He believed that he had no alternative but to fire."

The Rodney case was one of the reasons that the last Labour government and then the current Conservative-led coalition considered introducing so called "secret inquests". An investigation by the Independent Police Complaints Commission (IPCC) exonerated the police, and the Crown Prosecution Service decided there was no criminal case for police to answer.

Day 1: Azelle Rodney shot six times by armed police officer, inquiry told

Officer fired at drugs robbery suspect 'within a second of police car pulling up beside vehicle in which he was a passenger' *Vikram Dodd, guardian.co.uk, 03/09/01*

A man suspected of being part of a plot to rip off a Colombian drug gang at gunpoint was killed by an armed police officer who shot him six times in seconds without issuing an oral warning, an inquiry has heard. The officer known only as E7 opened fire less than one second after pulling alongside a car carrying Azelle Rodney, 24, who was in a rear seat. A public inquiry chaired by a former high court judge, Sir Christopher Holland, began on Monday into the shooting which took place on 20 April 2005 in Mill Hill, north London. Rodney's family have fought a seven-year battle for a public and full inquiry into his death. The authorities had previously said this would not be possible because the intelligence used by law enforcement came from intercepts, whose disclosure to lawyers and the family was claimed to be unlawful.

The police operation followed intelligence from Customs and Excise that a gang would stage an armed heist against Colombian drug pushers on the streets of London, and steal their class A drugs. The sensitive intelligence in this case, was one of the reasons that the last Labour government and then the current Conservative-led coalition considered introducing so called "secret inquests". The intelligence in the Rodney case was passed to the Metropolitan police, which decided against arresting the men before they were in possession of firearms because they would not have sufficient evidence to prosecute them. Internal police documents made public on Monday show senior officers believed they needed to confront the gang once they were in possession of weapons to best reduce the danger to the public and to officers.

The case raises several issues about police use of deadly force, including whether police can open fire without seeing a suspect threatening them with a weapon, and the role of intelligence in a firearms officer's mind when assessing the level of threat posed by a suspect. An investigation by the Independent Police Complaints Commission exonerated the police, and the Crown Prosecution Service decided there was no criminal case for police to answer.

Opening the inquiry, Ashley Underwood QC, said officer E7 pulled alongside side Rodney as part of a hard stop by police, forcing the Volkswagen Golf he was travelling to halt as officers in three cars boxed the suspect's vehicle in. Underwood said: "Within less than a second of the car containing the officer coming to a halt, he opened fire with a carbine. He fired eight shots rapidly. Of these, six shots hit Mr Rodney. He was killed more or less instantly." Underwood said weapons were recovered from the silver Golf. One could not fire and was located under some yellow plastic on the rear seat. A pistol was recovered from the vehicle's rear footwell, wrapped inside a scarf inside a rucksack containing four rounds, and thirdly, in the same rucksack was a gun that looked like a key fob which contained two rounds of ammunition. Internal police documents about the operation say it was possible the gang that police believed Rodney was part of might have been armed with a machine gun.

Tests carried out for the inquiry show that E7 had sight of Rodney for 0.88 seconds before starting to fire. Two men in the car were later convicted for firearms offences.

Rodney's mother, Susan Alexander, was in court to hear the evidence, with family members leaving briefly when gruesome photographs of the aftermath of the shooting were shown. The dead man's family fought plans for an inquest into the death to be held, in which secret evidence would be withheld from them and their lawyers. Underwood praised Ms Alexander's "dignity" and her "reasonable and positive approach" which helped the inquiry navigate complex legal obstacles to get started.

disclosed to Lane or his lawyers at the time, show that Spackman met Vincent at least once before the trial, without anyone else present, for an informal chat. According to Spackman's note of the meeting, Vincent was trying to cut a deal. Vincent had denied involvement in the killing, but he told police he knew who had ordered the "hit" and how much the killers had been paid. In return for this evidence, Vincent wanted the charges against him dropped. That did not happen, but it was unnecessary in any case. During the trial, the case against Vincent was abandoned, with the prosecution admitting his alibi had not been properly investigated.

After his release from custody, records show Spackman went to Vincent's mother's home twice. Lane's belief is that Vincent and Spackman were in cahoots, and that the detective engineered the direction of the investigation in a way that put Lane in the dock. At the moment, this remains a conspiracy theory, but there is circumstantial evidence suggesting Lane's fears need to be more fully explored. In 2005, Vincent and Smith, the pair originally named by informers as Magill's killers, were convicted of a shooting that was remarkably similar. Using an AK-47 assault rifle, they murdered a man called David King as he left a gym in Hoddesdon, Hertfordshire. The judge described it as a "thoroughly planned, ruthless and brutally executed assassination" – and jailed them for 30 and 25 years at Luton crown court. Last year credence was lent to Lane's claim that he was set up when his lawyer was sent bundles of documents that appeared to be confidential police files. Within them were copies of apparently secret police memos. Merchant says the files, if genuine, show Lane was the victim of a deliberate and blatant plot. After his conviction, stories appeared in the tabloids saying Lane was a contract killer who detectives called "the executioner".

The appeal court has asked the CCRC to establish whether the documents are real, and also to find the black bin-liner that was the crucial evidence against Lane at his trial. The bag was found in the boot of the car used by Magill's killers, and it had Lane's palm print on it. Lane has never denied driving the car: he had borrowed it a week before the murder and his son's fingerprints were also found on the vehicle. But nobody seems to know where the bin-liner is now. "We have spent years asking about its whereabouts," said Merchant. "We still don't know."

In among all the fragments of new evidence and the coincidences, and within documents that they believe are being withheld, Lane believes the truth about Magill's murder can be found. He insists he will not admit to a crime he did not commit, even though that may affect his chances of getting out now he is approaching the end of the minimum 18-year prison term set by the court. "I believe there is enough new information to affect the safety of the conviction," said Merchant. "If jurors back then had known what we know now, it is hard to imagine they could have found Kevin guilty. The evidence about the meeting between Spackman and Vincent was not disclosed at the time of the trial. If it had been, Kevin could have raised questions about whether the two men had an improper relationship, and whether they had acted together to find a scapegoat. He could have launched a positive defence. Every time we find out something new, lo and behold, Spackman is in the middle of it."

Merchant says Lane's determination to see this through has not dimmed, despite the setbacks, and the difficulties of trying to run a campaign from inside jail. Lane acknowledges he is in some danger now. With the appeal court now involved, and the CCRC under pressure to deliver, the case is finally coming to a head. He has told the Guardian that there are people inside jail who are trying to shut him up – permanently. But he won't be deterred. "Kevin is a very strong character," said Merchant. "He can't address his offending behaviour because he won't admit to the offence. If the governor of a prison told him, 'Here, sign this piece of paper, admit you did it, and you'll be out,' Kevin wouldn't do it. He will not do it."

Nick Hopkins, guardian.co.uk

New Kids on the Block - Miscarriages of Justice University of Derby

MOJ@UOD is an independent organisation, affiliated to the University of Derby offering a probation service to review cases of wrongful conviction, primarily from the East Midlands area. The casework forms the basis of a year through module which is taken by third year students studying forensic science, law and criminology, working under the supervision of professionals.

What you can expect: You will be informed of our decision as to whether we will accept your case as soon as possible. - If we accept your case: You will be provided with regular updates as to the progress of our investigations - We may need to visit you and therefore, we will be contacting you to arrange a mutually convenient date - All client information will be treated with confidentiality and securely stored in compliance with legal requirements

If we decline your case: You will be provided with a clear explanation as to why we have decided not to work on your case for example: Your argument is that the law is in need of reform but as it currently stands your conviction is safe

Miscarriages of Justice University of Derby, Kedleston Road , Derby, DE22 1GB

Home Office to Correct Anomaly Of Historic Convictions For Gay Sex

Thousands of men with historic convictions for consensual gay sex will be able to apply to have these records deleted from October, as the Home Office begins to correct an anomaly in the criminal records system. Until now, people wishing to work in roles that require background checks, including volunteering, have been discouraged for fear of having to disclose offences that were decriminalised in 1967. The change was made in the Protection of Freedoms Act 2012, which received royal assent on 1 May.

The Home Office will work with HM Courts and Tribunals Service and the Association of Chief Police Officers to run the application process. Each case will be considered by case-workers, with the home secretary making the final decision. Successful applicants will have their records updated so the offence will no longer appear on a criminal records certificate or be referred to in any future court proceedings. Caroline Davies, guardian.co.uk, 02/09/12

Eight Police Hurt In Drugs Raid

John Hall, Independent, 31/08/12

Eight police officers were rushed to hospital this morning Friday 31st August, after being knocked out by a suspected cocktail of petrol and heroin while raiding a drugs den. The officers burst into the house in Mill Burn Way, Birmingham at midnight, seizing around £250,000 worth of Class A drugs and arresting three men, aged 21, 27 and 34, on suspicion of conspiracy to supply controlled drugs. But within seconds of entering the property the officers were vomiting after being hit with toxic fumes from a concoction poured onto the carpet. Police are currently investigating if the substance was being used as a 'weapon'.

A spokesman for West Midlands Police said: "While the arrests were being made, officers were exposed to an unknown substance, which caused ill-effects for both the officers and the people arrested, namely sickness and breathing difficulties. "In total 11 people, consisting of eight police officers and three detainees, were taken to Heartlands Hospital...All were discharged early this morning and the three detainees remain in police custody, where they are being dealt with by Soca officers." West Midlands Police incident manager, Chief Inspector Lee Wharmby, said: "Police officers face threats on a daily basis and, on occasions, criminals will use extreme measures to resist arrest. "Events such as this always raise concern in communities, but I want to be clear that this is about drugs alone and not connected to terrorism."

R v Padellec - Failure to Disclose a Key to Protected Information

The appellant pleaded guilty to an offence of failing to disclose a key to protected information contrary to section 53 of the Regulation of Investigatory Powers Act 2000. He was sentenced to 30 months' imprisonment. The appellant's computer equipment was seized and examined but while no indecent images were recovered, on one hard drive there were a number of titles and deleted files such as "11-year-old boy" "pre-teen paedo" and "gay kiddie". On the computer there were encrypted volumes. When served with the notice requiring him to disclose the protected information he refused to do so because he knew that he had used wiping software to remove evidence of a small number of images, which he accepted were indecent.

The offence, as the judge indicated in the course of his sentencing remarks, had some analogy to the offence of failing to provide a specimen in relation to a breathalyser. In that sort of situation the court would be bound to assume the worst because otherwise, unless of course there was some excuse put forward which was honestly held, even if unreasonable, the failure to give access was because there was a need to hide something which was there, in the knowledge that what was there might well produce a substantial penalty. The court said it follows from that that it is appropriate to impose a higher sentence than would be according to the guidelines in relation to the indecent material. The sentencing judge accepted a basis of plea, albeit reluctantly, and sentenced on the basis that the appellant had accessed the small amount of images during internet browsing, and that they did not contain images of very young children or scenes of sexual or any other type of violence to children."

The court said that in a case such as this, it is entirely wrong for a basis of plea to be accepted, either by the prosecution or ultimately by the judge; doing so enables the defendant in question to identify, to his advantage, what was or was not on the computer and so get the benefit of a lesser sentence than otherwise might be appropriate, and to enable him to dictate, wrongly, what the situation is. The whole point of requiring access is so that it can be seen what was in fact there. The court expressed the hope that in a situation such as arose in this case, and in the context of an offence under the Regulation of Investigatory Powers Act (section 53), there will never again be a basis of plea accepted which is based upon keeping the contents secret and the defendant saying, to his advantage, what was or was not contained. The court said that unfortunately, in the circumstances, having accepted the basis of plea, the judge did apply too high a starting point. The sentence was quashed and substituted with one of 15 months' imprisonment.

R v Boland - Court had no Power to Impose Travel Restriction

The appellant was convicted of possessing a controlled drug of Class A with intent. He was sentenced to 12 years' imprisonment, but in addition the judge imposed a travel restriction order under section 33 of the Criminal Justice Act and Police Act. Under that Act there is no power to impose a travel restriction order for an offence of possession with intent to supply. In fact this was a case where the appellant had been responsible for bringing the drugs into this country but for reasons which were said to be covered by public interest immunity the Customs were not involved and there was no charge of breach of the Customs & Excise Management Act. If there had been, then the power to impose the travel restriction order would have applied.

Report on an Inspection Visit To Police Custody Suites in Greater Manchester

5 – 9 March 2012 by HM Inspectorate of Prisons and HM Inspectorate of Constabulary.
Report compiled June 2012, published Wednesday 5th September 2012

Inspectors were concerned to find that:

- while some suites were in good condition, others contained a large amount of graffiti and needed a deep clean;
- there was inadequate awareness of the needs of vulnerable groups including young people, women and those with disabilities;
- the assessment and management of risk needed greater attention to ensure the safety of detainees, and handover arrangements were a cause for concern at some suites;
- as with other police forces, there was no effective monitoring of the use of the force;
- staff needed to be more proactive in providing elements of detainee care and welfare;
- there were serious gaps around mental health diversion,
- the force needed to engage more positively with independent custody visitors;

Report on an Unannounced short Follow-up Inspection of HMP Preston

Inspection 10–12 April 2012 by HMCIP, report compiled June 2012, published 04/09/12

Inspectors were concerned to find that:

- too few staff had been trained to manage the risk of self-harm;
- governance of the use of force remained inadequate;
- custody planning for those on remand or short sentences was underdeveloped;
- further improvement was needed in provision for foreign national prisoners.
- better organisation was needed to improve visitors' experience

More Jailed for Waste Offences

Posted by prisonsorguk

The Environment Agency revealed that the number of people jailed for committing serious waste crime offences nearly trebled in the last three years and a Berkshire businessman was ordered to repay more than £800,000. The agency report, *Cracking Down On Waste Crime*, showed that the courts ordered the confiscation of £2.2 million-worth of assets from criminals who made money through illegal waste activity. That included one Berkshire businessman who was ordered to pay back over £800,000, the Agency said.

Sixteen people were sent to prison last year for major waste crimes including running large-scale illegal waste sites and industrial-scale dumping. Six offenders were jailed in 2009, with the number falling to five in 2010. In total, 335 individuals and companies were successfully prosecuted last year for serious waste crimes, the Agency said.

Courts issued £1.7 million in fines for serious waste offences, nearly £800,000 more than the previous year. The highest fine issued in 2011 was £170,000 – more than treble the highest fine served in 2010 (£50,000). More than 750 illegal waste sites were shut down in the last year and the Agency is currently conducting 132 waste-related financial investigations. The agency said it is detecting more and more sites thanks to a £5 million dedicated waste crime taskforce.

The head of the agency's environmental crime team Andrew Higham said: "Waste crime can cause pollution, pose risks to people's health and undercut legitimate businesses. We've stepped up the fight and we are increasingly seeing waste offenders being made to pay for their crimes."

Kennet and Featherstone prisons to be recategorised Wesley Johnson, Independent, 29/08/12

Two jails will be recategorised to hold almost 600 offenders including killers and sex offenders who will be allowed into the community on temporary licences, the Prison Service has said. Kennet prison in Liverpool will be changed from a category C jail where inmates are held in closed conditions to a category D jail holding those suitable for open status. Some 256 prison places at the category C Featherstone jail near Wolverhampton will also be changed to make way for category D prisoners. While the physical security and make-up of the two jails will not be altered, the category D prisoners will be able to be released on temporary licence, the Prison Service said.

Prisons minister Crispin Blunt said: "The prison estate should meet the needs of the prison population. "Where prisoners have been assessed as suitable for open conditions, wherever possible they should be accommodated in appropriate conditions to progress their reintegration into the community." He added: "Our first priority remains the protection of the public, and I am committed to ensuring that robust risk management accompanies these projects given the importance of retaining public confidence in the effective rehabilitation of offenders."

Some of the prisoners who will be held in the new category D places are being held in higher-security conditions than they require and moving them will help cut costs, the Prison Service said. No significant reductions of staff are expected at either Kennet or Featherstone, but "any limited reductions" will come from natural wastage and redeployment or, if necessary, voluntary exits, a spokeswoman added.

The changes, which will start immediately, will affect indeterminate sentenced prisoners who have been set a minimum term they must serve before being considered for parole. These include those sentenced to life in prison with a minimum tariff. By April next year, Kennet prison, which has an operational capacity of 342, will focus on those deemed suitable for open conditions or for release on temporary licence. In changes to be completed early in the next financial year, Featherstone jail will offer 256 category D places, increasing its operational capacity by 16 to 703 as it continues to offer 447 category C spaces.

Category C inmates cannot be trusted in an open prison but are unlikely to try to escape, while those assessed as category D present a low risk and are unlikely to escape. Most of the existing category C prisoners at the jails will be transferred elsewhere, but a "small proportion" may remain at Kennet prison as it will function as a resettlement jail rather than a full open prison.

The G4S-run Oakwood prison, near to Featherstone, opened in April and can hold 1,605 category C prisoners. Some 300 prison places which were brought in to private sector jails to cope with the demand generated by last year's riots will also be removed, saving almost £4.5 million a year. These include 75 places at the Serco-run Dovegate prison in Uttoxeter; 32 at the Serco-run Lowdham Grange prison in Nottingham; 96 at the Sodexo-run Peterborough prison (male side); and 96 at the G4S-run Altcourse in Liverpool.

Riot Officer To Face Perverting Course Of Justice Charge

Paul Britton and Neal Keeling, Manchester Evening News, August 31, 2012

A hero policeman is to appear in court accused of perverting the course of justice. Insp Robert Cantrell, 39, a member of Greater Manchester Police's elite Tactical Aid Unit, was praised for his bravery after last year's riots. But the M.E.N can reveal he has been summonsed to appear before magistrates following an investigation into policing of a demonstration by the far-right English Defence League. Pc Alan Glover, 31, a member of the same TAU team, has also been ordered to appear at York magistrates court to face a charge of perverting the course of justice.

The Independent Police Complaints Commission launched an investigation into the powder-keg March 2010 rally, when hundreds of far-right and anti-fascist protesters confronted each other in Bolton town centre. Unite Against Fascism campaigner Alan Clough, 65, from Radcliffe, was arrested and charged with a public order offence during the event. But the case against him was dropped when magistrates were shown video footage which allegedly showed Mr Clough being struck by an officer.

The IPCC probe, which lasted 16 months, investigated 'the apparent difference between the footage and the account given by officers which resulted in criminal charges' as well as the level of force used in Mr Clough's arrest.

The Manchester Evening News revealed in February that a file of evidence was being sent to the Crown Prosecution Service for a decision over possible charges. We can now reveal that prosecutors have authorised the IPCC to proceed with the case. Both officers are due to make an initial appearance in court next month.

A CPS spokesman said: "Both have been summonsed to appear before York magistrates court on charges of perverting the course of justice." The footage - shot by Granada TV - emerged after Mr Clough was charged. Police admitted that the video 'appears to show a man being inappropriately struck during his arrest'. The footage appears to show an officer taking hold of Mr Clough by the neck. A second officer wearing a riot helmet and uniform, apparently hits him once in the jaw. Mr Clough is then shown being dragged to the ground as blows from police batons rain down around him and others. He suffered wrist and chest injuries and denied any wrongdoing.

Insp Cantrell was hailed as a hero of the riot in Salford last year – after running to the rescue of a squad of trapped police colleagues under attack from a mob. Speaking to the M.E.N. in the aftermath of the unprecedented disorder, Insp Cantrell said he faced thugs and looters who uprooted road signs and bins to use as battering rams on shop windows. His team of TAU officers was lured into a rat-run street near the Salford Shopping City, for the first of a series of running battles with hundreds of trouble-makers, but he escaped unhurt. He said: "It became apparent they were trying to entice us in. They knew the rat-runs and ginnels far better than we did. They were picking their moments, as we turned our backs, or lowered our shields to talk, to throw bricks or missiles at us."

Commenting on the court summons of its officers, Greater Manchester Police said the matter was being dealt with by the IPCC. The IPCC confirmed the summons.

Secret Justice Bill Nurtures a Culture of Impunity Brian Gormally, guardian.co.uk, 27/08/12

The right to know and effectively challenge the opposing case has long been recognised by the common law as a fundamental feature of the judicial process" – so said Lord Kerr in a recent supreme court judgment.

However, the justice and security bill now going through parliament would give the government the power to decide that certain evidence in civil proceedings might cause "damage" or "harm" to the public interest, and therefore must be given in secret. It would use the special advocate procedure, which excludes non-state parties from a hearing or from any knowledge of the secret evidence given in these "closed material proceedings". Those of us campaigning on human rights in Northern Ireland are particularly concerned about the impact of this legislation in our region.

The Northern Ireland dimension is important for three reasons. First, the legislation is a breach of the common law principle of open justice, which is at least 300 years old. Second, similar measures have been trialled in Northern Ireland and led to miscarriages of justice.

Prisoners: Eating Disorders

Chris Ruane: To ask the Secretary of State for Justice pursuant to the answer of 20 June 2012, Official Report, column 1006W, on prisoners: eating disorders, if he will consider making an assessment of the effect of dietary disorder of prisoners on discipline in British prisons.

Mr Blunt: The National Offender Management Service (NOMS) has responsibility for providing instructions to all prisons on the provision of meals for prisoners. The most recent guidelines are contained within Prison Service Instruction 44/2010, Catering Meals for Prisoners which became effective from 1 October 2010.

NOMS believes it provides prisoners with the opportunity to eat a healthy balanced diet. Current requirements specify a minimum set of specifications that all prisons must meet. The prison service has adopted and incorporated specific Government guidelines issued by the Department of Health (DOH) and FSA on eating a healthy diet. These initiatives are based on the recommendations from the Committee on Medical Aspects of Food and Nutrition Policy (COMA) and the Scientific Advisory Committee on Nutrition (SACN).

In March 2006 the National Audit Office carried out a study on prisoner diet (NAO Report Serving Time: Prisoner Diet and Exercise, March 2006). As part of this report the NAO commissioned a team of consultants from Bournemouth university led by John S A Edwards, Professor of Food Service, to carry out research at eight prisons (four male, two female and two young offenders' institutions).

The researchers analysed meals offered to prisoners, including 'vulnerable groups', for their nutritional value in terms of energy content; proportions of energy derived from carbohydrate, protein and fat, their dietary fibre content; and the amount of vitamins and minerals they contained.

The report concluded that food offered to prisoners is in line with Government recommendations on healthy eating and on the whole prisoners eat more healthily than the general population.

Currently NOMS has no plans to fund research or carry out an assessment on dietary disorders and behaviour relating to diet. *House of Commons / 3 Sep 2012 : Column 136W*

Report on an Unannounced Short Follow-up inspection of HMP Garth

Inspection 3–5 Ap 2012 by HMCIP, report compiled June 2012, published 06/09/12

Inspectors had some concerns:

- D1 unit held some prisoners with mental health problems alongside those needing protection from debts or gang affiliation, but had moved away from its previous focus on rehabilitation and its current purpose was unclear;
- More needed to be done to ensure that prisoners were suitably and safely managed.
- strip-searching automatically included squat-searches, the grounds for which were not always appropriate;
- planned use of force needed to be better monitored for quality and training purposes;
- pre-entry regime applied to prisoners in segregation who refused to relocate after a time in segregation was punitive and provided an unacceptably restricted regime.
- Consultation arrangements were developing with prisoners in most minority groups, but arrangements needed to be introduced for black and minority ethnic prisoners
- work with foreign national men needed attention
- although most workshops offered qualifications, learning progression was limited;
- services in support of the children/families resettlement pathway needed to improve.

caution and took the advice to say nothing.

Defence Case: The defence case presented at court that Mr Charles did not murder Mr Landers and was not involved in his killing. Mr Charles was unable to assist with the police enquiries as he had no knowledge or knew Mr Landers. Mr Charles was neither driving the Toyota nor a passenger in that car on the 20th February nor was the owner. The car belonged to someone else. The mobile telephone in question was in the possession of a friend during the time of the murder on the 20th February. No further positive identification could support the claim made by the eye witness. No forensic link could be made with Mr Charles to the items found in the boot of the Toyota. At the time when Mr Landers was shot, Mr Charles was drinking with friends in his local pub in Southall. Upon leaving the pub Mr Charles was accompanied to Slough. Mr Charles and his friend proceeded inside. His friend stayed with him for some time. He left and Mr Charles remained at the premises. The friends of Mr Charles had given statements to that effect.

After the trial Mr Charles's defence team made an application for appeal. Despite having good grounds of appeal, Mrs Justice Rafferty rejected his application in 2006

Flaws: The prosecution main key witnesses had deliberately lied and misled the prosecution regarding that night and a case of perjury was to be considered.

The credibility of the eye witness who made the identification. In court there was no evidence to support the claim of purchasing cannabis on the 20th February 2005.

A guilty verdict was reached quickly on all 3 counts whereas the co accused was found not guilty.

In court, it was made clear that Mr Charles was not the gunman.

No other witnesses identified Mr Charles

The family and the defence team are working towards finding new evidence for an appeal.

If you have any information or offering support please contact

Jerome Charles: NB7049, HMP Rye Hill, Willoughby, Warwickshire, CV23 8SZ

Inquires/Further information: Justice4jerome@yahoo.co.uk

<http://www.londonagainstinjustice.co.uk/JeromeCharles.htm>

Prisons: Mass Media

Philip Davies: To ask the Secretary of State for Justice how many media requests the Prison Service received to enter prisons from (a) broadcast and (b) print media in each of the last three years; and how many were (i) accepted and (ii) rejected. [118136]

Mr Blunt: The National Offender Management Service desk in the Ministry of Justice (MOJ) press office receives a significant number of bids for access to prisons for a variety of reasons. These include covering ongoing news stories, filming dramas, producing documentaries and to collect material for print features. Bids are received via email, phone and from journalists in person. They may go to individual prison staff, the NOMS desk, the MOJ press office newsdesk, Ministers' offices, charities working in prisons, service providers such as primary care trusts, the office of the Prison Service Chief Executive Officer and the private companies running prisons who have their own press offices. Bids from national media are usually channelled to the MOJ press office but some are immediately rejected before they reach press office and regional bids may be accepted by prisons without reference to press office. The MOJ press office does not collate the requests they receive, or progress, centrally.

As a result it would not be possible, without disproportionate cost, to provide a list of media requests to enter prisons for the past three years. *House of Commons / 3 Sep 12 : Column 136W*

Third, applying this law here would add to the cover of secrecy over the past and present actions of security and intelligence agents – threatening to undermine the peace process and nurture a culture of impunity.

The establishment of a parallel "anti-terrorist" justice system would lead to the kind of human rights abuses that fuelled the conflict in Northern Ireland and marginalised communities. And this legislation risks weakening the peace process in one crucial way. One of the gaps in that process is the lack of a comprehensive method of dealing with the legacy of the past, especially in terms of unsolved murders and other crimes. Instead there is a patchwork of measures, including public inquiries, the historical inquiries team, ongoing investigations by the Police Service of Northern Ireland, the police ombudsman and inquests.

Thankfully, the secret justice proposals do not relate to inquests. But a range of civil proceedings dealing with the legacy of the conflict would be affected, including any future judicial reviews of investigations into conflict-related deaths, challenges relating to decisions not to prosecute, and civil actions for damages that concern miscarriages of justice, cases of ill-treatment or unlawful killings. This legislation would in effect close off all the other legal avenues that victims or their relatives are trying to use to get at the truth.

Many of these cases revolve around the actions of state agents – whether uniformed policemen or soldiers, or the shadow army of agents and informants recruited by a range of secret agencies during the secret war in Northern Ireland. There is a pattern emerging of covering up these activities and refusing to properly investigate cases where state agents may have been involved in unlawful killings. This pattern includes the refusal of an inquiry into the murder of the human rights lawyer Pat Finucane – the most prominent and serious collusion case admitted by the UK prime minister.

There can be little doubt, however, that the experience of waging a 30-year dirty war within the borders of the UK has deeply corrupted the British security establishment. It is arguable that its long experience in Northern Ireland has normalised human rights abuses in the pursuit of "counter-terrorism". Today the dirty war is not confined to Northern Ireland but has a global theatre of operations. And, under the same lid of secrecy, a culture of impunity for the security establishment corrupts and rots the very fabric of democracy and the rule of law.

Miners Charged with Murder of Colleagues Shot Dead by Police

State prosecutors have charged 270 strikers arrested at Marikana platinum mine with the murder of 34 colleagues. The arrests went ahead despite confirmation that the victims were shot dead by police, in the latest setback to prospects of peace in the South African mining industry. Independent, Alex Duval Smith, Thursday 30 August 2012

The strike at Marikana that called for 3,000 rock drillers to have their monthly pay increased to 12,500 rand (£940) has led to a total of 44 deaths, including those of two policemen and two security guards. In shocking scenes on 16 August, police opened fire on a group of miners, killing 34 and injuring 78.

Lawyers acting for the detained men yesterday appeared for a third day at Ga-Rankuwa magistrate's court to argue for them to be released on bail, after it emerged that state prosecutor Nigel Carpenter had increased the charges against the men from attempted murder and public violence to murder. Meanwhile, government mediators yesterday met representatives from the mine owner, Lonmin, and four trade unions in an attempt to sign a peace accord as a precursor to wage talks. The Marikana mine was at a standstill with only 7.7 per cent

of employees reporting for work – the lowest figure since the strike began on 10 August.

National Prosecution Agency spokesman Frank Lesenyego was unsurprised at the state's move to charge the men with the murder of their colleagues, even though the police commissioner Riah Phiyega had previously confirmed they were killed by officers.

Mr Lesenyego said the move was a legal technicality: "In a situation where there are suspects that confront members of the South African Police Service (Saps) and a shooting takes place resulting in the fatalities of either Saps or the suspects... those who get arrested, irrespective of whether they shot police members or the police shot them, are charged with murder." Mr Carpenter had earlier told the court that police had not yet verified the men's addresses and that therefore they could not be released on bail. He also argued that "weapons were stolen [from police] but not recovered" and there was a danger of evidence being lost.

Lawyers acting for the Marikana strikers are expected to challenge the new charges, as well as a slew of procedural incongruities, including a decision by the prosecutor to allow only a limited number of the defendants – who are being held at half a dozen police stations– to appear in court.

Mr Carpenter said the Ga-Rankuwa court did not have the capacity to contain the 270 accused in a single session and the men who appeared in court would inform their colleagues of what transpired. Defence lawyer Lesego Mmusi said the arrangement – which allows only about 25 defendants to appear in one sitting – was an infringement of the detained men's right to a fair trial: "How is it a fair trial when your bail application is being heard in court and you are not there?"

Mr Mmusi said two of the detained men had gunshot wounds and were not receiving treatment. He argued that all the men should be released on bail as some need medication. Another lawyer for the men, Simon Hlahla, said several of the arrested men had been assaulted in custody by police, who appeared obsessed with finding the killers of the two officers who died on 14 August.

On Monday, the South African Star newspaper published details leaked from the post-mortem reports of the 34 men who were shot dead. According to the report, in the majority of cases, the bullet exited the body through the chest, suggesting the men were shot in the back while running away.

Events show the police are both inept and brutal Alex Duval Smith, Independent, 30/08/12

By firing live bullets at protesters armed with clubs and spears on 16 August, the South African police showed they were inept at crowd control. They have now demonstrated that they are incapable of checking names and addresses. Let us assume for a moment that it is fine for the prosecution to charge 270 Marikana miners with murdering 34 fellow demonstrators. Let us accept the prosecution spokesman Frank Lesenyego's word that the move is just a technicality to block bail and assume the charge will be reduced for most of the men to public order offences. But even if that happens, what we have is a state prosecutor covering for a police force that is not ready to present evidence to court, 12 days after the incident. What evidence? The names and addresses of the 270 men.

The prosecutor Nigel Carpenter says the state is "stretched for resources", a corny assertion when it relates to possibly the most high-profile incident in South Africa since the end of apartheid. What is more worrying is what this inept and brutal police force is doing with the time it is buying. The accusations are – from defence lawyers and the Independent Police Investigative Directorate (Ipid) – that the detained miners are being assaulted in custody as the police seek revenge for the killing of two police officers at Marikana on 13 August.

The Independent Complaints Directorate, as Ipid was formerly known, investigated 1,769 cases of people dying in police custody or as a result of police action in 2010. Last year, almost 5,000 claims of murder, torture and misconduct by police officers were reported.

Police Must Pay Out To Man Evicted From Home

A judge has ordered police to fork out thousands of pounds in taxpayers money after one man won an eight year legal battle against Herts Constabulary. But Peter Mahon says he was not motivated by money but simply wanted to clear his name after officers went to his Hemel Hempstead home in Adayfield Gardens in the early hours of the morning and ordered him to leave.

Officers say they were responding to a domestic dispute between Mr Mahon and his now ex-partner in December 2004 but he claims he was asleep when police arrived. "Everybody believed them. I was fed up of listening to 'you must have done something otherwise the police wouldn't have evicted you,'" said Mr Mahon, who was threatened with arrest if he refused to leave.

At Luton County Court after a three day hearing, the judge granted a declaration that Mr Mahon's 'right for respect to be home' had been contravened, which breached the European Convention of Human Rights.

Mr Mahon was awarded £3,937 and the judge also ordered the constabulary to pay 80 per cent of his legal costs – which could see the police bill soar to around £30,000. The constabulary will also have its own legal fees to pay on top of this figure.

A police spokesman said: "We treat all incidents of potential domestic violence seriously. We accept the decision of the court. "The judge found that the officers who attended the incident had acted in good faith. The police officers were attending a difficult situation at the time and they took a pragmatic approach." HemelToday, Friday 31 August 2012

Justice For Jerome Charles

Jerome Charles, 32 was wrongly convicted for the murder of Liam Landers by Joint Enterprise. On 20th February 2005, Mr Landers was shot at close range during a struggle with the gunman in Green Hill Gardens, Northolt; Middlesex around 11:20pm after an attempted robbery went wrong. On 20 March 2005, Mr Charles was arrested with 3 others in connection with an unrelated incident. The other men were released without charge and Mr Charles was charged with the murder of Mr Landers. Mr Charles stood trial at Snaresbrook County Court in December 2005 and was found guilty of conspiracy to rob, possession of a firearm with intent and murder. He was sentenced to life with a tariff of 25 years.

Prosecution Case" The prosecution case is that Mr Charles was one of the people present at the shooting of Mr Landers. It was alleged that Mr Landers was murdered after he was enticed into a trap by Mr Charles and his co-accused Mr Nicholas, who agreed to sell him cannabis but when Mr Landers arrived in Green Hill Gardens, he was allegedly confronted by Mr Charles and the gunman who were intending to rob him. The gunman asked Mr Charles "If he could shoot this guy" after allegedly stepping out of a grey Toyota Carina car. Mr Charles apparently shrugged his shoulders and replied "it's up to you".

The victim was shot during a so called struggle as he tried to call Terry (the co-accused). Mr. Nicholas allegedly organized the deal from a safe distance on his mobile phone throughout the incident. The victim bled to death but not before according to the prosecution uttering "Terry set me up". The prosecution had linked Mr Charles to the scene as he was stopped in a grey Toyota Carina at the time of his arrest. Items said to belong to Mr Charles were found with gunshot residue on them in the Toyota.

The mobile site evidence seemed to place Mr Charles at the scene and he was identified by only one eye witness. Mr Charles at no time during his interviews mentioned his alibi and answered any questions put to him about the murder of Mr Landers. Mr Charles was under