

## Custody Death: Plea for Witnesses



Investigators have appealed for help piecing together the final movements of a man who died in hospital four hours after he was detained by police. The Independent Police Complaints Commission (IPCC) have released a photograph of Rafal Delezuch, and urged people to get in touch if they had seen him in the weeks leading to his death. The 26-year-old Polish national, who had been living in Leicester for two years, was detained under the Mental Health Act in Evington on Wednesday, August 15, 2012.

Officers were called to the area when members of the public reported him behaving "strangely" in Devana Street. In the course of detaining Mr Delezuch at the junction of nearby Glossop Street and Osmaston Road, officers used an 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. Mr Delezuch was known to attend the Anchor Centre for street drinkers in Dover Street, Leicester city centre, and had lived in Mere Road, Highfields, the IPCC said yesterday.

An IPCC spokesman said: "Investigators are trying to piece together his whereabouts and what he was doing in the weeks prior to his death. "While the IPCC has made contact with a number of helpful witnesses, we would like anyone else who saw Mr Delezuch in the Highfields area before and during his detention by police at around 8.30am on 15 August to contact us. We would also like to hear from anyone who saw him at Leicester Royal Infirmary that day after around 9.15 am, and from people who previously knew him." Mr Delezuch's parents travelled from Poland to formally identify their son's body and have returned home.

A post-mortem examination has been carried out but did not establish a cause of death. Further tests are taking place. IPCC commissioner Amerdeep Somal, said at the time: "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." On the day of his death, Mr Delezuch was wearing a green short-sleeved shirt, beige shorts and white training shoes.

## Kevan Thakrar - Ombudsman to Re-Investigate Complaint

We will now investigate your complaint that you were assaulted by prison officers at HMP Woodhill on 31 May 2008. One of our Investigators will visit you within four weeks to discuss your complaint with you. We will then aim to complete our investigation by the end of October. If the completion date changes for any reason we will let you know.

Elizabeth Moody, Deputy Ombudsman

**Hostages:** Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar, Jordan Towers, Peter Hakala, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Istiaq Ahmed.

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## MOJUK: Newsletter 'Inside Out' No 389 13/09/2012)

### Two Police Officers to be Prosecuted Over Mentally Ill Man's Death

PCs Maurice Leigh and Neil Bowdery are to appear in court in connection with the death of Colin Holt, who died from positional asphyxia at his home in Gillingham, Kent, on 30 August 2010. The summonses to Medway magistrates court on 8 October follow an investigation by the Independent Police Complaints Commission (IPCC). Holt's death occurred after staff at Medway Maritime hospital called police to report that Holt, who had been sectioned under the Mental Health Act, was missing. Officers from Kent police went to his flat and found him there.

The decision to prosecute the two constables was made on the advice of the Crown Prosecution Service. Rene Barclay, the principal crown advocate with the CPS special crime team, said on Thursday: "I have advised the IPCC to obtain summonses for PC Maurice Leigh and PC Neil Bowdery. "Both officers will face a single count of misconduct in public office, contrary to the common law. "It is alleged that on 30 August 2010, whilst acting as a police officer, namely as a police constable, PC Leigh and PC Bowdery misconducted themselves in that, without lawful justification or excuse, they wilfully neglected to take reasonable and proper care of Colin Holt, a person in police detention. On the evidence I have reviewed, I am satisfied that there is a realistic prospect of conviction and that the public interest requires a prosecution. PC Leigh and PC Bowdery will now be summonsed on a criminal offence and have the right to a fair trial. As proceedings are now active, it is extremely important that nothing should be reported which could prejudice this trial." *guardian.co.uk, Thursday 6 September 2012*

### Talha Ahsan: Family Losing Faith in the Rule of Law *Jerome Taylor, Independent, 06/09/12*

The police came for Talha Ahsan six years ago. Hamja, his younger brother, was upstairs in the family's terraced house in Tooting, south London, when officers stormed through the back door. "By the time I came down both my parents were in tears," Hamja recalls, sitting in the same room where the police first smashed their way into his home. "They just told me that Talha had been taken away." When the initial shock wore off, his parents began to console themselves with the idea that, whatever their son may or may not have done, he would at least be able to go to a court of law and try to prove his innocence.

However Talha has never been charged. Instead he has been held in a British prison for the last six years following a request from the United States who want to prosecute him for allegedly running a pro-Islamist website. Under the extradition agreement signed with Washington, American prosecutors are under no obligation to provide any prima facie evidence showing wrong doing before they submit an extradition request. The British police – who do have to provide evidence if it is the other way around – cannot refuse, nor can the accused challenge the extradition request in a British court.

The only allegations against Talha so far are contained within a remarkably evidence-light 14-page indictment filed at a court in Connecticut. But that has been enough to keep Talha behind bars ever since. If he is successfully extradited, the likelihood is that the 33-year-old will be sent to a so-called Supermax prison where inmates spend 23 hours of the day in solitary confinement. It is a regimen that many, including a senior UN rapporteur, have described as being tantamount to torture.

In recent years Britain's extradition agreement with the United States has come in for heavy criticism, especially with the attempts to extradite suspected cyber criminals such as Gary McKinnon or Richard O'Dwyer. But those accused of terrorism-related offences have elicited much less sympathy, both from the public and the media. It is not lost on the Ahsan family that while Gary McKinnon is confronting a sentence in the US that is even longer than Talha's, he has at least been granted bail to fight his extradition. "All these basic legal precedents have been trodden on," says 31-year-old Hamja, who gave up hopes of becoming an art curator to run his brother's campaign full time. "Habeas corpus, that's chucked out the window. Presumption of innocence, access to family, protection from torture – out the window. And of course there's the government's very first duty, to protect its citizens. That's been chucked out of the window too."

Perception is clearly part of the problem. Talha Ahsan and his co-accused Babar Ahmed, have had their cases lumped in with some much more unsavoury figures. When lawyers took their case to the European Court of Human Rights earlier this year – to argue that Supermax prisons would be a breach of their human rights - his fellow defendants were the hook-handed cleric Abu Hamza and two men arrested before September 11 on allegations that they had a direct involvement in the 1998 US embassy bombings in east Africa. When that challenge was thrown out the popular press ran headlines labelling all five as Muslim fanatics. "It's obvious that the tabloid media, as is expected, doesn't treat us the same," concludes Hamja.

That is not to downplay the seriousness of the allegations against his brother. According to American prosecutors he and Babar Ahmed used online aliases to help run a series of pro-Islamist militant websites that worked under the banner of Azzam Publications. One of the site servers was based in Connecticut allowing prosecutors to file charges in an American court.

Azzam shut down shortly after the September 11 attacks – as much a hostage to timing as anything else. Prior to the al-Qa'ida's assault on New York it was one of many pro-violent jihad websites. It may have espoused a millenarian and unpleasant world view, but whether it was illegal or not is difficult to tell. Named after the famous jihadist theologian Abdullah Azzam, it publicly supported the Taliban and jihadists in Chechnya – neither of whom were deemed terrorist entities at the time (the leader of the anti-Russian Chechen movement still resides in London). But after 9/11 US prosecutors wanted to arrest anyone involved in it, even once it had shut down.

Talha's family believe the evidence of his involvement in Azzam is flimsy at best. "Firstly it's never been established in a court of law whether Talha was on that website or involved in any way," explains Hamja. "We've seen no evidence. The website itself ran from 1997 to 2001. What that basically means is that he's been detained for a defunct website that was offline for five years at the time of his arrest." Their suspicions are compounded by the fact that Talha's co-accused – Babar Ahmed – was viciously assaulted by police officers in custody. The Metropolitan police were forced to pay-out more than £60,000 in damages when Ahmed's family brought a successful civil claim. Talha was arrested shortly after Ahmed and yet no British prosecutors opted to bring charges against two men who have supposedly committed crimes on UK soil.

But more importantly, Talha's family say, is the fact that he had never shown any evidence of holding extremist beliefs. "He's a devout Muslim, but that's not a crime," says Hamja. The family describe him as a shy, academic man. He excelled in school and went to Dulwich College, a private school, where he taught himself Arabic at the age of 16. He went on to study the language at the School of Oriental and African Studies and spent a year in Syria. "When he was a boy he used to eat and read at the same time," recalls his 67-year-old mother Farida. "I would try to tell him to stop but he would just say 'Mummy, I can't time is precious'". America's so-called War

responsible for any costs incurred and only free-to-view channels may be provided. It is the governor's responsibility to ensure that any channel chosen is suitable for viewing with regard to the population of their prison.

Prisoners' access to in-cell television is dependent on their status under the Prison Service's Incentives and Earned Privileges Scheme (Prison Service Instruction 11/2011 refers, a copy of which is available in the House of Commons Library). Information relating to the number of prisoners who have access to specific television channels is not available centrally and could be obtained only at disproportionate cost. Information about the number of prisoners held in contracted-out prisons who may have access to Sky television in their cells is not immediately available. I will write to my hon. Friend with this information as soon as it is available, and will place a copy in the House Library.

#### **Report on an Unannounced Short Follow-up Inspection of HMP North Sea Camp**

At this short follow-up inspection, we found that sufficient progress had been made in three out of four healthy prison criteria. Levels of violence and the number of self-harm incidents were low. Routine strip-searching no longer took place and there was a more proportionate approach toward security and discipline. Despite an increase in the size of the population, as well as in the number of high-risk individuals, a successful balance had been struck between care and control, and the establishment remained an essentially safe place. As a result of the increase in the size of the population, more prisoners were now required to share cells, which meant that most prisoners now lived in extremely cramped accommodation.

Relationships between officers and prisoners remained good but, although some work had been done to reinvigorate the personal officer scheme, it was still not particularly effective. No progress had been made in developing work on diversity and given the significant changes in the profile of the population since the previous inspection, this was a key weakness.

All prisoners continued to have ample time unlocked. The number and range of accredited courses had increased, classroom attendance had improved and course completion rates were now good. The resources available to provide prisoners with opportunities in learning and skills were well managed but the level of provision was too limited, as there were still not enough places. Too many of the jobs available to prisoners were mundane. Considerable improvements had been made to the PE facilities and there was a broader range of activities provided in the evening.

Greater priority was now being given to resettlement. A large amount of effort had already been made to develop a more strategic approach, and efforts were beginning to be made to develop purposeful pathway work. Release on temporary licence was used effectively and the procedural delays in completing assessments, which we had found previously in a number of areas, were no longer evident.

The regime provided for long-term prisoners adequately met their basic needs. The number and range of employers available to provide support to help prisoners to resettle had increased. Constructive work was being carried out within the 'offsite' resettlement unit to help to normalise the experience of long-term prisoners.

The isolated location of North Sea Camp, along with the poor state of the built environment, undoubtedly create barriers to what can be achieved there. Nevertheless, it continues to fulfil its function as an open prison relatively successfully. In order to build on the incremental progress we saw, the prison needs to give greatest attention to the areas of diversity and resettlement. Nick Hardwick, HM Chief Inspector of Prisons, June 2012, published

money being made by criminals should be reflected in the sentencing.

Mr Ward, who also heads Merseyside's Matrix Unit, which was set up to combat drug and gun crime, said there was a clear link between shootings and the cannabis trade. He said: A lot of these shootings are linked to activity around cannabis. We are seeing big increases in cannabis production on Merseyside. Individual groups are fighting turf wars & We have huge issues around cannabis. While sentencing guidelines allow for heavy penalties for the growth and sale of cannabis, in practice sentences are often much more lenient than those involved in the production of class A narcotics. Mr Ward has warned that the current punishments are not providing enough of a deterrent to stop the trade becoming even more widespread.

#### **Juries: Illegal Immigrants**

Rehman Chishti: To ask the Secretary of State for Justice what steps his Department has taken to ensure those selected for jury service are not in the UK illegally. [119464]

Mrs Grant: Jurors are randomly selected from electoral registers compiled by local government. The Crown court carries out checks on all jurors on their first day of service at the court to ensure that the person attending is the person that was summonsed. For European Economic Area Nationals a full EEA passport or National Identity Card needs to be produced. For other nationals a full passport or a Home Office document confirming the individual's UK immigration status must be produced.

#### **Prisoners' Discharge Grants**

Philip Davies: To ask the Secretary of State for Justice what the maximum number of times is that a person eligible to receive a discharge grant from prison has received such a grant in each of the last two years. [119688]

Jeremy Wright: National Offender Management Service policy guidance for the payment to prisoners of discharge grants can be found at annex B of Prison Service Instruction 72/2011 – Discharge, a copy of which is available in the House of Commons Library. This states that all eligible prisoners aged 18 or over who have served more than 14 days in custody after receiving a custodial sentence must on release be given a discharge grant of £46 unless certain exclusions apply. These exclusions include those sentenced prisoners who have served 14 days or less in custody since the date of sentence, those awaiting deportation or removal from the United Kingdom and those recalled from licence to prison for a period of 14 days or less. It is not possible to produce a breakdown of the prisoners who have received such a grant in each of the last two years or how many times each prisoner has received a discharge grant as this information is not recorded centrally.

#### **Prisons: Television**

Philip Davies: To ask the Secretary of State for Justice what estimate he has made of the number of prisoners who have access to Sky TV in their prison cells. [119695]

Jeremy Wright: "Sky TV" where this refers to a service received from British Sky Broadcasting in return for a subscription is not available in-cell in public sector prisons. As part of the recent digital switchover each eligible prisoner, located in a public sector prison, has access to nine free-to-view channels in-cell. These are BBC1, BBC2, ITV1, Channel 4, Channel 5, Sky News Sport (E4 in female prisons), ITV3, VIVA and Film 4. Governors have discretion to change any of these channels to other free-to-view channels locally, but will be

on Terror clearly upset him. He was a regular campaigner for those held without charge at Guantanamo and could often be seen at protests. But his family say he eschewed any form of violence. "Talha isn't like that," insists Hamja. "He likes Radio 4, the Beatles and Ted Hughes. He listens to Absolute 90s radio and talks about all these indie bands from the 90s. When I went to see him the other day he was listening to the Happy Mondays and reading [Zadie Smith's novel] White Teeth." In 2009 he was diagnosed with Aspergers, the same autistic spectrum syndrome that Gary McKinnon suffers from. Throughout his time in prison he has written some hauntingly beautiful poetry which is now being used to publicise his cause. On Saturday his family are holding a fundraiser evening which will feature much of his poetry.

Over time the camp of supporters surrounding Talha Ahsan has grown. Politicians, human rights groups, lawyers and artists have all flocked to his cause. Two of his most public supporters are the young actor Riz Ahmed and the Scottish poet AL Kennedy. "The fact that detention without trial can happen at the behest of a foreign government and is then authorised by our own government without seeing any evidence against the person in question is particularly horrific to me," says Ahmed, who often reads Talha's poems in public. "The campaign isn't saying release these men. It's saying we want British justice for British citizens. If these people have committed crimes on UK soil they should be tried here. That's not a huge ask."

For Talha's family there is little they can do but wait. A last appeal is now winding its way through the European Court of Human Rights. If that is lost his only hope rests with the Government and whether Ministers are willing to reform the current extradition agreement with the United States. Talha's mother Farida, whose family had to leave India during partition and flee to Bangladesh, is not optimistic. "I have no confidence, faith or respect for politicians wherever they are," she says. "My husband wanted to settle here because it was safe. Britain was a disciplined place, there was rule of law. But look what has happened to the rule of law now. What has happened to Britain? If my son has done something wrong, fine, charge him here and put him in a British court."

#### **Prison Nurse had Sex with a Convicted Rapist at a Top Security Jail**

Karen Cosford, 47, exchanged intimate text messages on a smuggled mobile phone during her relationship with lifer Brian McBride and even wrote him a love letter, Leeds Crown Court was told. But Cosford, who worked in the medical centre at Wakefield Prison, denies misconduct, claiming McBride raped her, then bribed and intimidated her so she would not report it. The married prison worker, of Normanton, West Yorkshire, "grossly breached the trust placed in her" and compromised prison security by having sex with McBride, Richard Wright, prosecuting, told jurors. She also performed a sex act on him as two colleagues - Carolyn Falloon and Jacqueline Flynn - guarded his cell, Mr Wright said. After supplying mobile phone top-ups to McBride, Cosford texted him telling him he was "dead sexy" and that she loved him, it was claimed.

The court heard that in one of the messages she thanked him for a "lovely box of chocolates" and, in another, told him he was "always in her heart". The alleged relationship was exposed when McBride's cell was searched and he told Cosford's husband Darrie, a prison officer, he had been having an affair with his wife, the court heard. Falloon had previously caught the pair having sex in the medical unit but failed to report it, the court heard. During the search, prison officers found a phone charger in McBride's room.

They then hunted elsewhere in the jail and discovered pictures of Cosford, a list of phone numbers - including some of prison staff - and a love letter to the prisoner hidden in a jar of sugar. Following the discovery, Cosford rang in to work sick, then claimed she was raped. But Mr Wright

said she "acted as she did as she had become emotionally involved". "The prosecution will, on careful analysis of the evidence, invite you to reject that suggestion (of rape)," he told jurors.

In numerous text messages recovered by investigators, she told him: "You're my world", "Can't believe how well we get on", "Will ring you when I get chance", "Loving you, babe" and signed one off "love and miss you", the court heard. McBride worked as a cleaner at the medical centre, where he was also an in-patient, when he and Cosford began their relationship, Mr Wright said. An "accomplished liar and fantasist", he told prison staff he was enormously wealthy with links to the criminal underworld who promised to give Cosford large sums of cash which he claimed he had deposited. "He delighted in breaking down the barriers which should separate him from these defendants and the prison services staff, and we accept he did so by a process of manipulation," said Mr Wright.

"Throughout 2008 and 2009 the prosecution contend that roles and responsibilities turned on their heads as staff were drawn into utterly inappropriate relationships with Brian McBride which undermined the integrity, security and safety of the prison. "Prosecution say that each of these defendants entered into a corrupt relationship with the prisoner that even, in the case of Karen Cosford, extended to a sexual relationship with him. "Such a relationship was plainly prohibited and a gross breach of the trust placed in her."

Cosford is charged with having a sexual relationship with a prisoner, failing to tell authorities he had a mobile phone and supplying McBride with mobile top-up vouchers. She denies all charges. Her medical centre colleagues also face various misconduct charges.

Falloon, 50, of Wakefield, and Flynn, 46, from Pontefract, deny charges of failing to report the relationship and not reporting McBride's mobile phone. Falloon and David Sunderland, 49, of Wakefield, also deny supplying McBride with mobile top-ups. All members of staff had at least ten years' experience working in prisons, said Mr Wright, and Cosford had spent the last 15 years working at Wakefield, which has more life sentence prisoners than any other UK jail. The trial is expected to last several weeks. *Sam Beattie, Independent, 07/09/12*

#### **Police: Disciplinary Proceedings** House of Commons 07/09/q12

Mark Pritchard: To ask the Secretary of State for the Home Department what steps she is taking to prevent police officers from avoiding disciplinary hearings by retiring on pensioned medical grounds before those hearings have taken place. [118845]

Damian Green: Police officers may be required to retire on grounds of ill-health under the relevant police pension regulations if they are assessed by a medical practitioner as being permanently disabled for the ordinary duties of a police officer. This assessment should be entirely independent of any disciplinary matters. The power to require officers to retire on grounds of ill-health is a matter for chief officers and their police authorities.

#### **More Prisoners Could Stay 'Out For Good'** *Juliet Lyon, director of the Prison Reform Trust*

Enabling prisoners to take responsibility for their own resettlement is key to helping them address the challenges they will face on release and reduce their risk of reoffending, according to a new report by the Prison Reform Trust.

Effective resettlement - the successful re-integration of people after prison - is a linchpin for reducing reoffending and a key element of the Coalition Government's rehabilitation revolution. However, while prisoners hope to be out for good, almost half of adults released from prison are reconvicted within one year of release; the rate is 57% for those serving sentences of less than 12 months.

You do not need to have lost a relative to feel this so intensely. It was sufficient to walk out on that field - as I did on that terrible afternoon - when there was no sight of an ambulances but just desperate pockets of fans fighting to save so many lives which were ebbing away before their eyes.

They were, presumably, these fans improvising stretchers out of advertising hoardings, the same ones who were accused of urinating on ambulance men and robbing the dead. Of all the lies and evasions of responsibility that day these were the most outrageous, and have inevitably lingered most poisonously, but the big and central one was that most blame could be attached to hooligan behaviour.

The report of Lord Taylor placed the burden of blame on the failures of the police - and no-one who was present to see the nightmare unfold could argue with that. Yet 21 years on, we still wait for that official atonement. We still wait for the word sorry.

That it may come today, so belatedly, is no reason for celebration. But this does not make in any less a requirement of decency - or a long over-due debt to the innocent dead.

#### **Cannabis trade worse than that of Class A drugs, senior police officer warns**

Sentences for the growing and selling of cannabis must be toughened to stem a growing tide in gang-related violence, a senior police officer has warned.

By Martin Evans, Crime Correspondent, Telegraph, 11/09/12

Assistant chief constable Andy Ward of Merseyside police said hardened criminals were taking advantage of more lenient penalties for cannabis dealing compared with drugs such as ecstasy, cocaine and heroin. He warned that there had been an explosion in cannabis production and said it was now causing more problems for the police than the trade in some class A narcotics. The North West region in particular has already seen the consequences of a rise in tension between criminal gangs, with a surge in the number of shootings in recent months.

Mr Ward, who chairs the North West Regional Organised Crime Unit, said gangs were attracted to the lucrative cannabis market because they saw it as less risky both in terms of getting caught and also the punishments they might receive if convicted. But he said the violence that accompanied the drug trade was just as extreme, with criminals willing to wound and kill to protect their corner of the market. Seizures of cannabis in recent years have risen steadily in some areas, with one operation involving six forces resulting in a haul of the drug with a street value of almost £9 million.

Criminal gangs are also recruiting cannabis farmers who grow the drug in large quantities, in carefully controlled conditions. Some use sophisticated hydroponic growing systems to increase the yield and strength of the drug. But the equipment is relatively cheap compared with the potential profits, and factories can easily be set up in converted lofts or garages.

Over the past three years, more than 5,000 cannabis factories, containing almost 350,000 plants, have been identified by police in the North West alone. Police have seized drugs with a value thought to be in excess of £500 million, but many hundreds of millions of pounds-worth of cannabis is believed to find its way on to the streets undetected.

Mr Ward said: There has been an explosion in the market for cannabis. Unlike class A drugs, which the criminals can't make themselves, there is the opportunity to grow cannabis in the bathrooms or bedrooms of houses. They can make a lot of money very quickly at less risk [to themselves] and less risk in terms of sentencing. Criminals who have previously been involved in something else are drifting into the cannabis world & The amount of

in all – which the Independent Panel will have examined since being established in January 2010 on the initiative of Mr Burnham, then the Culture Secretary, to bring "full public disclosure" of all relevant national and local government documentation relating to Hillsborough.

The most keenly awaited evidence in the report to be published today is the medical records of the 96 fans who died in the disaster, which may demonstrate that the Hillsborough inquest coroner, Stefan Popper, was wrong to say that nothing could have been done after his self-imposed 3.15pm "cut-off" time to save any of the lives lost. This decision severely limited the scope of the inquests, which delivered an accidental death verdict.

There is a growing sense on Merseyside that the "cut-off" time will be shown to be discredited, paving the way for fresh inquests into the deaths. Since no court, tribunal or public inquiry has ever examined what happened after 3.15pm, the emergency service response to the events of the fateful afternoon have gone unchallenged since Lord Justice Taylor's report into the tragedy was published in 1990.

A further statement from the boxes reveals how statements were entirely rewritten by officers, allowing none of the criticisms which Lord Justice Taylor directed in his report towards the inexperienced Chief Superintendent David Duckenfield for "failing to take effective control" and making the calamitous decision to open Exit Gate C.

One version of the second officer's statement includes the genuine conclusions he reached. "After the incident I felt shocked and upset," he said. "My enduring feelings are anger and guilt. I was less than 20 yards from people struggling for their life and was not aware of their plight. No radio or Tannoy communications were apparent throughout the incident."

A handwritten annotated note attached to the report asked the Pc to "remove the last page, excluding last paragraph". Another note states: "rewritten as requested". In a second version of the report, also included in the file, all the original criticisms are absent.

What the officers witnessed clearly took its toll on some of them. In 2004, Sheffield Crown Court heard how Pc McLoughlin was so traumatised by the events he witnessed at Hillsborough that he lost his job, marriage and almost his life, when he used skills acquired in the force to make a hoax bomb device and threatened to detonate it at high-security psychiatric unit in Rotherham.

### **Will they get justice at last?**

James Lawton, Tuesday, 11th September 2012

Nothing can undo the disgraceful cover-up of the Hillsborough disaster.

Revelations that the great Hillsborough cover-up has been broken, that at last there will be full exposure of attempts to obscure the detail of how and why 96 innocent people died more than 23 years ago, will create both expectancy and hope when relatives of the victims hear the first details of a report that we are told is exhaustive at Liverpool Cathedral this morning.

The expectancy is of the first proper accounting of the negligence and the inefficiency of the police and the emergency services which were so apparent to anyone who was present when a football field turned, on an afternoon of spring sunshine, into a killing field.

The hope is that is that for first time we will hear on official lips the word sorry.

A report that includes evidence of the doctoring of witness statements cannot bring back a single life of those lost so carelessly but it can make those relatives who have carried their hurt for so long feel that the fate of their loved ones has, finally, been recognised for what it was - not some unstoppable chain of misadventure, but a gross failure by those entrusted with the safety of the people.

Factors linked to re-offending help to explain these high rates: 79% of offenders who are homeless at the time they go to prison are reconvicted, compared to 47% who have accommodation. Over half of prisoners report that their drug-taking is a factor in acquisitive offences such as shoplifting, vehicle crime and theft. Only 36% of people leaving prison go into a job, educational course or training. 48% of prisoners are at, or below, the level expected of an 11 year old in reading, 65% in numeracy and 82% in writing.

Drawing on the views and experiences of prisoners, along with prison governors and staff and voluntary sector providers, the Prison Reform Trust, supported by the Pilgrim Trust, conducted applied research to determine what makes for effective resettlement. The reports' authors visited nine prisons, held discussion groups with about 40 prisoners and 30 staff, and interviewed 34 individual prisoners, and a wide range of staff from the prison service and the voluntary sector. Out for Good: taking responsibility for resettlement, also draws on data provided by the Prisoners Education Trust, from its Inside Time survey of 532 prisoners on their plans for resettlement.

Key to effective resettlement was a commitment by prison staff to work closely with the prisoner not just to do things to, or for them. Alongside controlling risk and managing cases, prison staff and support services needed to share responsibility with the person preparing for his or her resettlement. Prison staff should enable offenders to make choices about the practical challenges they will face on release, and support those choices with appropriate help and advice.

Prisoners interviewed as part of the study advocated a new set of priorities for resettlement work while in prison. These include: An individual approach to each prisoner - Provision of information prisoners need to make reasoned decisions - Enhanced communication with the outside - Extended use of Release on Temporary Licence - Training focused on employable skills Improved contact with family and involvement of families in preparation for release

Most of the solutions to effective resettlement do not lie behind bars. The report recommends that the Ministry of Justice should work across government departments and local authorities to put in place housing, employment, health and social care and family support which are pivotal to successful rehabilitation.

The report also recommends that prison managers should place the concept of sharing responsibility for resettlement between staff members and individual prisoners at the heart of their resettlement strategy. Every resettlement team should develop links to community-based organisations with the expertise prisoners need, including housing, finance and debt, family support and employment.

It also recommends that the government should commission a payment by results pilot scheme which fully recognises the offender as a responsible and active agent in the resettlement process. For instance, former prisoners who did not reoffend could be consulted about which services contributed most to their successful integration. This information could be used to inform future commissioning decisions.

Commenting in the Foreword of report, Lord Woolf, chair of the Prison Reform Trust, said: "Responsibility should become a central concept of penal policy the responsibility of the Prison Service to provide so far as is practical constructive conditions in which a sentence is served and the responsibility of the prisoners to respond positively when constructive opportunities are made available to them while in prison and after their release. If the prisoner is unable to exercise responsibility during their sentence, the likely outcome is a creeping and all pervading dependency by prisoners on the prison authorities during their sentence and an inability to exercise responsibility after their release. So prisoners should be given the opportunity to make choices and be held responsible for the choices they make. In this way responsibility

is being placed on prisoners to make positive use of their sentence.

Juliet Lyon, director of the Prison Reform Trust, said: "It doesn't make social or economic sense to imprison people only to release them a few months later homeless, jobless and ready to offend again. Solutions lie in responsible resettlement and agencies working together to help people lead a law abiding life back in their communities."

### **Ken Clarke and Common Sense Leave Ministry Of Justice Together**

*Raymond Peytors - theopinionsite.org, 9th September 2012*

In his most spectacular demonstration of crass stupidity ever, David Cameron has thrown Ken Clarke and his progressive team of ministers out of the Ministry of Justice (MoJ). In caving in to the ultra-right wing Home Secretary, Theresa May and "traditional" Conservative MPs, The OpinionSite.org suggests that the prime minister has destroyed the last hope for common sense and reform in matters of Law and Order in Britain today. The ever less competent Theresa May has been trying to get rid of Clarke for years and hates him with a vengeance. She once said, "I find reasons to lock people up and Ken Clarke comes along and lets them out." Meanwhile, ever since the last election and Clarke's surprise appointment to the MoJ, right wing Tory MPs have been trying to stick a knife in his back at every opportunity for fear that his common sense approach to Law and Order would be seen by the public as the Conservatives going 'soft on crime' and also deprive politicians across the House of Commons of one of their favourite methods of picking up cheap votes. Not only has Clarke gone but also his superb team of reforming ministers, including the excellent prisons minister, Crispin Blunt.

Nick Herbert, who was (very usefully) a minister in both the MoJ and the Home Office, resigned after Clarke was kicked out, one source telling The OpinionSite.org that Herbert was 'disgusted' that years of progress had been thrown away for the sake of making Theresa May's life easier.

Clarke's replacement could not be more different to the experienced lawyer that sought to bring reality back into the Ministry of Justice. Chris Grayling is a right-wing, anti-gay man who claims to be a Christian but appears to lack any compassion for families or individuals and has stated that he wants to build more prisons, to lock up more people and lock them up for longer. Of course, if that Conservative policy worked, with the highest prison numbers in Europe the UK should now have no crime whatsoever. We know these unfortunate things about Mr Grayling because when he was shadow Home Secretary before the last election and an immigration minister in the current administration, he stated that gay couples should be refused accommodation if the landlord did not approve of gays sleeping together, stated that Britain's criminal justice system was 'broken' and criticised the fact that there were insufficient prison places available for the number of people he wanted to lock up. Grayling is a keen fan of American 'justice' and is mainly interested in his own career progression rather than in doing the best thing for the country that he allegedly serves. He is a keen advocate of scrapping the Human Rights Act which protects us all from the excessive power of government.

He also apparently believes that the European Court of Human Rights is part of that which small-minded Conservatives hate most – "Europe". In fact of course, the ECtHR has nothing whatsoever to do with the EU. Grayling also has one other glaring fault that Cameron has chosen to ignore: the man is not a lawyer – despite now being responsible for the government ministry that deals with the very administration of Justice and Law and Order.

The OpinionSite.org must also point out that Grayling was not, as reported in the press, second choice for the job; in fact, he was the third choice, two serving ministers having turned down the post when asked.

### **Hillsborough - Police Did Doctor Evidence In Bid To Avoid Blame**

Evidence of junior officers present at the football disaster was systematically distorted  
Ian Herbert, Independent, Wednesday 12 September 2012

A detailed picture of how the evidence of junior police officers present at the Hillsborough football disaster was systematically distorted can be revealed today, as an independent panel prepares to deliver the findings of its exhaustive investigation into the afternoon that claimed the lives of 96 fans.

The Independent has obtained four previously unpublished witness statements written by police constables, who were all on duty at the Leppings Lane end on the disastrous day of Liverpool's FA Cup semi-final with Nottingham Forest in 1989. They show how the documents, originally prepared for an internal inquiry, were altered prior to Lord Taylor's official inquiry later that year to ensure that South Yorkshire Police emerged from the tragedy in a significantly more positive light.

The testimony of one constable, 31-year-old Martin McLoughlin, was crossed through so two paragraphs of criticism were entirely deleted. PC McLoughlin, who had nine years' service with the force, described how police had "appeared to be a bit thin on the ground for the numbers of people involved" on the fateful afternoon of 15 April 1989. He also detailed how officers on duty at the stadium had a "poor supply of personal radios" when the catastrophic decision to allow fans to enter the Leppings Lane end through an exit gate led to many being crushed to death inside a stadium, which lacked an up-to-date safety certificate. PC McLoughlin described how "it seemed very bad that only one in our serial – the sergeant – should have a personal radio. We had great difficulty in finding out what happened and what was happening and for too long a time we were basically working in the dark." All of these criticisms are struck through and an earlier reference to "the only officer with a personal radio" has been rewritten to read "who had a personal radio", making it appear as though the officers were better-equipped.

PC McLoughlin's testimony that he could hear "the voices of more and more officers ... getting desperate" over the police radio is replaced simply with the words "increased radio traffic". Another of the phrases deleted from his testimony reads: "Basically it was chaos".

A similar picture of institutional failing emerges in the testimony of PC Alan Wadsworth, in whose report the following words were crossed out: "There was no leadership at the Leppings Lane end following the disaster, either in person or on the radio. The only officer I heard on the radio with any form of organization and method was Chief Superintendent Nesbitt (sic) [a reference to John Nesbit, traffic division commander] who did not arrive until later."

An attempt to deliver praise to Liverpool fans appears to have been crossed from the testimony of a fourth officer, David Sumner, who says that "many fans assisted in the removal of the dead and injured from the field".

The apparent manipulation of evidence is revealed in documents that were initially written as part of the original South Yorkshire Police investigation into the disaster. Many still showed their annotations when Lord Justice Taylor suddenly demanded them for his 1989 inquiry into tragedy. They were placed in the House of Lords library several years ago when the former Labour Home Secretary, Jack Straw, ordered that South Yorkshire Police disclose them.

Deposited in 10 boxes, over the years some have emerged to paint a partial picture of the cover-up, upon which these testimonies shed new light. The Labour MP Andy Burnham, himself from Merseyside, drew attention to several manipulated testimonies in the House of Commons last October.

The doctored statements are one example of the volumes of evidence – 40,000 pages

## **Birmingham Riots: Two Men Deny Shooting at Police**

BBC 10/09/12

Two men have gone on trial accused of taking part in a gun attack on police during the 2011 riots in Birmingham. Wesley Gray, 27, and Beniha Laing, 29, both of no fixed abode, deny charges including riot, violent disorder, arson and possession of a gun with intent to endanger life.

Birmingham Crown Court heard the two were linked to the shooting by a pistol and a revolver seized by the police. The court heard shots were fired at police in Aston in August 2011. Andrew Lockhart QC, for the prosecution, alleged the men acted "for a common purpose" with six other men already convicted in relation to rioting. He claimed the Bartons Arms pub was set alight by rioters and other premises attacked to draw police into the area. Mr Lockhart said: "Their aim was to get a large number of officers out on the streets where they knew they could be attacked."

At least 12 shots were fired from four or more handguns, and a shot was fired at a police helicopter as it tracked the movements of the rioters, the court heard. The prosecution alleges Mr Gray's DNA was found on the magazine of a loaded pistol found in October 2011. Forensic tests showed with certainty that the weapon fired a cartridge which was seized by police following the disorder on 9 August, the court heard. Mr Laing is alleged by the prosecution to have been in possession of a revolver which was recovered on 19 October by police after he was seen entering a park in Aston. The weapon is also alleged to be linked to the shooting near the Bartons Arms.

Last June, 6 men were sentenced and 2 acquitted for their involvement in the incident at Bartons Arms: Joyah Campbell, 19, of Hanover Court, Aston, Birmingham, and a 17-year-old, were acquitted of riot, arson and firearms possession. Nicholas Francis, 26, of Thetford Road, Great Barr, Birmingham, described by the judge as the most dangerous of the men, was jailed for 30 years. Tyrone Laidley 20, of Chadsmoor Terrace, Nechells, and Jermaine Lewis, 27, of Summertown Road in Oldbury, were sentenced to 23 years. Wayne Collins, 25, from Ouseley Close in Luton, and Renardo Farrell, 20, of The Terrace, Finchfield, Wolverhampton, were jailed for 18 years.

## **Prisons and Probation Ombudsman**

*House of commons / 10 Sep 2012 : Column 29W*

Mr Amess: To ask what written (a) advice and (b) guidance (i) his Department and (ii) the Prisons and Probation Ombudsman (PPO) provides to members of the public wishing to make a complaint about the Office of the PPO; if he will place in the Library a copy of each such document; and make a statement.

Jeremy Wright: Service users are sent a leaflet that explains how they can complain about either the outcome of an investigation by the PPO or the conduct of the Ombudsman's staff. They may complain by telephone/letter/fax/email, and are advised that their case will be reviewed by a senior member of staff who had no previous involvement in the investigation. The leaflet also explains that service users who feel they have suffered some injustice because their complaint has not been handled properly can ask an MP to refer their complaint to the Parliamentary and Health Service Ombudsman who can investigate complaints about the administrative actions of a wide range of public bodies. Information about how to make a complaint about the outcome of an investigation is also available on the PPO's website for members of the public. The policy for handling complaints about the professional conduct of staff is also on the Ombudsman's website.

## **IPCC Inquiry into Sheffield Woman's Death After Police Contact**

Diane Botham who ended up on the floor during an altercation with South Yorkshire Police officers was found dead on her settee by her daughter's partner the next day, an inquest heard. Diane Botham, aged 61, died at her home on Southey Green Road, Sheffield, following the row with officers. The case has been referred to the Independent Police Complaints Commission, which is now investigating.

Ken Clarke's voice and common sense approach will still be heard however. In his new role of Minister without Portfolio – a 'voice of reason' that wanders from one department to another – he will still attend Cabinet, advise the prime minister and take part in discussions, although mainly behind closed doors where there is no risk of Cameron being embarrassed by the truth. Grayling on the other hand has an uncertain future ahead of him, particularly in the field of prison and sentence reform.

Although publicly, Downing Street has advised that there will be "no challenge to the rehabilitation revolution" so bravely set up by Clarke and that the government will continue to "pursue the rehabilitation of offenders and the reduction of reoffending", the fact still remains that Grayling was against the abolition of IPP sentences, opposed the greater use of community sentences instead of custody and criticised the closure of out-dated, obsolete prisons.

Like Theresa May, Grayling desperately wants to lock up more people for longer in order to prove he is 'tough on crime'. He wants to build more prisons to accommodate those he targets and he wants to scrap the Human Rights Act which, agree with it or not, is the only thing that protects the public from the ever more powerful state that Britain has become.

His problem is that there is no money to pay for these measures. The MoJ must, along with the Home Office and other departments, make a 27% cut in its expenditure. It has to save money, not spend more of it. Good job too, The OpinionSite.org would say. We have all seen what happens when governments have unlimited money to spend on "Justice".

In case readers have difficulty in remembering, it is perhaps worth being reminded that when he was in power, aided by his friends the passport fiddling David Blunkett, the expense stealing Jacqui Smith and the slippery Jack Straw, Tony Blair invented more than 3,000 new criminal offences; that is one for each day he was in power. Blair also doubled the prison population, doubled the length of sentences and, most famously – or infamously if you prefer – introduced the dreadful IPP sentence that Clarke has fought so bravely to repeal.

Were Chris Grayling and Theresa May to have the kind of money available to spend that Blair did, they would do even more damage; having supported the idea that criminals should be micro chipped, filed and catalogued, the only thing that would be missing would be the number tattooed on the offender's wrist.

Fortunately for prisoners and the public alike, The OpinionSite.org can happily assure readers that not only is that sort of money unavailable now, it is likely to remain unavailable for many years to come. In which case, you may ask, what is the purpose of appointing a right-wing, anti-gay, anti-libertarian to the government department responsible for the dispensation of Justice? The answer is that although Grayling has effectively been neutered by the financial constraints he faces, he sounds good on television and radio.

In other words, although like most politicians he is dishonest in what he says, he comes across as sounding 'tough' and repressive; someone to keep the lower-orders in their place through threats of jail sentences and social segregation. Someone in fact who sounds, looks and acts like a good, right-wing Conservative should in order to appeal to the 'true blue' (and mostly wealthy) Tories throughout the land who feel let down by talk of 'common sense', 'fairness' and 'progress'; things they fear in Oxfordshire and the Tory heartlands, just in case people less fortunate than themselves end up getting a fair crack of the whip.

In appointing Chris Grayling, no matter how smug Mrs May might be feeling right now, Cameron has in fact, as only a stupid and truly fickle politician can, plunged a deadly blade into his own party's persona and psyche. The fact that the money isn't there means that

whatever Grayling's professed intentions may be, he will never achieve them. No matter how many lies he tells, no matter how much rhetoric he comes out with at the party conference, nothing will change. Eventually, despite his lies, he will be made to look like an idiot.

Ken Clarke on the other hand is 72 years of age and has seen – and done – it all. He has held every major office of state other than that of prime minister.

He was a highly successful QC, has a brilliant financial and legal mind, has an unashamed bias towards fairness and his political experience and wisdom is unequalled. His vast experience is the reason why he has been retained in the government, albeit kept out of public sight in a cardboard box. His only fault – from a political point of view – is that he is inclined to tell the truth, to do so in public and in a manner that the people can easily understand.

With most politicians prepared to lie through their teeth in order to get re-elected, Clarke doesn't need to; something the likes of May and Cameron hate as they themselves continue to con the public with promises that cannot be kept and policies that fail day after day. Clarke is also clever enough to have booby-trapped the MoJ before he left so that whatever changes Grayling wants to introduce, he will find it almost impossible to do so.

The OpinionSite.org looks forward to watching Mr Secretary of State Grayling's slow – and probably acutely painful – demise and humiliation. Our view is nothing personal of course. It is simply the fact that whatever people may think of him and no matter how politically unfortunate his tendency to tell the truth is, Ken Clarke was the best Secretary of State for Justice that Britain has ever had.

He will be missed by lawyers, prisoners, families and even judges. They cannot all be wrong. Even the tabloid press may miss him as, instead of having someone to criticise for telling the truth, they will now have to make up fictitious support for a man incapable of telling anything other than a lie.

Of course, Mr Grayling could surprise us all by being honest and repeating his anti-freedom, anti-gay, anti-human rights and anti-fairness beliefs in front of the camera. However, this is unlikely now that he is unable to do so from the hidden shadows of lower government and must now actually take responsibility for what he says.

Goodbye Ken, we wish you well. You will be missed but not forgotten. The OpinionSite.org hopes that, along with us, you will have a good laugh as you watch your unworthy successor go from crisis to crisis in his attempts to con the British public over Law and Order; something that, thanks to you and your former team, is now much more difficult to do than it once was.

### **The Scandal Of Seriously Ill Prisoners Denied Basic Healthcare**

Daniel Roque Hall's horror story exemplifies how inmates are seen as prisoners first and patients very much second Eric Allison, guardian.co.uk, Wednesday 5 September 2012  
'Sick prisoners are wrongly diagnosed, mistreated or just plain ignored'

As those who know the prison system well will tell you, jail is the last place you want to be if you are seriously ill. My memory bank – along with the annals of Inquest, the charity that works with those bereaved by deaths in custody – is crowded with horror stories of medical negligence: sick prisoners wrongly diagnosed, mistreated, or just plain ignored.

Prior to being taken over by the NHS, in 2005, medical care in jails was administered by the Prison Medical Service. Medical staff then were simply screws with basic medical training. They had a screw's mentality towards illness: namely, that prisoners faked it to get out of work (even in jails where there was no work to get out of).

When the NHS took over, it was hoped that treatment of prisoners would improve dramatically. But old habits die hard and inmates who are ill are still seen as prisoners first and patients, very much, second. And so the horror stories continue to be played out.

This is one: the worst I have ever come across: Thirty-year-old Daniel Roque Hall suffers from ataxia, a rare degenerative condition that results in a lack of co-ordination of the whole body. He has been wheelchair-bound for many years and has a life expectancy of 35-40 years. He has type 1 diabetes and a weak heart, which requires constant monitoring. He suffers frequent spasms. His medical needs are complex.

They include round-the-clock care by two carers, on whom Hall is totally dependent; the use of conventional and standing wheelchair, the use of a hoist – and staff trained in its use – a pressure mattress, saddle seat, shower chair and medi-motion machine. He needs to undertake vital stretching exercises several times a day and is on masses of medication.

In July, at Isleworth crown court, Hall was sentenced to three years' imprisonment for importation of cocaine. Even for a man with no previous convictions, it was a lenient sentence; the judge accepting Hall had been "groomed and manipulated" by drug dealers. Prior to sentencing – and clearly concerned about Hall's medical needs – the judge asked the governor of Wormwood Scrubs for written assurances that Hall's complex medical needs could be met by the prison. Astonishingly (for those of us who know the standard of medical care in prisons) the governor assured the judge that all Hall's requirements would be met and he arrived at the Scrubs on July 6.

The account given by his family and his lawyers is harrowing. Within hours, Hall suffered a spasm, fell from an examination couch and sustained a head wound. He was taken, in chains, to a local care home. Staff there were not told about the head wound, nor given full details of Hall's medication, including Warfarin, a blood thinning agent. Later, he went to Charing Cross hospital, then back to the care home where he remained for a week, chained to a prison officer. Back in the Scrubs, Hall suffered further spasms and says he was constantly denied his full medication. The standing wheelchair, which his family had delivered to the prison, was never used, because staff did not know how to operate it.

The required two constant carers, in case of spasms, were not supplied and the vital stretching exercises Hall needs to maintain stability were neglected. Hall's condition deteriorated rapidly and, in the early hours of August 23, he was rushed to University College Hospital in London and placed on a life support machine.

And although the prison could not supply the staff to look after Hall's medical needs, they had no problem finding the numbers to look after his security. Four prison officers have been at UCH "guarding" Hall since he arrived, working eight-hour shifts. A total of 12 officers every 24 hours, watching over a man who cannot walk and is so traumatised he can barely speak. A consultant at the hospital said Hall's heart had been "stunned" by his treatment at the Scrubs.

Hall's condition has now stabilised, though he remains very ill and has a lung infection. At one stage, staff at UCH asked medical staff at the Scrubs for information on Hall. They could/would not provide it and doctors had to go to Hall's GP for more details. The GP has written a letter saying she "fears for his – Hall's – demise if he sent back to prison."

As usual, the Prison Service say they "don't comment on individuals". Then: "We have a duty of care to those sentenced to custody by the courts. As part of that duty of care, we ensure that prisoners have access to the same level of NHS services as those in the community." Really?