

seven months and he eventually concluded his career having totalled 600 arrests and received 18 commendations. In the policing world of his era it was irrelevant that many defendants alleged that they had been beaten and had weapons planted on them. In the 1960s, juries and magistrates were not inclined to believe defendants alleging police violence and corruption, especially if the officer in the case was a decorated hero of the Special Air Service.

Had Challenor stuck to dealing with the working class criminals of Soho there is no knowing how long he would have continued his activities. His downfall came during a state visit by the king and queen of Greece. The wartime affiliations of the queen had provoked criticism and protesters demonstrated outside Claridge's hotel, where they were staying. On July 11 1963, Donald Room, a member of the National Council for Civil Liberties, was arrested (and hit) by Challenor. Room was told that Challenor had found a brick in his pocket and was charged with carrying an offensive weapon. Room refused to sign for it as part of his property and, kept in custody overnight, handed over his clothes to his solicitor at the first court hearing the next morning. No brick dust was found in his pocket and he was acquitted.

After the case, Challenor's mental condition deteriorated sharply and by June 1964, when he appeared at the Old Bailey, charged with three other officers with conspiracy to pervert the course of justice, he was found unfit to plead and sent to a mental hospital. His co-accused were found guilty and sentenced to three years' imprisonment. Later in 1964, an inquiry headed by Arthur James QC began into the circumstances which had allowed Challenor to continue to serve as a policeman at a time when he appeared to be affected by mental illness.

In the report, Challenor's mental illness was blamed for the false arrests rather than a systemic policy of framing suspects. A total of twenty-six innocent men had their convictions quashed. Of these thirteen had been imprisoned spending a total of thirteen years in prison. Arthur James has been accused of producing a whitewash. Whenever there was a conflict of evidence between police and other witnesses, James almost invariably accepted that of the police.

Had it been otherwise, the later even more publicized troubles of the Metropolitan police in the 1970s might have been avoided with a far greater scrutiny of its methods and culture. DS Harold Challenor can be described as a self-appointed scourge of the Soho underworld, and in fairness to him, that is exactly what his superiors wanted from him.

*Rhino Whip Case:* Also in 1963 in Sheffield there was the 'Rhino Whip case'. Two officers of the Special Crime Squad of the Sheffield City Police were accused of beating three suspects in custody with a rhino whip and a truncheon and dismissed from the force. The two officers appealed their dismissal and the Home Office inquiry, while finding the two guilty of 'brutal and sustained assaults' and dismissing their appeal, also revealed that the officers had been put under direct pressure from their Chief Constable and other senior officers of the Sheffield CID to achieve arrests, confessions and convictions by whatever means necessary including physical violence.

**Hostages:** John Keelan, 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, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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## MOJUK: Newsletter 'Inside Out' No 398 15/11/2012)

### Daniel Sonnex Acquitted Over 'Threat to Kill' Prison Officer

He admitted the attack, but denied false imprisonment and making threats to kill, claiming he did not intend to hurt Mr Stringfellow. A jury of eight women and four men at Reading Crown Court agreed and cleared him of both charges. Daniel shaven-headed sat quietly in the dock surrounded by male nurses as the verdicts were returned

Daniel should never have been sent to prison in the first place, that he was is indicative of a legal system that is clueless in how it deals with people with severe mental problems. The article below does not even begin to touch on the horrors Daniel underwent in the prison system. MOJUK has spoken to Daniel whilst in the prison system, he was always incoherent, at times he had no idea where he was. Speaking to Daniel now he is in Broadmoor, he is completely rational and fully aware of his surroundings and what is going on in his life.

### Tried to Escape prison on Glider Made out of Fridge Shelves, Coat Hangers and Sheets

*By Phil Vinter, Daily Mail, 7th November 2012*

Daniel Sonnex was jailed for 40 years in 2008 for the torturing and stabbing to death of Laurent Bonomo and Gabriel Ferez. He was serving his sentence at HMS Lartin maximum security jail in Evesham when he launched an attack on a prison officer.

Prison officers said Sonnex had attempted to construct a glider out of fridge shelves, a mattress, coat hangers and bed sheets so he could 'fly out of prison'. The makeshift contraption, which had been cobbled together by convicted killer Daniel Sonnex, was discovered by prison officer Richard Stringfellow on June 19, 2010, Reading Crown Court heard.

The court heard officers were searching for missing shelves from a fridge, which Mr Stringfellow found in the exercise yard. Sonnex told the court he had been building a glider using the shelves, as well as coat hangers, his mattress and sheets from his cell, and did not want it to be found. The court was told that 27-year-old Sonnex, jumped on one of the officer's back and holding a knife, shouted: 'I'm going to slit your fucking throat.' As he was restrained by other officers, Sonnex, who had previously converted to Islam and appeared in court wearing a Muslim headdress, started shouting, foaming at the mouth and chanting in Arabic. He told the court he attacked Mr Stringfellow because the officer had found a 'glider' he was building out of fridge shelves, which he planned to use to fly out of the prison.

Asked what his thoughts were on the morning of the attack, Sonnex said: 'I thought agents were out to get me, both French and British, to assassinate me. 'It was broadcasted across the TV that me and my co-defendant were used as government scapegoats in order to cover up the murder of students who were about to expose the bird flu virus.' Sonnex said he remembered nothing after the attack until he 'came around' in the segregation unit: 'I was screaming to Allah and crying at the same time'. Asked why he jumped on Mr Stringfellow's back, he said: 'I was just thinking, 'I'm dead, he is going to kill me'.

'I was actually experimenting on making a glider and a shield in order to protect myself at the same time,' he told the court. 'A glider in order so I could fly from the rooftop over the wall of the prison establishment.' He said when he saw Mr Stringfellow with the 'glider', he

feared he would be taken to the segregation unit and killed. 'I have heard rumours of them killing within the segregation at HMP Long Lartin, plus I believed that they was out to assassinate me as well,' he said. 'I thought, 'I need to get out of here.'

In a statement read to the court, officer Andrea d'Arienzo said she heard Sonnex shout: 'I am here for 40 years, kill me now, take me to the promised land,' while senior prison officer Alexis Wood said Sonnex was foaming at the mouth and his eyes were glazed. 'He was shouting, 'I want to die, show me paradise, you're all going to die',' she said. 'He was also calling on Allah and his Muslim brothers.' Sonnex denies a charge of false imprisonment as well as one of making a threat to kill.

The court was told that he admitted jumping on Mr Stringfellow and holding the knife to his throat, but that he never intended to hurt him. Sonnex said he planned to climb up the fence, move across to the roof, and then glide some 30ft over the prison wall. But he said the glider kept breaking up. Asked in cross examination if he really thought he could fly, Sonnex said: 'I did at the time, yes.'

The court heard that Sonnex had a slew of previous convictions, many including the use of knives. In March 2003, when just a teenager, he was jailed for a total of eight years for stabbing someone several times, and also for firing blank shots from a handgun during a robbery in September 2002, then pistol whipping a member of staff. He has also attacked prisoner officers several times whilst in jail, the court heard.

He was expelled from school at the age of 12 and attended schools for special educational needs, spent his time 'hanging about or at home'. Born into a Catholic family, he said he converted to Islam in Long Lartin because he had been 'fascinated' by the religion since the age of 17, and in the maximum security prison was full by Muslims, who he described as 'very righteous people'.

Sonnex, who gave a no comment interview to police about the jail attack, was put in segregation at Long Lartin afterwards, and also when he was moved to HMP Woodhill in February last year - spending nearly 12 months in segregation. Describing it as 'mental torture', he said: 'I went completely insane, I went nuts down there. I was messed up, I went nuts, I tried to kill myself down there, I was placed on suicide watch. I just went nuts down there, I went insane down there. 'Words can't really explain how it affected me.'

Sonnex claimed he was attacked in HMP Belmarsh between June 2008 and June 2009 while awaiting trial for the double murders, and said he was verbally assaulted by officers in Long Lartin. He sought psychiatric help in February last year at Woodhill and was moved to Broadmoor Hospital in February this year.'

### **Guittard Ruling**

JENGBA have had a few questions being raised by prisoners and family members about the 'Guittard Ruling'. Basically this is an application that can be made by IPP prisoners and also those serving Life sentences.

The main aim of this is for prisoners to make a 'Guittard application' to move to a Category D prison 'open conditions' without the need to attend a parole board oral hearing. This applies if the inmate has at least a 50% chance of being approved for a move and/or has exceptional circumstances. If so, they can apply via this ruling which enables the Secretary of State to review all paper reports prepared by prison staff, probation officers, the prisoner himself and their family members. This enables the Ministry of Justice to make a decision based on real reports and looks to be used by more prisoners. Should the Secretary of State reject the application then the inmate will be

March detectives will be able to compare suspects' images with an estimated 16 million mugshots of people taken into police custody, using Facebook-style photo technology that has never before been available to forces on a nationwide system. The system is an extension of the police national database (PND), which was established in 2011 following recommendations by a judge, prompted by the failure of intelligence sharing over the 2002 Soham murders.

However, campaigners raised concerns yesterday about breaches of civil liberties, with the pictures of people not convicted of any offence being held on the system, and police tactics changing to make use of the new photographic resource.

### **'Bent For The Job': A Short History of Police Corruption** *Brian Williams for 'The Justice Gap'*

Throughout British police history there has been a clear distinction in the police between 'Bent for Self' and 'Bent for the Job'. The first term speaks for itself but the second has to do with what Paul Condon, former Commissioner of the Metropolitan Police, described as 'noble cause corruption'- the breaking of rules by police officers acting not for personal gain but out of an overdeveloped sense of loyalty to the job. . . . 'I think there was a time when the majority of officers were prepared to bend the rules. I think they were prepared to massage the evidence, not for my own gain but elaborating on things that were said to make sure that the case had the strongest chance of going through to conviction.'

'Noble cause corruption' occurred when the police had in their custody a suspect who they were convinced was guilty but lacked the evidence to prove it. In such circumstances officers would, in their own words, 'bolster' 'enhance' 'firm up', 'embroider' the evidence by inventing verbal admissions (what used to be known as 'verballing') or planted incriminating evidence.

In this context those police officers proven to be 'Bent for themselves' were objects of contempt. Those proven to have broken the law for 'The Job' received, at least among their peers, a measure of sympathy and understanding.

Sir Robert Mark, commissioner of the Metropolitan Police from 1972-1977, is the most celebrated head of Britain's largest police force. This reputation rests on his acceptance of the existence of widespread corruption within its CID and his ruthless action in dismissing or forcing the resignation of over 400 officers. The majority of those officers were accused of being 'Bent for themselves', taking bribes from criminals to suppress evidence and skimming off profits from drugs, prostitution and armed robbery.

Regarding 'bent for Job' or 'noble cause corruption' Sir Robert Mark wrote in his autobiography (In the Office of Constable): . . . 'Let me make it quite clear that I am one of those who believe that if the criminal law and its procedures relating to it were applied strictly to the book, as a means of protecting society it would collapse in a few days'

Mark also wrote that in the policing world of the 1930s when he started his career that violence or the threat of violence towards suspects in custody was common and that. . . 'practices such as these were perfectly well known to solicitors, to counsel, to judges and to the press but no one did anything about them because there seemed no obvious way of to achieve a fair balance between the public interest and the rights of wrongdoers.'

The journalist David Rose has described this consensus among police, lawyers and judges of the period as the 'Police Infallibility Principle'. Put simply the police always got the right man for the crime and judges, solicitors and barristers rarely questioned how they did it.

*Bent for the job:* The case of Detective Sergeant Harold Challenor was the first to expose 'Bent for the job' corruption to media and public exposure. Challenor had joined the Met in 1951 following distinguished wartime service in the SAS. At one point, he had a record of over 100 arrests in

- addressing apparent weaknesses in the way the MPS handles those with mental illness in custody, including around training, the adequacy of mental health procedures, the role of leadership and decision making in restraint situations, understanding the options available for a person who may have mental illness, including use of a place of safety

A response to the recommendations is required within 56 days of the report being sent.

*Casale Review:* The IPCC have today (12/11/12) confirmed the team who will be responsible for conducting the external independent review of the IPCC investigation into the death of Sean Rigg. The review will be lead by Dr Silvia Casale, who was until recently the president of the European and UN committees for the prevention of torture and inhuman and degrading treatment.

This is the first ever external review of an IPCC investigation of a death following police contact. As well as addressing individual learning from Sean's case, the IPCC has stated that the review will inform the wide scale review they are currently conducting into its investigation systems and approach to deaths following police contact.

Marcia Rigg, Sean Rigg's sister said: "We're very pleased that the coroner has made such wide-ranging recommendations. Sadly since Sean's death there have been other people who are mentally unwell who have died at the hands of the police. It is essential that all the failings identified at Sean's inquest are acted upon, crucially so that this does not happen to any more families. Meanwhile, we welcome the appointment of the Casale review panel so the review into the woeful IPCC investigation can finally get under way."

Deborah Coles, co-director of INQUEST said: "We want to ensure that the report's strong recommendations do not disappear into the ether as they are a valuable learning tool to safeguard lives in the future. The jury's findings and the Coroner's recommendations need to be disseminated to all police forces and mental health agencies across the country for their consideration and action. It is crucial that Ministers review the Coroner's report so that the lessons are learned and changes made nationally: we now await assurances from the Home Secretary and Health Secretary that this will happen. The external review of the IPCC investigation presents a unique opportunity to critically examine the way the IPCC approaches investigations into contentious deaths. Too often these investigations have revealed systemic failings in the IPCC approach and have resulted in a lack of family and public confidence."

### **Prisoners: Repatriation**

Mr Hollobone: To ask the Secretary of State for Justice what progress he has made in finalising compulsory prison transfer agreements with (a) Nigeria, (b) Jamaica and (c) Vietnam.

Jeremy Wright: As part of our strategy to reduce the foreign national offender population, we are discussing compulsory prisoner transfer agreements (PTAs) with a number of countries including Nigeria, Jamaica and Vietnam. We generally do not disclose the details of those discussions, in the interests of our diplomatic relations. In Nigeria, legislation for compulsory prisoner transfer is expected to pass shortly, after which negotiations on the compulsory PTA can begin. While compulsory PTAs can be difficult to negotiate, my ministerial colleagues and I remain determined to secure them wherever possible.

### **Database of 16m Mugshots to Catch Criminals who Move Home**

*Paul Peachey, Independent, Sunday 11 November 2012*

The photographs of millions of people are being put on a national police database for the first time next year to try to stop criminals escaping detection simply by moving around the country. From

given the reasons why and will then have to go for an oral hearing in front of the parole board.

When am I allowed to ask to be moved to open conditions?

This application came into force on 1st January 2010 and has now introduced Pre-Tariff Sift Reviews for Lifers. This means that all Lifers can now receive a prison service assessment, as to their suitability for a Parole Board review, 2 years before their tariff date expires. The test applied is whether there is a reasonable prospect or 'is there a case for consideration' for open conditions by the Parole Board. This decision can be appealed.

How can I get a Guittard application?

After the case of R (Guittard) v Secretary of State (2009) the Secretary of State is now required to consider a lifer's suitability to a transfer to open conditions without the need to get a recommendation from the Parole Board first.

The application is made by your Solicitors to the Public Protection Casework Section of the Ministry of Justice. They will decide whether to grant you your application based on the following;

- \* Reports must contain evidence that the prisoner has made significant progress in identifying risk factors

- \* There must be an agreement amongst the people writing the reports that the prisoner is suitable and safe to be transferred to open conditions

- \* The report writers have no areas of concern which would clearly require further exploration by an oral hearing of the Parole Board

- \* The prisoner has demonstrated in his representations that there are clear benefits to being transferred to open conditions immediately rather than following the established process.

You are entitled to a Pre Tariff Sift Review 2 years before your tariff date expires where all Lifers are entitled to a prison service assessment. The test is whether there is a reasonable prospect for a consideration to open conditions. Should you not have received such a review then you should speak to your Lifer Officer.

Should you already have solicitors acting for you then discuss the possibility of you making this Guittard application for a paper hearing in order to progress to open conditions.

### **Innocence Connection Enterprise (ICE)**

Lizzi Donoghue has launched a new initiative which is being supported by Inside Time. It is called the Innocence Connection Enterprise (ICE). Lizzie is in HMP Send and she wants to connect with other prisoners maintaining Innocence while enduring their sentences. JENGBA wishes her luck as we've been lucky enough to meet her, an amazing intelligent mum of 5 and grandma (like myself!) who is serving 30 years for conspiracy as her husband was shot in her front room while she took a bath. So not only did she lose her husband, they robbed her of her family and her life. But she will fight her conviction and wants to help other do so too. Send SAE to A4785AD Lizzie Donoghue, HMP Send, Ripley Road, Woking GU23 7LJ

### **Prisoners: Death**

Mr Umunna: To ask the Attorney General how many criminal prosecutions have arisen relating to the death of a person in the custody of the Prison Service in each calendar year (a) from 2001 to 2011 and (b) in 2012 to date. [127223]

The Solicitor-General: Crown Prosecution Service (CPS) records kept for the period 2001 to 2011 are not comprehensive. However, they do show that in 2007 one prosecution took place involving four persons. To date, two persons have been prosecuted by the CPS in 2012.

### **Police Custody: Death**

Mr Umunna: To ask the Attorney-General how many criminal prosecutions took place related to the death of a person in the custody of the police in each calendar year (a) from 2001 to 2011 and (b) in 2012 to date.

The Solicitor-General: In 2012 to date, two prosecutions have been completed by the CPS, each relating to one person. A further case, relating to two persons, is currently ongoing. Records kept by the Crown Prosecution Service (CPS) for the period 2001 to 2011 are not comprehensive. However, the records available show that two people were prosecuted in 2001; three persons were prosecuted in 2003; 12 persons were prosecuted in 2005; six persons were prosecuted in 2006; the office of Commissioner of Police for the Metropolis was prosecuted in 2007; and one person was prosecuted in 2008.

### **California Leads the US in the Number of Exonerations Since 1989**

However a joint study by UC Berkeley researchers and a San Francisco-based criminal justice research firm has identified more cases of wrongful conviction within the state's correctional system.

The state has cleared 120 people wrongfully convicted of criminal charges, but an additional 94 individuals were falsely sentenced under convictions found not to be legally sustainable since 1989, according to Rebecca Silbert, a project director and senior associate at UC Berkeley's Chief Justice Earl Warren Institute on Law and Social Policy.

Preliminary data released by The California Wrongful Convictions Project, a joint effort between the institute and the criminal justice research firm Hollway Advisory Services, showed that the cases have cost California taxpayers \$129 million in incarceration and compensation costs and amount to more than 1,300 total years served in incarceration.

In June 2011, the researchers began investigating the primary factors that contribute to wrongful convictions and the economic impact of these cases. The criminal justice system assumes there will be some level of error, but no one looks at where these errors are coming from or what is happening to the people on the receiving side of these errors.

Daniel Macallair, executive director of the Center on Juvenile & Criminal Justice, said one of the most severe flaws in the criminal justice system is a "blind pursuit of conviction" and called the system a "battle of egos" between lawyers and prosecutors. "There is a culture among prosecutors — a notch-on-the-belt approach to prosecution — where the more (people) you send to prison, the higher (your) status among peers," said Macallair. "With that mentality, sometimes prosecutors overlook facts that may not support their thesis."

Because of the dynamics between different parties involved in the system, Hollway said he was disappointed by Tuesday's failure of Proposition 34, which would have repealed the death penalty in California. He added that three individuals studied by the researchers were on death row before being proven innocent on appeal. "Some people may say 'an eye for an eye' is OK," Hollway said. "But it is not OK to execute the wrong person." Daily Californian News

### **Memory and Perception Key in Wrongful Convictions** *Nick Davison, Courtesy of Uni of Washington*

Renowned psychologist and professor at the University of Washington, Geoffrey Loftus, highlighted the issues with perception in court testimony at last Thursday's (01/11/12) Wrongful Convictions lecture series on memory and perception. He told students that because of certain factors, they cannot trust their own memories.

Loftus brought in a composite case for the attendees based on a portion of more than

children, such as access to an appropriate adult, at the discretion of the police.

Just for Law Kids and Doughty Street's Caoilfhionn Gallagher will argue that this puts the home secretary and the Metropolitan police in violation of both international and domestic law. They will also challenge the failure of the Met to comply with its statutory duty to safeguard and promote the welfare of children, under section 11 of the Children Act 2004.

The child concerned is a 17-year-old with no criminal record who was detained at a London police station for over 12 hours without the assistance of an appropriate adult and without being able to speak to his mother. His family was not told of his whereabouts for hours, even though the child had specifically asked for his mother to be informed and for her assistance at the police station.

Director of 'Just for Kids Law' Shauneen Lambe said: 'In our experience, this is not an isolated incident; 17-year-olds are routinely treated as adults when dealing with police. 'Just for Kids Law believes that all children should be entitled to the same protection at the police station. Young people can be traumatised by their experience at the police station and the role of an appropriate adult is to ensure and monitor the child's wellbeing.'

The chief executive of the Howard League for Penal Reform, Frances Crook, welcomed the High Court's decision and said: 'It is simply wrong that 17-year-olds in police custody are not considered children and not afforded protections such as access to an appropriate adult. 'As it stands, vulnerable 17-year-olds will only be provided with access to an appropriate adult at the discretion of the police. Yet we are aware that this discretion is seldom exercised.'

### **Sean Rigg Case – Further Developments After The Damning Jury Verdict**

INQUEST has today (12/11/12) sent the coroner's Rule 43 report to the relevant Government Ministers to ensure the widest possible national learning from the death of Sean Rigg. And Welcomes Beginning Of 'Casale Review' of IPCC Investigation

HM Coroner Dr Andrew Harris recently sent his Rule 43 report of 22 October 2012 to Hickman and Rose, the solicitors for the Rigg family. It identifies critical learning in relation to Lambeth mental health care services and the Metropolitan Police Service (MPS) policing response to those with mental illness. The Coroner stressed that, "despite the passage of four years since Mr Rigg died, there is still a lack of clarity and incomplete understandings of the roles of different organisations and when they should communicate and act together – especially in an emergency".

Concerning the failure by SLAM to conduct an urgent Mental Health Act assessment following signs that Sean Rigg was relapsing, Dr Harris identified apparent gaps in "knowledge, awareness, teamwork, joint working and policing" which created a risk that other deaths could occur.

Concerning the police response, after recalling that the inquest identified clear inadequacies in mental health training for both MPS call handlers and police officers, Dr Harris said: "I cannot be sure that staff and officers have an adequate understanding of mental health needs... There is a need for a review of the information and training with respect to the mental and physical health needs of mentally ill prisoners throughout the Metropolitan Police."

His detailed list of recommendations include:

- reviewing knowledge and training of all those who may be involved with MHA assessments to ensure proper understanding of powers available and timeliness of MHA assessments of a person who may be relapsing;
- establishing joint protocols between SLAM, LBL and MPS for meeting the needs of those presenting with urgent psychiatric problems which require interagency co-operation;

The latest figures have been released ahead of a crucial vote in the House of Lords later this month on the government's controversial justice and security bill, which expands the use of so-called closed material procedures (CMP) into the civil courts.

Twenty civil claims against the government in which sensitive information is central are now before the courts. Some involve more than one claimant. The government believes they cannot be fairly tried without compromising national security and will therefore have to be settled. "There is no doubt this problem is becoming more and more common," a government spokesperson said. "Unless we remove the bar on judges taking national security evidence into account the situation will just get worse. The justice and security bill removes the bar so that we can get a judgment on the allegations being made. It also gives the judge important powers to ensure the hearing is fair."

Under CMP judges are shown sensitive intelligence but claimants may not be permitted to see all that evidence. Human rights groups fear such powers will enable ministers, rather than judges, to manipulate the way evidence is withheld or presented in the courts, depriving claimants of a fair trial. The government believes such secret hearings would enable judges to hear a greater range of national security cases. The cabinet minister without portfolio, Ken Clarke, warns that the current rules mean that all evidence relating to these cases cannot be brought before a judge and the government is forced into settling them without admitting liability.

Two senior Conservatives voiced fresh support for the measure at the weekend. Robert Buckland MP, a member of the justice select committee and part-time judge, said: "If we do not change the way we use this material in court we risk inviting a torrent of new claims. Our enemies will begin to realise that our justice system is an open goal and come rushing with spurious claims knowing the government will have to pay out."

Lord Edward Faulks QC, a member of parliament's joint committee on human rights, said: "These figures show a worrying justice vacuum on issues of extraordinary significance. "It is suggested by some that the justice and security bill will allow the government to win cases in secret. In fact the bill will enable the courts to scrutinise thoroughly evidence from the intelligence and security agencies and reach just decisions based on that evidence."

But last week Labour's justice spokesman, Sadiq Khan, accused Clarke of making "inaccurate and misleading" claims about the government's secret courts bill and warned that the judge's discretion would be fettered to such an extent that it would be "a judicial decision in name only". Khan wrote to Clarke saying: "I do not believe the government has made the case that this fundamental change in our civil justice system is justified."

Civil liberties groups senior lawyers, and many politicians fear the bill is the thin end of a wedge, overturning long-established, common law precedents about fair and open justice.

### **Legal Challenge Over Custody Rights of 17-Year-Olds**

Catherine Baksi, Law Gazette, Friday 09 November 2012

'Just for Law Kids' a children's charity has been given permission to challenge the legality of the Police and Criminal Evidence Act code of practice and the failure of government and police to provide adequate support and protection to 17-year-olds in police custody.

The United Nations Convention of the Rights of the Child states that every person under 18 must be treated as a child, unless the age of majority in their country is reached earlier. In the UK the age of majority is 18. But under the PACE code of practice, issued by the home secretary, 17-year-olds are treated as adults and only given the protections afforded to other

300 cases he has previously worked on in his professional career. Loftus said that even though some witnesses have great confidence when describing important details about the attacker, this does not mean their claims are accurate. According to Loftus, there are several reasons for poor memory and recollection of traumatic events. Bad lighting, short duration of time, distance and obscurity can all be a detriment to the memory of a crime and even impact the efficiency of remembering details.

Loftus also said that attention is a factor. Due to a large amount of neural filters screening enormous amounts of information at once—much of that information being irrelevant—you only remember what you pay great attention to. This is limited to one part of your sensory world at a time, causing you to lose focus in other areas. Many witnesses do not have a vivid memory of the perpetrator's appearance simply because they have no reason to. With all aspects of the situation competing for your attention at one time, your mind focuses on details of certain things and not others.

Loftus cited examples, such as if the attacker had a weapon, that victims primarily focus on. He said that, in many cases, the witness can describe the weapon better than the perpetrator. "I am sort of evangelical in getting the word to everybody that, prospective jurors or not, people, just as they have misbeliefs about everything, have misbeliefs about how human perception and memory work. Some misbeliefs can be critical, especially for a juror who needs to pass judgment on somebody accused of committing a crime; understanding how memory works and how one can be influenced by misconceptions of memory is important. Research in human perception and memory has important uses in the real world. Don't trust your memory or somebody else's no matter how certain they seem. Examine the circumstances that lead up to this memory that's expressed with so much confidence."

Bethany Barratt, associate professor of political science, spearheaded the event and said it is important for attendees to know that they cannot trust their own memory and to learn about the injustices that plague our criminal justice system today. "The thing about wrongful convictions that should make it important to everybody is it can happen to anybody," Barratt said. "It's not even about being at the wrong place at the wrong time; you can still get identified as being a perpetrator when you had nothing to do with the case at all...even if one doesn't care about injustice in the criminal justice system, just from a self-interest perspective, people should care."

According to Barratt, a lecture like this is important to Roosevelt students because many of them come from areas in Chicago where police brutality and racial biases have played significant roles, experiencing these types of things firsthand. Correcting the issues surrounding the criminal justice system and the problems surrounding wrongful convictions are extremely vital. In the U.S. I think that we pride ourselves on having a pretty fair criminal justice system, so it's like when we see these kinds of problems we want to keep being an inspiration for other nations.

### **Prisoners' Incentives and Earned Privileges Scheme**

What plans has the Secretary of State to review prisoners' entitlement to privileges.

Jeremy Wright: I want to ensure that the public have confidence in the prison system. It is crucial that they are assured that any privileges earned in prison are gained through hard work and appropriate behaviour. In light of this, I have asked officials to conduct a review of the policy around the incentives and earned privileges scheme for prisoners. There maybe important operational reasons for aspects of this policy but I want to be clear that these incentives are pitched at the right level and that they have credibility with the public.

### **New Prisons Bill to Block Mobile Phones**

*Ministry of Justice, 09/11/12*

A Bill providing new powers to block mobile phone signals in prisons had its second reading in the House of Lords today. The Prisons (Interference with Wireless Telegraphy) Bill has the backing of the Ministry of Justice and will enable Ministers across Britain to authorise Governors to use technology to detect and disrupt the use of phones in prisons. This will assist in reducing the intimidation of witnesses, disrupt the supply of drugs and contraband into prison, and impede criminal activity orchestrated by prisoners from their cells. In 2011, over seven thousand illicit phones and SIM cards were found in prisons in England and Wales

The Prison Service has been trialling a range of mobile phone signal denial technology in a number of prisons. It has been working closely with mobile network operators and Ofcom to ensure that the equipment does not interfere with mobile phones outside prison walls.

Prisons Minister Jeremy Wright said: 'We are determined to address the risks posed by mobile phones in prisons and we fully support this Bill. The new technology to locate smuggled mobile devices or render them useless will play an important role in tackling illegal activity in prisons. Prisons work hard to tackle the consequences of phones in prison but clearly the problem persists.

This will be an invaluable tool to combat this serious issue.' The Private Members Bill has been brought forward by Sir Paul Beresford in the House of Commons and Lord Laming in the House of Lords. It is a criminal offence to take a mobile phone into a prison, possess a mobile phone in prison or, to transmit a signal from inside a prison. The offences carry a penalty of up to two years' imprisonment and/or an unlimited fine.

### **Next steps for Privatizing Prisons**

The latest stage of the competition for eight prisons and a new approach to competing services across the public prison estate were announced by Chris Grayling, Secretary of State for Justice on Thursday 8th November 2012. HMP Northumberland (an amalgamation of the former HMPs Castington and Acklington) and the South Yorkshire group of Moorland, Hatfield and Lindholme prisons will proceed to the next stage with three remaining bidders, Sodexo, Serco and MTC/Amey. This competition process produced a compelling package of reforms for delivering cost reduction, improvements to regimes and a working prisons model in these prisons. The current contract for HMP Wolds expires in July 2013 at which point the prison will move to public sector management. The competition process has also identified further and faster ways of securing future cost reductions. All public sector prisons will be obliged to make additional efficiency savings and the prison service will make collective savings by competing ancillary services, such as maintenance and resettlement services. The Ministry of Justice has estimated that these changes will generate £450m savings over the next six years.

### **G4S Lose Contract for HMP Wolds**

Was the Ministry of Justice administering popular justice when it stripped G4S of the contract to run the Wolds prison in east Yorkshire and did not select the firm for its shortlist of bidders for other prison contracts? In other words, was it pay-back for the company's Olympics security bungle?

It is impossible to be certain. A critical report on Wolds by the chief inspector of prisons, highlighting "clear weaknesses," could have been sufficient reason in itself to take administration back into the public sector. As for the new contracts, G4S was one of four companies not to be selected for the short list: its pitch may just have been poor.

residents are now thought to be foreign nationals, which is reflected in the percentage of people we are arresting. We will continue to explore every tactic to make London safer. Now we are looking to the future to develop a process that prevents foreign nationals from having the opportunity to offend in London in the first place. This may include Nexus checks being run on behalf of British Embassies abroad when people apply for visas to visit the UK. This is all designed to use every option to target those high risk people with a history of violence and crime, and prevent them from being able to repeat this on our streets. Nexus is dealing with those people who we catch offending, but also takes a long term preventative approach by stopping people from returning or being able to arrive in the first place."

Looking ahead to the future the Nexus teams will pass fingerprints, and other forensic markers, through databases around the world to see if people are known or wanted for offences in other countries. This is currently providing successful results through using the UKBA database.

In the five week period since the Nexus teams were rolled out in custody suites across London the MPS arrested 25,968 people. 6,988 (27%) were identified as foreign nationals. 155 of these were immediately detained by the UKBA for immigration matters, 25% of which have already been removed from the UK.

### **Activists Step up Campaign Against Secret Justice Bill**

*Sam Masters, Independent, Sunday 11 November 2012*

Human rights groups will start the firing gun on their campaign against Government proposals to allow national security evidence to be heard behind closed court doors under the so-called "secret justice" bill. Amnesty International, Human Rights Watch, Liberty and Reprieve will lobby against the Justice and Security Bill which is due to be debated in the House of Lords on November 19 and 21. The reforms have been described as a "real threat" to the principles of fairness and open justice while potentially allowing the Government to "hide the truth" on national security grounds. They have raised fears that inquests into police shootings, soldiers killed by friendly fire and other hearings with the potential to cause embarrassment to authorities could be held in secret.

Amnesty International last month produced a highly-critical study on the proposals which included testimony from 25 barristers and solicitors who have acted in cases where evidence had been heard in secret. "The Government wants a system where it can simply play the national security card whenever it wants," said Amnesty International's UK researcher Alice Wyss.

Opposing the bill are the widely-respected independent crossbench peer, Lord Pannick QC, Lord Beecham, the opposition spokesman on justice issues, Baroness Berridge the conservative peer, and Lord Strasburger, the Liberal Democrat peer. Clare Algar, the executive director of Reprieve, said: "It is not too late for ministers to think again before taking a wrecking ball to the British tradition of fairness and equality before the law which is an example to the world."

### **Twenty Civil Claims for Damages - Closed Material Cases**

*Owen Bowcott, The Guardian, Monday 12 November 2012*

Seven fresh claims for damages involving highly sensitive national security evidence have been made in the past year, the government has revealed. Three cases have been settled confidentially.

The influx of complaints – mainly from former detainees alleging mistreatment, false imprisonment or UK complicity in rendition – demonstrates, according to the Cabinet Office, why secret court hearings are required.

AC Rowley, in charge of Specialist Crime and Operations, said: "As London becomes an increasingly international city we need to make sure that we are as effective at catching or stopping offenders from abroad as we are domestic offenders. That applies equally to if an officer is arresting a burglar or proactively targeting a violent gang member. We need to be as effective as we are with the three quarters of offenders who are British, who we know more about. That requires better intelligence sharing and bringing them to justice through an increased range of options.

"We want London to be a safe city for everyone who lives here, and that includes the increasing number of foreign nationals who chose to call it home. This strengthened approach is about catching criminals, preventing violence and making our streets safer for everyone. Intelligence shows that 27% of all those people arrested for a criminal offence - 25% of the highest harm gang offenders and 15% of known sex offenders - are foreign nationals. Our closer collaboration with UKBA is about focusing on preventing risk on our streets for all of us, now and in the future. It is about operating quicker, smarter, with the best possible intelligence and practices."

Operation Nexus, designed and delivered by the MPS and UKBA, aims to maximise intelligence, information and world wide links to improve how we deal with and respond to foreign nationals breaking the law. When someone is brought into a custody suite for a crime the teams will run identity checks to find out everything they can about the person they have arrested to make sure we take the quickest and most affective action. When someone is arrested for burglary, police check if they are a repeat burglar, as that influences bail and charging decisions. Now the Nexus teams can run checks to establish if foreign nationals who are arrested are wanted abroad, have previous convictions abroad or are here illegally.

Nexus maximises all available intelligence in support of the MPS's commitment to proactively tackle those in London who pose the highest risk of harm to our communities, through being the most dangerous or the most prolific. This provides the police and UKBA with additional tactics to target those high risk offenders who are also foreign nationals. Initially, Nexus flags are placed on high harm individuals to make sure that they cannot get British Citizenship whilst cases are brought against them or whilst they are in the UK justice system.

Police then work to give the UKBA intelligence 'histories', which give a complete picture of how dangerous and harmful individuals are to bolster their own processes. Police draw together information on previous convictions but support it with details of relevant arrests despite no charges being brought, where they have been accused of breaking the law, cases where they have been victims or witnesses to violent crimes but refused to cooperate with police and an important list of gang or violent offenders associations.

Mark Harper, Immigration Minister, said: "I've been clear that we will take all possible action against individuals who pose a risk to the public and remove them from the country at the earliest opportunity. Through our combined work with the police we will use the full force of immigration powers on those who seek to commit crime and damage our communities. This operation has already successfully proven that foreign nationals who continue to offend in this country illegally will be arrested and removed from the UK."

Rob Whiteman, UKBA Chief Executive, said: "The ability to build on existing resources and share intelligence with MPS will allow us to target high harm offenders in London more effectively than ever before. The use of UKBA staff in police custody suites will make it even more difficult for people who are here illegally and enter the UK to abuse the immigration system."

AC Rowley concluded: "Around eight million people live in our city, and what all residents expect is a police service that does its utmost to keep them safe. 33% of those London

### **Early Day Notion 705: Prisons Privatisation**

That this House is extremely concerned at the Government announcement by means of a written statement of the privatisation of four more prisons, HMP Lindholme, HMP Hatfield, HMP Moorland and HMP Northumberland; believes that this decision should have been made as an oral statement to the House so that hon. Members would have had the opportunity to debate such an important issue and question the relevant Minister; notes that England and Wales have the highest proportion of privately run prisons in the world and that these prisons have been privatised without any evidence of how effectively private prisons operate and without proper debate; understands that further privatisation of prison work remains on the Government's agenda despite the increasing concern of the public regarding the Government's over-reliance on private companies to deliver public services; and calls on the Government to establish an independent review to consider the impact of prison privatisation on staff, communities and the public, as well as the processes involved in this privatisation programme. *Sponsor: McDonnell, John House of Commons / Date tabled: 08/11/2012*

### **Sri Lanka Prison Clash Leaves 27 Dead**

*guardian.co.uk, Saturday 10 November 2012*

Violence erupted at Welikada prison in Colombo when officers were searching the jail for drugs and illegal mobile phones. At least 27 people were killed and a senior police officer seriously wounded when a gunfight broke out in Sri Lanka's biggest prison which began when police came under fire from inmates, officials and police said on Saturday.

The army brought the violence under control before dawn and freed staff held hostage at the Welikada prison in the capital Colombo, jail officials and military said. The violence erupted when officers from the Special Task Force (STF), Sri Lanka's elite police commandoes, were searching the jail for drugs and illegal mobile phones. The STF used teargas and the prisoners fired at the STF," police spokesman Prishantha Jayakody said. "When they were coming out, prisoners started to attack them with stones. Witnesses said they saw police shooting towards the jail, where armed prisoners were on the roof during the clash.

The jail has about 4,500 inmates, including members of the former defeated Tamil rebels from the Liberation Tigers of Tamil Eelam (LTTE) movement that fought a protracted war of independence, ending in 2009, but officials said it was unclear how many, if any, of them had been involved in the uprising.

### **\$3 Million for a Life Shattered by a Wrongful Conviction**

A quarter century after he was falsely convicted, 52-year-old George Rodriguez has been awarded \$3 million from the City of Houston after a botched crime lab analysis landed him 17 years of jail time for a rape and kidnapping he didn't commit.

Mayor Annise Parker addressed Rodriguez in a press conference at City Hall and in a statement sent out by the city. "On behalf of the citizens of Houston, I want to apologize to you. You were an innocent victim of a faulty system and I am sincerely sorry for the injustice you suffered. You were an innocent victim of a faulty system and I am sincerely sorry for the injustice you suffered. There is no amount of money that can make up for the years of your life that have been lost to this ordeal. But, hopefully, this settlement will somehow help in moving forward with the rest of your life."

Rodriguez was convicted in 1987 for assaulting a 14-year-old girl based on false conclusions from the Houston Police Department crime lab. With the help of lawyers from the Innocence Project, he was released from prison in 2004. The conviction was commuted the following year. A fed-

eral court awarded \$5 million to Rodriguez in 2009, but the city quickly appealed and had the settlement tossed in 2011. Though the Innocence Project legal team started the lawsuit with a request for \$35 million, Rodriguez has settled with the city for \$3 million.

The multi-million-dollar settlement comes in the midst of ongoing tension between city and county approaches to forensic science — a conflict that continues to separate Harris County forensic cases from those examined by the Houston Police Department (HPD).

As the region's population expands and more labs are needed, a joint forensics department could save time and money while ensuring a level of quality and consistency. For now, however, local government entities remain divided on the issue, as Parker clearly indicated in the statement on the Rodriguez settlement.

Parker wants all HPD cases reviewed by the newly-created Houston Forensic Science Local Government Corporation (HFSLGC), a third-party organization free of political or legal interference. County leaders, meanwhile, have committed to their government-run Institute of Forensic Science, which recently opened a new DNA lab in the Texas Medical Center. "My goal is independence — a crime lab independent of police, prosecutors and political influence," she said. "We are well on our way toward a system that is arm's length from the police officers who make the arrests and from those responsible for prosecuting the accused."

#### **Jailed for a Crime she Didn't Commit: ECtHR Case Could be Costly for UK**

*Susie Mesure, Independent, Sunday 11 November 2012*

Lorraine Allen is an unlikely crusader for justice. The 43-year-old grandmother wants the world to forget that she was wrongly accused of killing her baby and leave her to get on with life. But first she needs the authorities to accept that she was wrongly convicted and make amends. That could happen this week when Europe's highest court for human rights hears Mrs Allen's plea for compensation 12 years after she was wrongfully imprisoned for shaking her four-month-old son to death. Her sentence was quashed in 2005 after medical experts threw into doubt long-held beliefs about so-called "shaken-baby syndrome" and she was acquitted. And yet, for Mrs Allen, née Harris, not being guilty hasn't been enough to make her innocent again in the eyes of the British legal system. For her, the nightmare will never end. "Everything was taken away. Everything but the pain and memories. They're mine," she said last week. "I try not to think about it but, now the date's coming up for the hearing, I'll probably be biting my nails off."

The landmark case, was heard on Wednesday 14th November (determination will take up to six weeks or more), in the European Court of Human Rights Grand Chamber, hinges on whether someone should be presumed innocent once their conviction has been quashed.

It is unclear how much Mrs Allen, originally from Derbyshire, stands to receive but any eventual figure could be substantial, with the government cap on compensation for miscarriages of justice standing at £500,000. She admits the money "would help financially", but she knows that no amount could give back her lost years and the lives of not one but two children. Tragically, on top of losing four-month-old Patrick, a baby born while she was serving her three-year term was taken away and placed for adoption less than 24 hours after she gave birth. "I spent the day with him, Joshua Michael I called him, in hospital. Then he got taken. Because of the offence, there was no chance of keeping him," she recalled, speaking in the cramped dining room of her small flat, which sits over a convenience store on a busy road in a town in northern England. She speaks softly and slowly, finding words hard. I have to tease out her story: she would rather "push away" painful memories than relive them. Her eyes fill with tears periodically and we stop, while she wipes them away. Her cat,

known simply as "Cat" because that's all her nearly two-year-old grandson Caleb can say, helps to break the tension, jumping up to be stroked.

Mrs Allen, who has moved from Derbyshire but does not want to disclose her new location, can't even hope for closure from this week's hearing. That was denied to her after Patrick's father, Sean Maguire, buried his son, unilaterally. "It would have been closure if I had got to go to the funeral, but that was taken away from me as well. When I rang up, to see if they were releasing him for the funeral, I got told it's already been done by his dad." She remains unable to explain how her baby died, two days after his third set of vaccinations on 4 December 1998, but takes me through what she remembers. "I took him for his injection in the morning. He started having sniffles in the afternoon. I wrapped him up, took him for a walk to see my ex's mum. I gave him a bath and settled him for the night. Later [around 1am], he was really, really chesty and having trouble breathing, so I phoned for the doctor. He came, saying he was fine." Again, a pause for tears. It has been many years since Mrs Allen, who had two daughters by another partner before she met Mr Maguire, has spoken to anyone about her ordeal, and it hurts. "The GP was there for about half an hour. Then I took him up to bed and tucked him up. When I woke up to check on him [about an hour later] he was still in the same position that I'd put him down in. I picked him up and he was all limp and floppy. I just panicked. I called me mum, then an ambulance."

Patrick was taken first to Derbyshire Children's Hospital, and then a specialist unit at Nottingham. He died the next day, with medical opinion still split over what caused the extensive bleeding behind his eyes, and blood over the surface of his brain. She tries not to tell anyone about her past. "People do judge, even though you've been cleared. Once they know you've been in prison, they point a finger. I don't think they realise it, but they do. If something goes wrong, they say, 'it must be them, because they've been inside'."

Her solicitor, Mike Pemberton, of Stephenson's, said: "The problem for the authorities was it was unclear why or how Patrick died. A question mark always remained over her innocence. [But] quashing the conviction meant she shouldn't have to prove it."

Hugh Southey QC, Mrs Allen's barrister, added: "The issue for the court is whether the UK has infringed her right to a presumption of innocence by refusing her compensation. Anyone who has been refused compensation on this basis will benefit. This is not an isolated case."

The case, which was heard by 20 judges, wound up in Europe after John Reid, then Home Secretary, refused an initial appeal for compensation in 2006. The High Court refused her attempt to challenge the decision by judicial review, and a subsequent appeal was dismissed in 2008. Meanwhile, Mrs Allen, who remarried six years ago, consoles herself that Joshua, the son she gave up for adoption, might choose to make contact. "There's always that hope," she said.

Burdens of guilt: Being jailed for a crime you didn't commit used to mean you were automatically entitled to compensation once freed. A decision by Home Secretary Jack Straw six years ago changed that. Now victims of miscarriages of justice have to fight for financial amends. A 2011 Supreme Court ruling laid out four parameters for a successful claim. Lawyers argue which cases tick the right box.

#### **Operation Nexus: Joint MPS and UKBA Working**

New ways of working by joint Metropolitan Police Service (MPS) and UK Border Agency (UKBA) teams based in every custody suite across London are already making London's streets safer, Assistant Commissioner Mark Rowley announced today, Friday 9 November.