

## Looked After Children And Youth Offending: Moves Can Hamper Rehabilitation

Children in care who are placed away from their home area and who have also offended are ill-equipped to lead productive and law-abiding lives and this must change, according to independent inspectors. Today they publish a report of a joint inspection on the work of youth offending teams (YOTs) with this group of young people.

The report, Looked After Children: An inspection of the work of Youth Offending Teams with children and young people who are Looked After and placed away from home, reflects the findings of HM Inspectorate of Probation, Ofsted and Estyn. Inspectors sought to find out how effectively YOTs worked with this small yet highly vulnerable group and how well they planned and co-ordinated their work with colleagues in other agencies.

Inspectors found that despite the hard work and effort of many YOT staff, the overall outcomes and future life chances for these children and young people are extremely poor. The fact that they were away from their home areas and were moved frequently militated against their chances of rehabilitation. The fact of being looked after could escalate a child into the criminal justice system.

Inspectors also found that: - although YOT staff worked hard to develop good relationships with these children and young people to deliver constructive interventions, many failed to appreciate fully the emotional impact of being looked after and in residential care; - often difficult to see from the assessments why many were placed away from their home locality; - being in care often meant that young people were brought into the criminal justice system at an earlier point than those who were not looked after; - aspirations that many workers, across all services, had for this group of looked after children were often low; - the lives of this group of looked after children were fragmented and links with family and friends were often disrupted, as were education and training opportunities; and - information-sharing between children's services and youth offending teams needed to improve.

Chief Inspector of Probation, Liz Calderbank, said on behalf of all inspectorates:

"This very specific group of children and young people are among the most damaged in the care system. By the time they are placed out of area it is likely that most will have had a number of placements fail. They are vulnerable and, in some cases, potentially dangerous. They need both protection and work to help them stop offending. At the same time, others may need to be protected from them. Work to engage, help and support them is difficult and is made significantly more so when they are moved around. While there is much commitment and hard work accorded them by YOT staff and others, agencies do not always work effectively together in the best interests of the child or young person. Despite the allocation of significant resources, they have poor initial and longer term outcomes." [End]

In Prison last Friday: 85,250 inmates - 81,197 males, 4,053 females

**Hostages:** David Norris, Brendan McConville, John Paul Wooton, John Keelan, 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, 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 403 20/12/2012)

### Terry Smith V Information Commissioner

First-tier Tribunal strikes out Appeal by Terry Smith for \*Exculpatory ANPR data disclosure  
When the appellant implored the Police and Crown from the witness box to disclose whether or not there were any Automatic Number Plate Recognition (ANPR) camera sites/ number plate readers in Brentwood, Essex, a senior Essex Police ANPR Inspector claimed there were none. Nor were there any ANPR activations of the Loomis van on the 98.9 mile dedicated Loomis 219 route throughout the highways and byways of Essex County that day.

Mr. Smith submitted a Freedom of Information Act request to Essex Police for the disclosure of the location of ANPR cameras sites in order to prove; firstly, there were ANPR cameras on the alleged route and; secondly, when Mr Smith drove through Brentwood, Essex, on the relevant day, he was not following any cash-in-transit vehicles and therefore he simply could not have committed the offence alleged by the Police and Crown at his trials. Essex Police refused to disclose the information, claiming legal privilege.

Undaunted and unstoppable in his pursuit of Justice, he took the next step, which was to appeal to the 'Information Commissioner', who on a technicality:

5. The test used by the Tribunal in dealing with summary dismissals has been the threshold test developed in Part 24 of the Civil Procedure Rules and considered by the Court of Appeal in Swain V Hillman & Gay. Since Tanner v ICO the Tribunal has adopted the Court of Appeal test from Swain V Hillman & Gay that the words in Rule 24.2 "no real prospect of being successful or succeeding" spoke for themselves and meant that the Tribunal had-to decide whether there was a "realistic" as opposed/to a "fanciful" prospect of success in terms of any appeal before it. - Stuck the appeal out!

However the Tribunal in its' concluding paragraph said: "17. I have sympathy for the Appellant in that he may be unable to prove that he has been wrongfully convicted without this information and therefore be unable also to raise this as a matter of public concern. To allow the Act however to be used on what is essentially a 'fishing expedition' for his personal purposes, would be to fly in the face of the legislative requirements and the purpose of the Act. There were other more appropriate avenues for obtaining this disclosure vis the criminal proceedings.

Frustrating though this will undoubtedly particularly be, given that the Appellant has failed to obtain disclosure through these mechanisms, the above reasoning does mean' that his appeal does not have a realistic prospect of success and I accordingly strike it out." [end quote]

Now that is a load of legal bollocks, in the first instance the judge states that if Terry obtained the information, which is available and that it is a matter of public concern and Terry could be able to prove he has been wrongfully convicted.

In the second instance and fatal for Terry, the judge rules, that rules rule, and Terry cannot have the information.

Terry Smith A8672AQ, HMP Swaleside, Eastchurch, Sheerness, ME12 4AX

\*Exculpatory evidence is the evidence favorable to the defendant in a criminal trial, which clears or tends to clear the defendant of guilt.

Terry Smith - Convicted of a Crime That Does Not Exist <http://www.mojuk.org.uk/2011/TerrySmith.html>

### Waiting to be Heard - By David Norris

My name is David Norris. I am a father of 5 children, who has been wrongly convicted of murdering/playing a part in the death of Stephen Lawrence back in 1993. I have no previous convictions for any offences of assault or possessing weapons. I have never claimed to be a model citizen, but I am completely innocent of this terrible crime and I am now serving a minimum term of 14 years imprisonment.

I personally believe that I was convicted one of two ways. Firstly, the contamination of the exhibits in this case through poor or non-existent anti-contamination procedures, stretching back over 18 years. Secondly, as a result of police corruption. I accept that I don't have much in the way of evidence to support this assertion, other than the clearly dishonest actions of DC Paul Steed. However, there have been numerous police officers' who have worked on this case over nearly two decades who have subsequently faced questions about their integrity.

I have been vilified in the press for almost twenty years. On two occasions I have even been called a 'murderer' on a front-page article in The Daily Mail, all without a shred of evidence to back up this claim. Former Metropolitan Police Commissioner's have stated that they know who killed Stephen Lawrence and the public know who he is talking about, which is a clear reference to me and the others initially arrested for this offence. I have been tried and convicted by the media before ever reaching a jury trial and the extent of the resulting damage to my reputation is such that I was never given an unbiased platform with which to put my defence at trial. The list of unfairness here goes on and on and on. Every high-level politician, police officer and member of the public have mentioned the 'Stephen Lawrence' case at one time or another and on every occasion the accusing finger has been pointed at me. This has been the case for so many years, but without having one credible shred of evidence. I was initially arrested as a result of malicious gossip and things have gone from bad to worse.

From the media coverage since 1993, how could it be possible that there would be twelve jury members in the country that have never heard of the Stephen Lawrence case and not formed their own opinion of my guilt, before a trial even commenced? For a start, all of the adverse publicity is still readily available all over the internet. What chance did I have of a fair trial after eighteen years of persecution? None. This has been a modern day witch-hunt and I have been convicted as a result of prejudice, not evidence.

Have we learnt nothing from history? 'The Birmingham Six', 'The Guildford Four', Colin Stagg, Barry George etc. All have been branded guilty by the media and as a result the general public, only to have those convictions quashed once the 'evidence' itself has finally been considered without bias. I played no part in the murder of Stephen Lawrence. I was not there when he was attacked. I was not identified as being at the scene, nor did I match the description of the attackers. There is no forensic evidence to link me to the scene of the crime. As was proved by my lawyers at trial, the exhibits associated with me are not mine and there is no credible evidence to suggest otherwise. I have no previous convictions for any offences of assault. The evidence used to convict me was so small you couldn't even see it with a naked eye, a 1-2mm hair with no root (mtDNA 1-400) and six green/blue cotton fibers, which could have come from anywhere.

All I ask for is that you read the statements with a clear, diplomatic and unbiased view. There is a lot of terminology regarding MtDNA & LGC protocols which may sound convoluted to you, which is why we have broken the expert's final summary's down into small absorbable pieces.

I would like to ask one question to those who are willing enough to read all on this site

The number of untried receptions – those remanded in custody awaiting trial – fell from 13,382 in the quarter ending June 2011 to 12,300 in the quarter ending June 2012, a fall of 8 per cent. This comprised an 8 per cent fall in the number of male untried receptions, while the number of female untried receptions was down 10 per cent over the same period.

The number of convicted unsentenced receptions – those remanded in custody awaiting sentence – fell by 6 per cent overall in the quarter ending June 2012 compared to the same period the previous year. Within this group, male convicted unsentenced receptions fell by 4 per cent (from 8,894 to 8,505) and female convicted unsentenced receptions fell 22 per cent (from 668 to 523).

*Prison discharges:* In the quarter ending June 2012, a total of 21,513 offenders were discharged from determinate sentences, no change from the quarter ending June 2011. Within this total, male discharges remained unchanged and female discharges rose by 4 per cent. A further 103 offenders were discharged from an indeterminate sentence for public protection (IPP) and 64 from a life sentence.

Although overall there was no change in the total number of offenders discharged from determinate sentences, discharges fell across all sentence length bands, with the exception of the '12 months to less than 4 years' band which rose by 3 per cent.: 'less than or equal to 6 months' fell 1 per cent; 'greater than 6 months to less than 12 months' and '4 years or more (excluding indeterminate sentences)' both fell by 4 per cent.

Those discharged from determinate sentences in the quarter ending June 2012 had served 53 per cent of their sentence in custody (including time on remand).

A total of 3,288 prisoners were released on HDC in the quarter ending June 2012, 3 per cent higher than in the quarter ending June 2011. Prisoners released on HDC in the quarter ending June 2012 spent an average of 2.9 months on HDC, up 5 per cent from the quarter ending June 2011.

*Licence recalls:* Over the period 1999 to June 2012, a total of 590,000 offenders were released from prison on licence supervision. Between April 1999 and June 2012, 143,000 of those released on licence were recalled to custody for breaching the conditions of their licence, e.g. failing to report to their probation officer. Of all those recalled to custody, only 976 had not been returned to custody by 30 September 2012. This total may include some offenders believed to be dead or living outside of the UK but who have not been confirmed as dead or deported.

Of the 976 not returned to custody by 30 September 2012, 117 had originally been serving a prison sentence for violence against the person offences and a further 33 for sexual offences.

During the quarter ending June 2012, a total of 4,052 offenders had their licence revoked and were recalled. By 30 September 2012, 3,975 of these recalled offenders had been returned to custody and 77 had not been returned to custody.

### Barack Obama's Crocodile Tears George Monbiot, The Guardian, 17/12/12

"Mere words cannot match the depths of your sorrow, nor can they heal your wounded hearts ... These tragedies must end. And to end them, we must change." Every parent can connect with what President Barack Obama said about the murder of 20 children in Newtown, Connecticut. There can scarcely be a person on earth with access to the media who is untouched by the grief of the people of that town. It must follow that what applies to the children murdered there by a deranged young man also applies to the children murdered in Pakistan by a sombre American president. These children are just as important, just as real, just as deserving of the world's concern. Yet there are no presidential speeches or presidential tears for them, no pictures on the front pages of the world's newspapers, no interviews with grieving relatives, no minute analysis of what happened and why.

small. Some processes needed to be better embedded, and black and minority ethnic prisoners continued to be less likely than white prisoners to be released on temporary licence and have access to paid or community work. Although practical resettlement services were good, offender management processes were in transition and were not yet good enough. The risks some prisoners posed were not properly assessed and so we were not confident they were getting the right interventions. Resettlement interventions for low risk and short-term prisoners were not planned.

Managers and staff at Ford are to be congratulated on turning round the prison after deep-seated concerns were exposed by a serious disturbance. This is still work in progress but HMP Ford now compares well with other open prisons. Overall, it provides a safe and decent environment, where prisoners are kept busy with good quality activity. Work to help prisoners resettle successfully after they are released and reduce the risk that they will reoffend has also improved, but these remain the areas where most still requires to be done.

### Offender Management Statistics

The prison population at 30 September 2012 was 86,457, a decrease of 1,044 (1 per cent) compared to 30 September 2011 when the total population was 87,501

The sentenced population rose by 629, or 1 per cent, from 72,777 in September 2011 to 73,406 in September 2012. This increase was driven entirely those serving long determinate sentences (4 years or more) which rose 5 per cent from 24,445 to 25,770. The short sentenced population (less than 12 months) fell over the last year, while those serving 12 months to less than 4 years remained stable.

The number of prisoners serving indeterminate sentences (either a life sentence or an Indeterminate Sentence for Public Protection – an IPP) remained stable at 13,685.

Within the indeterminate sentenced population 44 per cent were serving an IPP (6,020) while 56 per cent were serving life sentences (7,665). Among those serving IPPs, most had a tariff length of 6 years or less (1,172 had a tariff length of less than 2 years, 2,673 had a tariff length of 2 to 4 years, 1,239 a tariff of 4 to 6 years and 711 had a tariff length greater than 6 years). A total of 3,523 (59 per cent) IPP prisoners had passed their tariff expiry date. For those serving life sentences 2,303 had a tariff length of less than 10 years and a further 4,107 had a tariff length of 10 to 20 years and 996 had a tariff length of greater than 20 years. There were 45 offenders serving a whole life sentence as at 30 September 2012.

The remand population fell by 1,801, or 13 per cent, between September 2011 and September 2012 (from 13,550 to 11,749). This comprised a 12 per cent decrease in the untried population to 7,993 and a 16 per cent fall in the convicted unsentenced population at 3,756. Around 500 of this fall can be explained by a fall in the number on remand for offences related to the public disorder of 6-9 August 2011, as offenders have been processed through the courts and sentenced. More generally, the falling remand population is consistent with the falling number entering prison on remand.

The foreign national prisoner population was 10,951 as at 30 September 2012, accounting for 13 per cent of the prison population (the same proportion as in recent quarters). This figure includes NOMS operated Immigration Removal Centres (IRC's). When looking at the population excluding IRC's, 12 per cent were foreign national prisoners.

*Prison receptions:* In the quarter ending June 2012 there were 27,415 first receptions into prison, a fall of 6 per cent compared to the same period the previous year. Within this group, male first receptions were down 6 per cent and female first receptions were stable.

one thing. What would you do if you were me & you knew all these facts, statements & out of line police protocols?

In my view there is only one thing that an innocent man can do and that is to fight to clear his name, and this is exactly what I intend to do.

1. I was not Identified by any of the witnesses
2. I don't fit any of the descriptions given to police including prime witness Dwayne Brooks
3. No evidence I.E DNA, Fibres, Hairs, Saliva, of me at the murder scene
4. DC1 & DC7 are not mine & there is no DNA on these exhibits relating to me
5. I have no History of Violence

<http://www.freedavidnorris.com/> Note: Website Compatible With Human Rights Act - Article 19

### Report on an Announced Inspection of Maghaberry Prison

Inspection 19 - 23 March 2012, by Brendan McGuigan Chief Inspector of Criminal Justice in Northern Ireland and Nick Hardwick HMCIP, report compiled July/November 2012, published Monday 17th December 2012

Inspectors have made 93 recommendations and raised the following significant concerns:

- remains a prison which does not provide a sufficient level of safety and respectful treatment
- Maghaberry's own statistics confirmed there were unequal outcomes for Roman Catholic prisoners in several important respects, yet this sensitive issue was not being effectively addressed.
- A significant number have mental health problems and learning difficulties, while others are vulnerable because of their offences or disputes with other prisoners.
- Record-keeping by staff was poor
- Segregation unit regime was reasonable for those who were there for short periods, it was completely inadequate for prisoners who stayed for longer period
- Progressive Regime and Earned Privileges scheme, were overly-punitive
- Security could be overbearing and did not sufficiently relate to individual risk assessments.
- Many prisoners told us they had felt unsafe in the prison at some time.
- no effective monitoring of violent incidents to identify when and where they were likely to occur or how they could be prevented
- We remain concerned that the prison does not provide a sufficiently safe environment for those held there.
- We were concerned about the lax management of divertible medication and managers told us this was a significant cause of bullying in the prison. Very poor drug treatment processes were dangerous for prisoners.

Chief Inspectors' Foreword to the report: Maghaberry Prison is a complex and challenging establishment. It holds 1,000 men including remand prisoners, fine defaulters, lifers and a small number of separated paramilitary prisoners. A significant number have mental health problems and learning difficulties, while others are vulnerable because of their offences or disputes with other prisoners.

Previous inspections have been very critical of the way Maghaberry responded to these challenges. On this occasion significant weaknesses remain, but we found areas of improvement and assess the prison as having progressed by one level in three out of the four healthy prison tests, while respect remained the same. Despite these improvements the prison still has a long way to go.

The number of self-harm incidents was not high and arrangements for the support of

those at risk of suicide or self-harm had improved, though were inconsistently applied. The Donard Day Centre opened in 2011, and its multi-disciplinary team provided excellent care for some very vulnerable prisoners, and in many ways it was the jewel in Maghaberry's crown.

Record-keeping by staff was poor but professional relationships between staff and prisoners were better and delivered more dynamic security intelligence. While the Care and Support (Segregation) unit regime was reasonable for those who were there for short periods, it was completely inadequate for prisoners who stayed for longer periods. There was a good induction programme for new arrivals, but some were missed.

Some important features of prison life, such as the Progressive Regime and Earned Privileges scheme, were overly-punitive. Security could be overbearing and did not sufficiently relate to individual risk assessments. Nevertheless the introduction of 'free flow', which enabled most prisoners to move freely within the prison during the core day, was a major improvement and helped to normalise the atmosphere. The Dedicated Search Team, which we had grave concerns about during the last inspection, was no longer the pernicious influence it had once been.

Many prisoners told us they had felt unsafe in the prison at some time. There was no effective monitoring of violent incidents to identify when and where they were likely to occur or how they could be prevented. Despite high staffing levels, association and exercise areas were not adequately supervised. We remain concerned that the prison does not provide a sufficiently safe environment for those held there.

The introduction of mandatory drug testing was a good initiative and the structural arrangements for delivery of health services had improved. Unfortunately Maghaberry's health care department was disorganised and beset by staff shortages when we inspected, and this was having an adverse impact on clinical outcomes. We were concerned about the lax management of divertible medication and managers told us this was a significant cause of bullying in the prison. Very poor drug treatment processes were dangerous for prisoners.

At the time of the inspection, some separated Republican prisoners in Roe House were engaged in a dirty protest. The resulting conditions posed a threat to the health of prisoners and staff, but hygiene arrangements were being carefully managed and nobody had suffered any ill effects at the time of writing. The rest of Maghaberry was clean but suffered from considerable overcrowding. At the time of the inspection, 538 prisoners (more than half of the population) were sharing small, cramped cells that were designed for only one person.

Maghaberry's own statistics confirmed there were unequal outcomes for Roman Catholic prisoners in several important respects, yet this sensitive issue was not being effectively addressed. There were insufficient activity places available and prisoners spent too long locked in cells. A fully-employed prisoner could spend about nine hours a day out of cell on weekdays, but too many of those working were employed in unchallenging orderly roles, which offered nothing like a normal work environment. It was unsatisfactory that the 50% of prisoners who were unemployed spent up to 20 hours a day in their cells.

The new Learning and Skills Centre is an excellent resource so it was frustrating that staffing shortages meant it was considerably under-used. The learning and skills curriculum was too narrow and was not aligned to local labour market needs. Otherwise, there were more hopeful signs - the quality of teaching, training and learning was generally good, as was the provision of basic literacy and numeracy and English for Speakers of Other Languages; there was some innovative use of mentors in education; the library was a good resource and

Detective Superintendent Rich Baker, Head of Major investigation, told the Sunday Mercury: "Four men were convicted at court for the murders of Charlene Ellis and Letisha Shakespeare. This was a complex and lengthy investigation involving a large number of suspects and witnesses. "No murder investigation ever closes. We will always consider fresh evidence, intelligence or information. This is then considered in partnership with the Crown Prosecution Service."

#### **Report on an Announced Full Follow-Up Inspection of HMP Ford**

Inspection 13/17 Aug 2012, by HMCIP report compiled October 2012, published 13/12/12

- Black and minority ethnic prisoners continued to be less likely than white prisoners to be released on temporary licence and have access to paid or community work.
- offender management processes were in transition and were not yet good enough
- risks some prisoners posed were not properly assessed and so we were not confident they were getting the right interventions.
- Resettlement interventions for low risk and short-term prisoners were not planned.

Introduction from the report: HMP Ford is an open prison in Sussex holding 500 men. Shortly after our last inspection there was a major disturbance at the prison that caused significant damage.

Our report of that inspection noted that 'it does not explain - and certainly does not excuse the disturbance. It does, however, describe conditions in the prison one month before the disturbance took place ... HMP Ford was not without strengths but it was clear during the inspection that the trust on which the smooth running of the prison depended was in short supply, and the prison was failing to deliver its fundamental resettlement role effectively.'

Strengths at that time included prisoner safety and purposeful activity. Health care was good and prisoners were appreciative of the chaplaincy. But in addition to major weaknesses in staff-prisoner relationships and resettlement, the report described concerns about the availability of drugs and alcohol, a reducing but still too high level of absconds, apparent inequalities in the treatment of prisoners from black and minority groups, and prisoners' lack of confidence in the formal mechanisms for addressing their concerns. All in all, a pretty toxic mix.

This inspection found HMP Ford very much improved. Relationships between staff and prisoners had been transformed. In our survey, 72% of prisoners now told us staff treated them with respect compared with 49% at the time of our last inspection, and our own observations bore out this improvement. Individual complaints were now well managed and an exemplary prisoner council was part of effective arrangements for consulting with prisoners as a whole. Good use of prisoner orderlies was made in some key areas, such as reception and induction. Improved relationships were not restricted to staff and prisoners. Relationships between different departments in the prison had improved as well; staff co-operated effectively and there was little evidence of working in isolation from other parts of the prison.

There was now an enabling approach to security - helping operational departments do things safely rather than simply saying 'no'. This facilitated significant improvement in practical resettlement processes. In particular, the number of prisoners allowed to gain valuable experience and boost their future employment prospects by being allowed to work outside the prison had risen from 10 at the time of the last inspection to 120. The number of absconds had dropped year on year, the positive drug testing rate was well below target and the number of alcohol finds had reduced.

Strengths we had identified at the last inspection, such as health care and purposeful activity, continued but so too did some weaknesses. Some single cells used for two prisoners were too

*Families/friends of Marcus Ellis, Michael Gregory, Nathan Martin, and Rodrigo Simms, still resolutely maintain that all four men are innocent and will continue to fight to clear their names and get them released from prison*

**Gunmen From 2003 New Year Shooting Still Wanted By Police** *Birmingham Mail, 09/12/12*

Birmingham police have revealed that they are still investigating the 2003 new year shooting of Charlene Ellis and Letisha Shakespeare outside an Aston hair salon. The case remains open ten years on, Detective Superintendent Rich Baker, West Midlands Police Head of Major Investigation said. And murder cops are ready to look into any fresh evidence, intelligence or information offered by members of the public, which would be considered by the Crown Prosecution Service. It had been thought the jailing of four men in 2005 had brought the case to a close. But as the tenth anniversary of the shootings approaches, police still believe there were two more gunmen who fired shots from a car that fled the scene.

Detectives were given the names of the two other men who are understood to have driven a Vauxhall Vectra-type car in convoy with a red Mondeo which was later found burned out. The Vectra has never been recovered. Both men are prominent street gang members and are walking the city streets as free men today. Frustrated murder squad detectives say they are helpless to act without further evidence from witnesses to the machine gun attack at the Uniseven barbers shop on Birchfield Road in the early hours of January 2, 2003.

Letisha Shakespeare, 17, and Charlene Ellis, 18, were shot when they got caught up in crossfire in a botched Burger Bar gang attack against their deadly rivals, the Johnson Crew. Charlene's half-brother Marcus Ellis, 24; Michael Gregory, 22; Nathan Martin, 26, and 20-year-old Rodrigo Simms were all jailed for life for murder in a high-profile trial at Leicester Crown Court in 2005. A fifth defendant, Jermaine Carty, was cleared of possessing a firearm on the night of the shooting.

The landmark trial, where some witnesses were given unprecedented levels of anonymity, was marred by "serious and consistent attempts" to intimidate key witnesses, the Crown Prosecution Service later revealed. Incidents included the shooting of people suspected to have co-operated with the police with one such "hit" allegedly being arranged by gang members while they were sitting in the court's public gallery watching proceedings. Their main target was the prosecution star witness Mark Brown, a self-confessed drug dealer with close links to the Johnson Crew and who was the only person to name the killers.

Despite the convictions, the prosecution was unable to prove who actually pulled the triggers on the two unrecovered weapons involved, which included an old Spanish pistol, later found in the garden of an empty property in Handsworth.

Speaking after the convictions, Detective Superintendent Dave Mirfield, who led the investigation codenamed Operation Stansted, said the murder inquiry was not closed and officers were still following up further leads. He said it was "inconceivable" that the gunmen were able to plan and carry out the attack without assistance from other gang members.

Charlene and Letisha had gone to the party with friends after spending the evening at Rosie O'Briens night spot in Solihull where tensions between the two rival gangs were heightened when Carty began goading Burger Bar gangsters in a rap song he performed at the club. He is believed to have been the target and was standing outside the hair salon next to the two girls when the killers drove by and fired a fusillade of shots from a Ingram MAC 10 sub-machine gun, hitting both girls several times. Charlene's twin sister Sophie, their cousin Cheryl Shaw, and friend Leon Harris were injured.

physical education was very good.

Resettlement was the most positive aspect of Maghaberry Prison. Despite the range of prisoners held, there were good attempts to address the behaviour of both short and long-term prisoners including some prisoners on remand, and to meet the basic practical needs of those who were about to be released. Public protection arrangements were functioning better than when we last inspected. Some aspects of provision for lifers had improved, although the closure of the Belfast 'step down' facility for testing long-term prisoners in a less secure environment was a big loss and should be urgently redressed. Provision of offending behaviour programmes had improved since the new Offender Management Unit took over co-ordination, but not all needs were met. The visitors halls were cramped and noisy and visits did not start on time, although other support for prisoners' families such as the Quakers Visitor Centre, was very positive.

Maghaberry remains a prison which does not yet provide a sufficient level of safety and respectful treatment, with too many prisoners having little purposeful activity to do. Nevertheless, this inspection found signs of real improvement. Some excellent work was being done by individual staff in a context where professional relationships overall were improving, and investment in new facilities had created opportunities for further improvement. At a time of major reform throughout the Northern Ireland Prison Service, these improvements now need to be embedded in the culture and processes at Maghaberry so that the progress that has been made is built on further.

Brendan McGuigan, Chief Inspector of Criminal Justice in Northern Ireland November 2012

Nick Hardwick, Her Majesty's Chief Inspector of Prisons July 2012

**West Midlands 110 Quit Police While Under Investigation** *Birmingham Mail, 08/12/12*

A Freedom of Information request to West Midlands Police revealed 111 officers, PCSOs and civilian staff resigned or retired while under investigation between 2009 and 2012. And a total of 26 employees admitted or were convicted of criminal offences - while a further eight received cautions.

The Mail has also discovered two cops under investigation have remained suspended on full pay since 2010, eight since 2011 and two this year. The ranks of the police officers included three inspectors, one chief superintendent, three detective constables and 11 sergeants.

Of the 111 cases, a total of 51 employees were accused of discreditable conduct, while 22 faced allegations relating to honesty and integrity. Nine were being investigated over alleged failings to carry out duties and responsibilities, while seven were accused of not following orders and instructions. One police community support officer (PCSO) was accused of corrupt practice, and one cop faced allegations of oppressive conduct or harassment. Two other police officers were being investigated over assault claims.

Of the 111 employees who left while under investigation, the force determined that there were 74 cases to answer, including 48 against police officers. Nine cases are still ongoing.

Other figures released reveal that 36 West Midlands Police employees were sacked following misconduct hearings since 2009 - including 19 police officers. Thirty three employees, including 23 cops, were found culpable of dishonest behaviour at misconduct hearings. And a total of 91 workers received written warnings following internal disciplinary proceedings in the four years, while 58 were given management advice.

All misconduct investigations into force employees end if they resign or retire.

A police authority can only apply to take a pension from a police officer in certain cir-

circumstances, including treason, offences under the Official Secrets Act, or convicted of any offence connected to their job, and if they have been jailed for ten years or more. If a police officer is sacked the force can disclose that fact to future employers, but if they retire or resign during an investigation the force can state that they were facing disciplinary proceedings at the time they left. Three police officers have been imprisoned and a total of six convicted at court.

Ian Edwards, Chairman of West Midlands Police Federation, said: "There are certain circumstances where officers have left the force and let themselves down with regards to the office they hold. "In certain circumstances it is right and proper for corrupt officers to lose a percentage of their pension, if not all. But there are many circumstances where officers should not lose any of their pensions where they have committed offences or misconduct which were not connected to their job."

Chief Superintendent Rachel Jones, from West Midlands Police's Professional Standards Department, said: "An employee may offer their resignation but we do not have to accept it... even if they do resign we can still pursue any criminal matters against them and make a pension forfeiture application to the Home Office subject to their criteria. "In some cases it may be in the public interest to accept a police officer's resignation rather than going through a potentially long, expensive inquiry which is costly to the public purse. "Should anyone resign with disciplinary matters pending or in progress it will be officially recorded that they resigned whilst under investigation and would be disclosed to any prospective future employers should they contact us for a reference."

#### **EDM 835: Appeal B In The Matter Of C (Children)**

That this House notes the failure of the appeal of the parents against the adoption of their children in the case EWCA Civ 1487; further notes that the reason their children were taken into care was an allegation that one child had a fractured skull; further notes that there is evidence from 2007 that indicates that the child's skull was not fractured and instead fissured, but that this evidence was not given to the parents until after the finding of fact hearing; further notes that the second appeal failed because Munby rejected an appeal on 23 September 2011 against the finding of facts in part because new evidence was not provided to the court; further notes that this rejection was emailed in a scan of the judgment to the parents at 12.18 pm on 23 September 2011; further notes that the mother had been given a deadline for providing the new evidence of 4pm on 23 September 2011 and provided that new evidence at 11.30am on 23 September 2011; further notes that it is clear that the evidence given to the administration at 11.30am was not provided to the judge when the decision was made; and recognises with sadness that the failure of the court administration to provide the new evidence to the court for consideration on 23 September 2011 has resulted in a miscarriage of justice. Sponsor: John Hemming, House of Commons: 11/12/2012

#### **UK Pays £2.2m to Settle Libyan Rendition Claim**

*Dominic Casciani, BBC*

The UK government has agreed to pay £2.2m to a Libyan dissident and his family who say MI6 was involved in their illegal rendition. Sami al-Saadi and his family were forcibly transferred to Colonel Muammar Gaddafi's Libya in 2004. Their lawyers say the pay-out ends the family's legal action against the UK, in which they were arguing MI6 was instrumental in their kidnap.

Sami al-Saadi still wants the UK government to give an answer to the simple question: Were you involved in the kidnap of me, my wife and my children? The government of the UK has refused to either acknowledge or answer the request!

The allegations came to light during the overthrow of Colonel Gaddafi, when documents

six months to obtain a representative sample of cases.

The most prominent themes to emerge from the interviews with detainees were physical and mental health problems, lack of contact with families, and the stress of long-term detention in the context of difficulties faced in accessing good quality legal services. An examination of case files helped us to understand the reasons for initial and continued detention.

In most cases we examined, the decision to detain was defensible and properly evidenced, and most were progressed diligently and in line with legal and policy guidelines. However, given the importance of the decision to remove a person's liberty, we were concerned to find that in a quarter of the cases we reviewed, insufficient progress had been made with the person's case. Most of our sample comprised ex-prisoners.

Of these, we identified a number of instances where more could have been done to resolve their cases before the end of their custodial sentences. This is particularly disappointing given the ICIBI's finding in its report on the United Kingdom Border Agency (UKBA)'s handling of foreign national prisoners, that delays in decision making were potentially resulting in individuals being detained for longer than necessary.

In some cases, we also found that decisions to detain a person, or to maintain their detention, had not been made with reference to all relevant factors. In addition, monthly progress reports to detainees in some cases repeated information previously provided, rather than giving a meaningful update on what, if any, progress had occurred. Detainees experienced considerable difficulties in obtaining good quality legal advice and many had not applied for bail to an immigration judge.

Decisions to detain ex-prisoners were made at lower management level, while decisions to release had to be authorised by a member of the UKBA board. We remain concerned that UKBA has not implemented the recommendation in the ICIBI's report on foreign national prisoners that it should change the level of authorisation required to release such individuals in line with its own policy, which presumes release at the end of their custodial sentences.

We were also disturbed to find cases where there was a failure to consider evidence of posttraumatic stress and mental disorder in case reviews. This is in the context of recent judgments against UKBA establishing that four people suffering from mental illnesses were unlawfully detained and subject to inhuman and degrading treatment under Article 3 of the European Convention on Human Rights.

There was little evidence of the effectiveness of Detention Centre Rule 35 procedures, which are supposed to provide safeguards for vulnerable detainees, including those who have experienced torture and have mental illnesses. In one case a torture survivor was detained without it being at all clear what the exceptional circumstances were that led to his detention. We identified a similar case involving a victim of trafficking. Despite much effort at improving the system, we believe that further work is required. It is questionable whether the length of detention in some cases was necessary or proportionate to the legitimate aim of maintaining immigration control.

The evidence of poor casework needs to be addressed at every level; casework must be appropriately skilled and resourced, and subject to more effective quality assurance. Although all immigration detainees have a right to apply for bail to the courts, there is currently no routine independent system of reviewing cases that can identify and correct what we found during this thematic inspection. We have therefore recommended that an independent panel should be established to review the cases of all individuals who are held for lengthy periods. Where the panel recommends release, UKBA would be required to review the case and publish its response. We believe this would motivate change in the system, and ensure that some of the shortcomings that we have identified here are addressed.

was apologising for, since she still felt she lacked crucial facts. Sir Desmond emphasised that he had returned new stones, but then so had John Stevens and the retired Canadian judge, Peter Cory, who penned the reports that came before. Both left unturned stones for Sir Desmond, just as he has left others to be flipped in the future. His review substituted for the promised inquiry, but the lack of inquiry powers to commandeer evidence was less important than the fact he stuck to the documents, as opposed to cross-examining witnesses. The British government's plans for secret courts have sparked a fierce row because evidence that hasn't been tested is not really evidence at all. The Finucane case shows why this is not just a lawyerly slogan.

Take ex-minister Douglas Hogg, who weeks before the murder complained in the Commons about lawyers who were "unduly sympathetic" to the IRA, a statement nationalists warned would create assassination targets.

Mr Hogg may well have had no such intention, and yet – in the light of all the collusion documented – the victims are hardly going to take that on trust. If he had been put on the witness stand, and probed about where his view had come from, then the truth could have been thrashed out in public view. The same applies to all the other players involved. The gross expense and delays with the Saville report explain Mr Cameron's reluctance to order a repeat, but costs could have been capped without undermining the whole operation. That, regrettably, is the consequence of reviewing the evidence without testing it in the open.

### **Early Day Motion 853: Patrick Finucane**

That this House acknowledges the great effort by the Rt Hon Desmond De Silva QC and the sincerity of the Prime Minister's apology on behalf of the country to the family of the late Patrick Finucane; notes the depressingly large-scale collusion between state officials and loyalist killers revealed by De Silva; and calls for a full public inquiry into these events as being the only way to provide closure for the Finucane family, whose dignified campaign so moved the Prime Minister and the House, to reveal to the public and parliaments of both the Irish Republic and Great Britain the exact nature and extent of state collusion in loyalist murders.

Sponsor: Galloway, George House of Commons: 13/12/2012

### **Ineffectiveness and Impact of Poor Immigration Detention Casework**

Joint thematic review by HMCIP & Independent Chief Inspector of Borders and Immigration  
Introduction from the report: On any given day during the first quarter of 2012, around 3,500 people were detained under immigration powers, either in immigration removal centres or prisons. More than 40 people held in immigration centres had been held for over two years. While the courts have held that detention with a view to removal is only lawful if there is a realistic prospect of this occurring within a reasonable period, there is no statutory time limit on how long someone can be detained. A consistent finding of previous HMIP inspection reports and research is that detainees experience heightened levels of anxiety and distress as a result of their uncertain futures. Each individual detained costs nearly £40,000 a year.

Against this background our respective inspectorates worked together on this, the first thematic inspection conducted jointly by HM Inspectorate of Prisons and the Independent Chief Inspector of Borders and Immigration (ICIBI). Inspectors from both organisations examined in detail the quality and effectiveness of immigration casework and the human experiences that lay beneath the files and targets. In total, 81 detainees were interviewed, and their case files assessed. They included people held under immigration powers for both under and over

relating to the alleged agreement to transport the family were found in Libya. The documents, found in the office of Col Gaddafi's spy chief, stated that the UK had helped to organise the rendition. The UK still faces a further allegation of rendition from another Libyan

Human Rights Watch commented: The UK's compensation over its complicity in the torture and rendition of Sami Mostefa al-Saadi and his family, provides some relief but doesn't absolve it of the duty to hold those responsible to account. It's vital for the British police to continue their criminal investigation into his rendition and torture and for the government to convene an independent inquiry to look at wider UK complicity in overseas torture.

### **CIA 'Black Jail' Interrogations Were Torture**

Telegraph 13/12/12

The US suffered a significant legal rebuff on Thursday (13/12/12) after its use of "extraordinary rendition" and interrogations in CIA black jails was condemned as "torture" in a landmark ruling by the European Court of Human Rights in Strasbourg.

The ruling came in the case a German-Lebanese car salesman who was seeking compensation after being the victim of a mistaken "extraordinary rendition" in 2003 at the height of the CIA's campaign of abductions and interrogations after the September 11 attacks. It was hailed by civil rights groups as an "historic ruling" that would serve as a warning to European governments and put renewed pressure on the United States to acknowledge it had committed torture in its policy of 'rendition'.

Ben Emmerson, the UN special rapporteur on human rights and counter-terrorism, described the 92-page judgment as a "key milestone" in the struggle to secure accountability for "human rights violations committed by the Bush administration." The case of Khalid El-Masri caused an international outcry in May 2004 after he was dumped by US officials on a mountain road in Albania nearly six months after being wrongly arrested by Macedonian border guards as a suspected terrorist. Mr Masri, 48, who shared a name with a wanted al-Qaeda suspect, alleged he was held incommunicado for 24 days in Macedonia before being handed over to the CIA who 'rendered' him to a secret prison in Afghanistan known as the 'salt pit'.

The 17-member panel in Strasbourg found that Mr Masri's account had been established "beyond reasonable doubt", ruling that he had suffered both torture and inhumane and degrading treatment at the hands of the CIA and the Macedonia border guards. The court heard that on Jan 23, 2004 Mr Masri was handcuffed, blindfolded and taken to Macedonia's Skopje airport where he was handed over to the CIA. He was "beaten severely" by masked men, stripped, "sodomised with an object" and placed in a "nappy" before being "forcibly tranquilised" and chained to the floor of a CIA-chartered Boeing-737 which flew him to Afghanistan. Mr Masri was released in May 2004 after almost six months in captivity after going on two hunger strikes to demand to see a representative of the German government. Hair isotope analysis in 2005 supported his story, the court was told. The US has never apologized to Mr Masri for his ill treatment, although in 2005 the German Chancellor Angela Merkel said that the then US Secretary of State Condoleezza Rice had accepted that an "error" had been made in Mr Masri's case. In 2007 the German government issued arrest warrants for 13 CIA operatives whose names were discovered by the Spanish government in a separate investigation into the use of Spanish airports for rendition flights, however those warrants have never been enforced.

In 2006 Mr Masri attempted to seek redress in the US federal courts, but his case – like all other cases of post 9/11 torture and rendition – was summarily rejected on the grounds of preserving official secrets. Lawyers from the New York-based civil rights group which took Mr Masri's case to the European Court, hailed the judgment as "historic", saying it was the

first time that court had formally recognized that the practice of "extraordinary rendition" amounted to torture. "It is an historic ruling that puts the United States to shame for its failure to even acknowledge, let alone compensate, its torture victims," said Amrit Singh, a lawyer with the Open Society Justice Initiative. This is a country that prides itself in being a leader in the field of human rights and the rule of law and this is a judgment that unequivocally demonstrates that United States' moral standing in the world is severely diminished," she added.

The ruling also puts pressure on European governments to "fully account for their complicity" in the CIA's rendition program, added Jamil Dakwar, director of the American Civil Liberties Union which has also worked to seek legal redress for Mr Masri.

Barack Obama banned the CIA from using of so-called "enhanced interrogation techniques" just two days after his inauguration in 2008, however his administration has made no efforts to hold to account those responsible for torture in the Bush era. The powerful US Senate Intelligence Committee is poised to vote on a 6,000-page report into the use of torture after September 11, however it remains unclear how much of its contents will ever be made available to the public. The US has never formally commented on Mr Masri's case. A request for comment from the US State Department was not answered at the time of publication.

### **Finucane Lays Bare the Amoral Face Of Britain**

Editorial:Independent, Wednesday 12 December 2012

Here were army, police and MI5 officers coolly deciding who should live and die

In an earlier case involving deaths arising from the Northern Ireland Troubles, Lord Denning rejected an action by the Birmingham Six, saying that their success would mean the police were guilty of violence, threats and perjury. This, he said in court, was such an appalling vista that every sensible person would say it could not be right for the action to proceed. In the Commons today David Cameron frankly acknowledged that Sir Desmond de Silva's report on the murders of Pat Finucane and others had exposed another appalling vista.

It was not the first time that the Prime Minister had delivered a forthright and straightforward apology for something that happened in Northern Ireland: he won huge praise for doing so over Bloody Sunday. Fewer died in the Finucane episode than on that occasion, yet some may think it was even more deplorable in that it involved far more than an army unit that went out of control.

Intelligence is supposed to be about saving lives, but this report paints a picture of army, police and MI5 officers coolly and methodically making decisions about who should live and who should die. Most of the agents and informers used to infiltrate the paramilitaries were themselves actively involved in terrorism: amid the paramilitary squalor there are few moral absolutes. Yet the de Silva report lays out in 500 pages of intricate and unsparing detail a saga that Mr Cameron several times today – entirely correctly – described as shocking.

In the case of Pat Finucane, intelligence agencies were aware of several threats to his life but did not alert him to them. The last threat reached MI5 in December 1988: less than two months later he was dead, shot 14 times with a gun stolen from the army. Far more attention was paid, the report concluded, to individuals under threat of attack from the IRA. It uncovered one MI5 memo which remarked that the head of Special Branch was "unlikely to trip over himself" to safeguard republicans regarded as a thorn in the side of the security forces.

The report confirms that state agents played key roles in the murder, actively facilitating the assassination, and that the loyalist organisation involved obtained around 85 per cent of its information from sources within the security forces. In sum, the report concluded – and the

Prime Minister accepted – that there was considerable doubt whether the solicitor would have been murdered without the involvement of elements of the state.

After the deed came a cover-up of startling proportions. Police and army intelligence moved heaven and earth to obstruct successive inquiries. They lied, the report concluded: they may even have started a fire that broke out in Lord Stevens' office during his investigation. Army officers and defence officials, the Prime Minister said grimly, gave the Secretary of State for Defence "highly misleading and factually inaccurate advice". Only the Cabinet of the day was exonerated, the report finding no trace of ministerial knowledge of what went on.

Mr Cameron gave every appearance of meaning it when he said he found it all "really shocking", while ruling out a full public inquiry. And on the face of it, that is right, in that Sir Desmond de Silva has probably uncovered what there is to uncover. But it is not just the continued pressure from the Finucane family that militates for a full inquiry. The depth of the depravity, the cynicism of the cover-up and the complicity of the state are all so reprehensible – and so contrary to everything this country stands for – that something more is surely required.

### **Pat Finucane Murder: Collusion, Contrition, But Not The Whole Truth**

The authors of the previous two reports left unturned stones for Sir Desmond de Silva, just as he has left others to be flipped - Editorial: The Guardian, Wednesday 12 December 2012

Perhaps the best speech that David Cameron ever made came in June 2010, after he received the Saville report into Bloody Sunday. The then-new prime minister was also the leader of the Conservative and Unionist party, but that historical inheritance did not stand in his way as he made a clean break on Britain's behalf, and apologised for the army having fired the first shots in 1972 on Derry's deadliest day. He applied soothing balm to ancient wounds, and there were half-jokes about him being hailed as a hero on the city's republican streets.

On Wednesday, the same Mr Cameron received Sir Desmond de Silva's review of the state's involvement in the 1989 murder of the human rights lawyer, Pat Finucane, and he duly dusted down the same oratorical record. He spoke of "shocking" official "collusion" in a horrific killing in front of young children, and yet such remarkable words failed to exert the same effect this time. They were immediately undermined when Mr Finucane's family put on a dignified appearance at a press conference, in which they suggested that the de Silva review had failed to root out all of the facts.

At first blush, the family's reluctance to embrace Sir Desmond's conclusions might appear odd. He had, after all, described a time and place in which the security services infiltrated terrorist outfits, acquired information on murderous plans, and then treated these selectively. When the state got wind of a loyalist plot to blow up Gerry Adams, this particular murder was deemed likely to produce chaos, and levers were pulled to prevent it. Other victims, and Sir Desmond does not pretend that Mr Finucane was the only one, were less lucky. An army unit picked up on threats, but – even where it passed these on – the RUC duly did nothing. The British state blundered into a sectarian civil conflict and, when it was not actively fighting itself, it was trying to get a grip on a messy business in very messy ways. Put that way the situation may be understandable, but it was plainly not acceptable. In the traditional fashion of establishment reports, Sir Desmond set up the idea of an "over-arching state conspiracy" only to knock it down, although the world of agents, infiltration and deathlists that he describes would fit with what most people would think of as sinister plots, whether over-arching or not.

So why was the family dissatisfied? Geraldine Finucane is no irreconcilable: the widow went out of her way to accept Mr Cameron's apology in good faith. Yet it was, she said, unclear what he