

### Unannounced Full Follow-up Inspection of HMYOI Werrington

Inspection 27/31 Aug 2012 by HMCIP, report compiled December 2012, published 12/03/13  
Inspectors had concerns: - HMYOI Werrington holds up to 160 boys, most of whom were 16 or 17 years old. It had slipped back in a number of important areas since its last inspection in 2011. - there was a high level of fights, and there had been a few very serious assaults; - We saw evident opportunities for bullying, and threats were still shouted unchecked from windows at night. - At times during the inspection the atmosphere was tense. - staff had low expectations of the boys and poor behaviour was often not challenged; - boys had low expectations of the staff, with comparatively few saying they would tell staff if they were being bullied, and little confidence in the complaints system as a means of resolving problems; - education and training classes were not of sufficient quality or quantity and staff shortages meant classes were frequently cancelled; - there were few opportunities for outside exercise. Only one in 20 young people told inspectors they could exercise in the fresh air every day compared with the one in two inspectors normally see; - the environment had deteriorated and much was shabby.

Nick Hardwick said: "Overall, Werrington had become unbalanced. In many ways it provided an appropriate caring environment that recognised the vulnerabilities of the children it held. But that was not enough. Staff were the adults in charge and their expectations about the behaviour of young people needed to be demonstrably clear and consistent. They needed to be more determined that young people, who had often been failed so badly by the education system in the past, were not also failed by the education and training provision at Werrington. For that to be so, and Werrington to be back on track, the weaknesses identified in this report need to be quickly addressed."

### Ending Crime Bosses Free Ride at the Taxpayers' Expense

Amendments made to the Crime and Courts Bill announced today will put an end to millionaire criminals refusing to reimburse the taxpayer for the free legal advice they receive. Under the current system, wealthy defendants can have their assets 'frozen' – making millionaires eligible for taxpayer funded legal aid that is designed to protect the poorest and most vulnerable. Now, legal aid costs could be seized from 'frozen' assets, alongside compensation for victims and the proceeds of crime - making sure that the taxpayer is not left to foot the bill.

Justice Secretary Chris Grayling said: 'The principles of fairness and equality are fundamental to our justice system. It's high time the legal aid system was made fairer to the taxpayer; putting an end to crime bosses getting a free ride at the taxpayers' expense.'

Prison population last Friday: 84,505 - Male 80,547 - Female 3,958

**Hostages:** Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, 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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### HMYOI Ashfield Punished Children Unlawfully, Breaching Article 6 ECHR

In a judgment handed down today, Friday 8th march 2013, Mrs. Justice Nicola Davies ruled that privately managed, HMYOI Ashfield had violated the right to a fair trial protected by Article 6 ECHR of seven of its' inmates all aged 17 at the time, who were serving a custodial sentence for a serious criminal offences.

On 2 February 2012 the claimants jointly, together with a number of other detainees, took part in a concerted act of indiscipline. As a result the claimants lost certain privileges, MB and B were placed in the segregation unit and all were the subject of further adjudications .

Staff failed to provide essential documents to prisoners or their legal representatives in advance of adjudication hearings, even when inmates faced the possibility of additional days' imprisonment. She criticised the prison for its "wholly inadequate system" for disclosing case papers and found that senior staff had a "woeful absence of knowledge" of their legal duties.

The seven children were removed from association and kept in isolation after the incident. Two of them were placed in the segregation unit but five of them were subjected to an informal local 'shadow segregation' scheme, which SERCO operated at Ashfield. This scheme was referred to by SERCO as 'restriction on the wing' and involved the boys being confined to their cells for 23 1/2 hours a day. The High Court has ruled that this scheme was unlawful. It was "segregation by another name, beyond the provisions of YOI Rule 49 and its critical safeguards."

A blanket ban from the gym was also imposed upon all the boys, for a two week period. The court has also found that this was a punitive measure, in breach of the YOI Rules They were also awarded additional days' imprisonment (90 days in total) by the Independent Adjudicator arising from the same incident. However his findings of guilt and the award of additional days were quashed by the High Court (Mr. Justice Singh) in May 2012

Frances Crook, Howard League for Penal Reform, said: "This judgment confirms what we have been saying for a long time, and what the government has now recognised - Ashfield is no place for a child. If staff don't know what the prison rules are and make them up as they go along, how can children be expected to comply and learn to be good citizens? Ashfield is an unsafe establishment run for profit which has seen appalling levels of violence, with 1,039 assaults recorded last year, as well as excessive use of restraint. We are very pleased that it will no longer hold children. It was encouraging to see that, only a few weeks after this case came to the High Court, ministers decided that Ashfield should be re-rolled."

The court heard that the boys were punished after they were involved in a protest on an astro-turf pitch at the prison. The incident was witnessed by a district judge, who was visiting the site in his role as an Independent Adjudicator. Despite being invited to recuse himself from either conducting the boys' adjudication hearings or passing sentence, he declined and imposed additional days' imprisonment on each of them. A claim against the Independent Adjudicator was settled in the boys' favour last year. The additional days were taken off their sentences - 90 days in total.

Research by the Howard League, conducted independent of this case, reveal that children at Ashfield were given extra days totalling more than five years' imprisonment between January 2010 & April 2012 - far more than any other children's prison in England and Wales.

### **Firkin Brothers' Murder Convictions Questioned After Cell Witness Jailed**

The conviction of Robert and Lee Firkins, who were ordered to serve a minimum of 26 years for one of Cornwall's most notorious murders has been cast into doubt, the BBC has learned. A key witness in the case of the killings of Graham and Carole Fisher has been convicted of working as a hitman and carrying out a murder. Lawyers for the brothers say that discredits his evidence, and they plan to challenge the convictions.

Mr and Mrs Fisher were shot and beaten to death near Wadebridge in 2003. Following a lengthy trial at Exeter Crown Court, the Firkins, from Weston-super-Mare, were convicted of the killings and sentenced to life in prison. The evidence against the brothers - by the admission of senior detectives who investigated the murders - was not strong.

The testimony of a witness who shared a cell with Robert Firkins, and told the police Firkins had confessed to the crime, was central to the trial. The law forbids the naming of the man - known as Witness Z - to protect him from reprisals. But he told the court Robert Firkins said to him, "Watch Crimewatch and you'll see my work". The BBC programme featured the murder of the Fishers. Witness Z's evidence was the subject of heated legal argument at the trial, with the defence contending he could not be trusted. But the judge decided it could be put before the jury.

Now the BBC has learned of a court case in which Witness Z was convicted of being hired as a hitman and carrying out a murder. Lawyers for the Firkins say that undermines his integrity to such an extent his testimony in the trial of the brothers cannot be considered safe and reliable. They now plan to try to overturn the brothers' convictions.

As the case has already been heard at the Court of Appeal, the lawyers say they will go to the Criminal Cases Review Commission, which investigates alleged miscarriages of justice. It has the power to reinvestigate a case and send it back to the Court of Appeal. The Firkins have always denied the murders, saying they were seeing relatives and visiting a pub at the time.

In 2011, Lee Firkin took his case to the European Court of Human Rights in Strasbourg, arguing his right to a fair trial had been breached. His legal team said the jury of "non-lawyers" could not be expected to understand fine legal points, particularly the strictly limited relevance of the "cell confession". However, the court's Registrar President, Lawrence Garlicki, rejected Firkin's complaints, saying they were "manifestly ill-founded".

Analysis: When I covered the trial of the Firkins, almost seven years ago, it was striking how downbeat senior police officers were in their expectation of securing a conviction. They quietly conceded the evidence against the brothers was far from compelling, and that Witness Z was a fundamental part of their case. This revelation about Z's subsequent conviction for the most grievous of crimes has caused significant concern among the investigation team. Whether his testimony should ever have been heard by the jury was long disputed. Now that argument about its reliability - so very central to the case against the Firkins - looks set to be revisited. Simon Hall BBC

Comment Hickman & Rose Solicitors: The Court of Appeal has ordered the Criminal Cases Review Commission to investigate the evidential basis of the conviction in the case of H&R client Lee Firkins. Lee, with his brother Robert, was convicted in January 2006 of the murder of Graham and Carol Fisher at Perch Garge at Wadebridge in Cornwall. It was an exceptionally brutal murder which shocked the local community. No forensic evidence was found which connected anyone with the killing. The prosecution of the Firkins brothers on the basis of an alleged cell confession was strongly contested, and they still continue to assert their innocence. H&R partner Jane Hickman has represented Lee throughout and continues to fight his case in the Court of Appeal. Jane said: "this conviction causes me great anxiety. The quality of the evidence against my client was extremely poor. This is a case which simply will not go away."

ed to improve; - the promotion of diversity was limited and inspectors identified differing and negative perceptions from various minority groups. And it was clear that the prison needed to be more active in identification, engagement and consultation with these groups.

Introduction from the report: Forest Bank is a local prison in Manchester holding up to 1,364 adult and young adult male prisoners. Open for 12 years, the establishment is privately run under a 25-year private finance initiative contract by Sodexo Justice Services. When we last visited in 2010, we found a good local prison where improvement was evident. This broadly remains the case, with the establishment performing well against most of our healthy prison tests, although we did see some deterioration in the quality of activity and learning and skills provided.

Forest Bank operates in a challenging inner city environment but there was clear evidence that it attaches great importance to the task of keeping people safe. A number of safety concerns we raised at our last inspection had been addressed and, although the number of violent incidents was still significant, there were indications that the prison's approach was leading to improvement. Use of force was also low. Most vulnerable prisoners indicated that they felt safe, and the prison had reasonably good arrangements to support and help those in self-harm crisis.

Security was applied in a way proportionate to risk and facilitated the running of the prison. The incentives scheme was used innovatively to encourage positive behaviour, although some aspects of its supervision required improvement. The number of prisoners segregated was relatively high. The segregation environment was reasonable and there was some care planning, but the regime was limited and oversight and governance needed to improve.

The prison's approach to confronting the supply of drugs was effective and there were some very impressive interventions to support opiate-dependent prisoners. More than 200 prisoners were receiving a range of interventions, with evident good practice, from a well-integrated team.

The environment was modern, clean and bright, and access to amenities was good. Staff prisoner relationships were respectful, although the promotion of diversity was limited. We identified differing and negative perceptions from various minority groups, and it was clear that the prison needed to be more active in identification, engagement and consultation with these groups.

Our principal concern at this inspection was the provision of activity. Time out of cell, generally, remained reasonably good with many prisoners achieving at least six hours a day out of cell, even if engaged in activity only part time. However, we still found over 40% of prisoners locked up doing nothing during the working part of the day. The provision of learning and skills was drifting. There was no needs analysis and the use of data to support quality improvement was lacking to the extent that we were not assured that learning outcomes were meaningful. The frustration of prisoners was evident and too few thought their learning experience would be of benefit on release. Vocational training was better, though limited, and plans to replicate a full working week in workshops had only been partially successful.

Work in support of resettlement remained a strength. A key advantage for the prison was that most prisoners came from homes within an 18-mile radius. There was a good assessment of need and good links with local services, leading to a significant increase in the number of prisoners benefiting from the integrated offender management initiative. Resettlement interventions were also generally very good, although custody planning for shorter term prisoners was lacking. Overall this is a good report. The prison works in a difficult context but manages the risks it faces reasonably well. Strengths such as the quality of the environment and local connections are maximised, and the prison remained safe and respectful. However, we would encourage renewed effort to improve the quality of the regime so that more prisoners will be required to use their time purposefully.

**Preventative detention – Ostendorf v Germany** - The case concerned a football supporter's complaint about his four-hour police custody in order to prevent him from organising and taking part in a violent brawl between football hooligans. The Court found that Mr Ostendorf's police custody had been justified under Article 5 § 1(b) as detention "in order to secure the fulfilment of an obligation prescribed by law". It held in particular that his custody had served to fulfil the specific and concrete obligation on Mr Ostendorf to refrain from arranging a brawl between opposing groups of hooligans at a football match on 10 April 2004

#### **'Forgotten' Solitary Confinement Prisoner Wins \$15.5m**

A man arrested for suspected drink driving who was held in solitary confinement for nearly two years after prison authorities "forgot" about him has accepted a \$15.5 million settlement, one of the largest ever US civil rights payouts to a prisoner. Stephen Slevin, 59, who was never convicted, spent 22 months in a New Mexico jail cell, where his toenails grew so long that they curled under his feet, he developed bedsores and fungus and fell into a state of delirium. He even had to pull one of his teeth out because he was not allowed to see a dentist. His lawyer, Matthew Coyte, said the "very large" payout "does not give back to Mr Slevin what was taken from him, but if it prevents others from enduring the pain and suffering he was subjected to, then the fight has been worthwhile. His mental health has been severely compromised from the time he was in that facility. No amount of money will bring back what they took away from him, but it's nice to be able to get him some money so he can improve where he is in life and move on."

#### **No Welsh police Corruption Prosecutions Despite Scores Of Complaints**

In Freedom of Information responses to questions from Plaid Cymru, the four Welsh police forces disclosed that none of their officers ended up in court after internal inquiries found them culpable. While three of the forces went as far as disciplining officers who had allegations upheld against them, Dyfed-Powys Police failed to take any action against officers. Between April 2008 and December of last year, Dyfed-Powys Police recorded 80 allegations of improper disclosure, 36 allegations of corrupt practice and 141 allegations of irregularity in evidence/perjury. Only 16 of these allegations were upheld. In answer to the question about what disciplinary action or criminal prosecutions have resulted from the upheld allegations, the force replied: "I can confirm that there is no information held by Dyfed-Powys Police. This is as a result of the fact that none of the 'upheld' allegations...resulted in disciplinary action or criminal prosecutions." Wales Online March 10th 2013

#### **Unannounced Inspection of HMP/YOI Forest Bank**

Inspection 9 –19 Oct 2012 by HMCIP, report compiled December 2012 published 06/03/13  
Forest Bank holds up to 1,364 adult and young adult male prisoners and operates in a challenging inner city environment. It is privately run under a 25-year private finance initiative contract by Sodexo Justice Services. When inspectors last visited in 2010, they found a good local prison where improvement was evident. This broadly remains the case, although there was some deterioration in the quality of activity and learning and skills provided.

Inspectors had some concerns: - over 40% of prisoners were locked up doing nothing during the working part of the day; - the provision of learning and skills was drifting, and there was no needs analysis or data to support improvements in quality; - the number of prisoners segregated was relatively high, and oversight and governance of the segregation unit need-

#### **Child Deaths in Custody - Learning lessons**

In 2011-12, my office had the mournful responsibility of investigating three apparently self-inflicted deaths of children in Young Offender Institutions (YOIs). These were the first such child deaths since 2007, although we have also investigated 38 self-inflicted deaths of young people aged 18 to 21. The origin of this bulletin lies in the request for advice on any collective learning emerging from these investigations which was made to me by the Minister for Prisons and Rehabilitation, Jeremy Wright MP. This is absolutely appropriate: the death of three children in such circumstances is a tragedy that compels all those in authority to make every effort to ensure that lessons are learned as quickly as possible and effective steps taken to avoid any repetition. My investigations, individually and collectively, have a role to play in this - hence the production of this bulletin. It is anonymous and briefly draws out several recurring concerns that arise from the three investigations (which will be published after the inquests). The bulletin suggests the early learning that might help avoid such tragedies in future - and ensure children in custody are better safeguarded. I hope these lessons are learned. "Throughout this report we use 'young people' to refer to children and young adults eligible to be held in YOIs (aged under 21 or sometimes 22). Nigel Newcomen CBE, Prisons and Probation Ombudsman

*1. Allocation:* The three children were extremely vulnerable but, following the court decision to place them in custody, there does not seem to have been sufficiently detailed consideration given to the best placement to help manage their vulnerability. In two of the cases, when it became clear that the boys were struggling to cope with a normal YOI regime, they were not moved to specialist units within the YOIs despite alternatives being available.

In two of the cases, the respective Youth Offending Teams (YOTs) had recommended placing the children in a Secure Training Centre (STC) rather than a YOI. In both cases, the reason given was the child's vulnerability. Only one of the recommendations expanded on this to explain the nature of the vulnerability as learning difficulties, bullying and thoughts of suicide while he had been held in the YOI before sentencing.

Neither recommendation for an STC placement was acted upon. In one case, the recommendation was not communicated to the court so the Youth Justice Board (YJB) were only able to allocate to a YOI (the law has since changed to allow flexibility). In the other case, the reasons why the placement recommendation, made by a YOT worker who knew the child, was rejected by the YJB were not documented. An alternative to either an STC or YOI placement was the Keppel Unit (a specialist YOI unit reserved for the most vulnerable), but this was discounted.

Once at the YOIs these two boys continued to show signs of extreme vulnerability including withdrawing from social contact and self-harm. Both of the YOIs had units for vulnerable individuals and those experiencing some form of crisis. These units have fewer young people and more staff to allow more intensive support. In both cases a move to the wing was considered and proposed. Both boys were initially resistant to a move and this in effect acted as a veto. As it was considered to be in the children's best interests to move, more active measures should have been taken to promote the benefits, such as arranging for them to visit the units and involving others such as families or the YOT workers in the discussions. Given their young age and the concerns of staff, including known bullying in one case, an enforced move may have even been appropriate. When one of the boys changed his mind about relocation there was no-one who had clear responsibility for acting on this and a transfer was not arranged.

There were different issues in the third case. The boy's vulnerability was less apparent, although his YOT worker had identified that he often hid his emotions. He also had some

characteristics indicating increased risk, including it being his first time in custody and his status as a looked after child. However, he appeared to staff to be settling in to the YOI and socialising with the other young people. An incident where he behaved in an aggressive manner towards an officer led to him being moved from the induction wing earlier than usual and before he had completed his induction. Increased vulnerability due to his static risk factors and the change in circumstances do not seem to have been considered in this sudden move, nor the possibility of his challenging behaviour being a mask for acute distress.

2. *Sharing Information:* Concerns had been identified about the risk of self-harm for all three boys before they entered the YOIs. In particular, one boy was known to have self-harmed shortly before entering custody. Risk was recorded and reported in different ways for each child: a pre-sentence report, a 'Risk of Serious Harm' form completed after sentencing and a Person Escort Record (PER). Risk was also recorded inconsistently across the different records and forms for the same child - partly due to different approaches taken by different agencies, partly due to poor recording, and partly because of confusion about the relevance of certain information.

In one case, an incident of self-harm identified in police custody was shared with escort staff but not with the court custody staff. The court could have raised a self-harm warning form to notify the YOI on his arrival there, instead there was only an undated note in the PER about self-harm which was taken as a historical event and given little consideration. The YOT worker for another of the boys had recommended that an ACCT be opened upon arrival. This did not happen and there is no record that it was considered when he arrived at the YOI or why the recommendation was rejected.

### 3. *Suicide and Self-Harm*

3.1 *Assessing risk:* Two of the children were looked after children and the third had a statement of special educational needs. Two were in custody for the first time; the other had previously only spent a brief period in a YOI on remand. One had been sentenced for violence against his partner. These are known static risk factors for self-harm. The YOTs, the YJB and the YOIs were not consistent in their assessment or evaluation of the risk these children posed to themselves. Partly this resulted from communication difficulties and incomplete information being shared between these agencies and others (including the police, courts, and social services). However, there did not seem to be a shared understanding of vulnerability or how to assess it between these agencies.

Pre-sentence reports by the YOT included the factors that indicated the children were vulnerable. However, when considering risk of self-harm or suicide the YOIs seem to have relied principally on what the children said and how they seemed to the staff at that time. While this is one aspect of a holistic assessment of risk, it apparently overrode consideration of other factors. The judgment of experienced staff and the child's own view are important but the assessment also needs to give sufficient weight to past behaviour and information contained in pre-sentence reports of those, such as the YOT workers, who are already familiar with the child. After all, the best predictor of future behaviour is past behaviour.

Following reception, patterns of behaviour that should have indicated heightened risk were not always recognised. Two of the boys increasingly isolated themselves, remaining in their cells during meals and association. The behaviour was known to staff and it is a known risk factor for self-harm but was not always well recorded. This self-isolation, and other incidents such as damaging the cell, were often considered separately rather than as part of a broader picture of the child's state of mind and as warning signs of distress.

3.2 *Use of ACCTs: Assessment, Care in Custody, and Teamwork (ACCT) is the Prison*

children," said Mr Nathan. Maher and Ms Brett had a Las Vegas wedding, although it is not thought this marriage has any legal standing.

Jailing him for five years, Mr Justice Nicol told him: "It is plain that that this theft was well planned and several of you were involved in this joint enterprise. "Your wife of partner has stood by you. She and your two sons will be pained by the sentence that I will have to pass. But it is unfortunately a common occurrence that those who commit crimes cause pain and distress to those who are close to them." Maher, with close cropped receding grey hair and wearing a grey suit, turned and winked to his wife and two children sitting at the back of the court at Southwark Crown Court and mouthed "I love you" before he was taken down to serve his sentence. He faces a confiscation order in a hearing at a later date.

Speaking outside court, Detective Inspector Giles said: "Since his arrest, he has displayed no remorse for what he did - but I get the impression he has spent 20 years looking over his shoulder and hoping the law would not catch up with him." Maher is the only person to have been convicted for the security van theft. Three people - including his partner and sister - are on bail, while his brother Michael is believed to be in Spain, the court heard.

### **Today's Cover-up Tomorrow's Scandal**

*Isabella Sankey, Director of Policy Liberty*

If history has taught us anything, it's that elected politicians abandon legal principles at their peril - today's cover-up is tomorrow's scandal. Disappointingly many MPs made that very mistake last night Tuesday 4th March 2013 - deserting traditions of open justice and fair trials in the name of secrecy and cover-up.

The Government's odious Justice and Security Bill was forced through the House of Commons despite resistance from Labour, minority parties and brave Coalition rebels, who tried to reintroduce safeguards to ensure Secret Courts are the exception and not the norm. Those amendments would have meant that Secret Courts would be invoked only where a judge has balanced the public interest in full disclosure against the need for secrecy - and only where it would be otherwise impossible for the case to proceed. Regrettably Labour's safeguards were defeated when put to a vote as many parliamentarians sided in favour of a piece of legislation which would overturn 400 proud years of equality before the law in Britain - allowing for grave errors and abuses to be hidden for good.

Despite the ultimate defeat, the high support for these amendments was surely made possible thanks to the efforts of Liberty members, more than a thousand of whom pressured their local MPs to defeat these illiberal and shaming proposals ahead of yesterday's showdown. They joined the legal profession, the international community, the UN Rapporteur on Torture, the Scottish Government and much of the national press in rejecting this Bill and urging our politicians to follow suit. Despite the vote, all is far from lost. The legislation will now head back to the Lords, where it's hoped that Peers will again block it in its current form - paving the way for an extended period of parliamentary "ping-pong" between the two Houses.

### **Martin Foran 3rd Appeal to be Heard Tuesday 26th March 2013**

Convicted on 21 June 1978 of three robberies, and was sentenced to 10 years' imprisonment, following an investigation and prosecution by the notorious West Midlands Serious Crime Squad. He was again tried in 1985 and jailed for eight years on charges of robbery and conspiracy to rob. He has steadfastly maintained that he is completely innocent of all the crimes of which he was convicted.

after a well-planned heist on a Securicor van in 1993 resulted in debts, family betrayal and a five-year jail term for Eddie Maher after two decades of running from state to state in the US.

Security van driver Maher, 57, was wanted by Suffolk police after disappearing during a round of deliveries to banks and a post office in Felixstowe in 1993. While his work partner was inside a branch of Lloyds carrying out a routine delivery, Maher drove off with their van and the £1.2m cash inside. He was later seen with two accomplices loading a getaway car with bags of cash. Although the ripped-off epaulettes from his Securicor uniform and his burnt out old car were found in the hours after the theft, Maher was not seen in Britain for nearly 20 years. Having packed off his partner, former air hostess Deborah Brett, and their young child Lee on a flight to Boston in the US state of Massachusetts just days before the robbery, Maher followed shortly afterwards with an estimated £200,000 share of the proceeds from the crime. Police believe he used his brother Michael's passport to fly to Florida with an accomplice and met up with his family and lived with them under at least two assumed names until he was arrested last year.

He successfully shook off the manhunt. While British officers travelled to the West Indies and Cyprus after reported sightings of Maher, he had quietly assumed the name of Stephen King and embarked on the first of a series of property purchases. However, his assumed name worked against him. Later questioned by police, one neighbour remembered buying a house from the Englishman with the same name as the horror novelist, police said.

Using the proceeds of the robbery, Maher, aka Stephen King, bought a house for (USD) 120,000 with mountain views in the comfortable Colorado town of Woodland Park where he set up home with his family. He also grew a beard and wore over-size spectacles to change his appearance. Maher – a former soldier and publican with a history of racking up debts – kept moving, building a ranch on an 80-acre site elsewhere in Colorado before selling it for profit and moving to New Hampshire.

Southwark Crown Court heard that to keep up with his high-spending lifestyle, he worked as an HGV driver and a technician for a cable company while he moved from place to place. But in the end, he stopped running, and the money ran out. The court heard that Maher, who became a father for the second time while on the run, was finally run to ground after his true identity was revealed by his new daughter-in-law.

His eldest son Lee, now aged 23, won a reported £100,000 from a lottery scratch card in the United States. The girlfriend of Lee's best friend dumped him and "within a short space of time was so devoted to Lee that she married him," said Maher's counsel David Nathan QC. "When the money ran out she did a lot of research on the name Maher and realised he couldn't go back to this country because of the theft back in 1993," said Mr Nathan. "She heard there was a reward and went to the federal authorities." Lee Maher and his wife are now divorcing.

Maher realised the net was closing in on him when he went to a local police station where he was then living in Ozark, Missouri, to bail his son who was being held for a driving offence. He was told by one of the officers of a rumour that he was wanted for the 1993 security van theft, the court heard. Maher, then living in rented accommodation, took his family to a hotel with the plan of fleeing again but had a change of heart, the court heard. He took his younger son Mark to school the next day and was arrested at their home by US authorities for immigration offences and for illegal possession of four guns under an assumed name.

He voluntarily returned to the UK to stand trial in July 2012 and yesterday (Monday 4th March) pleaded guilty to the 20-year-old theft. "This man has made a mess of his life but what concerns him more is the mess he has caused to the ones he loves. Deborah and the two

Service process for monitoring and supporting those considered to be at risk of serious self-harm or suicide. Used principally with the adult estate, it is also the system used for children and young adults who are considered at risk. Two of the boys were being monitored under the ACCT system when they died. The investigations concluded that the ACCT process was insufficiently child-centred to deal with the complexities and special vulnerabilities of children.

One boy had reported thoughts of self-harm but repeatedly assured staff he had no intention of acting upon the thoughts as he would not want to cause his family any distress. Staff were concerned for him but it was not until after smashing his TV and causing cuts with the glass that an ACCT was opened. A recommendation from the YOT that an ACCT be opened on his arrival was not acted upon. In the second case, the ACCT was again not opened until after an act of self-harm when a member of staff noticed cuts, again despite previous concerns.

One of the boys consistently rejected the idea he was having thoughts about self-harm and was never subject to an ACCT. He displayed few signs of vulnerability while at the YOI, although he was a looked after child and it was his first time in custody. After an incident where the boy became extremely aggressive to staff and caused damage to his cell, his behaviour was treated solely as a discipline issue with little examination of the cause. This extreme behaviour should also have prompted consideration of his level of risk and an assessment of his mental health.

3.3 Conflict between care and discipline: In the two cases where ACCT was used, there was conflict between the ACCT processes and disciplinary procedures. All three children misbehaved - showing aggression to staff, damaging their cells, and blocking the doors or observation panels. Generally, even for the two children who were subject to ACCT monitoring, this was only approached as a disciplinary matter and not as an indication of increased risk or distress. A more holistic view of the children's risk and vulnerabilities that included poor behaviour was required.

During their time in custody, all three were subject to punishments arising from adjudications. One of the children subject to an ACCT also received a large number of warnings under the rewards and sanctions scheme and some sanctions were not legitimately applied. In most instances, managers conducting adjudications did not explore the full background and circumstances as they should have done. Despite their availability, none of the children had advocates to represent them at adjudications.

There were isolated examples of good practice with adjudications being stopped out of concern for the child and consideration of vulnerability influencing a rewards and sanctions review but overall there was little evidence of a more holistic approach. Instead, the approaches taken to discipline and to managing vulnerability appear to have operated entirely separately. This was particularly evident when adjudication punishments withdrew association and communal eating, while at the same time an objective in the child's ACCT was that he try to engage more with the other young people.

PSI 08/2012 which concerns care of young people states that the safeguarding children policy's 'essential purpose is to ensure that [other] policies are properly integrated in respect of safeguarding. This means moving away from a model of working principally with young people in "silos" and ensuring that work to safeguard children and young people is co-ordinated effectively across the core areas of the establishment'.

Unfortunately, in the three cases, the approach to safeguarding and behaviour management using ACCT, adjudications, and the rewards and sanctions system did not routinely operate as an integrated system. Care and discipline were not consistently co-ordinated and the formal adult-orientated adjudication system appeared an inappropriate way to manage vulnerable children.

3.4 Monitoring and reviewing AccTs: ACCT reviews are designed to monitor progress against

the objectives of the care plan and determine appropriate action when the level of risk changes. The quality of the reviews varied. Often the child was consulted and there was an attempt to ensure the wing staff who had regular interaction with the child were present, but full multi-disciplinary reviews were rare. Greater involvement from the YOI healthcare teams and others involved in the child's care including the YOP, the family, and social services would have provided the perspectives necessary for a holistic assessment of the situation. In particular, the lack of senior management involvement in these reviews led to little high level information sharing about these vulnerable children, what should be done to help them and how this would be arranged.

ACCT reviews are meant to determine what further action is necessary, so involvement from all those caring for the child is important to ensure a consistent approach. One ACCT was closed and then reopened very quickly on a number of occasions. The decision depended a lot on the way the child presented and the ACCT was closed despite key objectives in the care plan not having been achieved. This is contrary to ACCT guidelines and, as the objectives are intended to address the factors leading to heightened risk, this is concerning. The ACCT care plans tended to be focused on addressing specific behaviours such as refusing food or self-isolation, rather than focusing on the reasons behind such behaviours.

3.5 Responding to risk: The response to risk was not always consistent or sufficient. It was not until the children self-harmed that ACCTs were opened, despite existing concerns. Even with the ACCT in place, the choice and numbers of observations of the vulnerable children were sometimes not proportionate to risk. In one case the child smashing his cell furniture did not lead to an ACCT review, despite his unusually aggressive and unpredictable behaviour. In another case not only was the child subject to an ACCT but on the evening he fatally self-harmed there were specific and serious concerns raised by the staff on duty. The number of observations carried out each hour was increased but the possibility of constant supervision was never considered. The concerns were raised in the evening when a multi-disciplinary review may have been difficult but the decision about observations was taken by a member of staff who was unfamiliar with the situation.

Ultimately, ACCT is used mainly with adult prisoners but few adaptations had been made to reflect the needs of children. In particular, there was little discussion at ACCT reviews that challenging behaviour from children could be a sign of distress and that children might be less able to communicate this distress. One boy subject to an ACCT repeatedly blocked his cell observation panel which obstructed monitoring, but alternative approaches that might have been feasible for a child - such as leaving his door open - were not considered.

#### 4. Mental Health

4.1 Access to mental health care: All three children entered custody with previously identified mental health concerns. Two had diagnoses of ADHD, and were prescribed medication, although of the two only one was in regular contact with the Child and Adolescent Mental Health Services (CAMHS). In the third case, the concerns were less well defined: there was a known history of cannabis use and the YOT worker was worried about his ability to come to terms with the recent death of a family member. The YOT worker also noted how adept he was at concealing his emotions.

The two children with ADHD were referred for mental health screening and had appointments with psychiatrists after their arrival, although this was focused mostly on their ADHD medication rather than wider mental health issues. One was assigned a named mental health nurse. Both were seen by mental health staff but often presented more positively in these reviews than at other times in the YOL. In both cases mental health staff noted that the children scored their moods much lower

prevalence of drug-orientated crime found expression in the "Millennium convict", lacking in principle and with an acquiescent, submissive attitude towards their captors and a focused determination to do whatever it takes to achieve an early release from prison.

The uprising at Strangeways prison in 1990 was the last significant expression of collective defiance and protest in a British jail and is unlikely ever to be repeated in such a form.

The current Justice Secretary, Chris Grayling, with his Tory "Attack Dog" reputation and contempt for the human rights of prisoners, blended of course with his determination to sell-off virtually the whole of the criminal justice system to multi-national capitalism, is a perfect representation of the social and political climate outside prison. Deep economic crisis generates social fear and insecurity, and the scapegoating of marginalised and demonised groups who are used as a focus for public anger. Folk devils and moral panics are stock in trade for the tabloids, Tory politicians and far right groups when social climate is at its most receptive for easy, powerless targets. Grayling is pandering to what he imagines is the masses appetite for revenge, as long as its not focused on those actually responsible for the economic and social destruction of people's lives.

If, as Dostoevsky believed, the treatment of prisoners is an indicator of a society's level of civilisation then we seem to be entering another Dark Age, and of course history provides us with some chilling examples of what can happen when an apparently modern and developed society enters such a phase.

John Bowden, HMP Shotts, Cantrell Road, Shotts, ML7 4LE, June 2012

#### **Inadequacy Of Arrangements For Protecting Pre-Trial Detainees With Serious Illnesses**

In ECtHR Chamber judgment in the case of *Gülay Çetin v. Turkey* (application no. 44084/10). Court held, unanimously, that there had been: a violation of Article 3 (prohibition of inhuman or degrading treatment) taken alone and in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights. The case concerned a person who complained that she had been kept in prison, initially pending trial and later following her conviction for murder, despite suffering from advanced cancer. The Court concluded that the conditions of the applicant's detention, both before and after her final conviction, had amounted to inhuman and degrading treatment, and that she had been discriminated against in that, while in pre-trial detention, she had not been eligible for the protective measures applicable to convicted prisoners suffering from serious illnesses. The Court also recommended under Article 46 (binding force and execution of judgments) that the Turkish authorities take measures to protect the health of prisoners with incurable diseases, whether they were being held pending trial or following a final conviction. *Gülay Çetin*, died on 12 July 2011 in the prison ward at Antalya Hospital. Her father, mother, sister and brother pursued the proceedings she had instituted before the Court. Just satisfaction (Article 41). The Court held that Turkey was to pay the applicant's heirs 20,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,000 for costs and expenses.

#### **'Fast Eddie's' Less Than Glamorous Reality of Life on the run Laid Bare**

*Paul Peachey, Independent, Tuesday 05 March 201*

They called him 'Fast Eddie' and he certainly spent like a man in a hurry. He began his 20 years on the run in the United States with a hefty slice of a £1.2m fortune from a security van theft; he ended it virtually penniless and earning 14 dollars an hour as a broadband repair man. The less than glamorous reality of life as a fugitive from justice was laid bare yesterday (Monday 4th March)

ings, and an organised movement of prisoner resistance that was recognised and supported on the outside by political activists, radical criminologists and prison abolitionists. The struggle of long-term prisoners was recognised by such groups as a legitimate political struggle against an institution originally and purposely created to punish the rebellious poor and as an integral part of an entire state apparatus of repressive social control, along with the police and judiciary. Just as the heightened social struggle of groups like the organised working class in the broader society caused a shift and change in the balance of power, within the long-term prison system itself prisoners used the weapon of solidarity and self-organised to collectively empower themselves as a group. This climate of increased struggle and freedom that permeated society generally at that time found expression within long-term prisons and even found limited reflection in the thinking of those administering them with the adoption on policy of the one relatively liberal recommendation of the 1968 Mountbatten report concerning prison security: whilst Maximum-Security jails should make physical security as impregnable as possible the regimes operating in such institutions should also be made as relaxed as possible.

But just as changes in the balance of power can be to the advantage of progressive forces in society so it can shift the other way, and that is what happened in Britain during the 1980s and 1990s with the defeat of the organised working class movement and the apparently finale triumph of Neo-Liberal Capitalism (deregulation, free trade, unfettered profits and minimal state benefits – in short, capitalism at it's most savage) and a Thatcherite ideology of greed is good and “there is no such thing as society”. This found expression in the treatment of prisoners with the seizing back of the long-term prison regimes and their re-moulding into instruments of “Dynamic Security” and naked repression. The control and absolute disempowerment of long-term prisoners was conflated with the necessity of physical security now. And of course the economic principles of Neo-Liberal Capitalism also found expression in the prison system with “Market Reforms” and the flogging off of increasingly greater parts of it to multi-national private prison entrepreneurs. Prisoners would now be bought and sold as commodities and also as a source of forced cheap labour. They would also be taught and conditioned to know their true place in a massively unequal society, and prisons would revert to their original purpose of re-moulding working class “offenders” into obedient slaves of capital and those who own it. Towards this end the huge proliferation and empowerment of behavioural psychologists in the prison system over the last decade is a symptom; the breaking and re-creating of prisoners psychologically in the image of a defeated and compliant working class on the outside has become once again the purpose and function of prisons. Rebellion and defiance in prisoners is now labelled “psychopathic” and “social risk-factors”, which depending on how they are “addressed” will determine the length of time one spends behind bars, especially for the growing number of “recidivist offenders” serving indeterminate sentences for “public protection”.

As what were once tight-knit working class communities on the outside fractured and were destroyed following the last high point of organised working class struggle during the 1984 miners strike, so the solidarity and unity of long-term prisoners was broken and withered away. The flooding of heroin and crack cocaine into now marginalised and poor communities created an almost alternative economy and was reflected in the changing nature of the prison population. What had been a generation of prisoners from strong working class communities imbued with a culture of solidarity, mutual support and a readiness to confront and challenge official authority, was increasingly replaced by prisoners with no memory of a time before the victory of Thatcherism and the dog eat dog culture it bred and encouraged. The increasing

than staff expected. While there seems to have been regular monitoring, acts of self-harm, missed medication and concerns from wing staff do not seem to have led to an escalation in the mental health support provided (except for closer monitoring through ACCT).

The other child was not referred to mental health screening after reception. The assessment relied mostly on self-reporting by the child who denied feeling miserable or experiencing powerful memories of traumatic events. The nurse identified 'no concerns' and so no referral for a full assessment was made. He was seen by the Young Persons' Substance Misuse Service but, even following an aggressive outburst, was not referred for mental health assessment.

Problems with the mental health screening tool do not seem to be unique to children. We have investigated the deaths of two 18 year olds at a YOI (in 2010 and 2011) who both scored a 0 (no concerns) on reception screening despite having recent, documented, mental health problems.

4.2 Medication: Two of the boys had prescribed medication for ADHD. Both missed or refused to take their medication frequently in the period before their deaths. A doctor spoke to one boy about the need to take his medication regularly but there was no systematic approach or escalation following missed medication. Although it is ultimately up to the individual to take medication, the reasons why it was being refused should have been explored - whether by healthcare or another trusted adult - and the situation more closely monitored, particularly as they were children.

Refusal to engage with treatment can be a sign of increased risk and, in one case, there was also a suggestion that the need to leave the wing to collect the medication marked the boy out as a target for bullying. (ADHD medication is controlled and must be dispensed centrally.)

5. Staff 5.1 Tackling bullying: Bullying is a widely recognised problem in YOIs and known to increase the risk of self-harm. It has been a factor in almost all PPO investigations of self-inflicted deaths in YOIs of both children and young adults. Two of the investigations in this report uncovered evidence of bullying and found that staff were aware of, or suspected, bullying but there was a lack of a robust response.

One child reported this bullying repeatedly to a variety of staff. However, he gave no names and without names staff said they were unable to act, even though it was clear who he meant. Evidence from CCTV suggested that even when staff witnessed harassing behaviour from other young people it was not adequately challenged.

In the other case, bullying was not reported and might have occurred only the evening before the boy took his own life. However, bullying by shouting out of cell windows was a recognised problem at the establishment and indeed across YOIs. The YOI had produced a new policy to tackle the problem but the investigation found it was not being implemented robustly. Shouting from windows was not regularly recorded in the Shout Out Log and staff said that it was difficult to challenge when the large number of young people made it hard to identify either the protagonists or the target.

There were concerns raised by staff and family about possible bullying in the third case, but the investigation found no evidence of this.

5.2 Personal Officer Scheme: The Personal Officer Scheme at one of the YOIs had been criticised several times by prison inspectors. The PPO investigations in the other YOIs also noted that it took too long for a personal officer to be assigned or introduced to the child. The personal officer is supposed to be the child's main point of contact and should try to establish a relationship of trust with the child. In the case of two children identified as particularly vulnerable, it was unfortunate that more priority was not placed on ensuring they had effective personal officer support.

This is not to say that efforts of staff to offer support were not commendable. Examples

included staff informally taking on the role of personal officer, special effort to ensure a child was able to make a phone call and visits to one child by a particular staff member whom he trusted. However, busy YOIs can struggle to ensure a consistent and reliable staff presence which allows for the building of trusting relationships and a supportive environment. Given the vulnerability of the three boys, and the difficulty at least two had in trusting adults, such relationships might have been more effectively developed with staff in another setting with better staff resources, such as a Secure Training Centre or the Keppel Unit at Wetherby YOI.

5.3 Training: The investigations raised concerns about the appropriateness of some of the adult-orientated processes in YOIs, such as the health screening tool, the adjudication process, and the operation of rewards and sanctions schemes. At the same time staff would benefit if the training they received was more child-focused; helping them to recognise behaviour that indicates heightened risk, increase understanding of the issues faced by vulnerable or looked after children, and supporting a more robust approach to bullying.

One boy disclosed past sexual abuse to a member of staff (the first time he had spoken of this at the YOI). While there was no criticism of the officer involved who appeared to have handled this to the best of their ability, it is a concern that prison officers who work with (often vulnerable) young people are not given training about how to handle such discussions.

#### 6. External Support

Continuing involvement of those who had been supporting the children before they entered custody was also problematic. YOTs, the family, and social services were not routinely included in care planning as a result of the two ACCTs. Such input might also have been useful if the refusal of medication had been more comprehensively followed up and when, in two cases, transfers to wings in the YOIs for vulnerable children were discussed. One child who had been in care was not assigned a social worker for most of his time in custody. He was seen by several duty social workers but this meant continuity of his care and planning for the future was further complicated.

Contact with family was important in all three cases, although for different reasons. One boy had repeatedly tried to telephone his mother without reaching her. An incident of aggressive behaviour seems to have been at least partly a result of distress at lack of contact on Mothers' Day. This does not seem to have been recognised by the YOI.

Anxiety about his family, and particularly his mother's health, was regularly spoken of by another boy - contact with his family was sporadic as the boy often spent all of his phone credit the day he received it. He was known to rely heavily on his family for support but, despite an open ACCT, little thought was given about how to allow him to better access that support, such as through enhanced telephone contact. It is notable that some STCs permit young people to have telephones in their rooms, which would have given these young people much greater flexibility about when they were able to access support from friends and family.

In the third case, contact with family was especially problematic and had to be arranged through the Local Authority. The YOI did try to help; facilitating visits and calls with his foster parents, and efforts were made to arrange contact with his grandmother through the Local Authority.

#### 7. Lessons to be learned

Many of the issues raised by the three recent deaths are not unique. The impact of bullying, weakness of reception assessments of vulnerability and mental health, weakness of personal officer schemes, and problems with AccTs have been identified in our past investigations of child deaths between 2004 and 2007. However, by drawing common themes together in

this report there may be scope to learn lessons and avoid such tragedies in future. These include:

*Lesson 1* - Busy YOIs struggle to give the individual attention necessary to care for the most vulnerable. Accordingly, allocation to an STc or specialist unit within YOIs, such as the Keppel Unit at Wetherby, needs to be considered and pursued.

*Lesson 2* - There are problems sharing information and a lack of shared understanding of vulnerability which can hinder co-ordinated care of the children across agencies.

*Lesson 3* - Assessments of vulnerability and risk of self-harm did not adequately weigh static risk factors against presentation or fully take into account the complex ways children can show emotional distress.

*Lesson 4* - AccT processes were insufficiently child-centred, and the involvement of senior managers, families and outside agencies in care planning was too limited.

*Lesson 5* - Managing risk, treating mental health, and the wider operation of YOI processes, particularly disciplinary procedures, need to be better integrated to ensure children are treated holistically and consistently.

*Lesson 6* - YOIs need to ensure a more robust response to bullying and that reports of bullying are acted upon.

*Lesson 7* - Personal officers offer an important point of contact and support. They should be assigned quickly upon reception and regular contact with the child or young person fully documented.

*Lesson 8* - Sources of external support, including but not limited to families, can be extremely important. Enhanced access to this support at times of crisis and for those at particular risk of self-harm should be facilitated wherever possible.

#### Prison Writings: John Bowden - 'In The Belly Of The Beast'

Fyodor Dostoevsky, the Russian novelist and sometimes political dissident, once wisely observed that a good barometer of the level and quality of a society's civilisation is the way it treats its prisoners, the most dis-empowered of all social groups.

There has of course always existed a sort of socially organic and dynamic relationship between prison society and the wider ordinary society beyond its walls, and the treatment of prisoners is usually an accurate reflection of the relationship of power that prevails between the state and ordinary working class people in the broader society. It is how political power is shaped and negotiated between the state and the poorer social groups on the outside that essentially determines the treatment of prisoners on the inside.

Prisons are concentrated microcosms of the wider society, reflecting its social and political climate and the balance of social forces that characterise its political culture. The more authoritarian and politically oppressive the society, the more brutal its treatment of prisoners is. The treatment and sometimes the very lives of prisoners is therefore critically dependent on the balance and alignment of power in society generally. For example, changes in state penal policy always tends to reflect shifts and changes in that relationship of power between the poor and powerless and the elites who constitute a ruling class, and it is always the more marginalised and demonised groups such as prisoners who feel and experience the repression more nakedly when society begins to shift even further to the right.

During the 1960s, 1970s and part of the early 1980s structures of established power in society were seriously challenged and the atmosphere and movement of radical social change became manifested within the prison system itself in prisoner protests, strikes and upris-