

## Access To Justice Matters

Will You Now Have To Represent Yourself In Court?

On Monday 1st April 2013, the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) came into force. It means that fewer people now have access to free legal representation than at any time since legal aid (state funding for legal advice and representation) was introduced. This means that if you have a legal problem there is now more chance that you will have to represent yourself. This briefing courtesy of 'The Bar Council'

The Bar Council represents all barristers in England and Wales. We believe that access to justice matters. Whether people use barristers' services or not, we think we have a responsibility to explain and demystify the legal system to anyone who comes into contact with it. We have produced a Guide to help you on your legal journey, which has been written by barristers, who have lots of experience in all kinds of different courts and understand how the system works.

The number of people who do not qualify for legal aid, but equally cannot afford representation, is growing. These people are called 'litigants-in-person' (LIPs) or, as they were previously known; 'self-representing litigants' (SRLs). They will have to go to court (to 'litigate') without a lawyer, and will have to represent themselves.

This Guide looks to help 'litigants-in-person' through their legal journey, which can be a very daunting, complicated and expensive experience.

How to read it: We recommend that you use the first three, general, Sections to familiarise yourself with how the legal process works, how to prepare your case, and if you have to go to court, what you should expect and be aware of. Then go to the relevant part to your case in the final Section (Section 4). If you have a case which does not fall under Section 4, the first three sections will still be helpful. Remember that different areas of law, and different courts, have different procedures. This means that not all the general guidance in the first three Sections will be applicable to all types of case. Try to do as much research as you can, using the resources we suggest in this Guide. The Guide will cover:

Section 1: Find free or affordable help with your legal problem Section 2, Part 1: Putting together your case Section 2, Part 2: Starting and defending a claim Section 3: Representing yourself in court: On the day Section 4: Areas of law Personal injury law Employment Tribunal Immigration Tribunals Family law Property ownership in relationship breakdowns Public law and Judicial Review Housing law Bankruptcy and debt law

'The Bar Council' hope this Guide is useful, and helps you to understand how the justice system should work fairly and openly for everyone who comes into contact with it.

If you want a copy of the Guide, get someone to Email [mojuk@mojuk.or.uk](mailto:mojuk@mojuk.or.uk)

**Hostages:** Chedwyn Evans, 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 Hurlley, 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 419 04/04/2013)

### Palliative Care For Terminally Ill Prisoners

With a large and ageing prison population, the Prison Service has to deal with more foreseeable deaths from terminal and incurable illnesses than ever before. Prisoners are entitled to an equivalent level of healthcare in prison as they could have expected to receive in the community. This includes care for a terminal illness or incurable disease. An end of life care pathway is viewed as the best way to deal with the last stages of life and so should be equally offered to those in prison as it is to those in the community.

Older prisoners (aged 60 and above) have more major illnesses than younger prisoners and those of a similar age in the community. Most prison buildings and facilities were not designed with an elderly population in mind. This can mean that those who are less mobile and in poorer health have difficulty accessing services or taking part in meaningful activity in order to lead a purposeful active life in prison. The architecture also sometimes poses problems for delivering end of life care to terminally ill prisoners.

With an increasingly ageing prison population, the care for those at the end of their life is a growing responsibility for the Prison Service. Prisoners of all ages can suffer serious health problems, but it is older prisoners who are most likely to require end of life care.

As more prisoners serve longer sentences and more are sentenced later in life, those aged 60 and over have become the fastest growing segment of the prison population. The number of over-60s imprisoned has increased by 142% in the past ten years. As the prison population ages, the number of deaths from chronic disease or old age is rising, and the provision of end of life care has become increasingly important.

The report, Learning from PPO Investigations: End of life care, reviews 214 PPO investigations into foreseeable natural cause deaths due to terminal or incurable diseases.

The report found that most prisoners (85%) in the sample received care judged to be equivalent to that they could have expected to receive in the community. However, the quality of end of life care provided to prisoners varied between prisons and the report found that: - over a quarter (29%) of prisoners in the sample did not have a palliative care plan to ensure they received appropriate care and support to help them and their families deal with the terminal illness; - in 15% of cases when the prisoner was in hospital or a hospice, the level of restraint used was inappropriate; - when a prisoner was restrained during treatment, the level of restraint used was inappropriate in 10% of cases; and - family involvement could be improved.

Nigel Newcomen said: "Society as a whole is ageing and care for the elderly and infirm is an increasing priority for the National Health Service, but there are particular challenges in providing this care in prison. It is commendable that prisons are making headway in providing adequate end of life care and geriatric facilities. However, care is not universally good. There are particular lessons to be learned about care planning, the involvement of family and the use of restraints on prisoners who are terminally ill and at the end of their life." End of life care can be defined as care that helps those with an advanced, progressive, incurable illness to live as well as possible until they die. End of life care is about the total care of a person with an advanced incurable illness and does not just equate with dying. The end of life care phase may last for weeks, months or years.

Lord Sheldon to ask Her Majesty's Government how many people have committed suicide in prisons since January 2000.

Minister of Justice (Lord McNally): My Lords, the figures we hold on suicide are classified within the data on self-inflicted deaths. There were 960 self-inflicted deaths in prison custody between January 2000 and September 2012. Annual numbers have reduced from 92 per year in 2007 to 57 in 2011.

Lord Sheldon: My Lords, by last week there had been 982 suicides since 2000, including 15 children under the age of 18. Staff in prisons try to reduce those deaths but suicides continue.

Lord McNally: My Lords, inevitably it is true that suicides continue. But there has also been a concerted effort by the prison authorities and those with responsibility for the youth estate to try to avoid as far as possible these dreadful circumstances-dreadful for the prison staff who have to deal with them and dreadful for the families who have lost loved ones. The noble Lord makes the point that suicides continue. I would say that that is against a background of great efforts by the authorities to try to continue the welcome reduction of recent years.

Baroness Linklater of Butterstone: My Lords, any suicide in custody is terrible and a cause for real concern, but when children commit suicide it is an absolute tragedy. Three children have died in the past 18 months or so, as recently reported by the Prisons and Probation Ombudsman: in Wetherby, Hindley and Cookham Wood YOIs. Can my noble friend the Minister please tell the House what action the Government are now going to take to ensure that these exceptionally vulnerable children-as these were-are not held in young offender institutions but in facilities that are better suited to meet their very particular and challenging needs?

Lord McNally: My Lords, my noble friend is right. There have been three recent deaths-the first in youth custody for more than five years, so it is important to keep these numbers in perspective. The Youth Justice Board-YJB-which is responsible for the placement of young people in custody, is working closely with the Department of Health in the development of the comprehensive health assessment tool to screen and assess the needs of young people aged under 18 on reception. The Department of Health has developed a youth justice health and well-being needs assessment toolkit, which is now available to help with the planning and commissioning of health services for young people across the justice system. I should also add that the three recent deaths have been investigated by the Prisons and Probation Ombudsman.

Baroness Finlay of Llandaff: Since the instance of two or more mental disorders among the prison population is estimated to be 15 times that of the rest of the population and up to 35-fold higher in female prisoners, despite the assessment that the Minister referred to and despite the fall in suicides, there remains a major treatment problem for prisoners with mental health disorders, particularly when they move around and do not have stable placements. How is this going to be addressed by the Ministry of Justice and how will the changes to the NHS affect the provision of mental health services in prisons?

Lord McNally: The noble Baroness is correct. One of the abiding problems of our Prison Service is the need of so many prisoners in the criminal justice system for mental health support. We are talking with the Department of Health to make sure that we can assess prisoners and that those who are in need of mental health support are given it. Since 2007 all establishments operate an individually focused care planning system for prisoners identified as being at risk, the key benefits of which include an initial assessment and faster first response, the provision of flexible individual accountable care, better sharing of information and a multi-

to 742 male prisoners. The population is mixed with a significant number of unconvicted prisoners, a small number of young adults and some vulnerable prisoners.

When we last visited in 2010, we found a prison that we described as in transition but that was commendably safe and improved. At this full unannounced inspection, we found an institution that continues to produce reasonably good outcomes against most of our healthy prison tests, although our previous concerns on the quality of activity and regime remain.

Lewes is generally a safe prison, although since we last inspected, three prisoners had tragically taken their own lives. Recorded incidents, nevertheless, were low and self-harm prevention measures were adequate, although some aspects required attention. Prisoners reported feeling safe and most indicators we observed supported this encouraging perception.

However, there is no room for complacency in such a high risk environment. For example, induction arrangements could be better and the management of vulnerable prisoners on arrival should be improved. Substance misuse and detoxification arrangements were also stretched and required better coordination.

The prison environment and general cleanliness were reasonably good, and the quality of staff-prisoner relationships continued to be one of the prison's strengths. The promotion of equality was patchy and not well led, but in general terms, and despite a few negative perceptions among minority groups, outcomes were adequate. Overall the provision of health care was good.

The area of greatest concern remains the provision of purposeful activity. Time out of cell was limited and affected by the prison's failure to deliver daily its own published timetable. We found just under two-fifths of the population locked up doing nothing during the working part of the day. This was in part due to the lack of activity for them, but was worsened, inexcusably, because not all the available activity places were used. The range of education was adequate but teaching needed improvement and there was too little vocational training. Much of the work on offer was mundane and menial.

Outcomes for resettlement were reasonably good and had the potential to be impressive. Structures for offender management and reintegration were complex, developing and new, and needed to be embedded further. There was also a need for greater coordination and integration of services, as well as a clearer understanding by staff of what was expected of them. Prisoners subject to offender management were reasonably well catered for, and there were good arrangements for shorter term prisoners through a dedicated induction and prerelease unit. Other provision across the resettlement pathways was reasonable, although more was needed to address the offending behaviour of the sex offender population.

Overall this is a good report. The progress we identified previously has been sustained, and the prison's strengths, notably the safe and decent environment, continue. Work is in place to strengthen the prison's approach to resettlement further, although the lack of progress in getting prisoners in to meaningful work is disappointing.

### **IPCC Rejects Police Report On Officers' 'Racist Attack' On Firefighter**

A racism complaint by an off-duty black firefighter who claims he was abused, assaulted and shot with a stun gun after trying to help police is being reinvestigated, after the police watchdog took the unprecedented step of rejecting a police report on the case. Edric Kennedy-Macfoy, 29, has accused police of behaving like "wild animals", dragging him from his car and subjecting him to a violent attack that culminated in him being shot with a Taser. The IPCC will thoroughly review the evidence already obtained and conduct further enquiries as necessary. We need to be satisfied that Mr Kennedy-

est to me and began to ensure his information-gathering opportunities were reduced. By the end of 1997 Jenner's involvement in the CRC had lessened. He still attended some events but mainly to report on his activities within Anti-Fascist Action (AFA), a militant group that had successfully physically confronted the BNP. AFA member Patrick Hayes had been convicted of causing two explosions in the South East on behalf of the IRA in 1993 and the state was certain to be interested in preventing any such actions in the future. Hayes was sentenced to 30 years imprisonment and later released under the Good Friday Agreement. It may be that AFA was always Jenner's main intended target. A concerned Alison rang his workplace, only to discover he had departed a few years previously

CRC had closed by the time Jenner disappeared from his home with Alison in April 2000. In the months beforehand he had acted suspiciously and had slept on the settee in his clothes. Alison had discovered a credit card in his real name, which he claimed to have bought for £50 to obtain petrol dishonestly. A concerned Alison rang his workplace, only to discover he had departed a few years previously. Yet he had continued during this time to leave for work at 6.30am. Visits to a counsellor to discuss his reluctance to have children were abandoned without him mentioning his family. We now know Jenner was married. When she discovered my reservations about Jenner, Alison contacted me in 2001 to reveal she had checked his claim that his father had been killed in a car accident in Birkenhead in 1975. The deaths register showed this tale was untrue – one more lie in a very long list.

The Home Affairs Select Committee has asked to be updated every three months on Operation Herne and Theresa May, the home secretary, has promised the Independent Police Complaints Commission will "investigate serious and sensitive allegations". This may include some from me as I am examining the possibility that a former girlfriend who I lived with may have been in the SDS.

Smith says: "In addition to an examination of past undercover policing arrangements it is important that an independent and impartial investigation is conducted into the purpose of undercover operations. If there is evidence that undercover police officers like Jenner and his superiors were engaged in a conspiracy to pervert the course of justice, that evidence should be forwarded to the CPS, which will have to decide whether to bring criminal proceedings."

### **Report on an Unannounced Inspection of HMP/YOI Lewes**

Inspection 5–16 Nov 2012 by HMCIP, report compiled January 2013, published 27/03/13  
Inspectors had concerns:

- previous concerns on the quality of activity and regime remain.
- time out of cell was limited, and inspectors found just under two-fifths of the population locked up during the working part of the day;
- teaching needed improvement and there was too little vocational training, while much of the work on offer was mundane;
- induction arrangements could be better and the management of vulnerable prisoners on arrival could be improved;
- substance misuse and detoxification arrangements required better coordination; and
- provision across the resettlement pathways was reasonable, but more was needed to address the offending behaviour of the sex offender population.
- self-harm prevention measures were adequate, although some aspects required attention
- three prisoners had tragically taken their own lives since the last inspection;

Introduction from the report

HMP/YOI Lewes is a local prison serving mainly Sussex. Providing a mixture of traditional and more modern accommodation, the prison has grown in recent years and now holds up

disciplinary approach. I do not underestimate the fact - A noble Lord: Too long.

Lord McNally: I know it is too long but it is worth getting on the record that the problems of mental health within the prison population remain and we need a more holistic approach to solving them.

Lord Elton: My Lords, my noble friend referred to prisoners identified as being at risk of suicide. Can he tell us how many of those there are currently, how many are identified as having mental health problems of any sort, and how many staff there are who are qualified to deal with their mental health illnesses while they are in prison?

Lord McNally: On the latter issue I will have to write to the noble Lord. On any one day in the Prison Service it is estimated that there are about 1,500 prisoners who are under care and supervision out of concern for the danger of self-harm or worse. I will have to write to the noble Lord about the actual number with mental health issues.

Lord Harris of Haringey: It must be this side's turn eventually. I declare an interest as chair of the Independent Advisory Panel on Deaths in Custody. Given the importance of properly investigating the deaths, particularly of young people but of anyone who dies unexpectedly in prison, is the Minister satisfied with the level of resources available to the Prisons and Probation Ombudsman to carry out their function and, secondly, does he not agree that it is time that the Prisons and Probation Ombudsman was made statutorily independent of the Ministry of Justice and the Prison Service?

Lord McNally: On that latter point I will have to take advice. I pay tribute to the noble Lord for his appointment to the independent advisory panel. It was set up in 2008 and its shared purpose is to bring about a reduction in the number and rate of deaths in all forms of state custody and to share the lessons that can be learnt from these deaths. The ministerial board incorporates senior decision-makers, experts and practitioners in the field. This extended cross-section approach to deaths in custody allows for better learning and sharing of lessons across the sector.

### **Letter from Dano Sonnex**

- residing at the Broadmoor Hospital Paddocks Chapstow ward, 40 years High Risk Cat AA, Section 47/49. Here I report my treatment situation. I'm at Broadmoor with a needle hanging out of my arse, all because I'm not guilty. [Dano was originally jailed in 2003 released, jailed for 40 years in 2008 for the torturing and stabbing to death of Laurent Bonomo and Gabriel Ferez].

'I thought agents were out to get me, both French and British, to assassinate me. 'It was broadcasted across the TV that me and my co-defendant were used as government scapegoats in order to cover up the murder of students who were about to expose the bird flu virus. Imprisoned in HMP Long lartin, I decided to escape [Dano made a glider out of fridge shelves, a mattress, coat hangers and bed sheets] for my safety, but my escape attempt failed, so I took a prison officer hostage and told everyone to back off or I'll cut his throat, in a frenzied Jihad state of mind. As a result of this I was restrained and dragged too segregation, and left there for near on a year, over time. This was a form of psychological torture, I've been left scarred mentally by this, I.E. hallucinations and voices.

I was then referred to and placed in the Close Supervision Centre (CSC) HMP Woodhill. Where I was tortured both physically and mentally for a whole year; violently, sexually, racially. I was even refused exercise, showers, access to phone, no toiletries, no radio or TV, no news papers, no association, not even a complaint form to challenge these conditions. In the depth of things, I was rushed to hospital due to being found unconscious in a cell with a noose around my neck. I was recently found not guilty of the frenzied jihad attack, false imprisonment, threats to kill and attempt to

escape. Because I have Asperger Syndrome and developed paranoid psychosis. *Dano Sonnex*  
**Met Officers Arrested Over Sean Rigg Custody Death** *BBC, 27 March 2013*

Two serving and one retired Met police officers have been arrested as part of the investigation into the death of a man in custody in south London. The Independent Police Complaints Commission said they were arrested on suspicion of perverting the course of justice over evidence given at inquest. All three have been released on bail until May. The serving officers, a 50-year-old sergeant and a 29-year-old PC, were held on suspicion of perjury and perverting the course of justice. The retired officer, 48, was held on suspicion of perverting the course of justice. Following the inquest Met Police Assistant Commissioner Simon Byrne apologised "unreservedly" for the death and the IPCC launched a review of the case.

Sean Rigg, 40, who was schizophrenic, died from a cardiac arrest at Brixton police station in August 2008. An inquest jury in August last year found officers had used "unsuitable" force after arresting Mr Rigg before his death on 21 August, 2008. The musician had a 20-year history of mental illness. Officers had restrained Mr Rigg for eight minutes in the "prone position" while he was being arrested, a length of time that "more than minimally" contributed to his death, the inquest found.

An Independent Police Complaints Commission (IPCC) spokesman said: "IPCC investigators have carried out searches at their home addresses and the serving officers' workplaces. Mr Rigg's family have been told about today's developments through their solicitors."

### **1,813 Police who Resigned to Avoid Disciplinary Action Keep Their Pensions**

A loophole which allows police officers to resign and keep their pensions while facing disciplinary action has been used more than 1,800 times in the last 10 years. The figure will intensify mounting concern over how police can avoid the consequences of incompetence and misconduct, after Sir Norman Bettison, the former West Yorkshire chief constable, was criticised for stepping down while he was facing a disciplinary investigation. The largest number of officers, 635, came from the Metropolitan Police and 104 from Greater Manchester Police. The number of senior police officers who have been sacked or suspended for misconduct is at unprecedented levels, with at least 13 facing investigation over the last two years.

### **Ex Chief Constable Sir Norman Bettison, Guilty as Hell of Malfeasance**

But won't face disciplinary procedures as he done what all bent coppers do, retire before disciplinary procedures are instigated. - Independent Police Complaints Commission finds case to answer for gross misconduct against Sir Norman Bettison. They have concluded Sir Norman Bettison would have a case to answer for gross misconduct following an investigation into an allegation that he attempted to influence a referral by West Yorkshire Police Authority (WYPA). The IPCC independently investigated Sir Norman's actions in relation to the process by which complaints about his actions in relation to the aftermath of the Hillsborough disaster were referred to the IPCC. The investigation focussed on contact between Sir Norman, Fraser Sampson (the Chief Executive of WYPA) and Mark Burns-Williamson (Chair of WYPA) and whether there was any attempt by Sir Norman to improperly influence, intercept, delay and/or distort the deliberations of the Authority.

While it was evident Sir Norman made no attempt to prevent the referral happening, the IPCC investigation concluded that he attempted to manipulate the public perception of the referral process for his own self interest. As a result the IPCC concluded Sir Norman had a case to answer for discreditable conduct and abuse of authority, breaches which, if proven in a dis-

ing the backing of 65 MPs when a parliamentary motion supporting him was tabled he was granted further leave to appeal. Kennedy lost his appeal in 1996 but as a free man he has continued to campaign to have his conviction overturned. He alleges that as a result he has suffered constant harassment by the police, making it almost impossible for him to earn a living from his removals business. "This may have perverted the course of justice."

Kennedy says: "I find it eerie that Jenner was involved at the CRC during the period of my 1996 appeal when he was privy to campaign strategies and confidential information. This may have perverted the course of justice. Without a proper investigation there is no way of knowing how much damage Jenner caused to me."

Claiming to be a building worker himself, Jenner supported others victimised by their construction industry employers. The Building Workers Group (BWG) had decided to put pickets on workplaces where deaths had occurred. Three people a week were being killed on UK building sites and the aim was to damage the employers' profits and force them to take action to prevent such tragedies. Where workers refused to cross a picket line it was maintained. However, where the majority went to work the others were persuaded to join them in order to prevent victimisation. The initiative was a direct challenge to anti-trade union laws. Jenner attended picket lines, wrote for the BWG newspaper and came into contact with many union site representatives.

When UCATT officer Dominic Hehir sued BWG and union member Brian Higgins for libel over allegations he was failing to support members, a defence campaign was established – and Jenner became the chair. Although the campaign was successful the time taken up on Higgins' defence meant there was little in reserve to picket sites. Those involved felt it was a hollow victory. Higgins, a blacklisted building worker, says: "I am appalled to discover 'Mark Cassidy' was actually an undercover police officer who used his cover as a building worker to infiltrate organisations the state does not like. It is like some Orwellian nightmare and it is surely time for decency, justice and democracy for blacklisted workers."

Higgins is one of 3,213 building workers' names on the Consulting Association (CA) database used by 44 building companies to vet potential new recruits over the last four decades. His file contained seven pages from RPM. Many of those on the CA list were "not recommended for employment". Their details were revealed after the Information Commissioner's Office closed down CA and its owner, Ian Kerr, was found guilty in 2009 of breaching the Data Protection Act.

The Blacklist Support Group has established that some of the information supplied by CA came from the police or security services. They have lodged a formal complaint to the Investigatory Powers Tribunal – the security services watchdog – and want an investigation about the possible involvement of MI5 and other sections of the security services in blacklisting.

Spokesperson Dave Smith says: "We now want to know why an undercover cop posing as a building worker turned up on picket lines and at campaign meetings, the details of which were discovered in the CA files. Were names of building workers or any information gathered by this police officer passed on to the CA blacklist? It sure as hell looks dodgy." I began to ensure his information-gathering opportunities were reduced

By the middle of 1997 I had become suspicious. Jenner had failed to recognise any Tranmere fans when I watched with him the games of what was supposedly his favourite football team. On a union delegation to Ireland he walked down the fiercely Protestant Shankhill Road even though he was a Catholic. He had volunteered to take his van to Ireland, despite knowing it would result in his details being recorded by the security services.

It was all a bit odd but, unwilling to challenge him directly, I shared my concerns with those clos-

dropped criminal proceedings against six people facing charges related to a conspiracy to sabotage a coal-fired power station at Ratcliffe-on-Soar, Nottinghamshire. The convictions of another 20 activists were later quashed after it was revealed that long-term police spy PC Mark Kennedy had acted as an agent provocateur within the environmental movement. Further allegations of undercover police officers acting beyond their authorisation then surfaced and we now know they were given the names of infants who had died many years previously.

The Metropolitan Police has now been ordered to investigate under Operation Herne how SDS officers created and maintained false identities while undercover.

After Kennedy became public knowledge I wrote a piece for The Big Issue in the North in January 2011 about the man I knew then as Cassidy. Although I had worked Jenner out many years beforehand it was only after he had been active in high profile campaigns in which members of CRC were involved. The centre was opened in 1993 and named after a young black man shot dead inside Stoke Newington Police Station in 1983. It combined a number of unfunded local groups, including the Hackney Community Defence Organisation (HCDA), which had uncovered serious corruption amongst the local police, with Panorama and World in Action undercover investigations confirming some officers were involved in drug dealing. CRC was burgled, with equipment vandalised and a computer stolen. Cash was left undisturbed

HCDA's work overturned many convictions and a database of police officers known to have complaints or convictions against them was compiled. The Defendants Information Services (DIS) was registered despite objections from the Association of Chief Police Officers. On 23 December 1994, a day when HCDA had organised a picket of Stoke Newington Police Station to demand action over the death of Oluwasijibomo Lapite in police custody, CRC was burgled, with equipment vandalised and a computer stolen. Cash was left undisturbed. An HCDA spokesperson told the Hackney Gazette: "It was the work of Special Branch, whose real target was a new database service." In fact DIS was run from a different location.

Early the following year a Liverpoolian who identified himself as Mark Cassidy came into the centre to say he had seen TV coverage of the annual commemoration event for those who had died at the hands of the local police. The 1995 guest speaker was civil rights lawyer Gareth Pierce. "Cassidy" quickly became active in most of the centre's political life, including writing for our internal bulletin. When a magazine sold to the public was launched his suggestion to call it RPM – revolutions per minute – was agreed. He attended members' meetings and was privy to confidential information on hundreds of people's policing cases, including where police officers were charged with unlawful imprisonment and conspiracy to pervert the course of justice. Jenner was privy to confidential information on hundreds of people's policing cases

Graham Smith, a Manchester University lecturer, consultant on police complaints to the Council of Europe Commissioner for Human Rights and an international expert on police accountability, says: "I am concerned that undercover officer Mark Jenner participated in an organisation that supported law abiding citizens who were involved in legal proceedings against the Metropolitan Police."

CRC, with Jenner much involved, was also central to the campaign by businessman Malcolm Kennedy to prove he had not killed Patrick Quinn in 1990. Quinn had been battered to death – his injuries included 33 fractured ribs – in Hammersmith Police Station. Convicted of murder, Kennedy was released after his conviction was quashed when the World in Action programme, uncovered new witnesses in the police station, giving grounds for appeal.

At his retrial Kennedy was cleared of murder but convicted of manslaughter. After receiv-

ciplinary hearing, would amount to gross misconduct as they would justify dismissal. However as Sir Norman left the police service in October 2012 he cannot face a disciplinary hearing in which the evidence could be tested. Instead the IPCC is publishing its findings for the public to judge.

IPCC Deputy Chair Deborah Glass said: "The Hillsborough disaster and its aftermath have become synonymous in the public consciousness with allegations of police attempts to cover-up the truth, manipulate messages and deflect blame. Sir Norman is facing investigation in relation to allegations that he played a key part in this. We do not pre-judge the findings of that investigation. However, given the effect that those allegations have had on the public perception of him and policing generally, his attempts to manipulate and manage the perception of the referral of complaints about him, for his own self-interest, is particularly concerning. It is also conduct that falls far short of what should be expected of any Chief Constable. It was the IPCC's view at the start of the investigation, as it was the view of his Police Authority, that Sir Norman's actions, if proven, fell so far short of what is expected of a Chief Constable that dismissal would be justified. The evidence uncovered during the investigation supports that view. While we cannot bring this case to misconduct proceedings, we can publish the evidence and our conclusions, so that the public can judge for themselves. This case should also serve as a salutary reminder to chief officers everywhere of how much public confidence in policing is damaged when the conduct of leaders is called into question." *IPCC 28th March 2013*

#### **Clean Slate for Thousands as Minor Crimes Cleared** *Paul Peachey, Independent, 26/03/13*

Thousands of people with minor convictions dating back years are to have their records cleared in a major law change after judges declared the current system breached their human rights, the Government said today. The overhaul follows a ruling by three judges in January who said that people forced to declare cautions from childhood were being unfairly prevented from working with children.

The challenge was brought by three people including a 21-year-old who struggled to get a part-time job at a football club because of two warnings he received from police over two stolen bicycles when he was aged 11. Another woman said that she had been unable to get a job in the care sector after a check revealed a caution after she had walked out of Superdrug without paying for a packet of false nails nearly a decade earlier.

The changes will directly affect thousands who apply for jobs each year that require criminal records checks including teachers and doctors. Under the current system, records checks must include information on all convictions and cautions including those deemed to have been spent.

The rights group Liberty said the changes were sensible and progressive. "For too long irrelevant and unreliable information provided under the criminal record system has blighted people's lives," said Corinna Ferguson of Liberty.

Serious violent and sexual offences, crimes with jail terms and some other offences would remain on the checking procedure, the Home Office said.

#### **Targeted Support for Women Offenders**

"Female offenders should receive more targeted support to break the cycle of crime and abuse many of them face". Justice Minister Helen Grant. Setting out her priorities, Helen Grant outlined the need for proper punishment, coupled with effective rehabilitation, to turn women away from crime. It costs £45,000 to keep a woman in prison for one year – while almost 45 per cent of all women released from custody in 2010 re-offended within 12 months. Many female offenders have a background of abuse and up to 56 per cent have been in care. A

powerful new Advisory Board will bring together key experts to help shape future policy in tackling female offending and drive through reforms.

Helen Grant said: 'Many female offenders share the same depressingly familiar issues of abuse, drug and alcohol dependency and mental health problems. Women who commit crime should be punished, but we must not forget that a significant number have been victims during their lives, and need targeted support to break the cycle of offending.'

Issues the board will consider include: The use of tough and effective community orders that allow women to be punished and rehabilitated in the community where appropriate; How the private, voluntary and public sector can provide more effective women's services in the community, including female-only treatment programmes; Locating female prisoners as near as possible to their families to help maintain important links with children; Support for female offenders released from prison so they have help finding housing, a job or education and appropriate treatment. This approach will be underpinned by tough reforms that will see every community order include an element of punishment such as a curfew or unpaid work. The priorities sit alongside recent Transforming Rehabilitation proposals, which place a greater emphasis on providing through-the-gate support helping offenders into housing, employment and treatment programmes.

#### **Theresa May Again Fails to Deport Abu Qatada: The Law Won**

The judges who ruled against the Home Office aren't woolly liberals. They're just doing their job. Omar Othman is a resident of this country – guilty of no crime and up to now facing no charges – whose home country wants to put him on trial in a case where the key evidence against him will in all likelihood have been procured by torture. The only reason he probably won't be tortured is because the state concerned has reluctantly promised not to follow its usual routine.

If this person's name were Giles or Gary and the country Syria or Sudan, we'd have outraged Daily Mail editorials and a civil libertarian home secretary. But Othman is Abu Qatada, and the state is Jordan. In politics universal values (the rule of law, the protection of human rights, the prohibition on torture) are fine – so long as they don't get in the way of our diplomatic interests, the career ambitions of our leading politicians or the propensity of our allies to do evil.

But the law doesn't work like this. It deals in legal commitments. No bit of the Human Rights Act, the European convention on human rights or the UN convention against torture has a proviso excluding foreigners with "funny" names or for those with the "wrong" ethnic or religious backgrounds. The three senior judges, who have reminded the government of this yet again in the latest ruling on Abu Qatada, are not necessarily liberal, or progressive, or devotees of some judicial cult worshipping at the shrine of liberty campaigner Shami Chakrabarti. They are just doing in a dull old-fashioned way what is made inevitable by their training and the democratic laws it is their job to apply.

Successive governments, and the Tories in particular, have had a problem with the rule of law. It seriously inhibits the ability of their security services to take national security back – cold war style – into the realm of the executive. It also inconveniently stands against the populist manoeuvring favoured by the dark side of both main parties. But the rule of law is what Conservatives in particular were brought up to believe in: a bit of the imperial history (Magna Carta, Blackstone, Dicey, etc) for which they display such enthusiasm.

In the good old days the judges looked the other way when radicals were shafted, shocking bail conditions imposed and foreigners unceremoniously thrown out. This went on right into the 1980s (Spycatcher, the Birmingham Six, the miners' strike). But things have changed.

dent investigation into the use of Taser on a 20-year-old in September 2012

#### **62 People Were Fitted up by West Midlands Serious Crime Squad**

MOJUK now have a list of names of people fitted up by WMSCS, the full names of 59 of the victims have been found, but there were 3 others who went down with Tarlochan Singh Gill but not able to find the names. MOJUK is pretty sure there are lots more and though 62 people served serious time in prison, not one of the officers of the WMSCS, who have been named in court proceedings as fitting them up, have done a single moment in prison.

Detective Constable John Perkins and Detective Constable Peter Reynolds were the ringleaders in the Squad that ran several corrupt officers in 1987. No member of the corrupt squad have been successfully prosecuted and the reason for this is - tampering with evidence, evidence disappearing and collusion within the West Midlands Police.

Detective Constable Graham Leake was involved in forged confessions, Detective Constable David Woodley and Detective Constable Roger Clifford involved in stealing interview notes and perverting the course of justice. Superintendent John Brown and Detective Constable Colin Abbots were fined £1,500 for disciplinary offences. Detective Constable Tony Adams and Detective Chief Inspector Bob Goodchild were found guilty of disciplinary offences. Detective Superintendent Michael Hornby retired conveniently. Superintendent George Reade, Detective Superintendent Colin Morris and Detective Terence Woodwiss were charged with perjury but retired shortly. Inspector James Price, Detective Constable Alan Pickering and Detective Constable Tim Russell never appeared in court despite the decision not to pursue them was criticised by the judge. Although the Chief Constable does not dispute the corruption organised by the two detectives, none faced trial and he quickly disbanded the whole squad. The West Midlands Serious Crime Squad is believed to have fitted-up many suspects and been involved in crime for quite some period before their downfall. Even now, wrongly convicted suspects are taking legal action to overturn their sentences and claim compensation.

#### **Barnsley Bans Children From Town Centre [No doubt Coming to a Town Neay You]**

Police have been given special powers to remove and take home anyone under 16 who is out between 9:00pm and 6:0am unless they are accompanied by an appropriate adult. Children who refuse to be taken home could be arrested. The new six-month dispersal order in Barnsley, South Yorkshire, follows a surge of complaints over rowdy teens roaming the town after dark.

#### **There is no way of Knowing How Much Damage Under Cover Police Cause**

Mark Metcalf for the Big Issue, 11/03/13

I now know the name of the Metropolitan Police officer who was employed to spy on the protest group in which I was one of the key organisers in the 1990s. Thanks to his former partner Alison (not her real name) and the Guardian it has been established that the man I knew during my time at the Colin Roach Centre (CRC) in Hackney as Mark Cassidy is Mark Jenner of the Met's special demonstration squad (SDS).

Jenner's name was revealed when Alison gave evidence to the Home Affairs Select Committee inquiry into undercover policing, his police role confirmed by the Guardian on 1 March. He is one of 11 undercover police officers publicly identified. Nine of them had sexual relations with activists mainly from environmental groups.

The officers' actions began unravelling in 2011 when the Crown Prosecution Service (CPS)

Switching to digital could also see huge savings in crime case paper storage – nationally put at an astonishing £3 million in 2010. Mr Ireland said: "It was crazy that we were such a paper-dependent organisation. Everything we received from the police was paper-based so evidence was paper-based, other than for example CCTV. Storage-wise, it's a nightmare and for bigger cases you could fill rooms with the files, quite easily. That's just one example of where the savings could be made."

As part of the cuts programme, regional CPS offices in Wolverhampton, Stafford and Coventry have closed with many staff moving to the Birmingham HQ. Mr Ireland said the West Midlands was facing a further £1.9 million savings this year, with Shrewsbury and Droitwich offices closing and more staff relocating. But could he also see courts closing to save money in the future? Quite possibly but there has already been a programme of court closures last year." Our primary goal in anything that we do as CPS is to get justice. The one thing I am not here for is to waste money. So I can achieve both justice and efficiency by doing things in a different way. We want to make sure that the public get good value for money. But at the same time it is not at the cost of quality.

"When HM Crown Prosecution Service Inspectorate came to visit our offices to assess how we organise our Crown Court advocacy, they saw exactly what we had achieved, and made a recommendation to the Director of Public Prosecutions (DPP Keir Starmer) that ours was the model that should be championed nationally. And last year that was what was rolled out nationally." The West Midlands is also clearly at the centre of the technological revolution. So could Mr Ireland foresee entire trials of the future being held, in essence, in 'cyberspace'? "Yes, I can," he said. At the moment technology's not 100 per cent and it's time consuming. But once you've reached a certain tipping point that's when you start to see the dividends. There is no turning back on this. Once you've opened the Pandora's Box of technology, it has to develop."

\* The cuts have also forced a subtle change in tactics by West Midlands CPS and Courts Service, with earlier guilty pleas now being targeted to save costly crown court trials. Early guilty pleas are a good thing, there's no doubt about it," Mr Ireland said. You need the right people with the right sort of character to drive bit. So what we have done is to identify some key lawyers and paralegal staff who are very proactive, very committed. We have put them in and said 'Make this work'. All this has resulted in us currently having the best performance in terms of guilty plea at first hearing for the crown court nationally. For us, the benefit includes the saving of resources. The defendant gets credit for an early guilty plea. But more importantly what the victim gets is closure at a very early stage. So instead of a crown court case taking 12 or 18 months, the whole process may actually take as little as three or four weeks."

Work on increasing guilty pleas at magistrates courts is continuing. One possibility is to increase costs to encourage more admissions of guilt. Mr Ireland said: "What we have to do in the magistrates court is make it more attractive to plead at an earlier stage. And we've not cracked it yet. We could save millions if we could get that sorted."

## **2nd investigation into Taser use at Lancashire Constabulary Custody Suite**

IPCC is to independently investigate a further complaint about the use of Taser on a detainee at a Lancashire Constabulary custody suite. This second independent IPCC investigation comes after the IPCC launched a similar investigation into the use of Taser on a different detainee in a cell at the same custody suite in Burnley. Burnley police station in July 2012. A complaint from the man's solicitor was referred to the IPCC by Lancashire Constabulary in September last year and it was decided it should be investigated by force's Professional Standards Department. The IPCC asked to look at the complaint again following the launch last month of an indepen-

The ex-servicemen, rabid anti-communists and Tory placemen of yesteryear have gone. And now the European court of human rights keeps the judiciary honest, as it did in the Abu Qatada case itself last year when overruling our judges' effort to be relaxed about torture evidence as long as it was being allowed in Amman and not the Old Bailey.

What will the government do? In the short term it has enough legal devices to hand to continue to make the life of Abu Qatada and his family hell. If it gets the chance it might even press charges against him, if it can be assured of the secret justice for which it has been fighting so hard in recent weeks. In the longer term the Conservatives only get away with supporting universal values like the rule of law and human rights while also condemning non-white foreigners, immigrants and benefit scroungers, because they are always silently whistling that none of the values we supposedly uphold apply to these reprobates.

Ukip's leader, Nigel Farage, has thrown the Tories into panic because he is talking about this, not covertly whistling. Short of abolishing the rule of law and universal human rights, the party is left with the poor consolation of shouting insults at the judges – like a political version of the limbless black knight in Monty Python and the Holy Grail who roars at his adversary: "Come back and I'll bite your legs off." Conor Gearty, The Guardian, Thursday 28 March 2013

## **R v Gunning [Early Guilty Pleas Cannot be Rejected by a Court]**

In a case where the appellant put forward a proposed basis of plea which was rejected, the court accepted the submission that the appellant was entitled to full credit for his guilty pleas; he did all that was required of him under the provisions of the early guilty plea scheme and was therefore entitled to expect to receive full credit.

The appellant pleaded guilty to two offences of assault occasioning actual bodily harm and one offence of criminal damage. He was sentenced to a total of 2 years' imprisonment, comprising 12 months for the earlier assault, 28 days concurrently for the criminal damage committed at the same time and 12 months consecutively for the later assault. A restraining order was also made.

The victim of the offences was the appellant's then girlfriend, Natasha Rogers. Following an argument the appellant smashed framed photographs of sentimental value, grabbed her by the throat and headbutted her. He held her down on the floor and hid her mobile phone so that she could not ring anyone. Two days later there was a further argument and the appellant told Miss Rogers to leave his flat. She began to pack her clothes. The appellant pushed her and then again head-butted her. The injuries comprised bruising of the face and arms and a black eye.

When arrested and interviewed the appellant made only limited admissions. He denied head-butting and claimed that Miss Rogers herself had caused some of the marks of injury visible upon her. However, he gave an early indication of his intention to plead guilty, with a view to the case being listed in accordance with the early guilty plea scheme in operation at that court.

The appellant put forward a proposed basis of plea but when that was rejected by the Crown Prosecution Service he did not seek to pursue it. He pleaded guilty on his first appearance before the Crown Court and was sentenced the same day. The 36 year old appellant had no convictions for offences of direct violence but had been convicted of harassment of a different former partner.

In his sentencing remarks the judge said that it was agreed that this was a category 1 offence according to the Sentencing Guidelines. He indicated a starting point for each of the offences of assault of 16 months. He allowed only a 25% reduction for the guilty pleas because the appellant had only that day abandoned a basis of plea which sought to minimise his criminality.

It was argued that the starting point for the first assault was too high, that the credit

given for the guilty pleas was too low and that in the result the total sentence was manifestly excessive. Whilst counsel acknowledged in the lower court that the case came within category 1 of the Sentencing Guidelines, she meant by that no more than the totality of the offending should be regarded as falling into that category. It may have been that there was some mutual misunderstanding on that point in the lower court, as the judge appears to have understood that there was an acceptance that each of the two offences viewed individually would fall within category 1. Be that as it may, the court's view of these 'nasty' offences of violence was as follows. Plainly both were serious offences, for which no sentence other than immediate imprisonment would suffice. Both involved higher culpability because of the head-butting. The later offence also involved greater harm because of the element of repetition of the violence only two days after the first incident. But the earlier offence could not be said to have involved greater harm; serious injury was not caused on that occasion. The court therefore accepted the submission that in that respect the judge fell into error.

The court also accepted the submission that the appellant was entitled to full credit for his guilty pleas; he did all that was required of him under the provisions of the early guilty plea scheme and was therefore entitled to expect to receive full credit. The judge was sentencing some 2 months before the decision in *Caley & Ors* [2012] EWCA Crim 2821 and therefore did not have the advantage of the guidance given by the Vice-President in the judgment of the court in that case. At paragraph 18 the court said that the first reasonable opportunity for a defendant to plead guilty: "... is normally either at the Magistrates' Court or immediately on arrival in the Crown Court – whether at a preliminary hearing or by way of a locally-approved system for indicating plea through his solicitors. There will, we think, ordinarily be some, but limited, difference in public benefits between the two stages of the Magistrates' Court and the first arrival in the Crown Court, but for practical purposes either can properly, we think, ordinarily attract the maximum percentage reduction (one third) provided for by the SGC Guidelines." For those reasons the court accepted the submission that the total sentence was manifestly excessive; the appropriate starting point for the first offence of assault was 12 months' imprisonment. For the second offence, having regard to totality, the appropriate starting point was 15 months. In each case the court took the view that the appellant should have received full credit for his plea.

In the result the court quashed the sentences imposed below for the two offences of assault. On count 2, a sentence of 8 months' imprisonment was substituted and on count 3 a consecutive sentence of 10 months' imprisonment. The total sentence accordingly was reduced from 2 years to 18 months.

### **Contact With the Police Continues to be Deadly**

Stephen Berry & Martin Leck die in Northumbria Police Custody

1) Martin Leck died in custody after being arrested by Northumbria Police. The man was arrested on Thursday 28th March and was being held in police cells pending a court appearance, the IPCC said. He was taken to the Queen Elizabeth Hospital in Gateshead and pronounced dead at about 01:00 GMT on Saturday 30th March 2013. The Independent Police Complaints Commission (IPCC) is investigating the death at Washington Police Station, Tyne and Wear. An IPCC spokesman said: "The available records indicate police officers requested the attendance of a police doctor in the evening on Friday 29 March and an ambulance was called at around 11:30 pm." The man was arrested after failing to appear at court, the IPCC said.

2) Stephen Berry, a chief superintendent says he understands his officers followed procedures correctly leading up to the death of man in custody on Friday, March 22. Stephen Berry was

arrested by Northumbria Police officers for being drunk and disorderly on March 22 and booked into custody at South Tyneside police station at 8:25 pm. The IPCC, which is independently investigating the death, said it understands the man was subject to 15 minute checks thereafter. At 10:06 pm he was found in his cell not breathing and was taken to hospital where he was pronounced dead at 11:44 pm. The Force subsequently referred itself to the IPCC as a matter of course.

### **'Virtual Courts' To Dole Out Justice In Cyber Space** *Jeanette Oldham, Birmingham Mail, 28/03/13*

Defendants being prosecuted in a 'virtual court', with police giving live video statements from a studio miles away – and witnesses allowed to do the same from the security of their homes. Yet this vision of the future is becoming a reality as a technological revolution in the criminal justice system gathers pace, right here in Birmingham and the West Midlands. Already laptops have replaced bulging briefcases for prosecutors, with court notes now called up at the touch of a button.

Harry Ireland, Chief Crown Prosecutor with West Midlands CPS, said: "Birmingham Magistrates Court have just been given the go-ahead by the Ministry of Justice to start doing some pilots. We are about to go into negotiation with them about... potentially virtual courts, using technology much more in terms of the way we do business. There could be a variety of hearings and trials eventually held in 'cyberspace'. The concept of everybody journeying to court, often quite lengthy, is old hat because so many of the hearings could be dealt with in 'cyberspace'."

This investment in technology has been borne of necessity, as it is helping West Midlands CPS save millions of pounds a year. The service locally has suffered £10 million of cuts since the Coalition came to power, with more planned this year. Mr Ireland has overseen tough savings in the West Midlands, including reducing management by over 25 per cent and slashing the regional divisions from four to one. Yet as well as looking to make efficiencies, he and his award-winning team have embraced the positive role technology can have in reducing costs.

Mr Ireland said: "It's about much greater use of technology in everything we do – from the very moment someone is arrested to the moment somebody is sentenced. For example, I would start at the very beginning. When an officer begins their investigation they have an iPad or similar device where they record all the evidence there and then, press a button and it comes to us literally instantaneously. The digital process will save a huge amount of time and money."

Technology is already having an impact in Birmingham magistrates' courts, where cases nationally make up 95 per cent of the CPS work. Mr Ireland said: "Virtually all of our (magistrates) courts in Birmingham are prosecuted on tablet. The prosecutor will have a tablet. Before they go to court the files for their court are loaded on to the tablet and the files for the other courts too, in case the court starts moving cases around. We have also been running an experiment now for six months at Sutton police station where there is a room with a video camera and a video link. One of the court rooms here in Birmingham is linked to that so that officers don't need to come into Birmingham, they just go there and give their evidence over the live link. The police obviously appreciate it. My vision for this is gradually what we should be doing for witnesses in the future – linking up by Skype or webcam so that people can give their evidence from their homes or offices. In every trial – crown court as well."

The idea of giving 'virtual' testimony could help persuade vulnerable or frightened witnesses. Mr Ireland said: "It should make it so much easier for witnesses to give evidence without the fear of going to court. It would also make witnesses more willing to give evidence. Because we have a real problem, particularly in domestic violence cases, where we set up trials and the victim says they will come and at the last minute they don't. We lose a lot of cases as a result of that."