could receive more appropriate interventions; this was not always successful, but for a local prison it seemed a sensible approach. The resettlement wing, use of release on temporary licence, 'through-the-gate' support and the 'sixth hub' (an integrated offender management scheme working with prolific and priority offenders both inside the prison and on release) were all excellent initiatives that were showing some good early results in reducing reoffending. Links to partner organisations to deliver this agenda were very strong. Practical resettlement support was well developed in the most important areas - JobCentre Plus, for instance, had helped 50% of prisoners safeguard their outside jobs while they served their sentence. Wider support for maintaining contact with family and friends was excellent.

HMP Leeds shows what can be done despite poor physical conditions and overcrowding. Good relationships and treatment underpinned security and made the prison safe. Because the prison was generally safe, prisoners could spend a lot of time out of their cell. Prisoners used this opportunity to take part in activities likely to reduce the risk they would reoffend. Because prisoners felt they were making progress, that helped make the prison safer and relationships more relaxed, and so a virtuous circle was created. Improvements were still required and some of the progress the prison had made was fragile. There appears to be much that the rest of the Prison Service can learn from the experience of HMP Leeds. This experience should be evaluated in more depth than we have been able to do on this inspection, and the lessons applied to the government's wider plans for rehabilitation.

IPCC Investigating Grimsby Death in Police Custody

David Hill, 57, died at Grimsby police station on 21 May, 2013. Humberside police have told the IPCC that he was arrested close to his home in Peaks Lane in New Waltham, near Grimsby, for the offences of criminal damage and affray. The IPCC was informed of Mr Hill's death at about 11pm on 21 May. An IPCC investigator was sent to the station to speak to custody staff and view CCTV footage. At 3am it was decided that the circumstances surrounding the man's death would be independently investigated by the IPCC. A post mortem held on 22 May was inconclusive.

Investigation into Custody Death at Perth Police Station

There has been no further word from the authorities since it was confirmed that James Milne (54), a Kinloch Rannoch man died at Perth police station. A spokeswoman for Police Scotland Tayside Division said: "Police Scotland Tayside Division can confirm that a 54-year-old man who took ill whilst in police custody on Tuesday, May 7, died in Perth Royal Infirmary on Saturday, May 11, 2013. "In accordance with the Police and Fire Reform (Scotland) Act 2012, the circumstances leading up to his death are the subject of an independent Police Investigations and Review Commissioner investigation.

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

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Fax: 087 2023 1623

MOJUK: Newsletter 'Inside Out' No 427 30/05/2013)

Will Criminal Legal Aid Reforms Breach the Right to a Fair Trial?

One of the most contentious proposals in the Consultation Paper on the transforming legal aid is the removal of client choice in criminal cases. Under the proposals contracts for the provision of legal aid will be awarded to a limited number of firms in an area. The areas are similar to the existing CPS areas. The Green Paper anticipates that there will be four or five such providers in each area. Thus the county of Kent, for example, will have four or five providers in an area currently served by fifty or so legal aid firms. Each area will have a limited number providers that will offer it is argued economies of scale. In order to ensure that this arrangement is viable the providers will be effectively guaranteed work by stripping the citizen of the right to choose a legal aid lawyer in criminal cases. Under the new scheme every time a person needs advice they will be allocated mechanically by the Legal Aid Agency to one of the new providers. It may not be the same firm the person has used before. The citizen will therefore not be able to build up a relationship with a solicitor. From a human rights perspective this, of course, begs the question would the removal of choice be compatible with the ECHR?

This is an interesting and important question. Article 6(3)(c) articulates one of the minimum fair trial rights as the right trial fairness thus: 'to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.'

This is known as the right to a defence. Read literally, in English at least, the right of defence contains a right to defend yourself in person or via an appointed lawyer; but if you are indigent and it is in the interests of justice, then a lawyer is to be provided free. The indigent have no choice of lawyer. There is some case law that supports this interpretation.

In Freixas v Spain [2000] ECHR 53590/99 the European Court, ruling on the admissibility of an application, observed that 'Article 6(3)(c) does not guarantee the right to choose an official defence counsel who is appointed by the court, nor does it guarantee a right to be consulted with regard to the choice of an official defence counsel.' This point was also made, if somewhat more eloquently, by Mosk J of the Supreme Court of California: 'While it might be desirable to recognize [the right to choose legal aid counsel] as an abstract principle, its application in the real world of criminal courts procedure is fraught with complications … Many a defendant charged with a commonplace violation, in the dreary solitude of his jail cell, contemplates his case as a cause celebre deserving representation by a Clarence Darrow or a Jerry Geisler.' (Drumgo v The People (1973) 106 Cal. Rptr. 631, 940.)

However, that may not be the end of the matter, for the European Court has not been entirely consistent here. In full judgments, as opposed to admissibility decisions, the European Court has taken a different view. In Pakelli v Germany [1983] ECHR 8398/78 the European Court discussed the text of Article 6(3)(c). (Pakelli was not cited in Freixas). Crucially the European Court noted that there are important differences between the English and French versions of the ECHR: 31. Article 6(3)(c) guarantees three rights to a person charged with a criminal offence: to defend himself in person, to defend himself through legal assistance of his own choosing and, on certain conditions, to be given legal assistance free. To link the

corresponding phrases together, the English text employs on each occasion the disjunctive "or"; the French text, on the other hand, utilises the equivalent – "ou" – only between the phrases enouncing the first and the second right; thereafter, it uses the conjunctive "et". The "travaux préparatoires" contain hardly any explanation of this linguistic difference. They reveal solely that in the course of a final examination of the draft Convention, on the eve of its signature, a Committee of Experts made "a certain number of formal corrections and corrections of translation", including the replacement of "and" by "or" in the English version of Article 6(3)(c) (Collected Edition of the "Travaux préparatoires", vol. IV, p. 1010). Having regard to the object and purpose of this paragraph, which is designed to ensure effective protection of the rights of the defence, the French text here provides more reliable guidance.

Therefore, according to the French text the accused would have a choice in his legal aid counsel. In Croissant v Germany [1990] [1992] ECHR 13611/88 the European Court refined this view: 29 … It is true that Article 6(3)(c) entitles "everyone charged with a criminal offence" to be defended by counsel of his own choosing (see Pakelli v Germany). Nevertheless, and notwithstanding the importance of a relationship of confidence between lawyer and client, this right cannot be considered to be absolute. It is necessarily subject to certain limitations where free legal aid is concerned and also where, as in the present case, it is for the courts to decide whether the interests of justice require that the accused be defended by counsel appointed by them.

Croissant is interesting for two reasons. First, the European Court recognised the importance of the lawyer-client relationship to the right to a defence. And second, the right to a defence funded by legal aid is subject to limitations. A balancing exercise is necessary. On the one hand, in the context of legal aid a defendant cannot enjoy a carte blanc in the choice of their lawyer. The public purse is not unlimited. Yet on the other hand this does not preclude a choice albeit a limited one i.e. from a range of legal aid providers. Indeed, the European Court seems to recognise this in Pakelli and Croissant. In fact, a choice, even a limited one, is essential if a proper lawyer-client relationship is to be created and maintained. This relationship is the foundation of a defence that is practical and effective; not theoretical or illusory. (Artico v Italy [1980] ECHR 6694/74, para 33.)

The relationship between lawyer and client is crucial to the effectiveness of the right to a defence. The nature of the lawyer-client relationship was summarised by O'Connor JA in the Canadian case of R v McCallen [1999] O.J. No. 202. While of course this was a case considered under the Canadian Charter (The right to counsel – section 10(b)) the reasoning is nonetheless equally applicable to the relationship between lawyers and clients under Article 6 ECHR. It bears quoting in full:

34 … The solicitor-client relationship is anchored on the premise that clients should be able to have complete trust and confidence in the counsel who represent their interests. Clients must feel free to disclose the most personal, intimate and sometimes damaging information to their counsel, secure in the understanding that the information will be treated in confidence and will be used or not used, within the boundaries of counsel's ethical constraints, in the clients' best interests.

35 In addition, the relationship of counsel and client requires clients, typically, untrained in the law and lacking the skills of advocates, to entrust the management and conduct of their cases to the counsel who act on their behalf. There should be no room for doubt about counsel's loyalty and dedication to the client's case. It is human nature that the trust and confidence that are essential for the relationship to be effective will be promoted and more readily realized if clients have not only the right to retain counsel but to retain counsel of their choice.

36 The reasons why clients may choose one lawyer rather than another may vary widely and will often turn on personal preferences or other factors that do not lend themselves to

oners from black and minority ethnic groups and those with disabilities, while still positive, were less so than the rest of the population. Work on equality and diversity issues as a whole was energetic and committed and the support for some minority groups was excellent, although that for older prisoners and those with disabilities needed more attention.

Good relationships were underpinned by decent conditions. Despite the poor physical state of some parts of the prison and overcrowding, communal areas were clean and very well cared for. Health care was good with some innovative practice: 'The Harbour' was a facility that helped prisoners manage low level mental health problems, and the brain injury programme was an excellent development that helped the significant number of prisoners with brain injuries cope with the attendant problems. The most significant exception to this generally positive picture was the quality and quantity of the food, which was poor, served extremely early and had to be eaten in cell.

The generally good relationships and conditions were a crucial factor in the overall safety of the prison. Security was well informed, proportionate and well managed. Prisoners' perceptions of their safety were better than in comparable prisons, and data about assault, self-harm and the use of force supported this. Care for those most at risk of suicide or selfharm was very good. However, prisoners who were vulnerable because of their offence needed more protection from abuse, particularly when they first arrived, some unexplained injuries were not thoroughly investigated and poor behaviour was not always effectively challenged.

Most violent incidents that did occur were believed to be associated with the supply of alcohol and drugs but this needed to be investigated further. However, the prison worked hard to reduce the supply and demand for drugs and alcohol. Testing and prisoner survey responses suggested that the supply of illegal drugs was similar to comparable prisons, and the overall trend was sharply downwards from previous very high levels. There was a very good staged treatment programme for those with substance misuse problems that emphasised reduction and was supported by well-trained staff and prisoner 'recovery champions'. Prison drug and alcohol services were effectively integrated with community services and work with prisoners' families. A generally safe and respectful environment created the conditions in which prisoners could have a very good amount of time out of cell. In every inspection we count the number of prisoners locked in their cells during the working part of the day. Typically, in a local prison, we find between a third and half the prisoners locked behind their doors then. At Leeds, the figure was less than 1 %.

Overcrowding meant there was a serious shortfall in the amount of activity available. There were 828 full-time activity places- enough for the 'certified normal accommodation' of 826 but far short of the 1,121 men actually held. However, the activity available was shared out fairly and most men who wanted an activity could get at least something part time. Partnerships with local employers and external agencies were very good, but the quality of some teaching needed to improve.

With so much activity part-time and so few men locked behind their doors, the wings during the day felt busy and crowded, but safe. Prisoners got on with individual or establishment domestic tasks. Some staffed effective 'prisoners' information desks' (PIDs) that provided practical help with prison issues and sign posted resettlement services. Officers actively engaged with the men they were supervising.

The work of the PIDs and the use prisoners could make of their extended association time to sort out practical resettlement issues was part of a genuinely whole-prison approach to reducing reoffending. The prison was to have been a pilot for an early version of a paymentby-results scheme but this had been halted by the time of the inspection, creating some uncertainty. Nevertheless, the work that was still being done appeared impressive. The focus was on those with 12 months or less to serve. The aim for those serving longer sentences was to move them to a training prison where they

Rehabilitation Bill changes this position.

For determinate sentences or four years or more imposed before 3 December 2012 where the offence was committed prior to 4 April 2005, release is determined on the basis of risk by the Parole Board between the halfway and two-thirds point of the sentence. The offender is on licence from the point at which he is released until the three quarter point of sentence. In respect of sentences of less than four years, the offender will be released at the halfway point, on licence to three quarter point.

For determinate sentences imposed before 1 October 1992, release is determined on the basis of risk by the Parole Board between the one-third and the two thirds point of the sentence. The offender is on licence from the point at which he is released until the two-thirds point. If parole is not granted, automatic release is unconditional at the two-thirds point.

For indeterminate sentence prisoners, the sentencing judge with regard to the legislation and guidelines in place at the time and taking into account any aggravating and mitigating factors of the case will set a minimum term to be served. This punitive period is known commonly as the "tariff" period. No indeterminate sentence prisoner can expect to be released before they have served the tariff period in full. Release on expiry of the tariff period is not automatic. Release will only take place once this period has been served and the Parole Board is satisfied that the risk of harm the prisoner poses to the public is acceptable. As such, some life sentence prisoners remain in prison beyond their tariff as they are not considered to present an acceptable risk to the public. Whole life prisoners will spend the rest of their lives in prison.

Report on an Announced Inspection of HMP Leeds

Inspection 8/18 January 2013 by HMCIP, report compiled March 2013, published 21/05/13

HMP Leeds faced many of the typical challenges of a large, Victorian, inner-city local prison: it was chronically overcrowded, the physical condition of some parts of the prison was poor and it held a challenging and needy population.

Inspectors were concerned to find: - prisoners who were vulnerable because of their offence needed more protection from abuse, particularly when they first arrived; - the quality and quantity of food was poor. Meals were served extremely early and had to be eaten in cell - overcrowding meant there was a serious shortfall in the amount of activity available, but most men could at least get something part-time. - prisoners from black and minority ethnic groups and those with disabilities, while still positive, were less so than the rest of the population - older prisoners and those with disabilities needed more attention. - Most violent incidents that did occur were believed to be associated with the supply of alcohol and drugs

Introduction from the report: This was a very positive inspection. In the past, Armley Prison, as HMP Leeds was once known, had a notorious reputation for violence and brutality. At the time of the inspection it faced many of the typical challenges of a large, Victorian, inner-city local prison: it was chronically overcrowded, the physical condition of some parts of the prison was poor, and it held a challenging and needy population. However, the prison had dealt with these challenges very well and, although there was still room for improvement, much of what the prison did appeared to be very successful and we identified much good practice that should be emulated elsewhere.

At the heart of the prison's success were very good staff-prisoner relationships, which were among the best we have seen in a local prison. Most prisoners told us they were treated with respect, and this was reflected both in the individual interactions we observed and well developed consultation arrangements. However, in this and in some other important areas, pris-

objective measurement. Professional reputation and competence will no doubt be important factors in the choice of counsel, but it would understate the full nature of the relationship to suggest that the choice be limited to those considerations. The very nature of the right is that the subjective choice of the client must be respected and protected. Absent compelling reasons involving the public interest, the government and the courts need not be involved in decisions about which counsel clients may choose to act on their behalf.

37 In addition to constituting a valuable personal right to clients, s. 10(b) provides a right that is an important component in the objective perception of fairness of the criminal justice system. Criminal proceedings are adversarial in nature and pit the accused against the authority of the state. Without adequate safeguards the resulting contest may be unfairly weighted in favour of the state. The right to have the assistance of counsel is high on the list of those protections for accused persons which enable them to fully defend the charges brought against them. Including with this fundamental right to counsel, the additional right to choose one's own counsel enhances the objective perception of fairness because it avoids the spectre of state or court interference in a decision that quite properly should be the personal decision of the individual whose interests are at stake and whose interests the counsel will represent.

38 The corollary to this point, which is central to this case, is that the perception of fairness will be damaged, and in many cases severely so, if accused persons are improperly or unfairly denied the opportunity to be represented by the counsel they choose.

39 Although it may be said that in some cases there will not be any practical difference whether an accused is represented by one counsel rather than another, nevertheless, the intangible value to the accused and the symbolic value to the system of criminal justice of the s. 10(b) right are of fundamental importance and must be vindicated when breached.

Thus it could be argued that the current regime for the provision of legal aid in criminal cases strikes an acceptable balance between the right of the accused to a defence of his choosing and the broader public interest maintaining an economically viable system of legal aid. However, if the Coalition removes the existing limited choice and replaces it with Hobson's choice, then there is a good argument that the new legal aid regime would be incompatible with Article 6(3)(c).

Finally, we should also bear in mind that the requirement of fairness under Article 6 is constantly evolving (R v H [2004] UKHL 3, para 12 Lord Bingham). And 'what the public was content to accept many years ago is not necessarily acceptable in the world of today … the indispensable requirement of public confidence in the administration of justice requires higher standards today than was the case even a decade or two ago.' (Lawal v Northern Spirit Ltd [2004] UKHL 35, para 22 Lord Steyn). Fifty years ago the provision of free legal assistance without a choice would have no doubt struck many as both generous and fair. Today, however, this may not be the case.

Police Warn Girl, 10, Over Hopscotch Grid *Metro News*

Chalking a hopscotch grid onto a pavement amounted to criminal damage. Lilly Allen was given the warning by two officers as she played the skipping game outside her home in Ramsgate, Kent. She was issued the warning after making the outlines in white chalk, which washes away in rain. Her father, Robert Allen has lodged a formal complaint to Kent Police. A Kent Police spokesman said: "We are trying to trace the officers, who are reported to have made this comment. "From the circumstances described, it would not appear to have been necessary to advise the young girl that chalking a hopscotch grid may be criminal damage and illegal." Later the force's Assistant Chief Constable Paul Brandon said the officer in question would apologise to the young girl.

Talha, Babar and Harry - British Citizens in Connecticut *Nicki Jameson (FRFI)*

A tale of two experiences: This week three British citizens have been hosted by the US authorities in Connecticut. One has been wined, dined, feted by celebrities and beauty queens and encouraged to attend sports events. The other two have been confined to tiny cells, shackled whenever they leave for any purpose, even to take a shower, and allowed only the most minimal contact with the outside world. Which one of the three do you think boasts of having shot at innocent people?

Babar Ahmad, and Talha Ahsan, grew up in south London, went to school and university and led unremarkable and law-abiding lives. Neither ever came into conflict with the British legal system, nor accused of any crime in Britain; yet from 2004 and 2006 respectively until October 2012, they were incarcerated in a maximum security British prison. Their detention related to extradition warrants issued in a US court, alleging that they were involved with a website which at one time was hosted in Connecticut, and between 1997/2004 is said to have encouraged support for Islamic fundamentalist fighters in Afghanistan and Chechnya. They strenuously deny any involvement with terrorism, but have to date never had the opportunity to defend themselves in court. In October 2012, having exhausted all legal appeals against extradition, they were flown to the US and are now held in maximum security conditions in the Northern Correctional Institution (NCI).

The Connecticut Department of Corrections describes NCI as 'a level 5, maximum security institution,designated to manage inmates who have demonstrated a serious inability to adjust to confinement posing a threat to the safety/security of the community, staff and other inmates.' As with most supermax prisons in the US, many of the prisoners housed there – like Talha Ahsan and Babar Ahmad - simply do not fit this label and are held there purely in order to label them as 'dangerous' and justify their continued, indefinite incarceration. Conditions are stark and brutal. Communication with the outside world severely restricted and before getting out of their cell to use the phone, prisoners must submit to a strip-search, including squatting; they are then dressed in a yellow jumpsuit, handcuffed, and sometimes shackled at the ankles, with the shackles tethered to the cuffs. 'Recalcitrant' prisoners are sprayed with mace and removed to furniture-less strip cells.

Henry Charles Albert David Windsor (aka Prince Harry) aged 28, did less well at school and joined the British army rather than going to university. A 'chip off the old block' of his well-known racist grandfather Prince Phillip, in 2005 he was forced to apologise for wearing a swastika armband, and at Sandhurst military academy in 2006 was filmed using racially abusive language about south Asian colleagues, for which he escaped any disciplinary sanction.

In recent years, when not getting his kit off in hotels, playing polo and performing other similarly vital royal duties, Harry has been participating in the military subjugation of Afghanistan, where since 2001, at least 17,000 civilians have been slaughtered by US, British and other occupying forces. Earlier this year, Prince Harry boasted of his involvement in the carnage, telling the press that co-piloting an Apache helicopter and firing Hellfire air-to-surface missiles, rockets and a 30-millimetre gun was 'a joy for me because I'm one of those people who loves playing PlayStation and Xbox'

On 15 May, as Harry played a charity polo match in Greenwich, Connecticut, to round off a US trip which had seen him mobbed by groupies and applauded for his plans to bring the 'warrior games' (jingoistic military version of the Paralympics) to Britain, on the other side of the state, Talha and Babar were receiving the news that their trial, originally scheduled for October 2013, has been adjourned until March 2014. There appears to be no guarantee that it will go ahead then, and they remain detained without an end in sight.

All this demonstrates, once again, the brutal nature of imperialism, with the United States and Britain united in their barbarity.

tection; further notes that there is no public judgment about her imprisonment; further notes that Mr Tomlinson in the case CTB v NGN obtained an injunction that prevented the second respondent from obtaining evidence to prove that she was innocent of blackmail; further notes that a similar injunction in the Goodwin case prevented allegations of breaches of the RBS code of conduct being passed to the Financial Services Regulator; recognises that these are secretive legal actions which act against freedom of expression and the rule of law; further notes that Hacked Off has not responded to any questions written in emails or letters by the hon. Member for Birmingham, Yardley; calls for the members of Hacked Off to disassociate themselves from such actions; and further calls for the Government not to include in negotiations about press regulation any persons who do not disassociate themselves from such behaviour.

Swaziland Bans Witches From Flying Above 150 Metres

It has been a long time since witches were burnt at the stake in Europe but the accusation remains a serious one in the landlocked African country. Anyone caught flying their broomstick above the height limit faces arrest and a hefty R500,000 fine, the country's Civil Aviation Authorities said this week. According to the Corporate Affairs Sabelo Dlamini'A witch on a broomstick should not fly above the [150-metre] limit,' The new aviation law was highlighted after a private investigator was caught flying a helicopter equipped with a video camera to gather surveillance information. Witchcraft is taken seriously in Swaziland where many people believe in the power of black magic. Last year a leading Swazi MP called for a hike in tax paid by witch doctors to help ease the cash-strapped country's financial woes.

Black & Gay Police Officer Hounded Out of Force 'Like Enemy Of The State'

A former counter-terrorism officer who told police bosses about racism and homophobia in the ranks has alleged that Scotland Yard hounded him out of the force "like an enemy of the state". In his first interview, former detective constable Kevin Maxwell told the Guardian he was sacked after raising concerns about racist and homophobic behaviour by some counter-terrorism officers. They also picked on members of the public, subjecting them to searches based on their skin colour or nationality, which amounted to racial profiling, he said. This week the Met lost an employment tribunal appeal against an earlier ruling, which found in Maxwell's favour on at least 40 points.

Prison Sentences House of Commons: 21 May 2013 : Column 752W

Priti Patel: To ask the Secretary of State for Justice how many and what proportion of prisoners serve the full length of their original sentence. [154183]

Jeremy Wright: All sentences are served in full. For the majority of offenders, this means serving part of their sentence in custody and part in the community. All release provisions are now contained in the Criminal Justice Act 2003 as amended.

Prisoners must be released in accordance with the legislation laid down by Parliament. While there have been various changes to this over the years, Parliament has consistently maintained the view that custodial sentences should be served part in custody and part in the community. For determinate sentences of 12 months or more imposed on or after 3 December 2012 and those imposed before that date where the offence was committed on or after 4 April 2005, the first half of the sentence is served in custody and the second half is served on release on licence in the community to the end of the sentence. Release from sentences of less than 12 months is currently unconditional at the halfway point. The Offender

was sentenced to concurrent terms of 12 months' imprisonment. In addition, there was imposed a victim surcharge order in the sum of £100.

The appeal raised the question whether the victim surcharge order was properly made and, if not, whether the court had jurisdiction to quash it. The first question which arises is whether such an order may be appealed under section 9 or section 10 of the Criminal Appeal Act 1968. For these purposes the term "sentence" is defined in section 50(1) of the 1968 Act which provides: "(1) In this Act 'sentence' in relation to an offence includes any order made by a court when dealing with an offender ..."

There follows a list of orders explicitly within that definition. They are given by way of example. An order for payment of prosecution costs is not one of those listed, but the court has held that it is subject to appeal. So also has the court held that a compensation order is subject to appeal. In the court's judgment, the opening words of section 50(1) are plainly wide enough to embrace a victim surcharge order and an order wrongly made is subject to appeal to the court.

The history of such orders can be summarised as follows. No victim surcharge order could be made or can be made when any of the offences for which an offender falls to be sentenced was committed before 1st April 2007. Where sentence is imposed in respect of offences which were all committed between 1st April 2007 and 30th September 2012, a victim surcharge order of £15 must be imposed if a fine forms part of the sentence. That is a consequence of the Criminal Justice Act 2003 (Surcharge) (No 2) Order 2007, SI 2007/1079. Thirdly, where an offender is sentenced for offences which were all committed after 1st October 2012, a victim surcharge order must be made in every case, with the exception of absolute discharges or disposals under the Mental Health Act 1983. That is a consequence of the Criminal Justice Act 2003 (Surcharge) Order 2012 SI 2012/1696.

On an appeal to the court in which no victim surcharge order has been imposed as it should have been, the court will have no power to make such an order if the effect would be to increase the ultimate overall penalty. This therefore provides a useful opportunity to remind the Crown Court that care needs to be taken to impose the appropriate victim surcharge order by reference to the requirements summarised here.

The Court was asked by the Registrar to express its view as to the manner in which challenges to a victim surcharge order might be handled at the stage of consideration of an application for leave:- The application for leave to appeal against sentence should be considered by the single judge on the papers in the usual way. If leave to appeal on other grounds is given, the appeal will be listed before the full court for oral argument. If, however, the only ground upon which leave is given is the wrongful making of a victim surcharge order, then unless the application for leave is renewed on other grounds, the case should be listed as a non-counsel hearing at which the quashing of the victim surcharge order, if it is indeed unlawful, can be made publicly.

In the instant appeal the victim surcharge order of £100 was imposed but these convictions were covered by the Criminal Justice Act 2003 (Surcharge) Order 2007. Under Article 3, paragraph 2, of the order the VSO was due only if the sentence imposed included a fine. This sentence did not. Accordingly the VSO was quashed.

EDM 116: Hacked Off, Freedom Of Expression and the Rule of Law

That this House notes that the Hacked Off campaign is chaired by Hugh Tomlinson QC; further notes that in a secret hearing Mr Tomlinson argued successfully for the secret imprisonment of Yvonne Goder for, inter alia, writing emails to regulatory bodies complaining about the wrongful transfer of property from an individual whose financial matters were managed by the court of pro-

Order for Legal Aid to Convicted Prisoner put on Hold Pending Appeal

An order to provide effective legal aid to a convicted prisoner left without a barrister due to new payment rates has been put on hold pending a Department of Justice appeal. Senior judges stayed the outcome of proceedings brought by Raymond Brownlee until the challenge is heard next month. It means a sentencing hearing for the Belfast man found guilty of wounding with intent, threatening to kill and falsely imprisoning a woman will not go ahead as planned.

Previously a judge had raised the prospect of Brownlee avoiding jail, despite the serious crimes, because of the ongoing stalemate. No barrister in Northern Ireland has been prepared to act for him for the fixed fees available under a revised scheme. Rates of £240 and £120 on offer for senior and junior counsel to carry out the work were turned down by all lawyers approached. The amended rules for fees in serious criminal cases were introduced in 2011 after a stand-off between defence lawyers and Justice Minister David Ford.

Following a judicial review challenge by Brownlee the court held that the rules were inflexible and lacking provisions for exceptional circumstances. No steps were taken to alter legal aid entitlements in his case, leading a High Court judge to order the Department to take all necessary steps to provide effective funding. His ruling will now be subjected to a challenge in the Court of Appeal. Below the full judgement

High Court Of Justice In Northern Ireland - Application Of Raymond Brownlee

[1] The applicant in this case is Raymond Brownlee, a convicted prisoner, presently of Her Majesty's Prison, Maghaberry. In its earlier judgment, [2013] NIQB 36, the court held that the relevant Legal Aid Rules are defeating the applicant's right to practical and effective access to the legal assistance which, in the interest of justice, the presiding judge at his criminal trial has indicated is necessary. The problem has arisen because the applicant has not been able to obtain any counsel to represent him. This is because the 2011 Amendment Rules make no provision for exceptional or unusual circumstances.

[2] Article 6(3) of the European Convention on Human Rights sets out a number of minimum rights to which everyone charged with a criminal offence is entitled. This specifically includes the right at Article 6(3)(c), subject to means, to free legal assistance when the interests of justice so require. The trial judge has determined that the interests of justice require the level of assistance that he has determined in the legal aid certificate namely, Senior Counsel, Junior Counsel and solicitor.

[3] Through no fault of the applicant he has not been able to make his right to legal aid effective in breach of the entitlement identified in for example the recent judgment of the Court of Appeal in Re John Finucane [2012] NICA 12. The right of everyone charged with a criminal offence to be effectively defended by a lawyer is one of the fundamental features of a fair trial. The trial includes the sentencing process. In the present case, as the earlier judgment noted, the applicant's solicitor has tried to engage senior and junior counsel to no avail. She has contacted the Bar Council who has confirmed that no counsel would act in the circumstances and the Pro Bono Unit has stated that it would not be able to assist the applicant as the Unit does not act in criminal cases and that it could never contemplate any responsibility in the conduct of criminal trials.

[4] The person entitled to legal aid must be able to make his right to legal aid effective as the Court of Appeal recognised in the Finucane case. The nature of the preparatory work involved in this case for the deferred sentencing hearing in the circumstances which have arisen is likely to be substantial. As the court noted in its earlier judgment it is not in the public interest that the legal aid scheme as presently formulated or operated should lead to the

rejection of instruction in this case by competent and experienced counsel supported by the Bar Council itself. Part of the reason for this rejection appears to be because the rules do not allow payment for preparatory work and because, relatedly, the Scheme has no exceptionality provision. It is clear, as the court recorded earlier, that the inflexibility of the impugned Scheme is preventing the applicant from being able to make his right to legal aid effective.

[5] The earlier judgment of the court is being appealed and the respondent has not taken any steps, and does not intend to take steps, to make the applicant's right to legal aid effective. The applicant's much delayed plea and sentence is scheduled for the 17th of May and in a letter from the Northern Ireland Courts and Tribunals Service dated the 9th of April 2013 a tight timetable was laid down by the trial judge. That letter states as follows: "I refer to the above matter which has been listed for plea and sentence on Friday the 17th of May 2013….

Given that a year has almost elapsed since the last risk management hearing took place, the judge has directed that the Probation Services be informed that a new hearing should be arranged and an updated PSR made available to the court. Below is a timetable that must be adhered to given the protracted history of this case: 10 May 2013 - defence to serve on PBNI, PPS and Court any reports relevant to the issue of the defendant's dangerousness as they intend to rely upon. 13 May 2013 – risk management hearing to review the issue of the defendant's dangerousness. 16 May 2013 – PBNI to lodge addendum PSR to include conclusions of risk management hearing. 17 May 2013 – Plea and sentence hearing at 2 pm at Laganside Courthouse."

[6] The result of the impugned scheme is that no lawyer is available for the accused at the forthcoming hearing or in respect of the various other steps which are referred to. So as I say the basic position is that as a result of the present legal aid scheme the defendant at the forthcoming hearing will not have the benefit of counsel to represent him and this is despite the fact that this is a case where the convention and domestic law require that the applicant should be represented. By virtue of Section 6 of the Human Rights Act it is unlawful for a public authority such as the respondent to act in a way which is incompatible with a convention right. Section 8(1) of the same Act provides that: "In relation to any act (or proposed act) of a public authority which the court finds is (or would be) unlawful, it may grant such relief or remedy, or make such Order, within its powers as it considers just and appropriate."

[7] In this connection the court was also referred by Mr Lavery QC on behalf of the applicant to paragraph 8.42 of Judicial Review in Northern Ireland by Gordon Anthony.

[8] I am persuaded that in this case it is just and appropriate to grant an Order of Mandamus compelling the respondent to take all necessary steps to make the applicant's right to legal aid effective and I so Order.

Human Rights Conference Belfast Northern Ireland

Justice Watch Ireland is excited to announce the first of its annual Human Rights Conferences which will be held at the Holiday Inn Hotel, Ormeau Avenue, Belfast on Saturday, 22nd June, 2013 at 11am until 2pm. The conference will be focusing on the ongoing Human rights abuses and Miscarriages of Justice in Ireland. The theme of this year's event will be, "Has the State gone too far in its abuse of the criminal justice system, human rights and civil liberties and the mistreatment of prisoners." An impressive panel of experienced advocates and academics in the field of Human Rights are lined up to speak.

Justice Watch Ireland recognise human right abuses and injustice transcends Colour, Gender and Religious beliefs and shall endeavour to protect all citizens of Ireland Both

schoolboy, Sofyen Belamouadden, lost his life and all that it held for him. We have read the impact statements that his parents have provided and we have no doubt that they, their remaining children and their wider family and friends have suffered enormously from the devastation of his death: this loss will scar the family's lives forever.

"Albeit entirely self inflicted, it is also worth pointing out that a dozen or so young people of prior good character with academic achievement and promise have also blighted their own lives and impacted on the lives of those who have been supportive of them. The account of this case should be told and repeated to young people everywhere: knives kill people and the effect of the madness of a few hours – or of a moment – will ripple out and destroy or devastate many lives. That is why the courts will and must always place punishment and deterrence at the forefront of any sentencing decision is cases such as these." (paras 78 - 82)

Gang Injunctions – Birmingham City Council v Gavin James

Mr. James an alleged leader of Birmingham's infamous Johnson Crew gang has lost a landmark fight to overturn an order which banned him from the city centre, Newtown and Handsworth – and even told him when he can visit his mum. Gavin James was the first person jailed for breaking the terms of an anti-gangland injunction, which was imposed "for his own protection" after he was shot and stabbed. The court upheld the injunction after hearing that James was spotted among a group of around 30 Johnson Crew members at an August, 2011, festival in Handsworth Park – deep inside the territory of rival gang, the Burger Bar Boys.. His challenge to the order, was seen as a test case for anti-social behaviour injunction. It was so significant that the case involved lawyers for Home Secretary Theresa May. But his appeal was dismissed at London's Civil Appeal Court.

Lord Justice Maurice Kay handing down the decision said: "A court was not required to consider other orders (such as an ASBO) in order to determine the 'closest fit'. The purpose of this short supplementary judgment is to emphasise that in future cases the Court of Appeal should not be invited to trawl through the legislation in some quest for the "closest fit". The principal issue (and usually the only live issue) in any appeal for which permission is granted will be whether the statutory conditions were satisfied."

US Police Taser 538 People to Death *Electric Village Blog*

Between 2001 and now there have been 538 people killed by police using Tasers. Ninety per cent of those victims were unarmed. There is not record of how many of the four or five armed victims actually drew a weapon. At least four of that list were children under twenty-one, the youngest only 15! Of all the victims, a massive forty two per cent were black in a nation where blacks only represent 13% of the population. Now if the authorities accepted that they cocked-up, and admitted that the killer officers have exceeded their authority not only would the killing stop but the authorities would stop buying these weapons.

R v Stone: This Appeal Concerned the Imposition of a Victim Surcharge Order.

The appellant pleaded guilty to a variety of offences amounting to benefit fraud. Count 35 charged him with dishonestly making a false statement, contrary to section 111A(1)(a) of the Social Security Administration Act 1992 and counts 36 to 46 inclusive charged him with an offence of dishonestly causing or allowing to be produced or furnished a document which was false in a material particular, contrary to section 111A(1)(b) of the 1992 Act. The appellant

Andrew's family communicated their concerns about his increasing distress to the prison, however, on 27 March 2009 Andrew killed himself by cutting his throat with a piece of glass. Andrew's family have waited over 4 years for his inquest to take place. A previous inquest into his death in October 2012 was halted after 7 days when it became apparent that a substantial amount of evidence had not been disclosed. Since Andrew's death there have been 5 other self inflicted deaths in HMP Holme House.

Andrew's family hope that the inquest will address the following issues: 1. Care given to Andrew at HMP Holme House; 2. ACCT process assessments of Andrew's of risk of suicide and recognition of self harming behaviour; 3. How the prison dealt with Andrew's mental health condition and the medication he had been prescribed 4. How staff reacted to the family's concerns relating to Andrew's risk of suicide 5. Adequacy of camera cell and monitoring systems.

Andrew's Partner, Paula Davidson, says: "We have waited over four years now to get answers to questions to help us understand how Andrew died. Our little girl was 3 years old when Andrew tragically died. She is now 7 years old. There have been so many milestones in her life that Andrew has missed. She often asks how Daddy died, to which I do not have any answers. I have kept up the fight so that one day we can understand the truth of what happened that day and so Andrew can rest in peace."

Deborah Coles, co-director of INQUEST said: "This is a tragic and disturbing death that raises serious questions about the way that HMP Holme House looks after prisoners with serious mental health issues. There have been five self-inflicted deaths there since Andrew Hall died in March 2009. This is extremely worrying. This inquest has been subject to an unacceptable level of delay, causing even more trauma for Andrew Hall's family. The fact that this delay has been in part caused by a failure to reveal documents to the family is inexcusable."

Family is represented at the inquest by INQUEST Lawyers Group members Fiona Borrill and Imogen Hamblin, Lester Morrill solicitors & barrister Sean Horstead, Garden Court Chambers.

Knife Crime: R v Samson Odegbune, Tyrone Richards & Others

In the judgment, Lord Justice Leveson, on behalf of the Court concludes: "The judge had a very difficult sentencing exercise to perform and nothing we have said should be taken as critical of the attention to which he paid to it; we also pay tribute to the careful analysis provided by the single judge. Standing back and reviewing the approach against the backdrop of the entire case and in the light of the arguments now advanced, we have come to the conclusion that the appeal of Odegbune should be allowed: the sentence of detention at Her Majesty's pleasure remains but the minimum term which he must serve is reduced from 18 years to 16 years simply on the basis that, although his leading role must be underlined (and doubtless led to his conviction for murder), the finding of a specific intention to kill in his case cannot be sustained. It is important to repeat that the passage of this period will not necessarily mean his release: he will only be released when the parole board consider that he does not represent a risk to the public and it is safe to do so.

"The appeals of Richards and Amoah will similarly be allowed: the periods of 7 years detention under s. 91 of the 2000 Act (in relation to Richards) and in a young offender institution (in relation to Amoah) are quashed and periods of 5½ years detention substituted. "No other adjustment to the sentences is appropriate; the remaining renewed applications for leave to appeal against sentence are refused. "We cannot leave this case without commenting on the devastation that this terrible incident has caused to so many lives. At the top of the list, by far, is the fact that a 15 year old

North and South from it continuing. JWI was created primarily to address the conspicuous gaps and failings of the judicial system, from legislation and those responsible of its enforcement, through to its' courts. Included in the shameful list of dereliction of duty is the political system and current Prison regime. JWI recognise that state harassment of ordinary citizens to miscarriages of Justice and abuse of Human Rights have gone too long unchecked by those who are intended to prevent such blatant abuses of Ireland's citizens and Justice Watch Ireland seek expose offenders in order to rectify and eradicate it continuing unopposed.

Our 2nd objective to provide an advocacy service helping innocent victims who still inside prison claiming they are innocent. This is carried out by helping to find the best defense lawyers, (with time, a pool of such legal teams will be devised, removing the status quo which currently resides within the defence advocacy at present) as well as forensic experts and contacts within the media to raise the profile of their cases and bring them to the public's attention and to advise on campaign strategy. *Justice Now! as Delayed Justice is Justice Denied.*

Fresh Evidence to Challenge Colin Norris's Conviction *Duncan Campbell, guardian.co.uk*

Fresh medical and scientific evidence is being published this week that campaigners hope will lead to the release of Colin Norris, the former nurse and so-called "Angel of Death" serving life for the murder or attempted murder of five elderly women. The Criminal Cases Review Commission (CCRC) has confirmed it is undertaking an active re-examination of the case.

Norris, 37, originally from Glasgow, was convicted at Newcastle crown court in 2008 following a 19-week trial. It was alleged that he disliked elderly patients and had deliberately injected the women with insulin. The case had echoes of the late Dr Harold Shipman, who was convicted of murdering 15 of his patients but believed to have killed many more. However, a new study challenges much of the evidence on which Norris was convicted. Campaigners are hopeful that fresh evidence will lead to an appeal in which it can be shown that the women could have died of natural causes.

In November 2002, 86-year-old Ethel Hall was admitted to Leeds General Infirmary (LGI) with a broken hip. She had had anaemia for more than 20 years and had a long history of losing consciousness for which no cause had been determined. She became unwell and died the following month. A postmortem concluded she had suffered brain damage consistent with severe hypoglycaemia. An investigation was launched by West Yorkshire police under Detective Chief Superintendent Chris Gregg, who had carried out a review of the Shipman case 18 months earlier. During the investigation, hospital staff members told police that Norris had said: "I don't think Ethel looks right", and had remarked previously "whenever I do nights, someone dies". Norris was arrested and questioned but released without charge. Colleagues arranged a party in a Leeds pub to show their solidarity with him. It was a further 16 months before Norris was asked about any other deaths. Police, meanwhile, researched 72 deaths in the two wards where Norris had worked. One death they looked into was that of Lucy Rowell, an elderly woman with diabetes. Police visited her family and told them they were investigating the death as a potential murder carried out by a male nurse. But when it became clear that Norris was not on duty at that time, the death "went from suspicious to non-suspicious", in the words of Rowell's granddaughter. In May 2003, Norris was questioned in connection with four other patients: Vera Wilby, aged 90; Bridget Bourke, aged 89; Doris Ludlam, aged 80; and Irene Crooks, aged 78. It was not until October 2005 that he was charged with four murders and one attempted murder.

Much of the trial was devoted to testimony from medical and scientific experts, with the prosecution suggesting that the hypoglycaemia was only explicable by injections of insulin. The defence, however, argued that there was no evidence of unlawful injections in four of the five cases and challenged the lab results in the fifth case. Norris was convicted on an 11-1 majority in March 2008 and told he must serve a minimum of 30 years. The findings were challenged in a 2011 film, A Jury in the Dark, made by former Rough Justice producer Louise Shorter and journalist Mark Daly. The film claimed there were logical, non-criminal explanations for all the deaths. Professor Vincent Marks, a leading expert on insulin poisoning, who prepared a report for Norris's lawyer, Jeremy Moore, has concluded that, far from being extremely rare, spontaneous hypoglycaemia among non-diabetic elderly patients is relatively common. Substantial new evidence is being launched this week in a booklet published by Inside Justice, an organisation that examines potential miscarriages of justice, and associated with the prison newspaper, Inside Time.

The new evidence comes from the geriatric medicine department at Rotherham general hospital and the Beds & Herts postgraduate medical school, which has published a review that concludes that "hypoglycaemia is not uncommon in hospitalised non-diabetic older people" with other serious conditions. The study contradicts expert evidence at Norris's trial that non-diabetic hypoglycaemia was "vanishingly rare". The booklet also raises numerous anomalies relating to a blood test on a sample taken from Hall that led to the initial police investigation."The crown's entire case against Colin was based on the assumption that low blood sugar among non-diabetics is – to quote one prosecution expert – 'vanishingly rare'," said Paul May, of the Free Colin Norris campaign. "This has now been shown to be a fallacy."

Family Battle on to Clear Name of ex-PC Danny Major *Yorkshire Evening Post, 20/05/13*

The family of a Yorkshire police officer whose conviction for assault in 2006 prompted allegations of a “cover-up” say they are confident a new investigation will clear his name. Danny Major, a former constable with West Yorkshire Police, was jailed for 15 months after being found guilty of assaulting a drunken teenager in custody three years earlier. Major’s family have been campaigning to have his conviction overturned since he was released from jail in 2007. Challenges to the decision at the Court of Appeal and with the Criminal Cases Review Commission were unsuccessful.

The county’s police and crime commissioner agreed to refer the case for an independent investigation after claims that officers’ testimonies were unreliable and that key evidence was withheld from the defence. The force leading the new investigation, Greater Manchester Police (GMP), are now looking at an “alleged conspiracy to pervert the course of justice” by the officers who gave evidence against Major at his trial. The 35-year-old, from Wakefield, was convicted, at a retrial, of assaulting Sean Rimmington, then 18, who he had just arrested at Millgarth police station in Leeds. A jury failed to reach a verdict in April 2006 but Major was convicted at a retrial the same year. He served four months of his 15 month sentence. The judge at Bradford Crown Court was highly critical of the force during his trial, calling the station where the incident occurred “not fit for purpose” and the custody set-up a “shambles”.

A document setting out the terms of reference for the probe agreed by GMP, West Yorkshire Police and Major’s family, seen by the YEP, says the evidence of three key witnesses will be reviewed. It said: “Danny Major and his family have steadfastly maintained his innocence to this date, that key evidence and material has been withheld or disregarded and the issues of concern have not been thoroughly investigated.” His mother Bernadette said: “We are a

decent hard-working family to whom the justice system has inflicted a terrible wrong.”

A joint statement by the commissioner’s office and West Yorkshire Police said: “This matter has been investigated by the force and reviewed by the Criminal Cases Review Commission, but following representations by the Major family to the Police and Crime Commissioner, Greater Manchester Police have been appointed to look at specific aspects of the West Yorkshire Police investigation. The terms of reference have been agreed by all relevant parties and West Yorkshire Police will continue to assist GMP with the investigation and will await their findings.”

Better Resettlement Support for Those Leaving Custody *Ministry of Justice:*

Children and young people leaving custody and returning to live in North Wales will be given enhanced support to help them resettle into the community. In an effort to help young people successfully re-integrate and move on, the Youth Justice Board Cyrmu and Welsh Government are funding a resettlement ‘broker’ initiative, which will promote access to a wider range of specialist support services. The ‘broker’ service, will act as a key link between the custodial establishments, which hold young people from North Wales – most notably HMP/YOI Hindley, near Wigan - and the four youth offending teams, (YOT) which manage the individuals in the community.

Following a tendering exercise Llamau, a charity for homeless young people and women in Wales, will run the service and work with young people while they are still in custody to develop a bespoke resettlement plan, which will have access to services across the North Wales region. A targeted resettlement plan will utilise public sector, third sector and charity organisations and support issues including accommodation, homelessness, education, employment, substance abuse, mental health welfare. Once devised the support plan will be shared with the YOT tasked with managing the young person. The four YOTs in North Wales are based in Conwy and Denbighshire; Flintshire; Gwyned and Yns Mon (Anglesey) and Wrexham.

Inquest Into the Death of Andrew Hall at HMP Holme has Opened

Andrew Hall was 41 years old when he died on the 27 March 2009 after being found with a wound to his throat in the Health Care Unit at HMP Holme House. Andrew had been placed in a cell with CCTV monitoring but was not subject to the prison’s self harm monitoring procedures when he died. Andrew was sentenced to 4 and a half years imprisonment on 18 April 2008 at Newcastle Crown Court. He served the first part of his sentence at HMP Kirklevington where he was soon to be considered for day release. Whilst in custody, Andrew developed mental health difficulties, including experiencing episodes of paranoia and psychosis.

On 18/02/09, Andrew cut his wrists and was taken to hospital. Andrew revealed that he believed that people wanted to hurt him. An ACCT (Assessment, Care in Custody, and Teamwork – system used for prisoners at risk of self harm) was opened while in hospital. On 20/02/09, Andrew was transferred to HMP Holme House, where there was a 24 hour Health Care Unit he could be moved to. Andrew continued to show signs of paranoia but was moved to normal location on 8 March. On 19 March his ACCT was closed. A required post-closure ACCT review on 26/03/09 did not take place. Andrew was referred to the mental health in-reach team and was assessed by a psychiatrist. On the 23/03/09 a psychiatrist recorded that Andrew was psychotic and at significant risk of harm. No ACCT was opened despite this assessment but Andrew was moved to a camera cell in the Health Care Unit in case he needed to be monitored. No recommendations were communicated to staff about the level of observations they needed to make.