Complaints Commission, and they want a fundamental review of the legislative framework. The inquiry by the then chief inspector of police, Sir Denis O'Connor, recommended covert policing should be used only where serious crime was suspected. But what is needed is a much more extensive, public investigation into when and why surveillance is appropriate, and how and by whom those questions are judged. Many of the same questions are also raised by the Snowden revelations. Both have depended on a whistleblower, in this case Peter Francis, who came to believe that operations in which he was involved were wrong and who wanted information about them in the public domain so that ordinary people could judge for themselves. The surveillance both described took place in an environment where the legal framework was ill-defined, the targets nebulous and accountability inadequate. They were fishing expeditions, anticipating wrongdoing regardless of the evidence, and an invasion of privacy entirely disproportionate to the threat. The enormity of, say, spying on the recently bereaved Lawrence family might be easier to grasp than the revelations of the vast anonymous data-mining operation described by Mr Snowden and operated by GCHQ and the NSA. But speak directly to the issue of trust between citizen and state.

R (Morales) v Kettering Magistrates' Court

M was charged with a number of offences. At the invitation of the court clerk the justices added a charge of dangerous driving and the matter was then listed for committal. The Crown resisted the addition of the new charge but it was argued that the court had power to add the charge pursuant to section 25(2) Magistrates' Courts Act 1980.

Held: The magistrates had misunderstood section 25. There was no power that enabled a court to add a charge of its own motion where such a course was resisted by the crown.

Prisoner Escort Custody Service (PECS), which is part of the National Offender Management Service, is responsible for the movement of prisoners between prisons, police stations and courts and their care and security while in court custody. PECS manages the secure escort contracts covering all those sent to custody in the prison estate, apart from category A prisoners. The following table provides information on the total number of prisoner journeys, other than of category A prisoners. It also shows the number of journeys between courts and prisons and from prison to prison.

	Total escorted	Between court and prison	Inter-prison transfers
2010-11	918,322	572,126	72,152
2011-12	880,055	571,173	67,779
2012-13	823,765	530,638	74,054

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.

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MOJUK: Newsletter 'Inside Out' No 431 (27/06/2013)

Lawyers Who Let You Down *by Andrew Green, Secretary of 'Innocent'*

Andrew Pountley was convicted of the abduction, rape and murder of Rosie, a four year old girl, just after midnight on a January night in 1996, writes Andrew Green. Key evidence against him was that of a child witness who lived across the road from where the girl was taken. He said he saw Pountley carry Rosie down a side passage, across a garden, and along a track behind the garden. Pountley maintained his innocence, and the television programme Rough Justice investigated the case. With their researcher, I visited the scene. It was immediately obvious to us that the witness could not have seen what he claimed to have seen. Behind the row of houses which included the house from which Rosie was taken, the ground fell away steeply, so that the gardens behind them and the track were completely obscured by them and invisible from the witness's viewpoint.

Surely, I thought, someone from Pountley's defence team must have visited this site, 1.5 miles from the solicitors' office, and established that the witness's evidence was untrue? But I already knew that I should make no assumption that defence lawyers investigate even the most obvious aspects of key prosecution evidence. In 1996 I published an article on this subject in the newspaper for prisoners, Inside Time: 'Lawyers who let you down.'

I received nearly 200 unsolicited letters, containing such comments:'You have hit on a taboo subject, a practice that has been going on for years and to my knowledge you are the first person to bring it to light'; 'At last someone has spoken out about what really does take place in court cases… Once you are in the legal system you are systematically fitted up by people you put your trust in'; and 'When I first read your article … I thought "How has this man written about my case without knowing me!"'

For over 20 years I have listened, in the meetings of INNOCENT and its sister organisations, to the accounts of the friends and families of those who believe that someone they love has been wrongly convicted, and virtually all of them believe that their loved one would not have been convicted had their lawyers been more diligent. Their impressions dovetailed with the findings of the large scale and detailed academic research by Professor Mike McConville and his associates in the early 1990s, which showed that defence lawyers usually believed in 'the trustworthiness of the prosecution case' and that their clients were guilty (Standing Accused, 1994).

But should we believe these stories? Are they simply the product of those who feel themselves to be the victims of injustice blaming an easy target? Or are they made up by those who are actually guilty, hoping to escape justice on legal technicalities? Laurie Elks, a former commissioner at the CCRC, tells us that in applications to the Commission, 'assertions of legal incompetence loom very large indeed', but that 'a majority of such claims are plainly incredible or defamatory' in his book Righting Miscarriages of Justice? published by JUSTICE in 2008.

Closer inspection of claims I have heard does not permit them to be easily dismissed as 'plainly incredible', however. Complaints that important evidence was not put to juries are common. 'The evidence against me was flimsy to say the least, yet my defending counsel Mr *** Q.C. took it upon himself to discharge all my defence witnesses without giving valuable evidence to the jury, one of them being a paediatrician who could have proven the allega-

tions to be untrue, how can any accused person have a fair trial without any defence witnesses?' wrote a prisoner serving 12 years for rape.

Jordan Cunliffe was convicted of the murder of Garry Newlove in 2007. There was no evidence that he had physically attacked Mr Newlove, but he was in the company of two others who knocked Mr Newlove to the ground and kicked him in the neck, thus causing his death. Cunliffe was convicted because he was believed to have encouraged the other two, through use of the legal doctrine of joint enterprise. His defence was that he suffers from visual impairment so disabling that he did not know that Mr Newlove was being attacked, and could not have anticipated the assault or tried to prevent it. During his trial, prosecution counsel told defence counsel that he would not contest a report by an expert on Cunliffe's eyesight, on condition that the expert himself was not called to testify in court. Cunliffe's counsel agreed.

In his summing up, judge Andrew Smith said: 'He's partially sighted suffering from keratoconus and you heard from the report of Mr. Parkin, a Consultant Ophthalmic Surgeon that he's severely physically handicapped and would qualify for blind registration. As a result for example he couldn't distinguish the men from the ladies in the jury box.'

Mr Parkin's report was however highly technical, and he was expecting to be able to explain to the jury that Cunliffe's vision was extremely blurred, and that he saw multiple images which were particularly hard to interpret in the night time conditions when the assault took place. Street lighting and car headlamps appeared to him as multiple flashing lights. He could not see what was happening around him. But this information was not given to the jury who convicted him, because of the lawyers' time saving deal.

In any case, anyone hoping the Court of Appeal criminal Division [CACD] might overturn a conviction simply because of negligent or incompetent courtroom advocacy is likely to be wasting her or his time. Elks writes that 'it has become clear that the [CCRC] is likely to be distrusted or even resented by the Court of Appeal when it has the temerity to suggest that learned counsel has slipped up on the job.' Even in the case of Adams [2007] EWCA Crim 1, referred by the Commission, when the CACD quashed Adams's conviction after hearing evidence not used at his trial because of multiple failings in the work of his solicitors, the appeal judges administered only a faint trace of a rebuke to counsel who 'did their best' but 'underestimated the time needed to complete the work.'

Where counsel for Adams had failed was in requiring their instructing solicitor to read material already disclosed to them by the prosecution. It seems the CACD is prepared to admit a few criticisms of solicitors. To those of us trying to help a few of those people in prison who claim to be innocent, the failings of solicitors appear to be routine.

In case of Susan May, the prosecution relied effectively on one item of evidence. May's elderly aunt was beaten and smothered between 9:00pm and the small hours of the following morning. She was found by May, her carer, in the morning. Forensic experts discovered marks on the wall near the bed where the victim was found. They included a palm print and fingerprints identified as those May's, and on this evidence she was convicted of murder. 'There would need to have been quite a lot of blood on the hand to produce the mark,' the judge told the jury.

May could think of only two possible explanations. Either she had touched the body when she found the victim in the morning, but had forgotten she had done so because she was extremely distressed, or, more probably, the marks predated the murder. But if there was a lot of blood, clearly visible, how could such marks be old? 20 years later, her solicitor, the second to have taken on the case since the trial, gave the full case file to May, who still maintains

Therefore, the time has come for there to be a serious public debate around this profoundly unjust and emotive issue, as like Joint Enterprise, its inherent unfairness has irredeemably contaminated the Criminal Justice System to the extent where Justice is being cunningly poisoned even before she reaches our courtrooms.

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1. BTP FOIA Response, which confirms the retirement of the BTP Operation Cobalt disclosure officer DC Martin HAND and Identification Liaison Officer DC Philip Caldwell.
2. SA-232, Criminal Procedure and Investigations Act 1996, Archbold 2010 Edition,3. SA-324, Point 3.3, General Responsibilities of Disclosure Officer. Archbold 2010 Edition
4. SA-233, Point 2.1, Archbold 2010 Edition.
5. SA-242, Attorney General's Guidelines Disclosure, Archbold 2010 Edition.
6. Inside Time, p12, Chap 3, 'Claims of Innocence' by Michael Naughton & Gabe Tan
7. p.260, 'Memoirs of a Radical Lawyer' by Michael Mannsfield QC.

Civil Liberties: Guarding the Guards *Editorial: Guardian, Sunday 23 June 2013*

Both the revelations of undercover police spy Peter Francis and NSA whistleblower Edward Snowden speak directly to the issue of trust between citizen and state: "The people in our house were all black," said Doreen Lawrence. "The people who killed my son were white. Why should the police be so interested in who was in the house?" Now we have a possible explanation. Even as they grieved for their son Stephen, the Lawrence family may have been victims of covert surveillance. For them, it would be another personal low. It would also mark a new low in the history of undercover police operations. The apparent excuse: that frustration with the police inquiry among the family's friends and supporters might have spilled over into public disorder. This is the kind of thing that happens when, without adequate legal restraint, fears for security are allowed to take priority over privacy. This sort of undercover policing has been going on for 45 years. And it's still going on. According to the Metropolitan police – in response to questions from the Guardian journalists Paul Lewis and Rob Evans – one day a generation of officers will have to account for their actions. But not yet. So this secret band of officers, as we have reported over the past two years, can carry on creating fake identities to make friends among ordinary people involved in legal activism and protest, and then spy on them. These victims are the kind of people described by one judge as acting from the highest intentions, "decent men and women with a genuine concern for others". It is a grotesque betrayal of love and friendship which would amount – in the words of another judge – to the "gravest interference with their fundamental rights". It was not only the women and the children fathered in these duplicitous relationships who have been harmed. Many close friendships were made and betrayed. Identities of dead children were stolen. Even the officers involved suffered psychological damage. But if it is hard to imagine anything worse, contemplate the wider betrayal of the trust that is indispensable in a functioning democracy, the trust between citizen and state that rests on the belief that security measures are always justified and proportionate. The worst aspects of the operations – the intimate relationships and the resulting children, and the theft of dead children's identities – have been condemned by senior police officers. They promise it will not happen again. That is not enough. Nor is the ongoing internal Operation Herne, set up in 2011, which, despite a £1.6m budget and 30 staff, is expected to take another three years to report. Some individuals are pursuing a high court action claiming the surveillance breached their human rights – but it is to be heard partly in a secret court.

An interim report from MPs has called for an independent inquiry by the Independent Police

notify the prosecutor and/or the defence.

Surely there can be no dispute, the most glaring problem with the disclosure regime past and present is clearly that the role of the disclosure officer is, completely inconsistent and incompatible with that of being linked to the investigative process which is hardwired to establish and confirm the guilt of the accused.

There appears to be an inherent and insurmountable conflict of interest between a police disclosure officer who is trained to examine evidence that will ultimately lead to a conviction and the same officer who is untrained or unwilling to raise doubts about the guilt of the accused who he instinctively assumes to be guilty.

For instance, the notion of allowing the Police to act as the sole guardians of disclosure is tantamount to giving law enforcers a 1400-meter start in a 1500-meter race to an approving verdict. Indisputably, with the powerful incentives of promotion, prestige and more pay at stake, the balance of scrupulousness required by a disclosure officer begins to tilt in a negative direction.

There can be no dispute the new guidelines in relation to disclosure issued by the Attorney General in April 2005 depend entirely on the good judgement and honesty of the police officer who examines the material, and also relies upon the integrity and impartiality of the CPS lawyer who ascertains whether the information may assist the defence. (5)

The deeper we dig into the current disclosure morass, however, the more room for secrecy and, by extension, mischief we can anticipate and expect. As an example, if a disclosure officer deems material too sensitive to even list or enumerate on a schedule of sensitive material, he must allow the prosecutor to inspect it.

Thereby, we reach a nonsensical stage where material that may be disclosable, may not even be recorded on a schedule. Short of being telepathic, how are the defence to know the sensitive material even exists? Accordingly, the material could simply disappear forever.

Alternatively, the disclosure officer and prosecution will argue that there is a continuing duty to keep under review at all times the question whether there is any "unused material" that may trigger the disclosure test.

On the contrary, what happens when the disclosure officer is so determined to omit, amend, suppress, fabricate and launder disclosure requests and responses through the Police HOLMES computer system even put his very job on the line, in order to secure a conviction, as is the case of the author? Where does that leave the current disclosure regime that has been systematically misused and abused by the Police Service and CPS since the 1970s?

There are over 80,000 prisoners being held in British Prisons (UK & Wales) at the moment. It is estimated around 10 per cent of which, some 8,000 prisoners are the victims of miscarriages of justice, the majority of which are a direct result of the biased and flawed disclosure system. A survey by 'Inside Time' in 2006 put this figure as high as 40 per cent. (6)

Arguably, if accountability and transparency share one of the most fundamental tenets of natural justice, which includes the concept of "equality of arms", it is high time the current disclosure regime was irrevocably scrapped.

It should be replaced with a fully impartial and independent panel or body (not ex-police officers like the discredited IPCC) whose sole purpose and role would be to examine and assess evidence gathered by the police to decide precisely what relevant material and information is disclosable and which is not. For as the legendary radical lawyer Michael Mansfield QC once proclaimed: "It is all too disturbingly frequent that evidence which contradicts the prosecution case fails to reach the defence". (7)

her innocence. In the file, she found documents never previously disclosed to her. They included a series of photographs of the marks on the wall, taken when they were first noticed, and at various stages of chemical treatment intended to enhance the fingerprints so that they could be identified, as well as presumptive test for blood. The first of the series showed faint, almost undetectable smudges. Fingerprints could only be detected after chemicals had been sprayed on to them. These were clearly old marks, made long before the date of the murder, and this evidence which demonstrated the claims of the prosecution to be wrong must have been available since before the original trial.

How can such failures in the preparation of defences by solicitors be explained? The explanations put forward include: the inexperience of those who have never represented defendants in trials of complex cases involving serious charges; the cutting of corners to save time and money (failing to read material not used by the prosecution, as in Adams, or not carrying out basic research, as in Pountley); failures to take instructions from clients or failures to act on instructions; and failures to make adequate defence statements and requests for disclosure of evidence by the prosecution (in one case file I found a series of letters from the CPS begging the defence to supply a defence statement, the last of these written on the first day of the trial!).

Defence lawyers do not originate miscarriages of justice, but they make many of them impossible to remedy. The Criminal Appeal Act 1995 (s.4) allows the CACD to admit fresh evidence in appeals 'having regard to … whether there is a reasonable explanation for the failure to adduce the evidence at the trial', but in practice the CACD presumes that all lawyers are competent and committed to their work, and so any failures to use apparently relevant evidence in trials must be due to 'tactical decisions'. My acquaintance with the detail of many cases and research on the practices of defence lawyers leads me to endorse everything that Maslen Merchant wrote in his article for the Justice Gap in 2012.

Luke Dougherty and Laszlo Virag were both convicted in 1972 of separate robberies on eyewitness identification evidence and both subsequently exonerated. These cases led to the Devlin Commission on eyewitness identification and in turn to the judgement in Turnbull which provided the term of the standard warning given by judges in eyewitness identification cases. But really the problem faced by both men was the failures by their own lawyers to call their alibi witnesses. Dougherty was on a coach with 20 to 30 people who knew him at the time the robbery took place. Adequate preparation of his defence would have prevented the case from even going to trial. While some attempt has been made to reduce the contribution of misidentification to the conviction of innocent people, has nothing been done to reduce the failures of lawyers to prevent miscarriages of justice?

I was reminded of Dougherty and Virag recently when I listened to the friend of someone convicted of the robbery of a corner shop. He said that witnesses had identified his friend despite the fact that he was much taller than either of the two men actually seen running from the shop; that his friend knew of a group of witnesses prepared to testify that he was elsewhere at the time of the robbery; that he had informed his solicitor of these witnesses and provided contact details; that counsel had not been involved in the case until the day before the start of the his trial; and that none of his alibi witnesses had been contacted or called to give evidence.

Maximising profits: The allegations against defence lawyers have been much the same for decades, and now it is alleged that their failings are exacerbated by cuts in legal aid funding. No doubt that is so, but the problem is as much structural as immediately financial. As Merchant says, solicitors' practices are businesses. They seek to maximise profits by min-

imising costs and generating greater volumes of work. That means not just reducing the time spent on case preparation, but also adopting practices that border on the unethical. Conflicts of interest appear to be ignored, such as a murder case in which the same firm of solicitors represented both a defendant and the person named by the defence in court as the perpetrator; and a riot case in which two separate groups of people blamed the others for the whole of the riot, and in which one firm of solicitors had clients from both groups.

In practice finding evidence to support defence cases is often not technically difficult. The evidence which led to the quashing of the convictions of Sally Clarke for the murder of two of her children was discovered by Clarke's husband, whose persistence in searching for medical records resulted in the disclosure of evidence that the children had died from natural causes. Almost any evidence can be rooted out by diligent lawyers: a senior detective once remarked to me that he relied on defence lawyers not preparing cases thoroughly.

The problem of poor defence work which leads to injustice is not so much due to the negligence or incompetence of individual lawyers, but of the situation in which these individuals find themselves, a situation created not just by current financial pressure, but by economic structure and an occupational context in which relationships with other lawyers and even police officers are closer than those with clients, where clients are routinely disbelieved and assumed to be guilty (justifying inadequate case preparation). Research conducted over the last 40 years has revealed the institutional divide between criminal justice insiders and their clients from outside the system, frequently regarded as dependents, outsiders, others, and alien (see also the excellent work by Daniel Newman recently published by the Justice Gap). 'Starburger', in a comment on Merchant's article, assures us of lawyers' 'firm intention to act in the best interests of their clients'; the latter see promises frequently made but rarely kept.

What possible reasons could there be for this situation to change? Those few 'conscientious, ethical, altruistic lawyers' (to quote Maslen Merchant) will continue to have their work cut out for many years to come as they attempt to clear up the messes left by the others, and while some lawyers may imagine that miscarriages of justice amount to only a minor problem, organisations like INNOCENT have a strong impression that their frequency is increasing alarmingly.

Man Calls Police To Complain Prostitute too Ugly *Richard Vernalls, Guardian.uk, 13/06/13*

A man has been warned by police after he dialled 999 to complain about a prostitute's looks after meeting her outside a hotel. West Midlands Police said they were contacted by the caller who said he "wished to report her for breaching the Sale of Goods Act". The Sale of Goods Act 1979 gives consumers legal rights, stipulating goods which are sold must be of satisfactory quality, be fit for purpose and must match the sellers' description.

West Midlands Police said: "A 999 call was received by police at around 7:30pm Tuesday evening from a man wishing to complain about a sex worker he had met on a hotel car park. "The caller claimed that the woman had made out she was better looking than she actually was and he wished to report her for breaching the Sale of Goods Act. "When he raised this issue with the woman concerned, she allegedly took his car keys, ran away from the car and threw them back at him, prompting him to call police. "An officer in the Solihull contact centre advised the caller that no offence had been committed by the woman and that soliciting for sex was in fact illegal." He added: "Despite the man refusing to give his details, police have been able to identify him and have sent him a letter warning him about his actions. "Wasting police time is a serious offence and carries a maximum sentence of six months imprisonment."

responsible for a litany of miscarriages of justice that will go down in the annals of human suffering as unforgettable and unforgivable.

Public trust and confidence in the disclosure system has been shattered by the truly disturbing cases, such as, the Birmingham Six, Guildford Four, Judith Ward, Stefan Kiszko and more recently, the Cardiff Three, M25 Three, Sean Hodgson, Sam Hallam, Reg Dudley and Bob Maynard which litter the legal landscape with tombstones of shame and disgrace.

Despite the above roll-call of lamentable failures of the disclosure regime, the Criminal Justice System still permits the police to secretly violate the disclosure process on a daily basis by weeding out material that would see the accused justly acquitted and the taxpayers save money.

The current disclosure regime was enshrined in law by the Criminal Procedure and Investigations Act 1996 and amended by the Criminal Justice Act 2003. Referred to as "the Act", it recommended the disclosure officer should have a close working relationship with the senior investigating officer and CPS lawyers. (2)

More ideally, it proposed disclosure officers should " ••• have sufficient skills and authority, commensurate with the complexity of the investigation to discharge their functions effectively."(3)

Put simply, the main function of an investigator in a criminal investigation is to obtain, retain and record evidence. Whereas the disclosure officer's duty is to examine the recorded material and certify it has been checked on one of two schedules. The first being, "a schedule of non-sensitive unused material" or the second, "a schedule of sensitive material ".

The former "unused material" may be disclosed to the defence on demand and the latter "sensitive material" would require an application to the court for disclosure, that is providing the defence has been warned in advance there is a sensitive schedule in existence.

Undeniably, the salient problem with the police disclosure system is that it yields far too much privacy and discretion to the disclosure officer who decides in secret what information should or should not be disclosed to the defence.

In many respects, the deeply unfair first filter system by the police acts as a bizarre, extra-judicial hearing without the accused or his legal representative being present. All we are told, however, is if there is any uncertainty over the relevance of the material, the disclosure officer may consult the prosecutor.

Moreover, a key role of the disclosure officer is to compile clear, detailed and accurate schedules of material so that they may be inspected by the prosecutor. But all too frequently these schedules become the perfect burial grounds to hide or conveniently lose data crucial to the defence. All too often, critical actions, responses, locations, times, dates and indexes of vehicles may be covertly camouflaged, amended or distorted in order to dupe the defence.

Serious concerns over the existing operation of the Act and its lack of consistency led to the amended Criminal Justice Act 2003 where it sought to streamline the disclosure process. Streamlining, however, does not necessarily equate with ensuring fairness.

The amendments abolished the concept of "primary" and "secondary" disclosure and introduced an amalgamated prosecution test for disclosure. This is where under Section 3 and 7A of the Act the prosecution has a duty to disclose material " ••• which might reasonably be considered capable of undermining the case against the accused, or assisting the case for the "accused". (4)

More interestingly, there is a duty on the disclosure officer to draw attention to the prosecutor in regard to any material that satisfies the prosecution test for disclosure.

In other words, if the disclosure officer, who is intimately linked to the investigating team, should uncover clear evidence that would see the defendant walk from the dock, he should

here too, and action to address this was poorly coordinated.

The quality of the accommodation was reasonable and relationships between staff and prisoners, although mixed, were better than on the category D side. Basic processes, such as complaints, applications, catering, laundry and the property store, needed improvement. However, health care on the category C side was reasonably good and met prisoners' needs.

Weaknesses in the prison's diversity and equality work had a significant impact on the category C side. Prisoners did not have confidence in formal processes for resolving problems, such as the discrimination incident report system. They had raised this in consultation meetings, it was evidenced by the very low number of discrimination complaints being made but nothing had been done. Prisoners from black and minority ethnic groups reported more negatively than white prisoners. There was little support for foreign national prisoners. The needs of prisoners with disabilities were not identified or met. One distressed disabled prisoner told us he was constantly taunted by other prisoners and bullied for payment if he had to ask them for assistance in any way. He felt unable to report the incident for fear of retaliation. Purposeful activity was much better on the category C side and a bright spot in an otherwise depressing picture. Too many prisoners were locked up in the working part of the day for a training prison, but for those in work, education or training, outcomes were good, the quality of training and teaching was good, and there was good leadership and management. Some vocational training, such as the construction workshop and bakery, was outstanding, there was a generally good work ethic and prisoners received effective help with literacy and numeracy. There was a good library, although access was too restricted, and PE provision was very good.

Resettlement work on the category C side required improvement. Offender management was under-resourced and large case loads limited the contact enthusiastic and focused offender management staff could have with prisoners. Practical resettlement services were also very stretched but, on the whole, work on employment and substance misuse issues was good. Arrangements for visits were limited and there was very little constructive work to help prisoners maintain or improve their relationships with their families and children.

There were no offending behaviour programmes and prisoners who needed these had to transfer to HMP Moorland for the duration of the programme. However, because prisoners were anxious about where they would be accommodated and whether they would have a job when they returned to Lindholme, few chose to undertake the transfer, and nothing had been done to address these perceptions. HMP Lindholme is a cause for real concern. The closure of the D side has reduced the immediate risks but legitimate prisoner grievances, the lack of activity, mixed staff-prisoner relationships and indications of some religious tensions, combined with the ready availability of drugs and alcohol, are an unhealthy mix. The uncertainty created by the prison's move to the private sector cannot be allowed to delay the urgent improvements that are required.

Enough Is Enough - Time to Scrap the Disclosure System

by Terry Smith Former Crime Writer now a serving prisoner

As a powerless victim of a deeply biased and flawed disclosure process which ultimately led to a wrongful conviction for a crime that could not exist and the early retirement of the disclosure officer. The time has come to say enough is enough and to scrap the unreliable secret system of sifting through evidence by a police disclosure officer to decide what should and should not be disclosed to the defence prior, during and after a trial. (1)

Legal history tells us, the previous and current disclosure process has been directly

How Many Miscarriages of Justice has Stephen Beattie Created? IPCC 14/06/2013

The Independent Police Complaints Commission's investigation into concerns about the quality of work and qualifications of Stephen Beattie a 49-year-old man who worked as a scenes of crime officer is continuing. The investigation, which began in February 2011, covers a time period from 1996 to 2011. The man worked for Staffordshire Police from 1996 to 2002, Northumbria Police for a short period in 2002 and Cleveland Police from 2002 to 2011. Major Incident Teams at Staffordshire and Cleveland Police have been working on the investigation, under the direction and control of an IPCC investigator. Northumbria Police worked with the IPCC to confirm that there were no concerns over the man's work during his short employment with them. Stephen Beattie was arrested on suspicion of perverting the course of justice in May 2011 and remains on bail. He was suspended from duty by Cleveland Police in February 2011 and resigned in October 2011.

The managed investigation is examining allegations that the man conducted sub-standard work, potentially undermining investigations into a range of incidents including suspicious deaths, and had lied about his qualifications when involved in arson investigations.

So far: • Cleveland Police identified 141 cases involving suspicious deaths which required review. So far reviews of 90 have been completed. This review has highlighted eight cases where the alleged failings of the officer could have had an impact. As a result further work has been or is being undertaken around those cases. • Cleveland Police has also undertaken a review of all arsons attended by the officer – 214 cases. Sixteen of those cases are now with the Crown Prosecution Service for consideration of potential prosecution or referral to the Criminal Cases Review Commission. • Cleveland Police is undertaking a review of all exhibits handled by the officer – 3308 cases reviewed. These have been graded into Red, Amber and Green categories. There are approximately 480 cases in the red category, ie those causing the most concern, for example where the officer has handled exhibits in cases involving convictions and where there is a possibility he may have compromised the integrity of the case. A full review of all these cases is to be undertaken. • Staffordshire Police has reviewed 1570 scenes of crime report forms completed by the officer. Of these 32 were found to require further analysis. • The investigation is also examining the supervision of the officer during his time with the two forces.

IPCC Commissioner Cindy Butts said: "This remains a complex investigation covering a period of 15 years and a significant number of cases. The examination of those cases is ongoing but is a huge task and will take several more months. The most significant cases have been prioritised and any additional work identified has been acted on immediately. Cleveland Police have ensured that families affected by these cases have been kept informed. "As this remains a criminal investigation we do not intend to go into specific detail about cases at this stage."

Police Caution Unlawful, if Consequences not Properly Explained

R (Stratton) v Chief Constable of Thames Valley Police

Issue: The claimant challenges a caution administered to her on behalf of the defendant (the Chief Constable) on 29 January 2008 on the basis that she had not admitted the commission of an offence and that she was not warned of the adverse consequences to her. She brings this challenge late because it was not until December 2010 that she discovered the serious adverse consequences to her in relation to her employment of the caution. She then spent several months thereafter attempting to get the caution withdrawn in correspondence with the defendant Police. (para 1)

The President of the Queen's Bench Division, in his concluding observations, said: "It follows that the caution must be quashed "However, we wish to make clear that the directions given by the

Chief Constable as to the way in which cautions are now administered and the form in use should ensure that the consequences of a caution are fully explained and informed consent is given. Provided that when each caution is administered, the offender is carefully taken through the implications now spelt out in the Ministry of Justice's 2013 guidance entitled "simple Cautions for Adult Offenders" at paragraphs 53-64, he or she signs a form spelling all of this out and that person's understanding of each of the consequences is appropriately evidenced, a case such as the present should not arise. Furthermore in the light of the judgment of the Court of Appeal in T v the Chief Constable of Greater Manchester Police [2013] EWCA Civ 25; [2013] 1 Cr App R 27 (subject to a current appeal to the Supreme Court), new filtering rules came into effect on 29 May 2013 so that old and minor cautions and convictions no longer appear on certificates.

"There is now a further safeguard. As was explained in Blackburn, Chief Constables are accountable to the law and to the law alone. The bringing of proceedings such as this by way of judicial review is one way of ensuring that those operating the system of cautions established by a Chief Constable act in accordance with the law.

"Another is the system now being adopted by Magistrates to review in general the way in which cautions are properly administered. The primary purpose of such a general review is to see if cautions are being used for the appropriate offences. However it should extend also to the issues such as whether a simple caution (as opposed to an oral warning) is appropriate in all the circumstances (given the criminalising effects of a caution under current legislation and practice) and whether there are proper procedures in place to ensure that informed consent is given; this last is particularly important to those with educational impairments or those to whom the long term consequences can be so serious. Such a system may well be the more efficacious and cost effective way of ensuring that the use of cautions is in accordance with law and the public interest is protected than proceedings such as this many years after the event." (paras 55 - 58)

Justice - Pre-trial Cross-examination Testing

The Lord Chancellor and Secretary of State for Justice (Chris Grayling): The Government are committed to improving the experience of witnesses in court to ensure that they are supported to give their best evidence. Recent harrowing court cases involving children and other vulnerable people have highlighted that there is more we can do. For some time now, the Ministry of Justice has been working with our partners in the criminal justice system to actively look at the issues around implementing section 28 of the Youth Justice and Criminal Evidence Act 1999. Section 28 would allow for recorded pre-trial cross-examination of vulnerable and intimidated witnesses in cases where there may be a delay in the holding of the trial or where the nature of the case is such that the witness could be cross-examined in advance of trial.I am confirming today the Government's plan to pilot section 28 by the end of the year in three Crown court locations—Liverpool, Leeds and Kingston upon Thames. The pilots will run for six months followed by an assessment period after which we will consider how best to take this measure forward. *House of Commons / 11 Jun 2013 : Column 5WS*

Liquidated Damages (fines) can be applied for the late delivery of prisoners to establishments. They are made on the following basis: £150 per hour pro-rata for each 15 minute period prisoners are delivered later than 30 minutes prior to the latest prison reception closing time. This is a cost per van. £50 per night per prisoner for prisoners that are locked out of prison and lodged overnight in police cells.

The category D side was separate from the main prison and should have provided an environment in which low-risk prisoners were prepared for release with purposeful activity and effective rehabilitation work. In practice, it appears that the funding that had been lost when the wing stopped being used by UKBA The wing then had been forgotten and neglected, and so very little activity of any sort - by staff or prisoners - took place. It was an astonishing situation.

Reception, first night and induction arrangements on the category D side were perfunctory, and there was far too little subsequent contact between staff and prisoners. Prisoners on the wing were frightened. In our survey, 38% told us they had felt unsafe at some time, and 28% felt unsafe at the time of the inspection. This compared with 16% and 5% respectively at comparable prisons. Nothing had been done to address this. Drugs and alcohol were widely available and prisoners told us there were high levels of victimisation by other prisoners and staff.

The most basic services were not provided on the wing. There was no access to Listeners and no work on diversity and equality. Even chaplaincy services were inadequate. There were prayer meetings for Muslim prisoners but none for Christians, and some religious tensions were evident. In a recent incident, someone had defecated in the washing facilities for Muslim prayers; managers were unaware of this until we brought it to their attention.

The health needs of prisoners on the wing had not been assessed and it was difficult for prisoners to see a doctor if they were unwell. Staff were often not available to escort prisoners to health care on the category C side, and only 8% of prisoners told us it was easy to see a doctor, against the 59% comparator. There was simply no work or education available on site, apart from a few desultory domestic duties. The classrooms that had been used by the IRC were a sad sight, unused and piled high with discarded furniture and equipment. There was very little done to address prisoners offending behaviour or give them practical help to resettle successfully after release. There were a few opportunities for prisoners to maintain family ties or work outside the prison through release on temporary licence - but this was thoughtlessly limited because release and return times were not synchronised with the infrequent local bus service.

We brought our concerns about the category D side to the attention of the Chief Executive of NOMS immediately after the inspection. It was closed shortly afterwards and remains so. We welcome this and it should not re-open until the concerns we identify in this report have been addressed. However, it is unacceptable that the situation was allowed to develop. There is a danger in increasingly large and complex establishment, with remote governing governors, that failings in one part of an establishment may not be evident from the performance data for the prison as a whole. Nevertheless, all it took on the category D side at Lindholme was to spend a few minutes walking through it, see the abandoned classrooms, observe the absence of staff and listen to the prisoners' concerns to realise something was seriously wrong. That should have been done sooner.

There were also significant problems in other parts of the prison. Most prisoners in the category C side were safe but care for those who needed extra support was inadequate. Procedures for supporting prisoners at risk of suicide or self-harm were poor. Too many of these men were held in the segregation unit. Little support was available for prisoners who were vulnerable and being victimised or bullied by other prisoners. The only option they were offered was to be confined to their cell with no access to the regime. Those who declined had to sign a disclaimer - but this did not absolve staff from the consequences of neglect. Those who accepted often continued to be bullied, with threats shouted through their door. Many said their mental health deteriorated and most were eventually transferred out of the prison with nothing done to tackle the underlying problems. Drugs and alcohol were easily available

disarmed and taken to hospital where he was treated for self-inflicted wounds.

Report on an Unannounced Inspection of HMP Lindholme

Inspection 11–15 February 2013 by HMCIP, report compiled April 2013, published 18/06/13

HMP Lindholme is a cause for real concern and requires urgent improvements, outcomes for prisoners across the prison as a whole were not good enough in too many areas, but the side for low risk category D prisoners was the worst establishment inspectors had seen in many years. The category D side, separate from the main prison, should have provided an environment in which low-risk prisoners were prepared for release with purposeful activity and rehabilitation work. It appears that the funding had been lost when the wing stopped being used as an IRC and had not been replaced. The wing had been forgotten and neglected.

Inspectorate's concerns about the CAT D side were brought to the attention of the National Offender Management Service and the wing was closed shortly afterwards and remains so.

Inspectors were concerned to find that: - very little activity of any sort – by staff or prisoners – took place - reception, first night and induction arrangements on the category D side were perfunctory and there was too little contact between staff and prisoners; - prisoners were frightened, 28% saying they felt unsafe at the time of the inspection; - drugs and alcohol were widely available; - the most basic services were not provided on the wing, with no access to Listeners or work on diversity and equality and inadequate chaplaincy services; - there was no work or education available apart from a few domestic duties; - health needs of prisoners on the wing had not been assessed and it was difficult for prisoners to see a doctor if they were unwell - there was very little done to address prisoners' offending behaviour or give them practical help to resettle after release.

Significant problems in other parts of the prison. Inspectors were concerned to find that: - procedures for supporting prisoners at risk of suicide or self-harm were poor; - little support was available for prisoners who were vulnerable and being victimised or bullied by other prisoners; - drugs and alcohol easily available here too, action to address this poorly co-ordinated; - prisoners from black and minority ethnic groups reported more negatively than white prisoners, there was little help for foreign national prisoners and the needs of prisoners were disabilities were not identified or met; - prisoners did not have confidence in formal processes for resolving problems; - offender management was under-resourced & resettlement services were very stretched; - prisoners who needed to transfer to HMP Moorland to undertake offending behaviour programmes were often unwilling to transfer as they were anxious about where they would be accommodated or whether they would have a job when they returned.

Introduction from the report: HMP Lindholme is a category C training prison with a category D wing that holds a total of about 1,000 men. The prison, near Doncaster, forms part of the 'South Yorkshire cluster' with HMP Moorland and HMP Hatfield. The category D side, 'I wing', had been used as an immigration removal centre (IRC) but this closed in January 2012 and the facility had been passed back for use by the Prison Service.

The inspection came at a difficult time for the prison. In November 2012 it was announced that all prisons in the South Yorkshire cluster would be moving into the private sector and, at the time of the inspection, the uncertainty this created added to the difficulty in running the prison.

However, these difficulties do not excuse the very poor findings of this inspection. Outcomes for prisoners across the prison as a whole were not good enough in too many areas, but the category D side was the worst establishment we have inspected in many years.

INQUEST Calls For Radical Overhaul Of Prison System For Women

Six years after the Corston Review took place, the report examines the circumstances surrounding the deaths of women in prison and highlights how the underlying problems remain despite the serious criticisms contained in Baroness Corston's report. Deaths of women in prison throw the issues faced by women in the criminal justice system into sharp relief. Being the most extreme outcome of a system that has failed them in every way, the investigation and inquest process that follows offers the opportunity to examine the way women in the conflict with the law are treated and has uncovered some disturbing and 'sadly familiar' patterns. There have been 100 deaths of women in prison since 2002, and 38 since the Corston report was published in March 2007. The report contains the stories of six women who died in prison in the last six years, including that of Melanie Beswick whose inquest was heard in April. All of these women were mothers, and five of them had been drug-dependent before entering prison. All raise serious questions about the appropriateness of being placed in a prison setting.

INQUEST's research shows that the following issues are raised time and again:

- Histories of significant disadvantage and complex needs
- Inappropriate use of imprisonment given the offence
- Isolation from families - Prisons unable to meet women's complex needs
- Poor medical care and limited access to therapeutic services in prison
- Unsafe prison environments and cells

The report also raises concerns that with the economic recession in the UK impacting disproportionately on women and cuts being made to crucial front line social and welfare services, it is likely that more women will be criminalised because of poverty and social inequality. It is worrying that the limited positive changes that have occurred such as the setting up of diversion schemes and funding for women's centres are now under threat because of a lack of sustainable funding. Current government proposals to remove access to specialist criminal defence solicitors (who know the particular mental health or other vulnerabilities of the women they represent) may compound the negative impact on women caught up in the criminal justice system and as a result, more women will end up in prison.

Deborah Coles, co-director of INQUEST said: "Despite the damning conclusions reached by Baroness Corston, and the ensuing stringent recommendations, the fundamental issues affecting women in prison remain. "While there are issues that need to be addressed by the prison system as a matter of urgency, such as management of drug problems, support structures for women at risk of self harm, and management of bullying, there are even more fundamental questions to be answered about the use of prison as punishment for women in conflict with the law. A body of evidence already exists that shows that prison is an ineffective, expensive and inhumane response to women's offending. It harms vulnerable women and does not address the underlying causes of their re-offending. This government's policies in prison, probation and legal aid cuts will we fear lead to more women being imprisoned in institutions ill-equipped and ill-resourced to deal with their complex needs, increasing the risk of deaths and self injury. We do not need more reports, consultations and advisory groups, but sustained investment in community-based alternatives that address the many complex reasons why women enter the criminal justice system – sexual and physical abuse, poverty, homelessness, addiction, and mental and physical ill health."

The Government's record on the treatment of women in prison will be examined by the United Nations Committee on the Elimination of Discrimination against Women in July 2013. The CEDAW Committee has asked the UK Government to provide information on the

implementation of the Corston report and in particular on measures which 'aim at providing quality mental health services for women in prison, as well as measures undertaken for gender-sensitive handling of detainees'. INQUEST has submitted this report to the Committee in order to inform that examination. The report is based on written evidence given by INQUEST to the parliamentary Justice Committee inquiry on women offenders

INQUEST provides a general telephone advice, support and information service to any bereaved person facing an inquest and a free, in-depth complex casework service on deaths in custody/state detention or involving state agents and works on other cases that also engage article 2 of the ECHR and/or raise wider issues of state and corporate accountability. INQUEST's policy and parliamentary work is informed by its casework and we work to ensure that the collective experiences of bereaved people underpin that work. Its overall aim is to secure an investigative process that treats bereaved families with dignity and respect; ensures accountability and disseminates the lessons learned from the investigation process in order to prevent further deaths occurring.

Hillman V Governor Of Bronzefield Prison (2013)

Failure to produce a defendant in court because of an error in the admin process was capable of amounting to an "accident" within the meaning of the Magistrates' Courts Act 1980 s.129(1), so as to entitle magistrates to exercise their discretion and remand her in custody in her absence.

R v Ossama Hamed - Judge Wrong to Reduce Credit for Early Plea

H pleaded guilty and later give evidence on behalf of a co-accused. H's evidence was clearly rejected by the jury and the Judge decided to withhold full credit from H on the basis of the false evidence tendered in the trial. H was given a 25% not 33% reduction in sentence. - Held: H was entitled to full credit for his plea.

UVF Supergrass Trial Brothers Not To Be Returned To Jail

Two brothers who received a reduced prison sentence for giving evidence in a UVF murder trial will not be sent back to jail, in spite of lying in court. Convicted killers Robert and Ian S tewart became so-called supergrasses at the trial of alleged members of the north Belfast UVF. The men were found not guilty of murder.

The trial judge said the brothers had lied in part of their evidence. This raised the question of whether the Stewarts should be sent back to court for breaching the terms of an agreement that allowed them a reduced sentence, three years instead of 22, for the murder of Tommy English in October 2000. However the Public Prosecution Service has concluded that although they had lied in court, this was not the main reason why the accused were found not guilty. Therefore, the brothers will not be sent back to court to face a possible return to jail.

The case was the first so-called supergrass trial in Northern Ireland for more than 25 years. It relied on the evidence of the brothers and was one of the longest and, at more than £10m, the most expensive ever held in Northern Ireland. Nine men involved in the trial were acquitted of the murder of UDA leader Tommy English. They included the alleged former UVF leader in north Belfast Mark Haddock. Thirteen men had been charged with more than 30 offences including the murder of rival loyalist Mr English, kidnapping, and UVF membership. Twelve out of the 13 were acquitted of all charges. Neil Pollock was convicted of possessing items intended for terrorism and was jailed for five years.

viction for the offence of attempted witness intimidation.

Prisoners: Complaints

There were 233,904 complaints submitted by prisoners in England & Wales which required a response during the financial year 2011-12. The total number of complaints for 2011/12 was 4% lower than in 2009/10. This figure refers to complaints submitted under the established prisoner complaints procedures and does not include those made under the Confidential Access facility. It has been drawn from administrative IT systems, which as with any large-scale recording system, are subject to possible errors with data entry and processing.

Prisoners: Older People - State Pension Reduced to £3.25 a Week

Priti Patel: To ask the Secretary of State for Justice for what reasons prisoners of retirement age receive a weekly payment of £3.25.

Jeremy Wright: Convicted prisoners are not entitled to claim any state benefits while they are in prison and this includes the state retirement pension. Prisoners above state retirement age are not normally required to work although they may choose to do so, and will be paid if they do. Prisoners pay policy, including minimum pay rates is set out in Prison Service Order 4460 Prisoners Pay. A payment of £3.25 is made to prisoners above state retirement age who do not work. This helps them meet day to day expenses such as access to PIN phone credit and postage costs for letters in order to maintain family ties. They may also make purchases from the prison canteen and facilities list.

Face-Down Restraint Ban Considered

Ministers will consider a ban on the use of face-down restraint in English mental health hospitals after new figures that show nearly 40,000 incidents of physical restraint were recorded in just one year. Figures obtained under the Freedom of Information Act showed 39,883 recorded incidents of all kinds of physical restraint in mental health trusts during 2011/12, resulting in at least 949 injuries to people with mental health problems.

Scottish Police Investigation: Review Commissioner - A Total Wanker

Police tasered and hit a 15-year-old boy with a baton round. Prof John McNeill, head of the Police Investigations and Review Commission concluded the officers' use of force was appropriate. However the boys mother disagreed she believes that she should have been allowed to intervene. Officers prevented her reaching her son during the tense negotiations on Saturday May 4.

The woman, who cannot be identified for legal reasons, told The Courier: "I'll be honest, my son was absolutely drunk that night. He tried to slit his throat with a kitchen knife, although it was only a nick, but he was bleeding. Then he ran out the house with the knife and that's when all the police came. I think it was badly managed by the police. It's quite a lot for a young lad to take a rubber bullet. I don't know anything about Tasers but he said he went all that shocked way. There was bruising and he's still getting tingling. He had a bump on his head too. He didn't deserve that. This is what hurts me. It must have been very frightening. He's been getting flashbacks. It's affected me too. I was put on sleeping tablets. I had to get counselling." During the stand-off, the youngster cut himself on his hands and arms with the foot-long kitchen knife and, when he threatened to plunge the blade into his chest, officers fired a rubber bullet and a stun gun. After he was incapacitated by the electric current, the youngster was

the number of disposals attained.

Slap on the Wrist for Police Officer who Assaulted 14 Year-Old-Boy

Sergeant Steven Rea (39) was found guilty of grabbing the youth by the throat and subjecting him to verbal abuse. District Judge Jeremy Coleman said: 'In the custody suite he [the victim] was being difficult and irritating. However, he was not being violent. Sgt Rea decided to use shock tactics and he agrees that CCTV shows him accurately and he did this in order to gain his cooperation. He had lost his temper and left the neutral area behind his desk. What he did next was completely out of character.'

The assault Rea then perpetrated on the boy went well beyond 'necessary force, albeit after provocation', the judge said. Rea was sentenced to a six-month conditional discharge and ordered to pay £500 costs after being found guilty. The force said it would now pursue misconduct proceedings against him.

Police had 'No power' to take 'Kettled' Woman's Details *BBC News, 18/06/13*

Police officers who took the personal details of a woman "kettled" during a trade union rally in 2011 acted unlawfully, the High Court has ruled. The court ordered the Metropolitan Police to delete records of Susannah Mengesha and film and photographs taken of her at the demo. Her details were taken while she was contained by police while a legal observer during the London protest. A judge ruled officers had no powers to film her or take her name and address.

Ms Mengesha, a law graduate, was part of a group of protesters who were contained by police near London's Piccadilly Circus for two hours on 30 November 2011 at a trade union march against public sector pension cuts. Police said the "kettle" - which involves police forming a barrier around protesters to keep them within a fixed area - was "necessitated by a reasonably apprehended imminent breach of the peace". Before being allowed to leave, police filmed Ms Mengehsa and made her hand over personal information.

The Met had argued they were entitled to obtain, and retain, the information for crime prevention purposes, but Lord Justice Moses said they had acted outside their powers. "The absence of any statutory power to obtain identification in the circumstances in this case establishes conclusively the unlawfulness of the police action in requiring (Ms Mengesha) to be filmed and give her name and address and date of birth before she was released from containment," he said.

R v ZN (Crown Must Prove That a Witness had in Fact Been Intimidated)

This appeal, brought with the leave of the Full Court, raised the question as to whether it was correct that, in an offence of witness intimidation contrary to s.51(1) of the Criminal Justice and Public Order Act 1994, it was not necessary for the Crown to prove that the witness had actually been intimidated; this court had so indicated in R v Patrascu [2004] EWCA Crim 2417.

Held: On its ordinary and natural meaning s.51(1) requires that the Crown prove that the other person whom the defendant intends to intimidate is in fact intimidated. That is because the statute makes clear that the act of intimidation is part of the actus reus of the offence; it must therefore be proved. The observation in Patrascu that the offence could be committed without the victim being intimidated is not correct, as the language of the 1994 Act makes clear that one ingredient of the offence is that the victim is in fact intimidated.

However though the court quashed the conviction for witness intimidation, they exercised their power under s.3 of the Criminal Appeal Act 1968 (as amended) to substitute a con-

Activist Throws Pie In The Face Of Polish Judge

A communist-era opposition activist in Poland faces as much as a year in prison for throwing a pie in a judge's face during a hearing, court officials said. Former Polish Interior Minister Czeslaw Kiszczak is being tired for a fifth time in the government's killing of nine coal miners on strike in December 1981. The judge in the case, Anna Wielgolewska, was hearing arguments closed to the public about Kiszczak's mental health when an activist, whose name was withheld under Polish privacy laws, accosted the judge and threw a large cream pie in her face, Polskie Radio said Thursday. Warsaw police said the man was charged with insulting a public functionary.

IPCC Passes File to CPS Following Chorley Police Tasering a Blind Man

The Independent Police Complaints Commission (IPCC) has passed a file of evidence to the Crown Prosecution Service (CPS) for consideration after completing its investigation into an incident in Chorley in which a Lancashire Constabulary officer discharged a Taser at a visually impaired man. The CPS will consider the file to determine whether there is evidence which would warrant any criminal charges.

The incident occurred on Friday 12 October 2012 in Peter Street, Chorley. Colin Farmer, 63, who is visually impaired and uses a white stick, was subjected to a Taser discharge by a police constable who was responding to a report of a man seen carrying a samurai sword. The IPCC independently investigated the incident following a referral by Lancashire Constabulary.

R v Lodge (Evidence of good character of complainant admissable)

The appellant raises two grounds of appeal: The first is that the judge failed to exercise his discretion under section 78 Police and Criminal Evidence Act 1984 to exclude evidence adduced from the complainant Richard Stickler as to his own good character. The second ground (which Mr James, on behalf of the appellant, at the outset of his submissions, conceded was unlikely on its own to support a conclusion that the verdict was unsafe) is that the judge intervened inappropriately during the evidence of a defence witness and by that means demonstrated a bias against the defence case which was compounded by a failure in the summing up to summarise the witness's evidence.

Held: Appeal dismissed. Evidence of good character was admissible to rebut the suggestion that V was the aggressor and had racially abused Lodge.

Neglect Contributed To Death Of Andrew Hall At HMP Holme House

In a damning verdict returned late on Thursday 13 June, the jury in the inquest into the death of Andrew Hall on 27 March 2009 found that he took his own life whilst the balance of his mind was disturbed, contributed to by neglect. This is the third short form neglect verdict returned following a self inflicted death at Holme House prison. Following three full weeks of evidence, the lengthy jury verdict listed 21 separate failures of Andrew Hall's care and treatment at HMP Holme House. These included failures in risk assessment and risk management, and serious failures in communication.

Andrew served part of his sentence at HMP Kirklevington. Whilst there, he had attempted suicide by cutting both wrists. Following a period of hospitalisation he was transferred to Holme House prison on an open ACCT (Assessment, Care in Custody, and Teamwork – the system used for prisoners who are at risk of self harm), which was subsequently closed. The jury concluded that this ACCT should not have been closed. Following the (improper) closure of the ACCT, on 23 March, Andrew was further assessed by a psychiatrist who considered

him to be psychotic and at significant risk of self harm. Despite this, no ACCT was re-opened, a clear failure identified by the jury. The jury found that none of the nurses in the subsequent four days had read the psychiatrist's documented assessment. As a consequence, he was not afforded the level of observations, interaction and care necessary.

As a result, despite being in a camera cell, he was not being properly observed when he first inflicted a wound to his neck four days later. The jury concluded that the failure to observe and interact contributed to his death. In a devastating criticism, the jury also found 'there was an opportunity for the staff to intervene between the time when he inflicted a wound to the vein in his neck and the time when he inflicted a wound to the artery in his neck'. This period lasted around 20 minutes, during which blood could be seen on CCTV on the floor of the cell.

At the conclusion of the inquest, the deputy coroner indicated that he would be reviewing recommendations made following previous inquests into deaths at HMP Holme House before drafting his own, with specific reference to continuing failures of record keeping and communications between discipline staff, nursing staff and the mental health in-reach team. Since Andrew Hall died, there have been five further self-inflicted deaths at HMP Holme House.

Paula Davidson, Andrew's partner said: "The verdict today has proven Andrew's death was unnecessary and if individuals had carried out their roles there would not have been failings in his care which resulted in Andrew's death. There have been a number of deaths before and after Andrew's death and we hope that lessons have been learned from today's verdict which the jury have returned. I would not have the truth for the family and also for our little girl today if it had not been for the support from INQUEST and I would like to thank them and Fiona Borrill and Imogen Hamblin from Lester Morrill solicitors and Sean Horstead from Garden Court Chambers for all their support throughout this four year experience."

Deborah Coles, co-director of INQUEST said: "Had greater care been taken been taken of Andrew this tragic and disturbing death might not have happened at all. The fact that this is the third neglect verdict since 2004 at HMP Holme House should be a wake up call to the prison service. Moreover, that there have been five further self inflicted deaths there since Andrew Hall died in March 2009 suggests that little has been done to address the issues raised at this and previous inquests. It is crucial for the safety of all prisoners at Holme House that these failings are addressed as a matter of urgency."

The family is represented by INQUEST Lawyers Group members Fiona Borrill and Imogen Hamblin from Lester Morrill solicitors and barrister Sean Horstead of Garden Court Chambers. The same team represented the families of the two other self-inflicted deaths at HMP Holme House where neglect verdicts were returned at inquest.Full verdict is available from INQUEST.

E**xperts Urge Replacement of Run Down 'Dungeons' With 'Superjails'** *Guardian, 17/06/13*

More than 30 "run down and poorly located" jails, including some of the prison system's most famous names – Dartmoor, Holloway, Pentonville, Wandsworth and Wormwood Scrubs – should be shut down and replaced with a new generation of "superjails", according to prison experts. Kevin Lockyer, a former senior Ministry of Justice official and ex-prison governor, says "damp Victorian dungeons" should be replaced by 10 to 12 new "hub" jails holding up to 3,000 inmates. In a report for the right-of-centre think-tank Policy Exchange, Lockyer claims that swapping old for new would lead to savings equal to 20% of the annual prison budget in England and Wales, or 9% of the Ministry of Justice's entire budget, which it has to find in spending cuts in 2015/16.

The justice secretary, Chris Grayling, is currently developing a plan for the next generation of jails in England and Wales, which is likely to include further closures. He is so far committed to looking for a site for only one new "superprison". Grayling said the report was right to highlight that much of the prison estate was old and inefficient and that costs needed to be reduced: "We are constantly reviewing it to ensure it meets the needs of the prison population and provides the best value for the taxpayer," he said.

New-for-old schemes in the past have foundered on the fact that many Victorian jails are listed, and are better made than some of those built in the 1960s and 70s. A quarter of the 140 prisons in England and Wales are Victorian or older while a further 25% were built in the 1960s and 1970s Lockyer, a former MoJ deputy director who has been responsible for managing the prison population, says his scheme could be financed through public sector borrowing or private finance and produce savings of £10bn over 25 years. He envisages putting the new "hub" prisons on brownfield sites near to main transport routes to hold more prisoners as close to home as possible. Private providers would be allowed to compete with the public sector to build the new generation prisons which would use biometric security systems. The prison sites would also include courts to cut the cost of transferring prisoners for trial.

The list of prisons recommended for closure includes Brixton, Feltham, Holloway, Pentonville, Wandsworth and Wormwood Scrubs. Outside London, it focuses on the south-west and says closures should include Bristol, Dorchester, Dartmoor and Portland jails. The London jails would be replaced by building three new 2,500-place jails within the M25 to provide 6,000 adult male places, 1,000 for young offenders and 500 for women.

Lockyer said he was "busting the myth that 'small is beautiful'", when it comes to prisons. "In fact, newer prisons outperform older ones, regardless of their size," he said, adding that it was not simply a revival of Labour's Titan jail plan, which focused on expanding overall capacity rather than replacing existing jails. "We need to build larger, newer facilities that use the most up to date technology to monitor inmates. Hub prisons will not only reduce reoffending and improve safety. They will also deliver vast savings and better value for money." He said as a former governor at two Victorian prisons he had always believed that it was unacceptable that some prisoners served their sentence hundreds of miles from their homes in facilities which would be better suited to be museums. "New hub prisons will allow us to close more than thirty of our darkest, dampest and most expensive prisons – and replace them with modern facilities properly geared towards reducing reoffending," he said.

Juliet Lyon, of the Prison Reform Trust, said it would be a gigantic mistake to pour taxpayers' money down a "super-sized, big brother prison building drain". She said there was scope to close some outdated prisons and reinvest the money saved in effective community solutions to crime, but when it came to prisons, "the idea that big is beautiful is wrong".

Kent Police Targets Caused 'Quick and Easy' Detection Bias

In the course of this inspection, HMIC found that a target-driven culture had, until recently, led to some officers in Kent pursuing crimes on the basis of how easy they were to solve, rather than on their seriousness, or their impact on victims or communities. For instance, we found evidence of: - officers actively seeking out cannabis users in order to administer formal warnings; and - a proactive policing team, set up to tackle burglary, being inappropriately redeployed to deal with cases of shoplifting. HMIC considers that both these activities were motivated by the desire to meet monthly performance management targets in relation to