

### Prisons: Swimming Pools

Philip Davies: To ask the Secretary of State for Justice how many prisons have swimming pools for use by inmates. - Jeremy Wright: All prisons are required to provide physical education to prisoners. Since 2010 the number of prisons with swimming pools for use by prisoners has reduced from five to two. These are located at HMP Standford Hill and HMP Holloway. Where operational circumstances permit, these pools are made available to local groups, including for example, those who support the elderly. *House of Commons: 17 July 2013 : Column 731W*

### Vronchenko v. Estonia (no. 59632/09) [no opportunity to question alleged victim]

Alexey Vronchenko, a Russian national born in 1976. He was convicted of the sexual abuse of a minor, his stepdaughter, and sentenced to eight years and three months' imprisonment in a judgment which became final in September 2009. He is currently serving his prison sentence. Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses), he complained that he had not had a fair trial since he had not had an opportunity to question the witness (the alleged victim) on whose testimony during the pre-trial proceedings his conviction had been mainly based. Violation of Article Article 6 §§ 1 and 3 (d) Just satisfaction: EUR 5,200 (non-pecuniary damage)

### IPCC: Deaths During Or Following Police Contact 2012/13

- 15 deaths 14 men and one woman, in or following police custody, the same figure as the previous year. Four were known to have been restrained by police officers at some point prior to their death. Nine people had a link to alcohol and drugs
- 30 road traffic fatalities, up from 19 the previous year
- 64 apparent suicides following police custody, up from 39 the previous year
- 21 other deaths following police contact that were subject to an IPCC independent investigation, down from 47 the previous year
- in 17 of the 21 deaths police were contacted as a result of concerns being raised over an individual's safety or well-being

Road traffic fatalities: 24 men and six women, died in 23 police-related road traffic incidents there were 19 fatal police pursuit incidents accounting for 26 of the deaths - 13 of the deaths were from six such incidents

18 of the deceased were the driver/passenger in a pursued vehicle and died when their vehicle crashed eight people died as a pedestrian/cyclist or after their vehicle was hit by a car being pursued by police

**Hostages:** Jamie Green, Dan Payne, Zoran Dresic ,Scott Birtwistle, Jon Beere, 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' 435 (25/07/2013)

### Justice for, Jamie, Jon, Zoran, Dan and Scott - 5 Men 104 Years

Skipper and his crew in the wrong place at the wrong time

- Accused of attempting to import 255kg of cocaine - arrested 30th May 2010.
- No traces of drugs were found on the boat after a 2 week forensic search using state of the art equipment.
- The police admitted changing their statements and surveillance logs and not following ACPO guidelines.
- All asset claims and confiscation orders have now been removed as unfounded. No financial gain was found to be had by any of them.
- Jamie Green's legal representatives were threatened by SOCA and made a statement giving details. They were not called to the stand and the statement was not considered by the appeal Judge.

This is the story from start to finish of the extraordinary events that have ended in 5 innocent men wasting 104 years of their lives incarcerated, just for being in the wrong place and the wrong time. The story will be kept brief and hopefully informative, but if you need clarification on any element please get in touch by going to our Support us page and using the form supplied. We will be happy to answer your questions.

Skipper Jamie Green, Dan Payne, Scott Birtwistle and Zoran Dresic set out for fishing on the 29th May 2010 at about 16.30hrs aboard the Galwad Y Mor from Yarmouth, Isle of Wight. Little did they know that they would soon become embroiled in a huge £53 million drugs operation called "Disorient" Dan & Scott were both experienced fishing crew who had worked with Jamie for some time but Zoran had recently arrived in the UK looking for work. Not speaking any English a friend had arranged work fishing with Jamie and brought him to the Isle of Wight to finalise the employment details. Unable to meet them himself Jamie asked a long time friend, Jon Beere to meet the men and drop them over to Yarmouth. Jon had various work projects in Yarmouth with his Scaffold firm and was happy to help out a friend.

The weather as they left the Solent was not good but forecast to improve on the 29th May. With rough seas and winds gusting up to gale force 8, the passage to their regular fishing area, mid English Channel, was rough. This was Zoran's first trip, he found the rough seas hard to cope with and was suffering badly with seasickness. Dan & Scott both slept until it was time to start hauling pots. Jamie used the time waiting for a break in the weather to map the sea bed with electronic equipment, looking for good fishing areas.

That night in the English Channel there were an estimated 200+ large commercial vessels, containers, tankers and ferries all contributing to one of the busiest shipping lanes in the world, the skipper of a small fishing boat has to be very aware of the dangers as they dodge around these huge fast moving vessels. Jamie had been fishing these waters for 30 years and was a highly experienced and respected skipper.

'Operation Disorient' was mounted on 29th May 2010 by Middle Market Drugs Partnership (MMDP) & Serious Organised Crime Agency (SOCA), after receiving 'intelligence' that the containership, the MSC Oriane, was carrying drugs. The Oriane is a huge container, 277m in length with a 40m beam that travels at 20 knots. SOCA & MMDP had monitored the vessel

for sometime as it sailed across the Atlantic en route from Brazil to the Netherlands. Now aided by Hampshire Constabulary officers and the UKBA Cutter Vigilant by 23.40 hours they had the Oriane under close surveillance as it sailed through the English Channel. Over the next 3 hours the UKBA Cutter would identify, search and release two boats, a yacht and another fishing vessel that had all sailed very close to the Oriane.

Unnoticed by the UKBA Cutter, the Galwad Y Mor had crossed over the track of the MSC Oriane at 00.31, some 10 minutes after the container ship had passed. During a 3 minutes window it would be alleged that the Galwad Y Mor retrieved eleven 30kg bags of cocaine from the sea in the pitch dark and bad weather conditions. A credible explanation of how this was supposedly achieved has never been offered by any of the Agencies involved or their experts. Anyone with any seafaring knowledge will agree that to locate and retrieve items in the given conditions, in 3 minutes, is simply impossible. Equally any variable i.e. retrieving the eleven items individually or the items as one mass all presented insurmountable difficulties. The Marine Expert employed by SOCA would eventually mislead the jury time and time again by repeatedly stating "anything is possible" whenever asked how the crew of the Galwad Y Mor had achieved this.

Seemingly, by 2:00 am with their operation failing and intelligence proving wrong, UKBA & SOCA started frantically re-searching the route the Oriane had taken. By this time they had also enlisted the help of the UKBA Surveillance aircraft allowing them to search a larger area, at 03.42 the Galwad Y Mor was spotted fishing. This was the first time Jamie and his crew were noted by "Operation Disorient". At this time SOCA had no idea of Jamie's previous movements that night. As the weather dropped off Jamie and the crew had commenced fishing, hauling pots, collecting crab and lobster. Over the next 18 hours they worked their way home not realising they were becoming the focus of 'Operation Disorient'. At no time did UKBA approach the the Galwad Y Mor to search it at sea as they had done with 2 boats previously that night.

The weather improved the 30th May 2010 turned out to be a lovely May bank holiday afternoon. As they neared the coast of the Isle of Wight at 17.45 they drifted under Tennyson Cliffs briefly fishing for mackerel. It is at this point that 2 Hampshire officers on surveillance duty on Tennyson Down radioed to the SOCA loggist that they had observed '6-7 dark items thrown at intervals' from the Galwad Y Mor. The recollections of these officers would change substantially over the next 3 days, the dark items would suddenly change to coloured, thrown from the boat would suddenly change to a 'controlled deployment' with the addition of rope and an orange fishing buoy. Even the position and direction of the boat would change dramatically.

By 19.06 the Galwad Y Mor was rounding The Needles making for Yarmouth, still totally unaware of the massive operation being carried out. At 19.37 the boat entered the harbour, the boys tied up the boat on its usual mooring and all leaving the boat they agreed to meet a couple of hours later to arrange fishing the following day, some going to Saltys a local bar owned by Jamie's parents. It was around this time that many unusual things would happen. Firstly, there was an aborted police strike, no reason for this has ever been given. This was rapidly followed by failure of the loggists radio resulting in no contemporaneous logging of information for the rest of the evening. The loggist would later state, in court, that it took her 1 hour & 40 mins to realise her radio was not working, by this time Jamie, Dan & Zoran had been arrested. Similarly the commanders operational log for this period becomes very sketchy, although there must have been a lot of police activity in this period including aerial surveillance, police officers being deployed, surveillance of the boys etc. There are no logged or written police accounts of what happened over the 2 hours before arrest.

### **Hilda Murrell Murder: MP's Call for Hillsborough-Style Inquiry**

Andrew George was convicted in 2005 of the murder of the 78-year-old anti-nuclear campaigner from Shropshire. A Commons motion claims there are "serious and substantial doubts about the criminal investigations". It calls for all the relevant papers be published by the Home Office and West Mercia Police. The motion backs calls by human rights lawyer Michael Mansfield QC for a commission of inquiry into the case along similar lines to the Hillsborough Independent Panel. Twenty five MPs have signed the motion, which was tabled by Austin Mitchell, the Labour MP for Great Grimsby. Miss Murrell, a prominent member of the Campaign for Nuclear Disarmament (CND), was sexually assaulted and stabbed in 1984. George, a builder's labourer with previous convictions, was arrested and charged in June 2003, after his DNA was found to match samples taken from the scene. Last year, Miss Murrell's nephew Robert Green relaunched a book claiming there was new DNA evidence from his aunt's fingernails, which could acquit George. Members of her family have long believed the security services were involved because of her political work in opposing nuclear weapons," said the BBC's political correspondent, Paul Rowley. Last year, barrister and legal campaigner Mr Mansfield described the security services as "major suspects". The motion notes Mr Green's book says "key forensic and other evidence was not disclosed at the 2005 trial and the 2006 appeal of Andrew George". It adds that Mr Mansfield views the book as raising "serious and substantial doubts about the criminal investigations to date into this controversial case".

*Early Day Motion 433: Murder Of Hilda Murrell:* That this House notes with concern that, as documented in the new edition of the book about Hilda Murrell's murder, *A Thorn in Their Side*, by her nephew Commander Robert Green, Royal Navy (Retired), key forensic and other evidence was not disclosed at the 2005 trial and the 2006 appeal of Andrew George, who was convicted of the abduction and murder of the internationally renowned rose grower and anti-nuclear campaigner in 1984; further notes Michael Mansfield QC's view that the book raises serious and substantial doubts about the criminal investigations to date into this controversial case; supports Mansfield's call for a Commission of Inquiry into the case along similar lines to the Hillsborough Independent Panel; and recommends that all relevant papers be published by the Home Office and the West Mercia Police.

### **Report on an Announced Inspection of Morton Hall IRC**

Inspection 4–8 March 2013 by HMCIP, report compiled May 2013, published 17/07/13

Managed by the Prison Service on behalf of UKBA: Some practices were inappropriate for an establishment where people were not held because they have been charged with a criminal offence. Detainees were locked in their rooms at 8.30 in the evening, staff carried batons inappropriately and all detainees were handcuffed if they had to be taken out of the centre.

Inspectors were concerned to find: - what caused most anxiety and stress for detainees was concern about their immigration status and potential removal and some people had been held for very long periods - one for almost three years; and - we were told detention was justified in some cases because there was a high risk the detainee would reoffend if released, but there was nothing detainees could do, as they could have done in a prison, to demonstrate their risk of reoffending had reduced. - UK Border Agency maintained that some detainees were held because they were failing to cooperate with immigration processes. In these cases UKBA should have forced the issue by either using its powers to prosecute the individuals concerned for non-compliance or releasing them. - the food was of poor quality - this had been a significant cause of discontent in the past and needed to be improved - there was very little attention for the needs of young adults under 21, who made up 7% of the population - Inspectors made 72 recommendations

placed in cramped, overcrowded cells where he was subjected, among other things, to second-hand cigarette smoke and to violence from fellow inmates. He was also repeatedly forced to appear in public in handcuffs, including during court appearances. Eventually, owing to his deteriorating health, he was admitted to hospital, where he was handcuffed and chained to his bed throughout his stay. Mr Stoleriu alleged a violation of Article 3 (prohibition of inhuman or degrading treatment).

Violation of Article 3 – with regard to the conditions of detention from October 2004 to June 2006 in Botosani prison and in the detention premises of the Suceava Tribunal's headquarters during his trial. Violation of Article 3 - with regard to Mr Stoleriu having been handcuffed and chained to his hospital bed in May 2005 Just satisfaction: EUR 10,000 (non-pecuniary damage)

#### **Balteanu v. Romania (no. 142/04) [Unlawful Recording of Phone Calls]**

The applicant, Viorel B?lteanu, is a Romanian national who was born in 1973 and lives in Bucharest. The case concerned criminal proceedings brought against Mr B?lteanu, a traffic police officer, for corruption, and the use of transcripts of his recorded telephone conversations in those proceedings. As a result, in January 2003 Mr B?lteanu was arrested and placed in pre-trial detention for accepting a bribe. Relying in particular on Article 8 (right to respect for private and family life, the home and the correspondence), Mr Balteanu complained that his conversations had been recorded without proper authorisation. - Violation of Article 8 - Just satisfaction: EUR 4,500 (non-pecuniary damage)

#### **Prisoners: Travellers**

*House of Commons / 17 July 2013 : Column 730W*

Philip Davies: To ask the Secretary of State for Justice (1) how much was spent by HM Prison Service on raising awareness of Gypsy and Traveller issues within the service in each of the last three years; and if he will make a statement; [165196] (2) how many prisons have held a Traveller Day in the last three years; and what the cost to the public purse was of such events.

Jeremy Wright: This information is not available. Prisons decide locally whether or not to engage in activities to raise awareness of Gypsy and Traveller issues and/or to hold a Traveller day, and no information about these activities or their costs is held centrally.

#### **Prisons: Mental Health Services**

*House of Commons: 17 July 2013 : Column 731W*

Chris Ruane: To ask the Secretary of State for Justice what assessment he has made of the (a) extent of use and (b) effectiveness of mindfulness therapy in prisons. [165255]

Jeremy Wright: We are aware of the developing empirical literature on the impact of mindfulness therapy and its potential, for instance, in improving emotional regulation. It is an emerging area of psychological therapy that as yet, does not have a large evidence base in the forensic field. NOMS has not assessed the extent of mindfulness therapy in prison interventions. There are a range of interventions available in prison., many of which will be provided through partnership arrangements with other providers. Our data systems do not allow for identification of the techniques on which those interventions are based. Some NOMS accredited interventions do incorporate a mindfulness based approach, although this is a relatively new innovation. As such, mindfulness therapy will contribute to the effectiveness of these interventions but it is not possible to assess its impact in isolation since it is delivered as part of an integrated package. There are currently no published reports relating to NOMS pilot projects that make specific reference to the effectiveness of the use of mindfulness, or mindfulness-based techniques.[ Mindfulness therapy : A program for reducing stress and anxiety, teaches awareness of thoughts, feelings and sensations through simple techniques]

Scott had returned to the boat early to get lobsters needed by the bar (Saltys), Zoran, feeling tired after his first fishing trip, waited in Dan's pickup as Jamie and Dan walked back to the boat. At 21.30 Jamie Dan & Zoran were arrested on Yarmouth Quay by SOCA Officers and were taken via ferry to a Fareham police station. Scott having returned to the bar with the lobsters had been totally missed by the police strike.

The following morning, Monday 31/5/10 at aprox 8.30am a local fisherman, out collecting his fishing pots under Tennyson Cliff, found his fishing gear fouled by ropes. His first thought was that it was boat wreckage, he hauled one bag aboard and on inspection decided to call the Coastguard. Crucially this was the first time he had visited these pots in 4 days.

SOCA were informed of the find by 9.15am, just as they were preparing for a 09.30 start to debrief the surveillance log from the previous evening. Curiously, although Hants officers were attributed with 50% of the entries in the Log the debrief was exclusively SOCA.

At 10.00am the two Hampshire Officers were about to leave the Island when they received a call from a SOCA Officer telling them of the find close to the position they had seen the Galwad Y Mor in the previous evening, Although only 10mins away the SOCA Officer asked The Hampshire Officers to wait for 2 hrs whilst the SOCA debrief was held, arranging a meeting at 12 noon that day.

The meeting with a SOCA officer took place in a car down a side street in Cowes. At this point the Hampshire officers stories begin to change, their recollected position of the boat is altered by approx 1/2 mile, the '6-7 dark objects' are suddenly 'holdalls that were tied together on a line and were dispatched from the boat one after another totalling 10-12, all totally contradicting their observations of the previous evening. The 3 officers then claim to have amended the Surveillance Log to record the changes, then both Hampshire Officers sign the Surveillance Management Record thus giving the impression that they were present at the SOCA debrief.

The Hampshire Officers were then asked to attend the recovery of the drugs watching from their original observation point. The recovery was delayed for 3 hours to allow the Hants officers to attend. No explanation has ever been given as to why it was necessary for the officers to attend, but the following day after watching the recovery these officers would write statements concerning their observations and again change and embellish their stories.

After a series of interviews in which there was no mention of cocaine, Jamie, Dan & Zoran were finally charged minutes before the 36 hour detention period was up with 'Importation of Cat A Drugs' This was later reduced to 'Conspiracy to Import Cat A Drugs' with a street value of £53m.

They were all remanded in custody until trial. Dan & Zoran have remained in custody since this time. Jamie was granted bail on 27th July 2010, his bail conditions were very strict, a curfew and daily reports to the local police station he was not able to go to sea unless accompanied by his solicitor, at all times Jamie adhered to the conditions, and maintained innocence.

John & Scott were subsequently arrested in Jan 2011.

In June 2011 all five were convicted and given the following sentences: Jamie Green, 24 years, Jon Beere, 24 years, Zoran Dresic 24 years, Dan Payne, 18 years, Scott Birtwistle 14 years. They all remain in prison today whilst their families and loved ones fight for their innocence and release.

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Scott Birtwistle A0623CA HMP Swaleside Brabazon Road Isle of Sheppey Kent ME12 4AX

Zoran Dresic A0938AT HMP Whitemoor Longhill Road March Cambs PE15 0PR

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### **Special Court Orders Cast Doubt On Kevin Lane Murder Conviction**

Kevin Lane has spent more than 18 years in prison, but has vowed to clear his name before being released. Doubts have emerged about the conviction of a contract killer following a trial in which special court orders were used to keep sensitive information out of the public domain. Kevin Lane was convicted in 1996 of the murder in 1994 of Robert Magill, a car dealer from Hertfordshire. Lane's co-accused, Roger Vincent, was acquitted.

Lane, who has admitted to having been brought up in the criminal underworld, has protested his innocence since his conviction. Having served more than 18 years for murder, he is now in a category D prison - a sign that he is due for release soon. However, he has vowed to clear his name before his release and has launched a number of unsuccessful appeals that have raised questions about his conviction.

During his latest appeal hearing, last week, it was confirmed that many documents relating to Lane's conviction had been withheld from his defence team under public interest immunity certificates. The certificates, which are used to keep information from being disclosed in court, are often applied by judges to protect the identity of informants. But they also made it difficult for Lane to request documents that he believes could be instrumental in clearing his name. And documents that have been shared with Lane's lawyers have been heavily redacted. It has emerged that some of the documents relate to a former police officer involved in the case, Detective Inspector Chris Spackman, who was instrumental in securing Lane's conviction but was jailed in 2003 for corruption relating to a separate case.

Prosecution lawyers involved in Lane's case and appeals have always maintained that Spackman's conviction, long after Lane was jailed, had no bearing on his case. However, during last week's hearing, it emerged that the police were aware of allegations that Spackman had been corrupt as far back as 1994, the year of Magill's murder. It also emerged that among documents seized from Spackman's office upon his arrest was a reference to a file or files which were marked "Lane/Vincent". It is unclear why Spackman was in possession of the files.

The hearing was told that the commission had not seen or examined the files, and did not know whether the files were still available for examination. The material's existence was disclosed by the police to the Crown Prosecution Service. Lane's barrister, Joel Bennathan QC, told the hearing that the fact that the police had such information but that it had never been made known to Lane's lawyers "ought to be a matter of the greatest concern".

It was alleged during the hearing that Spackman held "off the record" meetings with Vincent when he was in custody awaiting his murder trial. Vincent, who was jailed for the murder of drug dealer Dave King in 2003, has always denied any collusion with Spackman, and any involvement in the Magill killing. Spackman has also denied any suggestion of impropriety relating to the Lane conviction. Lane's lawyers will now review the information that has been shared with them.

Justice for Kevin Lane / <http://www.justiceforkevinlane.com/>

Kevin Lane BV3290, HMP Wolds, Everthorpe, East Riding of Yorkshire, HU15 2JZ

### **32 Years Behind Bars on a 15 Year Tariff - Ray Gilbert No Nearer the Gate**

Jailed in 1981 with a tariff of 15 years, Ray is now spending his 32nd year in prison, 17 years over tariff and no sign of getting to the gate. Any remote chance of parole, has just been knocked back again on a paper hearing, again his prison history the main reason. It must be more than 15 years since he last got any nickings and did make Cat C, though it took 27 years and has had three town visits Ray Gilbert: A6806AJ, HMP Guys Marsh, Shaftesbury, SP7 0AH

### **Michael Adebolajo Repeatedly Targeted by 'Hostile' Prison Guards**

Woolwich murder suspect Michael Adebolajo has been targeted repeatedly by prison officers, and was pushed against a window in an alleged attack which knocked out two of his teeth, his younger brother has claimed. Jeremiah Adebolajo, 26, said that he spoke to his brother nearly every day, and that they had written correspondence, all of which said that members of the Prison Service had been "very hostile towards him".

Speaking to the BBC and the Observer, Jeremiah said: "These guys targeted him. They were waiting for the opportunity to do him over." He added that the abuse could only really come from guards, because his brother is in category A solitary confinement, never meeting other prisoners. Five staff at Belmarsh Prison, where Adebolajo, 28, is being held on suspicion of murdering Drummer Lee Rigby, were suspended on full pay after the incident on Wednesday.

Jeremiah said the alleged assault involved officers pushing his brother's head against a window when he was already restrained, adding: "I wonder why it took five prison officers to restrain one man and how in the course of that restraint his teeth were able to be knocked out. They decided to twist his arm back... the arm that had been shot.... He manoeuvred out of that so they smashed his head against a window."

Following the alleged attack, Adebolajo's brother claims the prisoner was denied immediate medical treatment - meaning the teeth could not be put back in. The Ministry of Justice refutes this claim, with a spokesperson telling the Observer the 28-year-old refused help initially, before he "was subsequently treated by healthcare staff". Jeremiah said the frequency of abuse against his brother had concerned the family for some time, but that they only decided to speak out now because of the severity of the incident on Wednesday. He told the BBC he had spoken to Adebolajo's lawyer, and to the governor of Belmarsh, and that a formal complaint had been lodged.

Earlier the chairman of the Prison Officers Association, Peter McParlin, told BBC Radio 4's Today programme that he was confident the five suspended staff would be "exonerated". "We have spoken to our members and on the basis of what our members have told us they have done absolutely nothing wrong. He said that while staff followed correct restraint procedures, which are designed to minimise injuries to all parties, "sometimes there are unforeseen consequences in any violent incident". He also hit out at the Ministry of Justice for "over-reacting" because of the notoriety of the prisoner, and criticised it for failing to do more to correct "sensationalist" and "false" reporting of the incident.

Metropolitan Police spokesman said: "We can confirm that an allegation of assault was passed to the Metropolitan Police Service on 17 July by Belmarsh prison. An investigation has been started. The Prison Service said it would be inappropriate to comment while that investigation was ongoing. Adebolajo is accused together with Michael Adebowale, 22, of hacking Lee Rigby to death near Woolwich Barracks in south-east London on 22 May. The pair are due to stand trial at the Old Bailey on November 18. Adam Withnall, *Independent*, 21/07/13

### **Stoleriu v. Romania (no. 5002/05) [Second Hand Smoke & Unlawful Handcuffing]**

The applicant, Mircea Stoleriu, is a Romanian national who was born in 1954 and lives in Suceava. The case concerned the ill-treatment to which he was allegedly subjected in detention and in hospital. On 9 April 2003 Mr Stoleriu, who was a chief superintendent of police at the time, was charged with several counts of corruption and trading in influence.

Following an appeal on points of law he was sentenced to five years' imprisonment in May 2004, before being granted conditional release in August 2006. While in detention Mr Stoleriu was

This line of reasoning raises the question of whether other types of complicity in the death penalty are forbidden by European and international human rights law. It is argued here that wider obligations to refrain from being complicit in the death penalty can indeed be extrapolated from Al-Saadoon and other relevant authorities.

*Mutual legal assistance:* Extradition is simply one form of mutual legal assistance between states. The UK, for example, regularly offers assistance to law enforcement agencies in other countries, and it is arguable that such assistance should also be subject to the Al-Saadoon rule, namely, that assistance must only be provided when assurances have been received that the death penalty will not be on the table in any conviction that results from such assistance.

Although the Government currently has some guidelines on when officials should decline to offer assistance, these guidelines are vague on the matter of the death penalty, and in any event are not binding. This is not a hypothetical point either, as there are cases in which British authorities have provided assistance to foreign authorities without first seeking assurances that the death penalty will not be sought or imposed. As reported elsewhere, two men in Antigua only narrowly avoided the death penalty after British police helped authorities there track them down and arrest them.

Other types of assistance also facilitate the use of the death penalty elsewhere. The UK, and other abolitionist states, provide resources and intelligence to countries that are at the forefront of counter-narcotics work. Although countries like Iran and Pakistan have genuine problems with drug-trafficking, these countries are also notorious for imposing the death penalty for drug-trafficking offences, contrary to international law.

Harm Reduction International has provided examples of how resources and assistance from abolitionist countries have led to the executions of drug-traffickers, rendering these donor states complicit in the use of the death penalty. The Observer has also reported on the link between British funding and the execution of drug traffickers.

Most funding for counter-narcotics work goes through the United Nations Office on Drugs and Crime (UNODC). The UN routinely calls for the abolition of the death penalty, and thus the UNODC has recognised the incompatibility of providing support for counter-narcotics work with its duty to respect fundamental human rights. Just last year, it issued a position paper that explicitly states: 'If . . . a country actively continues to apply the death penalty for drug offences, UNODC places itself in a very vulnerable position vis-à-vis its responsibility to respect human rights if it maintains support to law enforcement units, prosecutors or courts within the criminal justice system.' (pg. 10)

Although an obligation to withhold assistance has not yet been identified by any court, it is clear that these cases pose a legal conundrum.

Finally, the legal charity Reprieve has highlighted how abolitionist states have facilitated executions by allowing pharmaceutical companies to provide the drugs required for lethal injections. As a result of Reprieve's innovative and strategic campaigning, many of these companies have stopped providing the means for executions. The UK Government and the European Commission have enacted stricter controls to ensure that goods exported to retentionist states are not used for the purposes of capital punishment.

As pointed out in the blog about Lindsay Sandiford, it could even be argued that the decision to not grant legal aid has increased the chances of her being executed, thus making it arguable that the Government has indirectly facilitated the imposition of the death penalty in this case. This is debatable, but clearly there is work to be done to ensure that the UK and other abolitionist countries are not inadvertently complicit in the use of the death penalty abroad.

### **Failure by UK to Investigate Deaths Timely, Flagrant Abuse of Due Process**

Collette & Michael Hemsworth, McCaughey and Ors v. the United Kingdom

ECtHR ruled unanimously that there has been a violation of the procedural requirements of Article 2 of the Convention by reason of excessive investigative delay [and the delay goes on]. Both cases concerned the death of the applicants' relatives at the hands of security forces in Northern Ireland.

[It would be difficult not to agree with the majority that the applicants' complaints that, in violation of the requirements of Article 2 of the Convention, "the investigative process ... has still not finished 23 years later" in the case of McCaughey (paragraph 129) and 15 years later in the case of Hemsworth (paragraph 68) are not manifestly ill-founded. The fact that the respondent Government failed to investigate "expeditiously" appears flagrant. This cannot in itself justify a downgrade of the usual analysis performed by the Court in cases under Article 2 to one appropriate for cases concerning the "unreasonable length of proceedings".

The wrong premise of this analysis is that the requirement of Article 2 for investigations "to begin promptly and to proceed with reasonable expedition" is "quite apart from any question of whether the delay actually impacted on [its] effectiveness". This premise seems to have little support in the Court's position in hundreds of other cases, where the Court held that "any deficiency in the investigation which undermines its capability of establishing the circumstances of the case or the person responsible is liable to fall foul of the required standard of effectiveness"]

Both cases concerned the death of the applicants' relatives at the hands of security forces in Northern Ireland. The applicants in the first case, Brigid McCaughey, Pat Grew and Letitia Quinn (case no. 43098/09), are Irish nationals who were born in 1934, 1923 and 1990 respectively and live in County Tyrone (Northern Ireland). Brigid McCaughey's son, Martin McCaughey, and Pat Grew's and Letitia Quinn's son and father, respectively, Desmond Grew, were shot on 9 October 1990 by soldiers from a specialist unit of the British Army. The applicants complained that the use of lethal force had not been absolutely necessary in that the operation had not been planned so as to minimise the risk to life. They maintained that the post-operation investigation - which had not led to any prosecution - had lacked independence and had been ineffective. Finally, they complained that they had not had an effective remedy in respect of those complaints. They relied in particular on Article 2 (right to life) alone and in conjunction with Article 13 (right to an effective remedy).

The applicants in the second case, Collette Hemsworth and Michael Hemsworth (case no. 58559/09), are Irish nationals who were born in 1961 and 1933, respectively and live in Belfast. The applicants' husband and son, respectively, John Hemsworth, died from a cerebral infarction in January 1998, after having sustained head injuries in a violent incident in Belfast in July 1997. According to the applicants, John Hemsworth was walking home at night when he was kicked and hit with a truncheon by police officers of the Royal Ulster

3 Following the adoption of the text of the judgment, the Court was notified that Ms Brigid McCaughey passed away in 2012.

Constabulary who were chasing other people. In May 2011, an inquest jury found that the injuries he sustained during the incident were most probably the cause of his death. So far, no criminal proceedings have been instituted. Relying on Article 2 (right to life) alone and in conjunction with Article 13 (right to an effective remedy), the applicants complained: that John Hemsworth had died as a result of having been assaulted by the police officers; that the investigation of the incident had been ineffective, in particular due to excessive delays in the inquest processes; and, that they had not had an effective remedy in respect of those complaints.

The Court declared most of the applicants' complaints inadmissible as premature and/or on the ground of a failure to exhaust domestic remedies because the investigations were still pending and domestic law required, since 2011, that those investigations be conducted in accordance with Article 2 of the Convention. The admissible complaints concerned the procedural aspect of Article 2 namely, the length of the investigations which had lasted for 23 years in the McCaughey case and 13 years in the Hemsworth case.

It held that there had been a violation of Article 2 (procedural investigation obligations) in both cases on account of the excessive investigative delays.

The Court further noted that the investigations, notably the holding of "legacy inquests", into killings by the security forces in Northern Ireland had been marked by major delays and that such delays remained a serious and extensive problem. It held under Article 46 (binding force and implementation) that all necessary and appropriate measures had to be taken in the present cases, and in similar cases where inquests were pending, to ensure that the procedural requirements of Article 2 were complied with expeditiously.

Just satisfaction: in respect of non-pecuniary damage EUR 20,000 to Collette and Michael Hemsworth; and, in respect of costs and expenses EUR 14,000 to Brigid McCaughey, Pat Grew and Letitia Quinn and EUR 11,000 to Collette and Michael Hemsworth.

#### **CPS/Police Responsible for Collapse of Trial - Victims Renew Call For Public Inquiry**

[Press Release by Hickman and Rose a niche firm specialising in city crime and actions against the state. Committed to justice and the rule of law. We are renowned for the work we do in holding governments and their police forces to account. Our service to individuals and businesses is both national and international.]

Tuesday 16th July the report by HM Chief Inspector of the CPS is finally published regarding the collapse of the case of R v Mouncher and others. The report comes over 18 months after the collapse of the trial of police officers on charges of perverting the course of justice and perjury at Cardiff Crown Court in December 2011. Charges were dropped against further police officers awaiting a second trial. The report finds significant failures in the disclosure process at all levels by experienced police officers, CPS lawyers and counsel, including the failure in management and supervision, dysfunctional decision making and a failure in communication and joint working between them. Also published today is the IPCC report into a narrow aspect of the police handling of disclosure, which also reveals failings but lacks critical analysis and finds no police misconduct.

The Home Secretary will now have to re-decide by 16 September 2013 whether to hold a public inquiry into this case, taking into account today's reports and the representations of those who suffered at the hands of the police.

Background: On 1 December 2011, Mr Justice Sweeney ruled that a fair trial was not possible of eight former police officers and two civilians arising from the wrongful prosecution of five individuals for the murder of Lynette White in 1988.

The reasons given by the judge for halting the trial were failures in disclosure by the prosecution team, which included four files that were found to be missing during the trial but later found after the trial had collapsed in the office of the senior investigating officer, DCS Coutts. However, the four missing files were only 'the straw that broke the camel's back' as far as disclosure failures were concerned. The estimated cost of the collapse of the trial was about £30 million.

The failure to bring police officers to justice was another devastating blow to the three

death has been delayed again after new evidence was brought forward.

The watchdog investigated fresh allegations a representative from the Police Federation - staff association for constables/sergeants/inspectors - had an 'inappropriate' conversation with the expert. The expert was employed to independently assess the force used by police officers during the drug search.

An IPCC spokesman told The Observer: "It was alleged the Police Federation representative's behaviour may have been inappropriate in discussing evidence with an expert witness in an ongoing criminal investigation. The IPCC investigation found that while there was nothing sinister or malicious in the police constable's behaviour, to discuss an ongoing investigation in such circumstances did amount to poor judgment." A new expert has now been recruited to reassess the force used by officers causing further delays, and the spokesman added: "The IPCC accepts [the case] has already been exceptionally lengthy."

It is believed the allegation was passed on to the watchdog by the family's solicitor. Mr Ullah's sister Samah Raja said: "Only the family knows the pain and trauma we go through every day ... we are determined and have faith and will not stop fighting." A Thames Valley Police Federation spokesman said: "There is no suggestion that our representative behaved inappropriately in any way and we refute any such allegation. This matter has been fully investigated and no misconduct was found."

An inquest into Mr Ullah's death in 2010 had to be abandoned after officers admitted changing the statements they had submitted to the IPCC. The watchdog then reopened its investigation. Five officers have since been interviewed under caution and the Crown Prosecution Service has been in dialogue with the IPCC during the investigation.

New IPCC commissioner Rachel Cerfontyne said: "I have sympathy with the family's concerns and understand their continued need for answers. The investigation is nearing conclusion and I have given a commitment that we will complete it as soon as we are able."

#### **Is Complicity With the Death Penalty Illegal?** *Bharat Malkani, UK Human Rights Blog, 17/07/13*

[Lindsay Sandiford a British citizen facing the death penalty in Indonesia – had asked the UK Government for funding to help her appeal, but was refused financial help. The Court of Appeal ruled in favour of the Government, stating that the decision to provide legal aid to a British citizen abroad is a discretionary matter for the executive.]

Regardless of whether one agrees with the decisions of the Government and the Court, the case raises interesting questions about the obligations that are imposed on states that have abolished the death penalty. The primary duty on states is to simply refrain from imposing the death penalty, but it is possible to detect an emerging secondary obligation to refrain from facilitating the use of the death penalty elsewhere. This issue is particularly relevant to the UK, because although the UK takes a leading role internationally in campaigning for the abolition of the death penalty, there is evidence that the UK has on occasion aided the use of capital punishment elsewhere.

One example of complicity in the death penalty arises in the field of extradition law. In *Al-Saadoon v UK* – decided in 2010 – the European Court of Human Rights made it clear that member states are not permitted to extradite individuals to states where there is a real risk that they will face the death penalty. The United Nations has also made it clear that abolitionist states must not expose individuals within their jurisdiction to the risk of being executed. To do so would be tantamount to assisting a practice that is forbidden.

the direct management of higher-risk offenders.

My hon. Friend also asked about smaller organisations and I understand his concern. We, too, are concerned that we should ensure that those smaller organisations, particularly those in the voluntary sector, can play their full part in the new landscape. We need to do that in a number of ways. Let me give him two of the most important. We must ensure that in the bid assessment process we take full account of what the sustainability is likely to be of the relationships between larger and smaller organisations. We anticipate that many of the bids we will receive will come from a group of organisations, some large, some small. It is important that the smaller organisations are looked after in those arrangements and we will assess bids with that in mind. We will also need to ensure that over the duration of the contract period we have robust processes of contract management in place to ensure that the sustainable relationship between larger and smaller organisations is maintained.

*Guy Opperman:* Does the Minister accept that there is a genuine problem with the bid assessment process in that the smaller providers-charities, community groups-are effectively being frozen out of the process? We need to be very certain that there is a flexible system rather than a one-size-fits-all system to accommodate those small providers.

*Jeremy Wright:* I can understand my hon. Friend's concern, but I think that many of the small organisations about which he, I and my hon. Friend the Member for Central Devon are concerned will be involved in the bid process. The trick is to ensure that they are still involved on a sustainable basis throughout the period of the contract. I can see the attraction of those smaller organisations and we are all familiar with excellent voluntary sector organisations that offer something special in a particular aspect of rehabilitation. I am confident that they will be involved; we must ensure that they stay involved and that they can remain in a sustainable relationship as time goes on.

My hon. Friend the Member for Central Devon asked about funding. He will understand that the central premise of the system we are looking to establish is that what works should receive support. I think, as he does, that the evidence is good that involvement with families demonstrates effectiveness and I am confident that providers of rehabilitation services will look to provide that. Similarly, on his point about the justice data lab, it is important that we consider ways in which we can display information about what works in the most effective way, and I will consider his specific point about that.

My hon. Friend will understand that the delivery of services to the children and families of offenders must be considered in the context of the Government's wider approach to supporting families. Tackling troubled families is a priority for this Government and supporting offenders' families is an important aspect of that work. That involves a partnership approach, which is embedded elsewhere with other Departments and is part of a legacy of earlier cross-government work.

No one imagines that changing entrenched patterns of reoffending is a simple matter, but the Government firmly believe that the measures we are putting in place will help to achieve a fundamental transformation. Supporting offenders' families has an important part to play in that.

#### **Habib Ullah: Death In Custody Evidence Ditched** *Source: Slough & South Bucks Observer*

A watchdog [The one with rubber teeth and no balls] investigating the death of a man in police custody has scrapped evidence from an independent expert assessing the force used by officers during a search - after interference from a police constable.

The family of Habib Ullah, marked the five-year anniversary of the 39-year-old's death with a vigil outside High Wycombe Police Station. He died after a routine drug search by five police officers in High Wycombe in 2008. However, The Observer can reveal the IPCC investigation into his

surviving miscarriage of justice victims who were framed by the police for the murder of Lynette White in the 1988. They all had to painfully re-live their experiences when giving evidence before the trial collapsed.

Since December 2011, the victims have sought a public inquiry to investigate the failings that led to the collapse of the trial, and in March 2012 they issued a judicial review claim against the decision of the Home Secretary preferring to await the results of parallel investigations conducted by the Independent Police Complaints Commission (IPCC) and Her Majesty's Inspectorate of the Crown Prosecution Service (HMCPSP) rather than set up a public inquiry. The reports of those investigations have finally been published today.

Mismanagement of high profile case - victims demand more answers and accountability

It was always clear that the large scale prosecution of police officers and civilians was going to be a complex and intricate process given the long history of investigations under scrutiny since 1988, including a vast amount of material arising from four prior criminal trials and associated investigations.

The victims maintained that these disjointed investigations would not be adequate to provide public accountability for what went wrong, and they have been proved right. There remain significant issues of public importance that have yet to be fully investigated, such as:

- a) Why, when, by whom and in what circumstances the four missing files came to be stored in DCS Coutts' office; whether there was any instruction to shred them, as was alleged;
- b) Disputes of fact as to what inquiries were made during the trial about the four missing files, whether the inquiries and searches were adequate, whether the court was misled about the outcome of the inquiries;
- c) Other failings in police disclosure other than the four missing files (the IPCC investigation was limited to these files and not wider police disclosure failings)
- d) Failures in communication and relations between the CPS, counsel and police
- e) Identification of individuals responsible for any failings, consideration of professional conduct issues and lessons learned (the IPCC report is particularly inadequate in this respect).

The victims have pressed the Home Secretary to now make the decision to hold a public inquiry, which will include measures to ensure public scrutiny and their own participation.

Tony Paris said: "In December 2011 I was robbed of the chance to see justice done to the police officers who stood accused of fitting me up for murder. I was let down by the system all over again and I had no confidence that these inquiries, which I was shut out of, would give me the answers that I deserved. I have been proved right. Only a public inquiry stands the chance of getting to the truth and of bringing those that have failed me to account"

John Actie said: "It seems that it is impossible for people like me to get true justice against the police where they have seriously abused their power and devastated peoples' lives. These investigation reports do not get to the bottom of all that went wrong."

Their solicitor Kate Maynard said: "The investigations indicate a disturbing degree of complacency and incompetence on the handling of disclosure by the prosecution team. This is hard to understand in a trial of such importance and expense, following an investigation that had dragged on for years. However, the investigation reports do not provide the accountability and answers that the victims and public deserve, particularly the report of the IPCC which is too narrow and lacks any critical analysis. It is clear that further inquiry with judicial or other independent oversight is required for my clients and the public to have any confidence in the findings."

Since 1990, all five men had to fight for justice over the case that was fabricated against them.' It has had a devastating effect on their lives, and on those of their families. Their prolonged and



difficult struggle to establish the truth finally resulted in charges being brought against police officers and civilians for fabricating evidence and committing perjury. That trial began in front of Mr Justice Sweeney in July 2011. It should at last have established who was responsible for the miscarriage of justice which had occurred, but it was halted due to failures in disclosure by the prosecution.

In 1990, Tony Paris, Steven Miller and Yusef Abdullahi (now deceased) were framed by police for the high profile murder of Lynette White in Cardiff. They were convicted of murder and sentenced to life imprisonment. John Actie and his cousin Ronnie Actie (now deceased) were also tried but acquitted after spending almost two years in prison. Two years later, in 1992 the Court of Appeal overturned the convictions and set the men free. At the time the police said they were not looking for anyone else. However, in 2003, following a cold case review which utilised sensitive new DNA tests, Jeffrey Gafoor was identified as the killer of Lynette White. Gafoor pleaded guilty to the murder and is himself now serving a sentence of life imprisonment.

Stephen Miller is represented by Matthew Gold & Co. From 2002 this firm has acted for the other four, Tony Paris, John Actie, Ronnie Actie (who died in September 2007) and Yusuf Abdullahi (who died in January 2011). Enquiries/further information please contact: Kate Maynard, Partner, phone: 0044 (0)7812 974613 / Hickman & Rose solicitors

#### **Another Fine White Wash By the IPCC**

[The trial of eight police officers involved in the original investigation into the murder of Lynette White in 1988 ended on 1 December 2011 when prosecuting counsel told the court that four files of documents had been shredded on the orders of South Wales Police senior investigating officer Detective Chief Superintendent Christopher Coutts. South Wales Police immediately referred the matter to the Independent Police Complaints Commission and an independent investigation started on 2 December 2011.]

The IPCC independent investigation into the Lynette White 'missing' documents case has found that police officers did not order their destruction but that recording errors made by the police in 2009 meant they were difficult to retrieve from the system when required.

The IPCC has published its investigation report into the alleged destruction of documents by South Wales Police, which led to the end of the prosecution of eight former police officers and two civilians (R v Mouncher & others).

This trial arose from the investigation by SWP of allegations concerning the conduct of the original inquiry into the murder of Lynette White in Cardiff in 1988. The trial started on 4 July 2011 at Swansea Crown Court and ended on 1 December 2011 after prosecuting counsel formally offered no evidence because it appeared that the SWP senior investigating officer had given an instruction to shred four files of documents. South Wales Police voluntarily referred the matter to the IPCC and an independent investigation started on 2 December 2011. On 17 January 2012, the documents that the trial was told had been destroyed were found by Detective Chief Superintendent Christopher Coutts.

At the same time that the IPCC decided to investigate the 'shredded' documents, the Director of Public Prosecution asked HM Crown Prosecution Service Inspectorate to undertake an independent review of the whole disclosure process at the trial. IPCC Commissioner Sarah Green said: "The IPCC investigation was focused on establishing when the documents came into the possession of South Wales Police, and what happened to them.

"When the documents were discovered the IPCC was able to verify that these were the same documents that had been sent by the IPCC to the police for disclosure purposes. I

*Jeremy Wright:* My hon. Friend rightly says that, sadly, mobile phones find their way into prison, but that is an offence and we do not tolerate it. It cannot be wise to allow for unrestricted access to communications, be that telephone contact or e-mail contact. What is sensible is that we consider ways in which, within the restrictions of a limited amount of approved phone numbers or approved contacts that a prisoner can have, we look at the best way of ensuring that that contact can happen, for the reasons we have been discussing.

This debate is also important because of the effect that parental imprisonment has on children. It is estimated that in any given year approximately 200,000 children are affected by a parent being in or going to prison. Most children who experience parental imprisonment are likely to experience it more than once. My hon. Friend the Member for Central Devon referred to the figures, and we know that children with parents in prison are more vulnerable than other children. They are more likely to become offenders themselves and to develop behavioural problems and poor psychological health than children who have not had a parent in prison, and they may lose contact with their imprisoned mother or father. So we do understand that by supporting offenders' families and children we can help to reduce the likelihood of intergenerational crime.

We take that responsibility within the Prison Service very seriously. Prison Service instructions on rehabilitation services outline expectations on prisons to: help staff in recognising the impact of imprisonment on prisoners' families and to understand their role in the maintenance of family relationships and supporting offenders' families; to provide advice, support, signposting and to refer prisoners to services; and to reflect the involvement of families in the offender management process.

Prison rules require prisons to encourage prisoners to maintain outside contacts and meaningful family ties. Prison governors have duties under the Children Act 2004, many of which are associated with either the child's right to contact with parents who are held in custody or the safeguarding and well-being of children with whom they have contact. There are also minimum standards relating to how prisons support family visitors, including having visiting times that maximise opportunities for prisoners and families to meet and ensuring opportunities for reasonable physical contact. That goes to the point my hon. Friend made about the presence of glass screens and the like. He will appreciate that there is always a balance to be struck between the security of the prison and ensuring that contraband cannot be passed, and the need to ensure that relationships with family members are maintained with as much normality as can be managed in a custodial environment.

My hon. Friend was right to make the point early on in his remarks that in many ways the families of prisoners are victims of what that prisoner has done, too. In many ways, the prisoner's family also undergoes a sentence. There is a period of separation that cannot be helpful to domestic life and that certainly is not helpful to the relationship a prisoner might have with his or her children. When we can maintain physical contact and where it is compatible with security to do so, my hon. Friend is right that we should seek to do that. We can take practical measures too, such as providing facilities for children to play while visiting and providing decent, indoor facilities with toilets and baby changing facilities. The National Offender Management Service also encourages additional activities such as enhanced children's play facilities, family support worker services, family days, child-centred visits and the like.

My hon. Friend asked about what will happen in the future. As he knows, by opening up probation to a wider range of providers, we can bring additional skills and ideas into play, while the national probation service will continue to have a key role in managing risk, including



help to push families a little closer to the heart of the criminal justice system, just as we as a party believe families should be at the heart of strong and decent societies.

*Under-Secretary of State for Justice (Jeremy Wright):* May I first congratulate my hon. Friend the Member for Central Devon (Mel Stride) on securing this debate, and also return the compliment to him by thanking him for the considerable interest he takes in this subject? He has highlighted one of several important issues covered by the Government's plans to transform the criminal justice system. He is right to say that we must consider such matters in the context of falling crime figures, which is good news, but reoffending remains a serious challenge, and the ways to achieve further reductions in crime and reoffending include taking bold and effective steps to rehabilitate offenders by assisting, encouraging and guiding them away from crime into new, worthwhile and productive ways of life. The evidence shows that support for prisoners' families is an important part of that, for two reasons. First, supporting offenders' family relationships can help to reduce reoffending. Secondly, supporting offenders' families can help to reduce the likelihood of intergenerational offending. Both those things are important.

As my hon. Friend pointed out, we announced on 4 July that a total of 70 resettlement prisons have been identified for the adult male prisoner estate, with more to be identified for the female and young adult estates. Resettlement prisons are one strand of a comprehensive strategy of reform that is seeking to tackle the problem of reoffending in all its aspects. That should provide both better opportunities to support contact with families, and links with local partners and providers of support services. Providers will offer a resettlement service for all offenders in custody before their release, which may well include family support, where it is needed.

I agree with my hon. Friend that positive family relationships can be an important protective factor in helping offenders desist from future offending. We understand that we can help to break the cycle of offending by working to strengthen family ties, to improve family and other relationships, to improve parenting behaviour and to increase acceptance into communities and social networks. He was right—my hon. Friend the Member for Hexham (Guy Opperman) made this point, too—to say that research has shown that ensuring a prisoner keeps in contact with his or her family while in prison can help in reducing the likelihood of reoffending. We know, too, that most prisoners regard their families as important to them and want them to be involved in their lives, and that they believe that support from their family and seeing their children would be important in stopping them reoffending in the future. It is therefore important that we support and allow contact, and the involvement of families in prisoners' sentences.

My hon. Friend the Member for Central Devon asked, in particular, about phone contact. He will know that there are private prisons that currently allow phone use in cells. Rochester prison, in the publicly run estate, is also trialling the use of phones in cells. It is important that we look at what the evidence is showing us about that. He makes a fair point that if a prisoner is to be encouraged to make more phone calls home and to speak to the children more often, they are more likely to do that if the phone is located in the cell than if it is located on the landing. However, he will recognise that we cannot allow unrestricted access to telephones, and whatever we do there will still be a restricted list of numbers that prisoners are able to call.

*Guy Opperman:* We all know that at least 8,000 mobile phones are confiscated by the Prison Service every year, so by supposition another 8,000 that are not confiscated are probably in the system. It must be accepted that mobile phones are already in the system. Due deference must be paid to security, but does the Minister accept the broad principle that a greater degree of communication, whether by phone, e-mail or computer, in whatever shape or form, must be the way ahead if we are to have this family relationship encouraged, as we would like?

have concluded on the balance of probabilities that no instruction was ever given by the senior investigating officer, or any other officer, to destroy the documents. In fact, the finding of these documents proves the veracity of the officers' accounts that the documents had not been destroyed. However, mistakes were made by individual officers in relation to the receipt, recording and storage of the documents which meant that the documents could not easily be located. I have concluded that these mistakes should be considered performance issues and I have recommended that three officers should receive management action regarding proper disclosure processes. However, I agreed in the circumstances - including that these mistakes were made in the context of the volume of over 800,000 pages of documents required to be processed - that they did not warrant formal misconduct proceedings.

### **Support for Prisoners' Families**

*House of Commons / 12 July 2013 : Column 739*

*Mel Stride (Central Devon) (Con):* It is a great pleasure to have the opportunity to raise the important issue of prisoners' families. I thank my hon. Friend the prisons Minister for agreeing to answer on behalf of the Government and for his help and the time he has given me on this issue over a long period, including meeting my constituent, Mary Stephenson, and the String of Pearls project some weeks ago.

There are around 3.7 million recorded crimes in this country every year. For each of those crimes there is at least one direct victim, and in many cases many direct victims. However, that should not mean that we overlook what many refer to as the hidden victims: prisoners' families. Approximately 160,000 children in this country currently have one or both parents inside prison. That is approximately twice the number of children in care and more than the number who suffer as a consequence of the divorce of their parents in any one year. Those children are three times as likely to suffer from mental health problems as other children in society. More than 60% of young boys who have one parent incarcerated are likely to go on to offend and go into prison later in their lives as a consequence.

Families on the outside often suffer the social stigma of the communities in which they live. It is often assumed that families have brought these problems on themselves. Children at school might suffer bullying and many of these families might find more solace in the local criminal fraternity than they do among their neighbours and the communities in which they live. Many families suffer emotional problems, stresses and financial problems, particularly where the individual in prison has previously been the breadwinner. Families also suffer problems in visiting their loved ones in prisons, especially when many of the prisons are a long way from home. The Minister may be able to provide some more recent information in a few moments, but I know that in 2003 some 11,000 prisoners were incarcerated at a distance greater than 100 miles from where their family lived.

*Guy Opperman (Hexham) (Con):* I draw the House's attention to my book, which covers some of the issues on this subject, and I congratulate my hon. Friend on securing the debate. Does he recall that in 2007 a large number of charities, led by the Prison Reform Trust, reported to the inter-ministerial group on reducing reoffending, and that the findings were that "prisoners who received visits from their family were twice as likely to gain employment on release and three times as likely to have accommodation arranged as those who did not receive any visits"? Is not the heart of the point that it underlines the lack of reoffending, which is what we also seek?

*Mel Stride:* I thank my hon. Friend for his intervention and congratulate him on the deep and detailed research he carried out for the production of his book. I very much take his point: it is

essential that families are connected to prisoners for, among other reasons, the reason he has just elaborated. It is not just the ability of families to connect with their loved ones in prisons that matters, as the quality of the experience when they do is also important, as I shall explain in a few moments.

The issue is not just about the suffering of families, because it is the value of the families in the rehabilitation process that really matters. It is a fact that where a prisoner comes out of prison into a family environment-gaining the support identified by my hon. Friend the *Member for Hexham (Guy Opperman)*-they are 40% less likely to reoffend than if there were no family there to support them. The economic costs to our criminal justice system of reoffending are, of course, absolutely immense, running in excess of £10 billion a year. The beneficial effects are felt not only by those being released but by their children, and we can see demonstrable reductions in inter-generational crime resulting from the presence of families and their support for prisoners on release.

The support from families comes while the prisoners are inside prison, and I think one of the most important aspects of prison visits and connections between families and prisoners is that they are there to remind those inside what is happening outside so that when prisoners leave they will have very real personal responsibilities and it will be for them to tackle them. It is also known that where family visits and contacts with prisoners are facilitated, the likelihood of self-harming among prisoners is reduced, as indeed is the likelihood of suicide.

Outside prison, family contact helps, as my hon. Friend indicated, in the provision of jobs and appropriate housing. It also leads to what some describe as prisoners having "a stake in conformity", meaning that they have social pressure from the family network to ensure that they do not reoffend, that they go straight and avoid lapsing back into drug use or the misuse of alcohol.

I am very heartened by the direction of travel that Ministers have mapped out for us on the criminal justice side. I believe that payment by results, when it comes to involving voluntary or private organisations, is a good way to help ensure rehabilitation, leading to an unleashing of innovation, of entrepreneurial spirit, of creativity and to solutions being suggested that are appropriate to local circumstances. I also believe it is important that the Government have announced 70 resettlement prisons. Prisoners in the final three months of their sentence will be closer to their families than would otherwise be the case, with all the benefits I have identified. As a general point, it is extremely important that we ensure that the level of contact I am describing exists throughout the criminal justice process, from as close as possible to the point of arrest and charge and certainly right the way through to prison and post-release. The nature of that contact should be weighted towards mentoring for families by individuals who have gone through the difficulties associated with having a loved one in prison and who can therefore share their experience, compassion and insight.

I have a series of points and questions for the Minister, on which I ask for his comments. The first question is how he and his colleagues see the Government encouraging organisations that are involved in the rehabilitation process, particularly the smaller and perhaps more innovative ones. I think particularly of String of Pearls, the project that Mary Stephenson and her colleagues have been operating in HMP Channings Wood. We need to ensure that such projects are not crowded out by the likes of G4S and Serco, about which we have heard less than flattering news recently.

*Guy Opperman:* I pay tribute to the organisations that my hon. Friend cites in support of his argument. Does he agree that there is potential in the years to come for one of those organisations, or a group of them together, to take over a resettlement prison, so that instead of having a state-run or privately run prison, we have a community or charity-run prison that will work for the benefit of the community?

*Mel Stride:* I thank my hon. Friend for that interesting idea. That is the exciting part of the

Government's direction of travel-all sorts of innovation, partnership arrangements and possibilities may occur in the future, because we are not being too prescriptive from the centre. We are allowing best practice to thrive in a pluralistic market, allowing competition to drive up standards and so on.

Might the Minister consider additional funding for some small providers, such as String of Pearls, so that they are not crowded out by the bigger players and so that, further down the line, we can have a more pluralistic marketplace of providers and encourage the innovation and nimble-footedness that we associate with smaller organisations in particular?

I also ask the Minister how we can ensure that prisoners' families are a major focus of rehabilitation organisations. I wonder whether the fee mechanism might be a way of achieving that. I know that there are three strands to the way in which providers will be paid. There is payment by results, but there is also the fee-for-service strand, which I understand is for providers meeting certain set criteria. I wonder whether we may have a sharp focus in those criteria on the involvement of families, so that organisations that are strong in that respect are rewarded for it. As I understand it, the third strand of the payment structure will be penalties for failure. I would like providers who ignore the importance of families to be penalised in some form.

The other thought I would like to share with the Minister is that the justice data lab, which we have set up to allow rehabilitation providers to benchmark their performance against other providers and against the norm, is also there to share best practice. I would like to see a strong focus on family involvement as an element of best practice in that data lab.

I wish to ask the Minister about prison visits. As I suggested, I think they are extremely important, and my hon. Friend the Member for Hexham shares that view. How can we increase the frequency of visits? At present only about 50% of prisoners receive their full statutory entitlement of visits, and I would like us to consider how we might increase that.

*Guy Opperman:* The evidence overwhelmingly supports my hon. Friend's argument that prisons are at their most peaceful shortly before visits. That is because the anticipation of those visits serves to calm the whole prison down.

*Mel Stride:* I thank my hon. Friend for that important observation, and it is therefore important that visits are conducted in the most positive spirit possible. Frequently there are rub-downs or strip searches, but those subjected to such actions often feel a deep sense of shame. I accept that they are necessary in certain circumstances, but I would like us to consider minimising them in future. Drug misuse and drugs coming into prisons is a serious problem that we need to tackle, but I do not want us to put up glass partitions between visitors and prisoners unless it is absolutely essential, as that dehumanises the whole experience, and reduces the benefits that may flow from this kind of contact.

Where it is difficult for families to visit prisoners, perhaps because of the distances involved, phone contact is often the only contact that is available. Much of that contact is on a telephone in a prison corridor under warder supervision. I do not think that is the best, or most appropriate, environment. I would like prisoners to have phones in cells. By that I do not mean we should go soft on prisoners by allowing them to phone whoever they want, but they should be allowed some element of privacy when they are making the call. I know there has been a move towards that in private prisons, on the basis that it is cheaper because there is less warder involvement.

I look forward to hearing the Minister's response and I thank him again for all the support he has given me, not least in responding to the numerous questions I have had for him, and for the support he has given Mary Stephenson and the String of Pearls project and the interest he has shown in that. I am deeply grateful for that, and I hope that in some small and modest way this debate may