

staff." The Met has begun designing a new training package for neighbourhood and borough officers, dubbed 'Total Victim Care', which will be delivered face to face by training staff and comprise one mandatory day of refresher training a year for all who undergo it.

The committee said this package was an "ideal opportunity" to boost frontline officers' skills in handling victims of sexual offences. They suggested it could include a condensed version of the training given to Sapphire officers. Their submission said: "This will help to ensure that all victims of sexual violence, regardless of which teams they access, will be assured of a minimum standard of care." The committee made its submission as part of MOPAC's ongoing consultation on its strategy on dealing with violence against women. A spokeswoman for MOPAC said it did not comment on individual submissions, while the consultation is continuing.

### **Report on an Announced Inspection of HMP/YOI Drake Hall**

Inspection 4–15 March 2013 by HMCIP, report compiled May 2013, published 06/08/13

Inspectors were concerned to find:

- both the segregation unit and gated observation cell required relocation or refurbishment;
- the utility rooms were in a surprisingly poor condition; and
- a few more negative staff had a disproportionate impact on women's perceptions and some expressed negative views about low-level victimisation.
- Inspectors made 76 recommendations

### **Police Investigate 169 Staff Over Predatory Sexual Behaviour**

High-level meeting held to address issue of officers and support staff abusing positions to prey on public, including crime victims : Police forces are being ordered to face up to corruption by officers who commit sexual offences against vulnerable women and young people, as figures obtained by the Guardian reveal 169 officers and support staff are under investigation for predatory sexual behaviour. Senior officers from the 43 forces of England and Wales have held a high-level private meeting to address the problem of officers who abuse their position to make inappropriate sexual advances or carry out sexual assaults on members of the public, many of whom are victims of crime.

The predatory sexual behaviour of officers, ranging from rape to voyeurism, was among the issues at the top of the agenda at the meeting in Chester, and forces have been told the service has to tackle the problem as a matter of urgency, the Guardian has been told. Figures obtained from 38 of the 43 forces in England and Wales reveal that 169 officers, police community support officers (PCSOs) and support staff are under criminal and disciplinary investigations for sex-related offences. *Guardian, Saturday 10 August 2013*

**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, 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 438 (15/08/2013)**

### **Hospital Operation Cancelled, When Prison Governor Refused to Remove Cuffs**

This is the continuing saga of the appalling treatment of older prisoners within the high security prison estate. In February I wrote in Inside Time about cases including that of John Twomey, who '... has had three massive heart attacks, suffers from severe osteoarthritis, acute angina and has suffered a cancer scare. He does not engage with psychology and so remains Category A [high security], in spite of having spent nearly five years on bail, answering every condition, even when he knew bail was to be revoked. How can his Category A status be justified?'

John is 65 years old and has had three major heart attacks, the first in 2000. He has also had three major heart operations. His second major heart attack took place in Belmarsh reception in March 2005. During this attack, he was pronounced dead, and following resuscitation remained in a coma for weeks. During the attack his heart arrested and he was electrically resuscitated. John is riddled with osteoarthritis in his hips and knees. He also suffers unstable angina and lives on a diet of 18 tablets daily together with various inhalers. He cannot walk 20 metres without suffering agony and shortness of breath. In January 2013 he was taken to Peterborough hospital to have a full knee replacement, but following a pre-op examination, the surgeons decided his heart was in need of further major surgery, probably a multiple by-pass. An angiogram was also recommended.

On the evening of 1 May, John was taken to Whitemoor health care for tests, then the following morning was taken to Peterborough hospital by six burly screws in a Cat A van. He was taken straight to the operating theatre suite, processed through pre-op and given an electrocardiogram in preparation for surgery. He was to be the first on the table at 9.30am. As he was about to be wheeled into the theatre, the heart surgeon noticed he was still chained to an officer. She stated the chain would have to be removed as due to his history of being electrically resuscitated, it was possible he would have to be 'shocked'. It was pointed out that the officer at the other end of the chain would also suffer a shock, possibly severe. At this point, the officers went into a huddle, with the escort senior officer leaving to phone Whitemoor for permission to remove the chain. Permission was refused. Another huddle, another phone call was made to Whitemoor and the escort senior officer returned to state he had been ordered to cancel the operation.

John Twomey was returned to Whitemoor still in need of life saving heart surgery, and in such poor health that he spent the weekend of the early May bank holiday in Whitemoor's health care centre with elevated blood pressure. To add insult to injury, Whitemoor's finance department decided that his location in health care meant he had been overpaid £4.86 in prison wages and he was notified that this sum would be deducted from his account.

On 30 May, John Twomey again found himself heading for the operating table at Peterborough Hospital. On this occasion, he was placed in a wheelchair for the journey to the operating suite. Following a pre-op and electrocardiogram, the surgeon explained to John and his escort of six screws that she would be carrying out an angiogram procedure, introducing a probe through a main artery, in the groin or arm, to examine the condition of John's heart and stents introduced in previous operations. The escort senior officer then told the surgeon that on this visit, the cuff and chain would be removed for the procedure, but only after entry

was made by a probe into a main artery, whilst on the operating table. The surgeon commented that John would not be going anywhere with the probes inside him, but throughout the entire surgery several screws remained in the operating theatre.

The surgeon concluded that John requires a multiple by-pass. His heart is in too poor a condition to accept further stents. As the angiogram probe was withdrawn, and in spite of the surgeon pointing out that John would need several hours in the recovery room, unable to move, whilst he was still on the operating table, the cuffs and chains were re-attached.

John is now scheduled for a multiple by-pass operation. Before leaving the treatment room, he was told by the surgeon that if he suffered further persistent pain or suffers a further heart attack, the operation will be brought forward as an emergency. Having experienced the non-sensical level of security that he has had to endure on his two visits to an operating theatre, John Twomey is stoical about the likelihood of surviving a further heart attack whilst at Whitemoor and a Category A prisoner.

*Keith Rose, HMP Whitemoor*

### **Courts: Child Witnesses**

*House of Lords / 05/08/13*

Baroness Golding to ask Her Majesty's Government whether, in the light of recent trials dealing with sexual offences, guidance will be given to trial judges about protecting child witnesses from extensive cross-examination by defence counsel.

Minister Justice (Lord McNally): In managing trials, judges are guided by principles contained in the Criminal Procedure Rules produced by the Criminal Procedure Rule Committee and to Practice Directions and Notes issued by the senior judiciary. In addition, for particular types of crime, judges receive specialist training through the Judicial College.

Judges have power to make sure courts are no place for character assassination. In accordance with professional codes of conduct, defence barristers should not ask questions that are offensive, unnecessary or scandalous. There is absolutely no place for aggression within our courts, and many judges make full use of the powers available to them,

Although judges have the power to intervene to prevent overly aggressive cross-examination and character assassinations, there are a number of recent examples of victims being left traumatised after court cases. The Secretary of State announced on 11 June 2013 the Government's plan to pilot section 28 of the Youth Justice and Criminal Evidence Act 1999 in three Crown Court locations for six months. In addition, the Government announced on 30 June 2013 its intention to review how the distress caused to victims through cross-examination might be reduced. This review, to be conducted over the summer, will look in particular at the cross-examination of vulnerable victims, including children, by multiple defence counsel.

### **Yes, Child Abuse Victims Can Be 'Predatory'**

*Barbara Hewson, Independent, 07/08/13*

*'If you accuse a person of a criminal offence, which could result in his imprisonment, you should expect to come to court and be questioned about your account, in public'*

It was reported recently that a judge had given a man a suspended sentence for having sex with a 13-year-old girl. Perhaps unwisely, prosecuting counsel referred to her as "predatory", and also to the fact that she was sexually experienced. Howls of outrage greeted the reports of his words, and the CPS has told the world that it has suspended use of his services in this field pending an investigation.

But hang on a minute. Supposing what the QC said, albeit using a colourful metaphor, was essentially true? What if this man had a low IQ? What if the girl's family was horribly dysfunctional, and she chose his company? Some teenage girls are very assertive, and look older

that incentivising the completion of removals by monetary award necessarily carries with it the risk that removals will go ahead in circumstances where otherwise they might be aborted. Having a financial interest in getting the job done does give rise to real concerns that inappropriate methods might be used to that end." She said this may have been a factor in the use of highly dangerous and banned restraint techniques first revealed by the Guardian and subsequently in evidence at the inquest. "Some dangerous practices have developed ... with the specific purpose of ensuring that disruption by a deportee prior to takeoff does not prevent removal. This may be symptomatic of the chosen arrangements for paying contractor and in turn employee. That is obviously very concerning indeed."

The report highlights the lack of formal accreditation of some of the guards. One of those escorting Mubenga was not formally accredited but Monaghan said that was part of "agreed practice between G4S and the UK Border Agency." "The evidence points not to a mere lack of robustness either in the procedures of G4S or the Home Office but to an agreement to dispense with the need for accreditation, apparently to address delays within the UK Border Agency in processing applications for accreditation."

Coles said this was one of the most disturbing aspects of the report. "The evasion of the legal framework on accreditation, essentially circumventing the law, is nothing short of a scandal. It is no wonder the racist culture went unchallenged – the absence of proper structures contributed to a toxic environment where irresponsible and dangerous behaviour could flourish."

The Home Office said it had received the report and would respond "in due course". A G4S spokesman said: "Racism has no place in G4S and when allegations of racism are made against our employees, we take them extremely seriously and always take disciplinary action when appropriate."

### **Sex Offences: Training Needed to Overcome 'Culture' Problems**

*Jack Sommers - Police Oracle - 9th August 2013*

A "prevailing culture" in the Metropolitan Police of deeming some sexual offences' victims more deserving than others needs to be addressed with enhanced training, it has been claimed. Politicians said the force's officers in territorial policing should be trained to the same standard as the Sapphire specialist sexual assault investigation team, whose officers receive rigorous training that focuses on how to handle victims. Their training also focuses on victims' behaviour and why they might behave in certain ways.

The London Assembly's Police and Crime Committee has called for borough officers, who are often the first point of police contact for victims, to be trained to this standard. In a submission to the Mayor's Office of Policing and Crime (MOPAC), the committee said: "The expertise is very much concentrated in Sapphire and poor initial responses by other teams persist. "In our victim care investigation, support organisations told us that prevailing police culture affects' officers' response to certain victims... Women Against Rape also says that some victims are disbelieved, particularly if they have been attacked before." Committee members said claims of a problematic culture in the force were "borne out" by a survey of Met officers and staff carried in 2012 in which 30 per cent said some sexual offences victims deserved a better service than others.

The head of Sapphire DCS Mick Duthie appeared before the committee in November last year, when he told them: "The frontline officers, the training that they get at the minute, I am concerned about the level and knowledge. We are looking to limit the exposure the victim has with frontline

## Jimmy Mubenga Coroner Issues Damning Report On Deportations

Matthew Taylor, *guardian.com*, 04/08/13

A coroner who oversaw the inquest into the death of the Angolan deportee Jimmy Mubenga has issued a highly critical report that raises a series of concerns about the way the government and private contractors deport people from the UK. Mubenga, 46, died after being restrained by three G4S guards on board a plane at Heathrow airport that was bound for Angola in October 2010. Last month, at the end of an eight-week inquest, a jury of seven men and three women recorded a majority verdict of nine to one of unlawful killing after four days of deliberations. The coroner, Karon Monaghan, has now written a 30-page "rule 43 report" setting out recommendations to avoid future deaths in which she raises concerns about:

- A system of payment that rewards guards if they can keep a detainee quiet until the aircraft takes off;
- Evidence of "pervasive racism" among G4S detention custody officers who were tasked with removing detainees;
- Fears that these racist attitudes – and "loutish, laddish behaviour ... Inappropriate language, and peer pressure" – are still common among escort guards today
- Lack of "scenario specific" training for those tasked with trying to restrain people on aircrafts;
- Evidence of the use of dangerous restraint techniques such as "carpet karaoke" where detainees' heads are forced downwards to prevent them upsetting the passengers or causing the captain to abort the removal;
- and concern that many guards were not officially accredited to carry out removals – meaning they would have been acting illegally.

Mark Scott of Bhatt Murphy solicitors, who represented the Mubenga family, welcomed the report. "The inquest into the death of Jimmy Mubenga exposed racism and dangerous and unlawful practices that were used in deportations. This rule 43 report is designed to prevent further fatalities and needs to be urgently and meaningfully addressed by the Home Office who have ultimate responsibility for the contractors that they choose to employ."

Deborah Coles, co-director of the campaign group Inquest, which supported the Mubenga family, said: "We welcome this powerful report that highlights the shocking practices revealed in evidence throughout the inquest. Its impact can only be measured by the state's response to it and the actions that are now taken."

Monaghan's report was sent to the family, the Home Office, G4S and the three guards who restrained him – Stuart Tribelnig, Terry Hughes and Colin Kaler. During the inquest it emerged that Hughes and Tribelnig had highly offensive racist jokes on their phones when they were seized by police. But in her report Monaghan dismissed the notion that this was a problem confined to two individual guards. "These texts were not evidence of a couple of 'rotten apples' but rather seemed to evidence a more pervasive racism within G4S," she writes.

G4S lost the contract shortly after Mubenga's death but Monaghan said "it cannot be assumed that the mere change in contractor will eliminate these cultural problems" as many of the guards are automatically transferred to the new company. She added: "It seems unlikely that endemic racism would not impact at all on service provision ... there was enough evidence to cause real concern, particularly at the possibility that such racism might find reflection in race-based antipathy towards detainees and deportees and that in turn might manifest itself in inappropriate treatment of them."

Monaghan also raised concerns over the way guards – and the private contractors they work for – are financially rewarded. She said G4S guards were on "zero-hours" contracts and although subsequent contracts did offer a low retainer salary guards working now still got more money if they managed to keep detainees quiet until the aircraft took off. "It seems to me

than their age. Some swear, drink, smoke and do drugs.

It has been Department of Health policy since the 1980s that underage teenagers choosing to be sexually active should receive contraceptive advice and treatment, in confidence. Sexual health charities working with young people have been telling policy makers, for years, that the existing age of consent law does not deter those underage teenagers who are sexually active. And the UK's teen pregnancy rate is one of the highest in Western Europe. Yet if one of these "Gillick-competent" teens is involved in a criminal case, these uncomfortable facts are conveniently forgotten.

There is now such hysteria about sex crime that a grown-up debate about the difficult issues raised by recent court cases is well nigh impossible. The victim lobby, represented by various advocacy and campaigning groups, some with vast PR budgets, aggressively challenges any point of view, which does not accord with its own. This has damaging consequences for liberty and the rule of law. For a start, any judge who tries to look at cases on their merits is automatically assumed to be wrong, if his sentence does not accord with the views of these groups, whose approach to sexual offending is relentlessly punitive. But since when did we have sentencing by media?

Second, we are expected to adhere to a stereotypical view of sex offenders as uniquely wicked, and less than human – "predators", in fact. This is a metaphor from trashy crime novels. It is seriously stigmatizing, implying that no fate can be too bad for this group of offenders.

Now, some sexual offences are deeply shocking, and leave their victims profoundly traumatised. But it is erroneous to assume that this is so, in all cases: a great many are not even reported. Yet one regularly hears of the assumption that sexual offences scar people for life. A recent study on sentencing records some relatives saying that they wish the victim were dead, instead. That is absurd.

Is it helpful to victims to see them as damaged for life? I think this is counter-productive. Victims deserve sympathy and understanding, but they do not need to be treated as doomed, or as fragile and weak. If they are adults, they should be treated as adults, not as children.

A criminal trial is adversarial: it is not "therapy." If you accuse a person of a criminal offence, which could result in his imprisonment, you should expect to come to court and be questioned about your account, in public. Justice must be seen to be done. The defence is entitled to put his case. It is not "offensive" to plead Not Guilty.

Crime rates are falling, and our present preoccupation with historic sex abuse distracts attention from this. Such historic cases are, as the cultural historian Richard Webster and some defence lawyers have said in the last 15 years, almost impossible to defend. That is because multiple allegations are pursued in the one trial, each being taken as "corroboration" of the rest. It is a lazy way to prosecute: "if you throw enough mud, some is bound to stick".

An innocent person, whose only defence is his word – "I didn't do it" – is very likely not going to be believed in that scenario, and so effectively the presumption of innocence is replaced by a presumption of guilt. This is a shameful state of affairs for a country whose legal system has long been the admiration of other countries

## Murder Investigations: New Blowfly Research Crucial

New research focusing on the behaviour of insects on the bodies of murder victims could help Senior Investigating Officers (SIOs) better understand when a person died and what happened to the corpse after death. A research project by King's College London MSc student Poulomi Bhadra has been examining the impact that blowflies have on corpses in a closed environment such as a suitcase. The three-month study has been examining how the length of time a physical barrier to a body affects the arrival of blowflies onto a corpse.

## Justice Delayed is Justice Denied

*Harmit Athwal, Institute of Race Relations (IRR)*

On Saturday 3 August, over 500 people gathered at the North London Community House in Tottenham to remember Joy Gardner, Mark Duggan, Roger Sylvester and Cynthia Jarrett, who all died locally at the hands of the police.

The event was held to mark the two years since the death of Mark Duggan and the twenty years that has passed since the death of Joy Gardner, who died during a brutal deportation attempt in 1993. The meeting was organised by the Mark Duggan Family Campaign and Joy Gardner Memorial Campaign and supported by the United Families and Friends Campaign, Tottenham Rights, The Monitoring Group, the Tottenham Defence Campaign and 4WardEver.

This was an emotional meeting themed around the long struggles for justice by four local families. There was standing room only. The atmosphere was electric; the evening was punctuated by chants of 'No Justice, No peace!'; cheering for speakers and their comments, standing ovations, floor stamping and clapping.

Ken Fero's film, *Justice Denied*, details the campaign fought by Myrna Simpson for justice for her daughter Joy, was shown first. The film also records the struggles faced by the families of Joseph Nnalue and Kwanele Siziba, both of whom fell to their deaths after fearing immigration officers had arrived at their homes.

When the film finished the 'MC', Stafford Scott, coordinator of the Tottenham Defence Campaign, took to the platform to introduce the family of Joy Gardner, her mother, brother, son and daughter. Stafford spoke candidly of the history of Broadwater Farm and deaths at the hands of the police: 'They forget the names of Joy Gardner and Roger Sylvester. They forget those names because we didn't go a little bit mad, because we didn't burn down our neighbourhoods because we didn't riot. How weird and perverse is that?'

He was followed by Myrna Simpson, for whom, twenty years on, the anger and pain was still apparent: 'Joy didn't deserve to die the way she died ... she didn't die in her flat but she died in her flat. It was a corpse they took out of Hornsey and took her to Whittington hospital, and wrapped her in foil, and kept her for four days, machines, all sorts of tubes was put in her, like she was alive. I had to sleep in Whittington hospital for four nights ... I slept on the floor and it was horrible it was awful. I don't wish it to happen to my greatest enemy. But life goes on and it doesn't stop. And it's one law for us and another law for them.'

Joy's daughter also addressed the meeting, as did her son Graham, who thanked everyone for showing their support for the family and called on community members to support one another.

*Connecting Struggles for Justice:* Rupert Sylvester, the father of Roger Sylvester also addressed the meeting and called for 'Justice for one and all'. He detailed the campaign fought by his family to discover the truth as how Roger died after being detained and restrained by police officers in January 1999 after they were called to his home.

Marcia Rigg (the sister of Sean Rigg) spoke passionately about her brother who died at the hands of Brixton police in circumstances similar to Roger Sylvester.

Winston Silcott, along with Engin Raghip and Mark Braithwaite, were charged and convicted of PC Keith Blakelock's murder which took place during the rioting that followed the death of Cynthia Jarrett. However their convictions were quashed in 1991.

With the recent news that Nicky Jacobs has been charged with the murder of PC Blakelock, Winston Silcott voiced his fears that another miscarriage of justice will take place and 'that another innocent man is going to face the same treadmill I faced back in 1985. People mustn't be fooled by the media.' Silcott, who rarely speaks in public because of his scepticism of

independent investigation in to the actions of officers at Walworth Police Station following the report of a rape in November 2008. The investigation found that the initial account given by the woman to Sexual Offences Investigation Technique (SOIT) officer clearly contained an allegation of rape involving threats of violence which was neither recorded nor investigated.

The SOIT officer told the IPCC that a supervisory officer, Det Sgt Blackbrow, told them that the circumstances did not constitute a rape because the woman had "consented" and that the matter would not be investigated. He failed to ensure the allegation of rape was recorded by the SOIT and did not review the written record. As a result, the scene was not forensically examined, no forensic samples were taken and the suspect was not interviewed about the allegation of rape. The panel found the case for misconduct proven for his failure to review the SOIT's report. The panel could not make a finding in relation to the failure to ensure the allegation of rape was recorded nor the decision nor to investigate.

IPCC Deputy Chair Deborah Glass said: "Our investigation concluded that Detective Sergeant David Blackbrow's overarching failure to accept the victim's account as truthful led to a series of other failings to ensure that a serious allegation of rape was investigated. The victim clearly made an allegation of rape involving threats of violence. By advising the SOIT officer that this woman 'consented' and that the allegation did not constitute a rape, our investigation found that the officer failed to protect a vulnerable victim.

He flouted a basic principle of sexual assault investigations: believing a victim in the first instance. The panel only found the case for misconduct proven in relation to his failure to review the SOIT's report. It is disappointing that it took the IPCC to direct the Metropolitan Police Service to hold this hearing but this case demonstrates that the IPCC is prepared to use its powers to ensure that officers are held to account when their conduct falls well below the standards expected of them." Performance issues were identified for two officers and a learning issue for a third.

## Prisoners: Learning Disabilities

*House of Lords / 05/08/13*

Lord Bradley to ask Her Majesty's Government what steps they are taking to ensure that comprehensive screening is in place to identify prisoners with learning disabilities. What steps they are taking to ensure that reasonable adjustments are made for all prisoners with learning disabilities.

The Minister of State, Ministry of Justice (Lord McNally): Prison Service Instruction 32/2011 Ensuring Equality includes mandatory instructions to Governors to ensure that efforts are made to identify whether a prisoner has a mental or physical impairment of any form.

It notes that not all prisoners will be aware of their disabled status and states that staff must be proactive in identifying the specific needs of all prisoners, providing further guidance on learning disabilities in an annex. It goes on to mandate reasonable adjustments for prisoners. Prison Service Instruction 75/2011 Reasonable Adjustments makes clear that it is the responsibility of residential staff to identify prisoners with any particular needs and make reasonable adjustments, consulting relevant specialist staff where necessary.

It is acknowledged that there are improvements to be made in this area in prison establishments, and this is recognised in one of the NOMS equalities objectives 2012-16, which is to introduce a comprehensive learning disabilities screening process for offenders and to make reasonable adjustments for offenders with learning disabilities. NOMS is taking forward a programme of work in support of this objective, and is currently undertaking an assessment of the effectiveness of the various screening tools that are available in order to inform good practice across the estate.

backing of MPs and appearing in the BBC documentary *Rough Justice*. His case was referred by the Criminal Cases Review Commission (CCRC) to the court of appeal in 2009 where Hall was represented by the prominent barrister Michael Mansfield QC. The evidence turned on fibres from his trousers said to link him to his victim's home. The court dismissed his appeal, ruling that the forensic material was sufficient to convict him. Hall still denied being involved. Inquiries by the CCRC and the police had been continuing until this summer when Hall, previously from Ipswich, admitted his guilt to prison authorities and ended his campaign. The website Justice4SimonHall now displays the message: "This site is closed."

Suffolk police said: "Over the 10 years since Hall's conviction there have been a number of appeals and campaigns which have asserted that Simon Hall was wrongfully convicted of Mrs Albert's murder. These events and the related uncertainty have undoubtedly exacerbated the suffering Mrs Albert's family have had to endure since Joan was murdered. We sincerely hope that Simon Hall's admissions to having committed this brutal crime will in some way enable the family to move on with their lives."

The CCRC said it was almost unprecedented for anyone to protest their innocence over such a long period and then admit their guilt. "The prison authorities have informed us that he has confessed to the murder of Joan Albert," a spokesman said. "We went through the prison authorities and asked if he wanted to withdraw his application to us. We have now closed the case."

In an online post this year, Hall told supporters that he was preparing to be released from prison. In the latest message, put on his website last month, he said he had been moved to Hollesley Bay open prison in Suffolk and was due to be released to a bail hostel. When he was first jailed in 2003, however, he was given a minimum tariff of 15 years by the crown court.

Hall's mother, Lynne, told the *East Anglian Daily Times*: "I'm absolutely shocked because I know he is innocent and I still believe he is. But it's the system. If he had pleaded guilty in the beginning, he would be home now. I know he has been really low and in hospital recently. He's given up."

Relatives of his victim told the paper: "During the last 10 years the publicity surrounding the appeals has been very distressing for our family, making moving on impossible, but we would like to thank Suffolk police, including [retired detective superintendent] Roy Lambert and his team, who carried out the original investigation, to present day officers who continue to support us. We are also grateful to those who have helped us throughout this difficult ordeal."

Albert spent all of her life living in Suffolk. During the second world war she worked in a ball-bearings factory and she also worked as a hairdresser and in shops before retiring. Her husband, Cyril, died in the early 1990s. They never had children.

At Hall's original trial at Norwich crown court, jurors were told that Albert had been the victim of a "sudden, savage and brutal attack" after a burglary attempt went wrong. They heard that Hall, who had previous convictions for violence, had been out drinking with friends in Ipswich and had an alibi for most of the night and following morning, except between 5.30am and 6.15am, which could have corresponded with the time of Albert's death. Fingerprints, footprints and DNA evidence found at the murder scene did not match Hall's. He submitted two applications to the CCRC to consider his case.

#### **MET Officer Gets Slap on Wrist for Covering up a Rape?**

*IPCC 5th August 2013*

A Detective Sergeant from the Metropolitan Police Service (MPS) has been given a written warning following a five-day disciplinary hearing directed by the Independent Police Complaints Commission (IPCC). The IPCC directed the hearing for Det Sgt David Blackburn following an

the media, recalled an incident in which a Daily Star reporter had said that the last time he had seen a 'guy resembling my description was in London Zoo'. Silcott took the paper to a tribunal which found in his favour but the journalist decided not to pay the fine.

The family, the aunt, brother and son, of Mark Duggan were then welcomed. Stafford Scott detailed the initial frustration of the family as they sought confirmation as to whether Mark had been shot by police officers that day and the pain endured by the family over the last few years as they have sought the truth as to how and why Mark was shot.

The daughter of Cynthia Jarrett, Ken Fero (filmmaker), Marcia Willis (solicitor for the family of Mark Duggan) and Suresh Grover (The Monitoring Group), also addressed the meeting, Dub-poet Linton Kwesi Johnson gave an impromptu performance of 'Licence Fi Kill'. And Graham, Joy's son ended the event by performing a cappella.

Calls were made, repeatedly, throughout the meeting, for people to support the family of Mark Duggan at the inquest into his death which is due to start on Monday 16 September at the Royal Courts of Justice. The audience was also asked to monitor the prosecution of Nicky Jacobs, who has been charged with the murder of Keith Blakelock in 1985, which many in the Tottenham community believe is a miscarriage of justice waiting to happen.

#### **IPCC Investigate Met Contact With Linah Keza Before Her Death**

The Independent Police Complaints Commission (IPCC) is independently investigating previous contact between Metropolitan Police Service (MPS) officers and Linah Keza before she was found stabbed in Leyton on Wednesday, 31 July. The MPS referred the matter to the IPCC as it became apparent officers had contact with Ms Keza, 29, on three separate occasions in the days leading up to her death. IPCC Commissioner Jennifer Izeke said: "This is a tragic case involving the death of a young woman who was in the prime of her life and our thoughts go out to Linah's family and friends who naturally must be devastated. Our investigation is in the very early stages and we will be making contact with Ms Keza's family to explain our involvement and to answer any questions they may have. As a murder investigation is underway we need to be cautious about information we make public so as not to interfere with the ongoing criminal proceedings. We hope to be in a position to outline the IPCC's investigation in due course."

#### **Historical Enquiries Team Suspends Reviews of Army Murders in Ballymurphy**

*"It is striking that not one state involvement case relating to the British army has to date been referred to the police for further investigation or prosecution."*

The Ballymurphy Massacre Committee is in receipt of a letter from the Historical Enquiries Team (HET) announcing that it has suspended its "reviews" of cases involving the British Army due to the damning report by Her Majesty's Inspectorate of Constabulary (HMIC). This acknowledgement by the State publicly and officially validates what the Ballymurphy families have been saying to each British Secretary of State as far back as Shaun Woodward—that the HET is not independent. Due to the great work by Dr. Patricia Lundy they are now having to listen and concede.

It is inexcusable in an environment that is claimed to be a democracy, that from August 1971 till the present day, there has never been an investigation into the murder of 11 innocent civilians from our neighborhood. Successive governments have ignored this atrocity and attempted to divert the cause of justice by offering only a desktop review of the 11 cases through the HET. With the HMIC condemning the HET policies and practices which their report refers to as "illegal," the State has no excuse not to conduct a proper investigation.

As the HET letter to the Ballymurphy families indicates, there is now no mechanism through which the British State is dealing with Army murders in Ballymurphy. In the 40 year absence of any proper investigation, the Ballymurphy families have designed a formula to address this.

The Independent Panel proposal presented to both governments by the Ballymurphy Massacre Committee is based on the Hillsborough Independent Panel which was fully supported by the British government. We now call for both the Irish and the British governments to respond immediately to the Ballymurphy Independent Panel proposal.

#### *Families Of People Killed By Soldiers Sue NI's Chief Constable*

The families of 20 people killed by soldiers during the Troubles are suing Northern Ireland's chief constable. It follows a report which said the team set up to re-examine deaths during the Troubles had failed to investigate killings by soldiers properly. Solicitors for the families said the failure to do so had broken European human rights legislation.

The Police Service of Northern Ireland said it had not received notification of any legal proceedings. Last month the leading oversight body for UK police - Her Majesty's Inspectorate of Constabulary - said the Historical Enquiries Team's approach to killings by soldiers had been untenable and illegal.

#### **Florida Executes Mentally Ill Man Despite Constitutional Prohibition**

Florida has executed a schizophrenic man who believed that he was the immortal prince of God vested with superhuman powers including an ability to control the sun, despite the US constitution's prohibition against putting mentally ill people to death. John Ferguson, 65, was killed by lethal injection at 6pm on Monday 5th July. Earlier in the evening the US supreme court declined to hear a final petition from his lawyers. Although there was overwhelming evidence that the court's own interpretation of the US constitution was being disregarded, the justices gave no explanation for their decision to remain on the sidelines and allow the killing to go ahead.

Ferguson's legal team, backed by a raft of prominent legal and mental health organisations, had appealed to the nation's highest legal panel to step in on grounds that the execution would be a flagrant violation of the Eighth Amendment of the US constitution that bars "cruel and unusual punishment". Nobody disputes that Ferguson was guilty of a singularly gruesome sequence of murders. He was part of a group that killed six people in the course of an armed robbery in Carol City, in 1977, and then went on the following year to kill two 17-year-old school students, Belinda Worley and Brian Glenfeldt, in the same Florida area. But opponents of the execution argue that he should have been transferred to a life sentence with no chance of parole – in other words, he would spend the rest of his natural life in jail – because he was mentally ill and had been consistently since well before he committed the crimes. A chart put together by his lawyers showed that he was first diagnosed as having visual hallucinations by a Florida state prison psychologist in 1965. Before he had taken part in the mass murder, he had been diagnosed as a paranoid schizophrenic who demonstrated evidence of active psychosis. He was found in numerous medical examinations to be grossly psychotic, insane and incompetent.

In their petition to the US supreme court, filed last week, Ferguson's lawyer Ben Lewis chronicled the prisoner's persistent delusions. They included the belief that he could not be killed because he had powers drawn from the Sun, and a delusion that his prison guards were communists who were out to kill him because they knew that he was in fact the prince of God. "John Ferguson is without a doubt mentally ill. He has a 40-year history of paranoid schizophrenia, we have more than 30 doctors diagnosing him as that over four decades. Yet

Florida is close to eviscerating the US supreme court law that makes him ineligible for exe-

In addition to establishing whether a crime has or has not been committed there is always a responsibility on the police to assist the coroner in examining the circumstances for the purposes of an inquest. It is vital that correct procedures are followed even when initial suspicions prove to be unfounded. This helps protect everyone concerned, including the parents from unfair and inaccurate speculation.

The death of a child is not a police matter in cases where a doctor has issued a medical certificate as to cause of death. This is usually when they have been historically treating the child for a diagnosed serious illness or condition which can be medically attributed to the death, therefore the death is not then 'unexplained' or 'unexpected'.

Below is a list of possible offences for a category (3) type case:

Murder - contrary to common law. / Manslaughter (including corporate manslaughter, eg deaths in healthcare settings) - contrary to common law. / Familial homicide (causing or allowing the death of a child or vulnerable adult)-s 5 of the Domestic Violence, Crime and Victims Act (DVCV) 2004. / Infanticide-s 1 of the Infanticide Act 1938.

Other related or kindred offences might be: Child destruction-s 1(1) of the Infant Life (Preservation) Act 1929. / Administering/procuring drugs/instruments to procure an abortion or miscarriage-s 27 of the Offences Against the Person Act 1861. / Concealment of birth-s 60 of the Offences Against the Person Act 1861. / Preventing lawful burial - concealment of a corpse - dispose or destroy a dead body. / Neglect - death of infant under three years caused by suffocation while infant in bed with person 16 years or over who is under the influence of drink-s 1 of the Children and Young Persons Act 1933. / Wilfully assault, ill-treat, neglect, abandon, expose child u-16 yr-s 1 of the Children and Young Persons Act 1933. / Maliciously administering poison etc or noxious thing so as to endanger life-s 23 of the Offences Against the Person Act 1861. / Attempting to choke etc so as to commit an indictable offence -s 21 of the Offences Against the Person Act 1861. / Drunk in charge of child apparently under seven years-s 2(1) of the Licensing Act 1902. / Child abduction by person connected with the child-s 1 of the Child Abduction Act 1984 as amended by the Family Law Act 1986 and the Children Act 1989. / Grievous bodily harm or wounding with intent-s 18 of the Offences Against the Person Act 1861.

#### **Simon Hall Case Still An Abuse Of Due Process**

MOJUK, regardless of the 'Confession', stand by its' long commitment to Simon Hall as a 'Miscarriage of Justice', the original trial was an abuse of due process as confirmed by judges at his appeal who said: . . . we have concluded that the fibre evidence given at trial was incomplete in its description and analysis of the available source material, and in its identification of green polyester fibres, wrong. Justices Pitchford, Dobbs and Kenneth Parker

MOJUK has not been able to speak to Simon or his campaign. Worries that this confession will have repercussions on others who claim innocence, should not be countenanced. Every campaign against a Miscarriage of Justice is genuine, until proven otherwise.

Campaigner Confesses To Murder After Decade Trying to Clear Name

*Owen Bowcott, theguardian.com, Thursday 8 August 2013*

A prisoner who has spent a decade claiming he was a victim of a miscarriage of justice has finally admitted he did kill a pensioner. Simon Hall, whose case has been featured on television and in national newspapers, was jailed for life in 2003 for the murder of Joan Albert, 79, in her home in Capel St Mary, Suffolk. She was found in her hallway on 16 December 2001 after being stabbed five times.

Hall, now 35, had protested his innocence, launching a series of appeals, winning the

occurred - a very important judgement call - the term 'SUDC' death will only be used to describe what is likely to be a lesser type of investigative response (though still very thorough, and certainly much more comprehensive than the standard police response to a non-suspicious sudden death of, say, an older person). Category (1) types are covered by guidelines outlined in this chapter while categories (2) and (3) are still investigated in accordance with the additional requirements contained within the Murder Investigation Manual (MIM) (ACPO, 2006).

Child homicides and suspicious deaths, however, are not always obvious or easily recognizable and it may be more difficult to initially determine what category to apply. There may be no obvious signs such as wounds or fractures. Head and internal injuries, asphyxiation, ruptured blood vessels in lungs, traces of poisoning, abuse, and neglect can be very difficult to detect in young children, particularly infants. Therefore child death procedures have been consolidated to ensure all category (1) SUDC investigations meet a higher investigative standard.

This is to provide not only adequate safeguards for sensitive parent management and support but to ensure every effort is made to establish why a child died unexpectedly and rule in or out criminal involvement. This is, however, required to be done more sensitively; an example being the expectation of a more tactful and less obvious use of golden hour(s) tasks; another is the call for a greater multi-professional approach to the investigation. SUDC procedures ask for a balance to be struck between the requirement for carrying out an effective investigation and the need to acknowledge and cater for the needs of the parents and other children that may be affected. For these reasons an experienced senior detective and/or SIO should always lead a child death investigation, particularly when it is initially unclear as to what category it falls into.

'Infant deaths must be allocated to an accredited SIO, who must retain overall responsibility for the investigation. A detective officer of at least Inspector rank should be tasked to immediately attend the scene and take charge of the investigation, in all cases of sudden unexplained infant deaths, whether or not there are any obvious circumstances. This applies if the child is still at the scene or if the child has been removed to hospital. It is further recommended that this detective has child protection experience' (ACPO Guidelines (2006), Infant Deaths supplementary reading Murder Investigation Manual ).

Notes: Child death procedures may equally apply to older children. However, due to their age and development sudden deaths in older children are more likely to allow for a simpler assessment and determination of category. A number of different terms are commonly used to refer to child deaths such as 'SUDI' (Sudden Unexplained Death in Infancy-infant meaning up to one year of age); or 'SUDICA' (Sudden Unexpected Death in Infants, Children and Adolescents; 'SUDC' (Sudden Unexpected Death in Children); SIDS (Sudden Infant Death Syndrome) sometimes described as 'cot deaths' which is simply a classification to indicate that after all the investigations have been concluded, the coroner is unable to say why the child died, but there is no indication of maltreatment.

Key points: National child abuse investigation guidance documents (ACPO and Centrex, 2005 and Baroness Kennedy in the Royal College of Pathologists and Paediatrics and Child Health Report, 2004) suggested an SIO dealing with sudden or unnatural child deaths should be one with experience of child-abuse investigations; or for such an accredited person to be closely involved with the investigation (eg to spot early evidence of child abuse etc). Other staff selected to work on these enquiries should ideally also come from a 'child abuse' type of investigative background.

Child deaths are also potential 'critical incidents' meaning a senior detective (if suspicious then a SIO) should assume responsibility and lead the investigation.

cution," Lewis told the Guardian. Ferguson was convinced that his impending execution was a conspiracy against him to prevent him wielding his sun-given powers, rather than the retributive consequence of his criminal acts, and that his execution would be the completion of a plot by the state of Florida to prevent him ascending to his rightful throne at God's right hand.

In 2007, in the case of Panetti v Quarterman, the supreme court ruled that a prisoner about to be executed must not only be aware of the punishment they are about to receive, but also have a "rational understanding of it". Ferguson, who believed he was being put to death because he was the anointed prince of God, would appear not to have met this standard. Yet the state supreme court of Florida found that he was eligible for the gurney, making the interesting argument that Ferguson's belief in his own immortality was shared by millions of other American Christians. The federal appeals court for the 11th circuit concurred with the Florida courts and allowed the execution to proceed, even though one of the federal judges dissented that the application of the law in this case had been "patently wrong". The execution of a mentally ill man in violation of the US constitution has echoes with the recent case of Warren Hill, who came close to execution in Georgia last month despite the constitutional prohibition of the death penalty for people with intellectual disabilities. As the New York Times has put it in an editorial: "even where standards are clear, some states seem untroubled by carrying out a death sentence that violates the Constitution." Guardian.co.uk

### **Secret Ballykelly Interrogation Centre Unveiled**

*BBC news, 06/08/13*

Declassified papers have revealed the existence of an interrogation centre in Ballykelly, County Londonderry, in the 1970s, a human rights group has said. The Pat Finucane Centre claims the government misled two official inquiries and the European Court of Human Rights over its existence. The Ministry of Defence said the Ballykelly centre was one of a number "identified" as part of internment. It said it had "always fully cooperated" with statutory inquiries. Following a number of allegations made by some detainees the MoD fully cooperated with all investigations into these matters," it added.

More than 300 people were interned in Northern Ireland in August 1971. A total of 12 internees were subjected to "deep interrogation". It is claimed they were subjected to interrogation known as the five techniques. In a case brought to the European Court of Human Rights by the Irish government against the government in the 1970s, there was no mention of an interrogation centre at Ballykelly.

The Pat Finucane Centre, a human rights advocacy and lobbying group in Northern Ireland, claims the government misled two official inquiries and the European Court of Human Rights over its existence. Sara Duddy of the Pat Finucane Centre told BBC Radio Foyle they had "spent a lot of time at the National Archives and now we can shed light. In these documents there is reference to the centre in Ballykelly," she added. There is also reference that the centre was not to be disclosed. We think the European court has to examine this again. We have asked the (Irish) department of foreign affairs to examine what they were told at the time. We have documents that state that men were expected to stand against a wall for an excess of 49 hours. The Pat Finucane Centre had cross referenced this new information with the contents of previous inquiries, such as the 1971 Compton Report and the Parker Report one year later." The Compton Report looked into alleged use of brutality by security forces in Northern Ireland, while the Parker Report investigated interrogation methods against terror suspects.

The Pat Finucane Centre will give a presentation in the near future in Belfast, presenting the documents along with other declassified government documents on the interrogation of detainees in the 1970s. The Irish Department of Foreign Affairs is examining the matter.

## Getting to Know the Enemy!

[The Blackstone's Senior Investigating Officer's Handbook Second Edition by Tony Cook and Andy Tattersall is a 560 page handbook suitable for the 8000 SIOs, Deputy SIOs, Assistant SIOs, DCIs and DIs involved in investigating serious crime in the UK, as well as police/CID trainers and the Serious and Organised Crime Agency. Other readers who may benefit from the Blackstone's Senior Investigating Officer's Handbook Second Edition are law enforcement agencies, criminal lawyers, the Health and Safety Executive, the Criminal Cases Review Commission, and police studies students.]

### *How do the Police: Investigate Sudden and Unexplained Child Deaths*

This is one of a series that look at various aspects of life as a Senior Investigating Officer (SIO). This includes the necessary skill sets for the successful SIO, the management of serious crime investigation and specific elements of investigative practice from initial response through crime scene examination and investigative strategies to dealing with suspects and the media. The articles are excerpts from the 2nd edition of Blackstone's, the 'Senior Investigating Officers' Handbook', written by two highly experienced SIOs. Sudden and unexplained child deaths (SUDC) can be extremely distressing and traumatic events that deeply affect parents, carers, families, relatives, and communities. It is hard to imagine anything worse for a family than the sudden death of their child. Unlike older and more mature people, healthy infants and children are not expected to die. The stark reality is despite a reduction in infant deaths (eg by education campaigns) statistics show several hundred children in the UK will die before they reach one year of age. The vast majority of these deaths usually occur as a consequence of natural causes such as disease, physical defect or pure accident. Unfortunately a small percentage are also caused by callous and criminal acts of malicious, intentional, and gratuitous violence, maltreatment, neglect, physical abuse, or administered noxious substances or drugs.

Children and infants can be subjected to deliberately inflicted head injuries, asphyxiation, stab wounds, hypothermia, dehydration, shaking injuries, methadone poisoning, broken/fractured bones, drowning, burns, crushing injuries, ruptured/failed organs (liver, kidney etc), or abdominal injuries.

Consequently some children through no fault of their own are extremely vulnerable not only to poor health, disease, and accident but also dangerous parents, carers, or sexual predators. At a very tender age potential victims are extremely unlikely (and unable) to question or notice inherent dangers; nor are they in a position to object to lethal and deliberately administered noxious substances. It is to these unfortunate souls that Baroness Kennedy entrusts her confidence in the investigation process when their sudden death occurs.

Child death investigations, however, can and do pose additional challenges for SIOs due to the hidden nature of tangible evidence and telltale signs. Young infants and children's bodies are tinier than adults therefore indicators of non-accidental injuries are less noticeable. Contact trace evidence in intra-familial child homicides also has limited use unless there are specific blood injuries due to regular contact with the suspect(s).

Therefore a requirement to properly diagnose, follow correct procedures, and thoroughly investigate all the circumstances becomes much more important. At the same time a difficult distinction has to be made between parents who are suffering from a tragic loss and those who have committed an extremely serious and grave crime.

It has been widely recognized that added trauma can be caused to innocent parents and families from inappropriate or insensitive handling of child deaths. High profile appeal court cases, for example the Angela Cannings (2002), Sally Clarke (1999), and Trupti Patel (2003) cases produced negative publicity and overturned convictions which severely undermined public trust and confi-

dence. Others such as the Victoria Climbié and 'Baby P' cases produced similar bad publicity for reasons of lack of intervention and action. The media will always seize upon opportunities to present sensational critical headlines and is a backdrop against which complex child deaths are investigated.

Child death investigation procedures are now more sophisticated with a legal requirement to involve a variety of experts and specialists, particularly when interpreting injuries.

Consequently it is not uncommon to encounter conflicting expert opinion due to the complex and specialist nature of ascertaining a precise cause of death in infants and children. Unfortunately, traditional methods of investigation can be more limited because unlike adult homicides the chance of using passive data, DNA, and fingerprint (contact trace) evidence are less likely given the home based familial nature and likely frequent contact between the suspect(s) and the child.

Nevertheless every child who dies unexpectedly has every right to have their sudden and unexplained death properly investigated. Any surviving siblings also have a 'right to life' under Art 2 of the European Convention on Human Rights (ECHR). In meeting this requirement an SIO is entrusted with the responsibility of concluding or excluding that a criminal act has taken place and helping to record an accurate cause of death. This chapter is now aimed at preparing SIOs for this challenge and providing (particular for those on-call) a guide for applying the most essential procedures and processes in order to effectively manage and conduct these investigations.

*Classifying Child Deaths:* Sudden death enquires are always challenging particularly when there is no medical explanation and the circumstances are uncertain or ambiguous. This is probably more so when a young infant or child dies under the care and supervision of parents in the family home which presents added challenges. A useful starting point, however, is to clarify the different categories or classifications that may apply to the circumstances that will help determine the type of police response required and scale of investigation. Most cases will begin as a category (1) SUDC death and can move up (or back down) the scale as the information changes. In order of seriousness every case will fall into one of the below categories.

Category 1 Not suspicious (ie natural or accidental with no apparent medical explanation or grounds to suspect a criminal act)

Category 2 Suspicious (certain factors raise the likelihood of a criminal act having been committed and warrant a more detailed investigation)

Category 3 Clearly homicide (or other serious criminal offence, see list below)

By definition category (1) cases almost always require a different type of response from those falling within categories (2) and (3). Safeguards, however, need to be incorporated into this level of investigation to safeguard evidence in case the circumstances and classification change. This is vitally important when considering the procedures referred to in sections of this chapter that are inappropriate for categories (2) and (3). For example, in homicide or suspicious deaths the classification for the investigation will change from a 'SUDC' death to a 'murder investigation' and the place where death is believed to have occurred (eg a child's bedroom) will be reclassified as a 'crime scene'.

This will trigger standard procedures that are explained in other chapters of this handbook due to a criminal act being suspected (although in the majority of cases unless clearly homicide the body is likely to have been transported to hospital and not remained in position for forensic examination purposes, as explained later). The SIO will also be making early consideration of making arrests, treating witnesses as 'significant', managing the investigation on HOLMES2, conducting H-2-H enquiries, conducting witness trawls etc.

However, if there is nothing clearly obvious to suggest a suspicious death or homicide has