showed children were made to strip naked 43,960 times in 25 young offender institutions, secure children's homes and secure training centres in the 21 months up to December 2012. Some of the children were as young as 12. Only 275 children were found to have illicit items. Tobacco was the most common item found, with no recorded discoveries of drugs or knives.

The Howard League for Penal Reform has been pressing the Ministry of Justice (MoJ) for two years after the Youth Justice Board (YJB) – which oversees the youth justice system in England and Wales – pledged to end the practice of routinely stripping children naked. In April Frances Crook, chief executive of the Howard League, wrote to prisons minister Jeremy Wright calling for the practice of routinely strip-searching children who entered young offender establishments to stop. Crook wrote: "Strip-searching is humiliating, degrading and undignified for a woman and a dreadful invasion of privacy. For women who have suffered past abuse, particularly sexual abuse, it is an appalling introduction to prison life."

The routine strip-searching of adult women prisoners ended in 2009, after a review undertaken by Lady Corston. In her letter to the minister Crook "implored" him to revisit the situation and make the final change, to end routine strip-searching of children. Crook said that almost 12,000 strip searches were performed on teenage boys being received into prisons in a year, yet finds of illicit items represented less than 1% of that figure.

"The blanket use of strip-searching on reception to prison is disproportionate and causes great distress, while also fostering an entirely counter-productive resentment against the authorities," she said. "It is an approach that has already been stopped in relation to women. We are delighted that the Ministry of Justice has now confirmed that a risk-led approach will be piloted in a child prison which should see an end to this barbaric and unnecessary practice." Wright said: "Our policy on the full searching of young men is currently being reviewed. At two sites we have started a three-month pilot for the under-18 male YOI estate where these searches are only conducted where a potential risk has been identified. At the end of this pilot we will consider what should happen in the longer term." *Eric Allison, Guardian, 16/08/1313*

California Prison Hunger Strike: Judge Approves Force-Feeding

Jail officials in California have been given permission to force-feed hunger strikers who are entering their seventh week of a statewide protest against prison conditions. The order strikes out directives recently signed by some prisoners that they be allowed to die.

US District Court Judge Thelton E Henderson, responding to a request by state authorities, ruled that California prison doctors may force-feed selected inmates who are near death, even if they had previously signed orders asking not to be resuscitated.

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 439 (22/08/2013)

Operation Ribbon - All Who Were Charged - Cleared

'Overall we are very concerned about the current state of affairs to do with the operation and we feel that this whole case has been 'buried' and conveniently put to bed without discussion or any transparency.'

Operation Ribbon took place last November and led to the arrest of 10 men on child sexual exploitation charges who were all from the Pakistani community. In the last two weeks all the men have been released and all charges have been dropped with 7 being found not guilty and 3 having their cases dismissed. Justice4Paps have been monitoring the case and the trial and have a number of concerns about what has happened.

We are particularly concerned about the following:

- That not any time did it emerge that the victim was of Asian origin where in other cases nationally the ethnicity of the victims has always been commented on. We share with other commentators the worry about how racialised the narrative around child sexual exploitation has become and for the police, authorities and the media not have released this information is extremely significant. That these individuals were being referred to as a 'gang' is again extremely worrying as there is no evidence to show that they worked in this way.

- The initial reporting of this case was very high profile with YouTube videos, a presence on Facebook and front pages of local newspaper as well as national and regional media coverage. This contrasts with the low key way that the end of the trial has been covered – with important statements being 'buried' on later pages of the BFP and very little being reported online:

- What ongoing support is there for those who have been released without charge and their families in particular women & children? As these men were identified in the press on a continuous basis before and during the trial. Now that they have been cleared has a full and frank apology been released?

- Many women/children in all our communities will now feel less confident in coming forward to report incidents of abuse and domestic violence given the verdict. What support and reassurance has been given in these circumstances? In this context why have Thames Valley Police chosen not to release info about police officers who are being investigated for sexual offences against vulnerable women?

- What was the brief for the Operation and its operational specification? In our view the case & investigation was rushed and unsatisfactory and the resulting evidence not strong enough to convict those accused. We feel that the victim was a very vulnerable witness and was put under tremendous pressure to testify and that the attacks made on her by Judge Pringle which were reported in the press were completely uncalled for and aggressive in their intent to demean her character and evidence:

- Who made the decision for the raids to take place on Tuesday 20th November 2012 and was this decision made in the light of the Panorama programme featured the night before which showed Thames Valley Police in a negative light?

- We have concerns that the fear of child exploitation/grooming has itself been abused in order to launch a number of raids in the community and it has been used as a fishing oper-

ation through the use of an open warrant. There were a number of other arrests seemingly connected to this that were not reported on

- Why has there been no response from Bucks County Council/R U Safe, the Independent Advisory Group (IAG) and the main mosque seeing as all these parties has varyingly degrees of involvement prior to and during the Operation and the subsequent trial?

Overall we are very concerned about the current state of affairs to do with the Operation and we feel that this whole case has been 'buried' and conveniently put to bed without discussion or any transparency. We will be pushing for a public meeting with the authorities and agencies involved and will be approaching both the MP Steve Baker and Police & Crime Commissioner for a public inquiry into the operation so there can be full and proper public accountability.

Notes to Editors: The Justice for Habib 'Paps' Ullah campaign was set up in July 2008 after the death of Habib during a routine stop and search in a car park in High Wycombe 2008. So far the campaign in partnership with family members have organised eleven vigils in the town centre/Police station, a demonstration through the town, three public meetings, and attended national and regional demonstrations against deaths in custody.

G4S Condemned for Allowing Prisoner to Die in Agony *Birmingham Mail 14/08/13*

A prison complaints body has slammed G4S managed, HMP Birmingham after a terminally-ill convict had to wait until he was 'screaming in agony' before being admitted to hospital.

Nigel Newcomen The Prison Ombudsman criticised escort officers who kept the inmate waiting in handcuffs for 40 minutes while they bought themselves sandwiches at the New Cross Hospital branch of Greggs, 'in full view of the public'. He also blasted the prison for keeping Mr Dent handcuffed to officers on a long chain for three weeks at the hospital. "The prison needs to ensure that it appropriately balances security with humanity when making such decisions," he said.

Mr Newcomen said terminally ill prisoners 'should be treated with greater sensitivity than was accorded to Mr Dent and his family'. He accused the jail of failing to act on recommendations his body had made following two previous inmate cancer deaths. In his report he laid out ten recommendations for improvements at the prison.

Carl Dent, of Woodcross, in Bilston, was riddled with cancer and died on July 5 last year, eight weeks after he was finally taken from the G4S managed HMP Birmingham to New Cross Hospital, in Wolverhampton. The 36-year-old was serving an 11-year sentence for sex offences, including indecent assault and indecency with a child.

Dr David Ferry, consultant medical oncologist at New Cross, first treated Mr Dent for cancer of the oesophagus in March 2009 and the father-of-four later suffered a serious relapse while in prison. Dr Ferry said prison staff made an 'absolutely hopeless excuse' about not getting him treatment for his 'intense pain'. When he was eventually admitted to hospital in May last year, 'he was sweating profusely and screaming in agony', the doctor told the inquest.

A spokesman for G4S, which runs the prison, said: "Decisions about how we secure prisoners in the final stages of their life are made in response to their condition and how it develops, which may be over a period of weeks or months. "While we always try to maintain a prisoner's dignity and sensitivity for their family, our first priority is to protect the public from any risk of escape or harm that a prisoner may still represent. We will look at the coroner's report to see if there are any lessons that can be learned." He added that the prison officers involved in the sandwich incident 'received management advice' soon after it was reported.

Further Criticisms of the Treatment of Older Prisoners *Bhatt Murhpy, 14 August 2013*

A report published by the National Institute for Health Research (NIHR) has further criticised the treatment of older prisoners in England and Wales. The NIHR is funded by the Department of Health, and carries out research into NHS health and social care. The objective of the NIHR's report was to examine the health and social care needs and current service provision for older male adults entering and leaving prisons, and to evaluate a model for needs assessment and provision. Overall, the NIHR's report found that older prisoners have more complex health and social care needs than younger prisoners and those of the same or similar age in the community. However, despite this, the NIHR's report also found a number of failings in the current service provision for older prisoners. These findings included:

Prisons were largely failing to assess the health and social care needs of older prisoner upon their imprisonment.

Not all prisons had a designated member of prison staff working as an older prisoner lead to assess and manage the health and social care needs of older prisoners (and a large proportion of older prisoner leads were not active).

A large proportion of prisons did not have an older prisoner policy on how the health and social care needs of older prisoners should be assessed and managed.

There was a lack of integration between health and social care services in prisons because of the ambiguity regarding who was responsible for social care services in prison.

Prisons were largely failing to plan for the health and social care needs of older prisoners to be met upon their release.

The NIHR's report comes after evidence has been heard by the Justice Select Committee as part of their inquiry into the treatment of older prisoners. The prison law team at Leigh Day submitted both written and oral evidence to the Committee regarding their work with older prisoners. Unhappily, many of failings identified in the NIHR's report with regard to the unmet health and social care needs of older prisoners, were repeated in the prison law team's evidence to the Committee. The Committee's report into older prisoners is currently awaited.

Benjamin Burrows, a solicitor in the prison law team commented that: "This report by the National Institute for Health Research has identified many of the same failing that our older prisoner clients have been coming across and complaining about in their day to day lives for many years. We hope that this report, and that of Justice Select Committee, will finally motivate the Prison Service and the NHS to take the necessary steps to make sure that the health and social care needs of older prisoners adequately assessed and managed. It cannot be right or fair that older prisoners should be further punished simply because of their health problems and disabilities." The prison law team has acted in a number of successful claims on behalf of older prisoners with regard to the failure to meet their health and social care needs. As a result of these claims, their needs have been met and they have received compensation for that failure.

Children in Custody Pilot Scheme Could Bring End to Strip-Searching

The Ministry of Justice is to pilot a scheme aimed at ending the routine strip-searching of children in custody after the Guardian revealed almost 44,000 incidents of children being strip-searched in just under two years. The pilot scheme will only cover the searching of boys at two sites, though campaigners hope it will be extended nationally for boys and girls.

The YJB had described the practice as undignified, leading to "feelings of anger, humiliation and anxiety". But, in March, a Freedom of Information request seen by the Guardian

R(Craven) v Secretary of State for the Home Department [2001] EWHC 850 (Admin) (licence condition imposing exclusion zone from where the offender's family lived):[27]; R(Corbett) v Secretary of State for Justice [2009] EWHC 2671(Admin); [2010] HRLR 3 (licence condition requiring offender to participate in polygraph sessions with a view to monitoring his compliance with other licence conditions and improving the way in which he was managed during his release: [30]

The decision making process involved in measures of interference had to be fair to ensure due respect of the interests safeguarded by Article 8 (Turek v Slovakia (2007) 44 EHRR 43). Regard had to be had to the circumstances of each case, notably the serious nature of the decisions taken. That was the same approach as the common law; the standards of fairness were not immutable.

As a matter of principle, procedural rights contained in Article 8 could be engaged in relation to licence conditions of those serving the non-custodial part of a sentence of imprisonment. The requisite procedural rights were the very basic that the law required so that an offender was able to make meaningful representations. On the other hand, there was no need for the claimant's presence or for oral representations and no requirement for the licence conditions to be fixed by an independent body such as the Parole Board.

Moreover, the impact which such representations could be expected to have would be limited in the situation where the assessment of risks was quintessentially one of judgment. Where offenders were considered to pose a significant risk of real harm to the public, the restrictions liable to be imposed were likely to be severe and strictly applied. Cranston J found in the case of this prisoner, whatever objections he may have raised to the additional conditions would be "substantially discounted":

The reality was that this claimant had committed terrorist offences. He refused to engage in rehabilitative work in prison. Nor would he accept responsibility for his offending. His [Offender Assessment System], which had been given to him, were that he posed a high risk of harm in the community. Obviously he would be subject to the most stringent additional conditions in his licence. With this as background, and the security problems in the hostel where he would live, the electronic tag was in my view an obviously proportionate response. The imposition of the conditions was not set in stone. The licence conditions were varied over time. In the claimant's circumstances, the procedural requirements were satisfactorily met.

Report on an Unannounced Inspection of HMP Coldingley

Inspection 2/12 April by HMCIP, report compiled June 2013, published 14/08/13

Inspectors were concerned to find:

- accommodation was in a poor condition, made worse by the continued use of the degrading 'night san system', controlling prisoner access to toilets at night through a call, queuing and computerised unlock arrangements;
- the staff-prisoner relationships inspectors observed were reasonable, although many prisoners suggested they could and should be improved;
- diversity work in general was very poor;
- the cleanliness of the kitchen was unacceptable;
- some prisoners doing highly skilled work were unable to obtain qualifications that could have helped them find work on release, which was a missed opportunity;
- attendance at education was often poor, teaching variable and individual planning weak.
- Inspectors made 106 recommendations

Prisoners: Children

Lord Wills to ask Her Majesty's Government what estimate they have made of the number of children in England and Wales who have one or two parents in prison.[HL2037]

Lord Popat: Information on the number of children with parents in prison is not routinely collected. However, it is estimated that 93,000 children had a parent in prison at the end of June 2009. Over the entire year (2009), it is estimated that 200,000 children experienced the imprisonment of at least one parent at some point. This estimate is based on the number of individuals in prison in 2009 and the average number of children (1.1 children each) reported by prisoners in a large representative survey (Surveying Prisoner Crime Reduction - SPCR - a survey of prisoners sentenced to between one month and four years in England and Wales in 2005 and 2006).

Lord Wills to ask Her Majesty's Government what estimate they have made of the number of prisoners in England and Wales who had one or two parents in prison.[HL2038]

Lord Popat: Prisoners are not routinely asked whether their parents were imprisoned. However, SPCR found that 37% of prisoners reported having family members who had been convicted of a non-motoring criminal offence, of whom 84% had been in prison, a young offenders' institution or borstal. Most of these convicted family members were male (in 56% of the cases that person was their brother or step-brother and 35% their father or step-father).

Lord Wills to ask Her Majesty's Government what measures they are taking to support children in England and Wales who have one or two parents in prison.[HL2039]

Lord Popat: We know from the evidence that supporting prisoners' children and families is important for two reasons: It can help reduce reoffending; and help reduce the likelihood of intergenerational offending by addressing the poor outcomes faced by children of offenders.

I have referred to the numbers of children affected by parental imprisonment in my preceding answer. Research tells us that children with parents in prison are more vulnerable than other children. They are more likely to become offenders themselves, 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.

The importance of supporting offenders' families is reflected both in strategic objectives and operational instructions: The National Offender Management Service (NOMS) Commissioning Intentions for 2013/14 set out the Agency's assessment of service need and demand and intended priorities for services, sets an expectation on Prisons and Probation to maintain investment and work with Local Authority partners to support offenders families.

Prison Service Instructions on Rehabilitation outline expectations on Prisons to: help staff recognise 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 referral of prisoners to services; and to reflect the involvement of families in the Offender Management process.

Minimum standards on how Prisons support family visitors include: visiting times which maximise opportunities for prisoners and families to meet; ensuring opportunities for reasonable physical contact; facilities for children to play whilst visiting; decent, indoor facilities with toilets and baby changing facilities. NOMS encourages additional activities such as: enhanced children's play facilities; family support worker services; family days and child centred visits; homework clubs: use of Release On Temporary Licence as part of the plans for resettlement renewing family ties; and delivery of relationship and parenting skills enhancement programmes.

Following a successful pilot, NOMS has let a national framework contract for family

engagement workers. Prisons can call off a service tailored to local circumstances. NOMS is working with The Department for Business, Innovation and Skills to improve the commissioning of parenting and relationship skills programmes for offenders through better targeting of offender and family need and partnership approaches.

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 this work. This involves taking a partnership approach to whole family support.

The Troubled Families Programme in England, the Welsh Government's Families First programme and their Integrated Family Support Service are important initiatives for NOMS. Many members of the families involved with these programmes will either be in the criminal justice system already or be at risk of entering the system. Intervening positively in the lives of these families has the potential to reduce the impact on demand for criminal justice services.

The MoJ has provided a substantial funding contribution to the Programme and has been closely involved with CLG and other Government departments in ongoing development of the rum me and ensuring that frontline justice sector workers are fully engaged, many of whom will already have considerable knowledge and experience of working with troubled families. Officials in NOMS are working with the Department for Education to launch a new contracted online and telephone service in September. This will provide an innovative, national knowledge and advice centre to support commissioners of services and professionals working with families of offenders, including prisons, Probation Trusts, Youth Offending Teams, local authorities and voluntary organisations.

Finally, as part of Transforming Rehabilitation: A Strategy for Reform, we are putting in place an unprecedented nationwide 'through the prison gate' resettlement service, meaning most offenders are given continuous support by one provider from custody into the community. We will support this by ensuring that most offenders are held in a prison designated to their area for at least three months before release. This should provide both better opportunities to support contact with families and links with local partners and providers of support services. In custody, providers will offer a resettlement service for all offenders in custody before their release. This may include family support where it is needed.

Abused Girls can be to Blame, Suggests Eddy Shah *Lin Jenkins, The Observer, 10/08/13*

Former newspaper boss Eddy Shah, who was cleared last month of raping a schoolgirl in the 1990s, has said underage girls who engage in consensual sex must take blame for the abuse they suffer. Shah,69, described charges of rape relating to girls under 16 who "threw themselves" at celebrities as "a technical thing". He also claimed that Scotland Yard's investigation into allegations of sexual abuse by Jimmy Savile and other television stars is developing into a "witch hunt".

Interviewed on BBC Radio 5 Live, Shah, who was found not guilty of raping a girl at upmarket London hotels when she was between 12 and 15, said: "Rape was a technical thing - below a certain age. But these girls were going out with pop groups and becoming groupies and throwing themselves at them. Young girls and young men have always wanted a bit of excitement. They want to appear adult and do adult things."

Asked if this meant the underage victims were at fault, he said: "If we're talking about girls who just go out and have a good time, then they are to blame. If we talk about people who go out and actually get 'raped' raped, then I feel no - and everything should be done against that."

Shah, who founded the Today newspaper in 1986, was asked if he thought the Operation

a misconduct hearing. PC Jenkins was then dismissed. In October 2011, PC Jenkins appealed against his dismissal and a Police Appeal Panel reinstated him on 23 April 2012. The panel was critical of the way the disciplinary process had been applied to PC Jenkins.

IPCC Commissioner for Wales Tom Davies said: "Any officer having sex on duty is unacceptable behaviour that falls well below what is expected of all police officers. Those who carry firearms are rightly subject to the highest standards of training, procedures and discipline. The manner in which this complaint was originally handled by Gwent Police is unacceptable and their attempts to 'fast-track' the complaint and deal with it outside the formal regulations are not good enough. I note and accept the reinstatement of this on-duty firearms officer on the basis stated by the Police Appeals Panel. The Panel also found two errors in the disciplinary process and, with Gwent Police, have ensured that no such procedural error will be repeated. Further I have been reassured by Gwent Police that, after a careful audit, no similar errors were made in other cases to prevent full disciplinary processes being followed.

Imposing Strict Conditions on Release of Terrorist Offender did not Breach Article 8

Tabbakh, R (on the application of) v Staffordshire and West Midlands Probation Trust and others [2013] EWHC 2492 (Admin)

The claimant, a Syrian national, was serving the non-custodial part of a seven year sentence imposed for an offence of preparing a terrorist act. He was released automatically on licence on 23 June 2011, having served half his sentence. He took proceedings for judicial review contending that he had had no meaningful opportunity to participate in the process when his licence conditions were determined and that this constituted a breach of the procedural guarantees under Article 8 of the European Convention on Human Rights.

Whilst the claimant was in prison he had been allocated an offender manager who completed a risk assessment, which stated that he posed a high risk in the community which was likely to be greatest if he was released without stringent supervision. The panel responsible for determining those conditions considered that the licence conditions it agreed were necessary and proportionate to the level of risk of serious harm which the claimant posed. The claimant objected to the licence conditions, namely residence in a probation hostel in Birmingham; electronic tagging; and reporting at 11am and 3pm every day, in addition to a curfew from 7pm to 7am. It was the claimant's case that these conditions prevented him from accessing his preferred treatment for his post traumatic stress disorder, which was available in London but not in Birmingham. In the intervening period those conditions were either removed or varied.

Although he dropped his specific objections to the conditions, the claimant submitted that he had had no meaningful opportunity to participate in the decision-making process, namely the meetings when his licence conditions were determined and that that constituted a breach of the procedural guarantees under Article 8. - The application was dismissed.

Reasoning behind the judgment: The concept of private life in Article 8 has been given a broad interpretation to cover the physical and psychological integrity of a person and to protect the right to personal development and to establish and develop relationships with others: Pretty v United Kingdom (2002) 35 EHRR 1 and R (Wood) v Commissioner of Police of the Metropolis [2009] EWCA Civ 414. Although there was no mention of the procedural rights in Article 8, those rights were therefore implicit in its provisions:

There is clear authority that Article 8 may be engaged in relation to the licence conditions of those serving the non-custodial part of a sentence of imprisonment: for example,

Double Killer Alun Kyte Fails to Cut Jail Term

A man jailed for life for murdering two women has failed in his attempt to reduce the 25-year minimum period he must serve. Former lorry driver Alun Kyte, now 49, was jailed in March 2000 for the murders of Samo Paull and Tracey Turner, who had worked as prostitutes. Their bodies had been found dumped in Leicestershire six years before. A judge sitting at the High Court rejected claims by Kyte, from Stafford, that 25 years was "too long". Mr Justice Cranston ruled that Kyte would not be eligible before the parole board until he had served at least 25 years.

Commission Refers the Convictions Of P to Court Of Appeal

The Criminal Cases Review Commission has referred the sexual assault convictions of P to the Court of Appeal. In 2002 Mr P pleaded not guilty but was convicted of several counts of sexual offences against a child. He was sentenced to a total of 12 years' imprisonment and required to sign the Sex Offender Register for life. P sought to appeal but was unsuccessful. He applied to the Commission in 2009. Having reviewed his case in detail, the Commission has decided to refer Mr P's convictions to the Court of Appeal because it considers that there is a real possibility that the Court will now quash those convictions. The referral is based on new evidence which raises doubts about the reliability of medical evidence heard at trial and on new evidence relating to the reliability and credibility of prosecution witnesses.

IPCC criticises Gwent Police Handling of Firearms Officer who had Sex on Duty

"The finding of the Police Appeals Panel that the gun was never out of PC Jenkins' direct and immediate control because it was in a holster, attached to his trousers, which were attached to him, albeit around his ankles, is surprising. I am also bemused by the panel's conclusion that his conduct did not significantly downgrade the protection to the public because there was nothing to suggest he could not have been back in the police vehicle within a minute or two. These findings can only undermine public confidence in the credibility of the police discipline system."

The Independent Police Complaints Commission has published its investigation report into the way that Gwent Police dealt with a complaint about a firearms officer who had sex on duty. The officer was eventually dismissed from the force but re-instated after he appealed to the Police Appeals Panel. The force's head of professional standards was also disciplined and removed from his role for the way this case was dealt with.

On 10 April 2010, PC Shaun Jenkins was on armed patrol duties in the Caerphilly local police unit area with a colleague when they stopped for a woman PC Jenkins knew. They gave her a lift in the armed response vehicle to a house the officer owned in that area. It was here that PC Jenkins and the woman had consensual sex.

The matter came to the attention of Gwent Police after the woman's husband made a complaint about PC Jenkins' conduct while he was on duty. The force initially decided this was not a dismissible offence. A report was then sent to both the complainant and the IPCC. The report did not mention that these were on-duty firearms officers.

The force went on to breach the complainant's rights by finalising the disciplinary process before he could exercise his right of appeal to the IPCC and gave PC Jenkins a final written warning. The firearms officer who had waited in the police vehicle for about 40 minutes was also disciplined by the force. However in January 2011, the complainant appealed to the IPCC who upheld the appeal and decided that the seriousness of PC Jenkins' actions meant it should have been regarded as gross misconduct. The IPCC directed Gwent Police to hold

Yewtree investigation into Savile and others is in danger of becoming a witch hunt. "I think it's developing into that - it's easy policing and it's easy prosecutions. It's based on emotion most of it," he said. "In a civilised society there's got to be more checks and balances before these sort of accusations are used. It's great headlines in papers. And it's emotional stuff and the emotion always falls on the side of the person who is supposed to have been raped."

Shah said he had been helping a "very well-known person" charged by Operation Yewtree investigators deal with the "horrible, horrible feeling" of "emptiness about everything" that he had experienced when he was accused of rape. He also revealed that he had suicidal thoughts during his trial. "Every night I worked out different ways of committing suicide to help me go to sleep, actually," he said. "I was very low, the only time I was lower than that in my life was when we were told (Shah's wife) Jennifer had three months to live all those years ago. You cannot describe the depths you go to."

Police: Covert Operations

Lord Warner to ask Her Majesty's Government 1. what procedures are in place within police forces for the authorisation of the use of dead children's identities for the purposes of covert police operations; 2.at what level within a police force authorisation of such actions has to be made. 3. Whether at any time Home Office agreement has been sought to the use of dead children's identities for the purposes of covert police operations. 4. Whether they have identified any police forces, apart from the Metropolitan Police Service, which have used the identities of dead children for the purposes of covert police operations.[HL1835]

Lord Taylor of Holbeach: Senior police officers have made clear, including to the Home Affairs Select Committee, that this is not a practice that currently takes place in forces and, furthermore, that it would not be permitted under the regulatory system that is now in place. There is no evidence that authority for such practices was ever sought from the Home Office. Chief Constable Mick Creedon, who leads Operation Herne, published an interim report on the use of deceased children's identities on 16 July 2013. In it he indicated that his team has not yet researched covert policing tactics in forces beyond the Metropolitan Police. However, as the routine use of undercover policing developed in parallel to the work of the Metropolitan Police Service's Special Demonstration Squad, Mr Creedon has also suggested that it is highly possible that the use of details of deceased children was more widely practised.

Lord Warner to ask Her Majesty's Government, in the light of the recent public apology by the Commissioner of the Metropolitan Police Service for the use of dead children's identities for covert police operations, whether they will consider (1) referring those actions to the Director of Public Prosecutions for consideration of possible prosecutions, and (2) asking the Commissioner whether individual parents of those children will be informed of the conduct of the Metropolitan Police.

Lord Taylor of Holbeach: Operation Herne, which is investigating this issue, is led by Chief Constable Mick Creedon. It is for Chief Constable Creedon to judge whether there is sufficient evidence to make referrals to the Director of Public Prosecutions. An interim report on the use of deceased children's identities was published by Operation Herne on 16 July 2013. This indicated that independent legal advice had been sought through the Crown Prosecution Service about whether an offence had been committed. That advice concluded that "it is unlikely that the dishonesty necessary to make out an offence would be present". The Operation Herne report recognised the strong case in favour of informing families, but there is also a strong case for protecting volunteer undercover officers who have done nothing wrong other than following established instructions

on how to establish their undercover identity. The decision has been taken by the police not to inform individual families and the Government do not plan to ask for that decision to be changed.

Lord Warner to ask Her Majesty's Government whether HM Passport Office has been involved at any time in the creation of false identities for police officers from the identities of dead children. *Lord Taylor of Holbeach:* Her Majesty's Passport Office has no record of having been involved in the creation of false identities for police officers from the identities of dead children.

Gang Foiled as They Fling Drugs and Mobiles to Inmates Over Prison Wall

Criminals used a giant catapult to fire contraband over a prison wall to inmates inside. The gang attached a huge elastic sling to an eight foot tall metal frame with the intention of shooting packages of drugs and mobile phones into the jail. But they were caught by prison officers who spotted them acting suspiciously in a wood near the perimeter fence. When officers went to investigate, the men fled, leaving the giant catapult behind. One parcel had made it over the fence but was seized inside the jail. Three others, containing drugs, mobile phones and other banned goods were found near the catapult. Prison security officers at other jails have now been warned that criminals may use similar tactics elsewhere. The catapult alert was sounded at an unnamed prison in the Midlands. Prison officers believe the criminals first used potatoes to test fire the weapon. They adjusted the trajectory and distance to try to land in a target area inside the jail. *DailyMail, 12/08/13*

Police: Undercover Policing

Lord Ouseley to ask Her Majesty's Government, further to the Written Answer by Lord Taylor of Holbeach on 17 July (WA 149–50), whether the allegations concerning Mohammed Amran in Bradford and Charles Critchlow in Manchester will also be investigated by Chief Constable Mick Creedon as part of Operation Herne, or whether that investigation will be limited to undercover deployment by the Metropolitan Police Service.

Lord Taylor of Holbeach: These allegations are not being investigated by Operation Herne. They were referred by West Yorkshire Police and Greater Manchester Police to the IPCC). The IPCC announced on 26 July that they will investigate the referral by West Yorkshire Police but, owing to there being no evidence of misconduct in the Greater Manchester Police referral, they are remitting this allegation back to the force.

Exclusive: Revealed - The Violent Men Cleared By Police *Brian Brady, Indepenent, 11/08/13*

Prosecutors and inner-city police forces were condemned yesterday for their "shocking" lack of action against suspects who were later arrested and charged. The decision of 15 major UK police forces to take no further action (NFA) against almost 3,000 people arrested and charged with crimes related to domestic violence soon after police and prosecutors had investigated them for similar offences raised questions about authorities' awareness of the "pattern of controlling and coercive behaviour" associated with domestic abuse. The true total of missed opportunities to prevent violent crimes could be much higher, as almost 30 more police forces claimed they did not keep information on NFAs – or said that it was too expensive to collate.

The revelations follow a series of high-profile cases in which police were criticised for failing to respond sufficiently to appeals for help from women who were later killed or seriously injured by ex-partners. They include Clare Wood, 36, who was strangled and set on fire by an ex-boyfriend despite her complaints to Greater Manchester Police. Jeanette Goodwin told Essex Police five times about her fears of a jealous ex-lover before she was stabbed in 2011. The same force was said to have

Regina v Turbill & Broadway - Convictions Quashed - Retrial Ordered

Four members of staff at a care home in Bromsgrove were charged with wilfully neglecting one of their residents, contrary to section 4 of the Mental Capacity Act 2005.

Where a defendant who had the care of someone who lacked capacity was charged with an offence of wilful neglect it was necessary for the prosecution to prove that the negligence was wilful in that either the defendant was aware of the consequences of the negligence or could not care less as to the consequences.

The Court of Appeal, Criminal Division, so held when allowing the appeals of Maxine Turbill and Gail Julie Broadway against their convictions on 17 November 2011 at Worcester Crown Court before Judge Juckes QC and a jury, of ill-treatment of a person who lacked capacity, contrary to section 44 of the Mental Capacity Act 2005.

The Mental Capacity Act 2005 provides: "44. Ill-treatment or neglect (1) Subsection (2) applies if a person ("D") — (a) has the care of a person ("P") who lacks, or whom D reasonably believes to lack, capacity, (2) D is guilty of an offence if he ill-treats or wilfully neglects P."

Hallett LJ, giving the judgment of the court, said that the defendants had been working in a care home. The second defendant, the lead carer, asked another carer to put an elderly man (M) to bed one evening. Later in the evening the first defendant arrived but she did not check on M at all during the night although her notes recorded that he had slept well. At 8 a m another carer found M on the floor beside his bed; he had soiled himself and was in pain and his condition suggested that he had never been put to bed.

The defendants were each convicted of wilfully neglecting M. The defendants appealed against conviction on the grounds that the judge's directions to the jury had not made sufficiently clear what elements of the offence under section 44 of the 2005 amounted to wilful neglect. The case was not one where any set decision was taken to neglect M. The judge directed the jury that M was obviously neglected but the question was whether that neglect was wilful, i e, either deliberate or gross carelessness—what the prosecution called a "couldn't care less attitude".

The judge used the expression "reckless disregard" repeatedly. In R v Sheppard [1981] AC 394 the expression wilful neglect was considered in the context of an offence under section 1 of the Children and Young Persons Act 1933. Lord Keith of Kinkel said, at p 418: "[Wilful] is a word which ordinarily carries a pejorative sense. …The primary meaning of 'wilful' is 'deliberate.' …As a matter of general principle, recklessness is to be equiparated with deliberation.

A parent who fails to provide medical care which his child needs because he does not care whether it is needed or not is reckless of his child's welfare. He too is guilty of an offence. But a parent who has genuinely failed to appreciate that his child needs medical care, through personal inadequacy or stupidity or both, is not guilty."

Their Lordships were concerned that the judge's directions appeared to equate negligence with ill-treatment but negligence was not enough; the negligence had to be wilful and therefore the prosecution had to prove either that each defendant was aware of the consequences of negligence or could not care less as to the consequences.

It was that additional subjective element which was missing from the judge's directions. The judge had used the term "carelessness" as it if meant the same as "couldn't care less". There were therefore very grave concerns that the way the judge had used various expressions to describe the offence had watered down his directions. The case cried out for succinct written directions prepared in advance. There was no option but to allow the appeal, quash the conviction and order a retrial

block on which to build a whole different structure.

The bottom tier of the judiciary, England and Wales's 23,000 volunteer magistrates, are part of the communities they serve. And while they are not very representative of them – most are over 60, almost all are white, very few are disabled and all are in the unusual position of being able to devote an average of a day a fortnight to the work – they know from first-hand experience that sending a shoplifter with a drug habit to prison is at best only a short-term answer. They see the hardened criminals before they become hardened, and they are enthusiasts for alternative solutions, like the problem-solving courts that some cities are experimenting with, or alternatives to custody, like intensive rehabilitation. What they can't access is a long-term commitment to the funds to set up such programmes and make them work so they can be properly assessed. Magistrates have to consider punishment, protection of society, prevention, reparation and rehabilitation when they sentence. Sending someone to prison isn't a necessary precondition for any of them.

Hundreds Mourn Tasered Miami Graffiti Artist

Hundreds of friends and supporters of an 18-year-old graffiti artist who died after being shocked by a stun gun during a police chase in Miami Beach gathered on Saturday in a tearful rally at the site where he had been spray-painting. Colombian-born Israel Hernandez-Llach died on Tuesday 6th August 2013 after police shocked him with a Taser as he ran away from officers who caught him spray-painting the wall of a shuttered McDonald's. "He was a genius," said Lucy Rynka, 18, who graduated from Miami Beach Senior High School with Hernandez-Llach last spring. "He showed me how powerful art can be, how you can use color and design to relay a powerful message."

Miami Beach Police Chief Raymond Martinez has said that Hernandez-Llach was confronted by officers after vandalizing private property and ignored their commands to stop running. Once in custody, Hernandez showed signs of medical distress and was pronounced dead soon after, Martinez said. A formal cause of death has not been established in the case pending toxicology results.

The Florida Department of Law Enforcement said on Friday it would conduct an independent review of the Miami Beach Police Department's investigation into the death of Hernandez-Llach, who was known as "Reefa" and whose work had appeared in some Miami art galleries. Florida's state attorney and the medical examiner for Miami-Dade County are also reviewing the case, officials said.

During the peaceful rally attended by around 400 people, some in the crowd booed and whistled at police officers standing nearby and shouted, "Whose streets? Our streets!" The teen's father, Israel Hernandez-Bandera has called his son's death "an act of barbarism" and an "assassination of a young artist and photographer." Jason W. Kreiss, an attorney representing the family, said Hernandez-Llach would likely not have been prosecuted over the spray-painting and would have probably faced a punishment of community service. At the Saturday rally, the wall where Hernandez-Llach spray-painted was covered with his nickname and messages. "The only thing I want everyone to remember is his goal was to have his art around the world," said Vivian Azalia, 18, told the crowd while fighting back tears. "I know he'd be happy with the support that's come from around the world and from the graffiti community."

Miami Beach police has come under scrutiny in recent years for a series of shootings and improper conduct, including the death of a 22-year-old man who was shot 16 times by police two years ago during a Memorial Day weekend hip-hop festival.

taken "inadequate action" last year to arrest David Oakes before he shot his former partner, Christine Chambers, and their two-year-old daughter at their home in Braintree.

Campaigners claim the latest figures raise serious concerns over the priority given to allegations of domestic violence, and the use of the NFA categorisation by police and the Crown Prosecution Service (CPS) to resolve complaints. Polly Neate, chief executive of the charity Women's Aid, said abused women call the police an average of three times about domestic violence before officers take any further action against the perpetrator. She added: "If the police do not take action the first time, then the woman will either come back with subsequent reports or not bother reporting at all when it happens the next time because she does not believe that the police are going to do anything." The shadow Cabinet Office minister, Gareth Thomas, said: "Even with the Government's long-term cuts, police and prosecutors need to give domestic violence far more priority than they are doing now."

Figures from the Metropolitan Police alone reveal that, between 2006 and 2012, 866 domestic violence suspects who had been dealt with via NFA were subsequently arrested and charged for similar offences. The catalogue of 1,058 alleged crimes included one murder, seven rapes and multiple assaults, burglaries and allegations of harassment. Thames Valley Police reported that in the past eight years, 1,372 suspects who had escaped further action over allegations of domestic violence were subsequently charged for similar offences, including rape, attempted murder, arson, threats to kill and 533 counts of assault occasioning actual bodily harm.

The number of domestic violence cases resolved via NFA fell from 27,000 in 2010 to 23,500 last year, but that was still higher than the 20,475 recorded five years ago. Police are under instructions to take no further action in a case only when "it has been thoroughly investigated and there is insufficient evidence to justify charge".

The shadow Attorney General, Emily Thornberry, said she was concerned that "opportunities were being missed to put violent partners behind bars". She said: "The Government needs to ensure the police and CPS work together at the first opportunity to build these cases and pilot them through the criminal justice system as quickly as possible. The longer these cases take, the more likely victims are to lose heart."

A spokeswoman for the Attorney General's office said: "Improving prosecutions and support for victims in violence against women and girls cases is a priority for the CPS. The CPS keeps under review its performance in this area and the Attorney has regular meetings with the Director of Public Prosecutions in which they discuss issues in relation to the effective prosecution of such cases." The CPS said domestic violence was a priority for the organisation, which last year achieved a record conviction rate for the second year running. A spokeswoman added: "Domestic violence cases are often complex and, to bring charges against a suspect, there must be sufficient evidence for a realistic prospect of conviction. The CPS continues to work closely with the police to further improve our approach." *Additional reporting by Kashmira Gander*

Has 'Fight Racism, Fight Imperialism' Been Banned in Your Prison

FRFI have received a number of complaints from Prisoners in particular those in HMP Full Sutton, that their August/September Issue 224 copy of 'Fight Racism, Fight Imperialism', has been withheld, no reason given. There is nothing mentioning that prison in the paper and other high security prisons (Whitemoor, Belmarsh and Woodhill are all mentioned on the prison or letters page) but no prisoner from those jails, have wrote to say it has been banned. If you received the August/September issue or have had it withheld, please let MOJUK know.

Jimmy Mubenga Coroner Issues Damning Report On Deportation *Matthew Taylor*

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 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."

Law Reform: Courting Justice *Editorial, The Guardian, Wednesday 14 August 2013*

Sending people to prison for crimes of property theft is not the only solution for rehabilitation: Until the 1980s, it was possible to send someone caught begging, or soliciting, to prison. No one would consider that a sensible option now. So, challenges Oxford's Vinerian professor of English law, Andrew Ashworth, imagine no one could be imprisoned for theft or fraud, or any property offence unless it involved violence or the threat of it, or a particularly vulnerable victim, however many times the offence had been committed. He believes we've grown too casual about what losing one's liberty entails, and too confident that it is solving a problem rather than shelving it. He wants us to recalibrate our understanding of harm and distinguish between the harm of the loss of property and the harm of a crime of violence. Depriving people of their freedom for theft or fraud is disproportionate. Better to keep such offenders in the community, impose a tough non-custodial sentence and ensure compensation, and where possible to tackle the underlying cause of the behaviour. That would be both proportionate and – since, at the moment, half of the 6,000 such offenders who are sent to prison every year offend again – more efficient.

It is 20 years since the then home secretary Michael Howard declared that prison works. The prison population is now double what it was then, and crime is down by a remarkable 45%. But analysis of the relationship between the two figures shows that one did not cause the other. Yet sending people down more and for longer would top any list of most populist policies. Turning that round will not be easy: on Wednesday Damian Green, the criminal justice minister, encouraged magistrates to be bolder about sending offenders to prison for longer. Yet magistrates could be the building