

criminal past and I'm so sorry to those I hurt during that time."

Police Abandon Challenge To Stop-And-Search Ruling

Irish News 07/09/10

Police have abandoned a planned Supreme court challenge to a ruling that stop, search and question operations involving a former IRA hunger striker and a brother-in-law of Martin McGuinness were unlawful. Senior judges in Belfast have been told an appeal by the chief constable and secretary of state in the cases of Bernard Fox and Marvin Canning was no longer being pursued. Both men are now to press ahead with claims for damages against the PSNI, with Mr Canning's lawyer disclosing he has been stopped more than 100 times. Earlier this year the court of Appeal held there was a lack of adequate safeguards against potential abuse of the system used under the Justice and Security (Northern Ireland) Act 2007. Mr Canning, from Derry, said the stop and question powers were incompatible with his right to privacy under European law.

Jury Hears, Killer Convict Strangled By Fellow Prisoners

A convicted killer was tied up and strangled in his cell by two fellow prisoners who were also serving life sentences for murder, a jury has heard. Gary Smith and Lee Newell made themselves a cup of hot chocolate after using a pair of tracksuit bottoms to throttle Subhan Anwar, Warwick crown court was told. Smith, 48, and Newell, 44, both deny murdering Anwar at HMP Long Lartin in Worcestershire on 14 February. Opening the case, Peter Grieves-Smith, for the prosecution, said that Anwar's body was found after Newell told a prison officer: "He's gone, he's with Allah." The prosecution claim that CCTV and DNA evidence would prove both defendants were involved in the killing on Long Lartin's Delta Wing. The trial continues. [Start here . . .](#)

Early Day Motion 495: Prison Closures

That this House condemns the Government's announcement of further prison closures in the next financial year; notes that the closure of HM Prison Blundeston, HM Prison Dorchester, HM Prison Northallerton and HM Prison Reading comes at a time when almost 20,000 prisoners are being held in an overcrowded prison estate; further notes the worrying increase in serious assaults on prisoners and staff due to overcrowding as well as the increase in prisoners sharing cells designed for one inmate; is concerned that the closure of these four local prisons and the creation of a superprison in North Wales will not assist in lowering reoffending and will result in prisoners being hundreds of miles from friends and family who play a huge role in rehabilitation; further notes that 685 prison officer posts will be at risk due to the closures; and therefore calls on the Government to rethink its prison closure plan and allow time for proper consultation and discussion with unions and employers to ensure a safe and fair pro-

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 Cullinane, 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 442 (12/09/2013)

IPCC Investigation Into Death of Olaseni Lewis Ruled to Unlawful and Quashed

Ruling comes as family mark third anniversary of his death on Wednesday 4 September: The High Court has quashed the Independent Police Complaints Commission (IPCC) investigation into the death of Olaseni ('Seni') Lewis, paving the way for a fresh investigation into his death.

Seni Lewis was 23 years old when he died following prolonged restraint at the Bethlem Royal Hospital in South London on 31 August 2010. He was a successful graduate with a degree in IT and plans for further postgraduate study. In August 2010 he was physically well and had no history of mental illness. But within 48 hours of beginning to exhibit uncharacteristically odd and agitated behaviour – and within 18 hours of being brought to hospital – he was all but dead, having collapsed in the course of prolonged restraint involving 11 police officers of the Metropolitan Police Service (MPS). He never regained consciousness, and he was eventually pronounced dead four days later, on 4 September 2010.

From its outset, the original IPCC investigation into the death sought to rule out the possibility that the circumstances might disclose disciplinary or criminal wrongdoing on the part of the officers involved in the fatal restraint. As a result, the relevant officers were treated as mere witnesses rather than the subjects of the investigation: they were not put on notice that their conduct was under investigation, nor were they questioned in interview, under caution or otherwise. In the event, their accounts of the relevant events remained untested, and on that basis the investigation concluded in August 2011 where it had started, i.e. a determination that the circumstances of the death did not disclose any disciplinary or criminal wrongdoing on the part of any officer.

Throughout that original investigation and upon its conclusion, the approach adopted by the IPCC was the subject of consistent and critical challenge by and on behalf of the family of Seni Lewis.

Eventually, the IPCC was compelled to admit that its approach had indeed been fundamentally flawed, and that it had failed to carry out an effective investigation. In that light, an application for judicial review brought by Seni's family in respect of the original investigation resulted in a ruling by the High Court on 23 August 2013 that the investigation had indeed been unlawful, and that the IPCC was required to undertake a re-investigation on a proper footing in accordance with its obligations under Article 2 of the European Convention of Human Rights.

Seni's mother, Ajibola Lewis, said: "We are relieved that the way has finally been cleared for a proper investigation into Seni's death, even if it comes three years late. We have had to tread a long and tortuous path to get here, which would have been altogether unnecessary if the IPCC and the MPS had been willing to fulfil their responsibilities under the law. As it is, we find that we have been failed and victimised thrice over: first, by the manner in which Seni was taken from us; second, by the IPCC in their inability or unwillingness to do their job until forced by us to do so; and third, by the Metropolitan Police in their reluctance to help the IPCC do that job until compelled to do so by the High Court. We hope that both the IPCC and the Met will now allow light to shine upon the truth about Seni's death."

Deborah Coles, co-director of INQUEST said: "This is obviously welcome news for Seni's family who have been battling tirelessly for a decent and thorough investigation into how Seni came to his death. It is beyond comprehension that this family is back to square one, three years after he died.

"That the IPCC supported this JR is welcome recognition of its own significant failings in the approach and conduct of an investigation. It is vital that the new investigation is conducted rigorously and robustly and that any wrongdoing is identified and dealt with appropriately. We can only hope that the IPCC has learned from this whole sorry experience so that no other family will ever have to go through this again."

Raju Bhatt, solicitor for Seni's family, said: "This outcome is a full vindication of the insistence of Seni's family that the IPCC should be compelled to do the right thing by Seni. They look now to the IPCC to do what should have been done three years ago, at the outset upon Seni's death, so that there is at long last a proper and effective investigation, with the benefit of rigorous questioning of the relevant officers under caution, leading to a fresh consideration of the question as to whether criminal proceedings should be brought against any officer in relation to Seni's death."

INQUEST has been working with the family of Olaseni Lewis since his death in September 2010. The family is represented by INQUEST Lawyers Group members Raju Bhatt and Sophie Naftalin from Bhatt Murphy Solicitors. *By: "Hannah Ward" hannahward@inquest.org.uk*

Well everyone is entitled to have their case reviewed by the CCRC, if they have been wrongly convicted. But have the CCRC got their priorities right, Ms. Clemo, never did any prison time, yet gets her day at the Court of Appeal. I am pretty sure that thousands of wrongfully sentenced prisoners, who can't even get the attention of the CCRC, will be chewing their mattresses at this one!

CCRC Refer Forgery Conviction Of Gillian Clemo To Court Of Appeal

The Criminal Cases Review Commission has referred the forgery conviction of Gillian Clemo to the Court of Appeal. Following a retrial, Ms Clemo was convicted in May 2011 at Newport Crown Court of Using a False Instrument with Intent, contrary to section 3 of the Forgery and Counterfeiting Act 1981. Ms Clemo was sentenced to a £1,000 fine with £7,500 prosecution costs and £15 Victim Impact Surcharge. The charges related to the alleged forging of a will. Ms Clemo sought to appeal against the conviction in January 2012, but the application for leave to appeal was dismissed. Having considered the case in detail, the Commission has decided to refer Ms Clemo's conviction to the Court of Appeal. The referral is made on the basis of new evidence, including new handwriting evidence and the discovery of another complete copy of the will in question, raises a real possibility that the Court of Appeal will now quash Ms Clemo's conviction. Ms Clemo is represented by Corker Binning 12, Devereux Court, Strand, London, WC2R 3JJ.

Craigavon Two Suitable Scapegoats In Wake Of Killing Backlash

Campaigners claim miscarriage of justice ahead of appeal against conviction for murder of police officer in Northern Ireland *Duncan Campbell, theguardian.com, Wednesday 4 September 2013*

An appeal by two men convicted of the murder in 2009 of a police officer in Northern Ireland is scheduled for October. Supporters, including one of the Guildford Four, say the so-called Craigavon Two are victims of a miscarriage of justice. Stephen Carroll, a constable with the Police Service of Northern Ireland, was shot dead in Craigavon, in County Armagh, in 2009 as he responded to a 999 call. He was the first police officer in Northern Ireland to be murdered after the Good Friday agreement. His death caused deep disquiet on both sides of the political divide. In 2012, two republicans, Brendan McConville and John Paul Wootton, were found guilty of his murder and jailed for life.

At the pair's appeal, it will be claimed that the main witness against them, a man known only

Claimant would submit) than its predecessor. If the Director of Asset Recovery is instructed and section 37 of POCA 2002 applies then it would appear that interest continues to run throughout the term of both the original and default term of imprisonment and there is no cut-off so far as interest is concerned at the point of imposition of the default term. This, on my analysis is as a consequence of the exclusion of section 79(2) MCA 1980 from the process. I accept that counsel for the Defendant did not say that the Defendant interpreted the current legislation in this way as it would appear the Defendant may still be allowing a cut-off of the accrual of interest up to the imposition of the default sentence. It is however a logical reading of the provisions once it is accepted that interest runs under section 12(4). The Claimant contends that Parliament cannot have intended section 37 to be more unfair than its predecessor without publicising such an intention but that is to assume that all adverse consequences of legislation are intended. Often unintended consequences arise which do not become evident until the issue is raised because someone is prejudiced. Parliament can then decide whether the consequence is acceptable or whether it needs to be changed. This may be such a situation.

The final reason that I prefer the Defendant's interpretation of this legislation is that it accords with previous authority namely the Divisional Court decision in *Hansford v Southampton Magistrates Court*. Whilst it is correct that the point was not fully argued before the court I accept the proposition that Lord Justice Dyson was unlikely to opine as he did in paragraph 27 of the Judgement that "the liability to serve a custodial term in default of payment will increase by the amount of any unpaid interest" if he did not genuinely believe that to be the case.'

Convict Had Sex Change Surgery on the NHS While In Jail

Mirror, 22 Aug 2013

A former burglar who was given a £20,000 sex change operation on the NHS in prison says she deserved her free treatment - and accused the health service of wasting money treating cancer patients. Jasmine Goode, who was previously a man called Darren, was part-way through an 11 year sentence for burglary when she began the treatment to turn her into a woman. She is now out of jail and defending her free treatment, telling *The Sun* "it was not wrong that I was given help". She said: "I had gender dysphoria - a condition that made me feel like I'd been born in the wrong body. The NHS wastes money helping people with cancer, often smokers, even though their condition is terminal and they are going to die, whereas I've got lots of years left to live." The 37-year-old said that being transgender was just as life threatening as cancer, with a high level of suicide among the transgender community. She also said she would be costing tax payers even more money if the NHS had refused to treat her - because she would be unable to work and be on benefits.

Jasmine, from North Wales, was born "intersex", with both male and female genitals. Despite initially being raised as a girl called Sarah-Jane, she became Darren at the age of eight. She claims she turned to a life of crime because of her body issues, and that breaking the law made her feel more macho. Darren was 18 when he first went to prison for burglary, and was in and out of prison throughout the 1990s. In 2006 he was sent down for 11 years for a series of burglaries, and it was three months into his sentence that he told prison staff he wanted to become Jasmine.

Darren applied for NHS cash to fund gender reassignment treatment. He was given hormone tablets to make his breasts grow, and six months later the NHS gave him £18,000, some of which went towards hair removal treatment. He then had a further £2,000 for surgery to complete the sex change, although Jasmine funded a boob job herself. She told *The Sun*: "People might be angry, but I had a condition that needed treating. I feel awful about my

Living conditions were generally good, although individual accommodation was small. The prison was clean and prisoners were able to maintain decent levels of hygiene. Relationships were generally respectful and most prisoners had someone on the staff they could approach for help if needed.

Work to promote diversity was generally effective, but despite this the significant black and minority ethnic population expressed more negative perceptions in our survey across a range of issues. The prison had already done some good work to investigate these concerns but needed to redouble efforts to understand these negative views.

Outcomes in health care were reasonable, but the arrangements for ordering and collection of medications were a concern. Some prisoners waited for days before getting their medications, often being turned away without treatment for what were sometimes serious conditions.

Purposeful activity was the weakest area overall and in need of improvement. Time out of cell was reasonable, and association and outside exercise were rarely cancelled or curtailed. However, the leadership and management of learning and skills needed to be improved. Standards were not being improved, and too much teaching and learning was just adequate. This affected, in particular, the less able or less motivated prisoners. There were insufficient activity places for the population and too many prisoners had not enough to do with their time. Nevertheless, there was good use of the places that were available and some positive outcomes were achieved. There was an appropriate focus on prisoners' future employability, but limited life skills support for a population that needed it.

Resettlement work continued to be strong, although the strategy required an update in line with a recently completed needs analysis. Offender management and resettlement work was properly integrated and case management seemed reasonable, but there was a large backlog of offender assessments that, importantly, addressed risk. Much better oversight and case supervision was also needed for the offender supervisors (officers) who were managing many high risk-of-harm sex offender cases. Public protection arrangements, reassuringly, were very good. Most support for resettlement was also good, aided by an excellent resettlement drop-in centre. The limited number of offending behaviour programmes meant delays for some prisoners in addressing sentence planning targets, but there had been some good early work with prisoners in denial of their offending behaviour. Bure benefits from having a clear purpose, holding and treating sex offenders. As a group these prisoners are generally cooperative and easier to manage in a custodial context. The main challenge the prison faces is in ensuring its treatment of these men helps reduce risk as many prepare for release. Much of what has been achieved at Bure in its early years of operation is very good. However, prisoners need to be occupied more fully, and incremental improvements are required to ensure offender management is operating to the highest standards.

Gibson, R (on the application of) v Secretary of State for Justice

The principal issue in this case is whether, in the case of confiscation orders, the words "at the time the period of detention was imposed" in section 79(2) of the Magistrates Courts Act ("MCA 1980") 1980 mean: (i) The time when the period to be served in default was fixed by the Crown Court Judge (as the Claimant contends), or (ii) The time when the default term was activated by the Magistrates Court (as the Defendant contends)

The answer impacts upon the number of days that an offender is entitled to have remitted against the default term, in this case under the Drug Trafficking Act ("DTA 1994") 1994.

Held: The defendant's contention is to be preferred. The court stated: 'I accept that a consequence of this finding would be that POCA 2002 is even more draconian or unfair (as the

as witness M, is a "compulsive liar". The case has attracted attention because a new defence witness was arrested in April, just before the appeal was originally due to be heard, which led to a postponement until October. "It seems to us there is such a high level of uncertainty as to the factual circumstances surrounding the position that we are faced with having no alternative but to adjourn this appeal," said the lord chief justice, Sir Declan Morgan, in postponing the appeal.

The defence lawyers have argued that the prosecution case was based on circumstantial evidence, mainly from witness M. They claim that he was known as a "Walter Mitty" character and that his evidence cannot be relied on. The defence barrister Barry Macdonald told the earlier appeal court hearing that the prosecution case in the original trial had relied heavily on this evidence in which M claimed to have seen McConville among a group of men close to the scene where Carroll was killed. Macdonald said a new witness had emerged who had made a sworn affidavit in which he described M as a compulsive liar. The barrister alleged that police had arrested this new witness and questioned him before he was released without charge. "It appears to have been an attempt to sabotage the appeal," Macdonald told the court.

A campaign, which has the backing of Gerry Conlon, who was falsely imprisoned for 15 years as a member of the Guildford Four before being released in 1989, argues that the case against McConville and Wootton was "inconclusive, contradictory and in places discredited". Conlon said: "We can't have innocent people going to jail and 15 years down the line them being released, their lives ruined ... I believe a miscarriage of justice took place here on the basis of all the evidence I have read." Campaigners claim the men were victims of a system that "sought to find suitable scapegoats in the wake of the political and media backlash following the killing".

Carroll was not only the first officer to be killed after the Good Friday agreement but his death came shortly after the attack on the Massereene barracks in which two British soldiers were killed. All three killings were widely condemned.

Jailed for Killing Woman 11 Years after Former Barri White wrongly convicted

A man has been given a life sentence for killing a 19-year-old woman, 11 years after her former boyfriend was wrongly jailed for the murder. Shahidul Ahmed, 41, strangled Rachel Manning in Milton Keynes and disposed of her body at a golf course in 2000. He was today convicted of her murder at Luton Crown Court. Mr Ahmed, from Bletchley, was ordered to serve a minimum of 17 years.

Barri White was convicted of her murder in 2002, but five years later this was quashed by appeal judges and he was acquitted in 2008 after a re-trial. Mr White's friend Keith Hyatt, who was cleared of murder but convicted of conspiracy to pervert the course of justice by helping to dispose of the body in 2002, also had his conviction quashed in 2007 after serving a jail sentence. Mr White said he was "over the moon" that justice has now been done. He added that he was "really happy that Rachel's family have finally got justice and the closure they deserve".

Detective Chief Superintendent Rob Mason, of Thames Valley Police said, "What is important about the verdict today is justice for Rachel and her family. I cannot praise Rachel's family enough; they have remained dignified and courageous throughout despite the unimaginable nightmare they have endured. I hope that today will give some comfort to the family after the ordeal they have been through over the past 12 years. "This has been a long and difficult investigation which has resulted in four criminal trials. Both Barri White and Keith Hyatt gave evidence as prosecution witnesses during this trial and I would like to thank them for their assistance in helping secure this conviction."

Father-of-five Ahmed stood trial earlier this year, when a jury failed to reach a verdict. Ahmed, whose DNA was linked to the case following his arrest for a sex attack in 2010, did not give evidence at either trial. The court heard that the former restaurant worker got rid of his car eight days after Miss Manning's death. She had been strangled and her face disfigured with a steering lock, which was found 500m from her body.

Baljit Ubhey, chief Crown Prosecutor for Thames and Chiltern Crown Prosecution Service, said, "This case involved the tragic murder of a young woman more than 12 years ago. Rachel Manning, who was trying to find her way home after a night out, had the misfortune to come across Ahmed." *Nick Renaud-Komiya, Independent, Wednesday 04 September 2013*

We proved Barri White and Keith Hyatt were Innocent' *Mark Daly, BBC News 04/09/13*

More than 12 years ago, the lives of three families were torn apart. The body of Rachel Manning, 19, was found dumped on a Milton Keynes golf course in 2000. In 2002, Barri White was convicted of murder and his friend Keith Hyatt of perverting the course of justice. Both had their convictions quashed in 2007. Six years on restaurant worker Shahidul Ahmed has been found guilty of her murder. The verdict goes some way to repairing the damage, but the emotional wounds caused by the senseless murder of Rachel, and the subsequent miscarriage of justice which followed, will probably never heal.

I first got involved in this case in 2003 when I was a young reporter on the BBC's Rough Justice programme. Alongside the brilliant and dedicated Louise Shorter, we investigated the case for more than two years and produced a film in 2005 which would prove that Barri White and Keith Hyatt had been wrongly imprisoned for this murder. We set about the case with an open-minded vigour that appeared to have been lacking in the initial police investigation.

We knocked on hundreds of doors, chased down endless leads and, crucially, commissioned new DNA and forensic tests which would prove that it was impossible for Barri and Keith to have committed this crime. The prosecution case depended on forensic expert Kenneth Pye. He confidently told the jury in the first trial that it was likely Rachel's body had been transported in Keith's van. But his assertions were based on a series of scientific assumptions which were revealed by Rough Justice to be not just untested, but completely wrong.

Barri White, serving a life sentence for a murder he did not commit, watched the broadcast of the programme from his cell, as did all of his fellow prisoners. As the final credits rolled, the prison erupted in a crescendo of shouts, cheers and pots crashing against bars. But it would be another two-and-a-half painfully slow years before he would set foot outside prison walls.

At the Court of Appeal, Mr Pye's evidence crumbled when challenged by the work of Dr Andrew Moncrieff and Dr Peter Bull, the experts who worked for free for Rough Justice. I heard the words "the convictions are unsafe" ring out in the courtroom and watched Barri and Keith's family break into sobs of relief. And for me, as a journalist, there could be no greater honour - playing a part in two wrongly imprisoned men being cleared. It was then, and still remains the proudest moment of my career. This was the 17th conviction quashed because of investigations by Rough Justice. And it would be the last. The programme was dropped from the BBC schedules after 27 years. I mourn its passing because victims of miscarriages of justice now have fewer places to turn. Barri was forced to undergo a retrial - a formality now that the prosecution evidence had been discredited. He was cleared.

People might have expected Barri and Keith, now completely free men, to go on to live happy and carefree lives, aided by a fat compensation cheque to set them on their path. Well, no actually.

only in a very limited set of circumstances. "Firearms officers get months and months of training and are constantly reassessed and refreshed. A Taser-trained officer gets just three days and at best an annual one-day refresher. With an increasing rollout, that anomaly needs to be rectified. Otherwise, the potential for disaster will grow."

A review to be published soon by the Independent Police Complaints Commission (IPCC) into the use of Tasers is focusing on their use in the drive-stun mode, deployment in confined spaces and use against vulnerable individuals. Deborah Glass, deputy chair of the IPCC, said: "We have specific concerns about some of the ways and circumstances in which [Taser] is used. We have expressed concerns to Acpo about the use of Taser in the drive-stun method." To date, no deaths in the UK have been attributed directly to use of the device.

Jules Carey, a lawyer who represents several clients taking action against the police over Taser use, said: "There is a real concern around training and judgment. The worry is that Tasers may become the default method of restraint rather than being used as nearly lethal force to prevent serious crime."

Report on an Unannounced Inspection of HMP Bure

Inspection 29 April–10 May 2013 by HMCIP, report compiled June 2013, published 04/09/13
HMP Bure opened in late 2009. It specialises in the detention and treatment of sex offenders. It was inspected in 2010 when inspectors praised what had been a smooth and effective opening phase. This more recent inspection found an institution where outcomes were reasonably good or better in three out of four healthy prison tests - safety, respect and resettlement - but had deteriorated in purposeful activity. Inspectors were concerned to find:

- the significant black and minority ethnic population expressed more negative perceptions in our survey across a range of issues
- the limited number of offending behaviour programmes meant delays for some prisoners in addressing sentence planning targets,
- some prisoners waited for days before getting their medications, often being turned away without treatment for what were sometimes serious conditions;
- the leadership and management of learning and skills needed to improve and too much teaching was just adequate;
- there were insufficient activity places and too many prisoners had not enough to do with their time, although the places that were available were well used;
- much better oversight and case supervision was needed for the officers who were managing many high risk-of-harm sex offender cases.

Introduction from the report: This is the second inspection of Bure, which opened in late 2009. Specialising in the detention and treatment of sex offenders and located in rural Norfolk, it is a category C training prison holding just over 500 prisoners. When we last visited we praised what had been a very smooth and effective opening phase. This inspection again found an institution where outcomes were reasonably good or better in three of our healthy prison tests, but had deteriorated in purposeful activity. Bure is unquestionably a safe prison. All indicators point to this fact and in our survey the perceptions of prisoners were reassuring. Prisoners were received well into the prison, and levels of violence were low. There was some evidence of low level victimisation, and security arrangements lacked some proportionality, but use of force was rarely needed and segregation used sparingly. Levels of self-harm were similarly low, and care for those who did experience a self-harm crisis was good.

reported to the police as necessary.

Police In Firing Line Over Growing Use Of Tasers

The use of Tasers by police in England and Wales has more than doubled to 7,250 deployments a year, new figures will reveal this week, raising fresh concern about the risks to the public of more widespread use of the devices.

Senior police officers are bracing themselves for criticism when figures on the rise in Taser use across the country are released by the Office for National Statistics on Tuesday. They will show deployment of the weapons has risen from around 3,500 in 2009 to 14,500 in the two years 2010 and 2011 – 7,250 a year. Senior police officers are also under growing pressure over use of the weapon as a stun gun – the cartridge is removed and is thrust into an individual's body in a move designed to inflict pain. Its deployment in the "drive-stun" method is at the centre of a critical review into Tasers being carried out by the police watchdog and police are being told to dramatically reduce the frequency of such deployments.

The rise in Taser use comes after the Home Office began rolling out 5,500 new weapons to forces across the country in 2008 after changes allowed the weapons to be used by non-specialist police officers after three days' training rather than only by specially trained firearms officers. Currently, 11% of police officers – 14,700 – are armed with Tasers.

Simon Chesterman, the Association of Chief Police Officers' (Acpo) spokesman on armed police, said the rise in deployments corresponded to the increase in weapons being rolled out across the country, and did not represent Tasers being used more often. Taser "use" in the figures covers drawing the weapon but not firing, aiming the weapon and engaging the red light on the suspect, using in the drive stun mode and firing the Taser – which happens in only around 25% of cases, according to Acpo. Chesterman said Tasers were an important piece of equipment used to diffuse violent situations and minimise harm to the public and police officers.

"These figures show the use of Taser has increased in line with the rollout of more weapons. There will be concerns raised by individuals that don't necessarily understand the underlying causes of the increase and there will be people raising concerns over this who don't agree with the police having Taser," he said. "I would argue that there are more valid concerns around drive-stun and around Taser use on vulnerable people than on these figures." Use of Tasers in the "drive-stun" method was "an area of high scrutiny" for the police and something senior officers were looking at."

Police are also under pressure over Taser deployments against vulnerable individuals. Last week, the Crown Prosecution Service said it was not laying charges against an officer who deployed a Taser against Colin Farmer, 63, a blind man who was Tasered by a constable in Lancashire. The officer now faces a gross misconduct hearing. In April, 32-year-old Andrew Pimlott – who had doused himself in petrol and was threatening to kill himself – died in a fireball after police fired a Taser at him outside his home in Plymouth, Devon. "I have great concerns when I hear of stories for example of a 12-year-old being Tasered or an elderly person or someone suffering from ill health," said Chesterman. "When we drill down into what's happened in most of the cases, however, we do find the use of Taser was justified under the circumstances. Taser is often used where people are self-harming to stop them self-harming, potentially saving their lives."

But Amnesty International UK's director, Kate Allen, said the human rights organisation had serious concerns over the lack of training for ordinary officers who were now being handed the weapons. "A Taser is a potentially lethal weapon," said Allen. "It is not a little tingle, it is 50,000 volts. It should not be seen as a natural extension to a police officer's equipment. Tasers should only be kept in the hands of a small number of specially trained officers and used

This was the start of perhaps an even bigger fight than the one to clear their names. Both men have struggled with freedom since their release. There is no parole and little support when your conviction is quashed. You are simply sent out the door and left to get on with it.

The conviction of Shahidul Ahmed marks a dramatic and fitting conclusion to this saga which, after the successful appeals in 2007, I feared would never come. Often when a police force is confronted with one of its convictions being quashed, the stock response is: "We're not looking for anybody else in this matter." This translates as: "We still think they did it." Not so Thames Valley Police. Guilty of an appalling miscarriage of justice, its officers and forensic team set about a reinvestigation with an open mind; and it came up trumps. For that, they deserve credit - though if they expect Keith and Barri to say thank you, they could be waiting some time. For Rachel Manning and her family, real justice has finally been delivered.

Mark Daly is the investigations correspondent for BBC Scotland and regularly reports for Panorama. Louise Shorter now works for Inside Justice, which investigates miscarriage cases.

Six Out Of 10 Crimes Are Not Investigated

Jonathan Brown , Independent, 04/09/13

One of Britain's most senior police officers has revealed that only four in every 10 crimes reported to his force is investigated. Sir Peter Fahy, Chief Constable of Greater Manchester Police, said officers concentrated their efforts on serious crime or on incidents in which there were witnesses or a realistic prospect of achieving conviction. He said most offences were committed by "active persistent offenders" who were targeted by police.

Sir Peter compared policing priorities to the National Health Service where managers concentrated resources on the most effective treatments. "In practice, this translates into about 40 per cent of crime being actively pursued at any time. We look at all crimes to identify patterns of offending and to build the picture of where we need to target police patrols. In many crimes there are no witnesses, no CCTV and no forensic opportunities," he said.

Local Labour MP Graham Stringer said the admission could damage public confidence in the police. "I accept that they have to prioritise. I don't accept that they should ignore the majority of crimes," he said. In the year to April the force received 177,000 reports of crime which meant 106,000 were not investigated, Mr Stringer added.

Tony Lloyd, Police and Crime Commissioner for Greater Manchester, backed his chief constable and said no effort was spared in bringing criminals to justice. "What I don't expect is where there are no witnesses or no evidential trail that the police go through a paper chase to simply tick boxes, but instead use intelligent policing to prevent a recurrence of those types of crime," he said. Greater Manchester Police is in the midst of making £134m cuts that will result in the loss of 2,700 jobs with the force.

Restricting the Scope of Legal Aid for Prison Law

2.5 The proposals on amending the scope of criminal legal aid for prison law are intended to focus public resources on cases that are of sufficient priority to justify the use of public money. Alternative means of redress such as the prisoner complaints system should be the first port of call for issues removed from the scope of legal aid. In line with these principles we intend to proceed with the original proposals, subject to a number of adjustments. We intend to retain funding for proceedings before the Parole Board where the Parole Board has the power to direct release, as opposed to all cases that engage Article 5.4 ECHR. We also

intend retaining sentence calculation matters within scope where disputed, as both these matters have a direct and immediate impact on the date of release.

2.6 We consider that adequate provision is in place to enable prisoners with mental health issues and/or learning disabilities and young offenders to use complaints systems; advocacy services are available to support young offenders. Prisoners/young offenders are able to refer complaints to the Prison and Probation Ombudsman (PPO) (or statutory Monitor or Local Authorities in the case of young offenders in Secure Training Centres and Secure Children's Homes respectively) if they are not satisfactorily resolved using complaints processes. Categorisation matters and licence condition cases should be resolved using the prisoner complaints system or representations by prisoners for Category A prisoners. Civil legal aid for judicial review may be available subject to means and merits. We are confident that the complaints system and the PPO are properly resourced to deal with these issues.

2.7 It is intended that these changes will be introduced by way of amendments to secondary legislation, subject to Parliamentary approval, and contract amendments later this year.

Foreign nationals will be subject to new changes in the Immigration Rules with immediate effect: Which will slow the path to settlement for refugees, and those granted humanitarian protection, who have committed crimes. Applications for settlement from refugees will be refused for 15 years from the date of their sentence if they have been sentenced to over 12 months' imprisonment; for seven years if they have been sentenced to up to 12 months' imprisonment; and for two years if they have been given a non-custodial sentence. Discretion to delay the route to settlement will apply in the case of repeat offenders. Power to curtail leave where a migrant's offending is persistent or causes serious harm.

West Midlands PCs Charged With Imprisoning Man

BBC News 06/09/13

Two serving West Midlands Police officers have been charged with unlawfully and injuriously imprisoning a man and detaining him against his will. PC Louise Taylor and PC Andrew Wagg were charged in relation to a complaint made following the alleged false imprisonment of a man, held for breach of the peace, in Handsworth in 2011. The officers, based at Birmingham Central police station, have been suspended. They are due at Stafford Crown Court on 14 October. In a statement, a force spokesman said the matter was initially referred to the Independent Police Complaints Commission (IPCC), which then returned the complaint to the force for a local investigation. Following an investigation by the force's professional standards department the matter was referred to the Crown Prosecution Service, which made a decision to charge the officers.

West Midlands Police Apologise To Family Of Mikey Powell

INQUEST Press Release As

the family of Michael 'Mikey' Powell marked the 10th anniversary of his death, West Midlands Police have issued a formal apology for the first time. Mikey Powell was 38 years old when he died after being detained by West Midlands Police on 7 September 2003. He had three children. He had a mental health crisis and smashed a window at the home he shared with his mother. His mother called the police for help, assuming they would take him to hospital. During the incident that followed, the police drove a car at Mikey as fast as they could, claiming they thought he had a gun, which he did not. Mikey was injured but survived the collision. He was then sprayed with four times the recommended amount of CS gas, hit with a baton and restrained for at least 16 minutes. No ambulance was called. Mikey was put on the floor of the police van and taken to the police station and into a 'drunk cell'. It was only then officers noticed that he was not breathing.

the lease has a ten-year notice period but future options for the site will be discussed.

Prisoners Who Have Sex In Jail Face Separation

Alan Travis, Guardian, 09/09/13

Prisoners have told an independent commission that the policy of separating prisoners believed to be in a sexual relationship was discriminatory towards openly gay prisoners. Sexual health charities, including the National Aids Trust, have also warned that attempts to control consensual sexual activity between prisoners risk undermining efforts to promote safe sex and prevent the spread of HIV, such as access to condoms.

The commission on sex in prison, set up by the Howard League for Penal Reform, is made up of academics, former prison governors, health experts, a former prisons minister and a former solicitor-general. It says in its first briefing paper that although it is clear that some male prisoners are having sex, there has been little research on consensual activity and little reliable data. The British Association for Sexual Health and HIV told the commission that evidence of sex in prison was largely anecdotal but widely reported in male and female prisons.

But while female prisoners were quite open with clinical staff about sex with other prisoners, this was not the same in male jails where denial of sexual activity was more common. "This may be because male prisoners perceived there was more of a stigma attached to men who have sex with men," says the commission's briefing paper. The Terence Higgins Trust said that prison officers believed prisoners did have sex but that it was rare for people to be found engaging in sex. The trust said the fact that homophobic attitudes were more pronounced among young men inside jails than in the community could account for the reluctance of male prisoners to admit to sex with other men.

Sexual health workers used the term "heteroflexible" to describe men who identify themselves as heterosexual but are flexible about having sex with men while they are in prison. Prisoners serving longer sentences were more likely to acknowledge a gay identity. Although there is no prison rule banning sex between prisoners, prison staff do not allow prisoners to have sex. Prison governors say it is difficult, if not impossible, for prison staff to be able to distinguish between consensual and coercive sexual relationships between prisoners. One gay prisoner told the commissioners: "In the four prisons I have been held at, I have never been aware of any prisoner being charged for having consensual sex with a cell mate. I have however witnessed openly gay partners being split up and moved to other wings, simply because they were 'together', although no sexual activity had taken place." Another inmate reported: "Officers would push open my door very quickly, unannounced, in an attempt to catch us having sex. Of course it never worked but it put us on edge all the time. A senior officer did this once as Simon and I were sat on my bed holding hands watching a movie on TV. He ordered us to stop holding hands and move apart, or he would give us an IEP [incentives and earned privileges] warning."

Prisoners who did not want officers to know they were having sex told the commission that they were often unable to obtain condoms in confidence. The chief inspector of prisons has reported that in some jails barrier protection, dental dams, lubricants and confidential advice are all widely available while in others condoms were only available if the prisoner attended a clinic. Chris Sheffield, a former prison governor who chairs the commission, said: "Prisons need to ensure that they protect the vulnerable. The prison population is a high-risk group for sexually transmitted infections and risk-taking sexual behaviour. The need for harm reduction measures and the delivery of sexual health policies are important not just for prisoners but wider society."

A prison service spokeswoman said: "Sexual relations between prisoners are not commonplace. We do not condone sex in prisons or believe that prisoners in a relationship should share a cell. Reported incidents of sexual assault in prison are rare." She said that where a sexual assault was reported or discovered, it would be investigated and

undertaking means some difficult decisions – but we have to make sure that we have modern, affordable prisons that give the best opportunity for us to work with offenders to stop them committing more crimes when they leave.”

Secretary of State for Wales, David Jones said: “The case for a prison in north Wales has always been strong, which is why I am delighted that Wrexham has been selected as the preferred site for the newest addition to the prisons estate. The construction of this much needed facility will bring with it considerable economic benefits for local businesses, and create up to 1,000 employment opportunities across the region. It will facilitate the rehabilitation of offenders by making them more accessible to their families, legal advisers and the probation service, enabling a smoother transition back into the community. It will also benefit prisoner welfare by allowing Welsh speakers more opportunity to speak the language in an environment where its cultural significance is understood.” Since January 2,800 unstrategic and uneconomic places have been removed and the Ministry of Justice is now in a position to close a further four prisons, removing 1400 uneconomic places from the estate. By closing HMPs Blundeston, Dorchester, Northallerton and Reading it is anticipated that a further £30m a year will be cut from the overall prison budget.

To ensure that the prison estate meets wider Government needs, HMP The Verne will be converted into an immigration removal centre, providing around 600 additional places to hold immigration detainees awaiting removal from the country. HMP Downview will change function to hold male rather than female offenders and HMYOI Warren Hill will stop holding young offenders and will also change to hold adult male prisoners.

Discussions will also begin to end the lease on HMP Dartmoor. Final decisions on the site are a long way off as the lease has a ten-year notice period but the age and limitations of the prison mean that it does not have a long-term future in a modern, cost-effective prison system. These changes form part of our overall plans that will reduce the cost of prison to taxpayers by more than £500m within this Spending Review period. In October we will announce the outcomes of the Transforming Youth Custody consultation and the review commissioned by the Justice Secretary to ensure we best meet the needs of women.

1. On 27 June the MoJ announced plans to build a new prison in north Wales. The former Firestone site in Wrexham has been chosen as the site for the new prison. Having secured a £250m investment, work will begin next summer, pending approval.

2. In January 2013 the MoJ announced plans to build four new mini-prisons (known as houseblocks) at HMPs Parc, Peterborough, the Mount and Thameside. The mini-prisons will be able to hold up to 1,260 prisoners and will replace older, more expensive prison capacity. The Mount is on track to accept prisoners in September 2014, with the remainder due to come on stream thereafter. In addition 180 new places will also be opened at HMPs Rochester and Bure this year.

3. The four prisons due to close are HMP Blundeston, a male category C prison in Suffolk; HMP Dorchester, a male category B local prison which holds young adults in West Dorset; HMP Northallerton, a male category C prison in North Yorkshire; and HMP Reading, a male prison holding young adults and remands in Reading.

4. The three prisons being re-rolled are HMP Downview, a female prison holding adults and young people in Surrey; HMP The Verne, a male category C prison in South Dorset; and HMYOI Warren Hill, which holds male offenders under the age of 18 in Suffolk.

5. Discussions will begin with the Duchy of Cornwall to end the lease on HMP Dartmoor, a male category C prison in West Devon. Final decisions on the site are a long way off as

The inquest jury found that Mikey died of positional asphyxia in the back of the police van while he was being taken to the police station. Many issues were raised by the inquest into his death, including questions around possible assumptions made by police about Mikey, based on the area he was living in and the colour of his skin. The family made several recommendations following Mikey's death, including training for officers to avoid these kinds of assumptions being made.

Tippa Naphthali, Mikey's cousin and founder of the Mikey Powell Campaign for Justice said: “This apology comes to us very late, 10 years on, however it remains important to us as a family that West Midlands Police (WMP) have extended this gesture. Over the 10 years since Mikey's death we have influenced many major reforms and initiatives in relation to West Midlands policing as a direct result of the Rule 43 recommendations issued after the inquest in 2009. A number of other exciting initiatives are also being negotiated with WMP and Birmingham & Solihull Mental Health Foundation. None of this brings back our dear Mikey, but will ensure his death was not in vain and will serve to protect others.”

Benjamin Zephaniah, cousin of Mikey Powell said: “An apology for the death of my cousin ten years after the event is cold comfort. We have been asking questions for ten years, protesting for ten years, writing letters, and poems, and statements for ten years, but most of all we have been collectively grieving for ten years. We can't reject an apology. The best we can do is simply raise our eyebrows and say, it's better than nothing. But it's only a little bit better than nothing. What is important is that we let it be known that although we accept this apology, we are intelligent enough to know that it is just an apology, and it is not justice.”

Sieta Lambrias, sister of Mikey Powell said: “Whilst we appreciate the apology received by the WMP for the pain and anguish caused to my family as a consequence of Mikey's death, we would be far more appreciative of an apology acknowledging that it was the actions of their officers that caused the death, as found by the inquest jury in 2009.”

Deborah Coles, co-director of INQUEST said: “The apology is a tribute to Mikey Powell's family's tireless campaigning to improve the situation for people with mental health problems and the police. It is vital now that both West Midlands Police and all other police forces ensure that the lessons learned have been integrated into both local and national policy and practice.”

Jane Deighton, solicitor for the family said: “The Powell family have fought a long and painful campaign to expose how Mikey died. It is a remarkable campaign which is set to continue until those responsible have been made fully accountable. This apology is one small if welcome step along the road. It is shameful that the family have had to fight for this and that they have had to fight for so long.”

INQUEST has worked with the family of Mikey Powell since his death in 2003. The family is represented by INQUEST Lawyers Group member Jane Deighton of Deighton Pierce Glynn Solicitors.

Court Failings Scupper 500 Cases A Week

Margaret Davis, Independent, 05/09/13

A total of 106,859 were dropped or delayed last year, costing £17m figures show: More than 500 court cases are being thrown out or delayed each week due to failings by prosecutors or in the court system, it has been claimed. Government figures have shown that in total 106,859 cases before crown and magistrates' courts were dropped or delayed in 2012, costing an estimated £17.4m. Tony Arbour, Conservative London Assembly Member, said that 30,155 cases were delayed or thrown out because of court or prosecution failings, around 580 per week.

He said in a new report: “In general, the court system is chaotic and even the basics are not in place which often means cases cannot go ahead. “Trials fall apart because witnesses

are not told when to turn up, the Crown Prosecution Service fails to receive police evidence, or barristers fail to call witnesses who are waiting in court into the witness box. Witnesses and victims can often be vulnerable, chaotic and disorganised. Often, they don't want to attend court and just want to get on with their lives. Yet the court system does more to discourage these people from coming forward rather than encouraging them."

The delayed cases in 2012 included 3,091 that were put back because the prosecution was not ready and 5,159 that were put back because of absent prosecution witnesses, the report said. There were also 642 that were delayed because no interpreter was available, and another 224 were hit by failures in courtroom equipment. Dropped cases included 10,025 that were stopped because of insufficient prosecution evidence, and 9,867 where a prosecution witness was absent or withdrawn. Referring to the estimated financial cost, Mr Arbour added: "These enormous sums mask the even greater emotional cost to victims and witnesses, who may become so disillusioned with the courts that they will not use the justice system again, and, worse still not even bother to report crime. Only by getting the basics right will the CPS reduce the number of dropped and delayed cases and bring villains to justice effectively. Witnesses and victims need to know the exact time, day and place to attend, prosecution barristers should be able to see case papers in advance, not at 9am for a 10am start, and the CPS, police and prosecution barristers should directly communicate before the trial to make sure it is ready." In total 19,703 crown court cases out of 38,432 were dropped or delayed in 2012, and 87,156 out of a total of 156,671 in magistrates' courts.

Close Supervision Centres

[Prison Writings: Letter from Kevan Thakrar]

When I first arrived on the Close Supervision Centre (CSC) back in March 2010, only three units existed holding a maximum capacity of 26 prisoners, plus designated cells within the segregation units of most high security prisons providing back-up to these. These three units were:

HMP Woodhill CSC – Assessment centre holding up to 10 prisoners.

HMP Whitemoor – Selected CSC prisoners unit, holding up to 10 prisoners.

HMP Wakefield – Extreme risk CSC unit, holding up to 6 prisoners.

Most people would say that three CSC units are three too many, especially when the cost of each place on there is over five times a place in a maximum security main location, the brutality inflicted upon the prisoners within them exceeds all other prison environments in the UK, and they cause the majority of its residents to develop major mental illness requiring treatment within the secure hospitals of Broadmoor, Rampton or Ashworth under the Mental Health Act.

It seems prison service management and the brains behind all the legal aid cuts, Chris Grayling MP, do not agree with most people. The massive spending on CSC places has continued to grow to unprecedented levels with HMPS always looking to create new units, and extend overall CSC capacity. Those already in operation having opened after the recession kicked in are:

HMP Woodhill (B-wing) – Selected CSC prisoners unit, holding up to 8 prisoners.

HMP Wakefield – CSC Assessment Centre, holding up to 6 prisoners.

HMP Manchester – Specialist Interventions Unit, holding up to 4 prisoners.

If only that were enough for those in charge of taxpayers money. Not only are they currently paying for construction work to extend the capacity of HMP Manchester's unit by two places, another new unit is due to be recommissioned as a selected CSC prisoners location at HMP Full Sutton holding up to ten more people.

Since prisoners stopped being allowed to progress from the CSC back to mainstream prison population, the numbers subjected to daily psychological warfare has continued to increase. In an attempt to mirror the Supermax prison system of the USA, the CSC has been allowed to spend, spend and spend to recruit more victims into its hell holes. Since March 2010, the only prisoner to return to mainstream prison population is Shahid Amin, all others to leave the CSC have done so through the trap door into a DSPD or secure hospitals, but still remain CSC prisoners should they ever be treated to a sufficient degree that enables them to be deemed recovered from the psychological damage being on the CSC inflicted in the first place.

Where is all this money coming from to warehouse so many prisoners? Why has nobody been campaigning against all of this wastage of money, as well as human minds? 21 MPs signed Early Day Motion 393 against the use of solitary confinement in the US prison system, but where are they each time the CSC expands? It is as if this whole operation has either been conducted in stealth, or nobody wants to look at the situation on their own doorstep. Where are these big human rights bodies who scream about conditions abroad, do they not realise they are paying for the same things to happen here? UN looking at torture abroad, but the main participants of the UN all ignore their own abuses.

"I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body" (Dickens 1842:147). It is well known what the consequences of isolation are, so why does it remain lawful and how can a policy of isolating more at a greater cost be in anyones well meaning benefits? "With the exception of the death penalty, it stands at perhaps the furthest point of repertoire of sanctions and compulsions available to a liberal democratic state outside time of war" (Sparks et al. 1996:30).

If people don't begin to take notice soon, the Close Supervision Centre experiment will have travelled too far to reign in...

Kevan Thakrar – A4907AE, Specialist Intervention Unit - HMP Manchester, August 2013

Modernisation of the Prison Estate - New 2,000 Place Prison to be Built

The Government has today set out the next stage in its prison modernisation programme, with confirmation that its planned new 2,000 place prison will be built in Wrexham, and the news that it has started feasibility work on a second large prison to be constructed in the South East of England. It has also confirmed opening dates for the new house blocks – mini-prisons – being built to create 1200 new places at four sites across England.

The feasibility study for the proposed second big new prison is focusing on the possibility of replacing the existing Feltham Young Offenders Institution with a large new adult prison and a new youth facility on adjoining sites in West London. At the same time the Ministry of Justice is moving to close four older prisons which are either expensive to run or need substantial capital investment in the next few years, and is changing the role of three others.

Justice Secretary Chris Grayling said: "This is the latest part of our plan to modernise our prisons, bring down costs, but to make sure that by the next election we still have access to more prison places than we inherited in 2010. The Feltham site in West London is a very large one, and is an obvious option for a major new project to help meet the challenges we face in London and the South East. I'm also really pleased that we have reached agreement on the new prison in Wrexham. It will provide a real boost to the local economy in North Wales over the next few years, which is one key reason why the Chancellor has made sure we have the money for the project. Of course the reorganisation of our prison estate which we are