that men they had had long-term relationships with were undercover police officers. The officers worked for the Special Demonstration Squad, the covert unit that infiltrated and disrupted political campaigners for four decades.

Lawyers for the Met were due to go to the high court next week to argue that the police would have been unable to defend themselves against the women's legal action. They were planning to claim the police had a strict policy of "neither confirming nor denying" the identity of undercover police officers and that they were therefore unable to get a fair hearing as they could not offer any evidence in court. The Met refused to say whether it would now settle the cases. The women welcomed the Met's "long overdue" move and called on Scotland Yard to "stop prevaricating and acknowledge the harm done by the officers".

One officer, Mark Jenner, lived for four years with a woman, while another, John Dines, had a two-year relationship with Helen Steel, the environmental campaigner who was famously sued by burger giant McDonalds in the McLibel case. The other officers were Bob Lambert and Jim Boyling, both of whom have admitted they were undercover officers. The women had criticised the Met's "neither confirm nor deny" policy as a "shield to prevent any illegal and immoral activities by the police from ever coming to light" and "to avoid any genuine scrutiny of their actions".

However the Met is still insisting its principle of neither confirming nor denying the identity of undercover officers is valid – a position that threatens to undermine the public inquiry set up by May to bring the "greatest possible scrutiny" to the spying controversy. Referring to last week's report into the infiltration of the Stephen Lawrence campaign, the Met said:

"We still maintain the principle of neither confirm nor deny, as we have a duty, as recognised by Mark Ellison QC in his report, to do all we can to protect those officers who served or currently work undercover." On Thursday Bernard Hogan-Howe, the Met's commissioner, met and apologised to Doreen Lawrence after Ellison's report revealed how undercover officers had spied on her grieving family as they pressed the police to investigate the racist murder of her son, Stephen, in 1993. Although the remit of the inquiry has yet to be set, Hogan-Howe told Lawrence and her lawyer, Imran Khan, during the meeting that he accepted that the inquiry would be a wide-ranging examination of the conduct of undercover officers deployed in political groups since 1968.

After the Met's climbdown, the women said the attempted strike-out was the latest in a series of attempts to avoid answering their legal action for more than two years and to "hide behind a veil of secrecy". They added that the Met had been inconsistent in applying its neither confirm nor deny policy, rendering its attempted strike-out "farcical". The Met said: "The legal arguments involved in this case are novel, complicated and important and the ramifications of departing from [the neither confirm nor deny] policy, during litigation, was likely to have far reaching implications."

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, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan 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, Carl Kenute Gowe, Eddie Hampton, Tony Hyland,

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MOJUK: Newsletter 'Inside Out' No 469 (20/03/2014)

Blunkett Legislated in Haste Now Repents at Leisure Injustices' of Indeterminate Sentences

The Criminal Justice Act of 2003 introduced Indeterminate Sentencing for Public Protection or IPP, designed for serious sexual and violent offenders in England and Wales. But IPP numbers mushroomed, with many in jail well past their minimum terms. Mr Blunkett said the Labour government had "got the implementation wrong". When it was introduced, the government estimated that IPP would lead to 900 extra offenders entering the prison system. But the measure was applied far more widely and by 2012 - when IPP was scrapped, but not in existing cases - there were more than 6,000 IPP prisoners.

IPP prisoners were given tariffs or minimum sentences, at the end of which the Parole Board assesses whether they are still a danger to the public or ready for release. IPP is supposed to reduce the risk posed by inmates by enabling them to attend behaviour management courses.

'Nine-year backlog' - But waiting lists for both the courses and parole hearings mean that even though IPP has now been abolished, more than 5,500 IPP prisoners remain within the system, with nearly two-thirds over their tariff. At the current release rate of about 400 a year, it will take nine years to clear the backlog of those over their tariff.

Mr Blunkett, who was home secretary from 2001 to 2004, told BBC Newsnight that while he believed the legislation had been "necessary to safeguard the public", he "very much regrets" that the government was not clearer in setting out sentencing criteria for judges. He added it had not been "effective enough" in putting in the necessary resources to ensure rehabilitation courses were available. "We certainly got the implementation wrong. The consequence of bringing that Act in has led, in some cases, to an injustice and I regret that," he said. IPP sentences were abolished in 2012 by then justice secretary Ken Clarke, who called them a "stain" on the criminal justice system.

Jeremy Wright Justice minister commenting on Mr. Blunkett's opinion said: "We have no intention of retrospectively altering lawfully imposed IPP sentences - they were handed down for the most severe crimes, to ensure public protection.. Release of prisoners serving indeterminate sentences is a matter for the independent Parole Board, which had to be satisfied that "an offender can be managed safely in the community. If prisoners pose too high a risk of harm to the public, they can be kept in custody for the rest of their lives. The IPP scheme was complex and widely criticised, which is why the government replaced it with a new regime of tough, determinate sentences, alongside life sentences for the most serious offenders.

Mental Health Rsk: IPP prisoners appear to be at a significantly higher risk of mental health problems than other prisoners, according to the Centre for Mental Health. In a study it carried out in 2008, it found that one in 10 IPP prisoners were seeking psychiatric help in prison, double the rate in the general prison population. Donna Ridgely, whose 30-year-old brother Shaun Beasley killed himself after three years in prison, said the lack of a release date had made him feel hopeless. "I know Shaun done bad things... but if he had a date when he would have been coming out, he could have lived with a little bit of hope." Donna said Shaun, a recovering drug addict, had had serious mental health issues. He went to prison with a tariff of two years and five months after forcing someone to take money out of a cash machine. He had been told he needed to go on a drug rehabilitation course and was transferred to another prison to do it, but once there, he found it was not available.

Former IPP prisoner Shaun Lloyd, who was released three weeks ago, is campaigning on behalf of other IPP prisoners. He was given a tariff of two years and nine months for two street robberies when he was 18, but spent more than eight years in prison. He fears for some of the IPP prisoners he has left behind: "They're running on empty. I don't know whether I am going to get another letter saying another friend has killed himself. They can't cope." I don't know whether I am going to get another letter saying another friend has killed himself. They can't cope.

Early Day Motion 1150: Use Of Tasers On Children *House of Commons: 10.03.2014*

That this House is appalled that the use of Tasers on children by the Metropolitan Police has risen six-fold over four years; notes that according to the Children's Rights Alliance for England, and based on a Freedom of Information request, stun guns were used on 53 young people in the city in 2013 compared to nine in 2008; further notes that 70 per cent of the incidents occurred in four London boroughs, Croydon, Lewisham, Lambeth and Southwark; believes that children should never be subject to Taser assault; and calls on the Home Secretary to invoke an immediate ban on their use.

People in Prison: Gypsies, Romany and Travellers

Even on the lowest estimates (which are accepted to be underestimates) it is clear that prisoners of Gypsy, Romany and Traveller backgrounds are significantly overrepresented in the prison population. Our survey findings suggest that the proportion might be as high as 5% (the same proportion as women prisoners) and much higher than this in some establishments, particularly those holding children. The reasons for this over representation lie outside the prison service and more needs to be done to understand and address this. The high numbers of children and young people describing themselves as Gypsy, Romany or Traveller in STCs, which hold some of the most vulnerable and challenging young people in custody, is worthy of further exploration.

Prisons and youth custody monitoring systems need to be able to identify prisoners from Gypsy, Romany or Traveller backgrounds in order to address their needs relating to safety, behaviour, education and resettlement. Our findings indicate that the number of Gypsy, Romany and Traveller prisoners continues to be underestimated within the custodial estate.

Furthermore the distinct needs of this group are often not recognised and go unsupported. Clarifying the needs of the 5% of Gypsy, Romany and Traveller prisoners in our survey who did not understand spoken English is an immediate concern, as these individuals' access to services could be severely limited.

Our surveys support assertions in other literature that the Gypsy, Romany and Traveller group are experiencing poorer outcomes across a range of areas. Most concerning are the negative perceptions of their own safety in prison and the levels of victimisation they report, both priority areas where action is needed. Prisoners who consider themselves to be Gypsy, Romany or Traveller are also more likely to report problems in areas of health, including mental health, and substance misuse. However, they consistently state they are less likely to receive support in these, and other, areas. We have identified good practice in some establishments but in others this is hampered by the lack of knowledge about these prisoners.

We use the term 'Gypsy/Romany/Traveller' in our prisoner surveys so individuals can identify themselves, if they should so wish, as belonging to a range of communities with distinct ethnicities, languages and traditions. Defining individual groups within this term is complex, as their ethnicity may be established in a variety of ways. The group history, lifestyle or occu-

the welfare of the child. It is no part of the roles of the Guardian or of the children's solicitor to adopt the case of one party in cross examination or argument. After the fact finding case is resolved it is essential that both parties retain confidence in the guardian and in the institution of CAFCASS. I therefore cannot see that the Guardian or the child's solicitor could be expected to conduct cross examination on behalf of this Father.

I am now going to quote from H v L & R. A similar issue arose in H v L & R [2006] EWHC 3099 (Fam) and Wood J said this at paragraph 24 about the prospect of a Judge conducting questioning of the complainant in a case where there was sexual allegations. "…for my part I feel a profound unease at the thought of conducting such an exercise in the family jurisdiction, whilst not regarding it as impossible. If it falls to a judge to conduct the exercise it should do so only in exceptional circumstances." I respectfully agree with Wood J and therefore, in January, asked the Legal Aid Agency to think again. As matters now stand, it seems highly unlikely that legal aid will be granted.

Report on an Unannounced Inspection of HMP Sudbury

Inspection 21 October – 1 November 2013 by HMCIP, published 12/03/14

HMP Sudbury is an open prison in Derbyshire that, at the time of this inspection, held 561 adult male category D prisoners. A third of the men were coming to the end of life sentences or indeterminate sentences for public protection. Most of the others were serving sentences of four years or more. The central task of the prison therefore was to prepare these men for release by addressing their practical resettlement needs and reducing the risk that they would reoffend. The prison was failing badly in this central task and this impacted on all areas of its work. Inspectors made 104 recommendations - Staff and managers gave the impression of being under siege from prisoners who were frustrated by their inability to get simple resettlement needs and queries addressed. - public protection arrangements were not robust enough - older prisoners) told us they had been victimised by other prisoners - security department was concerned about the availability of new psychoactive substances that were not detectable with current testing methods and the misuse of diverted medicines; - More prisoners than in comparable prisons told us they had been victimised by staff and some told us they feared arbitrary return to closed conditions if, for instance, they made a complaint. These concerns were credible - he very poor segregation unit was mainly used as part of the process of recategorisation and transfer. The justification to segregate and/or transfer in some of the cases we examined was inadequate and the explanation of 'security reasons' was flawed. The segregation unit itself was cold, dirty, poorly ventilated and with filthy toilets in the cells. The regime was poor and prisoners were denied even the most basic activities such as telephone calls or exercise. - survey responses from Muslim and older prisoners were less favourable than those from the population as a whole and there was too little attempt to identify and address the needs of prisoners with protected characteristics. - prisoners were dissatisfied with health care

Police Drop Attempt To Block Action Over Undercover Officers *Rob Evans, Guardian,*

Police chiefs have been forced to drop an attempt to block legal action by a group of five women who say they were duped into having long-term relationships with undercover police officers. The Metropolitan police abandoned its attempt to strike out the women's lawsuit after conceding that the move was neither "appropriate or proportionate". The Met cited last week's decision by the home secretary, Theresa May, to order a public inquiry into the undercover infiltration of political groups and the huge public interest in the issue. The women launched the legal action in 2011 saying they had suffered intense emotional trauma after discovering

B (A Child) (Private Law Fact Finding - Unrepresented Father)

An issue arises in private law proceedings concerning B who is three years old. A fact finding hearing has to take place. One of the many serious allegations made by the mother is that she was raped by the father in 2010. The allegation of rape would be central to the fact finding hearing and so a court conducting that hearing would have to decide whether the alleged rape took place. The Father denies that it did. That allegation is not the subject of criminal proceedings.

The mother has the benefit of legal aid. The father does not. His application for legal aid has been rejected. This judgment was given on 27th January 2014 with the intention that it should be referred to the Legal Aid Agency. I invited them to reconsider the father's application for legal aid as a matter of urgency. At the most recent hearing on 12th March I was told that the application had been reconsidered and had been rejected again. I am releasing this anonymised judgment for publication under paragraphs 16 and 18 of the Practice Guidance 'Transparency in the family courts - publication of judgments', issued on 16th January 2014 by Sir James Munby, President of the Family Division.

The Mother is K, and is in her mid 20's. The father, who is of similar age, is D. The Father's application is for contact. In the light of B's age, the factual analysis that takes place at the fact finding stage will be relevant for many years to come. The Father's application was made as long ago as 29 July 2013. It started before the Magistrates in the Family Proceedings Court. I transferred it to the County Court and then to the High Court. The case will be reserved to me.

If ever there was exceptional private law litigation then this must be it. I say that for these reasons: i) The seriousness of the allegations involved. ii) The fact that if these issues were before a criminal court the Father would be prohibited by statute from cross examining the Mother in person. That is as a result of s34 of the Youth Justice and Criminal Evidence Act 1999. iii) The allegation of rape is one of a number of serious allegations that are made. Any analysis of that allegation would have to be placed in context. I find it very difficult indeed to envisage how a judge asking questions on behalf of Father would be able to do so in a way that he felt was sufficient. iv) Fourthly and notwithstanding the provisions of Schedule 10 of the Crime and Courts Act 2013 (which I have considered, although they are not yet in force) taking into account the point that I have made in iii) above and the fact that the judge could not take instructions, I have difficulty in seeing how that statutory provision in Schedule 10 would be perceived as sufficiently meeting the justice of the case. v) Where allegations of this seriousness arise it is very important that the respondent to the allegation is given advice. That advice cannot be given to him by the judge and could not be given to him by the representative of the guardian. vi) The issue that arises is of very real importance to the two adults but also to this child. If the Mother's allegations are substantiated there is a very real prospect that they may prove to be definitive of the relationship between this child and her Father. vii) In fact finding cases of complexity a judge is expected to give himself full and correct legal directions. It is vital that those legal directions are correct and take account of the positions of both of the parties immediately involved. viii) Although enquiry might be made of the Bar Pro Bono Unit or indeed of the Attorney General to see whether arrangements might be made for D to have free representation or the Attorney General to act as amicus curiae neither of those solutions presents itself as likely to be available and neither is anywhere near as satisfactory as D having his own representation. I regard it as highly unlikely that either avenue of enquiry would produce representation in any event. In March this issue was being investigated further. ix) As to the position of the Guardian's representative everything that I have said about the position of the judge applies in at least equal measure to the guardian's solicitor if not more so. The guardian's statutory role is to promote

pation of some, but not all, of these groups may involve or may have involved a nomadic lifestyle. We intend this term to include multiple communities who have historically faced exclusion from mainstream services and social institutions in their countries of settlement.

The term ‘Gypsy’ stems from medieval times and refers to Romany groups from Europe that had arrived and settled in England, albeit at the time living nomadically and heavily persecuted. These communities have remained, becoming established and, up until recently, maintaining a key societal role in seasonal work, agriculture and metal working.‘Romany’ is an anglicised word referring to groups and communities who speak versions of the Romani language. More commonly known as Roma4, these groups may no longer speak Romani but nevertheless retain identities distinct from the communities of the country in which they are settled. The term ‘Travellers’ refers to an equally wide range of communities including Scottish, Welsh and Irish Travellers who have, at different points in the last few hundred years, taken up nomadic lifestyles with their own set of traditions and, in some cases, languages.

People in Prison:: Ex-Armed Forces Personnel - Largest Occupational Subset

Research has suggested that ex-Service personnel suffer more problems surrounding finance, benefit and debt9, a lack of employment opportunities and higher rates of homelessness. Service in the Armed Forces may, in some cases, also lead to an increased risk of alcohol misuse and mental health difficulties, including anxiety, depression and post-traumatic stress disorder (PTSD)13. Therefore, it is likely that those ex-Service personnel who do come into contact with the criminal justice system may be affected by one or more of these vulnerabilities. The most accurate and reliable estimate of the number of ex-Service personnel in prison was derived from a data matching exercise jointly undertaken by the Ministry of Defence’s Defence Analytical Services and Advice (DASA) and the Ministry of Justice in 2009.

The initial report19 identified 2,207 ex-Service members in prison (2.7% of the total prisoner population at that time). A more detailed breakdown of this figure was provided in a later report from DASA21. Of the 2,207 ex-Service personnel in prison: 2,198 (99.6%) were male: 2,135 (96.7%) were British nationals:1,957 (88.7%) were sentenced.

A revised figure was also published in this later report by DASA to incorporate older ex-Service personnel and the estimate of the total number of ex-Service personnel in prison was amended to 2,820 (3.5% of the total prisoner population at that time), of which it was estimated: 77% were ex-Army, 15% were ex-Naval Service, 8% were ex-RAF.

The highest proportions of ex-Service personnel were located in high security prisons and category B training prisons (each 13%) - Ex-Service personnel were more likely to be in prison for the first time (54% compared with 34% of the general prisoner population) - Ex-Service personnel were more likely to be serving longer sentences: 63% reported that their sentence was over four years (compared with 53% of the general prisoner population): 39% reported that their sentence was over 10 years (compared with 26% of the general prisoner population).

Survey findings, with regards to sentence length, may well support the DASA evidence that suggests ex-Service personnel are convicted of more serious crimes, such as violence against the person (32.9% of the ex-Service prisoner population compared with 28.6% of the general prisoner population) and sexual offences (24.7% compared with 10.9% of the general prisoner population). Research by the Howard League documented the fact that ex-Service personnel in prison share many commonalities with the general prisoner population, such as disadvantaged socio-economic backgrounds, drug and alcohol abuse, poor health and homelessness.

PAS To Appeal Adverse Decision On Legal Aid Cuts For Prisoners

The Howard League and the Prisoners' Advice Service (PAS), who respond to 8,000 letters from prisoners every year, announced today (17 March) that they will appeal after the High Court dismissed a legal challenge to legal aid cuts for prisoners. The charities went to court earlier this month to seek two separate but linked judicial reviews against restrictions to legal aid imposed by the government in December 2013. The Howard League and PAS argued that the cuts create an inherently unfair system.

In a 30-page judgment by Mr Justice Cranston, with Lady Justice Rafferty, the High Court has recognised that legal aid cuts for prisoners may well be unfair and may not even save costs. But it concluded that these are political issues not legal ones. The court appeared to accept the arguments from the Lord Chancellor that prisoners could use the prisoner complaints system and, ultimately, judicial review to resolve their issues, while at the same time accepting that all these mechanisms "have their drawbacks and gaps" and that "none may match the assistance which has been provided by lawyers, including those from the claimants, under the existing system of criminal legal aid for prison law".

In dismissing the charities' application for permission, the court stated: "We can well understand the concerns ventilated through these claims. A range of impressive commentators have argued that the changes to criminal legal aid for prison law in the Criminal Aid (General) (Amendment) Regulations 2013, SI 2013, No 2790 will have serious adverse effects for prisoners." While the court concluded that the changes to legal aid for prisoners did not arguably constitute unlawful action by the Lord Chancellor, it did not dismiss the possibility of successful future challenges. Rather, it found that "[f]or the time being the forum for advancing these concerns remains the political".

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: ""Our legal team represents children and young people in prison. These cuts will not result in savings for the taxpayer. On the contrary, they will result in increased costs as children remain in prison for longer than is necessary for want of a safe home to go to. We will take this to the Court of Appeal as the High Court made fundamental errors in its understanding of some of the key points. It did not properly deal with the concerns of the Joint Committee on Human Rights that the complaints system cannot be effective in certain cases. The court completely failed to address how unfairness would not arise in particular situations where prisoners are unrepresented. These include parole board hearings where secret evidence is used against the prisoner or other cases which turn on expert evidence that cannot be commissioned without legal representation and funding."

Deborah Russo, Joint Managing Solicitor at the Prisoners' Advice Service, said: "PAS provides legal advice to all adult prisoners in England and Wales. We run an advice line and receive thousands of letters and telephone calls from prisoners each year. PAS also represents prisoners by taking on legal cases where appropriate. We are deeply disappointed with this judgment, which fails to respond to the increased unfairness prisoners now face as a result of the latest round of legal aid cuts. The Court is right to say that this is a political issue; however that does not mean that it is one in which the law cannot intervene if prisoners' fundamental rights of access to legal remedies are being breached." We intend to appeal the judgment and will continue to press for these cuts to be reversed and for prisoners to be provided with adequate advice and representation to defend their legal rights."

1. The Howard League for Penal Reform is the oldest penal reform charity in the world. It is a national charity working for less crime, safer communities and fewer people in prison.

themselves – it is clear that, if people do not trust our independence and effectiveness, they will not trust the police service either. We will be reporting on progress in six months' time. I know that we will be judged, not by the quality or content of any report that we produce, but by the quality and content of the work we do, and the actions we take as a result."

The review began with a written consultation and included interviews and focus groups with staff and external stakeholders, including bereaved families. An external reference group was also set up to advise on the process. As part of the review, the IPCC commissioned NatCen Social Research to carry out independent research into the views and experiences of bereaved families, IPCC staff and commissioners, police officers and others so that people who might not be willing to provide views directly to the IPCC could feed into the review through an independent organisation. NatCen's report of their findings has also been published today alongside the IPCC review.

Prisoners: Disabled Prisoners

Baroness Stern to ask Her Majesty's Government what action they have taken in the light of the report by HM Chief Inspector of Prisons on Holme House prison that staff refused to push prisoners in wheelchairs which made such prisoners dependent on other prisoners and put them at risk of being bullied.

Minister of State, Lord Faulks: NOMS is considering the recommendations made in HM Inspectorate of Prisons' (HMCIP) report on HMP Holme House published on 31 January 2014. As with all establishment inspection reports by HMIP, NOMS will produce an action plan responding to all the recommendations made in the report by six months after the date of publication. As an interim measure HMP Holme House have introduced, following appropriate security vetting, volunteer welfare champions - prisoners who assist other prisoners that need assistance. Such voluntary work will be linked to a prisoner's assessment within the Incentives and Earned Privileges framework, as evidence of engaging with the prison regime, and of behaviours likely to reduce further reoffending. I will write to the noble Baroness detailing the response to the recommendations about this matter once the plan has been sent to the Chief Inspector'.

Prisons: Cleanliness

Baroness Stern to ask Her Majesty's Government what action they have taken in the light of the report by HM Chief Inspector of Prisons on Holme House prison which noted that cells were dirty, some cells "stank", and prisoners struggled to get cleaning materials and clean clothes and bedding.

Minister of Justice Lord Faulks: Holme House has re-introduced work for prisoners to repaint cells as they become vacant to ensure that they remain in good condition. A cell inventory check has been introduced in addition to the regular Accommodation Fabric

Checks already in place. This ensures that every cell is thoroughly checked to ensure it contains the right equipment, and that the equipment is in a decent workable condition. Under the new core day regime a daily domestic period is provided for prisoners who wish to clean their cells. Cleanliness of cells is reviewed on an ongoing basis by Prison officers. Prisoners are challenged where necessary and this is linked to the Incentives and Earned Privileges scheme. A review of the prisoner kit exchange has taken place. The new system includes improved recording systems to ensure that prisoners receive the right amount of clean kit each week. A weekly check has also been introduced to ensure all spare kit is taken to the laundry each week for washing.

IPCC Publishes Review of its Work in Investigating Deaths

The Independent Police Complaints Commission (IPCC) today publishes a major report into the way it investigates deaths, signalling changes in approach and procedure, including ensuring the effective engagement of families. The report follows a wide-ranging review, launched in autumn 2012 in response to a number of critical cases and feedback from families, individuals and organisations. The findings focus on independence, the conduct of investigations, and engagement with families and police officers. A key part of the review involved hearing from those who have been most affected by IPCC investigations, including critics of its work and approach, to help identify ways to improve. A progress report was published in September 2013. The report sets out in detail the actions that are being taken, or are planned, to change the way the IPCC works. Earlier this month the IPCC launched a consultation on draft statutory guidance on police post-incident management, designed to achieve best evidence in investigations of deaths or serious injury.

Other actions include: 1) Strengthening the role of commissioners and increasing the diversity of staff 2) Developing internal and external expertise in areas such as mental health, discrimination, scene management and forensic science, as part of a multi-disciplinary approach 3) Integrating quality and customer care into our expanding work, with internal and external quality assurance processes 4) Improving engagement with families and ensuring that they are involved in developing terms of reference and provided with meaningful and regular updates 5) Ensuring the police officers under investigation are kept informed about progress and timescale as far as is possible 6) Setting up a dedicated referrals team and developing this into a specialist assessment function as the IPCC expands 7) Creating a single operations directorate 8) Continuing to monitor police co-operation with our investigations, raising this with chief officers and others and considering whether further changes are needed 9) Considering any relevant interaction between the police and other agencies and informing the coroner or other agencies or oversight bodies 10) Providing further training and guidance to investigators, including scene management , the threshold for making decisions on criminality or misconduct, and conducting probing interviews 11) Developing links with people and organisations in the community, including groups that have low levels of trust in the police and the complaints system. 12) Highlighting in reports any areas where the IPCC has been unable to gather or test evidence (including non-cooperation from witnesses) so that these can be tested in further proceedings, such as inquests. 13) Responding to the Home Office consultation with a view to improving the police disciplinary system and making it more transparent 14) Monitoring responses to recommendations, and ensuring links with the Inspectorate of Constabulary, the College of Policing and PCCs so that they feed into standard-setting, and are implemented.

Dame Anne Owers, Chair of the IPCC, said: "This publication of this report has come at a critical time for the IPCC, as we begin a period of major change and growth. This review has helped to guide the changes we have already made and those that we are planning. It is a model for the way we want to continue to engage with those affected by our work, and draw on outside expertise. I am very grateful to all those who participated and especially to bereaved families, for whom this has often meant a painful re-living of the worst time in their lives. The review draws on their experiences, and those of our own staff and commissioners, and police officers, as well as others who have an interest in our work. But these changes are not just about processes and guidance.

They need to be rooted in a culture of independence and quality assurance, recognising that those directly affected are at the heart of what we do. This is also to the benefit of the police

2. The Prisoners' Advice Service is an independent registered charity which provides legal advice and information to prisoners in England and Wales regarding their rights, the application of the Prison Rules and conditions of imprisonment.

3. The charities sought two judicial reviews concerning different aspects of prison law. The first case argued that the removal of legal aid for a small number of important Parole Board cases is unlawful. The second argued that the removal of legal aid for a range of cases affecting prisoners' progress through their sentence towards release is also unlawful.

4. The High Court itself decided that the two cases should be argued at an oral hearing. This is different from most other requests for permission for a judicial review, which are either granted or rejected based on the strength of written submissions to the court.

5. The Howard League for Penal Reform and the Prisoners' Advice Service are jointly represented in these cases by Simon Creighton of Bhatt Murphy Solicitors, Phillippa Kaufmann of Matrix Chambers, and Martha Spurrier and Alex Gask of Doughty Street Chambers.

Scotland: Police 'Bullying Suspects to Drop Lawyers' *Gareth Rose, Scotsman, 17/03/14*

Officers are now facing calls from senior legal figures to record or film every suspected criminal from the moment they enter police stations, not just during interviews. The concerns follow a hearing at the Criminal Court of Appeal in Edinburgh last week, in which Lord Philip ruled a teenager had been "bullied" by officers.

Ross Paul waived his right to consult a solicitor before being interviewed at Dumbarton police station in May 2012. He was 17 and facing a charge of assault to severe injury. During the interview, which was recorded, Mr Paul repeatedly asked for a private consultation with a lawyer and was initially refused. The Criminal Court of Appeal heard that officers used a "bullying and hostile approach" in the hope of "breaking his will" and extracting statements from him of an "incriminating nature". Lord Philip said: "It is not in dispute that the questioning fell within the description of interrogation … (of) improper forms of questioning tainted with an element of bullying or pressure designed to break the will of the suspect or to force from him a confession against his will." The interview was considered inadmissible and Mr Paul won his appeal. Lawyers fear that the high number of suspects who waive their right to speak to a lawyer indicates that bullying may be widespread. Police have to document whether a suspect has waived his or her right to speak to a lawyer before interview, but the process does not have to be recorded or filmed.

Mark Harrower, president of the Edinburgh Bar Association, said: "Even in this day and age, many interviews are recorded in notebook form which depends on everything being written down. With the best will in the world, it is unlikely that every word uttered in such an interview will be recorded. The best way is to record on video. For some reason, uniformed officers rarely record interviews on video. Nowadays, all uniformed officers carry sophisticated handsets which can take pictures and some officers, notably the football unit, wear body cameras – why can't they record interviews with them if there is nothing else?"

The Supreme Court upheld an appeal by Peter Cadder in 2010, finding that suspects must be given access to legal advice before police questioning. Mr Cadder had been found guilty in 2009 of assault after an incident in Glasgow in May 2007. The Supreme Court ruled his human rights had been infringed as he was interviewed by police without a solicitor present. That verdict triggered an upheaval in the criminal justice system, leading to emergency legislation, a series of reviews and, most recently, the debate about the abolition of the requirement for corroboration.

However, MSPs fear this verdict suggests police have not learned the lessons of Cadder. John Finnie, Independent MSP and a former police officer, said: “I understood the ground-breaking Cadder case – which allowed an accused access to a solicitor – would have avoided issues like this, hopefully one-off case, arising. Perhaps the time is right to review tape-recording arrangements to avoid any such accusations of oppressive conduct or, better still, require all interviews to be video recorded. With concerted moves continuing to bring about the abolition of the corroboration rule, it’s more important than ever that police procedures, and the necessary protections for suspects and accused, are robust.” Alison McInnes MSP, Scottish Liberal Democrat justice spokeswoman, added: “It is in no-one’s interests for police officers to try to circumvent that, or to cajole or bully a suspect into waiving their rights. I find myself questioning how situations like this can still arise, and urge Police Scotland to investigate the particular circumstances of this case. Cases like this undermine trust in the system and the onus now is on Police Scotland to demonstrate that they have robust monitoring in place to ensure that the law is being complied with fully.” Graeme Pearson MSP, another former police officer and now Scottish Labour’s justice spokesman, said: “I simply can’t understand why repeated requests for legal advice would have been ignored and this case raises my concerns about how Police Scotland deals with such situations.”

Police have promised to review the case but insist their officers acted fairly. Chief Superintendent Ellie Mitchell said: “We have no record of Mr Paul having made a formal complaint against the police in relation to this matter. However, following the decision of the appeal court we will look to meet with Mr Paul, to discuss and address any concerns which he has.” A Scottish Government spokesman said: “From July last year, all individuals who are suspected of having committed a crime and taken to a police station are given a ‘letter of rights’ on arrival. This sets out all the information they need to know about their rights, including the right to speak to a lawyer in private before police questioning.”

Greater Manchester Police 'Corruption' Inquiry by IPCC

Greater Manchester Police are to be investigated in three separate inquiries by the police watchdog over allegations made by a serving officer. The Independent Police Complaints Commission (IPCC) said it would look at the Harold Shipman case, claims of covering up failings in a sexual abuse case and bugging a police office. The IPCC said the claims include corruption and cronyism. PCs up to Assistant Chief Constable Terry Sweeney will be investigated. The IPCC said the officer has made a number of allegations including cronyism among senior officers, failure to follow correct procedures, failure to investigate complaints properly and corruption. Chief Constable Sir Peter Fahy said Mr Sweeney had "voluntarily" stood down from his work with the Hillsborough investigation as part of Operation Resolve which is examining whether anyone is criminally liable for the disaster while the GMP probe takes place.

Assistant Commissioner Jon Stoddart who is running Operation Resolve said: "ACC Sweeney has returned to his post at Greater Manchester Police and will cooperate fully with the IPCC investigation until these matters are concluded." He said he was informing the Hillsborough families and other interested parties of recent developments. He added: "I and my team remain absolutely committed to supporting the forthcoming inquests into the deaths of 96 Liverpool supporters at Hillsborough Stadium on 15th April 1989." Sir Fahy said GMP would fully cooperate and support with the Independent Police Complaints Commission. He said: "As matters are now subject to an independent investigation I am unable to go into much detail." He added: "I have stated before that the decisions dealing with the aftermath of the Shipman investigation were complex and sensitive, our priority was to avoid causing further distress to the families."

the victim's family and relatives that work is in progress as they can see it in progress. These images also usually featured on TV news bulletins showing officers conducting fingertip searches, house-to-house calls, the deployment of an underwater search unit, or any other resources that may have an impressive array of specialist vehicles and technical equipment on display. This is a point worth considering for inclusion in a community impact assessment. However, this must also be balanced with the intrusive and distracting nature of media personnel recording search activity and the potential for them to broadcast evidential finds live on TV.

Prisoners: Education *House of Lords / 12 Mar 2014 : Column WA386*

Minister of State, Ministry of Justice (Lord Faulks) (Con): We are taking a number of steps to enhance and build upon the current learning and skills offer to prisoners. We firmly believe that giving offenders the skills and training they need to get and keep jobs on release reduces their likelihood of re-offending.

In England prison learning and skills is funded by the Department for Business Innovation and Skills and co-commissioned by the National Offenders Management Service and the Skills Funding Agency. The service is known as the Offender Learning and Skills Service (OLASS). New prison education contracts for learning and skills for adult offenders in prisons in England were introduced in 2012. These focus on addressing numeracy and literacy early in prisoners’ sentences, with a requirement to assess learning needs and address any identified literacy or numeracy need. As prisoners reach the end of their sentence, the focus shifts to vocational skills and careers advice. Prison governors work closely with their learning providers under the OLASS arrangements in determining the local curriculum in order to give prisoners the best preparation for employment on release.

Work is under way to introduce, this summer, mandatory education assessment by the OLASS provider for all newly-received prisoners. This will ensure that all offenders, not just those that go on to learning, receive a learning assessment (focused around English and maths, but also covering learning difficulties and disabilities). The National Offender Management Service (NOMS) and its partners are also working towards implementing better data sharing arrangements between prisons and service providers so that more is known about previous assessment, progress and achievement, as well as current needs. Intensive maths and English courses have also been piloted in prisons, based on the Army’s model, particularly to address the needs of prisoners serving short sentences. Prison Governors and OLASS providers are working together to deliver such courses where appropriate.

For prisons in Wales, the Director of NOMS in Wales has responsibility for commissioning the learning and skills services from 1 April 2014 through funding provided by the Welsh Government. These services are delivered by the prisons and address the identified needs of their population to meet the skill requirements of prospective employers. Each prison completes an annual learning and skills needs analysis to help inform their delivery. Performance and quality is linked to the Welsh Government’s devolved requirements in the community to provide an integrated approach to support prisoner resettlement and employability. The Welsh Government undertakes regular robust scrutiny of the quality and outcomes of the learning and skills provision it funds with NOMS in Wales. Improvements and developments for provision in prisons are agreed with the Welsh Government. Prison and education arrangements are devolved matters in Scotland and Northern Ireland. Responsibility for these issues lies with the respective devolved administrations.

The term 'premises' for the purposes of this power under the PACE is one that may be open to legal interpretation. However, the case of Ghani v Jones (1969) provides a ruling on the justification for taking articles where no one has been arrested or charged and is not restricted to being on 'premises'. This power should also extend to civilian investigating officers under Sch 4 to the Police Reform Act 2002. In sum, the ruling states there must be reasonable grounds for believing: (a) that a serious crime has been committed; (b) that the article was either the fruit of the crime or the instrument by which it was committed or was material evidence to prove its commission; (c) that the person in possession of the article had committed the crime or was implicated in it; and (d) the police must not keep the article or prevent its removal for any longer than is reasonably necessary to complete the investigation or preserve it for evidence; and (e) the lawfulness of the conduct of the police must be judged at the time and not by what happens afterwards.

There may be occasions when this case ruling may be useful, for example when dealing with persons who are potential 'scenes' but not under arrest or on premises and items are required from them for examination such as clothing or personal effects or mobile phones.

Crime Scene Searches: As part of the crime scene forensic examination strategy the SIO must also consider a search strategy. Such searches aim to locate evidential material or items that can then be recovered and examined by CSI personnel. Crime scene searches can take the form of searches of buildings, open areas, water, vehicles, and vessels. Usually these types of search are managed and supervised by a PolSA (police search advisor) using a trained police search team (PST).

There may be conflicting objectives in using search strategies. For example, with a primary crime scene there is always the requirement to conduct a forensic examination and also a physical search of the same area for weapons, discarded clothing, stolen property, etc.

The latter may compromise the former and therefore a careful decision will have to be taken by the SIO, almost certainly in consultation with a crime scene investigator/manager and/or forensic scientists. Usually the forensic search takes priority, however in some circumstances a physical search may take primacy, for instance where an immediate search is required for a suspect.

Key Points: 1. The role of a search is to locate any items sought, the aim of the CSI is to examine and recover any evidential items found. The ideal model is to move proportionately from non-invasive searching to forensic recovery. A balance should be struck between searching an area to a high level of assurance without negatively impacting on any forensic retrieval of evidential finds. 2. All searches should be intelligence-led and based on facts that enable a hypothesis to be generated. 3. An SOP should be developed for each search.

Any briefing of search teams should be carefully recorded for future reference because failure to communicate important information will impede the effectiveness of the search. This safeguards the integrity of the process by recording the details of what was provided for the benefit of the teams and what they have been tasked to do. There must be no doubt whatsoever what the objectives of the search(es) are, what information was available at the time to base these decisions on, and what information and briefing was provided to the search teams.

Crime-related scene searches can be classified as follows: • crime scene searches; • premises searching; • searches of open areas including water; • searches of vehicles and vessels; • searching the ground and underneath it.

Outdoor searches provide added benefits other than what they are primarily intended for, ie finding evidence. They can provide a visible reassurance for the community and show

Police Resignations 'Should Not Be A Way Out Of Disciplinary Action'

Officers who face disciplinary matters against them should be prepared to have them heard before resigning from their force, according to the Independent Police Complaints Commission (IPCC). Watchdog Commissioner James Dipple-Johnstone said it was better for public confidence for those facing matters to see them through – and believed action was needed to see this happened. “The IPCC has always maintained that it is better for public confidence in the system for officers to face the case against them,” he added. “It is something the Police Service must address as it does not benefit anyone if officers are perceived to have walked away.”

Mr Dipple-Johnstone was speaking after the watchdog revealed that it agreed with Greater Manchester Police (GMP) that three officers should face disciplinary action in relation to the fatal shooting of PC Ian Terry on a training exercise six years ago. But a third officer, who it was decided should also face proceedings, had left the force. As previously reported PC Terry, who was 32, was fatally shot in June 2008 during firearms training in Newton Heath. Last year an officer was found guilty of breaching health and safety laws. A second officer was cleared – both had denied the charges. It has been confirmed that one of the officers facing the misconduct hearings organised by the force fired the fatal shot while the second was involved in organising the training.

In a statement, the IPCC highlighted that it conducted an independent investigation into PC Terry's death. But decisions around disciplinary matters in response to recommendations “had to await the conclusion of an inquest and a subsequent Health and Safety Executive prosecution against GMP and two individual officers”. Mr Dipple-Johnstone added: "This has been a protracted matter and must be incredibly difficult for PC Terry's family. I appreciate all the delays can only add to their distress. "Our investigation was concluded prior to the inquest into PC Terry's death in 2010. Health and Safety Executive prosecutions followed that and concluded last year. We then had to consider with GMP whether disciplinary matters should follow. I agree the three officers have a case to answer for gross misconduct and they should face a hearing. One officer is now outside of the misconduct system having chosen to retire and there is nothing the IPCC can do to stop the officer retiring,” said Mr Dipple-Johnstone. “It is an unfortunate and disappointing result of the protracted coronial and judicial processes.”

Glenn Ford Released From Death Row 30 Years After Wrongful Conviction

Ed Pilkington, theguardian.com, Wednesday 12 March 2014

Found guilty of murder by all-white jury in deeply flawed trial had one of America’s longest ever waits for exoneration. Glenn Ford has been freed from the notorious Angola prison in Louisiana having lived under the shadow of the death sentence for 30 years. He becomes one of the longest-serving death row inmates in US history to be exonerated. Ford was released on the order of a judge in Shreveport after Louisiana state prosecutors indicated they could no longer stand by his conviction. In late 2013 the state notified Ford’s lawyers that a confidential informant had come forward with new information implicating another man who had been among four co-defendants originally charged in the case.

He was sentenced to death in 1984 for the murder the previous November of Isadore Rozeman, an older white man who ran a Shreveport jewellery and watch repair shop. The defendant had worked as an odd jobs man for Rozeman. In interviews with police Ford said that he had been asked to pawn a .38 revolver and some jewellery similar to that taken from Rozeman’s shop at the time of the murder by another man who was among the initial suspects. Asked as he walked away from the prison gates about his release, Ford told WAFB-TV, “It feels good; my mind is going in all kind

of directions. It feels good." Ford said he did harbour some resentment at being wrongly jailed: "Yeah, cause I've been locked up almot 30 years for something I didn't do. I can't go back and do anything I should have been doing when I was 35, 38, 40 stuff like that."

Ford's conviction bears all the hallmarks of the glaring inconsistencies and inadequacies of the US justice system that are repeatedly found in cases of exoneration. The fact that despite serious qualms among top judges about his conviction this innocent man was kept on death row for so long is certain to be seized upon by anti-death penalty campaigners. Among the many all too typical problems with his prosecution was the composition of the jury. An African American, Ford was sentenced to death by a jury that had been carefully selected by prosecutors to be exclusively white. His legal representation at trial was woefully inexperienced. The lead defence counsel was a specialist in the law relating to oil and gas exploration and had never tried a case in front of a jury; the second attorney was two years out of law school and working at the time of the trial on small automobile accident insurance cases.

At the trial the state was unable to call any eyewitnesses to the crime, nor was it able to produce a murder weapon. Instead Ford was convicted largely on the testimony of a witness who was not a detached observer – she was the girlfriend of another man initially suspected of the murder. Under cross-examination the witness, Marvella Brown, admitted in front of the jury that she had given false testimony. "I did lie to the court… I lied about it all," she said.

In another classic element frequently found in exoneration cases, cod science provided by "expert" witnesses also helped to put Ford on death row. One such expert testified that the evidence pointed to the defendant because he was left-handed; another expert told the jury that particles of gunshot residue had been found on his hand; and a third talked about fingerprint evidence implicating him. The testimony from all three expert witnesses was later shown to have been at best inconclusive, at worst wrong.

Ford continued to profess his innocence throughout the 30 years. In the appeal process that ensued, the Louisiana supreme court, the state's highest legal panel, acknowledged that the evidence against him was "not overwhelming" and that the prosecution case was open to "serious questions", yet it decided to keep him on death row.

More recently it emerged that state prosecutors had failed to disclose evidence to Ford's legal team that could have been crucial in his defence. It included evidence from confidential informants pointing the finger at Ford's co-defendants, who faced initial charges that were then dismissed as the prosecution bore down against the wrong man. In a statement Ford's current lawyers, Gary Clements and Aaron Novod, said they were pleased by the exoneration. "We are particularly grateful that the prosecution and the court moved ahead so decisively to set Mr Ford free." Ford becomes the 144th death row inmate to be exonerated over the past four decades.

Barry George Takes Compensation Claim to Europe *Telegraph, 17/03/14*

Wrongly accused of murdering TV presenter Jill Dando, Barry George is taking his £1 million compensation claim to the European Court of Human Rights. Mr George, 53, is seeking compensation for loss of earnings and wrongful imprisonment, after spending eight years in jail for a crime he did not commit. He was convicted in July 2001 of the murder of the Crimewatch presenter, who was shot dead on the doorstep of her Fulham home in April 1999. But he was acquitted in August 2008 when doubt was cast on the reliability of gunshot residue evidence.

In April 2010 it emerged that the Ministry of Justice had denied Mr George's claim of £1.4 million compensation. A High Court application for compensation was refused, with judges rejecting his

equipped to deal with incidents which require emergency first aid. "There is also considerable scope for improvement in the appropriate care and consistent recording of detainee property, the loss or damage of which can be acutely felt. Improvement would benefit detainees, as well as saving staff resources and cost to the public purse for compensation. The Prison Service, while not immune from criticism itself, has detailed policies governing emergency response and management of detainee property. It is surprising that there has not been more learning from these sources across IRCs, particularly as some are run by the Prison Service. I trust Home Office Immigration Enforcement will ensure that all IRCs learn the lessons from this bulletin."

Law Q&A: Watching the PACE Detention Clock *Zander on PACE, Police Oracle, 13/03/14*

Question: In what circumstances could there be more than one PACE detention clock running at the same time? - Answer: The ordinary situation is that there is only one detention clock running. The suspect is brought into the police station under arrest, say for burglary. The detention clock starts to run from that time. Then during questioning it emerges that he has been involved in another burglary in that force area. He is arrested in regard to the second burglary, but the detention clock in regard to the second matter is the same as that for the first.

If, however, it emerges that the suspect is wanted for questioning in another force area, according to s.41(5) time only starts to run in the second area whichever is the earlier - 24 hours after leaving the police station where he is held in the first force area or the moment he arrives at a police station in the second area. There would then be two detention clocks running.

Two detention clocks would also be running if the suspect who is under arrest for the burglary is also arrested under s.46A for failure to answer police bail on another matter. An arrest under s.46A, by definition, is in relation to an earlier arrest for which a detention clock started where the suspect was then bailed.

If the s.46A arrest is made on behalf of another force, when is that detention clock activated? If, as would be natural, he is transferred to the other force in custody, s.41(5) again provides the answer. But if, after consultation with the second force, he is bailed by the first force, PACE does not answer the question. Section 41(5) does not apply because it deals with a person who is taken to the second force area, whereas the suspect, being on bail, would go under his own steam. Common sense suggests that the detention clock for the purposes of the breach of bail matter starts again when he answers bail at the police station in the second force area.

Seizing Evidence Powers and Crime Scene Searches *Police Oracle, 13/03/14*

Legal Powers to Seize Evidence: Generally speaking, when not under the power of a magistrate's search warrant (s 8 of PACE which allows anything to be seized and retained for which the search is authorized) then s 19 of PACE is relied upon for a power to seize evidential items which are on premises. This power states that a constable or civilian is designated an investigating officer (under the Police Reform Act 2002, s 38, Sch 4, Pt 2, para 19(a)) provided: (a) they are on premises lawfully; and (b) there are reasonable grounds for believing:

(i) that the item seized is either: (1) a thing which has been obtained in consequence of the commission of an offence (s 19(2): eg stolen items or the proceeds of crime); or (2) that it is evidence in relation to an offence under investigation or any other offence (s 19(3)); and

(ii) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered, or destroyed (s.19(2)(b) and (3)(b)); and (c) the item is not one for which there are reasonable grounds for believing it to be subject to legal privilege (as defined in s 10 (s 19(6)).

Early Day Motion 1151: Stop and Search *House of Commons: 10.03.2014*

That this House believes that police stop and search powers unfairly target the black and Asian communities; notes that the Equality and Human Rights Commission found that black people were six times more likely than white people to be stopped, with Asian or other ethnic minority groups two times more likely; points out that the Home Secretary set a deadline of 12 December 2013 to reduce significantly one of the stop and search powers related to the possibility of violence; deeply regrets that this did not happen; and believes that regressive attitudes in Downing Street are to blame and that Ministers who are members of the Conservative Party are afraid of appearing soft on crime with May elections imminent.

IRCs Need Better Emergency Medical Response, Says Ombudsman

"It is disappointing that we have frequently had to highlight the lack of clear and effective systems to ensure that the nature of emergency is correctly communicated, and that healthcare and detention staff working in IRCs are sufficiently trained and equipped to deal with incidents which require emergency first aid. Nigel Newcomen

15 investigations have been completed into the deaths of immigration detainees. This bulletin focuses on eight of the 15 deaths between 2004 and 2011, where there were concerns about the emergency response and about which we made recommendations.

Immigration removal centres need to improve the way they respond to medical emergencies, said Nigel Newcomen, the Prisons and Probation Ombudsman (PPO). They also need to take greater care of detainees' property, he added. Today he published a bulletin on the lessons that can be learned by immigration removal centres (IRCs) from PPO investigations.

The PPO independently investigates the circumstances of all deaths that occur in immigration detention and identifies lessons that need to be learned to improve safety. The PPO also investigates complaints from those held in IRCs. The bulletin published today first examines whether responses to medical emergencies were adequate and identifies a number of deficiencies. The PPO began investigating deaths in IRCs in 2004 and since then 15 investigations have been completed. The bulletin focuses on eight of the 15 deaths where there were concerns about the emergency response.

The steps that should be taken are: - the Home Office should implement a policy whereby every IRC uses a standard emergency code system to communicate clearly and efficiently the nature of the emergency; - every IRC should be equipped with working emergency medical equipment; - all IRCs should have sufficiently trained healthcare and/or discipline staff on duty at all times who can administer CPR; and - all staff members should immediately call an ambulance when a detainee presents with: chest pain, difficulty breathing, unconsciousness, severe blood loss, severe burns or scolds, choking, fitting or concussion, severe allergic reactions or a suspected stroke.

The bulletin also examines the complaints received from detainees (just over 100 in 2012-13). Most relate to property. Steps that should be taken include: - the Home Office should require all IRCs to develop more detailed and consistent practices for recording detainees' property in storage, in possession and on transfer; - IRCs should ensure that staff follow the correct procedures for handling property and post; and - where property is damaged or lost when in the care of an IRC, appropriate compensation should be offered promptly.

Nigel Newcomen said: "It is disappointing that we have frequently had to highlight the lack of clear and effective systems to ensure that the nature of emergency is correctly communicated, and that healthcare and detention staff working in IRCs are sufficiently trained and

claim that the Justice Secretary had "unfairly and unlawfully decided he was not innocent enough". Then last year judges at the Court of Appeal ruled Mr George was "not innocent enough" to be eligible for a pay-off and the case was thrown out. Now in a last-ditch attempt the former stuntman, originally from Walsall, West Midlands, is taking his claim to the European Court of Human Rights.

Starokadomskiy v. Russia (Violations of Articles 5 and 6)

The applicant, Nikolay Starokadomskiy (application no. 27455/06), is a Russian national who was born in 1971 and lives in Moscow. The case concerned his pre-trial detention and the criminal proceedings against him. Mr Starokadomskiy was charged with aggravated murder in February 1998. Subsequently he was accused of other violent crimes together with several co-suspects. In November 2004 Mr Starokadomskiy was convicted of a number of offences including conspiracy to commit murder. His conviction was upheld on appeal and he was eventually sentenced to ten years' imprisonment in November 2005. Relying on Article 5 § 1 (right to liberty and security), Mr Starokadomskiy complained that his pre-trial detention from 2 October 2004 – when the trial court's detention order expired – and 10 November 2004 – when he was convicted – had been unlawful. Relying further on Article 6 § 1 (right to a fair trial within a reasonable time), he complained that the trial in his criminal case had been held closed to the public and that the length of the criminal proceedings had been unreasonable. Complaint upheld: Violation of Article 5 § 1 – in relation to the applicant's detention from 2 October to 10 November 2004. Violation of Article 6 § 1 – on account of the lack of a public hearing. Violation of Article 6 § 1 – on account of the length of the criminal proceedings. Just satisfaction: EUR 7,500 (non-pecuniary damage) and EUR 1,500 (costs and expenses)

Pakshayev v. Russia (Right to Legal Assistance of Own Choosing)

The applicant, Andrey Pakshayev (application no. 1377/04), is a Russian national who was born in 1973 and lives in the Tyumen region (Russia). Convicted of murder and sentenced to ten years' imprisonment in January 2001 – the conviction being eventually upheld in October 2006 – Mr Pakshayev complained that he had been denied access to a lawyer during his questioning and first few days of police custody in May 1997.He submitted that during the questioning he had been threatened by the investigator that if he did not confess he would be raped by his cellmates. Mr Pakshayev then confessed to the murder but retracted his confession during the trial when represented by a lawyer. Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing) of the European Convention on Human Rights, Mr Pakshayev complained that he had not had any legal assistance during the initial stage of the criminal proceedings and that the confession he had made was then used to convict him. Complaint upheld, Violation of Article 6 §§ 1 and 3 (c) - Just satisfaction: 4,000 euros (EUR) (non-pecuniary damage) and EUR 373 (costs and expenses)

New Law Will See Support Extended to 50,000 More Prisoners *Gov.uk, 13/03/14*

[This is the most unworkable load of bollocks MOJUK's tired old eyes have ever read]

A major gap in the criminal justice system that means 50,000 short-term prisoners walk out of prison with no support is finally being addressed, as the Offender Rehabilitation Bill received Royal Assent on, Thursday 13th March 2014. The new law means that, for the first-time, virtually all offenders will receive at least 12-month's supervision in the community on release from custody. This crucial change will allow the Government to begin tackling the unac-

ceptably high reoffending rates that have dogged this country for decades.

Justice Secretary Chris Grayling said: “A staggering 85,000 crimes are committed every year by prisoners released from short sentences — this legislation means those offenders will now get the support they need to turn their lives around and start contributing to society, rather than damaging it. For too long we have released these prisoners back onto the streets with £46 in their pockets, and little else, in the hope they would sort themselves out – it’s little wonder things haven’t improved. Through our reforms to rehabilitation, we can start to turn the tide on this problem, and create a safer society with fewer victims of crime.”

The Offender Rehabilitation Act introduces a number of further measures supporting the drive to reduce reoffending, including: - A new drug appointment requirement for offenders who are supervised in the community after release; and - An expansion of the existing drug testing requirement after release to include Class B as well as Class A drugs.

It also creates a more flexible Rehabilitation Activity Requirement for adult sentences served in the community which will give providers greater freedom to develop innovative ways to turn an offender’s life around. The new legislation goes hand in hand with the Government’s wider reforms to probation, which will see the best of the public, private and voluntary sector working together to break the depressing cycle of crime too many are caught up in.

Under this approach, 21 new Community Rehabilitation Companies will work to turn round the lives of medium and low-risk offenders, drawing on experience from voluntary organisations as well as the private sector. A new National Probation Service will be tasked with protecting the public from the most high-risk offenders. A nationwide network of resettlement prisons is also being created that will see the majority of offenders managed by the same provider in custody and the community. This will allow people working with offenders to lay the groundwork for rehabilitation behind the prison walls and continue that work in the community when they are released, encouraging a through-the-gate approach to rehabilitation. The provisions in the Act will be implemented as part of our wider to reforms to probation. We expect to have providers in place and delivering services by 2015.

Prison Overcrowding Crisis Surges 'Close to the Brink' *Indpendent, 16/03/14*

The country is on the verge of its worst prison overcrowding crisis since 2008, leaving the Justice Secretary, Chris Grayling, fighting for his political future. Mr Grayling has quietly sanctioned emergency measures, after it emerged that there were only 265 free spaces left out of an 85,800 capacity across the England and Wales prison estate. This is the most crowded that prisons have been since the coalition took power nearly four years ago. To avert the crisis, privately run prisons will be paid to cram more inmates into their cells. The managers of these 14 private sector prisons include Serco and G4S, the companies at the centre of a scandal last summer, when the Ministry of Justice was billed for the monitoring of non-existent electronic tags.

Mr Grayling was accused by prison experts last night of being "irresponsible", amid warnings that crowded prison conditions could lead to riots and hinder rehabilitation. The Labour Party claimed that Mr Grayling's future could be "short-lived": in 14 of the past 22 weeks, including the past seven consecutive weeks, prisons have come within 1 per cent of capacity. However, Mr Grayling is refusing to invoke Operation Safeguard, which involves booking spare police and court cells at expensive rates, even though it is the convention to do so when prisons are near breaking point at 99 per cent capacity. The Conservatives made political capital out of the last Labour government's need to use police cells and the introduction of an

early release scheme in 2007 which only ended just before the last general election. Between November 2007 and September 2008, cells were booked under Safeguard for the equivalent of nearly 23,000 nights at £385 a night. Mr Grayling has been accused of trying to protect his own party by avoiding a repeat of the embarrassing use of police and court cells, despite positioning himself as tough on crime. He recently announced that he intended to put a stop to the automatic release of child rapists and those convicted of serious terrorism offences once they had reached the halfway point of their sentences.

The prison population is also expected to soar by an additional 1,050 inmates when the Ministry of Justice's Criminal Justice and Courts Bill, which is currently going through Parliament, becomes law. At the end of 2012, there were more than 6,500 spare prison places, but Mr Grayling has overseen a prison closure programme that his critics warned would result in the current shortages – and his £250m Titan "super-prison" in North Wales will not be ready until 2017. Paddy Scriven, general secretary at the Prison Governors Association, said that "there has to a very real question mark" over closing jails so quickly, and confirmed that Operation Safeguard was previously used when 99 per cent of inmate places were taken. She added that there was a suspicion that it was "politically unacceptable" to shut prisons closer to a general election, even though extra cells elsewhere were likely to have been built by then.

Andrew Neilson, campaigns director at The Howard League for Penal Reform, added that paying the private sector to "overcrowd" their cells was "not a measure that we have seen in recent years". He added: "The problem with Chris Grayling is that he is very irresponsible in the way he operates. He talks tough and does not countenance the idea that the prison population has to fall."

There was a marginal improvement in Friday's latest weekly figures, with 329 places available – but still 99.6 per cent full. By then, though, Mr Grayling is understood to have already agreed that more space should be found in privately run prisons, such as by accommodating two prisoners in cells designed for one, which is thought to be less costly than renting from the police. Divisions of Serco and G4S run 11 of the 14 privately operated prisons in England and Wales. G4S only repaid the MoJ £108.9m last week for its part in the electronic tagging scandal, which emerged last summer, while it was recently forced to deny that a riot occurred at its Oakwood prison near Wolverhampton at the start of the year. Bridgend Custodial Services, Fazakerley Prison Services and Onley Prison Services, for instance, are all part of the G4S network of companies. Moreton Prison Services, Lowdham Grange Prison Services, Pucklechurch Custodial Services and BWP Project Services are part of the Serco empire.Working Links and Nacro shared two thirds of the £53.7 million spent by the Ministry of Justice on third sector contracts between May 2010 and October 2012.

Shadow Justice Secretary, Sadiq Khan, said: "Chris Grayling is clearly too embarrassed to admit prisons are in the danger zone. He is clearly clueless and working on the basis that he won't be around to pick up the pieces when things go wrong. "Given all his reassurances that there's ample room to lock up criminals, if he runs out of space then it has to mean his future as Justice Secretary being short-lived. Grayling is presiding over a prison system as close to the brink as it has been in recent times."

The prisons minister Jeremy Wright said: "We have enough space within our prisons to accommodate all offenders without relying on police or court cells and will not be in a position where we can't imprison those sentenced by the courts. By 2015, the Government will have increased adult male prison accommodation so that we have more places than we inherited from the previous government."