be seen and not heard, you should sing the company song, constructive dissent is not wanted."

A Ministry of Justice spokesperson said: "It is completely untrue to suggest that any member of staff raising legitimate concerns will face disciplinary actions. Any concerns raised by staff members are taken extremely seriously. The department has a policy which encourages staff to raise concerns to nominated officials or the confidential wrongdoing hotline."

**David Mccallum and the Late William Stuckey Exonerated of Murder**

After 29 years in prison, David McCallum was exonerated yesterday of a murder he did not commit. Kings County (NY) Supreme Court Justice Matthew D'Emic also exonerated William Stuckey who died in prison in 2001. It took an army of advocates over many years — including the late Rubin "Hurricane" Carter, who had also been wrongfully conviction of murder — to finally overturn this miscarriage. As teenagers McCallum and Stuckey falsely confessed to the murder of Nathan Blenner, who died of a single gunshot wound to the head. McCallum and Stuckey quickly recanted the confessions. Although the confessions were filled with inconsistencies and inaccuracies, the men were convicted and lost all appeals. Over the years, McCallum refused parole rather than admit guilt to a crime he did not commit. His struggle was recorded in a recently released documentary, "David & me." Brooklyn District Attorney Kenneth Thompson, whose Conviction Review Unit investigated the case, recommended this exoneration, and has now cleared convictions in ten cases, said in a Wall Street Journal Report (here), "I think the people of Brooklyn deserve better, and I think we should not have a national reputation as a place where people have been railroaded into confessing to crimes they did not commit." Congratulations to Mr. McCallum and to the family of William Stuckey.

**Appeals Against Deportation Conducive to the Public Good Scrapped**

Minister for Security/Immigration James Brokenshire: Reforms to the immigration appeals system Immigration Act 2014 are being phased in from 20 October. These provisions contain important measures to make it easier to deport foreign criminals. In July we introduced new powers to stop criminals using family life arguments to delay their deportation. This has been successful, enabling the Home Office to deport over 100 criminals since July pending any appeal.From Monday 20/10/14 criminals will also no longer be able to appeal against a decision that their deportation is conducive to the public good. This is the most significant change to deportation appeals since 1971. Criminals will be deported and will not be able to appeal beforehand unless they face a real risk of serious irreversible harm. For those that do have an appeal right, they will only be able to appeal once. Reforms are also being made to strengthen the regime and further enhance security. House of Commons: 16 Oct 2014 : Column 42WS

**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, Ray Gilbert, Ishtiaq Ahmed.

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# MOJUK: Newsletter 'Inside Out' No 500 (23/19/2014)

**Martin Foran - Second Conviction Quashed After 36 Year Fight**

Lord Justice Pitchford handed down the judgement Friday 17th October 2014

The CCRC Reference: On 12 June 1978 Martin Patrick Foran faced trial before HHJ Ross QC at Birmingham Crown Court upon an indictment charging him with six offences. In count 1 he was charged with burglary of a garage at 29 St Chad's Road, Rubery between 1 and 4 May 1977 and theft of a wallet and its contents. In the alternative, in count 2 he was charged with handling the wallet and contents. In count 3 he was charged that on 26 September 1977 he robbed Charles Apechis of £2,800 in cash and other property. In count 4 he was charged that on 8 October 1977 he robbed Natwarlal Trikain of a handbag and £35. In count 5 he was charged that on 13 October 1977 he robbed Richard Alexander Rice of a quantity of jewellery and watches, a cash box and cash. In count 6 he was charged that on 13 October 1977 he robbed Ian Lawrence Holmes of a watch, a wallet and its contents. In counts 3 - 6 Mr Foran was jointly charged with Errol Alexander Campbell. Campbell pleaded guilty to those counts and trial proceeded against Mr Foran alone. During the course of the trial the judge withdrew count 1 from the jury and directed an acquittal. On 21 June 1978 the jury returned verdicts of not guilty upon count 2 and guilty upon counts 3 – 6 inclusive. Mr Foran was sentenced to 10 years imprisonment concurrent upon each count.

He appealed against conviction. On 11 March 1980, in a judgment a transcript of which is no longer available, the full court refused the applicant's renewed application for leave to appeal. In 1981 an effort was made to persuade the Home Secretary to refer the convictions back to the Court of Appeal. That effort was unsuccessful. In July 1982 Mr Foran conducted a roof top protest at HMP Nottingham. His case was raised in the House of Commons on 20 July 1982. The minister of state at the Home Office, Mr Patrick Mayhew QC, who had a copy of the court's judgment in his possession, reminded the House that he could not usurp the functions of the jury and the Court of Appeal. There was no new evidence that cast doubt upon the safety of the verdicts which, as Donaldson LJ had remarked in his judgment on behalf of the court, depended upon confessions by Mr Foran to the offences alleged.

On 7 January 2013 Mr Foran made an application to the Criminal Cases Review Commission ("the Commission" or "the CCRC") for a review of his case. On 9 January 2014 the Commission referred the convictions to this court under section 9 of the Criminal Appeal Act 1995. Henceforth we shall refer to Mr Foran as the appellant. The grounds for referral which we paraphrase are that further information has come to light that casts down upon the prosecution case proved by police officers that the appellant had confessed to the count 3 – 6 offences; accordingly, that the verdicts were unsafe. On 16 April 2013 this court (Leveson LJ, Mitting and Males JJ) allowed the appellant's appeal against a quite separate conviction at Birmingham Crown Court on 3 May 1985 on the ground that police evidence was tainted (Foran [2013] EWCA Crim 437). However, the evidence under scrutiny in that case concerned an offence which took place in September 1984 and concerned police officers none of whom were involved in the investigation which is the subject of the present appeal.

*Discussion and conclusion:* It is accepted by the Commission that there is no direct evidence

of malpractice against Detective Constable Davies, Detective Sergeant Hancocks, Detective Constable Bawden and Detective Sergeant Whelan, all of whom gave pivotal evidence in the trial of the appellant in 1978. However, it is submitted that there was implied in the judgment of the Court of Appeal in McIlkenny in 1991 a finding that the investigating team, including Detective Constable Davies, was corrupt or, if not corrupt, at least tainted to a degree that puts the credibility of Detective Constable Davies' evidence on oath in serious doubt. We have already expressed our reasons for rejecting this argument. While we accept that the taint of institutional corruption may affect the credit of an individual witness against whom no specific finding has been made, we note that this was an investigation in 1977 and that on no occasion since has Detective Constable Davies been implicated in corrupt practice. It is argued that the subsequent disciplinary findings against Detective Chief Inspector Taylor are important because, had they preceded the appellant's trial, they would have provided ammunition for cross-examination as to credit. He was also tainted subsequently by his involvement in the trial of Twitchell and thus susceptible to accusations of corruption in his dealings with suspects. In 1977 Detective Chief Inspector Taylor was the recently appointed head of the Serious Crime Squad. His leadership role would, it is submitted, have had a significant impact upon the team whom he was directing and, therefore, the truth of the evidence that the appellant made the disputed admissions on 24 October 1977 and on 3 April 1978. He was, in particular, Detective Sergeant Hancocks' senior officer. Detective Sergeant Jennings was, it is further submitted, implicated in the allegedly false evidence given at the trial of Keith Twitchell, and the taint on his credibility affects the value of his evidence that the appellant made admissions on 3 April 1978.

The respondent, having considered the material available, concedes that this court could properly conclude that the verdicts upon counts 3 and 4 are unsafe. There is a sufficient taint upon the credibility of Detective Constable Davies to cast doubt upon the accuracy of his evidence. There was upon the relevant issues evidence supportive of the appellant from Prison Officer Law. There was no direct or circumstantial evidence to place the appellant at either of the robberies; therefore, there was no supporting evidence from any other source. Charles Apechis (count 3) gave a description of his attacker that bore no resemblance to the appellant and subsequently, not having been called at trial, made a statement absolving the appellant. We accept Mr Rees QC's submission that no specific findings were made against Detective Chief Inspector Taylor and Detective Sergeant Jennings in the appeal of Twitchell. The ground upon which the court allowed the appeal was that had the material been available for cross-examination the effect would have been devastating. We have posed the question: why would cross-examination have been devastating? In our judgment, the material available for cross-examination of Detective Chief Inspector Taylor and Detective Sergeant Brown in Twitchell was so damaging to the credibility of those officers that there was serious doubt whether the jury would have been prepared to accept them as witnesses of truth. That being the case, Detective Sergeant Jennings' own evidence would have suffered the same taint since he was supporting the thrust of their evidence. We consider that, in the absence of any other admissible evidence implicating the appellant in the robberies charged in counts 3 and 4, any legitimate attack upon the credit of either Detective Constable Davies or Detective Sergeant Jennings would affect the safety of the verdicts upon those counts. The fact that we have found that there was nothing in the background or later events to cast doubt on the honesty of Detective Constable Davies does not determine the question whether the verdicts on these counts were unsafe. We recognise that our reasoning differs from that of the respondent. In our judgment, it is enough that there is material on which Detective Sergeant Jennings could legitimately have been cross-examined to effect. We have no way of knowing how that would have affected the jury's decision upon the reliability



prison service and has been served a disciplinary notice that could end with his dismissal. Williamson told the Guardian: “It’s a totally disgraceful situation and goes against everything that we want to be seeing within the public sector, where whistleblowing needs to be encouraged when the concerns of those working within the system are not being addressed internally.”

Officers are facing dismissal after raising concerns about the high levels of violence within prisons, their fears for their own safety and that of inmates, and predicting that short staffing will lead to more rioting. In HMP Lewes Kim Lennon is fighting for her job after raising worries in a local newspaper in August about her own safety and that of her colleagues. Allegations of a crackdown on whistleblowers follow an investigation by the Guardian that revealed a distinct patterns of failings was contributing to more than six suicides of prisoners a month on average. Between January last year and 2 October this year, 134 inmates took their own lives – three on one day in September 2014.

The shadow justice secretary, Sadiq Khan, has urged ministers to launch an urgent inquiry into the rising rate of suicides in prisons. “Time and again the chief inspector has warned that staff shortages and overcrowding are the underlying causes of violence and deaths. Yet ministers have their fingers in their ears, and carry on denying there’s a prisons crisis,” he said. The allegations come ahead of the chief inspector of prisons’ annual report – due out on Tuesday – which will give a detailed examination of the state of prisons in England and Wales.

Williamson said he was approached by prison officers from HMP Featherstone in his constituency who brought their concerns about the rising levels of violence, their anger that inmates were not being brought to justice for attacks against staff and how short staffing was affecting safety. He took these points to the prisons’ minister and the Ministry of Justice. But the MP later discovered that an officer from the prison had been singled out and served with a disciplinary notice, saying he had brought the service into disrepute. “They are taking an arrogant and high-handed attitude towards pursuing prison officers who have raised issues they are concerned about perfectly legitimately either through their MP or through other means,” said Williamson. “The right for people to whistleblow must always be there. We have seen what happened in Mid Staffs hospital and we don’t want a repeat of that. I fear that that is the route the prison service seems to be going down. If people aren’t able to speak up and say this is wrong, then the public services will be weaker for that.”

Lennon, an officer from HMP Lewes, gave an interview to her local paper about the deteriorating safety within the prison after raising her concerns internally but being ignored – sources close to her case said. She warned that serving officers were concerned that staff shortages within the prison were sparking increased levels of violence, that she feared an attack on officers was imminent, that staff cuts were fuelling the increase in violence and there were not enough staff to look after prisoners properly. Lennon told the Argus: “We’ve not got enough staff to look after prisoners properly. They are becoming extremely frustrated and frontline officers are in danger. Staff are doing more jobs than ever before and there’s fewer of us.” After Lennon spoke out a senior officer was attacked at Lewes by three prisoners and required hospital treatment. But Lennon was later sent a letter by the then prison governor, Nigel Foote, informing her she was to be disciplined for “failing to meet the standards of behaviour expected of staff”. She now faces dismissal. A few days later Foote quit his post as governor of the prison with no explanation.

Paul Laxton, former deputy governor at Lewes, said there was a climate of fear within the prison system. “People are chained to their desks because of the workload and they don’t want to put their heads over the parapet. “They are trying to sack Kim, to make an example of her in order to show others that they have to keep their mouths shut. The senior civil servants will do what [justice secretary] Chris Grayling wants, but there is also a culture at senior civil service level that people should

fewer officers in the frontline than in 2010. The Ministry of Justice disputes the figures, but at last week's prison governors' conference, members described a system with no slack in it. One talked of having to work shifts in prison kitchens to cover staff shortages. That means more and more inmates spending more and more of the day in their cells. Supervision is cut to the minimum. One consequence was cruelly illustrated by the Guardian's research last week. Suicides in prison are averaging six a month. One person in custody kills themselves every five days; one day last month, three prisoners died. "I didn't expect them to love him, but I did think they would look after him," said Lynda Davison, whose 21-year-old son, Steven, hanged himself in HMP Glen Parva in Leicestershire.

Last month, Chris Grayling boasted to Tory conference delegates that prison was no longer a holiday camp. It never was. All the same, if this new regime genuinely fulfilled the purposes of cutting crime and reducing reoffending, then there might be a defence. But it does neither of those things.

The purported link between more prisoners and less crime is driving the move to larger, cheaper, and, for many prisoners' families, more remote prisons. Yet the link is feeble. True, recorded crime is at its lowest level since 1981, and the number of people in prison, at 83,000, only a little below its peak. But the standard academic analysis estimates that for every 1% fall in crime, the prison population needs to expand by 25%. If that's right, then of the 45% fall between 1995 and 2010, during which time the prison population doubled, only about four percentage points can be attributed to locking people up.

That is not the only way. As Mr Grayling's predecessor, Ken Clarke, pointed out in 2010, prison does not work. Half of all adult prisoners reoffend within a year, rising to more than 75% of under-18s. It is a cliche that far too many people are locked into a cycle of offending, prison and reoffending. Even Mr Grayling recognises that recycling the same people through the system needs tackling. Yet, despite last year's tagging fiasco, when G4S and Serco were found to have overcharged the ministry and underpoliced offenders, outsourcing and "payment by results" will once again be at the heart of the reform. Later this week, despite concerns that reviews of the pilot schemes are inconclusive, preferred bidders for the contracts will be announced.

Prison officers have now joined the prisons inspector and the ombudsman to warn that there is a real danger of violence and even rioting. But, disregarding government promises to protect those who disclose information in the public interest, whistleblowers within the service who try to warn of the crisis in the prisons risk disciplinary proceedings, and even dismissal, as we report. The justice secretary closely monitors journalistic visits to prisons. It is being hinted that the chief inspector of prisons, Nick Hardwick, a notable critic of government policy in a role that has attracted some courageously frank individuals, will not have his contract renewed. His latest report is out on Tuesday. It should be the signal to rethink penal policy.

**Prison Whistle Blowers Threatened With Dismissal** *The Guardian*

Whistle Blowers in the Prison Service are being threatened with dismissal for raising serious concerns about their ability to keep inmates safe and their fears over soaring levels of violence. The attempts to silence staff have been condemned by a Conservative member of parliament, who was approached in confidence by a number of officers working at a prison in his constituency during the summer with details of how staffing shortages were causing concerns over safety.

Gavin Williamson, MP for South Staffordshire, said the "arrogant, high-handed" attitude to those raising legitimate concerns risked creating another scandal in the public sector on the scale of the Mid Staffordshire affair in the NHS. After the MP was approached an officer was singled out by the



of the confession allegedly made at HMP Leicester on 3 April 1978 but we are clear that the challenge would have cast renewed light on its reliability. We are persuaded that we cannot be sure that the verdicts on those counts are safe. We consider a further route to the same conclusion in the following paragraphs.

We turn to counts 5 and 6. While, some three to four years later, Detective Chief Inspector Taylor was accused and convicted of disciplinary offences which went to his honesty and therefore affected the fairness of the trial of Mr Twitchell in 1982, there is no evidence of malpractice by him before the investigation of Mr Twitchell's case in November 1980, fully three years after the investigation in the appellant's case. However, the appeals of OToole, Murphy and Wilcox all concerned the investigation of robbery by the Serious Crime Squad in 1977 and in Twitchell the allegation was that Detective Chief Inspector Taylor had falsely placed himself in an interview in order to give dishonest support to the evidence of other officers.

Detective Sergeant Hancocks, admittedly an untainted witness, was able to produce a document at trial that has the hallmarks of contemporaneity and was consistent with the evidence of the progression of the critical interview leading, as he said, to the appellant's admissions. It was inconsistent with the appellant's complete denial that he had given any information to the officer about robberies or Ireland. In our judgment, this document must have been central to the jury's consideration of counts 5 and 6. On the other hand, the legitimate point was made by Ms Nicholls in argument that no contemporaneous note of admissions from the appellant to the Rice Jewellery robbery was made by Mr Hancocks even though, according to the officer, he immediately went on to make them. Furthermore, it did not follow that because the jury accepted the handwritten note as genuine they were bound to accept the critical evidence of admissions. There was open to the jury the conclusion that the appellant did attempt to strike a bargain by giving information about others but may not have made any admission of his own guilt. The evidence of Detective Sergeant Whelan and Detective Constable Bawden, also untainted witnesses who did not serve in the Serious Crime Squad, provided, as we have said, significant support for Detective Sergeant Hancocks' evidence, since Whelan was hardly going to ask for confirmation from the appellant that he had made admissions unless Hancocks had told him that he had. That, however, does not resolve the question whether the admissions had in fact been made to Detective Sergeant Hancocks before Detective Sergeant Whelan arrived at the police station. If by reason of an attack on the credibility of Detective Chief Inspector Taylor the jury had doubts about the truthfulness of the evidence of Detective Sergeant Hancocks it seems to us that a ripple effect would inevitably follow.

The question we have to resolve is whether the specific material available for cross examination of Detective Chief Inspector Taylor and the general taint upon the leadership of the Serious Crime Squad in 1977 is sufficient to place the confession evidence in doubt. We consider that cross examination of Detective Chief Inspector Taylor would have had some impact upon the issue facing the jury. That fact was bound to place the evidence of officers of the Serious Crime Squad under pressure, particularly the evidence of Detective Sergeant Hancocks and Detective Constable Davies. Although we readily accept that it is not possible to assess with any certainty what the outcome would have been, we are clear that the jury would not have approached the evidence in categories each one hermetically sealed from the next. Cross-examination of the head of the Serious Crime Squad as to the honesty and reliability of the investigation may well have had the effect of causing the jury to examine with increased scepticism the issue as to how the injuries to the appellant had been caused. It may also have had an effect on the jury's assessment of the truth and accuracy

of the appellant's alibi evidence. Once the jury were faced by this means with a further challenge to the accuracy and truthfulness of Detective Constable Davies' evidence, there would have been a further ripple effect on their examination of his evidence in support of the confession allegedly made on 3 April 1978, and the evidence of Detective Sergeant Whelan and Detective Constable Bawden supporting the alleged confession of 24 October 1977. While we are quite unable to make findings adverse to the credibility of any officer, we cannot be sure, for the reasons we have stated, that a verdict based upon on these alleged confessions is a safe verdict.

Finally, there was in the case of counts 5 and 6 a positive identification of the appellant by Mr Holmes who said, when attending the identification parade, "I am not mistaken, that is the man". We are conscious of the fact that the full Turnbull direction was not given to the jury but we have read each of the judge's directions to the jury on the subject of identification and, in our view, the judge safely left the issue to the jury with the warning that they should look for supporting evidence. However, since we have concluded that the identification cannot be regarded as reliably supported by the evidence of confession it follows that the convictions upon counts 5 and 6 are unsafe. For these reasons the appeal is allowed and we quash the appellant's convictions upon counts 3 – 6 inclusive.

**John Paul Wootton Sentence Increase**

The appeal court and the Public prosecution service have increased the sentence of John Paul Wootton from 14 to 18 years. This punitive measure is designed to cloak the fact that John Paul Wootton and Brendan McConville are victims of one of the most blatant miscarriages of justice in recent times. The 25 year tariff imposed on Brendan McConville was not altered. The guidance on the appropriate tariff in murder cases in this jurisdiction is contained in the judgment in R v McCandless [2004] NICA 1. The Court adopted the Practice Statement issued by Lord Woolf [2002] 3 All ER 412 which sets out the appropriate starting points for adult and young offenders, and how and when the court should vary the starting point. The Practice Statement was designed to be for guidance only and the starting points were intended as aids in finding the right and appropriate sentence for the particular case. The Court accepted that the sentencing regime in England under the Criminal Justice Act 2003 (which governs the choice of the minimum term in life sentence cases) could be taken into account but said that where the Practice Statement has made provision for the type of case in which the sentence is being imposed, the 2003 Act is likely to be of limited value.

A cursory look at the facts and so called evidence used shows quite clearly that both men have for this past five years been used as scapegoats for a system determined to get someone get anyone for a killing most likely orchestrated by the very people tasked to prevent such things from happening. The litany of abuses, abnormalities, outright lies and under hand and devious tactics used by every strand of the so called justice system in this case is an indictment of a system that while claiming to safeguard a new dispensation actually exposes just how retrospective and draconian it has become

Years of special powers, Diplock courts and the erosion of the right of the individuals at the mercy of this system to the presumption of innocent until proven guilty has been turned on its head. From the very start regardless of the fact that no evidence existed, it became very apparent that this system claimed Brendan McConville and John Paul Wootton as guilty, and with a deck heavily stacked against them both men had to then prove their innocence.

An eye witness who's testimony was medically impossible, who was a paid perjurer, who has been called a walter mitty and a liar by his own family and despite the fact that we all know Witness Ms identity we all know of his vulnerable nature, we are barred by the system from speaking his name lest the public know the kind of individual this court of law accepts as



or schools had such a dreadful record there would be a public outcry.

As a former government minister who, on Christmas Eve last year was sent to Belmarsh – Britain's hardest prison, supposedly reserved for murderers, terrorists and gunmen – then transferred to Brixton for the second half of my sentence, I saw the hidden face of prisons. The filth and degradation were unbelievable. I was briefly imprisoned in a communist prison in Warsaw when arrested for running money to the, at the time, underground union Polish Solidarity in 1982. The food was better, the warders more humane and the cells cleaner than those in contemporary Britain. Here, I met septuagenarians sent to rot for a minor white collar crimes, with no violence or financial loss to an individual. Prisoners who use wheelchairs and walking frames share the same space as men who scream and bang their heads against cell doors during the night. Men with serious hernias or colostomy bags walk around in agony; medical treatment is rudimentary. If you treat a man as less than a full human being do not be surprised if that is what he becomes.

The prison budget is £3bn a year more than the cost of the Foreign and Commonwealth Office, or Defra. Recidivism costs a further £13bn. In Sweden and the Netherlands they are closing prisons. In France, there are just 68,000 prisoners compared to 97,000 here. The UK has more prisoners than the proposed 80,000 strong British army. Non-custodial sentences, community service, fines and electronic surveillance are all better than throwing people into prison.

What might be done? First, the political parties need to stop the childish auction about which minister – or his or her shadow – can be tougher in insisting on custodial sentences. Second, our judges need to be weaned off their obsession with sending people to prison. The average sentence increased by 25% between 2003 and 2013. The president of the supreme court, Lord Neuberger, has said that sending people to prison for six months or less is pointless. Yet each year our judges send around 40,000 people to prison for such short periods. 35,000 people who are in prison awaiting trial end up either being cleared or given non-custodial sentences. Why do judges send them inside in the first place? Third, the tabloid editors and journalists now doing time need to send a message back to their colleagues that the endless demands for more and more people to be sent to prison is not making society safer. Countries that have lower incarceration rates also have lower crime rates. Making prisons work is possible with some clear thinking by politicians and judges. Right now, British prisons shame our society and are not fit for purpose. Denis MacShane is a former MP and minister who was sentenced to prison for six months for false expenses claims. His Prison Diaries are published by Biteback

**Prison Policy Punishingly Expensive & Not Cost Effective** *Editorial The Guardian, 20/10/14*

It is 21 years since Michael Howard, the home secretary who ripped up the old Tory commitment to a liberal, humane penal policy, declared that prison works. In the years since, the prison population has swelled, and his mantra has become a public test of commitment to law and order for Labour as well as Conservative justice secretaries. The number of people locked up in England and Wales rose by nearly 4% every year between 1993 and 2010. After the riots in 2011, it reached a peak of more than 88,000. But incarceration is expensive and money is short. The Ministry of Justice budget, £9bn when the coalition took office, has been slashed by about £2bn, with more to come. The budget for offenders has borne a heavy burden, with predictable results. Meticulously described in official publications such as the annual reports of the prisons ombudsman and the chief inspector of prisons, they contain brutal evidence of what austerity means for the security and wellbeing of both inmates and prison officers.

These are some of the numbers. The Howard League now estimates that there are 40%

matically, which often involve prisoners clambering onto the netting or railings attached to wing landings in the hope that they will be taken to segregation and then 'shipped out' to somewhere where they feel safer, where the conditions appear better or where they will be closer to home; and - Of most concern, the number of self-inflicted deaths rose by 69% from 52 in 2012-13 to 88 in 2013-14, the highest figure in 10 years.

"Increases in self-inflicted deaths, self-harm and violence cannot be attributed to a single cause. They reflect some deep-seated trends and affect prisons in both the public and private sectors. In many prisons, strong relationships between staff and prisoners mitigated the worst effects of overcrowding and helped make prisons safer than they would otherwise have been. Improvements were made in work, training and education for prisoners in 2013-14, although outcomes declined sharply in the latter part of the year. Nevertheless, in my view, it is impossible to avoid the conclusion that the conjunction of resource, population and policy pressures, particularly in the second half of 2013-14 and particularly in adult male prisons, was a very significant factor for the rapid deterioration in safety and other outcomes we found as the year progressed and that were reflected in NOMS' own safety data. The rise in the number of self-inflicted deaths was the most unacceptable feature of this. It is important that the bald statistics do not disguise the dreadful nature of each incident and the distress caused to the prisoner's family, other prisoners and staff." Nick Hardwick

**Prisons Shame Britain and are Not Fit For Purpose** *Denis MacShane*

A 50-year-old man in Brixton prison tied bed sheets around his neck and hanged himself in despair Friday 17th October. His death did not make a news story, nor did that of the prisoner who killed himself in Nottingham earlier this week. There has been a 64% increase in prison suicides this year, and 125 prisoners have committed suicide in the last 20 months. The death penalty has been abolished, yet too many people leave prison in a coffin.

Reforming prisons was once a great British cause. Can it become so again? Now that parliament is back and parties are hunting for policies to cut costs and modernise Britain here is one simple proposal that can save billions for taxpayers and go with the grain of British decency: cut the number of prisoners we have.

The justice secretary, Chris Grayling, admits that prisons are under pressure and have too many suicides but says there is no crisis. The chief inspector of prisons, Nick Hardwick, warns that the dramatic increase in prisoner suicides is a result of poor prison management. Prisoner suicides are "not acceptable in a civilised country" Hardwick says. Criticising Chris Grayling, especially after his foolish ban on sending books to prisoners, is easy for liberals and the left.

But in 2010, Labour home and justice secretaries handed their successors a prison system that was unfit for service and the root of the problem is that far too many people are incarcerated. It is time to call a party political ceasefire on the mutual denunciations that end up with too many people being decanted into prison without sufficient staff to oversee them or prevent suicides, let alone prepare prisoners for re-entry into society.

Under Margaret Thatcher – not known as a bleeding heart liberal – the prison population was kept well under 50,000. Under David Cameron it is approaching 100,000, far higher than comparable west European countries or Canada. Each year taxpayers pick up an enormous bill for the costs of running overcrowded prisons and the recidivism that arises because they are training centres for criminality. Half of all adult prisoners are reconvicted within a year and three-quarters of prisoners under 18 leave prison and go straight back in. If our hospitals



credible and sends to men to jail for life on his word.

The spying by MI5, the destruction of evidence by the SAS, the sabotage of the appeal by the PSNI, the planting of evidence by the prison service, all set the tone and illustrated the lengths the system has sought to maintain the convictions of Brendan and John Paul. The appeal courts decision here in the spring, conveniently threadbare, refusing to account for flawed and contradictory evidence by not dealing with it at all, afraid of the consequences a quashed conviction might bring, afraid that the veil may fall fully and expose the truth at the core of this miscarriage of justice.

We the Justice for the Craigavon Two Group have redoubled our efforts confident that next week, next month, next year , next time we will do enough to overturn this gross injustice. We have called to the public for help, Brendan and John Paul have called for your help, and you have replied in kind, more and more are reading the case files the facts, and are coming to the same conclusions we have come to, more and more are raising their voices. At some stage the rising crescendo will become a serious embarrassment to a system that prides itself as one of the best in the world, and when that day arrives they will concede defeat and the political decision that was taken to scapegoat the Craigavon Two will be rescinded.

*We are not there yet! but with your support we will be*

*Justice for me and for you, justice for the Craigavon Two!*

John Paul Wooton: HMP Maghaberry, Old Road, Ballinderry Upper, Lisburn, BT28 2PT

*To all those elected to Public Office.* You will have learned from above how the PCS have been successful in their bid to increase the sentence given to John Paul Wooton. In reading my first paragraph I am confident some people may see the increase in John Paul's sentence as a positive move. If this is the case then I suggest you familiarise yourself with the facts of this case. When giving his decision yesterday the judge in the case stated there was no suggestion that John Paul planned the attack or fired the weapon. He further added that "The precise nature of his role in the offence has not been established."

In the absence of substantive evidence John Paul Wooton and Brendan McConville were given lengthy prison sentences on the strength of circumstantial and missing evidence and on the word of an informant. I ask that you take an objective view and read the campaign literature and court judgements and maybe then you will take a completely different view on what passes for Justice here in the North of Ireland.

It would seem that despite 'our' new dispensation the foul spectre of British Justice remains inherently unjust and that being innocent until proven Irish is not only a relic of the bad old days. The case against the two men who have become known as the Craigavon two is a prime example of political expediency, in that a conviction has been secured on the most questionable and flimsiest of evidence as was also witnessed in the cases of the Guildford Four and Birmingham Six.

Furthermore it has been confirmed that the British Security Services had surveillance equipment planted in John Paul's car yet crucial data from this device was wiped, would this data have confirmed John Paul's innocence? This is something we'll never know courtesy of British spooks who have their own nefarious agenda. With these factors in mind we can only conclude that this case demonstrates an element of malevolence and exposes the inbuilt weaknesses in the so called British justice system. It also evidences the failings of the PSNI to carry out a robust and comprehensive investigation into the murder of Constable Stephen Carroll.

The silence of the political mainstream on the issue of the Craigavon two can only be considered as acceptance of this travesty of justice. It has recently been said that in the case of the Guildford Four with the exception of a few, most politicians remained silent until the

point where all legal loopholes had been exploited, lives had been ruined and life sentences had been served. These people were just like Brendan McConville and John Paul Wooton.

Gerry Conlon who passed away this year after a short illness was a leading campaigner for the Craigavon two. Gerry Conlon knew first hand the brutish beast that is British justice, he faced it down and through perseverance exposed the fallacy of so called British Justice to the world. Weeks before he died Gerry Conlon publicly called for the support of the nationalist and republican parties. "Those politicians who claim to represent and speak for nationalist, republicans and the working class should be outraged by this judgement, they now have an opportunity to voice their concern and outrage at this blatant injustice." It's time those of you elected to public office continue Gerry Conlon's work and help secure the release of the Craigavon two, for if you fail John Paul and Brendan, you are once again failing Gerry Conlon. *Excerpt From the Diary of a Derry Mother*

**Grayling Gives Green Light For Staff To Use Force Against Young Inmates**

Chris Grayling is to defy an appeal court judgement and order that staff should be able to use force to restrain teenage inmates for "the purposes of good order and discipline" at his proposed £85m privately run 'super-child jail'. The proposed rule for the justice secretary's 320-place 'secure college' comes despite a court of appeal ruling in 2008 which banned the use of force after it was linked to the deaths and injury of several children in custody, including the death of a 14-year-old Gareth Myatt. Bids from private companies to run the new super-child jail will be sought from early next year, according to the forward to the draft rules, and it is expected a 10 year contract will be in place before the general election. Child inmates aged 12 to 17 will be expected to wear a uniform while they are locked up unlike most other young offenders in detention.

Lord Ramsbotham said he would lead a challenge to the new rules and the £85m project in the House of Lords next Wednesday when it will be debated as part of the report stage of the criminal justice and courts bill. The former chief inspector of prisons, said the new discipline rules should not be adopted until they have been voted on by both Houses of Parliament.

The court ruling means that while it is currently lawful to use force to restraint child inmates to prevent injury to themselves or others, to stop them from escaping or to prevent damage to property, it is not lawful to use it to maintain good order and discipline. The new rules recognise that the move will be a departure from the court ruling by saying that restraint techniques which involve inflicting pain on the child cannot be used in cases of "good order and discipline" although they may be used to stop the child hurting themselves or others. The rules include a number of safeguards including spelling out that restraint involving force cannot be used for the purposes of punishment.

Andrew Neilson, the director of campaigns for the Howard League for Penal Reform said: "The ministry of justice has described the secure college as putting education at the heart of detention, yet this consultation places punishment firmly at the heart of the proposals. Pages are spent trying to justify changing the rules which govern the use of force, in contravention of previous court judgments that found restraining children simply to maintain good order and discipline to be unlawful. This takes us back to the dark days when a child like Gareth Myatt could die while being restrained simply for refusing to clean a toaster. There seems to be no willingness to learn from the mistakes of the past. This includes a proposal to have children wearing uniforms whilst incarcerated, despite evidence that this merely reinforces perceived criminal identities and antisocial behaviour."

Justice minister, Andrew Selous said: "It's incredibly hard to understand why the Howard League doesn't want to see more education and skills provided for children in custody. That's exactly what the new secure college is about. Do they really think the status quo is the best we can do for our young



used by the US military to feed inmates against their will present long-term health risks and that lubricating their feeding tubes with olive oil can cause chronic inflammatory pneumonia.

However, attempts by the British government to establish if Shaker Aamer, whose family are in south London, has been mistreated appear to have been dismissed. The foreign secretary, Philip Hammond, revealed in a letter dated 7 October: "We made inquiries with US government officials, who assured us that the report of an incident, relayed to you by another detainee, is not accurate." The response relates to claims from a fellow detainee, Yemeni Emad Hassan, who reported that Aamer had been "beaten" by FCE teams. Aamer, 46, has described being beaten by the FCE team up to eight times a day.

Insisting that Aamer's release remains a high priority for the government, Hammond said UK officials have no access to the British resident and are solely reliant on US sources for information. Clive Stafford Smith, director of legal charity Reprieve, who recently visited Aamer in Guantánamo, said: "It is unfathomable to me that the British government would blithely accept the US assurances that all is well in Guantánamo when they are not allowed to visit Shaker, when judge Kessler has recently seen and heard the evidence that prisoners are being terribly abused, and when the International Committee of the Red Cross itself has characterised some of the 'techniques' being used in Guantánamo as torture." Aamer, who has been cleared for release by both the Bush and Obama administrations, has been held for long periods of solitary confinement since 2005 and is in extremely poor health. An independent medical examination, published this year, diagnosed severe post-traumatic stress and recommended urgent psychiatric treatment for him and "reintegration into his family". - *Mark Townsend, The Observer*

**Chief Inspector of Prisons Annual Report England and Wales 2013–14**

Financial, population and policy pressures contributed to a significant decline in safety and other outcomes in adult male prisons in the second half of 2013-14. - The total prison population rose from 84,083 at the end of April 2013, which was 96% of the usable operational capacity, to 85,252 at the end of March 2014 which was 99% of the usable operational capacity; - Reports published in 2013-14 showed a significant decline in safety. Safety outcomes for prisoners were worst in adult male local prisons and not good enough in a third of all the prisons inspected in 2013-14. There were often weaknesses in basic safety processes: risk assessments for new prisoners had gaps, too many prisoners in crisis were held in segregation in poor conditions and some prisons were insufficiently focused on tackling violence. The increased availability in prisons of new psychoactive substances, often known as legal highs, was a source of debt and associated bullying and a threat to health. - Savings included a reduction of £84 million in public sector prison running costs and £88 million as a result of the closure of older prisons and their planned replacement with cheaper places elsewhere. In the short-term, the planned staffing reductions these changes involved resulted in a significant loss of more experienced staff as old prisons closed. This was exacerbated by long-lasting but unplanned vacancies, particularly in London and the South East of England. The staffing reductions followed the 'Fair and Sustainable' programme which changed the role of front-line managers and supervisors, and reduced their number; - A significant policy agenda included plans to transform rehabilitation arrangements, make it harder for prisoners to earn privileges and tighten the rules for temporary release. - The number of assaults involving adult male prisoners increased by 14% on the year before and was the highest for any year for which there is data; - A a 38% rise in the number of serious assaults; - The number of incidents at height in adult male prisons increased dra-

CCRC applicants who remain in custody." However, he said that, after a request from Evans's legal team to prioritise the case, "in line with our published policy on prioritisation, and in relation to the facts of the case and the issues raised in Mr Evans's application to us … we now expect our substantive investigation to begin within the next few weeks."

The news is likely to trouble rape survivor support groups. "We're concerned that survivors' voices and feelings [should] not be lost or overlooked in the furore surrounding one high-profile rapist's release," Rape Crisis England and Wales said on its website. Campaigners at Everyday Victim Blaming (EVB) said in a statement, also issued before it emerged that Evans's case was being fast-tracked, that "rehabilitation requires remorse, taking responsibility for the crime committed and clear evidence that the prisoner is undertaking steps to atone". The commission's website provides examples of cases that can be prioritised, for example, if an applicant is old or evidence is perishable. But it is unclear why the commission judges Evans's case is suitable for prioritisation. One explanation may be that the clock is ticking on his career and a clear decision over the possibility of an appeal would help bring a high-profile and emotive case to a conclusion.

Until then, Evans appears to be in limbo. The Professional Footballers' Association has said he should be allowed to resume his career but the former sports minister, Richard Caborn, has said he must show remorse if he is to return to the game. United, for whom Evans scored 35 goals in his last season, denied reports that it had offered him a two-year contract worth £500,000. Evans, 27, has fiercely protested his innocence, insisting that he had consensual sex with the victim at a hotel in Rhyl, north-east Wales, in May 2011. Evans's friend, Clayton McDonald, who was also accused of raping the woman, who had consumed a large amount of alcohol, was acquitted. The judge told Evans that his victim had been "in no condition to have sexual intercourse".

Evans's girlfriend, Natasha Massey, and her father, the multimillionaire Karl Massey, are spearheading the campaign to have his conviction overturned. Mr Massey has hired a private detective, a leading appeals barrister and offered a reward for information. In July, Evans's lawyers submitted fresh evidence to the CCRC. "We have uncovered a number of issues that the jury at Ched's trial didn't hear," said Russ Whitfield, the private detective hired by Massey. Massey said: "I'm lucky enough to be able to afford a proper legal team. But I am not a fool. At the end of the day I stand by him, not his morality, because he was 100% wrongly convicted."

The commission spokesman said the decision to prioritise the case should not be viewed as confirmation that Evans had strong grounds for an appeal. He added: "The decision to prioritise the case simply brings forward the starting point of the investigations to decide whether or not there may be grounds for us to refer the case to the court of appeal. It does not in any way represent a judgment by the commission as to the merits of the case or its chances of being referred."

Meanwhile, TV presenter and Sheffield United patron Charlie Webster has said she will quit her role with the club if it re-signs Evans. Webster, who said in an interview this year that she was sexually assaulted as a teenager, told BBC Radio 5 Live: "You will have young people cheering him on when he scores a goal. Not under my name, under my club or community."

**US Misleading UK over treatment of Shaker Aamer in Guantánamo Bay**

The US government has been accused of misleading a British minister over the brutal treatment endured by the last British resident being held inside Guantánamo Bay. Testimony from detainees has described increasingly violent "forcible cell extraction" (FCE) tactics, in which an inmate is forced out of his cell by armed guards, usually before being taken to the force-feeding chair. Earlier this month a federal judge, Gladys Kessler, heard how methods



people? The new environment will be safe and secure. It's totally irresponsible to suggest otherwise."

An Equality and Human Rights Commission briefing for peers for next week's debates says the bill as drafted is incompatible with the human rights convention because it authorises the use of force against children and young people to maintain good order and discipline. "If primary legislation contemplates the use of force in these circumstances, there is a real danger that force could be used unlawfully. According to the court of appeal in the case of C, that is precisely what happened in secure training centres," the briefing note says. Alan Travis, Guardian

**Are Juries Being Blinded By Science?**

Expert witnesses are being subjected to greater scrutiny by the criminal courts, despite the government's refusal to implement safeguards recommended by its own law reform advisers. But Lord Thomas of Cwmgiedd, lord chief justice of England and Wales, insisted that senior judges were not acting unconstitutionally in introducing the reforms themselves because the necessary rule changes had been signed off by Chris Grayling, the justice secretary.

Thomas disclosed this "novel way" of implementing Law Commission proposals when delivering the annual Kalisher lecture at the Old Bailey on Tuesday evening. The Kalisher trust supports students who aspire to become criminal barristers. I am one of its trustees. In March 2011, the government's law reform advice body recommended legislation to deal with concerns that scientific evidence was being admitted too readily and with too little scrutiny. Law commissioners called for a new reliability-based admissibility test for expert evidence in criminal proceedings. The test was designed to reduce the risk that juries would reach their conclusions on unreliable evidence. Experts would be questioned in court about their methods and experience, enhancing public confidence and leading – it was hoped – to fewer miscarriages of justice.

In support of its recommendations, the Law Commission gave the example of a case in which a prosecution expert told a jury he was "absolutely convinced" that an earprint found on a window had been left by a man accused of murder. Mark Dallagher spent seven years in prison before DNA evidence established that the print could not have come from his ear. If the Law Commission's test had been applied, the expert's evidence would never have been admitted.

However, ministers said in November 2011 that they could not afford to introduce reforms that would involve additional pre-trial hearings. Responding to the Law Commission's recommendations, the Ministry of Justice explained that "without certainty as to the offsetting savings which might be achieved, when set against current resource constraints it is not feasible to implement the proposals in full at this time". Instead, the government suggested amendments to criminal procedure rules that, while "falling short" of the recommended reliability test, "would go some way towards reducing the risk of unsafe convictions".

Those amendments were subsequently introduced and the judges had buttressed them with new practice directions and new precedents. "There has been no primary legislation and there won't be," Thomas said. "But with changes in the common law that paralleled the [Law Commission] report and introduced a different test … we have nearly implemented the entire report." Even so, the lord chief justice continued, further improvements were needed in the use of forensic science if juries and the wider public were not to lose faith in it.

While insisting that it would be inappropriate for him to comment on the government's decision to close its Forensic Science Service in 2012, he expressed "great concern" that the private companies which have replaced it were treating their methods as commercially confidential. Where a development in forensic science is used in court, information that goes to the reliability of

the technical or scientific method used must be put into the public domain and made available to all. That is because, in relation to the use of such science in criminal justice, commercial considerations of a kind which might ordinarily be applicable must take second place to the provision of all material which is relevant to establishing innocence or proving guilt.

Thomas welcomed moves by the bar's advocacy training council to ensure that lawyers understood how to test the reliability of expert witnesses in cross-examination. He also wanted statutory powers for the government's forensic science regulator, "to ensure and, if necessary, enforce compliance with quality standards". Courts depended on the integrity of expert witnesses and judges "must take whatever stringent steps are open to them" if experts did not act with integrity. Although he avoided the phrase himself, Thomas appeared concerned that juries were being blinded by science. Jurors should not be expected to understand and interpret complex scientific concepts, he said. Instead, their task should be to decide between opposing scientific views.

To assist them and reduce the risk of juries reaching perverse decisions, the lord chief justice called for juries to be given written "primers" on relevant scientific concepts. These short, plain-English guides would be restricted to areas on which there was consensus within the scientific community but could assist juries in understanding the concepts in cases they were hearing. Thomas did not say who would pay for these guides to be written or ensure that they were kept up to date. But it was a project he hoped to pursue in the coming years. And, as he said, the judges might find them helpful too. *Joshua Rozenberg, Guardian, 15/10/14*

**Home Office Must Disclose Advice Behind Decision on Intercept Evidence**

The Home Office has been ordered to release secret legal advice justifying its decision to prevent intercept evidence being used in criminal trials. The ruling by an information tribunal could shine a light on the way intelligence agencies gather and store material as well as on their relationship with law enforcement organisations. The appeal for the advice to be disclosed was made by the Bingham Centre for the Rule of Law which submitted a Freedom of Information request to uncover the reasoning behind a 2009 report, entitled 'Intercept as Evidence'.

The report was presented by Alan Johnson, who was then home secretary, to parliament. It examined whether to allow evidence gathered from phone tapping and other sources to be used in court – as opposed to it being restricted to intelligence gathering purposes. The report, however, concluded: "The unanimous legal advice, including from independent counsel, is that testing has shown that the model developed in this work programme would not be legally viable. If intercepted evidence was ever used in prosecutions, it added: "Independent legal advice is that a full return to the present position [of the current ban] could not be guaranteed. This is because there are likely to be some subsequent trials in which a reimposed ban might be assessed by the court as not being justified (for instance where the intercept concerned was non-sensitive). By creating a precedent, this would in turn gradually undermine the re-imposed ban more widely."

Reconciling intelligence "agency discretion" with a fair "evidential regime" in court has so far proved too difficult although the government is still trying to find a way of making intercept evidence available for prosecutors. Under the Regulation of Investigatory Powers Act 2000, it remains a criminal offence for any official to disclose the existence of an interception warrant; section 17 of the act additionally prohibits the disclosure in court of communications intercepted under a warrant. The law does not, however, prevent email messages or material found on suspects' computers or phones that have been seized under a search warrant from being used in evidence in court.

The Bingham Centre argued that there was a public interest in disclosing the independent record there would be a public outcry.



As a former government minister who, on Christmas Eve last year was sent to Belmarsh – Britain's hardest prison, supposedly reserved for murderers, terrorists and gunmen – then transferred to Brixton for the second half of my sentence, I saw the hidden face of prisons. The filth and degradation were unbelievable. I was briefly imprisoned in a communist prison in Warsaw when arrested for running money to the, at the time, underground union Polish Solidarity in 1982. The food was better, the warders more humane and the cells cleaner than those in contemporary Britain. Here, I met septuagenarians sent to rot for a minor white collar crimes, with no violence or financial loss to an individual. Prisoners who use wheelchairs and walking frames share the same space as men who scream and bang their heads against cell doors during the night. Men with serious hernias or colostomy bags walk around in agony; medical treatment is rudimentary. If you treat a man as less than a full human being do not be surprised if that is what he becomes.

The prison budget is £3bn a year more than the cost of the Foreign and Commonwealth Office, or Defra. Recidivism costs a further £13bn. In Sweden and the Netherlands they are closing prisons. In France, there are just 68,000 prisoners compared to 97,000 here. The UK has more prisoners than the proposed 80,000 strong British army. Non-custodial sentences, community service, fines and electronic surveillance are all better than throwing people into prison.

What might be done? First, the political parties need to stop the childish auction about which minister – or his or her shadow – can be tougher in insisting on custodial sentences. Second, our judges need to be weaned off their obsession with sending people to prison. The average sentence increased by 25% between 2003 and 2013. The president of the supreme court, Lord Neuberger, has said that sending people to prison for six months or less is pointless. Yet each year our judges send around 40,000 people to prison for such short periods. 35,000 people who are in prison awaiting trial end up either being cleared or given non-custodial sentences. Why do judges send them inside in the first place? Third, the tabloid editors and journalists now doing time need to send a message back to their colleagues that the endless demands for more and more people to be sent to prison is not making society safer. Countries that have lower incarceration rates also have lower crime rates. Making prisons work is possible with some clear thinking by politicians and judges. Right now, British prisons shame our society and are not fit for purpose. Denis MacShane is a former MP and minister who was sentenced to prison for six months for false expenses claims. His Prison Diaries are published by Biteback

**Legal Watchdog to Fast-Track Inquiry Into Rape Conviction of Ched Evans**

Attempts by the former professional footballer, Ched Evans, to have his rape conviction quashed are to be fast-tracked through the watchdog that examines possible miscarriages of justice. The revelation that the Criminal Cases Review Commission is to make his case a priority is likely to see the ex-Sheffield United striker – who was released from prison on Friday after serving half of a five-year sentence for raping a 19-year-old woman – engulfed in fresh controversy. It would normally take around 18 months for the commission, which has a staff of 90, to examine a claim of miscarriage of justice. Instead, the commission has taken the unusual decision to examine Evans's case within weeks. "After an initial review of the case, we decided that we would need to conduct further detailed investigations to establish what merit there may or may not be in the submissions made to us," the spokesman said.

"Initially, we expected there to be a significant wait before that investigation would begin because Mr Evans's imminent release meant that his case would be behind those of other

Included among them are: • A 22-year-old first-time offender who killed himself within eight hours of being locked up on remand. He told guards he was feeling suicidal but no care plan was initiated. • A 31-year-old who killed himself while on remand for stealing a T-shirt from TK Maxx. He had warned officers he was going to hang himself and an inquest concluded that the Prison Service failed to take reasonable steps to prevent his death. • A 21-year-old with no criminal record and a serious mental health problem who killed himself after being sent to prison "for his own safety". • A 55-year-old man in the 18th year of an indeterminate life sentence with a recommendation that he serve a minimum of seven years. He killed himself after being moved without explanation from an open prison to segregation in a closed establishment.More than a quarter of those who died, 26%, were on remand awaiting trial. Remand prisoners awaiting trial make up just 10% of the total prison population. Young men were found to be most at risk.

Chris Grayling, the justice secretary, has repeatedly claimed that there is no pattern to the rise in suicides in the last 20 months. But the Guardian has identified distinct themes in many of the deaths, after examining reports from inquests, speaking to family lawyers and relatives, and analysing the investigations by the Prison Service ombudsman. These include: failures in the assessment of risk in the face of obvious warning signs, lack of training for prison staff, inadequate monitoring once risk was identified, and insufficient communication with families, particularly in the case of vulnerable young inmates. Many of those who took their own lives had mental health problems.

**Britains Prisons a Crying Shame and are Not Fit For Purpose** *Denis MacShane*

A 50-year-old man in Brixton prison tied bed sheets around his neck and hanged himself in despair Friday 17th October. His death did not make a news story, nor did that of the prisoner who killed himself in Nottingham earlier this week. There has been a 64% increase in prison suicides this year, and 125 prisoners have committed suicide in the last 20 months. The death penalty has been abolished, yet too many people leave prison in a coffin.

Reforming prisons was once a great British cause. Can it become so again? Now that parliament is back and parties are hunting for policies to cut costs and modernise Britain here is one simple proposal that can save billions for taxpayers and go with the grain of British decency: cut the number of prisoners we have. The justice secretary, Chris Grayling, admits that prisons are under pressure and have too many suicides but says there is no crisis. The chief inspector of prisons, Nick Hardwick, warns that the dramatic increase in prisoner suicides is a result of poor prison management. Prisoner suicides are "not acceptable in a civilised country" Hardwick says. Criticising Chris Grayling, especially after his foolish ban on sending books to prisoners, is easy for liberals and the left.

But in 2010, Labour home and justice secretaries handed their successors a prison system that was unfit for service and the root of the problem is that far too many people are incarcerated. It is time to call a party political ceasefire on the mutual denunciations that end up with too many people being decanted into prison without sufficient staff to oversee them or prevent suicides, let alone prepare prisoners for re-entry into society. Under Margaret Thatcher – not known as a bleeding heart liberal – the prison population was kept well under 50,000. Under David Cameron it is approaching 100,000, far higher than comparable west European countries or Canada. Each year taxpayers pick up an enormous bill for the costs of running overcrowded prisons and the recidivism that arises because they are training centres for criminality. Half of all adult prisoners are reconvicted within a year and three-quarters of prisoners under 18 leave prison and go straight back in. If our hospitals or schools had such a dread-



dent legal advice to enable a "more accurate public discussion of an important legal issue". The Home Office turned down the freedom of information request, arguing that the information was "exempt from disclosure" – a position upheld by the Information Commissioner. The Bingham Centre appealed to an information rights tribunal which overturned the Information Commissioner's decisions and ruled by a majority that: "Having read the actual legal advice which constitutes the disputed information, [it] was strongly of the view that the arguments around whether intercept should be admitted as evidence should be public and that the difficulties in implementing a workable 'intercept as evidence' system should be an open public debate. "All the arguments both for and against such a system should be aired in public with the various interest and pressure groups having an opportunity to consider existing legal (and other) opinions and to respond to them. The majority felt that there would be an ultimate benefit in developing a good sound workable 'intercept as evidence' system through such public debate and that the detrimental effect of disclosure was negligible if not non-existent." Dr Lawrence McNamara, deputy director of the Bingham Centre, who brought the freedom of information challenge, said he was waiting to see whether the Home Office would release the material or appeal against the judgment. The Home Office said: "We are considering this judgment and will respond in due course. This government is committed to seeking to find a practical way to allow the use of intercept evidence in court. That work has been undertaken by the Home Office and overseen by a cross party group of privy counsellors. Its findings will be published in due course." *Owen Bowcott,*

**On Police Bail for Months on End When Innocent Can Ruin Your Life**

The 6:00 am knock on the door came as little surprise. With so many of my colleagues already arrested it seemed almost inevitable that as a long-serving Sun reporter I would also be hit by the scattergun approach of the police. At least six Scotland Yard officers, in plain clothes, stood outside my house on the morning of 19 September 2012. They were courteous and professional and I tried to remain the same. After being watched as I dressed I was taken into custody and put in a cell for six hours until my Sun-appointed solicitor arrived from London. I was confident I had never broken the law in almost 13 years with the Sun and when I was presented with the flimsy allegations against me my confidence grew. They related to a couple of minor stories I had written more than six years previously and long forgotten about. My solicitor advised me to take a "no comment" approach and after five hours of questioning I left the police station on bail.

It was bail that lasted another 582 days – more than 19 months. It was not until April this year that I was told the police had no further interest in me and I would face no charges. On Wednesday, Theresa May, the home secretary, voiced concern about the length of time that suspects can be held on police bail and suggested limits may be imposed. Such a move is overdue. In the first few months I was concerned that other "evidence" would be found which would justify keeping me on bail for so long. But the months dragged on with no new developments at all, apart from my bail date being repeatedly extended to some random point in the future. There was never any explanation for it, just a standard police letter or perhaps a call from my lawyer to say "inquiries were continuing".

About seven months after my first interview I was called in for questioning a second time but the fresh single allegation I was asked about was even weaker than the first ones. If that was all they could throw at me after all that time, I thought, the whole thing would surely end soon. I was wrong – my bail would continue for another year, with no explanation from anyone. Unlike other colleagues I was fortunate in finding a new job outside the Sun, which had already been planned before my

arrest, and I devoted most of my time and thoughts to that. I was not on endless "gardening leave", kicking my heels with no idea of how long it would be before I returned to work. But my bail remained like a toothache, making me twinge every now and again when I realised I was still caught under the wheels of this anti-journalism juggernaut. It caused me few sleepless nights because I knew I was innocent. Financially it cost me nothing because the Sun were paying for my lawyer. Those it affected the most were my family – my wife, daughter, son and my elderly mother.

I like to think my children, both young adults, took it in their stride and kept faith in my promises that it would all end well. But for much of it my daughter was going through her critical final year at university and my son was embarking on his first year away from home. Having the authorities leave a massive question mark hanging over the fate of their father for so long cannot be fair or right.It was also unkind on my 80-year-old widowed mother who lives alone and spent countless hours fretting by herself that her eldest son had done something wrong and would end up in prison.

But it was my wife who felt it the most. It wasn't until it was all over that she broke down and tearfully told me how she'd kept a brave face for 19 months because she wanted to be a strength for me. She knew deep down I was innocent, but that instinct was constantly challenged by the endless bail. And there were my friends and everyone else who knew me. It all ended with a quick phone call from a TV journalist who heard about the decision of the CPS to drop the case before I did. After all that time, no one from Scotland Yard or the CPS had had the courtesy to contact me directly. Of course there is a need for bail, but in my case it was grossly abused because there was nothing to stop the police from doing so. Having statutory limits should end the abuse. *John Coles, theguardian.com, 16/10/14*

**New Justice Committee Inquiry: Criminal Cases Review Commission**

[This review of the work of the CCRC is an opportunity that should not be ignored. The CCRC is still tied to the Court of Appeal, there needs to be an Independent Court to deal with referrals from the CCRC. The CCRC has in no way 'fulfilled the expectations and remit which accompanied it at its establishment following the 1993 report of the Royal Commission on Criminal Justice' or 'is in general appropriate and sufficient' for the many 'Miscarriages of Justice'. Probably the most important change that is needed, is the CCRC second guessing the court of appeal, that the CCRC has always admitted is the way is decides whether to refer a case.]

Background: The Justice Committee took oral evidence from the Criminal Cases Review Commission on its work on 14 January 2014 Following that it sought comments on the work of the CCRC from certain academics and lawyers, and then offered the CCRC a chance to respond to those comments. The Committee now proposes to follow up this subject by holding a short inquiry into the work of the Criminal Cases Review Commission. It would therefore welcome written submissions on the work and effectiveness of the CCRC. These submissions may address any aspect of the CCRC's work, but those making submissions should note that the Justice Committee may not examine or consider individual cases which are currently before the Commission or the courts.

The Committee would be particularly grateful if submissions could address the following points: Whether the CCRC has fulfilled the expectations and remit which accompanied it at its establishment following the 1993 report of the Royal Commission on Criminal Justice Whether the CCRC has in general appropriate and sufficient (i) statutory powers and (ii) resources to carry out its functions effectively, both in terms of investigating cases and in the wider role of promoting confidence in the criminal justice system Whether the "real possibility" test for reference of a case to the Court of Appeal under section 13(1) of the Criminal



Appeal Act 1995 is appropriate and has been applied appropriately by the CCRC Whether any changes to the role, work and remit of the CCRC are needed and, if so, what those changes should be. The deadline for written submissions to be made is Friday 5 December 2014.

Written submissions should be made via the web portal: Submit written evidence [<http://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/inquiries/parliament-2010/criminal-cases-review-commission/>Link] The personal information you supply will be processed in accordance with the provisions of the Data Protection Act 1998 for the purposes of attributing the evidence you submit and contacting you as necessary in connection with its processing. The Clerk of the House of Commons is the data controller for the purposes of the Act. We may also ask you to comment on the process of submitting evidence via the web portal so that we can look to make improvements.

Each submission should: a) be no more than 3,000 words in length b) be in Word format with as little use of colour or logos as possible c) have numbered paragraphs d) include a declaration of interests. Please note that: Material already published elsewhere should not form the basis of a submission, but may be referred to within a memorandum, in which case a hard copy of the published work should be included. Memoranda submitted must be kept confidential until published by the Committee, unless publication by the person or organisation submitting it is specifically authorised.

Once submitted, evidence is the property of the Committee. The Committee normally, though not always, chooses to make public the written evidence it receives, by publishing it on the internet (where it will be searchable), by printing it or by making it available through the Parliamentary Archives. If there is any information you believe to be sensitive you should highlight it and explain what harm you believe would result from its disclosure. The Committee will take this into account in deciding whether to publish or further disclose the evidence.

More information on submitting evidence to Select Committees may be found on the parliamentary website: Please be aware that the Justice Committee is unable to investigate individual cases.

**Inmate Suicide Figures Expose Human Toll of Pris**on **Crisis** *Guardian, 18/10/14*

The human toll of the crisis gripping prisons in England and Wales is exposed with new figures obtained by the Guardian revealing that 125 prisoners have killed themselves in 20 months – an average of more than six a month. For the first time the Guardian has identified the individuals behind the statistics that show suicide is at its highest rate in prisons for nine years, and there is no sign that the scale of the tragedy is being checked. The investigation, which examined all suicides between January 2013 and 28 August 2014, found four women and 121 men, aged between 18 and 74, killed themselves in the adult prison system. Since then and up to 2 October another nine men, aged between 21 and 46, killed themselves, bringing the total number of self-inflicted deaths since January 2013 to 134. Three people killed themselves on one day, 1 September 2014.

The Prison Service ombudsman, Nigel Newcomen, described the deaths as "utterly unacceptable" in a modern age and said they reflected the "rising tide of despair" across the prison system. He said his recommendations to save future lives were being ignored. "There is no question the Prison Service is more challenged now than [it has been] in a generation," Newcomen said. "My job is to draw lessons from these individual human tragedies and I don't think that adequate heed has been taken of them." He said the "appalling upsurge in suicides" meant there was a need to review the approach within prisons, including "more resources being applied".

The Guardian looked at every case of suicide in the prison system over the 20-month period.