

Foreign Nationals Sentenced Offenders Tough Enforcement

Tough enforcement is the cornerstone of this Government's immigration policy. Those who break our laws should be removed from the country at the earliest opportunity, and we will seek to remove any foreign national who receives a custodial sentence for a criminal offence. We removed almost 5,100 foreign national offenders in 2013/14 and over 23,000 since 2010. We are removing more offenders straight from prison, which saved the taxpayer £27.5million in the last financial year. This is all despite a 28% increase in appeals. We are dealing with offenders who do not want to go home, and in some cases whose home country does not want to take them back. This presents challenges which we are determined to overcome. Chief among the challenges are the legal barriers we face. That is why this Government is the first to have a strategy for dealing with foreign national offenders, including overcoming obstacles to their removal. We have also introduced new powers in the Immigration Act (2014) which have cut the number of grounds on which criminals can appeal deportation. More than 500 foreign offenders have already been removed under the new 'deport now, appeal later' provisions. The majority of foreign national offenders in the community were released by an Immigration Judge, despite our strong opposition. Most offenders are subject to reporting conditions and, where possible, electronic tagging. If a foreign national offender fails to comply with these conditions by absconding, our dedicated national absconder tracing team works with the police, other government agencies and commercial companies to track down, arrest and return absconders to custody. The Home Office is using intelligence and working more closely with partners to maximise the impact of enforcement activity.

HMP Long Lartin - An Effective High Security Prison

HMP Long Lartin is a calm and controlled prison which could improve still further, said Nick Hardwick, Chief Inspector of Prisons. As he published the report of an unannounced inspection of the high security jail in Worcestershire. HMP Long Lartin holds some of the most serious offenders in England and Wales. At the time of the inspection it was holding just over 600 men, nearly all of whom were serving very long sentences. The throughput of prisoners, about three-quarters of whom were over the age of 30, was low, ensuring a stable and largely settled population. However, the risks presented by the population were considerable. At its last inspection in 2011, inspectors reported on a prison that was ensuring reasonably good outcomes across all four healthy prison tests: safety, respect, purposeful activity and resettlement. The findings of this inspection were similar. Overall the prison was reasonably safe, is calm and controlled and although there is more to do, improvement is evident.

Hostages: Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinane, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, 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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It is Our Duty to Rehabilitate Sex Offenders *Peter Stanford, Guardian*

Mike Smith is a sex offender who served a 10-year jail sentence for abuse he carried out within his family. On release, he was sent to a hostel in London, under the supervision of the probation service. "The only people I associated with," he recalls, "were other sex offenders. Some of them were child sex offenders. Some of them were rapists of adults. They were the only people I could relate to who were not judgmental, which is difficult because they are not appropriate people to be mixing with." Not appropriate in the sense that Smith – who doesn't want to give his real name or any details that could lead to him being identified – made a sincere commitment as part of his intensive rehabilitative therapy in prison not to reoffend. And he wanted desperately to keep to it, but it was made harder when he felt rejected by the rest of society and so thrown back on the company of other sex offenders. "I find it difficult to make new friends," he admits. "When do you tell somebody about your past? I want to be honest."

There are 11,000 sex offenders like Smith in our jails, roughly 12% of the total prison population. In a week that has seen the jailing of Gary Glitter for sexually abusing three young girls, and further revelations about the depravity of Jimmy Savile, there is a temptation to lump together all sex offenders as paedophiles. But, of that 11,000, 10% are serving sentences for gross indecency with children. The picture is further blurred because reports from individual prisons suggest that the number of paedophiles behind bars is increasing due to Operation Yewtree, the police investigation set up in 2012 after the Savile scandal. It encouraged other victims who had remained silent about abuse for years, in the belief that they wouldn't be taken seriously, to speak out. It also brought high-profile names including Rolf Harris, Stuart Hall and Max Clifford to justice for sexual offences against children.

While there can be little sympathy for these men – and they are mostly men, with recent academic research from the Dunkelfeld Project in Germany estimating that about 5% of men admit to having a sexual attraction to children – the hardest fact to face is that the vast majority of them will one day be released. And, as taxpayers (it costs an average of £44,000 a year to keep someone in prison), as individuals who may one day be their victims, and, in relation to that 10% of the 11,000, as parents of young children, it is in all our interests that, once released, they don't offend again.

Yet we have no confidence this can be achieved. While public opinion may just about accept that some burglars, drug dealers, even murderers may be able, after spending a long time behind bars, to turn over a new leaf, when it comes to sex offenders, especially when regarded en masse as paedophiles, conventional wisdom is that reoffending is inevitable. They can't help themselves. On Wednesday, at the Palace of Westminster, that prejudice will be challenged with the award of the annual Robin Corbett Prize for prison rehabilitation, established in memory of the campaigning Labour MP, who died in 2012, and administered by the Prison Reform Trust. This year it is going to the Safer Living Foundation (SLF). Based at HMP Whatton in Nottinghamshire, where all 841 inmates are convicted sex offenders (70% of them for offences against children), the foundation has been pioneering a new approach to rehabilitation, working with probation staff, academics from Nottingham Trent University, police and Circles UK, a not-for-profit organisation with Quaker roots.

Smith is one of those who has been helped by Circles UK. Since 2007, at 14 locations around

the country, it has quietly produced an 83% reduction in reoffending rates among the sex offenders it takes on. Like all those the organisation engages with, Smith was assigned one of its Circles of Support and Accountability (CoSAs). Made up of four or five trained volunteers, with professional supervision, they meet regularly with the sex offender (known as the “core member”) to hold them accountable for their behaviour and to support their transition back into the community. The twin elements are of equal weight and, as Smith recalls of his first meeting with his CoSA, the group was no soft touch. “I had to give a very frank and detailed explanation of my behaviour. Also part of the pattern that led me on to the course of offending was that I came from a very seriously abused childhood, both sexually and physically. I began to repeat the pattern of my own experiences.”

Thereafter the questions put to him by his circle have been, he says, very challenging. “Without going into details: where do I get my sexual relief from? What do I fantasise about? How do I maintain appropriate behaviour? Sometimes it feels like I am being interrogated, and it is uncomfortable, but that’s par for the course.” Balancing that, though, has been encouragement – to join in with activities that make him feel no longer a pariah. “I have an interest in art, and reading: I have been out to the British Library, art galleries, we’ve met up for coffee. I can’t express how valuable that has been for me.”

What makes the SLF unique, it is the first in the country where the circles’ process has been taken behind bars with sex offenders who are coming up to release. Elsewhere, the CoSAs (who receive MoJ funding) only start once the core member is through the prison gate, but it can take time to establish when experience teaches that the first 90 days after release is the peak period for reoffending. “People can be very frightened about going out into the community,” says HMP Whatton’s governor, Lynn Saunders. “At least when they are in prison, they say to me, someone cares whether I am dead or alive. Outside nobody cares.” In other words, because the rest of us categorise sex offenders as irredeemable, and so isolate them on release (denying them housing, job opportunities, running vigilante campaigns to get them moved on), our fears about their reoffending risk becoming a self-fulfilling prophecy.

Sarah Blackner, is one of the community volunteers at HMP Whatton. Her training took place over three days – plus an interview – but it was, she feels, worth it. “In the four meetings we have had so far with our core member, I can already see progress,” she says. “He’s very insightful about his emotions, sometimes so much so that he makes me realise how un-insightful I am about mine. That has enabled me to see the human being, not just the offences he has committed.”

Some might regard recognising the humanity in a sex offender as a sign of weakness, or even of letting them off the hook. It goes against the grain. What Circles UK and the Safer Living Foundation do is move beyond such instinctive reactions. There is nothing in their work that seeks to excuse the damage done by sex-offending. Neither does it hold out the prospect of a “cure”. If an adult is sexually attracted to children, that cannot be wiped clean by a circle. But what these brave initiatives do show, statistically and unemotionally, is that many sex offenders can manage their impulses and behaviour, see how harmful they are, and learn how to identify and tackle the risk factors and triggers that have led them to offend over and over again.

We may not want to hear this – and, curiously, the MoJ that funds Circles UK appears to do little to make its work better known – but we shouldn’t ignore it and leave our prejudices unchallenged. Again it comes down to self-interest. Two reports on Savile’s crimes recommended a raft of measures to protect the vulnerable from sex offenders. How much more effective, though, if we could also open our minds to the idea that offenders can be helped to help themselves? “No more victims,” says Smith. “That’s one of the things Circles is about. I totally support that.” Peter Stanford is director of the Longford Trust for prison reform.

such a dramatic cut in police numbers, was any assessment made of the impact that that would have on the quality of service that the police would be able to provide to the public?

Lord Bates: A couple of issues underline those questions. One is that some very high-profile, major systemic failures have been uncovered, not least the one raised by my noble friend Lord Scriven in his supplementary question. But we have two bits of evidence. One is that crime has fallen by 20% since 2010 while at the same time we have seen the level of complaints against the police go up. That is why we are having a review: to understand why that is and what more can be done while at the same time recognising the incredible job that our police forces do in keeping us safe.

Music Has Always Been A Medium to Highlight & Protest Injustice *McConville & Wootton*

Omagh Council (outgoing not the new 'super council) passed a motion in favour of writing to the Apple corporation in an attempt to have the Justice for the Craigavon Two song banned. Councillors seemed ignorant of the Justice for the Craigavon Two campaign and our reason for launching the JFTC2 single, some councillors claimed we were "glorifying terrorism" and that the song would be highly offensive. The Justice for the Craigavon Two campaign exists to raise awareness of the miscarriage of justice of Brendan McConville and John Paul Wootton. We believe the facts of this case speaks for itself and high profile justice campaigners like Gerry Conlon, Paddy Joe Hill, and legal experts such as Michael Mansfield QC and many more have backed the us in saying this case is a miscarriage of justice.

We are constantly looking for new ways to raise awareness and we were inspired by the end criminalisation of Celtic supporters campaign which last year entered the UK top 40 with the Roll of Honour. In the 1980s Thatcher's government banned the Pougues song streets of sorrow which highlighted the miscarriages of justice in the cases of the Guildford 4 and Birmingham 6, in America Bob Dylan released a song called Hurricane that highlighted the case of Rubin "Hurricane" Carter, music has always been a medium to highlight injustice and to protest.

Omagh Councils decision calling for a ban is in direct violation of our rights to free speech and the right to protest, through its actions Omagh Council has fully endorsed this continuing injustice. We expected Unionism to react as it has done but were surprised that SDLP and independent Nationalist Councillors backed this unjust motion, just last month the SDLP held an event to honour Gerry Conlon of the Guildford 4 who passed away last year, Gerry was our chairperson and campaigned until the very end for the Craigavon Two, the keynote speaker at the event Michael Mansfield QC also added his voice to the calls to end the miscarriage of justice that night, but the SDLP rather than heeding Gerry and Michael have added their names to those who would censor their message. We call on the Councillors of Omagh to educate themselves on the facts of a subject before they vote in favour of something as drastic as a motion that aims to suppress the truth of a terrible injustice.

Joint Enterprise and Gang Databases: Cause for Concern?

This research and policy project, funded by the Barrow Cadbury Trust, will develop an understanding of the relationship between joint enterprise laws and gang databases in the disproportionate presence of young black and minority ethnic men in criminal justice. The research element will involve an analysis of survey materials and data from gang databases. The Centre for Crime and Justice Studies will be working in collaboration with Patrick Williams and Rebecca Clarke of Manchester Metropolitan University and the advocacy group, JENGBA (Joint Enterprise - Not Guilty by Association). The project will run from February 2015 to August 2015.

ability and using racist language. Can the Minister confirm what steps the Government are taking to eradicate discrimination of this kind, which arises time and time again in complaints against the police? In asking this question, I declare my interests as set out in the register.

Lord Bates: The Government's position is that we have a zero tolerance of that type of conduct and behaviour. As regards the specific case raised by the noble Baroness, I hope she will understand that I cannot comment on an ongoing IPCC inquiry.

Lord Avebury): My Lords, is my noble friend aware that last week the Metropolitan Police and the Independent Police Complaints Commission reached an agreement on how complaints about stop and search and the confiscation of property at ports of entry should be dealt with. Can he tell us how long it will be before individual complainants against the conduct of the police at ports of entry receive an answer to their complaints?

Lord Bates: On the general subject of complaints, there is an ongoing consultation which will report shortly. However, I will have to write to my noble friend on the specifics of his question.

Lord Elystan-Morgan (CB): Does the Minister accept that one disquieting feature of the report is that cases that were investigated locally in 2014 took on average 135 days to investigate completely while in the previous year they were dealt with in 125 days? Can he give the House an assurance that all necessary resources, financial and otherwise, will be projected at seeing to it that the situation at least does not deteriorate and instead of that improves?

Lord Bates: The noble Lord is absolutely right and we know that justice delayed is justice denied. We need to move quickly towards a result in this situation. The reality is that most complaints are dealt with satisfactorily by the constabulary and it is only the very difficult cases that find their way to the IPCC. Often they are more complex and thus more lengthy in their consideration. However, the noble Lord makes an absolutely sound point.

Lord Clinton-Davis: Is the Minister surprised that complaints against the police, especially those on the beat, have increased and are bound to increase when police forces are being drastically reduced? Is he seriously asserting that in those circumstances the public are not being prejudiced thereby?

Lord Bates: I think that we have to look at this carefully. Certainly in terms of front-line policing, we try to preserve those numbers. The decisions are matters for the chief constable and the police and crime commissioner in a particular area. However, the acid test as to whether the police are effective on the ground is a twin point. One of those is that, yes, if complaints are rising then we should be concerned about that, but the other is that crime is falling to record low levels at the same time. That is something for which the police deserve our thanks and praise.

Lord Brookman (Lab): My Lords, that is the very point I want to touch on. Let us not in our Chamber knock the police. The police are a vital organ of our society and they do a fine job. There may be the odd mistake here and there, as there is everywhere, but the police are first class. Lord Bates: I could not agree with the noble Lord more.

Baroness Smith of Basildon: My Lords, following on from those two questions, there is another point to be made. The Minister will know that we are concerned about the sharp rise in the number of complaints being made to the IPCC and he will also be aware of our view that a more effective police standards authority is needed to tackle the most serious cases involving corruption and force integrity. Have the Government undertaken any research to understand why the greatest number of complaints that have been made are about police neglect and failure of duty as well as about individual police officers being rude or intolerant? The points that have been made by my noble friends reinforce that. Since this Government took office, in my county of Essex alone, we have lost almost 600 police officers, with even more cuts planned of around 200 officers. When the Government planned

Kate Carroll - 'Craigavon Two Did Not Kill My Husband' *Gemma Murray, Belfast News Letter*

'Craigavon Two' Protest Song 'Not Written to Upset Anyone': The writer of a protest song campaigning for two men convicted of murdering a PSNI officer said he "didn't write the song to upset anyone". Singer/songwriter Pol MacAdaim, originally from Ardoyne in north Belfast, said the song is to be released at 7:00 pm on March 15. A campaign is under way to push the song into the UK charts. Mr MacAdaim told the News Letter that he believed Constable Stephen Carroll's widow Kate "was denied the justice of having the real killers of her husband convicted, while John Paul Wootton and Brendan McConville were sentenced to 17 and 25 years in jail for something they did not do". He added: "I see all three people and their families as victims of an unjust and corrupt system."

Kate Carroll said: "I agree with what he is saying to a certain extent, that we are all victims. "I believe the killers are still not apprehended but I don't believe that John Paul Wootton and Brendan McConville are totally innocent because of other incriminating evidence". Mrs Carroll said she sat through her husband's murder trial and "saw their reactions and how they were dressed". "They were part of the dirty protest so they are not totally innocent in my eyes. Whilst I agree that neither of them pulled the trigger, but as I keep reiterating they had their part to play in Steve's murder." Mrs Carroll said everyone was "entitled to their own opinion and I am to mine". Constable Carroll was shot dead as he responded to a 999 call in Craigavon, Co Armagh, in 2009. He was the first police officer to be killed since the formation of the PSNI. McConville, 42, of Glenholme Avenue in Craigavon, and 22-year-old Wootton, from Colindale in Lurgan, are serving life sentences. The pair had attempted to overturn their convictions but their appeal was dismissed at the High Court in Belfast in May 2014. Mr MacAdaim said his involvement with the 'Craigavon Two' campaign started in June 2014 and that he has "never met Brendan McConville, John Paul Wootton, or Kate Carroll".

Earlier Angela Nelson, chairperson of the 'Justice for the Craigavon Two' group, said: "The single of the song will be launched on March 15 following the BBC Radio 1 official chart show and the group will campaign for the public to download the song over the following week." Mrs Nelson, an independent councillor for Lisburn, said the reason for the timing of releasing the song – a week after the sixth anniversary of Constable Carroll's murder – "is that solicitors for both men have lodged their questions to the Supreme Court in London". It also coincides with St Patrick's week. Last month calls were made by the Mayor of Craigavon Colin McCusker to the BBC and to the Apple Corporation not to carry the song dedicated to the killers of the PSNI constable.

Inquest Touching on the Death of Habib Ullah Concludes

Before HM Coroner for Buckinghamshire, Richard Hulett. The Jury returned a comprehensive and highly critical misadventure and narrative conclusion in relation to the level of force used to restrain Habib Ullah and the lack of appropriate after care provided by police. Habib "Paps" Ullah, a 39 year old father of three, died when he was stopped and searched by police on 3 July 2008 in the Sharrow Vale area of High Wycombe. In the course of being forcibly restrained, Habib suffered a cardiac arrest. He was taken to hospital but attempts to resuscitate him were unsuccessful.

The jury said that they believed that the officers could have considered alternative ways of dealing with Habib without using force. For example, engage with verbal communication; using specific, clear and repeated commands as outlined in the police training for non physical compliance; and to allow Habib sufficient time and opportunity to respond to the commands, that is to stand back and monitor and consider hand cuffing him at this time.

The jury narrative continued that once it had been decided to use physical force the offi-

cers could have used the rear take down technique. The jury questioned whether the level of force used was appropriate given the level of resistance initially shown by Habib. They found that Habib was fully compliant before force was used. They said they were particularly concerned that the techniques were applied by several officers simultaneously while Habib was restrained in the prone position. The jury concluded that greater consideration should have been given to the risk factors including stress associated with positional asphyxia and that more care should have been taken to monitor Habib for any warning signs displayed.

No CPR was applied before the ambulance arrived and Habib was not put in the recovery position. Several officers recognised some signs associated with abnormal breathing but no practical assistance was offered. The jury found that valuable time was lost due to the fact that the officers believed him to be feigning unconsciousness. The jury stated that once Habib was unconscious rigorous monitoring should have been undertaken, and that they believed the level of monitoring was inadequate. Furthermore the jury considered that the incident was poorly managed. In particular they found that the lack of communication and clear command by a leading officer resulted in an uncoordinated and ineffective restraint.

An investigation into Habib's death was carried out at the time by the Independent Police Complaints Commission (IPCC) which cleared the police of wrongdoing. An inquest began in December 2010, however police officers giving evidence admitted, when questioned by the family's barrister, that they had taken out key passages from their statements on the advice of a Police Federation solicitor. Consequently, the coroner decided to discharge the jury.

The IPCC conducted a further investigation into five police officers, who were each interviewed under criminal caution. The solicitor advising the officers was also interviewed under criminal caution in relation to an offence relating to perverting the course of justice. In February 2014 (three years later), the IPCC finally formally referred the file to the Crown Prosecution Service (CPS). The following charges were considered: Manslaughter by gross negligence; Misconduct in public office; S39 Assault; Acts tending and intended to pervert the course of justice; and Perjury. On 8 August 2014 the CPS announced that no charges would be brought against Thames Valley police officers and their solicitor. A CPS review of the decision reached the same conclusion on 3 December 2014.

Nasrit Mahmood, sister of Habib Ullah said: "We are pleased that we have a critical narrative verdict. It's been an extremely difficult time for the family since my brother, Habib, died at the hands of Thames Valley Police. What is so hard to accept is that it has taken almost seven years for an inquest to be completed into his death. All these years of fighting has taken a tremendous toll on the family and just in the last few days, my late brother's wife has had to go to hospital again due to panic attacks. There are still many matters that remain unresolved. We are deeply unhappy about events that took place afterwards at the police station and the way statements were changed. We hope that the forthcoming disciplinary hearings will be both effective and will send out a clear message to officers about their conduct. We also hope that CPS will finally put the officers concerned on trial. Whatever the outcome we will be considering a civil claim on the basis of assault and breaches of Article 2 Right to Life. We would like to thank our legal team Anthony Metzger QC and Marian Ellingworth for their support and hard work on our Habib's case and our two brother Saqib Deshmukh and Zia Ullah without whom there would be no campaign."

Zia Ullah, Justice4Paps said: "It is only right that people irrespective of their positions are accountable for their actions. It has been a long and drawn out journey in trying to hold Thames Valley Police and their officers to account. What we didn't expect was that officers would change their statements, withhold evidence, and that witnesses to Habib's death were not interviewed at the time. At every point, even with the involvement of the IPCC attempts

observed by police officers in person rather than detected by radar or similar technology. As black residents then moved through the courts system, the investigators found, they faced punitive sanctions and hypocrisy from the white officials in charge. While they were bombarded with fines and tickets, white figures – including the municipal judge, court clerk and senior police officers – were found "assisting friends, colleagues, acquaintances, and themselves in eliminating citations, fines, and fees". The review found that 95% of people detained at the city jail for more than two days between April and September 2014 were black. During the same period, black defendants were 68% less likely than others to have their cases dismissed.

Dismissing the notion that the discrepancies could be explained simply by a "difference in the rate at which people of different races violate the law", the Justice Department investigators pointed to "substantial evidence of racial bias" among court and police officials. Details of seven racist emails sent by senior officials were published in the report. An April 2011 email "depicted President Barack Obama as a chimpanzee", while an email the following month "included a photo of a bare-chested group of dancing women, apparently in Africa, with the caption, 'Michelle Obama's High School Reunion'." The authors of the emails, who were apparently not punished or told to cease, were not named. However, the report noted that John Shaw, Ferguson's powerful city manager, forwarded an email in 2012 containing stereotypes of Latinos, before quickly apologising. The investigators said they found officials insisting that rather than reflecting racial bias from law enforcement, the disproportionate action against African Americans was instead due to a pervasive lack of "personal responsibility" among "certain segments" of the community. "Our investigation suggests that this explanation is at odds with the facts," the investigators wrote. They added that "while there are people of all races who may lack personal responsibility, the harm of Ferguson's approach to law enforcement is largely due to the myriad systemic deficiencies" discovered in their investigation.

Police: Complaints

Lord Scriven: What steps are the Government taking in the light of the number of complaints against police forces in England and Wales as reported by the IPCC.

Lord Bate: The Government see the effective handling of complaints as a cornerstone to trust in the police. We have undertaken significant policing reform, including reforming the IPCC to handle all serious and sensitive cases. We have consulted on reform to make the complaints and disciplinary systems independent, customer-focused and transparent. These major reforms will improve the public's experience and the process. The Government will respond to the consultation during this Parliament.

Lord Scriven: Will the Government, as a matter of urgency, set up an independent inquiry into South Yorkshire Police over its systematic failings and slow and inadequate responses and improvements in cases of child exploitation, particularly its handling of the Rotherham cases?

Lord Bates: My noble friend is absolutely right to highlight the appalling situation that has been uncovered in Rotherham and South Yorkshire. That aspect of the South Yorkshire Police is, of course, subject to review by Her Majesty's Inspectorate of Constabulary, which undertook one review in 2013 and two in 2014. Reviews are now being undertaken by the National Crime Agency and Operation Stovewood. At this stage, we do not feel there is a need for a further independent inquiry but I would be very happy to meet my noble friend, as a very senior member of the community in that area, to see what more can be done to learn the lessons from that dreadful experience.

Baroness Uddin: Last year the family of a severely autistic man, Faruk Ali, alleged that he was victimised by the police outside his home in Luton. The IPCC is currently investigating the incident in which an officer has been recorded deriding Mr Ali for his developmental dis-

sown deep mistrust between parts of the community and the police department, undermining law enforcement legitimacy among African Americans in particular". They also unearthed evidence of wider corruption among white court officials. They outlined 26 recommendations for Ferguson's police department and courts system, indicating that these may form the basis of a binding reform agreement likely to be drawn up between the city and US officials. Under such a "consent decree", Ferguson would be sued by the federal government if it failed to make necessary changes.

Ferguson's mayor, James Knowles III told a press conference on Wednesday evening that one city official who sent a racist email had been fired and two others had been suspended pending an internal inquiry. "This type of behaviour will not be tolerated in the Ferguson police department or in any department in the city of Ferguson," said Knowles. The Justice Department's report said their inquiry "revealed many additional email communications that exhibited racial or ethnic bias, as well as other forms of bias" in addition to those quoted. He said Ferguson's police department had recently hired some African American women and implemented "mandatory diversity training" for officers. The mayor refused to answer questions from reporters. Yet the Justice Department study stopped short of recommending that Ferguson's police force be disbanded and absorbed by St Louis County, as some campaigners had predicted. Stating that the city "has the capacity to reform its approach to law enforcement", it suggested keeping a small force. At his Wednesday night press conference, Knowles announced no major reforms or personnel changes.

Bob McCulloch, the St Louis County prosecutor who oversaw the state grand jury inquiry that looked into Brown's death, insisted that discrimination by law enforcement was a rarity but said authorities must "weed it out". "Nobody could deny there have been instances of racial profiling," McCulloch told reporters at his offices in Clayton. "Nobody wants to see anybody treated unfairly". He added: "We've got a long way to go." The Justice Department's report ended a six-month inquiry prompted by unrest that followed a white police officer, Darren Wilson, shooting dead Michael Brown. Officials announced simultaneously in a second report on Wednesday that Wilson would not face federal civil rights charges over the 9 August incident. In a statement issued through their attorneys, Brown's parents said they were "encouraged that the DOJ will hold the Ferguson Police Department accountable for the pattern of racial bias and profiling they found in their handling of interactions with people of color". "It is our hope that through this action, true change will come not only in Ferguson, but around the country," they said. "If that change happens, our son's death will not have been in vain." Ferguson leaders were expected to respond to the report at a press conference later on Wednesday.

Federal investigators conducted hundreds of interviews, reviewed tens of thousands of documents and spent several days observing courtrooms. They found "a pattern of unconstitutional policing" and a municipal court system inflicting "unnecessary harm" under a drive to raise more revenues for the city. Detailing an extensive list of individual injustices, the investigators concluded officers showed a pattern of stops without reasonable suspicion, arrests without probable cause and excessive force, all in violation of the fourth amendment to the US constitution. Ferguson's population is 67% African American, according to the 2010 census. Yet between 2012 and 2014, 93% of all arrests were of black people and almost nine in 10 uses of force were against African Americans. In all 14 bites by police dogs when racial information of the person bitten was available, that person was African American. The review found 85% of drivers stopped by police were black, and that African American drivers were twice as likely as white drivers to be searched. Yet black drivers were more than 25% less likely to be found in possession of illegal substances or goods. African American drivers were much more likely than whites to be cited for driving offences when these were

were made to bend what had happened to the extent that the first inquest had to be abandoned! Our family campaign has been resilient and persistent in challenging the false narratives and smearing of Habib. It is this persistence that has seen justice upheld today with this verdict and this completely vindicates our campaign and our initial concerns. Although we have reached an outcome, 7 years of campaigning has left no faith in the very institutions that are supposed to investigate the police and ensure that justice is served. "

Deborah Coles, Co-Director of INQUEST, said: "This damning jury finding raises profound concerns about the use of inappropriate and dangerous restraint on a man in their care and a disregard for his safety and wellbeing. Habib's family have endured an unacceptable wait for answers. "

Had a Rejection From the CCRC - Send it Back

Message from Glyn Maddocks: It was good to talk to you last week and thanks for filling me in with all the information about MOJUK. I am sorry I haven't been in touch before now – please have a look at the Centre for Criminal Appeals (CCA) website. Anyway, the point I wanted to make, which I thought you might like to put in one of your next newsletters concerns what Richard Foster said about the CCRC when he appeared on the 'Law in Action' programme a couple of weeks ago. On air, Richard Foster said in clear terms "if we think there is something wrong, we will work tirelessly to work out what that might be". He then went onto say "We have never faced a situation where we thought there has been a miscarriage of justice and we have not been able to refer the case". (sic) What I am suggesting, therefore, is that all of your readers who have had rejections from the CCRC, but whose case has merit and who've obviously suffered a miscarriage of justice, should write to Mr Foster, the Chair of the CCRC, as suggested below.

Draft letter: Attention: Mr Richard Foster CBE, Chair of the Criminal Cases Review Commission, 5 St Philip's Place, Birmingham. B3 2PW.

Dear Mr Foster, Law in Action – 10th February 2015

I listened, with interest to your comments, on the BBC's 'Law in Action' programme (Radio 4 – 10th February 2015). During the course of that broadcast, you indicated that in cases, where there was an element of doubt, the CCRC would always refer the matter to the Court of Appeal. Specifically, you said "If we think there is something wrong, we will work tirelessly to work out what that might be". You then went onto say "We've never faced a situation where we have thought there has been a miscarriage of justice and we have not been able to refer the case". On that basis, I would be grateful if you could reconsider my particular conviction and the application that I made to the CCRC for my conviction to be referred back to the Court of Appeal. There was clear evidence, that I am the victim of a miscarriage of justice and I would be grateful if you could ensure that the CCRC reconsiders my case as a matter of urgency, in the light of your recent comments. I look forward to hearing from. Yours sincerely

End of draft, if you do send your case back, let me know the result:

Regards: Glyn Maddocks <glyn.maddocks@gabb.co.uk>

Derek Brockwell: Transferred to HMP Frankland

A prisoner who fled across the border from the Republic of Ireland into Northern Ireland after stabbing two prison officers, has been transferred to a jail in England. Derek Brockwell, from Glasgow, escaped from custody at Tallaght Hospital in Dublin on 17 February. He was arrested at a pub in Belfast the next night. He had been receiving treatment in a Belfast hospital for a stab wound he inflicted on himself during his arrest.

Stephen Cahoon Murder Conviction Quashed - Retrial Ordered

BBC News

A Londonderry man who was jailed for life for the murder of his pregnant ex-girlfriend has had his conviction quashed by the Court of Appeal in Dublin. Stephen Cahoon, 42, with a last address at Harvey Street, Derry, admitted strangling Jean Quigley on 26 July, 2008. However he denied it was murder. He was found guilty of murder on 30 April, 2012. A retrial has been ordered and he has been remanded in custody. Counsel for Cahoon said a retrial would be his client's third trial on the matter in circumstances where he had already served six years in custody. Cahoon's successful ground of appeal, submitted by his senior counsel was that the trial judge had misdirected the jury while explaining the defence of provocation. In its judgment delivered on Wednesday, the President of the Court of Appeal said "it was a mistake on a central if not the central point of the whole case". He said it was "a small number of words" used by the judge after he gave a substantial direction on the law and facts of the case. It was not sufficient to answer the appeal by finding that "words were few and might not have had an impact" The judgement said the court would have to be satisfied that the words did not actually influence the jury. The court allowed the appeal, quashed the conviction and ordered a retrial subject to Cahoon's lawyer's possible application that a retrial should not be the outcome. Cahoon, an unemployed labourer originally from Magherafelt, was remanded in custody to 13 April. The Cahoon trials made legal history. He was charged under the Criminal Law Jurisdiction Act of 1976 and was given the option of being tried in the Republic of Ireland or in Northern Ireland

Birmingham Pub Bombings Victims' Families Lobby For Inquest

BBC News

Families of the victims of the Birmingham pub bombings have met the Home Secretary to call for an inquest into the deaths. Twenty one people were killed and 182 injured when bombs exploded at two pubs in the city centre on 21 November 1974. Six men were jailed in 1975 but their convictions were quashed in 1991. An inquest was opened days after the bombings but closed without hearing evidence in 1975 after the guilty verdicts.

Julie Hambleton, part of the Justice 4 the 21 campaign group, said the meeting with Home Secretary Theresa May and Northern Ireland Secretary Theresa Villiers had gone well. "The home secretary was most sympathetic and came across very positive. We are asking her for three things: firstly to support our quest for truth and justice, secondly to support our application for a new inquest and lastly for our legal team to gain access to files put under a 75-year embargo." Despite describing the meeting as "highly significant", Ms Hambleton said it was "what happens next" that was important. She said no firm commitments had been made by the home secretary, but that the government was looking into the embargo. Ms Hambleton, whose 18-year-old sister Maxine was killed, said: "What completely stumps us is the fact when the men were released... nobody stood up and said 'Right, we've got to go back through the motions, we need to have a coroner's inquest, we need to have another investigation, we need to go above and beyond and go and look for the murderers.'" An application for a fresh inquest has been lodged with the attorney general.

Birmingham Yardley MP John Hemming has also called for an inquiry into what happened at the time. Lawyer Christopher Stanley, who accompanied the families to the meeting, said: "We reiterated that prosecution is one aspect of an investigation and that an inquest would examine all the circumstances surrounding the Birmingham pub bombings, including the failures in previous investigations and prosecutions," he said. After the convictions were quashed, the former Director of Public Prosecutions, Barbara Mills, placed a 75-year embargo on files relating to a Devon and Cornwall Police inquiry into the West Midlands Police investigation. It means those files are not due to be released until 2069.

restored the relocation elements to Tpims. But the shadow home secretary asked: "Does she believe that her decision to remove relocation powers made it easier for this west London network to operate, recruit and send people to Syria?" May largely sidestepped Cooper's main charge – that the abolition of control orders may have helped extremists – by saying that the measures were not sustainable because they were being "whittled away" by the courts. David Anderson, the independent reviewer of terrorism legislation, has said that the relocation element of most control orders "was upheld by the courts as necessary and proportionate". The home secretary also gave a carefully phrased response when she was asked by the Labour MP Heidi Alexander about the claim by Helen Ball, deputy assistant commissioner of the Metropolitan police, that control orders were a valuable tool in disrupting terror networks. May said: "When we changed the control order regime, we discussed the matter with the agencies and with the police and they were absolutely clear that the changes we were making did not significantly increase the risk." Lord Carlile of Berriew, who was the independent reviewer of terrorist legislation until 2011, said there was a "realistic prospect" that a control order with a compulsory relocation could have been imposed on Emwazi. "If that had been the case, he would not have done what he's done in recent times," Carlile told Sky News.

May endured additional questioning from MPs over the media's reporting of the naming of Emwazi. Julian Lewis, a Conservative member of parliament's security and intelligence committee, asked: "Does the home secretary agree with me that it is quite right that when the identity of some brain-washed narcissist and psychopathic killer is exposed, there should be wide media coverage of it? But does she also agree with me that a degree of self-restraint at some point ought to be necessary if we are not to build up these bogeymen in precisely the way they intend us to do?" May responded by pressing the media to tread carefully if individuals are in danger. "As Helen Ball made clear in her interview yesterday, there are other reasons for restraint being applied – when there are ongoing investigations and when there may be a risk to life involved." May was sympathetic to a suggestion by Nia Griffith, the Labour MP for Llanelli, that the media should not have named the young schoolgirls who are believed to have travelled to Syria. The home secretary said: "A free press is obviously part of what underpins our democracy. But I would expect the media to be responsible in the way in which they deal with these particular issues in a number of ways. "She has mentioned the young girls travelling and whether or not their names should have been revealed. I would simply say to the media that these are important issues. These are families in that case under considerable stress and trauma suffering as a result of their daughters having gone to Syria. I would expect the media to respect that."

Discrimination in Ferguson: Full Extent of Police Bias Laid Bare *Jon Swaine, Guardian*

The full extent of the racial persecution of black residents in Ferguson, Missouri, by the city's overwhelmingly white law enforcement authorities was disclosed on Wednesday in a damning report by the US Department of Justice. Ferguson's police department and court system "reflect and exacerbate existing racial bias", the 105-page study found, adding that "discriminatory intent" among city officials – several of whom were found to have sent racist emails – was partly to blame. Unveiling the report at a press conference in Washington, the US attorney general, Eric Holder, blamed Ferguson police for creating a "toxic environment, defined by mistrust and resentment" that had been set off "like a powder keg" by a white officer shooting dead an unarmed black 18-year-old. "It is time for Ferguson's leaders to take immediate, wholesale and structural corrective action," said Holder. "Let me be clear: the United States Department of Justice reserves all its rights and abilities to force compliance and implement basic change. Nothing is off the table."

The investigators concluded: "Over time, Ferguson's police and municipal court practices have

tional than systemic. “I can’t see it really going on now. You get that individual officer who’s got a problem, maybe, with the person he arrested, but I don’t think it’s rampant,” Dorsch said. But Hill, who retired in 2007, said that institutional dysfunction in the police force starts at the academy, and is anything but colorblind: “The type of crime that they’re supposed to be fighting is described for them, and the face of the criminals are black.” When Hill tried to resist it within the African American Police League, she said she faced retaliation: not only was she called racist names, she recalled, but cocaine and marijuana began showing up in patrol cars she had used during routine inspections. “You’re going to always have a Homan Square,” Hill said. “They consider that part of real police work, even though it doesn’t stop any of the dope from coming in here.” Alice Kim, a founding member of the Chicago Torture Justice Memorials, a group pushing for reparations for Jon Burge’s victims, said Chicago typically covers up its systemic abuses rather than facing them forthrightly. “The cover-up angle needs to be explored and made explicit. Mayor Emanuel denies what is happening at Homan Square. There needs to be a real investigation,” Kim said. “In the Burge torture cases, the city – from Mayor Daley to State’s Attorney Dick Devine to the police board to the office of professional standards – denied that torture was taking place.”

Nesbitt, an adjunct professor at Chicago’s Columbia College, doesn’t live in Lawndale anymore, though he goes back for visits. As his career progressed, he investigated torture and racial persecution for the World Council of Churches’ anti-racism program; campaigned against apartheid in South Africa; and in the 1980s, came to advise Harold Washington, Chicago’s first black mayor. Recounting his decades of experience with police, Nesbitt sometimes sounded like he was narrating a gangster story. Gloves Davis got his name from putting on gloves “before he beat you”. Two-Gun Pete had a second gun on him so he could plant evidence. When Nesbitt told a black officer where he was taken about the white cop putting the gun to his temple, the officer said: “If he had done that to me, I’d have shot his motherfucking ass.” Nesbitt wants Homan Square investigated as well. “There are many, many buildings in that complex, so I think there should be an independent inquiry into all those buildings. It’s where the bodies are buried,” Nesbitt said. “Unless you look through all those buildings – somebody; an independent inquiry – the whole story’s never going to come out.”

Theresa May Urges Media Restraint in Coverage of Terror Suspects *Nicholas Watt,*

The Home Secretary has urged the media to act responsibly in the reporting of terror suspects such as Mohammed Emwazi and on cases such as that of the London schoolgirls who are believed to have travelled to Syria to join Islamic State. As she faced intense pressure from Labour over whether the government had helped extremists by abolishing control orders, the home secretary called on news outlets to show restraint if lives are at risk. “We are all absolutely appalled and shocked at the horrific barbarism that has been shown by Isis [ISIS] and we would expect that to be reflected in any reporting that is brought forward,” the home secretary told MPs. May spoke out after she was summoned to the House of Commons to answer an urgent question over whether the government’s decision to abolish control orders in 2012 had made it easier for terror suspects to travel to Syria. Yvette Cooper, the shadow home secretary, highlighted an Observer report that three members of Emwazi’s west London network were under control orders in 2011. The men were subject to the “relocation” element of control orders, which forced suspects to move to a town or city that could be two to three hours from their home.

Court papers said that two members of the network, who had the less stringent replacement for control orders, known as Tpins (terrorism prevention and investigation measures), later absconded.

Emwazi fled to Syria shortly after the change. Cooper acknowledged that May recently

Inquests, Legal Aid and the Equality of Arms

Oliver Carter, The Justice Gap

The guidance issued by the Lord Chancellor to determine whether families should be granted public funding for legal representation at inquests has been ruled unlawful by the High Court. Mr Justice Green found that the guidance was ‘materially misleading and inaccurate’ and would direct the Legal Aid Agency (‘LAA’) to unlawfully refuse to grant funding to bereaved families at inquests. The ruling was welcomed by the charity INQUEST and the Equality and Human Rights Commission, which intervened in the case against the Lord Chancellor. The case was brought by Joanna Letts, whose brother Christopher Letts died after jumping in front of a train in August 2013, three days after being allowed to leave hospital despite being admitted as a psychiatric patient and expressing suicidal thoughts. Mr Letts’ family were originally refused legal aid to fund representation at his inquest, but after this challenge was brought the LAA agreed to grant legal aid. Nevertheless, the case proceeded due to its ‘potential wider implications’ if the Lord Chancellor’s guidance to the LAA was found to be unlawful.

Equality of Arms: In order to obtain legal aid for representation at an inquest, families have to apply to the LAA for ‘exceptional funding’. The Lord Chancellor’s guidance on exceptional funding for inquests states that ‘funding for representation at an inquest is not generally available because an inquest is a relatively informal inquisitorial process, rather than an adversarial one’. Anyone who has attended an inquest where the conduct of the state is in question may dispute this description, for inevitably any public body will be represented by experienced and expert lawyers. As Deborah Coles of INQUEST said in the wake of this case: ‘The government perpetuates the myth that inquests into deaths in state care or custody are informal hearings where grieving families can be expected to represent themselves, and yet these are complex inquests where they come face to face with state lawyers paid by public funds, there to defend their policies and practices’. The principle of equality of arms should dictate that, where the state engages lawyers to defend or justify its own conduct, the bereaved family of a person who died at the hands of the state should also be provided with publicly funded legal representation to thoroughly examine allegations of wrongdoing. This judgment does not go that far, but it does open the door for further cases to explore the circumstances in which legal aid should be granted for families at inquests.

The Right to Life: Article 2 of the European Convention on Human Rights (‘ECHR’) provides that everyone’s right to life shall be protected by law. The UK was one of the first countries to ratify the ECHR in 1951 and incorporated (most of) the Convention into domestic law through the Human Rights Act 1998. The courts – both at home and in Strasbourg – have held that the right to life imposes duties on the state to: (i) refrain from taking life, save in exceptional circumstances; (ii) conduct a proper and open investigation into deaths for which the state might be responsible; and (iii) protect life in certain circumstances. It was the second, investigative, duty which was the subject of this case, and the extent to which Article 2 requires the family of the deceased to be legally represented at the inquest in order to protect their legitimate interests in the process. The courts have recognised that ‘the right of a next-of-kin to be involved and where necessary represented is not limited to showing that the state is culpable’. Indeed, the family may simply wish to discover the truth, want lessons to be learned or wish to obtain peace of mind that suspicions or allegations of state complicity in their loved one’s death are unfounded. Legal representation at an inquest can help to achieve any of these objectives and in doing so bring some comfort to grieving families.

Jumping Through Hoops: In order for funding to be granted for representation at an inquest, the LAA must be satisfied that the case falls within Article 2 and that representation is necessary to enable the family to be properly involved in the inquest. As Joanna Letts’ solicitor, Saimo Chahal QC of Bindmans, said, families ‘have had to jump through hoops to get legal aid in inquest cases’ – despite the certainty that public bodies will instruct lawyers to attend such inquests. It was

argued in this case that the Lord Chancellor's guidance was incorrect or at least misleading as to the scope of Article 2. The guidance stated that the LAA 'should first be satisfied that there is an arguable breach of the state's substantive obligation [to protect life] under Article 2 ECHR' and then decide whether publicly funded legal representation is required to satisfy the investigative duty.

Incorrect and Materially Misleading Guidance: However, the court held that there are certain categories of case where it is recognised that the investigative duty under Article 2 arises automatically. The precise limits of these categories of case are not yet clear, but include killings by state agents (e.g. the police), the deaths of prisoners and people detained under the Mental Health Act and, now, the deaths of psychiatric patients. In these circumstances, the investigate duty is triggered automatically due to the fact that such individuals are under the care and control of the state. The Lord Chancellor's guidance did not reflect this, as it required the LAA to conclude in all cases that there was evidence of an arguable breach of Article 2 by the state before legal aid could be granted. The guidance was therefore incorrect and materially misleading, as case law has identified a variety of circumstances in which the investigative duty under Article 2 arises automatically, independently of evidence of arguable breach. As it was itself predicated upon legal errors, the guidance would lead to, permit and encourage unlawful decisions by the LAA to refuse public funding to bereaved families for legal representation at inquests. The court recognised that this judgment may have ramifications 'for other scenarios which might engage Article 2', but those will be for the Lord Chancellor or other cases to resolve. Commenting on the judgment, Joanna Letts said: 'This is a really fantastic result and I am so pleased that I have done something which will help other grieving families to get representation to secure accountability and to find the truth. I could not have hoped for more. I wanted to do this for my brother and others who have lost someone they loved dearly.'

Harmondsworth IRC - Home Office Staff Admit Conditions are Shite

Immigrants are being locked away in cells for an extra two hours a day in Britain's largest detention centre as part of a cost-cutting exercise, undercover footage reveals. Covert filming in Harmondsworth detention centre also showed staff complaining of being at breaking point and having to work 13-and-a-half-hour shifts since being taken over by a new private contractor. The footage was shot by a detainee for Corporate Watch on a secret camera, as part of a five-month investigation into Mitie, the outsourcing firm that took over Harmondsworth in September 2014 under a multimillion pound Home Office contract. Home Office staff admit in the recordings that conditions in Harmondsworth are "shit", and that detainees are not allowed to show what goes on inside the detention centre because the Government "don't want the bad publicity that would entail". Another video shows a guard saying that the new Mitie management makes staff work more shifts and get less rest. He says of the impact of 13-and-a-half-hour shifts: "It's just gonna break. There's only so much people can take." Phil Miller, a researcher for Corporate Watch, said: "The Harmondsworth videos, coming straight after the exposé of Yarl's Wood, reveal that the problems with immigration detention cannot be isolated to one centre."

Mitie's contract is worth £180m over eight years and involves merging Harmondsworth's 615-bed facility with the adjacent Colnbrook detention centre to create space for 1,000 detainees. Paul Morrison, Mitie's most senior manager at Harmondsworth, is caught on camera telling detainees that they will be locked inside their cells for two hours longer at night. He justifies the change by saying they need more staff on in the day. A spokeswoman for Mitie said: "Detainees have significantly increased access to communal activities", and a new games room. The secret footage, broadcast on Channel 4 News, comes days after the programme showed a guard at Bedfordshire's Yarl's Wood immigration removal centre calling inmates "animals".

Brock Terry, taken to Homan in 2011, said police "roughhoused" him, but not enough to leave bruises. Some of those who have been detained at Homan report police tactics they encountered within the facility as an extension of those they encounter routinely on Chicago's streets.

Albert Smith was detained for hours at Homan Square in 2005 in the same incident as his brother David, cousin Kory Wright and their friend Hutcherson. Police at Homan, where Smith says he was neither booked nor permitted a phone call, wanted him to bring them a gun, and even drove Smith outside in a van with tinted windows to see if he could get them weapons from the street. When he couldn't, they took him back to Homan for an estimated 12 more hours. Smith, 35 and also a Lawndale resident, said the focus on guns has led the police to shake down black Chicagoans, and particularly black motorists, far beyond Homan Square. "If they feel like they can take your car, they ask you, what could you do for yourself," Smith said. "They really be wanting you to give them a gun ... Once they feel like they got you boxed in, they like, 'well, what could you do for yourself? You give us a gun, or who could you tell on,' or whatever. Mostly they want a gun."

Terry, a 31-year-old man who lives on the west side and who says he was held at Homan Square for three days, said that the police simply drive by and swoop up Chicagoans they see out late. "Around midnight, two, three in the morning, they go on these corners sweeping up people," Terry said. Many are simply let go after being rounded up for information on street crime. "It's not always two and three in the morning. They'll do it in broad daylight," said Hill, whose 21 years of policework mostly focused on Chicago's south side.

Hill called it a "form of intimidation" rather than necessary police work: "The more they do it, they get promoted, attaboy, you know, you can go to the tactical team, you can go to narcotics. You take the promotional exam, become a supervisor, so it goes on and on."

Cook County and racial history: 'It was like modern-day slavery'. Once taken out of Homan Square and into police districts, Chicagoans caught in the justice system proceed to the fortress-like Cook County jail on 26th and California, run by the Cook County sheriff's department. The jail itself "systematically violated inmates' constitutional rights", according to a 2010 stipulation by the US Department of Justice, through the use of "excessive force by staff, the failure to protect inmates from harm by fellow inmates, inadequate medical and mental health-care, and a lack of adequate fire safety and sanitation". Cook County and the Justice Department entered into an agreement that year to fix the jail. But a recent civil-rights lawsuit finds more continuity than change. The suit, filed in October by Kathleen Zellner – the same Chicago-area attorney attempting a civil-rights lawsuit against the detective turned Guantánamo torturer Richard Zuley – describes an ongoing "culture of lawlessness" at the jail she likened to a "Chicago version of Abu Ghraib".

A 27-year-old Jane Doe plaintiff, a non-violent drug offender, spent 27 days at the jail starting in November 2013. She was sexually assaulted – hence the pseudonym – as well as beaten and slashed with a razor; she lost clumps of hair and a tooth. A corrections officer, Darnea McCoy, pegged her for the other inmates as a snitch, accelerating the assault. McCoy is alleged to have told her: "This is not the Hilton and if you don't like the accommodations then you shouldn't have made the reservations." Albert Smith, who also said he was made to sleep on the floor of the Cook County jail when he was there in the mid-2000s, said conditions at the jail were "the worst thing you could ever go through". "Shit, man, it was like modern-day slavery," Smith added.

Conversely, Bill Dorsch, who retired as a Chicago police detective in 1994 as a 25-year veteran, said that after decades of outside scrutiny, he considered police abuse in Chicago more excep-

half of my lip. I was knocked unconscious for a brief period,” said Malandrucco, who wrote about his beating for Vice. Malandrucco is now on the steering committee of the Chicago Alliance Against Racist and Political Repression, where he seeks to press back against institutionalized police abuse. “Even the torture cases, they extend beyond Jon Burge, they extend beyond Homan Square. We’ve had people in the alliance family who’ve been tortured by other officers, and there are other cases of police torture in which officers, when they’re finally brought up on the stand, they just plead the fifth,” Malandrucco said. (As it happened, Burge, the notorious police torturer, himself pleaded the fifth, exercising his constitutional right against self-incrimination, during a February deposition. He was released from house arrest last month after being convicted to four and a half years on a perjury charge.)

Chicago’s police abuse isn’t just physical. Few in Chicago police custody upon arrest get access to lawyers, even outside Homan Square – something the Guardian reported in its original Homan Square investigation. Figures obtained by Chicago’s First Defense Legal Aid under a freedom-of-information request found that in 2013, lawyers were able to visit clients in police custody citywide for only 302 out of 143,398 arrestees – a rate of 0.2%. These statistics reveal a very different picture from the portrayal in the Chicago police “fact sheet” which claims that “an individual who wishes to consult a lawyer will not be interrogated until they have an opportunity to do so”.

Eliza Solowiej, First Defense Legal Aid’s executive director, told the Guardian on Monday: “99.8% of people are alone with police and prosecutors in any CPD facility. If Homan is no different as of two days ago, that’s not something to brag about.” “The mayor’s office says they are considering giving [arrestees] access to the phones early on, posting our number and a know your rights notice. I expect movement on that this month to show they aren’t getting in between people and their lawyers. Opening up the phone lines between their arrestees and legal aid is what it will take to watchdog their promises.”

Mayor Rahm Emanuel, in the heat of a re-election runoff campaign, has denied abuse at Homan Square. In his only public comments on the issue, Emanuel said on Thursday it was “not true” that the police maintain a facility lawyers have compared to a CIA “black site”. On Monday, at an event titled “Reparations Not Black Sites” in downtown Chicago, demonstrators continued to push Emanuel and the city to take up an ordinance that would include further payments to victims under Burge as well as a formal apology from the city, community centers and a requirement for Chicago public schools to teach the history of police abuse in the city.

Julia Bartmes, a Chicago attorney who has been personally turned away from Homan Square, said that for all the structural flaws in Chicago policing and criminal justice, Homan Square remains unique. “At other CPD stations, an attorney can sit in the lobby, speak with the desk officers, and talk to the watch commander or a detective if they aren’t getting answers,” said Bartmes. “Attorneys have no such access at Homan Square.” Bartmes added that at Homan Square, “there is no lobby; the only point of entry is the gatehouse, and the officer stationed there may have only partial information on what is happening inside.”

Roughhousing and round-ups: ‘It goes on and on’ - Thus far, five Chicagoans have spoken to the Guardian about their experiences chained up and interrogated at Homan Square. All said they were permitted neither lawyers nor phone calls. Yet the Chicago police claim that all in custody have access to counsel – and that none are abused. “The allegation that physical violence is a part of interviews with suspects is unequivocally false, it is offensive, and it is not supported by any facts whatsoever,” the fact sheet reads. Deandre Hutcherson said a Homan Square police interrogator punched him and stepped on his groin during a June 2005 detention.

During the period covered in the Harmondsworth videos – October and November last year, 43 per cent of those exiting the centre were released rather than deported, according to the latest Home Office statistics. A spokeswoman for Mitie said: “The centre is not at breaking point. We have implemented new working practices and shift patterns to meet the demands of the new contract. During the six-month mobilisation period prior to the contract transferring to Mitie we undertook extensive on-site consultation with all existing members of staff at the centre.”

A Home Office spokesman said: “The dignity and welfare of all those in our care is of the utmost importance — we will accept nothing but the highest standards from companies employed to manage the detention estate. “Channel 4’s reports this week have raised a number of serious allegations about the conduct of staff employed by detention estate contractors. We expect all of the companies concerned to carry out thorough and immediate investigations into these allegations and we will not hesitate to take whatever action we think appropriate in response.”

M.C. v. Poland - Failure by Prison to Protect M.C. From Ill Treatment by Inmates

The applicant, Mr M.C., (ECtHR application 23692/09) is a Polish national who was born in 1987 and currently lives in Skierniewice (Poland). His case concerned his allegation that he had been subjected to ill treatment by his fellow inmates whilst in prison and that there had been no effective investigation of his complaint. Mr M.C. was remanded in custody in 2007 following his arrest on suspicion of robbery. He was later charged with sexual abuse of a minor and in 2008 he was sentenced to seven years in prison. He complains that he was abused by two fellow inmates over a weekend in 2007 whilst in the psychiatric wing of the Warsaw-Mokotów Remand Centre. He claims that the inmates’ abuse included attempting to rape him with a broom, pouring cold water over him, spitting on him and scrubbing his head with a toilet brush. He says that he attempted to alert staff over the weekend but to no avail. He reported the incident to a doctor on the Monday morning and was quickly moved to a different cell. An internal investigation made light of the incident, with the prison authorities accepting the claim by the alleged perpetrators that they had merely been teasing him. They were deprived of their privileges to use the remand centre shop for one month and three months respectively. The internal investigation found no shortcomings in the behaviour of the guards or medical staff on duty over the weekend.

Unsatisfied with this outcome, Mr M.C. filed criminal complaints against the alleged perpetrators and the prison officials. He also pursued a private prosecution; however this was subsequently discontinued on the expiry of the limitation period. The alleged perpetrators were initially charged in the criminal case, but the prosecutor eventually dropped the case in 2012, arguing that they could not be tried twice for the same offence and that there had already been a private prosecution. The prosecutor found that no criminal offence had been committed by the prison staff. In 2009 Mr M.C. brought a civil case against the two alleged perpetrators and the State. The Warsaw Regional Court agreed that his rights had been infringed and he was awarded compensation payments from the State and one of the alleged abusers; Mr M.C. settled with the other alleged abuser who agreed to make a payment to him. Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr M.C. complained that he had been physically and psychologically ill-treated by his fellow inmates in the remand centre and that the prison administration had failed to ensure his safety. He also complained that, despite his fellow inmates partially admitting what they had done and being disciplined by the prison authorities, the prosecutor had decided to discontinue the investigation. Violation of Article 3 (substantive aspect), for events in September 2007, State’s failure to fulfill its obligation to protect Mr M.C. Violation of Article 3 (investigation) with regard to the events in September 2007. Just satisfaction: EUR 14,250 (non-pecuniary damage) and EUR 180 (costs and expenses).

Court Rules Smoking Ban Applies In all UK Prisons *Adam Withnall, Independent*

The smoking ban should be applied to Her Majesty's prisons and all Crown premises despite fears it could cause riots among inmates, a judge has ruled. The High Court found in favour of a prisoner who said second-hand smoke was damaging his health and that not enough was being done to stop smoking in communal areas of jails. Inmates are already banned from using cigarettes in many areas of Crown-operated prisons, but it is permitted in cells with the doors shut on the grounds that, according to Justice Secretary Chris Grayling, the 2006 Health Act does not "bind the Crown" on such matters.

But that argument was rejected on Thursday 5th March 2015 by High Court judge Mr Justice Singh, who ruled that "In my judgment, the Secretary of State has proceeded on an erroneous understanding of the law. In my view, Chapter 1 of Part 1 of the Health Act 2006 does apply to prisons and in particular to state prisons, for which the Crown is responsible." The judge acknowledged concerns over the impact of his decision, and as a result postponed the ruling taking effect to give time for the Justice Secretary to bring an appeal. He said he was aware prisoners "who feel the need to smoke may be resistant to the criminalising of that conduct".

The case represents a victory for Paul Black, serving a sentence of indeterminate detention for public protection (IPP). In 2007 he was convicted of sexual assault and outraging public decency. At that time it was possible for an IPP sentence to be imposed in cases such as this. The IPP regime, which was first introduced by Parliament in the Criminal Justice Act 2003, was later amended by the Criminal Justice and Immigration Act 2008 and then abolished by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. However, Black continues to be in prison under the IPP that was imposed on him. His tariff expired after 203 days but he cannot be released on licence until the Parole Board is satisfied that he is no longer a danger to the public. Currently located at HMP Wymott in Lancashire where he has been, since 2009 and who claims that both staff and prisoners are guilty of smoking in areas where it is prohibited. Black also argued that all prisoners should be given access to an anonymous NHS helpline where they can report smoking without fearing they will be singled out as "a grass". And while Mr Justice Singh ruled against this because there might be good reasons "why prisoners should not generally be allowed confidential and anonymous access to external phone numbers", he said he expected the Justice Secretary to reconsider granting access specifically to the NHS line.

Inside Chicago's Legacy of Police Abuse: Violence 'as Routine as Traffic Lights'

Spencer Ackerman, Guardian: Ordinary Chicagoans say Homan Square facility, where suspects are interrogated and detained without legal access, fits within a broader tradition of police abuse. He would go on to investigate torture for a distinguished religious group, become an anti-apartheid campaigner and even an adviser to his city's mayor. But before all that, in the early 1960s, Prexy Nesbitt was just another young black man thrown over the hood of his car by one of Chicago's notoriously brutal police. Nesbitt, then in his late teens, had put his Checker Marathon between a police cruiser and the vehicle of a woman he saw a cop harassing. The white officer, evidently dissatisfied, drew his gun and pointed it at Nesbitt's left temple. Later taken to a police station, Nesbitt ultimately got out of the situation unharmed, he remembered, because his schoolteacher father and pediatrician uncle were well respected in their Lawndale neighborhood – where, then as now, the red brick towers and warehouse complex now known as the Homan Square police facility marks the skyline. "The class position of my family was the only reason I wasn't thrown in jail," Nesbitt, now 70 years old, remembered. "Otherwise, I might even not be here telling the story."

Back when Nesbitt was growing up, Homan Square was the Sears Roebuck complex, an engine of economic vitality. Now, among other police functions, it's a site for interrogations and hours-long detentions without public notice or legal access, compared by locals to a CIA black site. Nesbitt and others with a sense of Chicago's history – lawyers, activists, an ex-cop, everyday Chicagoans – consider Homan Square to fit within an ongoing, racialized legacy of police abuse and civil-rights denial whose roots are deep, wide and old. "The subtle message in the department is white supremacy, white male supremacy," said Pat Hill, a Chicago police officer from 1986 to 2007 who led the African American Police League.

Ironically, the Chicago police department itself opened the aperture for a broader look into its behavior on Sunday, releasing a three-page "factsheet" attempting to refute the result of investigations by the Guardian. The press release likened Homan Square's "several standard interview rooms" to those of the "more than 25 CPD facilities throughout the city", implying that the facility is more consistent with typical police practices than a departure from them. Chicagoans, particularly black and brown citizens, lament that as all too true – that being interrogated and abused, frequently without public notice or legal counsel, has transformed the denial of constitutional rights in their city into a kind of disturbing norm.

Late last year, following decades of profound systematic abuse, institutional racism and the repeated denial of civil rights, Chicago citizens asked the United Nations to classify what their notoriously brutal police force does to them, in an American city, as a violation of international anti-torture statutes. Contained within an appeal to the UN Committee Against Torture – the same watchdog that has looked into Guantánamo Bay and the police killing in Ferguson, Missouri – were a litany of tales describing highly damaging abuse and injustice, completely out of step with alleged crimes. One was the story of a 22-year-old black man, who was beaten so badly when Chicago police found him smoking marijuana that he awoke from consciousness in Cook County jail with "22 stitches in my tongue, two facial fractures, bruised ribs, scrapes all over my body ... an orbital fracture, a nasal fracture".

Late last week, after multiple Chicago lawyers came forward to the Guardian with allegations of suspects being interrogated without public notice or legal counsel at a warehouse known as Homan Square, more young black men from Chicago began telling their stories of being abused, off the books, inside the facility. "A monopoly and application of the use of illicit violence is the modus vivendi of the Chicago police department and of governance in Chicago," Nesbitt said. "Violence and the use of illicit violence versus people of color, particularly blacks and Latinos, is as routine in Chicago as traffic lights."

Payouts and politics: 'That's not something to brag about' While Chicago's violent police legacy has struck hardest at its poor, black and brown citizens, the financial costs are more widespread. In 2014 alone, payouts to victims of Chicago police misconduct cost taxpayers a total of \$54.2m, according to a tally from the Chicago Reporter. Victims pursuing civil-rights litigation against Jon Burge – the Chicago police commander whose torture tactics, including electrocution and beating suspects with phone books, became notorious in his reign beginning in the 1970s – have totaled at least \$64m in judgments and settlements. Most police-misconduct payouts come through settlements, which allow the Chicago police department to withhold admitting that wrongdoing actually occurred.

Greg Malandrucchio was one of them. He and a friend, Matthew Smith, each got \$45,000 as a result of a 2010 beating they sustained outside a Mexican restaurant at the hands of men they understood to be off-duty Chicago cops. It all stemmed from Smith blocking the men's bathroom while he put on his jacket to leave. "I had a broken nose, I had a stitched lower