Those outside prison fighting one another . . . .

. . . . will only hurt those inside fighting to get out. The present actions of JENGBA are unacceptable to MOJUK and can only damage prisoners and those supporting them! If you are in prison a victim of 'Joint Enterprise' you are now being forced by JENGBA to make a choice between JENGBA and INNOCENT/National Joint Enterprise Casework Service (NJEC).

If MOJUK had to make a choice or advise someone inside which organization might best represent the fight against 'Joint Enterprise' cases it would be to seek help from the newly formed National Joint Enterprise Casework Service (NJEC).

MOJUK fully supports the posting below from INNOCENT

Members of INNOCENT have noticed that another meeting has been arranged in Manchester on the same date and at the same time by Gloria Morrison and Janet Cunliffe, who are members of JENGBA (Joint Enterprise Not Guilty By Association). This is the first of a series of meetings arranged to coincide with ours. JENGBA has contacted members of INNOCENT and urged them to attend their meetings rather than ours.

We have asked Gloria and Janet to change the date of their meetings so that INNOCENT members can attend meetings of both organisations if they wish, and do not feel forced into choosing one organisation over another. But they have flatly refused to change their meetings to different dates.

We have been saddened by the discovery that this is a deliberately hostile act. We would like to ignore this childish behaviour and we hope that all INNOCENT members will do so. JENGBA has an excellent record of publicising the terrible and frightening way in which the joint enterprise law is being used to convict innocent people, and we would not wish to prevent members of INNOCENT whose cases involve the use of joint enterprise law from participating in JENGBA's activities. The aims of INNOCENT and the aims of JENGBA are completely compatible.

But although JENGBA offers to help people with their cases, in practice it does not help anyone, and we know of no cases which it has helped to progress in any way. INNOCENT, on the other hand, has a 19 year record of helping with cases, some of which have progressed to successful appeals and the release of innocent prisoners.

Members of INNOCENT know that our meetings are of key importance for our casework. In meetings we exchange information, are brought up to date on cases, clarify the details of what has happened in them, and give support to families. It is essential that members attend meetings if they possibly can. We cannot guarantee to continue supporting cases if the families or supporters concerned stop attending our meetings.

If you wish to conact: National Joint Enterprise Casework Service (NJEC), write to:
INNOCENT Dept. 54, PO Box 282, Oldham OL1 3FY, UK

Hostages: Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Gary Critchley, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar,Jordan Towers, Peter Hakala, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Fax: 087 2023 1623

MOJUK: Newsletter 'Inside Out' No 362 11/03/2012)

Justice for Royston Moore

Brief facts of the wrongful conviction of RM in the murder of Beverley Parkhouse

My name is Royston Moore and I am currently in custody for a murder I did not commit and consequently I am serving a life sentence. The victim of this murder was my girlfriend Beverley Parkhouse which compounds and aggravates my current demise. She was murdered on 4th September 2006, at that time she had been living with her father in the village of Ogmore in south Wales.

At the time if the murder I was living in Nant y moel which is very close to the village of Ogmore. This is a very small population not exceeding 1000 people this is a very close community and it would be fair to say that everyone is aware of what happens within the community.

I had met Beverley Parkhouse in 2005 and after becoming friends our relationship grew. I knew that Beverley was married to Andre Parkhouse and both lived together in Nant y Moel. As time progressed our relationship developed into a complete relationship, which although wrong in principle was unavoidable for we both fell in love.

Beverley had told me on numerous occasions that her marriage to Andre was over she was very unhappy. Indeed Andre was having a relationship (an affair) with a Felicity Blower. To all intents and purposes the marriage was over.

Beverley had told me she loved me and that she wanted to settle down with me. Bev had broached the subject of divorce with Andre. She had also discussed selling the matrimonial home; however Andre had become angry saying "that he wouldn't give her a penny if they ever split up" the couple owned their house outright.

During April 2006 Bev's mother died. The death upset Bev and her father who lived in a 3 bedroom house in Ogmore. This death meant that Bev had to take care of her father, she therefore moved into her father's house and in taking up residence was able to provide Andre with and "acceptable" excuse to separate.

Consequently I began to see Bev more. I would always visit her at her fathers on a Thursday and Sunday evening. I would spend some time there but tried to keep our relationship discreet until an appropriate time.

I met Bev on the night before she was murdered. On this night I never went inside the house for Bev had told me her father was unwell. We spoke to each other in my car outside (and close t) her father's house. Whilst seated in the vehicle we both heard a dog barking frantically, it came from the direction of Bev's fathers house, this concerned Bev fearing the dog would wake her dad, she therefore said goodnight to me and asked me to text her when I returned home. Accordingly I text Bev on my arrival at my house notifying her I had arrived home safely.

On the following day I was telephoned by one of Bev's friends who told me that Bev had died the night before at home in Ogmore (father's house). From what I understand Bevs body was removed from the scene of one of her father's spare bedrooms) in the afternoon following discovery. The room had been damaged by fire. It was initially suspected that Bev had died from inhaling noxious gases (possibly smoke).

The death was therefore treated as suspicious, but not at this stage as a murder. Bev was indeed a smoker though I knew her never to smoke in the bedroom. The body was removed

to Bridgend Mortuary for the cause of death to be established. The death was obviously treated as suspicious.

I believe the scene of the death was forensically examined. Nothing was found which implicated me as suspect. (No DNA was traced).

Two or three days after the death Bridgend Police gave authority for the murder scene to be redecorated though murder had not at this stage been confirmed) The redecoration was carried out by Andre Parkhouse, some of Rev's cousins and authorised by her dad (and the police).

It is worthy of note at this juncture that Bev had a cousin who worked at Bridgend Police Station as a detective.

I later learned (when served with prosecution case papers) that a full forensic examination of Bev's fathers house revealed only one suspicious mark, a fingerprint of Andre Parkhouse was found on the inside of a window frame in a spare bedroom (this not being Bevs or her father's bedroom) This could be construed as an entry I exit mark.

Some two weeks following the death I learnt that the deceased had been transferred 1:0 Cardiff mortuary where a further post-mortem revealed that Bev had been murdered by strangulation or suffocation. A murder enquiry was established from Bridgend Police station.

I was arrested early in the enquiry and questioned by detectives primarily because of the affair I had been having with Bev. I was confident that police would exonerate me particularly when they would learn that we had planned to wed. I was notified by the police that if they needed me further they would contact me via my solicitor . I got the impression at this stage that I wasn't a suspect.

Following this, some bizarre events too place. Police were informed that a man had admitted the murder. This man was Stephen Hurley, he was overheard by a barmaid in an Ogmore Pub that he had killed Bev in her father's house. He admitted this whilst having a conversation with a man called Julian.

Julian subsequently went to the police and made a statement about Hurley's admission to murder.

Whilst this important evidence was being investigated Hurley was (coincidentally) arrested for a "drugs trafficking offence" charged, appeared at magistrate court and remanded into custody at Cardiff Prison. At this stage Hurley had not been questioned about the Parhouse murder.

Whilst on remand murder squad investigates contacted Cardiff Prison informing the authorities that they were to attend the prison where they interned to arrest and question Stephen Hurley about the murder of Beverley Parkhouse.

Prison officers then (quite wrongly) informed Hurley of this proposed course of action. By all accounts Hurley admitted the murder to some Prison officers and other Cardiff inmates. He was last heard saying "I'm not spending the rest if my life in jail for murder".

Following this statement of admission and intent Hurley hung himself in his cell in Cardiff prison.

This particular course of action leaves a number of "wanting questions" The police should not have forewarned the prison authorities of the serious nature of the allegations for which he was to be questioned and under no circumstances should the prison service have told Hurley of the proposed course of action: - 1) Because of Hurley's obvious vulnerable state of mind. - 2) Any prior notifications may have rendered Hurley to interfere with the course of the murder investigation.

Following these major developments I would have thought that the murder enquiry would have been "done and dusted" However for reasons best known to Paul Guist the investigating officer, I was arrested a further two times. On the third occasion I was charged with Bev's murder, this was in April 2007 some seven months after the death of Bev.

I was remanded into custody at Cardiff Prison, which given the earlier admissions made

been many positive changes in Britain to ensure that young people tried in court understand the gravity and consequences of charges against them, and understand the court process to ensure they participate effectively. However, the review found that children with learning or communication difficulties often do not receive sufficient 'special measures', or adaptations to court procedure, to ensure a fair trial. Children who are tried in Crown Courts are also at risk of Article 6 breaches, if insufficient consideration is given to their age and maturity and measures to enable a child to understand and participate are not implemented. The UNCRC has also urged the UK to raise the age of criminal responsibility in England and Wales which is lower than international guidelines to minimise the risks of an unfair trial.

Children detained in young offenders' institutions, secure training centres or secure children's homes are under the full control of the authorities, so the responsibilities of the state are enhanced. However the review found that authorised control and restraint procedures were used extensively, and sometimes for disciplinary purposes (rather than for safety, or when absolutely necessary) and were a means to intentionally cause pain. This risked breaching Article 3's prohibition on inhuman or degrading treatment or punishment. The use of some restraint techniques has led to the deaths of young people in young offenders' institutions in breach of Article 2's obligation on the state to safeguard the lives of people in its care.

Investigations into deaths of people under protection of the state are not always independent, prompt or public, potentially breaching right to life investigative requirements

Britain has a strong investigative framework to meet its Article 2 obligation to investigate deaths and near deaths of children and adults resulting from the use of force by police, prison or other officers. The government regards the inquest system as the principal means for meeting its obligation under Article 2 to investigate deaths in custody and failures by the state to protect lives. Depending on the circumstances of the death, other organisations may also conduct an investigation. The Independent Police Complaints Commission (IPCC) conducts independent investigations of deaths following contact with the police and inquiries into the serious complaints and allegations of police misconduct in England and Wales. The Prisons and Probation Ombudsman (PPO) is responsible for investigating all deaths in prison, probation service approved premises, secure training centres, young offenders' institutes, and of immigration detainees.

The copper, Lawrence killer's father, and secret police files that expose a 'corruption

The failure of the original hunt for the killers of Stephen Lawrence will come under fresh scrutiny following the emergence of secret Scotland Yard files which reveal police concerns about one of the officers involved in the inquiry. The police intelligence reports, obtained by The Independent, outline extensive allegations of corruption against John Davidson, a lead detective investigating the racist murder. The files can be made public following the convictions in January, 19 years after the event, of Gary Dobson, 36, and David Norris, 35. It can also be revealed that details of the officer's alleged criminality were held back from the public and the Lawrence family's legal team. The Lawrence family demanded that the Metropolitan Police explain why it never showed them the files or revealed their existence. Doreen Lawrence said: "Had we known even a scintilla of this in the last 18 years, we would have been shouting it from the rafters." Police told to reopen inquiry into 'bent' Lawrence detective

Michael Gillard , Laurie Flynn, Independent, Tuesday 06 March 2012

parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and the facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Police custody and prisons do not always have sufficient safeguards and support when dealing with vulnerable adults

The review examined the treatment of vulnerable adults in police custody, prisons and immigration removal centres. It found that the government risked not complying with its Article 2 obligation to safeguard the lives of those in its care. Some police forces lack safe facilities to look after people who are drunk, intoxicated by drugs or have mental health problems who are admitted to police custody. Police officers also sometimes fail to identify individuals at risk or to share this information. In some cases this has contributed to deaths in custody.

Some prisons did not meet the mental health needs of prisoners as policies to prevent suicide and self-harm are not consistently implemented, and care plans are poorly co-ordinated. Immigration removal centres can detain people suffering from serious mental illness as long as their condition can be satisfactorily managed within detention. However provision of mental health services is not always adequate given some individuals' high level of need.

Unsafe use of restraint remains a problem across all forms of detention and there have been cases where restraint has led to the death of a prisoner or detainee. Article 2 is violated when deliberate or negligent acts of restraint by police or prison officers, or private contractors, lead to the death of a detainee, and when failings in management, instruction and training combine to produce an unnecessary or excessive use of force because it has not been tailored to minimise the risk to life. Custodial authorities do not appear to share information about restraint and fatalities, with the result that techniques deemed unsafe in one environment may continue to be used in another.

The justice system does not always prioritise the best interests of the child.

Children will not receive a fair trial if they do not understand the gravity of charges against them or are unable to participate in court procedures. The juvenile secure estate resorts too easily to control and restraint procedures for discipline

As a signatory to the European Convention on Human Rights and the UN Convention on the Rights of the Child (UNCRC) Britain is obliged to ensure that, in the courts of law, the best interests of the child are a priority. The European Court of Human Rights makes clear that a child must understand and participate in court proceedings to have a fair trial. There have

by Hurley (and subsequent suicide) was quite remarkable.

Whilst on remand in Cardiff prison I became aware of Hurley's former admissions and his death. I also learnt that the Hurley family were now legally challenging the Prison service for the lack of care provided by HMP, which led to Hurley's death. This legal action is still on going.

Extraneous events occurred whilst I was on remand at Cardiff and as I share these it must be borne in mind that both the South Wales Police and Cardiff Prison officials were culpable in the suicide of Stephen Hurley, who indeed was the early suspect in the murder of Beverley Parkhouse.

During the course of the murder enquiry when no charges had been brought a £20,000 reward had been offered to the public for the conviction of the perpetrator.

Because of poor health I was detained in Cardiff Prison on the hospital wing. Two inmates who were employed as "hospital Orderlies" contacted the murder enquiry to inform them that I had made "cell Confessions" Apparently I had admitted murdering Bev to Glynn Parfitt and Darren George. At no time did I admit this to these men.

In the subsequent trial both men gave evidence. As well as the proposed reward (£20,000)

1) Parfitt admitted that he was "co-operatlng" with the police in return for a 3 bed roomed local authority house when released from prison. He had previously been living in a caravan.

2) George admitted in cross examination that he made the statement in "payment" for a "D" cat. He duly received a "D" cat move.

Whilst George was in "D" cat, he contravened prison rules. He was found with a mobile phone and then returned to "closed" conditions. There he admitted to another inmate that the statement he had made to police in the "Parkhouse" murder was in fact a fabrication. This relevant witness made a statement to my solicitors.

Just prior to the murder trial I was served with the final papers which the prosecution presented as "non useable material" in the bottom of this box of evidence was the "Julian" statement, which gave an account of Hurley admitting the murder whilst both were in an Ogmore pub. Julian never gave evidence though the defence did try calling him. I have since discovered that Julian, at the time of making the Hurley statements was in fact anticipating drug trafficking charges. Apparently Julian made a deal with police not to give evidence in the murder trial, he was allowed to leave the Bridge End district and has since changes his name. In "payment" Julian did not face any drug charges.

As you may be aware from these "brief facts" I was found guilty in the subsequent trial. You may ask yourself "based on what evidence?"

The "cell confessions" though damaging proved to lack credibility. Neighbours who lived next door to me, and never knew that I had been seeing Bev made prosecution statements. The neighbours suggested that I had spoken to them about Bev's death, that I had admitted to them that I had been in the house on the night of the murder. This was incorrect, and these statements were taken some time after the murder.

The evidence the neighbours gave was weak and in cross examination they conceded that the dialogue may have been misconstrued and that I only told them (neighbours) I had seen Bev that evening, and not alluded to where I had seen her. They almost admitted making an assumption or they may have misheard me.

I have always admitted that I was most probably the last "innocent" person to see Bev alive.

The most damaging evidence against me is one of character. I have never maintained to have been an Angel in relationships, indeed I have been married before three times and been divorced the same, but his character however "harmful" does not make me a killer.

Whilst my legal team have supported me admirably the court of Appeal refused me an acquittal or re-trial until such time as I receive further statements supporting my defence.

In the meantime "Julian" is still AWOL and Andre Parkhouse is still in a relationship with Felicity Blower. Ironically the prison service are refusing service of material in relation to the "Hurley Suicide" for they are the subjects of legal proceedings whereby the Hurley family are challenging the duty of care which Stephen Hurley was afforded (or not).

My conviction in my opinion, is a "conviction of convenience" covering up a multitude of sins poor investigation and malpractices (not least corruption).

I have lost the woman I loved and my grief is further compounded by virtue of the fact that due to poor health I have endured a stroke. I have no doubt that this had been brought on by the stress, nevertheless, I am still disabled as well as wrongly convicted for a murder I did not commit. I am the victim of a "gross miscarriage of justice".

I am now pleading for any inmates or witnesses who can help me with relevant evidence to come forward. I was on remand in Cardiff prison between April 2007 and April 2008. I would ask for prisoners who know about this case to contact my solicitors (or me at Long Lartin Prison)

My solicitors are: Julian Young & Co, 118 Seymour Place, London, WI1NP

I thank all in anticipation and remind you all to use R.39 correspondence if contacting by post.

I remain a hostage at HMP Long Lartin.

Royston Moore, A7822AG, HMP Long Lartin, Evesham, WR11 8TZ

No weapon found in search after police shoot Anthony Grainger dead

Mr Grainger died from a single gunshot wound to the chest during an armed police operation into an alleged planned robbery in the quiet commuter village of Culcheth, in Cheshire. An "initial visual search" around the scene where police shot a man dead in a village car park on Saturday night, 3rd march 2012 "has not located any weapons," the Independent Police Complaints Commission (IPCC) said. The news came after the IPCC had already suggested there would be a long investigation into the shooting after it emerged that Anthony Grainger had previously been acquitted at a multimillion-pound drugs trial involving a corrupt police officer.

Locals described how children playing on the village green fled in horror as officers wearing gas marks and carrying weapons intercepted a red Audi estate in a car park close to crowded pubs and restaurants. An officer opened fire through the windscreen of the vehicle in which Mr Grainger was sitting. Three other men were arrested. The 36-year-old from Bolton, Greater Manchester, reportedly did not put his hands up when ordered to do so by armed officers and was allegedly fiddling with an object.

Police discovered significant quantities of cash, three sets of body armour and CS gas when they raided Mr Grainger's home during his previous arrest. He was subsequently acquitted of conspiracy to supply drugs. He was sentenced to 20 months in prison last year after he admitted handling stolen cars.

The trial centred on a corrupt police officer, PC Phil Berry, who sold a list of police informants to a Bolton drug dealer in return for a BMW and other bribes, including Premiership football tickets. He was jailed for four years. James Donaghy, deputy senior investigator for the IPCC, which is handling the investigation into the shooting, said his team had been in touch with the victim's family. David Totton, 33, of Manchester, Joseph Travers, 27, of no fixed address, and Robert Rimmer, 26, also of Manchester, were remanded in custody yesterday charged with conspiracy to commit robbery.

If anyone inside can help with this, would be much appreciated

[MOJUK would appreciate any info on Winson Green deaths. To the best of our knowledge (and that is very little) only one car struck the three deceased, yet 8 people stand charged with murder, obvious those charges must be 'Joint Enterprise'. MOJUK has tried in vain to make contact with those charged, wrote to them all in prison but got no replies.]

Winson Green riot deaths accused deny murder charges BBC News, 02/0312

Seven men and a 17-year-old youth have pleaded not guilty to murdering three men during the summer riots in Birmingham last year. Haroon Jahan, 21, and brothers Shahzad Ali, 30, and Abdul Musavir, 31, were hit by a car in the Winson Green area, on 10 August. All three men died as they tried to protect shops and homes from looters. Eight defendants appeared before Birmingham Crown Court, where they are due to go on trial next month.* Adam King, * Joshua Donald, * Ian Beckford, * Ryan Goodwin, * Shaun Flynn, * Everton Graham, * Juan Pablo Ruiz-Gaviria, The 17-year-old cannot be named for legal reasons. Liam Young, 28, of Bryant Road, Winson Green, has been charged with perverting the course of justice. If you have met them or know where they are now located, please get back to MOJUK.

R v Blackwood[2012] EWCA Crim 390

Blackwood's appeal against conviction was granted, following which prosecuting counsel did not ask for there to be a retrial. When counsel left court she was informed by the officer in the case that a re-trial was sought by the alleged victim. Enquiries were made to the court office and it would appear that counsel was left under the impression that she had 14 days to make the application. Steps were then taken, speedily, to bring the matter before the court.

Before the matter had been listed the result of the appeal had been notified to the crown court, and the result entered onto Crown Court Electronic Support System 'CREST'. The question in this appeal was whether the Court of Appeal was now functus officio as far as the application for re-trial was concerned.

Held: The order of the court becomes final once the court's decision is entered into the record of the trial court.It suffices that in our judgment it is too late to exercise the power to order a retrial once the appellant's acquittal has been recorded by the court of trial pursuant to a final order of this court.

The court made these additional observations: "We end by drawing attention to the observation we have made at the end of [4] above. It is highly desirable that prosecuting counsel appearing at the hearing of a conviction appeal should have clear instructions as to whether to apply for a retrial in the event of the appeal being allowed and the conviction or convictions being quashed."

Human Rights Review 2012 - Article 6: The Right to a Fair Trial

. . . . . The use of closed material may compromise the right to a fair trial

. . . . . Children may be at risk of Article 6 breaches when the justice system does not cater for the child's ability to understand and participate in court proceedings

. . . . . Cuts to legal aid may compromise the right to a fair trial

Article 6 of the European Convention on Human Rights provides that:

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly by the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the

tally affected to the extent that there will be less officers available to protect the public.

It has also been made clear that one of the police roles currently undertaken by specialist officers, that of managing serious and sex offenders who have been released into the community, may now be farmed out to private companies. In the view of TheOpinionSite.org, this would be a disaster as already the police have difficulty in gaining the trust of offenders released into the community. The likelihood therefore of such an individual being willing to trust an employee of a private company is considerably less, the result being that the offender is more likely to go underground.

It has been argued, with some justification, that there is simply too much policing in Britain. Whether one agrees with this view or not, it is hard to disagree with the opinion that a great deal of current government policy regarding policing is based on pressure from lobby groups, charities and the general disillusionment of a public that has been taught to believe that every stranger they encounter may be dangerous.

With organisations concerned with their own viability, especially charities who campaign on public protection issues and in particular the protection of children, it is not difficult to see why successive governments have felt themselves forced into coming up with semi-secret mechanisms such as MAPPA (Multi Agency Public Protection Arrangements) in order to supposedly supervise and monitor "dangerous" offenders in the community.

Eventually, with the probation service already providing very little constructive help to released offenders, it has fallen on the police to take responsibility for the supervision of ex-offenders in the community. All of this costs money and, as we are all only too well aware, that money has now run out.

TheOpinionSite.org believes that the government, instead of trying to privatise the police, should instead thoroughly review our current justice system, as Ken Clarke has proposed and for which he has been criticised, and get rid of anything that cannot be proved to be effective. This includes any unnecessary supervision or monitoring of offenders that have been labelled as "dangerous" when in fact, they are nothing of the sort.

One should always remember that the risk assessments carried out on offenders when they leave prison are often undertaken by very young, trainee psychologists and probation officers with little, if any experience of real-life.

These false assessments of risk, often swayed by political influences, have resulted in a complicated and hugely expensive matrix of processes designed to reassure the public but which in reality have little practical affect.

There is little point in having any supervision or management of ex-offenders living in the community if the only action that can be taken is available after an offence has been committed rather than before. Nor is it possibly correct or effective to treat all offenders in the same way when, quite obviously to most people, everyone is in fact different.

Most people would agree that whatever form it may take, any privatisation of Britain's police is a bad thing. Whilst police forces may be in the situation where they have to save money, the real cause of the problem is that there is simply too much criminal law in Britain today.

Much of this unnecessary, ineffective legislation - together with its enormous costs - could be removed without detrimental effect to society if prime ministers and politicians could take their eyes off the headlines in the tabloids for just five minutes; but, as British politics is inextricably and lamentably linked with so-called justice and law and order, MPs of all parties prefer to stay clear of radical decisions which, although they may be to the benefit of society in the long run, are politically dangerous.

A lost opportunity for survival: the death of Reece Staples

By Ruth Bundey, Institute of Race Relations (IRR)1 March 2012

A solicitor at Harrison Bundey in Leeds explains how, had police officers taken a young black man, who had swallowed packets of drugs, straight to hospital, he might still be alive.

On 20 February 2012, an inquest jury returned a verdict of misadventure on Reece Staples, who was 19 when he died in police custody on 9 June 2009. Reece was an exceptionally promising young footballer who had been signed by Nottingham Forest after a spell with Notts County, but had been released by the club at the start of the 2008/2009 season in company with a number of others to seek selection elsewhere. He was in the process of doing this when his girlfriend persuaded him to travel with her to Costa Rica in May 2009 with the purpose of importing back into the United Kingdom packets of cocaine. For reasons which remain unclear, the girlfriend played no part in swallowing packets but Reece did, and whilst he was initially well and normal in his behaviour, on the couple's return to Nottingham, by around midnight on 6 June 2009 it seems that he was starting to suffer ill-effects of leakage from a packet still inside him. He went in search of his girlfriend, and when he did not find her went to the house of his aunt nearby and banged on the door to get attention and help. When nobody came, he proceeded to shatter the windscreen of two cars outside, whereupon his aunt and uncle, who had been disturbed by the noise but failed to recognise their nephew, called the police. They and others who heard the commotion described seeing a young man clearly under the influence of drugs, behaving in an erratic way, talking to himself and crying out that he was dying.

Four police constables responded to the call for assistance and in the presence of all four Reece called out that he was going to die and had coke in his belly. He said that he had been to Costa Rica three days ago and swallowed some coke packets which had burst, confirming he was talking about cocaine, and asking the officers to check with the airline to confirm that he had indeed been to Costa Rica. All four officers chose independently not to believe him. Two went on their way and the other two conveyed him to the nearest police station five minutes away. There, because there was a queue of suspects waiting to be booked in, he was placed in a holding cell, where he should have been constantly supervised and monitored by the two officers then in charge of him. CCTV evidence showed him in an agitated state banging on the door of the holding cell, slipping onto the floor, three times squatting down, defecating and examining what he had managed to expel as if looking for drugs, and later lying face down on the floor for a period of time. A police officer who visited the cell told the inquest he was hysterical. After just over an hour he was taken to the custody desk to be booked in and initially found it impossible to stand up, slipping almost to the ground, veering off in a different direction and repeatedly putting his head on his hands on the desk. He asked for water and then proceeded to spit onto the desk in front of him, saying in the hearing of at least one passing officer, 'look, it's really white'. This behaviour led to him being placed immediately in a cell without being given his rights to nominate a solicitor or a named person to be informed of his arrest.

CCTV pictures revealed a prolonged period of 40 minutes of agitation, when on fifteen separate occasions Reece incessantly pressed his cell buzzer. Then he became very much quieter, was eventually sick, and finally collapsed as a result of a seizure on the floor of his cell some three and a half hours after his arrest. His collapse was not discovered for roughly seven minutes, as the monitors showing coverage of his cell were situated in an area where they were not readily viewable.

The two police officers who took Reece to the station had not told the custody sergeant what Reece has said when they arrested him, either when they brought him in or later, when he was

booked in. One of the officers passed on, as an afterthought, part of Reece's comments once he had been placed in his cell, but told the inquest that he did not believe there was any truth in this tale of drugs in the stomach - despite agreeing with Reece's uncle that the young man had appeared to be on drugs and had been calling out for or about cocaine.

Officers disciplined: In June 2011, the four constables and the custody sergeant went before a disciplinary panel on allegations of gross misconduct for their failures to respond to Reece's plight. Reece's mother was refused the right to have her legal representative at the panel and could not attend much of the hearing, but fortunately the officers were found guilty of gross misconduct (the custody sergeant admitted the charge and it was proved against the other four). The panel concluded that all four officers had heard what Reece had said, and that the excuses they gave for not believing him were of no substance. But to the huge distress of Reece's mother and other members of the family, the officers were not dismissed but made subject to eighteen-month final written warnings, although the acknowledged police failings at least led to retraining and instruction to prevent a recurrence.

Could Reece have survived?: Reece died from severe cocaine intoxication; the amount of cocaine released into his body was ten times the recorded fatal dosage. The question for the inquest was to establish whether the by now admitted failings of the police officers caused or contributed to his death. During a conscientious investigation by the Independent Police Complaints Commission (IPCC), a specialist in accident and emergency medicine, with a great deal of experience in cocaine overdose and body packing, had reported in no uncertain terms that had Reece been taken to hospital at the point of his arrest, he would probably have survived with medical treatment and surgery. At the inquest, he said the chances of survival were similar if Reece had been taken to hospital immediately on arrival at the police station. But the doctor changed his mind after seeing a report contradicting his opinion from a senior Home Office pathologist prepared on behalf of the police officers, and after repeatedly shifting his opinion under questioning finally agreed with the Home Office pathologist that survival was only 'possible' rather than 'probable', even with immediate and expert medical attention. With no evidence that the police officers' conduct contributed more than minimally to the death, there was little the jury could elaborate on.

Despite the inevitability of the conclusion, the inquest continued to examine evidence and heard from the four officers who had encountered Reece. Incredibly, they all maintained that at the roadside they had separately decided to disbelieve his account of swallowing drugs, without a word to each other or even the raising of an eyebrow. Yet one had noticed that Reece had dilated pupils; two that he was sweating and complained that he could not breathe. It was put to them that they could have been commended in the course of their duty had they taken Reece to hospital, both to protect his welfare and with a view to investigating a significant drugs importation of far greater importance than criminal damage to two windscreens. The two officers who took him to the police station could not adequately explain why they had neither been alarmed at Reece's behaviour in the holding cell nor brought it to the attention of the custody sergeant. This officer accepted that once he had been told, however belatedly and casually, that Reece had said he had drugs in his stomach, he should have immediately reassessed the situation.

Ignorance of policy revealed: When Reece was arrested there was already policy in place which the police constables should have known about but did not, directing that anyone believed or suspected to have swallowed or concealed drugs should be taken straight to hospital. Further training has now been put in place to ensure that this is widely known, and a

West Midlands and Surrey forces are talking to security firms about possibly transferring tasks to them and are undertaking the negotiations on behalf of all forces in England and Wales.

The radical move being pushed forward by chief constables across the country is a direct result of budget cuts introduced by the government. In an attempt to allay public fears and worries, the government had been forced into making certain assurances.

Police minister Nick Herbert has said core policing would not be privatised and the Home Office also insisted that private firms would not be able to make arrests, nor would they be solely responsible for investigating offences.

However, as we all know to our cost, David Cameron's government cannot be trusted to stick to its word. As regular readers of TheOpinionSite.org will be aware from previous articles, on numerous occasions this coalition government, as well as its predecessor, have frequently made U-turns on policy without thinking through the eventual consequences.

This latest move towards privatization of the police is no different. In our view, whatever the government is saying now could change radically as the economic disaster that is rushing towards the UK takes effect.

Rank and file officers themselves are far from happy with the government's proposals. The Police Federation voiced its own fears, with vice-chairman Simon Reed saying: "This is an extremely dangerous road to take." He added: "The priority of private companies within policing will be profit and not people, and we must not forget, they are answerable to their shareholders and not to the public we serve."

When the previous government under Tony Blair introduced the privatization of Britain's prison system, no thought was ever given to the effect that would be created by putting cost ahead of the safety of prisoners. Some of the highest suicide rates and violent occurrences have been recorded in privatised prisons; notably HMP Rye Hill where deaths in custody have become almost a regular event.

As in most of Britain's private prisons, the staff/prisoner ratio is such that on a wing containing some 88 prisoners, there may only be two staff on duty at any one time. Given that most private prisons are B category prisons and hold very serious and often violent offenders, it is hardly surprising that the lack of staff has resulted in prisoners exercising violence against each other; violence that has often resulted in fatalities.

The privatization of Britain's police forces, no matter which aspect of operational policing may be affected, cannot possibly be a good thing. More and more members of the public distrust the police, particularly after the continuing revelations of the Leveson inquiry into relationships between the press and the police and after also seeing so many police officers arrested or dismissed over the last 12 months or so for unlawful activities.

The sad fact is that if some police officers are corrupt under the present system, things will only get worse with the increased involvement of private enterprise. Just as it is morally wrong for companies to make a profit out of locking up individuals, so it is equally wrong for profits to even be taken into consideration at all when dealing with the protection of the public and the execution of justice.

At present, the Home Secretary and her team of ministers, together with David Cameron and his millionaire Cabinet are all saying that front-line policing will not be privatised. The government claims that it is the "back office" jobs that may go to private companies but as we all know only too well, this government, like its predecessor cannot be trusted.

Chief constables on the other hand are making it very clear that unless these back-office roles are subcontracted out to private companies, front-line policing will in fact be detrimen-

Susan May and Eddie Gilfoyle, alleged innocent victims of wrongful convictions will talk of their on-going struggles with the CCRC to have their cases investigated and referred back to the Court of Appeal.

Prof. Michael Zander, who was a Member of the Royal Commission on Criminal Justice that recommended the establishment of the CCRC, will outline his thoughts on the main problem with dealing with alleged wrongful convictions and how things can be changed.

Laurie Elks and David Jessel, both ex-Commissioners at the CCRC, will share their separate thoughts on how the current arrangements could be reformed to better assist applicants who may be innocent.

Mark George QC and Mark Newby, Solicitor Advocate, who both have a great track record with the CCRC will also give their analysis and recommendations for reform.

Bruce Kent, Chair, Progressing Prisoners Maintaining Innocence, will speak about the Ray Gilbert case, who has maintained innocence for 30 years and was recently refused a referral by the CCRC despite many flaws in his conviction.

Russ Spring, United Against Injustice, West Midlands Against Injustice, will speak about the campaign for the abolition of the CCRC.

Professor Richard Nobles, Queen Mary University, London, will present an analysis of his and his colleagues', Professor David Schiff's, critique of the CCRC and the reforms that they believe could enable the CCRC to more effectively deal with applications by alleged innocent victims of wrongful convictions.

Paddy Joe Hill of the Birmingham Six will close the event with his views on the CCRC from the perspective that it was set up in large part in response to the case of the Birmingham Six yet a growing number of plausible claims of innocence are failing to be referred back to the appeal courts by the CCRC - it is even doubtful that the CCRC would refer a case like the Birmingham Six if it were to come before it today.

The symposium will be invaluable to all those staff and students of member innocence projects in terms of providing a deeper understanding of the challenges that we face in trying to overturn alleged wrongful convictions under the present arrangements.

It will also provide rich information to those with an interest in the academic and policy aspects within the field of of wrongful conviction studies.

Police privatization sets us all on a dangerous path *Raymond Peytors - theopinionsite.org*

UK police - corrupt and now incompetent / Privatised policemen will put profit before justice

Police forces across England and Wales are inviting bids from private companies who wish to undertake some aspects of the policing role in England and Wales. In allowing forces to do so, the government has set itself on a dangerous path that could seriously undermine the public accountability of the police.

With many believing that the police are already unaccountable for their mistakes, TheOpinionSite.org suggests that in the future, decisions will be made based on the profitability of private companies, rather than the safeguarding of the public.

In Britain, we are - theoretically at least - policed "by consent". The success of such a policing system relies on the impartiality of senior officers when making decisions whether or not to pursue a prosecution, investigate a crime or make an arrest. Were these activities to be passed over to private companies, the overriding factor in any decision would be made on the basis of what is best for shareholders, rather than what is best for the public.

new instruction adds that emergency hospital attention must be sought whenever a suspect claims to have swallowed drugs. This prevents officers having to decide whether they believe a suspect. The assistant chief constable who gave evidence also undertook to remind officers of their responsibility to monitor and supervise those in a holding cell and to report any concerns to the custody sergeant immediately.

The detective inspector who gave evidence about the importation investigation that ensued after Reece's death spoke of him having been 'duped' by serious criminals.

Members of Reece's family and close friends present at the inquest were a tower of strength despite the trauma of the proceedings and the hideous realisation of the very limited outcome that was possible.

Whatever the critical semantic differences between probability and possibility, the officers who dealt with Reece on 9 June 2009 eliminated at a stroke any chance that he had of survival. Although the loss of this much loved 19-year-old remains unbearable, it would have been of immeasurable comfort to his family if he had spent the last three and a half hours of his life being cared for and sedated in hospital, even if he had ultimately died on the operating table.

Important information on the use of mobile phones by prisoners/public

Section 45 of the Crime and Security Act 2010 (offences relating to electronic communications devices in prison) will come into force on 26th March 2012.

This important to know because it does not only affect prisoners using mobiles to text/make calls/send images but also people calling/texting prisoners or receiving such communications - the maximum prison sentence could be 2 years if caught!

The Law - Section 40D of the Prison Act 1952 (as inserted by section 23 of the Offender Management Act 2007) provides:

(1) A person who, without authorization

(b) transmits, or causes to be transmitted, any image or any sound from inside a prison by electronic communications for simultaneous reception outside the prison, is guilty of an offence.

An amendment in the Crime and Security Act 2010, when in force, will extend this to include 'any image, sound or information'. Section 40D will expressly apply to the transmission of a text message, although such a message is arguably included in the concept of 'image'.

For the purpose of section 40D 'electronic communication' has the same meaning as in section15 of the Electronic Communications Act 2000, which defines 'electronic communication' as:

a communications transmitted (whether from one person to another, from one device or another or from a person to a device or visa versa) -

(a) by means of an electronic communications network; or

(b) by another means but while in an electronic form.

When new provisions in the Crime and Security Act 2010 come into force, section 40D(3A) of the Prison Act 1952 will make possession of a device capable of transmitting or receiving images, sounds or information by electronic communications (including a mobile telephone) inside a prison an offence.

These offences are either way offences and the maximum penalty on indictment is two years imprisonment, and/or a fine.

Clearly, the section 40D offence can be committed by a person in prison who uses an unlawfully possessed mobile telephone to make an unauthorised call.

However, it is arguably also an offence for a person outside a prison to make a call to

a prisoner on a mobile telephone, if the call is answered by the prisoner and the prisoner speaks to the person who has made the call.

Section 40D could be interpreted to include a person outside the prison intentionally calling a mobile telephone in the possession of a person in prison, because he or she has intentionally caused the prisoner's voice, inside the prison, to be transmitted over the relevant telecommunications network for simultaneous reception by the person outside the prison.

It is also possible that criminal liability as an accessory could apply to persons outside a prison making a call to a prisoner's unlawfully possessed mobile telephone.

Section 8 of the Accessories and Abettors Act 1861 could be construed so that the outside person would procure the section 40D offence, in that the act of dialing a number to create a connection with the unlawfully possessed mobile telephone would be 'the endeavour', which, combined with an intention that the prisoner will answer the call, could create accessory liability to a section 40D offence.

R v Bayliss [2012] EWCA Crim 269

An appeal against sentence in respect to child pornography offences (allowed) Further, it was complained on the appellant's behalf that the judge's order deprived the appellant of his computer as a whole, when it was suggested that the judge could and should have made an order only in respect of the hard drive. Following pleas of guilty an order was made for the forfeiture and destruction of his laptop computer and a sexual offences prevention order was also made.

Held: " We have no doubt that judge did have the power to make a deprivation order just in respect of the hard drive but we are also clear that he had the power to make a deprivation order for the whole of the computer equipment, since that was used by him for the purpose of facilitating the commission of the Internet offences and we think that he was quite entitled to do so. That part of the sentence is upheld".

R v Shaun Gillhooley [2012] EWCA Crim 220 Appeal allowed. Convictions quashed.

An appeal against convictions for breaches of an Anti-Social Behaviour Order.

The appeal was on one ground, namely that the Recorder wrongly admitted in evidence the magistrates' finding of fact which caused them to impose the ASBO.

The Magistrates' Court had found 42 instances of behaviour by the appellant which caused, or was likely to have caused, harassment, alarm or distress to persons outside his own household. Victims of the appellant's behaviour included care staff, housing office staff, credit union officials, medical staff and solicitors. The order was drawn up on the same day as the hearing, and itemised the 42 separate findings. Despite submissions against doing so, the unedited order was placed before the jury at the crown court.

No application was made to the Recorder under section 101(1)(c) and section 102 Criminal Justice Act 2003. Had an application been made by the prosecution, the prosecution would have been required to establish that without the evidence: "... the jury would find it impossible or difficult properly to understand other evidence in the case and its value for understanding the case as a whole is substantial."

It was the appeal court's view that the evidence had no such quality.

Furthermore, the prejudice to the appellant was obvious. The jury would be tempted to treat the findings made as evidence of the appellant's propensity towards committing acts of harassment. No application was made to admit the findings as evidence of propensity.

The last finding made by the Magistrates concerned an incident in June 2008. The first alleged breach was in March 2010. Had the evidence been admitted to prove propensity, the jury would have required a specific direction as to their approach and the caution that they must exercise. They did not receive such a direction.

Held: We have considered whether the direction the Recorder did give to the jury was sufficient to avoid unfairness. We think it was not. There was a clear danger that in the absence of a specific warning the jury would regard the previous findings as evidence of propensity. Such a finding would have impacted in our view not least upon the defence of reasonable excuse. - The court concluded that the jury's unanimous verdicts of guilty were unsafe.

Five men jailed over HMP Ford Prison riot The Argus, Friday 2nd March 2012

Five men have been jailed for a total of more than 23 years for their part in the riot at Ford Prison, near Arundel, on New Year's Day, 2011. At Hove Crown Court today (March 2), Roche Allen, 25, from Cardiff, was sentenced to seven years for prison mutiny and four years for violent disorder to run concurrent. Lenny Franklin, 23, from London, has been sentenced to seven years for prison mutiny and four years for violent disorder to run concurrent. Thomas Regan, 23, from Northampton, was sentenced to seven years for prison mutiny and three years and nine months for violent disorder to run concurrent. Lee Roberts, 41, from HMP Lewell, found guilty of violent disorder and arson reckless as to whether life endangered has had his sentence adjourned for a month for reports. Carniel Francis, 25, of London, has been sentenced to two-and-a-half-years for violent disorder.

Detective Chief Inspector Pierre Serra who lead the investigation said: "This has been a complex and challenging investigation, involving over 40 Sussex Police officers and taking over a year from start to verdict. It is certainly one of the largest investigations I have worked on in the last 18 years and even more rewarding by virtue of today's verdict.

From very early on we had to work at a fast pace to secure enough evidence to make arrests and identify suspects on what was a dark, rainy and confusing night of mass disturbance. A number of prisoners including our main suspects had to be moved to prisons all over the UK, with the added complication that many were due for release over the coming weeks back into local communities around the country. Our most significant witnesses were serving prisoners, who have shown immense courage by coming forward in the first instance and subsequently attending court here at Hove.

Ryan Martin, 24, of Eastbourne, and Paul Hadcroft, 25, from Bognor Regis, were acquitted for arson being reckless as to whether life endangered, violent disorder and prison mutiny.

Symposium on the Reform of the Criminal Cases Review Commission

It will be on Friday the 30th March 2012, to coincide with the 15th anniversary of the CCRC, and will hosted by Norton Rose LLP, near London Bridge.

Likely to be one of the most significant events on the law of criminal appeals and the role of the CCRC to date, speakers so far confirmed include:

Chris Mullin, the ex-MP connected with the Birmingham Six case and the setting up of the CCRC, will launch the proceedings.

Dr Eamonn O' Neill is the Chair of the event and will also do a presentation from the perspective of an investigative journalist who has overturned wrongful convictions (Robert Brown and Stuart Gair).