to inappropriate conduct towards female members of staff at the force".
Moved - Ray Gilbert to: HMP Kennet, Parkbourn, Maghull, Liverpool, L31 1HX

A Tale of Two Prisons: Which Prison is Public Sector & Which is Run for Profit?

Prison A has been open since 1875, it holds just over 1200 men and in 2013 there were 81 incidents of self-harm. There are a variety of problems as with running any large institution but commenting on the last inspection in 2011 the chief executive of NOMS (the National Offender Management Service) noted '…that despite a high turnover of prisoners, [the prison] was safe, with good staff-prisoner relationships and effective security measures.'It costs approx £22,0000 per person in prison, per year.

Prison B has been open since 2012, it can hold around 1600 men, in 2013 there were 611 incidents of self-harm, earlier this year there were reports of 'significant events' which some say were riots. Their last inspection was 2013 when Nick Hardwick, Chief Inspector of Prisons, found it 'urgently needed to improve and there were real risks if matters were allowed to drift.' Against all four healthy prison tests: safety, respect, activity and resettlement, the outcomes inspectors observed were either insufficient or poor. The inspection found that drug rates were more than double that in comparative jails and famously said that it is easier to get drugs than soap in this prison. It costs approx £12,000 per person per year, down from £15,500 when it first opened.

Which prison is public sector and which is run for a profit? Which prison is the government advocating as a benchmark for other prisons to emulate and measure themselves by?

Of course, it's Prison B, otherwise known as the G4S run HMP Oakwood and not Prison A, the public sector HMP Wormwood Scrubs. Just when you think Grayling and the MoJ had exceeded themselves with the blinding stupidity of their most recent policy, they manage to outdo themselves yet again with an even greater show of staggering idiocy.

NOMS announced that they want prison governors to save £149 million a year. They want public sector prisons to be 'bench-marked' against private prisons like Oakwood, with lower running costs. Commentators have been consistently united in their derision of what was known as HMP Jokewood, long before the prison even opened. In the early days basic things like toilet roll were not available for stretches of time; the 2013 inspection could not have been more damning.

And yet, in Grayling's brave new world, where it's only about the cha-ching, cha-ching, here is yet another example of the ideals of justice, rehabilitation and humanity being casually slaughtered at the altar of profit to appease the tabloid gods' thirst for ever-more punitive regimes.Many in the sector have long anticipated this move, seeing it as a warm up to privatising all jails, once every prison is being run at bargain basement competitive prices, making

Hostages: Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland,

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MOJUK: Newsletter 'Inside Out' No 477 (15/05/2014)

IPCC Findings Conduct Of West Mids Police Officers Birmingham Riots

[Another Fine IPCC Whitewash: MOJUK attended the trial, was present whilst Detective Chief Inspector Tagg gave evidence, at no time during his testimony did DCI Tagg, mention the fact that immunity had been offered to witnesses.

Detective Inspector Khalid Kiyani, giving evidence after Tagg, raised concerns over the offer of immunity. The judge stopped the trial and recalled Tagg, it immediately became clear that Tagg knew about the offer months before the trial started and further that Tagg had deliberately withheld this information from the Crown Prosecution Service.

Whether Tagg gave the order to Kiyani to offer witnesses immunity, which Tagg denied is open to conjecture. MOJUK's opinion is that Tagg was not a credible witness and believe Kiyani was honest in what he testified to.]

The Independent Police Complaints Commission (IPCC) today 7th May 2014 issued its findings from an investigation into the conduct of two West Midlands Police officers related to the triple murder trial arising from rioting in Birmingham in August 2011. On 10 August 2011 three men, Haroon Jahan (aged 21), Shazad Ali (aged 30), and Abdul Musavir (aged 31) were struck by a car and killed in Winson Green. Eight men were subsequently charged with their murder and a trial commenced on 19 April 2012 at Birmingham Crown Court.

Evidence was heard during the trial suggesting that certain witnesses may have been promised immunity from prosecution by the police in return for them giving evidence against the defendants. The trial judge, Mr Justice Flaux, temporarily halted the trial and questioned police officers and others to establish the facts around the non-disclosure of this information. He raised concerns about the evidence given to him in Court by a Detective Chief Inspector (DCI) Anthony Tagg, the senior investigating officer in the murder case.

On 11 August 2011 during a public meeting, Detective Inspector (DI) Khalid Kiyani who was the Family Liaison Co-ordinator for the murder investigation, offered eye witnesses immunity from prosecution for public order offences if they provided witness statements. DI Kiyani alleged DCI Tagg had authorised this promise of immunity, which DCI Tagg denied.

The IPCC investigation found no case to answer for misconduct against DCI Tagg. Howerver DI Kiyani, who retired in October 2012 having served 30 years in the police service, would have had a case to answer for gross misconduct under police disciplinary procedures. The record keeping of both DI Kiyani and DCI Tagg was found to be deficient. The IPCC investigation concluded in early 2013 when a file of evidence was sent to the CPS, and in September the CPS concluded that there was insufficient evidence to provide a realistic prospect of proving that either police officer had knowingly made a false statement and as a result committed the offence of perjury. Following on from the disclosure of these issues the judge dismissed the application for a stay for abuse of process and permitted the trial to continue. The eight men were found not guilty of the murders by the jury on 19 July 2012.

IPCC deputy chair, Rachel Cerfontyne, said: "These three young men were tragically killed during a time of extraordinary rioting across many of our cities. There can be no doubt that community tensions were extremely high at the time and there was significant pressure on

police. Everyone will remember the poignancy and courage of the bereaved families involved in calling for calm so soon after their tragic loss.

"Detective Inspector Kiyani was attempting to encourage individuals within the local community to come forward and provide details to progress the triple murder investigation. However, as an experienced senior officer, his offering of immunity to a group of unknown individuals without due consideration to potential offences or appropriate authorisation was a reckless act. While our investigation found that Detective Chief Inspector Tagg should have been more forcible and clear in advising prosecution Counsel of the immunity issue, he did not intend to deceive in his evidence provided at Crown Court. We found no evidence to corroborate the assertion that DCI Tagg knew of or sanctioned the offer of immunity prior to it being given at a public meeting by DI Kiyani. DCI Tagg may have told Counsel about the immunity issue, but on the basis he should have done so with greater clarity and conviction the IPCC recommended management intervention to remind him of his responsibilities as a senior investigating officer. The murder investigation was a complex, high profile one and it was vital that it was carried out in a way that could command the confidence of all communities in Birmingham. While we cannot say what impact this issue had on the trial or the verdict, the bereaved families publicly placed their faith in the criminal justice system but they understandably feel that they have been failed by the system they trusted."

Solicitor Advocates Squeezing Out Barristers *Owen Bowcott, theguardian.com, 07/05/14*

Barristers are losing out to less highly trained, in-house solicitor advocates in a courtroom transformation that risks cutting off the "talent pipeline" producing experienced judges, according to a report commissioned by the Ministry of Justice. The division – and increasing rivalry – between the two arms of the legal profession has not created a competitive market place, Sir Bill Jeffrey warns in a study of criminal advocacy published on Wednesday 7th May 2014. The Jeffrey Review will provide ammunition to both sides in the confrontation between lawyers and the Ministry of Justice over cuts to legal aid and the future of the profession. Complex fraud trials have already in effect been halted because specialist barristers are refusing to accept 30% cuts to legal aid.

Jeffrey, a former senior civil servant who worked at the Northern Ireland Office and the Ministry of Defence, was asked to carry out the report by the justice secretary, Chris Grayling. "Effective advocacy is at the heart of our adversarial system of criminal justice," Jeffrey remarked in his opening comments. "If prosecution and defence cases are not clearly made and skilfully challenged, injustice can and does result. Effective advocates simplify rather than complicate; can see the wood from the trees and enable others to do so; and thereby can contribute to just outcomes, and save court time and public money."

Solicitor advocates – solicitors who have rights of audience to present cases in crown as well as magistrates courts – have rapidly taken on more and more work. In 2005-06, the review says, they were responsible for 4% of contested trials and 6% of cases involving guilty pleas; by 2012-13, those proportions had risen to 24% and 40% respectively. Many are highly skilled, the review says, although solicitor advocates generally have far less training than barristers. "To be called to the bar, a barrister needs to have completed 120 days of specific advocacy training," the report said. "A qualified solicitor can practise in the crown court (subject to accreditation) with as few as 22 hours such training." It added: "As it exists now, the market could scarcely be argued to be operating competitively or in such a way as to optimise quality.

The group of providers who are manifestly better trained as specialist advocates are taking

highly disruptive prisoners and is managed as part of an integrated system across several prisons in the high security estate. This system will be inspected separately by HM Inspectorate of Prisons, so the Woodhill CSC is not referred to in this report.

Inspectors had the following concerns: - relationships between staff and prisoners could no longer be described as a key strength - number of self-harm incidents was very high and almost double what we normally see in a local prison - five prisoners had taken their own lives in the prison since we last inspected (3/13 January 2012) - prison's response to this situation, including to the recommendations of various enquiries by the Prisons and Probation Ombudsman, lacked rigour and required immediate improvement - We were concerned that 40% of prisoners said they felt victimised by staff, and the prison needed to take this perception seriously and understand it - prisoners in segregation were on minimal regime - lack of purposeful activity remained a recurring theme - prison's approach to safety but outcomes were still not good enough, particularly for a core local - first night centre was not well defined and it was used too much to hold prisoners with other vulnerabilities. Not all new arrivals therefore benefited fully from the services that were intended for them - Significantly more prisoners reported feeling unsafe at this inspection than they did when we last visited - Too many prisoners said that they felt victimised. Recorded levels of assault were very high and double what we have seen in other local prisons - We were not, however, confident that all incidents had been adequately recorded - age-specific risk assessment was still lacking for those young adults held in the prison, particularly on the vulnerable prisoner unit - prisoners held on the protected witness unit were inevitably isolated but more could have been done to mitigate the oppressive environment in which they were held - mental health provision, which was insufficient to meet demand - time prisoners spent out of their cells had deteriorated considerably and association, notably in the evening, was very limited and further reduced by staff shortages. - not enough was being done to improve the employability of prisoners - Inspectors made 95 recommendations

IPCC Investigating Death of Man in Police Custody in Leeds

At around 9.30 pm on Sunday 11 May, the man was arrested by West Yorkshire Police officers at Leeds General Infirmary on an outstanding warrant for theft offences. He was taken to Elland Road police station, and placed in a cell in the custody suite. He was found to be unresponsive when checked in his cell at 7 am on Monday 12 May, and despite attempts to resuscitate him, the man was confirmed dead around 45 minutes later. The IPCC received a referral from West Yorkshire Police on Monday morning, and immediately declared an independent investigation. Investigators were deployed to the scene, and are continuing to carry out a number of inquiries.

Police Chief Nick Gargan Suspended Over Claims *BBC News, 13/05/14*

A police chief has been suspended following "serious allegations" of inappropriate behaviour towards female officers and staff. Avon and Somerset Police and Crime Commissioner Sue Mountstevens said several allegations had been made against Chief Constable Nick Gargan. He denied the allegations and "was devastated" when they were reported to him, according to Ms Mountstevens. He has been chief since March 2013 and a serving police officer since 1988. The Independent Police Complaints Commission (IPCC) confirmed it would be investigating "a number of serious allegations that relate

of justice in 2013. Lawyers for the former couple had argued the sums were not reasonable.

Super-Max Children's Prison A Very Dangerous Idea! Indpendent, 11/05/14

Controversial plans to build Europe's biggest children's prison in the Midlands would put young offenders at increased risk of harm and even death, campaigners warned last night. The Government intends to create a small network of "secure colleges" to hold the current 1,117 children in England and Wales but penal reform groups have warned that the idea is flawed and are urging MPs to back an amendment to the Criminal Justice and Courts Bill, which will be debated on Monday. Construction of a 320-bed, £85m "pathfinder" secure college, which will hold girls and boys between 12 and 17, is due to begin next year, on land next to Glen Parva prison, Leicestershire.

However the Children's Right Alliance for England (Crae), Howard League for Penal Reform and the Standing Committee for Youth Justice are calling on MPs to back the move to kill off the proposals. In a briefing given to backbenchers on the eve of the debate, they warn of "serious concerns about how children will be cared for and kept safe" in what will be a large children's prison, and claim the approach is "fundamentally flawed". Large institutions are or can be "violent and intimidating" and "struggle to provide the type of relationships and services which keep children safe", they say.

The Government says that putting a large number of youth offenders in England and Wales into a small number of dedicated centres will significantly reduce the £100,000 current average cost of a place in youth custody. But the campaigners said that small secure units – with highly trained staff – are best placed to give intensive support to children who are likely to have complex needs. Paola Uccellari, director of Crae, told The Independent: "We are concerned that warehousing children in Europe's biggest child prison will significantly increase the risks of self-harm and deaths in custody. The evidence shows that size matters: smaller institutions are better at caring for children and keeping children safe than large prisons. The secure college 'pathfinder' is an expensive experiment, which will place children at risk."

Islamic Radicalisation a Significant Threat in Prisons'

The head of the prison and probation service has said there is a significant threat of Islamic radicalisation behind bars. Michael Spurr, the chief executive of the National Offender Management Service of England and Wales (Noms), told BBC1's Panorama: "There is a significant risk, given the fact that we manage some very dangerous people. Our job is to minimise that risk becoming a reality – that somebody in prison becomes radicalised and commits a terrorist offence." He warned there could be a "whole range of different potential scenarios [where] people could be hurt" if Noms failed in its job to protect the public from extremists. Over the past 10 years, the number of Muslims in prisons in England and Wales has doubled, reaching 11,729 in 2013. There are about 100 al-Qaida-inspired Islamist terrorists behind bars.

Report on an Unannounced Inspection of HMP Woodhill

Inspection 13/24th January 2014, published 13/05/14: Woodhill prison, located in Milton Keynes and part of the Prison Service's high security estate, is a complex and important prison with multiple functions. Designated a core local prison, one of only three in the country, it is mainly a local prison holding remand, newly sentenced and short-term prisoners from the South East Midlands. Its core function extends this responsibility to encompass newly arrived or potential category A prisoners from across the Midlands, adding greatly to the security and control requirements placed on the establishment. In addition, Woodhill also provides a very small facility for protected witnesses and a close supervision centre (or CSC). A CSC holds

a diminishing share of the work, and are being beaten neither on price nor on quality." Solicitors firms, who increasingly employ in-house advocates, are tempted to prefer to employ their own counsel for commercial reasons, the review suggests. "The competitive dividing line is between in-house providers and outsourced specialists."

Jeffrey supported the supply-and-demand point made frequently by Grayling, observing that: "There are now many more criminal advocates than there is work for them to do. Under-utilisation depresses average earnings, and makes it even harder to manage reductions in legal aid fees." But the review also highlighted a danger in the contraction of the bar into a smaller and more specialised grouping. "If – as appears to be the case – the bar itself lacks confidence in the future of criminal work, or willingness to adjust to compete for it, the continuation of recent trends will become a self-fulfilling prophecy. "As the present generation of experienced criminal barristers moves towards retirement, concerns about the future 'talent pipeline' for criminal QCs and judges are not, in my view, fanciful. This matters, because the particular strengths of the English and Welsh criminal bar are a substantial national asset, which could not easily be replicated."

Jeffrey suggests that a "common training expectation" should be developed for solicitors and barristers, which is not as demanding as the barristers current obligations but more rigorous than those for solicitor advocates. Those appearing for the defence, as well as prosecutors, should be required to obtain specialist qualifications before they can take part in sexual abuse and rape cases, the review concludes. Greater efforts should also be made to appoint advocates to trials at an earlier stage avoiding unnecessary delays. Jeffrey told the Guardian: "One of the striking things when you visit a barristers' chambers is that it's like an inverted pyramid: there are very few young barristers or pupils, most of the work is being done by those in their 40s and 50s."

Who Sowed the Seeds of Discontent at Brixton Prison?

A delicate equilibrium keeps order in the vast majority of our prisons, where the slightest misunderstanding can lead to tension and all sorts of trouble. That's why the discipline is strict, and they have drugs tests – recently failed by a number of inmates at Brixton prison, in south London. These things happen, but this time there were protests. We have not taken drugs, they said. But we did eat the bread here and thus consumed poppy seeds. At least some were aware that eating poppy seeds can skew the testing. Their explanation was initially rebuffed by the governor, but as a fair-minded type, he also took the drugs test. He also failed it. The inmates claimed vindication. "Poppy seeds are not permitted across the prison estate as they can cause false positive results for opiates," a prison service spokeswoman tells us. You attract suspicion, and for what? You don't even get high. Source Guardian Diary

Kevan Thakrar: Mr David Ruffley (Bury St Edmunds) (Con): The Secretary of State will be aware of the recent case of a triple murderer who sued the Ministry of Justice for more than £800 because of alleged damage to his personal effects, including a nose hair clipper that went missing. Was legal aid allowed for the prisoner to bring that case? If so, was it a good use of taxpayers' money?

Chris Grayling: I can reassure my hon. Friend that while I share his revulsion, the availability of legal aid was not a part of that case. The reforms we have put in place mean that prisoners cannot access legal aid for such cases, or indeed for a wide range of cases relating to conditions in the prisons they are kept in. I do not believe the taxpayer should be funding such court cases.

Law Question & Answer: Kissing and Sexual Assault *Police Oracle, 08/05/14*

Question: In a recent case which attracted media publicity, the accused was charged with sexual assault on the basis of him allegedly attempting to kiss another male. Could a kiss contravene section 3 of the Sexual Offences Act 2003?

Answer: The case of R v Baker (1878) illustrates that a kiss could constitute an assault. Baker, while travelling on a train, put his hands up the clothes of a fellow female passenger in an indecent manner – a plain indecent assault .The victim also complained that he kissed her mouth in a violent manner. Mr Justice Brett directed the jury in the following terms - "If a young man kisses a young woman against her will and with feelings of carnal passion and with a view to gratifying his passion or exciting hers, that would be an indecent assault. "There are many ways in which a kiss is not indecent. A father's kisses are holy, the kisses of young people in seasons of universal gaiety are not indecent, but kisses given by a man under the influence of such passion are indecent and even if that stood alone, there would be an indecent assault."

A similar decision was reached in the case of R v Leeson (1968) the circumstances of which were that Leeson kissed a girl against her will and at the same time suggested that sexual activity should take place. While in the foregoing cases the victim and offender were of the opposite sex, there is no reason why the principles enunciated in the cases should not apply to kissing a person of the same sex. Clearly, a kiss can constitute a "touching" for the purposes of section 3 of the Sexual Offences Act 2003, since " touching " includes touching with any part of the body, (section 79(8)(a)). In some, but not all, cases such a touching could be deemed to be a "sexual" touching within the terms of section 78 of the Act.

On the Runs: IRA Linked to 295 Murders - A Blatant Police Lie *Henry McDonald*

Almost 100 IRA fugitives who were given "letters of comfort" from Tony Blair's government stating they were no longer wanted for past crimes are suspects in nearly 300 murder cases, a senior police commander admitted on Wednesday. Drew Harris, assistant chief constable of the PSNI, initially told MPs each of the IRA "on the runs" included notorious individuals who were linked to 200 murder investigations – immediately angering unionists already unhappy with the so-called "get-out-of-jail" scheme. But shortly afterwards, the PSNI was forced to clarify Harris's Westminster testimony by pointing out that these 95 IRA recipients of the letters were of interest in connection with 295 killings from the Troubles between 1969 and 1998. Northern Ireland's top police officers were giving evidence to the Northern Ireland select committee about the secret scheme Blair's administration hatched with Sinn Féin as part of a wider compact to secure IRA decommissioning of arms and later Sinn Féin's support for policing and the rule of law. The secret scheme was exposed in the collapse of the prosecution relating to the 1982 Hyde Park bomb atrocity, which killed four soldiers. John Downey was released in February after his legal team produced a letter from 2007, which suggested he would not be prosecuted.

Harris told MPs there were 228 people who had received the letters. He said that some were "notorious, without a doubt" before revealing that "95 of these individuals are linked in some way or other to 200 murder investigations. But that linkage may only be intelligence. And all of that is now being assessed". On hearing that figure, Ian Paisley Jr, the Democratic Unionist party MP, told the committee: "I must say, it breaks my heart today, as a citizen of Northern Ireland, as a citizen of the United Kingdom, 95 people are holding letters excusing the murder of 200 people. That breaks my heart." Shortly after the hearing ended, the PSNI released a clarification: "A review is currently under way of the 228 names involved in Operation Rapid; 95 of these are linked to

Wheatley was sentenced at the Old Bailey in 2002 to 13 consecutive life sentences for a series of violent raids on banks and building societies, but the judge set his tariff – the minimum time he had to serve – at eight years, which expired in 2010. His disappearance prompted a review by justice ministers of the scheme under which the 1,200 prisoners serving indeterminate sentences – those without a fixed release date – in open prisons are let out for short periods towards the end of their time inside.

Prisons minister Jeremy Wright said there would be a full review of the case, including an assessment of the release on temporary licence (ROTL) process. Wright said temporary licence could be an important tool to help offenders reintegrate into communities, but that "it should not be an automatic right". Ministers have said there will be a toughening up of the licence scheme so that prisoners are subjected to stricter risk assessments and tagged. Wright said: "We are not prepared to see public safety compromised. The system has been too lax up to now and we are changing that. In future, when prisoners are let out on temporary licence, they will be tagged, more strictly risk-assessed and tested in the community under strict conditions before being released. Temporary release can be an important tool in helping offenders reintegrate but it should not be an automatic right. There will be a full review of this case which will look at the ROTL process."

Davies, the MP for Shipley in West Yorkshire, said: "It is completely ludicrous that a serving life sentence prisoner is even in an open prison, where they can simply walk out. As far as I am concerned, whoever allowed him to be in an open prison should be sacked. It is a complete disgrace. The top priority for the Prison Service should be the protection of the public. [The justice secretary] Chris Grayling needs to put in charge of the Prison Service someone who will see protection of the public as a top priority."

Wheatley admitted 13 charges of robbery and 13 of possessing an imitation firearm – a blank-firing semi-automatic pistol – in October 2002. The robberies between June 2001 and April the following year were mainly on small branches in areas Wheatley knew, ranging from Southampton in Hampshire to Royston in Hertfordshire. The first was just three weeks after he was put on parole from his first prison term.

As the robberies continued, so did the violence he used towards staff and customers. In March 2002, he pistol-whipped a 73-year-old woman and a building society manager. The Old Bailey heard at the time that he would often grab a female customer, putting a pistol to their head,. His raids netted him more than £45,000. He was given a five-year sentence on each of the firearms offences to run concurrently with the life sentences on each of the robbery charges. He was ordered to serve a minimum of eight years before being eligible for consideration for parole.

Juliet Lyon, the director of the Prison Reform Trust, said: "Of course there should be a review into any breach of safety and security but, to put things in perspective, government figures show the main lessons to learn from open prisons are that the Prison Service has achieved a year-on-year reduction in absconds and that release on ROTL has succeeded in significantly reducing the risk of re-offending." *Source: Alan Travis, theguardian.com*

Chris Huhne Ordered to Pay £77,750 in Legal Costs

Former cabinet minister Chris Huhne has been ordered to pay £77,750 in legal costs relating to his prosecution for passing speeding points to his ex-wife. His ex-wife, economist Vicky Pryce, was ordered to pay £49,200 by Mr Justice Sweeney at Southwark Crown Court. Huhne had been fighting the claim for more than £100,000 in legal costs following his conviction for perverting the course

good judge might. Such judge's discretion needs to be defended.

When the coalition was in its first flush, it gave at least some sign of being willing to listen to this sort of argument. As the justice secretary, Ken Clarke, came up with particular plans to get prison numbers down, he ran into trouble and the Conservative party slowly reverted to type. As for Ed Miliband, he initially disowned New Labour's authoritarianism and vowed not to play politics with the Clarke agenda. Today, however, he dooms Mr Clegg's stand by signalling support for the latest Tory trapdoor to prison, while whispering soothing words about getting the details right. Neither Labour nor the Conservatives are, on their own, going to break out of their imprisoning dogma. *Source: Guardian Editorial, 09/05/14*

Inmate Sent Back To Jail After Being Released 90 Years Early

Rene Lima-Marin released from jail in 2008 has been rearrested because the authorities discovered that he had been released 90 years too early because of an administrative error. Rene was convicted in 2000 on eight counts of armed robbery and sentenced to back-to-back sentences totalling of 98 years. A court clerk, however, recorded that the sentences were to run concurrently, and officials used the information to determine how much time Lima-Martin should serve. He was released on parole after serving just eight years.

Since then he has set about building his life, selling coupon books door-to-door and more recently becoming a window fitter. He reconnected with his former girlfriend, Jasmine Lima-Marin, and they married in July in a ceremony that also celebrated his completion of five years of parole. He was active in church and helped coach football. Lima-Marin helped Jasmine raise her seven-year-old son, Justus, and they also had another boy, Josiah, who is now four. "That was his life, raising his kids and being a husband," Jasmine said. "He definitely was not the same person that he was when he went in to prison."

Lima-Marin's case comes as other administrative errors have allowed criminals to evade prison time. A Colorado inmate mistakenly released four years early killed the state's prisons chief at his front door last year, prompting an audit of thousands of inmates' records to ensure they were serving the correct sentences. A Los Angeles murder suspect who was mistakenly freed last year was captured on Thursday. The prospect of Lima-Marin having to serve the rest of his sentence has devastated his family. They argue his clean life since his premature release shows he has been punished enough. Jasmine said they were considering another appeal. *Source: theguardian.com, 09/05/14*

Governors Defend Use of Open Prisons in Light Of Michael Wheatley Case

Prison governors have strongly defended the use of open prisons for prisoners coming to the end of their life sentences in the wake of the disappearance of violent armed robber Michael Wheatley – dubbed Skull Cracker – while out on temporary release. The Prison Governors Association said it was appalled by Tory backbench MP Philip Davies, who suggested whoever had allowed Wheatley out of prison was "a berk" and should be sacked. "The use of open conditions is an important factor for effective resettlement. Research suggests that reoffending rates among those released from open conditions are far lower compared with those released from closed conditions," the association said in a statement. The movement to the open estate for those prisoners serving life sentences usually follows a recommendation made by the parole board. Any such decision will be approved by the justice secretary, based on an in-depth review. It is therefore unhelpful for MPs to make comments on areas in which they are not fully conversant."

200 incidents involving 295 murders. The link can take a number of forms including intelligence."

Sitting alongside Harris, his chief constable, Matt Baggott, added that only five individuals who had received the letters were now wanted as part of live police investigations for serious crimes including murder. Facing questions from North Down MP Sylvia Hermon, Harris also confirmed there had been only one conviction of an IRA fugitive for a past Troubles crime out of the "on the runs" who had received the letters of assurance. The chief constable said that a thorough investigation – "Operation Redfield" – was under way into every IRA "on the run" who got the so called "get-out-of-jail" letter. He admitted that on this matter to date the police had "failed". But Baggott stressed that the PSNI would not give up on investigations into unsolved Troubles-related crimes before 1998, despite the Downey judgment which he described as "unique" to this issue. He also confirmed that before the establishment in 2007 of a specialist police unit established to deal with unsolved crimes from the conflict – the historical inquiries team – the investigation files into the 228 IRA "on the runs" whom the Blair government had given the letters to had been closed.

The chief constable repeated his apology during the session in front of MPs about the PSNI's mistakes in handling the letter sent to Downey. However, Baggott stressed that the letters were "not amnesties". An inquiry into the on-the-run letters headed by Lady Justice Hallett, which was ordered by David Cameron, is due to report in the summer. The disclosure was seized upon by hardline unionists opposed to the power sharing government in Stormont. Traditional Unionist Voice leader and European election candidate Jim Allister described the revelation as "yet another shocking part of the callous betrayal of victims which this scheme involved".

The issue of "get-out-of-jail" cards for IRA fugitives wanted for murder has become one of the most controversial issues from the past to haunt the Northern Ireland peace process. Some victims of IRA violence have begun legal action to test the legal validity of the scheme. Elizabeth Morrison – a 79-year-old grandmother who lost three members of her family in the IRA bomb on Belfast's loyalist Shankill Road in 1993 just two days after her husband died – has filed papers challenging the controversial deal at Belfast high court. She has taken the case to try to secure court orders to cancel the on-the-run scheme and discover whether anyone suspected of the Shankill bombing in which nine Protestant civilians were killed has received one of the comfort letters. The Northern Ireland Office, whose officials originally helped draft the letters of assurance scheme, have refused to disclose to the widow if any of the "on the runs" happen to be suspects in the Shankill bomb massacre.

Requirement for Fresh Independent Medical Opinion on Detainee's Mental Health

Ruiz Riviera v. Switzerland - 8300/06 - Violation of Article 5/Article 5-4

Review of Lawfulness of Detention: Requirement to prepare a fresh independent medical opinion on a detainee's mental health when examining a request for his release from detention: violation: Facts - The applicant was examined by a psychiatrist after being accused of murdering his wife. The psychiatrist concluded in a report drawn up on 10 October 1995 that the applicant was suffering from acute paranoid schizophrenia and was not therefore responsible for the murder of his wife. The court found that he had killed his wife but held that he had not been responsible for his acts at the relevant time and ordered him to be detained in the psychiatric wing of a prison. On 7 June 2001 the applicant underwent a further psychiatric examination. The psychiatrists who examined him concluded that his mental health had hardly evolved since the psychiatric examination carried out in 1995. The applicant submitted

several requests for release on probation, all of which were rejected. On 23 March 2004 two psychologists from the Judicial Execution Office, one of whom had been monitoring the applicant, submitted an annual therapeutic report. The report confirmed the conclusions of the psychiatric report produced in 2001 and noted that the applicant continued to deny his illness and refused to follow the prescribed medical treatment. It accordingly recommended rejecting his request for release on probation. In June 2004 the applicant submitted a further request for release on probation, which was rejected on the basis of the report drawn up in 2004 and the psychiatric report of 2001. He unsuccessfully appealed against that decision, arguing that an independent psychiatrist should be appointed to determine whether it was necessary to keep him in detention and observing that the last psychiatric examination dated back to 2001.

Law - Article 5 § 4: The annual therapeutic report that had been drawn up in 2004 was not the equivalent of an independent psychiatric report and the last psychiatric report on the applicant dated back to 2001. In the case of Dörr v. Germany the Court had accepted a decision keeping a person in preventive detention, even though the last medical report on which that decision had been based dated back six years, because the disorders noted in that report had been confirmed by the psychologist of the establishment where he was being held. That said, the present case more closely resembled the case of H.W. v. Germany in which the Court had found a violation of Article 5 § 1 of the Convention. Admittedly, the last medical report in that case had dated back more than 12 years whereas in the applicant's case the last expert report dated back fewer than 4 years, but, as in H.W., the applicant's refusal to follow the prescribed treatment had been due to a breakdown in the relationship of trust between the applicant and the prison staff and to the resulting deadlock. In those circumstances, and in order to gain as clear a picture as possible of the applicant's mental state when he made his request for release on probation, the Judicial Execution Office or the cantonal judge should at least have tried to obtain an independent medical opinion. By basing their decisions on the therapeutic report of 2004 alone, the national authorities had therefore not been in possession of sufficient evidence to allow them to establish that the conditions for the applicant's release on probation were not met.

Conclusion: Violation Article 5 (four votes to three). The Court also concluded by four votes to three that there had been a violation of Article 5 § 4 regarding the refusal of the domestic courts to hold an adversarial hearing. Article 41: Finding of a violation constituted sufficient just satisfaction in respect of any non-pecuniary damage; claim in respect of pecuniary damage dismissed.

R v Scott Crawley and Others - Barristers Refuse to Take Case

A judge has halted a serious fraud trial after defendants claimed they could not get adequate representation because cuts to legal aid, and as a result they would not get a fair trial under common law or <http://ukhumanrightsblog.com/incorporated-rights/articles-index/article-6-of-the-echr/>Article 6 of the Convention. This case could be the first of a number of reversals following the government's legal aid reforms with seven further trials due to start before September 2015 involving 28 defendants in similar positions.

The defendants were charged with offences of conspiracy to defraud, possessing criminal property and offences where the evidence was complex and substantial. The the case against the five men amounted to more than 46,000 pages of documents and the case summary itself covered 55 pages. In essence, the Crown alleged that the defendants had been involved in a fraudulent land selling scheme. Some purchasers were given good title, some were not, and some sub-plots were sold more than once. Various interventions by the FSA (as it then was)

comprehensively trashed in the media, then we will take our concerns to Downing Street".

The Harris Review – Call for Submissions

On 6 February 2014, the Justice Secretary announced an independent review into self-inflicted deaths in National Offender Management Service custody of 18-24 year olds. Lord Toby Harris, Chair of the Independent Advisory Panel on Deaths in Custody (IAP), will lead this review and will be supported by IAP members including INQUEST's co-director Deborah Coles. Toby Harris has described this review as a 'once in a generation opportunity' to improve the care of some of the most vulnerable people in custody: "I am determined that this review will pull together the key learning from the deaths so that we can help ensure that 18-24 year olds and indeed vulnerable people in all age groups, including children do not continue to die when they are under the protection of the state."

The review is a direct response to the policy, legal and campaign work that INQUEST has been conducting around the call for an independent examination of the deaths of children and young people for many years, and was the key recommendation in our report with the Prison Reform Trust, Fatally Flawed. Whilst we were deeply concerned that the government excluded children from the review and continue to lobby for their formal inclusion, we welcome Lord Harris's recognition that the review will consider the key learning from child deaths.

We would urge all those with views and/or experience in this area to make a submission to support the review process. Any hard copy contributions should be sent to Harris Review, 8.24, 102 Petty France London, SW1H 9AJ.

Knife Crime: Imprisoning Dogma

Nick Clegg has reason on his side and deserves credit for taking a stand against both of Westminster's bigger gangs: Not long ago a disgruntled Liberal Democrat rightwinger, Jeremy Browne, came close to saying that if his party didn't exist, you wouldn't invent it. Locked into Conservative cuts, averaging single digits in the polls, and facing painful elections this month, the Lib Dems are easy for opponents to knock. Yet by making a brave stand over knife crime against both of Westminster's bigger gangs this week, Nick Clegg has shown that there are times when the Lib Dem voice remains as distinct as it is necessary.

New Labour never said it wanted to double the prison population over early 1990s levels, yet that is what it steadily did, even as crime fell. With almost half of those jailed getting caught reoffending within a year of release, cost-benefit analysis would not endorse this as a sensible way to spend nearly £40,000 each year on more than 80,000 people. But turning the tide requires more than moaning about general trends. It requires standing up against particular get-tough plans which together drive the numbers – and yet which, in isolation, always have plausible sounding justifications.

Mr Clegg is making just such a stand against a Conservative proposal that anyone caught with a knife for a second time should automatically go to jail. After the hideous stabbing of teacher Ann Maguire, even considering giving blade-carriers a "third chance" is obviously a difficult sell. But the deputy prime minister made his case, and on talk radio. All reason is on his side. The issue here is not threatening with a knife, still less wounding with one, where a first, never mind a second, offence would often land the wielder behind bars. Prison is already an option across the range of offences, so the extra cases caught by making it automatic would very likely be scared young men who carry a blade in the deluded belief that this will make them safer. Some will have aggressive intent to be sure, others will merely be defensive. Statute is never going to distinguish the two sorts of cases, a

"dry" prisoners towards support, rather than the off-licence. *Eric Allison,Guardian, 13/05/14*

Prisoner to Sue Justice Ministry Over Books Ban *Alison Flood, theguardian.com*

A female prisoner who has been left "in despair" by the ban on books being sent to inmates is preparing a legal challenge to the MoJ, according to the BBC. Highly educated and epileptic, the claimant known as BGJ – serving a life sentence – is working with lawyers on a case attempting to overturn the recent policy which prevents prisoners from receiving small packages. "[She] is described by her legal team as 'in despair' over the policy, which prevents her from accessing reading matter," said Maitlis. "Her lawyers say the effects of this policy are particularly hard felt by women and by those on life sentences who depend on what they receive from the outside world to keep them motivated and incentivised." The Howard League for Penal Reform has also been contacted by prisoners who have been denied access to books, chief executive Frances Crook said this morning, and is considering bringing further legal action against the MoJ on their behalf. The organisation, which broke the news of the blanket ban on families sending in small items to prisoners, is also working with human rights lawyer Geoffrey Robertson QC on potential action against justice secretary Chris Grayling for acting "unlawfully and irrationally".

The BBC said that lawyers representing BGJ had been told by the MoJ that they were too late, "as you are only allowed to appeal against a policy within a three-month period, which in this case has now passed". But according to Maitlis, the lawyers are preparing to challenge that rule, since even though the new policy was introduced in November, it has been implemented slowly across the prison network, and only affected their client in the past 10 days.

Meanwhile the Howard League and leading British authors including Carol Ann Duffy, Ian McEwan, Julian Barnes and Mark Haddon have attacked a letter from the National Offender Management Service's chief executive Michael Spurr, which they say effectively refuses a meeting to discuss the issue. The letter, which the Howard League has made public , sees Spurr write to Duffy, Crook, McEwan and others that there have been "no changes in the availability of books in prisons", and that "allowing parcels to be sent in unrestricted would be operationally unmanageable and would lead to a significant risk of drugs and other illicit items being smuggled into prisons". He also writes that "you have asked about the possibility of meeting the secretary of state to discuss your concerns further". "The rationale for the changes has been set out in detail in the secretary of state's open letter to the poet laureate," writes Spurr. "In the letter, the secretary of state invited the poet laureate to visit a prison library and to take the opportunity to talk to staff. I understand, however, that the invitation was not taken up."

But Duffy said it was "atrocious that government ministers will not even meet with the Howard League to discuss our concerns", and that she did not want "to engage in a media stunt with the Lord Chancellor in visiting a prison, as I, like most writers, have already visited prisons and indeed wrote the foreword to an edition of the PEN Prisoners Writing Anthology. What I and other authors want to see is government ministers taking our concerns seriously and engaging positively and publicly with the Howard League and English PEN to address the issues we have raised," said the poet laureate.

Jo Glanville, director of English PEN, called the response "a snub to some of the country's most outstanding authors who have demonstrated their commitment to the campaign", Crook added that "it appears that the ministry of justice wishes to shut its eyes and ears to what has become an international scandal. I am afraid it is not so easy to shelve our campaign. If ministers will not hear our case, and rely on repeating dubious justifications that have been

to stop the practices were subverted by transferring the fraudulent scheme to a new company.

Background: In July the Legal Aid Authority notified the parties that the case had been classified as a Very High Cost Case (VHCC).Shortly after this the Ministry of Justice ("MoJ") announced their intention to cut fees paid to counsel by 30%. The Bar announced their dissatisfaction with this decision and their intention to undeem VHCC cases. During this same period the MoJ and the Bar were negotiating over proposed reductions in graduated fees. The Public Defender Service ("PDS"), a department of the LAA, began actively to recruit a pool of employed advocates to take on work that might otherwise have been done by independent advocate. At a hearing on 14th November 2013 the defence raised concerns that they would not have counsel for the trial and that there was insufficient time for any counsel who might now be instructed to be ready by April 2014. By the end of November all counsel had returned their briefs.

In this hearing Alex Cameron QC appeared bro bono to advance the argument on behalf of the defendants that Leonard HHJ should stay the proceedings because they are unrepresented through no fault of their own and that he should not grant an adjournment because the possibility that at some unknown date in the future an adequately funded advocate may become available is no basis on which to grant an adjournment. The Crown accepted that involuntary lack of representation would be inconsistent with the European Convention on Human Rights and common law rights and they acknowledged that a fair trial could not be held now. But they submitted that there was a reasonable prospect that advocates would be available to represent the defendants in the future and that the judge should adjourn the trial to a future date rather than staying the indictment. A stay as an abuse of process is an exceptional remedy, but nor should the defendants in this case become "victims of a dispute between the Bar and the government" (para 24): . . . .my decision on how to proceed in this case is taken without regard to the continuing dispute between the Bar and the MoJ. I am only concerned with the merits of the arguments put before me and to ensure that a trial is only held if it can be conducted fairly in accordance with the principles long established in this country and which are, additionally, enshrined in Article 6 of the European Convention on Human Rights: The efforts to find representation included contact with 70 sets of chambers with barristers who hold themselves out as competent to undertake this sort of work in and outside London. By 15th January 2014 there was one silk who put himself forward as willing to accept instructions. He withdrew on 16th January. Enquiries were made without success with the Bar of Northern Ireland and the Faculty of Advocates in Edinburgh. The efforts put in by the defence to find trial advocates had been, in the judge's words, "very substantial indeed" and in the end, unsuccessful. There was no compromise solution in this case:

Criminal trials of this complexity rely on the skills of highly competent and experienced advocates on both sides to reduce issues, make matters understandable to a jury and keep trials to a reasonable length. The judge was referred to Croissant v. Germany (1993) 16 E.H.R.R. 135 in respect of the right to a choice of representation where the state pays for legal assistance.In that case it was considered sufficient that the court appoints a lawyer to defend and individual; the right of a defendant to choose his own counsel cannot be considered absolute. In the present case the judge was of the view that the defendants could not hold out for independent counsel of their choice to become available.

In determining whether he should grant an adjournment rather than the more drastic remedy of a stay, Leonard HHJ had to consider a number of factors: 1.Failure to grant an adjournment will deprive the victims of crime of the opportunity to see those that they judge respon-

sible prosecuted.To deny them that opportunity should not be lightly taken. 2.Against that, there are other methods available to the victims to recover their losses civilly and there are other regulatory offences which could be brought against the defendants which may not meet the gravamen of the conduct alleged but which could mark out their alleged misconduct and prevent them from being able to take a rôle in corporate activity in the future. 3.On the other hand, the responsibility to provide adequate representation at public expense is also the responsibility of the State. I have considered whether the State should in those circumstances be entitled to benefit from its own failure by being granted an adjournment. 4.An adjournment of the trial would involve an additional stress on the State's provision of resources to try crime.

In view of the availability of barristers and the preparation time required the judge was not satisfied that sufficient advocates would be available to assist these defendants at trail, nor did he have any reason to think that there was a realistic prospect tha the Bar would accept contracts in VHCC cases on the present MOJ terms. Having considered all these matters he was compelled to conclude that, to allow the State an adjournment to put right its failure to provide the necessary resources to permit a fair trial to take place now amounts to a violation of the process of this court. He further found that there was no realistic prospect that sufficient advocates would be available for this case to be tried in January 2015 from any of the sources available to the defence, including the PDS.

Speaking to The Independent, a spokesman for the Ministry of Justice said: "Barristers have refused to work on this case - and a number of other Very High Cost Court Cases - because they do not agree with savings the Government is making to legal aid. Even after the savings, if a QC picked up a case like this one, they could expect to receive around £100,000 for working on it, with a junior barrister receiving around £60,000.

Professional Judgement: Specialist Knowledge Better Than Experience

Specialist knowledge, rather than arbitrary experience, enhances professional judgement and decision-making processes among crime scene examiners, a knowledge exchange project has shown. Accessing the thought processes and judgements made by a small cohort of expert crime scene examiners (CSEs), research has shown that knowledge of the specialist field is more beneficial to elicit better judgements during time-pressured investigations.

Exploring professional judgement and decision making with a series of scenario-based examples, Dr Amanda Martindale, from the University of Edinburgh, found a range of different processes that CSEs use to exhibit their level of expertise through their work. In addition, and as in common with experts, some found it difficult to succinctly explain their thinking and reasoning behind their decisions because it seemed "quite obvious". The research, which seeks to provide a scientific understanding of the thought processes behind the complexities of scene examination as well as expert strategies for effective performance, will be subsumed into a review of training for scene examiners' within the Scottish Police Authority (SPA) Forensic Services.

In an interview with PoliceOracle.com, Dr Martindale said: "There is a lot that can be tapped into in terms of training and ongoing professional development. "Experience is helpful. However it does not necessarily mean expertise because there is more to it than time on the job. This is about the learning opportunities that can be created using experts and building a shared mental model to adopt effective thought patterns. Novices should not copy the experts but learn to think more like an experienced practitioner would do." The project forms part

Health Act. This can include things such as supported housing.

Treatment of Prisoners' Alcoholism is an Essential Part of Rehabilitation

If you are addicted to drugs and jailed, there is a fair chance you will be able to buy the drug of your choice inside. The prison service faces an almost impossible task in trying to make the penal estate narcotic free. The mix of desperate imprisoned addicts and massive profits for those supplying them, ensures drugs will get to the wings and landings.

However, study another form of addiction and you see a very different picture. The vast majority of prisons are almost alcohol-free zones. I say almost: booze is usually available in open prisons, and a few inmates in closed jails carry on the practice of brewing hooch with varying degrees of success and a high capture rate by prison staff – the smell of the fermenting brew usually gives the game away. I have known alcoholic prisoners seize on metal polish and mix it with cordial to fuel their needs. But jails are mainly dry.

An opportunity then, for the justice system to work on those whose drink habits have led them to jail, again and again, in many instances. But stand outside any local prison on a weekday morning and you will see many released prisoners, male and female, heading straight for the nearest off-licence, back on the path that led them inside. A trick is being missed somewhere.

Eighteen months ago, I was invited to sit on the Alcohol and Crime Commission, set up to examine the relationship between alcohol and crime. Its findings have now been published. I always knew, from my time inside, that drink plays a large part in many crimes. But the full extent of the problem surprised me. According to a survey of 267 prisoners by the commission, 70% of inmates who responded said they had been drinking when they committed the crime that put them away. Just under half of the female respondents (46%) and 37% of male participants reported their drinking was a big problem. When it comes to treatment for prisoners, alcoholism is the poor relation of drug addiction. Although alcohol awareness and treatment programmes are in place, they are not given the same priority as treating drug addiction, and access to post-release treatment for alcoholics is patchy. A survey by the Inspectorate of Prisons in 2012 found 60% of those entering prison with an alcohol problem left custody with their addiction not addressed. In contrast, most ex-prisoners with drug addiction problems have specialist treatment and in some cases specialist accommodation available to help their rehabilitation.

But tackling prisoners' drink problems would have a hugely beneficial impact on recidivism, reducing crime rates and easing the burden on our overcrowded prisons. In evidence to the commission, the chief constable of Northamptonshire police, Adrian Lee, said the impact of alcohol crime on police is "huge", and described the possibility of inmates leaving prison dry as a great window of opportunity "to catch them sober and offer the help and support they need".

Support for alcoholic prisoners on release from jail does work. For a decade, the charity Addaction has run an alcohol resettlement scheme at Manchester prison and supports men from there and women from Styal prison before and after release. Results show a decrease both in alcohol consumption and reoffending. Funding underpins all such schemes, and in the current financial climate even the best of programmes, like these, are not ringfenced.

The commission's report calls for alcohol treatment to form an essential part of rehabilitation and for the provision of specialist, post-release support, especially for those serving short sentences. But what's really needed is a forensic assessment of the true extent of alcohol-fuelled crime. In a society of inexpensive high-strength lagers and ciders, the "booze-fuelled revolving door of crime and prison" is estimated to cost the taxpayer around £21bn a year. That's a pretty steep bar tab. The government should take the cheaper and safer option of guiding released

Ahmed Sharif Jama Al-Sharif - Another Abuse of Due Process!

[Mr. Al-Sharif had neither been remanded or committed to HMP Birmingham, he was a patient (Sectioned Under 37/41 of the Mental Health Act) at Birmingham Reaside Clinic a medium secure forensic service for men with severe mental health problems. Where he was being treated for Bipolar disorder, known in the past as manic depression, a condition that affects your moods, which can swing from one extreme to another. He had a history of over seventy incidents of various acts of public disorder. After a dispute with another patient at Reaside he was transferred to the Health Wing at HMP Birmingham (no reason was given in court as to why he was transferred there, rather than to another secure forensic unit). He had been on a dirty protest at his treatment in the prison, before the incident with prison guards and stated in court he was defending himself from an unprovoked attack by the guards.

Ahmed was convicted in January but sentencing took place on Monday 12th May. In the public gallery of the court, were the prison guards who had been injured. No doubt they were expecting a heavy prison sentence to be handed down and seemed bitterly disappointed as the judge recommitted Ahmed Under 37/41 of the Mental Health Act. Ahmed should never have been transferred to HMP Birmingham, prison staff are not trained to deal with persons who have long term mental incapacity.]

HMP Birmingham inmate given indefinite hospital order after slashing three officers

A prisoner who slashed three HMP Birmingham officers in a "frenzied" attack with broken glass has been given an indefinite hospital order. Ahmed Al-Sharif, 53, carried out the horrific assault with parts of a broken TV screen when warders came to his cell to given him his lunch. He had been found guilty of two charges of wounding with intent and two of assault, following a trial in January. He was made subject of the hospital order at Birmingham Crown Court. The court heard Al Sharif, of no fixed address, suffered from a serious mental illness. He had been in the Winson Green prison health wing when the attack took place in November 2012, as his behaviour had deteriorated and he was becoming increasingly more difficult to manage. The court heard he wrapped a piece of fabric around the glass from the broken TV screen before carrying out the attack on officers. One of the slashing blows cut through warder Robert Belcham's tendons and nerves of his arm. The prisoner had also injured another officer three days earlier. Mr Recorder Steve Evans said without treatment Al-Sharif would represent a "very real danger to the public. I heard evidence from all the officers in this case. It was clear they were very distressed and, it is no exaggeration to say, profoundly effected by what you did to them on that day. But for your mental illness the sentence would have been very significant indeed." Birmingham Mail

Section 37 41 - Hospital Order Given by a Crown Court

The Mental Health Act is the law which can be used to admit you to hospital for assessment and/or treatment for a mental illness. To be detained or 'sectioned', you must have a mental disorder which needs assessment or treatment. You must need assessment or treatment in hospital in the interests of your own health or safety or to protect other people. The criminal courts can use section 37 if they think you should be in hospital instead of prison. Section 41 is a restriction order. The crown court can add this order to a section 37 if they have concerns about public safety and your level of risk. You can appeal to the courts if you do not agree with this sentence. There are strict time scales if you want to do this. You can appeal to the Hospital Managers and Mental Health Review Tribunal. However, the Minister of Justice decides when you can leave. The hospital can treat you without your permission. When you are discharged, you are entitled to free aftercare services under section 117 of the Mental

of the SPA Forensic Services' work towards gaining accreditation to the international standard ISO17020, part of which concerns the competency and professional judgement of practitioners. A total of 10 examiners took part in the initial project, which involved a discussion of their role and their knowledge as well as asking them for examples of their expertise.

Dr Martindale added: "When looking at the crime examination environment it is high stakes and time pressured and can be very stressful. "We looked at naturalistic decision-making, which looks at how people perform in their work environment. These professionals are able to make critical decisions in these highly pressured environments and we looked at how they are able to do that as well as finding out what the difference is between novices and experts. We are then able to better understand the judgement and decision-making processes and can use these processes as part of training for crime scene examiners." She said: "We had some wonderful examples from these examiners about how they viewed the bigger picture and how they are able to self-monitor their judgements. hey showed some really good practice in terms of judgement and decision-making."

Dr Vicki Morton, Head of Scene Examination at SPA Forensic Services, said: "This work is a unique opportunity to invest in our people, and will allow us to have a greater understanding of expertise within scene examination activities, and therefore inform our training system development. A review of the current training framework is underway and it is hoped a grant will be secured to widen the scope of the project to include more scene examiners." She added: "A key benefit of this research is that we can use it to make thinking visible and train our staff from competent to expert level quicker, therefore delivering a more effective service for the Police Service of Scotland, Crown Office Procurator Fiscal Service, and the communities of Scotland." Source: Police Oracle, 08/05/14

Alican Demir v. Turkey - 41444/09

Article 35/ Article 35-1 - Exhaustion of domestic remedies. Effective domestic remedy. Entitlement to financial compensation under Article 141 § 1 (f) of the Code of Criminal Procedure for persons deprived of their liberty for a period exceeding the length of their sentence: effective remedy

Facts - In December 2005 the applicant was sentenced to a prison term of six years and three months. Under the legislation on the enforcement of sentences, he was entitled to conditional release on 24 January 2009. However, as part of the case (not concerning the applicant's conviction) was still before the Court of Cassation, he was kept in custody until 13 February 2009. Before the European Court the applicant complained about the period of custody between 24 January and 12 February 2009, arguing that the release to which he was entitled had been unduly postponed.

Law - Article 35: It could be seen from the judgments adduced by the Government by way of example that Article 141 § 1 (f) of the Code of Criminal Procedure, as interpreted by the Court of Cassation in the light of the Turkish Constitution and the Convention, provided for an award of financial compensation to anyone deprived of liberty for a period exceeding that of the sanction that should have been imposed under the sentencing legislation and taking into account any entitlement to conditional release. This was precisely the situation in which the applicant had found himself. The remedy in question was thus appropriate in that it was capable of resulting in an acknowledgment of a breach of liberty and security and an award of compensation. However, the remedy had only recently been made available by the Court of Cassation. The relevant judgments of that court dated from 2012 and 2013, thus post-dating the lodging of the present application. At the material time, neither the text of the relevant

provision nor its interpretation in the case-law would have enabled the applicant to obtain compensation for the period of custody subsequent to the date on which he should have been granted conditional release. In other words, even though the remedy based on the provision in question had become effective, there was nothing to show that this had been the case at the time the application was lodged. The applicant could not therefore be criticised for failing to avail himself of that remedy beforehand. Conclusion: preliminary objection dismissed (unanimously). The Court also found, unanimously, that there had been a violation of Article 5 §§ 1, 3 and 4 of the Convention and awarded the applicant EUR 9,500 in respect of non-pecuniary damage.

Prisons: Employment

Sadiq Khan: To ask the Secretary of State for Justice (1) how many prisoners were employed in work in jails on 1 April in each of the last four years; (2) how many prisoners were employed in work in the community on 1 April in each of the last four years.

Jeremy Wright: Work in prisons is a key priority to ensure prisoners are engaged purposefully whilst they are in custody. It also gives them the opportunity to learn skills and a work ethic which can increase their chances of finding employment on release, a key element to reducing reoffending.

The number of prisoners working in industrial activity in public sector prisons increased from around 8,600 in 2010-11 (the first year for which figures are available) to around 9,700 in 2012-13. This delivered an increase in the total hours worked in industrial activities from 10.6 million hours to 13.1 million hours. Private sector prisons have also been supporting this agenda and have reported that they delivered over 1? million prisoner working hours in commercial and industrial workshops in 2012-13 which provided work for over 1,200 prisoners. In addition there are substantial numbers of prisoners who work to keep prisons running on tasks such as cooking, serving meals, maintenance and cleaning.

Figures for public sector prisons are published in the NOMS Annual Report Management Information Addendum:Figures for the number of prisoners working in the community are not held centrally and could be obtained only from local records at disproportionate cost.

House of Commons / 7 May 2014 : Column 206W

Ross Macpherson Victim of Police Assault and Harassment

On the 2/6/14 I'm due to stand trial at Woolwich crown court for attempted GBH with intent on a police officer and affray. In reality the police should be on trial for harassment, false imprisonment, kidnap and GBH. I was unlawfully stopped for using a phone box, attacked and kettled between two phone boxes then assaulted with pepper spray and arrested for picking up a police baton so they couldn't use it on me. But once again the police and CPS have shown their do what 'ever it takes to protect their own and cover-up any wrong doing regardless if you're an ex-offender or a Tory cabinet minister the police and CPS are a law unto themselves who continue to cover things up, lie and knowingly send innocent people to prison. Self¬defence is no offence!

Macpherson was sentenced to five years in a Young Offenders Institute in 2006. In 2010, he was given a concurrent sentence of 33 months for assaulting two members of prison staff, an assault he has always denied. He was released on licence in April 2012. Ross wrote a number of letters whilst in prison, about attacks on him by prison staff during his time in Segregation Units across the UK prison service

Ross Macpherson: A6791AD, HMP Lewes, 1 Brighton Rd, Lewes, BN71EA

Prisons: Crimes of Violence *House of Commons / 8 May 2014 : Column 265W*

Ian Austin: To ask the Secretary of State for Justice (1) what steps he is taking to prevent offenders receiving compensation for assault which occurred during their incarceration; (2) what estimate he has made of the amount of compensation paid to offenders for assaults which took place during their incarceration in each of the last four years; [195418] (3) if he will make it his policy that compensation awarded to prisoners is put towards legal costs and compensation for victims.

Jeremy Wright: Prisoners can pursue civil litigation claims for any assault in prison, but we robustly defend all cases as far as the evidence allows. Each case is dealt with on its own merits and we successfully defend two-thirds of claims brought by prisoners. In those occasions where compensation is awarded to an individual, the law requires that it be paid direct to them and cannot be used for other purposes. The most effective way to reduce compensation is to reduce violence and NOMS has clear policy in place to achieve this. The most recent statistics show prisoner assaults falling, and at their lowest for many years. Notwithstanding this reduction, a comprehensive review of the management of violence is being undertaken and improved guidance will be implemented later this year. The following table shows the total compensation paid to prisoners following assaults by other prisoners over the last four financial years as a result of civil claims, by way of out of Court settlement or by Court award. The figures exclude private prisons. The figures are drawn from financial management information and as with any large scale recording system data may be subject to possible error in entry and processing of transactions against accounting code. Amounts paid: 2012-13 £120,000 / 2011-12 £119,359 / 2010-11 £187,867 / 2009-10 £224,114

Costs Thrown Away - R (Singh) v Ealing Magistrates Court & Anor

S was a privately paying defendant. A hearing was ineffective due to the prosecution arriving without papers and S sought an order (s 19 Prosecution of Offences Act 1985) that the CPS pay the costs thrown away. A Deputy District Judge refused the costs application.

Held: (1) The Judge erred in his approach. (2) In the instant case it was not appropriate for the matter to be returned back to the magistrates' court for the issue to be decided properly, therefore the court would decide the issue. (3) We reject the submission that a mere mistake without repetition cannot be grounds for an order under section 19. There is no doctrine in this area that every dog is entitled to one bite. If the act or omission giving rise to the application consists of someone on the prosecution side not conducting the case properly, and it causes the defendant to incur additional costs, the discretion arises. (4) We also reject Mr Richardson's argument based on current pressure on resources. Anyone working in the criminal justice system is aware of that pressure, in many cases on both the prosecution and the defence. But another change since Denning was decided is the introduction of the Criminal Procedure Rules in 2005. These state that the overriding objective of this new code is that criminal cases can be dealt with justly; that dealing with a criminal case justly includes dealing with it efficiently and expeditiously; and that each participant, in the conduct of each case, must prepare and conduct the case in accordance with the overriding objective (Rules 1.1(1), 1.1(2)(e) and 1.2(1)(a) respectively). The culture of adjournment which still plagues the criminal justice system will not be defeated unless in appropriate cases courts are prepared to use their powers to make orders for costs under section 19 of the 1985 Act.(5) The failure to have any prosecution papers available on 17 May was a clear mistake for which there was no satisfactory explanation and which caused the hearing to be abortive. We consider that an order for costs should have been made. We will therefore reverse the determination and make an order under section 19 of the 1985 Act that the prosecution must pay the defendant's costs incurred in respect of the hearing of 17 May 2013 at Ealing Magistrates' Court, in the sum of £864.