- Not all incidents of violence were effectively identified or investigated and support for victims was poor. - We found men too frightened to come out of their cells or seeking refuge by getting themselves placed in segregation - Some disciplinary processes were excessive. - We were particularly concerned about the use of force. Usage was high and, again, some of the incidents we examined were poorly dealt with. Governance was poor and we referred the recorded footage of one incident we examined to the governor for further investigation. - All planned use of force should be filmed and reviewed and staff should know that is happening. - The prison had little idea of the identity and needs of prisoners with protected characteristics. - it was unacceptable that prisoners who were unwell had to queue outside in foul weather for medical appointments - almost one-third of the population had an out of date or no OASys - Prisoners who kept their heads down, made the most of the opportunities on offer and whose needs were typical of the prison's population as a whole would probably do reasonably well at Haverigg. - However, those who needed more support or whose needs differed from the majority might have a less positive experience – sometimes to an unacceptable degree. - Inspectors made 108 recommendations

Massachusetts Set Parole Hearings After Ban On Juvenile Life Sentences

Two Massachusetts inmates sentenced to life without parole as juveniles will be the first to have parole hearings since the state's highest court struck down mandatory life sentencing for young offenders. Joseph Donovan, 38, & Frederick Christian, 37, will have hearings. They are among 63 inmates serving juvenile life without parole sentences in the state. Both were convicted of felony murder charges and have been behind bars since they were 17. Neither did the actual killings. The Massachusetts supreme judicial court ruled that lifelong imprisonment for juveniles is a cruel and unusual punishment, If granted parole, the inmates will be moved to a minimum-security prison. It could take up to two years until they are eligible for release.

Lisburn Police Station: Investigation After David Magowan Dies In Cell

The Police Ombudsman is investigating the death of a man in a cell at Lisburn police station in County Antrim. David McGowan, 28, from Lisburn, had been arrested after an incident on the Beersbridge Road in east Belfast late on Thursday night 29/05/14. He died in the early hours of Friday morning. Investigators have been at the scene throughout the night and have spoken to his immediate family. Police ombudsman's office will be speaking to witnesses to the incident in which the arrest took place and investigating the actions of the police following the arrest. A report will be published after the investigation is complete.

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, Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 480 (05/06/2014)

Probation Reform a Missed Opportunity *Savas Hadjipavlou, The Guardian, 27/05/14*

The breakup and sell-off of probation services is causing unnecessary turmoil, duplication of effort and will not work: Chris Grayling, the justice secretary, came into the job promising a revolution in probation. So the 35 existing probation trusts in England and Wales will be abolished from the end of this month, to be reinvented from 1 June as 21 community rehabilitation companies (CRCs) to supervise medium to low-risk offenders. A new national probation service will supervise the remaining "high-risk" offenders. Why is this happening? Because short-sentenced prisoners currently receive no follow-up supervision. They are not the statutory responsibility of probation services because the previous government chose not to implement, on cost grounds, the "custody plus" provisions of the 2003 Criminal Justice Act.

This group, about 50,000 ex-prisoners a year who have served sentences of less than 12 months, has the highest reoffending rates. By contrast the rate of reoffending is much lower among those 200,000 offenders on community sentences or on licence after release from prison whom the 35 probation trusts are supervising.

Plainly, there is a powerful argument that everyone released from prison should receive supervision and help to stop reoffending. A majority of offenders have drug or alcohol addictions, mental health problems, low literacy and poor job skills that need addressing. The government's answer to funding this urgently needed extra supervision is payment by results (PbR). It claims that PbR will deliver the savings needed to make a reality of extra supervision and that it's essential for the private and voluntary sector to be involved in delivering such services as they have the innovation required to ensure better outcomes. So a competition is under way for the sale of the CRCs, which is expected by the end of the year.

There is no real evidence or experience, however, to inspire confidence that the PbR approach will work – in fact it's the opposite, given the poor record of the Ministry of Justice (MoJ) in procurement and contract management, as pointed out in a report last week by the public accounts committee on the reforms to the probation service. The report was preceded in January by the justice select committee, whose report also pointed to many of the problems and risks. The changes are being imposed, against advice from senior probation managers who face the daunting task of creating the new organisations and bringing a sceptical staff with them. Many have voted with their feet. Of those who have stayed, about a third are also having to manage the not-inconsiderable task of merging their workforces into new, cohesive organisations. In one case, four probation trusts are becoming one CRC.

The plans have injected uncertainty and have distracted the workforce from the core job – to supervise offenders. Many senior probation staff remain to be persuaded that the resulting turmoil is actually what is best for the service and will produce better outcomes. Key aspects of the plans are highly problematic, for example, dividing the management of cases across the public and private sectors will undermine effective coordination and supervision, potentially putting the public at greater risk.

Staff are being reassigned from their current employers to their new employers before the shape of the work and workloads of the new organisations have settled down, IT is having

to be reconfigured and new bureaucracy is being introduced to manage the movement of offenders between the national probation service and the CRCs, which will all be in the private sector from 2015. Much that has worked well is being reinvented. Everyone appears to be running to stand still. Against the complexities of such a large-scale change programme, the ministerial rhetoric has changed from revolution to evolution. But one cannot help feeling that a huge opportunity has been lost, to build on existing effective arrangements delivered by probation trusts that have all been judged by the MoJ as good or excellent, and which were never asked if they were able to take on the extra work.

That so Few Flee Open Prisons is Proof of Their Success *Eric Allison*

Despite media coverage of a handful of absconders, I know from experience that open prisons give inmates the trust and faith they need to go straight: In the last couple of weeks, something of a media storm has blown up over six or so instances of prisoners absconding, either from open prisons, or failing to return after being let out for the day: released on temporary licence (ROTL). By my calculation, that means some 5,200 inmates chose to remain in open prisons in England and Wales. Those thousands could have absconded more or less when they liked, open jails are indeed open. There is a fence, more to keep people out than in, and staff levels are much lower than in closed prisons, so the opportunity to abscond is always there. But they don't go, these thousands. Instead, they repay the trust placed in them by the prison service.

Likewise, many hundreds of prisoners are routinely awarded ROTL. Many go on what are called "town visits" or unsupervised days out. Many more go out daily to work, at proper jobs. All, bar the tiniest proportion, return. Escapes from open jails are at a record low.

I have been in open conditions. The last time was Sudbury prison, Derbyshire, in the late 1990s. I saw how well it worked. Most of the prisoners "working out" were employed by a local frozen-meat production factory. They worked in sub-zero temperatures, on the minimum wage and were delighted to do so. So much so that some of them continued their employment as free men. Working, and being thought of as colleagues rather than cons, had clearly become a habit. Success, writ large.

I worked in a small, local hotel. I cooked and served the meals, collected the money and did the washing up. I was up at the crack of dawn to cycle six miles to the hotel to prepare breakfasts. The hotel did not have anything like a proper accounting system. And had I wished, I could have kept some of the cash back without fear of detection. I raised this with my employer. His response: "Either I trust you, or I don't, and I have chosen the former." I cannot tell you how much his faith in me contributed to my going straight, after that sentence, for there were several factors in play. I can still recall the glow I felt at being trusted.

Open jails are not are not easy places to serve time. Prisoners occasionally get bad news from home. When you are in a closed nick, there is nothing you can do, other than telephone, or write. But you can walk out of an open jail and the temptation – for those experiencing domestic strife – is huge. In my experience, most escapes are down to this; prisoners hear bad news and go home to try and sort things out, which is why the vast majority are captured quickly; police simply go to their homes and arrest them. And the runaways usually pay a heavy price.

Open jails are cheap to run and they "work" – in every sense of the word. Chris Grayling, the justice minister, ought to be shouting this positive news from the rooftops. Instead, I fear, he will be too busy punishing the thousands who don't breach the trust, by making it harder for them to follow this civilised, proven-to-work path to rehabilitation.

Florida Judge Grants Hearing To Briton Convicted of 1987 Double Murder

A British businessman who has been imprisoned in Florida for the past 27 years for a double murder he has always claimed he did not commit has been given the chance to argue his innocence. Judge William Thomas of Florida's 11th judicial circuit court in Miami on Wednesday ordered an evidentiary hearing on the case, to be held in the week of 10 November. The court date amounts to the best chance in almost three decades for Krishna "Kris" Maharaj to secure his freedom, or at least be granted a retrial.

Maharaj, 75, was sentenced to death in 1987 for the murder of his business partner Derrick Moo Young and Young's son Duane in the Dupont Plaza Hotel in downtown Miami the previous year. His attorneys intend to call more than 50 witnesses and present almost 500 documents at the evidentiary hearing in an attempt to persuade the court that he was the victim of an elaborate plot to frame him for the murders, and that the Youngs were actually killed on the orders of a Colombian drug cartel. Maharaj has been represented for the past 20 years by Clive Stafford Smith of the not-for-profit group Reprieve and Miami lawyer Benedict Kuehne. The legal team intends to present evidence at the November hearing to show that the Trinidad-born Briton was set up by witnesses who were involved in narcotics trafficking and who perjured themselves in the original trial.

"We stand on the cusp of being able to exonerate Kris Maharaj," Stafford Smith said in a statement. "When the prosecution takes a close look at the evidence that we have developed, it will be clear that Kris should never have been tried for this crime in the first place. This is such a clear case of injustice that the real question should be how fast the state of Florida can release Kris." The lawyers hope to call witnesses who will give Maharaj a watertight alibi, as they would testify that he was 30 miles away from the Dupont Plaza hotel at the time of the murders. Other evidence will be directed towards proving the allegation that the Youngs were caught up with the Medellin drug cartels and involved in money laundering when they were killed. The next challenge facing Maharaj's legal team will be persuading state funding bodies to provide the financial aid needed to bring so many witnesses to Miami for the hearing.

Victims of Rapist Police Officer Awarded £206,000 *Police Oracle, 30/05/14*

A total of seven women were compensated after being sexually assaulted by a police officer. Northumbria Police have handed out more than £206,000 to the victims of Stephen Mitchell after he forced them to have sex with him in a police station in Newcastle city centre. Mitchell targeted drug addicts he arrested for offences such as shoplifting. Figures released under the Freedom of Information Act also show the victims' solicitors have billed the force for nearly £100,000 in legal fees. Mitchell was jailed for life in 2009 after being convicted of two rapes and three indecent assaults.

Report on an Unannounced Inspection of HMP Haverigg

Inspection 6/17th January 2014, by HMCIP, published 29/05/14: HMP Haverigg is a category C male training prison holding about 650 adult men. It is situated in West Cumbria and is perhaps the Prison Service's most isolated prison. The prison had weathered the upheavals and uncertainties of budget cuts, prison closures and new policies better than most.

Inspectors had concerns: - Prisoners arrived at the prison after a long and uncomfortable journey and few had any idea they were coming to Haverigg - main induction was delivered entirely by prison orderlies and we were not satisfied that all new arrivals received it - There was gang and debt-related bullying/We did not think the prison was on top of the problem

Rigg Family Welcomes Met Commissioner's Climbdown On Resignation

The family of Sean Rigg welcomed the Metropolitan Police Commissioner's decision to refuse the resignation of PC Andrew Birks, reversing his earlier decision to accept it. The decision was taken in response to legal action by Marcia Rigg-Samuel, the oldest sister of Sean, and representations from the IPCC. PC Andrew Birks was the most senior police officer involved in the restraint and detention of Sean on 21 August 2008, when he died in the caged holding area at the back of Brixton Police station.

The Rigg family discovered that PC Birks sought to resign from the MPS on 1 April 2014, even while his lawyers were agreeing to a Court Order to enable the IPCC to re-investigate him and other officers for possible disciplinary offences following the damning verdict of an inquest jury on 1 August 2012. No one at the MPS thought to tell the IPCC or the Rigg family about the resignation letter received from PC Birks. Instead, the Commissioner accepted the resignation on 12 April and if that had not been reversed today, PC Birks' last day as an MPS officer would have been Saturday, 31 May 2014.

After Ms Rigg-Samuel sent a pre-action letter on 28 May and issued a judicial review claim at Court on 29 May (and the IPCC sent representations to the police on 29 May), the Commissioner last night suspended PC Birks. This morning, the Commissioner decided to reverse his decision of 12 April and refuse to accept the resignation of PC Birks after all, so that he can be the subject of the IPCC's disciplinary re-investigation. The Rigg family call on the Commissioner to suspend the other key officers, Sergeant White and PCs Harratt, Glasson and Forward, because the IPCC's recent severity assessment indicates that all four may face charges of gross misconduct. That is a new recent development; it is also relevant that the CPS is currently (as of mid-April 2014) considering whether there is sufficient evidence to charge Sgt White and/or PC Harratt with perverting the course of justice and/or perjury in connection with evidence provided to the IPCC in 2009 and to the inquest in 2012. The Rigg family also call on the Home Secretary to legislate to make it clear that as a general rule officers under disciplinary investigation are unable to retire or resign pending the outcome of investigations or proceedings and/or that there are clear sanctions where this does occur.

Marcia Rigg, sister of Sean Rigg said: "The Rigg family is relieved that the Commissioner has seen sense to suspend PC Birks and reverse his resignation, so that he can face disciplinary investigations, and possible gross misconduct charges depending on what is found. The Commissioner should now take the opportunity to suspend all the other key officers including the custody sergeant to ensure all comply with the independent disciplinary investigation by the IPCC. Our family now calls on the government to change the law so that other families do not have to threaten court action to stop officers resigning to avoid being held to account."

Deborah Coles, co-director of INQUEST said: "The government must act urgently to ensure the police are not above the law. Public confidence in the police complaints system can only be restored if changes are made so that police officers are unable to evade accountability for wrongdoing. It should not be dependent on the tenacity of a bereaved family and their legal team to ensure that the police are properly held to account for deaths in their custody and are not able to frustrate the justice process in this way."

INQUEST has been working with the family of Sean Rigg since his death in August 2008. The family is represented by INQUEST Lawyers Group members Leslie Thomas and Thomas Stoate of Garden Court Chambers and Jude Bunting of Doughty Street Chambers and Daniel Machover and Helen Stone of Hickman and Rose Solicitors.

[MOJUK finds the statement below by Javed Khan untenable as Barnardo's do lock up children of migrants to better enable the government to deport them. Further that Barnardo's after world War Two were involved in the unlawful mass deportation of children, many of these children were the offspring of convicted prisoners]

Action for Children of Prisoners Consigned to Shadows *Javed Khan, Chief Executive Barnardo's*

If there is one thing that has always defined Barnardo's, it is that our purpose as a charity is to help the most vulnerable children and young people in UK society. We speak up for those who have no voice; those who society has forgotten and those who were simply never known about in the first place. We help them to break away from the cycles of poverty, abuse or criminality that can swirl like phantoms from generation to generation. Many of the children we support don't know where to turn and by the time the authorities reach them the damage has all too often been done. Children affected by parental imprisonment are one such group. Young people who, through no fault of their own, can feel that they too are serving a sentence-the innocent victims of their parent's crime. My previous experience at Victim Support and the London Serious Youth Violence board has taught me much about the impact of offending and not just on the victims of crime. When a parent is imprisoned they leave a life behind on the outside; a life that includes a spouse and children; a family that has to try and rebuild, often shorn of their main breadwinner or primary carer, not to mention the love and support of a mum or dad.

Currently the life chances of the estimated 200,000 children in England and Wales affected by parental imprisonment are woeful. These children have done nothing wrong but they are left stigmatised and alone. Often haunted by memories of their parent's arrest, they can retreat within themselves and develop anxiety, depression or begin demonstrating behavioural problems. Fear of social stigma, bullying and a lack of official recognition mean that all too often the needs of these children go unnoticed by health and social services as well as their school. Educational attainment falls away, and at the moment two thirds of boys with a father in prison go on to offend themselves.

At Barnardo's we see this disruption daily. As one mother told us, her six year old son was experiencing such shock and grief that at 3am he would be in the toilet, rocking back and forth saying "I want my daddy, I want my daddy." Barnardo's is fighting to turn the tide and is working in communities and with prisons to ensure children's life chances aren't damaged by having a parent locked up. We currently have 13 specialist services in communities across England and Wales. By having joined-up support across services from schools to GPs, having a parent in prison need not be a life sentence for a child.

Research suggests that when offenders maintain family ties, the likelihood of re-offending can be reduced by 39 per cent. Barnardo's work to make visits easier for children and parents, helping families maintain crucial contact to break the cycle of offending and improve children's life chances. Identifying these children is crucial, which is why we are calling for there to be a statutory duty on courts to ask whether individuals remanded or sentenced to prison in England or Wales have children. And, if so, whether the immediate care arrangements put in place for these children are satisfactory. On top of this we want to see the Justice Secretary appoint a lead minister to champion these children and work on their behalf. Cross-departmental cooperation on this issue is vital and so a National Action Plan is essential to ensure the sharing of expertise and an integrated response. We want to work with the government to support this vulnerable section of our society. It's only through cooperation that we can halt the cycle of intergenerational offending and improve the future for these children. This is an issue that has been cast into the shadows for too long. It's time we brought it into the light.

Children of Prisoners Need Help And Support, Not Stigma

It took me half my adult life to deal with losing my dad to a nine-year custodial sentence. We need to help children break the cycle of crime: I still remember clearly the painful process of telling my friends at school that my dad was a criminal and he'd been caught. There was nothing glamorous about it. I felt ashamed and isolated. I was, as far as I knew it, in a minority of one and it took a pint of neat vodka to give me the courage to unload the secret I'd carried for almost a year. That was 1979. In 2013, 200,000 children in England and Wales had a parent in prison. Almost two-thirds of these will end up in custody or in trouble with the law. It has taken a charity the size and weight of the Barnardo's to bring this hidden crisis into the light.

Much as I swore to myself that I would never travel down my father's path into crime, looking back, it was inevitable. You'd think seeing the chaos of his life choices and time inside would put me off. With too little support, when it came to it, I felt as if I had little choice. A slide into crime followed and I narrowly escaped a long-term custodial sentence. It wasn't just me. Barnardo's has unearthed a deep stigma attached to children with a mother or father in prison and a shocking lack of support from the government and the judicial system. The research findings have led to the call for a national action plan to support each child and that the courts be obliged to ask about the children of those sent to prison. They are also proposing that the coalition government appoint a minister to oversee the welfare of the children of convicted felons. This news, for me, is 35 years' overdue but very welcome.

As I write this, I'm returning from HMP and YOI Parc in Wales. Speaking to the young offenders in one of my regular sessions, I discussed the trauma and confusion I went through after my dad went inside. I've gone through this story with young prisoners many times over the years. Each time I'm met with the same silent nods of resignation and shoulder-shrugging acknowledgment. Research findings are clearly important for politicians, agencies and funders but what I see on the ground, in the prisons I work in, tells me this is a long-standing inter-generational issue that needs the urgent attention of the whole of society.

This campaign will hopefully ensure that children of prisoners are given appropriate support and care and that they don't simply shrink quietly into the shadows and suffer all that comes from the extreme loss at having a parent taken away from you in such dramatic circumstances. It took me half my adult life to deal with the impact of losing my dad to a nine-year custodial sentence. I was lucky to have some support from probation, family and in the end some trusted school friends. My fear is if the government don't listen and make these changes, far too many of our children will suffer from the lack of a safety net to catch them and end up as I did, on the margins of life. *Caspar Walsh, Guardian, 28/05/14*

HMP High Down Mentally Ill Inmates 'Make Jail Like Asylum' *BBC News*

The inmates of a Surrey jail have been compared by the chief inspector of prisons to people who were once held in an old style asylum. Nick Hardwick said people once held in Banstead asylum were "not so different" to those in HMP High Down, which stands on the ex hospital site. He said many inmates were mentally ill and needed better treatment. The NHS trust providing health care at the jail said it was introducing more services after receiving more funds. Mr Hardwick said: "It's now a prison and one in 10 of the prisoners there are so ill that they are in touch with the prison's mental health services. And there are others who have a lot of mental health problems. We have to see them as people who are ill or need care, rather than simply as criminals who need punishment." He said all prisons, not just High Down,

in relation to him. The evidence of [M] could be and was adequately tested and assessed."

The Court then considered whether the court ought to have excluded M's evidence on the basis that there had been no identification procedure. The Lord Chief Justice said that a decision as to whether to exclude evidence is a discretionary decision taken by the trial judge in the context of the trial as a whole and it is generally only where the decision is perverse that the Court of Appeal will interfere. He considered that the failure to conduct an identification procedure in accordance with the PACE Code of Practice did not of itself lead to the exclusion of the identification evidence:

"This was a case of recognition where the prosecution maintained that the first appellant, who had a distinctive appearance, had been known to the witness for many years. The witness claimed to have seen the person identified as the first appellant on two occasions face-to-face. He claimed that he had spoken to the first appellant. The witness was cross-examined on all of that. This was not a case where the breach of the Code gave rise to the risk of a flawed identification that might arise in a stranger identification. Those reasons informed the decision not to carry out an identification procedure. This was not a case of flagrant disregard of the procedures."

The Court held that there was no proper basis on which it could interfere with the exercise of the trial judge's discretion and where there was the safeguard in a non-jury trial of an automatic right of appeal. The Lord Chief Justice said the trial judge had recognised the criticism of the quality of the identification evidence and "detected no error in his approach".

The Court also held that the trial judge did not err in admitting the evidence of the tracking device on the second appellant's car. The Lord Chief Justice said that a procedure had been agreed between the prosecution and defence in relation to the examination of the device by a defence expert and there was no material issue about the findings in relation to the location of the vehicle or the lawfulness of the use of the tracking device.

The Court further held that there was nothing controversial about the approach taken by the trial judge in accepting the evidence about the GSR particles on the jacket found in the boot of the car. The Lord Chief Justice said the judge had placed the findings of the primary scientific evidence and the opinions and evaluations of the experts within a contest in determining the significance of the findings. He said the same reasoning applies to the evidence in respect of the DNA findings adding that once the primary scientific evidence has been given it this then for the judge to apply that to the evidence as a whole in order to draw appropriate conclusions and inferences: "It was not appropriate to examine the scientific evidence on its own as the only basis for the drawing of any inferences".

The Lord Chief Justice said that the prosecution case was a circumstantial case: "The issue which [the trial judge] had to address was whether taking all of the evidence as a whole he was satisfied that there was a case to answer … and subsequently that he was satisfied beyond reasonable doubt on all the evidence that the appellants were guilty of the offences charged against them. That necessarily required him to conclude that their guilt was the only explanation compatible with all the evidence. [After reaching that conclusion] he was entitled to take into account the adverse inferences that could properly be drawn from the failure of the appellants to give evidence. It is clear that those inferences were specific and supported by the evidence and the judge was entitled to draw them.

It was not necessary for him to determine the role that each of the appellants played. This attack was clearly an operation which required considerable logistic support. There were a number of others involved apart from those who were directly involved in firing the weapons. The surrounding circumstances in our view formed a compelling case that each of these appellants was guilty of the offences with which they were charged." Appeals Dismissed

the only pressure he had was verbal pressure from the solicitors his account included the suggestion that he had banged the table, thrown it over and indicated that the interview was finished. He said he would have signed anything just not to see the solicitor again."

In conclusion, the Court of Appeal considered that Z's evidence was unparticularised and contradictory: The audiotapes suggest that he believed himself to be under threat from terrorists and his purported explanations for those passages were entirely unconvincing. We consider Z an unreliable witness and his evidence did not render the conviction unsafe in any way".

Prisoner Ombudsman's investigation

A further issue arose before the resumption of the hearing on 30 September 2013 following the provision to the first appellant's solicitors of a booklet of information by the Prisoner Ombudsman of NI relating to a complaint made by the first appellant and the manner in which the complaint was investigated. This related to an incident on 17 September 2009 when the first appellant's cell in Maghaberry Prison was searched and a piece of toilet paper with the registration number of the Prison Governor's car was found in a Steradent tube. The first appellant denied putting the toilet paper in the tube and suggested to the police that it was placed there by someone else.

In February 2010, the Prisoner Ombudsman was advised by the police that they had not investigated the possibility that the paper had been put there by prison officers. The CCTV evidence which would show who entered the first appellant's cell was retained for a period of 30 days but thereafter was unavailable. The Court of Appeal held that it was therefore unavailable by the time the first appellant was interviewed by the police. The Prisoner Ombudsman had interviewed the Prison Governor who had explained that the find occurred the day before he was due to hold a meeting to discuss the disbandment of the Standby Search Team ("SST") within the prison which was very unpopular with a group of prison officers. On 7 September 2010 the PPS decided not to prosecute the first appellant and in March 2011 the Prisoner Ombudsman concluded in her report that the item had probably been planted there by a member of prison staff. The first appellant contended that this information should have been disclosed to him as it may have assisted in undermining the prosecution case by demonstrating a mindset on the part of the police not to investigate those matters helpful to the appellant and to conduct a fair investigation process.

The Court of Appeal examined the evidence. The Lord Chief Justice said it was clear that the Prisoner Ombudsman was concerned when she discovered in February 2010 that police had not followed up the possibility of the involvement of prison staff and that there was a clear line of enquiry concerning the SST. He added that while the Prisoner Ombudsman was clearly concerned the police were avoiding this line of enquiry they had in fact interviewed the Prison Governor three days before she sent her interim report to ACC Harris on 25 March 2010 and were following up this line of enquiry even though a recommendation for the prosecution for the first appellant had issued from the police in January 2010. The Lord Chief Justice accepted that more active steps could have been taken by the police to establish the identity of those SST staff who were present on the day of the search. He added, however, that such enquiries would be difficult as the CCTV evidence was no longer available at that time and held that "at most this amounts to an error of judgment. We do not consider that such an error of judgment gives rise to an abuse of process".

Other grounds of appeal - The Court of Appeal then turned to consider the original grounds of appeal. It held that there was no error in the making of the anonymity order in respect of M and that it did not render the conviction unsafe: "The appellants and their legal advisers were provided with the identity of the witness and through Z were able to access extensive information

increasingly held a high proportion of mentally-ill people. "I think there needs to be a better way of dealing with those people than simply through the criminal justice system," he said.

High Down's last inspection in 2011 raised concerns about the number of prisoners subject to suicide and self-harm procedures who were held in the segregation unit, but found it provided a safe, decent environment for most inmates. Calling for "a change of thinking" and more investment at a national level, Mr Hardwick said: "These are people who very much could be your son or brother or husband. And we have to see them as people who are ill or need care, rather than simply as criminals who need punishment." He said he was not criticising the prison, but believed it was unreasonable to ask prison staff to do a health care job.

Surrey and Borders Partnership NHS Trust said it worked hard to deliver modern, high quality mental health services at High Down. It said care provided by seven experienced mental health professionals included therapy, self help and medication where necessary. The Department of Health said: "We want to make sure offenders with mental illnesses get the treatment they need as soon as possible whether that is in prison, the community or hospital. "This is why we've invested £25m this year in liaison and diversion services at police services and courts across the country to identify people with mental health problems and make sure they get support early."

'We are Recreating Bedlam': Crisis in Prison Mental Health Services

Mental health services in prison are under critical strain – in some institutions, as many as half of all inmates may need psychiatric help, but are often unable to get it. Such failures can have tragic results. A jail term can turn into a death sentence. Billy was sporty, sociable and ambitious. He was 20, an RAF cadet, a fundraiser for various charities. Good grades. He'd never been in trouble with the law. Then a sudden onset of serious mental illness last June cast a dark shadow over Billy's prospects. Once contemplating a career in the military, he ended up on remand, with a period in jail. "He thought people were going to our house to kill me," explains his mother Christine, recalling the attack. "It was so unlike him. It was scary because it was the first time I'd seen him like this."

Billy's mother describes how her son, almost overnight, started suffering from severe schizophrenic symptoms. He was constantly tormented by imaginary threats to his family, whispered by voices in his head. Previously sociable and physically active, he withdrew from his friends, broke up with his girlfriend and stopped exercising. He was admitted to a local NHS mental health unit, then told he was to be "treated in the community". Mental health workers, visiting Billy at home, were initially helpful. But the frequency of the visits tailed off. Billy, as many sufferers of severe mental health conditions do when not properly supervised, stopped taking his medication. Two weeks later, the hallucinations were louder than ever. Then he found himself on a busy north London high street, believing two men walking past were on their way to murder his mother.

Billy stabbed and seriously injured one of the men. The other defended himself and was unhurt. Billy was arrested. Billy's mother says the police immediately suspected the attack was unusual, and not just criminal behaviour. The first thing they said when they telephoned was: "Is your son OK? Is there anything we should know about him?" He was refused bail on the basis of his deteriotating health, and after a brief stay in Feltham young offenders institute (YOI), sent to maximum-security Belmarsh, a busy, loud and dangerous prison. Mental health provision is patchy and stretched. "I thought, 'This is the worst place for him to be,'" remembers Christine. "He's sick, he's scared, I don't know if he's taking his medication, I don't even know if the

prison guards know about his condition." Billy did not receive medical treatment, and his hallucinations grew more vivid and disturbing. His mother was stuck in a cruel catch-22. Only Billy could request a visit. But his rapidly deteriorating mental state had destabilised him to the point that he didn't even know he was in prison. After four weeks, Christine managed to organise a visit. She found that Billy was on his own in a filthy cell. He had missed a critical heart check-up. No transfer to a psychiatric bed was in sight, despite a two-week recommendation for cases like his. She convinced him to start taking his medication, but could not get any more help for him.

According to Michael Spurr, chief operating officer for the National Offender Management Service, 10% of the prison population has "serious mental health problems" at any one time – currently about 8,000 prisoners. Twenty percent of prisoners have four of the five major mental health disorders (depression, bipolar disorder, ADHD, schizophrenia and autism). According to a 2006 article in the British Journal of Psychiatry, 25% of female prisoners and 16% of male prisoners were treated for a mental health issue in the year before custody. Despite thousands of prisoners needing mental health treatment, there are huge bed shortages. New figures from NHS England show just 600 high-security and 3,000 medium-security beds are available. Most patients will stay in mainstream prisons, where their medication regimes are unsupervised and over-stretched nursing units are their only hope of treatment. And for those unlucky enough to share a cell with someone who should be hospitalised, a jail term can turn into a death sentence.

In September 2003, two men, Anthony Hesketh and Clement McNally had been "two-ed up" or assigned to share a prison cell in HMP Manchester, a "local" prison that receives prisoners from the courts and warehouses them until they are re-allocated. By any account, it was a mismatch: McNally, 34, was a petty criminal and convicted killer starting a life sentence, while Hesketh, 37, was serving four months for driving while disqualified. They would have spent upwards of 20 hours a day in each other's company. But there was a further difference: McNally was psychopathic and deeply paranoid; he believed himself to be "Satan's hands and eyes". One night, Hesketh was sitting on his bed rolling a cigarette when McNally approached him from behind and, using a torn T-shirt, began to garrott him. Hesketh fell to the floor. McNally knelt on his back until he stopped breathing. A year later, McNally admitted manslaughter on the grounds of diminished responsibility and was given a second life term. He told investigators the killing was "exciting, better than sex", and that he would kill again if given the chance. At the 2009 inquest into Hesketh's death, the jury heard that McNally had been diagnosed as having an "emotionally unstable personality disorder", with symptoms leading to outbursts of anger and violence. In the weeks before the killing, he had daubed the walls of their cell with satanic sayings, and frequently lost his temper. Prisoners told the jury that everyone was aware of how unstable he was becoming. All prisons are required to carry out a risk assessment before placing inmates in shared cells. In McNally's case, this had consisted of asking him, "Are you safe to share cells?"

This was not the first homicide by an inmate with mental health problems. In March 2000, 19-year-old Zahid Mubarek was battered to death by his cellmate at Feltham YOI. His killer, Robert Stewart, also 19, was found to have a deep-rooted personality disorder. Our investigation has found that, of 18 resolved prison homicides since then, half were committed by people suffering from a serious mental illness. In two cases, the murderers disembowelled their victims. Essentially, half of prison cell murders since 2000 could have been avoided if prisoners had not been forced to share cells with such unstable inmates. Robert Stewart (left), who battered his cellmate, Zahid Mubarek (right), to death in March 2000 Robert Stewart (left),

affidavit touched on an important matter in issue in the trial, namely whether M visited Z's house on the night of the shooting and therefore whether he passed by the area from which the shots were fired that night. The Court of Appeal refused the application to introduce the affidavit evidence because Z was available and there were issues concerning his reliability. The first appellant then applied for a witness summons and Z appeared to give oral evidence.

In his direct evidence Z said that M had not come to his house on the night of the shooting. He claimed that he had been forced to leave his home in June 2012 when a bus was burnt outside his door and he believed his phone and house were bugged by the police. He claimed that in the audio recordings of 21 April 2013 he referred to the police wanting him to retract his affidavit and that this was why he had been arrested. He said that he had not wanted to talk to the first appellant's solicitors but agreed to allow them to put his account into writing but told them he was not going to court.

The Court of Appeal commented that Z did in fact give oral evidence and did not retract his affidavit. The Lord Chief Justice considered there was nothing to indicate that his evidence was adversely affected so far as the first appellant was concerned by virtue of the arrest and interview. He said the Court was satisfied that police had reasonable grounds for suspecting that Z was withholding information in relation to the circumstances in which he made his affidavit. This was based on the evidence of the police and on the audio transcripts of 21 April 2013 which referred to contact by Z with the IRA, fear that he would be shot if he did not comply with what was sought from him and multiple references to the fact that his statement was made under some form of duress. It was after reviewing these tapes that the police authorised Z's arrest and the Court held that this was necessary in order to explore the circumstances of the making of the affidavit and there was "nothing improper in effecting an arrest in those highly exceptional circumstances".

The Court of Appeal considered that the evidence given by Z about whether M visited him on the night of the shooting was unparticularised in various aspects: "He had no independent recollection of the night of the shooting. He was prepared to accept that there was a possibility that M had visited that night although he was 90% sure that he had not. He based his recollection on the fact that he had prohibited M's partner from visiting his house after the alleged assault upon M. He was not, however, in a position to indicate when that incident occurred other than suggesting it might have been a year before the shooting incident."

The Court said that Z had rejected any suggestions that he had been coerced or forced into giving evidence or making his affidavit. When cross examined about reference in the audio recordings to contacts with the IRA he said he had made up a story for his family that he had spoken to someone to stop the harassment that his family had been getting but the Court held that this did not explain why a year later he was discussing contact with the "hoods/IRA" and why in those discussions he and his family were talking about the possibility that he would be killed if he did not do what was required of him. The Court found that he gave no satisfactory explanation for this.

Z had also admitted that he made up a story when first interviewed by the police about the circumstances in which he came into contact with the first appellant's solicitors suggesting there had been persistent phone calls. The Court considered however the CCTV evidence which showed that contact was made through a third party and the meeting with the solicitors took place at this person's house. The Lord Chief Justice said there was no explanation as to why he would wish to prevent the police knowing about the involvement of that person. The Lord Chief Justice also referred to the circumstances in which he eventually came to make and sign the affidavit and said these were an indication of the pressure under which he felt placed: "Although he said at various stages that

facial features from a distance; differences between the description he gave of a coat which he described the first appellant as wearing and the coat that the first appellant was seen wearing on CCTV. The first appellant contended that the police had failed to carry out an identification procedure that should have led to the exclusion of the identification evidence.

The first appellant also contended that the presence of his DNA on the jacket found in the second appellant's car was of negligible evidential value as it did not establish when the jacket was worn. He also submitted that gunshot residue ("GSR") particles found on the jacket did not establish that they came from the gun used in the shooting and similarly the detection of PETN (Semtex) had no more than prejudicial value and should not have been admitted as bad character evidence. The first appellant further contended that the evidence from the tracking device attached to the second appellant's car was unreliable and could have been contaminated after 1.15 am on 10 March 2009 when the data subsequent to that time had been deleted.

Finally, the first appellant submitted that the trial judge should not have drawn specific adverse inference from his failure to give evidence about the DNA on the jacket. He also claimed the trial judge misdirected himself by attaching disproportionate weight to the first appellant's decision not to give evidence. Finally, the first appellant contended that the trial judge failed to apply the principles governing circumstantial evidence and the danger was that the first appellant was convicted because of his perceived association with others.

Submissions on appeal of the second appellant

Counsel for the second appellant adopted the submissions made on behalf of the first appellant and focused on the forensic evidence. He submitted that the prosecution experts had failed to properly test the evidence and failed to clear the weapons prior to examination in order to eliminate contamination from lead. It was claimed that the evidence of the GSR particles on his clothes, the interior of his car, the boot and its contents pointed to them being linked to some other source unconnected with the shooting of Constable Carroll. It had been asserted that the second appellant was an active republican who had been attempting to gather information about the whereabouts of a policeman two weeks before the shooting. The second appellant contended that this did not justify the conclusion that he was an active participant in the events of 9 March 2009.

Fresh Evidence: Z - On 9 April 2013, 20 days before the appeal was due to commence, the first appellant lodged an application that the court should receive fresh evidence consisting of an affidavit prepared by Z and sworn on 5 April 2013. The affidavit disclosed that Z had consulted with the first appellant's solicitors on 23 January and 4 April 2013 claiming that M was a compulsive liar, had received counselling for a gambling addiction and personal issues and at one stage was suicidal. Z described M as a "Walter Mitty". Z also claimed that M's partner was not welcome in his house and it was therefore not possible that the couple had visited him on the night that Constable Carroll was killed. Z also described M as being "as blind as a bat".

Z was arrested on 25 April 2013 for the offence of withholding information. He was interviewed and released on 27 April. By the date of the proposed hearing of the appeal (29 April) it transpired that there had been a police audio surveillance operation in respect of Z's house and as a result of this recordings and transcripts of conversations between Z and other persons living there on 21 April. The appeal was adjourned on 29 April pending the PPS disclosing this evidence, conducting any further investigations and deciding whether any charges were to be laid. Z was never charged with any criminal offence.

When the appeal hearing resumed on 30 September 2013, the first appellant pursued an application for the admission of Z's affidavit. The Court of Appeal recognised that the

who battered his cellmate, Zahid Mubarek (right), to death in March 2000, was found to have a deep-rooted personality disorder. Photograph: Photonews/Nicholas Razzell

Untreated mentally disturbed prisoners are also a danger to themselves. According to figures released by the Ministry of Justice in January, suicide rates in men's prisons in England and Wales have reached their highest levels in years. In 2013, there were 70 suicides, more than at any time since 2008. In women's prisons, the rate is dropping, largely due to safer custody measures recommended by Baroness Corston in a report published in 2007. The report was commissioned following a steep rise in the female prisoner suicide rate, including six deaths in a year at Styal prison in Cheshire in 2003. Self-harm levels in women's prisons, however, remain high. A Lancet report last year found that 20-24% of female prisoners self-harmed, 10 times the rate in men's prisons.

Some women slip through the new safety nets, too. In January, an inquest jury recorded a verdict of suicide for 24-year-old Amy Friar, found hanged at Downview prison, Surrey in 2011. The jury heard she had a history of mental ill-health, depression and self-harm. She was also a victim of rape and domestic violence. She had been identified as a suicide risk after an ex-girlfriend was found murdered, and she was placed under hourly monitoring. Later, that was reduced to nighttime only, despite an objection from a senior prison officer who thought she still posed a risk to herself. There were no observations in place on the day she killed herself.

The situation is not helped by the fact that mental disorders are often viewed by management as a discipline problem rather than a health issue. Woodhill prison in Buckinghamshire houses a Close Supervision Centre (CSC), one of three set up in 1998 to hold the most disruptive and violent prisoners – not, supposedly, those with mental health issues. But in a letter seen by the Guardian in 2012, the unit's manager noted that "the presence of a mental disorder or personality disorder is not uncommon within this population". In 2011, one prisoner in the unit sliced off both his ears in two separate incidents, and last October, another inmate cut off his ear. Prisoners there are subjected to "controlled unlocking", meaning four or five prison officers, in full riot gear, confront them when their cells are opened. Inmates at Woodhill CSC, past and present, told us mental health support is "virtually non-existent".

Most prisons employ mental-health teams, but numerous reports bear witness to the strain they are under, with a handful of specialists often responsible for the entire prison. In January a prisoner at Dovegate prison in Staffordshire claims that he asked to see a mental health nurse and was told by prison staff the only way to do so was to self-harm, so he did.

In 2007, Lord Keith Bradley was asked by the government to investigate a new policy of diverting people with mental health problems away from the criminal justice system. The Bradley review was published in April 2009 and, in principle, the government agreed to its recommendations. A critical point was "to facilitate the earliest possible diversion of offenders with mental disorders from the criminal justice system," through dedicated psychiatric staff at police stations. Last January, a national inspection report showed that little progress has been made on that front. Only one of the police forces that inspectors visited had such a mechanism in place. Most mentally ill prisoners are still sent to prison, not to hospital. There are slight signs that this might be changing. In January, the government announced a pilot scheme in which mental health specialists were employed at 10 police stations. But it could be years before any effective change to the system occurs.

But even if prisoners do reach secure units and are given treatment, problems then arise due to bed shortages. NHS England told us that around 3,000 beds were available to

prisoners in the "low-security" category. Andy Bell, deputy chief executive of the Centre for Mental Health, however, dismisses this statistic: "These low-security beds are never used by the prison service." NHS England also told us about 600 "high-security" beds, but new figures from the same body reveal how these rarely become available. Just 24 prisoners were transferred from a prison to a high-security bed between April and December 2013. This leaves most prisoners waiting for a place on a "medium-secure" ward, of which there are 3,000.

"Many prisoners are assessed numerous times before they can be transferred to hospital," says Bell. "And the average length of stay in secure care is two years, because of a lack of intensive community support for people who no longer need detaining in hospital, and of care for those who need to be returned to prison after treatment." Which means that "the system is blocked," says Bell. "The waiting list is appallingly high."

Earlier this year, we spoke to a patient in a privately run, medium-secure mental health hospital. He had arrived there from prison after being sectioned. He had sought help from prison doctors after fearing he was becoming mentally unstable. According to "Matty", the regime at the hospital is becoming "more chaotic by the day". He says assaults are increasing and blames the increase in violence on an influx of patients who should be in high-secure units. Officials have told Matty that there is no room in the high-secure estate, with places reserved for "really dangerous people".

Nick Hardwick, chief inspector of prisons, asked about these figures, doesn't mince his words, and condemns the penal mental health provision as "a national disgrace". He refers to Highdown prison in Surrey, on the site of a former asylum, where more than 10% of the inmates require mental health support. "Many of those in the prison are not so different from the patients incarcerated in the old asylum." And Highdown isn't necessarily the worst off. In other prisons, Hardwick says, as many as half of inmates may need help.

Frances Crook, chief executive of the Howard League for Penal Reform, argues that the failure to invest in community mental health means people are being swept into prisons rather than treated properly. "We are recreating Bedlam," she says. "People who could be helped to lead happy, constructive and crime-free lives are condemned to a petty criminality and a life of incarcerated violence at taxpayers' expense."

Nevertheless, Norman Lamb, Liberal Democrat MP and minister of state for care and support, insists the situation is under control. "We are determined to make sure prisoners get the care they need, including acute beds. However, a diagnosis of mental illness doesn't necessarily mean a hospital bed is needed. When doctors decide a prisoner needs treatment in a secure psychiatric unit, they are moved out of prison as quickly as possible. But a one-size-fits-all target does not work, and doctors must decide what is best for their patients."

So what of Billy, stuck in Belmarsh prison? Did he make it into a secure bed? The Ministry of Justice won't comment on individual cases. But a Department of Health spokesperson told us that "any decision to approve a prisoner transfer to secure services is ultimately a clinical matter and this determines how quickly a transfer takes place". We then asked Phil Wragg, the governor of Belmarsh, why Billy was not being transferred. He cited security concerns

Finally, after repeated calls to the Ministry of Justice and to Belmarsh, the objections to Billy's transfer were suddenly dropped. He was quickly transferred to a psychiatric unit and is now receiving appropriate care. "He always wanted to plead guilty. He knew he'd done something wrong," says his relieved mother. "But he needs to be doing his time where he can get access to doctors and his medication." Alastair Sloan and Eric Allison, The Guardian

No Justice for the Craigavon Two

Today Thursday 29th May 2014, the British appeal court made a shocking decision in the case of Brendan McConville and John Paul Wootton (The Craigavon Two) by dismissing their appeals against their life sentence convictions for the killing of PSNI Constable Stephen Carroll in 2009. The Justice for the Craigavon Two Group firmly believe this decision by the appeal court judges is a political one and not one based on the facts of the case.

Regardless of this decision the fact remains there is no credible evidence linking Brendan or John Paul to the shooting of Stephen Carroll, this assertion is fully supported by a large number of leading legal and human rights experts. This decision has been a hammer blow for Brendan and John Paul the McConville and Wootton Families and for everyone who has campaigned for and supported the fight for Justice for Craigavon Two.

But the decision has only hardened our resolve in recommitting ourselves and redoubling our efforts to pursue an end to this miscarriage of justice, bringing this case to a successful conclusion; the full exoneration of Brendan McConville and John Paul Wootton. It seems the judicial system in the north is inherently corrupted, incapable of rectifying this most blatant of injustices and therefore we will rely on the public, which this system claims to protect, to rectify these wrongs. We call on the public to view the facts of this case, to look past today's public whitewash (imposed by the British State and its agencies) and rally to the cause of justice and human rights by supporting the call for Justice for the Craigavon Two.

Brendan McConville: HMP Maghaberry, Old Road, Ballinderry Upper, Lisburn, BT28 2PT

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

Court Summary of Judgment: Brendan McConville ("the first appellant") and John Paul Wootton ("the second appellant") were convicted on 30 March 2012 after a trial by Lord Justice Girvan, sitting without a jury, of the murder of Constable Stephen Carroll on 9 March 2009. They were also convicted of possession of an AK47 assault rifle and a quantity of cartridges with intent to endanger life. John Paul Wootton was also convicted of attempting to collect information likely to be of use to terrorists.

Submissions on appeal on behalf of the first appellant

The principal basis upon which the first appellant pursued his appeal concerned the approach to the evidence of Witness M. This witness had contacted the police some eleven months after the first appellant had been arrested and remanded in custody. Witness M claimed he had seen the first appellant in the vicinity of the shooting. He also claimed that two men had called at his house sometime after the murder and told him to keep his mouth shut. The first appellant contended that the anonymity order which prohibited the identification of Witness M had the effect of reducing or eliminating the potential for a witness to come forward and give evidence which might undermine or contradict his evidence. A close relation of Witness M, referred to in court as "Z" had provided information to the first appellant's solicitor that Witness M was unreliable and tended to make things up. Z also suggested that Witness M would not have called at his house on the night of the shooting, as he had claimed in his evidence, because of a disagreement between Z and M's partner.

The first appellant relied on various inconsistencies and weaknesses in Witness M's evidence. These included the claim that Witness M initially called the police at 1.15 am in the morning after consuming alcohol; he claimed on one occasion that he had known the first appellant since he was a "nipper" but on another occasion said he had known him for 10 years; he denied that he had problems with his eyesight which would have meant he would have difficulty identifying