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IPCC Refers Leon Briggs Investigation to Crown Prosecution Service (CPS)

The Independent Police Complaints Commission (IPCC) has concluded its investigation into the circumstances surrounding the death of Leon Briggs, and has referred the case to the Crown Prosecution Service (CPS) for a decision on whether criminal charges should be brought against any individual. On 4 November 2013, Mr Briggs was detained by Bedfordshire Police in a street in Luton under Section 136 of the Mental Health Act and restrained, before being taken in a police van to Luton Police Station. Whilst at the station Mr Briggs was placed in a cell and restrained. During his detention, Mr Briggs became unresponsive and an ambulance was called. He was taken to hospital where he was pronounced dead. The IPCC has investigated a police detention officer and five police officers – two police constables and three sergeants – for their involvement in the restraint of Mr Briggs.

IPCC Commissioner Mary Cunneen said: "I have reviewed the evidence and report findings, following the completion of the IPCC's investigation into the events leading up to Leon Briggs' death. I have decided that there is an indication five officers and a member of staff may have committed criminal offences. have therefore referred the case to the Crown Prosecution Service to consider whether there is sufficient evidence and if it would be in the public interest for any offences of unlawful act manslaughter, gross negligence manslaughter, misconduct in public office, and health and safety offences to be charged." The role of the CPS is to decide whether any person should be charged. Mr Briggs' family has been updated and the officers and staff member concerned have been provided with a summary of the IPCC's conclusions. Note:A referral to the CPS does not mean that criminal charges will necessarily follow.

Charlton & Idris Ali v R [2016] EWCA Crim 52 – Referral From the CCRC

[Whilst sharing the concerns of the CCRC about the conduct of some officers in the South Wales police force in the late 1980s early 1990s, we dismiss both appeals against conviction.]

48. Michael O'Brien brought a claim against the South Wales Police for malicious prosecution and misfeasance in public office. In the course of that civil litigation there was an issue as to whether O'Brien could rely on similar fact evidence. O'Brien wished to refer to R v Ali and Charlton and R v Griffiths. He said that both cases also showed misbehaviour by police officers including DI Lewis. At a case management conference HHJ Graham Jones (sitting as a DHCJ) allowed O'Brien to rely on this evidence. His decision was upheld by the CA Civil Division (O'Brien v Chief Constable of South Wales [2003] EWCA Civ 1085). The House of Lords upheld the decision of the Court of Appeal at [2005] UKHL 26. Ultimately, O'Brien received a substantial sum in compensation but we are unaware of what, if any, findings of misconduct were made.

1. On 26 February 1991 in the Cardiff Crown Court, the appellants were convicted of the murder of Karen Price. On the same date the trial judge, Rose J., (as he then was) sentenced Charlton to imprisonment for life with a minimum tariff of 15 years and ordered Ali to be detained at Her Majesty's Pleasure. They both appealed. On 11 November 1994 this court dismissed Charlton's appeal but allowed Ali's appeal and quashed his conviction. A retrial was ordered.

2. On the 21 December 1994 Ali pleaded guilty to the manslaughter of Karen Price. He was sentenced to 6 years imprisonment and having served the equivalent term was released. He did not attempt to appeal against his conviction.

3. In August 2009 Charlton made an application to the Criminal Cases Review Commission ("CCRC"). It decided to investigate and concluded there were grounds to refer his conviction to this court. They then invited and received an application from Ali. They concluded that exceptional circumstances existed justifying referral of his plea of guilty, despite the absence of any previous attempt by Ali to appeal his manslaughter conviction. Accordingly, both appeal again against conviction upon references by the CCRC under s.9 Criminal Appeal Act 1995 on the basis that there is a real possibility that the Court of Appeal will consider that the appellants' convictions are unsafe.

208. It is true that a plea of guilty does not deprive us of jurisdiction to examine the safety of Ali's conviction of manslaughter. As with any other appeal against conviction, our task is to decide whether the conviction is safe. Undoubtedly, there are cases where this Court has quashed a conviction as unsafe notwithstanding an unequivocal plea of guilty and we have considered the examples cited to us.

However, there are significant distinctions to be drawn on the facts of this case. There is here no evidence someone else committed the crime and nothing of any substance to suggest the second appellant's confession was untrue. We agree with Mr Whittam that 'the authorities relied on are a far cry from the circumstances of this case.'

209.Furthermore, the facts that the appellant was fit to plead and pleaded guilty unequivocally are highly relevant to the Court's task: see R v Lee (1984) 79 Cr. App.R. 108 CA. It has not been suggested that Ali was unfit to plead and Mr Hughes on Ali's behalf expressly disavowed any argument that his plea had been equivocal. This is not a case where the Appellant pleaded guilty after an adverse ruling on a point of law by the trial judge; nor is it a case where the Appellant claims to have been misled as to an available defence by his trial counsel.

210. Ali's claim to the CCRC is simply that he was bullied into admitting something he had not done and pleaded guilty to gain immediate release from custody. Since he has not waived privilege, we cannot know how much of what he has said to them, if anything, was in his original proof or any other proof before Mr John Charles Rees. There seems to have been no challenge to the admissibility of his confessions to the police under s.76 of PACE at trial, which would be surprising if he had told his trial counsel of his mistreatment in the cells. The account he gave in evidence of his dealings with KP and the last time he saw her, would also seem to be quite different from what he told the Commission.

211. We have done what we can to assess what he now says, and to do so in the light of Dr Gudjonsson's opinion, but we note all the medical evidence upon which reliance is now placed was available to very experienced counsel at the time of plea. There is nothing new in it. In any event it does not come close to providing a basis for arguing he did not know what he was doing or might have been induced improperly to plead guilty. As for the assertion he pleaded guilty to something he did not do, so as to be released as soon as possible, we are entirely confident he would have been advised in full and fair terms by Mr Rees and we note that Ali himself provided the instructions for his basis of plea.

212.The law is clear: only in exceptional circumstances will the court entertain an appeal against a conviction based on an unequivocal plea of guilty. There is nothing exceptional here. Whatever may have led to Ali's admissions while in police custody, according to Mr Rees, Ali was put under no pressure by anyone prior to entering his plea, which he did of his own free will. He was street wise and experienced in the criminal justice process. He was fit to plead, knew

what he was doing, intended to plead guilty to manslaughter and did so without equivocation having received proper advice from counsel and solicitors. That advice would not have been significantly affected by the new material. He was offered no inducement and placed under no pressure by anyone. Mr Rees went through the basis of plea with him line by line. His plea confirmed the evidence of D and what he said to others in an unpressurised situation. He made no attempt to appeal his conviction until the CCRC contacted him and with nothing to lose and possibly with a lot to gain he accepted their invitation to examine the circumstances of his case.

213.In those circumstances the only way in which an appeal could succeed is if we were to find that the prosecution offended the court's sense of justice and propriety to the extent that it amounted to an abuse of process. As we have indicated, we do not. The police misconduct in this case proven or alleged was not such as to offend our sense of justice or amount to an abuse of process.

214. For those reasons, whilst sharing the concerns of the CCRC about the conduct of some officers in the South Wales police force in the late 80s early 90s, we dismiss both appeals against conviction.

Kevin Nunes: IPCC Concludes (Whitewash) Investigation Into Staffordshire Police

An investigation managed by the IPCC, commonly known as Operation Kalmia, has now concluded. The investigation looked at disclosure issues prior to the 2008 trial of five men for the murder of Kevin Nunes in Staffordshire in 2002 – and how a protected witness was dealt with by Staffordshire police. Three Chief Constables and an Assistant Chief Constable were found to have a case to answer for gross misconduct in the investigation report, compiled for the IPCC by Derbyshire Chief Constable Mick Creedon, but these findings were rejected by the relevant appropriate authorities.

Legislation allows the IPCC to require misconduct hearings to be held (a process known as 'direction') if the appropriate authorities' decisions are deemed to be unreasonable. In this instance, the IPCC decided, after careful consideration, not to direct that hearings should be held. The IPCC found no evidence of a cover up or of wilful omission by any of the four senior officers. Under legislation, the IPCC can only make findings related to the conduct of senior officers; it cannot make findings about potential performance issues, as it can in relation to officers of lower rank. The Crown Prosecution Service decided in January and November 2014 that there was insufficient evidence to prosecute any officers over the same matter.

IPCC Deputy Chair Sarah Green said: "This has been an extremely complex and lengthy investigation. There is broad agreement that there were serious failings at Staffordshire Police following the murder of Kevin Nunes in 2002 and the conviction of five defendants for that murder in 2008. However, cases for gross misconduct or misconduct have been rejected by the appropriate authorities who are responsible for holding misconduct hearings. After careful consideration I have accepted the appropriate authorities' assessments and decided not to issue directions that misconduct hearings be held."

The senior officers are: Chief Constable Suzette Davenport (Gloucestershire), Assistant Chief Constable Marcus Beale (West Midlands), Chief Constable Jane Sawyers (Staffordshire) and retired Chief Constable Adrian Lee, formerly of Northamptonshire, all of whom were officers at Staffordshire Police at the time of the murder investigation. Two detective constables were found to have a case to answer for misconduct, which the appropriate authorities accepted in respect of one matter. One detective constable was given management advice; the other retired on health grounds.

Government Accused of 'Hiding' From Troubles Cases

Northern Ireland's victims commissioner has said the government cannot use national security as a rock under which to hide from Troubles-related issues. Families of people killed by security forces claim it is being used to block access to information on the killings. Victims commissioner Judith Thompson called for a "clear definition" of national security to resolve the issue. She also said the current process on dealing with the Troubles' legacy could be the "last chance" to get agreement. "A workable deal is still very much on the cards and while I accept it will have to wait until after the Assembly elections, I am very clear that if we don't get it now, I don't know when we will get any closer to a point where all the pieces are in place," the commission warned.

The deadlock over access to official documents is delaying the full implementation of the Historical Investigation Unit (HIU), the new independent body set up to investigate Troubles-era killings. The government has argued that the release of some state documents could compromise national security and put lives at risk. Speaking ahead of a conference on the victims' issues, Ms Thompson said: "National Security cannot be a convenient rock under which the government can hide uncomfortable issues. Neither can there be an excuse for anyone refusing to come forward to cooperate with the proposed new Historical Investigation Unit or Independent Commission for Information Retrieval." Doing nothing is not an option," she added.

Ms Thompson said the lack of progress in last year's Fresh Start Agreement was "gut-wrenchingly disappointing" for victims. The lack of an agreed way forward on how to deal with the past was the key issue on which the 2015 talks failed to produce a resolution. The victims' commissioner said the people she represents still felt let down by politicians' failure to reach agreement on the ongoing difficulties they face. "It left victims and survivors wondering whether they had just been led up the garden path," Ms Thompson said. But my view - and having talked to people who were involved in that process is - we weren't led up the garden path, there was genuinely progress made. We came really close, but we've got to do it. Close isn't good enough," she added.

Earlier this month, Northern Ireland Secretary of State Theresa Villiers defended the government's approach to the release of state documents related to the Troubles. She she said the government has legitimate concerns about what the Historical Investigation Unit might then make public - either because it could put lives at risk or compromise the security services' capabilities. Ms Villiers warned that dissident republicans and Islamist militants should not be shown how UK security services work.

Craight McCreight Wrongly Convicted of Murder Loses Compensation Claim

Scottish Legal News: A judge in the Court of Session dismissed the petition for judicial review of a decision to refuse the application for compensation after ruling that what happened with the appeal court was "merely an example of the vindication of the rule of law, not the righting of a mistaken verdict". Lord McEwan heard that the petitioner, Craig McCreight, was sentenced to life imprisonment in 2002 after being found guilty of the murder of his partner Yvonne Davidson in an attack with chloroform at their home in Broxburn in 1999.

He spent some seven years in prison before being released in April 2009, after the Criminal Appeal Court unanimously found that there had been a "miscarriage of justice" following a successful "fresh evidence" appeal. By a majority, and without giving reasons, the court refused to authorise a fresh prosecution, as it was "not in the interests of justice".

Mr McCreight thereafter sought compensation for the years he spent in prison, under

the then existing statutory and ex gratia schemes, but his application was refused and in 2013 he sought judicial review of that decision. By agreement that refusal was reduced and the respondent, the Scottish Ministers, reconsidered the matter, but Mr McCreight was again refused compensation and that new decision resulted in the latest petition for judicial review. Counsel for the petitioner emphasised that the present case was taken under the ex gratia scheme, where there was no need of a conviction or new evidence, nor was there any mention of miscarriage of justice.

It was argued that all that was necessary was "time spent in custody following a wrongful conviction or charge resulting from serious default or other exceptional circumstances". Under reference to four cases, counsel sought to show the proper way to make a decision over whether compensation should be paid. It was submitted that there was no doubt the petitioner had spent time in custody as a result of a "wrongful conviction", and that it had been caused by "serious default" on the part of the police or prosecution, and the fact that no new prosecution was allowed favoured the making of an award. The respondents had "erred in law" and taken an "irrational approach" by rejecting the findings of the appeal court in quashing the conviction.

However, the respondents questioned whether the actions and conclusions of the prosecution experts before the trial amounted to "serious default". It was pointed out that petitioner made at least two confessions to separate people, who did not go to the police until August 2000 – meaning there was an 18-month delay before the police heard anything about chloroform and in the meantime the samples taken would be bound to degrade. Counsel submitted that while it was important to look to what the appeal court had found and said, it could not be the case that the appeal court findings were "determinative" of what the respondents had to decide.

The judge held that the ministers were "entitled to make their own inquiries into the whole matter before deciding, at their discretion, whether any payment should be made under the ex gratia scheme". In a written opinion, Lord McEwan said: "I consider this to be so for a number of reasons. The matter is complicated and involved medicine, science and opinion. Even after the appeal court ruling it is clear that there was a continuing dispute over what was 'default' and further, whether it was 'serious'. It cannot be the law that the ruling of the appeal court could be determinative of these matters, though great weight has to be accorded to what they said. In making up their collective minds the respondents have the duty to find what is established. The appeal court had to answer the question of whether there had been a miscarriage of justice and nothing more.

The Ministers have to address a wholly different question which is, inter alia, has there been 'serious default'. I can only interfere with that decision on traditional Wednesbury grounds. In the result I am clearly of the opinion that this petition cannot succeed. I do not find any merit in the petitioner's case. There was strong and compelling evidence against him including two confessions.

Also what has happened here with the appeal court is merely an example of the vindication of the rule of law, not the righting of a mistaken verdict. The cases cited to me are of course, all fact sensitive and only examples. Where serious default was found it was so egregious as to be plain… and where something was exceptional the court would 'know it when it saw it'. What happened here is in neither category in my opinion and on the material before the respondent I am quite unable to say that the decision taken to refuse payment was in any way irrational."

Office for Police Conduct Must Be a Watchdog With Teeth *Jenny Jones, Guardian*

The IPCC is a non-departmental public body funded by the Home Office and responsible for overseeing the police complaints system, assessing appeals against its decisions, and investigating police conduct, especially deaths and serious injuries as a result of contact with officers. But it has gradually lost public trust in its ability to work as an effective and independent scrutiny body. One of the main problems is that the Home Office has never given the IPCC adequate resources or proper funding. When the home affairs select committee investigated the IPCC in 2013, it described the organisation as "woefully under-equipped" with "neither the powers nor resources" required for the job it faced. The IPCC's own chairwoman, Anne Owers, agreed that the commission was struggling to meet expectations. Without enough money or staff to follow the evidence wherever it led, the IPCC was doomed to fail.

Most damaging to public perception of the IPCC has been its handling of a number of controversial cases, although it's worth pointing out that the commission was restricted to managing and supervising investigations and relied on police forces to conduct the investigations themselves. It has often been criticised for taking too long to conclude investigations – which isn't fair on victims and their families, or on accused officers. Some police officers appear to have escaped disciplinary action by resigning or retiring before the IPCC completed its work. In January, for example, ex-Met commander Richard Walton retired before the IPCC could publish its report into claims that he and others plotted to spy on the family of murdered teenager Stephen Lawrence.

The credibility of the IPCC has been damaged by many decisions that appeared to be over-sympathetic to the police and their failings. In the Sean Rigg case, for example, the IPCC initially cleared police for their part in the musician's death at Brixton police station, but after two years of continuous campaigning and appeals, a second investigation admitted that the original findings were flawed and there was enough evidence to refer the case to the Crown Prosecution Service.

In my view, the IPCC previously hired far too many ex-police officers, compromising its independence. Of course, examining and balancing lots of evidence takes special skills, which police officers would be expected to possess. A knowledge of how police forces, with their semi-military culture, operate would also be useful in understanding how decisions are made and how oversights or mistakes can happen. However, had I been in charge, I would have hired curious ex-journalists rather than ex-police officers, to dig until they exposed the truth, without the fear of offending colleagues past and present. The IPCC's inability to hold the police to account has weakened its effectiveness. I've become too familiar with stories of officers being instructed not to make a statement until they have had a chance to coordinate it with their colleagues. From the case of Jean Charles de Menezes, to Ian Tomlinson, to Mark Duggan, we hear that officers sat down together to write their statements. While this may be normal practice for the police, to outsiders this suggests they are colluding to hide something, weakening the public's belief that the IPCC will get to the bottom of the case and deliver a credible verdict.

The police are not above the law, however, and must be held to account. I therefore welcome the home secretary's decision to reform the IPCC. Although the details of how the new Office for Police Conduct (OPC) will work are unclear, there are encouraging signs. For example, the numbers of those who have worked within police forces may be restricted where senior roles are concerned, and there will be pressure to complete investigations within six months. That's a good thing for all involved, though only if enough resources are allocated

to do the job properly within that timeframe. I am also glad to see new powers that will enable the OPC to initiate its own investigations into "all serious and sensitive matters" involving the police. Grieving families should not have to campaign for years to get to the truth. They deserve a self-sufficient police watchdog that can efficiently investigate an incident or allegation without public pressure needing to be applied.

However, I am concerned that these reforms may not go far enough. The OPC must be more independent of the Home Office and, as suggested in the consultation, get future funding directly from parliament or the Ministry of Justice. The Home Office is too closely connected to the police. Only if the scrutiny system is completely separate can we be sure that the OPC will not be subject to pressure from the police and their masters. The new organisation's funding must also be in line with its increased powers. It would be a disaster if the OPC struggled for resources in the same way as the IPCC. Finally, to improve public confidence the OPC must be more transparent than its predecessor. It must publish performance data and set targets so it remains accountable to the public. We will only be able to judge the success of the reforms when complaints begin making their way through the OPC. But one thing is clear: we desperately need a robust police watchdog that will be committed to holding officers and civilian staff to account.

Babar Ahmad: I Just Want Scotland Yard to Say Sorry *Robert Verkaik, Guardian*

A British man who suffered 73 injuries after being arrested by anti-terrorist police has called on the Metropolitan police commissioner to apologise for the actions of his men. Babar Ahmad, 41, who won a court case against the Met and £60,000 in damages, says that during the "ferocious" assault in 2003 he thought he was going to die. He was released a few days later after the Crown Prosecution Service ruled that there was no evidence of any terrorism offence. But in 2004 he was imprisoned in the UK without trial for eight years following an extradition request from the Americans. In 2012 he was deported to face trial in Connecticut. In his first interview since his return to the UK eight months ago, Ahmad, from south London, has told the Observer that he wants the police to apologise for the abuse he suffered. "In the end, they paid me damages," he said, "but it was never about the money and, although they admitted liability, they have never said sorry. Even nearly 13 years later, and nearly 12 years' imprisonment – including two in a US Supermax – I still suffer from pain I sustained in that assault."

In December 2003, Babar Ahmad was arrested by the Met's elite counter-terrorism unit. They broke down Ahmad's front door and charged into his bedroom where he was sleeping with his wife. In a 40-minute ordeal he was subjected to physical, sexual, religious and verbal abuse. He was forced on to the floor and cuffed. "They twisted the handcuffs until I cried out in pain. Two of the officers punched me repeatedly on the head, face, ears and back. On two occasions the officers sexually abused me by tugging at and fondling my genitals. And then the officers stamped on my bare feet with their boots." During the attack, the officers mocked Ahmad's religious beliefs. After placing him in a Muslim prayer position, one officer sarcastically asked: "Where is your god now?" He was bundled into a police van where the abuse continued during his journey to Charing Cross police station. "An officer whom I later found out was PC Mark Jones punched me repeatedly and another, PC Jon Donohue, twisted the cuffs until I screamed out in pain. Jones then applied two choke holds. During the second choke hold I thought I was going to die. To this day I still recall Jones saying, 'You will remember this day for the rest of your life. Do you understand me? You fucking bastard.'" CCTV shows Babar Ahmad in a collapsed state as he was pulled out of the van and taken to the custody suite at Charing Cross.

"Today I've got damaged nerves in my wrists and I suffer from flashbacks. Most people think police officers don't do bad things – when I was small boy I had a toy police helmet and I used think that, too. But I don't feel bitter towards anyone – I would just like an apology for what happened." Last year Ahmad was finally released from prison after being sentenced to 12-and-a-half years for providing material support to the Taliban government in at a time when it was harbouring the al-Qaida leader, Osama bin LadeAfghanistan. Judge Janet Hall, the chief federal district judge of Connecticut, rejected the prosecution's demands for him to serve 25 years. Her unexpectedly lenient sentence meant that, because of time already served, Ahmad was freed within months. In a judgment that strikes at the heart of the tenets that define the war on terror, the judge described Ahmad as a "good person" who had been a model prisoner and had never been interested in terrorism.

Crucially she said that supporting groups engaged in defensive jihad on a battlefield did not make someone a terrorist. She ruled that, although two articles supporting the Taliban published on Ahmad's website constituted a serious criminal offence under US law, his support of the war efforts in Bosnia and Chechnya during the 1990s were judged not to be terrorism. A Met spokesperson said: "In 2009 Mr Ahmad agreed to the terms of settlement in the civil action he brought against the MPS. We have no intention of altering those terms. Allegations of mistreatment were investigated and in 2011 four officers were found not guilty of assault at a criminal trial when evidence that was not available during the civil proceedings was produced. The officers were also found to have no case to answer with regards to misconduct allegations."

Daniel Hegarty's Family to Fight Decision Not to Prosecute Soldier

The family of a teenage boy shot dead in Londonderry in July 1972 have refused to accept a decision not to prosecute the soldier who killed him. Daniel Hegarty, 15, was shot twice in the head during an Army operation to clear "no-go" areas in the city. A 2011 inquest found the boy posed no risk and was shot without warning. His sister, Margaret Brady, criticised the Public Prosecution Service (PPS) decision not to prosecute and said they will pursue a civil action.On Tuesday, the PPS said there was no reasonable prospect of a conviction in the case.

"That was a rude, pitiful excuse that they came up with, that it was self defence," said Mrs Brady. "It took them four years to come back with the same answer again, no prosecution. Nothing has changed since 1973.We will take a civil action and we will go after this soldier." The initial inquest was held in 1973 and recorded an open verdict. A second inquest was ordered by the Attorney General in 2009 following an examination by the Historical Enquiries Team. The report found that the RUC investigation at the time was "hopelessly inadequate and dreadful". As a result of the report, an inquest in 2011 found that the teenager posed no risk and dismissed claims that soldiers had shouted warnings before firing.

Daniel, a labourer, was unarmed when he was shot close to his home in Creggan during Operation Motorman, an army-mounted attempt to re-take areas of the city. His cousin Christopher, 16, was also shot in the head by the same soldier, but survived. After the decision on Tuesday, the prosecution service's Assistant Director of Central Casework, Michael Agnew, said: "The standard of proof that the prosecution must reach in a criminal trial is the high one of beyond reasonable doubt." Margaret Brady told BBC Radio Foyle that the family will continue to fight for justice. "My reaction was just dumbfounded," Mrs Brady said. "It makes me more determined to go on because somebody has to stand up for the innocent

victims. "My brother was innocent and these people need to be held to account." In 2007, the British government apologised to the family after describing Daniel Hegarty as a terrorist.

Court Finds Prison Policy of Filming Forced Strip Searches Breaches ECHR

Mr Justice Treacy, sitting in the High Court in Belfast, allowed a judicial review challenging the Prison Service policy by which forced strip searches are recorded on a video camera and retained for a period of six years Gerard Flannigan ("the applicant") was remanded into custody at HMP Maghaberry on 30 October 2014 whereupon he was informed that he was going to be subjected to a strip search. He objected and was informed that it would therefore be conducted with force. He was given 15 minutes within which to reconsider his decision and was informed that, in the event that he continued to refuse, the search by force would be video-taped and the footage retained for six years. The applicant was then forcibly searched. The search was recorded using a hand held camera. The court heard that either due to a technical fault or operator error the actual search was not recorded and the footage only shows the introduction and the end of the search. Rule 16 of the Prison and Young Offenders' Centre Rules (Northern Ireland) 1996 ("the 1996 Rules") provides that every prisoner shall be searched on reception to prison and where a prisoner refuses to co-operate with a search, such force as is necessary to effect the search may be used. Rule 16(6) provides that a prisoner shall not be undressed, or required to undress, in the sight of another prisoner or any person other than the officers conducting the search.

The applicant contended that the policy of recording the forced searches is incompatible with his rights under Article 8 of the European Convention on Human Rights by interfering with his right to respect for private and family life in a manner that is not proportionate. He accepted that searches are expressly provided for in the 1996 Rules and that the concept of searches, subject to proportionality on each occasion, can be brought within the exemptions contained within Article 8, namely the need to prevent disorder or crime. However, he argued that Rule 16(6) is antithetical to the policy of video recording searches as it provides that the only persons permitted to see the prisoner in a state of undress are "the officers conducting the search". The applicant submitted that there is no provision for extra persons to video record the event, commentate or watch the proceedings via a live stream or by way of the recording.

The Prison Service stated that the policy to video record all planned use of force incidents is to provide a record that is retained to safeguard both the prisoner and the staff involved where subsequent complaints or allegations are made. The dignity of any subject is a key consideration and recording does not take place of any images deemed to be inappropriate and unnecessary. Counsel for the Prison Service argued that the officer responsible for operating the camera is part of the search team and is assisting with the search. Subsequent viewing of the footage will not result in someone else having been present while the prisoner was undressed or required to undress and therefore even if the footage is ever viewed the prisoner will not have been undressed or required to undress in the sight of that other person. Nor will anyone later viewing the footage actually see the prisoner in a state of undress because of the way in which the camera is used and the footage restricted to avoid any inappropriate images being recorded. The Prison Service contended that the policy pursues a legitimate aim and was introduced to prevent incidents of violence and interference with officers' rights.

Mr Justice Treacy firstly considered the applicant's Article 8 arguments. He said it is accepted that a search involving the removal of clothing engages Article 8: "Nakedness is inherently private and forcing it upon someone cannot but engage one's right to privacy. However, in the context of the search carried out in the instant case, the interference is justified by the

exceptions at Article 8(2). The video recording of such a search must further engage Article 8 because in the act of recording, control of the use of the search subject's body and nakedness is wrested from him in such a way that images of his body may be used at any later date without the search subject's consent or even knowledge. Such recording, to be lawful, must, separately from the search itself, be brought within the exceptions at Article 8(2)."

The judge said that in this case there was a technical glitch which resulted in the failure to record the actual search but that this fact cannot disengage Article 8: "The loss of control over the use of the search subject's nakedness occurs at the time where there is an intention to record the search and all parties believe that the search is being recorded. This is an interference with the search subject's Article 8 rights in itself. The creation and retention of the record is a further and ongoing interference." Mr Justice Treacy then considered whether the interference with Article 8 is "in accordance with the law". The Prison Service had cited provisions in the 1996 Rules which give certain powers to the Governor including the supervision of prisoners by CCTV. The judge, however, said these rules were manifestly insufficient to constitute "a basis in domestic law" for the policy of video recording full searches of prisoners: "In the absence of any proper basis in domestic law the recording of the search and its retention and the policy under which it was carried out are not "in accordance with law" and therefore not a justified interference with the applicant's Article 8 rights." Mr Justice Treacy allowed the application for judicial review.

Police/SERCO/FME All Contributed to the Death of Sivaraj Tharmalingam

Mr Sivaraj Tharmalingam died on 18 April 2015 at Thames Magistrates Court, having been found collapsed unconscious on the floor of his cell. He had been transferred into SERCO's care at court after being held overnight in Metropolitan Police custody at Forest Gate Police Station. He was 50 years old at the time of his death. The two week inquest into his death concluded on Friday at St Pancras Coroner's Court. Mr Tharmalingam was a well-known member of the East Ham Tamil community and had helped locals with community engagement and dialogue. Sadly Mr Tharmalingham had a history of alcohol misuse following family bereavements in 2005, which led to the breakdown of his marriage. He had experienced seizures, one of which had resulted in a head injury that left permanent brain damage. Mr Tharmalingam was living in sheltered housing at the time of his death. Mr Tharmalingam was taking medication to prevent epileptic seizures as well as supplements for his alcohol misuse, and had previously suffered alcohol related seizures, including in police custody.

The jury concluded that Mr Tharmalingam suffered a fatal alcohol related seizure in conjunction with an underlying heart condition. The jury identified a number of failures by those responsible for Mr Tharmalingam's care that contributed to his death, including: • Mr Tharmalingam was seen by a Forensic Medical Examiner (FME) while in police custody. The consultation lasted less than a minute and the FME failed to make a meaningful connection with Mr Tharmalingam.The jury heard evidence that a police detention officer remained present in the examination room throughout. The FME accepted that the examination was "cursory". The FME was aware that Mr Tharmalingam was an alcoholic with epilepsy and yet did not look at Mr Tharmalingam's medication or consider his previous custody records. The FME did not recommend a further medical review and relied on the fact that he had been interviewed by the police in concluding that Mr Tharmalingam was fit to be detained. • Mr Tharmalingam told a police detention officer that he had vomited once in the morning before he was transferred to court. The inquest heard that despite being a possible symptom of

alcohol withdrawal, the fact that Mr Tharmalingam had vomited was not passed on to the custody sergeant or to SERCO. It was accepted by a number of officers that this was a failure. • Mr Tharmalingam's Person Escort Record (PER) form had been inadequately completed, and it was unclear whether his medical form was included when he was transferred to court.

The jury heard that the hard copy of the medical form has never been located and that significant parts of the form were left blank. Two police officers, including the custody sergeant responsible for signing off the PER, told the inquest that the blank sections were SERCO's responsibility and that the police often left sections blank. SERCO witnesses stated that the blank sections were the responsibility of the police. It was confirmed in evidence from the National Offender Management Service, who provide the PER form, that the police were wrongly leaving sections of the form blank. • The PER form included warning markers for alcoholism, epilepsy and suicidal thoughts. Despite this, the gaolers did not know of these warning markers even though they all attended a staff briefing that morning and despite the fact that two officers were sent to inform the gaolers of the warning markers. Mr Tharmalingam was therefore put on 10 minute checks, rather than five minute checks. The jury heard evidence that from 10am onwards Mr Tharmalingam was checked only once, at around 10.55am. Approximately 10-15 minutes later he was found collapsed in his cell.

The jury concluded that SERCO's cell checks were random and none were documented. The inquest heard evidence that at Thames Magistrates Court a SERCO computer operator marked that cell checks were completed on time despite having no knowledge of whether the checks had been done at all, or by whom. The operator told the inquest that she randomly guessed which gaoler might have done the checks and inputted the checks without ever having contact with the gaolers responsible for doing the checks. She informed the jury that this was how she had been trained. SERCO's Head of Service Improvement accepted that the computer recording of the cell checks was a "work of fiction". • The gaoler who found Mr Tharmalingam collapsed in his cell failed to enter or begin CPR immediately. The inquest heard that the gaoler left the cell to inform his manager, causing a delay in the administration of medical help to Mr Tharmalingam. • The jury concluded that there was a continuous lack of communication between organisations involved in the events leading up to Mr Tharmalingam's death which contributed to Mr Tharmalingam's death.

In addition to the jury's findings, the inquest also heard evidence of a number of further failures and inadequacies in the care provided to Mr Tharmalingam by both the Metropolitan Police and SERCO: • Despite being arrested at sheltered accommodation known by the arresting officer for housing vulnerable individuals with ongoing care needs, no one at the police station was informed of this. • Mr Tharmalingam's anti-epilepsy medication was not listed on the custody record and the FME who examined Mr Tharmalingam was not made aware of it. • Despite warning markers for alcoholism and epilepsy, a FME was not called straight away. • Mr Tharmalingam was a vulnerable adult who was intoxicated on his arrival at the police station, he was recorded as rambling incoherently and he was marked as incapable of signing his own risk assessment. Despite this, Mr Tharmalingam was interviewed within an hour of his arrival, before the FME had examined him, and was interviewed without an appropriate adult. • Mr Tharmalingham told the interviewing officer that he took medication as he had previously collapsed. This information was not passed to the FME and was not transferred to SERCO the next day. • After Mr Tharmalingam had been interviewed, the FME arrived.

No discussion took place between the FME and the custody sergeant either before or after the medical examination. As a result the FME was never made aware that Mr Tharmalingam had entered custody with anti-epilepsy medication in his possession. • No consideration was given by police officers to ensuring a further medical review for Mr Tharmalingam in order to consider the known risks of seizure from alcohol withdrawal and epilepsy, and to allow Mr Tharmalingam to be given his medication. • During the handover procedure at the police station Mr Tharmalingam asked for his medication. This information was not passed on to SERCO and no arrangement was made for Mr Tharmalingam to see a healthcare professional at court. The Coroner indicated at the conclusion of the inquest that she will be writing a Report to Prevent Future Deaths.

Mr Tharmalingham's wife was very concerned to hear of the failings by SERCO and the police and the lack of care that her husband received. She hopes that by shedding light on this matter it will prevent the same thing happening in the future.

Selen Cavcav, caseworker from INQUEST said: "Failures identified by this inquest re-enforces the concerns raised by the inspectorate who described court custody as an "accident waiting to happen" and recommended urgent improvement to the conditions of court cells. Mr. Tharmalingham deserved proper medical care and attention as a vulnerable adult. Instead he received substandard treatment from all the agencies concerned. This case has also exposed serious gaps concerning the transparency and accountability when it comes to private contractors such as Serco. There is at present no independent investigation mechanism in relation to deaths which take place in court cells as opposed to deaths in police or prison cells. We call on the government to correct this dangerous gap in the investigation systems as it is essential that independent oversight is in place for all deaths in custody, to ensure accountability and enable the lessons to be learned and disseminated nationally to prevent future deaths"

INQUEST has been working with the family of Tharmalingham Sivaraj since July 2015. The family is represented by INQUEST Lawyers Group members Jo Eggleton and Christina Juman from Deighton Pierce Glynn solicitors and barrister Jesse Nicholls of Doughty Street Chambers.

Police Sergeant Repeatedly Hit A Vulnerable Man Inside His Cell Daily Mail

Shocking footage shows a horde of officers beating a vulnerable prisoner inside the cells as they try to restrain him after a suicide attempt. One officer can be seen punching and elbowing Neville Edwards 15 times after he bit the arm of an officer who stopped him from taking his own life at Longsight Police Station, Greater Manchester. A judge slammed the 'brutal incident', describing how Edwards, 31, was kicked to the floor when he refused to kneel for a search, and said even suggested the original arrest was unnecessary. Recorder Timothy Hannam said: 'Whilst the sergeant was acting lawfully, it seems to me this entire incident could have been avoided if you hadn't been arrested and brought to the station in the first place.' Edwards was jailed for a year for assault, but released footage that he obtained himself, along with a commentary on how he was treated after what he called a 'wrongful arrest'. The incident unfolded after Mr Edwards, from Moss Side, walked in front of a police car responding to an emergency call. Police attended the incident then returned to find and arrest Mr Edwards.

At the police station, Mr Edwards was kicked to the floor by a civilian detention officer when he didn't kneel in the cell, where they had already placed a pad, anticipating resistance. In his commentary of the video, Edwards says: 'As we enter the cell with no resistance from me, the detention officer launches into an attack on me by swinging his leg and violently sweeps my legs from under me and drops me face first onto the floor.' The judge added: '(The officer) dealt with it very efficiently, but

the fact is it was quite a brutal incident, he was taken to the floor, quickly and without much ado. It was a well trained procedure, albeit the viewer of the tape sees the officer punching him in response to the bite, but nevertheless its a shocking piece of footage.' Edwards can then be seen sitting in the cell with his head in his hands, then tying his t-shirt into a ligature and wrapping it around his neck. He says that the video shows how his 'mental state is deteriorating' and he becomes more 'distressed' before the suicide attempt, at which point a custody officer enters the cell. But he claims the behaviour that followed was unlawful, describing how he was treated by detention officers in his own Youtube video, entitled UK Police Brutality. He says: 'Their role is to protect life and prevent harm, so why after getting the ligature off in the first few seconds do they violently drag me off the bed and onto the floor which is when the same detention officer punches me and begins to knee me violently in the lower back and groin area?' At the time of this incident, Mr Edwards was on a suspended sentence, and had a criminal record dating back to 2008, largely for police assaults. Despite this, the court heard he had a history of community work, with referees including GMP's Chief Superintendent Wasim Chaudhry.

Simon Blakebrough, defending, said Mr Edwards' criminal history had to be seen against his history of depression and mental instability, with attempts on his life dating back to the age of 11. Sentencing, the judge said Mr Edwards had to go to jail for the 'serious assault on an officer trying his best to save your life'. But he added: 'There was little to be gained by those officers deciding to go and find you because in their view you needed a word. Given the events leading to your incarceration and concerns I have about how it came to be you were at the police station, it seems to me it would be wholly unjust to activate that (previous) suspended sentence.'

Man's 30-Year Prison Sentence Thrown Out Because Lawyer Slept Through Trial

Nicholas Ragin had served 10 years of his sentence before the US 4th Circuit Court of Appeals threw out his 2006 conviction due to the actions of his lawyer, Nikita V Mackey. A former police officer and North Carolina State Representative, Mackey was found to have frequently slept for at least 30 minutes at a time throughout his client's trial. Explaining their decision, Appeals Judge Roger Gregory wrote: "We hold that a defendant is deprived of his Sixth Amendment right to counsel when counsel sleeps during a substantial portion of the defendant's trial. "Nicholas Ragin's Sixth Amendment right to counsel was violated not because of specific legal errors or omissions indicating incompetence in counsel's representation but because Ragin effectively had no legal assistance during a substantial portion of his trial," a statement read. One witness testified at the appeals hearing in Richmond, Virginia, that Mackey was asleep "frequently...almost every day morning and evening" for "30 minutes at least". Peter Adolf, another lawyer present at the original trial, testified that at one point the presiding judge "leaned into his microphone, because we were all sitting there and (Mackey) wasn't moving and said, 'Mr. Mackey' . . . very loudly. "Mackey then jumped up and sort of looked around and was licking his lips and moving his mouth and looked sort of confused and looked all over the room."

Joanne Dennehy: Triple Killer Sues Over Segregation

Dennehy, 33, from Peterborough, is serving life for murdering three men whose bodies were found in ditches in Cambridgeshire in 2013. She also attempted to murder two men in Hereford. In a High Court challenge, barrister Hugh Southey QC said continued isolation left her "tearful and upset". Dennehy is challenging justice secretary Michael Gove over HMP Bronzefield's decision to continue to keep her separated from other prisoners, which entails long periods of isolation. She is "arguably the most dangerous female prisoner in custody", Jenni Richards QC, for the prison, said. Dennehy murdered Lukasz Slaboszewski, 31, Kevin Lee, 48, and John

Chapman, 56, in March 2013 before dumping their bodies. She went on the run and subsequently stabbed dog walkers Robin Bereza, 64, and 56-year-old John Rogers. On Monday, the High Court heard Dennehy was initially segregated while on remand over fears of a prison break by her and other inmates. One aspect of the alleged plan was that "the finger of an officer would be cut off in an attempt to deceive the biometric security system at the prison".

Hugh Southey QC, for Dennehy, said the escape allegations were never properly put to her and no further action was taken. He told Mr Justice Singh that Dennehy's continued segregation was unnecessary and she was a victim of disability discrimination due to her mental illness. She was a vulnerable inmate and she had, at times, resumed self-harming, he added. Mr Southey said her legal team was seeking a court ruling that her segregation amounted to "inhuman or degrading treatment or punishment" which is banned by the Human Rights Convention. Dennehy, it is argued, should be compensated "to afford just satisfaction" for the breaches of her rights. Mr Grayling's legal team is now seeking to justify her segregation on the basis of the risks posed by the nature of her offending. Tom Weisselberg QC, for the Department of Justice, said segregation was a long way from "solitary confinement", and Dennehy had a radio, CD player, television and books, and access to the exercise yard, gym and shower. Mr Justice Singh is expected to reserve his decision until a later date.

Crime Does Pay: MOJ Fails to collect £1.6bn in Illegal Assets

Criminals owe £1.6 billion to taxpayers but only a fraction will be recovered because of defects in the system of collecting illegal assets, the spending watchdog said on Friday. The system of confiscation orders - the main way of stripping criminals of their ill-gotten gains - has "fundamental weaknesses", the National Audit Office said. Its report confirms that crime pays, with authorities only seizing an eighth of the £1.6 billion owed by criminals under existing orders. Orders are used in less than 1 per cent of convictions. One of the main reasons so much is "uncollectable" is that many offenders have successfully hidden assets, according to the report. Another factor cited was the setting of "unrealistically high" order amounts.

Shaken Baby Expert "Misled Courts"

The Medical Practitioners Tribunal Service (MPTS) has ruled that paediatric neuropathologist Waney Squier gave evidence outside her area of expertise. Dr Squier, based at Oxford's John Radcliffe Hospital, had disputed the significance of a triad of symptoms – swelling of the brain, bleeding between the skull and brain and bleeding into the retina of the eye – as diagnostic of "shaken baby syndrome". As an expert witness in six cases, including the deaths of four babies and a 19-month-old child, Dr Squier gave evidence that injuries were not consistent with non-accidental injury. The tribunal found that she had misrepresented research in order to support her views, describing her as "dogmatic, inflexible and unreceptive to any other view", effectively "cherry-picking" from the academic medical literature.

Police Pay Out to Parents of Boy Murdered After Online Grooming *Aisha Gani, Guardian*

The parents of a 14-year-old boy murdered by a man he met online have received a payout after police accepted the case had been seriously mishandled. Breck Bednar, 14, was murdered in 2014 in a sexually motivated attack by Lewis Daynes, 20, a computer engineer now serving life in prison, who had groomed him on an online gaming forum. The victim's parents, Barry Bednar and Lorin LaFave, had launched legal action against Essex and Surrey

police forces over their handling of the case.

Surrey police said they had settled the claim and added a statement that they unreservedly apologised to the family and accepted mistakes had been made. As part of the settlement, Surrey police said they had agreed to implement recommended changes to their procedures to ensure "that other children like Breck are protected. Mr Bednar and Ms LaFave hope to work with Surrey police in order to enhance awareness of the dangers that young people face online and to ensure that appropriate training is given to staff to assist in the prevention of similar crimes against children," the statement said.

LaFave, 47, a teaching assistant from Michigan, had grown increasingly concerned that Daynes was manipulating her son, even confronting him online. She had contacted Surrey police in December 2013 over strong fears that he was being groomed and manipulated by the older man. Despite this report, the family said no action was taken to prevent Daynes carrying out the killing. Two months later Breck was found with a fatal stab wound to the neck after leaving his home in Caterham, Surrey, by train to meet Daynes at his flat in Grays, Essex, on 17 February.Serious questions were raised over police handling of the case when it emerged that Daynes had been arrested on suspicion of the rape and sexual assault of a 15-year-old three years before he attacked Breck. Though these offences were reported to Essex police in 2011, the force decided not to take any action. The offences were reinvestigated only when Daynes was brought in for questioning over Breck's murder. The Independent Police Complaints Commission (IPCC) also launched investigations into the two forces, and found the call handler and their supervisor lacked knowledge of dealing with grooming concerns.

'25 Years on, and it's Harder Than Ever For Innocent Prisoners To Achieve Justice'

Paul May, Justice Gap: On a sunny afternoon on 14 March 1991, the Birmingham Six walked free from the Central Criminal Court after more than 16 years' wrongful imprisonment. For six of those years, I chaired the London-based campaign for the men's release and exoneration. My memories of the day comprise a jumble of images: a huge ecstatic crowd lining the Old Bailey as the men called for the release of other innocent prisoners, the Six driven triumphantly away in spacious limousines paid for by the campaign while their families and friends followed in humbler community transport vehicles, a euphoric private party at a large Hampstead house owned by a Catholic religious order from where three of the men were taken by Granada TV to a Berkshire hotel while the other three attended an exhilarating celebration at Camden Irish Centre where the campaign had held many of its meetings. The men's exoneration marked the culmination of unprecedented combined efforts of a large number of individuals and organisations. These included the men and their families who remained steadfast throughout their long ordeal, Granada's World in Action team who made five films about the case uncovering significant fresh evidence in the process, journalist and later MP Chris Mullin who investigated the case thoroughly as detailed in his book Error of Judgement, the men's formidable legal team led by Gareth Peirce and Michael Mansfield, politicians such as the late Conservative MP Sir John Farr and a then obscure Labour backbencher called Jeremy Corbyn as well as thousands of ordinary men and women in Britain and elsewhere who campaigned vigorously for justice.

Three unwise judges: Our elation that day contrasted markedly with the atmosphere of gloom and mendacity which pervaded the Central Criminal Court on a bitterly cold day in January 1988 when Lane LCJ and his colleagues peremptorily dismissed the men's appeal against conviction after a six week hearing. On one occasion during the 1987 appeal, prosecutor Igor Judge QC

(later Lord Chief Justice) paused from the arduous task of opposing compelling evidence supporting the men's innocence to complain about the London campaign holding daily media briefings and encouraging prominent observers from around the world to attend the hearing. His clear insinuation was that we should be stopped. Efforts by the men's supporters to shine a light on the proceedings were sufficiently effective that even the Times newspaper criticised the Court's verdict under the headline 'Three Unwise Judges'. Widespread outrage over the Court's irrational rejection led to the emergence of scores of campaign groups across Britain, Ireland, Europe and the USA ranging as far east as Helsinki to San Francisco in the west.

It's sometimes overlooked that in detailing its reasons for quashing the Birmingham Six convictions, the Court of Appeal flatly denied any suggestion that the men were beaten while in police custody. On 27 March 1991, I sat with four of the men at the Royal Courts of Justice (RCJ) as Lloyd LJ delivered a judgement riddled with factual inaccuracy and logical inconsistencies. Its primary purpose seemed to be the exoneration of the Court of Appeal itself (and two previous decisions to uphold the convictions) rather than to absolve the men of involvement in the 1974 Birmingham pub bombings. As Lloyd LJ began to reject the men's account of their brutal mistreatment by West Midlands Police officers, the four men, their lawyers, family and supporters rose to their feet and walked silently from the court. Paddy Hill accurately and succinctly summarised the Court's graceless and grudging judgement 'What else would you expect from a pig other than a grunt?' The men's release gave rise to important initiatives including the establishment of a Royal Commission into the criminal justice system. In 1993, the Commission recommended the creation of a new independent body to investigate – and where appropriate refer to the courts – claims of wrongful conviction. During the 1990s, a series of appeal cases laid down principles for the protection of those wrongly accused and convicted. In 1992, Judith Ward (whose support committee I chaired) was freed after more than 18 years' wrongful imprisonment for the M62 coach bombing. In her case, the Court of Appeal set out detailed guidelines concerning police and prosecution disclosure of relevant case material (some of which the government swiftly annulled in the Criminal Procedure and Investigations Act 1996). I also chaired the campaign for the Bridgewater Four. That case introduced the important provision that if the Home Secretary (and subsequently the Criminal Cases Review Commission) was minded to refuse a referral application, provisional reasons for rejection must be issued to allow informed representations to be made.

Finally, in April 1997 some six years after the Six were released, the Criminal Cases Review Commission (CCRC) took up its duties. A few days later, I received a telephone message from the Commission's Chief Executive. Would I like a chat about Danny McNamee wrongly convicted in connection with the 1982 Hyde Park bomb whose campaign I then chaired? The case had been with the Home Office's C3 Division for years with little apparent progress. Accustomed to C3's secretiveness, lethargy and sullen antagonism, I was genuinely astonished. A few weeks after I spoke with the Chief Executive, I had an amiable conversation with the Commissioner appointed to examine Danny's case, Baden Skitt. As an inspector with West Midlands Police he'd been the first uniformed senior officer on the scenes of the dreadful carnage caused by the Birmingham pub bombs. He lost no time in investigating Danny's case and just two months after the CCRC was set up, the conviction was the new body's first referral to the Court of Appeal leading to his 1998 exoneration.

Once the CCRC was up and running, many of us naively believed there was no longer a need to campaign against miscarriages of justice. Our initial optimism turned out to be misplaced. The Court of Appeal soon reverted to its traditional obduracy towards those claiming innocence. This has caused the CCRC progressively to adopt an excessively timid approach to referral decisions

while maintaining an increasingly 'arms length' relationship with applicants and their representatives. The Commission has, moreover, been seriously underfunded almost since its creation inhibiting its capacity to conduct comprehensive investigations in more complex cases.

The producer of the World in Action films about the Six used to remind me that by 1991 Granada spent £2m investigating and reporting on the evidence in the men's case. That's £3m at today's values – more than half the CCRC's entire annual budget. The question is sometimes posed whether the Commission would refer the Birmingham Six convictions if presented with the same evidence which persuaded the Home Secretary in 1990. The answer to such a question is ultimately unknowable but it's highly unlikely the Commission (or any media organisation in today's constrained financial environment) could afford to devote anything like the investigative resources which confirmed the men's innocence. Over the years, the CCRC has come to accept delay in reaching decisions almost as if it were an immutable law of nature. I represent in his CCRC application former nurse Colin Norris wrongly convicted in 2008 of murdering elderly hospital patients with insulin. Colin has now been waiting more than four years for the Commission to decide whether fresh evidence casting serious doubt on expert scientific testimony at his trial merits referral back to the Court of Appeal.

In 2007, I sat glumly at Sam Hallam's first appeal in the very same courtroom where 17 years earlier I'd attended preliminary hearings in the Birmingham Six case. In its zeal to uphold Sam's conviction, the Court of Appeal engaged in logical contortions which even Lord Lane in his heyday might have hesitated to perform. Faced with the fact that the chief prosecution witness disowned at trial a statement inculpating Sam, the Court ruled that his words as recorded in the trial transcript must have been interpreted by the jury as meaning their exact opposite. We were back in Alice in Wonderland territory. Nor have some police officers heeded the requirement to disclose all relevant material. As Sam's representative in his application to the CCRC, I received a copy of Thames Valley Police's report on their lengthy investigation of the case. I vividly recall my anger as a catalogue of non-disclosure by Metropolitan Police officers was revealed including the identity and whereabouts of a suspect also called Sam who'd been the subject of rumours concerning the murder of trainee chef Essayas Kassahun, seizure from another suspect of a makeshift weapon similar to one Sam Hallam was alleged to have wielded and crucially the existence of a mobile phone image which showed Sam had been in a pub more than a mile away from the scene shortly before the murder happened. No police officer faced any sanction for non-disclosure which caused an innocent young man to spend seven years in prison. Draconian cuts to legal aid provision mean that many prisoners can't find a lawyer to assist them. Sadly, I'm forced to conclude 25 years after the release of the Birmingham Six that it's even harder in 2016 for innocent prisoners to achieve justice than it was in 1991.

50 Cents - Get Rich or Lie Trying

Lawyers for 50 Cent have told the judge in his bankruptcy case that the rapper is only pretending to be rich in order to be a better role model for his disadvantaged fans. The celebrity, born Curtis Jackson, has debt upwards of $28 million and landed in hot water after the court recently saw recent Instagram posts in which he flaunts huge amounts of cash. However, his attorney claimed the cash in the photos wasn't real and was only there to inspire people with less of it. He explained: "Rap fans, they're poor and they want their idols to be rich and something to look up to." 50 Cent's attorney said it was important for his client to maintain his inspirational persona in order to stay in work and begin earning money again. He said: "I could understand why it would inflame creditors of the estate, but I think they're sophisticated. They now appreciate what's one person's inflammation is another one's way of maximizing recovery. "If Mr Jackson conducted himself say with more discretion, more tact, he wouldn't be getting people endorsing him for high premium items. He wouldn't be getting movie parts. He wouldn't be having great roles on TV."

Transforming Summary Justice

The Transforming Summary Justice Initiative was adopted by all criminal justice agencies from June 2015. Its aim is to reform the way that criminal cases are handled in the magistrates' courts, and to create a swifter system with reduced delay and fewer hearings. If it is successful, it will reduce the amount of distress that victims and witnesses suffer during the court process. HMCPSI, at the request of the Crown Prosecution Service (CPS), carried out an early inspection to assess how effectively the CPS is delivering its part in the Initiative. Under the Initiative, all cases should be reviewed by a CPS lawyer before the first hearing takes place. Any work needed to improve the case should take place before the first hearing, and unused material should be disclosed to the defence as soon as a not guilty plea is entered. Although previous initiatives have failed substantially to improve the way that magistrates' court work is delivered, this inspection found that there is a good deal of buy-in among CPS staff and their criminal justice system partners to achieve the aims of the Initiative. It is encouraging that generally all agencies are looking at their own performance rather than blaming others when things do not go as planned. The CPS has delivered good legal training to its staff and strong governance arrangements are in place. Against this background, a number of aspects of the Initiative have had a promising start. Inspectors assessed 81% of first hearings as effective, with the right people present and the prosecutors well prepared, robust and able to make decisions. The prosecution file is now substantially digital and prosecutors present their cases in the magistrates' courts without paper copies, which can be of real benefit. However, it is essential that the focus is maintained and momentum is not lost. The initiative is still in its initial stages and has to be given time to bring about a real culture change, which cannot happen overnight.

It is also too early to say that the Initiative will lead to substantial long term improvements. It will be several months before this can be realistically and accurately judged. The success or otherwise of the Initiative will depend not only on an increase in the timeliness and numbers of guilty pleas but on a reduction in the numbers of trials and an increase in their effectiveness. There is still a good deal of work to be done operationally. Although CPS charging decisions were found to be good, there was a failure to review the prosecution file in too many instances (37.7% of the cases considered). Both the quality and the timeliness of the CPS reviews need to be improved – this is fundamental to the success of the Initiative. CPS lawyers need to be much better at engaging with defence solicitors before court to ensure that the first hearing is as effective as possible. And the CPS needs to find a more effective way of working with the police to improve the quality of the prosecution file. There are few effective mechanisms in place at this stage for sharing best practice between local CPS Areas or opportunities for them to learn lessons which could potentially save resources and avoid duplication. There is also some duplication and inconsistency between local Areas' individual processes to measure the success of the Initiative. The report details findings but does not make recommendations at this early juncture, rather it suggests steps to be taken to help embed the Initiative and to complement the work that is already being done. Suggestions include: a national forum to enable better sharing of good practice, learn lessons and save resources; improved coordinated training for administrative teams; simplifying the disclosure forms; and looking again, in conjunction with the Courts Service, at the numbers of cases listed in court so that resources are used most efficiently. In carrying out this inspection, HMCPSI visited four CPS Areas (South West, West Midlands, London and East Midlands) during September and October 2015. Inspectors observed 19 magistrates' courts sittings, and assessed 271 files from each CPS Area across England and Wales.

190 files were anticipated not guilty plea cases; 81 were anticipated guilty plea cases.

Belfast Man Wanted in Portugal Wins Fight Against Extradition

A Belfast man wanted in Portugal over alleged weapons trafficking has won his fight against extradition. High Court judges backed John Gerard McCann's case due to insufficient assurances about his potential medical treatment and conditions in a Lisbon prison. The 56-year-old, with an address at Black's Road in west Belfast, has cancer. He was detained by the PSNI on a European Arrest Warrant in 2012. Portuguese authorities were seeking him in connection with an alleged plot to traffic guns. In 2015, a judge in Belfast ordered that he should be extradited.However, Mr McCann appealed the ruling based on the conditions he said he would be exposed to in jail in Portugal. Citing Mr McCann's diagnosis of Non-Hodgkin lymphoma, his lawyers argued that transferring him would breach a human rights prohibition on torture, inhuman and degrading treatment. In February, the High Court gave Portuguese authorities four weeks to provide assurances about prison conditions and medical care that would be made available. But undertakings could not be given when the case was brought back before three senior judges. On that basis, Lord Chief Justice Sir Declan Morgan, sitting with Lord Justice Weatherup and Madam Justice McBride, allowed the appeal and discharged Mr McCann.

HMP Doncaster Managed by Serco – A Very Poor Prison

Safety was a major concern at HMP Doncaster and a lack of staff was contributing to problems, said Martin Lomas, Deputy Chief Inspector of Prisons. As he published the report of an unannounced inspection of the South Yorkshire local jail. HMP Doncaster, which opened in 1994 and is managed by Serco, holds just over 1,000 adult and young adult male prisoners. At the time of the inspection the population had been reduced by 100 as part of a response to the difficulties the prison found itself in. A previous inspection in March 2014 found a poorly performing institution in a state of drift. This more recent inspection 18 months later found that many problems remained unaddressed and some had worsened, although the recent appointment of a new director had led to some improvements.

Inspectors were concerned to find that: • 35 recommendations from the last inspection had not been achieved and 16 only partly achieved • Doncaster receives new prisoners from the streets, with many pressing risks and needs, but its initial risk assessment remained inadequate and early days procedures did not focus sufficiently on prisoner safety; • levels of assault were much higher than in similar prisons and many violent incidents had resulted in serious injuries for staff and prisoners; • despite some efforts to understand these problems, initiatives to address violence were ineffective and investigations were weak; • the incidence of self-harm was very high and there had been three self-inflicted deaths in the previous 18 months; • despite the generally caring approach of staff, monitoring procedures for those at risk of self-harm (ACCT) were not good enough, support was intermittent and inspectors found too many prisoners in crisis left isolated in poor conditions; • staff on the wings were overwhelmed: there were too few staff and they did not have enough support; • security, derived from good relationships and interactions, was weak; • in the preceding few months there had been numerous acts of indiscipline, including barricades, hostage incidents and incidents at height; • drugs were widely available, and many prisoners told inspectors that new psychoactive substances were a major problem; • not enough was done to encourage good behaviour; • use of force and the special cell were high and increasing, but governance and supervision were inadequate; • environmental conditions throughout the prison were very poor, with filth, graffiti, missing windows and inadequate furniture in many cells; • health care provision had deteriorated; and • time out of cell for prisoners was erratic and poorly managed and although there were sufficient activity places for prisoners to have at least part-time work, training or education, these were still underused. • Inspectors mad 69 recommendations

HMP Woodhill – Notable Improvements - Concerns Over Violence and 7 Suicides

Provision of work/training/education had improved at HMP Woodhill and rehabilitation services were good, but violence and a high number of self-inflicted deaths were significant concerns.. HMP Woodhill is as a core local prison, meaning while the bulk of its population is a mixture of remanded and short-sentenced men with the mental health, substance misuse and other issues typical of local prisons, it also has a high security function for a small number of category A prisoners. The prison also has a Close Supervision Centre (CSC), managing some of the most high-risk prisoners in the system, which is inspected separately. Previous inspections of HMP Woodhill have repeatedly raised concerns about the prison and, in particular, weaknesses in the support of men at risk of suicide or self-harm and the poor provision of work, training and education. This inspection found real improvements had been made but more still needed to be done to reduce the likelihood of further self-inflicted deaths. 5 prisoners to took their own lives in HMP Woodhill in 2015. The highest number of self-inflicted deaths in any prison in the country in 2015. There have been a further 2 self inflicted and one unclassified death in HMP Woodhill so far this year. The last as recently as 5th March. This is an unacceptable toll.

Inspectors were concerned to find that: 28 recommendations from the last report had not been achieved and 21 only partly achieved early days in custody are a critical time and five of the nine deaths since 2012 had involved new arrivals who had been in the prison for less than two weeks; reception processes were efficient but the role of the first night centre was undermined because it was also used to hold prisoners difficult to locate elsewhere; some prisoners requiring opiate substitution treatment or alcohol detoxification were mistakenly placed in the first night centre rather than the specialist stabilisation unit, which was particularly dangerous for prisoners requiring alcohol detoxification; too many first night cells were dirty and poorly equipped; recommendations by the Prisons and Probation Ombudsman following previous deaths in custody had not been implemented with sufficient rigour; there were not enough Listeners (prisoners trained by the Samaritans to provide confidential emotional support to prisoners); mental health services had been hit by staff shortages and only 18% of residential staff had received mental health awareness training in the past three years; and although the prison felt calm, a sizeable minority (one in five prisoners) said they felt unsafe at the time of the inspection and levels of violence were higher than elsewhere and included some serious assaults on prisoners and staff. Inspectors made 86 recommendations.

Hostages: Sally Challen, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, 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 Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, 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.