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Non-Jury Trials to be Extended to 2021

That the draft Order laid before the House of Lords on 30 April be approved.

My Lords, under this order, trials without a jury can take place in Northern Ireland for a further two years from 1 August 2019. The current provisions expire on 31 July. While this is the sixth such extension of these provisions, I hope to leave noble Lords in no doubt of the continued necessity of these provisions for another two years. It is important to note that non-jury trial provisions are available only in exceptional circumstances in Northern Ireland where a risk to the administration of justice is suspected by the Director of Public Prosecutions. This could be, for example, through jury tampering or due to jury bias. Non-jury trial provisions also protect against the risk of impairment to the administration of justice arising from a hostile or suspicious jury—a circumstance that is more likely to occur in Northern Ireland than the rest of the UK, with Northern Ireland's unique security situation and troubled past.

Decisions for non-jury trials are made on a case-by-case basis, taking into account the circumstances of both the offence and the defendant. The Director of Public Prosecutions for Northern Ireland must suspect that one or more of four conditions is met. The conditions are specified in the Justice and Security (Northern Ireland) Act 2007 and relate to association with proscribed organisations or offences connected with religious or political hostility. A case that falls within one of the four conditions will not automatically be tried without a jury. The DPP must also be satisfied that there is a risk that the administration of justice might be impaired if a jury trial were to be held.

Let me be clear: this is not a Diplock court system. There is a clear distinction between this system and the pre-2007 Diplock court arrangements. The Diplock system saw a presumption that all scheduled offences would be tried by a single judge. Today in Northern Ireland there is a clear presumption that a jury trial will take place in all cases. At the peak of Diplock courts in the mid-1980s, there were more than 300 such cases per year. The peace process and ceasefires saw this figure fall to an average of 64 cases in the last five years of the Diplock system, leading to their end in 2007. By contrast, the average number of non-jury trials per year is less than a third of this. Non-jury trials are used only in exceptional circumstances; they are not Diplock courts. I assure noble Lords that the Government wish to end the exceptional system of non-jury trials as soon as it is no longer necessary, but this should happen only when circumstances allow: otherwise, we risk allowing violence, fear and intimidation to undermine the criminal justice process in Northern Ireland.

Post-Conviction Disclosure

If material comes to light that, on the face of it, might cast doubt on the safety of a conviction, the police and prosecuting authorities should disclose it, and where it is alleged that such material may exist, they should co-operate in making further inquiries if there appears to be a real prospect that they will uncover something of real value. Failing that, the function of the independent Criminal Cases Review Commission is to investigate possible miscarriages of justice. Access to information about the cases they investigate is integral to their work, and they have substantial legal powers to secure the disclosure they require. The Minister will know that I welcome part of what he said warmly, but as co-chair of the all-party parliamentary group on miscarriages of justice, I know that in order to challenge a conviction, access to pre-conviction material from the police and the prosecution is very valuable. Most advanced countries have a proper system that makes it much more possible to challenge an unsafe conviction. The hon. Gentleman rightly highlights his extensive work in this area. It has been a pleasure to meet him on a number of occasions, and I am due to do so again. As I said, there are considerable statutory powers for the CCRC, but as he knows, the commission can refer only those cases it considers to meet the statutory criteria, and there are no plans currently to review that.

Does the Minister agree with me that forensic science is a major area where a lack of transparency is inhibiting the review of post-sentencing disclosure? My hon. Friend is absolutely right to highlight the importance of forensic science in convictions —increasing the number of cases that go through court and result in convictions—and therefore of the role it plays in reviewing cases post-conviction. If he wishes to write to me with further details of specific issues in that context, I will be very happy to write back to him responding to those points. Both the Charlie Taylor and the Lammy reviews recommended changes to our criminal disclosure system for young people. On each count, this Government decided that they knew better, leaving us with one of the most punitive approaches to youth justice in the western world. Now that the Government have lost their case in the Supreme Court, will they recognise that our current disclosure system for children is outdated, ineffective and cruel? My shadow is dextrous in bringing in youth justice in the context of the post-conviction disclosure regime. She is quite right to highlight the Supreme Court case and the current regime, which is something we are looking at carefully. I think we can agree that dexterity is a very important political quality.

Nature of Muslim Groups and Related Gang Activity in Three High Security Prisons

Understanding the nature and drivers of prison groups and gangs and the impact they can both have on the prison environment is important for the management of establishments, safety of staff and prisoners and also for offender rehabilitation. The few UK studies exploring prison gangs suggest there is some gang presence but perhaps not to the same extent as that found in the US, where prison gangs are highly structured and organised with considerable control over the prison. Research in an English high security prison showed that Muslim gangs, formed for criminal purposes, can present both a management challenge due to criminal behaviour and also sometimes through the risk of radicalisation. However, prisoners who form into friendship groups for support, companionship and through shared interests should not be confused with gangs formed for criminal purposes. It is therefore important to understand the differences between prison group and gangs and distinguish between them.

This study aims to further our knowledge in this area by defining and describing prisoner groups, exploring the presence and nature of prison gangs and the impact they have on prison life within three High Security prisons in England. A qualitative approach was used with interviews being conducted with 83 randomly selected adult male prisoners located on the main wings and 73 staff from a range of disciplines across the three establishments. Interviews were analysed using thematic analysis that was both inductive and deductive. The findings should be viewed with a degree of cautions as the views presented may not be representative of all prisoners or staff.

The study found the main prisoner group to be a large, diverse group of prisoners who connected through a shared Muslim faith. Respondents were questioned on the presence of other prisoner groups but none were considered to be as dominant or significant when compared to the Muslim group. Membership offered many supportive benefits including friendship, sup-

port and religious familiarity. A small number of prisoners within the group were perceived by those interviewed to be operating as a gang under the guise of religion and were reported to cause a significant management issue at each establishment.

The gang had clearly defined membership roles including leaders, recruiters, enforcers, followers and foot-soldiers. Violence, bullying and intimidation were prevalent with the gang, using religion as an excuse to victimise others. The gang was perceived to be responsible for the circulation of the majority of the contraband goods in the establishments. Motivations for joining the gang were varied but centred on criminality, safety, fear, protection and power. Comparisons were made with historic prison gangs and respondents acknowledged that gang problems, especially in the high security prisons, were something staff had always had to manage and would continue to require careful supervision.

The study highlighted the complex nature of groups and gangs in high security prisons in England. This report discusses how the findings can be used to inform management approaches, such as ensuring systems are in place to identify and support prisoners who are particularly vulnerable, improve staff training and education, and the use of culturally matched mentors and external experts.

Sex Offenders to be Castrated Under New Law Approved by US State

Independent: A new law signed in Alabama requires sex offenders with victims younger than 13 to undergo chemical castration as a condition of parole. "If they're going to mark these children for life, they need to be marked for life," Steve Hurst, who introduced the bill, told NBC affiliate WSFA of Montgomery. Kay Ivey, the Republican governor of Alabama, signed the legislation on Tuesday and the bill will take effect later on this year. The procedure, which is reversible, must start at least a month before the offender is released from jail, and lasts as long as the judge in charge deems necessary. The local branch of the American Civil Liberties Association (ACLU) says the law is "a return, if you will, to the dark ages." Randall Marshall, the executive director of the local branch of the ACLU, told The Independent: "It certainly presents serious issues about involuntary medical treatment, informed consent, the right to privacy, and cruel and unusual punishment." ACLU also believes the bill is unconstitutional, but said it likely won't be challenged until it is actually implemented and ordered by a judge. But Alabama is not the only state in the US to allow castration of sex offenders. California, Florida, Guam, Louisiana, Montana, and Wisconsin allow for some sort of castration. In most cases, according to NBC News, castration is voluntary and optional in order to speed up the parole process. California was the first state to allow chemical castration of sex offenders in the mid-1990s. Some countries, like Israel, the UK, and Poland, have also used chemical castration in the past on sex offenders. In May, Alabama passed one of the most restrictive abortion law in the United States.

Intervening With Women Offenders; A Process and Interim Outcome Study of the Choices

The Choices, Actions, Relationships and Emotions (CARE) programme is an accredited custodial intervention for adult women who have a history of violence and complex needs, and a medium to high risk of reconviction. CARE was designed to reduce reoffending, and the risk of harm women pose to themselves and others by helping them to gain insight into their thoughts, feelings and behaviours, equip them with skills to manage their emotions, problem-solve and help them to develop a pro-social identity. This study, conducted in 2015, uses both quantitative and qualitative methods to evaluate the short term effectiveness of the programme, and to gauge perceptions from both programme participants and facilitation staff to help to understand delivery and to highlight any areas for improvement.

There were 99 participants who completed the CARE programme between April 2011 and March 2015 at two sites; HMP New Hall and HMP Foston Hall. Pre and post programme psychometric scores of participants were analysed and, 92 women had at least one psychometric measure completed both pre and post programme. Records of prison adjudications, misconduct and self-harm were obtained and assessed for 91 of the programme completers. Participant feedback was gained through thematic analysis of 40 completed post programme questionnaires (38% response rate). Understanding of the staff perceptions of the programme was gained through four focus groups and two interviews with thirteen staff members, comprising programme facilitators, treatment managers and mentor advocates.

The study findings should be interpreted in light of the limitations, including the lack of a matched control group, a relatively small number of programme completers over a four year period and a low response rate to the post programme participant questionnaire. The study also does not measure the impact of the programme on longer term outcomes such as reconviction.

Key findings• The overall results of the evaluation suggest positive short term outcomes for the CARE programme, as well as positive perceptions from both participants and staff. • Statistically significant differences between pre and post programme scores were found in the majority of programme targets (emotional management, coping styles and anger management), which were measured by two psychometric tests. The differences were in the desired direction and had small to large effect sizes. • Significant reductions were also found in the mean number of proven adjudications in the 12 months following programme completion, compared to the 12 months pre-programme. Reductions were also observed for incidents of misconduct, and incidents of self-harm but these were not statistically significant. All results had small effect sizes. • Programme participants gave positive feedback on their post programme questionnaires, with the vast majority (90%) of participants reporting they enjoyed CARE. Sessions on assertiveness, safe space and mindfulness were seen as most valuable. Three quarters of programme participants reported already using the skills learnt on CARE and all were confident of using the skills in the future. Most participants had set future goals following the completion of CARE including being more assertive, building confidence and getting out of prison. • Feedback from staff interviews and focus groups was very positive. Staff felt there was clear value to providing a programme designed specifically for women and their needs. The complex needs of the participants on CARE does make it a particularly challenging programme to run, however staff felt that the programme content and the multidisciplinary nature of CARE allowed participants to make progress and work towards their goals. • Some suggestions for improvement were made by some staff including additional guidance for mindfulness and the individual sessions, and additional training for personality disorders, beginning the mentor advocacy support earlier in the programme and extending this to other establishments, covering some areas of the programme in greater depth, and having a 'top-up' of CARE for those serving life sentences.

Application by Dennis Hutchings for Judicial Review

Background: In 1974, there was much terrorist activity in Northern Ireland, a large part of which was generated by the Provisional Irish Republican Army ("PIRA"). On 13 June 1974, members of the Life Guards regiment of the British Army, under the command of the appellant, found a group of men loading material into a vehicle. A firefight ensued and arms and explosives were discovered in the vehicle.

On 15 June 1974, a Life Guards patrol, also led by the appellant, was travelling on a road about 3.5 miles from the location of the firefight. They saw a man, Mr Cunningham, who

appeared startled and confused. Mr Cunningham climbed a gate into a field and ran towards a fence. The appellant ordered the patrol to halt and three members, including the appellant, pursued Mr Cunningham. After shouting a number of commands to stop, the appellant and another soldier fired shots and Mr Cunningham was killed. It later transpired that he had limited intellectual capacity, that he was unarmed, and that he had been running towards his home. In 2015, the appellant was charged with the attempted murder of Mr Cunningham and with attempting to cause him grievous bodily harm.

On 20 April 2016, the Director of Public Prosecutions ("DPP") issued a certificate pursuant to section 1 of the Justice and Security (Northern Ireland) Act 2007 ("the Act") directing that the appellant stand trial by a judge sitting without a jury. Section 1(2) of the Act provides that the DPP may issue such a certificate if he (a) suspects that any of the relevant conditions are met and (b) is satisfied that in view of this there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury. Condition 4 is defined by section 1(6) of the Act: "Condition 4 is that the offence or any of the offences was committed to any extent (whether directly or indirectly) as a result of, in connection with or in response to religious or political hostility of one person or group of persons towards another person or group of persons."

Section 7(1) of the Act reads: "No court may entertain proceedings for questioning (whether by way of judicial review or otherwise) any decision or purported decision of the Director of Public Prosecutions for Northern Ireland in relation to the issue of a certificate under section 1, except on the grounds of – (a) dishonesty, (b) bad faith, or (c) other exceptional circumstances (including in particular exceptional circumstances relating to lack of jurisdiction or error of law)."

The appellant was not made aware of the issue of the certificate until 5 May 2017. He sought to challenge the DPP's decision to issue the certificate by way of judicial review. He was unsuccessful before the Divisional Court, which certified the question of whether a true construction of condition 4 included a member of the armed forces shooting a person he suspected of being a member of the IRA. The appellant also seeks to challenge the DPP's decision on procedural grounds, arguing that he ought to have been provided with the reasons that the DPP was minded to issue a certificate and with the material on which his consideration of that question was based. He also claims that he should have been given the opportunity to make representations on whether a certificate should have been issued in advance of any decision on the matter.

Judgment: The Supreme Court unanimously dismisses the appeal. It holds that a true construction of condition 4 does include a member of the armed forces shooting a person he suspected of being a member of the IRA and it rejects the procedural challenges advanced by the appellant.

Reasons for the Judgment: The breadth of the power under section 1 of the Act is immediately apparent. The DPP need only suspect that one of the stipulated conditions is met and that there is a risk that the administration of justice might be impaired if there was a jury trial. These decisions can be of the instinctual, impressionistic kind. Whilst the DPP must be able to point to reasons for his decision, it may be based on unverified intelligence or suspicions, or on general experience, rather than on hard evidence [13].

The circumstances covered by condition 4 are also extremely wide. This covers offences committed to any extent (even if indirectly) in connection with or in response to religious or political hostility of one person or group of persons. The PIRA campaign in Northern Ireland was based on that organisation's political hostility to continuing British rule and the incident which occurred a few days before Mr Cunningham was killed bore all the hallmarks of a PIRA operation. When this is considered, it is entirely unsurprising that the DPP should have concluded that the

offences with which the appellant is charged were connected (directly or indirectly) with or in response to the political hostility of PIRA members against those who believe that Northern Ireland should remain a part of the UK [14]. The "other exceptional circumstances" referred to in section 7(1)(c) of the Act are not specified, but they must take their flavour from the preceding provisions and the succeeding words which particularise "lack of jurisdiction and error of law". These are clear indications that the full panoply of judicial review superintendence is generally not available to challenge decisions under section 1 [16]. There is no need to consider the Explanatory Notes to the Act or the ministerial statements referred to by the appellant because the language of the relevant statutory provisions is clear [20] & [24].

Trial by jury should not be assumed to be the unique means of achieving fairness in the criminal process. Trial by jury can in certain circumstances be antithetical to a fair trial and the only assured means, where those circumstances obtain, of ensuring that the trial is fair is that it be conducted by a judge sitting without a jury.[34]. Further, although trial by jury has been referred to as a right, it is not an absolute right. Moreover, the right has been restricted by the express provisions of the Act and must yield to the need to ensure that a trial is fair [37].

Although it has been argued that the DPP erred in stating that section 1(1) should be broadly interpreted, this is irrelevant so long as (a) he acted within his powers and (b) any misapprehension was immaterial to the decision he took. On the facts of this case, it is clear that the DPP was bound to have made the decision even if he had considered that section 1 had to be construed narrowly [44]. As to whether he acted within his powers, the DPP took proper steps to allow him to consider whether he suspected that condition 4 was met [47]. He also addressed whether there was a risk that the administration of justice would be impaired and his conclusion was entirely unsurprising [48].

As to the procedural argument, section 7 expressly provides that a judicial review challenge is only admissible on grounds of bad faith, dishonesty, or other exceptional circumstances. This is not a case of bad faith or dishonesty [54]. Whilst the appellant claims that this case falls into the "exceptional circumstances" category because of the fundamental right to a jury trial, the fundamental right is to a fair trial. Whilst there is a right to a jury trial, this cannot make this case an exceptional one, particularly in the context of a statute whose purpose is to prescribe the circumstances in which someone can be denied the right to a jury trial [55]. There are no circumstances in this case which could be said to be exceptional within the terms of section 7(1)(c) of the Act [62].

Extradition: What You Need To Know

The process of extradition is based on mutual cooperation between two jurisdictions on the basis of treaties or agreements, which can be made bilaterally or multilaterally. Extradition is a means by which countries can deal with crime transnationally and its purpose is to prevent criminals from evading justice by fleeing to another country. The Extradition Act of 2003 governs all of the UK's current extradition procedures. The Extradition Act divides the world into two Categories – Category 1 territories are those countries that use the European Arrest Warrant and Category 2 territories are other countries with which we have existing extradition agreements. The fact that there is no extradition treaty between the UK and another country does not in and of itself prevent extradition – it is possible for the UK to enter into an ad hoc agreement with a country which negates the need for a formal treaty.

Once a request is received it is checked for compliance with the formal requirements by the relevant authorities (the NCA for European Arrest Warrants and the Home Office for all other requests). In the case of a European Arrest Warrant the individual will be arrestable immedi-

ately, in all other cases the Westminster Magistrates' Court will be first asked to issue an arrest warrant. All extradition cases in England and Wales are heard at Westminster Magistrates' Court in London and at that hearing the judge will consider whether any bars to extradition exist. The whole framework of the Extradition Act is geared up to permit speedy extradition unless specific bars to extradition apply. Unlike some countries the UK does not refuse the extradition of its own nationals and for the majority of the UK's regular extradition partners there is no requirement for any evidence to be brought demonstrating a prima facie case against the individual. That being said, the Act does allow for a full defence against extradition through a combination of its incorporation of the protections of the European Convention on Human Rights and its other specific bars such as that against requests issued for extraneous considerations and the courts' powers to avoid an abuse of process. Extradition is a complex area of law and the process by which it takes place can be extremely quick. It is therefore crucial that anyone who is the target of an extradition request seeks legal advice as soon as possible.

CPS Faces Challenge Over 'Covert Policy Change' on Rape Cases

Owen Bowcott, Guardian: The Crown Prosecution Service is to face a judicial review challenge over allegedly covert policy changes that are blamed for a dramatic collapse in the number of rape cases going to court. Fewer than 4% of women who report attacks can now expect their complaint to reach trial, according to a coalition of women's organisations who accuse the CPS of "second-guessing jury prejudices". While the number of rapes reported to the police nearly tripled between 2014 and 2018, the End Violence Against Women Coalition (EVAW) points out that the number of cases charged and sent to court fell by 44%. The problem was revealed last year in the Guardian, which reported that CPS leaders were encouraging prosecutors to drop what they termed "weak" cases. The legal challenge, funded through the CrowdJustice website, argues that the CPS has "covertly changed its policy and practice in relation to decision-making on rape cases". A "letter before action" initiating the case has been sent to the CPS. It includes a dossier of 21 cases where decisions have been made not to charge despite allegedly compelling evidence. In some cases suspects were known to be violent.

Sarah Green, of EVAW, said: "We have strong evidence to show that CPS leaders have quietly changed their approach to decision-making in rape cases, switching from building cases based on their merits back to second-guessing jury prejudices. This is extremely serious and is having a detrimental impact on women's access to justice. We are witnessing a collapse in justice after rape at a time when increasing numbers of women are speaking out and reporting these crimes. We're hearing from women who've been raped and they are telling us about cases being dropped for reasons that are hard to understand."

Harriet Wistrich, director of the Centre for Women's Justice, which represents EVAW, said: "We are arguing that the CPS's systemic failure to prosecute rape is a human rights failure and has a discriminatory impact on women, who are the large majority of rape victims. Failures by the CPS to consult on changes to policy and [disregarding] its own guidance developed to tackle the under-prosecution of rape are, we argue, unlawful." Katie Russell, the national spokesperson for Rape Crisis England and Wales, said: "Despite significant increases in the number of victims and survivors of rape and all forms of sexual violence and abuse reporting to the police in recent years, the vast majority of those who've been subjected to these traumatic experiences still choose not to pursue criminal justice." Claire Waxman, the independent victims' commissioner for London, said: "If the CPS have changed their policy without consultation and it is impacting victims' access to justice, then this must be remedied immediately."

A CPS spokesperson said: "Sexual offences are some of the most complex cases we prosecute and we train our prosecutors to understand victim vulnerabilities and the impact of rape, as well as consent, myths and stereotypes. Decisions to prosecute are based on whether our legal tests are met – no other reason – and we always seek to prosecute where there is sufficient evidence to do so. Victims have the right to ask for a review of their case by another prosecutor, independent of the original decision-maker, and this is another way we can make sure we are fair and transparent in what we do."

A report published by the civil liberties organisation Justice says extra resources are needed to investigate and prosecute sexual offences because of the increase in digital evidence and the rapid escalation in the number of offences being reported. The report, containing 57 recommendations, also calls for complainants not to be called "victims" during prosecutions "to ensure that the policy of believing the complainant until there is 'credible evidence to the contrary' does not prejudice the suspect". Judges authorised to deal with sexual offences should be given additional training, it says.

Ministers, senior police and prosecutors will meet to discuss how to improve disclosure of digital evidence. It follows a row over the use of consent forms for digital disclosure after warnings that complainants who deny police access to their mobile phone contents could allow rape suspects to escape charges. The solicitor general, Lucy Frazer QC, the policing minister, Nick Hurd, the director of public prosecutions, Max Hill QC, the Metropolitan police assistant commissioner Nick Ephgrave, the victims' commissioner, Dame Vera Baird QC, and representatives from the technology industry will meet in London. Frazer said: "We need to do more to support police and prosecutors to adapt to the increasing volume of digital material in the criminal justice system. The government is also determined to ensure that victims of sexual violence and all other crimes are not deterred from seeking justice because of fear of what could happen to their personal information."

'Inhumane': Damning report on English and Welsh prisons

Aamna Mohdin, Guardian: Decline in safety, conditions and social needs still apparent says monitoring boards' chair. Prisoners are living in squalid and inhumane conditions in buildings that are unfit for purpose, according to a report that paints a damning picture of prisons in England and Wales. The report, which details the crumbling infrastructure of prisons, summarises the findings of independent monitoring boards in the two countries to the end of 2018. Boards raised a number of failings that directly affected health and safety, including overflowing toilets and urinals, damp, mould and unheated cells, and a sewage pipe uncapped for months. Four prison boards described conditions as squalid, others as inhumane and unfit for purpose. In Exeter prisoners were forced to use buckets to flush their toilets since these were blocked, and there was waste and excrement on the floor, and overflowing urinals. At Lincoln prison the health and safety executive is investigating the origin of a legionella outbreak that left one prisoner dead. Half the prisoners at Long Lartin and 400 prisoners at Coldingley were in cells without any integral sanitation; the boards at those prisons described the situation as "inhumane and undignified".

Dame Anne Owers, chair of the Independent Monitoring Boards (IMBs), said the prison system was in a state of "fragile recovery", pointing to improvements in staff recruitment drives, the new drug strategy and measures to prevent the entry of drugs, as well as revised processes for reducing violence and supporting prisoners at risk of self harm. But she added it was too early to say whether new initiatives would have a sustained impact on prisoners. Owers said: "There is no question that IMBs are still reporting some serious and ongoing problems in prisons. The decline in safety, conditions and purposeful activity in prisons over the last

few years has seriously hampered their ability to rehabilitate prisoners. “This will take time to reverse, and will require consistent leadership and management both in the Prison Service and the Ministry of Justice, as new staff, policies and resources bed in.” Boards across England and Wales continued to raise the issue of two prisoners sharing a cell meant for one – with a toilet, sometimes unscreened, in a cramped space where they also ate their meals, which the report noted, “would not be acceptable in any other publicly owned building”.

The report pointed to failures in maintenance contracts, which exacerbated the problems caused by underinvestment over many years. One prison had 900 outstanding jobs, another more than 1,300 planned and 1,300 preventive jobs. The mother and baby unit at Eastwood Park, one of only three in the country, was out of use for more than two years because of catastrophic water damage. The report also highlighted the issue of insufficient and inexperienced staff, the impact of new psychoactive substances on prison safety, the overuse of segregation for prisoners with serious mental health concerns, and shortcomings of community rehabilitation companies, as well as housing and benefits problems that undermined successful resettlement.

Frances Crook, chief executive of the Howard League for Penal Reform, said: “As the eyes and ears of the local community, people who volunteer to be independent monitors play a vital role in trying to keep prisons safe. Their reports reveal the enormity of the challenge to transform a failing prison system that has been asked to do too much with too little for too long.” Peter Dawson, director of the Prison Reform Trust, said: “This report makes very sobering reading for the new prisons minister, Robert Buckland. There can be no disputing the first-hand, directly observed, evidence of over 51,000 individual visits to prisons. The report describes a catalogue of failure to deliver even the most basic standards of care and a chronic waste of human and physical resources in our prison system. Buckland said: “I want to thank members of independent monitoring boards across England and Wales for their continued dedication, commitment and hard work. “I recognise the board’s concerns and we are tackling the issues raised head on. Over the last year we have invested more than £70m to get more officers on the landings, disrupt organised crime and improve security, and, as the report notes, we are starting to see some positive results.”

Stop and Searches in London up Fivefold Under Controversial Powers

Simon Murphy, Guardian: Scotland Yard’s attempt to tackle violent crime in London has prompted a five-fold increase in the number of stop and searches under controversial powers, figures reveal. Searches under section 60 had increased in the capital from 1,836 in 2017-18 to 9,599 in 2018-19, the Metropolitan police deputy commissioner, Sir Steve House, told the London assembly police and crime committee on Tuesday. The number of authorised section 60 orders – which allow police to search anyone in an area if they anticipate serious violence – went up by 219% in the same period. House told the committee: “I think we use it far more assertively than before, but I think it is an appropriate use. They are authorised either in anticipation of serious violence or immediately after serious violence.” The home secretary, Sajid Javid, enhanced section 60 powers earlier this year, giving police more power to stop and search people without “reasonable suspicion” in an attempt to combat knife crime.

Critics say stop-and-search powers disproportionately target black people and undermine community relations. Katrina Ffrench, the chief executive of StopWatch, which campaigns for fair and effective policing, told the Guardian the figures were concerning. “Black men are eight or nine times more likely, nationally, to be stopped than their white counterparts, so there’s a racial unfairness

in not everyone being treated equally. “What that then does is foster tension and frustration that you’re viewed with such suspicion. While most people who aren’t impacted by stop and search think it’s just a five-minute stop, actually it can be up to 40 minutes and mean you’re late for work.”

Gracie Bradley, the policy and campaigns manager at Liberty, said: “Race discrimination in stop and search is rising, and is at its worst under suspicionless powers. Research shows there is no significant link between ethnicity and knife crime and that prohibited items are found across all ethnicities at similar rates. “Stop and search without suspicion is a recipe for state abuse of power and does untold damage to communities’ trust in fair policing. It is the antithesis of the targeted, considered and accountable policy interventions that we really need to address complex problems such as youth violence over the long term.”

The enhanced powers, announced by the Home Office on March 31, reduced the authorisation required for a section 60 from a senior officer to inspector. They also lowered the degree of certainty required by police officers; they must believe only that serious violence “may”, rather than “will”, occur. Asked if he thought the current powers were sufficient, House told the committee: “I think we are seeing, due to the use of stop and search, a greater awareness among people who might be likely to carry knives, that they might be stopped and searched and therefore I do hope they would leave the knife at home and stop carrying knives. “That’s the motive behind stop and search. I believe we have what we need at the moment.” Homicides were down about 30% year-on-year and knife crime injuries for under-25-year-olds were down nearly 20%, although knife crime as a whole remained flat, he told the committee.

Inquest Exposes ‘Dysfunctional’ System for Public Protection - Quyen Nguyen Unlawfully Killed

The inquest into the homicide of Quyen Ngoc Nguyen, 28, has concluded with the coroner finding that she was unlawfully killed. Quyen died on 15 August 2017 after being brutally attacked and raped and placed in the back of a burning car by two men who had been released from prison on licence. The medical cause of death was consistent with the effects of fire. The coroner concluded that known breaches of the licence conditions, to which the two men were subject, “were not acted upon in a sufficient, timely and co-ordinated manner (including a failure of information sharing), all of which were not causative but possibly contributed to her death”. Quyen was a nail technician from Vietnam who lived in Sunderland with her two young children after moving to the UK in 2010. Her family describe her as an intelligent woman who was living the life that she had dreamed of.

William John McFall and Stephen Unwin, who were under the supervision of the National Probation Service, attacked Quyen whilst out of prison on life licence having previously met in prison whilst serving life sentences for separate murders. Evidence was heard that on release from prison both Unwin and McFall had a personal and business relationship. In 2018 a criminal trial was held, in which both men were convicted of murdering Quyen, and were both given further life sentences without the possibility of parole.

The inquest heard that Northumbria Police held 26 items of intelligence upon Unwin between his release and Quyen’s murder. There were five major examples of serious incidents; of these. four were never reported to the Probation Service, despite a responsibility to share information, and one, though passed on to a meeting where senior Probation staff were present, never reached Unwin’s supervising officer. The last of the five incidents occurred on 2 July 2017, six weeks before Quyen was killed. Evidence was heard that Unwin had messaged a Facebook user, threatening to smash her jaw and take it in turns with another to rape her. The recipient raised a complaint with

Northumbria Police and told the police that he had been in prison for murder. The police responded by ringing Unwin and gave him "words of advice" over the phone. However, nobody alerted Probation who had responsibility for the management of Unwin's life sentence.

The coroner said that the evidence exposed "a system for the protection of the public which was at times dysfunctional, contributed to by human factors". He will be writing a report to prevent future deaths to be sent to the Secretary of State for Justice, the Chief Constable of Northumbria Police and to the National Probation Service highlighting concerns around the failures of communication from a number of sources, supervision, issues of risk management and staff turnover, and pressures upon staff performance and the ability to investigate self-reporting.

Quynh, sister of Quyen said: "They should have carried out procedures more swiftly and earlier - its too late for my family now-at least a better system can help other families to prevent other such tragedies. Nothing can bring my sister back now - the suffering from her death is unbearable and has hugely affected all family members physically and mentally. I was hoping that there would be some support for us as victims of crime because we have to carry on with our lives, but we have had no support from anywhere over the last two years. Our thanks however to the Coroner for holding this important enquiry."

Deborah Coles, INQUEST Director said: "This inquest has performed a vital function in scrutinising the actions and inactions of the state, in the hope that future deaths can be prevented. It is unacceptable that the family had to wait until two days before the inquest began to be informed that their funding application had been successful, causing significant and unnecessary distress".

Ruth Bundey advocate for the family said: "Crucial evidence emerged revealing a disconnect between Probation and Police and the limitations of supervision where there is no investigation to obtain corroboration of an offender's claims. The concern of the family, as ever, is that future safeguards should ensure the same omissions cannot reoccur."

HMYOI Feltham Children's Unit - Deterioration in Safety and Care

Safety and care in the children's unit at HMYOI Feltham A in west London were found in 2019 to have deteriorated over the year since the previous inspection. Peter Clarke, HM Chief Inspector of Prisons, said the young offender institution appeared to have suffered some "drift" during a period without a governor. Mr Clarke said that in 2018 inspectors "reported on a much-improved institution where good leadership had resulted in outcomes across three of our healthy prison tests – safety, care and resettlement – being reasonably good.

"More needed to be done to improve purposeful activity and we cautioned that any loss of leadership focus could expose the fragilities, which at the time we felt characterised some of the improvements we had observed. In light of the clear warning in our last report, it was disappointing to be told that… there had been an interregnum when Feltham had been left without a governor for a period of five months. "A new governor was now in post and beginning to stabilise the establishment, but it was evident to us that there had been a degree of drift resulting in deteriorating outcomes, notably in safety and care."

Feltham A was now not safe enough. There was a significant increase in the number of children self-harming. "The care experienced by those in need was also reasonably good, although it would have been better if such children were not locked up, often alone, for extended periods." In the inspection survey, some 13% of children said they currently felt unsafe and levels of violence had increased significantly since 2018. In the six months to the 2019 inspection there were 230 incidents of violence, a return to the high levels reported in 2017.

Initiatives to reduce violence existed, but needed to be applied with more rigour and coordination, Mr Clarke said. Inspectors noted that not enough had been done to identify the reasons behind the increase in violence. "Similarly, a comprehensive behaviour management strategy had been formulated, but it was applied inconsistently." Operational staff "were neither setting ambitious standards nor sufficiently challenging antisocial behaviour."

The application of 'keep-apart protocols', designed to separate individuals or gangs who were perceived as a threat to one another, had become all-consuming, inspectors found. "We understood the over-riding need to keep children safe from one another, but such arrangements were having an impact on all aspects of the regime, limiting opportunities for children to make any progress. The prison needed to rethink this approach and develop new strategies for conflict resolution."

Nearly two-thirds of children said they had been physically restrained and the use of force by staff had increased. Mr Clarke added: "Oversight and scrutiny were, however, lacking and we found evidence of poor practice, including the use of pain-inducing techniques, that had not been accounted for." Too few children felt respected by staff and many suggested they felt victimised. Inspectors saw patient and caring encounters, but found that many staff were too preoccupied with keeping children apart to be able to develop trusting relationships. Nearly half of children said they had no one to turn to for help. "The residential environment had deteriorated and we could best describe many cells as spartan," Mr Clarke added. Inspectors found 26% of children locked in their cells during the working day, a situation that was worse than last year and overall very poor. Only around a third of children could shower every day.

However, there was evidence of real improvements to the education and training curriculum and to the management of teachers. Public protection arrangements were managed well, but offending behaviour interventions had been limited by staff shortages and by the imposition of the 'keep-apart' requirements. Overall, Mr Clarke said: "Feltham is a high profile and challenging institution, and the decline in standards since the last inspection was disappointing. However, we were impressed by the new governor's commitment to the institution and her grasp of the issues that need attention." The Chief Inspector added: "Because of our findings in the January 2019 inspection of Feltham A – and further concerns based on information from a number of sources – we have informed HM Prison and Probation Service (HMPPS) that we will return to Feltham in the week commencing 8 July 2019 to carry out a survey, which will be followed by a full inspection starting on 15 July. This full, announced inspection will cover the whole establishment – both the Feltham A children's unit and Feltham B, holding 18-21-year-olds. This is an unusual step, but I have come to the conclusion that in all the circumstances it is a necessary and appropriate course of action."

Child Abuse Viewers Should Avoid Prosecution

BBC News: People arrested for viewing indecent images of children who do not have a criminal record should undertake "life skills" courses rather than face prosecution, according to a report. The recommendation comes from campaign group Justice, and is designed to help cope with a surge in sex offences. Justice said it was important to "identify ways to stop sexual offending occurring in the first place". The group's director, Andrea Coomber, called for a "holistic approach". That approach, she said, should include "education, prevention and effective rehabilitation". Justice's proposed life skills scheme for first time offenders, or those without a criminal record, would include five sessions over four months, and one follow-up session eight months later. The sessions - designed to "educate and assist" rather than "shame and punish" - would include advice on "strategies to manage impulses" and "safe internet behaviour".

But a government spokeswoman said it was already the case that some viewers of indecent material avoided prosecution. "Those who view, but don't create or share, such images and so pose a low risk to children can already be given cautions with tough conditions attached by the police, if prosecutors agree," she said. "These [conditions] require them to complete a programme to tackle the root causes of their behaviour, which helps reduce reoffending and keep the public safe." The report, entitled Prosecuting Sexual Offences, also says internet companies should have to report to Companies House what they are doing to stop sexual offences taking place on their platforms. Some 57 recommendations are made to tackle the rise in sexual offence allegations and the disclosure scandal, which saw rape trials collapse after vital evidence came to light at the last minute. The working party that prepared the report was chaired by Peter Rook QC, a former Old Bailey judge who presided over some of the UK's most notorious sex cases, including those of prolific paedophile Richard Huckle and the Oxford child sex grooming ring. He said: "We have sought to identify areas where greater efficiency can be achieved without in any way eroding fair trial. "We found that there is substantial scope for alleviating the pressures upon the criminal justice system by improving our response to sexual offending and treatment of those it has harmed." The recommendations also include measures to improve the treatment of complainants and vulnerable witnesses, such as dedicated hearings to assess their needs and pre-recorded evidence for all sex cases.

Suspects Left in Legal Limbo by Delays to Inquiries, Say Solicitors

Owen Bowcott, Guardian: Suspects are increasingly being left in legal limbo as they are subjected to inquiries lasting years that sometimes end with the case being dropped, a survey of criminal solicitors has revealed. The full extent of police use of the “released under investigation” (RUI) tactic is revealed in a study that shows more than half of firms who responded represent clients who have been waiting for between 18 months and two years.

The study by the London Criminal Courts Solicitors’ Association (LCCSA) was conducted in the capital, the south-east and north-west of England. In one case a suspect was found to have been waiting four years for his case to be resolved. A total of 6,519 cases designated RUI were reported in the past three months by the 109 criminal lawyers who responded to the survey. The alleged offences included serious crimes including rape, sexual assault, homicide, fraud, bribery, theft, racially aggravated crimes and dishonesty.

Of the lawyers who said clients had been under investigation for between 18 months and two years, most reported the cases involved allegations of rape, sexual assault and serious drug offences – leaving victims and suspects without safeguards or supervision. The Policing and Crime Act 2017 established tighter conditions for police bail, limiting it to 28 days with three-month extensions on the authorisation of a senior officer. It was introduced after the high-profile case against the BBC presenter Paul Gambaccini, who campaigned to end unlimited bail: the case was eventually dropped.

The complexity of the new regulations and short deadlines, however, mean that officers are increasingly failing to subject suspects to formal conditions such as reporting regularly to police stations. In one example highlighted by the LCCSA, a suspect was released under investigation for rape. His partner left him, he lost his home and business, and at times felt suicidal. “I’ve been to hell and back, living under a cloud of suspicion for more than two years,” Duncan (not his real name) said. Just over two years after arrest the case against him was dropped.

Kerry Hudson, a defence solicitor and the vice-president of the LCCSA, said: “The legal limbo of releasing suspects under investigation came about as an unintended consequence of a law change to arrest and charging laws. “Once a 28-day time limit was imposed to bail it became obvious the police could never keep to that timeframe. This legal no man’s land emerged as a fudged workaround by hard-pressed, under-resourced police.“It is failing everyone in the justice system. For suspects – who, let’s remember, are innocent until proven guilty – it spells a life on hold, causing untold stress and mental health problems, shattering families, homes and livelihoods. We’re very aware it lets victims and complainants down too.”

Rumit Shah of the London law firm Galbraith Branley said: “Most clients find it difficult to move on with their lives. Some are left in limbo for such a long time that it has an impact on their mental wellbeing and affects the loved ones around them. With youths they struggle to continue their education because they constantly have the investigation in the back of their mind.”

A Home Office spokesman said: “The police can still use pre-charge bail in cases where it is necessary and proportionate, including where bail conditions are needed to protect victims. “The National Police Chief’s Council guidance, issued to police forces earlier this year, states that in cases involving high-harm crimes, such as domestic abuse and sexual violence, pre-charge bail should be seriously considered and senior detectives consulted if a suspect is released only under investigation. “Cases where individuals are released under investigation must also be regularly reviewed and effectively managed, with both suspects and victims kept updated.”

Prisons Crisis: Government Accepts Committee’s Assessment But Lacks Coherent Plan of Action

Ministers need a clear plan of action to tackle the problem of rising prison populations and the health and safety of prisoners, the Justice Committee says today. The Justice Committee welcomes the Government’s agreement with the issues raised in its Prison Population 2022: planning for the future report, but says ministers have failed to commit to a sufficient plan of action to effectively tackle the crisis faced. In April, the Committee concluded, at the end of an 18-month inquiry, that the Government’s current approach to prisons was inefficient, ineffective and unsustainable in the medium or long-term. Among a range of recommendations, it set out why there should be a presumption against sentences of six months or lower and argued that the Ministry of Justice needs to focus on ensuring safety and decency in prisons is maintained, as well as improving rehabilitation of offenders when they leave prison. The Government Response agrees with the premise of many of the Committee’s recommendations but offers little in terms of action in addition to what has already been announced. The Government had already acknowledged that there is a strong case for abolishing short sentences. Although it says it is ‘exploring options’, it does not state what these options are or specify a timescale.

Chair of the Justice Committee, Bob Neill MP, said: “Back in April we criticised the MoJ’s crisis management approach to running prisons and the amount of money that has been wasted in trying to deal with it. Prisons remain overcrowded and unsafe and as a result rehabilitative programmes are failing. Our report has clearly got ministers thinking about the challenges that must be overcome, but they have not yet clearly set out an overall strategy or timeframe for action. Many of the specific responses to recommendations, including on short sentences, retention of prison staff and the need for a long-term prison estates strategy, are vague. I will be writing to the Minister and taking up some issues during our prison governance inquiry. There is more to be done to ensure we have the transparency needed to have a proper debate about the role prison should play. We will continue to press for investment in rehabilitation services that work, and better access to support and opportunities for offenders which would reduce repeat imprisonment, alleviate pressures on jails and save public money. This should be happening now, not at some unspecified point in the future.”

Bloody Sunday Family Awarded £160,000 In Compensation

The family of a man shot in the back on Bloody Sunday has been awarded more than £160,000 in compensation. Patrick Campbell, 52, a father-of-nine, was shot at close range while trying to run to safety. Thirteen people died after members of the Army's Parachute Regiment opened fire on civil rights demonstrators. The judge said Mr Campbell's gunshot wounds "were inflicted in the most distressing and persistently disputed circumstances." The court heard Mr Campbell was hit by a bullet from a high velocity rifle fired by Lance Corporal F on Bloody Sunday. He was seriously injured and subsequently quit working as a docker, the court was told. He died from cancer in 1985. Mr Justice McAlinden told Belfast High Court on Tuesday 11/06/2019,that Mr Campbell would not have given up a job that was "his life" unless compelled to do so for reasons directly attributable to being shot on Bloody Sunday.

Ministry of Defence lawyers argued that less than a year after the shooting, his physical symptoms had gone. But the judge held that the sudden death of Mr Campbell's wife and the realisation that he would never return to work as a docker led to the development of chronic depression. "It is entirely understandable that a man of reasonable fortitude would crumble under the weight of these stresses and engage in the harmful use of alcohol, with bouts of drinking being followed by periods of intense embarrassment and regret," Mr Justice McAlinden said. Mr Campbell's son Billy said his father had to give up his job as a tonnage docker and began binge drinking because of what happened on Bloody Sunday. He said his father tried to keep his suffering hidden from the family. Mr Campbell underwent surgery, but had to return to hospital for a second time due to complications and attempted in vain to return to work.

Speaking after the court's decision, Billy Campbell told BBC Radio Foyle said: "The money doesn't mean a lot. It won't bring him back. It's just money." He also said his father went to the grave before being vindicated. In 2010, the Saville Inquiry found that those killed or injured on Bloody Sunday were innocent. The then prime minister, David Cameron, issued a public apology for the actions of the soldiers, describing the killings as "unjustified and unjustifiable".

Claims were later brought against the Ministry of Defence by those bereaved or wounded. More than £2m has already been paid out in settlements and awards made in other actions against the MoD on behalf of those bereaved or injured. In September a man shot in the face by a soldier on Bloody Sunday was awarded £193,000 in a civil compensation case. In October 2018, the family of Gerard McKinney, a 35-year-old father-of-eight, who was shot dead at Abbey Park, were awarded £625,000. Michael McDaid, 20, was killed near a barricade in Rossville Street. His family received £75,000. Later that same month damages worth more than £900,000 were awarded to the families of nine of those killed.

Criminalisation of Travel to Designated Areas 'Serious Abuse of Civil Liberties'

Aaron Walawalkar, Human Rights News: New counter-terrorism measures which could see people who travel or stay in certain areas overseas jailed for up to 10 years are a "serious abuse of civil liberties", a campaign group has warned. The Campaign Against Criminalising Communities (CAMPACC) has condemned the Home Office's 2019 Counter-Terrorism and Border Security Act for making it a criminal offence to travel to areas it designates as necessary for "protecting the public from terrorism" such as north-eastern Syria. But CAMPACC argues that in practice travel to this region has had "diverse reasons", such as "to visit family, conduct research, document human rights abuses, undertake humanitarian relief and to join the fight against ISIS".

The act, which came into effect in April, exempts those who travel for humanitarian work, journalistic purposes and to visit family, among other reasons. But CAMPACC insists that it could still criminalise people travelling for legitimate reasons "given its presumption of guilty motives and terrorist activities". In a statement, it adds: "Faced with up to ten years imprisonment, should their reasonable excuse not be accepted, some people will simply opt not to travel. This outcome would have a chilling effect on family relationships, academic inquiry, investigative journalism and acts of solidarity."A Home Office spokesperson told RightsInfo that it will be an "operational matter" for the police to determine whether a person arrested or investigated in relation to travel to a designated area is covered by one of the exemptions or has an otherwise reasonable excuse. The decision whether to prosecute will lie with the Crown Prosecution Service (CPS), he added.

Why Has Travel To Designated Areas Become a Criminal Offence?

The Home Office introduced its Counter-Terrorism and Border Security Act in 2019 partly in response to the challenge of prosecuting returning foreign fighters, namely British citizens who travelled to Syria to fight alongside Isis. "We have 400 people in this country who have returned from activity in hotspots, many of whom we believe, from intelligence, have been active, but whom we have been unable to prosecute," said security minister Ben Wallace during a 2018 parliamentary debate. That is a serious number of people. A number of them continue to pose a threat, and we have not been able, despite quite a lot of effort and looking, to find evidence to bring to court to prosecute them for the terrorist activity they may have been involved in."

But CAMPACC describes this inability to prosecute as a "remarkable state of affairs" considering the "wide range" of existing criminal offences subject to extra-territorial jurisdiction, such as encouragement of terrorism, training for terrorism and membership of a proscribed organisation. According to a report from human rights group Liberty, the amendment proscribing travel to a "designated area" was added at a late stage and "has not been subject to the careful scrutiny that such a significant new offence requires." It adds: "It is difficult to see how it is compatible with the presumption of innocence to legislate to make mere travel a criminal offence in circumstances where there is insufficient evidence to prosecute for an existing terror offence."

What Does The Government Say? A Home Office spokesperson told RightsInfo: "Those who travel abroad to fight in terrorist conflicts pose a threat to us all and need to be stopped. Whilst it's important that those who enter a designated area for a legitimate reason such as humanitarian aid work do not face prosecution, we must be sure that terrorists would not exploit this." In a speech delivered last month, Home Secretary Sajid Javid announced he and officials were exploring the possibility of a ban on travel to northeastern Syria and said that "there may be a case in future for considering designating parts of West Africa".

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.