

**Man Jailed Over Libor Seeks 'Miscarriage Of Justice' Review** *Jill Treanor, Guardian*

Tom Hayes, serving 11 years for rigging Libor rates, has hired a high-profile lawyer to take his appeal to the Criminal Cases Review Commission, which investigates suspected miscarriages of justice. The 36-year-old's attempt to have his conviction overturned failed although three senior court of appeal judges reduced the sentence from 14 years. He has now hired Karen Todner – who led Gary McKinnon's case against extradition to the US on charges of computer hacking – to present a case to the CCRC. Todner, head of crime, regulatory and extradition at Kaim Todner, said: "Because Tom has already appealed his conviction and sentence, the Criminal Cases Review Commission is now Tom's only hope of achieving justice. "Tom's family are now in possession of fresh evidence. We believe Tom has a strong case, which our submission to the CCRC will demonstrate," said Todner. In August, Hayes was found guilty of eight counts of conspiracy to defraud. He was diagnosed with mild Asperger's syndrome shortly before his 10-week trial last May. Hayes's family said: "Karen has longstanding expertise in the areas where Tom's case needs urgent review in order to right this wrong. Tom knew from the moment he met Karen that she understands him and the way he thinks, and that is the single most important thing to him." It was not immediately clear what fresh evidence had been found but Hayes and his supporters are seeking to raise up to £150,000 via crowdfunding. So far £2,135 has been raised on FundRazr. Hayes, who is in Belmarsh prison, has been ordered to pay £878,806 after a ruling in the Old Bailey that the money was the proceeds of crime. The Serious Fraud Office was seeking up to £2.45m from Hayes.

**Drug Testing Expert Was High For Eight Years**

Sky News: A former chemist who tested drugs for Massachusetts police departments in thousands of court cases was high almost every day she went to work for eight years, investigators have said. Sonja Farak, who worked for an Amherst laboratory which tested drug samples for police, was on methamphetamines, ketamine, cocaine, LSD and other drugs during most of her time there, even when she testified in court, according to a report. Cyndi Roy Gonzalez, a spokeswoman for Attorney General Maura Healey, said the information on Farak "will no doubt have implications for many cases". She said: "We are deeply concerned whenever the integrity of the justice system is called into question or compromised." Defence lawyer Luke Ryan told the Boston Herald that Farak handled around 30,000 cases while working at the lab between 2005 and 2013. He said: "This is a statewide scandal, and I think it's going to take an enormous toll on the system."

The American Civil Liberties Union of Massachusetts (ACLU) said the number of criminal cases affected by Farak's misconduct could rival the approximately 40,000 cases thrown into question by the actions of Annie Dookhan, who worked at a state drug lab in Boston. Dookhan was sentenced to at least three years in prison in 2013 after pleading guilty to faking test results in criminal cases which jeopardised thousands of convictions. Matthew Segal, legal director of ACLU, said: "It's now beyond doubt that the drug war in Massachusetts during the Dookhan-Farak era was built on a foundation of falsified evidence." He said that prosecutors who got convictions using drug samples tested by Farak "have an obligation to identify and notify everyone who might have been denied due process".

Farak has admitted ingesting lab "standards" - drug samples used as benchmarks to test against substances submitted by police for testing. Mr Segal said all cases that went through the lab should be re-examined. Farak, 37, of Northampton, pleaded guilty to tampering with evidence, stealing cocaine from the lab and unlawful possession in January 2014 and was sentenced to 18 months in prison. She served her sentence and has been released. During her own grand jury testimony, she admitted she once smoked crack before a 2012 state police accreditation inspection of the now-closed lab. She also testified that she manufactured crack cocaine for her personal use in the lab. Governor Charlie Baker has said the state will have to allocate more money to deal with the Farak scandal. He said: "We certainly believe we are going to have a big responsibility to work with the courts and with others to make sure that people who are affected by this have the appropriate opportunity to engage in that conversation."

**Officer & Former Police Employee Charged Over Death Of Man In Custody**

A PSNI sergeant and former civilian member of staff are to be charged with gross negligence manslaughter in connection with the death of a man in a cell at Lisburn police station in County Antrim. David McGowan, 28, from Lisburn, was arrested in May 2014 after an incident on the Beersbridge Road in east Belfast. He died hours later while in custody. The charges follow an investigation by the Police Ombudsman. In the aftermath of Mr McGowan's death, investigators from the Police Ombudsman interviewed members of his family, witnesses to the incident and the actions of police. In a statement on Tuesday, the Public Prosecution Service (PPS) confirmed that a decision has been taken to prosecute a police officer and a former civilian detention officer in relation to the death of a man in police custody. "These charges relate to the death of Mr David McGowan while in custody at Lisburn police station on 30 May 2014 and follow an investigation by the Police Ombudsman of Northern Ireland, Dr Michael Maguire," a PPS spokesperson said. "After a careful consideration of all the available evidence in the case, it has been decided to prosecute two men, one of whom is a police sergeant and the other was a civilian detention officer, for the offences of gross negligence manslaughter and misconduct in public office. Criminal proceedings have now commenced and those involved have a right to a fair trial. It is extremely important that there should be no reporting, commentary or sharing of information online which could in any way prejudice these proceedings."

ACC Mark Hamilton acknowledged how "difficult a time" it had been for the McGowan family following the death of David. "This is a tragedy for David's family and we offer them our ongoing sympathy and condolences. I recognise this is another difficult day for them," he said. The PPS have now made a direction in relation to this case and we will continue to cooperate with them over the coming months. I can confirm that one police officer has been suspended from duty in respect of these matters. A second person who was employed by our managed service provider is no longer working in the PSNI."

In a statement, the lawyers representing Mr McGowan's family said they welcomed the decision to prosecute. They said: "This has been a deeply traumatic two years for David's family, particularly his mother Elizabeth, but this announcement will go some way in helping them to come to terms with David's death. Although the family welcome the decision, they are still cautious as they recognise it will take some time to reach the final conclusion, however we are all quietly confident justice will prevail. We thank the office of the Police Ombudsman for the hard work they have carried out in order to make this decision happen but we cannot underestimate the enormity of work that lies ahead."

### **Judge Raps Police and Prosecutors Over Failed Rape Trial**

Lexi Finnigan, Telegraph: A police officer failed to reveal incriminating evidence about a victim who accused four agricultural students of rape because he had become her "confidante", a court was told. Judge Jamie Tabor QC also criticised the Crown Prosecution Service for their handling of the gang rape case which saw the defendants put through two years of hell before they were finally cleared. At Gloucester Crown Court, Judge Tabor said Detective Constable Ben Lewis got too close to the complainant and did not understand his job properly. This led to "stark and very serious omissions" by the officer in failing to disclose "game changing" evidence. The court also heard how the detective had discussed the victim's sexual behaviour with her and was aware of a naked photograph she had sent to one of the defendants in the weeks before the incident.

At an earlier hearing, Detective Lewis was accused by defence lawyers of "vandalising" the case by not making full disclosures about the woman's sexual past. It was clear, said the judge, that the officer had become her "confidante" and knew about her "sexual predilections" and even that she had been "sexting" the brother of one of the defendants ahead of the incident. But the court heard that the detective only made minimal notes and did not disclose these details. Speaking about Detective Lewis' role in the trial, the judge said: "This officer, in my judgement, either through inexperience or lack of understanding of his role, failed to provide adequate disclosure." The judge went on "She did not hide her sexual predilections from the officer. She discussed her sexual behaviour with him in great detail on several occasions. He has either made no notes about that or minimal and uninformative ones. His failure to make notes was even remarked on by her. "Aware as he was of his duties and her character he should have investigated her telephone in far greater detail than he did. He appears to have had a limited grasp of his responsibilities as disclosure officer. There is no evidence that he consulted the Crown Prosecution Service about any material he had doubts about." Three days before the trial was due to start, Det Con Lewis told the Crown Prosecution Service that "nothing of relevance had emerged" from a search of the telephone. "This was a truly startling state of affairs," the judge said. "Had not the applicants carried out a thorough investigation of the telephone a much skewed picture would have been presented to the jury."

Thady Duff, Leo Mahon and Patrick Foster, all 22, and James Martin, 20, claimed the woman was a willing sex partner at the time of the alleged rape after the annual college ball at the Royal Agricultural University in Cirencester, Gloucestershire in May 2014. The trial was due to begin at Gloucester Crown Court in March, but after delays due to the late disclosure of evidence and a review of the case, the prosecution offered no evidence and the four defendants were cleared. Afterwards the defendants' barristers criticised Det Con Lewis for "cherry picking" supportive evidence and "airbrushing out of the picture" anything that could have helped the men. This included text messages sent by the complainant in the hours after the alleged incident and a conversation with a friend about what would happen if the video became common knowledge. It also emerged as the trial was due to begin that police failed to disclose that the complainant was a witness to an alleged rape on an army base in October 2014 and that there were inconsistencies in her evidence. The alleged rapist was a soldier but he was later cleared. Three of the defendants, Mr Duff, Mr Mahon and Mr Foster, returned to court last month to apply for a proportion of their legal costs to be paid by the prosecution. Mr Martin received legal aid in the case. They have been left with legal bills totalling £221,000 after hiring three QCs to lead the fight to clear their names.

Judge Tabor, The Recorder of Gloucester, granted the application and sent the case to a costs judge to determine the final figures payable. Today, the judge also blasted the Crown Prosecution Service for failing to obtain from the Royal Military Police the files of the case in which the com-

plainant was a witness. "I appreciate that hindsight can make great sages of us all but the failure to check what Det Con Lewis had carried out with regard to the downloaded material, and more importantly to do nothing about the Royal Military Police file for months was stark and wrong. "But for that short entry in Det Con Lewis's notebook of October 20 2014 the defence would not have known about this at all. I have no doubt that Det Con Lewis's conduct in relation to the failure to examine the downloaded material amounted to improper act or omission. Other than the video clips, the prosecution's decision to offer no evidence was entirely as a result of the information uncovered by the defendants' investigation into the download of the complainant's telephone and their insistence that the Royal Military Police material be properly examined. The Crown Prosecution Service and Det Con Lewis must bear joint responsibility for the failure to properly disclose this game changing material."

Mr Duff, of Blunsdon, Swindon; Mr Foster, of Colchester, Essex and Mr Mahon, of Cirencester, Gloucestershire were not present in court. A police spokesman said the force took "very seriously" the judge's findings. "We accept the judge's findings and are now reviewing his comments in conjunction with the CPS to learn the lessons of this case and to improve how we investigate such cases," he said. "It is of course the case that although the judge has identified failings in relation to the disclosure process it is right to note that Det Con Lewis has not been found to have acted in bad faith in any way. Further the officer was available and willing to give evidence at the costs hearing but was never provided with any opportunity to do so to answer any of the allegations made against him. The force shall refer the judge's findings to the its professional standards department who shall consider whether or not any conduct issues have been identified in relation to any officers and these will be assessed in conjunction with the Independent Police Complaints Commission if necessary. Even if no misconduct is found to have occurred the performance of individual officers may still require scrutiny under relevant force procedures."

### **13 Thousand On The Run After Skipping Court Bail**

Figures obtained by the BBC show more than 13,000 people are subject to outstanding arrest warrants in England, with the oldest dating back to 1980. Victim Support's David Padgett said people fear justice will not be done. The Home Office said it was up to individual police forces to monitor outstanding warrants. Figures were supplied following Freedom of Information requests to all 39 police forces in England.

### **Overloaded and Underfunded: The Miscarriage Watchdog In Numbers**

The Criminal Cases review Commission (CCRC) was established following a royal commission set up on the day the Birmingham Six were released 25 years ago. On Thursday last week, justice minister Lord Faulks, answering parliamentary questions by shadow justice minister Lord Falconer, revealed that since the CCRC's creation in 1997, it has received 20,367 applications. Of that number the watchdog has referred 3.5%, 619 cases; 596 of the referrals had been heard by the court; and 406 appeals allowed (178 have been dismissed and 12 have been abandoned). Lord Faulks also revealed that in its 19 years the CCRC has seen its budget slashed from £6.7m a year in its first year to £5.2m a year last year. 'Over the last decade we have had our budget cut in real terms by about a third and we have seen our workload increased by about 70%,' CCRC chair Richard Foster said in an interview with the Justice Gap in March. Over the last five years more than 7,200 applications were made to the CCRC, with as many as 1,625 received in 2012/2013 alone. The volume of applications to the Commission has shot up in the last two years by almost 50% after the application form was re-written making it more accessible for prisoners with literacy problems

### **International Student Deportation Condemned by UK Tribunal**

In a landmark ruling, an immigration tribunal has condemned the Home Office for having based their decision in 2014 to deport students for allegedly cheating on their ETS TOEIC (Test of English for International Communication) exam on 'hearsay'. At the time, the Home Office took action following the airing of a BBC documentary, which showed undercover BBC journalists acquiring English language test certificates through fraud and deceit. The Home Office's subsequent investigation claimed that evidence was found that 46,000 TOEIC tests were "invalid and questionable" which resulted in 65 colleges losing their sponsorship licences and 50,000 students being either deported or barred from re-entry. Two of the students affected by the Home Office's actions appealed against the claims made that they had cheated in their test. On 23 March 2016 the UK's Upper Tribunal (Asylum and Immigration) found that the evidence these decisions were based on had "multiple frailties and shortcomings" and that the Home Office had failed to sufficiently prove that the students in question had in fact cheated to obtain their visa, before detaining and deporting them.

The summary judgment made by Mr Justice McCloskey and Deputy Upper Tribunal Judge Saini, stated that the evidence of the Home Secretary's two principal witnesses was "intrinsically limited" and that "apart from the limited hearsay evidence...there was no evidence from the protagonist in this saga the ETS organisation". It goes on to say that both students were "truthful and reliable in their accounts". The judgment "concludes that the Secretary of State has not discharged the legal burden of establishing that either Appellant procured his TOEIC certificate by dishonesty. The core of the Secretary of State's case was that both Appellants had cheated. The Tribunal concludes that this accusation has not been proven to the requisite standard." A Home Office spokesman said: "We are very disappointed by the decision and are awaiting a copy of the full determination to consider next steps including an appeal. It would be inappropriate to comment further at this stage." The Immigration Upper Tribunal that made the decision can set legal precedents. Consequently, this ruling may open the door for thousands of wrongly deported Tier 4 students to return to the UK and claim compensation for their treatment. If you are potentially one of those affected then contact one of our specialist team members.

### **Tough Talk On Crime Has Led To A Crisis In Britain's Prisons**

Michael P Jacobson, Guardian: Britain's prison population has gone beyond 90,000. This is a massive increase since Margaret Thatcher was prime minister three decades ago. In fact, in the 45-year period 1950 to 1995, the numbers in prison doubled, before doubling again in less than half that time. Meanwhile, over the last 15 years, Britain has increased the lengths of its prison stays by 33%. Now, one in seven prisoners serves more than 10 years, while the number of lifers and other long termers has doubled to 18% of all prisoners. Lifers' and other long termers' average lengths of stay have risen from 13 to 17 years in little more than a decade. These are familiar problems to me: I used to run the New York City jail system. The United States incarcerates a larger proportion of its residents than any country on Earth. Almost 2.2 million people are locked up today, an almost eight-fold increase from the 295,000 who were in jails in 1970. That's almost 700 per 100,000 people. At the opposite pole are Finland and Sweden, with rates of 57 and 55 per 100,000.

How did we get here? We "got tough" on crime. So tough that over the last four decades sentences were dramatically increased and long prison terms required for hundreds of crimes; discretion was removed from judges; "second-" or "three-strike" laws were mandated, so that decades or life in prison had to be served for second or third convictions, even non-violent ones. But we also got here by ignoring every piece of evidence about what did and didn't

work to reduce crime. I recognise that some people pose a threat and need to be removed from society. But in the US we default to prison for terms so long we now have geriatric prisons for people who cannot go to the bathroom by themselves, much less pose a safety risk. Today an almost universal academic and expert consensus has been reached that our policies regarding "mass incarceration" have failed. And it is not just progressives who have come to that conclusion but conservatives too. Jail terms in the US are so long we now have geriatric prisons for people who cannot go to the bathroom by themselves

So what can Britain, or any country for that matter, learn from us? Above all: don't even think of doing what we did. It is wasteful, unjust, hugely expensive, inefficient and diverts funds from other essential areas of government such as social services, health and education – all of which can have a far greater public safety benefit than more prisons. But, sadly, Britain is repeating our disastrous, harmful and failed experiment. Britain now incarcerates growing numbers of people at a cost of almost £3bn annually. No good can come of it – neither for public safety nor for crime control. Indeed, 46% of those who leave British prisons are reconvicted within a year of their release because incarceration has not remotely addressed issues that got them there in the first place – and in all likelihood made them worse.

Yet there is no "easy" solution to downsizing. British prisons will not get back to Thatcher-era population levels without tackling the issue of sentencing reform and length of stays head on: prison numbers cannot be meaningfully reduced merely via simple, politically safe policies such as diverting low-level offenders (who stay only briefly and take up little space). In addition, the Ministry of Justice's plan to significantly reduce the prison population by a reduction in reoffending has almost no chance of success. Most research indicates that even the best designed and implemented re-entry and rehabilitation programmes achieve only 10-15% reductions. This is important and worthwhile but would only reduce the reoffending rate to 41%. In the face of the rapid prison growth and increased sentence lengths, such a reduction will not have a large impact on numbers.

British prisons are now seriously overcrowded, operating at 111% of certified normal capacity on average – some at over 160%. Alongside this there have been huge cuts in prison officer staffing and, most disturbingly, suicides in prisons in England and Wales have skyrocketed, along with rates of in-prison homicides and assaults. The number of suicides is a hugely important indicator of the health of any prison system. One with a high rate of suicides invariably manifests problems that go beyond the suicides. And suicides in English and Welsh prisons have almost doubled in just three years. These statistics are shocking. Both the size of the increase in such a short period and the number itself – there were 100 suicides during the 12 months ending March 2016, compared with 52 for the 12 months ending March 2013 – means that there is a suicide rate of 117 per 100,000 prisoners, one of the highest rates in the world. The comparable rate in the US – hardly known for its progressive prisons nor for its low number of mentally ill prisoners – is 15 per 100,000. India's rate is 18 per 100,000, and Canada's 22. The number in England and Wales suggests a system in massive distress, and conditions of confinement that are badly deteriorating.

I am sure Britain's prison governors and staff are valiantly trying to deal with all of this: but the Ministry of Justice's plan to build prisons to ease overcrowding will not happen fast enough. As we in the US well know, you simply cannot build your way out of this problem. The US tried that and failed miserably. In one way, it is too late: Britain has started down this road. But in another, the scale of imprisonment is geometrically lower in Britain than the US and, in a broad historical sense, you are just at the beginning of the failed journey we started over 40 years ago. If there is to be a course correction in Britain, now is the time.



### **Tougher Sentences For Young Offenders Who Film Their Crimes** *BBC News*

Youth offenders in England and Wales who film their crimes in order to post them on social media could face tougher punishments under new proposals. Judges and magistrates would be expected to consider such behaviour a "serious aggravating feature" when sentencing offenders aged 10 to 17. Footage was sometimes used to embarrass, humiliate or blackmail victims, the Sentencing Council said. The new guidance aims to reflect the harm caused, and to "stop reoffending". It comes a month after two teenage girls were given life sentences for murdering 39-year-old Angela Wrightson in Hartlepool. The girls, then aged 13 and 14, took photographs of the attack, and uploaded them to the social media application Snapchat.

Draft Sentencing Council guidelines on the "overarching principles" for how courts handle youth criminals list a number of potential "aggravating factors", which are to be consulted on. They include "deliberate humiliation of victim, including but not limited to filming of the offence". They also include "deliberately committing the offence before a group of peers with the intent of causing additional distress or circulating details / photos / videos etc of the offence on social media or within peer groups". Such behaviour is also cited as a possible aggravating factor in new guidance for sentencing youths specifically for sexual offences, along with online grooming.

If adopted, it will be the first time the issue has been explicitly covered in guidelines for dealing with young offenders - although the body said they do not aim to make significant changes to sentence levels. Sentencing Council chairman Lord Justice Treacy said young offenders should be sentenced "fairly and proportionately", with the primary aim of stopping them reoffending. "These guidelines will help achieve this. No-one wants young people turning into hardened adult criminals and sentencing must play its part in fostering a sense of responsibility and helping them reintegrate rather than become alienated." Sentencing guidelines must be followed, unless a judge or magistrate feels it is not in the interests of justice to do so.

### **Restraint Injuries Persist at Youth Jail Where Boy Died 12 Years Ago**

A privately run youth jail where a 15-year-old boy died had the highest number of incidents in which children were caused serious injury by staff attempting to restrain them, according to a government report seen by the Guardian. One child vomited while being held in a "prolonged" restraint at G4S-run Rainsbrook, a secure training centre (STC) where teenager Gareth Myatt died in 2004 from "positional asphyxia" after choking on his own vomit while being restrained by guards. The incident is one in a list of restraints-gone-wrong that feature in a Ministry of Justice report. It details incidents where children suffered breathing difficulties or serious injury while being restrained at four STCs and two young offender institutions (YOIs) between April 2014 and March 2015.

The worst three institutions were all run by G4S and included Medway STC, which was recently subjected to a police investigation following allegations of misconduct by staff first reported by the BBC's Panorama programme and followed up by the Guardian. G4S lost its contract to run Rainsbrook, near Rugby in Northamptonshire, in September last year after its performance was graded "inadequate" in a government report. It was replaced by the rival service provider MTCNovo. The MoJ said it had introduced a new system of restraint while G4S operated Rainsbrook, and the company said the updated guidelines required increased reporting of restraint and was being rolled out across the country gradually. As a result, G4S said, some establishments had introduced the system part-way through the reporting period, skewing the figures.

A redacted version of the report, Minimising and Managing Physical Restraint (MMPR), was released to Carlyne Willow, director of the children's rights charity Article 39, who handed it

to the Guardian. "At the centre of each of these serious incidents was a powerless, imprisoned child who required expert intervention and instead their lives were threatened," Willow said. "There were at least 108 times when a child's breathing was compromised across the two years covered by these reports. "That's one child every week struggling to breathe or losing consciousness whilst being restrained. Ministers may point to the emphasis on de-escalation in restraint training, but it's the techniques themselves that require review and replacement."

Across the six institutions covered by the report, there were 65 incidents during which a child's breathing was compromised and/or they suffered serious injury, compared with 54 the previous year. In one incident, at Rainsbrook STC, during which a child vomited while being restrained, the staff's actions were "prolonged and there was no single person supervising the procedure – that role was changed between staff several times," the report said. The child was held in a seated position, similar to the one used on Myatt when he died in 2004. The case notes added that "the handcuffs should have been applied much earlier". MMPR medical advice guidance states that vomiting is a sign of medical emergency. According to the report, the smallest child to suffer breathing difficulties during restraint was 1.5 metres tall – less than 5ft.

Willow said: "We know from the horrific death of Gareth Myatt that forcibly holding down children in a seated position endangers life, yet this seemingly continues at the very same institution in which he was fatally restrained 12 years ago. "The government's own guidelines categorise a child vomiting during restraint as a medical emergency. The last two reports show there were 10 such incidents in the two years, and children lost consciousness completely or suffered reduced consciousness 11 times last year alone. "Remarkably, in 20 of the 65 serious incidents last year, the board overseeing the use of restraint in child prisons issued no recommendations to prison managers. This implies it believes nothing could have been done to prevent children suffering serious harm, which raises obvious questions about the board's expertise in working with vulnerable children in residential settings, and its knowledge of what constitutes child abuse." Willow is engaged in legal proceedings with the MoJ to try to gain full disclosure of the restraint techniques used against children as part of the MMPR system. She was given a heavily redacted version of the manual and is now seeking full access through the appeal courts. The techniques used on children are used on adult prisoners. The MoJ argues that disclosure of the manual will allow prisoners – adults and children – to develop counter-measures against the techniques.

Deborah Coles, director of Inquest, a charity that represents the families of people who die in custody, said the state's mantra of "learning lessons" from deaths and injuries in custody was dishonest and an attempt to deflect from the truth. "Twelve years since the deaths of two children in the care of the state, what lessons have been learned in reality? These figures illustrate a shameful culture that simply does not change with the ever-present risk of death and injury. This should ring alarm bells to anyone concerned with child protection. This is child abuse and the setting in which it takes place does not alter that fact."

An MoJ spokesman said: "Restraint should only be used as a last resort, where there is a risk of harm, and where it is absolutely necessary to do so and no other form of intervention is possible or appropriate. Every incident of restraint is reviewed by the establishment. This includes looking at whether any lessons can be learned for the future. We have introduced a new system designed to minimise the use of physical restraint in youth custody and we are committed to improving practice further. The justice secretary has asked Charlie Taylor to conduct a review of youth justice. He will report back later this year with recommendations on how to improve the treatment of young people in our care."

G4S announced in February that it was selling its UK children's services business, which includes 13 children's homes and two STCs – Medway, and Oakhill in Milton Keynes. On Thursday it was revealed that the MoJ is to take over the running of Medway. The Guardian previously reported that serious allegations of abuse and bullying had been made against staff at the youth jail more than a decade before a Panorama documentary aired. Identical allegations were made in 2003 when Prof John Pitts, an expert in youth crime and youth justice, wrote to authorities on behalf of two Medway whistleblowers who claimed that "a boy had his shoulder dislocated whilst being restrained", another boy "sustained carpet burns to his face" as he was restrained, and a duty manager grabbed a boy by the neck and told him: "You will fucking respect me."

Paul Cook, managing director for G4S children's services, said the new system of restraint "increases reporting and ensures that every incident is reviewed by an independent panel of medical experts". He added: "MMPR is being rolled out gradually across the country and data shown in this review include figures from establishments which never used MMPPR or switched to it part way through the reporting period. "Our staff must respond to challenging situations and while restraint should only ever be used as a last resort, it is encouraging that this review makes it clear that staff responded to all medical warning signs correctly and in line with their training."

### **Germany to Quash Historical Convictions of Gay Men** *Kate Connolly, Guardian*

Germany is to annul the convictions of tens of thousands of gay men who were criminalised under a 19th-century law. More than 50,000 men were convicted and sentenced to sometimes lengthy jail terms between 1946 and 1969 under the infamous Paragraph 175, which deemed homosexuality to be a punishable crime. While homosexuality was decriminalised in 1969, the law was not abolished until 1994 and the sentences were never lifted. But the justice minister said the convictions would be overturned and those men who were punished would be eligible for compensation through a central fund. "The burden of guilt lies with the state because it made the lives of so many people so difficult," Heiko Maas said. "Paragraph 175 was from the very beginning unconstitutional. The old convictions are unjust [and] do huge injury to the human dignity of each convicted man." Maas said while the state would never be able to completely make amends for its "wrongdoings, we do want to rehabilitate the victims". He said his ministry would devise a legal framework to enable a blanket annulment of the convictions that would ensure no individuals would have to fight their cases separately, as well as establishing the compensation fund.

Germany's Lesbian and Gay Association urged the government to effect the reform before the end of this parliament. "Time is of the essence so that victims of the persecution of homosexuality can have their dignity restored," it said. The government ruling is based on a report by a Munich-based legal expert, Martin Burgi, which recommended the "collective rehabilitation" of those affected by the law. Paragraph 175 was introduced in 1872, but was tightened by the Nazis in 1935, making homosexuality punishable with up to 10 years in a workhouse.

West Germany inherited the law immediately after the second world war, leading to often large raids, numerous arrests and thousands of court cases. Many victims of Paragraph 175 killed themselves. Even after the decriminalisation of homosexuality in 1969, a further 3,500 men were convicted of the crime in West Germany. In communist East Germany the law was abolished in 1968. It is estimated that in its 122-year history 140,000 men were persecuted under the law. In 2002 the Bundestag ruled on an appendix to the law, which made all the Nazi-era convictions null and void. But that ignored the many thousands who were convicted after the war. Christine Lüders, head of the government's Anti-Discrimination Authority,

said the law had destroyed the lives of thousands of citizens, and wreaked havoc on partnerships and families. "The victims have had to deal with the fact that their convictions have never been lifted. These injustices can no longer be endured," she said.

The experts said in those cases where the victims had died, compensation should be paid in the form of financing educational programmes and events that fostered tolerance. In an interview on German television, a man in his seventies who was convicted of homosexuality in the early 1960s as a 17-year-old spoke of his hope that he would soon be rehabilitated. The man, who declined to be named, described how the police had come to arrest him and take him to the local police station. "They put me through the whole gamut of fingerprinting, taking a mugshot, you name it. The criminal proceedings kicked off immediately without you being able to defend yourself," he said. In 1962 he was sentenced to two years' probation and three weekends of solitary confinement in a youth penitentiary. "Suddenly, I was what they call a 175er", he said, "having earned nicknames like 'pervert', 'warm brother', or 'rear gunner', without even knowing what the terms meant."

### **National Preventive Mechanism of the United Kingdom** *UK Human Rights Blog*

John Wadham today takes on the role of National Preventative Mechanism chair. He was formally Chief Legal Officer for the Equality and Human Rights Commission, Deputy Chair of the Independent Police Complaints Commission and most recently the Director of the international human rights organisation, Interights. Throughout his career, John has worked to protect the rights of detainees. UK Human Rights Blog are delighted to feature this from John on his new role: The National Preventive Mechanism describes the network of independent statutory bodies that have responsibility for preventing ill-treatment in detention. In every jurisdiction of the UK – England, Northern Ireland, Scotland and Wales – the bodies in this network have the job of inspecting or monitoring every place of detention to try to prevent the ill-treatment of those detained. Whether a person is compulsorily detained in a prison, an immigration removal centre, a psychiatric hospital, or as a child in a Secure Training Centre, there is an organisation responsible for assessing how detainees are treated and ensuring that no ill-treatment will be tolerated.

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the international human rights treaty designed to strengthen the protection of people deprived of their liberty by requiring National Preventive Mechanisms to be set up in every country. OPCAT's adoption by the United Nations General Assembly in 2002 demonstrated a consensus among the international community that people deprived of their liberty are particularly vulnerable to ill-treatment and that efforts to combat such ill-treatment should focus on primarily on prevention. OPCAT embodies the idea that prevention of ill-treatment in detention can best be achieved by a system of independent, regular visits to all places of detention. OPCAT entered into force in June 2006. There are already 80 countries party to OPCAT, and 62 designated NPMs across the world – all designed to prevent ill-treatment in their places of detention. The UK ratified OPCAT in December 2003 and designated its own NPM in March 2009.

In order to carry out its monitoring role effectively, the NPM must: be independent of government and the institutions it monitors; be sufficiently resourced to perform its role; and have personnel with the necessary expertise and who are sufficiently diverse to represent the community in which it operates. The NPM must have the power to: access all places of detention (including those operated by private providers); conduct interviews in private with detainees and other relevant people; choose which places it wants to visit and who it wishes to inter-

view; access information about the number of people deprived of their liberty, the number of places of detention and their location; and access information about the treatment and conditions of detainees. Twenty individual bodies now make up the UK's NPM.

Last year the UK NPM focused its work on isolation in detention and found: The number of instances where prisoners are informally isolated, and in many cases in conditions that amount to solitary confinement, over long periods of time is of great concern. Governance of the basic regimes or of unemployed prisoners does not provide safeguards against the impact of isolation or solitary confinement, and the lack of specific health care reviews could leave prisoners at risk. The extent to which prisoners are isolated and even in solitary confinement as a result of restricted regimes and staff shortages warrants greater attention. NPM members have frequently raised their concerns about the number of vulnerable prisoners who are formally segregated, and the numbers of deaths that have occurred in segregation units are a reminder of the serious risks. The conditions under which children were isolated varied considerably. In the YOI included in this review, boys held in a separation and care unit were in a poor environment, with an inadequate regime. Although some improvements had been made, the exercise yards were bare and austere, and there was little evidence of any constructive activities. Some boys had been allowed to exercise together, but all of the boys that the NPM member spoke to said they had spent most of their time locked in their cells.

As children have not fully developed cognitively, mentally or emotionally, the possibility that isolation or solitary confinement could cause lasting harm cannot be dismissed. This provides a rationale for rigorous scrutiny of practices that amount to isolation and solitary confinement by NPM members. Children should not be isolated as a punishment, and should never be held in conditions that amount to solitary confinement. Speaking about his new role, John Wadham has said in the NPM's news release: "I'm delighted and honoured to have been appointed as the Chair of the NPM, particularly because the appointment was made by the NPM members themselves. The inspection and monitoring bodies provide essential protections for anyone detained anywhere in the UK, many of whom are vulnerable."

### **Important Guidance on Extradition Consent Hearings**

Deputy Senior District Judge ('DSDJ') Arbuthnot has provided important guidance on post-surrender applications by requesting judicial authorities seeking the consent of Westminster Magistrates' Court ('the Court') to prosecute extradited persons for offences not contained within an original European arrest warrant, as required by Article 27 of the Framework Decision 2002 and sections 54-55 of the Extradition Act 2003. The DSDJ's Guidance arose in the case of Mr Darren O'Flaherty. Mr O'Flaherty's extradition to Spain took place in February 2015 for a number of serious offences including murder and attempted homicide alleged to have taken place in July 2007. In June 2015, the Spanish judicial authority sought the consent of the Court to prosecute Mr O'Flaherty for two further offences of attempted homicide arising from the same set of facts as those underpinning the original EAW ('the Consent Request').

The need for guidance: Mr O'Flaherty resisted the Spanish judicial authority's Consent Request. In so doing, and as a preliminary matter, the defence argued that Mr O'Flaherty had a right to be physically present at the hearing at which the Court was to consider the contested Consent Request so that he could fully defend the request, and to afford the Court a proper basis on which to decide whether to grant its consent. In March 2016, DSDJ Arbuthnot found that Mr O'Flaherty did not have a right to be present at the contested Consent

Hearing. In so doing, it was identified that there was a conspicuous lack of any guidance relating to how the relevant parties ought to deal with Consent Requests. Following submissions by the parties, the judge issued helpful guidance: Suggested Steps in Consent Requests. The guidance clarifies the manner in which Consent Requests ought to be dealt with by Westminster Magistrates' Court, the Legal Aid Agency, the defence and the Crown Prosecution Service.

The ultimate disposal: Prior to the substantive contested Consent Hearing, the Spanish judicial authority withdrew its Consent Request and, on 11 May 2016, DSDJ Arbuthnot formally dismissed the request. Given that the Court did not have to finally adjudicate upon the substantive Consent Request, the DSDJ's finding that extradited persons do not have a right to be present at contested Consent Hearings has not been considered by the High Court and remains open to challenge. Graeme L. Hall was instructed by Gary McAteer of Healey Kenyon McAteer Solicitors. John R.W.D. Jones QC was also instructed prior to his sad and untimely death. Indeed all Counsel in the case were from Doughty Street; Mary Westcott acted on behalf of the Spanish Judicial Authority.

### **Criminal Proceedings: Prisoners Who Refuse to Attend Court**

Philip Davies: To ask the Secretary of State for Justice, what options are available to a magistrates' court when an unrepresented serving prisoner refuses to leave their prison cell to face new eitherway offence charges (can be tried in the magistrates' court or the crown court).

Mr Shailesh Vara: Where a magistrates' court is dealing with a new offence which is triable either-way, and the defendant is an unrepresented serving prisoner who does not attend either in person or through a live link, the court will need to adjourn the case. This will enable either the defendant to attend, or the Crown Prosecution Service to consider alternative procedural routes.

### **Prisons: Violence - Government Statement**

Parliamentary Under-Secretary of State for Justice Andrew Selous: The Statement is as follows: "Before I move on to the substance of this question, I should like to update the House on events which occurred at HMP Wormwood Scrubs this weekend. On the morning of 6 May, prison officers refused to enter the prison citing health and safety grounds. Later that day, an agreement was reached between the National Offender Management Service and the Prison Officers Association. All officers have now returned to work and the prison is running a normal regime. NOMS and the POA are jointly committed to resolving any outstanding health and safety concerns at HMP Wormwood Scrubs. On Sunday 8 May, two members of staff at Wormwood Scrubs were assaulted and taken to hospital for treatment. We do not tolerate any violence against our hardworking officers. The alleged perpetrator is now facing a police investigation, which could lead to criminal charges.

Moving on to the wider question, I take the issue of safety in prisons very seriously. Reducing the harm that prisoners may cause to themselves or others is the Government's top priority in prisons. The most recent statistics on safety in custody show that levels of self-inflicted deaths, self-harm and violence in prison are too high. The figures demonstrate the very serious challenges facing the Prison Service. There is no single, simple solution to the increases in deaths and violence in prisons. These trends have been seen across the prison estate, in both public and private prisons, and in prisons both praised and criticised by HM Inspector of Prisons. We have already taken a number of steps to address these problems: we have recruited 2,830 prison officers since January 2015, a net increase of 530; we are trialling the use of body-worn cameras in prisons; we are

strengthening case management of individuals who risk harming others; we have introduced tough new laws which will see those who smuggle packages over prison walls, including new psychoactive substances, face up to two years in prison; and we have reviewed the case management process for prisoners assessed as being at risk of harm to themselves, known as assessment, care in custody and teamwork, and are implementing the recommendations.

However, it is clear we must do more. We need to reduce violence and prevent drugs entering prison. We have to do better at helping prisoners with mental health problems. We have got to ensure prisoners can be rehabilitated so they are no longer a danger to others. That is why this Government are committed to fundamental reform of our prisons. We have secured £1.3 billion to modernise the prison estate, and we will give greater autonomy to governors so they are truly in charge. I look forward to setting out our plans in greater detail shortly. These problems are deep-seated and there are no easy answers, but I can assure the House that this Government will not waver in their determination to reform our prisons, so that they become places of decency, hope and rehabilitation”.

Andy Slaught: I thank the Minister for that response, but I fear that it was exactly what we have heard time and time again at the Dispatch Box. I hope that he will concede that the situation in our prisons on the youth estate is very serious, and that the recent incidents are part of a pattern of unacceptable conditions and unacceptable violent behaviour. It cannot be right that prisoners, staff and, ultimately, the public are at risk from the Government’s failure to get a grip on the crisis in our prisons. That makes it all the more surprising that the Secretary of State is not here today. We are all, whatever our view, engaged in the referendum campaign; that is no reason for him to neglect his responsibility as Secretary of State.

Yesterday, as the Minister said, two prison officers were hospitalised after being assaulted while they were on duty at Wormwood Scrubs prison in my constituency. Our thoughts are with them and their families. That is a reminder of the difficult and dangerous job that officers do every day, often hidden from the public gaze and without the acknowledgement that they deserve. The attack was entirely predictable—so much so that two days earlier, as the Minister acknowledged, 70 members of staff at Wormwood Scrubs had walked out because they did not feel safe. Although Tornado officers were sent into the prison on Saturday, they were withdrawn on Sunday, which was when the attacks happened. What specific steps are being taken to ensure safety in HMP Wormwood Scrubs? I am told that drugs, phones and even knives are being thrown over the walls because of insufficient patrolling of the grounds and cell searches caused by insufficient staffing numbers. Will additional officers be provided to undertake these basic tasks until order is restored and a review of staffing at this and similar prisons is undertaken?

What happened at Wormwood Scrubs is not an isolated incident; it is typical of the dangers and problems across the prison and youth estate. In the past few days, reports on Lewes and Leeds prisons have told a similar story. Last week, it was revealed that the Department is about to take over the management of Medway secure training centre following the “Panorama” exposé of the appalling conduct of G4S and some of its staff in running that institution, including allegations of serious violence against children. Fourteen prison staff are assaulted every day. There were 4,963 assaults on staff by prisoners in 2015, compared with 3,640 in 2014, which is a 36% increase in attacks. Prisons are now violent and dangerous places. Serious self-harm and suicides are at record levels. We have heard for a year that the Government wish to transform our prisons, but words are no longer enough. Now is the time for action before more prisons become ungovernable and there are more serious injuries or—God forbid—the death of an officer on duty.

Andrew Selous: This Government are not in denial about the situation, we have not been idle in seeking to address it and we do not lack vision or political will on the issues that the hon. Gentleman has quite rightly raised. I assure him that the Secretary of State takes this issue extremely seriously, and it is our top priority as far as prisons are concerned. The hon. Gentleman is absolutely right to say that the work that prison officers do—day in, day out—across our country is, by its very nature, hidden from public view. They are outstanding public servants who do amazingly good work, which, unfortunately, is not seen or perhaps not fully appreciated by most of us as much as it should be. The nature of the offenders in custody has changed. Today, about 30% more people are sentenced to prison for violent offences, and prisoners often act more spontaneously and more violently to achieve their objectives than they did in the past. On recruitment, I repeat what I said: we have been recruiting at full strength for the past two years. We have recruited an extra 2,830 officers since 2015, and we are continuing to recruit at that level to make sure that our prisons are adequately staffed.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): The Minister knows that we are gradually understanding more and more about the violence that affects our prisons. Violence can sometimes be due to the inappropriate handling of prisoners with mental health problems or, indeed, those on the autism spectrum, and just small changes can make a difference to the behaviour of such individuals. Does the Minister welcome the National Autistic Society’s initiative for some of our prisons to have autism awareness accreditation, particularly Feltham young offenders institution, where it is making a difference, and will he assure me that he will look at fully rolling out this programme across the prison and custody system?

Andrew Selous: First, I pay tribute to my right hon. Friend for her extensive knowledge of this issue and, indeed, for the legislation that she initiated in this House. It was a great pleasure to visit HMP Feltham with her. I can tell the House that Feltham is now the first autism accredited prison in the whole world, which is something I am extremely proud of. This good work must not stop at Feltham: we need to spread it across the prison estate. She is absolutely right that this is one part of reducing violence across the estate.

Joanna Cherry (Edinburgh South West) (SNP): Inspectors have warned of “Dickensian squalor” inside Wormwood Scrubs, following a scathing report that revealed that the jail is rat-infested and overcrowded, with inmates spending up to 22 hours a day locked in very squalid cells. Overcrowding and poor conditions exacerbate the risk of violence not only to staff but to other prisoners. It is clear from a recent statement from the Prison Governors Association that understaffing is still an issue. Will the Minister assure us that the ideological drive to cut public services and to shift to private sector provision will not further jeopardise staff and prison safety? Will the Minister also look to the example of the Scottish Government? Their approach of recommending a presumption against shorter sentences of three months or under has led to the numbers of such sentences plummeting, and the reconviction rate is at a 16-year low. Will he take steps to follow their lead in creating a presumption against short sentences and investing instead in robust community sentences in order to address the underlying causes of crime more effectively?

Andrew Selous: I visited HMP Wormwood Scrubs a week or so ago. We have an excellent new governor in the prison, who has a good record and I believe has the best possible chance of making sure that it improves on those issues. There are 15 officers over and above the benchmark level within Wormwood Scrubs. The drive to greater governor autonomy will help to deal with a number of the issues. The Government are currently consulting on sentencing issues.

Victoria Prentis (Banbury) (Con): I thank my hon. Friend for the interest he has in prison



security, and, indeed, for the action he has taken on it; the Justice Committee shares his interest. Today I met the prisons and probation ombudsman, who told me that on current estimates 61% of inmates take psychoactive substances. What consideration has my hon. Friend given to enlarging smoke-free zones in prisons, and to what extent does he feel that that might help with the problems?

Andrew Selous: My hon. Friend, who is very knowledgeable on these issues as a member of the Select Committee, is absolutely right to point the finger at the terrible damage caused by new psychoactive substances. I agree that rolling out smoke-free prisons across England and Wales will help us to reduce that damage—we know that those psychoactive substances are sometimes smoked openly, with prisoners pretending that they are smoking tobacco. I am with her in wanting to see the roll-out progress, but we will only do that in a measured and safe way.

Keith Vaz (Leicester East) (Lab): The independent monitoring board for Leicester prison published a damning report about conditions there this morning. The report pointed to all the matters that the Minister has raised—rising levels of violence, use of drugs and mental health issues. This issue is about increasing staffing. Although the Government have increased the number of prison officers, there are clearly not enough. What further steps can be taken to help the officers at Leicester prison?

Andrew Selous: My commitment to the House is to carry on recruiting at the increased level of activity that there has been for the past few years. It is proving successful. It is a challenge, at some specific sites in London and the south-east more than at others, but we are managing to make progress. There is the budget to carry on employing prison officers and I am determined to carry on with our recruitment objectives.

Lucy Frazer (South East Cambridgeshire) (Con): The Minister mentioned the importance of dealing with mental health in prisons. On Friday I met a justice of the peace in my constituency who talked about the good work done by the liaison and diversion services. He encouraged me to encourage the Minister and the Secretary of State to extend those services and ensure that more community orders have as a condition that people get the help they need.

Andrew Selous: My hon. and learned Friend, who is also extremely knowledgeable on these issues, is absolutely right. The Government are committed to making sure that there is universal access to a mental health assessment from the moment that anyone encounters the criminal justice system. I also point her to the co-commissioning that is going to happen between governors and NHS England on mental health and drug abuse services. That will also be very beneficial.

Fiona Mactaggart (Slough) (Lab): I have no doubt that the Minister wants to sort this problem out, and his account of a passion for reform, decency and hope was compelling, except for the fact that it has not worked. Since 2012, the number of assaults in prisons has doubled, as have the number of assaults on staff. Although he talked about recruiting more staff recently, total numbers of staff have fallen. Those staff are frightened—brave prison officers are scared to go to work. What can the Minister say to stop them feeling frightened?

Andrew Selous: The right hon. Lady is right to say that confidence is extremely important as far as the day-to-day work of prison officers is concerned. She has been involved with these issues for many years, and she will know that the Prison Service has been affected in a major way by waves of drugs. In the early 1990s, and before that, such things had serious implications on prisons, and led to riots and serious assaults in high numbers. We have a two-year violence reduction project. It would not be helpful now to give the House a shopping list of individual measures, but detailed, serious work is taking place across the estate, including the violence diagnostic tool and many other measures to help back up hard-working prison officers. The

body-worn camera initiative is also proving valuable, and we hope to say more about that soon.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): Does the Minister agree that the prevalent use of lethal highs, in particular “spice”, in HMP Northumberland in my constituency, is one clear cause of the increase in violence and unpredictable behaviour among our prison population? What are we doing to try to reduce dramatically the numbers of those goods?

Andrew Selous: It was a great pleasure to go round HMP Northumberland with my hon. Friend not long ago, and I commend her for calling these terrible drugs “lethal” highs. From 26 May they will all be completely illegal when the Psychoactive Substances Act 2016 is enforced. That is very welcome, and my hon. Friend is absolutely right. We will not waver in our determination to crack down on those substances.

Ian Lavery (Wansbeck) (Lab): I thank the Minister for an amicable meeting last week about HMP Northumberland. The common denominator throughout the whole prison estate across the country is simply a lack of manpower. That is causing the violence—whether it be prisoner on prisoner or prisoner on staff—mental health issues and the problems with alcohol, “spice” or whatever. The Minister has said that this issue is challenging. What extra measures can he take to ensure that plenty of staff are employed in prisons to maintain a safe environment for everybody on the prison estate?

Andrew Selous: My door is always open to the hon. Gentleman, and if he has further concerns about HMP Northumberland, he is welcome to come and see me again. If we analyse what has happened across the prison estate, we see that the increase in violence has taken place in prisons where there has been an increase in the number of officers and in prisons where numbers have stayed the same, and where there have been reductions. He is right to say that we need adequate levels of staff, which is why I give him the commitment that I have already given the House that we will carry on recruiting at our current level, which included a net increase of 530 officers last year.

Richard Drax (South Dorset) (Con): I have asked the Minister to come and visit young offenders at Portland, and I hope he will do so shortly. There was an unpleasant riot the other day, and prison officers were put in danger. I pay credit to all prison officers who work like a forgotten army behind the scenes. Portland is fairly old structure, and the number of floors—there are four or five—is a particular concern because there are not enough officers to man them all at the same time. That puts those officers at risk, and allows prisoner free rein where they perhaps should not have it. Will my hon. Friend look at that issue and increase the number of prison officers at the young offenders institution as fast as we can?

Andrew Selous: It would be a pleasure to visit HMP-YOI Portland with my hon. Friend in due course and I note what he says about the design of that particular prison. The £1.3 billion commitment provides the Government with the opportunity to get the best design knowledge from around the world to ensure that the new prisons we build are as safe as possible. That will also enable us to cease to operate some prisons where assaults and bullying take place in part because of poor design.

Mr David Hanson (Delyn) (Lab): In the first five years of this Government, the number of prison officers fell by 41%. In the sixth year of this Government, assaults on prison officers rose by the same percentage—41%. The Minister mentions that prison officer numbers are increasing, but he uses a figure based on the past couple of years. Will he tell me how many prison officers there were in 2010 and how many there are today?

Andrew Selous: I do not have those particular figures to hand for the right hon. Gentleman, although my memory is that he has asked me that question before and that I have written to him with the answer. I will dig out the letter I sent to him; maybe it went astray. Speaking as a cur-



rent Prisons Minister to a former Prisons Minister—I know he cares as deeply about these issues as I do—he will know that these issues are not easy. He knows that his own Government faced considerable difficulties on exactly the same issues. What is not in doubt is this Government's utter determination, through the prison reform programme, to get on top of them.

Mr Speaker: The right hon. Gentleman was chuntering repeatedly from a sedentary position that he knew the answer to his own question, which is probably very wise and knowledge of which will enable us all to sleep much more soundly in our beds tonight.

Mr Philip Hollobone (Kettering) (Con): I commend my hon. Friend for his work as Prisons Minister. He takes his role extremely seriously. I think my constituents will be very surprised to hear quite how much stuff is being thrown over prison walls: mobile phones, drugs, lethal highs and knives. Surely in 2016 we have the ability to stop this happening, or at least to minimise it? What plans does the Minister have to tackle this issue?

Andrew Selous: These issues are not easy. Our prisons are not like the Eden Project: they do not have a dome over the top of them. Unfortunately, it is all too easy to get things over a prison wall, as I saw when I went around HMP Rochester last Thursday morning. My hon. Friend raises an important issue. All of us, particularly as Members of Parliament, have a role in getting the message out in our communities that new psychoactive substances are lethal. They do terrible harm to the loved ones of families who inadvertently bring them into prisons. We need local communities to work with us and the police to try to stop the terrible flow of evil drugs over prison walls.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The Minister is absolutely right: prison officers do an exceptionally difficult job. They need and deserve our fullest possible support. That has to be more than a platitude. For that to be the case, staffing levels have to be addressed. The other issue that has to be addressed is prison overcrowding. The prison population is now in excess of 90,000 inmates. In the past 15 years, the length of sentences has gone up by 33%. Can the Minister assure me that, as he tackles this issue, he will look at it in the round; that he will look not just at prisons in isolation but at how they interact with police, prosecution and court authorities?

Andrew Selous: I thank the right hon. Gentleman for his praise for the work of our outstanding prison officers. We are consulting on sentencing issues, which have a bearing on overcrowding. We are also determined to bring down reoffending. Our success in reducing reoffending will help to reduce overcrowding.

Kelly Tolhurst (Rochester and Strood) (Con): I thank the Minister for his comments today and for his support with regard to our concerns about HMP Rochester and the Medway Secure Training Centre. I also thank him for his very speedy meeting with me and the governor of HMP Rochester earlier this year. The Minister will know that Medway Secure Training Centre was at the centre of abuse allegations. Will he confirm when the Medway improvement board report will be published? My constituents want reassurance that action and improvements have taken place, so that young people are safe in Medway.

Andrew Selous: I commend my hon. Friend for her serious interest in and support for the three prisons in her constituency. I was in HMP Rochester on Thursday morning, and I commend, in particular, the outstanding work of its governor and head of security to combat the constant pressure of drugs coming into the prison. On Medway STC, about which we will be saying more shortly, the Secretary of State and I have met Dr Gary Holden and the Medway improvement board, which was appointed by the Secretary of State. We will be making further announcements on its findings in due course.

Liz McInnes (Heywood and Middleton) (Lab): A constituent came to see me this week-

end to express her fears for her son. He is in prison and every day she expects to get a phone call saying he has been murdered. What reassurance can the Minister give my constituent that prisoners, while serving their time, do not live in fear of their lives?

Andrew Selous: The whole prison reform agenda speaks directly to the issue of violence. Our vision for prisons is one where prisoners engage in meaningful, relevant education and in skills training that is linked to skills needed in the local community and which will help them to get a job. Our vision also includes a commitment to keeping family relationships strong. If we can do those three things, we will reduce frustration, levels of violence and the number of assaults.

Carolyn Harris (Swansea East) (Lab): Wormwood Scrubs has been described by the Prison Officers Association as “flooded with drugs, mobiles phones and weapons” and by the chief inspector as having cells so bad you would not keep a dog in them. Does the Minister still think that this prison is fit for purpose?

Andrew Selous: HMP Wormwood Scrubs is an older, Victorian prison facing various challenges. I went around it recently, and as I said, I have confidence in its very good new governor. The hon. Lady mentioned mobile phones, which we have not talked about much so far. As the Prime Minister announced on 8 February, we are committed to working with the mobile network operators, which also need to rise to their responsibilities to help us fight the scourge of mobile phones in prisons.

Yasmin Qureshi (Bolton South East) (Lab): In the last four years, there has been a rise in levels of violence against prison officers owing to understaffing and the fact that there are not enough rehabilitation programmes. Is it not time to re-evaluate how we decide who to send to prison and, when we do send them to prison, to make available proper rehabilitation provision?

Andrew Selous: Decisions about who goes to prison are obviously for our independent judiciary, but the hon. Lady is absolutely right about the need for better rehabilitation. We are determined that time in prison is not wasted but is productive, relevant and beneficial to prisoners and to the wider community in terms of keeping us all safe when they come out.

Mrs Madeleine Moon (Bridgend) (Lab): Parc prison in Bridgend has an excellent reputation for its rehabilitation work, including its drug rehabilitation work, but it needs the support of the local police force, South Wales police, if it is to tackle the smuggling in of drugs and the throwing of drugs over the wall. It gets that help. What is the Minister doing to make sure that police forces across the UK work with their prison forces and officers? The number of attacks on prison officers and by prisoners on prisoners is increasing, and unless prisons work with police forces to arrest those guilty of smuggling drugs into prisons, we will be wasting our time.

Andrew Selous: I thank the hon. Lady for praising the work of HMP Parc in her constituency—in particular, I would praise the outstanding family work done by Corin Morgan-Armstrong—and I am grateful to her for raising the issue of good co-operation with the local police. I am pleased it is working well in her area, but she is right that it varies across the country. It is an issue that I take extremely seriously and about which I have regular conversations with the policing Minister.

Marie Rimmer (St Helens South and Whiston) (Lab): It is no mystery why assaults on prison officers, assaults between prisoners and suicides have increased in prisons. Only last week, a report came out showing that every factor had gone up. It is no surprise when staff are cut by a third. I was very pleased to listen to the Secretary of State and I applauded him, but I am disappointed that he is not here today. The vision for the future is good, and I support it, but we cannot wait for jam tomorrow. We need more action now. We are still 7,000 down on staff numbers. We need an increase in the number of officers now. It is not safe for them to go into work now, and it is not safe for the prisoners themselves. We need more action today. I

ask you what you intend to do now as a matter of urgency?

Mr Speaker: I intend to do precisely nothing, other than to ask the Minister to tell the House what he and the Government will do.

Andrew Selous: The hon. Lady is a member of the Select Committee, is very knowledgeable and takes these issues extremely seriously. One issue not yet mentioned today is that we are significantly improving prison officer training. It has increased from six to 10 weeks, and we are providing officers with the additional skills they will need to be able to cope. Training on its own, of course, is not enough, which is why I reiterate to the hon. Lady the commitment I have made several times today to carry on recruiting at the rate we are recruiting to get up to the benchmark level. In December 2014, the number of vacancies for prisoner officers was 5%; it is now 2%, and I want to see it at 0%.

Jenny Chapman (Darlington) (Lab): I have heard these sort of remarks from the Minister so many times—too often to have any confidence that he is going to do anything at all about this problem. It is a problem of this Government's making, when they let far too many officers go in the first half of the last Parliament. Now the Minister's problem is not just about numbers; it is about the experience of staff. We now have experienced inmates and inexperienced staff—and this is what happens as a result. What is the Minister going to do not just to get the number of officers in, but to ensure that they are properly trained, supported, mentored, developed and assisted in their early years of learning jail-craft? If he carries on as he is now, these problems will never be resolved on his watch.

Andrew Selous: The hon. Lady is right about the importance of jail-craft. I point her to the recent chief inspector's report on Glen Parva prison, in which it was noted that the new officers were treated as an asset because of their enthusiasm and the new skills that they brought, rather than being viewed as in their probationary period and thus not able to add very much. If establishments get the right attitude and use the enthusiasm of the new recruits, it will be helpful.

Jim McMahon: This is an interesting debate, particularly when we discuss how people on all sides are affected, whether they be people working in prisons, prisoners themselves or their families who are worried about the conditions within the prisons. In common with my hon. Friend the Member for Heywood and Middleton (Liz McInnes), I have had constituents coming to see me to make representations about Strangeways prison in Manchester. They fear that the culture is not in place to ensure that mental health is something to be dealt with positively by the prison rather than simply being controlled because of the Minister's targets.

Andrew Selous: I recently visited HMP Manchester in the hon. Gentleman's constituency, and I would like to pay tribute to the outstanding work of prison officers there, facing some challenging prisoners. We are absolutely committed to improving mental health in prisons. NHS England is taking on an extra 20 case managers this year for adult secure services. We have co-commissioning coming up, and we take mental health issues extremely seriously.

Dr Rupa Huq: The Minister is well aware of the Justice Select Committee's inquiry into prison safety, which addresses the issue of violence. Members might have noticed that on Friday, the news slipped out that the Medway Secure Training Centre, which was mis-run by G4S, has now come into Ministry of Justice hands. The next day, a report came out on Rainsbrook, showing endemic use of force and restraint. Surely the logical conclusion is that the MOJ should now take over Rainsbrook private youth prison.

Andrew Selous: No Governments comment on leaks, wherever they come from. We will have more to say about Medway in due course, and, indeed, about all three secure training centres, because, as the hon. Lady has said, some of the issues that apply to Medway are clearly relevant to all of them.

Alex Cunningham The hon. Member for Berwick-upon-Tweed (Mrs Trevelyan) mentioned "spice". Officers at Holme House prison, which is in my constituency, have ended up on sick leave because of the effects of smoke from this substance. Others have been injured while trying to deal with violent prisoners, some of whom are taken to hospital after using the substance, thus putting officers and health staff at risk. When will the Government put the right systems in place to stop such substances getting through security and into prisons?

Andrew Selous: We are investing in new technology, and we are trialling a full body scanner to detect "spice", "black mamba", and other types of new psychoactive substance which are concealed within the body. I believe that the smoking ban will help in time, once it has been rolled out to prisons in the hon. Gentleman's area and throughout the country. Unfortunately, as he will know, "spice" is often smoked openly by prisoners pretending that it is tobacco.

Cat Smith: Prison officers at HMP Lancaster Farms, in my constituency, will have observed the events at Wormwood Scrubs over the weekend with trepidation, because the situation there is reflected across the country. The situation at Lancaster Farms was so bad that prison officers went to the local paper to expose the issue of drugs in prisons and the need for more officers. Will the Minister commit to putting more money into prison staffing so that staff can go to work and feel safe?

Andrew Selous: I should point out to the hon. Lady that the Prison Officers Association reached an agreement with the National Offender Management Service. We will definitely keep all the issues at Wormwood Scrubs under review, and, as I have said, we are continuing to spend more money on prison officers in order to recruit up to the benchmark. We are continuing to recruit at the rate at which we have been recruiting for the last few years.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I share the concern expressed by many other Members about prisoners with mental health issues, the risks that they pose not only to themselves but to others and the effect of staff cuts on that situation. I have corresponded with the Minister about a constituent of mine who has endured a lengthy bureaucratic process relating to his potential transfer to a secure mental health unit that would be more adequate to his needs. I am sorry to say that his family received a call this month telling them that he had killed himself, only to be told half an hour later that he had not. That is an extraordinary situation. I should like the Minister to investigate it fully, and also to look very closely at the case that is being made for my constituent to be transferred from HMP Birmingham, where he is currently being held.

Andrew Selous: I apologise to the family, through the hon. Gentleman, for the fact that they were given such terrible news, which clearly was not true. If the hon. Gentleman wants to write to me again about the issue, or even to come and see me about it, I shall be more than happy to discuss it further with him.

Hostages: 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 Coultts, 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, 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.