Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

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Birmingham Prison – Spotlight Shone; Nothing Done

Nicki Jameson FRFI: On 3 May the trial of nine prisoners accused of involvement in the 2016 mass protest at Birmingham prison came to an end. The results were clearly not what the government, prosecution or G4S (the private company which manages the prison), had hoped for. Only one of the accused was convicted of the serious charge of prison mutiny; he and three others were also convicted of 'taking a photo or making a sound recording without authority' – an offence introduced in 2007 as part of a series of amendments to the Prison Act designed to deal with phones and other devices being used in prison. The remaining five were acquitted on all charges. Earlier court hearings in 2017 were more successful for those lined up against the prisoners: two men were found guilty of prison mutiny and sentenced to serve nine years each. Four others who pleaded guilty were sentenced to six-year terms.

Frustration and Rage: The final months of 2016 saw prisons across England grip¬ped by frustration and rage against a brutal and overcrowded system in which prisoners were becoming increasingly desperate, as the capitalist crisis and resultant public sector spending cuts made an impact on their already minimal rights. During this period there were protests and disturbances at Lewes, Bedford, Moorland and Swaleside prisons, and on 16 December 2016, the largest such protest erupted at HMP Birmingham, involving over 100 prisoners. The Prison Officers Association (POA) described it as 'the worst since Strangeways'.*

The POA had its own agenda in relation to the wave of protests in general, and that at the privatised Birmingham prison in particular. A month earlier, on 16 November 2016, the union, which is legally banned from striking, had staged an unofficial walk-out in protest against staff ¤shortages and fear of violence against its members. Although it is indeed true that spending cuts since 2007 have resulted in a reduction in prison officer numbers, the POA simply repeated the same refrain it has uttered since its inception. Its suggested solution to any 'prison crisis' is never that prisoners should have access to more education, rehabilitation etc to divert them from violence against staff or one another, but that they should be locked up for even longer each day and allowed even fewer opportunities to leave their cells.

As the prisoners from the 2016 revolt were beginning to face the courts at the start of September 2017, a second protest took place at Birmingham prison. Again fuelled by oppressive conditions in general, this upheaval, along with more at other prisons, was further driven by the impending ban on tobacco. As we wrote in FRFI 260 (October/November 2017): 'Not content with presiding over an overcrowded, volatile prison system, the government is setting about making levels of stress, bullying and racketeering reach new heights by banning smoking. The majority of Category C prisons are now officially "smoke free" and the MOJ plans to have the ban in place in all closed prisons by summer 2018. "Smoke free" does not of course mean that no one is smoking or that there is no tobacco, any more than a "drug free" prison wing really means there are no drugs. But the possession of a highly addictive substance which is perfectly legal outside prison has now become an offence inside. So, while the black market tobacco price rockets and prisoners roll up nicotine patches issued by health care to smoke, levels of stress mount. According to press reports, prisoners at the recent Haverigg and Birmingham disturbances could be heard chanting "We want burn [tobacco]".'

A Brutal History: Winson Green prison, as it was originally called, was built in 1849 to house adult male and female prisoners, as well as children. Although the first governor, Captain Alexander Maconochie, was a liberal reformer, following his dismissal from the job, the prison became insanitary, violent and dangerous, with mistreatment of prisoners rife and deaths in custody all too frequent. It has remained that way ever since. • In 1974 the innocent Birmingham Six were viciously beaten by prison staff. They appeared in court covered in bruises and other injuries; 14 officers were charged with assault, but acquitted at trial. • In 1980 Barry Prosser was kicked to death by Winson Green screws. His inquest returned a verdict of 'unlawful killing' and three officers were charged with murder. None of them gave evidence and their defence claimed some of Barry's injuries were self-inflicted. The three were acquitted and the Home Office refused to allow a public inquiry. • In 1992 John Bowden received £3,000 compensation for a beating he received in 1989 on arrival from Long Lartin, where he had been organising prisoners to stand up for their rights. • In 1995 former Strangeways protester Paul Taylor was battered by segregation unit staff following his transfer from Blakenhurst prison.

This targeted violence by prison staff was played out against a backdrop of overcrowding, squalor, neglect and racism. In 2001 the Chief Inspector of Prisons reported that the prison contained 'some of the worst conditions we have ever seen in a prison in England and Wales': • Sick and mentally ill prisoners were subject to degrading treatment and kept in disgusting physical conditions • There was a shortage of clean clothes for prisoners, some of whom did not even get a weekly shower, and toilet paper was rationed. • 62% of prisoners felt unsafe and 11% reported being assaulted by staff. • Racist staff attitudes were prevalent and not hidden, with the principal officer's office adorned with a racist cartoon, including the words 'Join the National Front'.

Privatising the Problem: In 2009, the then Labour government put Birmingham prison out to tender, inviting private contractors to bid to run it. Although, after the uprising in 1990, there had been a Tory government plan to privatise Strangeways, this did not ultimately go ahead. Winson Green therefore became the first state prison to be privatised, although Labour in government oversaw the opening of 11 new prisons in England and Wales, and two in Scotland, entirely constructed and run by private companies. By 2011 when the tendering process was complete, Labour had been replaced in government by the ConDem Coalition; Conservative Home Secretary Ken Clarke therefore had the job of awarding the contract to take over Birmingham and build an additional prison, then referred to as 'Featherstone 2' and which would become HMP Oakwood. The capacity of Birmingham had been increased in 2004 from 900 to 1,400 prisoners, and together the two prisons can house 3,550. The 13 then existing private prisons were run by three companies: Kalyx, Serco and G4S Justice Services, and it was G4S which won the Birmingham/Oakwood contract. G4S is the world's largest security company, operates in over 90 countries and is the world's third-largest private employer. It was founded in 2004 by the merger of British-based Securicor plc and Denmark-based Group 4 Falck. Currently, G4S runs five of the 14 privately-run prisons in England and Wales, as well as two of the eight immigration detention centres. It also manages housing for asylum seekers (see page x), and provides tagging, escort and a wide range of other 'services' to government. The Birmingham/Oakwood contract runs for 15 years and was estimated by G4S, when it announced having won it, to be worth £750m.

G4S's crimes are many. Just a few of the more well-known in this country are: • 2010: the death of Jimmy Mubenga while pinned down by G4S guards on a flight deporting him to Angola. As with Barry Prosser, the inquest verdict was 'unlawful killing' but the guards were acquitted, in this case of manslaughter. • 2012: chaotic organisation of security arrangements for the London Olympics. •

2014: charging the government for the post-custody electronic tagging of prisoners who were back in prison, had never been released or had died. • 2016: revelations of mistreatment and assaults against juveniles imprisoned in Medway Secure Training Centre. • 2017: physical and mental abuse of immigration detainees at Brook House revealed by undercover Panorama programme. Despite this, G4S continues to hold the contract to run Brook House.

Still Dangerous and Deadly: In 2017 the Prisons Inspector visited Birmingham prison again, and reported that: 'More than half of prisoners in our survey said they had felt unsafe during their time at the prison and over a third felt unsafe at the time of the inspection... Violence towards staff and between prisoners was very high. There had been an increase, year on year since the previous inspection.' Drugs were easy to come by and one in seven prisoners interviewed had acquired a drug habit since being imprisoned. On 27 April 2018 The Guardian reported that five prisoners had died at HMP Birmingham in the previous seven weeks, one from 'natural causes' and the others either by overdosing accidentally on drugs or intentionally taking their own lives. The prison has apparently been served with two 'improvement orders' by the MOJ addressing levels of violence, hygiene standards, prisoner care and treatment, and reducing incidents of self-harm.

No End in Sight: And so it goes on. Whether in public or private hands, Winson Green/Birmingham prison continues to be a hate factory, warehousing working class men with chaotic lives and rendering them back into society more damaged than when they went in. Of course it is not unique; the whole prison system is brutal and degrading. Yet even the usual reform mantras of 'improving conditions', 'reducing overcrowding', 'increasing rehabilitation' are nowhere on the government's current political agenda; nor on that of the opposition, with the Labour manifesto merely promising to recruit an additional 3,000 prison officers.

Like the Strangeways prisoners before them, in a small way those who protested inside Birmingham prison in 2016 and 2017 succeeded in shining a spotlight onto the brutality inside the prison walls, and like the Strangeways prisoners it was they, and not the prison guards, managers or – in the case of a privatised prison – fat cat executives, who the state then sought to punish for shining that light.

Fisherman Jailed For Cocaine Smuggling Vows To Clear Name

A man convicted alongside four others of a £53m cocaine smuggling plot told BBCs Victoria Derbyshire that he is innocent and will continue the fight to clear his name. Scott Birtwistle, one of the so-called 'Freshwater Five', was released from prison in March this year having served more than 6 years inside for a crime he has always insisted he did not commit. In 2011, Scott was convicted alongside three fishermen and a scaffolding boss for allegedly using a fishing boat to collect cocaine from a containership in the English Channel and then dropping it off in Freshwater Bay, off the coast of the Isle of Wight. BBC journalist Jim Reed reported, "A detailed forensic search of the fishing boat could not find a single trace of cocaine."

In the exclusive interview with BBC Victoria Derbyshire, Scott said: "I've lost the last seven years of my life. I've gone from being 20 years old, and I'm now 27. That's a massive part of my life I've just lost, for nothing. What have I got to gain coming on national TV if I was guilty? Surely if I was guilty I would just let it lie. I've served my time and I'm out. Why would I keep fighting for it even though I've been released from prison? What would be the sense in that?" In his interview Scott described the moment he was convicted: "I'll be honest I can't even put in to words how I felt, it was just, I couldn't believe it. It didn't seem real whatsoever."

Scott is represented by legal charity the Centre for Criminal Appeals. His solicitor, Emily

Bolton, Legal Director of the Centre, told the programme: "In this case, even the experts testifying were not given access to all the information that they needed to get it right, to present a complete picture. So, the experts themselves were misled, the jury was misled, the judge was misled. And in the end, the Court of Appeal has the opportunity to put this right. The jury was told that the fishing boat went behind the containership and picked up the sacks of cocaine. We can now show that was not the case. We can also show that where the sacks of cocaine were said to have been thrown off the fishing boat, in-shore, was a position that the fishing boat did not enter, and could not enter, according to her own navigational device."

The Centre is preparing to lodge a fresh appeal on behalf of the men.

Prisons Inspector Takes Emergency Action Over HMP Exeter & HMP Bedford

Jamie Grierson, Guardian: The chief inspector of prisons has taken emergency action to improve conditions at an "unequivocally poor" jail with soaring levels of violence and self-harm. Peter Clarke has put the justice secretary, David Gauke, on notice that he must explain how conditions at HMP Exeter will be improved using an "urgent notification" protocol for only the second time since the power became available. It also emerged that Bedford prison had been placed into special measures on Wednesday by the Prison Service meaning additional support would be brought in.

An unannounced inspection at Exeter in May discovered high rates of self-harm and suicide, including six self-inflicted deaths, increasing numbers of assaults against prisoners and staff, and high levels of drug use. In his letter to the justice secretary, Clarke said: "During the inspection we saw many examples of a lack of care for vulnerable prisoners which, given the recent tragic events in the prison, were symptomatic of a lack of empathy and understanding of the factors that contribute to suicide and self-harm." Clarke told Gauke the principal reasons for invoking the urgent notification mechanism were that safety in the prison had "significantly worsened in many respects" since the previous inspection in August 2016.

The urgent notification power came into force in November and has been used once previously for HMP Nottingham. Prisoner-on-prisoner assaults in Exeter had gone up by 107% since the last assessment, while attacks on staff had risen by 60%. Clarke reported that there was a "strong smell" of drugs on some of the wings and he saw inmates who were "clearly under the influence" during the inspection. Many cells were in a poor state of repair, with broken windows, leaking lavatories and sinks, and poorly screened toilets. In one case a vulnerable prisoner assessed as being at a heightened risk of suicide was found in a "squalid" cell without bedding or glass in his window. Clarke said: "The senior management team that is currently in place at HMP Exeter is largely the same as at the last inspection in 2016. "The failure to address the actual and perceived lack of safety, and the issues that contribute to both, is so serious that it has led me to have significant concerns about the treatment and conditions of prisoners at HMP Exeter and to the inevitable conclusion to invoke the UN (urgent notification) protocol." Under the urgent notification process, the chief inspector can inform the government of any urgent and severe prison problems found during an inspection. The justice secretary then has 28 days to publicly report on improvement measures adopted at the jail in question.

Deborah Coles, director of Inquest, a charity dealing with deaths in police and prison custody, said: "This cannot be blamed on staffing levels. That serious safety concerns are systematically ignored points to an institutional and shameful indifference to the well-being of prisoners. In any other setting this institution would be closed down." Peter Dawson, director of the Prison Reform Trust, said: "Exeter prison is a grossly overcrowded prison where most prisoners are either

not convicted at all or are serving short sentences." Bedford, a Category B prison that holds more than 500 male prisoners, was placed in special measures following a riot and "unprecedented levels of violence", the Prisons Officers Association (POA) said. Glyn Travis, POA spokesman, said: "Bedford is a low performing prison. There have been issues around the prison for about 15 months. High levels of violence, high levels of rioting and a member of staff was almost murdered." The prisons minister, Rory Stewart, said: "I am grateful to the chief inspector for identifying the urgent attention required at HMP Exeter – and I am determined that we act immediately. Staffing has increased at Exeter and we expect to see improvements as a result. "We will provide all the additional support needed to improve safety and reduce self-harm and we are already conducting a rapid review of conditions to improve the standard of cells." Built in 1853, HMP Exeter is a category B facility for male inmates and has an operational capacity of 544. The unannounced inspection was undertaken between 14 May and 24 May.

Investigations Companies

"Our current legal system increasingly accepts a complainant's crime allegation without question. Financial cuts to the Criminal Justice System and Policing has meant that investigations are no longer a search for the truth but rather a way of reaching performance targets. There is also an increasing time between arrest and a charging decision, and Law firms understandably will not (other than representation at the Police station) generally work on a case until that charging decision is made. The evidence gathered by the Police to support the charge is then presented to them some weeks later, but what has been happening on the accused's behalf during these weeks and often months?

It is at this stage that Investigations Companies should be considered to help build your defence in case you are charged. It is recognised the world over that the timeliness of an investigation is most crucial but if no one is brought in to assist, then who is gathering evidence on the accused's behalf during this period? Matters to be considered include who is evidencing their version of events? Who is speaking to the witnesses while their memories are still fresh? Who is seeking other witnesses and physical evidence that needs to be collected such as CCTV or phones/computers?

All this needs to be discovered and preserved before evidence is lost. Private Investigators have no 'additional powers' as such, but they do have an investigative knowledge of what is available, what the Police will be collecting and what tactics all parties can lawfully employ. This includes using their investigative knowledge to re-examine and, if necessary, challenge the evidence being gathered by the Prosecution. A good investigator knows how to act within the law, ensure that crucial evidence is gathered, and any investigative opportunities explored before they are lost.

Following any charging decision, there will also be many disclosure issues, and recent media stories have raised significant concerns in this area. A professional Investigations company will know what documents the Police will have collected as well as any internal and multi-agency documents containing information relevant to your case. These may not form part of the evidential bundle you receive, but will often contain vital relevant information depending on your defence.

Our experience is that more people are turning to Professional Investigation Companies to create an 'equity of arms' ensuring that ALL the evidence in the case is lawfully gathered and that the investigation is not just one sided to achieve a Prosecution performance target.

Investigators come in many forms so look for a reputable investigation company with a proven track record of conducting criminal investigations. Check that they and their staff are 'match fit'

to conduct an in-depth investigation on your behalf. They should have recent relevant experience, fully understand the law, tactics, disclosure and Police procedure. Ideally, they should be able to show you recent Crown Court and Court of Appeal examples of their work.

Above all, they will ensure you stay on the right side of the law, and that any evidence is lawful and useable. Remember, any evidence is likely to be useless and do more harm than good if it has been gathered illegally."

Parental Alienation

Parental alienation is the process of manipulating a child into showing unwarranted fear, disrespect or hostility towards a parent and/or other family members. Tragically, in some instances children are led to believe, falsely, that they have actually been abused by the person from whom they are being alienated, with false memories, false allegations, and/or wrongful convictions being the result. On 17th May 2018 in Parliament, Philip Davies MP asked "May we have a debate on parental alienation, which is a growing problem in this country? Parents who are resident with their children are in effect turning their children away from the absent parent, and it is causing a great deal of heartache for many families. It is one of the causes of the suicide rates that my right hon. friend talked about earlier and is, in effect, a form of child cruelty. Can we do something about this, because it is causing misery for thousands of families up and down the country?". Andrea Leadsom (Leader of the House of Commons) replied: "My hon. friend is absolutely right to raise that. I am sure that we have all had people coming to see us in our constituency surgeries who are quite clearly determined to turn their own children against the non-resident partner. It is an absolute tragedy, and the losers are the children. I am totally sympathetic to my hon. Friend, and I encourage him to seek a Westminster Hall debate so that all hon. Members can share their thoughts on this."

CCRC Head of Communication, Justin Hawkins, wrote this article for SAFARI

"The CCRC has written before in the SAFARI newsletter about what we do – look into alleged miscarriages of justice – and what we need in order to be able to refer a case for appeal. We have tackled this a few times in a general way, but this time SAFARI asked if we could "produce an article which helps to explain to potential applicants what kind of new evidence is likely to result in a referral and what isn't" and asked us to deal with a few hypothetical examples which are discussed below.

The first question really goes to the nub of the issue which is that every case is different, or fact-specific. You will often hear lawyers use phrases like "every case turns on its own facts". It may be a cliché, but it is also true. It also explains why it is a near-impossible task to answer a question like "what kind of new evidence is likely to result in a referral and what isn't". The bottom line is that information which could give rise to a really strong ground for an appeal or a CCRC referral in one case, could be utterly useless in a different case. The reason is that the impact of new evidence will almost always depend on how it relates to other aspects of the case in question. In fact, short of something constituting an iron-clad alibi, it is hard to think of any evidence that would in every case and at all times guarantee a CCRC referral and/or lead to a conviction being quashed at the Court of Appeal.

Hopefully, the following discussion of a specific example put to us by SAFARI will help to show why. The SAFARI example was: "What if a complainant states they were assaulted in a house with a red front door, but it can be proved that the door was green at the time which suggests the complainant was lying?"

Firstly, it almost goes without saying that such issues will almost always be entirely irrel-

evant in cases where the defendant ran a defence based on consent, or level of involvement or some other situation where presence at the scene was not denied. In other situations, it may be relevant, but how relevant depend on the precise circumstances.

So, imagine a case where a man is accused of attacking a woman. Her account of events is that she was taken at night to a house with a red door, forced upstairs and assaulted. With that in mind consider the following varying scenarios. In scenario one, man A says: “But my house has a green door.” In scenario two, man B says “But my house has a white door.” In scenario three, man C says: “My front door is red, but I live in a bungalow.” In scenario four man D says: “My front door is red, but it opens on to the top floor of my house and the stairs lead down, not up, to the living accommodation.”

In each of these scenarios, facts about the house in question could potentially change the evidential weight of the complainant’s statement about the colour of the door and being forced upstairs. In scenario one, it is quite easy to see how the prosecution, faced with the verifiable claim by man A that his door was in fact green, could simply put it to the jury that mistaking red for green is an easy mistake to make, particularly in the dark and in the circumstances where the complainant is alleged to be subjected to a traumatic attack. If the rest of the complainant’s account contained accurate information about the layout of the house or other details, then the point about the colour of the door looks very weak indeed. Also, if the complainant turns out to be red/green colour blind, the point is useless.

In scenario two, the matter is perhaps altered slightly by the fact that a white door is less easily mistaken for a dark colour and that it is harder for the prosecution to explain it away plausibly. It may start to look more like a mistake by the complainant, and it could possibly be argued by the defence that if she got this wrong, other parts of her account could also be wrong. However, many of the other factors in scenario one apply, and if other details in the complainant’s account of the scene appear correct, that would tend to diminish the potential weight of the point.

In scenario three, the total absence of stairs in the property means that a key part of the complainant’s account looks to be incorrect (in spite of the fact that the door was red). It could be argued that this raises real questions about the rest of it. If in this scenario the door had also been green and not red, the point may start to look even more compelling.

In scenario four, there are stairs but, highly unusually, they go down from the point of entry. The defence could argue that the absence from the complainant’s account of this distinctive feature of the location of the alleged attack, and the fact that it runs contrary to her account of being forced “upstairs” casts real doubt on her account. The prosecution could argue, as in scenario one, that this is an understandable mistake in the stressful circumstances of the alleged attack, but it would perhaps be less convincing here. Again, if the complainant had also been wrong about the colour of the door, the evidential value of part of the complainant’s account has would undoubtedly have shifted.

However, to start to evaluate the potential impact of the points on the safety of the conviction, you also need to factor in what the other evidence in the case looked like. If there was physical evidence, or CCTV, or previous convictions for similar offences and so on, even quite large discrepancies in details like door colour or layout could easily, and understandably, pale into insignificance. Other matters that frequently come into play and could add to, or detract from, the strength or weakness of the complainants account are factors such as:.whether the complainant had been to the house before (perhaps when the door was red), or lived in the area and would perhaps have passed the door, or maybe she had drunk alcohol or taken

drugs that night. So, in a strong prosecution case, such flaws in evidence may not matter at all, but in a week case where a lot depended on relatively small details, they could be highly significant. These examples hopefully show how the significance of a statement is always derived at least in part from the context to which it is related.

How a jury might attach significance to an account, or to a mistake or inconsistency within that account will depend on a number of things such as how the prosecution explains it, how the defence side responds and how the rest of the witness’ testimony and how the other evidence in the trial stacks up. These are the kinds of things that the CCRC is weighing up when it looks at a case. Our job is to identify new evidence and to evaluate its potential significance and impact. That exercise cannot take place in isolation; it always involves consideration of the case as a whole and particularly of the prosecution case.

This is one good reason why, if you apply to the CCRC, you should be candid and seek to explain your case “warts and all”. It is a classic mistake in CCRC applications to fail to engage with, or even fail to mention, the unflattering or inconvenient parts of the case against the defendant. This is an error; firstly because these tend to be the elements of the case that persuaded the jury to convict and that therefore need to be understood and considered most carefully in relation to the weight of any new information; and secondly because, with our far-reaching access to information, we will find it anyway. If trying to obscure unflattering material takes the form of refusing to sign a legal waiver, or to provide us with defence material, we will obviously be asking ourselves why. In such circumstances, it is hard not to draw negative conclusions.

Undoubtedly, life would be simpler if there were lists of things that did and did not constitute good grounds of appeal. In reality, things are just not like that, but hopefully what we have written here may help to explain why that is and even help to understand what that may mean for you if you are working towards an appeal or a CCRC application."

Police Scotland's Ability to Investigate Itself Brought Into Question

Scottish Lega News: The head of the police watchdog has said the public would prefer it if the force did not investigate itself. Complaints about officers are dealt with internally by Police Scotland, though accusers can apply to the Police Investigations & Review Commissioner (PIRC) if they are dissatisfied. Head of the PIRC, Kate Frame, has suggested all allegations should be handled independently rather than first going through the police themselves. Ms Frame told The Sunday Post: “There is a discussion to be had about whether the police should investigate themselves. I think that from the public’s position they would feel an independent investigation, which has not been undertaken by the police, would be preferable.”

The former prosecutor added that Scotland should take its cue from south of the border and have an external organisation deal with whistleblowing. She said: “It is a fairly hierarchical structure in the police and there would appear to be incidents where officers are frightened to speak out.” Without disclosing cases she said that there had been instances where serious allegations against officers had not been passed to prosecutors. Some officers have retired before or during investigations into their conduct, including former Chief Constable Philip Gormley. Ms Frame said having an external organisation would end this “anomalous position”.

She said: “The Crown directs us to carry out an investigation of those still in post and, on occasion, have directed the police to investigate those who have retired. The anomalous position that creates is that you have two separate agencies pursuing the same lines, trying to

interview the same witnesses and trying to secure the same productions. “I think the public would expect one organisation would undertake the whole investigation.”

Iain Livingstone, interim chief constable, said: “Police Scotland investigates all complaints by officers and staff robustly. We fully recognise the importance of supporting our staff and ensuring we provide for their welfare. We are investing heavily in a staff wellbeing programme which is currently being rolled out across the force.”

HMP & YOI Low Newton (Females) More Violent, Overcrowded

HMP & YOI Low Newton is a women's local resettlement prison in the north east of England. The population held there at the time of this inspection was immensely complex, ranging from those remanded by the courts across a huge geographical area to women serving very long, often indeterminate sentences. Within this mix was a small number of young adults and foreign nationals, and many women with significant histories of substance misuse, self-harm and mental health problems. Nearly all the women held said they had arrived at the prison with problems, and over 40% of the population at the time of the inspection were receiving opiate substitution treatment. The prison was also one of only two in England that held restricted status prisoners (any female, young person or young adult prisoner convicted or on remand whose escape would present a serious risk to the public and who is required to be held in designated secure accommodation).

The prison faced a series of new challenges that were not evident when we last visited. It was more crowded, violence had increased, particularly women assaulting other prisoners. The misuse of Buscopan and other substances was more pronounced. It was likely that the smoking ban had contributed to the problematic use of illicit drugs, bullying and assaults. The prison was working hard to address these issues, and while many women reported that they had felt unsafe at some time, and that they had been victimised, they also told us that the prison was still basically safe. Shutting off the supply of problematic illicit substances entering the prison was a major challenge, and the lack of technology to assist with the problem impeded the prison's ability to do so. We therefore think that HM Prison and Probation Service (HMPPS) should, as a matter of priority, provide Low Newton with body-scanning technology to assist in keeping harmful contraband out of the jail.

Many women at the prison had a long history of self-harm, and 77% told us in our survey that they had mental health problems. Care for vulnerable women was excellent and staff knew about the detailed circumstances of those in their care who had complex needs, and every effort was made to provide them with the support they needed. Primary and mental health care were good, but there were gaps, particularly in the provision of counselling and in arranging timely moves to secure hospital beds when needed. We remained concerned that courts were inappropriately using the prison as a place of safety for some women with more severe and acute mental health problems.

An increase in the population meant that more women than previously were now living in overcrowded cells designed for one person, but being used to hold two. The prison buildings were, in parts, somewhat shabby and rather claustrophobic, but they were nevertheless clean and decent. Women received day-to-day basics, and they were consulted well. Staff-prisoner relationships were very strong and formed the basis of what was good about the prison. There was a much better focus on equality and diversity than we usually see, and some excellent support was being provided to those with protected characteristics. Excellent support was also provided to pregnant women, and faith support was very good.

Vulnerable Man Loses Bid To Quash Belfast Bomb Conviction

Belfast Telegraph: Lawyers for James Goodall argued he was subjected to oppressive interrogation and incapable of having drafted his alleged confession. The 64-year-old was sentenced to 15 years imprisonment for causing an explosion at the Academy Shirt Factory on Exchange Street in March 1977. He claimed to have told police "a load of old nonsense" just to get them off his back. But senior judges held there was an overwhelming case pointing to him having verbally confessed and signed a statement to back that up. Chief Justice Sir Declan Morgan said: "There is no evidence, however, to suggest that the applicant's cognitive impairment would have contributed to his failing to understand that he was making a false statement of admission. "At its height the evidence suggests that he may not have appreciated the serious consequences of the admissions."

The attempt to overturn his conviction came after the Criminal Cases Review Commission (CCRC) referred the case back to the Court of Appeal. Mr Goodall, from the New Lodge area of Belfast, was arrested in Scotland days after the attack while en route to a Glasgow Celtic football match. He was held for seven days before being returned to Northern Ireland for further questioning at the Castlereagh detention centre. Although aged 24 at the time of his trial, educational reports indicated his attainment levels and IQ were well below average. He can sign his name but is unable to read or write, the court heard. According to his legal team the only evidence establishing guilt were admissions allegedly made during police interviews. Mr Goodall pleaded not guilty and claimed he was elsewhere at the time of the bombing. Despite disputing that he signed the statement produced by police, he was subsequently found guilty.

Following an initial failed appeal the CCRC, which examines potential miscarriages of justice, carried out a detailed review of the case. The body decided there was a real possible Mr Goodall's conviction could be quashed, based on new evidence relating to his vulnerability at the time. Despite now accepting his signature is on the confession, he rejected its reliability. Defence lawyers argued that their client should have been interviewed with an appropriate adult present. They claimed that any admissions and written confession are unreliable.

But dismissing the appeal, Sir Declan said Mr Goodall's written statement of admission identified the use of his car, the position of two accomplices, journey to the factory, mode of access to the premises and how the device was planted. Outside court Mr Goodall's solicitor, Fearghal Shiels of Madden & Finucane, said: "We are very disappointed at the judgment and will give close consideration to a further appeal."

HMYOI Werrington –45% Increase of Violence by Boys a Concern

HMYOI Werrington, near Stoke-on-Trent, was found by inspectors to be a successful establishment with an “overriding culture” for the 100 boys aged from 15 to 18 of incentive rather than punishment. Peter Clarke, HM Chief Inspector of Prisons, said: “By any standards this was a good inspection (in January 2018) and showed what could be achieved in an area of custody that has drawn considerable adverse comment in recent times, not least from this Inspectorate.”

However, Mr Clarke sounded a note of caution. “Our major concerns were around the levels of violence, which had risen since the last inspection (in 2017) and were too high. There had been a significant increase from some 142 incidents in the six months prior to the last inspection to 206 incidents in the period leading up to this one.” Use of force by staff had also increased. Inspectors noted, though, that Werrington had “good initiatives in place to tackle the violence, and early indications were that they were having a positive effect.” The ambition, Mr Clarke added, was to make the YOI safer, “but not at the expense of the regime” – the day-to-day running of the establishment.

HMP Leicester – Violence Still A Problem

HMP Leicester, one of the oldest prisons in England and Wales, showed commendable signs of improvement in the treatment and conditions for prisoners, despite challenges including continuing high levels of violence, inspectors found. The small and ageing city centre local prison first opened in 1828. It held 308 prisoners at the time of an inspection by HM Inspectorate of Prisons in January 2018 – about 100 more than it was designed for. Peter Clarke, HM Chief Inspector of Prisons, said the previous inspection in 2015 found a deteriorating establishment. "It is therefore pleasing to report that our findings at this (2018) inspection evidenced significant improvement across many areas, despite ongoing challenges both operationally and environmentally. "In 2015 we reported on a prison we considered unsafe. It remained the case that Leicester was still not safe enough, but it is right to acknowledge that the governor and his staff were showing considerable determination in trying to make the situation better." Recorded violence had fluctuated considerably since 2015 but remained high and had risen further in 2017. About a fifth of violent incidents were judged to be serious and assaults on staff had increased. Use of force by staff and use of segregation and special accommodation similarly remained high.

Daily Record/Sunday Mail Fined £80,000 For Contempt Of Court

Scottish Lega News: The publishers of the Daily Record have been fined £80,000 after pleading guilty to contempt of court over articles which appeared in the newspaper and on its website relating to two separate criminal proceedings. The article in relation to the accused in the first case named him and printed photographs of him, and referred to him as a "gang boss" and "cocaine kingpin", while the story concerning the accused in the second case also named him and included photographs of him as he was arrested by police, with quotes from Facebook describing as "beastie scum". In the first case the newspaper had taken legal advice from a solicitor who was "heavily sedated" and "incapable of rational thought let alone advising clients on legal matters", while in the second case the editor acted against legal advice to the effect that there was a risk of contempt.

The High Court of Justiciary imposed the fine after the newspaper owners admitted that there was a "substantial risk" that the course of justice in the cases in question were "seriously impeded or prejudiced". The Lord Justice Clerk, Lady Dorrian, sitting with Lord Menzies and Lord Turnbull, heard that the Lord Advocate brought the complaint against the Daily Record and Sunday Mail Ltd in respect of articles published by the newspaper and online concerning to two separate matters relating to two individuals, "A" and "B". "A" had been arrested on 21 January 2017 in connection with firearms offences and appeared on petition in the sheriff court before being fully committed and remanded on February 1, in respect of charges which were all subject to bail aggravations and said to be connected with serious organised crime "B" had been arrested on 20 May 2017 in connection with offences said to have been committed in Falkirk the previous day and appeared on petition in the sheriff court on 22 May 2017 on charges of attempting to abduct two nine-year-old girls, and other offences, all committed while subject to a sexual offences prevention order.

The article in relation to "A", which was published by the Record newspaper and website on February 11, was sensational in nature, describing him as "one of Scotland's most wanted men". It named him and printed photographs of him and associated him with drug trafficking and with a number of shootings of members of organised crime, using phrases such as "gang boss", "cocaine kingpin" and "cocaine baron", and suggested that he had been "involved in a violent turf war with rival gangsters", while also referring to the recovery of a "fearsome arsenal" and "horrific array" of weapons and money. The story contained details of the allegations against him that may have formed part of the evidence at any future trial, and revealed detailed information about his criminal history, including previous convictions and prison sentences, as well as referring to other live proceedings against him.

The article in relation to "B" also named him, and added photographs from at least one of which he might have been identified. The photographs and captions were sensational in nature, showing him being pinned down to the ground and in handcuffs, one bearing the caption "GOT HIM" and another stating "Dramatic moment cops restrain man accused of attempting to abduct two young girls in the woods", a phrase repeated elsewhere in the article in similar terms. It included detail of the allegations that may have formed part of the evidence at trial, and narrated the broad circumstances of the alleged incident. The article also contained quotations from a Facebook posting said to have been made by the mother of one of the children saying, "This absolute beastie scum tried to get my daughter and her friend to go into the woods with him in broad daylight" - a phrase suggestive of offending of a sexual or indecent nature. The story linked "B" by name with the offences of which he is charged, and implied his guilt.

The court was advised that both sets of articles were "legalled" by solicitors, but in very different circumstances. In the "A" case, the solicitor had been seriously unwell and there was a report from her doctor that she should not have returned to work. She was "heavily sedated" at the time the advice was given and the effects of the medication alone would have "rendered her incapable of rational thought let alone advising clients on legal matters". But there was no such excuse in the "B" case, where the editor acted contrary to legal advice. Initially, answers were lodged to the petition in each case disputing that there was any contempt arising, with notes of argument to similar effect also lodged at a later date. However, in September last year it was conceded that the articles did indeed constitute contempt of court, and senior counsel for the respondent also tendered an apology for the creation of circumstances where the course of justice was put at risk. The judges imposed a cumulo sentence - a fine of £80,000 - after observing that both contempts were "serious" in nature and noting that the admissions came late in the day.

Delivering the opinion of the court, the Lord Justice Clerk said: "Counsel, in his submission, recognised that the nature of the articles, at least in the 'A' case, might be considered so glaringly flagrant that any editor might have questioned the advice given. "There is some force in that concession: in the case of 'A' the terms of the article were blatant contempt. In the 'B' case, the editor was warned by the solicitor engaged for advice, that publication of the photograph carried a risk of contempt but nevertheless proceeded to run that risk. In the 'A' case, the article is one which in our view carries a severely prejudicial risk to the course of justice...The clear implication of the article is that 'A' is a dangerous, violent criminal, involved in serious violent crime, including gun crime, and organised crime. In the case of "B", the publication of the photograph is a particularly serious matter. However, it is also the case that the article set out details of facts which might be expected to be the subject of evidence at trial, including statements made by potential witnesses."

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, 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.