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Murder Conviction Quashed Over Advocate Depute's 'Unfair' Speech to Jury

Scottish Legal News: A man found guilty of murder who claimed that he suffered a "miscarriage of justice" due to "inaccurate, misleading and improper comments" made by the advocate depute during his closing speech has had his conviction quashed. The Appeal Court of the High Court of Justiciary allowed the appeal after observing that the advocate depute's conduct constituted "serious contraventions of accepted rules of practice" and that the trial judge's directions were not sufficient to ensure a fair trial. The Lord Justice Clerk, Lady Dorrian, sitting with Lord Menzies and Lord Turnbull, heard that Adam Lundy was convicted of the murder of his neighbour John Kiltie by stabbing following a row over noise coming from the appellant's flat. Two co-accused, Allison and Goodwin, one of whom was convicted, had also been charged with assaulting Mr Kiltie.

'Self-Defence': The court was told that the appellant and friends had been drinking and playing music, with the windows open, at a flat at 13 Park Road, Girvan. The deceased lived nearby, and there was evidence of prior complaints from him towards the occupants of No 13. The deceased came into the garden at No. 13 and an altercation ensued. In his evidence the appellant admitted striking the deceased with a knife on four occasions, maintaining that he was acting in self-defence against an attack from the deceased, who was wielding a baseball bat. The deceased kept coming at him, swinging a baseball bat, and the appellant said that the deceased struck him on the knee, causing him an injury which bled. The appellant stabbed him four times, in a panic, and stopped when the deceased desisted and fell.

Blood staining matching the appellant's DNA was found on the inside of the left leg of his trousers, consistent with his having bled from the left knee. A baseball bat was later retrieved from a cupboard at No. 13 and blood staining on the bat produced a mixed DNA profile from at least three people, although the major and minor components were consistent with the DNA of the appellant and another householder at No. 13. In statements to the police by both co-accused, each claimed to have seen the deceased challenging Allison with a baseball bat and, in contradiction of each other, each claimed to have disarmed the deceased and placed the bat in a cupboard at No 13 prior to any interaction between the deceased and the appellant. These statements were not evidence against the appellant, and the trial judge directed the jury accordingly at the time when the evidence was elicited, and in her charge.

'Miscarriage of Justice': In her report to the appeal court, the trial judge said there was "overwhelming evidence" that the appellant had stabbed the deceased, and that the only question was whether in so doing he was acting in self-defence, having been attacked by the deceased with a baseball bat; and if not, whether he had been provoked. However, in the appeal it was submitted that the advocate depute "misled the jury" by stating that no DNA of the deceased was on the bat. Although this was corrected by the trial judge, her direction did not mention that it was the advocate depute who had made the incorrect suggestion. The advocate depute also invited the jury to rely on the "inadmissible content" of statements by co-accused, but the trial judge's directions about these statements was "not sufficient" to deal with the potential effect these remarks might have on the jury. The advocate depute invited the jury to consider their verdict on "sympathy" grounds, referring to the deceased's family, and background on repeated occasions, and implying that the appellant and others had been taking drugs, a matter for which there was neither libel nor evidence. The trial judge did clarify this latter point, but gave only the standard directions on the issue of sympathy. It was submitted that these remarks by the advocate depute, in isolation and in respect of their cumulative effect, resulted in a "miscarriage of justice".

Serious Breach of Rules: Quashing the conviction, the appeal judges described the advocate depute's "clear breaches of well-known and well-understood principles" as "unsatisfactory", adding that it was "incumbent" upon the trial judge to take decisive action to "restore the balance" between the parties. Delivering the opinion of the court, the Lord Justice Clerk said: "The trial judge did not take such action. She gave general directions that the jury could not allow feelings of sympathy to enter into their deliberations but did not link these directions with correcting anything said in the advocate depute's speech. In respect of this aspect of the complaint, the advocate depute's speech did three things. First, it implicitly invited the jury to allow sympathy to enter their deliberations. The only possible context of some of the advocate depute's comments, for example the baby growing up without a father, would be to elicit sympathy. Notwithstanding the advocate depute's protestations to the contrary, in our view these parts of the speech require to be seen as evoking sympathy. Second, it placed significant emphasis on the character of the complainer as a factor which the jury could take into account, by considering whether the deceased was the kind of person who was likely to have gone across the road in possession of a baseball bat. The extent to which the character of a witness, even a complainer, is relevant, is very limited. Finally, the speech invited a contrast between what the deceased had been doing that morning and what the appellant and others at No. 13 had been doing. That too might have been a legitimate observation to make, but in this case the gratuitous reference to 'taking drugs', a conclusion for which there was no basis in evidence, again took the matter beyond what was legitimate."

The "general directions" given by the trial judge were not sufficient. "What was necessary was a clear and robust correction of the position adopted by the advocate depute," Lady Dorrian said. She added: "The fact that defence counsel sought, in his speech, robustly to counter the remarks of the advocate depute is of no moment. It is not the role of defence counsel to correct the deficiencies of the crown speech. Given the breadth of the conduct, defence counsel must have felt that he had no option but to try to address the points made by the advocate depute. The effect of the Crown speech was thus to cause defence counsel to tailor his speech in a particular way, and to focus on matters which he would not otherwise have dwelt on in the same way. He should never have been put in the position of having to address these matters, and this tends to highlight the extent to which the balance between Crown and defence, necessary for a fair trial, was tilted. Unfortunately...the directions of the trial judge did not sufficiently restore that balance. In the circumstances the appeal must succeed and the conviction must be quashed."

Police Refuse to Disclose Info On Spy Tools - Privacy International Liberty Take Action

Scottish Legal News: Privacy International has this week filed an appeal challenging UK police forces' refusal to disclose information on their purchase and use of IMSI catchers. IMSI catchers are surveillance tools which mimic mobile phone towers, tricking phones into connecting with them and revealing personal information. Some IMSI catchers can also intercept data, including the content of calls, text messages and internet traffic, and even edit your communications or block your service. In 2016 Privacy International submitted freedom of information requests to police forces identified by media collective The Bristol Cable as having purchased the moni-

toring tools. Each force refused every category of the request on grounds that they could "neither confirm nor deny" (NCND) whether they held the information. Represented by human rights campaign organisation Liberty, Privacy International is challenging the police forces' reliance on a 'neither confirm nor deny' position – which has allowed the secret purchase and deployment of this intrusive and indiscriminate surveillance technology for years.

The forces' stance is supported by the Information Commissioner's Office.

Privacy International and Liberty argue it is a violation of the Freedom of Information Act – and have today appealed to the First-tier Tribunal. Scarlet Kim, legal officer for Privacy International, said: "For years, the police forces have relied on a knee-jerk 'neither confirm nor deny' reaction to requests for information about their purchase and use of IMSI catchers, even as reports continue to trickle out that they have spent hundreds of thousands of pounds on this technology. This secrecy is all the more troubling given the indiscriminate manner in which IMSI catchers operate. These tools are particularly ripe for abuse when used at public gatherings, such as protests, where the government can easily collect data about all those attending. The purpose of the Freedom of Information Act is to empower the public to seek this very type of information - information about government activity that impacts the rights and lives of millions across the country. Instead, the police forces have attempted to strip it of its very meaning. We hope that the First-tier Tribunal will finally permit us to shed much-needed light on police use of this intrusive surveillance technology."

Megan Goulding, lawyer for Liberty and solicitor for Privacy International, said: "We welcome the tribunal's examination of an inept system where public bodies are free to 'neither confirm nor deny' they hold significant information with next to no rigorous scrutiny of their position. "It is vital the public is able to access information on the indiscriminate surveillance technology used against us. We hope the Tribunal acknowledges the threat to our rights and encourages a more diligent approach from the Information Commissioner's Office."

Inmate Given 57p in Compensation After His Magazine Was Damaged by Prison Staff

Helena Horton, Telegraph: A prisoner was reimbursed 57 pence as compensation after a magazine they owned was lost or damaged by prison staff, as new figures reveal that over £1 million has been given out to convicts for lost property over the past five years. Over 13,000 taxpayer-funded payouts have been made since 2013, with claims including damage to tracksuit bottoms (£10), a T-shirt (£3) and a stereo (£150). Other reimbursements include lost or damaged tobacco (£20.80), a DVD player (£68.99), and a watch (£10). The statistics, obtained by the Press Association via a Freedom of Information request to the Ministry of Justice, show £1,075,594.80 has been paid out since 2013, while the number and value of payments went up in the last financial year despite a watchdog highlighting the problem.

Authorised belongings can be held in possession, meaning the prisoner keeps the item on them or in their cell, while excess items can be stored locally at the jail or at a central depot. Rules allow for inmates to lodge complaints and claims for compensation when property is lost or damaged. Last year, it was found that in the four years between 2013 and 2017, lost property claims totaled £833,541.02. At the time, Prisons and Probation Ombudsman Nigel Newcomen called on the prison service to "get a grip" on the way property is managed. Now, it has been found that the following year, 2,666 awards were made in relation to prisoners' belongings in 2017-18, at a total cost of £220,053.78.Conservative MP Bob Neill, who chairs the Commons Justice Committee, said: "This issue has been raised at a number of our recent prison visits, so these figures do not come as a surprise. "Property is a regular source of complaint to both the Prison and Probation Ombudsman

and independent monitoring boards. Until prisons properly follow the clear guidance from the Ombudsman, scarce resources, not to mention taxpayers' money, will continue to be wasted. Prisons need to sort it out to ensure that they have an adequate system for property recording."

John O'Connell, chief executive of the TaxPayers' Alliance said: "This increase in payments to prisoners for lost and damaged property will concern many taxpayers across the country. Either the authorities are failing to treat prisoners at a standard they are legally required to, or they're giving out compensation payments too easily - both at the expense of hard-pressed taxpayers."

A Prison Service spokeswoman said: "We successfully defend two thirds of all compensation cases brought against us by prisoners. Where compensation is awarded, we always seek to ensure that payments are offset against outstanding debts owed to the courts and victims. In addition, a programme of work is underway to prevent the causes of claims to allow us to better protect taxpayers' money."

Thousands of Ex-Prisoners Likely to be Sleeping Rough

David Sapsted, Guardian: More than 100,000 prisoners left detention for unsettled or unknown accommodation over the last three years, Ministry of Justice figures have revealed, raising concerns over the numbers of ex-offenders who could be sleeping rough. The figures come as the government announced plans to tackle the epidemic of homeless ex-prisoners. Almost half of the 220,411 prisoners released over the last three years left prison for accommodation that was either not tracked by authorities or were classified as "unsettled". Around one in six former prisoners were classified as unsettled, likely to mean sleeping rough or another form of homelessness, between April 2015 and March 2018. The figures, obtained by the Liberal Democrats through a freedom of information request, revealed that HMP Norwich released 72% of its prisoners to unsettled or unknown accommodation over two years, the highest proportion of any prison.

Ed Davey, the Liberal Democrats' home affairs spokesman, whose party analysed the MoJ figures, said he was concerned those prisoners who had fallen through the cracks would not be able to access vital rehabilitation services. "To prevent reoffending, prisons should be places of rehabilitation and recovery, and that work must continue when offenders leave the prison gates," Davey said. "The thousands of people who have nowhere to go upon release are less likely to be able to get a job or have access to education or healthcare. It's hardly surprising that some turn to stealing or even choose to go back to prison for the sake of a warm, dry bed. The criminal justice system is fundamentally failing when people are reoffending just to get a meal or a place to sleep."

On Monday, the government announced it would invest £3m a year over two years in a pilot scheme for dedicated officers in prison to equip inmates for life outside, with a focus on getting those serving short sentences into suitable housing. Prisons minister Rory Stewart said ensuring prisoners had a stable home was vital to avoiding re-offending. "Too many rough sleepers come straight from prison – moving from their jail cells into this outdoor life of isolation, vulnerability and addiction," he wrote in a blog for the MoJ. "On the streets, without a job, without mental health support, or a bed for the night – they are sucked back into a criminal life, reoffend, and soon end up back in prison. We must do much more to help rough sleepers, and ex-prisoners in particular, to find a house and re-establish a more stable life." Stewart said it was "vital for public safety" that ex-prisoners were reintegrated into society. "It is protecting all the potential victims of their crime – and reducing the burden of reoffending that costs the public £15 billion a year," he said. "Thus, preventing rough sleeping among ex-prisoners is good for them, good for the streets, and good for the public who will be better protected from the misery of crime."

When Social Workers Forget That Interventions Under 'Child In Need' Are Voluntary

There has been significant press coverage of the work of child protection social workers over the last few months. At times I have found this coverage to be misleading and unnecessarily critical. It is clearly right, however, that abuses of power and injustices are exposed and explored, with lessons learnt for the benefit of families and professionals working in the system. For that reason, it feels important – as someone working inside the system – to write about social workers' misunderstanding, and resulting misuse, of section 17 of the 1989 Children Act. I have not seen this topic explored before, perhaps because it is not an area of social work practice that is scrutinised through the courts; there is little evidence in the public domain of its prevalence.

Section 17 sits in part three of the Act, which is titled 'Support for Children and Families Provided by Local Authorities in England'. Section 20 (the misuse of which has been discussed elsewhere at length) is also contained in part three. The emphasis in this part of the Act is on providing services to families (including, where necessary, accommodation) to help them. Indeed, the provisions of this part of the Act contrast to those included in part five, through which local authorities can apply to the courts to become involved in a child's life. Part five also provides the police with powers to protect children. At their most invasive, these powers allow the removal of children from their parents' care. Crucially, it is part five of the Act, and not part three, which provides a means for the state to intervene in a child's life without the agreement of the family.

My experience is that, in practice, social workers treat the two parts as if they are interchangeable. I have no doubt that social workers generally intend to do the best by the children with whom they work, often in very challenging circumstances, but observations of a typical local authority children's service department suggest that social workers routinely intervene in a child's life under the guise of section 17, where this may be inappropriate and without providing families with adequate information about the voluntary nature of their involvement. They are not working in partnership with families, but operate as if they are working through the powers available in part five of the Act. In this way, they are intervening in families' lives potentially without justification, without scrutiny and without the agreement and consent from families.

This matters because it is through the provisions of section 17 of the Act that much of our work with families begins: most of the assessments we conduct are, in theory, 'assessments of children in need' (i.e. not child protection investigations). Many of the children on our caseloads are, officially, 'children in need'. Parents may have heard social workers refer to their work with their family as 'child in need planning'. In 2017 there were almost 400,000 'children in need' in England. I suspect that this number would be smaller if section 17 was used as the Act intends.

This section of the Act places a duty on local authorities to: '(a)to safeguard and promote the welfare of children within their area who are in need; and (b)so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.' There is nothing written about the need to gain parents' consent and agreement before local authorities can provide services through this section (the same is true of section 20), but this is because the Act is written from the premise that, ordinarily, parents alone hold the right to make decisions about their children's lives. It is important that social workers are clear of the distinction between the duty to provide services and a right to intervene.

Moreover, this section in particular focuses on working in partnership with children and families, as does the guidance on assessing children who may be 'in need'. Advice from the Family Rights Group notes that parents do not have to agree to their children being assessed (see p. 28 here). This is the critical point that social workers seem to frequently ignore.

Indeed, in practice social workers rarely ask families being supported through section 17 whether they agree to assessment or intervention. They rarely ask for parents' consent to become involved in a child's life. I have heard social workers say that it is not for parents to decide whether social workers should be, or remain, involved in their child's life where it has been determined that they are 'in need'. This is dubious practice which is not supported by the law or guidance. In fact, local authority guidance on this issue often refers to the need to gain parents' consent before beginning any work with a family (see p. 3 here; here; and here), but this guidance is too commonly ignored by some social workers.

As I have noted, part five of the Act allows (in section 43) local authorities to apply for court orders if they are concerned for a child's welfare and have been refused access. While the child assessment order is rarely used, it exists for those circumstances where local authorities have concerns about a child and have been prevented from completing an assessment to determine whether further action is necessary. Other sections of part five allow for even greater levels of intervention where necessary.

To be clear, I am not suggesting that social workers should seek court orders to intervene in families' lives more often than they already do. My experience is that families usually agree to being assessed and supported by social workers if they are given the choice. It is important that social workers make the choices and possible consequences for families clear; that is the only honest, fair and just approach.

Where families reject an assessment or support, it should prompt social workers, and the other professionals involved, to thoroughly consider the risks to the child and whether it is necessary to take further action. If it is, social workers should refer to part five of the Act. If it is not, the case should be closed: social workers should not remain involved in families' lives without sufficient justification. That sort of discussion rarely occurs where local authorities use section 17 to support families, because social workers can, in effect, make decisions alone. This contrasts to cases where there are court proceedings or where a child protection plan is in place – in those cases, there are extra layers of scrutiny and independent oversight.

My observations from everyday practice suggest that much of social workers' current use of section 17 may be inappropriate and families – often with few resources and little understanding of the law – are being treated in a way that is potentially unfair, unjust and not in keeping with the principles of the Children Act.

Author of this post is a child protection social worker, who wishes to remain anonymous.

Summons to Appear in Court Served Via Public Notification Violation of Article 6 §§ 1 and 3

In Chamber judgment in the case of Dridi v. Germany (application no. 35778/11) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 6 §§ 1 and 3 (c) (right to a fair trial/to defend oneself in person or through legal assistance) of the European Convention on Human Rights regarding the serving of a summons by public notification, and a violation of Article 6 §§ 1 and 3 (b) and (c) (right to a fair trial/time and facilities for defence/defence in person or through legal assistance) because Mr Dridi's lawyer was not given adequate opportunity to prepare his defence or attend the appeal hearing.

The case concerned criminal proceedings in which the summons to a hearing was served by public notification and the time given to the defence to prepare for the hearing and attend it. The Court observed in particular that Mr Dridi had a new address in Spain which was known to the Regional Court and that only a public notification of the summons had been made, at a time when he had not been represented by a lawyer.The subsequent hearing before the Regional

Court had not been adjourned, contrary to the request of Mr Dridi's lawyer, whose authorisation had been withdrawn and only restored a day before the hearing. The lawyer had not been properly summoned, had been unable to attend the hearing and had not had a chance to inspect the court's case file anew. In conclusion, the Court found that Mr Dridi's rights under Article 6 §§ 1 and 3 (c) and Article 6 §§ 1 and 3 (b) and (c) had been violated.

Defendants 'Gaming System' to Get Domestic Violence Cases Dropped

Owen Bowcott, Guardian: Defendants are "gaming the system" in specialist domestic violence courts by intimidating partners into not appearing in the expectation that magistrates will drop charges, a critical report has said. The report, commissioned by the police and crime commissioner for Northumbria, Dame Vera Baird QC, was based on the monitoring more than 220 cases in the north-east of England. It suggests those in which the complainant does not appear are dismissed too readily and that criminal justice services are under-resourced. The defendants, almost all men, continued to exert coercive control over their victims through the mechanism of the courts system, the study says. Too few independent domestic violence advisers (IDVAs) were seen at court and irrelevant mitigation pleas such as the perpetrator being drunk were regularly offered, it notes.

There is a an extremely high dropout rate for domestic abuse cases while they are in the hands of the police or the Crown Prosecution Service (CPS) and when they get to court. The charity Women's Aid estimates that only between a fifth and a quarter of domestic abuse victims ever report attacks to anyone in authority. In 21 cases at one court centre, defendants entered a not-guilty plea and asked for a trial. On the various dates fixed, the observers noticed, 12 of them pleaded guilty as soon as the victim turned up and before they had given any evidence. "Only one judge said that 'gaming the system' should stop," Baird said. "It's an unholy, if unwitting, pact with the court, who can almost be guaranteed to dismiss the case at trial if the complainant doesn't turn up. In 13 cases out of another 32 observed, that's exactly what happened. The cases were dismissed, in over half of them despite arguments to the contrary from the CPS." Scrapping cases when the complainant does not attend calls into question how much these courts understand coercive control, Baird said.

The report involved careful recording of hearings at specialist domestic violence courts (SDVCs) in the north-east of England by volunteer observers from Soroptimist International who had been trained by the CPS and court service. The cases were monitored at Bedlington and Gateshead between July and November last year. The study – entitled Specialist Domestic Violence Courts: How special are they? – has been published as the government prepares its domestic abuse bill, which aims to improve protection for victims and the way in which perpetrators are dealt with by the criminal justice system. The Office for National Statistics recorded that 1.9 million adults aged 16 to 59 experienced domestic abuse in 2017. Police recorded 1.1 million domestic abuse related incidents of which 46% were recorded as crimes. The incidents accounted for 32% of all recorded violent crime.

SDVCs were rolled out nationally from 2005 based on "problem-solving courts" developed in Canada and Australia. The magistrates, prosecutors, police and court staff involved are all supposed to have had specialist training. When the service was established, IVDAs were intended to attend preparatory and sentencing hearings to represent the complainants' interests about such issues as bail, which are decided at those times. The absence of IDVAs and inadequate training for staff are resource issues that undermine vital components of the specialist courts, the report says.

On mitigation pleas offered to courts, the report says that the most common was that the offender was drunk. "Although it is understandable that defence lawyers will seek to use

the presence of alcohol to mitigate for their clients, it is a pity that nobody in the court made its irrelevance clear," it says. Alcohol intake is not a mitigating factor under the guidelines issued by the Sentencing Council, it points out. In its recommendations, the report calls for further training for court staff, ensuring that domestic abuse trials are always heard by specialist courts, providing more support to enable victims to go to court and not assuming non-attendance by complainants is grounds for dropping a case.

"Domestic abuse complainants deserve a justice system that understands their needs and our new report shows that there are gaps, in funding and even in understanding of the issue which gave rise to these special courts in the first place," Baird said. "Victims expose themselves to enhanced risk when they report to police and agree to testify and full appreciation of that should feed into every step taken thereafter by the justice agencies. A wider review of how these long-established courts are working would be advantageous as we focus on preparing to legislate a new domestic violence bill."

A CPS spokesperson said: "Making sure victims of domestic abuse feel supported through the justice system is a priority and Specialist Domestic Abuse Courts play an important role. Working with Independent Domestic Violence Advisors, we have seen good progress in helping victims feel supported by providing special measures like screens in court and pre-court familiarisation visits." A spokesperson for Her Majesty's Courts and Tribunals Service said: "These specialist courts are key to help minimise distress to victims, who are supported by specially trained staff throughout the process. Measures are available to ensure victims and defendants never come face to face and that there is no cross- examination by the accused. "We continue to improve the way domestic abuse is dealt with throughout the justice system, and will consider the report."

HMP Lowdham - three Riots in Three Weeks

BBC News: Allegations have emerged of assaults by prison officers on inmates following several outbreaks of violence at a Nottinghamshire jail. Relatives of three prisoners contacted the BBC to complain about conditions at HMP Lowdham Grange. One said she was told a handcuffed inmate had been thrown down stairs and others "pulled from cells and punched". Serco, which runs the prison, said it had received no complaints about officers assaulting prisoners. Lowdham Grange was "peaceful and operating to its normal regime", it added. The allegations have been made against a background of rising violence at Lowdham over the past few years. The latest prison inspection, in 2015, concluded use of force by staff "was very high" and not always "fully justified or warranted". Inmates' relatives said mistreatment of prisoners had raised tensions and caused the recent outbreaks of disorder. However, the Independent Monitoring Board - which sends volunteers to observe day-to-day life inside prisons - said it had been "impressed by the efficient, calm and humane way" in which serious incidents were tackled. It also highlighted "concerted indiscipline" by groups of prisoners.

BBC asked Serco what caused the recent disturbances but they did not responded.

What are the allegations? Violence first broke out at Lowdham, in Nottinghamshire, on 26 July. One woman, whose brother is an inmate, said he told her: ·A handcuffed prisoner was thrown down a metal flight of stairs ·Inmates not involved in the disorder were "pulled out of their cells and punched" · Stun grenades or "flashbangs" were used against prisoners She added that, according to her brother: "Officers had balaclavas on so no-one would be able to recognise them." She alleged the violence broke out after inmates complained about "racist" comments from guards.

There was further disorder at the prison on 31 July. The sister of a second inmate said her brother was locked in his cell for 24 hours without food as a result of "staff shortages" caused by the

incident. She also alleged that: ·In many cases, new inmates were not seen by the prison's health-care team "for weeks" ·The prison was unaware of her brother's food allergies, and his "breathing was compromised" ·Instances of staff-on-inmate or inmate-on-inmate violence were common · Her brother witnessed self-harm or suicide attempts every day · Complaints were often not taken seriously unless a prisoner behaved badly or harmed themselves · The prison is nicknamed "Lowdham Strange" because of the amount of inmates with mental health issues

On 6 August, there was another disturbance, which - according to two complainants - was a result of tensions caused by inmates being "locked down" during a water leak affecting the prison. One woman, whose son is an inmate at Lowdham, said she had been told staff often beat inmates to "manipulate" them, with some needing hospital treatment. She also said prisoners were kept in their cells for longer than the recommended time and "paid off in phone credit to keep them quiet". According to government guidelines, prisoners should be able to spend between 30 minutes and an hour outside in the open air each day.

What do Serco say? The company said the three disturbances over the past three weeks were unrelated and "were on different wings and each of them only involved a handful of prisoners". In relation to the disorder on 26 July, a spokesman said "a maximum of six prisoners" had been involved in "concerted indiscipline" which was contained in the wing and no-one was injured. He added: "There were no punches thrown. We don't go into specific tactics used, but it was resolved peacefully." Serco said the disturbance on 31 July was further "concerted indiscipline by a small group of six prisoners on one of the wings" which was "peacefully resolved" and involved only a small number of prisoners, and that no-one was injured. It said the 6 August disorder was "small" and "over in five minutes". In response to the prisoners' other allegations, Mark Hanson, Serco's contract director at HMP Lowdham Grange, said: "There have been three recent minor incidents of concerted indiscipline at the prison and officers have intervened professionally and effectively to bring each of them to a close, using standard procedures and equipment. "The safety of everyone at the prison is our first priority. We take a zero tolerance to any violent behaviour and we will work with the police to prosecute any individuals committing acts of violence." Serco said there had been no complaints about officers assaulting prisoners and any such complaints would be referred to the police as a matter of course.

Two Judicial Reviews Lodged Against The Undercover Policing Inquiry

Nicola Driscoll-Davies, ByLine: Three non-state non-police core participants of the undercover policing inquiry who had their private lives infiltrated have this week issued proceedings for a second judicial review. Lawyers representing the core participants confirmed they have lodged two judicial review actions against the Home Secretary and Justice Mitting. The legal challenges mounted by core participants include Jessica, who was groomed into a one-year sexual relationship in 1992 with the current conservative Councillor of Peterborough, Andy Coles. The animal rights protestor known as Andy Davey denies this, however Jessica has been made a core participant by the inquiry, and he resigned his role as Deputy Crime Commissioner for the Copshop last year when exposed as an undercover officer.

The second person is Patricia Armani da Silva, the cousin of Jean Charles de Menezes who was shot dead by police in 2005 after wrongly being deemed a terror suspect. Police confirmed the family was infiltrated and intelligence gathered on their justice campaign. The third person involved in the legal challenge is John Burke-Monerville, the father of Trevor, who died in police custody in 1987, after the family say he was allegedly beaten by the police and as a consequence died from brain

injuries. From thereafter the family say they were targeted by police and the campaign to seek justice for their son's death was confirmed to have been infiltrated.

The first application for a judicial review is addressed to the Home Secretary, Sajid Javid in relation to the refusal to appoint a diverse panel to sit with the Chairman to provide the inquiry with at least some expert understanding of institutional sexism, institutional racism and class discrimination within the undercover police units. Justice Mitting has allowed police lawyers to delay the inquiry for five years, while providing the inquiry with old fashioned and naive views including comments in regard to married officers who had affairs with women while undercover, he said: "We have had examples of undercover male officers who have gone through more than one long-term permanent relationship, sometimes simultaneously. There are officers who have reached a ripe old age who are still married to the same woman that they were married to as a very young man. "The experience of life tells one that the latter person is less likely to have engaged in extramarital affairs than the former."

The second action is directed at Justice Mitting and challenges his on-going approach of granting anonymity restriction orders for undercover names at almost every opportunity. Birnberg Peirce solicitors representing the claimants state a third of the SDS undercover officers have so far been granted restriction orders, which is incompatible with the aims of the public inquiry. Disclosure of the cover names of spycops is critical to ensure the inquiry can receive evidence from non-state individuals who were spied upon. Police lawyers are possibly preventing the participation of those spied upon by requesting anonymity orders and frustrating the purpose of the public inquiry to prevent the inquiry from getting to the truth. Restrictions mean those who were infiltrated do not yet know they were in fact spied upon and over 1000 groups have been spied on since 1968, then the number of victims could be in the thousands. The trio are appealing for public donations to fund their legal challenge online via Crowdjustice: www.crowdjustice.com/case/spycopchallenge

Theresa May, then Home Secretary ordered a public inquiry in 2014 into undercover policing, labelling the extraordinary secret forty-year history and five-year infiltrations by police spies: "Profoundly shocking and disturbing with the dangers of the past infecting the present, with the full truth yet to emerge." Three years into the inquiry it has cost over twelve million pounds, and is expected to conclude in 2023, has zero credibility or confidence from the public and victims. In legal proceedings solicitors for the participants said the position of the Chairman was unlawful and thus untenable because of the approach he has adopted in regard to restriction orders which impede module one of the inquiries task, to investigate the conduct of undercover officers and the impact that their activities had on others.

Last week Justice Mitting, a judge known in closed circles for his victorian outlook made another irrational statement when he called into question the "humanity" of the victims. Justice Mitting said despite a restriction order made, the real name of infiltrator Carlo Neri is known to some activists and journalists and called into question the characters of the victims who were infiltrated personally by Carlo - stating that reporting his real name: "Will depend upon the judgement and humanity of those who already know it." Andrea was not impressed with the comments from Justice Mitting while he granted a restriction order for Carlo. Andrea said: "The remark from Mitting was grossly offensive and another example of institutional sexism. It is almost emotional blackmail as basically what he is saying is if the victims of Carlo Neri choose to release his name, he's calling into question our humanity." Andrea was engaged to Carlo who was paid to infiltrate her life for two years, she concluded: "Mitting is showing a complete disregard for people who have experienced ongoing trauma as a result of the actions of Carlo Neri, and his complete lack of respect is demeaning."

Justice Mitting is suggesting that these women, who are psychologically traumatised from their one-sided deceptive state sponsored relationships, are in essence to be held responsible if the real names of those whom infiltrated every aspect of their private lives are reported upon - after he has failed to do so in an accountable public inquiry. Permission for a full judicial review looks promising as the restrictions impede the aims of the inquiry, and the scope of undercover policing cannot be analysed without the cover names being released and evidence duly received from the people affected. A public inquiry which grants almost blanket anonymity to the cover names of spycops does not provide public confidence and ensures the victims and public are no closer to the truth of undercover policing.

The Enemy Between Us: How Inequality Erodes Our Mental Health

Kate Pickett and Richard Wilkinson: Inequality creates the social and political divisions that isolate us from each other. When people are asked what matters most for their happiness and wellbeing, they tend to talk about the importance of their relationships with family, friends and colleagues. It is their intimate world, their personal networks that mean the most to them, rather than material goods, income or wealth.

Most people probably don't think that broader, structural issues to do with politics and the economy have anything to do with their emotional health and wellbeing, but they do. We've known for a long time that inequality causes a wide range of health and social problems, including everything from reduced life expectancy and higher infant mortality to poor educational attainment, lower social mobility and increased levels of violence. Differences in these areas between more and less equal societies are large, and everyone is affected by them.

In our 2009 book The Spirit Level, we hypothesised that this happens because inequality increases the grip of class and social status on us, making social comparisons more insidious and increasing the social and psychological distances between people. In our new book, The Inner Level, we bring together a robust body of evidence that shows we were on the right track: inequality eats into the heart of our immediate, personal world, and the vast majority of the population are affected by the ways in which inequality becomes the enemy between us. What gets between us and other people are all the things that make us feel ill at ease with one another, worried about how others see us, and shy and awkward in company—in short, all our social anxieties.

For some people, these anxieties become so severe that social contact becomes an ordeal and they withdraw from social life. Others continue to participate in social life but are beset by the constant worry that they have no small talk or come across as boring, stupid or unattractive. Sadly, we all tend to feel that these anxieties are our own personal psychological weaknesses and that we need to hide them from others or seek therapy or treatment to try to overcome them by ourselves.

But a recent Mental Health Foundation Survey found that 74 percent of adults in the UK were so stressed at times in the past year that they felt overwhelmed and unable to cope. One-third had suicidal thoughts and 16 percent had self-harmed sometime in their lives. The figures were much higher for young people. In the USA, mortality rates are rising, particularly for white middle-aged men and women, due to 'despair', meaning deaths due to drug and alcohol addictions, suicide, and vehicle accidents. An epidemic of distress seems to be gripping some of the richest nations in the world.

Socioeconomic inequality matters because it strengthens the belief that some people are worth much more than others. Those at the top seem hugely important and those at the bottom are seen as almost worthless. In more unequal societies we come to judge each other

more by status and worry more about how others judge us. Research on 28 European countries shows that inequality increases status anxiety in all income groups, from the poorest ten percent to the richest tenth. The poor are affected most but even the richest ten percent of the population are more worried about status in unequal societies.

Another study of how people experience low social status in both rich and poor countries found that, despite huge differences in their material living standards, across the world people living in relative poverty had a strong sense of shame and self-loathing and felt that they were failures: being at the bottom of the social ladder feels the same whether you live in the UK, Norway, Uganda or Pakistan. Therefore, simply raising material living standards is not enough to produce genuine wellbeing or quality of life in the face of inequality. Although it appears that the vast majority of the population are affected by inequality, we respond in different ways to the worries it creates about how others see and judge us. As we show in The Inner Level, one way is to feel burdened and oppressed by lack of confidence, feelings of inferiority and low self-esteem, and that leads to high levels of depression and anxiety in more unequal societies.

A second is to try to flaunt your own worth and achievements, to 'self enhance' and become narcissistic. Psychotic symptoms such as delusions of grandeur are more common in more unequal countries, as is schizophrenia. As the graph below shows, narcissism increases as income inequality rises, as measured by 'Narcissistic Personality Inventory' (NPI) scores from successive samples of the US population.

A third response is to find other ways to overcome what psychologists call the 'social evaluative threat' through drugs, alcohol or gambling, through comfort eating, or through status consumption and conspicuous consumerism. Those who live in more unequal places are more likely to spend money on expensive cars and shop for status goods; and they are more likely to have high levels of personal debt because they try to show that they are not 'second-class people' by owning 'first-class things.'

In The Inner Level, the evidence we show of the impact of inequality on mental wellbeing is only part of the new picture. We also discuss two of the key myths that some commentators use to justify the perpetuation and tolerance of inequality.

First, by examining our evolutionary past and our history as egalitarian, cooperative, sharing hunter-gatherers, we dispel the false idea that humans are, in their very nature, competitive, aggressive and individualistic. Inequality is not inevitable and we humans have all the psychological and social aptitudes to live differently.

Second, we also tackle the idea that current levels of inequality reflect a justifiable 'meritocracy' where those of natural ability move up and the incapable languish at the bottom. In fact the reverse is true: inequalities of outcome limit equality of opportunity; differences in achievement and attainment are driven by inequality, rather than being a consequence of it.

Finally, we argue that inequality is a major roadblock to creating sustainable economies that serve to optimise the health and wellbeing of both people and planet. Because consumerism is about self-enhancement and status competition, it is intensified by inequality. And as inequality leads to a societal breakdown in trust, solidarity and social cohesion, it reduces people's willingness to act for the common good. This is shown in everything from the tendency for more unequal societies to do less recycling to surveys which show that business leaders in more unequal societies are less supportive of international environmental protection agreements. By acting as an enemy between us, inequality prevents us from acting together to create the world that we want.

So what can we do? The first step is to recognise the problem and spread the word.

Empowering people to see the roots of their distress and unease not in their personal weaknesses but in the divisiveness of inequality and its emphasis on superiority and inferiority is a necessary step in releasing our collective capacity to fight for change.

The UK charity we founded, The Equality Trust, has resources for activists and a network of local groups. In the USA, check out inequality.org. Worldwide, the Fight Inequality Alliance works with more than 100 partners to work for a more equal world. And look out for the new global Wellbeing Economy Alliance this autumn.

Our own focus for change is to work for the increase of all kinds of economic democracy—everything from more cooperatives and employee-owned companies to stronger trade unions, more workers on company boards and the publication of pay-ratios. We believe that extending democratic rights to workers embeds greater equality more firmly into any culture.

Of course, we would also like to see more progressive taxation and action on tax evasion and tax havens. We'd like to see more citizens paid a Living Wage, and action taken on universal provision of high-quality lifelong education, universal health and social services. There are lots of ways to tackle inequality at the international, national and local levels, so we all need to work in ways that suit our capabilities and values. *Inequality creates the social and political divisions that isolate us from each other, so it's time for us all to reach out, connect, communicate and act collectively. We really are all in this together.*

Hatton Garden Raider Daniel Jones Given More More Time to do Time

BBC News: One of the ringleaders behind the Hatton Garden raid has been given additional jail time for failing to pay his confiscation order. Daniel Jones, 63, has been sentenced to a further six years and 287 days for failing to pay back £6,599,021. He was a member of the gang that stole some £14m of goods after drilling into a vault at London's Hatton Garden Safe Deposit in Easter 2015. Jones received his additional sentence at Westminster Magistrates' Court. The 63-year-old, from Enfield, was originally jailed for seven years in March 2016 after admitting conspiracy to commit burglary.

In January, Jones and three other men were ordered to pay a combined £6,396,273 between them after it was found they benefitted from an estimated £13.69m worth of stolen cash, gold and gems. The gang was also ordered to each pay an extra sum depending on their personal circumstances. The raid has been branded the "largest burglary in English legal history" with some two thirds of the valuables taken believed to remain unrecovered. Heather Chalk, specialist prosecutor at the CPS, said Jones had "gained millions of pounds of criminal cash" from the burglary. "In January, the CPS showed the court that Jones had the funds to pay back his ill-gotten gains and today we have successfully argued that his default sentences should be activated," she said.

State Racism: Policing, Institutional Collusion and Justice

The Monitoring Group, Tottenham Rights, Imran Khan Partners and the Centre for Crime and Justice Studies are delighted to announce a major two-day conference that will explore the pervasive nature of racism in contemporary Britain and how we challenge the problem effectively and collectively.The conference, to be held in London over the weekend of 13 - 14 October, will hear from over 30 activitists, spied on individuals, familiy members, whistleblowers, practitioners, researchers and politicians.

Why this conference is important: The current state of racism in the UK is alarming.

There is no domain where racism does not prevail: at the workplace, in schools and universities, on the streets, within public and private institutions. Race issues are either pathologised or trivialised by the media. The impetus to tackle the problem systematically, driven by the revelations during the Lawrence Inquiry and its recommendations, is failing. The alarming rise in hate crimes witnessed during and after the Brexit campaign have not receded and the far right are a growing threat across Europe. • Are we travelling backwards, to a place where challenges to institutional and state racism have become sidelined? • Despite decades of struggle (containing some notable victories), why do large sections of our communities still find themselves facing chronic economic hardship? • Why are Black and Brown communities still facing social exclusion? • Why are communities targeted, spied upon and labeled collectively as 'suspect communities', our youth often demonised but no one in authority is held to account? • And what of the hard fought human and social rights? Will they be preserved in Post-Brexit Britain? *Richard Garside, Director, Centre for Crime and Justice Studies*

IOPC Conclude 'Unorthodox' Restraint of Rashan Charles Does Not Amount to Misconduct

The Independent Office for Police Conduct (IOPC) have today 15/08/2018, published their investigation report into the death of Rashan Charles. Rashan, a 20-year-old black man died following restraint by Metropolitan Police officers in Hackney, East London in the early hours of Saturday 22 July 2017. The IOPC concluded that the performance of the officer who restrained Rashan 'fell short of expected standards' but did not amount to misconduct. They have recommended that the officer undergo unsatisfactory performance procedures, rather than professional misconduct procedures. The Metropolitan Police have accepted this. This follows the publication (on 14 August) of a Prevention of Future Deaths report by HM Coroner Mary Hassell, raising issues with police training around recognising choking and managing bystander participation.

The Charles family did not wish to make a statement at this time.

Lucy McKay, Policy and Communications Officer at INQUEST, said: "The IOPC note that the restraint technique used was 'unorthodox' but did not find this amounted to misconduct. They highlight the stressful and exhausting circumstances faced by the officer. The same generous considerations were not afforded to Rashan, in life or in death. Much like the inquest conclusion, it is hard to reconcile the IOPC's decision with the evidence. This death occurred in the context of decades of disproportionate use of force, over policing and criminalisation of young black men. This decision again fails to bring the level of accountability the family and public need."

The solicitor for the family, Mr Imran Khan QC said: "We are discussing with Rashan's family the content of the IOPC's findings and actively considering challenges to the decision because they are extremely disappointed by the findings of the IOPC and are particularly concerned by the manner in which they have been treated throughout the investigation process. Regrettably, the IOPC, not unlike its predecessor the IPCC, has not delivered the accountability and justice that this family deserve and the public require in order to have any confidence in the way in which it deals with and investigates complaints against the police.

Rashan Charles, a young man at the beginning of his life, died in 21st century London following contact with a police officer, yet no police officer has faced any meaningful sanction whatsoever. The tragic and untimely death of Rashan could have been an opportunity for learning lessons so that abhorrent practices could be fundamentally changed. That opportunity now appears to have been lost with the risk that such an event might happen again."

Source: INQUEST, https://is.gd/Li8eXH

'Child Spies' Must Have an Appropriate Adult Present at Meetings

Jamie Grierson, Guardian: Children being used as informants must have an appropriate adult present in meetings with the authorities, revised official guidance says. A revised code of practice for use of covert human intelligence sources (CHIS), published on Wednesday by the Home Office, states that a parent, guardian, personal contact or professional such as a social worker should be present at meetings between sources aged under 16 and the police, intelligences services or other public authorities. The requirement did not feature in an earlier version of the code, published in 2014. Its inclusion follows intense scrutiny of the practice of using child spies, after peers discovered powers covering the practice in obscure secondary legislation.

"Public authorities must ensure that an appropriate adult is present at any meetings with a CHIS under 16 years of age," the code states. "The appropriate adult should normally be the parent or guardian of the CHIS, unless they are unavailable or there are specific reasons for excluding them, such as their involvement in the matters being reported upon, or where the CHIS provides a clear reason for their unsuitability. In these circumstances another suitably qualified person should act as appropriate adult, eg someone who has personal links to the CHIS or who has professional qualifications that enable them to carry out the role (such as a social worker)."

The code retains a passage prohibiting the use of CHIS sources under 16 being used to give information on their parents or legal guardians. The requirement for an appropriate adult to be present in meetings with CHIS juveniles was included in the Regulation of Investigatory Powers Act under an amendment in 2000. However, it was not included in the published code of practice until now. This month parliament's joint committee on human rights was asked to investigate the use of juvenile sources by the police and security services. The committee's clerk confirmed that the chair of the Lords secondary legislation scrutiny committee, Lord Trefgarne, had referred the issue to the committee and it would be considered "in due course". The committee is not due to meet again until September, but the Guardian understands it is likely to find time on its already full agenda to look at the issue.

David Davis, the former Brexit secretary, Diane Abbott, the shadow home secretary, and a number of human rights groups have criticised the practice of using juvenile covert sources. Juvenile CHIS could be used in operations as mundane as trading standards investigations into retailers selling cigarettes to underage customers. But in a response to the Lords, the Home Office said authorities also used child spies in investigations into suspected terrorism, gang crime and child sexual exploitation.

Criminal Prosecutions Fall to Record Low Despite Crime Reaching All-Time High

Telegraph: Prosecutions have reached an all-time low despite crime soaring to a new record high, official Government figures reveal. The number of people dealt with by the criminal justice system in England and Wales fell by 7 per cent in the latest year while recorded crime shot up by 11 per cent to 5.5 million. The Victims' Commissioner warned that unless the trend is reversed people will "simply give up" reporting crimes, creating "a real disconnect" between the public and law enforcers. MPs said stretched police forces and prosecutors have "raised the bar" for what is worth pursuing as it emerged that the number of on-the-spot fines issued for offences including cannabis possession and petty theft fell by more than a quarter year on year. Police chiefs blamed cuts in police numbers, changes to the way crimes are recorded and "significant rises" in complex cases such as child sexual exploitation and online fraud. Prosecutors said part of the reason for the decline in cases going to court is the mass of digital evidence which must now be processed from mobile phones and computers, which is taking up more and more manpower.

The figures released by the Ministry of Justice showed that 1.61 million individuals were either prosecuted or given an out of court disposal in the year ending March 2018, down 7 per cent year on year and the lowest number since records began in 1970. The use of out of court disposals, such as cautions for cannabis use, fell by 14 per cent, while on-the-spot fines - which can be used for cannabis possession, theft of under £100 of goods, harassment and drunk and disorderliness - fell by 27 per cent. The independent MP John Woodcock, a member of the Commons Home Affairs Committee, said: "The system is under so much strain that cases that would have been routinely thought of as being in the interests of justice are now not being followed. We have seen anecdotal evidence that the bar is being raised higher for what is worth pursuing."

Baroness Newlove, the Victims' Commissioner, said: "Behind these headline statistics, there is a human side, individuals whose lives have been blighted by crime and who will be feeling badly let down, not only by the absence of justice, but the message it sends to criminals, that the chances are you will get away with it. It is important that we reverse this trend and re-build public trust and confidence. If we don't, there is a real risk that victims will simply give up reporting the crimes committed against them– thereby creating a real disconnect between the public and our law enforcers."

The Ministry of Justice said the rise in recorded crime was down to improvements in the way police record crime, yet the Crime Survey of England and Wales suggests 10.6 million crimes were committed, almost double the number recorded by police. Decisions on whether to prosecute suspects are taken by the Crown Prosecution Service, which said: "Although the number of cases has decreased there has been an increase in the complexity of the cases we prosecute. This is reflected in the growth in digital evidence and, in the case of sexual offences, reliance on vulnerable victims and witnesses."

Prisons Minister: I'll Quit if Assaults do Not Fall in Problem Jails

Rory Stewart, has said he will resign if the number of assaults does not fall in 10 jails that are to be subjected to a fresh crackdown on drugs and violence. Stewart, who has been prisons minister since January, announced a £10m package of measures designed to lift standards at the 10 jails, which have "acute" problems. He told BBC Breakfast: "I will quit if I haven't succeeded in 12 months in reducing the level of drugs and violence in those prisons. "I want to make a measurable difference. That's what this investment is around. I believe in the prison service, I believe in our prison officers. I believe that this can be turned around and I want you to judge me on those results and I will resign if I don't succeed." "I'd expect to be judged on assaults. At the moment we're measuring every month how many times a prisoner assaults another prisoner or a prisoner assaults a prison officer and in these 10 prisons in particular, violence is a real problem. The fundamental thing I'd like to do and be judged on over the next 12 months is reducing that violence, reducing the number of assaults." Stewart agreed the fall would have to be in the region of 10% to 25% in order for him to stay in his job.

Hostages: Sally Challen, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan.