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Scientist's Report Casts Doubt On Jeremy Bamber Trial Evidence

Eric Allison and Simon Hattenstone, Guardian: Lawyers acting on behalf of Jeremy Bamber, serving a whole life sentence for one of Britain's most notorious multiple murders, have sent the Crown Prosecution Service a report by a senior forensics scientist which they claim undermines vital evidence heard at his trial. The confidential report, which has been seen by the Guardian, casts doubt on the validity of evidence relating to a rifle sound moderator, or silencer, that was pivotal to Bamber's conviction in 1986.

The jury at Bamber's trial were told that a silencer had been attached to a rifle used to kill Bamber's adoptive parents, Nevill and June Bamber, his adoptive sister Sheila Caffell, and her six-year-old twin boys, Daniel and Nicholas. In the early hours of 7 August 1985, police were called to the Bamber family home, White House farm, near the village of Tolleshunt D'Arcy, Essex. Jeremy Bamber, who lived nearby, had phoned the police saying he had received a call from Nevill Bamber, saying Sheila had "gone berserk" and had one of his guns. Bamber drove to the farm and met three police officers outside the farmhouse and a firearms team were called to the scene. At 7.35am, armed officers entered the farmhouse. They found Nevill Bamber in the kitchen. His wife, June, Caffell and her twin boys were found upstairs. All had died from gunshot wounds. Initially, the police and the coroner believed Caffell, a model known as Bambi who had recently been diagnosed with schizophrenia, had shot and killed her family and then turned the weapon on herself. The rifle used was found next to her body. It did not have a silencer attached.

But a silencer was found in the gun cupboard in the house. That would later form a key part of the case against Bamber, who was charged with the five murders and appeared for trial at Chelmsford crown court in October 1986. The prosecution argued that, motivated by the prospect of inheriting the £436,000 family fortune and considerable land, he had killed all five then placed the rifle in his sister's hands to make it look like a murder-suicide. He has always maintained his innocence, and has lost two appeals against his conviction.

At the trial, it was accepted that there were only two possible killers: Bamber or Caffell. The silencer was a key exhibit. The jury were told it had a speck of blood on it that had come from Sheila. They were also told that, with the silencer attached to the rifle, the additional length meant Caffell could not have shot herself, and that she clearly could not have shot herself then placed the silencer in the gun cupboard. They were also told that red paint marks on the silencer matched scratch marks on the kitchen wall of the farmhouse where Nevill Bamber's body was found. The prosecution claimed this showed the silencer had been attached to the murder weapon during a struggle between Nevill and his assailant. The issue of the silencer was vital in persuading the jury, with the judge instructing them the silencer "could, on its own, lead them to believe that Bamber was guilty".

A week before Bamber's trial started, the head of biology at Huntingdon Science Laboratories wrote a letter to Essex Police, seen by the Guardian, saying that the results of the blood tests would show that the blood "could have come from either Sheila Caffell or Robert Boutflour". Boutflour, now dead, was a relative of Nevill and June Bamber and gave evidence for the prosecution. He was a regular visitor to White House farm and had used the guns kept there for shooting. Despite the earlier statement, a forensic scientist who had examined the results for Huntingdon Science Laboratories told the jury that only Sheila Caffell's blood was found in the silencer. After the jury were sent to reach a verdict, they returned and asked for clarification regarding the silencer. The judge told them it contained only the blood of Sheila Caffell. Seventeen minutes later, they returned and convicted Bamber by a 10 to two majority. He was sentenced to life imprisonment with an order to serve a minimum of 25 years. This was increased to a whole-life tariff in 1998 by the then home secretary, Douglas Hurd.

Bamber has claimed for many years that evidence was not disclosed to the defence by Essex police showing that two silencers had been examined by forensic scientists. In the new report, the senior forensic scientist and leading firearms expert concluded that separate silencers were being examined by the police at the same time in different departments, based on "serious discrepancies" in how the devices were described and the fact that there was no record of any item being transferred from one section to the other. Both silencers are believed to contain blood that could belong to either Caffell or Boutflour. However, Bamber and those supporting him believe the issue of the silencers is a red herring – that Caffell killed the five family members, but no silencer was used.

In May this year, Bamber's lawyer Mark Newby received a letter from Frank Ferguson, head of special crimes at the CPS. He had written to the prosecutors' office on the issue of two silencers being examined in the case but the jury only being told about one. Although Ferguson stated "there is no documentary evidence either provided or referred to which supports the existence of a second silencer", he added: "Any evidence that suggests that there was or may have been another silencer for the rifle would raise the possibility that the other silencer was used during the shooting and not the one alleged by the prosecution. "Such a possibility would significantly undermine the case against JB [Jeremy Bamber] and any material supporting such a possibility would plainly be material which casts doubt on the safety of the conviction."

Now Bamber believes he has the evidence to undermine the case against him. Writing to the Guardian from Wakefield prison, Bamber said: "The report in the hands of the CPS proves with absolute certainty that this case featured two silencers. And now the CPS must act. There are moments in life when the truth can no longer be suppressed and this is one of those times." Newby, a solicitor advocate from Quality Solicitors Jordans, said: "I hope this report will persuade the CPS to now authorise the handing over of all the undisclosed material still held by Essex police in this case." A spokesperson for the CPS said: "We have received correspondence relating to this case and requested additional material in order to respond to the points raised."

Essex Police said: "We have no comment to make on these new claims given that Jeremy Bamber's conviction has been the subject of several appeals and reviews by the Criminal Cases Review Commission and there has never been anything to suggest that he was wrongly convicted."

CCRC's Review of Disclosure

The CCRC has now completed phase one of the disclosure review announced on 25 July 2018. This update details the overall methodology and arrangements for the review, and sets out our proposed timescales for the remaining work on the review.

Methodology: The review will look at 306 rape cases which were closed by the CCRC between April 2016 and March 2018. For each case reviewed the CCRC will: • Consider the approach of and the interaction between the CPS and the relevant police force regarding disclosure in the prosecution itself. • Consider the CCRC's own previous approach to the disclosure process in the prosecution in question. The CCRC's previous approach to disclosure in these cases will be assessed against current best practice, as set out in the CCRC's published casework policies and also in its latest internal guidance.

The review will be a substantial piece of work, which will be conducted in three phases:

Phase 1: Each of the 306 cases will be the subject of an initial review of core documentation, to compile basic information about the prosecution and the previous CCRC review, and the extent to which disclosure featured as an issue in the case. The information from this exercise will then be collated, and any case considered to warrant closer attention will move to phase 2.

Phase 2: The CCRC will take a sample of 20% of the 306 cases (61 cases) and conduct further more detailed investigations. The sample will include any cases identified in phase 1 as warranting closer attention. Each phase 2 case will be reviewed in more detail, in line with the objectives identified above. At the start of phase 2 the CCRC will use its powers under section 17 of the Criminal Appeal Act 1995 to obtain the CPS and police files for each of the phase 2 cases. Once these files have been reviewed, the CCRC will consider whether any other materials are required, and will obtain those as necessary.

Phase 3: The CCRC will report on its findings. We will, in a suitably anonymized way, publish the results of the disclosure review, and will address any learning points directly with the relevant Criminal Justice System organisation(s). Once the results of the review are available, the CCRC will consider whether any further steps are necessary, for example (but by no means an exhaustive list) whether the CCRC needs to: • increase its sample size and look again at disclosure in a larger pool of cases. • move on to review cases featuring other types of offence, and/or • move on to review cases from a different time period.

Staffing: A CCRC Commissioner will lead the review and will have overall control and responsibility. The Commissioner will lead a casework team comprising two CCRC Case Review Managers, an intern and a Casework Administrator.

Exclusion from Courtroom of a Woman Wearing a Hijab Violation of Article 9 ECtHR

In today's Chamber judgment 18/09/2018 in the case of Lachiri v. Belgium (application no. 3413/09) the European Court of Human Rights held, by a majority (six votes to one), that there had been: a violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights. The case concerned Mrs Lachiri's exclusion from a courtroom on account of her refusal to remove her hijab. The Court found that the exclusion of Mrs Lachiri – an ordinary citizen, not representing the State – from the courtroom had amounted to a "restriction" on the exercise of her right to manifest her religion. It also held that the restriction had pursued the legitimate aim of "protecting public order", with a view to preventing conduct that was disrespectful towards the judiciary and/or disruptive of the proper conduct of a hearing. The Court found, however, that Mrs Lachiri's conduct on entering the courtroom had not been disrespectful and had not constituted – or been liable to constitute – a threat to the proper conduct of the hearing. The Court therefore held that the need for the restriction in question had not been established and that the infringement of Mrs Lachiri's right to freedom to manifest her religion was not justified in a democratic society.

Principal Facts: Mrs Lachiri, and other members of her family, applied to join the proceedings as civil parties seeking damages in a crime case in which her brother had been killed. In 2007 the accused was committed to stand trial before the Criminal Court on charges of premeditated assault and wounding resulting in unintentional death. Mrs Lachiri and the other civil parties appealed against that decision, submitting that the offence should be classified as murder and that the accused should be tried by an Assize Court. On the day of the hearing before the Indictments Division, in accordance with a decision of the presiding judge the court

usher informed Mrs Lachiri that she could not enter the hearing room unless she removed her headscarf. Mrs Lachiri refused to comply and did not attend the hearing. Subsequently Mrs Lachiri unsuccessfully challenged that decision in an appeal on points of law.

Decision of the Court: Article 9 (freedom of thought, conscience and religion). Observing that, according to its case-law", wearing the hijab (headscarf covering the hair and neck while leaving the face uncovered) could be regarded as an act "motivated or inspired by a religion or religious belief", the Court considered that excluding Mrs Lachiri from the courtroom on the grounds that she had refused to remove her headscarf had amounted to a "restriction" on the exercise of her right to manifest her religion. The purpose of that restriction, which had been based on Article 759 of the Judicial Code requiring persons entering a courtroom to do so without wearing headgear, had in the present case been to prevent conduct that was disrespectful towards the judiciary and/or disruptive of the proper conduct of a hearing. The Court concluded that the legitimate aim pursued had been the "protection of public order".

With regard to the necessity of the restriction in a democratic society, the Court specified first of all that the Islamic headscarf was headgear and not, as in the case of S.A.S. v. France", a garment which entirely concealed the face with the possible exception of the eyes. It then noted that Mrs Lachiri was a mere citizen: she was not a representative of the State engaged in public service and could not therefore be bound, on account of any official status, by a duty of discretion in the public expression of her religious beliefs. Moreover, the Court indicated that whilst a court could be part of the "public arena", as opposed to the workplace for example, it was not a public place comparable to a public street or square. A court was indeed a "public" institution in which respect for neutrality towards beliefs could prevail over the free exercise of the right to manifest one's religion, like public educational establishments. In the present case, however, the aim pursued in excluding the applicant from the courtroom had not been to maintain the neutrality of the public arena. The Court therefore limited its examination to determining whether that measure had been justified by the aim of maintaining order. In that connection it noted that Mrs Lachiri's conduct when entering the courtroom had not been disrespectful and had not constituted - or been liable to constitute - a threat to the proper conduct of the hearing. Consequently, the Court held that the need for the restriction in issue had not been established and that the infringement of Mrs Lachiri's right to freedom to manifest her religion was not justified in a democratic society. There had therefore been a violation of Article 9 of the Convention. Article 41 (just satisfaction): The Court held (by six votes to one) that Belgium was to pay Mrs Lachiri 1,000 euros (EUR) in respect of non-pecuniary damage.

What is Service in Litigation?

Service can be defined as "steps required by rules of court to bring documents used in court proceedings to a person's attention". The purpose of the rules on service, set out in the Civil Procedure Rules, is to ensure that, as far as possible, documents and, in particular the claim form, actually come to the attention of the party to be served.

Service may be effected at the individual's usual or last known address. When it is known that the individual no longer resides or carries out business at the last known or usual address, the claimant must take reasonable steps to ascertain the address of the defendant's current residence or place of business ('current address'). If, after taking reasonable steps, it transpires that the defendant's address cannot be established, the claimant must consider whether there is an alternative place or method by which service may be effected.

It All Seems Rather Straightforward, Right? Wrong.

The issue of service was the basis of the appeal in the case of Mohammed Sajid v Deeka Nuur (unreported), July 2018 in Central London County Court. In that case, the Claimant, Mr Sajid issued a claim for rent arrears and sent it to an address which was no longer the address for Deeka Nuur, since she had moved; something Mr Sajid was fully aware of.

Mr Sajid subsequently obtained judgment in default and Deeka Nuur instructed Duncan Lewis to assist in setting aside the default judgment. The application to set aside the default judgment was heard in Brentford County Court where the Judge dismissed the application with costs. Mr Sajid contended that he had complied with the rules pertaining to service because he had sent a text to Deeka Nuur's daughter's phone in order to request the current address. The judge held that Mr Sajid was not in breach of the rules on services since he had made attempts to ascertain Deeka Nuur's new residence and having failed to do so, was entitled to serve at the address she had moved from. Duncan Lewis, on instruction from Deeka Nuur, appealed the decision. The appeal was heard in Central London County Court over a period of two days and judgment was handed down on 30th July 2018.

HHJ Roberts, sitting in Central London County Court, analysed in detail the relevant authorities and held that the lower court judge erred in law by finding that the claim form had been correctly served. He held that Mr Sajid failed to comply with the mandatory requirement to consider alternative service in CPR 6.9(4)(b). In particular, Mr Sajid ought to have sought alternative service on the solicitors who were on the record for Deeka Nuur in a related matter.

It was clear from the first decision that the judge had interpreted the rules on service incorrectly. Thanks to the tenacity of the litigation team, headed by Anthony Okumah at Duncan Lewis, the decision was over turned. The judgment has attracted a lot of attention and has been reported by Practical Law, Lexis Nexis, West Law and featured in the Civil Litigation blog run by Gordon Exall.

Banu and Others v Romania [2018] ECHR 745 . Eleven prisoners were each awarded compensation of either €3000 or €5000 for breach of their rights under Article 3 of the European Convention on Human Rights. Complaints included, amongst others, overcrowding, insufficient natural or electric light, lack of fresh air, inadequate temperature, mouldy or dirty cells and infestation with insects or rodents. The judgement also cited inadequate furniture, poor quality of food, the lack of availability of showering facilities, toilets and warm water and the poor quality of bedding and linen. HMP Birmingham prison has a reported population of 1450 inmates. David Gauke might want to take note.

Ireland Told to Stop Blocking Extraditions to UK

Law Gazette: Ireland should stop obstructing British extradition requests on the grounds that the UK is leaving the EU, the Court of Justice of the EU has ruled. In a preliminary ruling published today, the court said that refusal to execute a European arrest warrant (EAW) is justified only in exceptional circumstances - which must be interpreted strictly. 'Mere notification by a member state of its intention to withdraw from the European Union is not an "exceptional" circumstance capable of justifying a refusal to execute an EAW issued by that member state,' the court states. The case arose over warrants for the extradition of a person identified as RO to face charges of murder, arson and rape. RO, who has been in custody since 2016, objected to his surrender to the UK on the basis that following Brexit he would no longer enjoy rights applying to EU nationals. About 20 other suspects are understood to be fighting EAWs in Ireland on similar grounds. The matter was referred to Luxembourg by the Irish Minister for Justice and

Equality who sought answers to questions about the criteria for deciding whether the execution of an EAW be prohibited or delayed. In its decision, the court says that refusing to execute an EAW would 'constitute a unilateral suspension of the provisions of the [EAW] Framework Decision'. It emphasises that the UK remains a party to the European Convention on Human Rights and that continuing participation in the convention is not linked to EU membership. While the extradition decision is a matter for Ireland, it should refuse to execute the warrant only if there is concrete evidence that the UK will fail to apply the substantive content of rights arising from the EAW framework. 'In the view of the court, such evidence does not appear to exist.'

Private Probation Firms 'Put Victims of Abuse at Risk'

Jamie Grierson, Guardian: Tens of thousands of victims of domestic abuse and children are being put at further risk of harm by privatised offender supervision companies whose staff lack the skills, experience and time to supervise perpetrators, according to a new report. Inspectors found poor practice was widespread in community rehabilitation companies (CRCs), the privatised probation providers introduced in England and Wales under widely derided reforms by the former justice secretary Chris Grayling.

In 71% of cases assessed by Her Majesty's Inspectorate of Probation (HMIP) as part of a thematic study into CRCs' approach to domestic abuse, work to protect victims and children was deemed not good enough. Guardian analysis suggests this figure could be equal to as many as 55,000 cases. There are 158,727 offenders under probation supervision by CRCs across England and Wales. HMIP said an assessment of previous inspections suggests as many as half – equivalent to around 79,300 cases – feature domestic abuse.

The chief executive of Women's Aid, Katie Ghose, said: "This report shows that community rehabilitation companies are failing victims, with a significant lack of understanding about domestic abuse, especially coercive control. "Probation officers are routinely underestimating the ongoing danger posed to the victim and not reassessing the level of risk involved when circumstances change. The findings of this report show that CRCs are currently not fit for purpose when it comes to domestic abuse cases and we call on the government to urgently change this to protect survivors."

The level and nature of contact with perpetrators was sufficient to help protect victims and children in only 55% of cases looked at by the inspectorate. In the cases where there should have been a home visit, these had been undertaken in only 19% of cases. Probation staff were also meeting offenders in public spaces such as cafes, which limited the scope to explore and address sensitive and personal issues. The chief inspector of probation, Dame Glenys Stacey, said: "CRCs play a crucial role in supervising perpetrators of domestic abuse and we found they were nowhere near effective enough, yet good work could make such a difference to families, individuals and communities as a whole."

Inspectors raised concerns about the falling referral and completion rates for domestic violence prevention programmes, designed to reduce reoffending among perpetrators of abuse. The only course to be accredited by a public authority, called building better relationships, was introduced to probation services in 2012 in a bid to reduce reoffending. There were 4,452 programmes started in 2016-17, a 7% fall compared with the previous year, the inspectorate says in its report. Of those who started, only 2,041 – or 45% - completed the course, a 12% drop in completions compared with the year before. In the cases that inspectors looked at, just over a quarter – equal to 29 men – had been referred to the programme. At the time of the inspection, 13 men had started the course. However, in seven cases the course had been cancelled. "There were too few referrals to this programme," the report says. "Many individuals experi-

enced extensive delays before joining a course and too many did not complete one." The inspection looked at 112 cases and interviewed 30 perpetrators of domestic abuse.

The probation sector in England and Wales was overhauled in 2014 by Grayling, who ignored warnings from within the Ministry of Justice and broke up existing probation trusts, replacing them with a public sector service dealing with high-risk offenders and the CRCs that manage low- to medium-risk offenders. After a succession of highly critical reports from the inspectorate and the justice committee, as well as derision from those working within the sector, David Gauke, the justice secretary, announced that eight private firms and the 21 CRCs in England and Wales were to have their contracts terminated in 2020, two years earlier than agreed. Under Gauke's proposals put out to consultation, the number of CRCs operating in England and Wales will be reduced to 11, with 10 new probation regions to be formed in England plus an additional region in Wales. Stacey said recasting the contracts presented an opportunity for the ministry to reconsider the issue of how CRCs deal with domestic abuse.

The prisons and probation minister, Rory Stewart, said: "We must protect victims of domestic abuse from any further suffering. That is why we have set out plans to better support victims, bring more offenders to justice and ultimately keep the public safe through our proposed domestic abuse bill. We are taking decisive action to improve CRCs by ending current contracts early, investing £22m in through-the-gate services, and we have consulted on how best to deliver probation services in the future. This report highlights pockets of good practice to build on, but more must be done. By putting in place new arrangements, we will heed the lessons from what has and hasn't worked, so probation plays its full part in tackling domestic abuse and protecting victims." Richard Burgon, shadow justice secretary, said: "Once again we see how the private probation companies are failing to keep the public safe. The government must stop letting victims down and ensure that there is a complete overhaul of probation so that it puts women's safety first.

Child Spies: Judicial Review Sought to Challenge May's Government

Damien Gayle, Guardian: Human rights lawyers have been crowdfunding for a judicial review to challenge the government's use of child spies, arguing that the tactic was incompatible with the UN convention on the rights of the child. Just for Kids Law, a charity that represents, advises and supports children in legal difficulty, has issued a pre-action letter to the Home Office raising concerns over the practice, which has been condemned by politicians and human rights groups. It needs to raise at least £6,000 to take the legal action to the next stage, where it would argue for permission to take the case to judicial review. A target of £15,000 has been identified as needed to take the challenge to further hearings. Police and intelligence agencies have had a legal framework for the use of child spies – known officially as juvenile covert human intelligence sources (CHIS) – since 2000, but the practice only emerged in July when concerns were raised by peers after ministers sought to increase their powers to do so with secondary legislation.

The security minister, Ben Wallace, explaining the rationale for their use, suggested they could provide "unique access to information" in cases involving gangs, terrorism or child sexual exploitation. There was no lower age limit on children who could be enlisted as spies. Enver Solomon, the chief executive of Just for Kids Law, said he understood the challenges faced by agencies responding to new threats, "but it is deeply worrying that children are being asked to participate in covert activity associated with serious criminals without fully considering their welfare and best interests".

Caoilfhionn Gallagher QC, of Doughty Street Chambers, will represent Just for Kids Law in the case, which comes after parliament's joint committee on human rights began asking

questions over the practice. Earlier this month Wallace admitted the Home Office did not know how many children had been used as spies, after a letter from Harriet Harman, the chair of the committee, said assurances he had given about the issue had served only to deepen concern. A change in the law surrounding their use, passed through secondary legislation in July, gave authorities more time to use child spies without a need for reauthorisation, and broadened the range of appropriate adults who should be present in any meeting between those under the age of 16 and their handlers.

Just for Kids Law said the aim of the action was to force a change in the guidance surrounding the use of child spies that would ensure greater safeguards. Solomon said: "The Home Office must change the guidance to ensure that children are only used in the most exceptional circumstances and with proper safeguards in place for all under-18s." Just for Kids has been appealing for donations for the legal challenge through the Crowd Justice website.

Prisons: Crimes of Violence and Suicide Attempts

Male Category C estate with the highest rate of assaults during 2017:
- HMPIYOI Portland - (626 incidents per 1,000 population)
- HMP & YOI Parc - (546 incidents per 1,000 population)
- HMP Hindley - (541 incidents per 1,000 population)
- HMP & YOI Swinfen Hall - (500 incidents per 1,000 population)
- HMP & YOIlsis - (441 incidents per 1,000 population

Male Category C estate with the highest rate of self-harm during 2017:
- HMP & YOI Parc (913 incidents per 1,000 population)
- HMP Haverigg (691 incidents per 1,000 population)
- HMP & YOI Swinfen Hall (668 incidents per 1,000 population)
- HMP Moorland (604 incidents per 1,000 population)
- HMP Buckley Hall (603 incidents per 1,000 population)

Male local estate with the highest reported rate of assaults during 2017:
- HMP Birmingham - (928 incidents per 1,000 population)
- HMP Bristol - (841 incidents per 1,000 population)
- HMP Leicester - (772 incidents per 1,000 population)
- HMP Bedford - (756 incidents per 1,000 population)
- HMP & YOI Chelmsford - (727 incidents per 1,000 population)

Male local estate with the highest rate of self-harm incidents during 2017:
- HMP Exeter - (1041 incidents per 1,000 population)
- HMP Woodhill - (945 incidents per 1,000 population)
- HMP Peterborough Male - (893 incidents per 1,000 population)
- HMP Leicester - (892 incidents per 1,000 population)
- HMP Bristol - (820 incidents per 1,000 population)

Chefs Star Choice - Lobster Marinated in Marijuana

Scottish Legal News: A restaurant is under investigation over its practice of giving lobsters marijuana to relax them before they're killed and cooked. Charlotte's Legendary Lobster Pound owner, Charlotte Gill, who is a licensed medical marijuana giver in Maine, cannot currently serve her "smoked" lobster meat. The Southwest Harbor eatery is being investigated by state health inspectors over its unusual practice, which is intended to lessen the suffering

of lobsters before they are dropped in boiling water. Gill told the Portland Press Herald that "after being contacted by the state, and upon reviewing its present laws and codes applicable to this arena, and then making a few minor adjustments to our procedure, we are completely confident that we will be able to proceed as planned." She added: "These are important issues and ones that can also benefit not only the lobster, but the industry as well. Truly we are not trying to go against [the state's] wishes and would love to work with them in order for us all to make this world a kinder place." Emily Spencer, a Maine Department of Health and Human Services spokeswoman, refused to say if the state had asked Gill to halt sales of the lobster but said it would be up to the Maine Medical Marijuana Program to decide if Gill was using cannabis appropriately. David Heidrich, a spokesman for the program, said: "Medical marijuana may only be grown for and provided to persons with a marijuana recommendation from a qualified medical provider. Lobsters are not people."

Call For Sentencing Guidelines For Young Adults

'The Justice Gap": Sentencing guidelines for young offenders aged between 18 years to 25 should be introduced in order to assist the courts and improve sentencing outcomes, according to a new report. Charlotte Hughes reports. More than 140,000 young adults aged 18 to 24 were sentenced in criminal courts last year. In 2017, 23 per cent of magistrates and crown court cases in England and Wales related to young adults, aged between 18 and 24 years old. Almost half of young men under the age of 21 who come into the contact with the criminal justice system had experience of the care system. Sentencing Young Adults: Making the case for sentencing principles for young adults presents research by the Howard League for Penal Reform, a founding member of the Transition to Adulthood (T2A) Alliance. It states that there is a growing consensus that young offenders should be treated differently by courts from adults as they are still maturing. However, the situation currently only allows 'age/lack of maturity' to be taken into account as a mitigating factor.

Laura Janes, legal director of the Howard League for Penal Reform, said their work has shown that sentencing is 'a significant criminal justice event that can have an enormous impact on their development and life chances'. Janes continued: Between 2006 and 2016, 164 young adults aged 18 to 24 died in custody, 136 of whom lost their lives through suicide. Janes added that it was hoped that the formal sentencing principles, similar to the Sentencing Council guidelines that are in place for children, would ultimately 'prevent more young people from being swept into deeper currents of crime and despair'. The report references research which states that frontal lobes – the area of the brain that helps to regulate decision-making and the control of impulses that underpin criminal behaviour – do not stop developing until of about 25 years of age. Susceptibility to peer pressure also continues until the mid-twenties. Senior paediatricians have recently redefined adolescence as a period from ten to 24 years of age. The report, which was also supprted by the Barrow Cadbury Trust, said young adults face an increased risk of exposure to the criminal justice system compared with older adults, raising the risk of adverse outcomes and increased likelihood of reoffending, but are not afforded the protections given to children, despite their distinctive needs.

Drawing on Howard League participation work with young adults, it further sets out how principled guidelines would help judges and magistrates to understand young adults better, and provide a legal framework to achieve better sentencing decisions. It recommends that the principles should consider the relationship between immaturity and blameworthiness, capacity to

change, and the impact of race and histories of care. There is also evidence of disproportionate levels of neurodisability among young adults in custody when compared to the general population, including higher rates of learning disability, traumatic brain injury and communication impairment. 'These distinct characteristics and experiences are often highly relevant to decision-making that leads to offending,' the report says. 'The distinct phases of maturation occurring during young adulthood also give rise to different needs.' It argues that the failure to consider these factors increases the likelihood of a custodial sentence.

The report follows research by the Howard League published last year, which found that the age and maturity of young adult defendants were not sufficiently considered by the courts. The research also stated that courts are more than capable of factoring issues such as maturity into decision making but are less likely to do so in the absence of clear and firm guidance. It also recommends that the welfare principle considered when a court is dealing with proceedings relating to a child – that the court's primary consideration shall lie with the welfare of the child – might be extended to apply to young adults, in recognition that full maturity and all the attributes of adulthood are not magically conferred on young people on their eighteenth birthdays. The Howard League has brought together an advisory group of experts to help draft sentencing principles for young adults comprising lawyers, academics, a magistrate, a forensic psychologist, two members of Royal College of Psychiatrists and a member with experience in probation and youth justice. Debbie Pippard, deputy chair of T2A, pointed to 'the growing evidence base' showing that 18- to 25-year-olds were 'a distinct group, with distinct needs that should be taken into account when sentencing'. 'The report makes the case for sentencing principles for young adults to enable courts to make better decisions and a real difference to young lives,' she said.

Birmingham Pub Bombings Inquests Will Not Name Suspects

Kevin Rawlinson Guardian: Suspects in the 1974 Birmingham pub bombings are not due to be named at the victims' inquests after judges upheld a coroner's decision to leave out of the proceedings any investigations into who was responsiblefor the attack. The lord chief justice, Lord Burnett, and two other judges, ruled on Wednesday that the coroner, Sir Peter Thornton QC, had made no error of law in reaching his decision not to name the IRA unit allegedly responsible. Bereaved families described feeling as if they had been "punched in the stomach" and vowed to continue to fight for "truth, justice and accountability". This week's court of appeal proceedings followed a high court ruling in January quashing Thornton's original decision. At that point, the coroner was ordered to reconsider the scope of the inquests after a successful judicial review action by the bereaved. But, this week, Burnett, Lady Justice Hallett and Lord Justice McCombe ruled his decision was "not open to legal objection".

Speaking near a memorial to the victims in the grounds of Birmingham's Anglican cathedral, members of the campaign group, Justice4the21, said they were seeking legal advice with a view to an appeal. "Without the perpetrator issue being a part of the scope [of the inquest] how can you ever possibly finish the jigsaw? You have got a major part of it missing," said Julie Hambleton, whose sister Maxine was 18 years old when she was killed in the bombings. "We feel as though we've been punched in the stomach again. What we do we do for 21 people who aren't here to do it for themselves. They don't have a voice, they don't have a physical presence, but we do so we are their voice. She added: "We are clearly very disappointed and we feel rejected but we will continue to fight for truth, justice and accountability."

The bombings in two city centre pubs, widely believed to be the work of the IRA, hap-

pened on 21 November 1974, and killed 21 people and injured 182. It was the deadliest peacetime attack in the UK at the time. Six men, known as the Birmingham Six, were imprisoned for the murders and served 17 years behind bars, in one of Britain's most infamous miscarriages of justice, before their convictions were quashed. Five West Midlands police officers were charged with perverting the course of justice in connection with the original criminal investigation but a judge ruled in 1993 that a fair trial would be impossible.Start here . . . .

If Justice Was a Tin of Beans, How Would it be Branded?'

Posted By Jon Robins - The annual pro bono week is to be dropped this year in favour of 'Justice Week'. Apparently, the purpose of the new idea is to 'boost the profile of justice', say the organisers CILEx, the Bar Council and the Law Society. 'If justice was a tin of beans, how would it be branded? If it were a pair of trainers, would the logo have a swoosh?' they ask. There is a launch debate (Does justice need a makeover?) chaired by Matthew d'Ancona at CMS. The event promises contributions from journalists, 'branding and marketing professionals, and those who have worked at the heart of government' about how justice can be 're-framed and re-branded to reflect its real value'. More of that kind of thing here. 'Justice has been cast firmly in the spotlight this year. The work of the Secret Barrister, disclosure failings, action over criminal legal aid cuts, and the Worboys decision have all captured the media and public interest. But why has all this attention failed to translate into the political will to increase funding?'

MoJ's sums 'don't add up'. The government's £15m offer to end the criminal bar's boycott doesn't add up, reckons Chancery Lane. According to a report in the Law Society's Gazette, the MoJ is currently consulting on how the additional £15m should be allocated within the advocates' graduated fee scheme. The Law Society reckons out that the headline expenditure figures include tax. 'The actual value of the proposed package to the profession is dependent on assumptions about case mix, which varies considerably from year to year,' it says. 'The Society says the ministry's impact assessment shows the proposals amounts to £15m, including VAT, based on the 2016-17 case mix information. When applying the 2017-18 data, the proposals amount to £8.6m.' 'Our initial assessment shows that a disproportionate amount of the additional expenditure will go to QCs, rather than targeting the crisis among junior advocates. We believe that this is the wrong priority to achieve the policy aim of mitigating the current recruitment crisis among both barristers and solicitors.'

Free legal answers: A charity supporting volunteer work by lawyers and law students is to launch a 'virtual pro bono clinic' via the internet, reported Legal Futures. LawWorks is to adapt the American Bar Association's Free Legal Answers software 'to provide people who cannot afford to pay for legal advice up to four answers to legal questions a year'. Lawyers are to be 'vetted by LawWorks' and 'may not use the service to identify potential paid-for work'.

Divorce reform: 'Fault-based divorce' is set to be scrapped as 'the biggest shake-up of family laws in 50 years seeks to end the "blame game" between couples', reported Frances Gibb in the Times. The proposal fulfils a key demand of Family Matters, a campaign begun last year by The Times and the Marriage Foundation urging reform of divorce and other family laws. News of a consultation paper was leaked 'amid fears in Whitehall that it could run into opposition within some quarters of the Conservative Party and the church'. 'A Westminster source said that "not everyone will be in favour" and added that "releasing the proposals now could be a way to test the water",' the Times reported. 'The sole legal ground for divorce would remain irretrievable breakdown but couples would no longer have to cite one of the grounds to justify it.' 'This is a development that must be resoundingly welcomed by all of us who know the current divorce law is a fake fault system, which drives people to commit perjury on a wholesale basis if they are not prepared to wait to divorce for two years or longer'

Democratising the system:The legal crowdfunding site CrowdJustice was 'about more than just raising money', founder Julia Salasky told the Guardian in a series on 'disruptors shaking up the legal world'. 'It's about democratising the system,' she said. 'That might mean getting access to a lawyer, but it also means knowing that other people are using the law, knowing that rights exist in the first place, and raising awareness around the legal issues that can, for better or for worse, cause seismic shifts in society.' Following its recent launch in the US, CrowdJustice has had some high-profile cases, including Stormy Daniels, who has raised nearly $600,000 (£450,000) to challenge US president Donald Trump. Apparently, her lawyer is crowdfunding to challenge the policy of removing immigrants' children from them at the border as well. 'Five years from now we'd love to be a trusted resource and legal destination for consumers – a place where you can not only pay for your case, but where you can also learn about the law and get more transparency over the process. We think we're just scratching the tip of the iceberg in pursuing our mission to make the law more accessible for everyone.'

HMP The Mount – A Significant Deterioration in Performance

39 recommendations from the last inspection had not been achieved. HMP The Mount in Hertfordshire was found by inspectors to be a prison struggling to overcome significant difficulties, including high violence and staff shortages, but showing signs of improvement after a deterioration in performance over recent years. The category C training and resettlement prison held just under 980 men, all convicted, and a clear majority were serving long sentences for serious offences, many related to violence and drugs. Peter Clarke, HM Chief Inspector of Prisons, said the previous inspection, in 2015, had found The Mount to be a successful prison. The inspection in April and May 2018, in contrast, "evidenced very significant deterioration." Safety and respectful treatment – two of the four HMI Prisons 'healthy prison' tests – were not sufficiently good. In purposeful activity – including training and education – and in rehabilitation and release work the prison had slipped to poor, the lowest assessment. Mr Clarke said: "It was clear the prison had experienced serious difficulties in recent times, although there was emergent evidence of some improvement." Levels of violence were comparatively high and mostly related to drugs and debt. A significant amount of the violence was serious and nearly half of prisoners said they had felt unsafe while in The Mount. Force was used more frequently and more often by staff than at similar prisons.

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.