felt unsafe. Many prisoners spent too long locked up during the working day. Around 40% of cells were designed for one prisoner but held two, affecting 260 men in bleak and “unacceptably cramped” conditions. Poor conditions heightened the risk for men in crisis. Self-harm levels were high. The number of assessment, care in custody and teamwork (ACCT) case management documents opened for prisoners at risk of suicide or self-harm was extraordinarily high, and was unmanageable. The safer custody hotline, for friends and family to raise concerns, was not checked and prisoners had been unable to call the Samaritans from their cells for several weeks before the inspection. Nearly half of prisoners were released homeless or into temporary accommodation.

Mr Clarke added: “Bristol may not have reached the extreme lack of order and crisis seen in some other prisons and this report acknowledges some developments and some improvements, but many initiatives were poorly coordinated, applied inconsistently or not well embedded.” Repeated requests for the prison to provide the Inspectorate with meaningful objectives or an assessment of the impact of ‘special measures’ in driving improvement were unsuccessful. “We were left with little confidence that the prison had a coherent and robust plan to impact and improve outcomes meaningfully. In 2017 the cautious optimism to which I referred gave me grounds to think that the leadership at Bristol, supported regionally and nationally, might be able to make progress. The current reality however, shows this did not happen. I hope this report and the UN that preceded it constitute a timely reminder that HMP Bristol needs to be gripped and supported at all levels of management in HMPPS.”

### NI: PSNI Ordered to Carry Out Criminal Investigation Into Treatment of Hooded Men

The PSNI must carry out a criminal investigation into the treatment in custody of the "Hooded Men" in 1971, the Court of Appeal in Belfast has ruled. In their majority ruling, appeal judges added that the treatment of applicant Francis McGuigan and fellow detainee Seán McKenna "would, if it occurred today, properly be characterised as torture". Mr McGuigan's solicitor, Darragh Mackin of Belfast-based human rights firm Phoenix Law, welcomed the "significant" ruling. The treatment of the 13 men was the subject of a controversial European Court of Human Rights (ECtHR) judgment in 1978, which said the "five techniques" used during interrogation did not constitute torture. The judgment, explored in our Irish Legal Heritage series last year, has been widely criticised and was notably used as justification for torture techniques later used by the USA. New information pertaining to the case, suggesting the UK government had misled the ECtHR in 1978, was the subject of an RTÉ documentary in 2014 which prompted fresh appeals. Commenting on today's court ruling, Mr Mackin said: "Today is significant as the court firmly said that the rule of law is undermined if that extends to protecting ministers from investigation in respect of criminal offences committed by them. It is now essential that an effective and independent investigation is commissioned without any further delay. Today's judgment makes it expressly clear that the treatment that I suffered at the hands of ministers was torture and should be investigated by an independent police force. This treatment cannot be forgotten, it has had lasting and terrible effects on my mental health to this day and I can only hope that this judgment will assist someone somewhere in the world that suffers torture at the hand of their Government."

Serving Prisoners Supported by MOJUK: 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, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, 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 William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jake Mawhinney, Peter Hannigan.

**Miscarriages of JusticeUK (MOJUK)**
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## MOJUK: Newsletter ‘Inside Out’ No 760 (25/09/2019) - Cost £1

### Giovani Di Stefano: The Legality of Joint-Enterprise Convictions in England and Wales

[No Justice for Robert Knapp and David Croke. Robert is still serving time and still fighting his conviction in 2002, for the murder of Mohammed Raja. At the moment he is perfecting grounds for his appeal. David died in HMP Whitmoor in 2007; both always denied any involvement in the killing of Mohammed Raja. Nicholas van Hoogstraten convicted of the same murder (Joint Enterprise) bought his way out of jail. Hoogstraten was represented by Giovani Di Stefano, author of the article below, currently serving time but also fighting his conviction.]

Parere Pro Veritate (For the Truth)

1. In 2002, I, together with Peter Kelson QC (now HHJ Kelson), the late Dr David Thomas QC, Alex Dos Santos and Jonathan Lennon successfully argued before the then Vice President of the Court of Appeal, Criminal Division Lord Justice Rose that the conviction of Nicholas Van Hoogstraten of ‘joint-enterprise’ verdict of manslaughter should be quashed.

2. Subsequently, aided by Geoffrey Cox QC (now the Attorney General) his retrial produced a verdict on the orders of the Trial Judge at the Central Criminal Court, of not guilty of murder, manslaughter, or any other offence.

3. During and throughout the case of R – v – Nicholas Van Hoogstraten the BBC produced a documentary aired by BBC 2 called ‘Notorious.’

4. Dr David Thomas QC, and Peter Kelson QC, and many others learned in the law were expecting an immediate change of the law on the so-called doctrine of joint-enterprise that we had successfully penetrated.

5. However, in their customary, usual, and continued application of intellectual dishonesty, both the Judiciary and Legislators remained silent and inert for years to come.

6. On the 13 September 2014, I caused a missive to be sent to Lord Jonathan Sumption of the Supreme Court of the United Kingdom responded to on the 17 September 2014,

7. I expressed grave concerns for the direction the law had taken since R – V – Van Hoogstraten.

8. On the 17 December 2014 the House of Commons Justice Select Committee, reported to Parliament that many people convicted of murder, under the complex ‘laws’ of joint-enterprise, should have been charged with lesser crimes and, at best manslaughter, but never murder, and that the threshold for establishing culpability should be raised.

9. I had the honour, regardless of my altered habitat, in writing to the Select Committee outlining my experiences on cases that I had been involved in and particularly that of Mr Van Hoogstraten.

10. Normally, under the settled principles of English Law and the doctrine of ‘binding precedent’ the case that we had advanced and succeeded in the Court of Appeal, should have been the de jure common denominator of the principle of joint-enterprise.

11. A cursory review of the current and past five years of Archbold will find no trace of the case of R – v – Van Hoogstraten.

12. What concerned me and other jurists is, that since the case of R – v – Van Hoogstraten and up to 2013, over 500 are thought to have been convicted of murder on the very facsimile case that we had succeeded in the Court of Appeal in R – v – Van Hoogstraten.

13. A large part of those 500 plus convicted is young black and mixed-race men. Statistics I found most alarming are that 38% of those serving long Minimum Terms for joint-enterprise offences were black – 11 times the proportion in the general population and three times as many in the overall prison population.

14. My letter to the Justice Select Committee stated that: ‘I have grave concerns about the way the Judiciary and the Courts interpret the joint-enterprise doctrine and I use the word ‘doctrine’ instead of laws as there is no law or Statue regarding joint-enterprise.’

15. The Justice Select Committee sent me a copy of their reports stating: ‘There are particular difficulties with bringing successful appeals in joint-enterprise cases. There are concerns, rather, with whether the doctrine, as it has developed through case law and is now being applied, is to injustices in the wider sense, including a mismatch between culpability and penalty.’

16. The Justice Select Committee confirmed that the ‘Law Commission’ should undertake an urgent review of the law on joint-enterprise.

17. There is no ‘law’ on joint-enterprise but only a doctrine that has been tampered by wanton members of the judiciary for the past 300 years, appeasing the media and public perception of murders/killings committed with the participation passive or active of more than one party.

18. There is no Law or Statute that defines joint-enterprise murder.

19. The ‘legal principle’ or ‘doctrine’ of joint-enterprise is over 300 years old and was originally created to help authorities discourage illegal duelling by prosecuting not only the duelers but also any witnesses or spectators.

20. In essence, putting the case simply, a person can be held criminally liable for another’s actions.

21. That position simply cannot be sustained either de jure or de facto.

22. On the 18 February 2016 came before the Supreme Court cases of R – v – Jogee (016) UKSC 8 and R – v – Ruddock (2016) UKPC 7, the latter being an appeal from the Court of Appeal of Jamaica.

23. Those cases were ably argued by Felicity Gerry QC et al but again the whole question of joint-enterprise surrounded the ‘doctrine’ which had been laid down by the Privy Council in Chan Wing-Siu – v – Regina (1985) AC 168.

24. No cases I have been able to find challenged the ‘law’ of joint enterprises because all the settled cases made reference to the ‘doctrine’ or the ‘principle.’

25. Unlike the European Counterparts, English law has developed over the years by courts following the decisions of other courts. As previously stated, this is the principle of binding precedent which dictates that one court is bound to follow previous decisions of other courts and better known by jurists as stare decisis – ‘To stand by decisions.’

26. The court does not have to accept and follow everything the previous court said but only the principle going to the heart of the decision. In 1880, Lord Jessel, the then Master of the Rolls, at the opening of the Royal Courts of Justice said: ‘The only use of authorities or decided cases is the establishment of some principle which the judge can follow in deciding the case before him.’

27. To some extent great and eminent jurists also have a standing in deciding cases. In Jogee/Ruddock reference was made to Professor Sir John Smith and a certain lecture he delivered involving joint-enterprise.

28. In years gone by, two of the most influential jurists and their written works were ‘Coke’s Institutes of the Laws of England’ written between 1628 and 1644 by Sir Edward Coke, after he had been removed from the office of Lord Chief Justice, and ‘Commentaries on the Laws of England’ written between 1765 and 1769 by Sir William Blackstone, who was a failed



found that a number of forces failed to improve in subsequent inspections, with some getting worse.

Vera Baird, the victims’ commissioner for England and Wales, said it appeared police were failing to investigate reports. “Where cases are not being recorded as a crime and are dismissed as an incident, that’s a concern because it may be that if the cases were investigated they could result in a prosecution. We know rape is a serial offence so it should be a very considered decision not to pursue something that looks like a rape as a crime of rape,” said Baird.

A spokesman for the National Police Chiefs’ Council (NPCC) said victims should have the confidence to report crimes knowing that they would be investigated and support would be provided. “The rate of rape reporting to police forces has sharply increased since 2014, and we are working to further improve the accuracy of crime reporting, which is governed by detailed counting rules set out by the Home Office.

**Scottish Prisons Under Severe Pressure**

Scottish Legal News: The Scottish Prison Service faces profound challenges in continuing to run Scotland's overcrowded prisons safely and effectively. A report by the Auditor General for the Scottish Parliament says the service's revenue budget reduced by 12.5 per cent in real terms between 2014/15 and 2018/19, from £394.7 million to £345.2 million, while its costs are rising. Prisoner numbers increased by nearly nine per cent in 2018/19, to 8,212, and are set to rise further. Financial pressures are compromising efforts to prepare and support prisoners for life outside prison. Over the last two years, there have also been significant increases in assaults by prisoners against staff and other prisoners. Stress-related sickness among staff rose by nearly one third in 2018/19, and additional payments to staff working longer hours increased by 65 per cent to £4.25 million. Caroline Gardner, Auditor General for Scotland, said: "Scotland's prisons are running well over operating capacity. The Scottish Prison Service faces a combination of severe pressures on many fronts; this poses a threat to operational safety, effectiveness and financial sustainability."

**HMP Bristol - Prison Service Must Grip Establishment After Years of Decline and Failure**

The Prison Service must grip and support HMP Bristol to improve after years of decline and “seemingly intractable failure”, according to Peter Clarke, HM Chief Inspector of Prisons. Mr Clarke published a full report on an inspection of HMP Bristol in May and June 2019 which, at the time, identified such serious problems that the Chief Inspector invoked the rarely-used Urgent Notification (UN) process. Under the UN protocol, the Secretary of State must respond within 28 days, publicly, with plans to improve the jail.

Bristol has declined over four inspections since 2013 (see panel in Notes to Editors below), with safety assessed as poor, the lowest grading, in 2017 and 2019. Mr Clarke said he had expressed some optimism at the time of the 2017 inspection that the prison might improve. However, “despite subsequent important initiatives within the prison (including the recruitment of many staff, some new investment and the designation of Bristol by Her Majesty’s Prison and Probation Service (HMPPS) as a prison under ‘special measures’, at this (2019) inspection we were again unable to report on any significant improvement to overall outcomes. “We last reported more positively about this prison some nine years ago in 2010, but since then… it has been a record of seemingly intractable failure. The report, similarly to the UN letter in June 2019, sets out disturbing findings.

High levels of violence against prisoners and staff, some serious, and high use of force by staff (though body-worn camera footage showed de-escalation of incidents by staff.) Many prisoners

**Denmark: Bug in Software Used in Convictions Leads to Release of Prisoners**

*Scottish Legal News:* Thirty detainees have been released in Denmark because of a glitch with phone operators' geolocation data that has led to the review of more than 10,700 cases. Police in Denmark began looking at the issue when they found a bug in software that converts data from mobile towers to render it useable by officers. This, however, caused important information to be omitted. If a phone made five calls within an hour, for example, the software would only account for four. Other problems include the origin of texts being incorrectly registered and faulty information on the location of particular towers. Following an audit in August, 32 people, who have either been convicted or are on remand, have been released. "We simply can't live with the idea that information that isn't accurate can send people to jail," Denmark's chief public prosecutor Jan Reckendorff told public broadcaster DR. A two-month halt on the use of such data as evidence in trials was announced in mid-August. "This is a very drastic decision. But it is a decision that is necessary in a state of law," Mr Reckendorff said.

**Pecarious Liability- Dying on the Job!**

Scottish Legal News: A court has ruled that an employee who died engaged in amorous congress while on a business trip was the victim of a workplace accident. The technician had been sent to Loiret in north west France and ended up sleeping with a "complete stranger". He had a heart attack and died during the act but his employer, a construction specialist, argued the liaison was not part of his work and that it should not be held liable for his death, BFMTV reports. It had told an inferior court that the death was attributable not to the performance of his work "but to the sexual act he had with a complete stranger". But the Court of Appeal in Paris has now ruled against the company, saying the man died of a workplace accident – accident du travail. Judges said that "an employee performing a business trip is entitled to the protection provided by Article L 411-1 of the Social Security Code throughout the duration of the trip he performs for his employer", adding that it does not matter whether the accident occurs during a professional or everyday act. The case will likely be appealed to the Cour de Cassation, France's highest judicial court.

**Thousands Of Rape Reports Inaccurately Recorded By Police**

Thousands of reports of rape allegations have been inaccurately recorded by the police over the past three years and in some cases never appeared in official figures, the Guardian can reveal. An analysis shows the vast majority of police forces audited by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) have failed to collect accurate rape crime figures, resulting in cases going unrecorded and investigations not being carried out, raising the possibility that perpetrators could go on toreoffend. More than one in 10 audited rape reports were found to be incorrect. The Guardian found complainants with mental health and addiction issues and victims of trafficking were particularly vulnerable to being struck from the record by a number of police forces.

The Guardian reviewed audits of 34 police forces published between August 2016 and July 2019. Only three of them were found to have accurately recorded complaints of rape, according to the audits carried out by HMICFRS. Of the more than 4,900 audited rape reports, 552 were found to be inaccurate. As every report of rape is not audited it is not possible to know exactly how many are inaccurate, but more than 150,000 rapes were reported to police in that time which means potentially more than 10,000 cases could be affected by inaccuracies. The inaccuracies in recording can range from incomplete paperwork to not recording a report of rape as a crime but noting it as an incident. This can lead to no investigation being carried out and the accused going on to reoffend. The data also



barrister, but regardless he became Professor of English Law at Oxford University and after the success of 'Commentaries' was appointed a Judge of the Court of Common Pleas.

29. It is somewhat unsettling however, that none of the authorities cited 'Jogee/Ruddock' ever properly considered the relationship between 'laws' and 'doctrine or principle.'

30. More alarming the manner upon which the case of Nicholas Van Hoogstraten was treated as a binding precedent. Quite the opposite, it was buried, never to be uttered in the precincts of the Royal Courts of Justice.

31. In fact, Lord Justice Rose made it a specific point to me with a stern warning not to mention to the press the reasons why we had succeeded in the appeal.

32. The BBC documentary 'Notorious' carries my interview to the media simply saying that the appeal of Nicholas Van Hoogstraten succeeded but I was not able to give reasons.

33. To understand why it is important to distinguish between the 'law' and 'doctrine/principle' is the real key to explain why the application of the joint enterprise phenomena is not lawful.

34. On the 15 June 1215, rebel barons forced King John to meet them at Runnymede. They did not trust the King, so he was not allowed to leave until his seal was attached in front of him known as Magna Carta.

35. It was revolutionary in that never before had royal authority been so fundamentally challenged.

36. Hundreds of years post one clause stands out that is still relevant today as it was when King John put his seal on the Magna Carta's 63 clauses.

37. It is also the key to where the 'law' failed the whole concept of joint enterprise.

38. Even in translation Chapter 39 of the Magna Carta 1215 has the capacity to make the blood race: 'No free man shall be seized, or imprisoned, or stripped of his rights or possessions, or outlawed, or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by law of the land.'

39. The 'law' of the land, not the 'doctrine' or 'principle' formulated by the Judiciary.

40. What is the 'law' on murder?

41. The below definition is based on that contained in 'Coke's Institutes' (co. Inst. Pt III – 1797 ed – Ch.7, p.47: 'Subject to three exceptions, the crime of murder is committed where a person of sound mind and discretion unlawfully kills any reasonable creature in being and under the Queen's peace with intent to kill or cause grievous bodily harm.

42. Common law also requires that the death be within a year and a day but that has been modified by the (Year and a day Rule) Act 1997 a factor that I exposed in 2013 during my sojourn in SW18 in the cases of R – v – Barry Hillman. It seems that the Attorney General had overlooked the pre-requisite of granting leave to institute proceedings under that very Act.

43. It is sadly, a common thread that the Crown on various occasions ride rough shot over the law of the land. To cite but a few cases: R – v – Terence Smith; R – v – Debone and R – v – Carter Adams usually with the aid of an ever-willing Court of Appeal.

44. A cursory look at Archbold 2015 Edition para. 19.23 deals with the 'Liability of secondary parties': 'There are no special principles relating to the liability of secondary parties to murder.'

45. There is, not only no special 'principles' there is no law which is the pre-requisite to compliance with Chapter 39 of Magna Carta 1215.

46. Subsequently, there are many cases involving joint enterprise 'liability' which is a word mostly used in the civil jurisdiction. To cite but a few: R – V – Powell; R – v – English (1999) 1.A.C.1; R – v – Anderson and Morris (1966) 1 Q.B. 100, 50 Cr.App.R 216. CCA; R – v –

Rook, 97 Cr.App.R. 327 CA; R – v – Mendez and Thompson (2011) 1 Cr.App R 327; R – v – Lewis, Ward and Cook (2010) Crim L.R 870 CA.

47. Probably the best-known case was that of Derek Bentley where the joint enterprise 'doctrine' was used to convict and hang Bentley for the shooting of a police officer in 1952. He did not pull the trigger but was convicted on the disputed words 'Let him have it.'

48. The conviction of Derek Bentley was quashed by the Court of Appeal in 1998 but it was 46 years too late to save his life.

49. In 2010, under the joint-enterprise 'doctrine' 17 youths were convicted of various charges relating to the murder of 15-year-old Sofyen Belamouadden at Victoria Station in London, who was stabbed and battered to death.

50. There is, as stated no 'law' on joint enterprise simply the 'doctrine' or 'principle' based upon that it is not right to help in a murder.

51. Judges throughout the time have developed the common sense 'doctrine/principle' into what can only be described as feral law.

52. In his book 'The Rule of Law' Tom Bingham (ex-Chief Lord Chief Justice) makes clear the role of the Judiciary and the law at page 45: 'The judges may not develop the law to create new criminal offences or widen existing offences so as to make punishable conduct of a type hitherto not subject to punishment, for that would infringe the fundamental principle that a person should not be criminally punishable for an act which was not criminal when it was done.'

53. In 1952 in order to appease the public and to deter people carrying and using guns so soon after the Second World War the case of Derek Bentley would be the guiding criteria from thence onwards.

54. In the 17th century to deter those from duelling, the Authorities would prosecute spectators as well as participants.

55. The quashing of the conviction of Derek Bentley in 1998 should have sent warning signals to the judiciary on the dangers of joint enterprise.

56. If one but only glances at the judgement in Jogee/Ruddock, para 4-35 how complicated and convoluted settled cases from the 17th century onwards have made not only the doctrine/principle of joint enterprise but how it is, can and/or should (if ever) be applied.

57. On the 11 July 2007 Sir Menzies Campbell, then the Liberal Democrat Leader, pointed out that in the House of Commons during the past ten years there had been 382 Acts of Parliament.

58. Out of those there included 29 Criminal Justice Acts and more than 3000 new criminal offences created.

59. Professor Antony King went further to state that between 1979/1992 Parliament passed 143 Acts.

60. Had it been the intention of Parliament – the only body that can create law – to perfect the 'law' not the 'doctrine/principle' on joint enterprise it could easily have done so.

61. It elected not to do so whilst a plethora of cases were advanced through the court system without the appropriate clarity that is required for a conviction to be sustained.

62. The sovereignty of Parliament is sacrosanct.

63. In most other countries the constitution enacted, interpreted by the courts, is the supreme law of the land, with the result that legislation inconsistent with the constitution, even duly enacted, maybe held unconstitutional and so invalid.

64. In a White Paper introducing the Human Rights Bill the then Prime Minister Anthony Lynton Blair wrote: 'The Government has reached the conclusion that courts should not have the power to set aside primary legislation, past or future, on the grounds of incompatibility with the Convention.'



**Request From Serving Prisoner – Information Wanted on Spectrum Community Health**

George Black asks: Can any prisoners with complaints or bad experiences with Spectrum Community Health (SPC), at HMP Full Sutton? Or any other prison where SPC is the health provider. Please send letters with your experiences to: Jeremy Bingham, Kesar and co solicitors. SPC provide medical care in a number of North East prisons

If you personally, or know someone else who has had bad experiences with (SPC) and complained and received an unsatisfactory response, please contact Mr Bingham as soon as possible. Especially if you have suffered from:

1. False allegations/ false entries in medical files or responses to complaints that are unsatisfactory. 2. Negligence in any form including treatment on a lack of treatment- such as missing meds or a repeat prescription or being listened to when reporting any health care issues, to any nurse. 3. It is largely recognized by inmates in HMP Full Sutton, that Spectrum Community Health (SPC), withdraw inmates' treatment for reasons unrelated to health issues as a punishment. Having medication on treatment withdrawn as a punishment for reasons not related to health care. (mdt/adjudication/basic/arguing). 4. Having appointments cancelled and not being informed- on being blamed for missing any appointments when you were not at fault, such as prison lock downs/visits etc, not being notified. 5. Any complaints with mental health treatment, or a lack of Mental Health In Reach Services Team (MHIRT) any (Mental health issues). 6. Or any other complaints against (SPC) health care provides. Have you advanced your complaints to (stage 2) and complained to (SPC)- head office? Have you taken or pursued civil action against (SPC)?

It is important that any prisoner who has experienced any of these issues, contacts Kesar and Co Solicitors. Your information will help to establish patterns of abuse and negligence, such as the same nurses using the same excuses to fob prisoners off. Do not under-estimate the power of Data Analysis. If you know of any other inmates with bad experiences of SPC, please inform them of this article as soon as possible. When one prisoner makes a complaint, it's his word against the system. But when 10 on 20 prisoners make the same complaint, it's a different story altogether.

Please send any letters and information to: Jeremy Bingham & copy to George Black

Kesar and co solicitors, Bromley, BR1 1NA. Every letter will receive response,

Thank you In solidarity George Black, (A3887AE) HMP Full Sutton, Stamford Bridge, YO4 1PS

HMCIP Found fault with Spectrum Community Health in their latest inspection of HMP Full Sutton

They found that persons employed by the provider SPC in the provision of regulated activity did not receive appropriate support, training and supervision as is necessary to enable them to carry out the duties they are employed to perform. This was in breach of regulation 18(2)(a) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Staff had not received regular, formal, recorded management and clinical supervision. Not all mandatory training had been completed as required for nursing staff.

They found that the registered provider SPC had not ensured the proper and safe management of medicines, and not all premises and equipment used by the service was suitable for the purpose for which it was being used. This was in breach of regulation 12(1) (2) (e) (g) and 15(1) (c) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Medication was being transported from the pharmacy in a briefcase to G wing. It was then being administered in a door way on a small table in full sight of other prisoners. We consider this to be a high risk situation in terms of the method of transport and the lack of confidentiality being provided to the recipient of the medication. In possession medication was being received in the same way.

drop and the wings are flooded with destructive substances such as Spice.

HMP Winchester faced criticism last month after The Daily Telegraph published video of inmates causing chaos after digging their way through crumbling cells walls. Mr Bourke continued: "I think the reality of prison is that it is designed by nice, white middle-class people and it works for nice, middle-class people. For any one of us in this room to go to prison would be a disaster, but what we have created is a group of people, a section of our community, who go to prisons and it is not a personal disaster - in fact it becomes a place of refuge for them." He claimed the rising cost of housing and higher education risked leaving behind swathes of the population to whom the prospect of prison offered stability, rather than punishment. His views on the state of the modern prison system were echoed by a senior Scotland Yard officer, who said jails were at risk of becoming modern-day “asylums”.

Rob Beckley, who is in charge of the Metropolitan Police’s investigation into the Hillsborough disaster, suggested a lack of frontline mental health care left the police and prison to pick up the pieces. He said: "There is something about the asylums that existed when I was a PC don't exist any longer, but to a certain extent I feel they have been changed for prisons. That is where the health policy and what we are actually doing with people who are not well in the community I think is a big area where the police are ending up picking up the symptoms and passing it to the criminal justice system and not managing the process."

CIP, Peter Clarke, agreed it was “absolutely right” to say that managing a jail had become like managing a “mental health institution”. He added: “In recent inspections I can think of prisons 40, 50 or more percent of prisoners arriving in the prison are presented with one form or other of mental illness. “It is a huge problem. What it’s indicative of, very often, is simply that there are insufficient resources to provide a proper therapeutic response whether in prison or outside of prison. “I’m quite clear there are a huge number of people inside prison who simply should not be there.”

**Life to Mean Life’ for Child Killers Under Sentencing Reform**

Jon Robins, Justice Gap: Killers of young children would never be released from prison under Boris Johnson’s sentencing reforms to ensure that ‘life means life’. According to a report in yesterday’s Sunday Telegraph, Downing Street would use the prorogation of Parliament to ‘relaunch the Prime Minister’s domestic policy agenda by unveiling a tough new approach to criminal justice’ and a new Sentencing Bill. ‘For the first time, murderers of preschool children will be subject to whole-life orders, while Mr Johnson’s administration is also considering increasing minimum tariffs for other types of killings,’the Telegraph reported. Ministers plan to ‘rip up’ Labour’s policy of prisoners becoming eligible for release at the halfway point of their sentences instead, it wants violent and sexual offenders to serve ‘at least two thirds of their full terms’.’ The changes mean rapists sentenced to an average of nine years will no longer be released from prison after four-and-a-half years, or even earlier if they spent time on remand,’ it continued. ‘Nearly 2,000 criminals could be affected.’ The government is also apparently looking at ‘sobriety tags’ that monitor alcohol intake and were piloted by the Prime Minister when he was mayor of London for repeat drunken offenders. Boris Johnson flagged his intention to clampdown on ‘soft justice’ in an editorial about drug dealer Luke ewitt who spent (in his words) ‘a delightful day at a health spa’ on release during a four year sentence in his weekly Daily Telegraph column back in July. ‘You may have decided it was yet another example of our cock-eyed crookcoddling criminal justice system and succumbed to the apathy of despair,’ he wrote.

*‘Most people think all parties and the courts have lost the plot on sentencing. We agree with the public. We will act as quickly and aggressively as we can, given Parliament does not want to do what the people want on crime, just as it doesn’t on Brexit.’* A government source to the Sunday Telegraph



65. The ‘doctrine/principle’ on joint-enterprise is muddled, unclear, hazy, complex, and there is no certainty or direction in its application.

66. An accused has an unalienable right to a fair trial with the right to know what he is accused and what law has been violated.

67. There can be no punishment without an accused knowing exactly what law has been broken.

68. The silence and inertia, perhaps even impotence, of Parliament to clarify the law on joint-enterprise which it could easily have done, makes it clear that any form of interpretation by the courts is unfair and extremely dangerous to bring arbitrary detention.

69. Magna Carta 1215 Chapter 39 is crystal clear in that no person can be punished unless that person violates the law of the land.

70. Doctrines/principles are not the law of the land.

71. For those above reasons any conviction based upon the ‘doctrine/principle’ of joint-enterprise must be quashed as they are tantamount to arbitrary detention.

Giovanni Di Stefano, A9460CW, HMP Highpoint, Stradishall, Newmarket, CB8 9YG

**All-Party Parliamentary Group (APPG) Miscarriages of Justice Commission**

Third Evidence Session: Chair: Baroness Stern. Apologies from Lord Garnier and Michelle Nelson – both busy in court. Members of the Commission present: Dame Anne Owers, National Chair of Independent Monitoring Boards and former Chief Inspector of Prisons Dr Philip Joseph, Forensic Psychology Consultant Erwin James, Editor-in-Chief, Inside Time. Those presenting submissions and answering questions from the Commissioners: Prof. Carolyn Hoyle of Oxford University Published book on 10 yrs research ‘Reasons to Doubt: Wrongful Convictions and the Criminal Cases Review Commission’ Dr Dennis Eady from the Cardiff Law School Innocence Project

Q1. Baroness Stern asked her to tell us what her book is about. Prof. Carolyn Hoyle (CH): Her work explores how the CCRC makes decisions in the context of the law, All written info is retained including who were the decision makers, case review managers, and the judgements, making it possible to analyse who made the decisions to refer to the CoA or not and why.

Q2. PJ. Which of her key findings were most relevant? CH: CCRC is not a perfect organisation, and she found more variability than expected in the approach to cases. They were rather cautious in putting forward referrals, thoroughness/efficiency balance problems, lack of engagement with other stakeholders, not enough information sharing, and overall they need to be bolder. Are they ‘Fit for Purpose’? Their purpose was not clear, so expression meaningless. Recommends change from within rather than fundamental restructuring.

Q3. BS: Did you find deference to Court of Appeal a cultural imperative going beyond a legal mandate of efficiency? CH: down to definitions with the 1968 and the 1995 (Real Possibility) Acts. They are supposed to define the case on merits – how do you define that? There was variability in how they decide RP., and worried when they rebuked by the CoA. Could they be bolder? Yes they could, in ‘grey’ cases where they can see something is wrong, but often they get stuck on Fresh Evidence. Also they will not push back for a second time, even though they could. Also there are different interpretations on whether to refer. Needs legally trained commissioners assessing for referral, or at least a lawyer to make a final review, as they might see more chance of ‘squeezing’ a case through. Might not need more resources, just smarter, more selective decisions. It is a huge challenge for part-time commissioners, who are bound to be less efficient.

Q4: PJ. Going back to the SCCRC evidence – is the RP test effect on the CCRC real or a red herring? CH: cannot compare, as tiny numbers go through SCCRC. The CoA looks for

safeness of conviction, so the RP test is not the problem. They could interpret Fresh Evidence less stringently, and the CoA often has a poor understanding of what is presented. The CoA is not infallible.

Q5: EJ. Inside Time receives 4-500 letters a month, many on wrongful convictions. The CCRC Commissioners should surely be lawyers? Who are they? CH: Remit is lawyers and other disciplines including forensic and medical. Many cases rest on forensic science. But also some on finance, so knowledge of financial crimes is needed. Journalists too, such as David Jessel. So they should not all be lawyers, and a combination is OK, but the actual referral decision has to be based on a legal test. Precedent is important, but makes the system too defensive. The Application Form is not easy to understand, therefore not accessible to all. The Statement of Reasons should really be filled in by someone with legal experience.

Q6: AO. Asylum cases seem perhaps to be referred with more enthusiasm ? CH: These are handled differently and are easy to analyse. People are often poorly advised A cynic might say they should not look at cases from the Magistrates Courts. Easier to see them as a group whom Politics were against. Richard Foster became active with the CPS and defence lawyers and the CPS should have stopped some prosecutions. But huge cuts to Legal Aid, crisis in Forensic Science Service (private services not coping), samples being lost, and Miscarriages of Justice are growing. Section 23 of the 1968 Act – cases hindered by the Statement of Reasons and these should be published so that things can be learned from them.

Q7: BS. CCRC independence – there is a greater willingness to criticise public bodies. The Ministry of Justice analysed the work of the CCRC and recommended changes. Can the CCRC act as an independent body when it is funded by government ? CH: not really within her remit, but thinks rather difficult for CCRC to be independent. Government has given more funding but still under-resourced and budget issues. How could the organisation change? How could different terms be set up? AO suggested the problem is culture rather than statute.

Q8: BS. How can they be encouraged to be more outspoken? Would it help if the Chair was a High Court Judge? Or would independence be compromised? CH: would lead to criticisms of lack of independence from Judiciary. They may be less likely to be critical of convictions.

Q9: PJ, CCRC is too variable, too cautious, too deferential. Is there something wrong with the original setting up? CH: the variability in decision making is paramount. The mainly desk-based assessments should be wider. She had looked at how the personalities of individual commissioners and case review managers created variability, and affected the screening. Some are risk averse, others bolder. If applicants could see this, they would not be happy. On the other hand applications often lack content. Not enough to say 'they lied' or 'I was stitched up'. No legal representation is a disadvantage. Little chance of success.

Q10: AO. What is CCRC morale like? CH: varies with time and what is happening. When there is criticism, morale dips. Better when they have a good case. Once working on a case there is more enthusiasm.(Prof Hoyle was thanked for her input.)

Dr Dennis Eady from the University of Cardiff Law School Innocence Project was introduced. He has been working in this area of Miscarriages of Justice for 25 years!

Q1: BS. With 25 yrs experience pre- and post- CCRC – how have things changed? Better or worse? Easier or harder to overturn? DE: Always hard, but overall – far worse. Is this always due to the CCRC? No, lowered standard of proof and a convictionist society. The bar has been significantly lowered, and the CoA has become more strict. The CCRC is stuck between these. He is a campaigner even though 10years in the University. There is a greater need for the CCRC than ever. CH has published an excellent study. Just a few comments: There is a need for radical change, not just a few tweaks. Key point is the need for Fresh Evidence. If that



cells. HMP Nottingham reports they have now taken steps to combat the drugs, including new searching equipment, action against corrupt staff and wider training.

Leanne Blakey, partner of Anthony said: "I have lost a partner, and five children have lost their father. I am aghast at what we have heard about the level of drugs in Nottingham at the time, and the response times on cell bell emergencies. Staff knew what was going on with Anthony. They even knew he had been assaulted over drugs. I am pleased at what we have heard about improvements at the prison, though I am worried about what will happen if central government attention is taken away again. My real concern is that the wrong people were answering questions. Newly appointed and young staff were not primarily responsible for what happened here. The ministers who culled the staff and failed to respond to the warnings were responsible. Who is holding them to account?"

Jo Eggleton of Deighton Pierce Glynn solicitors said: "As with the other deaths in HMP Nottingham around this time Anthony's deathwas preventable. The steps that have been taken since to reduce the availability of drugs could and should have been taken sooner. It is vital that those in the care of the prison can summon and receive help in an emergency. There's little point instructing staff to respond to emergency cell bells within 5 minutes if they can't in fact do so. Steps need to be taken in this and other prisons to ensure bells are responded to as soon as possible so that further lives are not lost."

Natasha Thompson, Caseworker at INQUEST said: "Serious failures in Nottingham prison resulted in Anthony being left to deteriorate in his cell when he was in need of urgent medical attention. This is not the first inquest that has found serious failures in responding to cell bells. Ultimately, responsibility for Anthony's death rests with complacency and indifference to enacting potentially life-saving recommendations emerging from previous inquests. At a time when the government is promising more money for more prison places, our ongoing casework shows that expanding the prison system is not solution to preventing further deaths and harms. We must look beyond the use prison and act upon what are clear solutions - tackling sentencing policy, reducing the prison population and redirecting resources to community health and welfare services."

## Prison Governor Attacks 'Fantasy' That Criminals Can be Rehabilitated Behind Bars

*Jack Hardy, Telegraph:* Rehabilitation of criminals is a "fantasy" as the prison system cannot be expected to undo a lifetime of troubles in a few months, a leading official has said. James Bourke, the governor of HMP Winchester, said Britain's prisons may work in scaring white, middle class people, but for others they can simply become a "place of refuge". He suggested the main purpose of custodial sentences should be punishment - because no other form of sentence seemed to have an effect on offenders.

Speaking at the launch of a new Channel 4 documentary series, Crime and Punishment, Mr Bourke recalled having to regular thwart bids for day release while working at lower security prisons. This included one inmate jailed for death by dangerous driving who requested to go home for Christmas - but lived several doors down from the grieving family of the man he ran over. He told an audience in central London: "People quite understandably want to see people punished if they have caused harm in their lives. Unfortunately, everything else we have tried so far has not worked. Imprisonment works in the sense it does punish people. They arrive with me after years of (problems) with their family, their education, their social services system, their healthcare for a sentence of four or five weeks and I'm going to rehabilitate them? It's a fantasy."

Prisons across the country have been plunged into crisis in recent years as officer numbers

mistake she had done the right thing in raising the issue as soon as possible. "Don't worry, none of us noticed or noted it," he said. "The person who should be there for some reason did not head down. There were 12 people sworn in as jurors yesterday, you were not one of them. There is no question of me discharging you, you're not on this jury. "What will happen is we will restart this case with the original jury. You can go back into the pool and you will be able to serve on another jury."

Before she was released, the court ensured she had no connection to any of the witnesses and people concerned in the upcoming trial. She was warned not to discuss what she had heard during the opening of the case with anyone. When the correct jury assembled, Judge Seely told them: "Well, ladies and gentlemen, I am not sure in my 30 years working in the courts this has ever happened before. "The lady who was sitting in your position was, of course, not a member of this jury and simply followed the crowd I suppose. I have discussed the situation with counsel and there is no harm and no problem in the sense this was at a very early stage of the case."

**Series of Failings Led to Death of Anthony Solomon in HMP Nottingham**

The inquest into the death of Anthony Solomon has today concluded with the jury finding that his death was caused by the toxic effects of synthetic cannabinoids. The jury returned a narrative conclusion highlighting a failure to answer the cell bell sooner and the prevalence of drugs in Nottingham prison at the time of this death. They added that the staffing on the wing was too low, describing the government staffing benchmarks, which left only one officer on the wing to perform a number of essential duties, as “inadequate”.

Anthony, a black man from Nottingham, was 38 years old when he died on 27 September 2017. He was described by his family as being one of the most loving, caring men you could ever meet and completely devoted to his children. He was the third of five men to die at HMP Nottingham in a month from 13 September 2017.

The jury heard that “mamba”, a synthetic cannabinoid drug, was rife in Nottingham prison in September 2017. Anthony was known by staff to have previously taken the drug, having been seen under the influence several times over the four months he had been in HMP Nottingham. The inquest heard that none of the steps required by the prison policy to respond to this drug use had been taken. That failure was put down to staffing levels and, in particular, the fact the prison was operating on minimum staff levels as a result of benchmarking, which had been introduced by the government in 2010 and rolled out to the adult male estate in October 2013.

When Anthony took the drug on the 27 September, he looked unwell straight away. His cell mate told the inquest that he had dropped to his knees and appeared to be vomiting and incontinent. The cell mate immediately rang the emergency cell bell, but despite a requirement that cell bells be answered within five minutes, a period which also reflects the time in which someone can be revived following a cardiac arrest, it took 40 minutes to attend. The jury concluded that the delay in answering the cell bell ‘denied Anthony the opportunity to receive the timely medical attention he deserved’.

The jury heard that over the lunchtime period, when Anthony became unwell, there was only one officer on the wing for up to 220 men. This officer had to respond to cell bells and complete checks including for suicide and self-harm monitoring (known as ACCT procedures). The officer concerned had been in the job for only a few weeks and did not know he was lunch cover that day. He told the inquest that he started completing the checks as best he could when he saw no-one else was, but prioritised the ACCT monitoring over responding to the cell bells.

The jury heard that drugs levels in the prison at the time were such that some officers had been hospitalised with the effects of fumes which they were encountering on entering



was not strictly adhered to more cases could be opened up. Baroness Stern stated it is not the agenda of the Commission to just make a few points. They want to follow through.

Q2: AO. What is your view on the RP test? CH thought it was not an issue. DE: It should be changed, as it would help. It should include exceptional circumstances and lurking doubt. The CCRC should go back to govt and say how bad things are. It is not ‘pretty much OK’ and the current system kills people.

Q3: AO. The CCRC is too cautious. If less cautious does it raise false hope? DE: False hope is better than no hope. Erwin James said from his experience there is no false hope – only HOPE. DE said there is no such thing as Real Possibility!! Prof Hoyle said she has seen cases where she has been amazed that juries have convicted. This is a terrible situation. DE agreed that he has seen so many cases where he cannot see how the accused was charged, how the CPS went ahead with the prosecution, how the Judge could direct and how the Jury could convict. The Fresh Evidence aspect is a classic irony, as there was no evidence in the first place.

Q4: AO. If the Jury got it wrong - how to address this. Should a Judge intervene? DE: If there is Lurking Doubt, but no fresh evidence it requires an absurd act of Double Think. The Innocence Project is working on several cases where law-abiding people are faced with a strange case construction process and nothing can be done.

Q5: PJ. The obstacle of Fresh Evidence – is there a way round this? DE: It would help to change the test, but also to change the approach of the CoA. The CCRC could be given more powers (and this has been suggested before) - to quash convictions, either to recommend quash or to quash it themselves. This would take the power of the CoA away. Easier access to the Supreme Court? Make the CoA more accountable to … someone… an independent body, e.g. the Supreme Court? To take the responsibility away. The CCRC could become something different. The referral rate is shocking. While the Innocence Project has had two exonerations this is a tiny success rate, so it doesn’t work. Can it keep going? Students are encouraged to work on cases, and all for nothing. An important point is that the CoA will not accept evidence that was available to the defence at the time of trial, but was not brought before the Court. Sometimes this could completely exonerate the convict.

Q6: EJ. Yes, he knows there are many examples where such unused evidence could totally exonerate. Surely the CCRC should be able to present it?

DE: Indeed. It’s so unfair. Medical analogy: Your operation has not gone well, but you have no redress and just have to put up with the consequences. Ridiculous. This is a recommendation the CCRC could take up. EJ agreed.

DE: Police corruption is another common factor in Miscarriages of Justice. They are not accountable. Sex offence claims are often compounded by police misconduct, where ‘missing’ documents are in fact destroyed. A credibility check is needed, but this has stopped. There is no defence against ‘crimes’ alleged to have happened 20 years ago, except the credibility of the accuser. The CLS Innocence Project had had 14 cases completed with the CCRC and 5 still in process. In only one case was investigation suggested. Police investigation. Computer records are lost. CCTV is said to be missing. Records are lost in floods. DE suggests police stations should not be built on flood plains. Fair trials needed. Lawyer incompetence is common, but CCRC not keen to refer as they don’t know if it would have had an impact on safety of conviction. You don’t know! But it might have. Yet incompetence is not sufficient grounds!

Q7: PJ. Catch 22 situation. Please explain.

DE: Post trial disclosure requests. Not allowed, but if an issue comes to light… Well it cannot come to light because it is not disclosed. And if there is no evidence for a first appeal you cannot go to the CCRC.

Q8. EJ. Information sharing. Does the Innocence Project get to collaborate with the

CCRC? Can Student manpower be offered for investigation?

DE: No. Always turned down. Police expert turned down. Closed shop. Chink of hope though – for the first time the CCC is meeting an IP client.

Q9: BS. Last question as time running out. Interest – has it changed over 25 years? Different culture with the public view? No longer regarded as interesting?

DE: crimes have much more publicity from media, but media not interested in MoJs.

DE: One last point. Suggestion that is easy to implement and would have a positive effect. CCRC could review the initial appeal decision of the single Judge.

**Julian Assange to Stay In Prison Over Absconding Fears**

BBC News: Wikileaks co-founder Julian Assange is to remain in prison when his jail term ends because of his "history of absconding", a judge has ruled. He was due to be released on 22 September after serving his sentence for breaching bail conditions. But Westminster Magistrates' Court heard there were "substantial grounds" for believing he would abscond again. The Australian, 48, is fighting extradition to the US over allegations of leaking government secrets. He will face a full extradition hearing next year, starting on 25 February, after an extradition request was signed by the then home secretary Sajid Javid in June. Assange received a 50-week sentence in Belmarsh Prison, south-east London, after being found guilty of breaching the Bail Act in April. He was arrested at the Ecuadorian Embassy, where he took refuge in 2012 to avoid extradition to Sweden over sexual assault allegations - which he has denied. District judge Vanessa Baraitser on Friday told Assange, who appeared by video-link: "You have been produced today because your sentence of imprisonment is about to come to an end. "When that happens your remand status changes from a serving prisoner to a person facing extradition." She said that his lawyer had declined to make an application for bail on his behalf, adding "perhaps not surprisingly in light of your history of absconding in these proceedings". "In my view I have substantial ground for believing if I release you, you will abscond again." He faces 18 charges in the US, including computer misuse and the unauthorised disclosure of national defence information. He is accused of working with former US army intelligence analyst Chelsea Manning in "unlawfully obtaining and disclosing classified documents related to the national defence", according to the US Justice Department.

**New Torture Revelations Highlight Need For UK Inquiry**

*Scottish Legal News:* Newly-declassified cables provide further details of the torture two men – Khalid Sheikh Mohammed and Abu Zubaydah – were subjected to by the CIA during interrogations UK security services were aware of and sometimes supplied questions for. “Rule out nothing whatsoever that you believe may be effective,” reads one cable to Mr Zubaydah’s interrogators. “Rather, come on back and we will get you the approvals.” Videotapes of Mr Zubaydah’s torture were destroyed in 2005, at the behest of Jose Rodriguez, head of the CIA’s National Clandestine Service. Last year, the UK Parliament’s Intelligence and Security Committee (ISC) established that MI6 had “direct awareness of extreme mistreatment and possibly torture” of Mr Zubaydah, yet “continued to send the CIA questions to be used in interrogations without seeking any assurances regarding Mr Zubaydah’s treatment in detention”.

The ISC made clear that restrictions on its investigations imposed by the government meant its report could only ever be seen as “provisional”. In July, the government announced it would renege on its long-standing commitment to hold an inquiry into UK involvement in rendition and torture, a pledge made by former Prime Minister David Cameron. Metropolitan Police detectives are currently investigating whether MI5 and MI6 officers involved in the interrogation committed serious criminal offences. Reprieve is exploring legal action to challenge the decision. At the same time, the government also presented an updated version of Whitehall’s Consolidated Guidance – the so-called ‘torture policy’ – that fails to expressly prohibit ministers from authorising action carrying a real risk of torture. Reprieve director Maya Foa said: “With each new revelation of torture carried out by CIA officers, the need for an inquiry into British complicity in these abuses becomes more plain. "If MI5 and MI6 officers knew what Abu Zubaydah was being subjected to, but kept on supplying questions, how much other torture did they turn a blind eye to? Only a thorough investigation of this dark period can bring it to an end, and signal that Britain is a country that absolutely and unambiguously prohibits torture.”



**New Financial Penalty Imposed on Criminals to Fund Victim Support**

*Scottish Legal News:* Offenders will be required to contribute to the cost of supporting victims of crime from November. A new financial penalty will be imposed on all criminals who are sentenced to pay a court fine and the money raised will be banked in the Victim Surcharge Fund. Victim support organisations will be able to apply to the fund to cover the costs of providing short-term and practical support such as new windows and locks for burglary victims or funeral expenses for families of murder victims. Regulations laid in Parliament will apply to crimes committed on or after 25 November 2019 and payments from the fund will start to be made six to 12 months later. Justice Secretary Humza Yousaf said: "Experiencing crime can be an isolating and frightening experience and we are committed to improving the experiences of victims in our justice system. It’s only right that criminals should pay towards helping victims to recover and move on with their lives. The money raised through the surcharge will pay for practical support that will make a real difference to victims and their families. “While Scotland’s long-term fall in crime means fewer people fall prey to criminals, we are continuing to invest £18 million annually to improve support, advice and information for victims. This new fund will be a valuable addition to support available and we have worked with the UK government to ensure the necessary legislative arrangements are in place to allow its operation. “Over the coming year we will also be carrying out further work to better understand where the gaps are in how Scotland supports victims and witnesses.”

**Trial Collapses After Woman 'Followed the Crowd' and Accidentally Joined the Jury**

*Telegraph:* A crown court case collapsed after a woman "simply followed the crowd" and accidentally joined the jury. The woman went into the courtroom and joined the jurors - despite not being picked to sit on the trial. Judge Jonathan Seely said at Chelmsford Crown Court that he had never seen anything like it in his 30 years of handling cases. Prosecuting barrister Lori Tucker had just concluded her opening address to a jury of seven men and five women. But there was a problem - one of the women should not have been there.

She had been sitting outside in the pool of people summoned for jury service, from which panels are drawn. She blindly followed a group into the courtroom and joined them on the jury bench. Without any of the staff noticing, she unwittingly took the place of a missing male juror who had already been sworn into the hear the case, but wasn't there. Because she had not been properly chosen from the pool and sworn in, it meant that had the case gone ahead, it would have been a mis-trial and any convictions would have had to be cancelled. After the juror realised her mistake and alerted the judge, the other jurors were sent out and she was called back alone into the courtroom.

Judge Seely, who was appointed as a circuit judge in 2016, reassured her it was a genuine