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

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Freshwater Five: Radar Casts Doubt on Guilty Verdict for £53m Cocaine Haul

Mark Townsend, Guardian: Jamie Green and his Galwad crew – Scott Birtwistle, Daniel Payne and Zoran Dresic, along with local scaffolder Jonathan Beere – were jailed in June 2011 for up to 24 years each for conspiracy to import cocaine. All five were far from the image of multimillion pound drug kingpins, described by friends and family as hard-working with modest lifestyles. None had previous convictions relating to drugs. Known as the Freshwater Five, all maintain their innocence. Now compelling new evidence from the radar of a UK Border Agency surveillance vessel casts doubt over the safety of their convictions.

Not disclosed during the original trial, the nautical navigation data from the vessel's Electronic Chart Display and Information System (ECDIS) appears to show that information presented to the jury was incorrect. Detailed in a fresh submission on the case to the court of appeal and seen by the Observer, lawyers believe the failure to submit the ECDIS evidence at the original trial "was a significant failure that has yet to be properly explored and explained away". The 22-page submission says that the inexplicable disappearance of the radar data was a serious shortcoming by the since disbanded Serious Organised Crime Agency (Soca), which coordinated the drugs operation that led to the jailing of the Freshwater Five.

"The absence of key material was a significant failing on the part of Soca and/or the experts deployed by the prosecution at trial," the document adds. Dated 2 October, the submission follows a six-year battle to obtain the radar evidence by lawyer Emily Bolton. Bolton, director of Appeal, a charity law practice that fights miscarriages of justice, said: "This is a case where the investigating authorities developed chronic tunnel vision early on and ignored evidence that suggested they were pursuing the wrong suspects. And of course it snowballed from there." The prosecution case claimed the Freshwater Five were involved in a plot that entailed sailing behind a container ship, the Oriane, to recover 11 holdalls of cocaine tossed from its stern in the dark, in high seas. Yet the new evidence reveals that the path of the fishing boat never crossed that of the container ship, making a transfer of drugs impossible.

In fact the ECDIS radar course suggests the Galwad never got sufficiently close to the Oriane to pick up the drugs. The nautical data reveals that a UK Border Agency aircraft and cutter were closely monitoring the Oriane and subsequently tracked the container boat for over an hour after the Galwad left the area. Such monitoring led the UKBA to "specifically discount the Galwad as the drugs-receiving vessel", says the submission. The radar data also provides striking new details that Bolton feels would have influenced the jury very differently. Another small vessel, recorded as "A50" by the ECDIS, was tracked that night travelling "towards the position in which the drugs were found" nearly an hour after the Galwad had left the Freshwater Bay area. The mystery potential "suspect" boat was not disclosed at trial. Expert analysis of the new data indicates the A50 is "likely to be a RHIB [rigid hulled inflatable boat] or fast power cruiser moving at 46 knots".

The document for the court of appeal states: "It is submitted that A50 was either another suspect vessel or a vessel deployed by a law enforcement agency. "If it was the latter, it would profoundly undermine any suggestion that the Galwad deposited the drugs, as the Soca officers were manifestly unaware where the drugs were to be found until the next day after their discovery by a fisherman." It adds: "The failure by the prosecution to examine and disclose the ECDIS product at trial deprived the defence of substantial arguments that might have led to different verdicts." Another central plank of the prosecution case is also challenged by the radar findings. Film from a plane flying over Freshwater Bay the day after the Galwad returned to shore was shown at trial. Clearly visible are the holdalls of cocaine that had been discovered by then.

However, the new data shows that a surveillance aircraft flew over Freshwater Bay just after the Galwad passed through. Yet the hi-tech plane noted nothing out of the ordinary and did not report any unusual objects in the water. "Had there been anything suspicious left in the water, the aircraft would have spotted it," states Bolton. Finally, the ECDIS data shows the crew of a UKBA cutter monitoring the Oriane "had visuals" on its rear deck at the time the drugs were said to have been thrown off. However, there is no entry in the ship's log indicating this took place. "The jury would then have had evidence that the Galwad was observed and disregarded on account of there being no activity on the stern of the Oriane at the relevant time," states the submission. Despite extensive searches, no traces of cocaine were found on either the Galwad or Oriane. The families of the Freshwater Five hope the case will be heard in the court of appeal early next year.

Ahmed Mohammed Referred to CoA Following a Hit on National DNA Database

The Criminal Cases Review Commission has referred the sexual assault conviction of Ahmed Mohammed. It is the 750th case to be referred for appeal by the public body created in 1997 to independently investigate alleged miscarriages of justice. In February 2004, at Kingston-upon-Thames Crown Court, Mr Mohammed was convicted of indecently assaulting two women in separate incidents in Tooting, South London, in the summer of 2001. Mr Mohammed denied having anything to do with the indecent assaults. The central issue in proceedings against Mr Mohammed was whether or not he had been correctly identified as the attacker.

In 2002, a jury decided that, because of mental health issues, Mr Mohammed was not fit to plead in a full criminal trial. A trial of the facts was therefore held in which Mr Mohammed played no active part. In spite of alibi testimony from a member of Mr Mohammed's family, the jury in the trial of the facts concluded that he had carried out the indecent assaults. The judge made a hospital order, with restrictions under s41 of the Mental Health Act 1983. The effect of that order was to have Mr Mohammed detained in hospital. His name was also added indefinitely to the Sex Offenders Register. Mr Mohammed's legal representatives applied to the Court of Appeal for leave to appeal against the verdict in the trial of the facts, but the application was refused. In 2004, when Mr Mohammed's mental health had improved, he faced a full criminal trial for the offences. He pleaded not guilty but was convicted. The judge imposed another hospital order with restrictions. No attempt was made to appeal against the conviction.

In 2017 Mr Mohammed applied to the CCRC for a review of the jury's finding at the trial of the facts in 2002. The CCRC began a review of that finding. At that stage, the CCRC had not been informed that the trial of the facts in 2002 had been followed by the full criminal trial and conviction in 2004. In 2019, when it became clear that a subsequent criminal conviction had superseded the finding at the trial of the facts, the CCRC focussed its attention on the conviction at the full trial. During its review the CCRC used its section 17 powers extensively to obtain material from the police, the Crown Court, the Court of Appeal, National Offender Management Service (NOMS), NHS records and the Forensic Archive.

The Crown Prosecution Service no longer had any papers and the defence solicitors had gone out of business and their files destroyed. The CCRC contacted members of Mr Mohammed's

family as well as defence counsel in both the 2002 trial of the facts and the 2004 full trial, but details about the investigation and proceedings, and particularly the full trial, were scarce. The CCRC also explored forensics in the case. Neither the police nor the Forensic Archive had retained any objects relating to the offences, such as a mobile phone which had featured in the police investigation and been swabbed for DNA but produced no usable evidence.

However, the CCRC identified a potential forensic opportunity in using modern DNA techniques, if any samples extracted from the swabs had survived even though the phone itself had not. The Forensic Archive did locate the samples and the CCRC arranged for DNA testing. The test yielded one male DNA profile, which was submitted for a one-off speculative search of the National DNA Database. The search yielded one good match with an SGM+ profile on the DNA database. When the CCRC investigated that person's background, it was found that he had been local to the area in which the attacks occurred. Further, contemporary police records suggested that he was a good match, and arguably a better match than Mr Mohammed, for the descriptions that the victims had given of the offender. He also had a conviction for a different kind of sexual offence committed in Tooting in 2003.

It should be stressed that the new DNA evidence found by the CCRC does not prove that this man committed these or any offences. However, the CCRC has reached the conclusion that the new information in relation to the DNA extracted from the mobile phone, and around the identification of Mr Mohammed as the attacker, raises a real possibility that the Court of Appeal will now quash his conviction. Accordingly, the CCRC has referred the case for appeal.

High Court Orders Article 2 Compliant Inquest Into Alleged Police Failures to Protect Life

In R (Skelton) v Senior Coroner for West Sussex, the Administrative Court has today ordered a full, Article 2 ECHR compliant inquest into potential police failures to protect Susan Nicholson before she was murdered by her partner, Robert Trigg. Nine-years after the murder of a woman by a double killer, the High Court has ordered a full inquest which will investigate potential police failings that led to her death, with the hope that victims of domestic violence are better protected by police in the future. The judicial review, which was heard on 6 to 8 October, relates to the murder of Susan Nicholson by her partner Robert Trigg in 2011. Sussex Police initially considered her death non-suspicious and the coroner found it to be accidental but her parents, Peter and Elizabeth Skelton, campaigned for years for Robert Trigg to be investigated for her murder. After Trigg was convicted in 2017 the Coroner wanted to hold a short inquest, just changing the cause of death from "accidental" to "unlawful killing". She did not want to look at the wider circumstances of Susan's death, including whether it could have been prevented. The full inquest, under Article 2 of the European Convention on Human Rights – will take an in-depth look at whether the police failed to protect Susan's life. This will include looking at whether the police properly investigated the death of another of Trigg's partners, Caroline Devlin, and whether they responded appropriately to violence that Trigg committed against Susan in the weeks before her death. Witnesses will be interviewed and questions will be directed to Sussex Police officers about whether they took adequate steps to protect Susan, and whether they could have prevented her murder. At the hearing, Sussex Police argued that the judicial review should be dismissed despite initially indicating that they took a neutral stance. They also sent a bill for their costs to Susan's parents' solicitors, indicating that they would claim their legal costs from Susan's parents if the legal challenge was unsuccessful.

Police 'Failings' to be Considered at New Inquest Into Death of Susan Nicholson

Jack Hardy, Telegraph: The family of a woman murdered by a double killer have won a legal battle for a new inquest into her death to consider potential police failings. Susan Nicholson, 52, was suffocated by her boyfriend Robert Trigg in 2011, five years after he had killed another girlfriend, Caroline Devlin, 35, in 2006. He was only brought to justice after years of determined campaigning by Ms Nicholson's family, who refused to believe the police's view that neither death was suspicious. Following Trigg's conviction for Ms Nicholson's murder and Ms Devlin's manslaughter in 2017, a fresh inquest was ordered into the death of his second victim, which was initially recorded as accidental. Ms Nicholson's parents, Peter and Elizabeth Skelton, brought a judicial review to the High Court over a decision by the coroner for West Sussex to hold only a brief new inquest into the death.

It was beset by complications after Sussex Police opposed the challenge - and indicated they would claim legal costs from the Skeltons if it was rejected - while Trigg was accused of trying to hijack the process in a bid to clear his name. On Friday, however, Lord Justice Popplewell and Mr Justice Jay agreed in a ruling that the evidence could "credibly suggest" there were police failings and this should be examined in a new inquest. The Skeltons argued that Sussex Police failed in their duties by not conducting an "effective investigation" into the death of Ms Devlin and not taking "reasonable steps" to protect Ms Nicholson after officers were called to her address on at least three occasions in the months before her murder.

Mr Skelton said the High Court ruling had taken "a lot off our minds", telling The Daily Telegraph: "Every time we mentioned 'could Trigg have done this on purpose' the police would come up with an excuse - why would police keep on making excuses for him? "Every time we tried to do something, they threatened us with money to try to stop us, whereas the police should do everything in their power to investigate the case. "Since this has started our sleep has been disrupted, Elizabeth had a mild heart attack - over the years it has affected us. It's changed our lives."

A solicitor representing the couple said the ruling could help protect domestic violence victims in future. Alice Hardy, a partner at Hodge Jones and Allen, said: "The judgment is very helpful in setting out what investigative steps the police should take in this kind of situation, where somebody dies and an investigation needs to be carried out. "We will now also get a full inquest at which questions will be asked of individual police officers, senior police officers, about what was and should have been known about the risk to Susan, what was and should have been done to protect. "I hope this will cast a light on what Sussex Police should do in future to better protect people in Susan's position."

Strasbourg Reiterates Importance of Access to Justice in National Security Deportation Cases

Bilaal Shabbir, Freemovement: Imagine being accused of a crime. Now imagine you're not told what that crime is. Then imagine a whole trial taking place without you being told what you've done and without you seeing any documents to prove it. Every time the top-secret evidence about you comes up, you and your lawyer are told to leave the room. Then imagine a court finding against you and deporting you from a country where you've spent several years. Imagine all of that happening right here in the UK.

If this sounds like Kafka, you are not wrong. It is also how our justice system commonly decides immigration and nationality cases that have a national security element to them. In the UK, we call it the Special Immigration Appeals Commission, introduced in 1997 as a replacement for the 'Three Wise Men' system which had been found to be unlawful under the European Convention on Human Rights in the Chahal case and under EU law in the Shingara and Radiom case.

Courts or tribunals like this are common in other countries too and just because things are bad here does not mean they aren't even worse elsewhere. The case of Muhammad and Muhammad v Romania (application no. 80982/12) is about how the Romanian justice system got the process badly wrong during the deportation of two Pakistani students accused of having terrorist links. Adeel Muhammad and Ramzan Muhammad were seemingly typical students until around December 2012, when the Romanian Intelligence Service got involved. The Muhammads were none the wiser until they were summoned by police to appear in the Bucharest Court of Appeal the following day. That same day, without being shown any evidence, they were both found to be "undesirable persons" and their deportation was ordered. Two days later, a news article was published explaining that the students were accused of being linked to Al-Qaeda and their names and details of their universities were disclosed to the public.

That same month, in December 2012, they lodged their claims with the European Court of Human Rights. A little under seven years later, the court agreed that the Muhammads had been dealt with unfairly. The main line of attack was that if the details of the case were so top-secret, why were they published in the newspaper after the Muhammads were found liable to deportation? Further, at no point had the Muhammads been told that they could have obtained legal assistance from lawyers who had special certificates to let them access the classified documents. Their then lawyers had not held such a certificate, so were effectively sitting blind. All of this basically hamstrung them into making very general submissions about their lives in Romania but without actually knowing what they were being accused of:

The Court reiterates that in the present case the applicants sustained significant limitations in the exercise of their right to be informed of the factual elements underlying the decision to deport them and their right to have access to the content of the documents and the information relied upon by the competent authority which made that decision… It does not appear from the file that the need for such limitations was examined and identified as duly justified by an independent authority at domestic level. The Court is therefore required to exercise strict scrutiny of the measures put in place in the proceedings against the applicants in order to counterbalance the effects of those limitations, for the purposes of preserving the very essence of their rights under Article 1 § 1 of Protocol No. 7…

Paragraph 203: The Muhammads were not told about any specific acts which allegedly endangered national security, or any information about the key stages in the proceedings, or about the possibility of accessing classified documents in the file through a lawyer with the required authorisation. These failings were not remedied by the fact the deportation decision was taken by independent judicial authorities at a high level.

The consecutive failures in the Romanian system led to a finding that the Muhammads' rights under Article 1 of Protocol 7 were breached: An alien lawfully resident in the territory of a State shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed: (a) to submit reasons against his expulsion, (b) to have his case reviewed, and (c) to be represented for these purposes before the competent authority or a person or persons designated by that authority. The court was kind enough to order Romania to pay each of the students €10,000. But is that really enough for being stuck in litigation for seven years, being deported from a country where you were studying and facing the stigma of being accused of being a terrorist all that time?

The striking thing seems to be the complete absence of equivalent procedural rules like we now have in our Special Immigration Appeals Commission. In cases where the evidence is top-secret,

surely it would be all the more important to make sure there are very strict protocols in place to make sure people are notified of their rights to have lawyers access the classified information? Particularly given these students were only told the night before that they needed to pitch up at court the next morning. What kind of system of justice is that? How could that possibly be fair?

In the UK at least, we now have the system of 'special advocates' who are specially appointed and vetted lawyers who represent the interests of the person unable to see the sensitive information about their case. That added layer of protection seemed to be ignored or, at the very least, understated in the Romanian system. Finally, I know I have harped on about this again and again but the length of time that it takes the European Court of Human Rights to decided these cases is absolutely appalling. Thankfully, this case had some sort of happy ending and justice for those involved but so many of these cases are dragged out unnecessarily and people are left in limbo for years. This is a real barrier to access to justice.

Heard it Through the Grapevine

Thieves have stolen half a tonne of grapes from a vineyard, the equivalent of 350 bottles of white wine, or £3,300. When workers arrived at the Coteau Rougemont vineyard in a wooded area in Quebec, Canada, there was nothing left to pick. Benoit Giroussens, manager of the vineyard, told the Canadian Broadcasting Corporation: "It's really frustrating to see all the work from the last year was just wasted. "We think they came in with [all-terrain vehicles] or a tractor and just ripped the grapes straight off the vine." "We are offering five cases of wine to anyone who will help us pin down these unscrupulous thieves," said a post on the vineyard's social media page.

Police Forces Must Take Firm and Unified Stance on Tackling Sexual Abuse of Position

The Conversation: PC Stephen Mitchell of Northumbria Police was jailed for life in 2011 for two rapes, three indecent assaults and six counts of misconduct in a public office, having targeted some of society's most vulnerable for his own sexual gratification. The case prompted an urgent review into the extent of police sexual misconduct and the quality of internal investigations. One of the recommendations required forces to publicly declare the outcomes of misconduct hearings.

A review of police sexual misconduct in the UK by HM Inspectorate of Constabulary revealed on average 218 cases a year between 2014 and 2016, or around one case per 1,000 officers. A follow-up report from last year shows 415 cases over the following three years, an average of around 138 a year. But while these serious crimes are still relatively rare, sexual misconduct is a serious matter with implications for the public's view and trust of the police as an institution. In many cases, the officers' actions have potential to re-victimise those who are already victims of domestic abuse or rape. Such abuse of position is also likely to be under-reported, with victims fearing they will not be believed.

Compared to other forms of police corruption, sexual crimes committed by serving officers is under-researched, with the majority of existing research focusing on the US and Canada. I am police officer conducting PhD research on sexual misconduct among police officers and barriers to reporting sexual misconduct. In a new paper, my colleagues and I sought to explore the situation in England and Wales by examining the outcomes of police disciplinary proceedings.

Analysing documents from 155 police misconduct hearings, we identified eight different behaviours: 1. Voyeurism – for example using a police helicopter camera to observe women sunbathing topless in their private gardens. 2. Sexual assaults, relationships or attempted sexual relationships with victims or other vulnerable persons. While the national figures show

some 117 reports of sexual assaults by police officers, the disciplinary hearings we studied featured primarily cases of professional malpractice through consensual but inappropriate relationships that fell below the threshold of criminal behaviour. 3. Sexual relationships with offenders. Similarly, while the data was heavily sanitised for publication there were only a very small number of cases where assault was involved. In most cases, these were consensual relationships, albeit inappropriate ones. 4. Sexual contact involving juveniles, including the making of or distribution of pornographic images of children. 5. Behaviour towards police officers, including sexual assaults on colleagues and sexually inappropriate language and behaviour. 6. Sex on duty, chiefly between colleagues or officers and their partners. 7. Unwanted sexual approaches to members of the public – for example, pressuring a member of the public who is not a victim or witness for their phone number and then sending sexually inappropriate messages. 8. Pornography, such as posting intimate images of former partners on revenge porn sites and, in one case, using a police camera to record a pornographic film.

It's useful to see how the offences in England and Wales differ compared to the US and Canada. For example, US researcher Timothy Maher defines what he calls "sexual shakedowns", a category of offence not recorded in the UK, where an officer demands a sexual service, for example in return for not making an arrest. This is particularly prevalent in cases involving sex workers, and also other marginalised women such as those with low education levels, or those experiencing homelessness, drug and alcohol abuse or mental health issues. In a US study of women drawn from records of drug courts, 96% had sex with an officer on duty, 77% had repeated exchanges, 31% reported rape by an officer, and 54% were offered favours by officers in exchange for sex. When US officers targeted offenders for sexual gain, it was often for the purpose of humiliation or dominance – an unnecessary strip search, for example. On the other hand, our research indicates the problem in the UK is more of officers targeting vulnerable victims or witnesses in order to initiate a sexual relationship.

The most common sexual offences by officers

We found the most common type of sexual misconduct was officers having sexual relationships with witnesses or victims, accounting for nearly a third of all cases. Many of these victims had histories of domestic abuse, substance abuse or mental illness, making them highly vulnerable. In general, the victims revealed many of the same risk factors as those found in people targeted by sex offenders. There are also similarities between the actions of these police officers and similar offences by prison officers or teachers, who are also more likely to select victims they believe are easily controllable and less likely to speak out.

The second most common type involved the way police officers treated their colleagues – most often a higher-ranking male officer towards a lower-ranking or less experienced female officer. Generally, higher ranking officers have less contact with the public and more contact with staff, which may at least partially explain this finding. But in the US and Canada this type of sexual misconduct is more likely to be directed towards a colleague of the same rank. As in the US, we found that the vast majority of officers involved in sexual misconduct are male. For the handful of female officers in our sample, almost all were involved in sexual relationships with offenders. Hearing documents do not provide in-depth information, and in media coverage – such as that of PC Tara Woodley, who helped her sex offender partner evade police – it is harder to understand who held the power and control in these relationships.

Misconduct hearings, with variable results

The outcomes of sexual misconduct hearings differed, with officers more likely to be dismissed for having sex with victims in forces from the south of England than in the north, while officers having sex on duty were more likely to be dismissed in the Midlands. Officers above the rank of sergeant were more frequently dismissed than constables, suggesting there is less tolerance of misconduct for those of higher rank. Compare this to similar cases in the NHS, where nurses involved in sexual misconduct are more likely to be struck off than doctors.

Our findings suggest that police forces in England and Wales are taking sexual misconduct seriously, with 94% of all cases leading to formal disciplinary actions, and 70% leading to dismissal. But the variation of outcomes across the country is a concern, and there is evidence of misconduct hearing panels not following the College of Policing's guidance, as seen in a recent case of racist comments by West Midlands police officers.

I believe that the majority of my colleagues uphold the moral and ethical values expected of them, but more needs to be done. The HM Inspectorate of Constabulary's report from last year argues that police forces are not moving quickly enough to deal with the issue, citing lack of investment, training and poor record keeping. There can be no place in the police for those who would abuse their position.

Inquest Finds Failings at HMP Durham Possibly Contributed to the Death of Garry Beadle

INQUEST: The inquest into the death of Garry Beadle concluded on the (26/10/2020), that issues in record keeping and information sharing at HMP Durham possibly contributed to his death. Garry was 36 years old when he was found hanging in his cell and he died in hospital four days later on 11 February 2019. He was in custody on remand and had only been at the prison for six days. His death was found to be suicide.

HMP Durham has seen the highest number of self-inflicted deaths of any prison in England and Wales this past year. Since Garry's death there have been a further seven self-inflicted deaths, four of whom were also men on remand. The most recent review of HMP Durham by prison inspectors in 2019 identified insufficient progress on reccomendations relating to the management of prisoners at risk of suicide.

The inquest heard that it was Garry's first time in prison. He arrived at HMP Durham on 1 February 2019 with a suicide and self-harm warning form (known as SASH*). It recorded that Garry had attempted to hang himself and had taken an overdose in the last two weeks. He had told a Magistrate and his solicitor he would not last two days in prison. The form also recorded Garry's repeated statements that he had mental ill health.

On reception at HMP Durham, a senior prison officer discussed the SASH form with Garry. Garry told the officer he felt so down he would attempt to take his life again, and that he missed his children "like crazy". However, the officer did not fully record this, which he accepted at the inquest was a missed opportunity for information sharing.

Garry was subsequently seen by a nurse for his initial health screening who, despite the information on the SASH form, recorded that Garry had not overdosed in the last twelve months. The jury heard this nurse had not received training on prison suicide and self-harm management (known as ACCT*) for five or six years, and had no training on SASH forms. The jury concluded that inconsistent training across prison service also possibly contributed to Garry's death.

The jury were told Garry also had additional risk factors including being a remand prisoner, it being his first time in custody, his diagnosis of depression for which he received medication in the community, and a recent breakdown of a relationship. Despite this and the information available, Garry was not placed under ACCT monitoring procedures by the officer at recep-

tion or the nurse. Garry did not receive his anti-depressant medication until three days later.

An ACCT was opened by a mental health nurse later that day. Initially Garry was put on hourly observations. After the first ACCT review the following day, these were reduced to just six regular observations over each day and night, despite Garry reporting feeling overwhelmed. The jury heard that this is common amongst people who are in custody for the first time. His risk of self-harm and suicide was assessed to be low. A Custodial Manager reviewing the form for quality assurance later, on 4 February, changed the level of risk to 'raised'.

On the afternoon of 3 February 2019, the jury heard that Garry had telephoned a close friend. The friend was extremely concerned and felt Garry was saying goodbye. Garry asked his friend to look after his children and said "I have everything I need now to do what I am going to do." The friend contacted Northumbria Police about his concerns, who then spoke to the prison.

HMP Durham recorded the police contact in security intelligence records, which healthcare staff and most prison officers do not have access to. The information was not passed on to mental health staff or anyone involved in the ACCT reviews. Witnesses confirmed they would have expected a record of this call to appear on the ACCT document. One officer said, had it been recorded, they would have considered raising Garry's risk to high.

A senior nurse manager at Tear Esk and Wear Valley NHS Foundation Trust, who provide mental health services in HMP Durham agreed that this was a missed opportunity for important information about Garry's risk to himself to be shared. The Governor of HMP Durham told the jury that there is no evidence that the security intelligence record was passed to the Safer Custody department, or to a Governor to review, as it should have been.

On the morning of 7 February, a scheduled ACCT review took place, attended by a custodial manager and a mental health nurse. Based on Garry's presentation, his level of risk of harm to himself was reduced from 'raised' to 'low'. This was despite an incident the evening before where Garry had been distressed about a change in his cellmate, and was left as the single occupant in his cell. The custodial manager was still not aware of Garry's phonecall to his friend, and accepted that as a result the risk assessment was inadequate. Had they known, they would have considered his risk to be high. Garry was found hanging in his cell at 2pm that day.

Garry was born in London, raised in Watford, and moved to Newcastle where he lived for 12 years. He had five children, one of whom tragically died at four weeks old. His family described Garry as being a loving and mischievous child, who was never happier when he had his football boots on. Garry was an important and influential member of his local football team Oxhey Jets, and a stand has been named in his honour.

Karen Beadle, Garry's mother, said: "As Garry's mum, I truly feel many of us have lost a very special person. A joker, prankster, loved being with his friends and his passion for football never faltered, a talent he excelled in. After all the evidence from the inquest has come to light, it is crystal clear that Garry was overwhelmed, confused, emotional and that more attention should of been paid to the red flags that Garry was waving for help and support. We now know that fundamental errors were made in Garry's short time at HMP Durham.

We must do more to protect people in these positions, as I do not want any other families to go through what I have and am. I would like to take this opportunity in thanking my legal representatives Tara Mulcair and Stephen Clark for their exemplary professionalism throughout this inquest and for going above beyond throughout this time."

Jasmine Leng, Senior Caseworker at INQUEST, said: "All the warning signs were there, but Garry was fundamentally failed by those who owed him a duty of care. Durham prison has

seen the highest number of self-inflicted deaths over the past ten years. Yet not enough was done to address the serious issues identified by the Inspectorate, Ombudsman and at previous inquests. Garry died as a result of this failure. We simply cannot wait any longer for substantial and sustainable change in prisons. We must look beyond the use of prison and act upon what are clear solutions - tackling sentencing policy, reducing the prison population and redirecting resources to community, health and welfare services."

Tara Mulcair, Solicitor at Birnberg Peirce who represented the family, said: "Garry's death has highlighted, once again, the systemic failings in self-harm and suicide monitoring procedures at HMP Durham. There were failings and missed opportunities to share information relevant to risk on almost every single day of Garry's short time in HMP Durham. It is vital that HMP Durham and the Ministry of Justice ensure that lessons are learned so that the failings in Garry's case are not repeated in the future."

Minority Ethnic Prisoners' Experiences of Rehabilitation and Release Planning

There is considerable gap between black and minority ethnic (BME) prisoners and prison staff in their understanding of how ethnicity influences rehabilitation and resettlement, a review by HM Inspectorate of Prisons (HMI Prisons) has found. About a third of BME prisoners interviewed for the review felt that their ethnicity had a significant impact on their experience but almost no staff felt the same. BME prisoners referred to a lack of understanding about their cultural backgrounds and differences, the lack of diversity of prison staff, previous experiences of discrimination in prison and unfair access to jobs. Inspectors concluded that staff had insufficient understanding of BME prisoners' distinct experiences of prison life, and how ethnicity might influence their engagement with rehabilitative work. Not enough was being done to improve communication with BME prisoners.

Publishing the report – Minority ethnic prisoners' experiences of rehabilitation and release planning – Peter Clarke, HM Chief Inspector of Prisons, said: "Increasing mutual understanding of this problem is a critical task if the relationships which form the bedrock of rehabilitative culture are to be nurtured. "We found that the concept of rehabilitative culture currently held little meaning for BME prisoners, even where staff thought that this was what they were delivering." The report urges a "reimagining of what rehabilitative culture means and how it can be better communicated and delivered, as well as a frank assessment of how experiences of prejudice and discrimination affect the promise of rehabilitative culture for minority ethnic prisoners."

Black and minority ethnic groups are greatly overrepresented in the prison population. Mr Clarke said: "People from a BME background have less trust in the criminal justice system than white people and worse perceptions of the system's fairness. Developing a greater understanding of the perceptions of prisoners and disproportionalities in the prison system, and finding ways to address them, is an important task for those working in prisons. This thematic review is a small but original contribution to that effort. Little has been written on BME prisoners' experiences of offender management and resettlement services, and there is very limited work on the increasingly influential concept of 'rehabilitative culture' and the degree to which efforts to achieve it have taken account of the specific experiences of BME prisoners."

Gypsy, Roma and Traveller (GRT) prisoners are also greatly overrepresented in prisons while, Mr Clarke added, "distinctive needs they may have are not well identified or addressed. The experiences of this group are therefore included in this review, although, as is made clear, poor identification of GRT prisoners limited the number that we were able to interview." Mr Clarke underlined the importance of understanding the complexity of terms such as 'black and

minority ethnic' in future research. "Throughout this project, we have been acutely aware that there are considerable problems with using collective terms such as 'black and minority ethnic'. Such descriptions imply a false homogeneity of experience between culturally different minority groups and will always understate the uniqueness of each of them. "It is important to state at the outset that we consider this review a starting point for more sophisticated and granular analyses that will be required to help improve our understanding of the complexity of human experiences and identities. The lack of a sufficiently wide range of data held by HM Prison and Probation Service (HMPPS) relating to both participation and outcomes in activities, rehabilitative work and release planning became increasingly clear during our fieldwork. Addressing this problem is a challenge that we set out to HMPPS in our recommendations."

In conclusion, Mr Clarke added: "This thematic review identifies positive practices which can provide direction for system-wide reforms. For example, the fact that minority ethnic women at HMP New Hall felt included in the prison's rehabilitative culture is worthy of further exploration. We also identify specific programmes and support for BME and GRT prisoners which were valued by prisoners and staff alike. Our findings demonstrate how specialist voluntary sector organisations can help BME and GRT prisoners to feel more included in rehabilitative work and to engage more effectively in pre-release processes."

A Higher Test of Necessity for Arrest?

Cecily White, Police Law Blog: In Rashid v Chief Constable of West Yorkshire [2020] EWHC 2522 (QB) the High Court (Lavender J) has allowed an appeal against a Recorder's decision to dismiss a general practitioner's claim for wrongful arrest, on the basis that the officers involved lacked reasonable grounds for believing the arrest was necessary. It follows recent cases in articulating a higher bar for the police to show reasonable grounds for necessity to arrest than perhaps had been thought to apply. It also raises interesting arguments about whether any other defences, such as the "Lumba/Parker" issue or ex turpi causa (the defence of illegality) might be available where an arrest has been unlawful.

Facts: This was a case in which there appears to have been strong (and certainly reasonable) grounds for suspecting the claimant general practitioner of a crime. He had been arrested in connection with an investigation into fraudulent claims against motor insurers for injuries sustained in road traffic accidents, which led to 45 individuals being convicted of fraud. The police found appointment diaries concerning the general practitioner in the car of one of the conspirators, and at the office of the company making the fraudulent claims, which showed appointments for up to 50 potential claimants per day at 10 minute intervals. Medical experts advised that such assessments should take 20-30 minutes; that the claimant's reports were of poor quality; and that £250-£300 per assessment was a reasonable fee, whereas the claimant appeared to have been charging £470 per report, thereby earning himself up to £23,500 per day. The police also found that the claimant had been making payments into the bank accounts of the fraudulent claims company, and one of the conspirators.

The claimant was arrested during a home visit at dawn, in the course of which his mobile phone was seized from his bedside table. In addition, the police had warrants to search three of the claimant's premises. He was interviewed and released on bail, but the Crown Prosecution Service decided against bringing charges. Perhaps, unsurprisingly, Lavender J was satisfied, notwithstanding the absence of the arresting officer at the trial, who had since left the police service, that there had been reasonable grounds for suspecting the claimant

of being party to the offences committed by the conspirators: [74]-[76]. However, although the judge agreed that the Recorder had been entitled to conclude that the officers involved had honestly believed it was necessary to perform an arrest, they had, according to Lavender J, lacked reasonable grounds for that belief.

The Chief Constable's case had been that the officers involved genuinely and reasonably believed that an arrest was necessary to allow the prompt and effective investigation of the suspected offences, pursuant to subsections 24(4) and (5)(e) of the Police and Criminal Evidence Act 1984 ("PACE"). The reasons recorded as being given in evidence included - that the time constraints of voluntary attendance may not have been sufficient; - there was a need to secure information contained, in particular, on the claimant's phone(s); - there was a need to obtain evidence seized on arrest for the purpose of later interviews.

Since the claimant was suspected of involvement in a large-scale conspiracy, the Chief Constable had submitted that there was an obvious risk of suspects tampering with evidence or "tipping off" co-conspirators; although Lavender J noted that such matters had not been relied on by the senior officer who gave evidence: [81].

Judgment: Lavender J was dissatisfied with all three reasons. First, there was no time constraint on voluntary attendance for interview. The judge opined that the senior officer, DI Taylor, appeared to have had in mind the 24-hour period within which a person may be detained without charge. However, DI Taylor's evidence had not been that it would have been necessary to detain the claimant for 24 hours – rather, that the police might not be ready to interview him within 24 hours, depending on what emerged from the searches. Nor had DI Taylor suggested there was a need to detain the claimant prior to interview in order to prevent him having contact with others. If the police had not been ready to interview the claimant on the day of his arrest he could, Lavender J considered, have been invited to attend the station for interview the following day or subsequently. Moreover, the police could have invited him to a voluntary interview while intending to arrest him if he intended to leave: [82]-[87].

Second, the other two reasons did not suffice because the police had search warrants of the claimant's premises, and therefore the only evidence which might have necessitated the claimant's arrest would have been evidence concealed on his person. Although Lavender J accepted that the intention to arrest had been formed before the police attended the claimant's home, he observed that it had been a dawn arrest, when the claimant had been in his nightclothes and the mobile phone seized from the bedside table. This, in the judge's view, cast doubt on whether s. 32(5) PACE had been satisfied (i.e. the power to search on arrest where the officer has reasonable grounds for believing the person may have concealed on him anything for which a search is permitted). Moreover, given that the claimant had been expected to be cooperative, an arrest could not reasonably be thought necessary unless he had refused to cooperate (or given that appearance): [88]-[91].

Lavender J, thus, concluded there were no reasonable grounds for believing it was necessary to arrest the claimant and that his arrest had been unlawful. In obiter remarks, the judge added that in light of his conclusion on necessity, it could not be said that, if the arresting officer had not arrested the claimant, another officer would have done so lawfully – the so-called "Lumba/Parker" issue. Also, he held that there was "no scope" for the application of the ex turpi causa doctrine, which the Chief Constable had submitted was applicable because the claimant's "industrialisation" of his medico-legal work involved a breach of his duty to the court and was contrary to the public interest [48].

Lavender J concluded that the conduct of the claimant referred to by the Recorder – that he had

given "evasive" and "equivocal" answers in cross-examination, which demonstrated that he had "neither a proper understanding nor respect for the duty he owed to the court and the solemnity of the declarations he was making in his reports" – merely provided the occasion for his arrest, but did not cause him to be arrested unlawfully [93].

Analysis: On one view, this is simply another case where a police force has failed to demonstrate that an arrest was necessary. Lavender J appears to have taken a particularly stringent view of the necessity requirement. He remarked that whereas the requirement for reasonable grounds for suspecting a person of being guilty of a crime under section 24(2) PACE "imposed a comparatively low hurdle", the requirement for reasonable grounds for believing an arrest is necessary "imposed a comparatively high hurdle" [25]. In support of this proposition, the judge cited Hayes v Chief Constable of Merseyside [2011] EWCA Civ 911; [2012] 1 WLR 517, where Hughes LJ stated, of sub-sections 24(4) and (5) PACE (as amended from 1 January 2006): "[15] The effect of this is, in one sense, to tighten up the accountability of police officers, at least in the case of arrest for serious offences, because those arrests now become subject to the criterion of necessity, whereas previously only non-arrestable offences were. As Toulson LJ pointed out in this court in Shields v Chief Constable of Merseyside Police [2010] EWCA Civ 1281, the new formulation also: (a) creates a single code for all offences; (b) ensures conformity with article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; and (c) incorporates the Wednesbury principle of review via the concept of reasonable grounds, brought forward from the previous law and extended to the new general requirement of necessity."

However, Hughes LJ was there referring to the introduction of the "necessity" requirement, not how easy it is to satisfy. A similar emphasis was placed by Thornton J in Commissioner of Police of the Metropolis v MR [2019] EWHC 888 (QB) where she, by reference to the same section in Hayes, described the test of necessity as a "high bar" [47]. In MR, the claimant had attended a police station for a voluntary interview and only then been arrested, prior to the interview, on suspicion of harassment. In that scenario it is perhaps easier to see how the court was not persuaded that it had been necessary to arrest him.

In this case, the Chief Constable was not helped by the absence of any record of the reasons for the arrest, as required by PACE Code G [45]-[46], or the absence of the arresting officer at trial. There appears to have been no direct evidence that the officers feared that by inviting the claimant to a voluntary interview, they would have been alerting him to the fact that he was of interest to the police, thereby giving him an opportunity either to make contact with the conspirators or conceal evidence. Despite the Chief Constable's submission to this effect, Lavender J was not prepared to draw any such inference.

Perhaps of more interest to future cases are the other arguments which did not succeed. The "Lumba/Parker" issue, derived from Parker v Chief Constable of Essex [2018] EWCA Civ 2788; [2019] 1 WLR 2238, failed because Lavender J was not satisfied that there were any reasonable grounds for believing it was necessary to arrest and therefore there was no other scenario in which the claimant "could and would have been arrested lawfully" had the police acted lawfully (thereby entitling him only to nominal damages) as had been the case in Parker, where there had been reasonable grounds for suspecting the claimant but the arresting officer, who had had those grounds in mind, had not ultimately performed the arrest.

The illegality argument was dismissed with equally short shrift. Lavender J was satisfied that it had been reasonable to suspect that the claimant's activity had been fraudulent [10]. In those circumstances, the Chief Constable had argued that this amounted to "turpitude" sufficient

to engage the illegality defence, which allows a court to deny a claim for damages where it is founded on the claimant's own illegality or immorality, which is both serious and related to the events from which the claim arises. Lavender J cited Gray v Thames Trains Ltd [2009] UKHL 33; [2009] 1 AC 1339 where Lord Hoffmann described, at [54], the distinction between causing something and "merely providing the occasion for someone else to cause something". Lavender J characterised the damage suffered by the claimant as having been caused by the unlawfulness of his arrest, rather than the suspected fraudulent activity which led to that arrest.

Unlike the "Lumba/Parker" issue, which stands or falls with the existence of reasonable grounds, the illegality defence could, conceivably, be used as a "fall back" in cases where those grounds are lacking. It might be thought most likely to apply in cases where the evidence of the claimant's suspected offending is particularly cogent. Assuming that such cases are more likely to give rise to reasonable grounds for suspicion, the illegality defence might avail forces in cases where the stumbling block for the lawfulness of an arrest is the necessity requirement.

Above all, this case reaffirms the care with which forces need to consider the necessity requirement, and properly document the reasons for an arrest so that they are able to withstand subsequent scrutiny in court.

Northern Ireland: Sharp Increase in Number of Prisoners Being Held Alone

Irish Legal News: There has been a sharp increase in the number of prisoners spending more than 15 days in units by themselves, the Belfast Telegraph reports. In the past decade, more than 1,000 prisoners have been put in care and supervision units (CSUS) in jails for that period of time. In 2010, some 587 prisoners were held in a CSU, 25 of them for more than 15 days. Last year, however, that figure had more than doubled to 1,340 prisoners, with 195 of them having been held for more than 15 days in isolation.

Prisoner Ombudsman Dr Lesley Carroll said that being put in a CSU did not necessarily mean being put in solitary confinement. "I recognise that CSUS are required to be carefully managed so as to ensure that there is engagement with officers, healthcare and governors throughout each day (and that) exercise time is provided and reading or other materials during time in the CSU. When each of these elements of policy and practice are carried out to the required standards, the CSU cannot be considered to be solitary confinement, as defined by the Mandela Rules. I have visited units on many occasions. Prisoners are there for a variety of reasons, ranging from their own safety and the safety of others to reasons of discipline and good order."

The Prison Service said: "CSUS play an important role in each of our prisons as places where individuals can be kept apart from the general population in the interest of good order and discipline or for their own protection. An individual may be placed in the CSU as a result of breaching prison rules, including engaging in harmful behaviours, violence, disruptive, aggressive or anti-social behaviour, and drug seeking, taking or trafficking. Every case is considered on an individual basis and there is a stringent and transparent process to manage and review. Prisoners are only held in the CSU for such a time as is considered to be absolutely necessary and the initial period of restriction will not exceed 72 hours. All cases are reviewed weekly through the CSU manager's assessment, which allows for any application to be ended if the specific circumstances change."

Scotland to Pardon Hundreds Convicted in 1984 Miners' Strike

Severin Carrell, Guardian: The Scottish government is to pardon hundreds of men convicted

of offences during the 1984 miners' strike after an independent review of the divisive and at times violent dispute. Humza Yousaf, the Scottish justice secretary, said legislation due next year would provide the miners with a collective and posthumous pardon in an effort to provide closure to mining communities and the police officers involved. "This was a bitter and divisive dispute," Yousaf told the Scottish parliament. "Although three decades have passed, scars from the experiences still run deep. In some areas of the country, the sense of being hurt and being wronged remains corrosive."

Yousaf and Neil Findlay, the Scottish Labour MSP who campaigned for the review and the pardon recommendation, said the UK government should revisit a decision in 2016 to reject calls for a UK-wide public inquiry into the policing of the strike, which lasted from March 1984 to March 1985, and particularly the so-called "Battle of Orgreave" in South Yorkshire. Yousaf said Scottish miners were disproportionately punished. Around 500 Scottish miners were arrested and 200 of those were sacked by the National Coal Board – about 30% of the UK total, even though only 7% of the UK workforce worked at Scottish pits. Findlay said findings from the Hillsborough inquiry and the release of UK government cabinet papers on the strike had confirmed the long-held view among miners that policing of the strike was politically motivated. "Most of those were trumped-up charges of minor breaches of peace, and affected people who lost their jobs, they lost their redundancy, their livelihoods; many were blacklisted. Many never, ever recovered," he said.

Yousaf said officials still needed to draft the legislation and set out the criteria to be used. He said it was unlikely there would be legislation before parliament is dissolved for next May's Holyrood elections. John Scott QC, a human rights specialist who led the review, recommended the that qualifying criteria should cover miners convicted of the minor common law offence of breach of the peace or breach of bail, who had no other convictions and who were fined. Alex Bennett, 73, was among a group of miners gathered outside Holyrood before Yousaf's statement. He said he was arrested while picketing Bilston Glen colliery in Midlothian, and summarily dismissed by the coal board, leaving his young family in poverty. "I was blacklisted. I couldn't get a job for three years," he said. "I'm 74 at my next birthday and I've never even had a parking ticket." Being pardoned, he said, would "right a wrong". Andrew "Watty" Watson, 55, a train drivers' instructor from Fife who has campaigned for nearly 10 years to be exonerated, believes he was the youngest miner to be convicted during the strike. A week after his 19th birthday, Watson made several V-signs at police vans taking non-striking miners to Comrie colliery in Fife. He was arrested and convicted that day of breach of the peace, and four days later the coal board sacked him. He was reinstated a year later, only weeks before an industrial tribunal was due to take place, and says he lost four years of pension contributions. Watson said he was elated to know he may now be pardoned. "To burden me for 36 years with something as trivial as what I done? Living with it for 36 years has been hard, but I'm a fighter and I got through it," he said.

Tom Wood, a former deputy chief constable of Lothian and Borders police who served at Bilston Glen colliery in Midlothian during the strike, said many officers were very uncomfortable about policing picket lines. Many came from mining areas, but they also felt those miners who wanted to work had the right to do so. He said 55 officers in his force received serious injuries on picket lines, including fractures and torn ligaments. Some miners were convicted of serious charges for acts of violence. "It was no picnic," Wood said. Even so, he said the then government and the National Coal Board overreacted. "As regards miners who were arrested for simply breach of the peace and subsequently sacked and blackballed, that extra-judicial punishment by the coal board was spiteful and excessive." He added: "The real lesson of the miners' strike is what didn't happen afterwards: [there was no] rebuilding, retraining and no investment in mining communities to give people hope. Mining villages were literally hollowed out. "We're very unlikely to see another major industrial dispute like that, but in a post-Covid, post-carbon age we're going to see further industrial decline. How we handle that post-industrial decline is going to be vitally important. That for me is the main lesson of the miners' strike."

Every Five Days A Person In Prison Takes Their Own Life

INQUEST Responds to New Statistics on Deaths and Self-Harm in Prisons : The Ministry of Justice on the 29 October 2020 released the latest statistics on deaths and self-harm in prison. The safety in custody statistics show every five days a person in prison takes their life and across all prisons self-harm is at the highest level for seven years. The Ministry of Justice report that in the 12 months to June 2020, there were 61,153 self-harm incidents in prisons, equivalent to 167 incidents per day. Statistics in the children's estate showed that rate of self-harm was as high as 1,643 incidents per 1,000 children aged 15 to 17. In the 12 months to September 2020, a total of 282 people died in prison (an 8% decrease from last year), around five deaths every week. This is the fifth consecutive year that the rate of deaths per 1,000 prisoners has been at 3.5 or above. Of these deaths: 70 deaths were self-inflicted, a decrease from 91 in the previous 12 months. 174 deaths were classed as 'natural causes', a 4% increase. INQUEST casework and monitoring shows many of these deaths are in fact premature and far from 'natural'. 26 deaths were confirmed as COVID-19 related, all of which took place before July. 36 deaths were recorded as 'other', 27 of which are awaiting classification. Eight deaths were in women's prisons. Two deaths were homicides. These figures come only days after HM Inspectorate of Prisons noted in their annual report that the apparent levelling off in self-harm in the early stages of the COVID-19 crisis was not properly analysed or explained, and some even tried to argue that longer periods locked in cells did not contribute to levels of self-harm. Chief Inspector Peter Clarke stated that such 'superficial commentary' should be treated with 'extreme caution', this casts doubt on the reliability of today's figures.

On March 24, the Secretary of State for Justice placed prisons across England and Wales under immediate lock down. There were widespread calls, including a letter organised by Women in Prison and INQUEST signed by over 100 organisations, to release significant numbers of people prison to protect their mental and physical health. The government's own End of Custody Temporary Release programme was barely implemented, with fewer than 300 people released. Instead, severe regime restrictions were introduced, with 23 hours a day lockdown – effectively prolonged solitary confinement in contravention of international human rights standards – became standard practice. Only this week, the UN Special Rapporteur spoke out against these restrictions.

Serving Prisoners Supported by MOJUK: Walid Habib, Giovanni Di Stefano, 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, Peter Hannigan.