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### £18,000 Damages After Being Held in Cells Over Police Station Protest

*Joe Thomas, Liverpool Echo:* Two sisters arrested and held in cells for several hours after they refused to leave a police station have won £18,000 in compensation. Maria and Kate Holleron described how they were detained after refusing to leave a private area of Birkenhead Police Station until officers gave them written confirmation there would be no investigation into claims their uncle was a victim of fraud. The pair were eventually charged with wilfully obstructing a police officer - but the charges were later dropped. They complained about their treatment and claimed damages against the Merseyside force. Police confirmed a settlement was agreed - but made it clear they had not accepted liability in the matter.

Maria, 51, and Kate, 38, said they were invited to Bikenhead police station in July to discuss fears their 86-year-old uncle was the victim of fraud. When they were told no further investigation would take place, the concerned sisters, from Birkenhead, refused to move to the public area of the station unless they could get the decision in writing. The situation deteriorated into a stand off between the pair and the police, who would not grant their request. For 20 minutes the women were repeatedly warned they would be arrested if they did not move. They were then arrested on suspicion of disorderly conduct in a police station, taken to a separate area of the station and then driven to the Wirral custody suite.

Police footage of the incident obtained by the ECHO shows the conversations between the police and the Holleron sisters, with both sides appearing to remain calm throughout. After being arrested they were given the option of being released, but continued to refuse out of "principle", resulting in a near-six hour stay in the cells and, ultimately, the charge of wilfully obstructing a police officer. The charges were later dropped against the sisters, who each were paid £9,000 after pursuing claims over allegations of false imprisonment and malicious prosecution.

Kate said: "We had a legitimate expectation that Merseyside Police would take our elderly, vulnerable uncle's concerns seriously. I was frustrated, I couldn't believe it, it was like a comedy of errors. If the reasons behind it weren't so tragic it would probably be funny. But it isn't funny, I could have been denied my livelihood... I was worried and obviously I was angry but I was only conveying an elderly, vulnerable man's concerns. We just couldn't believe it. All we wanted to do was safeguard our uncle." She still believes police have failed to adequately investigate their concerns about their uncle. She said: "I've got a deep distrust of Merseyside Police. They are meant to uphold the law and I'm sure many officers do a fantastic job but what happened that day was a blatant abuse of power and authority and I believe doing that to characters like us undermines public trust and confidence in the police."

Commenting on the case Adam Quick, solicitor at James Murray Solicitors who represented the sisters in their civil claim for compensation, added: "Both women are of exemplary good character, had not acted disorderly, as suggested, and the footage confirms that. It is somewhat more surprising that they were charged with an offence that clearly stood no merit. It has been a very traumatic time for both claimants, knowing that if they were convicted it could have affected their future. The public must know that they do not need to accept such behaviour from the police."

A spokesman for the police said: "Merseyside Police can confirm it carefully considered this civil action and it was thoroughly examined by the force's legal team. Following legal advice it was decided that in this case it was appropriate to negotiate a settlement before it reached court. Liability has not been accepted. Merseyside Police is committed to ensuring that all its officers and staff demonstrate the highest levels of professionalism and standards at all times. It is important that we do all we can to maintain the public's confidence and trust in us and officers are reminded of the importance of this on a regular basis. Where those standards fall we will always take positive action."

### Ineffective Criminal Investigation and Insufficient Legal Reasoning

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 6 (right to a fair hearing) and 13 (right to an effective remedy), Mr Alpar alleged that he had been subjected to police violence and that he had not benefitted from an effective investigation, and complained of the excessive length of the proceedings. -In Chamber judgment in the case of Alpar v. Turkey (application no. 22643/07) concerning an allegation of ill-treatment during an identity check and during subsequent questioning at a police station, the European Court of Human Rights held, unanimously, that there had been: a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights under its procedural head.

The Court found, in particular, that the authorities had not conducted an effective investigation into Mr Alpar's allegations of ill-treatment. It noted that the prosecutor's office had issued its order discontinuing the proceedings approximately five years and six months after the complaint had been lodged, that the judicial authorities had dismissed it without providing genuine legal reasoning and without determining the degree of force used during the arrest, and that the criminal investigation had concerned only the allegations of ill-treatment after Mr Alpar's arrest. The Court also noted that the prosecutor had merely recorded that there was insufficient evidence to proceed, without providing explanations, and had also considered that the case was in any event time-barred.

Article 3 (prohibition of inhuman or degrading treatment)

With regard to the investigation into the allegations of ill-treatment, the Court noted that the State prosecutor had questioned one of the police officers two months after Mr Alpar's complaint and the other police officer about three years and three months after that date; the third police officer had died in 2004 and it had been impossible to question him. Furthermore, the Court noted that the decision discontinuing the proceedings was not issued until almost five years and six months after the complaint had been lodged. The Court also noted that the prosecutor's office and the assize court had dismissed the complaint, without providing genuine legal reasoning. They had not sought to justify the degree of force used during the arrest, as the criminal investigation had concerned only the allegations of ill-treatment after the arrest. Lastly, the prosecutor had merely noted that there was insufficient evidence to proceed, without providing explanations, and had also considered that the case was, in any event, time-barred. The Court found that the authorities had not conducted an effective investigation into Mr Alpar's complaint, and for that reason it held that there had been a violation of Article 3 of the Convention. With regard to the allegations of ill-treatment, the Court considered, on the basis of the material before it, that it could not assert, with sufficient clarity, that Mr Alpar's lesions were solely the result of violence inflicted during the incident and following his arrest. It therefore held that this part of the application was manifestly ill-founded.

Article 41 (just satisfaction) The Court held that Turkey was to pay the applicant 5,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,000 in respect of costs and expenses.

The application was lodged with the European Court of Human Rights on 21 May 2007.

**HMP Maghaberry – Prison Staff Still Refusing to Wear Identifying Numbers**

On 18th June 2015, Republican Prisoners took a Judicial Review (JR) against Maghaberry Jail regarding the absence of identifying numbers on the uniforms and equipment of jail staff. This JR was prompted after a number of assaults on Republican Prisoners by jail staff who escaped accountability through anonymity. This was one of a number of successful JR's taken by Republican Prisoners in 2015 and it was established at this particular JR that the jail had previously been ordered by a Judge to begin wearing identifiers in 2009.

After a number of weeks it became clear to Republican Prisoners that the jail was in no hurry to comply with the courts ruling. This was challenged again by Republican Prisoners who were told by the Prison Ombudsman and others that the jail had until the 18th December 2015 to implement the changes. This deadline has now passed with jail staff still failing to to wear identifiers. This has been compounded by instances involving abusive behavior by jail staff in the past number of weeks who have refused to identify themselves.

This refusal to comply with the court order comes not only in spite of the rulings of two Judges at two JR's but also in spite of the fact that the HMIP/CJINI investigators carried out a second investigation after an unprecedented critical report in November 2015. Subsequent to that report great things were promised by the Number One Governor, The Attorney General and the Stormont Justice Minister. However, it seems that securocrats and loyalist reactionaries who continue to control Maghaberry Jail are determined to demonstrate that they are a law onto themselves. *Republican Prisoners, Roe 4, HMP Maghaberry*

**Poppi Worthington and the Risk of 'Ghost' Miscarriages of Justice**

[William Roper: So, now you give the Devil the benefit of law! - Sir Thomas More: Yes! What would you do? Cut a great road through the law to get after the Devil? - William Roper: Yes, I'd cut down every law in England to do that! - Sir Thomas More: Oh? And when the last law was down, and the Devil turned 'round on you, where would you hide, Roper, the laws all being flat? This country is planted thick with laws, from coast to coast, Man's laws, not God's! And if you cut them down, and you're just the man to do it, do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake!]

Hannah Quirk, Justice Gap: The tragic death of 13 month old Poppi Worthington raises a number of troubling questions – not only the widely reported shortcomings in the police investigation, but also Mr Justice Jackson's decision to publish his finding that Paul Worthington had sexually assaulted his daughter before her death. This case forms part of a recent trend in which – rightly or wrongly – criminal proceedings have not been possible and other agencies have taken it upon themselves to pronounce on a person's culpability. Whatever the merits of these individual cases, there is a risk that this development reinforces some of the practices that led to wrongful convictions in the past, and could create a new class of 'ghost' miscarriages of justice, for which there can be no remedy.

The judgment last week related to an appeal against a family court decision about who should have care of Poppi's siblings following her death in December 2012. The police, Crown Prosecution Service, Cumbria Social Services and the coroner have been criticised for their handling of this case. Items of potential evidential value, including bedding and the father's laptop were not secured. Only one of the expert witnesses stated definitively that the child had been sexually assaulted. Because the other experts could not provide an alternative scenario, and the judge was unimpressed by Mr Worthington's account of the events leading up to Poppi's



death, he found on the balance of probabilities (is it more likely than not that the alleged event occurred?) that the father had sexually assaulted his daughter. The expert evidence was so contradictory and inconclusive that it was decided in March 2015 that there was insufficient evidence to prosecute anyone – a criminal conviction would require the jury to be 'sure' that this had happened. It may never be known how Poppi died, but the two most likely outcomes are that either a healthy toddler died following a sexual assault by her father who escaped conviction – or a bereaved parent has been wrongly labelled an incestuous paedophile. The higher standard of proof in criminal proceedings that contributed to this case not being prosecuted stems from Blackstone's maxim that 'it is better that 10 guilty persons escape than that one innocent party suffer'.

Following the appeal of Angela Cannings, where there was conflicting expert evidence as to whether her children had been murdered or died from Sudden Infant Death Syndrome, the Court of Appeal held that 'if the outcome of the trial depends exclusively or almost exclusively on a serious disagreement between distinguished and reputable experts, it will often be unwise, and therefore unsafe, to proceed'. Whilst this might lead to the factually guilty escaping justice, the Court held that this is preferable to a factually innocent person being convicted.

*Structurally unfair:* The priority in the family court is, of course, the welfare of the child, and applying the criminal standard of proof would lead to more children being left in danger. The difficulty arises where courts or tribunals make what are essentially findings of criminal liability but on a lower standard of proof and without the same evidential protections. Without commenting on the specifics of the judge's fact-finding in this case, the system seems structurally unfair – can a fact be found on 51% certainty? A single judge making a decision of this significance echoes the concerns raised about the fairness of Diplock judges sitting alone in Northern Ireland. It also seems extraordinary – certainly from a criminal perspective – that a judge should hear an appeal against his own decision.

This level of publicity in family court proceedings is relatively recent. The Times ran a campaign in 2008 to increase the transparency of decision-making in the family courts. Its leading article stated that '[a]llowing the family courts and social services to operate in secret allows miscarriages of justice without the possibility of redress'. The media took an interest in this case and challenged the secrecy of previous decisions, in part to highlight the failings of the agencies involved. Whilst this seems entirely in the public interest, it is not clear what benefit has been gained by naming the individuals in this case. Mr Worthington is apparently in hiding, following death threats. Judging by much of the publicity and the comments made online, the legal niceties of the burden of proof appear to have been lost on most people.

Media pressure on the police to 'catch someone' has long been seen as a contributing factor to miscarriages of justice – and this was the case long before rolling news and social media. Being suspected of a crime, however briefly, can be a horrendous experience. Christopher Jefferies gave evidence to the Leveson Inquiry about his vilification by sections of the press when he was questioned about the murder of his tenant, Joanna Yeates. Following some of the investigations into celebrities for historical sex cases, the Home Affairs Select Committee recommended that suspects should not be named unless and until charged. The acquittal of a Durham University student on two charges of rape earlier this month, led some to call for defendants in sex cases to be given anonymity until charge or even conviction. It should be reiterated that Mr Worthington was not even charged and has no obvious means of challenging the finding that has been made against him (the CPS said this week that it will review the file but this cannot exculpate him).

Due process: Allegations of sexual abuse made against those who have died recently have

allowed the police and CPS to make definitive pronouncements about suspects' guilt (including the police officer who found 'Nick's' account of the VIP paedophile sex ring to be 'credible and true'; the police call from outside the home of Sir Edward Heath for 'victims' to come forward; and the joint police and NSPCC Report 'Giving Victims a Voice' which labelled the late Jimmy Savile 'one of the UK's most prolific known sexual predators'). A well-documented cause of wrongful convictions was 'case construction' or 'tunnel vision' by police officers who believed they had the right suspect and viewed (and shaped) all the evidence from that perspective. Much hard work has been undertaken to try to prevent this – indeed it was one of the reasons for establishing an independent prosecution body. Creating an ethos in which the police and CPS again get to say who they think is guilty not only allows the reputations of the recently deceased to be traduced, it also risks normalising a culture that can increase the risk of wrongful conviction of the living.

Demonstrating how the boundaries of due process can then be tested further, when Lord Janner was found to have such advanced dementia that he was unable to stand trial it was decided to hold a 'trial of the facts', despite the manifest unfairness of such a procedure in this type of case. It was even suggested that the proceedings might continue after his death (something even the Soviet Union baulked at). Lord Janner's case will now be examined by the Independent Inquiry into Child Sexual Abuse. Section 2 of the Inquiries Act 2005 provides that, while a statutory inquiry cannot determine criminal or civil liability, it 'is not to be inhibited in the discharge of its functions by any likelihood of liability being inferred from facts that it determines or recommendations that it makes'. Justice Goddard has stated that this will include naming of people who she finds have been responsible for the sexual abuse of children. The Act makes no provision as to the standard of proof to be applied by an Inquiry when making findings of fact or recommendations, rather it is up to the Chair of each inquiry to determine the terms.

The 'flexible and variable' approach to the standard of proof formulated in the Baha Mousa Inquiry has been followed by others, with the higher standard applied to more serious questions. The Inquiry into the death of Alexander Litvinenko, who died from radioactive poisoning in 2006, found – to a criminal standard – that he was killed by two Russian agents it named as Andrei Lugovoi and Dmitry Kovtun (the original inquest was replaced by a Public Inquiry so that material attracting public interest immunity could be considered). The coroner at the Hillsborough Inquest has directed the jury that it must consider whether the match commander was responsible for the manslaughter by gross negligence of those who died, again to the criminal standard of proof. Many of these determinations have the potential to pose a risk to the lives of those so named and the state's responsibility under Article 2 of the European Convention of Human Rights (the right to life) may therefore be engaged.

There is an understandable public desire in all of these cases to find out what happened but if it were that easy, these lengthy, often belated, attempts would not be necessary. For understandable, pragmatic reasons when the FBI could not convict the gangster Al Capone for running a vast criminal enterprise, it pursued him for minor offences and eventually he was imprisoned for failure to pay his income taxes. This had the practical achievement of breaking up his empire but he escaped censure for his worst activities. In these current cases, alternative means – police statements, family courts, inquests and inquiries – are being used to express condemnation when formal punishment is not possible. Criminal law has a powerful labelling function, however, and we should be wary of imposing that censure without the necessary safeguards. (The Children's Commissioner has suggested in response to the Poppi Worthington case, that the standard of proof should be lowered in criminal cases of child sexual abuse.)



Tempting as it may be to circumvent these measures when considering other people, they protect us all from miscarriages of justice as expressed in Robert Bolt's A Man for All Seasons: William Roper: So, now you give the Devil the benefit of law! - Sir Thomas More: Yes! What would you do? Cut a great road through the law to get after the Devil? - William Roper: Yes, I'd cut down every law in England to do that! - Sir Thomas More: Oh? And when the last law was down, and the Devil turned 'round on you, where would you hide, Roper, the laws all being flat? This country is planted thick with laws, from coast to coast, Man's laws, not God's! And if you cut them down, and you're just the man to do it, do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake!

**Court of Session: Murderer's Prison Conditions Fair**

Hands v Scottish Ministers [2016] CSOH 9, 15th January 2016 - The Outer House of the Court of Session has refused a petition for judicial review brought by a convicted murderer against decisions made by the Scottish Prison Service (SPS) about his prison conditions and supervision level.

*The Facts:* Brian Hands was convicted of murder in February 1999 and sentenced to life imprisonment. When the punishment part of his sentence expired, the SPS decreased his supervision requirements from medium to low and upgraded him from closed conditions to 'national top end' conditions (allowing him to go on community placements and family visits). In August 2014, the petitioner began a work placement in a carpet store with a view to moving to open conditions in early 2015

However, a recorded telephone conversation in which the petitioner had referred to 'Rangers tops' (a common name for blue valium tablets) caused the SPS to believe that he was involved in the introduction and distribution of illicit substances within the prison. Evidence from the carpet store suggested that the petitioner had used a mobile phone contrary to the conditions of the placement. Following a hearing in October 2014 it was decided that the petitioner would be downgraded to closed conditions and that his supervision requirements would be increased from low to medium.

*The Petitioner's Arguments:* Hands argued that the decision-making procedure was unfair, and therefore the decisions to return him to closed conditions and increase his supervision requirements were unlawful. The respondents were under a common law duty to act fairly, particularly when carrying out a function which affected the liberty of persons affected by their decision. A number of complaints were made about the decision-making process, including a failure to comply with the relevant prison rules, inadequate disclosure of information relating to the decisions, vague allegations, a failure to properly investigate the circumstances surrounding the decisions, a lack of adequate reasons, a failure to obtain and consider representations from the petitioner, and a lack of proper analysis of the evidence. When considered together, it was evident that the petitioner did not have a fair hearing at all.

*The Judgment:* The judge rejected these arguments, finding that the respondents had satisfied the procedural requirements imposed on them. Looking at the procedure as a whole, it was not "actually unfair". The allegation of a breach of the prison rules related to rule 21(4) of the Prisons and Young Offenders Institutions (Scotland) Rules 2011. Rule 21(4) provided that in relation to decisions about a prisoner's supervision level, the governor of the prison must consider any representations made by the prisoner. Pointing to a form signed by the governor which, it was alleged, confirmed the decision to change his supervision arrangements, Hands argued that he had been unable to make representations. However, this argument misun-

derstood the nature of the form. The governor had merely indicated the supervision level which he was "minded to assign" and had left it open to the petitioner to make representations before a final decision was made. Hands had subsequently refused to make representations on the misguided assumption that a decision had already been made and that any representations would amount to mitigation only. The latter claim made no sense as the decision to change the petitioner's supervision level could not be mitigated.

In relation to the petitioner's complaint about a lack of disclosure and the vagueness of the case against him, the judge observed that there were specific allegations against Hands. It was alleged that he had discussed 'Rangers tops' during a telephone conversation and that he had access to a mobile phone during his placement. When these allegations were put to the petitioner at the hearing, he could have provided an explanation for them. He had subsequently argued that his cousin had purchased football strips from an auction but this explanation was not provided at the time. The allegation that he had used a mobile phone at the carpet store was either true or untrue. The petitioner claimed that it was untrue. This was his defence and he presented it. No further disclosure was required and no greater clarity could be provided.

The petitioner's other complaints were also dismissed. It was unnecessary for the respondents to investigate the drugs allegation further as they proceeded on the basis of the evidence taken from the petitioner's telephone conversation for which an explanation was not provided at the time. The basis of the decisions to downgrade the petitioner and increase his supervision levels was clear with no lack of plain and intelligible reasons.

Finally, the argument that there was no proper analysis of the evidence was, in effect, a challenge to the substance of the respondent's decisions. It was not open to the petitioner to make such a challenge in judicial review proceedings and, in any event, the respondents were entitled to reach the conclusions they did on the evidence before them. There was no dispute in this case over the relevant common law principles. It was accepted that the respondents were under a duty to act fairly and that the requirements of procedural fairness were context specific. Nor was there any real dispute between the parties as to what fairness required in this particular case. In the end, the case turned on what were essentially factual issues regarding the procedure that had been followed with the court dismissing various complaints as unfounded.

**Human Rights Watch - Prison and Jail Conditions in the US 2015**

Momentum against the use of solitary confinement continued in 2015, but according to a new report, an estimated 100,000 state and federal prison inmates are being held in isolation. In July, President Obama ordered the Department of Justice to review the practice of solitary confinement. Several states are currently considering legislative or regulatory reforms to reduce the use of solitary confinement. In New York, a proposed bill would limit the time during which an inmate could be held in isolation, and would ban solitary confinement for people with mental illness and other vulnerable groups. California settled a lawsuit brought by prisoners and agreed to eliminate the use of indefinite solitary confinement at the Pelican Bay State Prison—a supermax facility—as well as significantly reduce the length of time prisoners in California can be kept in solitary. However, California's legislature failed to pass a bill that would have eliminated solitary confinement for children. Jail and prison staff throughout the US use unnecessary, excessive, and even malicious force against prisoners with mental disabilities. Although no national data exists, research—including a 2015 Human Rights Watch report—indicates that the problem is widespread and may be increasing in the country's more than 5,100 jails and prisons.



**Call to Review Burden of Proof in Child Sex Abuse Cases** *Haroon Siddique, Guardian*

The children's commissioner for England has suggested lowering the burden of proof in cases of child sex abuse, arguing that the current system is "not fit for purpose". Anne Longfield's proposal follows a ruling by a family court judge that 13-month-old Poppy Worthington was, on the civil standard of balance of probabilities, sexually assaulted by her father just before her death in 2012. Paul Worthington, 48, who has denied harming his daughter, did not face criminal charges after police failures in the first investigation, and after the Crown Prosecution Service (CPS) deemed there was insufficient evidence from a second police inquiry to prove his guilt under the criminal standard of beyond reasonable doubt.

Longfield told BBC Radio 4's Today programme: "What this case really sharply illustrates is the difficulty there is in giving evidence in the case of child sex abuse, especially within the family. We know that the vast majority of cases aren't reported in the first place, but even those that are reported, the vast majority don't go to court because the evidence just isn't there. And when looking at the burden of beyond reasonable doubt, it's very sharply in contrast to the kind of ruling we saw from the judge last week, which is about balance of probability."

Asked whether Worthington's case was more about the police's failure to collect evidence, she said officers should and could have done better. But, she added, the level of evidence needed in cases of familial child sex abuse was not usually available because they were not reported until a long time after the event. This meant forensic evidence was unavailable and/or the accounts of alleged victims could be muddled. "We need to understand that if we are serious about tackling child sexual abuse, we need to better decide what does constitute good evidence and that's something not for me, for the police; it's for social services, it's for the judiciary," she said. "It doesn't mean a wholesale move over to a ruling by a judge and wholesale embracement of [balance of] probability but it does mean we need to look at improving a system that isn't fit for purpose for those that are experiencing sexual abuse."

In his judgment, made public last week, Mr Justice Peter Jackson found that Worthington had abused Poppi in the hours before she died. He also concluded that the investigation into her death was hindered by police errors. Amid the uproar after Jackson's ruling was published, the CPS, which had previously refused to review its files on Worthington's case, announced that it would re-examine the evidence.

**Prisoners Get Higher Marks Than Durham University Criminology Students**

*Telegraph:* Prisoners at a high-security jail studying criminology have scored higher marks than some of the university students they were working alongside in a ground-breaking academic course. The Inside-Out programme is run by Durham University with two local prisons and will now be expanded to a third, having been described as potentially life-changing for both undergraduates and inmates. Set up a year ago, groups of students were taken into Frankland top security prison - which has housed some of the country's most notorious criminals, includng Soham killer Ian Huntley - and the lower category HMP Durham for ten intensive three-hour weekly sessions with inmates. They prepared by studying the same texts, held discussions, then wrote up essays on aspects of criminology and the justice system.

Professor Fiona Measham said some of the dedicated "inside" students scored higher marks for parts of the course, explaining that some prisoners were already working at university level through the Open University, and could commit time to the module. The programme has been a success in the US for years and those behind it hope it can fill a gap in pris-

oner education, which has traditionally focused on basic literacy and maths. Prof Measham said the "inside" students were committed to the course and read up thoroughly on the topic, meaning the "outside" students could not "coast" through the module.

She said: "It's exhausting for them. They cannot bring in their phones, they cannot sit at the back playing with their smart phone, there's no access to the internet. It's a real shock to the system and when they walk out of prison, going through the 12 locked gates, it makes them appreciate their liberty." The Durham students went in "terrified", but bonds were formed after they had met the prisoners and shared in-depth discussions. All contact at the end of the course must cease for security reasons and both sets of students were vetted beforehand, added Prof Measham. Some "outside" students have changed their career plans and now want to work with prisoners. "It can be life-changing for prisoners and also for the 'outside' students," she added. Both "inside" and "out" students received the same formal academic credit, as well as a certificate, for completing the course. One former Frankland prisoner was considering studying for a Masters after completing the programme and said it gave inmates self-belief that they could succeed away from crime. Jermain James, who was expelled from school aged 13 and was drawn into serious crime, has now been released after serving 13-and-a-half years behind bars for attempted murder. The 34-year-old who grew up on a tough estate in Luton has now set up a consultancy, True Heart Of The City, to mentor others away from crime. Off the back of the course, he was invited to Parliament and Cambridge University to discuss penal issues, and has just got work with the Community Chaplaincy Association, which helps ex-prisoners.

He said: "It changed everybody. Some students cried at the end because they saw themselves in us, as humans that make mistakes, likewise we saw ourselves in them as people who make mistakes but had the ability to change their prospects and gain social change via transformative education. "It made some of them change their career and prospects and for us it gave us an understanding. It reinforced the very thing that we didn't believe, that we were more than capable of being successful outside crime." Prof Measham said the Inside-Out programme will be rolled out to Low Newton women's prison. She said the Ministry of Justice is monitoring the programme and hoped its success could be repeated elsewhere.

**Jan McLean: Police failings Over Drug Swallow Death**

A man who died two days after consuming cocaine while detained in a police van may have had a better chance of surviving if police officers had acted differently, an Independent Police Complaints Commission report published today has found. Jan McLean, 34, died in hospital following his arrest on suspicion of drugs offences by officers from Surrey Police at a flat in Guildford on 12 August 2013. The IPCC investigation found Mr McLean was left alone in the back of a police van for a short period following his arrest and it is likely that he consumed cocaine during this time, having concealed it on his body. Investigators found a police call handler failed to pass information held on Mr McLean to police officers at the scene which could have impacted on their decision to leave him in the police van unsupervised, handcuffed to the front and without having been strip-searched.

Mr McLean was later taken to Guildford Police Station, where he became unwell. The IPCC investigation found Mr McLean may have had a better chance of survival if he had been taken straight to hospital by police at this stage, rather than waiting for an ambulance. The investigation identified further issues, including an ambulance driver getting lost and miscommunication between police and health officials over the type of drugs Mr McLean was thought to have consumed. This was despite the fact Mr McLean communicated that he had taken cocaine once he became unwell at the station. Mr McLean died in hospital on 14 August 2013.



As a result of the IPCC investigation, Surrey Police held a misconduct meeting in respect of one police constable, who was given a written warning after it was found he failed to pass on information from the Police National Computer about Mr McLean to colleagues. The IPCC recommended that a police sergeant and a member of civilian police staff should also face disciplinary action and Surrey Police has provided both with additional training. The investigation would also have recommended that a further police constable should have faced disciplinary action had she not subsequently resigned from the force.

IPCC Commissioner Jennifer Izekor said: “Our investigation highlighted several missed opportunities by Surrey Police in their dealings with Jan McLean which, if they had been acted on, may have impacted on the eventual tragic outcome. Our investigation identified individual failings which have been dealt with through internal disciplinary procedures. We also made a number of recommendations to Surrey Police on improvements to their procedures and I am pleased they have accepted these. We have shared the report with Mr McLean’s family and our thoughts remain with them.”

As well as the family, copies of the IPCC report have also been provided to Surrey Police and the coroner. In addition to the formal investigation report, the IPCC also provided Surrey Police with a Learning Report identifying areas where the force could improve its practices. Among the areas identified for improvement were: • Revision of guidance around the supervision of detainees in police vehicles • Making sure officers know when detainees can be taken directly to hospital • Making sure officers can adequately identify when someone has taken drugs/poison. Surrey Police has acknowledged the findings of the IPCC report and has committed to deliver all the recommendations outlined in the report.

**So What’s the Real Threat to Our Democracy?**

*Miranda Grell, Justice Gap:* Back in December, the Court of Appeal’s most senior judge, Master of the Rolls Lord Dyson, gave a lecture entitled “Is Judicial Review a Threat to Democracy?” His very firm conclusion was that it is not. To read recent reports in the press, however, that Prime Minister David Cameron has ordered a ‘crack down’ on ‘spurious’ legal claims against the British army, you’d think that it was. In the Prime Minister’s statement issued last Friday, he stated that there is ‘now an (legal) industry’ trying to profit from spurious claims against UK military personnel and that the ‘government will protect them from being hounded by lawyers over claims that are totally without foundation’.

That statement came only two weeks after Conservative MP Stewart Jackson – speaking in the House of Commons under the defamation-protecting cloak of parliamentary privilege – had attacked law firms Leigh Day and Public Interest Lawyers – by name – as ‘immoral, thieving, ambulance chasing lawyers’. Coincidentally, Leigh Day had also been referred to the Solicitors’ Disciplinary Tribunal only the day before. At first sight, these statements made by the Prime Minister, Stewart Jackson MP and others, appear to be focussed solely on a narrow, recent issue of legal claims against the British army. But they are not. The attacks on Leigh Day and other public law firms, who have helped clients to bring legal actions against the Government and/or Government agents, are just the latest in a series of subtle, drip-drip statements, policy announcements and legislative changes that aim to challenge the very idea that anyone – including wronged British citizens – should be allowed to bring legal challenges against the Government.

We saw an example of this when the former Justice Secretary, Chris Grayling, attempted to attack judicial review as a ‘promotional tool for countless Left-wing campaigners’ rather than recognising it for what it really is – in the words of Lord Dyson MR ‘a valuable tool for the safeguarding of

democracy because it is an 'effective means' of ensuring that executive public bodies comply with their statutory obligations and do not act illegally'. We saw another example of this when the Government introduced new 'no permission, no payment' rules for judicial review in 2014. As the Public Law Project argued at the time, the introduction of no permission, no payment would impact on vulnerable people dependent on legal aid, who would 'not be able to find lawyers willing or able to take on meritorious cases'. But as we have seen from Chris Grayling's, and now the Prime Minister's recent statements, one could argue that that's exactly what the Government wanted?

However, it is not only ordinary people's ability to bring public law challenges and public law legal professionals that are now being attacked by the executive of the British state. The independence of the judiciary and the fundamental constitutional principle that no one should be a judge in their own case is also being attacked. We see an example of this in the new Immigration Bill currently winding its way through Parliament.

That bill contains a draft provision that if a first-tier immigration tribunal makes a decision to grant a person bail – but the Home Secretary disagrees – then she can override the tribunal's decision. As the House of Lords Constitution Committee stated, in its report on the Bill published on January 11, 'the constitutional question arises whether it is compatible with the rule of law for a member of the executive to be given the authority to override the decision of an independent judicial body'. Certainly, the recent UK Supreme Court judgment of Evans v Attorney General, which ruled that Government Ministers had no right to veto an independent Freedom of Information Tribunal's decision to order the release of Prince Charles' letters, is authoritative legal backing for the Constitution Committee's position. On the face of it, it appears that we are now living through a time where our government is intent on removing our right to access to justice, removing the lawyers who help us to access it and – if neither of those two things work – overruling the independent judges and courts that make legal decisions in our favour.

It is ironic, therefore, that this week, Prime Minister David Cameron will welcome the surviving former members of the African National Congress who were tried with Nelson Mandela in Rivonia in 1963 and will grant them the freedom of the City of London. Britain is indeed right to celebrate these men – brave civil rights' activists who fought for racial equality and freedom in South Africa – and it is indeed pleasing to also see the Prime Minister commend the men's formidable ANC lawyers who will also be accompanying them on the trip. Would David Cameron object to these men, victims of the most horrendous state torture, being able to gain legal redress against their state, I wonder? It would be nice if one day our Prime Minister would consider extending some of the warm wishes and, no doubt, many words of deep admiration that he will share about the ANC civil rights campaigners – and their lawyers – to modern-day UK based human rights campaigners – and their lawyers.

**Ray of Light From US Supreme Court** *Human Rights Watch*

Henry Montgomery, sentenced to life without parole for a crime he committed at 17, has spent "each day of the past 46 years knowing he was condemned to die in prison." Today, the United States Supreme Court gave him new hope. The court made retroactive its previous decision abolishing mandatory juvenile sentences of life without the possibility of parole. It means that thousands of people who, as children, were told that they would remain in prison until they died will have a chance to ask courts to reconsider their sentences. That includes Montgomery, the petitioner in the case, who, as a 17-year-old boy, killed a deputy sheriff in Louisiana.

The decision follows on a line of Supreme Court cases requiring different treatment for children convicted of serious crimes, including Roper (abolishing the juvenile death penalty), Graham (finding the sentencing of juveniles to life without parole unconstitutional for non-



homicide offenses), and Miller (finding mandatory sentences of life without parole for juveniles unconstitutional). These cases recognize what human rights law, common sense, and other aspects of US law have long made clear: that children are inherently different from adults.

Human Rights Watch, together with many others, has been at the vanguard of the fight in the US against these sentences, abbreviated as JLWOP, starting with our first national investigation in 2005. We have strongly supported reforms nearly eliminating the sentence in Florida and sweeping changes to California's youth sentencing laws. We have also long supported retroactive application of rulings finding criminal sentences unconstitutional or disproportionate, which international human rights law requires and which today's decision achieves. This progress is encouraging but much more is needed to ensure that children who commit crimes in the US are held accountable fairly. All US states should abolish JLWOP sentences for all children in all cases, end the practice of trying children as adults unless in exceptional circumstances and after the careful consideration of judges, and stop incarcerating child offenders in adult prisons. Congress should pass a broader, pending sentencing reform bill that includes provisions to eliminate federal JLWOP sentences. These reforms are necessary to bring the United States closer to upholding children's fundamental human rights. Perhaps the most corrosive effect of treating children like adults is the message that they are beyond hope. Today the US Supreme Court continued chipping away at that message, stating, "prisoners like Montgomery must be given the opportunity to show their crime did not reflect irreparable corruption; and, if it did not, their hope for some years of life outside prison walls must be restored."

**Early Day Motion 1005: Psychoactive Substances Bill**

That this House regrets the depth of scientific illiteracy in the Government's Psychoactive Substances Bill; agrees with the New Scientist magazine that the Bill is one of the stupidest, most dangerous and unscientific pieces of drugs legislation ever; applauds the judgment of the hon. Member for Reigate that one part of the Bill is manifestly stupid; is appalled that the Bill is evidence-free and prejudice-rich in disregarding the counterproductive, harmful results of similar bills in Ireland and Poland; notes that the Reitox Poland report from 2013 shows that that country's number of legal high-related poisonings three years after their ban are above pre-ban levels, and that the European Commission's conclusion is that use of legal highs in Ireland after their ban increased from 16 per cent in 2011 to 22 per cent in 2014, with the current use in Ireland among young people the highest in the EU; is surprised that the Government disregarded 45 years of evidence which shows that prohibiting drugs and replacing legal markets with illegal ones always leads to increases in drug use and harm; affirms the unique and life-threatening perils of substances that have never previously been ingested by humankind; and commends the intelligent approach taken to reduce harm in the New Zealand Psychoactive Substances Act 2013. Sponsors: Flynn, Paul / Lucas, Caroline

**R Appellant v Secretary of State for Justice (Respondent)**

This case considered whether mental health patients conducting litigation in the civil courts are entitled to a presumption of anonymity. The appellant is a mental health patient detained in a medium security psychiatric hospital. He pursued an unsuccessful claim in the High Court for judicial review of the respondent's decision not to grant consent for him to have unescorted community leave. Cranston J, on hearing submissions for the appellant and a member of the press, decided there was no justification for making an anonymity order to protect the appellant's identity. The Supreme Court unanimously allows C's appeal with the anonymity order to remain in place.

**'Hi 911, We're wo Dumb Asses and We're Cold'**

Hilarious conversation with US police department's control room released. Two men high on cannabis called police to announce they were happy to be arrested because they were tired of being followed by plain clothes officers. A stunned dispatcher - who was aware there was no one on their tail - patiently took their details. The pair were travelling from Las Vegas to Bozeman, Montana in the US with 20lbs of marijuana, when the drug caused them to turn themselves in unnecessarily. Leland Ayala-Doliente, 22, and Holland Sward, 23 were later sentenced for drug trafficking. At one stage Ayala-Doliente even tried to hurry up the arrival of law enforcement saying: "It's getting cold out here man. I just want to get warm and just get on with this whole thing so…" When asked if they had any weapons on them he replies: "Nope we don't have any of that stuff with us. Just a bunch of snacks and stuff." The incident happened in Rexberg, Idaho, and came to light after being reported by EastIdahoNews.com.

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**Funding to Help More Women Turn Away From Crime**

Greater Manchester, Brighton, Norfolk, Surrey have together been awarded almost £200,000 to help more women in their communities address the underlying issues which left unchecked may lead to them becoming involved in crime, or even ultimately end up in prison. There are currently around 4000 women in prison. Women are much more likely to serve short sentences, have committed acquisitive rather than violent crimes, have dependent children and commit acts of self-harm in prison. Many women at risk of offending have complex needs – they may have faced abuse in the past, have drug or alcohol issues, face serious mental or physical health problems, or be struggling to find a home or a job.

Minister for Women, Equalities and Family Justice, Caroline Dinenage, said: "I am determined to see fewer women falling into crime and even ending up in prison because they aren't getting the right kind of support to address any underlying issues. I am delighted that we will be working closely with the communities of Greater Manchester, Brighton, Norfolk and Surrey to develop new strategies to support women and get them off a pathway into crime at an earlier stage. Not only will this funding change the lives of more women and their families and give them a second chance to realise their potential, it will also cut crime and make our streets safer."



The money will be used in these communities to put structures in place to assess and address the needs of these women at an early stage and provide the kind of wraparound support that can make all the difference in diverting them from crime. The 4 areas will develop their own unique strategies which are best targeted to address the needs of women in their areas, working across local public and third sector organisations. The lessons learned from the approaches taken in these areas will be used to help other local areas around the country develop similar approaches to reduce the number of women offending and reoffending.

16 applications were judged and Greater Manchester, Brighton, Norfolk and Surrey won a total of £191,752 funding from the Government Equalities Office. A further £10,000 was awarded to Wales to conduct research into the sentencing of female offenders in the area, to support further work to look at alternatives to custody where appropriate.

Women in prison: There are currently around 4000 women in prison – a small fraction when compared with the number of men. But there are some real differences between male and female offenders – we know women are twice as likely to: • twice as likely to report experiencing abuse in their childhood • two and a half times as likely to report needing help with mental health issues They are also much more likely to serve short sentences, have committed acquisitive rather than violent crimes, have dependent children and commit acts of self-harm in prison.

**Offenders: Deportation**

Charlotte Leslie: To ask the Secretary of State for the Home Department, what provision is made for victims of crimes committed by foreign prisoners to access information about the progress of their deportation.

James Brokenshire: [Holding answer 26 January 2016]: A victim may contact the Home Office directly or make a request via their Victim Liaison Officer (VLO) for information on the progress of a foreign prisoner's deportation. The Home Office will inform the victim or their VLO on whether deportation is being pursued or has been enforced.

**New Guidelines Say Armed Thieves Should Get Longest Sentences**

*Mark Tran, Guardian:* Thieves armed with guns or knives should get the longest jail terms under new sentencing guidelines for robberies designed to help courts sentence all types of offenders, from a street mugger to a gang guilty of a bank hold-up. The guidelines from the the Sentencing Council for England and Wales cover robberies in the street, in people's homes and on professional planned commercial raids. Judges are directed to take into account both physical injuries and psychological harm so that the full impact on victims is taken into account. Lord Justice Treacy, chairman of the sentencing council, said: "Through these guidelines, we want to reflect the public's concerns about crime involving guns and knives, so we are emphasising that those robbers who use such weapons to commit offences will face the longest sentences. We also aim to ensure that the impact on victims is properly taken into account – robbery is not just about losing property. Victims can be seriously injured or traumatised."

The guidelines do not alter the law, but by setting out suggested ranges for offences they ensure greater consistency across the courts and reflect shifts in public perceptions of crime. They differ from previous guidelines in that they include detailed guidance on robberies in homes or professionally planned commercial robberies. The council stresses the distinction between robbery and theft, which always involves the use of threat of force. Theft means taking someone's property but does not involve the use or threat of force. Burglary means

illegally entering a property in order to steal property from it, such as the men recently convicted of the Hatton Garden Safety Deposit burglary.

For street robberies involving a gun or knife and which result in serious physical or psychological harm, the starting point for sentencing will be eight years. Aggravating or mitigating factors allows the court to adjust the sentence accordingly within a range of seven to 12 years. For armed robberies targeting homes, the starting point will be 13 years within a range of 10-16 years. In the case of robberies on commercial premises involving the use of weapons and the infliction of serious harm, the sentence range is 12-20 years with a starting point of 16 years. The guidelines, which apply to adult offenders only, will come into effect in England and Wales from 1 April 2016.

Under existing guidance, use of a weapon does not automatically mean offenders are put in the top category of seriousness. The council said that while it had not set out to increase sentence levels, the guidelines reflect increases that have occurred over recent years. The approach also reflects society's concerns about the problems of robberies involving knives and guns, it added. Earlier this month, quarterly crime figures published by the Office for National Statistics showed that the number of homicides in England and Wales rose by 71 to 574 in the 12 months to September 2015 – an increase of 14% fuelled by rises in knife and gun crime. The police-recorded crime figures include a 9% rise in knife crime and a 4% rise in gun crime, which are thought to reflect a rise in gang violence largely in London and Manchester. The rise in gun crime is the first recorded for eight years and includes a 10% rise in London.

**Jury Finds Multiple Failures Contributed to Death of Callum Brown at HMP Highpoint**

Callum was a 25 year old young man with two children. He had a history of mental health problems. Whilst in HMP Highpoint, he was placed under suicide and self harm management programme after he told a prison psychologist of an attempt to take his own life while at HMP Highpoint in October 2012. Three days later he was deemed no longer at risk of suicide. He was then referred for a mental health assessment and was seen by a mental health nurse and prescribed anti-depressants. However when his nurse left the prison in November 2012, he had no further contact with mental health professionals. Up until his death, Callum tried desperately to make an appointment with mental health team. When he was found hanging in his cell by another prisoner on 8 April 2013 an application form for a mental health appointment was found. However no appointment had been arranged. The jury found that Callum received no notification of any mental health appointments after his contact with his mental health nurse ceased in November 2012 and that this has contributed to his death. They also found that his anti depressant medication was not monitored after this death.

The jury also recorded the following: "Whether through possible failings in the appointment notification process, decisions that Callum may have taken not to attend an appointment or for any other reason that might have resulted in the lack of face to face mental healthcare contact, we find it more likely than not that the lack of face to face mental healthcare contact after 22 November 2012 contributed more than minimally, negligibly or trivially to the death"

Callum's mother Helen Carey said: Callum was a loving young man. He was helpful and brought joy to the lives of his family and friends. He is sadly missed by many, particularly his children. Since I learnt of his death, I knew that there was something wrong and have always felt strongly that his death was avoidable. The jury's findings that failings in mental health services contributed to his death reflects what I believe went wrong. I am grateful to the jury and would like to thank them for being so engaged. It means a lot to me. I would also like to thank INQUEST who have supported me from the beginning and also my legal team for all their hard work. "



Sara Lomri, family solicitor said: "Callum's inquest heard evidence of individual and systemic failings surrounding his death, particularly in mental health care. The jury concluded that failings in that care contributed to his tragic death. Sadly, I am representing the families of numerous young men who died at HMP Highpoint in 2013 and 2014. The evidence seen by the families indicates that although repeated assurances were made regarding improvements in mental health services and suicide prevention plans over that period, failings arose time and again, which are linked to the deaths. Helen has been heart broken to learn that although the prison service, Norfolk and Suffolk Foundation Trust and Care UK all said that lessons were learnt after Callum's death, there were subsequent deaths of other vulnerable young men at HMP Highpoint involving failings mental health and suicide prevention failings. Together with INQUEST, the legal team will be looking carefully at how systems at HMP Highpoint have been developed over the past three years and address HM Coroner as to how deaths might be avoided in the future."

Deborah Coles, Co-Director of INQUEST said: "Callum did not slip through the net. He was asking for help and was not given it. He was clearly vulnerable and desperate to speak to someone face to face about the problems he was facing. How many other people are sitting in their cells desperately crying out for help in prisons which are not equipped to deal with vulnerable people with mental health problems. The fact that 3 other men were found hanging in the same prison after Callum's death should alarm everybody whose job it is to make sure that our prisons are safe." INQUEST has been working with the family of Callum Brown since 2014. The family was represented by INQUEST Lawyers Group member Sara Lomri from Bindmans solicitors and Ruth Brander from Doughty Street Chambers.

**'We Wanted to Make the Police Accountable'** Kate Thomas, Justice Gap

The eight women are all social and environmental campaigners deceived into the relationships as a result of their political activity. Kate Wilson, who had a two-year relationship with Mark Kennedy, describes the reasons why they took their cases to the courts. 'We had three main objectives,' she tells the Justice Gap. 'We wanted to make the police accountable for what they had done, to get answers and to make sure it never happened again to anyone else.' Throughout the legal action the police used a series of aggressive tactics to avoid scrutiny. In 2013, they applied to transfer proceedings from open court to the secretive Investigatory Powers Tribunal. When this failed, the police applied to the court to strike out the women's claim on the basis that they could 'neither confirm nor deny' the identity of undercover officers. The announcement of a public inquiry into undercover policing in 2014 – the Pitchford inquiry – forced the police to back down, stating that it was 'now not proportionate or appropriate for the claims to be struck out'.

In an unexpected turn of events in November 2015, the police agreed an out-of-court settlement with seven of the women. The settlement resulted in an extraordinary public apology in which the force acknowledged that undercover officers 'had entered into long-term intimate sexual relationships with women which were abusive, deceitful, manipulative and wrong'. 'The apology was a huge political victory,' says Wilson. 'When we started the case we never thought that we would see the Deputy Assistant Commissioner of the Metropolitan Police publicly apologising for violating our human rights.' 'It was an incredible retreat from the bullying position they had adopted up to that point,' Wilson continues. 'The clear admission by the police that these relationships should never have happened makes it much harder for them to carry out the abuse again. It also makes it easier for other affected women to bring claims in the future. When we first brought the case the lawyers didn't even know what torts to use

and the psychologists didn't know how to start assessing the harm. Everyone said they had never seen anything like it before. Now these are known factors and hopefully the process will be easier for other claimants.'

Despite the apology – and more than four years after the claims had been issued – the police have failed to provide any documents evidencing the extent of the abuse. Wilson fought on to secure this disclosure. This month's hearing in the High Court was due to clarify the timetable for disclosure in her case. Having exhausted all other means to avoid scrutiny, it appears that the police decided that they had no other option but to prematurely end proceedings, withdraw their defence and ask for judgment to be entered against them. In an unprecedented move, the police went beyond the apology issued in November and accepted Wilson's case that the actions of Mark Kennedy were 'undertaken with the express or tacit knowledge of other police officers employed by [the Metropolitan Police]'. Supervising and managing officers knew that Mark Kennedy was 'abusing the power that he was given as an undercover police officer', and their failure to act on this knowledge was ‚unlawful and in abuse of their own duties as supervisors and managers of [Mark Kennedy's] undercover activities'.

She argues that the failings of supervision and management claimed by the police also 'raise questions about their ability to provide evidence of all the abuses committed, even if they were willing to fully cooperate'. 'If there was a lack of adequate supervision, senior officers may not even be aware of the abuse committed by undercover officers,' she says. 'It is therefore imperative that the public inquiry publishes the cover names of the officers deployed in these political policing operations. This is essential to enable the people affected by the abuse to come forward and give evidence themselves.' The police are presently resisting calls for the publication of undercover officers' cover names as part of the Pitchford inquiry. They also continue to defend civil claims brought against them by other victims of undercover policing abuse and have failed to extend their apology to these individuals. It is clear that it will take significant public and political pressure to ensure that the inquiry results in the answers that the women are seeking. All eight woman are participating in the public inquiry in their ongoing fight for justice.

**Deaths and Self-Harm in Prison Rise Sharply** *Owen Bowcott, Guardian*

The number of self-harm incidents, assaults on inmates and deaths in prison all rose sharply last year, according to figures released by the Ministry of Justice. There were a total of 257 prisoner deaths compared with 153 in 2006. Part of the rise is due to a steady increase in both suicides and killings behind bars; 89 of the deaths in 2015 were self-inflicted. Among those who died last year were two transgender prisoners, Vicky Thompson, 21, and Joanne Latham, 38, who were both found dead after being sent to men's prisons. In 2014, ministers promised to launch an urgent inquiry into prison suicides. A significant proportion of prison fatalities, however, were deaths due to natural causes among an ageing prison population. In 2006, 83 prisoners died of natural causes; last year natural causes accounted for 146 deaths. Eight people were killed in prison in the 12 months to December, a significant rise on the previous year's three. The number of assaults – 18,874 – jumped by 19% compared with 2014. There were 4,568 recorded assaults on prison staff in the year to September, up 30% year on year. In the same period there were 30,706 reported incidents of self-harm, up 24% on the previous year. Most of the extra incidents were among male inmates.

The MoJ bulletin points out that the overall increase in the prison population over the past 10 years accounts for much of the change, but the death rate per 1,000 inmates has also risen over the past decade. Around 40% of the prisoners who killed themselves in 2015 were on remand at the time of their deaths, even though people on remand make up only 15% of the prison population at any one time. The latest figures drew condemnation from Labour and leading prison charities. Frances Crook, chief executive of the Howard League for Penal Reform, said: "No one should be so desperate whilst they are in the care of the state that they take their own life. The numbers hide the true extent of misery for prisoners and families – and for staff, who have been given the impossible task of keeping people safe in overcrowded prisons starved of resources. The question now for the Ministry of Justice is: what to do? This level of deaths, violence and anguish in prisons cannot continue to rise in a civilised society. We cannot go on cramming more people into jails without any thought for the consequences."

Deborah Coles, of Inquest, a charity that supports bereaved families, said: "The depressing reality of prison life is reflected in these appalling figures. Suicide, homicide and self-harm is an endemic problem that can only be addressed by a dramatic reduction in prison numbers. Every day Inquest hears harrowing stories from the families of those who have died. Time and again deaths occur that reveal failures in treatment and care and a lack of learning from previous deaths. Without fundamental change the deaths will continue."

The shadow justice secretary, Lord Falconer, said: "The government are in denial about the crisis in our prisons. The Tories have talked up a rehabilitation revolution since before they were in government, but on their watch, deaths and self-harm incidents have soared while serious assaults have more than doubled. It's shameful and utterly unacceptable that prison staff should have to face this level of threat in the workplace. Prisons will never be effective in challenging re-offending behaviour and protecting victims of crime while this shocking level of violence continues. Ministers must urgently address the safety of prison staff and tackle the growing crisis in our prisons."

Earlier this week, the shadow justice minister Andy Slaughter argued for the chief inspector of prisons role to be strengthened to improve safety. "We need a stronger, more independent inspectorate that is able to produce reports with total independence from the MoJ and to conduct more frequent and unannounced inspections," he told MPs. The prisons minister, Andrew Selous, said: "These figures illustrate the problems facing the prison service. Reform is badly needed. Tackling violence and drugs must be our first priority. That is why we are introducing new measures like better detection so we can help ensure prisons become places of decency, hope and rehabilitation. We are also investing £1.3bn over the next five years to transform the prison estate. Replacing old prisons with new will better support rehabilitation and design out the dark corners that facilitate bullying, drug-taking and violence." On the rise in self-harm cases, Selous added: "We take our duty to keep prisoners safe extremely seriously. On any given day prison staff provide crucial care to over 2,000 prisoners at risk of self-harming. However, we know that more needs to be done. That is why we have reviewed the case management system for prisoners at risk and as a result we will be taking steps to improve the support we provide." The Howard League and the Centre for Mental Health, supported by the Monument Trust, are working on a joint programme to prevent people from killing themselves in prison.

**Michael Gove Statement to Parliament: Youth Custody Announcement**

As I assured the House on 11 January, the safety and welfare of all those in custody is vital. We treat the allegations of abuse directed towards young people at the Medway Secure Training Centre (STC), run by G4S, with the utmost seriousness. Kent Police and Medway Council's child protection team have launched an investigation which will determine whether there is any evidence to justify criminal proceedings. The Ministry of Justice (MOJ) and Youth Justice Board (YJB) will fully support and co-operate with their enquiries.

Following the allegations, our immediate priority has been to ensure that young people at the centre are safe. Her Majesty's Inspectorate of Prisons (HMIP) and Ofsted visited Medway STC on 11 January and their findings are published today. YJB, which is responsible for commissioning and oversight of the secure youth estate, has increased both its own monitoring at Medway STC and the presence of Barnardos, who provide an independent advocacy service at the centre. YJB immediately stopped all placements of young people into the Centre and suspended the certification of staff named in the allegations.

I believe, however, that we need to do more in order to have confidence that the STC is being run safely and that the right lessons have been learned. Today's report by HMIP and Ofsted recommends the appointment of a commissioner to provide additional external oversight of the governance of the centre. I agree that additional external oversight is necessary and am also concerned that it draws on the broadest possible expertise.

I am therefore appointing an Independent Improvement Board, comprised of 4 members with substantial expertise in education, running secure establishments and looking after children with behavioural difficulties. This Board will fulfil the same function, with the same remit, as HMIP and Ofsted's recommendation for a commissioner. We have tasked G4S with putting an improvement plan in place, which this Board will oversee.

I have appointed Dr Gary Holden as the chair of the Improvement Board. Dr Holden is the chief executive officer and executive principal of The Williamson Trust, a successful academy chain in Kent. This includes the outstanding Joseph Williamson Mathematics School, located less than a mile from Medway STC. He is also a National Leader of Education and chair of the Teaching Schools Council. His experience as a head teacher and leader of a high-performing organisation make him ideally suited to identify the steps that should be taken to raise standards at Medway STC. Dr Holden will be joined by: Bernard Allen, an expert in behaviour management and the use of restraint; Emily Thomas, interim governor of HM Prison Holloway and former governor of HM Young Offender Institution Cookham Wood; and Sharon Gray OBE, an education consultant and former head teacher with experience of working with children with behavioural difficulties, including in residential settings.

The Board will provide increased oversight, scrutiny and challenge of managerial arrangements, in particular in relation to the safeguarding of young people. Board members will have authority to visit any part of the site at any time, access records at Medway and interview children during their investigations. The Board will report any concerns about the provision of services at Medway to me. The Board's work will assist me in determining the necessary improvements that G4S must make to restore confidence that young people are properly safeguarded at the STC.

The Terms of Reference for the Independent Improvement Board are to: • investigate the safeguarding arrangements at Medway in order to inform the development and approval of the improvement plan to be produced by G4S and any steps to be taken by the Youth Justice Board (YJB) and other organisations. • oversee, challenge and support G4S in implementing their improvement plan. • report to the Secretary of State on the Board's confidence in the capability of G4S, YJB and other organisations to meet appropriate safeguarding standards at Medway STC in the future, and the performance and monitoring arrangements required to provide assurance. • submit any recommendations on the safeguarding of young people in custody, including the role of the YJB and other organisations, to inform practice in the wider youth custodial estate and Charlie Taylor's review of the youth justice system. The Board will complete its work by the end of March 2016.



**Prison Governors** *House of Commons, 26 Jan 2016 : Column 128*

Our prison system needs reform, and, in particular, we need to give governors greater freedoms to innovate to find better ways of rehabilitating offenders. Radicalisation in prison is a genuine danger not just in England, but across the European Union. That is why we have charged a former prison governor, Ian Acheson, with reviewing how we handle not just the security concerns, but the dangerous spread of peer-to-peer radicalisation in our prisons. It is also the case that, in appointing a new chief inspector to follow on from the excellent work of Nick Hardwick, the experience of Peter Clarke in this particular area will count very much in his favour.

Keith Vaz (Leicester East) (Lab): I welcome the steps that have been taken to tackle radicalisation in prisons, but the problem exists once people come outside prisons. In a previous report of the Home Affairs Committee, we talked about the need to monitor people when they come outside. Will the Secretary of State ensure that there remains that connection with the Home Office, so that those who have had lessons or initiatives to do with counter-radicalisation are able to continue with them when they get outside?

**Watchdog Recommends Disciplinary Action Over Investigation Flaws**

Northern Ireland's policing watchdog has recommended disciplinary action against 10 police officers after failings were identified in the way they investigated the disappearance and death of a former republican prisoner. Michael Gerard Hampson, 53, from Londonderry, was reported missing on 7 December 2007. His body was found on the shores of Lough Neagh just over a month later. Although a post mortem was inconclusive, the pathologist concluded that there "must be considerable suspicions surrounding the death" A Police Ombudsman investigation into a complaint from Mr Hampson's family found that officers from the Police Service of Northern Ireland (PSNI) made little effort to find Mr Hampson while he was missing, and failed to pursue all investigative opportunities after his body had been recovered. In October 2012, Dr Michael Maguire recommended that the PSNI should commission an external police service to conduct a detailed review to determine whether the case should be reinvestigated. "No such review was undertaken, although further investigative actions have since been completed by police, culminating in an arrest last week," he said. "I remain of the view, however, that a detailed external review is necessary, particularly if the families are to have full confidence in the police investigation." The Ombudsman has also cited a number of flaws in the original missing person investigation, including the lack of a proper risk assessment and a failure to conduct basic witness and CCTV inquiries. Dr Maguire concluded that there is "no doubt Mr Hampson's family have been failed by the police" in this case. The PSNI has said it accepts there were police failings in the case, which remains under active investigation.

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