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Victor Nealon Back in the Ring

A former postman who was wrongly convicted of attempted rape is suing West Mercia police after it emerged that the force had failed to detect another man's DNA on the victim's clothing. Victor Nealon spent 17 years in prison before his conviction was quashed by the Court of Appeal in 2013. Mr Nealon's lawyers claim investigating officers misled the Crown Prosecution Service and the Criminal Cases Review Commission over the strength of the case against him by stating the victim's clothes had been tested and nothing of note had been found. However, Mr Nealon's lawyers had the clothes tested in 2010 and an unknown male's DNA, believed to be a saliva stain, was found on the victim's blouse and bra. Mr Nealon's DNA was not found on the clothes. This new evidence was the key reason why Mr Nealon's conviction was quashed by the Court of Appeal.

Despite having his conviction overturned he has been refused compensation and is suing the government in a critical test case being considered before the Supreme Court, which is expected to rule imminently. The lawyers claim Mr Nealon was targeted by the police based on a number of previous sexual convictions for offences including indecent assaults and because they had no other suspects. They claim officers failed to test the clothes. Mr Nealon was given a life sentence with a minimum tariff of seven years for attempted rape but ended up serving 17 years because he refused to admit to the crime or take part in rehabilitation courses. He is pursuing a civil claim against the chief constable of West Mercia police for malicious prosecution arising from what his lawyers describe as a "skewed investigation" and is seeking £1m in damages.

In 1996 a woman was attacked on her way home from a nightclub in Redditch. Mr Nealon's lawyers claim the police failed to obtain CCTV from the nightclub which could have shown their client was not at the club that night. Witness statements taken at the time of the attack described the attacker as a man with a lump on his forehead. Mr Nealon argues he did not match the description of the attacker. Mr Nealon claims that he volunteered to provide a DNA sample on several occasions but despite a sample eventually being taken it was never sent for testing by the investigating officers.

CCRC have apologised to Mr Nealon for the failures in forensic testing. In a letter sent to Mr Nealon from the then chair of the CCRC, Richard Foster, he wrote that the commission "could and should have identified that there were forensic opportunities that had not been explored and that had the potential to make a difference to your case." He added that the CCRC's "understanding of the positon with regards to forensic evidence at trial…was mistaken and/or incomplete". Mr Nealon also has concerns about the ID parade that was carried out by the police. His lawyers argue that the ID parades breached police rules because the seven witnesses were allowed to sit together before the ID parade and the investigating officer, DC Mitchell, was waiting outside the room. The rules state officers in charge of investigations should not be involved in ID parades to avoid influencing the proceedings. Detective Superintendent Damian Barratt, Head of Major Investigations for West Mercia Police, said: "There is an on-going legal claim relating to this case and it would therefore be inappropriate for us to comment at this time."

Mark Newby, the solicitor acting for Mr Nealon, said: "Five years on from his release our client has still to receive a penny in compensation for the 17 years that he wrongfully spent in prison. He should never have been prosecuted for this offence, never mind convicted of it, and regrettably he is now having to go to court yet again to establish it."

'Joint Enterprise Exposes All That is Wrong With Our Justice System'

Felicity Gerry QC: The appeal of Laura Mitchell for an alleged joint enterprise murder was dismissed earlier this month to the surprise of campaigners following an unsuccessful referral from the Criminal Cases Review Commission (CCRC). The decision raises real questions about what 'unsafe' means as the test in the Criminal Appeal Act 1995 for the Court of Appeal, Criminal Division in deciding what a wrongful conviction really means.

Criminal appeals are generally sought on one (or more) of three bases: fresh evidence, a procedural error such as the admission of prejudicial evidence or where there has been a substantive error of law. There is ample authority (usually in the context of the burden of proof) to suggest that the Court of Appeal will take an error of law seriously as that means the trial jury would have applied the wrong law to their findings of fact.

Until now, one would have thought that allowing an appeal because the judge got the law wrong was a 'no brainer'. However, in joint enterprise appeals, in which it is known that juries were directed on the erroneous mens rea (the state of mind required to commit an offence), the current Court of Appeal is applying a different standard – that appellants have to show they have been subjected to more than injustice but something defined as 'substantial injustice' – in the context of serving a life sentence for murder for something a person did not physically commit, one wonders what more substantial injustice there could be?

In reality, the substantial injustice test amounts to the opinion of the Court of Appeal that an appellant is guilty anyway, without ordering a retrial. It beggars belief that an injustice, in this context, is not thought to be sufficient to make a conviction unsafe – isn't that what we understand a miscarriage of justice to really mean? That a person was wrongfully convicted.

Imagine a young woman goes out, gets drunk and ends up hitting and kicking a man. She wanders off to find her shoes and whilst she is gone others go off to collect weapons and a man is subjected to serious violence. He later dies of his injuries. An ordinary person might categorise her as a fighter, even an attacker, they might go further and consider she had taken a risk that kicking would cause some harm (manslaughter); but I venture few would say she was a murderer or an accessory to murder. However, Laura Mitchell, on much this scenario, was arrested and prosecuted for murder. The judge gave the jury incorrect legal directions suggesting she was guilty if she foresaw what someone else might do and, following those directions, she was convicted of murder and given a life sentence with a lengthy minimum term. An appeal failed.

A few years later, in R v Jogee in 2016, Supreme Court judges admitted they had got the law wrong on joint enterprise for over 20 years. This meant that juries for decades had been given the wrong legal directions. It is not known how many but the CCRC referred Laura Mitchell's case back to the CACD for a second appeal. The CCRC had properly applied their test that there was a real possibility that her conviction would not be upheld – she was not there at the killing, there was no clear plan to kill and the jury were not properly directed on a crucial aspect of law.

However, the Court of Appeal decided that it could be inferred that she intended to participate in murder and that she did not properly withdraw from what was going on. It is not clear what more she was supposed to have done to withdraw but she certainly maintained that she did not intend to kill anyone nor did she intend to assist or encourage murder. That would have been the issue for the jury – did she intend to be a principal offender as part of a plan or an accessory to assist or encourage murder, focusing on her own intention not what she foresaw someone else might do. The is a fundamental difference which demonstrates the fundamental error and the consequent fundamental injustice. No one asked to hear from her in the

CACD as they discussed her state of mind. She could have given evidence at a retrial but, as this appeal was also dismissed, there is no opportunity for a jury to hear her or to decide her fate with correct legal directions.

The Court of Appeal said there had been no substantial injustice. I suspect most people would disagree. However, labelling her an attacker but not a murderer means that there is less public sympathy for such a miscarriage of justice. The law on joint enterprise has been the subject of two justice committee reports and it is still not working in a reliable fashion. What does all this mean for criminal justice?

In my view, a fair trial can only occur if the jury are given accurate and balanced legal directions. That is, the elements of the offence (acts, causation and state of mind), any available defence and any alternative offence such as manslaughter or assault are all properly explained to a jury for them to apply to their findings of fact. In Jogee, the Supreme Court said that the lowering of the mental element from intention to foresight was an 'error' but it wasn't. There was an error in a Hong Kong case after some loose decisions and failures to read the relevant case law but in R v Powell and English in 1997, the House of Lords made a deliberate 'policy' decision to maintain that error, thus finding a way to convict more people involved in groups without any empirical research as to the effects of such a policy. It was an appalling decision.

What this means is that the courts of England and Wales made a policy decision that enabled the police to round up gangs of people, for them to be prosecuted on the low standard of what they foresaw someone else might do (rather than their own intention), fail to consider defences such as withdrawal or alternatives such as manslaughter or assault alongside the encouragement to juries to convict by drawing an adverse inference if people maintained their right to silence. It was widely hoped that the correction of law in Jogee's case would mean that criminal trials would focus on the true perpetrators, separate the principals from the accessories and allow for alternative verdicts of assault, affray or violent disorder. This allows people to be punished for the harm for which they were actually responsible. It was also hoped that the CCRC would identify those wrongly convicted to facilitate the necessary repair to the criminal justice system. However, this has not happened. This is despite research that the approach to joint enterprise cases adversely affected black and ethnic minority youth and vulnerable young people who were caught up in the activities of others.

Joint enterprise exposes all that is wrong with our justice system and we, as lawyers, are forced to take opportunities to assist campaigners rather than see our justice system function fairly. The late Lord Toulson worked it out, wrote a book chapter and sat on the case of Jogee. Unfortunately, it was then thought to be a good idea to announce (without hearing legal argument) that anyone affected by the error would not be able to appeal unless they had suffered a substantial injustice. What more injustice can there be to be wrongly convicted of murder, even if you did have a fight. The current worry is that inferring guilt is a guise for bias.

The proviso that the Court of Appeal could leave people locked up if they think they are still guilty was abolished long ago and yet that is what is happening now. These appeals are not on fresh evidence or procedural errors but on substantive law – the juries were wrongly directed and therefore people were convicted on the wrong law. The approach of the current Court of Appeal to joint enterprise appeals logically must mean that we are being asked to accept that the law doesn't matter.

The failure to properly apologise by ordering retrials or substituting alternative offences is not justice. Worse still, the Court of Appeal is suggesting that guilt beyond a reasonable doubt can be inferred from the most fragile of evidence which means the bravery of the Supreme Court to correct the law was a hollow retirement gift for Lord Toulson.

He must be spinning in his grave.

NI: High Court: Retired Police Officer's Challenge to Loughinisland Report Dismissed

Seosamh Gráinséir for Irish Legal News: An application by two retired police officers challenging the Police Ombudsman's report into the Loughinisland massacre has been dismissed in the High Court. Emphasising the independence of the office of the Police Ombudsman for Northern Ireland and its obligation to investigate, Mrs Justice Siobhan Keegan held that the Ombudsman had not acted outside his statutory powers.

On 9 June 2016, the Police Ombudsman for Northern Ireland issued a public statement arising out of the second investigation of the murders at the Heights Bar, Loughinisland on 18 June 1994. The Executive Summary of the PONI's statement said the investigation had sought to answer the families' question: "Why has no one been held accountable for the murder of their loved ones?" The PONI's statement read: "Let there be no doubt, the persons responsible for the atrocity at Loughinisland were those who entered the bar on this Saturday evening and indiscriminately opened fire. It is also important to recognise that despite the feelings identified in this report there have been many within the RUC and the PSNI who have worked tirelessly to bring those responsible to justice. I am grateful to those members of the public and retired police officers who assisted my enquiries. However my investigation into this area was constrained by a refusal of a number of key people to speak to my investigators." The amended PONI statement concluded: "Many of the issues I have identified in this report, including the protection of informants through both wilful acts and the passive 'turning a blind eye' are in themselves evidence of collusion as defined by Judge Smithwick. When viewed collectively I have no hesitation in unambiguously determining that collusion is a significant feature of the Loughinisland murders."

In the judicial review proceedings in the High Court, Thomas Ronald Hawthorne and Raymond White challenged the public statement issued by the PONI. Mr Hawthorne contended that, as the RUC's Sub-Divisional Commander for Downpatrick Sub-Division at the time of the murders, he was readily identifiable as the person to whom the criticisms and negative findings of the report applied and stated that this caused distress, anxiety and upset to him and his family. Mr White brought the application as chairman of the Retired Police Officers Association on its behalf and on behalf of its members. Both applicants contended that in making the statement, the PONI had exceeded his statutory powers under Part VII of the Police (Northern Ireland) Act 1998.

Counsel for the applicants maintained that the PONI went beyond his remit under the Police (Northern Ireland) Act 1998 by making a series of final determinations in this case about individual actions of members of the police force and the police force as a corporate body. They complained that whilst the PONI may publish a statement as to his actions under s. 62 of the Police (Northern Ireland) Act 1998 that must be in relation to an exercise of his functions.

Further, in the absence of a recommendation for criminal and disciplinary proceedings, the PONI had no function to comment on matters which were in effect in the nature of determinations in relation to criminal and disciplinary proceedings; and that while the term "collusion" does not in itself comprise a criminal offence it could be categorised as such by someone reading the report and his clients would easily be identified with the determination as made. Finally, it was argued that the PONI's report went way beyond the obligation on him to give reasons notwithstanding the fact that he had not recommended criminal or disciplinary proceedings.

Dismissing the application challenging the PONI's vires to make the public statement, Mrs Justice Keegan concluded that the applicants' arguments could not prevail because: A. The PONI is an independent office, tasked to investigate complaints; that involves an evaluative exercise. It is too narrow a view that the investigative duty is concerned with crime and pun-

ishment alone. The literature which set up investigative bodies such as HET also refers to the wider need to bring some resolution to families in circumstances such as this. B. By virtue of the statutory regime there is no prohibition upon PONI issuing a public statement under s. 62 in circumstances where no criminal complaint or disciplinary complaint is made. C. This is not a free standing power. It is related to the investigation of a complaint. D. It is a matter of discretion for the PONI in a particular case and the court should be slow to interfere with that discretion. E. It would offend against the statutory aims of PONI contained in s. 51(4) if a public comment could not be offered on events such as this which are in the public domain and of high importance. F. S. 62 is part of the PONI's function which is necessary to satisfy the statutory aims including public confidence in the process. G. It is contrary to the intention of the legislation to limit the role of PONI in the manner contended for. H. The statement by PONI does not constitute a criminal or disciplinary finding against any individual. I In this case the applicants and indeed the PSNI were consulted prior to issue of the draft report and any procedural failings vis a vis the applicants have been corrected. J. In the unique situation presented by the Troubles it is appropriate that bereaved families should have the benefit of an independent investigative report such as this particularly where no prosecutions have been brought. K. If the applicants' case was right and the PONI's role was restricted there would be a potential breach of the investigative obligation placed upon the State by virtue of Article 2.

Let's Get Real. the British Justice System is Broken and Has Been For Some Time

SAFARI Newsletter: This particular newsletter concentrates on helping victims of false allegations understand the problems and best cope with the injustice. First, remember that you are not alone. We believe there are thousands of falsely accused people who have been convicted. The Justice system claims to treat defendants as 'innocent until proved guilty' but then confuses 'proof' (i.e. something that establishes a fact or the truth of a statement) and 'testimony' (i.e. a formal written or spoken statement which may or may not be true). It then convicts innocent people based solely on a complainants' false testimony about them. It is supposed to allow 'equality of arms' (which requires that there be a fair balance between the opportunities afforded to both the prosecution and defence) but it does not. For example, the police have access to a wide range of tools (such as CCTV, DNA testing, expert witnesses, etc.) but the defendant has very little access to such tools.

Once convicted, it becomes tough to win an appeal against conviction because, despite a complainant's word insisting that you are guilty being enough to achieve a conviction, someone else's word claiming that you are innocent is not enough to overturn that conviction. So you need 'new' and 'compelling' evidence to win an appeal, and that evidence needs to be 'capable of belief' to be accepted. This is phenomenally difficult to obtain. If you are unfortunate enough to have been convicted of an alleged sexual crime, you are then placed on the Sex Offenders' Register - in many cases indefinitely - which means you continue to suffer from the results of the false allegation (having to sign the register every year, having surprise visits from the police, etc.) even after you have been released. Even after your licence has ended.

At least you can apply after 15 years to be removed from the register (a rule that the European Court forced on the UK - and the UK may reverse this ruling sometime after Brexit), but even then you need to be able to demonstrate why you are 'no longer a risk', and if you can't do that to their satisfaction, you remain on the list. This is, again, very difficult because if you didn't commit the crime in the first place, how can you become 'less' of a risk?

And then there's the Criminal Injuries Compensation Authority (CICA), which unwittingly generates false allegations by giving £1,000's in 'compensation' to people who claim (falsely or otherwise) to have suffered from abuse. Would £11,000 be helpful to you? Why not claim you've been raped? - £11,000 is the 'going rate' for that at the CICA in their Compensation Scheme 2012. £11,000 not enough? Just claim the assaults spread over three years; that increases your 'compensation' to £22,000. No wonder so many people falsely claim they have been sexually assaulted. It's a profitable lie. That's all pretty depressing, so what can we do to turn our misfortunes around and give us the best chance of surviving the injustice and, hopefully, overturn wrongful convictions? Let's run through the stages you will go through:

Investigation stage: If you've been arrested on suspicion of committing a crime, remember that (sadly) the Police and Crown Prosecution Service (CPS)'s mission is to achieve a conviction, not find the truth. Innocent or guilty, if there is sufficient evidence to provide a realistic prospect of conviction (remembering, of course, that an accusation is considered to be 'proof'), a decision to charge is made. Then they either remand you in custody (in prison pending a potential court case) or release you on bail with conditions on what you must (and must not) do and who you may communicate with. Either way, the goal is to stop you being able to interfere with their investigation but, as a side effect, this means it's far more difficult for you to put together a defence case.

Cooperate with the Police, answer their questions truthfully and if you have alibi evidence to prove your innocence, tell them; remember if you fail to mention something that you later rely on in court, the fact that you did not mention it at the time may be used as evidence against you. That said, do NOT give them a list of dates and times that you don't have an alibi for! It won't help your case, and they will probably use the information to adjust the details of the prosecution case to increase the likelihood of a conviction.

Provide your solicitor with anything that might help prove your innocence to assist them in building your defence case. Instruct your solicitor as to what you want them to use at trial and ask that they supply in writing confirmation that they will either do as you request, or give you a good reason why they will not. Do not rely only on verbal assurances, as you may need to provide written proof of your requests and their reply in a future appeal against conviction.

Trial Stage: If the matter reaches trial, remember that the prosecutor's job is to convince the jury to convict you. They frequently make all kinds of untrue comments about you. But hold your nerve. Stay calm. Just note the untrue statements and ask your barrister to ensure the jury is made aware later in the trial; they can do this by pre-agreeing with you the line of questioning they will follow when you are in the witness box. So the barrister may say "The prosecution stated that you were at the crime scene; is that correct?" You might then answer "No, I was ten miles away, buying a chocolate bar; and I have the receipt to prove it." And, of course, your barrister always knew that you were going to give that answer. Try to remain composed at all times and especially during your examination, and cross-examination by prosecuting counsel. With statements like "I put it to you that you committed this crime", use a reply like "I did not commit that crime; I was ten miles away at the time." And keep it truthful at all times.

Conviction Stage: If despite being innocent, you are convicted, you will be sentenced; for most false allegation cases, this will mean a spell in prison. Like our justice system, prison is a broken concept. The idea that 'doing time' (i.e. just waiting there until you are released) achieves anything useful is wrong. It punishes your loved ones even more than it hurts you, as they are left to deal with the aftermath, and you can do little to help them. Prison educates prisoners on how to be criminals. For example, someone who reports a crime is usually considered a responsible member of the community,

but in prison, they are a 'snitch' or a 'grass'. In prison, you 'learn' how to commit crimes and how to hide these wrongdoings from the officials. No wonder prison doesn't work.

So How do you Handle it? Firstly, keep yourself safe; Stay away from prisoners who regularly get into arguments with others and build up a group of other prisoner friends who you can trust. Remember: many of them may have been wrongly convicted too. Be respectful to staff and do remember that they are working within this broken system so they will often appear to make irrational decisions. Secondly, remember that staff are obliged to treat you as a criminal, so there's little point always arguing with them to say that you're innocent; this only leads to reports stating (incorrectly) that you are 'in denial'; and progressing through the system (such as obtaining enhanced status or being offered the better jobs, etc.) is difficult. Don't 'pretend' to be guilty just to fit in (this makes appealing difficult as it will be argued that you must have been guilty as you 'admitted' it in prison). Take the middle ground: ensure that the staff know you maintain your innocence but be open to cooperating with them. If you're told that attending a particular course would be useful for you, agree to participate (assuming maintaining your innocence doesn't disqualify you).

Set goals for what you want to achieve while in prison. Choose target dates by when you want to accomplish each. Perhaps you want to learn a language, or study law, or learn a musical instrument, etc. You're there until you are released (either due to finishing your sentence or winning an appeal) so make the best of it. And having goals to work on makes the process so much easier to handle; especially if you can achieve minor goals every month.

Release Stage: When you are released, you will be 'on licence'. Like a bail licence, it states what you can and cannot do during that licence period. You need to stick to it absolutely. If it says you mustn't enter a particular location, don't enter it at all - even for a couple of minutes. Failure to follow your licence conditions strictly can result in a return to prison. If any condition is unclear, ask for clarification in writing. If any condition is unfair or even unlawful, ask probation to change it; and, if they won't, ask your solicitor to intervene to try and force it to be changed.

Handling the damage caused long-term (whether or not you overturn your conviction). We recommend you split your life in two: one concentrating on fixing the damage caused to yourself and family, and the other focusing on having a good life. It's so easy to spend all your time fighting and, while we never recommend quitting the fight, it's vital to ensure that the fight doesn't take over your life entirely. Set more goals. Make new friends. Get a more enjoyable job. Plan for your better future. Failure to plan is planning to fail.

And finally, whether you are victorious overturning your conviction or not, remember how you felt while going through the fight, and, please, continue to support anyone who is supporting others who have been through the same misery. Here at SAFARI we often receive letters from ex-prisoners who thank us for all the support they received from us while they were in prison, and then they ask to be removed from our mailing list. Switching from the postal mailing list to the Internet mailing list is fine (and recommended to everyone who has Internet access) but just breaking links with SAFARI and/or other support groups is not a great idea. Remember: Just because you've been released doesn't mean your fight is over and, even if you go on to win an appeal against conviction, that's when we need you more than ever! Knowing how you achieved your winning appeal is something that other support group members could learn a great deal from. So stay in touch with the support groups (e.g. SAFARI, FACT, FASO, PPMI, Unfounded, etc.). Encourage your MP to support the cause. Together, we can eventually achieve changes in legislation to protect those falsely accused in the past, present and future. Let's do it.

Mrs M Lawson-Jack at the Ministry of Justice has written to a SAFARI reader stating "Disclosure is crucial if a trial is to be fair, and failure to comply with it is a matter of great concern which is being

addressed both by the Government and by the police and the Crown Prosecution Service (CPS) ... The remedy for persons who believe that they have been victims of miscarriages of justice is" [if an initial appeal fails] "to apply to the Criminal Cases Review Commission (CCRC) which has the power to review cases and to refer them to the Court of Appeal". She also said, "These arrangements should be capable of putting right any miscarriages attributable to disclosure failures."

With the greatest of respect to the MoJ, they are inaccurate. It is rare that wrongly convicted people will find a 'remedy' by applying to the CCRC. The CCRC requires fresh and compelling evidence or fresh legal argument to look at, but even when this is provided to them, they often fail to appreciate its significance, to understand it fully, and to call expert opinion when such expert opinion is clearly needed. They then fail properly to take into account the combined effect of fresh evidence, both on other fresh and earlier evidence. Unfortunately, having made these fundamental errors, they often then use the flawed assumptions to decide that there is no real possibility that the conviction will be quashed at the Court of Appeal.

It appears that the CCRC take the wrong approach; instead of looking at all the evidence available and trying to build a strong enough case for appeal, they seem to try to dismiss each piece of evidence in isolation, almost as if their real goal is to turn the application down although clearly they would disagree with us on this point. SAFARI believes that the CCRC need to be more proactive in fighting for justice. The Home Office say that the CCRC has the power to overturn miscarriages of justice - what seems to be lacking is the inclination to do so. We appreciate that this unwillingness to use their powers may well be a result of insufficient funding - but that's cold comfort to the innocent.

An innocent person trying to get their case to the Court of Appeal via the CCRC faces a long uphill battle, with a minimal chance of success. This is hardly a 'remedy'. As Mrs Lawson-Jack says, these arrangements should be capable of putting right miscarriages. The trouble is that they're not, and so long as Government think they are, little is done to improve the prospects for innocent people. The Government is putting their faith in what the CCRC has the power to do, as opposed to what is actually done. Many feel that the CCRC is failing in its duty to get miscarriages of justice overturned; this was highlighted in BBC's Panorama programme "Last Chance for Justice" on 30th May 2018 which featured the cases of Kevin Lane and Eddie Gilfoyle, in both of which cases the CCRC had failed to investigate and/or call expert evidence appropriately. Their failure to deal with disclosure issues effectively is yet another instance of how the Commission is not, in practice, doing what the Government believes that it is doing.

The Justice Select Committee was appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and associated public bodies. They exist to hold the Government to account over the justice system. They welcome input from the public to help them with their work. SAFARI recommends that you all keep in regular contact with them. Keep your communication short (ideally a single side of A4) and to the point, and stick mainly to non-personal issues (they won't get directly involved with your case and can only address the justice system in general). That said, if you have been affected negatively by problems in the justice system, it's perfectly ok to explain what went wrong in your case and suggest what could change for the future. And of course, any new laws introduced as a result of the Committee's work may well help you personally. The Committee can be emailed on justicecom@parliament.uk, by post via The Justice Committee, House of Commons, London, SW1A 0AA or telephone via 020 7219 8196. The Committee Clerk is Rhiannon Hollis who can be contacted via hollisr@parliament.uk or 020 7219 8195.

With Christmas approaching, we were surprised to hear recently that some prisons appear to be withholding cards from prisoners and, instead, supplying the prisoners with a photocopy; the original card then goes into the prisoners' possessions to be returned to them when they are released. Is this really true? Are you a prisoner who has had cards withheld from you? If so, were you given any reason why?

The False Allegations Support Organisation (FASO) (c/o: 176 Risca Road, Crosskeys, Newport, NP11 7DH) have asked SAFARI to confirm that they always reply to letters sent to them so if you've not had a reply, the chances are they did not receive your letter so please try again.

SAFARI's goal has always been to achieve changes in legislation that will protect victims of false allegations in the past, present and future. Only with better laws in place will those victims be able to properly protect themselves from a legal system that is prejudiced against the victim in favour of the accuser. In 2019, SAFARI intends to move closer to that goal by inviting readers to become more directly involved by writing to their own MP and others (whether or not they are supportive of the cause) and key ministers. Watch this space!

SAFARI, c/o: 170 Poplar Road South, Merton Park, London, SW19 3JY

HMP Birmingham - Violence and Chaos Reign Supreme

The previous inspection in February 2017 found a prison "Still reeling" from a major disturbance in late 2016 but with a "clear determination to recover and rebuild.The contrast with findings at the unannounced inspection in 2018 "could not have been starker. Far from recovering, the prison had deteriorated dramatically and was in an appalling state. Against all four of our healthy prison tests – safety, respect, purposeful activity and rehabilitation and release planning – we assessed outcomes as poor, our lowest assessment. This is only the second time we have made such judgements. Conditions at Birmingham were among the worst we have seen in recent years." Peter Clarke, Chief Inspector of Prisons

Among the most troubling evidence, inspectors found: The prison was exceptionally violent and fundamentally unsafe, with many prisoners and staff living and working in fear. Many frightened and vulnerable prisoners 'self-isolated' in locked cells but could not escape the bullying and intimidation as urine and faeces were thrown through their door panels; Drug taking was barely concealed, delinquency was rife and individuals could behave badly with near impunity. Wings often felt chaotic and rowdy, according to inspectors, and the report quotes one prisoner describing "a war zone, inmates walking around like zombies, high on Spice" – the synthetic drug; Control in the prison was tenuous, with staff often not knowing where prisoners were. Staff were poorly led and many lacked the confidence or the competence to set about retrieving this situation; Many prisoners lived in squalor and little was done to adequately occupy them, leaving many simply to mill around on wings; The prison was failing in its responsibility to protect the public by preparing prisoners adequately for release, including hundreds of sex offenders. Those responsible for organising family visits did not know all the prisoners who were not allowed contact with children. 55 Recommendations from the last inspection had not been achieved.

HMP Birmingham is a category B local prison serving courts in the country's second largest city as well as other parts of the West Midlands. Holding up to 1,450 adult men ranging from those recently remanded to others serving significant sentences, it is a large, complex and extremely important institution. For the last seven years the prison has been operated under contract by G4S. This was the fourth time we had inspected the prison while the company was in charge.

Our previous visit was in February 2017, an inspection complicated by the fact that two months earlier the prison had experienced a major disturbance. At the time, we found a prison clearly still reeling from the shock of that event, but also took encouragement from what we observed to be a clear determination to recover and rebuild. The contrast with our findings at this unannounced inspection could not have been starker. Far from recovering, the prison had deteriorated dramatically and was in an appalling state. Against all four of our healthy prison tests - safety, respect, purposeful activity and rehabilitation and release planning - we assessed outcomes as poor, our lowest assessment. This is only the second time we have made such judgements, a fact that speaks clearly to the seriousness of my concerns. Put simply, the treatment of prisoners and the conditions in which they were held at Birmingham were among the worst we have seen in recent years.

As a consequence, and in accordance with the protocol I have with the Ministry of Justice', on 16 August 2018 I wrote to the Secretary of State invoking the Urgent Notification (UN) process regarding HMP Birmingham. In that letter, and in the inspection debriefing paper that accompanied it, I out set out in detail my concerns and the judgements that had caused me to follow that course of action. Under the protocol, the Secretary of State commits to respond publicly to the UN within 28 days, explaining how outcomes for those detained will be improved.

I do not intend to use this introduction to repeat the details of my concerns. Suffice to say, at this inspection, we found an institution that was fundamentally unsafe, where many prisoners and staff lived and worked in fear, where drug taking was barely concealed, delinquency was rife and where individuals could behave badly with near impunity. Control in the prison was tenuous, staff were poorly led and many lacked the confidence or the competence to set about retrieving this situation. Many prisoners were living in squalor, little was being done to adequately occupy individuals and the prison was failing in its responsibility to protect the public by preparing prisoners adequately for release. I repeat, the prison was in an appalling state.

In my letter of 16 August, I made clear that a factor in my decision to invoke the UN was my lack of confidence in the prison to make improvements. I also referred to the failure of the prison to implement previous recommendations made by this Inspectorate and, perhaps most importantly, I referred to the inertia that seemed to have gripped those responsible for monitoring and managing the contracts and those meant to be delivering action on the ground. In my letter I called for an honest appraisal of how the prison had been allowed to slip into crisis. Why was it that those with responsibility for Birmingham either did not see these problems unfolding or seemed incapable of acting decisively when they did? Through the process of improvement and rectification that I trust will now follow, I hope that this call is not lost.

The challenges facing this prison are huge. Managers and staff need support if they are to turn the establishment around. The helpful action plan published by the Secretary of State provides an important framework for progress and is a start, but there also needs to be accountability among

Supreme Court Will Not Hear Assisted Suicide Appeal

Conway, R (on the application of) v Secretary of State for Justice [2018]: A man suffering from motor neurone disease has been refused permission to appeal to the Supreme Court in his bid to be allowed to choose when and how to die. He is now wheelchair bound and finds it increasingly difficult to breathe without the assistance of non-invasive mechanical ventilation (NIV). His legal campaign to win such a declaration, on his own behalf and others in a similar position, has met with defeat in the courts. As the Supreme Court noted in their short decision, Mr Conway could bring about his own death in another way, by refusing consent to the continuation of his NIV. That is his absolute right at common law. Currently, he is not dependent on continuous NIV, so could survive for around at least one hour without it. But once he becomes dependent on continuous NIV, the evidence is that withdrawal would usually lead to his death within a few minutes, although it can take a few hours or in rare cases days. But Mr Conway doesn't see this as a solution to his difficulties, since he cannot predict how he will feel should ventilation be withdrawn, and whether he will experience the drowning sensation of not being able to breathe. Taking lethal medicine, he argued, would avoid all these problems. In his view, which is shared by many, it is his life and he should have the right to choose to end it in the way which he considers most consistent with his human dignity. Whilst it is clear that only

parliament can change the law on assisted suicide, it is open (and some may say incumbent) on the highest court in the country to declare that the blanket ban is incompatible with the Convention right to die with dignity, leaving it to Parliament to decide what, if anything, to do about it. Had the appeal been allowed through, the questions for the Supreme court would have been: (1) Is the hard and fast rule banning all assistance to commit suicide a justified interference with the Convention rights of those who wish for such assistance? (2) If it is not, should this court make a declaration to that effect? The Court acknowledged the public importance of these questions, but nevertheless declined to hear them. In somewhat circular reasoning, they recruit the controversy behind the claim as the justification for the refusal to Mr Conway to pursue it. In his post on the High Court ruling in this case, Dominic Ruck Keene observed that the issue of whether the law should permit assisted suicide raises moral, ethical, practical and legal questions. He ends with this comment:

"It is hard to imagine that this Claimant, or future Claimants in a similar position, will rest until the Supreme Court, however unwillingly, is required to look at the problem again." Social history has been replete with blind spots which the courts have regarded as their job to address and amend. There is serious work to do on this question, and it is a pity that the Supreme Court has opted out on this occasion. Rosalind English, UK Human Rights Blog

Safeguards Governing Investigatory Powers Come Into Effect

Government commences final provision in the Investigatory Powers Act 2016 subject to the double-lock safeguard requiring judicial approval. From 28 November 2018, warrants permitting the use of the most intrusive investigatory powers will require the approval of a judge. This marks the final step needed to implement the stringent 'judicial double-lock' safeguard created by the landmark Investigatory Powers Act 2016. The safeguard requires judicial approval in addition to existing authorisations, before certain powers can be used. At midnight, the government commenced the equipment interference provision for law enforcement agencies and wider public authorities – the final provision to require a warrant subject to the double-lock. The Investigatory Powers Act overhauls the way in which investigatory powers are authorised and overseen. In addition to the double-lock, it created the role of the Investigatory Powers Commissioner to oversee the intelligence agencies, police and other public authorities' use of investigatory powers.

Security Minister Ben Wallace said: The terrorist attacks last year and the reckless use of a nerve agent in the UK earlier this year were stark reminders of the real and significant national security threats this country faces. We are also aware that serious and organised crime is costing this country at least £37 billion each year, let alone the devastating human impact. It is essential that our law enforcement, security and intelligence agencies and wider public authorities have the powers they need to investigate and disrupt the most dangerous criminals and national security threats. The Investigatory Powers Act is world-leading legislation, providing strict safeguards and unprecedented oversight. The double-lock ensures that these vital tools are used in a way that is both necessary and proportionate. The Investigatory Powers Act brought together and updated existing powers that are available to law enforcement and the security and intelligence agencies. It created one new power allowing access to internet connection records, vital in confronting serious criminals, terrorists and hostile state activity in a digital age. Separately, on 1 November, the government introduced judicial authorisation of the retention of communications data. Legislation making provision for the independent authorisation of requests for the acquisition of communications data is now in place and those provisions will come into force next year.

Powers subject to judicial authorisation: Equipment interference (EI) allows authorised bodies,

including law enforcement and the intelligence services to interfere with equipment, such as computers and smartphones, to obtain communications, equipment data or other information from the device. Where necessary and proportionate, this power is used to gain valuable intelligence in national security and serious and organised crime investigations and to help gather evidence for use in criminal prosecutions.

Interception is obtaining the content of a communication – such as a telephone call, email or social media message – during its transmission or while stored on a telecommunications system. This power is a vital tool that helps law enforcement and the security and intelligence agencies detect and prevent serious and organised crime, and to protect national security. Bulk personal datasets (BPD) are sets of personal information about many people held on electronic systems such as the electoral roll, the majority of whom will not be of any specific interest to the security and intelligence agencies. Their retention and examination by the security and intelligence agencies are essential in helping to identify subjects of interest or individuals who surface during an investigation, to establish links between individuals and groups and to understand a subject's behaviour and connections better to quickly exclude the innocent. This enables the agencies to focus their attention on specific individuals or organisations that threaten our national security.

Bulk powers for interception, communications data acquisition and equipment interference provide the ability to collect large volumes of data, which can be selected for further examination, and is crucial in enabling the security and intelligence agencies to investigate known, high-priority threats and to identify emerging threats from individuals previously not known to them. Terrorists, criminals and hostile foreign intelligence services are increasingly sophisticated at evading detection by traditional means. Access to bulk data enables the security and intelligence agencies to obtain intelligence on overseas subjects of interest, identify threats here in the UK and establish and investigate link between known subjects of interest at pace.

Communications data (acquisition and retention) provides law enforcement, the agencies and other specified public authorities access to information about a communication – the who, where, when, how and with whom of a communication but not what is written or said. This information is acquired from communications service providers (CSPs) who may also be required to retain the communications data. Requests for communications data are made to identify the location of missing people or to establish links (through call records) between a suspect and a victim. It can be the only way to identify offenders, particularly where the offences have been committed online, such as fraud and child sexual exploitation.

Convicted Rapist Entitled To €10,000 Compensation in Respect of Withheld Pension Benefit

Seosamh Gráinséir, Irish Legal News: A man who was convicted on several counts of serious offences including rape is entitled to receive €10,000 compensation after the statutory provision which allowed his state pension to be withheld was declared unconstitutional. The Irish Supreme Court said that he was not automatically entitled to damages as a result of the finding of unconstitutionality, but that he should be entitled to recover the sum withheld from him as a benefit to which he was entitled.

The appellant, PC, spent most of his life living and working in the State and made sufficient contributions to render him eligible for the State Pension Contributory (SPC). In 2006, PC began receiving the SPC, however, in 2011, PC was convicted on several counts relating to serious offences, including rape, committed against a family member and sentenced to a lengthy term of imprisonment, with a release date anticipated in 2020. Pursuant to s.249

(1) of the Social Welfare (Consolidation) Act 2005, the Minister for Social Protection ceased payment of the SPC from the date of his detention in prison.

In the Supreme Court in July 2017, Mr Justice John MacMenamin said that the impugned provision was originally intended to be punitive in purpose, and while its purpose was to avoid unjust enrichment, its true effect was punitive, retributive, indiscriminate, and disproportionate. As such, the prohibition on the payment of the SPC to sentenced persons constituted an additional punishment not imposed by a court dealing with an offender. Mr Justice MacMenamin found that the effect of the provision was contrary to the separation of powers principle, and stated that the prohibition on payment amounted to an additional non-judicial punishment which contravened Articles 34 and 38 of the Constitution. Stating that as a result of the decision, a sentencing court would be able to consider future social welfare payments as a source of compensation for victims, Mr Justice MacMenamin adjourned the matter directed that counsel make submissions on the question of remedy.

In the present judgment, the Supreme Court dealt with the issue of remedy. In the leading judgment of the five-judge Court, Mr Justice Donal O'Donnell was satisfied that the mere finding of unconstitutionality did not give rise per se to a claim for damages and that PC's claim for damages, made on that basis, must fail. While stating that the argument that damages arose automatically on a finding of invalidity was erroneous, and that this might be enough to resolve the case, Mr Justice O'Donnell said that in the interests of completeness it was necessary to address the other possible bases for a claim canvassed in the course of argument. One such argument was that since the consequence of the declaration was to remove the only legislative prohibition on receipt of the benefit, PC should be entitled to recover the sum which was withheld from him, not as damages but rather as a benefit to which he was entitled.

Mr Justice O'Donnell said that it was not "unduly punctilious to point out that the case was not pleaded, or put, in this way", that instead PC "simply claimed consequential damages", and that "in the circumstances of this case, and the blunt and absolutist basis of the appellant's claim, it would not perhaps be unjust to dismiss the appellant's claim for damages as pleaded, and leave any possible claim to entitlement to benefit to be explored, if at all, in further proceedings by the appellant, and any other person". However, Justice O'Donnell said that "given the rather torturous course this litigation has taken", it was desirable to resolve the matter. Finding that the case bore "some comparison with the facts of Murphy v. Attorney General [1982] I.R. 241", Mr Justice O'Donnell said that in terms of the recovery of benefits unpaid for the period while the s. 249(1) of the Social Welfare (Consolidation) Act 2005 was in force, he said that PC would be entitled to be paid benefits, limited to a period approximating to the time taken in these proceedings. Noting that PC had already been paid €7,500 in damages by the State authorities, Mr Justice O'Donnell said that PC was entitled to receive a total of €10,000 including the original payment. While agreeing with "substantial areas" of Mr Justice O'Donnell's judgment, Mr Justice MacMenamin said that he was not persuaded that PC's rights or the State respondent's conduct were comparable to that in Murphy.

Child Prisons Are Beyond Reform - Time to Stop Jailing Young People

Most of the 861 children in custodial institutions in England and Wales are detained in young offender institutions (71%) and secure training centres (18%). Around one in 10 are held in a secure children's home, the only form of custody required by law to have staff with professional child-

care qualifications. Child prisons emanate from a bygone era when there was limited or no understanding of child development, learning disability, the effects of abuse and neglect or childhood bereavement (all disproportionately higher among imprisoned children). Two of England's four YOIs were built as industrial schools for children in trouble with the law in the 1850s and 1860s, another first opened as a borstal and the fourth was built as a prison for young men.

Nearly half of child prisoners are from BME communities, four in 10 are from the care system and half of children in YOIs have the literacy and numeracy skills of primary school pupils. Desperate levels of child suffering combined with terrible outcomes should lead us all to reject imprisonment. Seven out of 10 children released from prison are known to reoffend within a year. More than a third of young adults who died in prison between 2008 and 2012 had been incarcerated as children. An independent review reported last year that the Youth Justice Board (YJB) – the organisation then charged with placing children in custody – believed YOIs and STCs were "not fit for the purpose of caring for or rehabilitating children". It is not that the YJB didn't try to reform child prisons. Its 2001 annual report, the first after it took on responsibility for the secure estate, said it was "concentrating on driving up standards and transforming regimes". The same report announced 30 hours of education and other positive activities a week in all custodial institutions, increasing to 45 hours over the year. Despite a similar edict in 2014, little change has transpired: children spent less than 14 hours a week in YOI classrooms last year, and ministers say they don't know how much education is given to children in prison segregation.

When they cannot cope with children's fear, distress and anger, prison officers fall back on methods that have survived the generations not because they work, but because they are the stock tools of their trade – segregation, restraint, pain infliction, gated cells, removal of earned privileges, "awards" (punishments), strip searches and riot gear. This is not the fault of individual staff, though there is no excuse for gratuitous cruelty and sexual and physical violence. This summer, Childline reported to the Independent Inquiry into Child Sexual Abuse that children had contacted its helpline with 24 separate allegations of sexual abuse by prison staff between 2012 and 2016, including rape by a prison governor. When prison inspectors asked staff and children what would improve behaviour in YOIs, time out of cells was the united reply. Remarkably, one prison officer told the inspectorate that the 20 to 30-minute conversation personal officers are meant to have with children each week, itself a new initiative from 2015, had "just fizzled out".

The plain truth is that child prisons cannot be reformed. Every few decades the institutions are given new names and promises are made that everything will change, but scandals continue. When the then home secretary, Ken Clarke, defended the legislation introducing STCs in 1993, he ventured that children "will be made to go through the process of education that they need at that age, and they will be trained; but I suspect that many will also receive more care, affection and personal attention than they received in their own homes". Within five years of them opening, two children died in appalling circumstances following restraint and the high court declared in 2012 that unlawful restraint had been widespread in all four STCs for at least a decade.

We need a completely new approach to meeting the needs and addressing the behaviour of children who cannot live safely in the community. This will require the best of our caring professions. This is not a soft option; it is only through skilled, compassionate help that children can begin to face up to the harm they have caused others (as well as the wrongs done to them). A child languishing in a cell for days or months at a time is ultimately an unchallenged child, though the effects can be catastrophic.

Jake Hardy was one of 34 children to die in prison since 1990. The coroner who conducted the inquest into Jake's death sent a report to the Ministry of Justice and others setting out the fail-

ures of the state to protect his life, including prison officers forgetting to unlock his cell on the night he hanged himself, so he could speak with his mother on the telephone. Liz explained at the campaign launch: “I didn’t expect them to mollycoddle Jake but if a boy is crying and asking for his mum, why can’t they show empathy and take him into an office and let him ring his mum?” • Carolyne Willow is a registered social worker and director of Article 39 children’s rights charity

Good Cop, Bad Cop

Three US police officers are facing criminal charges for allegedly beating up a protester who turned out to be an undercover cop. Dustin Boone, 35, Randy Hayes, 31, and Christopher Myers, 27, are accused of beating a 22-year-old black police officer so badly that he couldn't eat and lost around nine kilograms of weight. The assault is alleged to have taken place during protests in St Louis against the acquittal of a white police officer who fatally shot a young black man. The three cops, as well as colleague Bailey Colletta, 25, have also been charged with destroying evidence. Prosecutors have released text messages which allegedly show the officers bragging to each other about assaulting protesters. In one text, Boone allegedly wrote: "It's gonna be a lot of fun beating the hell out of these s---heads once the sun goes down and nobody can tell us apart!!!!"

Police Pursuit Breached Article 2 Right to Life

In a judgment handed down today 04/12/2018, at Central London County Court, Seddon v Chief Constable of Thames Valley Police, HHJ Baucher found that Thames Valley police failed to take reasonable steps to protect the life of Matthew Seddon, who died during a police pursuit when his vehicle crashed, and he sustained multiple injuries. In a claim brought by his mother and his partner under the Human Rights Act 1998, the Judge decided that police owed a duty under Article 2 of the European Convention on Human Rights to take reasonable steps to protect Matthew’s life from the real and immediate risks arising from the high-speed pursuit (“the operational duty”). Legally, the case is important as this is the first time a court has ruled that the Article 2 operational duty applies to the conduct of a police pursuit. The Judge rejected the Chief Constable’s argument that no such duty could arise. The Judge went on to find that the duty was breached because the pursuing officer failed to communicate relevant information to the Force’s Control Room and failed to discontinue the pursuit when the risk to life became disproportionate to its continuance. She also found the duty was breached by another officer placing his vehicle in a dangerous position, which led to the crash. At the four-day trial, the family members were represented by Heather Williams QC of Doughty Street Chambers and Kirsten Sjøvoll of Matrix Chambers, instructed by Beverley McBean of Deighton Pierce Glynn solicitors.

Graham Dwyer Wins Legal Action Over Phone Data

BBC News: A man who stabbed a vulnerable childcare worker to death has won a legal action against the Irish State and the Garda Commissioner. The High Court in Dublin found provisions in legislation allowing Graham Dwyer's mobile phone data to be accessed contravened EU law. The 45-year-old married father was given a life sentence in April 2015 for the murder of Elaine O'Hara. The 36-year-old's remains were found in the Dublin mountains in September 2013. Mobile phone metadata was an important part of the prosecution case in Dwyer's trial and the ruling could have implications for many other criminal cases and investigations. Irish broadcaster RTÉ reports that this information accessed by gardaí (Irish police), from mobile phone service providers, allowed the prosecution to show the jury where Dwyer's mobile phone was at certain crucial times and to show its communications with other phones. Gardaí were able to get this information under 2011 legislation brought in following a European Directive.

The legislation obliged service providers to hold on to the data for two years.

However, the directive was declared invalid by the Court of Justice of the European Union in 2014 as it interfered with rights, including the right to privacy, and this position was reinforced by a subsequent court ruling. During his trial, Dwyer admitted having an affair with his vulnerable victim, whom he met through a website. She was last seen on 22 August 2012, the day of her murder and had been missing for more than a year before her remains were discovered. The jury found that Dwyer stabbed Ms O'Hara to death on Kilakee Mountain in Rathfarnham on 22 August, 2012, the same day she left a psychiatric hospital. He sent her a series of texts in the days leading up to the killing. Dwyer told her she would be punished for trying to kill herself without him Her skeletal remains were found on Kilakee Mountain in Rathfarnham on 13 September 2013, the day of Dwyer's birthday Three days after that, her keys and other items were found in Vartry Reservoir in Roundwood, which had dried up due to a heatwave.

Mental Health Review Calls for End to Use of Police Cells to Detain People

An independent review of mental health legislation has called for the end of using police cells to detain people as well as new rights for patients to challenge the treatment they are being offered. Last year nearly 50,000 were sectioned under the Mental Health Act 1983 and an independent review chaired by Professor Sir Simon Wessely called for investment in alternatives to detention and ‘a reinvigoration’ of community services offering alternatives ‘It’s not fair people are put in the back of police vans like criminals rather than go in an ambulance to hospital like everyone else,’ Sir Simon said. ‘You will no longer be held in a police cell, there should be a proper place of safety for everyone around the country, not a prison.’ Sir Simon called detention ‘often anything but therapeutic’. ‘Sadly, people are often placed in some of the worst estates that the NHS has, just when they need the best,’ he said. The review called for ‘a major capital investment’ in the NHS mental health estate. At the start of the 2017 Mental Health Awareness Week, Theresa May pledged if she should win the general election she would replace ‘in its entirety the flawed Mental Health Act’, which ‘too often leads to detention, disproportionate effects and the forced treatment of vulnerable people’. The review is expected to publish more than 150 recommendations. According to the NHS, the number of people detained under the Act rose by about 30% from 48,600 in 2011-12 to 63,600 in 2015-16 and black people were four times more likely to be detained. The Daily Telegraph reported that the review found that the police took around 10,600 patients to places of safety in England last year, compared to ambulances which took about 9,300 people, and on more than 400 occasions, those who were mentally ill were detained in police cells (here). Sir Simon calls for police cells to never be used as places of safety and for patients to be conveyed by ambulance in the “majority” of cases by 2023-24.

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.