

Mark Duggan Family to Sue Met Police Over Death

Dany Shaw, BBC News: The family of Mark Duggan, whose death sparked riots across England in August 2011, are suing the Metropolitan Police for damages, BBC News has learned. Mr Duggan, 29, was shot dead by police who believed he was carrying a gun and posed a threat. An inquest jury found Mr Duggan was not holding the weapon when he was shot, but concluded he had been lawfully killed. The Met said it had received a civil claim and would not comment further. However, it is understood the force is defending the claim.

The civil proceedings, which are being brought by Mr Duggan's mother, Pamela, and at least some of his children, are in their early stages. The relatives want the Met to be held liable for his death and to pay compensation. Stafford Scott, a community activist who has supported the Duggan family, said the legal action was a "good thing". He pointed out the inquest jury was told that to reach a conclusion that Mr Duggan's death was "unlawful" they had to be "sure", whereas the standard of proof in a civil case is based on the balance of probabilities. He added: "Mark Duggan's family and children have the right to have a second go at the police where the bar isn't set as incredibly high as at the inquest."

In a report after the inquest had ended, coroner Judge Keith Cutler said evidence gathered by investigators "did not resolve, the vexed and very important issue of what precisely happened immediately before the fatal shot was fired". Judge Cutler also expressed concern the Met and the Serious Organised Crime Agency could have reacted better to events before the shooting and used their joint intelligence resources more effectively.

Ken Marsh, chairman of the Metropolitan Police Federation, which represents the officers involved, said he fully understood why the Duggan family felt the need to pursue a civil claim because they had "lost a loved one". But, he added the officers involved wanted to "move on". He said: "This has been through the justice system. The findings have been clearly laid out in the public domain."

Mr Duggan's family challenged the lawful killing conclusion, but the High Court and the Court of Appeal ruled against them. The UK Supreme Court declined to hear the case and they have lodged an appeal with the European Court of Human Rights.

CCRC Refers Terrorism Related Case of Nicholas Roddis to Court of Appeal

Mr Roddis pleaded not guilty at Leeds Crown Court in July 2008 to charges of placing a hoax bomb with intent and engaging in the preparation of an act of terrorism. Mr Roddis was arrested and charged in relation to two incidents. In May 2007 he had built a hoax bomb from bags of sugar wrapped in tape, wires and an alarm clock, and left it on a bus in Rotherham causing the bus to be evacuated. In July 2007 he caused concern after he showed some former colleagues a bag of replica bullets and defunct commercial explosives claiming they were real bullets and live landmines.

The prosecution case was that, taken as a whole, the evidence suggested Mr Roddis was intent upon committing a terrorist act. It was argued that he identified with militant Islamists and that the evidence pointed toward him preparing to commit terrorist acts. The defence case was that Mr Roddis was a harmless fantasist of previous good character and with no links to terrorist organisations. He was convicted in July 2008 and sentenced to a total of

seven years' imprisonment (two for placing a hoax bomb and five, to run consecutively, for the preparation of an act of terrorism). He was acquitted by the jury on four other charges.

Mr Roddis, sought to appeal against his conviction for the preparation of an act of terrorism, but his appeal was dismissed in March 2009. He first applied first to the CCRC in 2010 but the Commission was unable to refer his case for appeal. He applied again in 2014 by which time he was at liberty.

Having reviewed the case in detail, the Commission has decided to refer Mr Roddis' case for appeal because it considers that there is a real possibility the Court will quashed the conviction. The referral is based on new evidence that Mr Roddis had an Autistic Spectrum Disorder which was undiagnosed at the time of trial and which would have provided the jury with crucial evidence on which they could have assessed the issue of Mr Roddis' intent.

It Beggars Belief - Judge Vows to Take 'Tough Line' on Flying Beggars

A judge has said he will take a hard line against professional street beggars who fly to Northern Ireland every six weeks on begging shifts. Judge Barney McElholm made his pledge at Derry Magistrates' Court upon sentencing a 30-year-old mother of seven from Bucharest to two months' imprisonment after she admitted stealing vodka from the Strand Road Tesco in Derry last week, the Belfast Telegraph reports. The district judge said he did not believe that Florica Crine Ispas was a true beggar, as she claimed in the wake of her arrest. He said he thought she was in fact "a member of a professional gang of street beggars who could afford to fly into and out of Northern Ireland every six weeks, on a shift basis, to beg".

George Copeland, defending, said the woman had no passport but did have a visa visiting card which allowed her to travel from Romania to any EU country. "She instructs that she flew in from Bucharest to Dublin six weeks ago and that she has been living on the streets of Dublin, Belfast and Derry since then. She was arrested as she walked through the check-out area while she was speaking on her mobile phone to her children in Romania and she forgot to pay for the vodka", he said.

Judge McElholm said she had similar convictions dating back to last December, yet she claimed she arrived only six weeks ago. "I don't believe a single word of what she has said and I'm going to take a tough line in such cases in future. This woman in my view is part of a professional group of people who come here to beg and who then fly out again." These people are not genuine indigent street beggars. They fly in and out on six weekly shifts," he added.

'Serious Failings' in Almost Every Stage of Immigration Detention Process

The Home Affairs Committee said a series of "irresponsible" failures by the department had led to people being wrongfully detained, held in immigration when they are vulnerable or unnecessarily detained for too long. In a damning indictment of the system, the cross-party MPs concluded that the government had "utterly failed" to oversee the safe detention of individuals in the UK, and called for "urgent reform" to ensure it is more transparent and humane.

Yvette Cooper MP, chair of the committee, described the Home Office's approach to immigration detention as "careless and cavalier", citing casework failures, insufficient judicial safeguards and a general lack of humanity in the system. She added: "Making the wrong decision on detention can have a devastating impact on people's lives – as we saw from the Windrush scandal, but also from many other cases we have seen. The lack of any time limit and of proper judicial safeguards has allowed the Home Office to drift and delay, leaving people stuck in detention for months who really shouldn't be there at all."

Pressure has been mounting on the government to impose a time limit on detention. In January, Tory MPs David Davis, Dominic Grieve and Andrew Mitchell joined forces with Labour MPs to impose a 28-day limit on all detainees apart from foreign national offenders. A recent report by the Joint Committee on Human Rights (JCHR) also backed a time limit, as well as calling for the Home Office to lose the power to detain people in immigration centres and for detention estates to be made “less like prisons”.

Sonya Sceats, chief executive of charity Freedom from Torture, welcomed the committee’s report, saying: “Far too many vulnerable people are being wrongly detained, for no good reason, and without adequate safeguards. The impact of detention on torture survivors is devastating. It compounds trauma and can severely hamper recovery. Yet torture survivors continue to be detained.”

A Home Office spokesperson said: “Detention is an important part of our immigration system – but it must be fair, humane and used only when absolutely necessary. We do not detain people indefinitely, and the law does not allow it – most people detained under immigration powers spend only short periods in detention. As the home secretary made clear in our response to Stephen Shaw’s follow-up review of the welfare in detention of vulnerable people, we are committed to going further and faster with reforms to immigration detention, and a comprehensive cross-government programme of work is in hand to deliver on that commitment.”

National Evaluation Hails Positive Impact of Troubled Families Programme

The Troubled Families Programme has reduced the proportion of children going into care, adults claiming Jobseeker’s Allowance and juvenile convictions, an evaluation has suggested. The programme is designed to support families with complex, interconnected problems such as anti-social behaviour, mental health problems or domestic violence. Rather than responding to each problem, or single family member separately, assigned keyworkers engage with the whole family. Support is coordinated from a range of services to identify and address family issues as early as possible rather than merely reacting to crises.

Evidence from the National Evaluation of the Troubled Families Programme found that, when compared to a similar control group, the programme of targeted intervention was found to have: reduced the proportion of children on the programme going into care by a third; reduced the proportion of adults on the programme going to prison by a quarter and juvenile convictions by 15%; supported more people on the programme back in work with 10% fewer people claiming Jobseekers Allowance.

Communities Secretary James Brokenshire said: “We all need support and commitment to achieve our full potential. We’re all the product of other people’s kindness. That starts with stronger families – as the cornerstone of stronger communities – and this is the driving spirit of the Troubled Families programme. Fresh thinking is needed now more than ever to meet the challenges we face – like knife crime and gang culture. This programme is proving it has a valuable role to play as we look forwards to the upcoming Spending Review. It’s inspiring to see agencies working better together to help people succeed but the real story is the thousands of people who’ve taken control of their own lives. People are being helped to help themselves.”

Dame Louise Casey, who was director general of the programme from 2011 to 2015, said: “Since 2012, the first and current Troubled Families Programmes have – very deliberately - shaken up the way families with complex problems are supported, ensuring they are identified earlier to get the help they need, which is completely focused on helping families live better lives. “Helping families to help themselves so their kids are not taken into care or family members ending up in prison and getting more people from the programme into work is testa-

ment to what frontline staff can do with the right resources and backing. This evaluation shows it was absolutely right to have invested so much in this approach since 2012.”

Since the current programme began in 2015, local authorities and their partners have worked with over 400,000 eligible families. This compares with only 2,000 families who had received whole family support in England between January 2006 and March 2010, the Ministry of Housing, Communities and Local Government said.

It added that services and professionals were now better connected and working in partnership as a result of the scheme. “Rather than circling around families with multiple and separate assessments and appointments, local authorities are using the programme to work across organisational and cultural boundaries to achieve better lives for the families in need.”

The Ministry said the Secretary of State was committed to improving the programme further, including asking whether Troubled Families was the best name and whether it should be changed “to better reflect its positive and supportive ethos and to deepen the engagement for the work”. Last month, a £9.5m fund was made available within the existing programme, which will focus on supporting children and families vulnerable to knife crime and gang culture – with a further £300,000 available to train frontline staff on how to tackle childhood trauma. The money has gone to community-backed projects in 21 areas across England.

Jamaicans for Justice V Police Service Commission and Another

On appeal from the CoA of Jamaica Justices: Hale, Kerr, Black, Lloyd-Jones, Briggs

Background to the Appeal: The issue arising on this appeal is what steps the Police Service Commission (PSC), the body charged with deciding on the appointment and promotion of police officers, should take to inform itself about officers recommended for promotion. In particular, is there a duty to ensure that allegations of extra-judicial killings against such an officer are fully and independently investigated before accepting a recommendation that he be promoted?

The issue arises in the context of the promotion of a particular officer, Superintendent (Supt) Hewitt, to the rank of Senior Superintendent. Jamaicans for Justice (JFJ), a non-governmental, non-partisan human rights organisation, raised complaints about fatal shootings by officers under Supt Hewitt’s command with the PSC in July 2009 and asked what investigations there had been. The PSC sought a review of the allegations from the Commissioner of Police, who forwarded a brief report prepared by the Bureau of Special Investigations (BSI) of the Jamaican Constabulary Force (JCF). The PSC did not send the report to JFJ. JFJ raised further concerns about Supt Hewitt with the PSC in July and November 2010.

Shortly afterwards, the Commissioner advised the PSC that Supt Hewitt was being recommended for promotion, as an officer who had commanded challenging divisions and succeeded in reducing crime. The PSC requested a fatal incident report from the BSI. This contained particulars of 37 incidents involving Supt Hewitt, most of which were still under investigation. The PSC allowed extra time for its interview of Supt Hewitt, following which he was appointed acting Senior Superintendent while the PSC sought further information. JFJ expressed concern and sent the PSC a list of 28 complaints involving Supt Hewitt. In April 2011 the Director of Public Prosecutions reported that no charges would be brought in relation to the fatal incidents and the PSC recommended that Supt Hewitt be appointed a Senior Superintendent.

JFJ issued a claim for judicial review, seeking to quash the PSC’s decision to recommend Supt Hewitt for promotion and to require it to conduct an effective and impartial investigation into the allegations of misconduct against him. Before the Court of Appeal the focus had shifted to requiring the

PSC to cause such an investigation to be undertaken by INDECOM, the independent complaints commission set up under the Commission of Investigations Act 2010. The claims failed in the courts below.

Judgment: The Judicial Committee of the Privy Council will humbly advise Her Majesty that the appeal should be allowed. Mr Hewitt has now retired so the quashing of the PSC's decision and requirement for reconsideration has become academic. Lady Hale gives the advice of the Board.

Reasons for the Judgment: The purpose of setting up the PSC under s 129 of the Constitution of Jamaica is to insulate the JCF from political influence. When recommending officers for promotion, the PSC is governed by the Police Service Regulations 1961, which allow the PSC to consult with any public officer it considers proper and desirable and require the attendance of witnesses or production of documents. It has the power to call for a report from INDECOM. The issue is whether there is any duty, either at common law or under the Constitution, to make that inquiry before making a decision [17-20]. The PSC, like the JCF and INDECOM, must exercise its functions in a manner which is compatible with the fundamental rights of all persons, including the right to life, the right to equality before the law and the right to due process of law, guaranteed by section 13 of the Constitution [23]. The Board is disposed to accept that the right to equality before the law affords every person protection against irrationality, unreasonableness, fundamental unfairness or the arbitrary exercise of power. These are in any event fundamental common law principles governing the exercise of public functions, and applicable in this case irrespective of whether they have the status of a constitutional right [24].

The common law provides a straightforward answer to the question of whether the PSC gave proper consideration to the recommendation to promote Supt Hewitt, without exercising its powers to call for further inquiries, when it knew that serious allegations had been made against the officer and that no independent investigation had taken place. There was no statutory duty to do so, but a proper discharge of the PSC's functions did require it. While the level of serious violent crime in some parts of Jamaica was a grave concern, there was also a grave concern, both nationally and internationally, that some members of the JCF were overly inclined to take the law into their own hands in dealing with it, risking violations of the right to life, to due process of the law and to equality before the law of the people involved. Supt Hewitt was involved in a large number of fatal incidents and no independent investigation had taken place. The PSC had the power to ask INDECOM to investigate, and such an investigation might reveal a different picture from the brief information with which the PSC had been provided. The final decision would still be that of the PSC, but there was a reasonable prospect that a properly informed PSC might have made a different decision [27-28].

A Very Special Branch - Crime Does Not Pay

A man accused of "butchering" a tree near his property has been ordered to pay £21,000 under proceeds of crime legislation. Samuel Wilson, 40, added £21,000 to the value of his home by illegally chopping back a tree that was subject to a preservation order, The Times reports. The 42-foot oak tree, which overshadowed his balcony, was irreparably damaged after he cut off several 12-foot-long branches without permission. In a first-of-its-kind case, Wilson has been ordered by Bournemouth Crown Court to pay the local authority the equivalent amount. Andy Dearing, the enforcement team manager at Poole council, said: "We are not aware of any other case in the UK where there has been a proceeds of crime case based on the benefit of improved light to a property from the destruction of a tree." The Proceeds of Crime Act took the matter to another level, because it looked at the benefit of that criminal activity and we said it was to gain an increase of between £21,000 to £30,000 in the value of his property."

Charity Launches Super-Complaint Against Police for Treating Slavery Victims as Criminals

Charles Hymas, Telegraph: Hestia, a charity that specialises in helping victims of slavery, has lodged the complaint today after its investigation found just seven per cent of reported cases of modern slavery were being referred to the Crown Prosecution Service (CPS) by police. This is despite a 250 per cent rise in the number of operations to more than 1,100, which the National Crime Agency (NCA) last week said had been fuelled by children being exploited by county lines drug gangs.

The super-complaint, which will automatically trigger an inquiry by HM Inspectorate of Constabulary, is being backed by the Victims' Commissioner Baroness Newlove. "Victims are being alienated by the criminal justice system to the extent that they disappear or in some cases return to their captors," said Baroness Newlove. "Not only is this demoralising but it undermines our fight against this crime. It also seriously undermines our ability to prosecute offenders if we are no longer in touch with the victims."

Key complaints uncovered by Hestia included victims saying they were not believed by investigating police officers or being treated as criminals when they had been forced to commit crimes by their exploiters. Section 45 of the Modern Slavery Act explicitly provides a defence of being forced to commit a crime. Police officers also prioritised investigating the immigration status of victims over their crimes, according to Hestia, while some female victims of sexual exploitation were interviewed by male officers and male translators. There was also a regional lottery. Just six police forces were responsible for 75 per cent of the cases referred to the CPS. They were the Metropolitan Police Service, West Midlands, West Yorkshire, Greater Manchester, Northumbria and Kent.

Hestia has supported more than 3,300 victims of modern slavery since 2011 and is one of 14 bodies in the UK with the right to lodge super-complaints. It has based its super complaint on evidence from police and agencies involved in tackling modern slavery, Freedom of Information requests to all 43 police forces, interviews with frontline staff and supporting reports from two legal expert organisations.

The 3 Cs: Contamination, Collusion, Concoction

Simon Warr: I was alerted to this topic during the two years (2013/14) I was under suspicion of having inappropriately touched a child in a school changing room back in the early 1980s. The allegation had absolutely no truth in it whatsoever but I was disturbed to learn that, during the so-called investigation, somebody, who had nothing whatsoever to do with the case, had appointed himself a sort of police helper and was actively touting for other complainants to come forward via postings on the internet.

In April 2014, he posted the following: 'Simon Warr's trial has been postponed until October 2014. The police have asked me to inform you all that they are still open for statements. You can DM me.' etc etc. This seemed to be a clarion call for more former pupils to come forward. I decided to do some research into this sordid practice.

Allegations of institutional historical sexual and physical abuse have become an industry here in the UK, due to the prospect of generous compensation payments. Although the sums paid to alleged victims of sexual abuse are limited under the government's 'Criminal Injuries Compensation Authority' (CICA), personal injury solicitors have realised that most institutions – particularly boarding schools and local authority children's homes – have public liability insurance that offers far richer pickings for claimants. Individual claims can easily top £100,000 and many insurers prefer to settle these claims out of court, rather than incur the heavy costs of official legal proceedings and the risk of the associated negative publicity.

What I found particularly concerning is the role being played by private individuals in active trawling online for, usually, historical allegations – true or fabricated – that can ultimately be used to claim compensation. In some cases the alleged target(s) may be deceased, but many others are still living and, in these cases, complaints can be passed onto the local police. In a few very troubling instances, the police themselves appear to be supporting these trawling operations by sharing intelligence with the private citizens who administer the web pages.

While bringing genuine sex offenders to justice is a laudable aim, there are serious problems when private, unaccountable individuals start to play a key role in identifying potential complainants, meeting them face to face privately, without witnesses or any official oversight, taking initial statements of ‘evidence’ and then coaching them prior to passing their details on to firms of personal injury solicitors and then to the local police force.

This practice raises three major concerns about the integrity of any evidence that may emerge via these ‘trawling’ operations – the 3 Cs:

- Contamination – where the individuals involved in trawling ‘implant’ (or even fabricate) memories of abuse, or make suggestions to often vulnerable or disturbed adults; or to those adults who are down on their financial luck.
- Collusion – by networking between complainants, either acting as ‘a go-between’ for information, or sharing unofficial statements made by other complainants from the same institution, thereby adding unmerited credibility to their allegations.
- Concoction – where completely fictitious, malicious allegations against innocent people are created and developed, before being presented to the police as spontaneous claims of sexual abuse.

Even when historical allegations of abuse may be grounded in fact, the processes of contamination and collusion – if proven – may well result in a complainant’s evidence being treated as unreliable. In such cases, the intervention of online trawlers has the very real potential to do enormous harm to prosecutions. The end result may be that the guilty go free, due to the meddling of unqualified and irresponsible ‘enthusiasts’.

Moreover, there is also the inescapable fact that those who orchestrate such online trawling activities have no professional training or duty of care to anyone. Implanting or encouraging false memories can have devastating consequences, not only to an innocent target but also in cases where damaged or vulnerable people are effectively being manipulated to suit the trawler’s own objectives. It isn’t unknown for this type of obsessive to publish personal details of those alleging sexual abuse, even against the wishes of the person who has disclosed highly sensitive information to him or her. In such cases, the clear goal of the online trawler is self-aggrandisement and the cultivation of a ‘saviour/hero’ figure. Any damage to those who have unwisely shared their real or fantasy experiences with such individuals is dismissed as collateral damage. In some cases, irreparable harm can be caused to families, including young children, due to irresponsible behaviour of this kind.

Of course, there are some who set themselves up as trawlers who may well have much darker motives. There are doubtless a number of individuals who find stories of sexual molestation – real or imaginary – stimulating and exciting. These voyeurs – for that is what they are in reality – enjoy listening to every salacious detail of what they are being told. Yet they would deny vehemently any such suggestion from puzzled observers, who might enquire why they are so fascinated by the sexual degradation and abuse of children. It would not be unfair to describe such obsessive characters as aural scopophiliacs... deriving their sexual pleasure from listening to other’s accounts of sexual abuse. Many of these perverts are very accomplished at hiding in plain sight.

Since private individuals – whether they be vigilantes or sexual abuse obsessives – who engage in these trawling operations are not bound by legal safeguards and rules which are designed to protect suspects from the contamination of evidence or collusion between accusers, any police investigation that has been launched as a result of information emerging from this type of trawling may well be compromised from the very beginning, especially if the role played by the trawler is actively concealed by detectives from the defence and the jury in criminal trials. There is a very real risk of miscarriages of justice and innocent people being wrongly convicted, due to the manipulation and even creation of bogus ‘evidence’, especially when prosecutors often rely on similar fact evidence to convince juries of a defendant’s guilt.

So we really do need to ask: how many wrongful convictions may have occurred as a direct result of this online trawling? All defence teams should be alert to possible contamination of evidence and active collusion between former pupils, as well as the concoction of completely false abuse claims by unscrupulous, malicious, mendacious adults, who are seeking substantial compensation payouts for historical institutional sexual abuse that may never have taken place outside of their own fetid, disturbed imaginations. Just like the two who accused me back in 2012.

Majority of Immigration Removals Called off People Wrongly Targeted

May Bulman, Independent: More than half of deportations from the UK are called off, The Independent can reveal – raising concerns that thousands of people are being unfairly targeted for forcible removal. Figures obtained through freedom of information law show that of the 24,674 removal directions issued last year, 15,200 were cancelled. Of these, more than two-thirds were called off within a week of the scheduled removal and 45 per cent within just one day. Lawyers and campaigners said the figures showed the impact of the Home Office’s “detain first, ask questions later” approach. The most common reason for cancellation was because legal representations had been submitted (34 per cent), with other reasons given including “administrative”, “disruptive behaviour” and “medical”. It comes after the High Court ordered the Home Office to stop using a controversial “no warning” tactic, which means a person can be told that at any point during the subsequent three months they may be given between three and seven days’ notice that they will be removed.

The decision meant the Home Office had to immediately cancel 69 removals scheduled for the coming days. During the hearing, the court heard that hundreds, if not thousands, of people were probably subject to the policy in any one year. Opelo Kgari, who has been issued removal directions twice but had them cancelled both times within hours of the flight time, said the experience was “traumatising” and that a large amount of resources were wasted in the process. The 28-year-old, who came to the UK from Botswana when she was 13, told The Independent how she and her mother were chaperoned by a dozen officers in two separate vans to the airport last March before their removal was cancelled following intervention from their MP. A month later they were again placed in removal vans and driven towards the airport, before intervention from their solicitor mean the process was again cancelled. They have since been granted leave to remain in the UK. Ms Kgari said: “The whole process must cost a lot of money. Having the escorts come in from wherever in the country to the detention centre, getting their vans, taking you to the airport and then the removal being cancelled. It just goes to show how extremely disorganised they are. Opelo Kgari, 28, has been issued removal directions twice and had them cancelled both times within hours of the flight time – an experience she said was ‘traumatising’ “The anxiety levels were really high as it was. Then the Home Office says last minute that it won’t happen this time. But it’s still really difficult. You think ‘okay, I’ve missed that bullet, but it’s probably going to happen again’. The stress just mounts. “In my case, the first time we were almost

removed, our solicitor was pretty useless, so I had to get in touch with all my friends and it was an MP that ended up halting the removal – not everyone has that chance.”

Celia Clarke, director of Bail for Immigration Detainees (BID), said the figures were “shocking” and accused the Home Office of serving removal directions “for its own convenience”. She said: “The uncertainty caused by this callous practice is highly damaging for the people concerned, whether they are parents who face permanent separation from their children, survivors of torture or trafficking, or people who have grown up in the UK and face deportation to a country they have no connection to. We have repeatedly raised concerns about the dearth of legal advice in detention and the devastating impact of the 2013 legal aid cuts which removed all non-asylum immigration work from the scope of legal aid. The high number of removals being prevented by last-minute submissions is a symptom of a system that is broken in which individuals are not able to access the legal advice they need at an early opportunity and are forced to make late submissions in desperation. Clearly this system does not serve anyone’s interests and urgently needs reform.”

The Independent has reported on numerous cases in the past year whereby people have been threatened with removal, but following intervention by their solicitor or their MP – as well as media coverage – their departure has been cancelled. The trend has been branded a symptom of Theresa May’s hostile environment, which came about during when the coalition government was in power and has since been blamed for the Windrush fiasco and a swathe of other immigration scandals.

Immigration lawyer Colin Yeo said the high number of cancellations and declining number of removals suggested a “detain first, ask questions later” approach, which he described as a “waste of public money as well as being very distressing to those affected”. Mr Yeo added: “It also suggests something is wrong with Home Office information on who is removable and who is not.”

A Home Office spokesperson said: “We only return those with no legal right to remain in the UK, including foreign national offenders and failed asylum seekers. “We carefully consider all representations made in relation to a case and, should further submissions be made, have a duty to grant these appropriate consideration.”

CCRC Refer Case of Ms E to the Crown Court

Ms E arrived at Gatwick Airport on a flight from Turkey in September 2009. She presented herself at Immigration Control without a passport saying she was an Iranian national who wished to claim asylum. She said she had been involved in political demonstrations in Iran and was in fear of the authorities there. She had left Iran a month earlier and travelled on foot to Turkey where she surrendered her Iranian passport to an “agent” who arranged her passage to the UK. She was arrested at Gatwick and charged failing to produce an immigration document, contrary to section 2(1) of the Asylum and Immigration (Treatment of Claimants) Act 2004. She was remanded in custody overnight at a police station. The following day, on the advice of a solicitor paid for by Legal Aid, Ms E entered a guilty plea at Crawley Magistrates’ Court. She was convicted and sentenced to three months’ imprisonment. Ms E was not able to appeal against her conviction because there is no right of appeal for people who plead guilty in a magistrates’ court. In 2010, the Home Office recognised Ms E as a refugee; in 2015 she was granted indefinite leave to remain in the UK. In November 2017 she applied to the Criminal Cases Review Commission for a review of her case. Having reviewed the case the Commission has decided to refer Ms E’s conviction for an appeal at the Crown Court. The referral is made on the basis of new evidence and new argument to suggest that Ms E should have been entitled to rely on the statutory defence under section 2(4)(c) Asylum and Immigration (Treatment of Claimants) Act 2004, and that that defence would probably have succeeded.

'Irredeemably Flawed': UK Probation Inspector Criticises Service

Jamie Grierson, Guardian: In a highly critical assessment, Dame Glenys Stacey, the chief inspector of probation, highlighted a catalogue of problems including a national staff shortage, sub-standard performance of private providers and shortcomings in efforts to keep victims safe. Probation services, which manage more than 250,000 offenders a year in England and Wales, have been part-privatised for the past five years under Grayling’s transforming rehabilitation programme, introduced when he was justice secretary”.

In her annual report, Dame Glenys Stacey said public ownership is a safer option for the core work. She revealed white noise is being used to stop private conversations between probation staff and offenders being overheard when meetings take place in open booths. The inspector suggested a lack of judicial confidence in probation and community punishments may be leading to more custodial sentences in borderline cases.

The number of probation professionals is at a critical level, with too much reliance on unqualified or agency staff, according to Stacey. She said: “The probation model delivered by transforming rehabilitation is irredeemably flawed. “Above all, it has proved well-nigh impossible to reduce probation services to a set of contractual requirements. She said victims, judges, the public and offenders must all have confidence in the quality of the service. “I find it difficult to see how this can be achieved while probation remains subject to the pressures of commerce,” she added. Individuals subject to probation include inmates preparing to leave jail, former prisoners in the local community and people serving community or suspended sentences. Under Grayling’s shakeup, 35 public sector probation trusts were replaced in 2014 by the National Probation Service (NPS) which continued to be held in public ownership, and 21 privately owned community rehabilitation companies (CRCs), which cover different regions. High-risk cases are supervised by the NPS, with all other work assigned to CRCs. The ministry of justice plans to end the existing CRC contracts early, in December 2020.

Under the proposed new system, 10 probation regions would be created in England, with each containing an NPS division and a CRC. In Wales, the NPS would assume responsibility for the management of all offenders. Stacey said moving to better-funded and structured contracts would help but serious design flaws would remain unaddressed. She was unable to say whether or not the public was less safe since the introduction of the existing regime. “What I do know is they could be a lot safer if we get the model right,” she said. Setting out her probation blueprint, Stacey, whose tenure as chief inspector ends in May, called for a national approach and evidence-based services.

At the end of September, 258,157 offenders were on probation in England and Wales. Of those, 151,788 were under CRC supervision and 106,369 were managed by the NPS. The prisons and probation minister Rory Stewart said: “I am grateful for this incisive report, which redoubles my determination to continue working towards a probation service that puts public protection first, commands the confidence of the courts and breaks the cycle of reoffending. Our reforms mean 40,000 more offenders are being supervised, which is a positive move for public safety, but it is clear the current model is not working and there is much more we need to do. We have already taken decisive action to end the current contracts early and have invested an extra £22m a year to support offenders on release – and we are carefully considering how best to deliver an effective probation service for the future.”

Richard Burgon, shadow justice secretary, said: “Chris Grayling’s reckless privatisation of probation has left the public less safe and wasted hundreds of millions of pounds in bailing out failing private probation companies. Instead of continuing with the deeply flawed idea of running probation for profit, the Tories need to act on the mounting evidence, scrap their plans for new private contracts and bring probation back in house.”

Offenders: Females:Written Question

Lord Touhig: To ask Her Majesty's Government what assessment they have made of the number of female offenders who have experienced traumas such as domestic and sexual abuse; and what steps they intend to take to prevent the victims of such experiences from committing crimes.

Answered by: Lord Keen of Elie: The Female Offender Strategy, published in June 2018, recognised the impact that trauma can have on female offending. We know that almost 60% of female offenders have experienced domestic abuse. It was also found in a 2005/6 prisoner survey that female prisoners who report having experienced abuse as a child are more likely to report suffering sexual abuse (67%) than male prisoners who have experienced abuse (24%). A key theme in our Female Offender Strategy, is the need for a joined-up and holistic approach to addressing the often-complex needs of female offenders, such as those provided by the multi-agency, Whole System Approach models. As part of the Strategy, we have invested £5m in community provision to support female offenders. This included £2 million to support female offenders who have experienced domestic abuse. In the Victims Strategy, published in September 2018, we consider the experience of female offenders and have committed to developing a victim's pathway for female offenders in England. In Wales, we will also use trauma-informed approaches to support female offenders who are also victims and consider how we can intervene early for women who disclose they are victims of domestic abuse at the first point of contact with the justice system.

HMP Onley - Fundamentally Unsafe Vicious Circle of Drugs and Violence

HMP Onley, a training prison in Warwickshire with 80% of its population from London, was found by inspectors to be "fundamentally unsafe" with high levels of drugs and violence. Peter Clarke, HM Chief Inspector of Prisons, said the prison had been assessed as 'poor' for safety – the lowest assessment – at the previous inspection in 2016. When inspectors visited in November 2018, Mr Clarke added, it was "particularly disappointing" to find Onley was still fundamentally unsafe. "Time and again we find that prisons which are unsafe will struggle to make progress in other areas, and HMP Onley was no exception."

The lack of safety was "all too obvious". The report noted that the reception wing was chaotic and "new arrivals, still carrying their property and stood in the busy corridor, were approached and faced predation by more experienced prisoners." Mr Clarke added: "Perhaps it is not surprising that in our survey only 62% of prisoners said they felt safe on the first night. Sadly, their feelings were an all too accurate reflection of what life in Onley would be like during their time there." The prevalence of illicit drugs played a major role in causing destabilising factors such as violence, debt, bullying and health emergencies. During the previous three months there had been 200 emergency health calls related to the use of new psychoactive substances (NPS). "Despite this, we found that far too little was being done to obstruct the flow of drugs into the jail." Violence was higher than at similar category C prisons and although prisoner-on-prisoner assaults had decreased since 2016, assaults on staff had more than doubled. Far too many prisoners were self-isolating – refusing to come out of their cells or to go to education, work and training. The prison believed much of the violence was gang-related.

Mr Clarke said: "HMP Onley was a clear example of where the failure to deal with drugs and violence undermined many other aspects of prison life. There was a vicious circle where fear, frustration and boredom increased the demand for drugs, which in turn fuelled the violence. "In order for Onley to break out of this circle, there must obviously be more effective action taken to reduce

violence and the availability of drugs. But at the same time, more can be done in other areas." Rubbish was consistently thrown from cells windows and, the report noted, "there were problems with rats, and recent attempts to control the infestation had left some dying in wall cavities and vents, leaving an intolerable smell in some cells." Accommodation on Onley's newer wings was better than on its "shabby, cramped" older wings. Onley was a training prison without enough activity places for the population, and during the inspection only 50% of prisoners were engaged in purposeful activity at any one time. Some 39% of prisoners were locked in their cells during the working day – far too high a proportion for a training prison. Extensive PE facilities were underused by the prison population, which was predominantly young, with around 60% from a black and minority ethnic background. Inspectors noted that the prison had run a restricted daily regime for more than four years because of chronic staff shortages, though this was gradually being addressed. Mr Clarke said: "There can also be little doubt that doing more to support family relationships would help prisoners rehabilitate and prepare for their eventual release." The report noted that Onley was in a remote location but there was no transport for families from local stations. Overall, Mr Clarke said: "I would not wish to detract from the many good things being delivered by dedicated and skilful staff. Health care, education, training, industry and offender management leading to release were all areas where there was some very good provision. Sadly, Onley will fail to fulfil its role as a training and resettlement prison until it can deal with the inextricably linked blights of drugs and violence."

Investigation of Man Murdered by Russian Police Officer Did Not Meet Article 2 Standards

The European Court of Human Rights (ECtHR) has held that Russia did not meet its article 2 obligations while investigating a man's murder by a police officer while he was held in a drunk tank. Aleksandr Alekseyvich Anoshin, 51, was murdered in July 2002 after being stopped by police and taken to a sobering-up centre, where he was later beaten and throttled. His murderer, Officer M, was not interviewed in relation to the killing until March 2006. He was subsequently convicted of murder and the violent abuse of power in August 2008 and sentenced to 14 years in jail. Two other officers were charged with neglecting their duties, but the proceedings were time-barred. Ms Anoshina had lodged an application with the ECtHR in December 2005, complaining under article 2 (right to life) about her brother's murder by agents of the State and the lack of an effective investigation, and under article 3 (prohibition of inhuman and degrading treatment) about the emotional distress while trying to establish the truth about her brother's death. In 2009, the Sovietskiy District Court awarded 150,000 roubles (around €3,400) to Mr Anoshin's sister, Yelena Alekseyevna Anoshina, and three of his children for emotional distress.

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 Cullinane, 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.