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Baseball Bat Murder Trial: Neil Sutherland Cleared 11 Years On

BBC News: A man has been acquitted of the murder of a former soldier who died 11 years after he hit him with a baseball bat in "self-defence". Neil Sutherland had previously been jailed for four years after pleading guilty to assault causing grievous bodily harm against Paul Mills. The father-of-three suffered brain injuries after being attacked in Southwick, Trowbridge, in July 2006. Mr Sutherland was charged with murder after Mr Mills died in March 2017. During his trial, Salisbury Crown Court heard a pathologist found Mr Mills died from epilepsy allegedly brought on by the injuries he suffered in the attack. But James Newton-Price QC, defending Mr Sutherland, told jurors the link between the incident and Mr Mills' death was disputed and said his earlier lifestyle of heavy drinking and drug-taking could have contributed to the cause of his death. Mr Sutherland told the court that after meeting in a lay-by in Southwick, Mr Mills began "hustling" him for money by trying to sell him a baseball bat because he said he wanted to buy some cider. He described how Mr Mills, who died aged 44 at his home in Heytesbury near Warminster, had been aggressive towards him and "walloped" him by hitting him around the head with his hand. The pair met again a short time later in the same lay-by, where Mr Sutherland admitted he hit him with the bat following a struggle. Mr Sutherland said that he did not want to return the bat to Mr Mills because he was "afraid he was going to hit me with it because he had a high temper and wallop me a second time but with the bat this time". Speaking after the case, Mr Sutherland, who was supported by an intermediary during the trial and was described as having a "mild learning disability", said: "I am feeling relieved from all the stress and pressure, from the police putting me as a murderer for years."

Privatisation of Forensic Science and Miscarriages of Justice

It is sometimes said that drawing a straight line between the privatisation of forensic science and an increased risk of miscarriages of justice is too simplistic. But the Forensic Science Regulator's latest annual report, published today, provides a clear example of the risks inherent in relying on private companies to deliver forensic science services. In the report, the Regulator discusses the impact of one such company, Key Forensic Services, going into administration. Despite two other companies helping to "minimise damage" by taking on additional forensic casework, according to the Regulator "there was insufficient capacity elsewhere for a range of types of casework, and each police force was subject to a cap on submissions".

What this meant, says the Regulator, is that "some cases where forensic science may have provided valuable information or evidence could not be processed." This is highly troubling: it suggests that testing which might have helped clear an innocent suspect, or inculpate a guilty one, was not done – for no other reason than a lack of capacity. And it gets even worse. The Regulator goes on: "In addition, there was some evidence of an increased error rate during this period (although it is not possible to make a direct attribution of cause) as well as an unsustainable strain on staff working overtime."

Of course, problems in forensic science cannot all be pinned on privatisation. There is the justice system's general lack of funding, our courts' poor understanding of science and statistics, the lack of scientific underpinning for several fields of forensics, and the difficulties accessing exhibits for post-conviction testing. But the episode outlined by the Regulator provides a clear example of the risks that have arisen due to the 2012 closure of the government-owned Forensic Science Service.

Through our wrongful conviction casework at the Centre for Criminal Appeals we see the human cost of forensic science failings first-hand. You need only read about the case of Lizzie Donoghue to understand the harm caused. In our view, forensic science plays too crucial a role in delivering justice for it to be left to the whims of the market. Whilst it will not solve everything, the standardisation of forensic science provision across the country would be a welcome step towards preventing miscarriages of justice. Failing that, the Government should consider re-establishing the Forensic Science Service. As with probation reform, privatisation has failed.

Michael Rendell Conviction Quashed - Sectioned Under 37 and 41 of the Mental Health Act

1. On 13th February 2012 at Oxford Crown Court Michael Rendell pleaded guilty to wounding with intent, contrary to section 18 of the Offences against the Person Act 1861. On 28th March 2012 he was sentenced to an indeterminate term of imprisonment, pursuant to section 225 of the Criminal Justice Act 2003, with a minimum term of three years to be served before consideration of parole. He completed the minimum term in 2015. This is his appeal against sentence which he brings out of time by leave of the single judge.

58. We remind ourselves that there must always be sound reasons for departing from the usual course of imposing a penal sentence (see Vowles at [45]). This was a serious offence where culpability was moderate. To the reasoning set out above we would add that the appellant has served the punitive element of the sentence and has been detained for twice the minimum term, the equivalent of a 12-year sentence. In the unusual circumstances of this case, which we have described in some detail we are satisfied that the appropriate sentence here are orders under section 37 and 41 of the Mental Health Act 1983.

59. Accordingly, this appeal is allowed. We quash the indeterminate sentence of imprisonment and substitute for it orders under section 37 and 41 of the MHA respectively.

Beefed Up Terror Laws Slippery Slope Towards 'Thought Crimes'

Roger Gherson, Thomas Garner, the Times: A recently added section of the Terrorism Act includes an offence of "entering or remaining in a designated area", which is intended to deal with the phenomenon of people travelling from Britain to Isis-controlled territory. As matters stand, it is a blunt instrument that raises several practical concerns. It must be remembered that Britain already has numerous powers to deal with those who travel abroad to fight for or support a terrorist cause. The government has pushed on with this unnecessary and concerning offence regardless.

Ministers have also created another offence of viewing "terrorist material" online. There is already a well-established offence to deal with individuals who are found to be in possession of material "likely to be useful to a person committing or preparing an act of terrorism" under Section 58 of the Terrorism Act. It should be noted that such material is loosely and widely defined. The law has now been amended to criminalise anyone who "views, or otherwise accesses, by means of the internet a document or record" that could be caught under the existing Section 58 offence. The effect of this amendment is to criminalise the simple act of viewing material online (with no requirement of "terrorist intent") as opposed to the storage of such material for use in further offences, which could of course be indicative of malign intent.

When this law was first proposed, the UN special rapporteur accused the government of moving

towards "thought crime". Despite legislative safeguards, which are designed to protect journalists, academics and others with a "reasonable excuse" to view such material, many are rightly concerned. When he was the independent reviewer of terrorism legislation, before becoming the director of public prosecutions, Max Hill, QC, raised concerns over a law that imposes lengthy prison sentences "when nothing is to be done with the material … and it is not being collected for a terrorist purpose".

A report from parliament's joint committee on human rights described the offence, punishable by up to 15 years in prison, as "a breach of the right to receive information" that "risks criminalising legitimate research and curiosity". Nobody can doubt the need for a strong legal framework to deal with the threat of terrorism, but that legislation must be effective and balance the need to deal with the threat we face with the basic human rights of the society we seek to protect. Many will have also have concerns that there is a track record of legislation being introduced for one purpose and then being repurposed against society at large. When a UN special rapporteur has drawn comparisons between British laws and George Orwell's dystopian nightmare Nineteen Eighty-Four and when the independent terrorism reviewer's views appear to have been completely ignored by the government, serious questions need to be asked as to whether we are on the right path.

Phone Detection Kit Introduced In Prisons

New mobile detection technology in prisons will allow prison officers to pinpoint mobile phone signal down to precise cell. Part of wider efforts to reduce violence and drug use and restore stability to the prison estate The technology is the latest weapon in the fight against phone smuggling which leads to drug-dealing and violence behind bars. It works by sending real-time alerts when a mobile is detected in prison, shown on a digital heat map which identifies the strength of the signal. This allows prison officers to pinpoint the location of the phone down to the exact cell. Staff can also track data over time to watch for patterns emerging, for example when inmates conspire to smuggle drugs into prison. This intelligence is analysed and in conjunction with law enforcement partners can lead to arrests.

As criminals look for new ways to smuggle contraband into prisons, it is vital that we stay one step ahead, and this kind of technology will help prevent them operating from their cells. This is vital to ensuring prisons are places of safety and rehabilitation, where offenders can turn their backs on crime for good. Illicit use of phones in prisons to co-ordinate crime fuels high levels of violence as offenders vie for control of the internal market and enforce drug debts. Phones can also be used to terrorise victims and maintain outside criminal networks. The technology is part of a wider multi-million-pound strategy to restore stability to prisons, with other measures including security scanners, improved searching techniques, phone-blocking technology and a financial crime unit to target the criminal kingpins operating in prisons. Following a successful six-month trial of the latest technology in one prison, the technology is now in use in five across the country.

There is a direct link between crime on the wings and landings and crime in our towns and cities. Ensuring there is less crime in our prisons means less crime in communities. Since January last year the Government has invested £70 million in safety, security and decency to help restore stability to the prison estate. On top of this, £14 million is being invested each year to stop criminal gangs smuggling drugs into prisons. This has come against a backdrop of rising prison officer numbers, with more than 4,700 additional officers recruited since October 2016 and staffing levels at their highest since 2012. Notes to editors: For security reasons, we cannot disclose the location or further details of the technology. The government supported the Interference with Wireless Telegraphy Bill, which received Royal Assent on 20 December 2018. This legislation enables prisons to use interference technology to disrupt mobile telephone signals and prevent illegal use of mobiles by prisoners.

Bondar V. Ukraine - Tortured Into Confessing to Murder Breach of Articles 6 and 3

The applicant, Mykhaylo Bondar is a Ukrainian national who was born in 1960. He died in 2012 and his mother continued the application on his behalf. The case concerned his allegation that he had been tortured into confessing to a murder and that the criminal proceedings against him had been unfair. Mr Bondar was arrested in August 2003 on suspicion of murder. He confessed, but was released when a judge found that there was not enough evidence against him. During the ensuing investigation one witness stated that he had seen Mr Bondar in the victim's backyard, with blood on his hands, around the time of the murder, while three other witnesses said that he had confessed to them. The investigation was suspended in 2004 because the perpetrator could not be identified. The investigation was however resumed in 2007 and Mr Bondar was arrested again when new evidence came to light from another witness, O. O. stated that Mr Bondar had confessed to the murder to her when they had been living in the same village. Mr Bondar was brought to trial and convicted of murder in 2008. He was sentenced to 13 years' imprisonment. The trial court relied on the pre-trial statements from the five witnesses and from their cross-examination in court. Mr Bondar appealed in cassation, arguing in particular that O. had retracted her testimony in a letter to the trial court saying she had been put under pressure from an investigator. O. later took back her retraction and the court refused to recall her as a witness. The Supreme Court upheld the trial court's judgment and Mr Bondar's request in 2009 to reopen the proceedings was also unsuccessful. Relying in particular on Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses) of the European Convention on Human Rights, Mr Bondar alleged that the proceedings against him had been unfair because the courts had relied on his confession, obtained under duress, and failed to recall O. as a witness. Violation of Article 6 §§ 1 and 3 (d) – concerning the manner in which the domestic courts approached O.'s evidence Just satisfaction: 2,500 euros (EUR) (non-pecuniary damage)

Charities Condemn Tory Cuts to Criminal Injuries Compensation Scheme

Owen Bowcott, Guardian: A fall of nearly 60% in the number of victims receiving payments from the criminal injuries compensation scheme, and an almost halving of the amount paid out since the Conservative government came to power, have been condemned by an alliance of charities. Figures obtained from parliamentary questions show that in 2010-11, the Criminal Injuries Compensation Agency (CICA) awarded £280m to 39,706 people who were hurt in attacks; six years later, in 2017-18, only 16,781 victims received £154m in compensation.

The charities Victim Support, Liberty, Barnardo's and Rape Crisis have all called for an increase in the agency's budget and criticised changes in eligibility introduced in 2012. The Ministry of Justice is consulting on reforming the scheme. The figures are due to be raised by the shadow justice minister, Gloria De Piero, at justice questions in the Commons on Tuesday. Before the debate, she said: "Victims of violent crimes have suffered already. Cutting back on compensation payments with fewer and fewer getting anything at all tells you everything you need to know about this government's cuts agenda. They fall hardest on those most in need." According to Victim Support, changes in the eligibility criteria after 2012 led to fewer payouts and reductions in sums awarded.

For example, an eye injury that required an operation used to entitle a victim to a payment of £4,400, but that fell in 2012 to £2,400. Similarly someone who suffered a fractured skull as a result of violent crime could previously receive up to £6,000; since 2012 they have been able to claim

only up to £4,600. Last autumn, the MoJ announced it would abolish the “same roof rule”, which dates back to 1979, and prevented the scheme making payments to victims who lived in the same home as their attacker – thus depriving many victims of sexual abuse of compensation.

In a joint statement, Victim Support, Liberty, Barnardo’s and Rape Crisis said: “As a coalition we have long called for fairer compensation for victims of child sexual abuse. It is deeply concerning to see the overall number of victims receiving payments has fallen so dramatically in recent years, particularly in light of the number of valid claims our organisations have seen rejected. “The government’s welcome review of the compensation scheme presents a golden opportunity to make it truly fit for purpose. If necessary, the government must increase the budget for CICA so that victims get the compensation they rightly deserve.”

In its review, the MoJ has promised to look at the scope of the scheme and the definition of violent crime for the purposes of compensation for injury, and the eligibility rules including concerns about time limits for making applications, unspent convictions, and consent in sexual offences cases. At the time, the justice secretary, David Gauke, said: “We will review the criminal injuries compensation scheme to ensure it reflects the changing nature of crime and can better support victims, especially of historic [sic] and current child abuse. Over the years we’ve seen more prosecutions for sexual offences and sadly experienced the horror of terrorism. We need to make sure these victims get the awards they’re due so we will be looking to ensure the criteria are appropriate.” A spokesperson for the MoJ said: “Our ongoing review of the criminal injuries compensation scheme has one simple aim – to make sure it better supports victims. Indeed, last year we awarded compensation of more than £154m, and recently announced we are abolishing the same roof rule so that more victims can make claims.” The figures for 2010-11 were said to have been inflated that year due to a £30m payout for compensation for asbestos-related conditions.

Who Should Determine When Life Sentenced Prisoners Should be Released?

“The judiciary and law are responsible for trying and imprisoning life sentence prisoners, and the judiciary and law should assume the same responsibility in deciding the continued imprisonment of such prisoners”.

Should the composition of parole panels who decide on the release or continued detention of life sentence prisoners, in particular, be fundamentally changed to involve only legally qualified individuals such as lawyers and judges, thereby ensuring that the continued imprisonment of indeterminately sentenced prisoners is lawfully justified and not merely motivated by white middle-class cultural prejudice?

The role and purpose of the Parole Board in relation to deciding whether to sanction the release of life sentence prisoners who have served the retribution "tariff" part of their sentences, is to assess and decide if the continued imprisonment of such prisoners is justified in the interests of public protection. A range of Criminal Justice System professionals such as psychologists and probation officers assist and inform the Parole Board in its decision-making process, and the final decision of the Board is supposedly determined by the evidence and recommendations of such professionals.

Four prime criteria determine a decision to release life sentence prisoners: has the prisoner served a sufficient period of time to satisfy the interest of retribution? Has the potential risk to the public of the prisoner been sufficiently reduced? Can the prisoner be safely managed in the community? Is the release of the prisoner likely to create an adverse public reaction? These are the fundamental criteria that supposedly inform the decision of the Parole Board when considering the release of life sentence prisoners, or at least the official legal criteria.

However, there is another criterion that in the thinking of most parole panels has an equally determining influence on their decision regarding whether to release a life sentence prisoner or not. Moreover, it often predominates over the other more official criteria and confirms what panels believe is the essential purpose of imprisonment, that apart from 'protecting the public' it should also instil total conformity and obedience in the prisoner. What essentially determines a life sentence prisoner's "suitability for release" and ensures their "risk-management" in the community is, "in the opinion of most parole panels, the ability and willingness of the prisoner to submit and conform totally to the authority of the prison system.

There has been some media-generated controversy recently over the Parole Board sanctioned the release of certain indeterminately sentenced prisoners convicted of horrific sexual offences against women. While other life sentence prisoners, who often share a "difficult relationship" with the prison system, are denied release by the same Parole Board, often for decades beyond the length of time originally recommended by the judiciary, even in some cases when those prisoners represent no risk or danger to the public. This suggests an irrationality in the decision-making process of the Parole Board. Or in fact, reflects a cultural opinion of most parole panels who believe the true purpose and role of imprisonment is not essentially "public protection" but more to discipline and punish the prisoner, and re-enforce the function of prison as an instrument of social control and instiller of total obedience to state authority. What would seem to determine a prisoner's "suitability for release", in the eyes of parole panels, is not levels of risk to the public, but levels of obedience to prison authority.

If there is a relationship between conformity to prison authority and risk to the public, then it is an inverse one. Prisoners who employ a conformist strategy of "playing the game" and submitting completely to the authority of those imprisoning them are least likely to change positively and more likely to "re-offend" and return to prison, whilst those prisoners who retain some personal integrity and self-respect, are often positively changed by their struggle in jail to retain those qualities. However, the real purpose of prison as an institution of social control is not to positively empower and change prisoners, but essentially to break their defiance to authority and reinforce their total dis-empowerment, regardless of how that might negatively impact on their ability and inclination to integrate back into society upon their release.

The message sent to indeterminately sentenced prisoners by a Parole Board whose main criteria for release is total conformity and submission to prison authority is one that encourages and re-enforces the very personality traits manifested in the original "offending behaviour" of certain prisoners, thereby actually increasing their risk to the community and vulnerable groups within it.

Parole panels generally have a relatively stereotypical concept of the "criminal type": working class, especially black working class; offends against the private property; "anti-authority" and socially rebellious. Traditionally, sex offenders, especially middle-class sex offenders, have not been viewed by parole panels as "typical criminals" and are generally paroled at the earliest opportunity, as highlighted by the controversial John Worpole case. While a conservative middle-class culture prevails within parole panels neither genuine "public protection" or real justice in assessing life sentence prisoners for release will be treated as real priorities.

The judiciary and law are responsible for trying and imprisoning life sentence prisoners, and the judiciary and law should assume the same responsibility in deciding the continued imprisonment of such prisoners. Relinquishing that responsibility to legally unqualified middle-class reactionaries ensures both the continuation of a prison system massively overcrowded with indeterminately sen-

tenced prisoners, many of whom represent absolutely no risk to society and the release of some offenders, who by their guile and manipulative behaviour, which in some cases characterised their original offending behaviour. Have been rewarded with release while remaining a real risk to certain vulnerable groups in society. While legally unqualified individuals continue to dominate parole panels and apply the "model prisoner" criteria as the most essential condition of parole those panels in themselves will remain a danger to the public, as well as serial human rights abuses of those who remain imprisoned despite representing no danger whatsoever to the public.

The parole system in the U.K is profoundly flawed and counter-productive because it exists as little more than a weapon of middle-class revenge unguided by a real legal principle or genuine concern for the ordinary public.

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R (application of Bowen and another) (AP) v Secretary of State for Justice (Respondent)

This is a joint appeal by two indeterminate sentence prisoners, Mr Bowen and Mr Stanton. Both appellants were convicted of serious criminal offences and were sentenced to life imprisonment (with a minimum term of 14 years) and imprisonment for public protection (with a minimum term of 3 years) respectively. Mr Bowen's minimum term expired on 22 August 2011. Mr Stanton's expired on 24 May 2013.

Following Parole Board hearings on 30 October 2014 and 26 March 2015 respectively, in each case, the board directed release from custody on the basis that a number of conditions would be imposed in each appellant's release licence. These conditions included a period of residence at specified "Approved Premises" (formerly probation or bail hostels), namely Mandeville House ("MH") in Cardiff. The release from custody of each appellant was delayed for a period of time (namely 69 and 118 days respectively) until a place at MH became available. They spent 8 and 11 weeks at MH respectively, before more general release into the community.

On judicial review in the High Court, they both argued that the periods spent in custody after the Parole Board decisions amounted to breaches of (1) s.28 of the 1997 Act, (2) art.5 of the European Convention on Human Rights ("ECHR") (the right to liberty), and (3) the public law duty to ensure a sufficient system of rehabilitation and progression to release. Mrs Justice Whipple in the High Court dismissed each appellant's judicial review claim. The Court of Appeal dismissed the appeal against that decision, refusing permission to appeal on a number of further grounds. The issues are:

(1) Whether detention of an indeterminate sentence prisoner can be continued after a Parole Board order for release made under s.28 of the Crime (Sentences) Act 1997 ("the 1997 Act").

(2) Whether an appellate court should determine directly whether the period of detention between the order for release and the actual release date was unreasonable and thus unlawful, rather than merely reviewing the first instance determination.

Permission to appeal has been refused on this case. UK Supreme Court

Parliamentary Written Question - Transparency Of Parole Board Hearings

The Parole Board has confirmed that there is no longer a backlog when it comes to listing oral hearings for life and IPP sentence prisoners. The law provides that life sentenced prisoners are entitled to have their detention reviewed by the independent Parole Board every two years. The evidence that is considered and the weight that is given to that evidence are matters solely for the independent Parole Board.

Alberto Costa: To ask the Secretary of State for Justice, what recent assessment he has made of the adequacy of the transparency of parole board hearings.

Answered by: Lucy Frazer: In May 2018, the Government amended the Parole Board Rules to allow victims and other parties to request summaries of Parole Board decisions for the first time. To date, the Parole Board has produced over 1000 decision summaries. This has helped victims and the wider public have a greater understanding of parole decisions.

Decision summaries have been an important first step in bringing greater openness to the parole system. In September 2018, the Government's Victims' Strategy recognised that more must be done to increase the transparency of the parole process and the way we communicate with victims. Since then, in February 2019, the Secretary of State published a Review of the Parole Board Rules which further underlined the Government's commitment to improve the transparency of the parole process.

In light of this review, the Parole Board have committed to: produce Standard Practice guidance to provide clear and public information about how release decisions are reached; improve other publicly available information about how parole works; continue to work with broadcast and print media to increase understanding of how parole works, including allowing the media to observe some hearings

These measures will improve public understanding of how the parole system operates, support greater consistency in decision making and provide accountability where standards may not have been met. In February 2019, the Secretary of State also launched a Tailored Review of the Parole Board. This review will include further reflection on the transparency of the Parole Board, its governance, decision making and the information and data it shares with the public (building on the work of recent reviews). The Tailored Review will publish its findings in the summer of 2019.

Prison Officers Involved in "Brutality And Violence" in the 70s & 80s Jailed.

Independent: The men were brought to justice after Durham Police carried out a huge investigation involving 1,800 witnesses into what happened at Medomsley Detention Centre in County Durham, from its opening in the 1960s to its closure in 1988. Brian Greenwell, 71, and Alan Bramley, 70, were two of five now-retired officers to be convicted over their involvement in the abuse that youngsters suffered at the centre. Teesside Crown Court heard how one witness described Greenwell, who worked at the centre between 1973 and 1988 as a chef and discipline officer, dragging a semi-naked detainee from the toilets because he had not prepared food quickly enough. Another said that they had been punched by Bramley, who worked at Medomsley from 1973 to 1977, because he was a Sunderland football fan. The court heard victim impact statements from a number of detainees, some of whom said that, around 40 years on from their terms at the centre, they still suffer nightmares about their time there. One former detainee said that their stay at Medomsley had been "hell on earth", explaining how he has had to take anti-depressants for 30 years and blames it "90 per cent" on his time at the centre. The man said of some of the officers that worked there: "At times it seemed as though they were using us to show off to one another, laughing as they did it."

In sentencing Greenwell and Bramley, who were both convicted of misconduct in a public office, Judge Howard Crowson told the court that victims of Medomsley had shown great bravery in coming forward. Telling how some of those who were abused by various officers at the centre did not come forward out of fear of being sent back to the detention centre, he said: "Many had experienced brutality and violence at the hands of prison officers, but nobody wanted to hear about it. "In those days, any complaint was likely to be regarded as further evidence that the trainee was anti-social, that he had not learned his lesson and was complaining about appropriate treatment." He added: "Many came from communities where they feared that to admit they had been cowed by your threats and violence would leave them being viewed

as weak in the eyes of the community in which they lived."

Greenwell showed no emotion as he was given a sentence of two-and-a-half years, while Bramley was jailed for 18 months. Prosecutor Jamie Hill QC said of the pair: "They not only embraced the culture of violence that existed at Medomsley, but enhanced it. Individuals cannot simply abdicate individual responsibility and say that they were obeying orders or following a culture that already existed." Robert Woodcock, defending Greenwell, said his client's offence covered the period from 1973 to 1982, and that it could not be proved by the jury's verdict that he misconducted himself throughout that nine-year period. Anthony Hawks, defending Bramley, said that the defendant had gone to work in other prisons following his time at Medomsley, and had an otherwise unblemished record. He said: "Now in his 71st year, rather than receiving the thanks of the public, which I would submit he richly deserves, he finds himself a broken man, ruined by events that allegedly occurred over 40 years ago."

Three other officers were jailed earlier this month for their roles in the abuse, having been convicted following a series of three trials at the court. Among them was Christopher Onslow, 73, who was given an eight-and-a-half year sentence after being convicted of misconduct in a public office and individual acts of violence. John McGee, 75, was given a sentence of two years and eight months for misconduct in a public office and assault, while 67-year-old Kevin Blakely was jailed for two years and nine months for two counts of misconduct in a public office. A Durham Police spokeswoman said after the sentencing that all five men had submitted appeals against their convictions.

Call For Bold Action as Deaths in Prison Rise and Levels of Self-Harm Break New Records

The Ministry of Justice on Thursday 25 April 2019 released the latest Safety in Custody statistics showing increases in deaths and self-harm in prison. The key statistics include;

In the 12 months to March 2019 there were 317 deaths in prison, up from 299 the previous year. Of these, 87 were self-inflicted deaths, up from 73 in the previous year.

In women's prisons, there were four self-inflicted deaths, up from one death in the previous 12 months.

Recorded incidents of self-harm in prison have more than doubled in ten years from 25,234 incidents in 2008 to 52,598 in 2018.

There are 152 recorded incidents of self-harm in prison every day and levels of self-harm in the 12 months to December 2018 have reached a new record high, a rise of 25%.

Self-harm incidents requiring hospital attendance are also at a record high and have increased by 5%.

Analysis of INQUEST casework files and coroner's reports shows that recent inquests on deaths in prison reveal repeated and systemic failings around self-harm and suicide risk management (known as ACCT procedures), drug prescribing processes, communication, record keeping, inadequate healthcare and procedural failures and delays. There were 164 deaths which the Ministry of Justice describe as due to "natural causes". INQUEST casework and monitoring shows that an unacceptable number of so called "natural cause" deaths are in fact the result of poor healthcare in prison. This was echoed Parliament's Health and Social Care Committee in November 2018 who reported that 'so-called natural cause deaths too often reflect serious lapses in care'.

Deborah Coles, Director of INQUEST said: "Every four days, a person in prison takes their own life. Levels of distress have never been higher with more than 152 recorded incidents

of self-harm in prison every day. The Government have long been on notice about the perilous state of our prisons. Yet, life saving recommendations from inquests and oversight bodies are systematically ignored. That the historically high numbers of deaths are allowed to continue is a national scandal. Prison safety cannot be resolved by framing it as a drugs problem or weaponising staff through with PAVA spray. Punitive responses have not worked and will not work. Bold and decisive action is needed to tackle sentencing policy; reducing prison numbers; and redirecting resources to community services."

Police Discriminated Against Roma by Using Ethnic Profiling to Justify Raid on Their Home

The case Lingurar v. Romania (application no. 48474/14) concerned a raid in 2011 by 85 police and gendarmes on the Roma community in Vâlcele (Romania). In its committee judgment in the case the European Court of Human Rights unanimously held, that there had been: a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights as concerned the ill-treatment of the applicant family during the raid, and two violations of Article 14 (prohibition of discrimination) in conjunction with Article 3 because the raid had been racially motivated and the related investigation had been ineffective.

The Court found that there had been no justification for the disproportionate use of force during the raid on the applicant family's home, which had left them with injuries requiring treatment in hospital. The applicants had been unarmed and had never been accused of any violent crime, while the four gendarmes who had raided their home had been highly trained in rapid intervention. It found that the applicants had been targeted because the authorities had perceived the Roma community in general as criminal. That had amounted to ethnic profiling and had been discriminatory. The judgment is final.

Evidence of Non-Penetrative Sexual Assault Capable of Providing 'Mutual Corroboration' of Rape

A man found guilty of rape who claimed that evidence of a charge of sexual assault could not provide "mutual corroboration" for the rape charge has had an appeal against his conviction rejected. The Appeal Court of the High Court of Justiciary held that the act of penetration need not be corroborated by scientific or medical evidence, and that it could be corroborated by other facts and circumstances which "support or confirm the direct testimony" of the commission of the crime", where the evidence demonstrates a "course of conduct systematically pursued" by the accused. "Evidence of non-penetrative sexual conduct is capable of providing corroboration of penetrative conduct," the Lord Justice General said.

'Mutual corroboration' Lord Carloway, sitting with Lord Menzies and Lord Turnbull, heard that the appellant Khalid Jamal was convicted in May 2018 following a trial at the High Court in Glasgow of one charge of sexual assault on "CQ" and separately one charge of rape and one charge of sexual assault on "KL". The only evidence relied upon by the Crown was that of the complainers, meaning the principle of mutual corroboration - as set out in the case of Moorov v HM Advocate 1930 JC 68, was central to the Crown case.

Jamal, who was sentenced to a total of six years imprisonment, appealed against his conviction on two grounds, but they raised the same basic issue of whether mutual corroboration applied so that evidence of the sexual assault on charge (1) could corroborate the rape on charge (2). Charge (1) initially included an allegation of attempted rape, but it was clear from the jury's deletions in charge (1) that they did not consider that the appellant had attempted to rape CQ.

It was argued that the circumstances of the behaviour and the character of the offences

were therefore different, and the need to provide evidence which was sufficient to corroborate penetration or intent to do so was still required. It was accepted that, in appropriate cases, a lesser charge could corroborate a more serious one - the nomen criminis need not be the same for mutual corroboration to apply. But it was submitted that mutual corroboration was not apt to apply in the circumstances between charges (1) and (2) as found proved by the jury.

'Course of conduct' However, the appeal judges held that the jury were "entitled" to identify similarities in time, place and circumstances in the behaviour described by both complainers, such as to demonstrate "a course of conduct systematically pursued by the appellant". Delivering the opinion of the court, the Lord Justice General said: "It is accepted that, in all rape cases, there requires to be proof, by corroborated evidence, that the crime has been committed; that is that sexual intercourse has taken place without the complainer's consent. This has come to be understood as meaning that the two elements ought to be looked at separately, or in isolation.

"This has led to an assumption that the act of penetration, when spoken to by a complainer, requires corroboration by scientific or medical evidence, such as the finding of semen in, or injuries to, the vagina, by an admission of intercourse, or, very much more rarely, at least prior to the growth in video, an eye or ear witness account of the event. In some situations, in which a complainer has given evidence of penetration, it has been held that only a conviction of attempted rape was available. This is both strange and anomalous. There is no sound reason for restricting the availability of corroboration of the act of rape to the type of scientific, medical or other evidence set out above. In relation to penetration, corroboration can be found in facts and circumstances which 'support or confirm' the direct testimony of the commission of the completed crime by the complainer. In a situation in which rape is alleged, a broad approach should be taken It has been said that distress may not be capable of corroborating an account of the acts which caused that distress. This was conceded by the Crown in Smith v Lees 1997 SCCR 139. Accepting for present purposes that the concession was well made, care must still be taken not to eliminate distress, especially if it is of an extreme nature, as a significant factor which, at least when taken with other circumstances, 'supports or confirms' a complainer's account that she was raped in the manner which she has described. Thus there will be many situations, such as dishevelment or loss of clothing, where direct testimony of rape, in whatever form, can be seen as being corroborated when all the surrounding facts and circumstances are taken into account."

Lord Carloway added: "In a mutual corroboration case, the confirmation or support in respect of both lack of consent and penetration comes from the existence of testimony from more than one witness speaking to different incidents which demonstrate an underlying unity of conduct. There is no principle whereby what might be perceived as less serious criminal conduct, such as a non-penetrative offence, cannot provide corroboration of what is libelled as an apparently more serious crime involving penetration. The fundamental issue is whether the evidence demonstrates a course of conduct systematically pursued. The cases referred to demonstrate that in a charge of rape, where the Crown rely on mutual corroboration, the necessary support for the complainer's evidence of penetration can be found in other evidence which satisfies the jury that the accused was engaged in a course of sexual criminal conduct. It is not necessary for this purpose to seek to label or to define the precise nature of that course of conduct. Evidence of non-penetrative sexual conduct is capable of providing corroboration of penetrative conduct. It is all a question of fact and degree."

Ecila Henderson Detained Under the Mental Health Act Goes to the Supreme Court

On 25 August 2010, the appellant, who had previously been diagnosed as suffering from paranoid schizophrenia or schizoaffective disorder, stabbed her mother to death whilst experiencing a serious psychotic episode. It is common ground between the parties that this would not have happened but for the respondent's breaches of duty in failing to respond in an appropriate way to the appellant's deteriorating mental health at the time. The appellant pleaded guilty to manslaughter by reason of diminished responsibility and has been subject to a hospital order under section 37 of the Mental Health Act 1983 and detention pursuant to section 41 of the same Act ever since.

In the present proceedings, she claims damages caused by her killing of her mother under six heads: (i) damages for the depressive disorder and post-traumatic stress disorder; (ii) damages for loss of liberty; (iii) loss of amenity; (iv) £61,944 being the share in her mother's estate which she did not inherit due to operation of the Forfeiture Act 1982; (v) cost of psychotherapy; (vi) cost of a care manager/support worker. Her claim was dismissed by Mr Justice Jay, and the appellant's appeal to the Court of Appeal was dismissed. She now appeals to the Supreme Court.

The issue is: Where a claimant, during a serious psychotic episode, committed a criminal offence, which she would not have committed but for the defendant's negligence, can she recover damages for the consequences of having committed the offence, including her subsequent loss of liberty? Permission to appeal has been granted on this case

'Super Obedient' Lookout Parrot Arrested By Brazilian Police

Tom Phillips, Guardian: A parrot has been taken into custody in northern Brazil following a police raid targeting crack dealers. According to reports in the Brazilian press, the bird had been taught to alert criminals to police operations in Vila Irmã Dulce, a low-income community in the sun-scorched capital of Piauí state, by shouting: "Mum, the police!" The parrot, who has not been named, was seized on Monday afternoon when officers swooped on a drug den run by a local couple. "He must have been trained for this," one officer involved in the operation said of the two-winged wrongdoer. "As soon as the police got close he started shouting."

A Brazilian journalist who came face to face with the imprisoned parrot on Tuesday described it as a "super obedient" creature – albeit one that had kept its beak firmly shut after being "arrested". "So far it hasn't made a sound … completely silent," the reporter said. Alexandre Clark, a local vet, confirmed the parrot had not cooperated: "Lots of police officers have come by and he's said nothing." The Brazilian broadcaster Globo said the "papagaio do tráfico" (drug trafficking parrot) had been handed over to a local zoo where it would spend three months learning to fly before being released.

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.