150 Wrongly Convicted People Exonerated in US Last Year

More than 150 wrongly convicted people in the US had their names cleared last year having served a total of 1,639 lost years – an average 10.9 years each. According to the new figures released by the National Registry of Exonerations, most exonerations last year were for violent crimes, especially homicide which accounted for 46% of the total number. Of a total 151 exonerations in 2018, three men were sent to prison in the 1970s including Richard Phillips who spent more than 45 years in prison for a murder that he did not commit. Drug crimes accounted for almost 70% of all non-violent cases of which there were 48 exonerations in total. The registry is run by the Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School and Michigan State University College of Law. It was founded in 2012 together with the Center on Wrongful Convictions at Northwestern University School of Law. It record details of exonerations in the US since 1989. The report highlighted the Sergeant Watts scandal in Chicago where 31 defendants were exonerated after severe police misconduct was uncovered. The defendants had been framed by Watts' team on drugs and weapons charges. As a result, Illinois had the most exonerations by far in 2018 with New York and Texas were placed joint second. At least 107 exonerations in 2018 were linked to official misconduct including 79% of all homicides. The report explains that this official misconduct ranged from 'police officers threatening witnesses, to forensic analysts falsifying test results, to child welfare workers pressuring children to claim sexual abuse where none occurred'. The most common misconduct involved officers and prosecutors concealing exculpatory evidence. Besides police misconduct, the other primary reasons for succeeding in exonerations included mistaken eyewitness identification, false confessions, and perjury or false accusations – the latter two for which there was a record 111 cases. The report highlighted the contribution of 'professional exonerators' including innocence groups which secured 86 exonerations in 2018 and conviction integrity units based in District Attorney offices which secured 58. Conviction integrity units are a part of prosecutorial offices focused on preventing, identifying and correcting false convictions whilst innocence groups are NGOs dedicated to securing exonerations of those wrongfully convicted. There was collaboration between the two groups on 45 exonerations last year including the 31 Watts exonerations and were together responsible for two-thirds of all exonerations in 2018 (66%). Last year saw a proliferation of conviction integrity units indicating a willingness by prosecutors' offices to identify and rectify wrongful convictions. According to the report, securing representation from an innocence group is often a falsely convicted defendant's 'only hope' to Unlike conviction integrity units.

Serving Prisoners Supported by MOJUK: 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, Jake Mawhinney, Peter Hannigan.

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Curtis Flowers: Death Row Conviction Quashed Over Racial Bias

BBC News: The US Supreme Court has quashed the conviction of a black death row inmate in Mississippi because the prosecution excluded black jurors. The justices ruled 7-2 that Curtis Flowers' right to a fair trial had been violated. Flowers, 49, has been tried six times for the murders of four furniture store workers in Winona, Mississippi, in 1996. The state could still put him on trial a seventh time. What happened in the trials? Flowers was found guilty in his first three trials - the first one with an all-white jury and the next two with just one black juror. The fourth and fifth trials ended in mistrials. Mississippi's Supreme Court overturned the first three convictions due to "numerous instances of prosecutorial misconduct", including discriminating against black jurors. US prosecutors are able to dismiss a limited number of potential jurors at the start of a case without stating a reason, but a 1986 Supreme Court ruling made it illegal to do so on the basis of race. In the sixth trial prosecutors disallowed five of six black jurors, which Flowers argued was discriminatory. The Mississippi Supreme Court upheld the sixth conviction, but the US Supreme Court overturned it on Friday.

What did the US Supreme Court decision say? Justice Brett Kavanaugh, who wrote the majority opinion, said the state had "engaged in dramatically disparate questioning" of prospective jurors based on race. His opinion pointed out that one excluded black juror in particular, Carolyn Wright, was "similarly situated" to white jurors whom the prosecution did not oppose. Justice Kavanaugh said the lower court had "committed clear error" by ruling that this selection "was not 'motivated in substantial part by discriminatory intent'". In a concurring opinion, Justice Samuel Alito noted it was "risky" for the case to be tried "once again by the same prosecutor". Montgomery County District Attorney Doug Evans, who is white, tried Flowers six times.

What did the dissenting justices say? Justices Clarence Thomas and Neil Gorsuch disagreed. In his dissent, Justice Thomas called the majority opinion "manifestly incorrect", saying it would prolong the "nightmare" of the victims' families. He also noted the majority did not dispute the guilty verdict, or the impartiality of the jury - just the prosecutor's conduct. Justice Thomas - who is the court's only African-American justice - pointed out that the defence had also used peremptory strikes to remove potential white jurors. He wrote: "If the Court's opinion today has a redeeming quality, it is this: The State is perfectly free to convict Curtis Flowers again."

What happened in the quadruple murders? The murders occurred on 16 July 1996 in Winona, Mississippi, a small town with a population of around 5,000 that is 53% black and 46% white. Bertha Tardy, Robert Golden, Derrick Stewart, and Carmen Rigby, 45, were shot and killed at the Tardy Furniture Store. Mr Golden was black; the other victims were white. Flowers had worked at the store, but had recently been fired. Ms Tardy, the store owner, reportedly withheld his pay after firing him, and close to $300 was missing from the store after the murders. He did not have an alibi for the morning of the murders, but had no prior criminal record. Eyewitness accounts and evidence at the scene were contested.

What's the reaction? After the ruling, Benny Rigby, whose wife Carmen was killed in the shooting, told the Mississippi Clarion Ledger newspaper: "There is no justice." "If he was white, he would have been executed by now," Mr Rigby added. But Flowers' family welcomed the outcome. His oldest brother, Archie Flowers Jr, said the courts "should have let him go, period". "There is no doubt in our minds he is innocent and God proved that today.

England and Wales Jail 'Shameful' Numbers of People

Guardian: More people are being sent to prison in England and Wales every year than anywhere else in western Europe, figures described as "shameful" suggest. The rate is about twice as high as Germany and roughly three times that of Italy and Spain, the Prison Reform Trust found. This amounted to more than 140,000 admissions to prison in England and Wales in 2017, the most recent year for which data is available. The trust's analysis suggests there are nearly 240 prison admissions for every 100,000 people in the England and Wales each year. It describes an "addiction to imprisonment" marked by the overuse of short sentences, the growing use of long terms and botched probation reforms. The trust's analysis, which used the latest available Council of Europe annual penal statistics, also showed:

The prison population in England and Wales is nearly 70% higher than three decades ago, at more than at 82,400. • England and Wales admitted 40,000 more people to prison than Germany each year, despite the latter's larger population. • Scotland had the highest prison population rate per head, with 150 people held in prison for every 100,000. England and Wales have 139 and Northern Ireland 76. • Eighty-one of 120 of prisons in England and Wales were overcrowded. The trust's director, Peter Dawson, said: "These figures show the scale of the challenge that we face in breaking our addiction to imprisonment. Planned measures to limit the use of short sentences and correcting failed reforms to probation are both steps in the right direction.

"But our shamefully high prison population rates won't be solved by these alone – a public debate about how we punish the most serious crime is overdue." The trust's report says 46% of people imprisoned in England and Wales in 2018 were sentenced to six months or less. More than two-and-a-half times as many people were sentenced to 10 years or more in 2018 than in 2006, despite levels of serious crime being "substantially" lower. At 9,441, England and Wales also have the highest number of prisoners sentenced to indeterminate prison terms in western Europe, the report says. The figure is said to be more than Germany, Russia, Italy, Poland, Netherlands and Scandinavia combined. The report also found that more than 7,000 people were in prison as a result of being recalled from licence, compared with about 150 in 1995.

David Gauke, the justice secretary, is considering whether to follow Scotland's lead in adopting a presumption against short sentences in England and Wales. He told the Commons earlier this month it was already the case that custodial measures were something "that should only be pursued as a last resort", but said his department was "seeing if we can go further than that". He added that he hoped to expand on his proposals "in the very near future". The government announced earlier this year that supervision of all offenders in England and Wales was being brought back in-house after a failed attempt to part-privatise probation services. The overhaul, introduced in 2014 under the then justice secretary, Chris Grayling, was designed to reduce reoffending, but was heavily criticised by MPs and regulators.

Mentally Disordered Offenders: Prisoners' Transfers

To ask the Minister for Justice, what steps he is taking to reduce waiting times for the transfer of offenders to mental health hospitals under sections 47 and 48 of the Mental Health Act 1983.

Answered by: Edward Argar: We are determined to improve the process of transfer from prison to hospital under the Mental Health Act to ensure delays are reduced. We take the mental health of prisoners extremely seriously, which is why we have increased the support available to vulnerable offenders, especially during the first 24 hours in custody. We are updating the mental health training for prison officers and so far over 24,000 new and existing prison staff have

vehicle tracker data. She also kept to her story when it was revealed Mr Yousaf was aged 29 at the time – and not in his 50s as she had described – and he had a full beard when she said her attacker had no facial hair. No forensic evidence gathered showed any physical contact between Mr Yousaf and the defendant. The Crown said Hood had stuck with her lies for so long and events had "snowballed". Hood was bailed until 1 August for a pre-sentence report.

HMYOI Werrington - High Violence Impacting On Boys' Lives

HMYOI Werrington in Staffordshire, holding around 120 boys aged between 15 and 18, was found by inspectors to have become less safe over the year since its last inspection. Inspectors assessed that the young offender institution, near Stoke-on-Trent, had deteriorated in three of HM Inspectorate of Prisons' 'healthy prisons tests'. Care for children and rehabilitation work had both slipped from good, the highest assessment, to reasonably good. The test of purposeful activity for those held remained at reasonably good.

Peter Clarke, HM Chief Inspector of Prisons, while drawing attention to many positives at Werrington, was concerned that safety had now fallen to an assessment of not sufficiently good. "The number of assaults on children remained high and violence against staff had doubled since our previous inspection. This impacted on all aspects of life at Werrington." Inspectors found that some of the violence was serious. The use of force by staff had gone up. We found that potentially motivational behaviour management policies were undermined by poor implementation and the lack of consistency in their application led to frustration among children and staff. Opportunities to reward good behaviour were missed and we saw many examples of low level poor behaviour not being challenged." Inspectors, who visited in February 2019, noted that behaviour management had become more punitive compared to the previous inspection in January 2018.

Mr Clarke added that it was "notable that there had been significant staff turnover in the previous year. During the inspection, we met many enthusiastic staff in their first year of service. However, leaders and managers needed to be more visible to support these staff, model effective practice and ensure behaviour management policies were properly implemented to help reduce the high levels of violence at Werrington." Outcomes in the area of care were more encouraging. The promotion of equality and diversity by the education provider at the YOI was particularly good and inspectors found no evidence of disproportionate treatment of children from minority groups. Health care was also very good.

"Engagement between staff and children was respectful but opportunities to build more meaningful and effective relationships were missed." Inspectors, though, commended an area of good practice. The YOI's safer custody team maintained a database of key dates, such as the anniversary of bereavements. All staff were contacted before these dates and asked to look out for these children. Time out of cell was reasonably good for most children but 'keep apart' issues – aimed at keeping apart boys who might come into conflict – meant there were often delays in moving them to education, health care or other appointments. This meant that resource was wasted as teachers, clinicians and other professionals waited for children to arrive," Mr Clarke said. However, attendance at education had improved since the previous inspection and children appreciated the better range of vocational subjects on offer. Inspectors found some good work in support of resettlement but a lack of coordination. Caseworkers, and sentence plans, were not driving the care of children at Werrington.

Overall, Mr Clarke said: "There are many positives in this report but weaknesses in behaviour management have led to deterioration of outcomes in some areas. Managers need to make a concerted effort to support frontline staff in the challenging task of implementing behaviour management schemes, with the principal aim of reducing the number of violent incidents at Werrington."

The EDL – led by Robinson, whose real name is Stephen Yaxley-Lennon – had intended to march to a mosque in Tower Hamlets, east London. The anti-fascist campaigners opposed the march, arguing that Robinson and his supporters were deliberately seeking to provoke hate crimes in an area with a large Asian and Muslim population. EDL said it was its democratic right to march in the borough. Police had imposed restrictions about when and where both demonstrations could take place. The anti-fascist campaigners gathered in a counter demonstration at a Whitechapel park to hear speeches and then set off on their march. At lunchtime, police surrounded and detained two groups of anti-fascist campaigners in a containment tactic known as "kettling". This, police said, was done in order to "prevent an imminent breach of the peace".

The campaigners said they were humiliated as they were prevented from using the toilet for hours and were not allowed to get food or water. Later they were taken to police stations around London and released, some of them in the middle of the night. Police arrested 286 protesters under public order legislation, saying the demonstrators had broken the conditions imposed on the protest. The campaigners said they had been unaware of the restrictions on the protest. Only one person was subsequently prosecuted, according to sources with knowledge of the case. The internal police documents show that the two undercover officers, who are not identified, infiltrated the group of campaigners who were being held near Commercial Road. During the afternoon, the pair were "arrested" in a ploy and then released when they were out of the sight of the group, with senior officers noting that the "extraction was achieved without incident" It is the most recent use of covert officers to spy on political campaigners that has been documented. The force declined to explain the justification for the deployment of the officers. It said :"The Met will neither confirm nor deny the deployment of undercover officers during any specific event or operation. The covert nature of undercover policing is central to its effectiveness." A public inquiry led by the retired judge Sir John Mitting is examining how undercover officers have gathered information on more than 1,000 political groups since 1968. The groups include anti-racist campaigners, environmentalists, leftwing groups and the far right.

Woman Falsely Accused Taxi Driver of Rape

BBC News: Laura Hood maintained for nearly two-and-a-half years she had been attacked in the back of a taxi before she finally accepted at her trial last week it could not have happened. The 27-year-old continued to deny the allegation against her and said she was innocent because she had not knowingly lied and instead had a false belief of "something so clear in my head". However, a consultant forensic psychiatrist who saw Hood, of Stockport, as part of the case, concluded there was no medical or psychiatric explanation for her belief. A jury at Manchester Minshull Street Crown found Hood guilty by a 10-2 majority verdict after deliberating for more than six hours.

Shortly after being dropped off home following a night out, Hood hysterically told her mother she had been sexually assaulted and then informed police she was attacked in the back of a black cab in a side-street. Her version of events was exposed though when a tracker device fitted to the cab showed the vehicle made no detours apart from when Hood jumped out briefly to use a cash machine. Prosecutor Geoff Whelan said the driver, Haroon Yousaf, could have found himself on trial for rape without the tracker data from the early hours of 8 January, 2017. Mr Yousaf was kept in custody for 20 hours after he was arrested at a taxi rank on the evening of 8 January, while a second man was also arrested as he drove a taxi with a similar registration number and spent some 14 hours in custody. Both suspects provided intimate samples as part of the investigation before they were later told no further action would be taken, jurors were told.

The court heard how Hood maintained she had been raped despite being confronted with the

completed at least one module of the revised suicide and self-harm prevention training. HMPPS is working with NHS England and Public Health England to improve and redesign services for people in prison with mental health needs. This includes revising approaches to secure hospital transfers under section 47 and 48 of the Mental Health Act when a person needs to be in a hospital setting for their mental health assessment and treatment. HMPPS and NHS England have worked together to collect new evidence and have increased understanding of where transfers work well and how delays arise, identifying areas for improvement. NHS England are currently consulting on an updated version of DHSC's good practice guidance on transfers and remissions, which will inform our approach. In addition, the independent review of the Mental Health Act, published in December 2018, made recommendations in relation to patients in the criminal justice system, which require detailed consideration in the context of transfers from prison to hospital and we will respond to these in due course. Officials in the Mental Health Casework Section (MHCS) in HMPPS issue transfer warrants on behalf of the Secretary of State. MHCS has an internal target to produce a transfer warrant within 24 hours of receipt of all necessary information. In the vast majority of cases (96%), transfer warrants are issued within 24 hours of MHCS receiving all necessary information. By holding partners to account where information is missing, MHCS has recently reduced the average time from initial notification to the issue of a warrant from 14 calendar days to 3 calendar days.

Mental Ill-Health and Fair Criminal Justice

It is now 10 years since the publication of the landmark Bradley report on mental ill-health and learning disabilities in the criminal justice system. This week a new report, 10 Years On, recommends further change to ensure that people with mental ill-health and addictions are not sent to prison when alternatives are more effective. The report finds that too many people are sent to prison without magistrates or judges seeing an up-to-date pre-sentence report. This report, provided by probation, includes vital information on whether the person has a mental health condition or learning disability. It is unacceptable that sentencers are often sending people to prison without the information that would enable them to make the right decision.

There has been a 29% fall in the number of pre-sentence reports completed (from the period July-September 2013 to the period July-September 2018). The Probation Inspectorate has recently expressed "shock" that three-quarters of people given short prison sentences did not have any report on their needs prior to the sentencing decision. The public expects more from our criminal justice system; a recent poll conducted by Populus found that three-quarters of the public think magistrates should know whether someone has a mental health condition before they pass sentence. It is clear that the government must redouble its efforts to ensure a fairer and more effective justice system. A key part of that is to prevent anyone being sentenced to prison or community without a relevant court report. Speed must not trump justice.

Landmarks in Law: the Case That Shone a Spotlight on Domestic Violence

Catherine Baksi, Guardian: Thirty years ago, a jury found Kiranjit Ahluwalia guilty of murdering her husband. Her subsequent appeal changed the way that the concept of "provocation" was applied, and helped shift the attitude of English courts and the public on the impact of domestic violence on women who kill. It led to the later freeing of two other women – Emma Humphreys and Sara Thornton – and was also relied on in the recent case of Sally Challen, who this year successfully appealed against her conviction for murdering her coercive and controlling husband.

At the age of 23, Ahluwalia was pushed into an arranged marriage. She gave up studying law and moved to England from India with her husband, Deepak, in 1979. For 10 years she endured violence, rape and sexual abuse from her controlling husband who treated her like a slave. When she could stand it no longer, she set fire to his bedclothes while he slept. Although she had not intended to kill him, he died 10 days later and she was charged with his murder. Her plea of manslaughter due to provocation was rejected. The jury found her guilty of murder and she was sentenced to life in prison. Ahluwalia recalls: “When I got my life sentence and my trial solicitor said there were no grounds of appeal, that was a big blow. I had no lawyer, no family, I ended up with a life sentence. I lost everything.”

After a couple of days, she wrote to Pragna Patel, director of the campaigning charity Southall Black Sisters, which this year celebrates its 40th anniversary of fighting for women’s rights. The group, backed by Justice for Women, won an appeal in 1992 on the grounds that expert evidence and psychiatric reports had not been presented at the original trial. After a retrial, Ahluwalia was found guilty of manslaughter due to diminished responsibility. She was sentenced to three years and four months in prison – the time she had already served – and was released immediately. Her story was made into the 2006 film Provoked, starring Aishwarya Rai and Miranda Richardson.

At the time of her trial, her plea of provocation – which is a partial defence to murder – failed because the law demanded an immediate incident of provocation that acted as a trigger to a loss of self-control. In her case, a few hours had elapsed between her husband’s last attack and her act of retaliation, which was deemed to be a “cooling down” period and not a “boiling over” period, as her defence suggested. Ahluwalia’s case, says Harriet Wistrich, director of Justice for Women, was one of a series of important cases in the early 90s that brought to the fore the issue of victims of domestic violence who kill. “In legal terms these cases brought changes to the defence of provocation by introducing such concepts as slow-burn provocation and cumulative provocation,” she says. Wistrich explains that they highlighted the fact that the provocation defence had been designed to assist men who lost control and responded with anger. Meanwhile, women were more likely to endure abusive conduct over a longer period, which would accumulate to a stage when they would ultimately lose control.

As Patel explains: “The discriminatory law was based on male standards of behaviour and did not allow for the examination of the abusive, coercive, controlling and constraining context in which abused women kill. Nor did it allow for the very real social, cultural and economic reasons that can prevent exit from abuse.” The case, says Patel, was not just about differences in physical strength and ways in which anger or rage is built up. It was about the social and political realities in which men and women find themselves, and the failure of state agencies to take domestic violence and abuse seriously. “We were not asking for a licence to kill, but for the contexts in which abused women kill to be better understood,” she says. The groundbreaking case, says Patel, “shone a spotlight on domestic violence in South Asian communities and helped to create awareness of how the patriarchal concepts of honour and shame silence South Asian women”.

The Coroners and Justice Act 2009 abolished the defence of provocation and replaced it with loss of control, which, says Patel, “better reflects women’s reality while not being lenient on men who claim that they lost self-control due to adultery or in anger”. Despite an improved awareness and response to abused women, Patel insists that the criminal justice system continues to reflect gender bias in the laws of self-defence. But, she adds, the recent case of Challen has helped to develop an even greater judicial and societal awareness of the concepts of coercion and control as a form of domestic abuse. As Wistrich points out, a lot of the facts of Ahluwalia’s case were mirrored in

'Pursuit of justice': Paying tribute to Mr Campbell, his lawyer Aamer Anwar said: "He was a giant of a man who, despite being imprisoned, refused to give up, fighting the judiciary and a corrupt police force. For Tommy, his struggle was so much more than just about him, it was about the pursuit of justice for the Doyle family. I hope now that TC is truly free and can be at peace. What makes me sad is that this man who had his life taken from him never received the recognition and apology he deserved."

Mr Campbell and Mr Steele battled for 20 years to prove their innocence. Their original trial was told that a fire was started at the Doyle family home in Ruchazie after a turf war over areas served by ice cream vans which were used as a front for drug-dealing. The deaths of six members of the family, including an 18-month old child, horrified people in Glasgow and across Scotland. At the conclusion of the trial, Mr Campbell and Mr Steele were convicted of murder and sentenced to life imprisonment. The pair continued to protest their innocence, claiming the police had fabricated evidence, but an appeal was turned down in 1985.

What were the Glasgow Ice Cream Wars? The Doyle family were targeted at their flat in the east end of Glasgow Much of the ice cream van trade in Glasgow in the 1980s was considered a front for the sale of drugs and stolen goods. When 18-year-old Andrew Doyle refused to bow to intimidation to give up his route, he and his family were targeted. In February 1984, shots were fired through the windscreen of his vehicle. Then, six weeks later, someone entered the stairwell near his family's top floor flat in Ruchazie, soaked some bed linen in petrol and set it alight. Of the nine people sleeping inside, only three escaped. No-one apart from Thomas Campbell and Joe Steele has ever been arrested for the murders of the Doyle family. However, there have been claims that a gangland enforcer confessed to the killings on his deathbed.

During their years in jail, both men continued a high-profile campaign. Mr Campbell was said to have been close to death on several occasions after staging hunger strikes, while Mr Steele escaped from jail three times only to deliberately draw attention to himself. He once handcuffed and glued himself to the railings of Buckingham Palace. More than a decade of pressure resulted in the case being referred to the Court of Appeal in 1996. Once more, their case was rejected before a third and final appeal was eventually successful. The appeal judges accepted that there had been a miscarriage of justice in what was one of the most high-profile cases in Scottish criminal history.

Met Police Pay Out £700,000 to Detained Anti-Fascist Protesters

Bob Evans, Guardian: Scotland Yard has been forced to pay a total of more than £700,000 in compensation to 153 anti-fascist campaigners who were arrested by police during a demonstration and detained for up to 14 hours. The campaigners had been detained while protesting against another demonstration led by the far-right activist Tommy Robinson. Internal police documents seen by the Guardian show that two undercover officers spied on anti-fascist campaigners at the demonstration. The pair infiltrated a group detained by the police, who pretended to arrest the covert officers so they could then disappear, according to the documents.

Kevin Blowe, the coordinator of the civil liberties group The Network for Police Monitoring, said the payouts were huge. He criticised the deployment of the undercover officers, saying: “Their role was surveillance on a new and emerging anti-fascist movement – its size, structures, allies and prominent members.” The Met confirmed the compensation payments, adding it had settled the claims without admitting liability. The force has been required to pay for the legal costs of the campaigners. The payouts – which average nearly £5,000 each – come after years of legal action by the campaigners, who had protested against a march organised by the English Defence League (EDL) on 7 September 2013.

inherent jurisdiction cannot be regarded as a lawless void permitting judges to do whatever we consider to be right for children or the vulnerable, be that in a particular case or more generally (as contended for here) towards unspecified categories of children or vulnerable adults. Accordingly, the High Court dismissed the application.

Comment: We note this case to illustrate that the inherent jurisdiction cannot be invoked by public bodies simply to plug supposed statutory lacunae, even where there are risks to life. Sometimes lacunae are there for good reason. For under 18s, the Children Act s100(2)(b) specifically prohibits the exercise of the inherent jurisdiction in these circumstances. Whether the same is true of adults who fall outside the scope of the Mental Capacity Act 2005 very much remains to be seen. For the 2005 Act contains no similar statutory prohibition. But the ability of the High Court to authorise the detention of those with mental disorder who have decisional capacity is particularly controversial. The decision in Meyers very much avoids the issue as the court considered that his choices were constrained, rather than his liberty deprived. But future testing of the boundaries seems likely. The Mental Health Act 1983 permits detention of those with capacity. And whether such controversial terrain ought to be a matter for Parliament, rather than the High Court, will no doubt be a bone of contention for some time to come.

Troubling' Secrecy on Court Information Technology (IT) Chaos

Law Gazette: The Ministry of Justice has completed its review of what went wrong during January's courts IT meltdown – but the results are not being published. The department confirmed last week in a written parliamentary response that an independent analysis of the failings was completed in May. But justice minister Robert Buckland MP said the report would not be made public in order 'to protect the department's security and commercial interests'. Multiple MoJ IT systems were affected by major disruption at the start of the year. Trials were delayed, jurors were unable to enrol and practitioners were prevented from confirming attendance that enabled them to get paid. Buckland said the report found three separate and unrelated issues occurred simultaneously, creating 'significant' business impact. He said: 'We are working closely with suppliers to make sure that diligent care is taken of the department's infrastructure, accompanied by a more robust internal capability to control and manage our vital services.'

Bob Neill MP, chairman of the Commons justice select committee, said: 'This [refusal to publish] is a troubling decision which could set a dangerous precedent. "Commercial confidentiality" should not be a used as a blanket reason for withholding information from proper scrutiny, and if there are legitimate security concerns, there are well-established precedents for publishing reports in a redacted form. The government should consider doing that in this case. ' The MoJ says an updated business continuity plan for the department will be completed this month, with specific scenarios around major IT failure. Monitoring of the core networking infrastructure will also be reviewed. Buckland said there was no evidence of any 'foul play', and no data was lost during January's incident.

Cleared Ice Cream Wars Accused Thomas 'TC' Campbell Dies

BBC News: Thomas 'TC' Campbell, one of the two men wrongly convicted of Glasgow's so-called Ice Cream Wars murders, has died at his home aged 66. Mr Campbell and Joe Steele were convicted of murdering six members of the Doyle family at their flat in 1984. The men had two appeals rejected before finally having their convictions quashed in 2004. Mr Campbell, who staged several hunger strikes while in prison, is believed to have died of natural causes.

Challen's. "If the words and framework were there at the time, [Ahluwalia's case] would also have been described as a coercive and controlling relationship," she suggests. Thirty years on, Ahluwalia reflects: "It all seems like a bad dream … People now understand more about the abuse that goes on. Women have started coming out because they know now that there is help."

Protecting Vulnerable Suspects in Police Custody

Roxanna Dehaghani, Justice Gap: In 1972, three individuals were erroneously convicted of various offences relating to the death of Maxwell Confait. These three individuals were Colin Lattimore, Ronald Leighton and Ahmed Salih. Colin was aged 18 at the time of Confait's death but was said to have an IQ of 75 and was susceptible to pressure. Ronald was aged 15 at this time but, in addition to being a minor, was said to have the mental age of an eight-year old and was said also to be extremely suggestible. Ahmed was also a minor, at the age of 14, but, in addition, English was not his first language. These three individuals were therefore vulnerable, yet their vulnerabilities were largely ignored by the police during investigation and by the court in relation to the evidence submitted at trial. Two years later, due to the dogged persistence of Colin's father, the convictions were quashed by the Court of Appeal, where it was found that Colin, Ronald, and Ahmed could not possibly have caused Confait's death.

During the time that Colin, Ronald, and Ahmed were convicted, the treatment of vulnerable suspects, amongst the treatment of suspects more generally, was governed by the Judges' Rules and the accompanyingadministrativedirections. It was recognised that the rules lacked enforceability and were therefore inadequate in protecting vulnerable suspects. An inquiry into the police investigation and the subsequent court decisions (Fisher Report, 1977/78) exposed these inadequacies and this, along with the Report of the Criminal Law Revision Committee (HMSO 1972), led to the establishment of a Royal Commission for Criminal Procedure (HMSO 1981). It was the report of the Commission that formed the basis of the protection for vulnerable suspects, and suspects more generally, as we can see today in the Police and Criminal Evidence 1984 and its accompanying Codes of Practice (particularly Code C).

Under Code C, 'vulnerable' suspects must be provided with an appropriate adult when undergoing criminal investigation. This applies whether the suspect is detained in police custody or interviewed 'voluntarily'. Until July 2018, suspects considered vulnerable were those who were under the age of 18, or adults who could be considered 'mentally disordered' or 'mentally vulnerable'. These suspects were considered vulnerable because they could, without knowingly doing so, provide unreliable, misleading or self-incriminating evidence. Code C changed in July 2018 in respect of adult suspects such that adults who, whether because of a mental health condition or a mental disorder, may: (i) have difficulty when understanding the processes and procedures connected with arrest and detention, or voluntary attendance, or their rights and entitlements; or (ii) 'not appear to understand the significance of what they are told, of questions they are asked or of their replies'; or (iii) become confused or unclear; or (iv) provide unreliable, misleading or incriminating information without knowing or wishing to do so; or (v) be suggestible or acquiescent.

Previous research has, however, highlighted that there are various barriers to implementing the appropriate adult safeguard, namely the issue of identifying whether a suspect is vulnerable (Bean and Nemitz 1995; Bradley 2009; Brown, Ellis, and Larcombe 1992; Bucke and Brown 1997; Dehaghani 2016; Dehaghani 2017; Gudjonsson et al 1993; Irving and McKenzie, 1989; Medford, Gudjonsson and Pearse 2003; National Appropriate Adult Network 2015; Palmer and Hart 1996; Phillips and Brown 1998. See also Bradley 2009; Cummins 2007; McKinnon and Grubin 2010).

In 2014-15, I spent sixmonths (three months at a time in two force areas) in police custody conducting research through a method called ethnography. This involved observing custody officers as they booked suspects and other detainees into police custody and having conversations with custody officers about their role and how they make decisions. Towards the end of the observational period (which lasted around twoand a half months), I conducted formal interviews with custody officers where I asked about their role, and decisions on risk, vulnerability, the PACE safeguards, and the appropriate adult safeguard.

Through observation and interview, I found that the identification of vulnerability was, indeed, a significant barrier to implementing the appropriate adult safeguard for adult suspects. For example, the risk assessment, upon which vulnerability could be identified, is geared towards physical risk (such as a death or serious injury) and is not adequate when assessing whether an individual needs an appropriate adult. Another barrier is that of how custody officers make sense of the information made available to them – for example, they were much more likely to trust an investigating officers view of someone's vulnerability or 'advice' given to them by the various medical or healthcare professionals within the custody suite than they were to trust a suspect's self-report of a particular illness. Yet, my research has identified additional barriers to the implementation of the appropriate adult safeguard. As I argue in my monograph, published with Routledge in January 2019, the definition of vulnerability also poses a significant barrier to the implementation of the appropriate adult safeguard. Custody officers – who make the decision of whether the appropriate adult should or should not be called – have an interpretation of who is vulnerable and therefore deserving of the safeguard.

Their interpretation did not – and does not – fully align with the Code C definition. I examined how custody officers understood the terms 'mentally vulnerable' and 'mental disorder' under the Code and asked them when they would call an appropriate adult. The custody officers distinguished between those who had, for example, Autism Spectrum Disorder (ASD), depression or schizophrenia, and those who, in their view, required an appropriate adult. Custody officers disregarded as unimportant certain mental disorders; depression was a frequently cited example – it was often claimed that those who stated that they had depression were doing so because they had been arrested or because they wanted to claim social security benefits. Moreover, those with ASD were often seen as intelligent and articulate and therefore not in need of an appropriate adult.

Yet, even if a suspect is defined and identified as being vulnerable, he or she may still not be provided with an appropriate adult. This is because the custody officer will consider other factors such as whether a solicitor is present (as the presence of a solicitor seems to obviate the need for an appropriate adult), whether calling an appropriate adult will lead to delays and the lengthening of the individual's detention in custody, and whether the case is likely to reach the Crown Court. So, for example, a suspect who is suspected of committing a 'low level' offence such as common assault may not be provided with an appropriate adult as his or her case would only reach the magistrates' court, if reaching the court at all. These factors, taken in combination – or indeed in isolation – meant that many suspects were not provided with an appropriate adult, thus meaning that many vulnerable suspects are going through the process unaided, potentially risking a miscarriage of justice.

My qualitative research findings are supplemented by the National Appropriate Adult Network 2015 report, 'There to Help' and the more recent update 'There to Help 2' (as reported on the Justice Gap here). Both reports highlight that a large number of suspects are not being provided with an appropriate adult, with the 2019 report highlighting that around 100,000 suspects are not provided with an appropriate adult where they should be. 'There to Help 2' shows a slight improvement in the uptake of the appropriate adult safeguard when com-

'enormous achievement' on the part of the NHS but noted that this must be 'matched by wider reform to the criminal justice system to prioritise wellbeing and effective rehabilitation for people with mental health difficulties'. The report notes that the 2013 White Paper, Transforming Rehabilitation, has failed to deliver on the promise of rehabilitation and has been criticised, in particular, for the failures in supporting people with multiple needs, including mental ill-health.

The report makes a series of further policy recommendations for the next decade. Chief among these is for the criminal justice system to adopt a common, comprehensive definition of vulnerabilities which includes a diverse range of conditions from mental ill-health, learning disabilities and autism to personality orders and brain injuries. This needs to be complimented with a protocol to screening, assessment, information sharing and care across the whole system. Furthermore, the roll-out of the 'Transforming Justice' court digitalisation programme should be reviewed to ensure robust evidence is available on the impact on people with mental vulnerabilities.

Deprivation of Liberty – Limits of the Inherent Jurisdiction

Local Government Lawyer: A High Court judge recently rejected the use of the court's inherent jurisdiction to protect 17-year-old gang member. The Court of Protection team at 39 Essex Chambers explain why. The issue in the case of A City Council v LS, RE and KS (A Child) [2019] EWHC 1384 (Fam) (High Court (Family Division))(MacDonald J) was whether the High Court had power under its inherent jurisdiction to authorise the deprivation of liberty of a 17-year-old who was at grave risk of serious, possibly fatal, harm but whose parent objected to him being placed in local authority accommodation. The short answer was 'no'.

KS was involved in serious gang activity. The local authority sought an order to delegate to the police the power to enter premises, detain and restrain KS, and transport him to a placement that would deprive liberty. Since the original order which authorised the same, he had absconded and had not been located by the time of the hearing, but had liaised with his lawyer and wanted to return to his mother. The local authority accepted that the relief sought lay "at the edge of the court's inherent jurisdiction" as KS was not, and could not be, a looked after child for the purposes of the Children Act 1989. There was a strict statutory prohibition in s100(2) which prevented the inherent jurisdiction being used to require someone under 18 being placed in the care, supervision, or accommodation of a local authority.

Noting that the inherent jurisdiction's origins date back to the feudal period, MacDonald J observed that "[t]he boundaries of the inherent jurisdiction, whilst malleable and moveable in response to changing societal values, are not unconstrained" (para35). There were reasons to doubt the correctness of the decision in Re B (Secure Accommodation: Inherent Jurisdiction) (No 1) [2013] EWHC 4654 (Fam), authorising under the inherent jurisdiction the detention in secure accommodation of a child who was not the subject of a care order and who was not accommodated by the local authority (para 42). KS's mother retained "exclusive parental responsibility for him" (para 46) and did not consent to the accommodation. This was not a case where the court was being invited to authorise a non-secure placement for a looked after child due to a lack of suitable beds preventing a secure accommodation application under s25. Rather, this was a case where the local authority sought an order because s25 cannot apply to KS. And this was prohibited by s100(2)(b). As Hayden J had observed in London Borough of Redbridge v SA [2015] 3 WLR 1617 at [36]:

The High Court's inherent powers are limited both by the constitutional role of the court and by its institutional capacity. The principle of separation of powers confers the remit of economic and social policy on the legislature and on the executive, not on the judiciary. It follows that the

restraints at the hospital for over an hour. He was admitted for treatment, but his health continued to decline and he died on 19 July. A pathologist, Dr Hunt, gave evidence that he was confident that the restraint had contributed to the fatal outcome.

Carla Cumberbatch, sister of Darren said: “Having been involved with the investigations since Darren’s death, and sat through three weeks of evidence, I welcome the jury’s conclusions. Hopefully something good can come out of Darren’s death, and this will raise awareness of the need for police officers to keep restraint to a minimum. I hope that progress can be made so that officers comply with their training which would ensure fewer fatalities. All citizens need equal rights and justice and to be treated with compassion and care.”

Deborah Coles, director of INQUEST said: “There is no justification for the brutal use of force Warwickshire police deployed against Darren. He was struck by batons, Tasered, sprayed with an incapacitant, punched, stamped on and restrained. Such violence is no way to respond to a man experiencing a mental health crisis, agitated, paranoid and afraid. This death occurred in the context of a systemic pattern of disproportionate use of force against black men. The Angiolini review into deaths in police custody made pragmatic recommendations to address this ongoing failure, which we call on the Government to urgently enact.”

Daniel Machover of Hickman and Rose solicitors said: “The jury have returned a strong narrative conclusion following the death of Darren Cumberbatch in the custody of Warwickshire Police. They found that "police used considerable restraint on Darren including baton strikes other physical strikes, multiple punches, stamping, PAVA spray, Tasers and handcuffing" and that "the police's restraint of Darren contributed to his death." The jury found that Darren was clearly suffering from ABD before the police used considerable restraint on him. This is another tragic preventable death: nationally and across all sectors including probation hostels those who show symptoms of ABD must be treated as medical emergencies to avoid restraint-related deaths.”

Calls to Increase Pre-Sentence Reports to Protect The Vulnerable

Charities are calling on the government to strengthen the law so that anyone being considered for a prison sentence must have a pre-sentence report before a court can imprison them. The call made by Revolving Doors, Centre for Mental Health, Prison Reform Trust, the Disabilities Trust and Transform Justice follows a recent report by HM Probation Inspectorate which revealed that three-quarters of people given short sentences did not have any report on their needs prior to sentencing. The new report (In Ten Years Time) marks the 10th anniversary of Lord Bradley’s landmark report on improving outcomes for people with mental health conditions and learning disabilities in the criminal justice system. It argues that excessive numbers of people are being imprisoned despite major psychological vulnerabilities.

In May probation inspectors found that in most cases judges and magistrates did not appear to make an assessment of why someone reoffended, their current circumstances or the potential for community sentences as an alternative to custody. Indeed, the Ministry of Justice found that there has been a 29% fall in the number of pre-sentence reports completed from 2013 to 2018. ‘We were shocked to find that pre-sentence reports were prepared for the courts before imposing a short prison sentence in less than one in four cases in our sample,’ said the inspectors.

Lord Bradley flagged up the government’s implementation of liaison and diversion services which he claimed were approaching full national roll-out: ‘By 2020 no matter where you live in the country, these vital services will exist to identify, divert or better care for people with vulnerabilities,’ he said. Sarah Hughes, chief exec of the Centre for Mental Health, called this an

pared with the figures reported in ‘There to Help’, however, uptake of the appropriate adult safeguard still remains worryingly low. Part of the reason for this, as the 2019 report highlights, is lack of access to an organised scheme: in areas that lacked access to an organised scheme, the police were half as likely to record an adult as needing an appropriate adult.

There are many things that need to be done to improve the uptake of the appropriate adult safeguard. One is better provision and funding. Another is improved training of officers whereby the various assumptions and stereotypes, as outlined in my research, could be challenged. Another method is to hold the police accountable for their decisions – this could be done through the courts, Police and Crime Commissioners, the Independent Office for Police Conduct, and Independent Custody Visitors.

The appropriate adult safeguard could also be placed on a statutory footing for adults so as to provide parity with appropriate adult provision as currently exists for children and young people (see Crime and Disorder Act 1998). The risk assessment could be improved and experts could be introduced into the custody suite. Fundamentally, there needs to a clear commitment from agencies and actors within the criminal justice process. This includes, but is not limited to, the police, the judiciary, the legislature, solicitors and other legal representatives, the CPS, and Liaison and Diversion. Until issues with the implementation of the appropriate adult safeguard are rectified, miscarriages of justice may continue to occur, many of which will undoubtedly remain undetected and unscrutinised.

R. Hackett Conviction for Sexual Assualt, Quashed

On 24 October 2017 in the Crown Court at Basildon the appellant was convicted of a single count of sexual assault contrary to section 3 of the Sexual Offences Act 2003. On 28 November 2017 he was sentenced by the trial judge to 20 months' imprisonment suspended for 24 months, which included a rehabilitation activity requirement and 250 hours of unpaid work. Pursuant to section 5 of the Protection from Harassment Act 1997 the appellant was made the subject of a restraining order until further order.

He appeals against conviction by leave of the full court. The provisions of the Sexual Offences (Amendment) Act 1992 apply to this offence, which prohibits publication of any matter which is likely to lead members of the public to identify the victim of the offence.

Facts: The appellant and the complainant, 'JH', had been in a relationship for 18 months prior to the date of the complaint. Their relationship ended on 13 March 2017. Both parties were subsequently in contact using messaging and emails. On 18 March 2017 the complainant reported to the police through a helpline that she had been sexually assaulted by the appellant the previous day. She provided a statement setting out her allegations, the appellant was interviewed by the police on 22 March 2017.

The prosecution case was that on the evening of 17 March 2017 the complainant attended the appellant's house in order to confront him about an email received by her that day in which he alleged that she had been unfaithful to him with another man. On arrival, the appellant let her in. He was wearing only a towel having just had a shower. JH asked him about his accusation. The appellant grabbed hold of her upper arms and tried to cuddle her. He was telling JH that he loved her. The appellant started to cry, saying he could not be without her. JH told him that she did not feel the same way. The appellant grabbed JH, started kissing her mouth and neck, but she resisted and asked him not to. JH became pinned against a piano in the appellant's living room. He touched her all over her body and tried to unzip her jeans. The appellant touched JH's breasts under her clothing but over her bra. He put his hand inside her jeans and touched her stomach. He rubbed his hand on her vagina over her jeans. The appellant thrust against JH and asked her to have sex. She could feel

that his penis was erect, she refused to have sex and pushed him away. The appellant caught his leg on a chair and fell. He pulled JH down so that she was crouching on the floor. He removed his towel and tried to put her hand on his penis, which she believed she touched briefly. The appellant was kissing JH's neck. She got up and went into the toilet, where she was sick. She managed to get out of the house although he was trying to prevent her leaving. On her return home JH reported something of the incident to her daughter.

The appellant's account was that he opened the door to his property having just come from the shower. JH barged past him and confronted him about who he thought she had been sleeping with. JH "came at him" and pushed his chest a few times. She pushed him, caused him to stumble over a chair and hurt his hand. JH came over to him to look at his hand and to apologise. They had a brief conversation about their relationship and she left the property. Her allegations of touching are fabricated, the only other incidents of physical contact between them occurred when JH took hold of the appellant's arm in order to look at it, their heads may also have touched during this exchange. The appellant did not try to prevent JH from leaving, nor did he ask her to have sex with him. He did not have an erect penis, she was not sick. Prior to his conviction the appellant, aged 42, was of previous good character.

The judge's legal direction: In granting leave, the full court identified three aspects of the legal direction where it was arguable that it was deficient, namely: "(a) The judge failed to direct the jury that they had to be sure of any particular aspect of the bad character evidence before they could consider placing reliance upon it; (b) The judge did not identify for what particular purpose [this] evidence might be used by them, even if they were sure that the contested event or events occurred as JH recounted; (c) The judge did not point out to the jury that, even if they were sure of one or more of the contentious background matters, on their own they proved nothing – that at the best the evidence was but a small part of the case and the jury's consideration should be principally focused on the events of 17 March 2017." We note that counsel would have been shown the written directions of the judge, which were replicated in his oral summing-up, and each had the opportunity to comment upon those directions. Allowing for that, we are satisfied that the concerns raised by the full court as to the three identified deficiencies in the legal direction are made out.

The appellant's case is summarised thus, that in many cases there is a domestic history of disputed grievances. The likelihood is that they are of little real relevance to the issues, the specific allegations and the facts of the incident which formed the charge on the indictment. Without careful management, focus on the relevant issues, evidence and consequent directions, there is a real risk that the admission of and undue emphasis upon irrelevant material will cause serious prejudice to a defendant. In admitting evidence which is lacking in relevance to the real issues to be considered by the jury, such evidence can assume prominence which outweighs any probative value. In this case bad character evidence was wrongly admitted from the outset. The wrongful admission was then compounded by an absence of appropriate judicial management and inadequate legal directions. We agree with the summary of the appellant's case. The deficiencies in the legal direction compounded the issues raised by the manner in which the appellant was cross-examined and the scope of the material that was adduced under the bad character gateways. We accept the appellant's submission that individually and cumulatively the manner in which the bad character evidence was admitted, handled in cross-examination and left to the jury did give rise to substantial prejudice to the appellant such as to render the appellant's conviction unsafe. For the reasons given, we allow this appeal and quash the appellant's conviction.

Restraint By Warwickshire Police Contributed to Death Of Darren Cumberbatch

Today, 25/06/2019, a jury has returned a narrative conclusion at the inquest into the death of Darren Cumberbatch, finding that the police's restraint of Darren contributed to his death. They also found that ineffective communication and the lack of a meaningful plan in responding to Darren was a serious failure. The medical cause of death was multiple organ failure as a result of cocaine use in association with restraint and related physical exertion. Darren Cumberbatch was 32 years old when he died in hospital in Warwickshire on 19 July 2017, nine days after use of force by police officers whilst he was experiencing a mental health crisis. He was one of five black men to die following use of force by police in 2017.

The jury also found: Before police entered the toilet area their communications were ineffective and no meaningful plan was established regarding 1) their entrance into the toilet area or 2) what they would do when inside the toilet area. This was a serious failure. Inadequate de-escalation attempts were made by police. They used considerable restraint on Darren at McIntyre House including baton strikes, other physical strikes, multiple punches, stamping, PARVA spray, Tasers and handcuffing. Some of this restraint may have been excessive and, at times, was probably avoidable. Some of the police restraint in the hospital carpark may have been excessive and, at times, was probably avoidable. The police's restraint of Darren contributed to his death.

Darren's sister describes him as a loving, quick-witted, and bubbly man who would help anyone. He was a qualified electrician and had worked for ten years at the Lear Corporation. Darren was released from prison on 30 May 2017 and was looking forward to a positive future. He was living at McIntyre House bail hostel in Nuneaton, when on 10 July 2017 at 12.23am staff contacted police to raise concerns about his behaviour. Darren, who was known to have experienced depression and anxiety, appeared agitated, paranoid and afraid.

Shortly after police officers arrived, Darren went into a small toilet cubicle. The police officers waited outside for about 10 minutes. They were then joined by officers carrying Tasers, seven of whom entered the cubicle. There was disputed evidence at the inquest as to whether Darren was posing a threat to the officers at that time. In the course of the next ten minutes Darren was struck with batons, Tasers were discharged three times, PAVA incapacitant spray was directed at him, and officers used multiple closed first punches and stamped on him. All inside the small cubicle. Darren was arrested, handcuffed and taken to the ground of the cubicle. He was then restrained in the prone position (chest down) outside the toilet area and was further restrained as he was taken to a police van. Officers giving evidence to the inquest said that they recognised that Darren needed emergency treatment in hospital, and asked the hostel staff to contact the ambulance service, but without giving any guidance as to Darren's symptoms or his condition. Officers told the inquest that they had recognised that Darren was suffering from Acute Behavioural Disorder (ABD) or Excited Delirium, however they did not inform the ambulance service that this was their concern.

Officers took Darren to the car park of George Elliot Hospital at around 1.10am. He was taken out of the van and restrained on the ground by four officers. Whilst handcuffed, further restraints were applied to his thighs and ankles. When he was taken into the emergency department, jurors heard evidence that Darren was hyperventilating, sweating and his heart rate and temperature were very high. Darren was restrained intermittently at the hospital, including a sustained period of nine minutes of restraint and an additional six minutes of restraint after that. He appeared distressed, asked for help and referred to the handcuffs being too tight. Darren had disclosed to doctors that he had taken half a gram of cocaine and cannabis. The inquest heard that Darren was very ill by the time of this arrival at A&E department, where he remained in mechanical