orders, which can prevent either everybody or particular kinds of people from doing certain things in certain places. It creates new dispersal powers, which can be used by the police to exclude people from an area (there is no size limit), whether or not they have done anything wrong.

While, as a result of a successful legal challenge,ASBOs can be granted only if a court is satisfied beyond reasonable doubt that antisocial behaviour took place, IPNAs can be granted on the balance of probabilities. Breaching them will not be classed as a criminal offence, but can still carry a custodial sentence: without committing a crime, you can be imprisoned for up to two years. Children, who cannot currently be detained for contempt of court, will be subject to an inspiring new range of punishments for breaking an IPNA, including three months in a young offenders' centre.

Lord Macdonald, formerly the director of public prosecutions, points out that "it is difficult to imagine a broader concept than causing 'nuisance' or 'annoyance'". The phrase is apt to catch a vast range of everyday behaviours to an extent that may have serious implications for the rule of law". Protesters, buskers, preachers: all, he argues, could end up with ipnas.

The Home Office minister, Norman Baker, once a defender of civil liberties, now the architect of the most oppressive bill pushed through any recent parliament, claims that the amendments he offered in December will "reassure people that basic liberties will not be affected". But Liberty describes them as "a little bit of window-dressing: nothing substantial has changed."

The new injunctions and the new dispersal orders create a system in which the authorities can prevent anyone from doing more or less anything. But they won't be deployed against anyone. Advertisers, who cause plenty of nuisance and annoyance, have nothing to fear; nor do opera lovers hogging the pavements of Covent Garden. Annoyance and nuisance are what young people cause; they are inflicted by oddballs, the underclass, those who dispute the claims of power. These laws will be used to stamp out plurality and difference, to douse the exuberance of youth, to pursue children for the crime of being young and together in a public place, to help turn this nation into a money-making monoculture, controlled, homogenised, lifeless, strifeless and bland. For a government which represents the old and the rich, that must sound like paradise. *George Monbiot, The Guardian, January 2014*

Update: Last Friday 10th January 2014 the House of Lords defeated the government's new policing and crime bill that could have seen injunctions served against children as young as 10 for playing noisily outdoors. Peers defeated the Antisocial Behaviour, Crime and Policing Bill by 306 votes to 178 votes over concerns about the definition of antisocial behaviour used in the proposed legislation. However that is not the end of the matter the bill will now return to the House of Commons, where Crime prevention minister Norman Baker fot the Con/Lib goernemt will make a few amendments and force the bill to become and Act.

Hostages: 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 Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, 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, Ihsan Ulhaque, Richard Roy Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland,

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MOJUK: Newsletter 'Inside Out' 460 (16/01/2014)

"Ain't Worried About Nothin"

What is happening my 'brudda's'? I hope y'all brought the new year in properly, as for me, well lets say it was far from uneventful. I wanted to write y'all, so I could give y'all some insight as to what's been happening in my current situation.

I was recently in HMP Manchester housed in the Special Intervention Unit (SIU), but to prisoners it's better known as the torture chamber. Because the mental torture is an every day reality for anyone sent there for 'Progressive' reasons! I was sent to there after being found not suitable for location in a Close Supervision Centre (CSC). Bizarrely I am still in a CSC unit but as a Managing Challenging Behaviour (MCB) prisoner, try and figure that out? I was only there for seven weeks but during those seven weeks I consistently told my psychologist, that I couldn't cope with being on such a small unit, (six cells).

Now I'm in HMP Wakefield as an Exceptional risk CSC Prisoner. I'm accused of assaulting two prison officer bur somehow they managed to persuade the Crown Prosecution service (CPS) to charge me with four offences,two attempted murders and two GBH Section 18's, very unusual. I've also been made Cat A, placed on a 'Seven Man Unlock' and I've been allocated to 'The Cages, for god knows how long.

Despite all these changes, I have yet to receive my paperwork, I wasn't even given the opportunity to make representations 14 days before I was selected into the CSC system, but you know the saying, 'if your face fits'.

I am presently missing (and they call us criminals) 5 kit bags of personal property, HMP Manchester said they sent everything to the Prison Service National Distribution Centre (NDC) at Branston, I wrote to NDC, they wrote back saying they have not received anything from HMP Manchester, draw your own conclusions!

Will shortly be up for first court appearance on outstanding charges, It's all early days now. I remember a time, just a few weeks ago, I boldly stated that things couldn't get any worse. But now I can officially say things could only get better! This unit doesn't have a fast turn over. Some people have been here for double figures. I know no matter what they are going to hold me here for at least a decade. If they can't control you then they'll bury you alive.

But like the the homie French Montana said I "Ain't Worried About Nothin"

Y'all take it easy now! , Clifton 'Yankee' Jetter

Clifton Jeter: A3734AE, HMP Wakefiel, Love Lane, Wakefield, WF2 9AG

Metropolitan Police pay £44,000 in Race Discrimination Settlement

In an out of court settlement, the Commissioner of the Metropolitan Police has agreed to pay £44,000 to a young black man who was stopped and searched on at least 28 occasions over four years. Alice Hardy of Bhatt Murphy acted for the claimant, together with Fiona Murphy and Alison Gerry of Doughty Street Chambers. The claimant is a qualified engineer of good character. Nothing was ever found during the searches and during one search he was sprayed with CS gas, struck in the face and threatened with a Taser. The Metropolitan Police have now asked the claimant to contribute to their officer training programme in the hope of preventing others being stopped in this way.

Inquest Into the Death of Amy Friar At Hmp Downview Began 13th January 2014

Amy Friar was 24 years old when she died on 30 March 2011. She was found hanging in her cell with a ligature attached to the heating pipes under the cell windows at HMP Downview. Her daughter was 8 years old at the time of her death. Amy had a long history of mental health problems and alcohol and drug addiction. Her father took his own life when she was a child and she battled with depression from a very young age. Throughout the time Amy was at HMP Downview she was under the care of the mental health in-reach team. A decision was made to start her on suicide and self harm monitoring after she was informed about the murder of her partner. She was initially put on two hourly observations during the day and night. This was, however, later changed to night time observations only. Concerns were raised regarding the lowering of the observations and a review meeting was arranged but sadly Amy was found dead before the meeting took place. Shortly before she was found another prisoner raised concerns about Amy's safety and asked a prison officer to check on her. The prison officer did so and asked if Amy wanted her observations to be increased. She said that she was fine and did not require additional observations. Amy was later found suspended in her cell by the same prisoner who raised concerns. Her family hopes the inquest will address the following issues:

How adequate were the assessments of Amy's risk of self harm or suicide? - Did officers checking on Amy make a proper assessment of her mood, and was information about her risk noted and communicated? - Amy made allegations of bullying and threats made against her. How did the prison deal with these allegations? - How adequate was the emergency response?

Deborah Coles, co-director of INQUEST said: "This tragic death of a young mother again raises serious questions about the use of prison as punishment for women in conflict with the law. Amy was an extremely vulnerable young woman, with a history of mental health problems and drug addiction. While the inquest should provide some answers for her family, it cannot address the wider issue of prison as a suitable place for vulnerable women, and the lack of community-based alternatives." Amy's family is represented by INQUEST Lawyers Group members Trudy Morgan of Hodge Jones and Allen solicitors and Philip Dayle of No.5 Barristers Chambers.

Warnick, Rv2013 EWCA/Crim2320 - Appeal Against Conviction by Hearsay Evidence

Lord Justice Elias: On 19th November 2012, in the Crown Court at Liverpool before His Honour Judge Hatton, the appellant was convicted of causing grievous bodily harm with intent. He was sentenced on at that date to 13 years' imprisonment. He now appeals against conviction by leave of the single judge. The background was this. On the evening before the offence took place Wayne Gill, the complainant, answered a telephone call on a mobile telephone belonging to his friend Robinson. Gill stated that it was abusive, but he did not recognise the voice, nor was the person identified.

The following day, at about 12.30 pm, Gill walked to the house of Robinson to collect some money. He noticed a blue Mercedes car on the street and began walking home. As he walked along a footpath he noticed the Mercedes pass him at speed, turn round and pull up alongside him. The passenger asked if Gill had been the male on the telephone the previous evening. Gill denied being that person and the passenger asked some more questions. Gill noticed that the driver kept looking in the rear view mirrors. The passenger punched him to the face and got out of the vehicle and continued to attack him. The driver then also got out of the car and tried to hit Gill and he then retrieved a 3 foot long crowbar from the boot of the Mercedes. The passenger shouted "Break his legs" and the driver struck Gill in the right leg, breaking it, and then in the left leg. He also struck him on the

At Last, A Law To Stop Almost Anyone From Doing Almost Anything

Protesters, buskers, preachers, the young: all could end up with Injunctions To Prevent Nuisance And Annoyance (IPNAs). Of course, if you're rich, you have nothing to fear Until the late 19th century much of our city space was owned by private landlords. Squares were gated, streets were controlled by turnpikes. The great unwashed, many of whom had been expelled from the countryside by acts of enclosure, were also excluded from desirable parts of town. Social reformers and democratic movements tore down the barriers, and public space became a right, not a privilege. But social exclusion follows inequality as night follows day, and now, with little public debate, our city centres are again being privatised or semi-privatised. They are being turned by the companies that run them into soulless, cheerless, pasteurised piazzas, in which plastic policemen harry anyone loitering without intent to shop.

Street life in these places is reduced to a trance-world of consumerism, of conformity and atomisation in which nothing unpredictable or disconcerting happens, a world made safe for selling mountains of pointless junk to tranquillised shoppers. Spontaneous gatherings of any other kind – unruly, exuberant, open-ended, oppositional – are banned. Young, homeless and eccentric people are, in the eyes of those upholding this dead-eyed, sanitised version of public order, guilty until proven innocent. Now this dreary ethos is creeping into places that are not, ostensibly, owned or controlled by corporations. It is enforced less by gates and barriers (though plenty of these are reappearing) than by legal instruments, used to exclude or control the ever widening class of undesirables. The existing rules are bad enough. Introduced by the 1998 Crime and Disorder Act, antisocial behaviour orders (asbos) have criminalised an apparently endless range of activities, subjecting thousands – mostly young and poor – to bespoke laws. They have been used to enforce a kind of caste prohibition: personalised rules which prevent the untouchables from intruding into the lives of others.

You get an asbo for behaving in a manner deemed by a magistrate as likely to cause harassment, alarm or distress to other people. Under this injunction, the proscribed behaviour becomes a criminal offence. Asbos have been granted which forbid the carrying of condoms by a prostitute, homeless alcoholics from possessing alcohol in a public place, a soup kitchen from giving food to the poor, a young man from walking down any road other than his own, children from playing football in the street. They were used to ban peaceful protests against the Olympic clearances.

Inevitably, more than half the people subject to asbos break them. As Liberty says, these injunctions "set the young, vulnerable or mentally ill up to fail", and fast-track them into the criminal justice system. They allow the courts to imprison people for offences which are not otherwise imprisonable. One homeless young man was sentenced to five years in jail for begging: an offence for which no custodial sentence exists. Asbos permit the police and courts to create their own laws and their own penal codes.

All this is about to get much worse. On Wednesday the Antisocial Behaviour, Crime and Policing Bill reaches its report stage (close to the end of the process) in the House of Lords. It is remarkable how little fuss has been made about it, and how little we know of what is about to hit us. The bill would permit injunctions against anyone of 10 or older who "has engaged or threatens to engage in conduct capable of causing nuisance or annoyance to any person". It would replace asbos with IPNAs, which would not only forbid certain forms of behaviour, but also force the recipient to discharge positive obligations. In other words, they can impose a kind of community service order on people who have committed no crime, which could, the law proposes, remain in force for the rest of their lives. The bill also introduces public space protection

ruption inquiries" yet was allowed to work on a gangland murder investigation. For reasons that are unclear, the Met formally "authorised" the meeting between the pair which "legitimised the access into the murder inquiry". Tiberius notes that "shortly after the meeting" the alleged organised crime boss "knew that the investigation team considered him a suspect".

Ricky Rayner: A suspected drug dealer who fled to Spain was one of the prime suspects for the murder of Ricky Rayner in 2001 and asked a man whom police suspected of leading a drug dealing syndicate to check whether he was still wanted in the UK. Within days, this man was able to find out the status of his associate following telephone contact with a police officer. The report stated a Police National Computer check was obtained from Bethnal Green police station. The suspected gangster was able to give the suspect the "all clear", apparently leading to his return to Britain. Tiberius also identified "regular contact" between another suspected corrupt detective and a senior member of the investigation into the murder. Again, the investigating officer had previously been identified as possibly corrupt – yet had never been prosecuted and was put in charge of a sensitive investigation.

The Myth Of Rehabilitation *John Bowden, HMP Shots, January 2014*

Before Christmas the Chief Inspector of Prisons and the Prisons and Probation Ombudsman publicly criticised the prison system for failing to reform and rehabilitate repeat offenders. The role of both government sponsored bodies is fairly questionable these days, when, for example, the existence of the barbaric "Close Supervision Centre" system raises nothing but a conspicuous silence from them, but are they so completely out of touch with the reality of how the prison system is being re-shaped by Chris Grayling and his neo-liberal agenda that they believe that "rehabilitation" actually exists even as a vague concept any more?

Even in it's heydays, first during the Victorian era when the concept of prisons as places of penance (penitentiary) and redemption fashioned regimes (often brutally), and the 1970s when a more politically fashionable idea of rehabilitation sort of influenced long-term regimes, the idea that "offenders" could be transformed in to "model citizens" by the experience of incarceration was a decidedly dubious one. And at a time when prisons and prisoners are increasingly seen as a source of financial profit and a sort of popularised retribution is characterising prison regimes the "rehabilitation revolution" has surely been put to bed permanently.

The truth is of course that as institutions prisons have always and inevitably been places of straight forward incarceration and punishment, damaging both to the prisoner and wider society is the way they create and perpetuate an alienated and marginalised criminal underclass. It was always the liberal and supposedly enlightened middle class who held the strange belief that the hate factories that are prison could also be places where positive social values could be inculcated and the criminalised outsider somehow transformed in to an obedient citizen.

The total fallacy of that idea and belief is surely obvious by now, and yet it apparently prevails amongst "experts" like the prisons inspectorate and prisons ombudsman, who, incidentally, have yet to report on a prison regime remotely rehabilitative in nature. Both the prisons inspectorate and prisons ombudsman complain that the prison system is not positively improving it's inmates or doing anything to prevent re-offending, and yet in terms of it's own supposed agenda in monitoring and improving the treatment of prisoners both bodies have become as discredited as the Independent Police Complaints Commission. Maybe a true test of their commitment to rehabilitate prison regimes would be their readiness to publicly criticise Chris Grayling, although we sort of know that is never going to happen.

head with the crowbar. The driver and passenger then drove away.

Police Constable Proudfoot went to the scene at about a quarter to one and spoke to various bystanders. One relevant piece of hearsay evidence which she recorded in her note book was given by a Claire Huckley. She also gave her mobile telephone number to the officer. She stated that "The offenders made off in the Mercedes with the registration MW61 YPK". As a result of that information the automatic number plate registration system was checked and the Mercedes with the relevant registration number was found to have travelled in a north-westerly direction along the Formby bypass at 13.08 hours. It was discovered that this vehicle had been leased to the appellant. Contact was made with a Mr Mark Argent, who had paid the insurance for the vehicle, and he in fact employed the appellant on a commission basis. The vehicle was subsequently recovered a couple of days later in a street near Argent's address.

Gill made a statement and he provided a description of his assailants. Later he identified the appellant as the driver. He also accepted that he was the same man whom he had seen some weeks earlier outside the Punch Bowl public house. He did not, however, know him.

The appellant subsequently surrendered himself voluntarily to the police and he was interviewed under caution. He submitted a prepared statement in which he denied knowing Gill and stated that at the material time he had been running with a friend, Roberts, along the Cheshire Lines Canal between Lydiate and Formby and he said he had then driven home in the Mercedes. He said he had been running between the hours of 11.30 and 1.30. Subsequently a VIPER identification procedure was conducted on 15th May and Gill identified the appellant as the driver. He later identified a volunteer on the parade as the passenger, although subsequently he also correctly identified the passenger in an identity parade.(He was in fact acquitted at the trial.)

The evidence given by the appellant at trial was that he lived a very short distance from the scene of the incident. He said that he had no reason to assault the complainant and had not met him before. He agreed that the Mercedes had been leased to him and had been in his possession for some weeks before the incident but he was not involved in the incident. He said that he had left his house to go for a pre-arranged run with his friend, Andrew Roberts. They set off running at about 11.30. He said they finished the run at about 13.00 and at that point he drove to Formby to meet his brother for a coffee. He subsequently received a call from Argent to say the police had contacted him about the car. The appellant said he did not know what that was all about, but he drove to Argent's house and he left the Mercedes and used Argent's own car for the next couple of days whilst Argent was in London. He believed that the complainant probably recognised him on the identification parade because he had seen him earlier outside the public house. When asked why he had not mentioned the alibi concerning his brother in his earlier prepared statement, he said he had not wanted to bring other people into the matter.

The single ground of appeal relates to a hearsay application in which the judge admitted as hearsay evidence the statement made to the officer by Claire Huckley.

Originally the prosecution sought to have this evidence adduced under section 114(1)(d) of the Criminal Justice Act 2003. That is the provision which allows hearsay evidence to be admitted where the court is satisfied that it is in the interests of justice for it to be so admitted. It was pointed out by the defence that the appropriate section was in fact section 116, given that the contention was that Claire Huckley was unwilling to appear in court because she lived in the neighbourhood and did not want to become involved. It was clear that she had some fear of giving evidence in court. In those circumstances the relevant section is section 116(2)(e) of the 2003 Act, which deals with circumstances where a person who has relevant evidence to give will not appear in court through fear.

The application was amended and it was pursued principally on the basis of section 116.

The judge considered that application under that section but he rejected it on the grounds that one of the conditions for admitting that evidence had not been satisfied. In order for the evidence to be admitted it is necessary that the person who made the statement is identified to the satisfaction of the court, and the judge commented that although he had been given the name and the telephone number, he did not think that that condition had been satisfied. He added that it was not clear whether the witness remained in fear. That would suggest in fact that he was not satisfied that section 116(2(e) applied at all because possibly, if further efforts had been made by the police, the witness would have been willing to give evidence. If that is so, it was certainly a proper basis on which to refuse this application. In any event, the judge went on to consider whether the evidence should be admitted under section 114(1(d). He went through the matters to which the court should have regard set out in section 114(2) and concluded that the evidence should be admitted under that section.

We accept the submission of the appellant that the evidence ought not to have been admitted under that provision. As this court has said on a number of occasions in cases such as Z [2009] 1 Cr App R 34 at paragraphs 18 to 20, ED [2010] EWCA Crim 1213 at paragraphs 14 to 21, and more recently in Riat [2013] 1 Cr App R 2 at paragraph 20, the power to admit evidence under section 114(1)(d) in the interests of justice should not be used so as to circumvent the conditions laid down in section 116. That, it seems to us, is precisely what happened here. Having concluded that one of the conditions for admitting the evidence under section 116 was not satisfied, the judge was wrong to admit the same evidence under section 114(1)(d). That would nullify the purpose of the conditions specified by Parliament in section 116.

We also note that the fact that the judge thought that the witness might no longer be in fear would suggest that he had taken the view that it was possible she would have been prepared to give evidence if perhaps the police had explained to her more fully what safeguards may be provided to her. If that is so, then it is difficult to see how the provision in section 114(2)(g) was satisfied, because that requires the court to have regard to "whether oral evidence of the matter stated can be given". Be that as it may, we are satisfied that the evidence ought not to have been admitted in this case. The relevant question, therefore, is simply whether the conviction is safe, notwithstanding that this evidence was wrongly admitted.

The appellant submits not. He says that the critical element, absent this identification of the car by the witness, was the identification by the complainant of the appellant as the driver of the car. But counsel for the appellant cast some doubt on the reliability of that evidence. He noted, for example, that the complainant failed, on the first occasion at least, to recognise the passenger in the car; and that he described the car as light blue, whereas it is silver, although counsel fairly admitted that to some extent it may be a subjective matter how someone describes the colour of a car where it lies somewhere between two colours. He also pointed out that in describing the appellant, the complainant Gill had said that he had a number one hair cut. In fact at the identification parade which took place a week or so later, it appeared to have grown not insignificantly since then, and more than might reasonably have been expected if the original description was correct.

We have considered this matter with care. We identify the factors which were pointing towards the guilt of the appellant independently of the hearsay evidence. As prosecuting counsel points out, they fall broadly into three areas. First, there is of course the important evidence of identification itself, which, as we have indicated, counsel for the appellant seeks to

to have been a man of integrity. However, Paul's highly sensitive role was later uncovered by other officers and his activities became more widely known, causing uproar among the corrupt elements inside the Yard. But far from seeing this as evidence that the police were finally on to them, one rogue detective inspector was so unperturbed that he felt confident enough to brazenly threaten one of Paul's handlers with reprisals.

The ability of organised criminals to target highly sensitive police witnesses and informants was the subject last July of evidence given to Parliament by one of the Met's most senior officers. When questioned by the Home Affairs Committee over a separate case of corrupt police officers targeting protected witnesses, revealed in The Independent, Assistant Commissioner Cressida Dick said: "I am not aware of anything in the Metropolitan Police that has resulted in infiltration thereof, but it is a risk that we are constantly trying to prevent materialising, of course, because people's lives are at risk."

The Met's inability to tackle the corruption of police officers by organised crime syndicates is laid bare in some of Tiberius' recommendations. Although the report suggests a range of strategies to combat corruption, including establishing a dedicated task force, it also recommends merely "removing alleged corrupt officers from specialist departments back to borough postings to disrupt networks" and putting troublemakers "together on one particular unit to enable a strong manager to keep an eye on them".

A former senior officer, who recently retired from Scotland Yard, told The Independent: "Nothing has changed. The Met is still every bit as corrupt as it was back then." One of the few successful investigations reviewed by Tiberius was Operation Greyhound, a long-running inquiry that found that two detectives had helped a known criminal hunt a money-launderer over a £600,000 debt. Martin Morgan and Declan Costello were paid £50,000 for helping Robert Kean, a builder with a string of previous convictions, find his former business associate, Andrew Smith.

During their trial in 2002, the Old Bailey heard that Kean and another criminal, Carl Wood, spoke of torturing Smith and putting his body in a car crusher if he could not pay his debt. At the heart of the scandal was the friendship of Morgan and Kean, a suspected drugs dealer. When Kean wanted to find Smith, he turned to Morgan, who used intelligence databases available to Met detectives to try to track down and entrap him. Kean said Morgan "was good at his job" and would be paid "50gs"– £50,000 – to act as his bounty hunter. Morgan, Kean and Wood pleaded guilty to conspiring to unlawfully and injuriously imprison a man and to detain him against his will. Costello plead guilty to conspiracy to assault, causing actual bodily harm.

Asked to comment on the Tiberius report, a spokesman for Scotland Yard said: "The Metropolitan Police Service will not tolerate any behaviour by our officers and staff which could damage the trust placed in police by the public. We are determined to pursue corruption in all its forms and with all possible vigour. The dedicated Anti-Corruption Command, part of the Met's Directorate of Professional Standards, proactively investigates any allegations or intelligence relating to either corrupt police officers and staff [or] those that may seek to corrupt our officers' staff. There is no complacency in the Met's determination to succeed in this task."

Botched jobs: Compromised murder investigations

Kenneth Beagle: Thought to have been killed by members of a named organised crime syndicate over a "failed drug importation". Tiberius names a former Met police officer whom it says "has always been considered to be one of the most corrupt officers serving in the MPS". The report claims this former officer contacted his "good friend", a detective sergeant, on the investigating team whom Tiberius says "had previously been the subject of at least three cor-

databases; obtain live intelligence on criminal investigations; provide specialist knowledge of surveillance, technical deployment and undercover techniques to help evade prosecution; and even take part in criminal acts such as mass drug importation and money laundering.

The strategic intelligence scoping exercise – "ratified by the most senior management" at Scotland Yard – found murder investigations had been infiltrated and sensitive intelligence regarding other organised crime investigations had been leaked, allowing the offenders to escape justice. The author lamented the Met's inability to root out the problem. More worryingly, he also appeared to question Scotland Yard's commitment to tackle organised crime corruption in the ranks. "For whatever reason, the current approach is simply to wait for the corruption intelligence to surface and to then react to it," Tiberius concluded. Later, it added: "These syndicates are organised and all working towards the common goals of making profit, laundering their money, evading prosecution and preventing the forfeiture of their assets. The achievement of these goals is focused and determined; the law enforcement investigation should follow this lead." Tiberius identified 80 corrupt individuals with links to the police, including 42 then-serving officers and 19 former detectives. It concluded: "Organised crime is currently able to infiltrate the MPS at will." Research conducted by The Independent suggests that only a tiny number of the officers named as corrupt have been convicted.

Keith Vaz, who chairs the Home Affairs Select Committee, said: "I am deeply concerned by the findings of this report. It is vital that the police have the utmost integrity. The public must be able to trust them to do their job and ensure justice prevails. The Met have made vast progress rooting out corruption in the force in the last 20 years but it would appear more may still need to be done." Mr Vaz added he would be writing to the current Met Commissioner, Sir Bernard Hogan-Howe, to "ensure that these allegations have been fully investigated and to confirm that he is satisfied that corruption no longer exists".

The report, produced by a team led by the former Met assistant commissioner Andy Hayman, paints a shocking picture of security at the time inside Scotland Yard, which had responsibility for the UK's counter-terror operations. Working in secret, the Tiberius team drew on multiple sources of information including covert informants, intelligence from telephone intercepts, briefings from the security services and thousands of historic police files.

One senior investigating officer interviewed by the inquiry said at the time: "I feel that… I cannot carry out an ethical murder investigation without the fear of it being compromised." In one case, the report names an alleged corrupt officer who was inexplicably put in charge of a team investigating a gangland murder linked to organised crime. Other officers Tiberius says were known to be corrupt were also identified as working on inquiries into organised crime, many of which resulted in compromised investigations and, in some cases, failed prosecutions. Some relationships between Met officers and the criminal underworld were so close that in one case named police officers were identified as co-owning properties and even racehorses with a man suspected of being one of Britain's most hardened gangsters.

In one shocking case, a police statement taken from a highly sensitive witness was found in the safe of a nightclub controlled by the Adams family – described by Operation Tiberius as the "major crime family in north London". The report stated the named witness was helping police try to solve the murder of Michael Olymbious, who the police believed had been killed after losing £1.5m of ecstasy pills owned by the syndicate.

Tiberius also found a secret informant – codenamed "Lee Paul" – providing intelligence on the Adams family and the corrupt police in its pay to his handler at the Met, who appears

undermine. Secondly, there is the extremely powerful circumstantial evidence: the fact is that a car of a similar description to that given by the complainant was found in the area a short time after the incident and the appellant was indeed the driver of that car. He then left the car away from his house giving a less than convincing explanation for doing that. The third strand of evidence was the change in the alibi given by the appellant between the statement provided at interview and the evidence given at trial. Initially the account was that he had been running for two hours, which would of course have embraced the whole period in which this incident occurred, and that he had thereafter driven home. Subsequently that changed in a very significant way, no doubt in the light of the fact that by then he appreciated that the car had been seen on the Formby Bypass at eight minutes past one. So the contention was that he had been running for an hour and a half and then had travelled to Formby to meet his brother. Nothing about that meeting had been stated on the earlier occasion. The explanation was that he did not wish to get his brother involved, but it is difficult to see why, if he was innocent, he was not prepared to say that he had gone to meet his brother to have a cup of coffee, as he later sought to claim.

Bearing all these matters in mind, we are satisfied that, notwithstanding the fact that this hearsay evidence ought not to have been admitted, there was cogent evidence before the jury from which the only sensible inference was that this appellant had committed the offence. Accordingly, notwithstanding the attractive submissions made both orally and in writing by Mr Morgan, we dismiss this appeal.

Mark Duggan Verdict - Perverse, Incomprehensible

The jury in the inquest into the death of Mark Duggan concluded today that he did not have a gun in his hand when he was shot. They also unanimously agreed that there were failures in planning and the gathering of intelligence prior to the shooting. The jury concluded, by a majority of 8-2, that he was lawfully killed.

In a statement, the family of Mark Duggan said: "We are shocked by the jury's conclusion given the evidence we have heard over the past few months. We will continue to fight for justice for Mark."

Deborah Coles, co-director of INQUEST said: "The jury's conclusion is both perverse and incomprehensible. We cannot have a situation where unarmed citizens are shot dead on the streets of London and no-one is held to account. The death of Mark Duggan is one of a number of fatal shootings by police that have raised profound concerns about operational planning and intelligence failings in firearms operations, where the use of lethal force has been disproportionate to the risks posed, and where the safety of the public was put at risk. Despite a pattern of cases raising similar issues there has been an institutional failure to implement the necessary learning to safeguard lives in the future.

"There is widespread frustration, anger and high levels of community consciousness about the lack of accountability after deaths following contact with the police. The misinformation, lies and mistreatment of the Duggan family and the perception that the police can act with impunity were at the root of the widespread disturbances around the country that followed. Public confidence in the justice system can only be restored if the law is seen to apply equally to all. This finding calls into question whether or not families of those who die following the use of force will ever find justice and accountability in the current system."

Marcia Willis Stewart, solicitor for the Duggan family said: "The jury has found that Mark Duggan was unarmed at the point at which he was shot. The jury's finding demonstrates that the officer lied about this. We cannot countenance a situation in which an unarmed citizen

is shot on sight. Whilst the law provides a defence for an officer to hold an honest and reasonable belief for the purposes of lawful killing, that is not this case. The officer always maintained that he was sure that Mark Duggan had a gun-shaped item in a sock.

"The jury found that there were failings in the way the police conducted the gathering and actioning of evidence. Had they done their job properly this fatal shooting could have been avoided. The family will, however, continue the fight for accountability. They will be seeking an urgent meeting with Rachel Cerfontyne of the IPCC, their MP David Lammy, and Keith Vaz MP, in order to ensure the IPCC, who have to date failed in their responsibility with regards to this investigation, carry a vigorous review. The family's lawyers will be considering the legal position."

INQUEST has been working with the family of Mark Duggan since his death in August 2011. The family was represented by INQUEST Lawyers Group members Marcia Willis Stewart and Cyrilia Davies from Birnberg Peirce solicitors and barristers Michael Mansfield QC of Mansfield Chambers, Leslie Thomas of Garden Court Chambers and Adam Straw of Doughty Street Chambers.

Bob Woffinden for 'Inside Time', Looks into the Case of John Allen...

The Criminal Cases Review Commission has lately begun turning down the case of John Allen. For those of us who have followed his case, and indeed had the privilege of meeting John, this is extremely worrying. The problems with the CCRC's analysis start at Paragraph 2. (There are no objections to Paragraph 1.) The CCRC write: " On any view, Mr Allen presents as a manipulative and dishonest individual capable of going to considerable lengths to achieve his own ends." On any view? Nonsense: that is not my view, nor his legal team's view, nor the view of those who have stood by him.

If the CCRC had approached the matter of his character disinterestedly, they might instead have written that, for all the scrapes that John got himself into and there have been a few those "considerable lengths" preclude violence. He has always been regarded by those who knew him as entirely innocuous. They might have added that the idea that, at the age of 41, he should choose to murder his wife and two children merely to move on to a fresh relationship is as far-fetched as any in recent criminal justice.

John took up a job as the restaurant manager at the Marine Hotel, Salcombe, in early 1975. The hotel offered him a furnished flat, a sort of tied cottage, and he moved in. It was a firstfloor maisonette. His second wife, Pat, and their two children, Jonathan and Victoria, joined him in, probably, April. A few weeks later, he began an affair with Eunice Yabsley, a newly-bereaved woman who owned a rival restaurant. Pat moved out and, after some initial indecision, took the children with her, saying she couldn't live without them.

Over the following months, townspeople perceived that this incomer had moved seamlessly from one relationship to the next; and that Eunice herself, like a modern-day Gertrude, had consummated a new liaison while they were all still mourning her late husband Charles, a popular figure locally. (In fact, her own view was that, after twenty years of abuse, Charles' death was a release for her.) 'If it had not all happened with such indecent speed', Eunice wrote. 'If my being widowed and meeting a new love could have been spread over [a longer time]… Pat's leaving and our affair would have been of no more than passing interest. As it was, coming so soon after the death of their beloved Charles, the people of Salcombe were shocked.' This was fertile ground for malevolent rumours and soon the police began to take an interest. One of the rumours which Eunice reported was that her husband had been poisoned and his body was being exhumed.

Police investigated Pat's disappearance assiduously for more than twelve months during

more, as a special allowance is already built into their salary.

Justice committee chairman Paul Givan has said the extra payments are justified. "These officers are all being advised that they need to alternate their routes when they are coming to work and going home from work, and there are areas they are not allowed to socialise in. So there is a clear impact on their lifestyle and the environment that they are operating in outside of work, and that has a financial cost to it as well," Mr Givan said. The extra payments will cost more than £1.5m a year.

In a letter to the justice committee, Mr Ford said the recommendation represents a significant cost to his department and that no additional resources will be made available. It is understood the required extra money will come from within the existing Prison Service budget. 'Mr Givan said finding the money required should be a priority for the Department of Justice. "This is not a question of whether this money should be paid," the DUP MLA said. The payments are fully merited and the justice minister must ensure the additional money needed is found, and quickly." The new payments will be reviewed every two years, and will be withdrawn if and when the security situation improves. The association that represents prison officers has welcomed the recommendation that this special payment should be made, but says the amount on offer is not enough.

PSNI added to Lawsuit over Loughgall IRA Deaths *BBC News, 08/01/14*

A civil action against the Ministry of Defence over the SAS killings of eight IRA men has widened to include police. Relatives suing over the shootings in Loughgall, County Armagh, in 1987 were granted High Court permission to add the Chief Constable as a defendant. Undercover soldiers killed the eight IRA men as they approached Loughgall police station with a bomb in a hijacked digger. The ambush inflicted the IRA's largest loss of life during the conflict. The IRA men shot were: Jim Lynagh, Padraig McKearney, Gerard O'Callaghan, Tony Gormley, Eugene Kelly, Patrick Kelly, Seamus Donnelly and Declan Arthurs. A civilian, Anthony Hughes, was also killed and his brother badly wounded when they were caught up in the gunfire.

Lawyers representing the families of some of the IRA men who died claim the killings were unlawful. With the Royal Ulster Constabulary's Mobile Support Unit also believed to have played a role in the operation, the families returned to court in a bid to have the force's successor joined to the action. An application was brought in the name of Declan Arthurs' father Patrick. It was argued that a report into the ambush referred to it as an SAS/RUC operation throughout. The court ordered that the Chief Constable of the Police Service of Northern Ireland, as successor in title to the Chief Constable of the RUC, be added as a defendant in the action.

Outside the court Mr Arthurs' solicitor said: "This is important not just for the Loughgall families in their long-running campaign for justice, but on a wider front it's very significant for legacy litigation generally. "It confirms that, despite the lengthy passage of time, if the state has material or information which has never previously been disclosed it still allows individuals to take cases even though that information isn't made known for many years. We will now amend the pleadings to join the police in this action. The full hearing will not take place until later this year."

Scotland Yard's Rotten Core: Failed to Address 'Endemic Corruption' *Indpendent*

Organised criminals were able to infiltrate Scotland Yard "at will" by bribing corrupt officers, according to an explosive report leaked to The Independent. The Metropolitan Police file, written in 2002, found Britain's biggest force suffered "endemic corruption" at the time. Operation Tiberius concluded that syndicates such as the notorious Adams family and the gang led by David Hunt had bribed scores of former and then-serving detectives to access confidential

On the subject of cuts, he said the Crown Prosecution Service's budget had been reduced by 27.5% during his time as DPP, with another 5.5% cut to come in 2015-16. "There will come a point where really no further cuts can be sustained and I think we're very, very close to that point," he said. Sir Keir said the only way to make further cuts would be to change the "way we run the system", for example by reducing the number of cases sent to courts. He said there were lots of minor cases going to magistrates' courts which "simply don't need to be there" - such as cases where people plead guilty by post to minor offences and the court convenes even though the person being sentenced is not required to attend.

Terrorist Training Could Carry Life Prison Sentence BBC News 10/01/14

Extremists who undertake terrorism training could face life in prison under a new government proposal. The life terms would replace current 14-year maximum sentences for activities including weapons training and making or possessing explosives. Ministers are also considering automatic life sentences for anyone convicted of a second serious terrorism offence, the Daily Telegraph reports. The new sentencing rules would apply to those convicted in England and Wales.

"People want to know that those who commit, or try to commit, terrorist offences face the toughest punishments," a Whitehall source told the Telegraph. "By increasing the maximum sentence to life, offenders like these won't get out of prison until the Parole Board judges them to no longer be a risk. Even when they're out, we'll still be keeping an eye on them and they can go straight back to prison if they break their life licence."

A Ministry of Justice spokesman said: "We are looking at options to further ensure that those convicted of the most serious terror offences are given the toughest sentences possible." The spokesman said details of the plans would "follow in due course". Last year, the government said suspected UK terrorists attempting to travel overseas for training could have their passports confiscated. Home Secretary Theresa May has described Syria as a training ground for a new generation of British terrorists, and there have also been concerns about Britons receiving terrorism training in countries including Somalia and Yemen.

'**Danger Money' For Northern Ireland Prison Staff** BBC News, 10/01/14

More than 1,000 prison service staff in Northern Ireland are to receive special annual danger money payments because of the threat from dissident republicans. An independent pay review body has recommended that they should each be paid more than £1,300 a year on top of their normal salary. The body said the extra money should be paid to prison staff for as long as the security threat remains.

In November 2012, a prison officer was murdered by dissident republicans. David Black was shot dead in County Armagh as he drove along the M1 on his way to work at Maghaberry prison. He was the 31st member of the prison service to be killed in Northern Ireland, but it was the first such murder in almost 20 years. Even before Mr Black was murdered, prison staff had been lobbying for extra payments to reflect the threat they face.

Justice Minister David Ford referred the issue to the Prison Service Pay Review Body, and it has now said what it calls a supplementary risk allowance of £1,320 per year should be paid. The decision applies to staff who have joined the Northern Ireland Prison Service since 2002 - including more than 350 employed during the past 18 months. The majority of the new employees earn between £18,000 and £21,000 per year. It does not apply to what are referred to as main grade prison officers, who were recruited before 2002. They earn £38,000 or

1975-6. A file was sent to the Director of Public Prosecutions and subsequently, in 1977, a decision was reached that the matter should be taken no further.

John and Eunice stayed together in Salcombe for six years before moving to west London. Then, after twelve years together, John left her for a new woman and, in 1992, Eunice published an autobiographical book. In the light of this, Devon and Cornwall police reviewed the case. They again decided, in 1993, to take no further action.

The case was then re-examined in 1998 after two officers tried to reopen it. The conclusion was that there was no information to justify re-opening the case, and the officers who had tried to do so were subjected to disciplinary measures. The following year, the case was again reviewed in accordance with ACPO guidelines. The outcome of this review was that the Deputy Chief Constable ordered that no further action should be taken.

Finally, in 2001, dissident officers succeeded in getting the CPS to authorise a new investigation. This meant the CPS took a decision contrary to the one taken by the DPP in 1977 and in the absence of any credible fresh evidence.

The case then was taken to trial with a foundation constructed partly of media prejudice and partly of the testimony of a handful of witnesses whose "memories" of events a quarter-of-a-century earlier now differed significantly from their contemporary recollections. Their new statements were both individually and collectively bewildering. One woman "remembered" having her hair done by Pat; but Pat, though a hairdresser, had not worked in Salcombe. A number of people now recalled seeing scratches on John, but whether these were to his face or his arm, there was no harmony, only discord; and, although there had certainly been rumours of scratches back in 1975, these had not been substantiated.

If the "evidence" that emerged in 2001 had existed in 1975-6, then there would have been grounds for a prosecution at that time. Given the rumours, the extensive publicity in the national press and, for example, on BBC's Nationwide, then, had there been proper evidence, it would have been uncovered. The defence could have called a variety of experts to attest to the unreliability of memory in general and these new "memories" in particular; but there should have been no need, because the judge should have ruled the evidence inadmissible. Moreover, the defence would have been able to rebut it all instantly if the records of the 1975-6 investigation had been available but, what a surprise, these had been "lost". I recall, when I was making a television programme, going to Devon & Cornwall police HQ to ask for their assistance with a case from thirty years earlier. The documents were all there, in good order. Isn't it odd how some case papers sometimes go missing?

Throughout her book, Eunice makes several references to those who attest to John's lack of capacity for violence. Despite his betrayal of her, Monica, his first wife, said that he 'wouldn't hurt a fly'. Eunice had her own first-hand experience of an abusive relationship, describing her first marriage as a 'persecution' by her husband. By the time she wrote her book, she had lost all sympathy for John, having been jilted herself. Despite all this, she records meeting his new girlfriend: 'He really won't hurt you', Eunice reassured her. 'You're very sure of that, aren't you?' 'Yes.'

The charity Missing People reports that they try to assist in the cases of "the estimated 250,000 people who go missing in the UK each year". Last year they were effective in putting 1,076 people back in touch with their families. One would not wish to diminish the enormous value of their work, but you can all do the maths. There is, of course, a corollary: if it's this easy not being traced in 2013, imagine how straightforward it was in 1975.

At the time of her leaving, Pat had only just arrived in Salcombe, so she had no friends

there. She had no close family, but had previously had contacts in the United States. There is a spectrum of possibilities of what happened to her and the children. The notion that John murdered them falls at the most implausible end of this spectrum.

The Crown case at trial was effectively incoherent, but the prosecution seem to have argued that John murdered Pat on Bank Holiday Monday, in late May 1975. Then, the next day, he invited Eunice round to the first-floor flat and she helped to settle Victoria, who was suffering from ear-ache. The body must still have been there. John did not own a car.

His elderly mother and her friend arrived on the Wednesday, and so that day he borrowed Eunice's car to help with travel arrangements. Again, Pat's body must still have been in the flat. Then, he murdered the children on Wednesday evening and must have disposed of all three bodies on his own overnight, without anyone seeing anything. This was the Crown case. It should be remembered that much of Salcombe's income derived from fishing. 'It's only a little place, but it's like a big city', wrote Eunice. 'It never sleeps. As the pubs and restaurants close, fishermen are getting up to get to the fishing grounds. There's always someone about.'

It is repugnant to civilised standards of justice that this case ever reached trial. What it demonstrates is how safeguards in the UK's criminal justice system have been eroded. In the 1980s, the Thatcher administration set up the Crown Prosecution Service (CPS) specifically to prevent unmeritorious and what were thought of as "police hunch" cases reaching trial. It is demoralising to reflect that the original, supposedly inadequate, barriers functioned effectively and prevented this prosecution; whereas the new ones ultimately proved powerless.

The CCRC explain that the jury had to be sure, in the first place, "that Pat and the children were dead". This is obviously correct. However, the jury could not have been sure of that (let alone of anything else). Plainly, this case is one in which successive parts of the criminal justice process have malfunctioned. If the CCRC feels impotent to remedy it, then one can perhaps sympathise; after all, the Court of Appeal is unlikely to want to draw attention to the string of administrative errors that enabled it to be prosecuted. However, in that case, it seems to me imperative that the CCRC report publicly that they are unable to fulfil the duties that parliament and the public expect of them.

John Allen: A1155AK, 8 Fontmell House, HMP Guys Marsh, Shaftesbury, SP7 0AH

Cases Due Before the Supreme Court - *To be heard 26 March 2014*

When does a decision to recall a prisoner from home detention curfew interfere with the prisoner's human rights? R (application of Whiston) (Appellant) v Secretary of State for Justice (Respondent) On appeal from the Court of Appeal (Civil Division) *Issue:* The appeal regards whether a decision to recall a determinate sentence prisoner, released under Home Detention Curfew, engages Art 5(4) of the ECHR (right to liberty)? Alternatively, is Art.6 ECHR (right to a fair hearing) engaged in such a decision? Facts: The appellant was sentenced to a determinate sentence of 18 months custody for Robbery. He was thus automatically eligible for release on license after 9 months. The Secretary of State (SSHD), under section 246 of the Criminal Justice Act 2003 directed his release under the Home Detention Curfew (HDC) Scheme, which allows the SSHD to direct release of certain determinate sentence prisoners within 135 days of their automatic release date. The conditions of such release are that the prisoner is subject to an electronically monitored curfew of at least 9 hours per day/night. Prior to the date of automatic release the SSHD revoked the appellant's HDC and he was returned to prison. The appellant applied for judicial review of the decision, arguing that it breached Art 5(4) by not allowing him access to a Parole Board to have the legality of his recall to prison determined.

all this: "The vitriolic personal attacks on people like Mr Barnett are both unpleasant and worrying for their families and their future". And then the implied threat: "Any future social worker who now knows that you will resort to common abuse and using the internet to air complaints will think long and hard before accepting the job of trying to supervise you.

Then the judgement makes a remarkable contradiction of fact. It accuses me of wrongly informing prison management that in 2011 the Parole Board had favoured my transfer back to an open prison and had asked the prison system to organise it. The current judgement says I had made an "error" because the Parole Board "has no power to interfere or seek to interfere in prison operational matters, such as a transfer to open conditions, which are exclusively for the Scottish Prison system". This is an incredible claim to make considering that earlier in the same judgement the board had accused the Scottish Prison System of simply "brushing aside" the board's request in 2011 that I be transferred to an open prison. Obviously conscious of it's sudden shift of position the Board decides to put the matter to bed by concluding "Unfortunately of course an open jail is not an option at the moment, nor is it likely to be in the future if both sides to this impasse remain obdurate in their stances". It then effectively washes it's hands of the situation by making no recommendations regarding a progression plan for me, nor does it even give a time when my sentence would next be reviewed. It simply leaves it to the prison system to decided when I have been sufficiently tamed in thought and attitude to be wheeled before them again.

Britain currently has a greater population of life sentence prisoners than all the other European countries combined and a prison population that in terms of sentence length now resembles the U.S. Thousands of prisoners serving indeterminate sentences (not all for serious offences of violence) are detained long beyond the "retribution" part of their sentence, or "tariff", usually because of the inability of the prison system to "process" such a dramatically increased population of lifers; the popularist "Indefinite Detention for Public Protection" ("two strikes and you're out") law resulted in a massive growth in the population of life sentence prisoners, now numbering some 13000. Whilst the current Parole Board mentality prevails, informed and influenced as it is by an increasingly punitive and intolerant political climate, the proportion of prisoners with little realistic hope of release will continue to increase and fester, and combined with a hardening of repression in prison as right-wing Justice Secretary Chris Grayling "gets tough" with prisoners, the ingredients are being sown for serious and major unrest within the prison system. The Parole Board has much to thank itself for.

Sir Keir Starmer: Legal system 'Not Fit for Purpose' *BBC News, 8 January 2014*

The justice system in England and Wales "is not fit for purpose for victims", the former chief prosecutor has said. Sir Keir Starmer said: "The more vulnerable you are as a victim, the less able the criminal justice system is to protect you." Lack of faith in the system meant many victims of domestic and sexual violence "simply don't come forward", he told the BBC's Hardtalk programme. He also warned that the system could not take further cuts to its funding.

Sir Keir said progress had been made to help victims during his five years as director of public prosecutions (DPP), and he highlighted his efforts to "change the approach" prosecutors and police took to cases of child sexual abuse. He also said action taken since the Jimmy Savile scandal would ensure victims were not "let down" in the way that they were at the time of Savile's many sex offences. Explaining his view on the way the legal system treats victims, Sir Keir said it was created as a "straight fight" between the prosecution and the defence, and the rights of victims only started being considered about 20 years ago.

place them on the internet; he wrote to Scottish Prison Service H.Q. and asked them to organise my transfer to the English Prison System on the grounds that I had neither family or friends in Scotland, which he knew to be untrue. He had throughout all of this closely "liaised" with a senior prison officer at Shotts prison who, coincidentally or not, was manager of the jail's psychology programmes dept) and was clearly determined to co-ordinate the attempt to keep me in prison. When asked directly by the Parole Board if he considered it safe to release me he replied, "Definitely not", and added that if ever I was released it must only be under the most stringent and repressive conditions: placed into a "closely supervised" hostel, made subject to curfews, electronically tagged, monitored by an entire team of social workers, psychologists, psychiatrists and police, and immediately recalled to jail if suspected of being associated with "pro-criminal elements or political activists". The implied message was obvious: for both financial and practical reasons it would be more convenient just to keep me locked-up.

Despite it's mild criticism of Barnett's inability to write a structured and proper post-release management plan for me, as opposed to scribbling something on the back on an envelope, the Parole Board treated Barnett and his "evidence" most respectfully, despite it's obvious discomfort that two years earlier he had written bizarre and obvious lies in a report to the board about me. In that report he changed completely the narrative of my original crime, despite obviously having read police and judicial records and reports, and claimed that what had been a senseless and drunken killing by three petty-criminals of another individual on the margins of South London society, had in fact been a crime motivated by racism and homophobia; which is somewhat odd considering that the defendants were first and second generation Irishmen and the victim was a white heterosexual second-generation Irishman.

Worst still, Barnett claimed that in his summing up the trail judge had explicitly acknowledged the racist, homophobic dimension to the offence; the transcript of the judges summing-up revealed nothing of the kind. Barnett had invented the story and committed it to an official parole report. This begs the question of how or why someone who works for an organisation like Edinburgh Criminal Justices could possibly imagine there wouldn't be obvious consequences to writing such obvious and easily provable lies? I would soon discover the basis of Barnett's confidence. I would spend two years pursuing my complaint against Barnett's lies at every level of Edinburgh City Council and at each turn was confronted by disinterest, contempt and an impenetrable closing of ranks. Finally my complaint was pursued to the highest level of the council at the city chambers, who informed me their social work complaints committee was currently in the process of being "re-organised" and they would give no time scale for when my complaint might be heard. I've heard nothing from them since.

The parole judgement rather guardedly deals with Barnett's lies in the following way: "Brendan Barnett produced a report that you found offensive. He wrote that your crime was motivated by racism and homophobia. The simplest way of dealing with this would have been to approach Mr Barnett. If you were not satisfied with his response you could have taken it further. Instead you resorted to the internet – the published articles appear in the dossier and accuse Mr Barnett of telling blatant lies to sabotage your release". "You used the internet to voice your strident opinions and vent your spleen against Mr Barnett. Unsurprisingly, he thought you were unsupervisable at the moment". Not a single word about the glaringly obvious lies in Barnett's report, not a question about something that went right to the heart of Barnett's integrity, or lack of it. Yet again, they're fire is focused on me for having the temerity to complain and seek to expose Barnett's lies. Indeed, Barnett is treated as the victim in

John Bowden - Victimisation Continues *HMP Shots, January 2014*

The statutory role and duty of the Parole Board in relation to reviewing the continued imprisonment of those prisoners serving indeterminate or life sentences and who remain in jail far beyond the length of time originally recommended by the courts in "the interest of retribution" is critically important if an abuse of executive power in the form of unlawful detention is to be prevented.

As a system of punishment indeterminate sentences, when not the courts but the prison system and what is in effect a hidden state decide when or if a prisoner is ever to be released, is inherently vulnerable to abuse, especially when right-wing politicians and an increasingly brutal prison system have a determining influence on how long such prisoners are detained. When the state itself assumes the power to decide how long someone should remain in jail then the concept of "public protection" is often used to justify what is in reality arbitrary and unlawful imprisonment. The Parole Board exists, supposedly, as a quasi-judicial influence to prevent such an abuse of power and objectively assess the continuing public risk of indeterminately sentenced prisoners; in that regard the Parole Board, a state appointed body, has failed miserably and is clearly unfit for purpose.

An increasingly growing number of "post-tariff" lifers (prisoners who remain imprisoned long beyond the length of time originally stipulated by the judiciary) numbering thousands continue to be warehoused in the prison system not because they represent a genuine risk or threat to the community but rather because they are either hostages to an increasingly repressive state or because of their "difficult relationship" with a prison system becoming ever more punitive and inhuman. And the Parole Board colludes in their unlawful imprisonment by simply rubber-stamping and thereby legitimising their imprisonment. A recently retired chairperson of the Parole Board has now criticised the board for what he described as it's routine inclination to deny the release of life sentence prisoners thereby creating a prison overcrowding problem that would eventually and inevitably find expression in despair and anger-fuelled unrest.

In mid-November 2013 the Parole Board delivered it's judgement on my continued detention after 32 years in jail. Significantly, there was no claim that I represented a risk to the community or hadn't changed fundamentally after three decades in prison; the panel at my hearing on the 6th November described me as an "articulate and intelligent man" whose life prior to imprisonment "was dominated by a criminal sub-culture of violence. That person no longer exists. You discovered a cause in prison for which you were willing to fight, namely against injustice, or what you perceived to be injustice, in the penal system. Your cause was on the part of all prisoners, not just yourself.

This has caused you to be labelled as militant or subversive, and your complaints have made you a target of the prison system, or so you believe". The judgement then focuses it's criticism on the prison authorities and "makes the observation that it is alarmed that the conclusions of an earlier parole hearing in 2011 (that I be moved to an open jail in preparation for release) were so easily and quickly brushed aside". It also condemns the prison system for manufacturing justifications to keep me confined in maximum-security conditions, like deciding I required a lengthy "violence prevention" behaviour-modification programme, and then ignoring a request from the Parole Board for an explanation as to exactly why I required such a programme, thereby treating the authority of the board with obvious contempt.

The judgement describes it in the following way: "Unsurprisingly you were taken aback by the decision of the management and psychology dept at Shotts prison that you would be required to complete a violence prevention programme as a condition for your transfer to

less secure conditions. As a result of that decision the Parole Board issued a direction requiring the psychology dept at Shotts jail to provide information as to who attended the meeting that decided you required such a programme and what risk assessment tools were used to assess you for such a programme. The information subsequently provided to the board seems not to comply except in perhaps very superficial terms with that direction. The persons who attended the meeting that decided you must complete the programme are not identified, except for Marc Kozlowski, a senior psychologist at Shotts jail, who chaired the meeting. At your parole hearing in November of 2013 he told the panel that he had not recommended the programme but the decision had emerged from the meeting. Marc Kozlowski was unable to give any cogent evidence upon which the meeting had made it's decision.

You could be forgiven for thinking it was rather an arbitrary and illogical decision. So, whilst this Parole Board would not presume to criticise the Scottish Prison Service, looking at this decision from your point of view your anticipated progress towards release has been brought to a halt by a process which seems to lack any transparency that you must do a programme for which there is little or no supporting evidence provided. Combined with the deeply unsatisfactory compliance by the Scottish Prison Service with the direction from the Parole Board concerning this matter it is not surprising that you are dispirited and angry". And then the judgement turns it's fire on me, criticising me for having the temerity to complain, justified or not, about my treatment when it was clearly not my place as a mere prisoner to do so.

This disapproval of my tendency to complain permeates the whole judgement and is clearly flagged-up as a risk factor; "You have set your cause of release back by your intransigence, no matter how superficially justified and understandable your complaints", "The Board might have some sympathy with you because of the lack of progress by the prison system in your case, the fact remains, however, that as a life sentence prisoner you have to accept that the prison system has operational control over you. You may or may not like the decisions that are taken but you have no realistic alternative but to accept them. Had you thought of yourself and prioritised your quest for freedom without seeking to make an issue of it you could have completed the violence prevention programme by now whether you felt you needed it or not".

So although the decision that I required a violence-prevention programme "lacked transparency and nobody outside the process knows on what basis and upon what evidence the decision was based" (the words of the Parole Board in their judgement) I should nevertheless have viewed the programme as an obedience test to be passed as an absolute condition of my progression towards my eventual release. The judgement continues in such a way: "You seem to have lost sight of the fact that you need to re-establish trust and have a working relationship with those supervising you", "things have now reached a nadir and something will have to change, probably on both sides, but you must remember that you have the greater responsibility in that regard. If you are really concerned about your freedom you must think of what is best and most productive for you", as opposed to what is right and just. So although the board have clearly identified an abuse of power on the part of the administration at Shotts prison in manufacturing dubious justifications for obstructing a recommendation made over two years ago that I be transferred to an open prison, by complaining I must bear the responsibility and consequences for that abuse of power.

If my tendency to complain about my treatment makes my continued imprisonment self-afflicted then my use of the internet through political supporters on the outside renders me a lost cause completely in terms of the sympathy of the Parole Board, who view such an

activity in highlighting abuses of power by the system the worst crime of all on my part and the most damning "risk-factor" of all preventing my release. So instead of keeping my head firmly down and conforming unquestioningly, no matter how wrong and unfair my treatment, I had sought to highlight it and place it in the wider political context of prison/state abuse of power – something a life sentence prisoner wholly dependent on the state for a release date simply should not do. The Board then tries to undermine the integrity of my use of the internet and the information I have placed on it. Part of the evidence presented against my release was a dossier given to the Parole Board by a community-based Criminal Justice Social Worker, Brendan Barnett, which contained downloaded articles of mine from various anarchist and radical websites describing abuses of power by system-hired individuals like Barnett.

The Board responded to the articles thus: "Your lawyer in her finale submission to the Parole Board seemed to be of the view that because not many questions had been asked about you your use of the internet it was improper to refer to it. With great respect, the articles were in the Parole dossier for all to see and read and their contents speaks for itself". "The Parole Board simply makes the point, in relation to material placed on the internet, that whilst nobody should be stopped from, and indeed nobody must be prevented from exercising his or her right to criticise judgements with which he or she disagrees, that must be within limits imposed by the law of libel and should not be inflammatory. Your articles are based on the view that you have formed of the prison system and how it is determined by hook or crook to prevent your release. The complaints you made against individuals in the prison and criminal justice system were investigated by complaint procedures in those systems and found to be wanting. This you regard as a case of closing of ranks by the prison and criminal justice system". Any prisoner who has ever attempted to access internal prison complaint procedures as a means of achieving justice quickly learns the futility of expecting prison staff to investigate one another with anything approaching credibility, despite what a middle-class Parole Board might imagine.

Brendan Barnett, the criminal justice system social worker employed by Edinburgh City Council, who had so assiduously downloaded and presented to the Parole Board a dossier of my articles played a pivotal role in preventing my release, exploiting his position as the person charged with the critically important responsibility of "supervising" me in the community should I be released. Barnett's priorities in terms of what sort of information the Parole Board should be provided with when considering my release became apparent at the parole hearing. He produced one of my articles (Neo-Liberalism and Prisons) that he said he had downloaded the previous evening and insisted he be permitted to read it to the parole panel because it reflected, he claimed, my absolute and total antipathy regarding the penal-like supervision of ex-prisoners in the community. The parole judgement describes the attempt of the panel to elicit from Barnett anything resembling an actual social worker report containing a plan for my post-release supervision: "Mr Barnett, for some reason, had not completed a structured risk-assessment plan (despite having two years in which to do it) but in an effort to be helpful had drafted a rough plan. Th panel were not shown this and in any event are not overly impressed by "rough guides" done on the back of an envelope". Barnett had, however, been extremely efficient in other ways.

Asked by the Parole Board in 2011 to put in place a post-release supervision plan that would include accommodation, Barnett persuaded Edinburgh City Council, his employer, to refuse me any form of accommodation on the grounds that I had never been a legal resident of that city; he persuaded the management committee of the only probation hostel in Edinburgh to refuse me a place on the grounds that I might write negative articles about the hostel and