tortured as punishment, or to coerce them to find the money for their release. They also risk being labelled as an “armed robber” and are then at further risk of being tortured to extract a “confession”. Suspects without money are also less likely to be able to access a lawyer, family members or medical treatment. Rape by police is a common method of torture inflicted primarily on women. Sex workers and women believed to be sex workers are particularly targeted by the police either for financial bribes or rape. Reports of torture and other ill-treatment in the north of Nigeria have increased over the last few years as the conflict in the north-east of Nigeria has escalated. An estimated 5,000 to 10,000 people have been detained since 2009 as part of the military operations against the armed Islamist group Boko Haram.5 A large number of these detainees – accused of having links with Boko Haram – appear to have been subjected to torture and other ill-treatment. Almost all are held in extremely poor conditions that themselves amounts to ill-treatment. A wide range of torture methods are used by both military and police, including beatings; shootings; nail and teeth extractions; and rape and other sexual violence.

Amnesty International’s research into cases of torture, enforced disappearances and deaths in military and police custody, reveals a pattern of inadequate criminal investigation by police and military and a disregard for due process. This facilitates human rights violations in custody, including torture and other ill-treatment; denies people suspected of a crime a fair trial; and ultimately hinders successful prosecution of suspects. Security officials are rarely held accountable for failures to follow due process or for perpetrating human rights violations such as torture. The absence of acknowledgement and public condemnation of such violations by senior government officials further assists in creating a climate for impunity and raises serious concern about the political will to end such human rights violations. In addition to such impunity, various other factors facilitate the routine and systemic practice of torture and other ill-treatment in Nigeria. The police force is poorly trained to carry out criminal investigations. Police rely heavily on interrogation and confessions to solve cases and arrests are routinely carried out before investigation. Similarly, military operations conducted against Boko Haram rely heavily on “screenings” and mass arrests of detainees, who are then detained for lengthy periods without charge or trial. The Nigerian justice system fails to prevent torture and other ill-treatment.

The "Right to be Forgotten": In May 2014 the European Court of Justice ruled that a user had the right to have links to web pages about him removed from Google’s search results because the passage of time had made them “irrelevant”. As a result of the ruling, Google’s European sites must process thousands of data removal requests that the company has received since its web form went live on 30 May.

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’ No 496 (25/09/2014)

Chris Grayling - Talking Utter Bollocks

Leftist critiques of the prison system bear no relation to reality - Inmate suicides have nothing to do with coalition government policies: we are doing more to help prisoners than Labour did. Prison is not meant to be comfortable. It’s not meant to be somewhere anyone would ever want to go back to. But the language being used by some pressure groups and commentators to talk about prisons bears little relation to reality. I visit prisons regularly and get feedback from staff and inmates. I see a system which is adapting to deal with a much lower budget – like almost every other part of the public sector. The approach it is taking to deal with that pressure has been designed by governors and staff themselves – it seeks to find out where things are being done more cost-effectively across the prison estate and then to replicate that.

Despite this, our system is less overcrowded than it has been in a decade. Assault rates are lower than five years ago. We are bringing new employers into prison to provide work, in fields ranging from recycling to electrical-assembly to fashion. The number of hours of work in our prisons is rising steadily. So too are the numbers of prisoners studying for a qualification – and in youth-detention facilities we are doubling the amount of education done each week. That is happening despite staff shortages in the south-east, where the buoyant labour market has created real recruitment pressure for us in the past six months – this at a time when there’s been a rise in the prison population – triggered in part by the rise in historic sex-abuse cases. We’re now recruiting 1,600 new officers to deal with that pressure. It is happening despite the fact that we are housing far more violent offenders than we did a decade ago – and that institutions like HMP Isis, criticised for being violent, are dealing with the overspill of gang warfare from city streets.

The biggest failing of the current system, and one that I hear about regularly from prisoners, is the inadequate preparation for release, and the fact that short-sentence prisoners get no support when they leave. This is something we are now reforming, and when our probation changes come into force in a few weeks’ time, this situation will end, with the introduction of proper through-the-gate support for every prisoner.

The recent rise in self-inflicted deaths has been very unwelcome and unhappy. There has been no pattern to it – it has occurred in private prisons and public ones and in prisons where there have been staff reductions and others where there have been none. No one has been able to clearly identify a cause and the circumstances are all very different. Prison staff have put a huge amount of effort into tackling the problem – reducing these deaths is a top priority for us all. Although there has been no pattern to the suicides we have seen, they underline the need for the next stage in our planned reforms. For the past two decades, since care in the community rightly ended the era of big Victorian asylums, too many of those who would once have ended up in an institution like that are now ending up in our prisons. There they all too often are pushed into a general prison environment, where there is not the expertise to deal with them. This has to be addressed.

There is excellent work already being done. I thought it was ironic that Wormwood Scrubs was lambasted recently for being dirty as a result of prisoners throwing litter, but received no public praise for its excellent work on mental health. We have also introduced reforms to identify mental-health problems in police stations, so that people can be diverted away from the

justice system and into treatment. But we can and should do much more. So when the Ministry of Justice completes work on the introduction of a proper through-the-gate resettlement and support service, I plan to focus our reform agenda on the mental-health issue.

I want to work with the Department of Health to concentrate expertise in a way that means we can deliver the best possible treatment. I want to see prisoners getting support that is every bit as good as that which they would receive from the NHS in the community. We will explore the best way to deliver this, which could include specialist centres for mental health within our criminal-justice system. Improved resettlement and mentoring of offenders, more education and work in prisons, and a new focus on mental health in prisons – at a time when we are having to make cutbacks to meet our overall budget targets. The irony is that none of these happened under Labour in the years when money seemed not to be a problem. Those on the left attacking us now would do well to remember that. *Chris Grayling, Justice Minister 18/09/14*

Long Term Imprisonment of Children

Since the age of 16 (DOB 31.08.1989) I have only spent 24 weeks and 1 day in the community (including Approved Premises) The worst thing for me about being in prison at such a young age was the lack of contact that I had with the outside world due to the way prisons operate e.g. being required to provide a D.O.B to get a phone number approved, this is especially difficult if you don't know some peoples full names. How many kids know their friends full names, D.O.B and full addresses off the top of their heads? This also proves difficult in contemporary society where social media is the norm, which as a prisoner you are completely ostracised from.

In the end you become completely detached from the outside world, your adolescence is spent in YOI's where pseudo-machism, bullying, suicides, gangs and daily violence are the norm, much of which results in periods of isolation in segregation units (usually a hundred + miles from where your family and friends live) leading to mental health (MH) problems or deterioration for those with existing MH issues.

You're not even aware of the void that is being left in your life, no photo's, no positive life events or social gatherings such as Christmas, physical relationships are non-existent, the effects are you become desensitized and have no understanding of pro-social norms. Your whole demeanour is the product of a YOI environment and totally inadequate to deal with the challenges faced in general society and inevitably leads back to imprisonment or suicide. Long term imprisonment will only ever have dire consequences for both the offender and general society, unless long term reintegration is implemented from the start.

Ross MacPherson: A6791AD, HMP Belmarsh, Western Way, Thamesmead, SE28 0EB

Early Day Motion 338: Case Of Ricky Reel

That this House expresses its heartfelt sympathy with the family of the late Ricky Reel; supports the change.org petition calling for an immediate public apology from the Metropolitan Police Commissioner to all the families affected by police spying and for action to be taken against police officers for any wrongdoing; calls on the Home Secretary to provide assurances that the family justice campaigns will be consulted when drawing the terms of reference for the Public Inquiry into undercover policing and to ensure that those affected families will be provided with legal aid so that they can be properly legally represented at the Public Inquiry; and seeks confirmation from the Home Secretary that the practice of police spying of family justice campaigns has stopped. - *Primary sponsor: John McDonnell, House of Commons: 12th September 2014*

father. That wasn't Powell. 'My parents tried to teach me the right values but I used to think you've got nothing, what can you tell me? The man driving the BMW – he's the one I want to listen to, the man who's got three girlfriends. By the time I was 12 my mindset was that the streets are full of gold and glory, I looked up to the older grown men who make trouble. I was influenced by violence and fast money.' Powell was dyslexic and could barely read and write. 'I looked for friends who were like me and started hanging round with guys bunking off school, drinking and smoking weed. These guys had the most respect.' When he was 15 he was sentenced to three years for robbery and paroled after a year. 'They let me out to destroy myself. I still couldn't read or write, I'm back on those streets. I don't know how to go for a job interview, I don't know how to speak to people, my pants are round my bum, I couldn't even spell my name.'

You know the right people, he said, and you can get a gun, it doesn't even cost much. Six years after that first spell in jail he was back, this time as a lifer. 'I went on a drugs deal and it went wrong, I pulled the trigger. I didn't stop and think, I didn't analyse the situation; it was spur of the moment. I had no intention of killing anyone but if you have a gun or a knife you don't know what's going to happen. You don't say I'm going to go and kill someone today. I'd say only 4 per cent of gang members who kill have that in mind. My case was joint enterprise and my co-defendant did nothing and doesn't deserve to be in prison. I got parole – he's still inside. It's not his fault I killed someone. Did he have foresight? No. He came with me to the address to do a drug deal and I had a gun and no intention of killing, the gun was for self-protection. I didn't have the intention so how could he have the foresight?'

Powell has moved back to the badlands where he grew up and is a part-time youth worker and motivational speaker. 'You have to get to kids like me by the time they're eight or ten,' he says. 'Don't wait until they're 15 and they've been expelled from school. Teach them they will be something in life … Teach them morals and traditions. It should be on the national curriculum.'

Having gathered submissions on joint enterprise to follow up on its 2011 inquiry the Justice Select Committee is currently hearing evidence. But will the government be prepared to act on any recommendations? Its silence when confronted with the committee's recommendation to enshrine joint enterprise in statute isn't encouraging. After her brother Alex's conviction in May, Charlotte Henry wrote to Damien Green, the minister for policing, criminal justice and victims, with her objections to joint enterprise. He replied: 'We are not persuaded that the law is unclear or that there is pressing need for change.'

'Welcome to Hell Fire': Torture and Other Ill-treatment in Nigeria

Amnesty International's research has found that countless people have suffered, and continue to suffer, torture and other cruel, inhuman or degrading treatment (hereinafter ill-treatment) at the hands of the Nigerian security forces, including the police and military. Torture and other ill-treatment are routine practice in criminal investigations across Nigeria. Suspects in police and military custody across the country are subjected to torture as punishment or to extract 'confessions' as a shortcut to "solve" cases – particularly armed robbery and murder. Many police sections in various states, including the Special Anti-Robbery Squad (SARS) and Criminal Investigation Division (CID), have "torture chambers": special rooms where suspects are tortured while being interrogated.4 Often known by different names like the "temple" or the "theatre", such chambers are sometimes under the charge of an officer known informally as "O/C Torture" (Officer in Charge of Torture).

The risk of torture and other ill-treatment is exacerbated by the endemic corruption in policing. Amnesty International's research found that police often detain people, sometimes in large dragnet operations, as a pretext to obtain bribes, alleging involvement in various offences ranging from "wandering" (loitering) to robbery. Those who are unable to pay the bribes for their release are often

of joint enterprise, to the need to give effective protection to the public against criminals operating in gangs.' 'In the real world,' Lord Steyn added, 'proof of an intention sufficient for murder would be well nigh impossible in the vast majority of joint enterprise cases.'

Lord Falconer, lord chancellor under Blair, casually dismisses the rights of defendants in these cases. 'The message that the law is sending out,' he said in 2010, is that we are very willing to see people convicted if they are a part of gang violence – and that violence ends in somebody's death. Is it unfair? Well, what you've got to decide is not 'Does the system lead to people being wrongly convicted?' I think the real question is 'Do you want a law that is as draconian as our law is, which says juries can convict even if you are quite a peripheral member of the gang which killed?' And I think broadly the view of reasonable people is that you probably do need a quite draconian law in that respect.

One case that still bothers Anthony Hooper is R. v. Gnango. In December 2009 Hooper and four other judges heard Armel Gnango's appeal against his conviction for murder, attempted murder and possession of a firearm with intent to endanger life. Gnango was 17 in October 2007, when, armed with a gun, he went out looking for a man who owed him money. He found the man, who was wearing a red bandana over his face, in a car park on an estate in New Cross. Bandana Man, as he is referred to in the case, started shooting at Gnango, who returned fire. Missing his target, Bandana Man instead hit and killed Magda Pniewska, a 26-year-old Polish care worker who was walking past, talking to her sister in Poland on her mobile. Gnango identified Bandana Man, but he was never charged: the police were unable to get sufficient evidence against him. But Gnango was charged and convicted of murder even though the first, fatal bullet had been intended for him. The judge advised the jury that the two men were in a joint enterprise to commit this crime. Hooper and his fellow judges quashed the conviction on appeal. Gnango and Bandana Man could not, they reasoned, have had a common purpose; their intentions were in opposition to each other.

'This is how Gnango operates in practice,' Hooper said. 'Myself, my brother, my cousin and a friend are having a fight with another gang. A member of the other gang kills my brother. Clearly the person who shot him or stabbed him is guilty of murder and under ordinary joint enterprise doctrine the three other members of the opposing gang may well be guilty of murder. But following Gnango I am also guilty of the murder of my brother.' The case went to the Supreme Court, which reinstated the conviction. The Supreme Court judges noted that 'in resolving the point of law it will be appropriate to have regard to policy.' But as the Justice Select Committee warned, 'overcharging under joint enterprise will not assist the task of those trying to deter young people from becoming involved in gangs.' The drive to use joint enterprise to further social policy at the risk of compromising judicial impartiality is clear. The underlying consensus, as demonstrated by Falconer, is one of contempt for the defendants.

Lord Hutton and Lord Mustill's comments about the practical considerations governing the law on joint enterprise were occasioned by a shooting carried out by a former gang member called Tony Powell 23 years ago. It was this case which established that a secondary party need not have the intention to murder, but can still be as guilty as the principal. Powell and another young man set out to complete a drug deal. It went wrong. Powell pulled a gun and shot the dealer. Convicted of murder, he served twenty years before being paroled ten months ago. His co-defendant is still inside because, Powell says, he has always refused to accept that he was guilty, something which can prevent parole.

The textbook gang member is a boy with a hard-up, overworked mother and an absent, feckless

Latvian Criminals in UK do Their Probation by Email *Jamie Doward, Observe*

Between 30 and 40 convicted Latvians living in the UK are being supervised by probation officers in their native country via email. The revelation comes after forensic searches were conducted at the home of a Latvian builder named as the prime suspect in the search for Alice Gross, the missing London schoolgirl. Scotland Yard said it was looking for Arnis Zalkalns, 41, after he was identified on CCTV near the towpath in west London where Alice went missing. Latvian police confirmed Zalkalns served a custodial sentence after he was convicted of bludgeoning his wife, Rudite, to death in his home country in 1998. He served seven years in prison, prompting questions over why he was allowed into the UK and how much the authorities knew of his violent past.

Harry Fletcher, a former assistant general secretary at the probation union, Napo, and now director of the Digital-Trust, a charity that campaigns against online abuse, said that Latvian offenders living in the UK were obliged only to email their probation officers once a fortnight. The revelation will further intensify the focus on the supervision of offenders from EU member states residing in the UK. British citizens who had been convicted of murder would be subject to stringent supervision orders for the rest of their lives and details of their offences would be lodged with the relevant authorities. They would have to be seen regularly by a probation officer and would have to report any changes in their lives. They would also have to seek permission to travel abroad. But Latvia does not insist on such oversight, Fletcher claimed. "The Latvian authorities don't have a postal address for them, just email addresses. These are offenders currently on licence, some for serious convictions. The Latvian authorities can't take their passports away because of their right to free movement. But this is a legal loophole that needs closing."

Police Sign off Armoured School run Vehicle

No joke, San Diego Unified School District has bought an MRAP (Mine-Resistant Ambush Protected vehicle) most recently used by NATO forces in Afghanistan. The vehicle costs around £452,000 but only set the school district back the £3,000 needed to transport it. This deal is enabled by a government programme where civilian organisations can take get their hands on military-grade ordnance normally for law enforcement purposes. The school district's police chief Ruben Littlejohn spoke of the acquisition he signed off on: "There will be medical supplies in the vehicle, there will be teddy bears in the vehicle. "There will be trauma kits in the vehicle in the event any student is injured, and our officers are trained to give first aid and CPR." Scott Barnett, a trustee of the school board, described the decision as a "misguided priority" claiming that the board had not been notified regarding the armoured vehicle.

Is Victims Of Crime Announcement Legislation Just for the Sake of it? *Joshua Rozenberg*

"Victims' rights will be enshrined in law," Chris Grayling announced on Monday. "Next year," added the justice secretary's statement, "victims' rights to tell the court how their crime has affected them will be set out in statute." And who could possibly object to that – apart from news outlets to which the story was not leaked a day earlier? We all want to support victims, even though some of us take the old-fashioned view that it's better to regard them as complainants until a defendant has been convicted. Although there is usually little doubt that people who look as if they have been robbed or burgled are victims of crime, others who report a theft or assault may sometimes be less sinned against than sinning.

But it seems like only last year that the government held a consultation on improving the code of practice for victims of crime, leading to an updated code for victims that has been in force for less than a year. Is it already out of date? Apparently not. What's changing is that the code's "key entitlements" will be put into primary legislation. But why? Aren't the courts paying attention to it already?

The government's policy document, which is laid out in a very large typeface, does not say. And when will these changes take effect? Next year, as the government's announcement implies? Not quite: "legislation will be introduced in the next parliament". Leaving aside the paper's assumption that the present coalition will still be in power after the general election, that could be at any time in the next five years. The earliest that any act could take effect is 2016.

And what will the legislation say? Last month, a judge chairing a panel of the parole board was heard to comment that so-called victim personal statements could make no difference to the board's assessment of whether it was safe to move an offender to an open prison in preparation for release on licence. The judge came in for much criticism even though his remarks, which were not intended to be heard, were no more than a summary of the existing code. That tells victims: "You should not include views on whether the prisoner should be released. This is because the parole board's decision will be made on the risk the offender currently presents."

It is at the sentencing stage that victim personal statements are better established. There seems to be no intention that their status will change once the code is put into statutory form – and nor should it. Of course, judges must take into account the impact of a crime when passing sentence. But an offender should not receive a lighter sentence simply because the victim cannot face making a personal statement or happens to be particularly forgiving. A victim's views must never be determinative. Under the government's proposals, victims would have the right to make personal statements but not the right to insist that statements are read out in court: they could merely "ask". And that is as it should be: courts must be able to control their own procedures. More to the point, though, it's what happens under the existing code. So why legislate?

It is hard to avoid the conclusion that this is another of those bills that is not intended to change the law. That was how I described Grayling's social action, responsibility and heroism bill here in June, before it was published. Sir Edward Garnier QC MP, the former Conservative law officer, said in July that he could not find any "practical difference that the bill will make to the current law" and could not support it. And, as Owen Bowcott reported last week, those concerns were reinforced during the "Sarah" bill's committee stage.

There is, of course, more to Grayling's announcement than a pointless change in the law. There'll be a new information service and helpline. The much-derided police and crime commissioners will be made to do something useful. By 2018, victims will be able to track the progress of their cases online, rather like a parcel delivery service. There will be more locations at which vulnerable witnesses will be able to give evidence. The whole thing looks and sounds very much like an election manifesto. Labour are planning something similar. But one proposal that requires further attention is a new requirement that "publicly funded advocates must have undertaken approved specialist training on working with vulnerable victims and witnesses" before they can be instructed in cases involving serious sexual offences. I can see no problem with making this a requirement for prosecutors. But I am not persuaded that the state should interfere in this way with a legally aided defendant's right to instruct defence counsel of his or her choice.

I am also bemused by the proposal to make offenders pay compensation to victims "up-front" instead of "as and when the offender is able to pay". As compensation orders are made on or shortly after conviction, "up-front" presumably means before the defendant has been found guilty. How can an innocent offender be ordered to pay compensation? And how can money be extracted from a defendant before he is "able to pay"? No doubt there are answers to these questions. I am old enough to remember when the lord chancellor would have given them at a press briefing. Such days are long gone. But Grayling and his officials are very welcome to join our debate below the line.

Andrew Ayres was murdered. 'When I was in the car park looking for my shoe[s] I was not there encouraging anyone. I did not want a fight,' Mitchell told the court. One of the group, Carl Holmes, pleaded guilty to murder and got life. Mitchell, her boyfriend and another man were also convicted and given life sentences. Mitchell's continued presence in the car park was enough to make her complicit in the joint enterprise of murder. The Court of Appeal upheld the judgment.

Even more bizarrely, 25-year-old Nigel Ramsey received a 35-year sentence for murder although he was in jail (for unlawful wounding and wounding with intent to cause grievous bodily harm) when the murder was committed. The case against him rested largely on mobile phone calls and texts between him and two other defendants on the day of the murder, although the court wasn't told the content of the calls and texts. The other evidence used against Ramsey came from a witness who claimed she'd been told that Ramsey said to one of his co-defendants: 'If the shoe was on the other foot and their mans [sic] had got me they wouldn't have let me go.'

Public perception of the defendants caught up in joint enterprise trials is that they are unsympathetic characters, as one QC said; often the crimes involve two gangs. But not always. It was after meeting the parents of Ben Kinsella, murdered at the age of 16, that the then home secretary Jack Straw extended the mandatory sentence for murder involving a knife to 25 years. Kinsella and his friends went out to celebrate after finishing their GCSEs. One of his friends had a disagreement with some men in a bar; one of the men, Jade Braithwaite, and two others, Juress Kika and Michael Alleyne, who came later, attacked Kinsella's group as they left the bar.

What happened was described when Kika unsuccessfully took his case to appeal: Kinsella, the judges said, offered not a shred of provocation … All he wanted to do – and he tried to do – was to get away from trouble, but he was cut down before he could reach safety … Frightened, the group of young men [had] started to run away. Kinsella was at the back of the group. He became isolated. He crossed the road, but he was followed. He was hunted down. He was knocked to the ground between two parked vehicles, set upon and stabbed 11 times.

It isn't surprising that Kinsella's parents would support the law on joint enterprise and push for heavy sentences. Some victims' relatives have become involved in formulating policy. Helen Newlove, now Baroness Newlove, was made victims' commissioner in 2012 with David Cameron's backing. Her husband, Garry, was killed in 2007 after he confronted some drunken youths outside their house in Warrington; three of them were convicted under joint enterprise. It's not easy to argue against the wish to take account of the feelings of victims' families, but some lawyers, including the QC Andrew Hall, are wary: 'Successive governments over the years have said we need to put victims at the heart of the criminal justice system and they say the criminal justice system has to be rebalanced. It's only ever rebalanced in one direction, which is towards the victim, towards getting tougher on criminals, bringing more people to justice. The very phrases used are loaded with and infected by that spirit.'

Without a basis in statute, the law is susceptible to being altered in ways that allow it to be used as a means of social engineering. As you pick your way through the legalese of judges' statements at trial and appeal, it becomes clear that the demands of social policy, not to mention the media, play a dominant part in their interpretations and reinterpretations of the law on joint enterprise. In R. v. Powell and Another in the House of Lords in 1997, Lord Mustill admitted that the law was determined by 'practical and policy considerations'; although 'intellectually, there are problems with the concept of a joint venture … they do not detract from its general practical worth.' Lord Hutton agreed that 'the rules of common law are not based solely on logic but relate to practical concerns and, in relation to crimes committed in the course

people were tried for homicide in cases with two or more defendants – effectively 44 per cent of such prosecutions. The average conviction rate in homicide trials involving multiple defendants is 76 per cent when there are two or more defendants and 73 per cent for four or more. Some months into our research, the CPS, responding to the recommendations from the select committee, published statistics for prosecutions for joint enterprise murder and manslaughter cases in 2012. Although the classification is slightly different – homicide includes infanticide and death by dangerous driving, for example – the CPS figures for murder and manslaughter that year tallied with those we'd found. The CPS doesn't plan to continue publishing these figures. In 2013, 22 per cent of all appeal court cases involved a joint enterprise conviction, double the rate in 2008. In 2012 there were 11 appeals against murder convictions under joint enterprise. Of these, seven were upheld, one sentence was altered and three were quashed. It's easy to see why so many of these cases go to appeal. But as David Ormerod, the law commissioner, said to the Justice Select Committee, the outcome of these appeals – like those of the original trials – 'are often perceived as illogical or unfair'.

In May 2010 two South London gangs, Shanks and Guns and the Sydenham Boys, confronted each other in a Sydenham park. After a burst of bravado, the Sydenham Boys retreated. As they were running off, a member of their gang, 16-year-old Nicholas Pearton, arrived in the park on his own. Some of the Shanks and Guns chased him and one of them, 16-year-old Dale Green, stabbed Pearton, who'd got as far as the main road on the edge of the park. He staggered into a takeaway, where he died not long afterwards. Three of the Shanks and Guns boys were given mandatory life sentences for Pearton's murder and four for manslaughter. One of them was 17-year-old Edward Conteh, who has an IQ of 71. To impute a degree of foresight to him stretches common sense, especially since CCTV footage shows him in the park riding his bike at the time of the stabbing. He was found guilty of manslaughter and sentenced to seven years. Francis FitzGibbon, who defended Conteh, characterises the law on joint enterprise as a fishing expedition: 'Drop your drift net into the ocean and you pull up all sorts of fish, big and small, and you hope someone's going to drop the small fish back in before it's too late but you can never be sure that's going to happen.'

As well as small fry like Conteh, the law catches big fish like Gary Dobson and David Norris. Although neither of them was found guilty of carrying out the stabbing that killed Stephen Lawrence when they were finally tried in 2011, new scientific evidence demonstrated they had been very close to Lawrence when he was attacked – 'proximity', as the judgment allowing Dobson's retrial stated, 'for which no innocent explanation can be discerned'. As Andrew Hall, a criminal barrister and former chairman of the Criminal Bar Association, says, 'If you participate in some way in the offence and you intend what happens to happen or encourage everything to come about, then you carry moral culpability and criminal responsibility.' But the way joint enterprise is interpreted, Hall added, means that people are also 'convicted of murder who did not intend or desire or expect that to be the result'.

Laura Mitchell and her boyfriend, Michael Hall, stopped for a drink at the King's Head in Buttershaw, Bradford on a Saturday night out in 2007. At about 2 a.m. they and some friends left the pub and got into a taxi outside. The taxi turned out to have been booked by someone else and a fight broke out. The court heard that 22-year-old Mitchell was drunk and aggressive. During the fight, she somehow lost her shoes and when it ended she was still hunting for them. Meanwhile, two of her co-defendants went to a nearby house, where they collected a mace, CS gas and knuckle-dusters, and then returned to the pub car park. A second, more vicious fight began, during which

Dutchman in Spanish Jail Waits for DNA Justice

A Dutchman convicted of sexually assaulting three women in Spain has been in prison for the last 11 years despite DNA results 7 years ago suggesting he wasn't the culprit. On March 25th 2005, Romano van der Dussen was found guilty of committing three violent sexual assaults in 2003 in Fuengirola, Malaga. According to Spanish daily El Pais, his DNA and fingerprints did not match any found at the crime scenes.

The assaults had taken place in the dark, between 4am and 6am, but two of the women who were attacked picked out Van der Dussen "without any doubt" from ID parades. They disagreed about whether their attacker had had long or short hair but it was enough to convict the then 30-year old Dutchman of causing bodily harm, robbery with violence, attempted rape and three sexual aggressions. A third witness also identified Van der Dussen, who had no criminal record but who had been arrested in the past for fighting with his girlfriend. The Dutchman was sentenced to 15 and a half years in prison in addition to the 19 months in custody he served between being arrested and tried.

But when Spanish police entered DNA recovered from the crimes into the international Veritas database in 2007, it showed a match with a British man, Mark Phillip Dixie. Dixie was already in custody in the UK and would subsequently be sentenced to life imprisonment for raping and killing a woman in London in 2005. He was also being investigated by Australia as a possible murderer and serial rapist. Investigators contacted Interpol who revealed that Dixie had lived in Malaga between 2002 and 2003 – the same time that the crimes had been committed. A report was submitted on March 23rd 2007 but the wheels of justice have turned very slowly since then. The case has been passed from court to court – including Spain's Supreme Court – but has been repeatedly held up on technicalities. His lawyer, Silverio García Serra, said "It is a disgrace that Romano Van der Dussen is still imprisoned and that judicial diligence has still not been carried out. They cannot act with such neglect in the case of a possibly erroneous imprisonment. An innocent man in prison should be a priority for the system, but no-one has cared," he added. A magistrate in Fuengirola is now pursuing the case and has asked Interpol for Dixie's fingerprints and British police for a DNA sample.

£26,500 Payout for Ivan Martin - Tasered by West Midlands Police *Birmingham Mail*

West Midlands Police has been ordered to pay £26,500 compensation to a former security guard from Birmingham who was Tasered and wrongly arrested by officers. But Ivan Martin, 54, of Bromford Bridge, says he remains angry that no-one has been disciplined over the terrifying incident. A jury at Birmingham County Court decided police had subjected Mr Martin to an unprovoked assault and awarded the damages.

Yet, after the court victory, the dad said: "I'm still angry. No action has been taken against those officers, there were no consequences for them. The attack was completely unjustified. There is nothing to stop it happening again." Mr Martin told the court that he opened his front door to three police officers on February 22, 2011, who accused him of carrying out criminal damage earlier that day. But the bald-headed and heavy-set father said he told officers he believed they were looking for his 21-year-old son, Ivan Junior, who was slim and with an Afro haircut. After a ten minute discussion Mr Martin stepped back into his house and as he went towards the kitchen the Taser was fired at his back. He described the pain as so extreme that he thought he had been shot and he fell to the floor. He was handcuffed and despite protesting his innocence, was taken to Steelhouse Lane Police Station where he was told that he had been arrested for assaulting two police officers and obstructing the police in the execution

of their duty. Mr Martin was released without charge 17 hours later.

His solicitor Iain Gould said: "Police somewhat bizarrely misidentified Mr Martin senior for his son. As a result, Mr Martin sued West Midlands Police for damages for false imprisonment and assault." The jury concluded that Mr Martin did not pose a threat to police and that he had not been warned before the Taser was fired. Mr Gould said the compensation package included £8,250 exemplary damages - which is only awarded in exceptional circumstances where a jury wishes to make its mark of disapproval.

Chief Inspector Debra Doyle, from the force's Professional Standards Department, confirmed the compensation has been paid. She added: "An internal investigation also upheld complaints of false imprisonment and assault because although officers held an honest belief the complainant was the man they were looking for, ultimately the wrong person was arrested. This resulted in an officer receiving management action."

Probation Union says System 'in Chaos'

Speaking at a Labour party conference fringe event, NAPO spokeswoman Tania Bassett said the performance of the probation service since moving into private sector hands was worse than the union first feared. Bassett said staff morale is lower than ever, with large numbers of probation workers leaving the service altogether.

The government has introduced contracts on a payment-by-results basis for around 70% of the probation service. Bassett said probation workers assigned to different companies cannot talk to each other or even share stationery. Some are working on 70 high-risk offenders at any one time, while 2,000 cases are still unallocated with no supervision or monitoring. Bassett also noted that IT breakdowns had meant that workers could not access important court or prison records. 'The government is in complete denial – these are not teething problems, they are having a direct impact on people's lives,' she said. 'This summer two members took their own lives – one chose to write her own eulogy in which she talked about the changes. It is putting the public at harm and causing delays in courts and prisons, putting immense pressure on our members who are leaving in droves.' Bassett called for an independent inquiry to judge the success of the privatisation programme and its impact on the justice system.

Shadow justice secretary Sadiq Khan, also appearing at the event, said the changes had been 'rubbish', although he warned it would be expensive to tear up contracts if the government commits to 10-year deals with expensive break clauses inserted. Khan also proposed the law should be changed so that private companies running public services should be subject to freedom of information requests.

ECtHR Retention of Information, where proceedings had been dropped - Unlawful

French crime database system in breach of Convention for storing information on individuals against whom proceedings have been dropped In Chamber judgment in the case of Brunet v. France(application no. 2101O/1O) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The case concerned a complaint about Mr Brunet's details being recorded in a crime database after the discontinuance of criminal proceedings against him. The Court found in particular that Mr Brunet had not had a real possibility of seeking the deletion from the database of the information concerning him and that the length of retention of that data, 20

sentencing, when Radford told the court that Ferguson had been 'on a frolic of his own'. Not knowing of Ferguson's confession, the jury had found Henry and Grant-Murray guilty of murder, but they might well have reached the same verdict if they had known. Under joint enterprise it doesn't matter who was carrying the knife or who used it. To be found not guilty, Ferguson's companions would have had to prove they didn't know he had a knife, hadn't foreseen that he might use it and had withdrawn entirely from the scene. 'Those,' the judge said at sentencing, 'are the … conclusions which our law requires to be proved in cases of this sort.' The jury acquitted Tayyib; Henry and Grant-Murray, who were found guilty on both counts, got 19 years, reduced because of their age from the mandatory life sentence of 25 years for a crime involving a knife (it's thirty years if a gun is involved). Ferguson got 22 years.

Many, including Sir Anthony Hooper, a Lord Justice of Appeal until 2012, have serious misgivings about the use of joint enterprise. 'The doctrine is too wide and should be limited so that only a person who intends to kill or cause grievous bodily harm is guilty of murder,' Hooper told me. 'A person can't normally be convicted unless he intended to kill or cause very serious harm; that is the mental requirement of murder. But in joint enterprise the courts have developed a legal principle that a person may be as guilty of a more serious crime, in this case murder, if they foresaw that someone might be killed by someone who has the requisite intention … The problem with that is that it is very hard to determine whether or not [someone] actually did foresee someone might be killed and probably too easy for a jury to conclude that that was his or her state of mind even though actually the young person for example had never even thought about it.'

The doctrine of joint enterprise, introduced three hundred years ago to deter duels (by prosecuting the duellists' surgeons and seconds as well as the fighters themselves), has developed as common law and has never been enshrined in statute. Common law evolves through case law, and is interpreted and reinterpreted by judges, unlike Parliamentary legislation, which is worded in order to avoid such revision. 'The doctrine of secondary liability has developed haphazardly and is permeated with uncertainty,' the Law Commission noted in a 2007 paper called Participating in Crime. The same year it drafted a bill proposing a new approach aimed at distinguishing between first and second degree murder and introducing a statutory scheme for the law on complicity. The then Labour government said it couldn't implement such major legislation in the life of the parliament.

In 2011 the Justice Select Committee invited submissions on the use of joint enterprise, responding to pressure not only from legal critics and academics but also from a vociferous and effective campaign group run by the families and friends of people sentenced under the law, Joint Enterprise: Not Guilty by Association (JENGbA), which had collected testimony from hundreds of prisoners. Alan Beith, chair of the select committee, concluded that the law was 'so complex that juries might find it impossible to understand how to reach the right verdict'. The committee recommended that the doctrine be enshrined in legislation, which would clarify its provisions; that data on how many people were convicted under joint enterprise should be collected; and that new guidelines for the CPS should be drawn up by its then director, Keir Starmer. These were published in December 2012. Follow-up hearings in September this year suggest that they have had little impact.

I worked on a report that aimed to establish the extent to which the law was being used and the problems it posed.? It was impossible to know how often the law was invoked, although barristers told us they saw such cases regularly. We made freedom of information requests for details of homicide trials in which there had been more than one defendant and established that, between 2005 and 2013, 1853 people were prosecuted in cases where there were four or more defendants – roughly 17 per cent of all homicide trials. In the same period 4590

same offences has left untreated his need for imagery of this kind. The sentencing guidelines state that where there is sufficient prospect of rehabilitation, a community order with a Sex Offender Treatment Programme requirement can be a proper alternative to a short or moderate custodial sentence. Notwithstanding the aggravating features in this case, given the appellant's guilty plea and the content of the reports to which we have referred, in our judgment this is a case where the public will be better protected by a course that might prevent further offending than by a short sentence that is unlikely to have that result.

In the circumstances, we adopt the proposal made in the pre-sentence report and urged upon us by Mr Kirk on the appellant's behalf. We quash the prison sentences which were imposed and substitute for them a community order for 36 months. We attach to that order a Sex Offender Treatment Programme requirement as directed by the responsible officer, and a supervision requirement of 36 months. We might have reflected the punitive element with an unpaid work requirement, but in circumstances where the appellant has already served the equivalent of a five month sentence, we stay our hand in that regard."

Melanie McFadyean Provides a Thorough Account of Joint Enterprise

'You do not need to deliver the fatal blow or even be at the actual scene of the killing to be found guilty and sent to jail,' Detective Inspector John McFarlane said after the conviction of 17 of the 20 young people jointly charged with the murder of 15-year-old Sofyen Belamouadden at Victoria Station in March 2010: 'the law on joint enterprise is clear and unforgiving.' To be found guilty of murder as an individual it must be proved beyond reasonable doubt that you intended to kill or cause serious harm resulting in death. But under joint enterprise there is no need to prove that you intended to commit the crime, and you don't have to be the person who plunged the knife or pulled the trigger. You can be convicted on what's known as secondary liability on the basis that you must have realised that someone you were with might commit a violent act with that intent, even if you didn't share it.

On the afternoon of 6 August 2013 Alex Henry, Janhelle Grant-Murray, Younis Tayyib and Cameron Ferguson, all aged 20 or 21, were involved in a fight in an Ealing street. The fight lasted around forty seconds and resulted in the death from a single stab wound of 21-year-old Taqui Khezihi; his brother Bourhane, aged 24, was also stabbed but survived. The four young men were charged under the law on joint enterprise and tried at the Old Bailey earlier this year. They all pleaded not guilty to murder and wounding with intent to cause serious bodily harm. The four weren't described in court as gang members but, accurately enough, as a tightly knit group of friends. The prosecution emphasised their closeness in order to show that if one of them was carrying a knife on the day of the murder, the others would have known and therefore should have realised that it might be used to kill or cause serious harm.

Grant-Murray had met the Khezihi brothers when he was on his way to Tayyib's house. There was a confrontation. Tayyib arrived and tried to calm the situation; Henry and Ferguson turned up too. Henry told the prosecution under cross-examination that he thought Grant-Murray, who had been stabbed a few weeks before in Henry's company, was in danger. 'My natural instinct was to help him,' he said. The prosecution case was that Henry had a knife in his shoulder bag. But there was no evidence of this on CCTV footage and none was found subsequently. There was no doubt, however, that Ferguson had a knife.

Five days into the trial, Ferguson's QC, Nadine Radford, announced that her client was changing his plea to guilty, but it didn't become clear that he was the sole stabber until

years, could be assimilated, if not to indefinite retention, at least to a norm rather than to a maximum limit. The Court concluded that the State had overstepped its discretion to decide (margin of appreciation) on such matters: the retention could be regarded as a disproportionate breach of Mr Brunet's right to respect for his private life and was not necessary in a democratic society.

Principal facts: The applicant, Francois Xavier Brunet, is a French national who was born in 1959 and lives in Yerres (France). On 10 October 2008 Mr Brunet had a violent row with his partner, who filed a complaint with the public prosecutor of Evry. The applicant was taken into police custody. He in turn filed a complaint against his partner for assault, but it was never followed up. He was released and summoned for criminal mediation.

On 12 October 2008 Mr Brunet and his partner wrote to the public prosecutor to express their disagreement with the detailed classification of the offence the applicant was said to have committed, as stated in his summons for criminal mediation. The mediation nevertheless went ahead and the proceedings were then discontinued. As a result of the accusation, Mr Brunet was listed in the recorded crimes database (the liSTIe" system), which contains information from investigation reports based on files drawn up by officers of the police, gendarmerie and customs. In a letter of 11 April 2009 Mr Brunet asked the public prosecutor to delete his details from the database, arguing that their inclusion was unjustified because his partner had withdrawn her complaint. The public prosecutor rejected his request on the ground that the proceedings had been "discontinued on the basis of a cause other than: no offence ... or insufficiently established offence ... ". The applicant was informed that no appeal lay against that decision.

Complaints, procedure and composition of the Court: Relying on Articles 8 (right to respect for private and family life) and 13 (right to an effective remedy), Mr Brunet complained about the inclusion of his details in the liSTIe" recorded crimes database. Under Articles 6 (right to a fair hearing) and 17 (prohibition of abuse of rights), he also complained about the investigation and the police custody measure in the proceedings against him, together with the failure to follow up the complaint that he himself had filed against his partner.

Decision of the Court - Article 8 (right to respect for private and family life) The Court observed that the inclusion in the STIC database of data concerning Mr Brunet had constituted an interference with his right to respect for his private life; an interference which was in accordance with the law and which pursued the legitimate aims of the prevention of disorder and crime and the protection of the rights and freedoms of others.

It then examined whether that interference met a "pressing social need" and, in particular, whether it was proportionate to the legitimate aim pursued and whether the grounds given by the domestic authorities to justify it appeared "relevant and sufficient".

The Court observed that Mr Brunet had complained about the potential interference with his private and family life because of his inclusion in the database, arguing that, if he and his partner separated and there were proceedings before the family judge, consultation of the database could lead to the rejection of his application for custody of their child. However, as that judge was not one of the officials who had access to the database in question, the Court found that the situation complained of by the applicant was not likely to materialise.

Mr Brunet also complained about the abusive nature of his inclusion in the STIC database. On that point the Court noted that the information contained in the database was quite intrusive in nature. While that information did not contain the individuals' fingerprints or DNA profile, it consisted of details on identity and personality, in a database that was supposed to be

used for researching crimes. In addition, the retention time of the personal record, 20 years, was particularly lengthy in view of the fact that Mr Brunet had not been found guilty by a court and that the proceedings had been discontinued.

The Court then looked at whether such a retention time was proportionate, taking account of the possibility for the individual concerned to seek early deletion of personal data. In that connection, it noted that the law, as it stood at the relevant time and as currently in force, entitled the public prosecutor to order the deletion of a personal record only in a limited number of situations and, in the case of discontinuance, only if that decision had been justified by insufficient evidence. In rejecting Mr Brunet's request, the public prosecutor of Evry had applied the law strictly. He did not have the power to verify the pertinence of maintaining the information in question in the STIC database in the light of its purpose, or having regard to factual and personality-related elements. Consequently, the Court took the view that the public prosecutor had no power of discretion to assess the appropriateness of retaining such data, such that his supervision could not be regarded as effective. The Court further noted that at the relevant time no appeal lay against the public prosecutor's decision.

Therefore, even though the retention of the information in the STIC database was limited in time, Mr Brunet had not had any real possibility of requesting the deletion of the data concerning him and, in a situation such as his, the envisaged duration of 20 years could in practice be assimilated, if not to indefinite retention, at least to a norm rather than to a maximum limit.

In conclusion, the Court took the view that the State had overstepped its margin of appreciation in such matters, and that the rules for the conservation of records in the STIC database, as applied to Mr Brunet, did not strike a fair balance between the competing public and private interests at stake. Accordingly, the impugned retention could be regarded as a disproportionate interference with Mr Brunet's right to respect for his private life and was not necessary in a democratic society. There had thus been a violation of Article 8 of the Convention.

Just satisfaction (Article 41) - The Court held that France was to pay the applicant 3,000 euros in respect of non-pecuniary damage. The judgment is available only in French.

Home Office Admits Potentially Misleading DNA Evidence Presented to Juries

Forensic expert Peter Gill, who raised the issue with the Home Office in April said the recognition that subjective interpretations of DNA evidence were potentially biased and unscientific and could lead to a number of appeals: Criminals including murderers and rapists could attempt to have their convictions overturned after the Home Office admitted that potentially misleading DNA evidence was presented to juries.

The admission came five months after a leading forensic scientist warned of a series of cases in which courts were given subjective summaries of complex DNA evidence rather than direct access to solid statistics, The Times reported. Prof Peter Gill, who raised the issue with the Home Office in April, said the recognition that subjective interpretations of DNA evidence were potentially biased and unscientific could lead to a number of appeals. “As soon as they [the Home Office] start admitting that mistakes have been made, this opens the door to appeals in other cases,” Prof Gill said.

In draft guidance issued last week, it was confirmed that during the last year criminal courts had been increasingly relying on qualitative assessments of DNA evidence. These presented a “significant risk” of juries being misled about the strength of the prosecution case. Until last year, DNA evidence from crime scenes was typically ruled inconclusive unless scientists could statistically

prehensively disclosed to Her Majesty’s Inspectorate of Constabulary (HMIC) when it, and other forces, were asked to do so by HMIC in December 2012 and again by the IPCC in May last year. After assessment by the IPCC those matters have been sent back to the force to deal with. North Yorkshire Police has an ongoing investigation into historical sexual abuse for which it has previously asked people from the Scarborough area to come forward with any information.

West Yorkshire: An IPCC investigation into allegations against a former inspector with West Yorkshire Police having ‘acted on behalf’ of Jimmy Savile by inappropriately contacting Surrey Police ahead of a police interview in 2009 is nearing completion. The investigation is looking into what knowledge the former inspector had of any letters received making accusations against Savile and what action, if any, was taken in respect of them. The former inspector has been interviewed under criminal caution by an IPCC investigator. The IPCC has spoken to several former police and non-police attendees of the ‘Friday Morning Club’, or those with knowledge of it, as witnesses over whether they have any awareness of accusatory letters being received by Savile and passed on to officers or discussed. IPCC deputy chair Sarah Green said: "Investigators have been in contact with a number of the ongoing independent inquiries investigating allegations of abuse by Savile over any information they may have which would be useful to the IPCC independent investigation.” The IPCC investigation began last year following a direction to the force to record and refer the conduct of the former inspector, identified in a Surrey Police report as ‘Inspector 5’. Other wider Savile-related matters referred to the IPCC by West Yorkshire Police from its Operation Newgreen report were, after assessment, sent back to the force.

Surrey Police: Following a referral from Surrey Police, the IPCC has begun an independent investigation into the conduct of a now retired detective inspector who was involved in 2007 and 2008 in investigating allegations of sexual abuse by Savile at Duncroft School. The investigation is examining the handling of the police investigation at the time and whether information was passed to other police forces in a timely way. The former detective inspector is identified as ‘DI3’ in a Surrey Police report. We are in correspondence with Surrey Police over the scope of the investigation. Separately, following a voluntary referral by Surrey Police an investigation by its professional standards department, supervised by the IPCC, looked into why a reference to Savile in a previous Surrey Police investigation was omitted from the force’s Operation Ornament report, published in 2013. The investigation found the reference was omitted in error, but that officers had acted honestly and a genuine oversight did not amount to any misconduct. The IPCC has agreed the terms of reference for the investigation have been met.

Sex Offenders, Prison v Treatment

In a recent case the Court of Appeal found fault with a sentence of 2 years imprisonment imposed on a man who had in his possession indecent images of children. The Court thought the appropriate starting point after trial to be in the order of 15-18 months, meaning in this case an actual sentence of 10 - 12 months, of which the offender would serve only half. So be it you might think. But the court went on to consider this: "We recognise that this case presented a difficult sentencing exercise because of the two potentially conflicting imperatives involved. On the one hand, the need to punish offenders who commit such offences; and, on the other, a need to deal with them in a way that is likely to reduce, rather than leave untreated, their need for the kind of imagery used in this case.

This appellant has never had the benefit of treatment. His earlier prison sentence for the

allows for the review of cordons and screening arrangements. In the case of a deceased person at the scene, the assessment process usually includes a Forensic Pathologist. A crime scene assessment can be aided by first accounts from witnesses, paramedics and first responders. It can also be conducted with the aid of a review of a visual (eg camcorder) recording of the crime scene produced by a specialist photographer.

Use of specialists and experts: There are many types of forensic evidence, examination techniques, and experts who may be able to provide assistance in providing useful evidence. Some sciences are constantly evolving and the SIO and their enquiry team should strive to make the best use of what is available.

It is useful to keep up to date or find out what scientific methods and techniques are available. The NCA Specialist Operations Centre (SOC) maintains a database which contains details of a wide spectrum of forensic experts. The SOC identifies areas of expertise and forensic experts who may be able to assist in solving major crime. Advisers are available who can help identify and source particular expert advisers. While they do not accredit experts nor offer any guarantees as to reliability or suitability, their database contains up-to-date information on each individual or company as to what they can provide, current CV, who has used them previously and what the outcome was. The SOC can be contacted by email at soc@nca.pnn.police.uk or by telephone on 0845 000 5463.

J. Savile: Sussex/*North & South Yorkshire/ Surrey* - Police Officers Under Investigation

Sussex: IPCC is independently investigating the conduct of Sussex Police detectives over their handling of a reported indecent assault carried out by Jimmy Savile in 1970. Notices have been served on four serving police officers to advise them they are subject to the investigation. Two of the officers, a detective sergeant and detective constable, who visited the woman over the alleged sexual offence soon after she contacted the force in March 2008, have been served with gross misconduct notices. The two other officers, a detective chief inspector and detective inspector, who had supervisory roles, have received misconduct notices. IPCC deputy chair, Sarah Green, who is overseeing Savile investigations, said: "The investigation is examining interactions between Sussex Police officers and the victim and whether all lines of enquiry were properly pursued." IPCC investigators have taken a statement from the woman who reported the assault and expect to interview the four officers soon. A number of Sussex Police policy documents are being examined. The IPCC directed Sussex Police to refer the conduct of two of the officers late last year.

North Yorkshire: The IPCC has an independent investigation under way into potential misconduct issues arising from the manner in which North Yorkshire police officers handled information about Jimmy Savile, and an associate, the late Peter Jaconelli. Matters under investigation by the IPCC relate to how the force handled information from a 15 year old girl in 2002 regarding Savile, and how the force treated two disclosures made by a serving prisoner about Jaconelli in December 2008 and January 2009. One serving detective sergeant has so far been served with a misconduct notice to advise him his conduct is subject to IPCC investigation. The officer has been interviewed by an IPCC investigator recently. IPCC deputy chair Sarah Green said: "The investigation is examining whether the North Yorkshire Police response to the disclosures was in accordance with national and force policies on crime recording, intelligence handling and dealing with victims of sexual abuse." This investigation follows a referral from North Yorkshire Police in April this year which included whether any information it held on record about Savile or his known associates was properly and com-

evaluate the likelihood that a suspect had contributed to a sample. However, a series of cases involving complex DNA samples led to the Court of Appeal to rule last year that there were instances where it is helpful for experts to give juries a subjective view based on their professional experience.

Crime Prevention Minister Norman Baker said: "Now is the right time for guidance on this topic to be published" but added: "I am advised that it will give no new basis for appeal whatsoever in appeal cases which were not already supported by existing academic literature."

Met Police Pays £45,000 to Unlawfully Arrested Black Driver *BBC News*

The Metropolitan Police has paid £45,000 in damages to a black motorist who claimed he was struck with batons during an unlawful arrest. Nordell Edmondson was pulled over in 2011. He later launched a civil claim for race discrimination, assault, false imprisonment and malicious prosecution. Scotland Yard settled the case out of court and apologised for the incident.

But Mr Edmondson said the Met had sent apologies before, and he wanted changes to prevent it happening again. Hewas arrested in Edgware in January 2011 while he was out buying nappies for his daughters. "I was sitting there just getting pummelled on, beaten, bashed in the head," he told Channel 4 News. He was charged with resisting arrest, but the arrest was ruled unlawful by a judge at a trial in 2012 and he was declared not guilty.

In a statement, his solicitors, Bhatt Murphy Solicitors, said: "Mr Edmondson was arrested in 2011, wrongfully accused of driving without insurance and subjected to baton strikes and CS spray. He has written to the Met Commissioner Sir Bernard Hogan-Howe requesting an investigation of the officers involved and still awaits a response. Bhatt Murphy has also now asked the IPCC (Independent Police Complaints Commission) to investigate."

Scotland Yard said its directorate of professional standards (DPS) had been asked to look at the case twice before and found there was no misconduct by officers. In a statement, it said: "Following a recent request made in a letter from Mr Edmondson's solicitor the matter has been referred to the DPS to consider once more. The MPS has also apologised and acknowledged the distress caused to him."

Legal Aid Cuts 'So Unfair They Are Illegal', Rules High Court *Paul Peachey, Indpendent*

Chris Grayling, the Secretary of State for Justice, acted illegally in trying to drive through multi-million pound legal aid cuts that could have led to the closure of hundreds of legal firms, a High Court Judge has ruled. The Government has been told to halt its cost-cutting plans for legal aid payments for duty solicitors at police stations. Under the plans, the work currently carried out by 1,600 firms would be limited to 525 contracts, leading to closures and mergers of high-street legal firms attempting to make the new system pay.

The High Court ruled that the Government failed to properly consult with the profession over the changes, notably in a report by KPMG into the finances of the shake-up. The decision means that part of the process will have to be repeated. "Something clearly did go wrong," said Mr Justice Burnett in his ruling. "The failure was so unfair as to result in illegality." The judge, however, ruled out an attempt by a London association of solicitors to quash an 8.75 per cent cut in legal aid fees to solicitors. The Government said it would press ahead with its reforms.

Campaigners believe that changes could be delayed until after next year's general election, which could potentially kill off the plans – part of wide-ranging reforms of the court system and its funding. "These so-called 'reforms' were sold in the name of austerity," said Nicola Hill, president of the London Criminal Courts Solicitors' Association. "They're being railroaded

through by a Justice Secretary determined to push through an ideology. The cuts have been nothing short of an assault on justice, compromising fair representation for people accused of a crime in police stations and courts. They threatened the principle of innocent until proven guilty and equal access to justice."

Mr Grayling's department has been behind some of the most controversial reforms of the coalition, which have included part-privatisation of the probation service, the building of new large prisons and cuts to legal aid. The government has argued that the UK has one of the world's most expensive legal systems and that it is ripe for reform.

Solicitors' groups said the changes would hit the most vulnerable in the criminal justice system. The body which investigates has expressed concerns that the Government's planned £220m legal-aid cuts could undermine the ability of lawyers to prevent wrongful convictions and land the taxpayer with significant costs in trying to put right miscarriages of justice. The plans have divided the legal profession after the Government struck a deal with barristers over payments. The Law Society, the body that represents solicitors, those who carry out the bulk of work in lower courts, was split over its leadership's willingness to make a compromise with the Government. The divisions resulted in a vote of no confidence in the president and chief executive.

A Ministry of Justice spokesman said: "This judicial review was not wholly successful: the claimants failed in their challenge to the fee cut. However, the judgment has raised some technical issues about the consultation process, which we are carefully considering. "We will continue to implement reform of the criminal legal aid system. We must ensure legal aid is sustainable for those who need it, for those who provide legal services as part of it and for the taxpayer, who ultimately pays for it. Even after reform we would still have a very generous system at around £1.5bn a year."

Convict 'Told by Strangeways Prison Guards to Attack Jailed Terrorist'

Clifton Jeter, who was jailed for life after he stabbed a dad-of-seven to death in London in 2007, is accused of attempting to murder guards Alistair Cadell and Liam Keates with a crude, home-made weapon last November. He denies two counts of attempted murder at a Manchester Crown Court trial. The jury has been told that Jeter used a razor blade melted into a plastic knife handle. The court heard Mr Cadell was slit on the face, head back and shoulder, and Keates to the back of his neck and across the knee, Mr Jeter however said staff had wanted him to take part in a plot to attack jailed Islamic terrorist Parviz Khan, who was locked up in 2008 and is serving a 14-year minimum term, but he refused. The court has heard that a prison gang called 'the Piranhas' exists which seeks to target Muslim convicts.

Prosecutor William Baker, who told the jury that Jeter simply wanted a prison transfer because he wasn't enjoying the unit, said he had 'made up' the racism allegation but Jeter replied: "I did not make it up. It is true." He went on to alleged that officers were 'mistreating' prisoners and 'hiding' the Independent Monitoring Board from them, a body which looks into conditions. Jeter said there was a 'conspiracy' to force him to attack Khan because 'I was a Piranha and he was a Muslim'. He went on to say that Mr Cadell knew it and could 'wind him up' and officers used to 'make suggestions about what I should do to Parviz Khan'. The officers wanted me and Parviz Khan to fight each other'. Opening the case to the jury, Mr Baker said Jeter had claimed that he attacked both men in a form of 'preemptive' self-defence because of the issue over Khan. Jeter also went on to deny that he said he shouted 'I am going to christen the unit in blood' before the officers were attacked. The incident happened near cells at an 'enclosed' unit for 'violent' lifers.

Jeter was moved to HMP Manchester in September 2013 ahead of a proposed transfer to another jail for a violence reduction programme. *Source: Manchester Evening News, 15/09/14*

Policeman Disciplined for Slapping Woman in Cell *BBC News, N. Ireland*

A policeman who slapped a woman in a custody cell has been disciplined after he was found to have used "unnecessary force". His actions were investigated by the Police Ombudsman for Northern Ireland after the woman complained about her treatment as she was led to a cell. He admitted slapping the woman but claimed she had been aggressive, adding he believed she was going to hit him. Investigators found the officer "failed to use other options open to him". The Police Ombudsman's office began its investigation after the woman complained she had been "nipped" on her arm and slapped three times as the officer led her to a cell.

The officer denied nipping her and claimed that he needed to use a degree of force to remove the woman from the booking area of the police station. He told investigators that he slapped the woman once inside the cell, because she being aggressive and abusive. The officer said he believed she was going to hit him and stated he did not have time to consider other options.

The Police Ombudsman's office cleared the policeman over the level of force he used to take the woman from the booking area, saying it was "justified". However, the investigators criticised the officer for slapping the woman when he brought her into the cell, saying he "failed to take a graduated response to the situation before resorting to force". As part of their investigation, staff from the Police Ombudsman's office viewed CCTV footage from inside the police station, which showed the woman refusing to go into the cell. No visual footage from inside the cell was available, but investigators listened to the audio from the CCTV camera in the corridor outside, which recorded a "slapping sound" followed by the woman claiming that she had been hit three times.

Police Ombudsman Michael Maguire said he believed the slap "was excessive" and the policeman's action had "inflamed rather than calmed the situation". "I believe he could have taken control of her arm and restrained her, or he could have held her back with an open hand and used a little force to move her back," Mr Maguire added. A file on the incident was submitted to the Public Prosecution Service (PPS), in accordance with the ombudsman's procedure for all allegations of assault, but the PPS directed no prosecution. The Police Ombudsman's office said it then made recommendations to the Police Service of Northern Ireland, which "disciplined the officer concerned".

Crime Scene Assessments

The SIO and CSM/CSI and any other experts need to work together as a team in order to establish and agree what constitutes a scene, the parameters, preservation measures and the forensic examination, search, and evidence recovery plan. This includes separate tactics that may be required to recover human remains. Once agreed, the strategy and tactics can be recorded and any resulting agreement signed by all parties contributing to it.

A crime scene assessment is usually the precursor to a tactical meeting and the first part of the process. It provides an opportunity to review and check that preservation procedures are in place and to get a firsthand 'feel' for the scene and surroundings. The SIO may want those who have already been involved at the scene (such as the senior detective who responded and initially took charge) to accompany them during a 'walk and talk' session through the crime scene, taking care to prevent any risk of contamination or cross-contamination by wearing protective clothing.

This facilitates an assessment of the nature and extent of the crime and examination and searches required, including the requirement for any specialists and forensic experts. It