men it held to address their behaviour and progress through their sentence, but staff vacancies had completely undermined this function and meant that the identification and management of risks was dangerously inadequate; - required mandatory drug testing had not been carried out by the prison and staff therefore had no accurate idea of the availability of drugs, and more prisoners than in similar prisons said it was easy to get alcohol; - although most prisoners said they felt safe and the prison appeared calm, there had been a number of serious assaults on prisoners and staff and some prisoners were too frightened to come out of their cells; - measures to prevent suicide and self-harm were inadequate; - the use of force documentation was among the worst inspectors have seen, meaning the prison could not be assured that the use of force was necessary and proportionate; and - special accommodation was used six times as much at comparable prisons. - Inspectors made 99 Recommendations - Inspection 22 April/2 May 2014 by HMCIP, Published 26/09/14

Hindley Young Offender Institution *Lords / 26 Sep 2014 : Column WA497*

Baroness Stern tWhat action they have taken in response to the report published on 15 August by HMCIP on the lower site at Hindley Young Offenders Institution, and the report's conclusion that the Institution "struggled to keep the vulnerable boys it held safe".

Minister of State, Ministry of Justice (Lord Faulks) (Con): As with all establishment inspection reports by HMIP, NOMS will produce an action plan responding to all the recommendations made in the report within six months of the date of publication. NOMS considers safety a top priority in all of its prisons. The prison will continue to build on its violence reduction strategy and safeguarding policy within the next 12 months to keep those in its care safe. HMYOI Hindley has also recently adopted Minimising and Managing Physical Restraint (MMPR) a new accredited restraint system developed specifically for use with young people (under 18). This provides staff with behaviour management techniques to recognise young people's behaviour and uses approaches that minimise the need to resort to the use of force.

Baroness Stern In the light of the report published on 15 August by HM Chief Inspector of Prisons on the lower site at Hindley Young Offenders Institution, which found that half the boys held on the lower site were sharing cells designed for one and that many of the cells were dirty and lacked basic amenities, what plans they have to refurbish those cells.

Lord Faulks: NOMS is committed to ensuring that prison cells remain in a decent and habitable condition. Every prison cell, including at HMYOI Hindley, is subject to daily and weekly checks for damage. There are currently no plans to refurbish every cell at HMYOI Hindley. However, a number of cells will be upgraded to include new robust furniture, and new windows on a priority basis. A scheduled programme of wing and cell painting is also in place at the establishment, and work is ongoing to improve the toilet screens in a number of cells.

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, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 497 (02/10/2014)

Logothetis and Others v. Greece - Overcrowded Cells Violation of Article 3

The 16 applicants (ECtHR no. 740/13) are Greek, Romanian, Ukrainian, Turkish and United States nationals. They were detained or continue to be detained in Nafplio Prison, serving a variety of custodial sentences. Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicants complained about their conditions of detention, and especially of overcrowding in the facility. - Violation of Article 3 – on account of the lack of sufficient personal space for the applicants Just satisfaction: The Court awarded each of the 16 applicants a sum of between EUR 5,000 and EUR 15,000 in respect of non-pecuniary damage, and EUR 2,000 to the applicants jointly in respect of costs and expenses.

G4S Pay Out £6,000 to Prisoner Over Hospital Handcuffs

A 79-year-old disabled former serviceman has been awarded £6,000 damages after a judge ruled that he was humiliated by G4S prison officers who handcuffed him during a 14-day stay in hospital. Peter McCormack, of north Wales, was chained to a prison officer even when using the toilet and shower, while he was in Royal Liverpool University hospital after a heart attack in March 2012. At the time he was on remand at the G4S-run Altcourse prison in Liverpool, awaiting sentence for offences relating to inspections of bouncy castles he carried out that did not comply with health and safety regulations.

Judge Graham Wood QC ruled on Wednesday that for eight days, during which McCormack was in his own room on a hospital ward with only one door, he was subjected to degrading and inhuman treatment prohibited under article 3 of the European convention on human rights. "The presence of one officer at the door to prevent escape of a 77-year-old person with significant heart complaint, facing a modest criminal sentence at best for breach of a regulatory offence in relation to his business would have been, in my judgment, a reasonable and proportionate restraint," said Wood in his written judgment, read out in the high court in Liverpool. "During this time he was humiliated and his dignity was affronted."

McCormack, who has a disability as a result of being shot through the knee while serving with the Royal Engineers during the 1956 Suez crisis, was awarded £6,000, plus costs.Wood said he found Forth's evidence to be "less than impressive. It is a reasonable conclusion that she simply ignored a recommendation from a security manager." He said she failed to find out why he was imprisoned and that the risk assessment process was undertaken in a number of respects "without any separate consideration of the circumstances of this prisoner".

The judgment is the latest in a series of controversies to hit the major government contractor G4S. Last year, a jury found that an Angolan man, Jimmy Mubenga, who died after being restrained by three G4S guards as he was being deported from the UK, was unlawfully killed. In March, the company agreed to repay £109m plus VAT for overcharging the Ministry of Justice for the electronic tagging of offenders.

McCormack, who represented himself in court, spent 14 days attached by his wrist to a 2.5 metre closet chain, despite having been described as a model prisoner. It was removed only briefly for him to take off his upper clothing, and when he was under heavy sedation under-

going an angioplasty procedure. Twice in reviews of McCormack's risk assessment during his stay in hospital, the report author wrote in a box relating to recommended handcuffing arrangements: "uncuffed one officer present throughout". The judge criticised the evidence of G4S's head of security at the time, Yvonne Forth, who, explaining to the court why these arrangements were not implemented, suggested the form entries were "hypothetical".

McCormack told the Guardian he hoped the case would open the floodgates to claims against G4S. "On one occasion I was having a shower chained to a female officer," he said. "I feel G4S should be barred from running prisons and be barred from having anything to do with any contracts in this country. They have an appalling reputation."

Abu Qatada Cleared but Cannot Return to UK

Radical preacher Abu Qatada will not be returning to the UK after being cleared of terror charges in Jordan, the Home Secretary has said. Qatada, deported from Britain after a near-decade-long legal battle to remove him, was cleared at a military court of planning to target Israeli and American tourists and Western diplomats in 2000 in the so-called "Millennium plot". The 53-year-old, who was previously acquitted in June of charges relating to a foiled plan to attack an American school in Amman in 1999, has been released from prison.

But ministers moved fast to say that he would not return to Britain. Theresa May, who headed Government efforts to remove Qatada from the UK, said: "The due process of law has taken place in Jordan. That is absolutely as it should be. The UK courts here were very clear that Abu Qatada poses a threat to our national security. That's why we were pleased as a Government to remove him from the UK. He is subject to a deportation order [and] a UN travel ban. That means he will not be returning to the UK."

Terrorism Trial to be Held Partly in Secret *Ian Cobain, Guardian*

A forthcoming terrorism trial must be held partly in secret, the appeal court has ruled, although the judges remarked that any decision to hold such proceedings behind closed doors was troubling. The court said a novel compromise solution, which may eventually allow more extensive media reporting of the case, meant everything possible had been done to protect the open justice principle. The judgment followed a legal challenge by the Guardian and other media organisations that succeeded in overturning an attempt by the Crown Prosecution Service to conduct the case entirely in secret, with the accused remaining anonymous. The defendants, who can now be identified as Erol Incedal and Mounir Rarmoul-Bouhadjar, both aged 26 and from London, are due to go on trial at the Old Bailey next month accused of collection of information in breach of the Terrorism Act 2000. Incedal is also charged with preparation of terrorist acts, while Rarmoul-Bouhadjar is charged with possession of false identity documents.

Lord Justice Gross, Mr Justice Simon and Mr Justice Burnett gave detailed reasons for their decision in the judgment on Wednesday . "Any decision to hold a criminal trial in camera is troubling. However … we are persuaded that there is a compelling case for doing so." As a consequence, part of the trial, including the verdicts and any sentencing, would be in open court, but part would be heard in secret. The court ruled that some of the trial could be attended by up to 10 journalists representing media organisations that challenged the original secrecy measures, and a review would be held at the end of the trial to consider whether they would be permitted to report the evidence they had heard. The judges said: "We are … satisfied that the solution arrived at in this court means that everything possible has been done to minimise the departure from the principle of open justice."

iii) On the contrary he plainly thought that he was acting in his own best interests in the expectation that he would receive a substantially reduced term of imprisonment and his family would be protected. There was clearly a rational basis for this approach as is evident from the contemporaneous evidence of Mr Batten QC. His evidence was that an evolving practice had developed in "supergrass" cases to settle on a figure in high single figures for a person who pleaded guilty and was prepared to give evidence against his co-gangsters.

iv) It is also clear from the evidence of Mr Bratten QC that the applicant's legal team had no doubt, after the initial hesitation to which we have referred at paragraph 18, that the applicant had taken the deliberate decision to plead and that there was no concern about his capacity.

v) Although it is common ground that his personality disorders existed at the time, there is powerful contemporaneous evidence of his mental state. We accept the evidence of Dr Craissati that the description by Dr Wright of the applicant which we have set out at paragraph 16 was what now would be described as an anti-social personality disorder or psychopathy.

vi) It is we consider no coincidence that the appellant started to assert that his confession was false in 1984 when he realised that he was not going to be released from prison in accordance with the deal he thought he had obtained. He did so motivated by a belief that this was in his own interest. This was not an irrational decision.

vii) The decision of this Court in the appeal of MacKenney and Pinfold does not, on analysis, assist the applicant. The issue with which the court was concerned was the reliability of a witness on whom the convictions depended; as he was a person who lied to suit his own ends, convictions based on his evidence could not be regarded as safe. No evidence was called by the Crown to challenge the evidence of Dr Somekh.

viii) No appeal was brought until 2012, some 32 years after the pleas. The delay prior to the decision of this Court in the appeal of MacKenney and Pinfold cannot be properly explained; he asserted his guilt to the Criminal Cases Review Commission in 1998. Furthermore there is no real justification for the delay of over 8 years after 2003. If an appeal is to be made so long after the conviction, it must be launched and pursued with much greater expedition than occurred.

In such circumstances we consider that clear and compelling medical evidence was needed to show that the confession and the pleas were the result of his personality disorders. Taking into account the whole of the medical evidence, there was no such compelling evidence. Although the experts were agreed on the disorders from which the applicant suffered, we do not accept that they were of such severity that his confessions in all the circumstances were unreliable. It follows therefore that his convictions were not unsafe and the application for leave to appeal out of time must fail. *http://www.bailii.org/ew/cases/EWCA/Crim/2014/1884.html*

Report on an Unannounced Inspection of HMP Swaleside

HMP Swaleside held 1,107 adult men at the time of the inspection. Like a number of other prisons in the south east of England, HMP Swaleside was seriously affected by staff vacancies and the Prison Service nationally needed to take urgent steps to maintain appropriate staffing levels.

Inspectors were concerned to find that: - prisoners spent too much time locked in their cells and the planned time of eight hours a day out of cell was curtailed because of staff vacancies; - arrangements to meet the legitimate needs of some groups, such as the attendance of Muslim prisoners at Friday prayers, involved a restriction in the regime for others, which created tensions; - there were insufficient activity places available for the whole population but not all of these were fully used; - offender management processes should have been central to the prison's efforts to enable the

having heard the evidence of Dr Somekh as to the unreliability of the applicant.

The Single Judge referred the application to the Full Court. At a hearing on 28 November 2013 we determined we would first consider whether the fresh expert medical evidence and the evidence of Mr Batten QC, if admitted, would establish that the pleas made by the applicant might be unreliable. If the expert medical evidence and the evidence of Mr Batten QC showed that the pleas might be unreliable unless corroborated, then we would consider whether on all the evidence, and in particular the evidence of the prosecution, the confessions were corroborated so that this court could be satisfied that the applicant's convictions, founded on those confessions, were safe. We took this course as there would be no point in the very time consuming and expensive process of assembling, disclosing and analysing the other evidence in relation to the six murders, if the expert medical evidence and the evidence of Mr Batten QC did not establish the prima facie unreliability of the applicant's confessions and pleas.

Our conclusion: It is clear from what the experts agreed before the hearing that the applicant had in 1979 and thereafter a narcissistic personality disorder and anti-social personality disorder and his score on the psychopathy checklist met a diagnosis of psychopathy. He lied. The oral evidence showed a further area of agreement. His decision to lie was instrumental and driven by his intention to act in his own best interests. However, his judgment as to what was in his own best interests was affected by his disorders.

It was contended by Miss Trowler QC that the severity of the narcissistic personality disorder, his proved lies in respect to the matters known as Operation Rorak and his exceptionally difficult behaviour in prison showed that he was at the extreme end of the disorders; it followed that his confession and pleas could not be relied on without corroboration. He was one of the very small number of defendants who were in the position where the personality disorder could not be dealt with at trial. In this case his false confession had been motivated by concern for his family and the encouragement given by the police officers to confess. This played on his narcissism. He saw a way of getting out of the predicament he was in and to enjoy the notoriety of what he asserted. He had made a false confession.

We cannot accept this submission: i) It is clear that he was fit to plead. Although that is a very powerful consideration, it is not of itself conclusive. In R v Lee [1984] 1 WLR 578, the defendant had pleaded guilty to a number of offences of arson and manslaughter; there was psychiatric evidence that he was fit to plead. About 18 months later, he sought leave to appeal on the basis that he was of low intelligence, that he had pleaded not as an acknowledgement of guilt but to gain notoriety, his confession evidence was flawed as he had been subjected to a long and remorseless interrogation, there was evidence from inquiries made by The Sunday Times which showed he had alibis. His defence team had grave doubts as to their original instructions and the prosecution's ability to prove his responsibility. The Court held it had jurisdiction to hear the appeal and to admit fresh evidence. It observed: "The fact that the appellant was fit to plead; knew what he was doing; intended to make the pleas he did; pleaded guilty without equivocation after receiving expert advice; although factors highly relevant to whether the convictions or any of them were either unsafe or unsatisfactory, cannot of themselves deprive the court of jurisdiction to hear the applications."

ii) It is accepted that the applicant was no more suggestible than the average person. There is no material which calls into question the approach of the police officers and in particular Detective Chief Superintendent Cater. We cannot accept that the police officers did or said anything that motivated the applicant to act as he did. The evidence of Mr Batten QC as to his view of Detective Chief Superintendent Cater's integrity and his proper conduct of the investigation strongly supports this view.

CPS Admit Covert Operation Caused Miscarriage of Justice *Rob Evans, Guardian*

Prosecutors have been compelled to admit that a covert operation in which an undercover police officer used a fake identity in court to conceal his secret mission caused a miscarriage of justice. They conceded that an environmental campaigner would probably not have been prosecuted if it had been revealed at his original trial that one of his co-defendants was an undercover officer who gave evidence on oath under the guise of his fake identity.

The Crown Prosecution Service (CPS) acknowledged last year that the conviction of John Jordan for assaulting a police officer during a pro-cycling protest needed to be quashed, but for months refused to say why. They made the admission on Wednesday after the campaigner, along with the Guardian, BBC's Newsnight and the Press Association, applied for an explanation for the overturning of the conviction. An official inquiry is scrutinising how many campaigners in recent decades have been wrongly convicted because of the involvement of undercover officers. So far the number of campaigners identified as having thus been wrongly convicted or prosecuted stands at 56.

In the latest case, prosecutors at Southwark crown court admitted that an individual prosecuted alongside Jordan was an undercover officer who had adopted the fake identity of Jim Sutton. Richard Whittam, QC for the crown, told judge Alistair McCreath: "Had the Crown Prosecution Service known that 'Jim Sutton' was an undercover police officer, there is a strong likelihood that John Jordan would not have been prosecuted." He added that throughout the prosecution, Sutton was "deployed as an undercover police officer".

When the officer – real name Jim Boyling – was arrested in 1996, he told arresting officers that he was Jim Sutton, a cleaner from east London. He maintained this fiction throughout the prosecution, even when he went into the witness box to give evidence to prosecutors and defence barristers at the original trial in 1997. Jordan and the others being prosecuted were not told that the man they knew as Sutton was engaged in a five-year operation infiltrating environmental and animal rights groups.

But Boyling was a member of the Special Demonstration Squad, the covert Scotland Yard unit that adopted fake personas usually for periods of five years and infiltrated more than 460 political groups between 1968 and 2008. In recent years, it has emerged that some officers in the unit formed sexual relationships with women in the groups they had been sent to infiltrate, and that they spied on the family of murdered teenager Stephen Lawrence.

Peter Francis, an ex-undercover officer who has blown the whistle on his former unit, has revealed how senior officers on occasions authorised spies to appear in court as their alter egos. He said that being prosecuted helped to increase their credibility with the people they were spying on. After the hearing, Francis hailed "the sheer tenacity and investigative skills of the activists and their solicitors" who had exposed the latest miscarriage of justice.

In August 1996, Boyling, Jordan and other campaigners were arrested and charged with a public order offence after occupying a government office. All were represented by the same civil liberties law firm, Bindmans, as they discussed their defence strategy over several months. After a three-day hearing at Westminster magistrates court in January 1997, Jordan was convicted and given a conditional discharge for a year, while Boyling and the others were acquitted. Boyling was unmasked as an undercover officer in 2011 following investigations by activists and their lawyer. Prosecutors are resisting calls to publish a document giving further details of why the conviction was unsafe. The judge will sit again to decide whether it should be made public. [This was a CCRC referral and the CCRC refused to give Mr Jordan or his legal team the reasons why they referred the case.]

Euthanasia a Rational Option for Prisoners Facing the Torture of Life in Jail

Philip Nitschke, theguardian.com:Life in prison with no parole is tantamount to torture, and a civilised Australia shouldn't support it. This is why we should follow Belgium's lead, and help prisoners to die. - In 2007, at a bioethics forum at the University of Tasmania, I made what I thought was a fairly common sense statement: if the Port Arthur mass murderer, Martin Bryant, wants euthanasia, the state should not stand in his way. For both political and justice reasons, Bryant is unlikely to ever be released from Risdon prison. His punishment for killing 35 people that awful day at Port Arthur is 35 life sentences. As Chief Justice William Cox told Bryant in true penal colony style, "you are sentenced to imprisonment for the term of your natural life … let him stand down". It was not long after the verdict that the media began reporting Bryant's all too regular attempts to kill himself.

Earlier this month Belgium approved a high-profile prisoner, 55-year old Frank Van Den Bleeken, for voluntary euthanasia. In the 1980s, he was found guilty of rape and murder and was imprisoned for life. Van Den Bleeken's case first came before Belgian's federal euthanasia commission three years ago, when his request for voluntary euthanasia was rejected. Since that time his legal team has been pursuing this goal, and have now succeeded. Van Den Bleeken is due to be admitted to a Brussels' hospital, where doctors will likely administer a legal, voluntary lethal injection. Under the Belgian model, physical or psychological suffering that is incurable or constant can be the grounds for voluntary euthanasia. What is there not to agree with? The Belgians' progressive approach shifts the debate from the semantics of "terminal illness", a definition that is notorious within medicine, to a focus upon a person's quality of life, as experienced by them.

Martin Bryant began attempting suicide not long after he was sentenced. This is perhaps not surprising given his first eight months of incarceration were spent in solitary with no natural light. While his first attempt involved hanging using hospital bandages, his second was by swallowing of a tube of toothpaste that became lodged in his throat. Increasingly desperate acts by a suffering man.

Imprisonment for life, with no hope of parole, is torture. I thought then and now that a modern civilised Australia should not be involved in torture, no matter the crimes of the prisoner. This is why Bryant, and others like him, should be allowed help to die. Human rights lawyer and prison reform advocate Greg Barns agreed with me back in then. Few others do even now.

A long time visitor to Belgium, I am well aware that the Belgians see things differently to the rest of us. Normally, when holding my workshops, I have a standard spiel about who should and should not attend: are you old enough, do you have a history of psychiatric illness and so on. The Brussels' audience's attitude is different from Australians; they wonder about the fuss. They almost seem to suggest that it is their right to hear what I have to say. They are intolerant of any attempt to monitor their attendance. This is perhaps why the Belgian outlook should be welcomed. The Belgian State has a history of making hard decisions and their pragmatic approach is refreshing.

This brings me to Nigel Brayley. In February this year, the 45-year old Perth man was among a 250 strong audience at my annual West Australian workshop. Like the vast majority who came along, he was not terminally ill. And like so many before him, Nigel told me that it "made sense to prepare for the future. 'You never know what's round the corner". The problem was that Nigel knew exactly what was around the corner. He knew that he was being investigated for the mysterious disappearance of not one but two wives/partners. He knew, too, that the major crime squad of the WA Police was closing in. Why else did he blame them for his death in his lengthy suicide note? Nigel's subsequent suicide from Nembutal in May led the medical board to suspend my medical registration. With the content of the allegations which will form the basis of my appeal to the NT medical tribunal in Darwin in November yet to be defined, it is difficult to know the exact nature of my crime(s).

scientific evidence laid before juries. The Court of Appeal ruled last year in R v Dlugosz that more weight could be given to expert witnesses' opinions about DNA found at scenes of major crimes. Previously such samples were typically ruled inconclusive unless scientists could put a statistic on the likelihood that a suspect had contributed to the sample.

Prof Balding said: "The Court of Appeal's judgement reversed that and said it is ok for the forensic scientist to give a subjective view based on their experience. "The forensic scientist is now allowed to say something like 'in my experience, it would be unusual to see something like this if the suspect wasn't a contributor.'"

The FSR's draft guidance referred to the court's judgement and warned interpretation of DNA profiles could "potentially be affected by some form of unconscious and unintended bias". At least one leading geneticist has since said this admission by the regulator could open the door to a number of appeals by violent criminals seeing to have their convictions quashed. Crime Prevention Minister Norman Baker has insisted the draft guidance would give no basis for appeals in cases where a conviction was already supported by existing academic literature.

Prof Balding told PoliceOracle.com: "For me and the public - and I suspect for the Regulator that has issued this draft guidance - this is a bit of a disaster. "Who knows what these words in the court's judgement mean. It's all a bit woolly." Where a scientist is called to give evidence about a DNA sample, this is most likely a "mixed" sample featuring DNA from several individuals. "That is the worst case in which to be telling the forensic scientist they can give an opinion as these are the most complex cases.Up until the ruling there weren't good computer programmes to work out probability in cases like this, but now there are - just when the Court of Appeal created this dodgy ruling. It's a confusing mess."

Between: Regina - and - John Henry Childs (aka Bruce Greenfield)

Lord Thomas of Cwmgiedd, CJ: Introduction: Over 30 years ago, on 4 December 1979 the applicant, pleaded guilty before Lawson J at the Central Criminal Court to six murders committed between 1974 and 1978. He was sentenced to life imprisonment. The judge stated he would make no recommendation as to a minimum term; in his letter to the Home Secretary, he explained he had not done so because the applicant was to give evidence for the Crown against his co-accused, MacKenney and Pinfold. A few days later on 20 December 1979, the applicant pleaded guilty at the Crown Court at St Alban's to robbery, asking for 25 further offences to be taken into consideration; those offences included conspiracies to murder, arson and robbery, possession of firearms and causing grievous bodily harm with intent; he received a sentence of 6 years imprisonment concurrent with the life sentences. He was represented at all times by Richard du Cann QC and Stephen Batten (now one of her Majesty's Counsel) who were instructed by Edward Fail, Bradshaw and Waterson, then, as now, a very distinguished firm of solicitors specialising in criminal law.

On 14 February 2012, the applicant sought leave to appeal out of time and the necessary extension of time of 32 years. The appeal was based on fresh evidence from Professor Gudjohnson and Dr Somekh who provided reports that stated that the applicant had severe personality disorders such that nothing he said, including the confessions and pleas he had made to the murders and other offences, could be relied on as truthful, unless corroborated. The applicant also relied on the fact that this court, on a reference from the Criminal Cases Review Commission, had on 15 December 2003 quashed the convictions of his co-accused, MacKenney and Pinfold, who had been convicted of murder in 1980 on the basis of the applicant's evidence. This court did so

cise and rejected the ground of challenge that these conditions were not sufficiently clear and precise. The next ground Mr Justice Stephens considered was whether there was sufficient evidence that the persons with whom the applicant met were prohibited persons within the terms of the two special conditions and if so whether the applicant was aware that they were.

Mr Justice Stephens found that that there was clear evidence that the individuals the applicant met were prohibited persons within the meaning of the two special conditions to the knowledge of the applicant. This evidence included the fact that all the individuals had been imprisoned in Roe House, which the applicant knew was a separate wing for dissident republican prisoners and upon his temporary release it was clear to the applicant that he should not have contact, direct or indirect, with anyone who had been in Roe House.

Mr Justice Stephens rejected the ground of the challenge that there was insufficient evidence that the individuals with whom the applicant had contact, were "linked to" paramilitary organisations or criminal activity, and rejected the ground of challenge that there was insufficient evidence that the applicant was aware that the individuals were "linked to" paramilitary organisations or to criminal activity.

Mr Justice Stephens next considered the ground of challenge in relation to legal representation. At the prison adjudication a decision was made that the applicant was not entitled to legal representation. Mr Justice Stephens in consideration of the "Tarrant" principles said that the issues before the adjudicator were not complex and were well within the capacity of the applicant to present his own case. Mr Justice Stephens said that he did not consider there was any requirement for legal representation and rejected the ground of challenge that the procedure at adjudication was in breach of the applicant's common law right to a fair hearing or in breach of Article 6 ECHR in that he was not permitted legal representation. Mr Justice Stephens dismissed the application for judicial review.

Officer Crime Scene Contact 'Could Impact Forensic Evidence' *Police Oracle*

Forensic scientist slams 'confusing mess' as forensic regulator admits police contact could skew scientists' results. - Police dealings with forensic examiners may impinge on scientific objectivity, the Forensic Science Regulator (FSR) has said. Draft guidance from the FSR warned "contextual information" about crimes provided by investigating officers may lead examiners to jump to conclusions about evidence. It adds that "practitioners may have a higher expectation of observing DNA profile matches simply because samples were submitted for analysis by police investigators". "Hit rates" and key performance indicators may skew what is meant to be an unbiased and strictly scientific process towards a results-based approach.

Geneticist Professor Martin Evison said forensic scientists could be vulnerable to cognitive bias - particularly in cases where there was heightened media interest. He cited several miscarriages of justice cases where he said this could have played a part. Prof Evison said: "There is the expression 'errors of noble cause'. They (the forensic scientists) want to get the bad guy. They might see things that are not there, or not see things that are there. We need always to be vigilant about these risks." The FSR document has also provided ammunition for a senior forensic scientist furious at judges for introducing a "confusing mess" into court proceedings.

Prof Balding, Chair of Statistical Genetics at the University of London described a Court of Appeal ruling "a bit of a disaster" which is said to have encouraged geneticists to express subjective views while under oath, he was speaking after other experts voiced concern that murderers and rapists could now be able to challenge their convictions because of "subjective"

What I do know is that Nigel Brayley was an eloquent and lucid determined man in his mid-life years. He expressed a surety about how he saw the world and his place in it. When he intimated to me at later political meeting that he was planning on ending his life sooner than expected, and I retaliated by suggesting that he seek further medical advice, he told me ever so politely to mind my own business. When he emailed me the same a few months later I knew better than to interfere. To the reader of Nigel's many written missives, it was not hard to tell that this was a man who left little to chance. His suicide and his instructions pertaining to its aftermath, were detailed to the nth degree. When one considers Nigel's express concern that his new wife's finances not be decimated, presumably realising that defending multiple murder charges costs a lot of dosh, Nigel's early suicide makes more sense; pre-emptive action against a possible life sentence.

Here I would suggest that the main difference between Nigel Brayley and lifers around the world is that Nigel's suffering began long before his looming possible incarceration. A life imprisoned is a life wasted. John Stuart Mill knew this when he argued in favour of capital punishment. Life imprisonment, he said, was like living in a tomb. While I fervently disagree with Mill in regard to state-sanctioned killing, if that killing is self-determined then I support it – with legislated safeguards, of course. The rational suicide of current and potential life prisoners deserves serious consideration by the state. Australia should have the courage to follow Belgium's lead and legislate, not just for the terminally ill, but for suffering inmates also.

The Value of Cell Site Evidence? *Jo Morris, Barrister, CrimeLine*

The popularity of the mobile telephone has had an unintended consequence. It's growth has given the criminal justice system an effective investigatory tool. A mobile telephone accesses cell masts whenever it is in use and can therefore provide evidence of the location of it's use. This is often relied upon by the Crown to weaken any account raised by a defendant. The defence should not ignore the value of this material. It is regularly more useful to the defence than to the Crown. Cell site evidence places a mobile telephone within a radius but does not identify it's exact location. It is evidence capable of supporting a proposition rather than proving it incontrovertibly.

Cellular networks provide coverage by dividing up service areas into smaller areas of coverage called cells. When a phone is used the start and end cells are recorded. This is used to draw conclusions about the location of the user and his movements during the call. The approximate location of the device is calculated through radio frequency mapping. As a mobile phone moves from one cell to another a cellular arrangement requires active connections to be monitored and passed between cells. This can be used to suggest that the user of the device has moved from one location to another or to place him within a radius.

There are limitations upon this evidence. It cannot pinpoint a person's exact location. The working range of a cell tower is affected by a number of variables such as the operational power and size of the transmitter, geographical factors and the weather conditions. In areas of high population density there are likely to be more transceiver stations covering smaller areas so it is possible to reduce the radius under consideration but not to say conclusively where a person was. Nevertheless, the fact that a mobile telephone can be placed within a radius is likely to be probative.

This evidence is open to challenge. The overloading of masts can render cell site evidence unreliable. The deployment of masts will be planned to provide overlapping coverage. If one transmitter is overloaded then the call or communication will be shifted to another either on the mast being used or one nearby. Therefore, it is possible that cell site findings will show that a phone has moved between two nearby locations because it has shifted to another trans-

mitter rather than because the user has moved. In addition, service providers do not record the intermediary cells used between the start and end cells. This means that if a person were to travel from one place to another returning to where he had started in the duration of a call the evidence would suggest he had not moved.

The defence must be alive to this evidence and its challenges. If cell site evidence weakens the position of the defence then the challenges that can be made should be considered. It is not unquestionable. Also, it may be capable of supporting the defence account. A defendant who keeps upon his person and uses regularly a fully charged mobile telephone has an almost permanent alibi. Cell site evidence can be the undoing of a false accuser. The subject of a series of vexatious allegations should be advised that this simple practice will protect him. Of course, there is a chance that the defendant may not use his phone at the time of any alleged incident and so the records would carry no weight but regular use of a mobile telephone will be sufficient to establish his rough location and movements.

It is not only the phone of the suspect that can be examined. The location of a witness and the proximity to the defendant may be a live issue. An allegation of harassment or breach of a non molestation order, for instance, would be undermined by mobile phone recordings placing the complainant in pursuit of the defendant or attending at his property. The evidence of an eye witness would damaged if his mobile telephone records identified that he was nowhere near the crime scene at the relevant time.

Telephone evidence can be pivotal in the course of a criminal trial. Most defendants, witnesses and complainants are likely to be in possession of a mobile telephone at the material time. Evidence from that device can be used to show the contact that its user makes with others and his position and movements. This should always be considered where the location of any person is a disputed issue. It can support the Crown's case or weaken it fatally.

Renewed Calls for Cap on Police Pre-Charge Bail *Police Oracle*

Evidence suggests some police forces are increasingly holding suspects on pre-charge bail for extended and indefinite lengths of time, according to campaign group Liberty. Rosie Brighouse, a solicitor for the human rights organisation, called for “radical legislative change” to restrict the length of time suspects could be on held on pre-charge bail. She blamed the apparent rise in the number of cases where suspects are stuck in limbo on demands on custody space as well as "targets" within some forces requiring mandatory arrests for low-level offences including shoplifting. “There is recent evidence and anecdotal evidence to suggest that in some areas the use of pre-charge bail is becoming quite commonplace,” she said in a presentation at the National Custody Seminar in Stoke-on-Trent.

But some delegates at the annual event organised, by the Police Federation, warned that in practice investigators would be unable to hit any deadline for gathering evidence because of delays caused by inefficiencies within partner agencies. Earlier this month the Liberal Democrats hinted that proposals for a pre-charge bail limit could form part of their party's next manifesto, and the College of Policing is currently consulting on the issue.

Liberty runs a legal information and advice line, and Ms Brighouse said that calls from individuals held on pre-charge bail for extended periods – sometimes in excess of a year – were among the commonest types of inquiry received. Further guidance from the College of Policing “will not go far enough to resolve this issue,” she warned. “The experience of being on police bail creates a great deal of stress and anxiety daily of having a potential prose-

Sean McConville Breached Temporary Release Conditions

Summary of Judgment: Mr Justice Stephens, sitting today 29/09/14 in the High Court in Belfast, dismissed an application by Sean Gerard Patrick McConville for a judicial review of the decision by Maghaberry prison that he had breached the conditions of his temporary release from prison. Sean Gerard Patrick McConville (“the applicant”) was granted temporary release from Maghaberry Prison between 11.00 am on 21 October 2013 and 11.00 am on 23 October 2013 on a number of conditions including two special conditions that he:- (a) Must have no contact, direct or indirect, to persons linked to paramilitary organisations; and that he (b)Must have no contact, direct or indirect, with persons linked to criminal activity. On 6 December 2013 the Prison Governor adjudicated that the applicant had breached these conditions and the applicant seeks to challenge this decision on the grounds that:

(i) The conditions were not sufficiently precise and clear and it was impossible for him to ensure compliance; (ii) There was insufficient evidence that the individuals with whom he had contact were “linked to” paramilitary organisations or criminal activity; or (iii) If there was sufficient evidence that the individuals he had contact with were “linked to” paramilitary organisations or criminal activity, there was insufficient evidence that the applicant was aware of those links; and (iv) The procedure at adjudication breached the applicant’s right to a fair hearing and Article 6 ECHR in that he was not permitted legal representation.

In his written judgment, Mr Justice Stephens set out the factual position to the applicant’s case. The applicant and two others were charged with and pleaded guilty to possession of explosives with intent contrary to Section 3(1) (b) of the Explosives Substances Act 1883. The applicant was sentenced to a 15 year prison sentence, half in custody and half on licence ([2009] NICC 55). The applicant is serving his sentence at Maghaberry prison. In 2007, he was successful in an application for a transfer to Roe House, a separate wing within the prison for Dissident Republican prisoners, and has remained there since. Prior to his temporary release, the applicant signed a temporary absence document which set out the special conditions that he was to fulfil during his temporary release.

Mr Justice Stephens writes that the applicant accepts that on 22 October 2013 and whilst on temporary release he had direct contact with Colin Duffy, Harry Fitzsimons and Brendan Conway and thereafter had direct contact with Gary Toman. All of these individuals had been detained in Roe House the separate wing for Dissident Republican prisoners. It is however the applicant’s case that he had no knowledge that they were “linked to” paramilitary organisations or criminal activity, and that there was no evidence that these individuals had such links, other than a description made by the PSNI in a letter to the senior governor at Maghaberry prison which referred to the individuals as “senior and prominent republican figures” and “senior dissident republicans.”

Conclusions: In his judgment, Mr Justice Stephens firstly considered whether the two special conditions were sufficiently clear and precise. He writes that the first special condition does not require that the prohibited persons have to be “members of” a paramilitary organisation or “convicted of” paramilitary activity. Mr Justice Stephens also writes that the conditions do not require that the prohibited persons have been “convicted of” criminal activity or that the paramilitary or criminal activity is current. He held that the proper meaning of the special conditions is that a person is “linked to” paramilitary organisations or “linked to” criminal activity if his name is “associated with” a paramilitary organisation or “associated with” criminal activity. He held that individuals in Roe House were “associated with” or “linked to” dissident republican activity. Mr Justice Stephens concluded that the two special conditions were sufficiently clear and pre-

Ulster Police Watchdog - Cuts Delaying Inquiries Into Troubles Killings *Guardian*

Police ombudsman Dr Michael Maguire has announced that resources and staff deployed on historical cases will be reduced by 25% after Stormont's Department of Justice (DoJ) sliced £750,000 from its in-year spend. The move has forced the delay of a series of planned investigations by the ombudsman. They include probes into alleged police failings in the investigations of the IRA's Kingsmill massacre of 10 Protestant workmen in 1976 and into the activities of the loyalist Glenanne gang – a sectarian murder squad that allegedly included rogue members of the police and army. Maguire said the original timetable for completing around 300 historical investigations had been six years but he feared they could now take more than 12. "The reduction in budget has undermined our ability to deal with the past," he said.

The announcement came hours after the Police Service of Northern Ireland (PSNI) revealed it was axing its own specialist legacy investigations unit – the historical enquiries team – also as a consequence of Stormont budget cuts. The power-sharing administration is currently struggling with the requirement to make around £200m of in-year reductions. The announcement from Maguire has prompted the lone survivor of the Kingsmill attack to launch legal action against the justice minister, David Ford.

Alan Black, who was shot 18 times, said his hopes that the ombudsman's investigation would be completed before the scheduled start of a new inquest into the killings next June had been dashed. He said it was a serious blow to the Kingsmill families' campaign for justice. "What is the state hiding? Why is there a fear of the truth? The families of the dead demand the truth. I am devastated for everyone. I will be dead by the time the investigation closes. I lay the blame at the hands of the DoJ and British government. Justice doesn't have a price tag." Black has instructed his lawyer, Kevin Winters, to lodge judicial review proceedings against the DoJ for alleged breach of the UK government's obligations under the European human rights law and to seek damages for stress and trauma. Winters said: "Many families and survivors will be affected by this depressing announcement. It is a major setback for those seeking justice and truth recovery."

Maguire said managing the impact of the cuts had involved making some very difficult decisions. "The number of complaints we have received about 'historical' matters has doubled since 2012: we now have almost 300 cases. I had hoped that the additional funding we had requested could have allowed us to complete these cases within six years, but suspect they may now take 12 years or more. The cuts were also having an impact on the ability of his office to hold modern policing to account. "Last year we received more than 3,700 complaints about the conduct of police officers, the highest yearly total in the office's history," he said. "I cannot continue to do more with less resources and am now in a place where I have to cut frontline services. This will have a significant impact on the speed with which cases can be progressed and the level of services we can provide."

The ombudsman said he and his staff were contacting the families of those bereaved in the cases which were likely to be subject to considerable delay. "I will also have to write to the committee of ministers of the Council of Europe to inform them that we will not always be able to meet the commitments given by the UK government that my office will conduct investigations into 'historical' matters in a timely manner as and when required under the convention. I am determined to protect the police complaints system and I will not skimp on the quality of investigations, but if the cuts continue as anticipated, they will have a significant impact on the way in which we hold police to account in Northern Ireland."

cution hanging over a person's head," Ms Brighthouse added. "Victims are subject to the same uncertainty and the same anxiety - and the same frustration when things take a lot longer than they need to." Ms Brighouse said she recognised there were exceptional cases where police might have to exceed any legal limit – but she said introducing a deadline by which any charge must be brought would "focus minds and resources". A suspect could in any case always be rearrested after their bail had expired. Pre-charge bail was, she quipped, "quite a hot topic at the moment, I'd imagine largely because some journalists have been kept on it".

Celebrities being investigated as part of Operation Yewtree have also in some cases been kept on bail for lengthy periods without any charge being brought - despite the very public nature of such investigations. Liberty has suggested that the amount of time an individual can be kept on pre-charge bail for should be capped at six months. The proposal has face opposition from some quarters because of perceptions that it could harm victims' prospects of seeing justice.

Innocence Projects: The Importance of Grasping the Essence *Dennis Eady*

Since the pronouncement of the disbanding of the Innocence Network UK (INUK), at least in the form in which it has existed up till now, a number of articles and commentaries have emerged in relation to the value, credibility and the future of university innocence projects in the UK. Changes may emerge from the current situation which may involve name and remit changes and new structures for pro bono student work in this field. It may also provide a timely opportunity for universities to close down their activities in this overwhelmingly difficult field of endeavour and perhaps lead to a greater role for new organisations such as the Centre for Criminal Appeals.

I fully support anything that increases the chances of innocent people being exonerated but our expectations must remain in context and we should think very carefully before throwing away the principles on which INUK was founded. Those principles, naive and idealistic as they may be, nonetheless provide an ethical and humane working foundation based on a real understanding of the uncertainties and logical frailties of the criminal justice system.

This article will attempt to address three questions: What is meant by "innocence" as opposed to "safety"? Why do Innocence projects have no success in overturning convictions? What is the value of Innocence projects?

What is meant by "innocence" as opposed to "safety"?

In her Justice Gap article, Hannah Quirk reflects the often presented view in relation to the notion of "innocence" as a test for exoneration. To prove innocence, the argument goes, is far harder than showing that a conviction is "unsafe". What "unsafe" means is problematic in itself and seems to just reflect the prevailing thinking of the Court of Appeal. That apart, this view is obviously correct – proving innocence (or guilt in fact) is usually impossible compared to showing unsafety which is, in practice, merely almost impossible.

However I would be surprised if anyone ever really meant it in the sense of proving innocence. The approach of looking at cases in terms of innocence does not prevent looking for and presenting arguments about safety. We all know that as things stand we have to play by the archaic rules of the Court of Appeal. Considering a case from the standpoint of innocence however, means evaluating the person, the circumstances and the evidence as closely as possible and as holistically as possible.

If there is evidence of possible innocence or Lord Widgery's insightful, and therefore much maligned, concept of lurking doubt (R v Cooper 53 Cr App R 82 1968), then there is an ethical and humane basis for supporting the case, whether or not there are circumstances that

fit neatly into the Court of Appeal's rigid appeal criteria.

That is what innocence projects should do, in my view – look at possible innocence as a priority and then try to find potential appeal points. The "danger" in this approach is that one becomes committed to a case for the sake of justice and humanity even if the system provides no avenue for such concepts to be officially recognised. The name innocence project may be somewhat presumptuous and problematic but it does remind us of the ethical position that should be adopted over and above the legal one. It means caring about innocence and not sacrificing it on the altar of the restrictive rules of appeal.

Why do UK innocence projects have no success in overturning convictions?

It is tempting to answer this question by asking "who does have any success"? The answer to that is "not many people and not very often". Innocence projects have problems: yes, they lack experience and expertise (so did many of the people who have fronted successful campaigns on individual cases or causes over the years) and they have usually little or no funding, but it must also be remembered that no-one goes to an innocence project as their first choice in preference to professional legal help.

They generally go to innocence projects when all else has failed – they have lost their appeal options and in many cases also been rejected by the CCRC. They have used up their best, maybe their only, arguments. Innocence projects now need to find not fresh evidence or often not even fresh, fresh evidence but fresh, fresh, fresh evidence. Furthermore some of the paperwork has usually been lost over the years and obtaining disclosure of any papers or materials meets immoveable institutional resistance. Lawyers and the media do what they can, sometimes very skilfully and successfully, but innocence projects tend to take the cases they have given up on.

Somehow, despite this, some innocence projects have managed to put together applications to the CCRC which at least are deemed to merit years of investigation/review by the CCRC. In one case an application by an innocence project to the CCRC has been referred to the Court of Appeal and in a few cases projects have assisted CCRC investigations by submitting evidence where they have not made the submission themselves to the CCRC. But the greatest problem lies in the appeal process itself, its irrational belief in the infallibility of the jury and its demand for a few neat, precise, new and compelling appeal points rather than an appreciation of the holistic picture.

Miscarriages of justice are rarely like that; they are often a complex package of inter-related misinterpretations involving a range of factors from inaccurate science to unreliable witnesses. At least innocence projects reveal this unpalatable truth and the system's denial of it.

What is the value of innocence projects?

Without doubt innocence projects are a successful educational resource, not only giving students experience of real cases and their complexities and uncertainties but also often a healthy disillusionment with the current system. They learn about the often flimsy and frequently extremely murky nature of evidence that can convict people of the most serious crimes and how, once believed by a jury, this cannot be effectively questioned.

Innocence projects can give hope to those without hope by starting with a blank sheet to look afresh at a case. They should not throw out a case because it raises nothing new or because there do not appear to be grounds for appeal. This "ethical" commitment as opposed to the "legal" commitment is perhaps what makes innocence projects different from pro bono law clinics, criminal appeal centres or whatever other name might be used. Regardless of names used, it would be a sad development in my view if this ethical and radical element

"I had to listen to them tell me what to do, wrong or right. I had to listen to them or be hurt. It messed with my mind 24-7." Another inmate, E.T. told Human Rights Watch: I really think my life would have been different if I would have been placed [at a lower level yard when I entered prison,] … I wouldn't have been exposed to so much violence and hatred … I would have been acquiring … [things like education and vocational skills.] Instead I had to focus on surviving and staying alive. There were nights I silently cried myself to sleep because of the fear I felt.

"Whether living in a college dorm or a prison cell, young adults have to make important decisions about their identity and path in life," Calvin said. "Young people are more susceptible than older adults to influences around them, both good and bad. This new law is an opportunity to positively shape the direction of a young person's life."

Oklahoma New Execution Procedures – Upping Dose of Sedative *Telegraph*

Oklahoma prison officials unveiled new execution procedures on Tuesday to replace those used in April when an inmate writhed and moaned before being declared dead 43 minutes after his lethal injection began – a situation that renewed debate over what constitutes cruel and unusual punishment. The new guidelines allow the state to keep using midazolam, a sedative used in flawed executions earlier this year in Ohio, Oklahoma and Arizona, although it calls for increasing by five times the dose it gave Clayton Lockett in April. Other changes include more training requirements for prison staff and members of the execution teams, and having contingency plans in case of problems with execution equipment or an inmate's medical condition. The new protocols also reduce the number of media witnesses from 12 to five.

An investigation ordered by Gov. Mary Fallin after Mr Lockett's execution that was conducted by the Department of Public Safety blamed his lengthy death on the poor placement of a single intravenous line in his groin and a decision by the warden to cover the IV site with a sheet. The investigation recommended more training for prison staff and a contingency plan, both of which are included in the new procedures. The director of the Department of Corrections, Robert Patton, declined to comment on the protocol changes, citing ongoing litigation.

Federal Public Defender Dale Baich, who represents 21 death row inmates who have sued the state Department of Corrections to block their executions, said the new protocols do not solve Oklahoma's execution problems. "We still do not know what went wrong with Mr Lockett's execution. Discovery and fact-finding by the federal courts will address those issues. The prisoners still do not have access to information about the source of the drugs, the qualifications of the executioners, or how the state came up with the different drug combinations."

Under the new guidelines, Oklahoma can continue to administer midazolam, a sedative often given to patients before surgery and commonly known as Versed, as part of three-drug and two-drug protocols. A normal dose in medical settings is usually less than 5 milligrams. The new recommended dosage of 500 milligrams matches that of at least one other state, Florida, which also uses the drug as part of its procedures. Mr Baich also said cutting the number of media witnesses "reduces public accountability and makes the process less transparent."

A federal judge had expressed concern earlier this month that Oklahoma will not be able to implement new guidelines and training for executions before three inmates are scheduled to die this fall. Charles Warner, who had been set for execution the same night as Mr Lockett, is now scheduled to die on November 13. Oklahoma has also set execution dates for Richard Glossip on November 20 and for John Marion Grant on December 4. Mr Lockett's execution raised new concerns about lethal injection drugs and the secretive process many states use to obtain them.

sure directly on legal aid cuts since the Legal Aid, Sentencing and Punishment of Offenders Act removed public funding for huge areas of civil work, including welfare benefits, debt, immigration and most housing, in April 2013. Since the act came in to force, 10 law centres have closed across the country, leaving 49 still working.

HMP Ranby [Lack of support for visiting children] *Lords / 26 Sep 2014 : Column WA497*

Baroness Stern to ask Her Majesty's Government what plans they have to address the findings of Her Majesty's Chief Inspector of Prisons' report of an unannounced inspection of HMP Ranby, published on 24 July, in respect of the condition of the play area for the children of those visiting prisoners, plans to develop services, the lack of a family support worker and the lack of a parenting course.

Minister of State, Ministry of Justice (Lord Faulks) (Con): Funding has now been secured to replace and renew current toys and equipment and the list of appropriate items is being finalised. A local initiative has recently been set up whereby staff donate good quality toys and books, resulting in a significant improvement to toys and books available. Storybook dads is being delivered and extended to a larger percentage of the population. Surestart has been approached with a view to offering support during visits. A Parenting Course is being developed with a view to it being delivered by a voluntary sector organisation. Further opportunities are also being explored with voluntary sector organisations who can assist in developing the family and children pathway.

California: New Law to Protect Jailed Youth *Human Rights Watch*

On September 27, 2014, Governor Jerry Brown signed Assembly Bill 1276, which requires the California Department of Corrections and Rehabilitation to conduct committee-based, specialized review of each person under age 22 entering prison to consider placing them at a lower security level facility with increased access to educational and self-help programs. Human Rights Watch has advocated for passage of the bill.

"California's new law has the potential to dramatically change the lives of thousands of young offenders," said Elizabeth Calvin, senior children's rights advocate at Human Rights Watch. "With this law California will help protect the young people it sends to prison from being raped, beaten, or forced to join gangs." Approximately 4,800 people under age 22 are admitted to California prisons each year. Under current practice many are routinely sent to the maximum security prison units, known as "Level IV yards," where young inmates are very vulnerable to assault, rape, and other violence, and come in close contact with prison's most negative influences.

In the Level IV yards, gang members and others prey upon young people. The maximum security units also offer fewer rehabilitative and educational services. Under the new law, California recognizes that young people need special protections and deserve increased access to educational opportunities. "This new law recognizes both the vulnerability and potential of young offenders," Calvin said. "It means fewer young adults will be raped and assaulted in prison. They won't be forced to turn to gangs for protection or in despair, and will have greater access to educational programs."

Human Rights Watch has collected the personal accounts of more than 500 prisoners in California sent to maximum security prison units when they were young. The great majority said having the chance to enter prison away from the most hardened prisoners would have made a tremendous difference in their lives. "I came to prison at the age of 20 and it was very hard for me as a younger person being around older men who was crazy," wrote J. M., who was 15 at the time of his crime.

of innocence projects was lost in the changes that will inevitably come about.

Having said that, it seems that according to Michael Naughton's pronouncement about the discontinuance of the Innocence Network UK (here), such a notion had already been abandoned. I was saddened to read, particularly coming from one of the great past champions of ethical and radical thinking on this issue, that those innocence projects within INUK – our Cardiff project has not been a member since 2010 – had become so selective that "eligible cases are drying up". In a climate where injustice seems to be escalating throughout the criminal justice system this was an astonishing conclusion. It was all the more astonishing because two different criteria are quoted in the same article but both seem designed to exclude almost every case that might apply:

Point 4 of the first section of the announcement: "The eligible cases are drying up. In the last year only a few of the couple of hundred applications that we have assessed have been deemed eligible; the applicant may be innocent and there is something that we can do to prove or disprove the claim." Point 3 of the second section: A case is eligible when " further investigation by a member innocence project may fulfil the CCRC's or the SCCRC's referral criteria". It is not clear when these (or which one of them) were adopted by INUK but either would create a situation where INUK is at least as, if not more, selective than the CCRC – a body rightly criticised (especially by Dr Naughton) for its restrictive remit and interpretation of that remit.

Our experience of casework is that you can rarely conclude guilt or innocence or the prospects of evidencing these without a thorough study of the case and often not even then. Andrew Green on the JusticeGap rightly points out that the INUK criteria amount to pre-judging cases and is of course likely to exclude many meritorious cases. To do this flies in the face of what INUK and innocence projects were supposed to stand for – they end up acting like the very institutions whose failure to address the problem led to INUK's creation. The figures quoted in the pronouncement are revealing: 1,348 requests for assistance since INUK's formation, 827 of these assessed (what happened to the other 521?) and only 129 deemed eligible. I would suggest that the numbers eligible have reduced substantially since the introduction of the new criteria (whenever that was?). Even then if I had 129 cases on my desk I would be drowning not drying up.

It is true that there has not been a single exoneration in a case initiated by an innocence project case in the UK. A few cases where innocence projects have been involved or made a contribution have got through the barrier of the CCRC only to be rejected by the Court of Appeal. But this must be seen in the context of an almost impossibly restrictive appeals system and the fact that innocence projects tend to take up the cases that lawyers and the media have been unable to help. Some of these people are indeed innocent and remain victims of an intransigent system: the small comfort they have is that at least someone is trying.

As one prisoner put it to me – at least somebody gives a damn. Curiously our Cardiff innocence project, despite no successful track record (well, one referral by the CCRC to be heard soon by the Court of Appeal), still has almost universally-grateful clients who frequently express their appreciation and compliment the quality of our work, while realising it may still get them nowhere. The world of innocence projects is a strange one full of ethical dilemmas, but if nothing else, it alerts young people with a conscience to the appalling fact that our society tolerates and perpetuates the conviction and imprisonment of innocent people, a truth so unpleasant that it is frequently internally and institutionally denied.

The sad fact is that we can change names, create new organisations, try to be more professional and all the rest, but nothing will work but for the odd fortunate case, until there is a public will to address the problem and legislation to create a fairer and more rational appeal system.

Innocence projects are not to blame for the lack of success – the casuistry of the system is. Is it worth continuing in the face of seemingly impenetrable resistance? As long as we are honest with ourselves and with our clients, I believe it is. As one victim of the system said to me "false hope is better than no hope", although that in itself raises ethical issues for us. I hope our students will believe that even a seemingly hopeless cause, if it is a humane and just one, is better than no cause at all.

Inquiry Sought Into Judge's 'Leniency' Over Domestic Abuse Sandra Laville, Guardian

Vera Baird, the police and crime commissioner for Northumbria, is demanding a judge be investigated over his decision to hand down a suspended sentence to a man who terrorised his wife with a knife and a gun in a sustained attack when she threatened to leave him. Baird, a QC and former MP, said Judge George Moorhouse had done nothing to stop the epidemic of domestic abuse across the country, and had sent a message to women everywhere that "male judges will not take a role in protecting them". She and her two fellow police and crime commissioners (PCC) in the north-east, Ron Hogg in Durham and Barry Coppinger in Cleveland, have reported Moorhouse to the Judicial Conduct and Investigations Office for what they say was an overly lenient sentence.

Moorhouse is under fire after handing down a 12-month suspended jail sentence at Teesside crown court this week to Anthony Bruce, 34, who bit and throttled his wife, before holding a knife to her throat and shooting her. Teesside crown court heard that Bruce attacked his wife at their home in Chester-le-Street, Co Durham, after she talked about leaving him. Holding a knife with a 20cm-long blade to her throat, Bruce said: "I'm going to top you and then top myself. If I can't have you, nobody will." The court heard how he threatened to scald his victim with boiling water. He also grabbed a pellet gun and told her he would put a bullet "straight through your eye into your brain".

Bruce then shot his wife in the foot, before she managed to grab the gun and hide it, the court heard. In her impact statement, which was read to the court, the woman said she feared for her safety in the "life-changing" attack in April last year. She had moved away to a secret address for her own safety, she said. The court also heard that Bruce had phoned his ex-wife and tried to warn her off testifying against him. He told her: "Drop the charges or I'm going to torch..." The woman hung up before he could finish his threat. Bruce changed his plea to guilty on the last day of his trial for assault occasioning actual bodily harm and witness intimidation. When he was sentenced, the judge described why he was going to be lenient. "Fortunately the injuries were not serious, and most importantly, you have been out of trouble for seven years," he said. But within hours of his case finishing Bruce had bragged on Facebook: "The cunt didn't win, I'm free."

Baird said the judge's actions had sent the wrong message to victims of domestic violence. "Judge Moorhouse needs to be accountable for his actions ... he has sent a message to women not just across the north-east but across the country that male judges will not take a role in protecting them or deterring the crime from which they suffer." Baird and her fellow PCCs said the sentence showed the judge had no understanding of domestic abuse and its impact on women and children, and he and all judges should undergo more training. She said the nature of domestic abuse meant the victim was totally alone, and had no one to turn to. "Bruce carried out these violent assaults in the home, from which, unlike a victim of violence on the street, there is nowhere to run."

In Northumbria alone there were 27,275 incidents of domestic violence between April 2012 and March last year, and more than 53,000 incidents across the north-east. Two women are killed on average each week in the UK as a result of domestic violence and an estimated 57,900 women and children across England and Wales have been assessed by police and other agencies as at risk of homicide or serious harm from partners or former partners.

which included a significant degree of planning over a long period. False rape claims seriously damage the public perception of and response to genuine rape allegations." He said he accepted the court's decision that Brooker's sentence was not unduly lenient and should remain unchanged.

Brooker's partner, Hamish McKenna, said the attempt to have the sentence increased was "vindictive and nasty". He said their daughter, now one, was missing her mother desperately. "She is very clingy, she has night terrors, she needs her mother," he said. After the hearing, Longstaff said: "We at WAR are very relieved that the court of appeal took into account her being a young mother of a small child and the terrible impact of prison on both of them."

Black Woman Pummelled by Police Wins $1.5 Million Payout *Telegraph, 26/09/14*

A black woman who was filmed being repeatedly beaten by a California Patrol (CHP) officer will receive $1.5 million (£900,000) in compensation. The sum was agreed between lawyers acting for the woman, Marlene Pinnock, 51, and the patrol following nine hours of negotiations. Mobile phone footage of the incident, which took place on July 1, caused widespread outrage. The footage, which showed an officer straddling Ms Pinnock and raining a series of blows on her. Ms Pinnock, who was suffering from bipolar disorder and homelss, is reported to have been off her medication for two to three months at the time of the incident.

In a statement CHP said the officer, who has been on leave on leave since the incident, had resigned. "When this incident occurred, I promised that I would look into it and vowed a swift resolution," CHP Commissioner Joe Farrow said in a statement. The incident was one of a series in which police in Los Angeles had faced allegations of using excessive force. Earlier in the year David Cunningham, a black American judge, filed a $10 million claim after being handcuffed and bundled into a police car for not wearing a seatbelt. Caree Harper, Ms Pinnock's lawyer, welcomed the settlement. "One of the things we wanted to make sure of was that she was provided for in a manner that accommodated her unique situation in life, and that the officer was not going to be an officer anymore."

Tempers Fray in Manchester After Last Law Centre Closes Doors

Desperate clients in Manchester are fighting to see a legal adviser after the closure of the last of the city's law centres, a local advice worker said last week. South Manchester Law Centre shut at the end of August after going into voluntary liquidation. Following the closure of centres at Wythenshawe and north Manchester – in addition to the closure of a Citizens Advice bureau in the south-east of the city – campaigners say many people now have nowhere left to go for legal advice.

Denise McDowell, director of the Greater Manchester Immigration Aid Unit, which has taken on some immigration cases, said public advice provision had been 'decimated' in the city. She told a Justice Alliance meeting: 'At 7.30am this morning we had 35 people queuing for immigration advice. People are arguing and fighting to get in the queue. It's a completely unacceptable position for us to be in.' Julie Bishop , director of the Law Centres Network, said the group is working to find a way to resurrect a centre in Manchester, as happened when the final Birmingham centre was forced to shut last year. The south Manchester centre provided advice and representation in immigration, asylum and women's rights, and collaborated with local charities such as the Big Issue. Bishop said: 'For over 40 years South Manchester Law Centre was a vital resource for disadvantaged people, offering them free and independent legal advice. It was based where it was needed most, in the heart of the district of Longsight, one of the most deprived areas in Manchester.' Managers at South Manchester blamed the clo-

ent a hug or sit in their father's lap. Often prisoners are prevented from moving from the visiting room table to interact or play with their child. The experience can be traumatic says Barnardo's.

A report by the Prisons and Probation Ombudsman earlier this year found that some prisons "fail to achieve an appropriate balance between supporting family ties and ensuring security," and that many are failing to apply procedures in "a fair and consistent way". The visits are not just important for children, says Barnardo's, as they also have a positive effect on the prisoner. Ministry of Justice figures show that offenders with family ties are 39% less likely to reoffend.

Barnardo's is calling for a minister to be appointed with responsibility for the children of prisoners. This is a matter of urgency, says the charity, because so many of these children feel isolated and need support. Research from the Cabinet Office's Social Exclusion Unit also shows that many children of prisoners will themselves end up in prison - 65% of boys with a convicted father will go on to offend themselves.

Court Rejects Call for Woman's Jail Term Over False Rape Claims to be Increased

Steven Morris, The Guardian: The solicitor general has been criticised for asking a court to increase a three-and-a-half-year jail term imposed on a trainee barrister and new mother convicted of falsely accusing her former boyfriend of a series of rapes and assaults. Robert Buckland QC asked the court of appeal to increase the sentence handed to Rhiannon Brooker, 30, after she was found guilty of fabricating allegations that led to her ex-partner Paul Fensome being jailed for 36 days. But three appeal court judges ruled that the term should not be increased.

The shadow attorney general, Emily Thornberry, said she was surprised the solicitor general had considered the sentence unduly lenient and argued that the government's priority ought to be ensuring more rapists were successfully prosecuted. She said: "Ms Brooker, a mother with a young child, received a custodial sentence of over three years for a non-violent offence. The court of appeal considered that there was nothing wrong with the sentence. "I think the priority of the law officers should be to address the widening gulf between the soaring numbers of rape allegations made to the police and the dwindling proportion that ever get prosecuted."

At her sentencing hearing at Bristol crown court in June, Brooker's barrister Sarah Elliott QC argued that she was a vulnerable woman who had a damaged upbringing, but the birth of her daughter with a new partner nine months before had profoundly changed her. She added: "Every single day in prison will be agony." Jailing Brooker, the trial judge Julian Lambert said she had acted in an "utterly wicked" way and argued that false claims made it more difficult for real rape victims to be believed in court.

The original sentence was heavily criticised by women's rights campaigners who claimed such a long jail term would put rape victims off going to the police for fear they could be imprisoned if they were not believed in court. Before the appeal court hearing, the campaign and support group Women Against Rape argued that an even longer sentence would "strike terror" in women and children who had suffered abuse. Lisa Longstaff, of WAR, said: "It will discourage them from coming forward and boost the die-hard myth that women and children often lie about rape."

At the appeal court in London on Thursday the solicitor general argued that the original sentence "failed adequately to reflect the aggravating features of the case, particularly the time spent in custody by the victim, and the calculated and repeated nature of the lies told". Following the hearing, Buckland said: "I acknowledge the strength of feeling that this case has attracted. I referred this case to the court of appeal because I was of the view that the sentence of three and a half years' imprisonment was unduly lenient, taking into account all the circumstances,

Report on an Unannounced Inspection of HMP Springhill

HMP Springhill holds category D prisoners, many of whom are nearing the end of long sentences for serious offences. Fundamental to its purpose is the resettlement of these prisoners into society and a key tool in that endeavour is the managed use of release on temporary licence (ROTL). Inspection 6/15 May 2014 by HMCIP, published 26/09/14

In July 2013, a prisoner released from Springhill on temporary licence committed murder. This incident, along with two others, rightly caused significant public concern about ROTL. ROTL is a vital tool in the successful rehabilitation of prisoners and failures are rare. However, the consequences of failure can be extremely serious so the process needs to be managed with the greatest care. Springhill had responded and reviewed its arrangements, leading to important changes in the way prisoners were assessed and managed prior to ROTL. The procedures were more robust, resource intensive and took longer. The safety of the public has to come first but the delays caused frustration among prisoners and had the potential to undermine the work of the prison. Despite this, the prison had still managed to deliver 14,000 individual ROTL events in the previous six months which was vital in allowing prisoners soon to be released the opportunity to reconnect with their families or to become used to real work. However, inspectors were not assured that the Governor and his staff had the resources to sustain these changes and this required urgent attention.

Most staff, and in particular specialist and non-uniformed staff, treated prisoners well, but a feature of the frustration felt by prisoners was the pervasive view that other staff were indifferent to the anxieties, questions and needs they had as their sentences neared their end. During our inspection we saw some evidence to support this. Many prisoners felt there was no one they could turn to for help and inspectors were bombarded with concerns from prisoners about their frustrations and what they perceived as veiled threats to return prisoners to closed conditions without good reason.

Prisoners were unlocked all day and there were sufficient recorded activity places but not all activity was meaningful and some prisoners were clearly under employed. We found insufficient attention was given to helping prisoners develop genuine employability skills, and the strategy for planning purposeful activity or evaluating its impact on the resettlement of prisoners required improvement. It was disappointing that despite some innovative education and training projects, and good links with external partners, there were limited training opportunities in the prison and the community, which led to potential employment opportunities for prisoners. Prisoners working in the prison or on external placements received only limited feedback about the quality of their work, and prisoner attendance at education and training sessions was not prioritised sufficiently and was too often interrupted. Inspectors made 73 recommendations.

Nick Hardwick said: "Springhill was still dealing with a disastrous set of circumstances that had struck at its central purpose. The prison was, however, well led and while the prison was clearly under pressure, staff were responding positively to the challenges they faced. Key staff were working hard to ensure that more robust systems for the assessment of prisoners were in place, and that there were arrangements for ROTL that could command public confidence. However, getting this right was difficult; relationships were being impacted and staff in some roles were very stretched. The safe resettlement of offenders at the conclusion of their sentences matters, and this work needs to be resourced sufficiently and be done properly."

Michael Spurr, Chief Executive Officer of the National Offender Management Service, said: "The tragic murder of Graham Buck by a prisoner on temporary release from Springhill in July 2013 led to a fundamental review and tightening of temporary release arrangements at

Springhill and across the Prison Service. I'm pleased that the Chief Inspector has concluded that procedures are now more robust and that Springhill has responded positively with more intensive risk assessment processes now in place. As the Chief Inspector makes clear temporary release is an essential tool to support effective rehabilitation for prisoners - but public safety is our top priority and we will ensure that Springhill and all open prison establishments have the resources to undertake the more rigorous assessment process we now require."

New Inquests for Men 'Killed by Secret British Army Unit' *Jonathan Brown, Indpendent*

Fresh inquests are to be held into the deaths of two men alleged to have been shot dead by members of a secret elite unit of the British Army at the height of the Troubles in Northern Ireland. Daniel Rooney, 18, and father-of-six Pat McVeigh, 44, were killed in 1972 in separate drive-by attacks said to have been carried out by the Military Reaction Force (MRF) which was subsequently disbanded amid concerns over the use of covert tactics. Members of the military unit could be compelled to give evidence in public for the first time at the hearings which are to be held following revelations made by the BBC's Panorama. The coroner returned open verdicts at the original 1973 inquests where the soldiers who fired the shots were not called to give evidence.

Solicitor Padraig O'Muirigh, who represents both families, wrote to Attorney General John Larkin QC calling for the new hearings. Mr Larkin wrote to Mr McVeigh's family saying his death had not been properly investigated "even by the standards of that time". He said the programme in which former members of the unit claimed to have shot suspects on sight contained potentially useful new information. Mr McVeigh's daughter Patricia told The Irish News: "This inquest will clearly not just benefit our family but will hopefully pave the way for others who also seek truth and justice in similar circumstances, namely those families who have lost loved ones, those injured and those still suffering from the actions of the MRF."

There was widespread condemnation of the decision by the Police Service of Northern Ireland not to reopen the case following the broadcast of Britain's Secret Terror Force last year. It identified 10 unarmed civilians allegedly shot dead by the unit. A new police investigation was launched after the family threatened to take the matter to the High Court. Patrick Corrigan, Northern Ireland programme director of Amnesty International, welcomed the move which he said would "shed new light on this murky episode from the past". He said it was also vital that a thorough police investigation into events in Belfast in the early 1970s is carried out.

Treasury Ordered to Pay £142,000 to 'Whistleblower'

David Owen, the department's former head of national insurance policy, was awarded the money after the Treasury declined to re-employ him. He was forced to leave his job after accusing colleagues of trying to secretly kill off a proposal by David Gauke, a Treasury minister. The Treasury has refused to disclose the total amount of public money spent fighting the case and refused to say why it had not adhered to the previous ruling and given Owen another job.

The head of Britain's most prominent whistleblowing charity said it was staggering that the Treasury had chosen to ignore an employment tribunal and rack up unnecessary costs. Cathy James, the chief executive of Public Concern at Work, said the case demonstrated that much more needed to be done to protect whistleblowers. She said: "It beggars belief that the Treasury did not follow the tribunal's order to re-employ Mr Owen but instead chose to fight this case to the bitter end, resulting in huge costs to the taxpayer. How can we trust what government says about the commitment to protect whistleblowers if this is how their own departments behave?"

HMP Maghaberry: Dissident Republicans Inmates Seek Changes to Jail Regime

Dissident republicans in Maghaberry jail have asked the prison authorities to implement wide-ranging changes they said would reduce tensions in the jail. Thirty-one prisoners aligned to the group referred to as the New IRA want security measures to be relaxed and improved facilities for prison visits. They have accused the Northern Ireland Prison Service of breaking the terms of a 2010 agreement to relax security. The New IRA inmates have sent a 14-page document to the prison authorities, in which they outline their list of proposed changes. A spokesman for the dissident republican inmates said a number of prison inspection reports had described controls on movement within the dissident wing as too restrictive

The service said a review of that agreement is being carried out. It added that a report is expected at the end of this month. However, the Democratic Unionist Party MLA Paul Givan has warned that implementing the prisoners' demands would have "very serious consequences for security". He said the dissident republican prisoners were some of Northern Irelands "worst criminals" and they needed "strict supervision". Mr Givan has already raised his concerns about the document with Northern Ireland Justice Minister David Ford. The DUP MLA said he "made it explicitly clear to him that these concessions should not be made to republican terrorists". *BBC News, 25/09/14*

Prisoners' Children 'Forgotten Victims' *BBC News, Zoe Conway 26/09/14*

Figures from 120 prisons suggest children make 500,000 visits to parents in prisons in England and Wales and the charity says these visits can cause them "long-lasting distress". It says the children are in a "policy black hole", with little government effort to monitor or identify them. The government says prisons "encourage offenders to maintain family links".

But the children's charity is calling for a minister to be appointed with responsibility for prisoners' children. Jake is eight-years-old. He sees his father, who is serving a 24-year prison sentence, once a month. Visiting his dad involves an eight hour-round trip. "I don't really like it that dad's so far away and it's a really long journey. It feels like you're there for the whole day because you're up so early. The first time I went it was scary because there were loads of officers round me. I was searched and we had to stand up like a star. There's these Alsatians that are really big and scary. Sometimes we're allowed to sit on his lap and do stuff like that, but he's not allowed to stand up and it's quite sad. We're not allowed to take pens and paper to the table. I would like to be able to go into the sports hall and play basketball with him. The part that I don't like is that I used to see him every single day of my life but now I don't really see him anymore.'

Problem 'overlooked' - Barnardo's chief executive Javed Khan said: "Every week, thousands of innocent children pay the price for crimes they did not commit. The distress of a prison visit can be long-lasting; a child should not be left to pick up the pieces on their own." The charity says it is estimated that there are 200,000 children of prisoners in England and Wales, though it is unclear how many of them get to see their imprisoned parent on a regular basis. However, figures provided to Barnardo's by 120 public prisons in England and Wales following a freedom of information request suggest they make 500,000 visits in total. This is the first time these figures have been collated - a sign, says Barnardo's, that the problem is being overlooked.

The Ministry of Justice says prisons "encourage offenders to maintain family links through on-site visitor centres, family days and help from voluntary organisations". It adds: "We are also introducing family engagement workers at most female - and a number of young adult - establishments". 'Appropriate balance' - The rules governing each visitor centre vary greatly. In some prisons, physical contact is discouraged, meaning a child might not be allowed to give a par-