would remain the case that the cause of his psychiatric injury was the fact that he was confronted with his own misconduct and its consequences. It was not suggested that the claimant ever lacked the capacity to decide whether to take cocaine or that he did not know it was wrong. I conclude, therefore, that on the facts found above the claimant's claim is barred by the principle of ex turpi causa.

Quantum: I record that the parties indicated that they would expect, if necessary, to be able to agree quantum, and that the claimant's claim, on the scenario most favourable to him, was that the damages to be awarded (including interest to date) would amount to just under £160,000.

Conclusion: For the reasons given above this claim fails. The psychological injury suffered by the claimant was caused by his own misconduct. There will be judgment for the defendant.

I cannot think that it was in the claimant's best interests to bring this claim. It forced him to relive in the relentless and unforgiving scrutiny of the forensic process the humiliation which he suffered when his misconduct came to light. It was only too evident in court that this was (as it was always going to be) a painful experience for him. For much of the hearing he appeared highly distressed. As the experts agreed, the stress of this litigation is likely to have obstructed his recovery.

This was a man who for many years gave valuable service to his country, at frequent risk to his own life and limb, whose work has contributed to the conviction of major criminals and who in other circumstances could rightly have held his head high amongst his peers. This should not be lost sight of despite the unhappy circumstances in which the claimant's police career came to an end. It was sad to see him in court, holding his head in his hands at the thought of what he had thrown away in a few moments of weakness. (Wish MOJUK had been there to see a pig with his head in his hands, would have danced a jig).

'Jail Mail" - New National Prison Paper

Paper is run by Human Rights and Prison Law experts with an aim to provide vital news updates to all serving prisoners. They work closely with professionals and experts in and outside of the Prison Service to provide informative articles to help prisoners with all aspects of prison life. And they do, their first four publications, October, November & December 2014 and January 2015, contain very good articles on prison law

Governor Adjudications / What is an accredited programme? / Duty of Disclosure in Criminal Proceedings and Miscarriages of Justice / Parole Board delays & what you can do to avoid them / Categorization of adult male offenders / Indeterminate Pre Tariff Reviews / Stress free Parole Board oral hearings & what to expect / Parole Board - implements new case management procedures / Psychology and the Law / A - Z Home Detention Curfew (HDC) / Two decades on Category A / Escape from Alcatraz: Prisoners could have survived.

Jail Mail deliver copies direct to the library in all UK HMPs, check and see if it is available in your HMP, if not drop MOJUK a line and we will contact Jail Mail and get it sorted.

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, Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, 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.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

MOJUK: Newsletter 'Inside Out' No 512 (15/01/2015) - Cost £1

Miscarriage of Justice Victim Tony Poole Back in Prison

On Friday 9th January 2015, Tony was sentenced to 10 and a half years for manslaughter.

Tony Poole was found guilty of murder alongside his friend Gary Mills of Hensley Wiltshire in 1989 and sentenced to life, in 1990, both were released in June, 2003 after a lengthy and vigorous Miscarriage of Justice Campaign. This was another case that was turned down by the CCRC and the campaign sought redress against the CCRC through the High Court. In a seemingly contradictory judgement the judges threw out Gary and Tony's judicial review maintaining that the CCRC decision not to refer them back to the court of appeal was sound and yet went on to recommend that the case be looked at again, effectively what Gary & Tony would have got had they won the Judicial Review.

[On the night of January 5 1989, the friends were drinking and listening to music at Tony Poole's flat. Wiltshire, fired up on amphetamines and booze, was picking fights. Mills says he was attacked by Wiltshire and fought him off with a bar and later used a knife (that, he says, Wiltshire pulled originally) to cut him about the legs and thighs – "to make him calm down". Mills, confident the incident was over, arranged for an ambulance for Wiltshire. He says at no point did he think Wiltshire's life was in danger. He maintains he acted in self defence and deliberately avoided cutting Wiltshire near any vital organs.

Mills and Poole said their convictions were secured through an at best incompetent, and at worst corrupt, police investigation shored up by dishonest witnesses and unreliable testimonies. They maintained that intervening events at Gloucester Police station, and the mismanagement of Hensley Wiltshire's care at Gloucester Royal Hospital, make it impossible to be sure that they are responsible for his death. They also claimed that their trial defence was mishandled, which in turn weakened their subsequent appeals. They are not alone in these beliefs.

Former Gloucester MP, Douglas French, triggered a Police Complaints Authority investigation into the handling of the case. The report remained secret and French described it as a "whitewash". In 1994 Channel Four screened a Trial And Error programme exposing the inconsistencies surrounding Wiltshire's death, the investigation and trial. The programme accused one senior investigating officer, DI Trevor Gladding, of perjury and perverting the course of justice, which led him to bring a libel action against the makers. He lost, despite his trade union, the Police Federation, backing him to the tune of £2 million. Gladding was proven to have warned a crucial witness, who was at the flat that night, not to come to court threatening him with arrest if he showed up. Something he had denied under oath.

Channel Four decided not to publicise their libel action victory against Gladding and declined offers to screen an update of the Trial and Error programme. Satish Sekar, legal adviser to Mills and Poole at the time, said this case "should be the highest profile miscarriage of justice case in the country", though there seems to be only air time for CCTV based and Crimewatch style programming. To see the criminal justice system working makes good TV. To see it in disarray does not.**]**

In his years as a free man, Tony's life spiralled out of control as he became more dependent on drugs. Poole found himself back in trouble with the law in January 2014. He was arrested on suspicion of murder after an argument over drugs at a flat in Nettleton Road saw one man stabbed and another fatally wounded. At Poole's latest trial, Bristol Crown Court heard a row had erupted on 13 January 2014 when Mr Stokes had teased Poole for wasting his com-

pensation cash awarded after the murder conviction was quashed. Poole grabbed two knives from the kitchen and stabbed Mr Stokes, who fell from a window of the ground-floor flat into the basement stairwell below, as he took evasive action. He died eight days later. Poole also stabbed Mr Stokes's friend, Ben Clark, once in the chest. He was found guilty of unlawfully wounding Mr Clark at the same trial. Poole told the jury he acted in self-defence because he feared he would be stabbed himself. In mitigation, the court heard that the thirteen years of wrongful imprisonment had "inevitably left significant scars" as well as post-traumatic stress disorder. On Friday 9th January 2015, Tony was sentenced to 10 and a half years for the manslaughter.

Tony Poole was given little support after his release from prison in 2003 and the miscarriage of justice that saw him wrongly convicted of murder almost 25 years ago Russ Spring, who works for Birmingham University, led the campaign for his release following his first wrongful conviction and got to know Tony well. "I have known Tony since his first conviction in the early 1990s. I would travel regularly to Gloucester to meet with his family. When he was released I continued to try and support him as best I could. I knew it was just the beginning of things for him, rather than just the end like many people thought. There was regular contact between us up until the last year. Then he got more involved with the harder drugs and he stopped engaging. I didn't know Tony and Gary before they were convicted. From what I understand he certainly wasn't considered a dangerous man before he went into prison. When I first met him, he was a strip of wind. The first thing he did when he went to prison was hit the gym as he knew he had to be able to defend himself."

He said the image of him terrorising Gloucester really wasn't true. "You never hear fully about what has gone on in prison. That is partly down to the machismo that exists in prison, and existed with Tony before he went into prison. There is a degree of him not wanting to disclosure some of the things that went on, I'm sure they were pretty degrading and things he would want to forget. Tony was kept in the same prison as Gary Mills as they were working together on their appeal. They were moved around prisons, but kept together. When they took their appeal to the House of Lords, they were then split up."

Russ said it was during that period that Tony began using heroin. "Up until then he would just take cannabis and speed. His usage of heroin in prison was not recreational, it was about numbing himself, a sort of medication," he said. Whilst he was inside, one of his cousins who he was close to died. There was a lack of appreciation just how damaged Tony was when he was released from prison. There is no emotional development in prison. People go in as boys and can spend 20 years inside and still come out as boys. They have had no social interaction in prison and many will not mature normally as adults. Many people end up with drink and drugs problems, re-offend or have suicidal thoughts. "The list of people who have not gone down one of those routes is a lot smaller. I've since written to Tony on a couple of occasions but had no reply. "I understand he is quite happy to see me, but I don't know what has happened. When Gary came out of prison he suffered from acute paranoia, but he had his family around him."

But Russ said with Tony it was different. "He was brought up by his grandparents, but his grandmother had died and his granddad had senile dementia. Tony had started a relationship with a woman and she also died. He had to deal with a series of bereavements, and he had developed a taste for hard drugs in prison. Like so many people who are badly damaged, they need help to access help. You can't deal with Tony's drug problem, until you have dealt with the mental problems he has suffered as a result of post traumatic stress. It has had a huge cost on the tax payer for not offering the correct treatment in the first place and another man is dead."

Sources: Russ Spring, Gloucester Citizen, MOJUK

The witnesses: For the most part the claimant gave his evidence in a straightforward way, although on occasions he became upset and argumentative. I accept that he was seeking in general to give truthful and accurate evidence. However, as I shall explain, some of the matters about which he gave evidence – in particular his taking of cocaine and the consequences to which this led – had proved disastrous for him. They led almost overnight to the loss of his status as a successful and well respected undercover officer. The claimant greatly enjoyed his work, despite its dangers. It was, as he put it, a job he loved. He was also extremely good at it. For obvious reasons those who knew what the claimant did were limited in number, but among those who did know, the role of an undercover officer carried with it a deservedly high status. The claimant was admired and respected as an outstandingly effective and successful undercover officer. His role gave him, therefore, not only personal satisfaction but a status within the police as an elite member of an elite group. Within the fairly small world of undercover policing he was described as having a national reputation. He lost that when his misconduct came to light and, in evidence, used words like "gutted" and "ashamed" to describe how he felt, accepting also that his misconduct had been at least a cause of a successful undercover operation having folded.

He would not, however, accept that he was responsible for his misuse of cocaine. He insisted that a situation had been allowed to develop whereby his invented criminal persona had effectively taken over his life. He claimed that it was this invented person and not his true self who had taken the cocaine. I consider that the claimant has persuaded himself that this is a valid explanation, perhaps as a way of dealing with what happened and seeking to recover his self respect, and therefore gave truthful evidence of the position as he saw it, but that does not mean that his account is correct. Significant parts of the claimant's evidence constituted an account of what he believes the position to be, but in my judgment were largely coloured by this reconstruction after the event in an attempt to explain away conduct for which even now he finds it hard to accept responsibility.

Much the same is true of the evidence given by the claimant's wife. Her evidence tended to blame the police for what had happened to her husband and in my view exaggerated what she regarded as his and her own isolation from potential sources of help. Thus she explained the fact that she expressed no concern to anyone about what she claimed were signs of her husband's out of character behaviour by saying that there was nobody to whom she could have turned. It is more likely, in my judgment, that the reason she said nothing to anybody about this was because there was nothing much to say. I do not doubt that the evidence she gave reflected her genuine belief some years after the event, but it was hard to reconcile with the evidence of other witnesses which I regard as more objectively reliable.

Conclusion on causation: I conclude, therefore, that the chronic adjustment disorder from which the claimant suffered was caused by the fact that he was confronted with his own misconduct and that he had to face the traumatic consequences of this. There is in my judgment no evidence, and certainly none that I accept, that he was suffering from any mental disorder before that confrontation occurred, but when it did occur it was sufficient to account for and is the only explanation of the mental disorder which he then suffered. This conclusion of fact is decisive of this case. Even if there was a failure by the defendant properly to care for the claimant's welfare or to supervise and monitor his mental health, any such breach would be causally irrelevant, since it would not be such breach that caused the psychiatric injury for which he claims damages.

Ex turpi causa: Moreover, even if the claimant could prove that the defendant was in breach of duty by failing properly to care for his welfare or to supervise and monitor his mental health, it

claimant misused cocaine on more than one occasion. He did not make any report at the time that he had done so. It is common ground also that this failure made it inappropriate for the claimant to continue as an undercover officer, although he would say that was an oversimplification. When this came to light the claimant was offered alternative employment within the police but there is an issue as to what he was offered and its suitability. He applied for ill-health retirement from the force. This was refused by the force, but was granted by the medical appeal board.

The claimant seeks damages for injury and consequential financial loss which he says flows from his having retired. The basis of his claim is that the defendant breached his duty of care in failing to provide the claimant with appropriate support during the period undercover. The claimant accepts that some support was given but complains as to its quality and extent. He contends this alleged breach caused his injury.

The defendant denies breach of duty and further denies that the matters complained of by the claimant (not accepted to amount to a breach) have any causative relevance. The defendant contends that any psychiatric injury which the claimant has suffered is attributable to his own misconduct in abusing cocaine and his sudden fall from grace when this was discovered. Further in this context the defendant argues that the claimant is barred by public policy from recovering damages, because the effect of success in this claim would be that the claimant would be recovering damages for the consequences of his own illegal acts and serious misconduct in abusing cocaine.

Trial in private: The parties sought an order under CPR rule 39.2 that the trial should be heard in private. I was satisfied that the lives of a significant number of witnesses, including the claimant himself, would be at risk if their involvement in undercover work became public and that this danger could not be met by anonymisation or other protective measures such as screens because the evidence in the case was likely to deal (as in the event it did) with such matters as the nature and location of the operation of which the claimant was a part. Further, the evidence was likely to touch upon (again, as it did to some extent) the methods used to infiltrate the criminal group and to reveal some of the intelligence thereby obtained. This was a highly effective undercover operation which even today remains secret and unknown to its subjects. Maintenance of that situation and integrity of the methods used (which might need to be used again) required, in my view, that the hearing should be in private. For these reasons, despite the fundamental importance of the principle of open justice, I ordered that the hearing should be in private. However, counsel agreed the terms of an explanation of what the case was about which could be and was given in open court.

This judgment: Following the conclusion of the hearing I prepared a draft judgment which I circulated to the parties, which adopted abbreviations to conceal the identities of the claimant and others involved and was deliberately vague about locations and dates. I was satisfied that to identify even the part of the country in which the events concerned took place and when they occurred would create a real risk of identification of those concerned. I intended to hand this down in public on 19 December 2014. Before doing so, however, I heard evidence from two senior police officers who persuaded me that to hand the judgment down even in this carefully anonymised form could be sufficient to reveal the identities of some of those involved and thereby to endanger their lives. I am satisfied, for the reasons which they explained, that this is a very real concern. Accordingly I have revised the judgment further in the light of this evidence and am now delivering it in two parts. This public judgment will explain the nature of the case and my conclusions in general terms. An annexe which will be confidential to the parties will set out the facts and, so far as necessary, explain my reasoning in further detail.

Criminal Cases Review Commission - Under Review

[I doubt not for an instance that Eady, Naughton, Maddocks and Newby, will have a kind word for the CCRC, expect them to give plenty of stick!]

The Justice Select Committee heldits first session on the Criminal Cases Review Commission on Tuesday 13 January where evidence was heard from:

Dr Dennis Eady, Case Consultant, Cardiff University Law School Innocence Project;

Dr Michael Naughton, Director, University of Bristol Innocence Project;

Glyn Maddocks, solicitor; Mark Newby, solicitor

Their Joint Submission - Common problems with the CCRC

Some of us have direct experience of providing clear evidence to the CCRC of inadequate police investigations that suggest that the approach taken by the police has been to construct a case against their chosen defendant rather than pursue an agnostic search for the truth. We share a grave concern about the CCRC's apparent unwillingness to recognise the possibility of corrupted police investigations and their potential place in miscarriages of justice, despite clear evidence in some cases and despite the climate that currently accompanies the Hillsborough enquiry. [Some of us have direct experience of presenting the CCRC with very clear lines of enquiry that, if followed, may well lead to unearthing new evidence, but these enquiries have often not been conducted.] [Some of us have knowledge of cases that have been at the CCRC for many years, in one case twelve years, with that CCRC applicant commenting "in no other area of public life can an organisation be given a job to do and twelve years later it hasn't completed that job."] [All of us have grave concerns about the CCRC's delays in making decisions in cases such as Eddie Gilfoyle and Susan May, which are overwhelmingly considered to be major miscarriages of justice.] [We are all concerned that only two cases have ever been referred by the CCRC to the Court of Appeal more than once (Tony Stock, and another – "Mr Z").] [The fact that it has not done so in other cases is illustrative of its concerns about the reaction of the Court of Appeal to any multiple referring of cases. The CCRC may argue that it is statutorily bound not to refer because of the "real possibility" test, but any such response would only serve to reinforce and amplify our requests for a fundamental review of the criminal appeals system that should consider the relationship between, and the relative powers of, the CCRC and the Court of Appeal.] [All of us acknowledge that the CCRC is underfunded. However, we consider that there needs to be a cultural change at the CCRC to recognise without embarrassment the issues raised by Glyn Maddocks and others experienced in this field, and to work constructively with appropriate bodies to seek extended powers and funding.] [We call upon the CCRC and the government to acknowledge the need for the CCRC to seek an amended remit in line with that recommended by the RCCJ as stated:] "The role of the Authority should be to consider allegations put to it that a miscarriage of justice may have occurred and where there are reasons for supposing that a miscarriage of justice might have occurred, to refer the case to the Court of Appeal." RCCJ 1993, Para 332, p 217

This is not intended to be a comprehensive academic or practical discussion of the law, or to present, at this stage (with the exception of the change in the test described above as a starting point) practical solutions to a major problem. It is intended to be couched in lay terms, to reflect a breadth of general concern, and to call for an appropriate forum for discussion with the aim of identifying realistic and radical solutions to what has become an intractable and tragic problem. It is not intended as a single joint response to the call for submissions; instead, those of us signing this share a desire to avoid this becoming a vital missed opportunity for the Committee to consider the wider implications arising from its current call.

Case of Tony Stock: Written by Jon Robins, JusticeGap editor

This is a brief note on the Court of Appeal's treatment of the Tony Stock case in three separate appeals (1996, 2004 and 2008). The case has been described as a 'self evident injustice'. The purpose of this note is to explain how the Court of Appeal has failed to get to grips with that 'self evident injustice'. The answer is simple: the Court of Appeal has never properly looked at the case. The former CCRC commissioner Laurie Elks sees Tony Stock's travails in the Court of Appeal as an example of a shift by the Appeal judges from what he calls a broader 'holistic' approach to a narrower 'atomistic' approach. On any 'holistic' analysis the prosecution case against Stock has been almost entirely washed away. However, according to the Court of Appeal's 'atomistic' approach, on each subsequent appeal it regards the prosecution case as watertight and the impact of new evidence is only considered in the narrowest possible terms.

Background: Tony Stock died on 29 November 2012. He spent 43 years fighting to clear his name in a case that has been described as 'one of the most outrageous miscarriages of justice in modern times'. Stock always claimed that he had been fitted up by two police officers. Following a three-day trial in July 1970, Tony Stock was sentenced to 10 years for his part in a violent armed robbery in Leeds. Stock did everything he could to challenge the conviction, including roof top protests and a 93-day hunger strike. His case was to go before the Court of Appeal on four separate occasions and once to the European Court of Human Rights. It was until recently the only case referred twice to the Court of Appeal by the Criminal Cases Review Commission. I'm not going to repeat the facts of the case but make the following points as they are relevant to the discussion below. There was concern right from the start about the impropriety of the police investigation, its reliance upon hugely controversial identification evidence and the integrity of the lead officer who left the force in disgrace shortly after Stock's conviction. It was the view of Tony Stock's solicitor that his client was 'fitted up' and it was on that basis he made a submission to the European Court of Human Rights in 1974.

The original prosecution case: The case against Tony Stock was always a castle built on sand: a single and highly controversial identification based upon a two to three second sighting of one witness on a dark night. The identification was made by the one witness at a staged confrontation as that one witness was driven 72 miles to Stock's house. All four made the return journey (in a two door Mini Cooper) and Stock was interviewed and alleged to have made a series of nonsensical self-incriminating statements.

A miscarriage of justice is revealed: In 1979 a member of a gang of armed robbers called the Chainsaw Gang admitted to the robbery. The supergrass Samuel Benefield went on to testify in the cases of some ten defendants in connection with 50 offences of robbery. He had 41 other offences taken into consideration, including the Leeds robbery. The testimony of Benefield who was interviewed three times by West Yorkshire Police in 1979 – as well as by the former secretary of JUSTICE Tom Sargant – was full of detail and overwhelmingly convincing. Benefield told Sargant that he was willing to go to court to set the record straight. That 1979 admission seemed to have exposed the Stock case to have been the outrageous miscarriage of justice many thought it was. The home secretary, Willie Whitelaw, decided not to pardon Stock. It would take 17 years for the case to come before the Court of Appeal.

Court of Appeal: 1996: Samuel Benefield came to court under police protection to expressly say his gang committed the robbery and Tony Stock didn't. The court did not accept Benefield's evidence. They said he was making it up. In particular, Lord Justice Judge thought that the supergrass's description of his gang's return journey was 'outside any possible

that the government's new counter-terrorism powers would not be subject to review, while little-used existing powers would still be subject to greater scrutiny than might be necessary. Moreover, the relationship between the reviewer and the board was ill-defined and potentially problematic. "To require the independent reviewer to chair a board (which unlike him, will have its own staff) will make further claims on the independent reviewer's time and could easily lead to competing priorities and inefficiencies. For there to be a net benefit, commensurate with the cost of resourcing the board, its members will have to be doers rather than talkers, willing to accept direction in relation to often unglamorous investigative, researching and writing tasks. This in turn will require the independent reviewer to be given a very significant role in their appointment. Neither political patronage nor political correctness should be part of the equation."

Anderson also questioned the government's decision to call its new creation the privacy and civil liberties board. First, he pointed out, the name gave little clue as to its role as an oversight body. Second, the reference to civil liberties was one-sided: Anderson and his predecessors have commanded respect from within government by recommending ways of making counter-terrorism laws more effective. Next, the reference to privacy suggested it counted for more than other human rights – such as liberty, fair hearings and free speech. And finally, he said, "the word board has, to British ears, a musty and municipal sound, better suited to the historic management of waterways than to the vigorous exercise of scrutiny under the direction of an independent reviewer".

As Carlile is expected to argue when the bill is debated in the Lords next week, an oversight body is not there to protect privacy, is not meant to favour civil liberties and is certainly not a board. He is unlikely to get very far though. In the Commons on Wednesday, Labour said it supported the body but thought it should be called the counter-terrorism oversight panel, as Anderson had suggested. The Home Office minister Karen Bradley saw no reason to change the name. Anderson is not saying whether he would be willing to chair the new board if it is established. As a successful QC, he could return to full-time practice at any time. That's what gives him the independence to speak his mind. If he's right about the new role, a future home secretary will never find someone as robust and independent as he is to replace him. But perhaps that's what she's banking on.

Under Cover Cop, who Acquired Cocaine Habit, Cries Foul

[Would not accept that he was responsible for his misuse of cocaine. Insisted that a situation had been allowed to develop whereby his invented criminal persona had effectively taken over his life. He claimed that it was this invented person and not his true self who had taken the cocaine.]

AB v Chief Constable of X Constabulary [2015] EWHC 13 (QB) (08/01/15)

The claimant is a former undercover police officer and the defendant is the Chief Constable of the force of which he was a member. The case concerns a claim for damages for psychiatric injury in the form of an adjustment disorder. The claimant complains that his adjustment disorder arises from a breach of the duty of care owed to him by the Chief Constable, who for the purposes of this claim has accepted vicarious liability for the acts and omissions of the collaborative police unit within which the claimant worked. The context is the claimant's deployment to another region (outside the area covered by the collaborative unit) as an undercover officer tasked with the obtaining of intelligence in relation to a serious organised criminal group. The operation itself was validly constituted and operated in accordance with the requirements of the Regulation of Investigatory Powers Act 2000. There is no suggestion otherwise.

It is common ground that during the period of his deployment undercover on this operation the

a regular basis to ensure it remains justified and reasonable. We have a duty to protect the public from those who pose a risk of harm and, in particular, those who have committed serious criminal offences. It is open to any individual held in immigration detention to apply for bail or challenge the decision in the courts.” Jonathan Owen, Independent

Read it, but Don't Heed it! - JC Report on Joint Enterprise

Probably the first murder trial, involving multiple defendants, since the Justice Committee Report on Joint Enterprise was published: opened 05/015 at Birmingham Crown Court. Seven men stood in the dock and all were charged with the murder of one man, under existing Joint Enterprise Law. There is not and won't be any evidence that all seven men killed, Ikram Ullah Khan. Mr Khan died from a single stab wound to the neck, seven hands were not on the knife, only one, and only one has been charged with the actual stabbing. As far as MOJUK knows the Minister of Justice Chris Grayling, has not commented on the Justice Committee Joint Enterprise report, neither has the CPS. This case would have been ideal to start implementing the recommendations of the report.

Terrorism Law Watchdog Worried About Proposed Changes to Legislation

When the need to protect civil liberties comes into conflict with the duty to protect citizens against terrorists, the British are right to put their faith in gifted amateurs. For the past 35 years, independently minded individuals have monitored the balance struck by successive governments, making their views known to the authorities and speaking out as they see fit. It is to the credit of those governments that the post of independent reviewer of terrorism legislation has been held by people who owe no favours to anyone, ranging from Lord Shackleton and Earl Jellicoe in the 1970s and 80s, to the current independent reviewer, David Anderson QC, and his predecessor, Lord Carlile QC. Now Anderson’s post is under threat.

When I first reported the home secretary’s proposed reforms last July, Theresa May was planning to replace the reviewer with a body to be called the independent privacy and civil liberties board. As I said at the time, only a cynic would suspect that a body with privacy and civil liberties in its title might be intended to curtail these rights rather than enhance them. By the time the government’s counter-terrorism and security bill was published in November, there had been some significant changes. The word “independent” had been dropped from the board’s title. And, far from abolishing the independent reviewer, clause 36 says he must chair the new board. Should we be reassured? I think not. The home secretary is currently consulting on the details of the new board. Although May is inviting people to say whether they support the idea in principle, it seems from the consultation paper that her mind is already made up.

Responding to the government’s initial proposal in July, Anderson had said that “such a board if properly constituted could bring advantages but the wrong decisions could substantially diminish the value that is offered by the current arrangements, particularly if there were any reluctance to share classified information with a larger and more varied group”. But May’s consultation paper quotes only the first clause of that sentence. Anderson accepted that significant parts of counter-terrorism law were not being reviewed. He complained that the remaining powers had to be reviewed on an inflexible annual schedule, as a result of which he was operating at the limit of his (part-time) capacity. May seized on these comments in making the case for reform. But, in his report last July, Anderson had argued that replacing the reviewer with a committee was not the best answer.

Last month, Anderson expanded on his concerns. Writing on his website, he pointed out

contemplation’, so utterly illogical as to completely blow his credibility.

If Benefield was not telling the truth then, obviously, he was lying. This alternative narrative that the Court of Appeal appeared to accept raises obvious questions which are never posed by the court. Why would Benefield admit to a crime that he never committed (and for which a man had already done his time)? The only explanation was that there was a deal done between Benefield and Stock. That contention makes no sense. Benefield was sentenced to five years because of this supergrass status. His former colleagues got over 20 years.

Why would a career criminal who has admitted to a long list of armed robberies anyway go out on a limb for Tony Stock? There is no evidence they even knew each other. Putting that aside, how would a deal be struck? Supergrasses are separated from the rest of the prison population until trial. Any such deal would have to have been predicated on Benefield turning supergrass. Criminals do not plan to turn supergrass. The year after that failed appeal in 1996 the CCRC opened for business. The Commission had unprecedented statutory powers which meant it could compel documents to be produced. It obtained a 1979 internal report by West Yorkshire Police into the alleged perjury of Mather (the key police investigator in the Stock case) and his colleague.

This was an internal investigation never meant to see the light of day. West Yorkshire Police accepted the truth of the supergrass. Such was the detail provided by Samuel Benefield that it ‘inevitably casts doubt’ on the safety of the conviction. The police had no problem with the gang’s return journey. This was the report that Willie Whitelaw cited when he refused Stock his pardon. Tony Stock’s lawyers tried to get hold of it ahead of the 1996 appeal. The CPS blocked them and cited public interest immunity. The lawyers challenged through the courts only to be told by the Court of Appeal (before Lord Justice Taylor) that its contents were ‘either not relevant or not worth fighting for’.

2004: The CCRC sent the case back to the Court of Appeal. They believed that they had found new evidence that completely undermined what remained of the original case: the identification. The newly- disclosed 1979 investigation report also revealed that the one witness had been shown five photographs and it was highly probable that those photographs included a picture of the only suspect Tony Stock. Why else would the police show the one witness photographs? There was only ever one suspect.

The significance of the showing of such a photo was that it was: (i) directly contrary to Home Office guidance; (ii) raised serious questions about the integrity of the investigation; and (iii) had this be known, it might well have devalued the one witnesses’s evidence at the original trial. It was a revelation that seemingly undermined the last slender shred of credibility in the original investigation. This line of argument becomes very significant. The CCRC correctly anticipates that they are not going to be allowed to replay old arguments about Benefield – despite the fact that it was the court’s own error that led to his testimony being rejected in the 1996 appeal.

The 2004 Court of Appeal unfairly attacks the CCRC for sending a case back to them with ‘no new material’ (‘We question the value of this exercise 30 years or more after the original trial and appeal, when there was no new material…’). At the same time Lord Justice May accepted that Lord Justice Judge’s court in 1996 failed to grasp Samuel Benefield’s account of the exit route. (There are no apologies, just this: ‘There is little explanation of how the court in 1996 came to think as they did.‘) So the narrow point about the five photographs becomes the focus of two appeals in 2004 and 2008 – in the first appeal that argument is rejected. The court argues that the photographs could have been shown prior to the police coming into possession of Stock’s photograph. This was a misunderstanding of the Commission’s position.

2008: The CCRC sent the case right back. It had proved beyond any doubt that the five

photographs were shown when the police had the picture of Stock. They went back and asked the one witness. But still the court, Lord Justice Latham, rejected the appeal. Former head of Essex CID Ralph Barrington describes this 2008 judgment as 'defying gravity'. It is very difficult to make sense of the reasoning. Three points:

1) Latham argued that, if it was the case that there was a photograph of Stock which the witness saw but did not recognise as his attacker (as was suggested), 'that seems to us to be capable of strengthening the reliability of his ultimate identification' — insofar as he was not prepared to identify him from a photograph ('which can often be an unrepresentative likeness') but was able to identify him in person. Of course, that might be possible. It is also possible that the photograph was a good likeness of Stock and the witness's failure to identify him was due to the fact that he was given time with the photograph to conclude that the man was similar, but not the robber.

Latham said that there were two difficulties for Stock.

2) The difficulty that was 'perhaps more important' was that, even if the court accepted Stock's photograph was amongst the five, it was 'clear … that it was not available before he helped with the Identikit which was agreed to represent a likeness which was "very close" to the appellant" and the circumstances of the confrontation as described by Wilson were "so dramatic that they must have been critical to the conclusion of the jury".' As for the Identikit, this was prepared from a witness's recollection of an angry man threatening to crack his skull open with an iron bar. It was dark. The witness said he saw his attacker's face for no more than two or three seconds. On his own evidence it was the 'angry look' he recognised. Obviously, the Identikit impression made was not of a man with an angry expression. So, as a matter of fact, it could not have been a good representative likeness of the angry face of the robber.

3) The other 'difficulty' for Stock was he was making an argument 'dependent upon an evaluation 28-years after the statements in 1979 and 1980 were made, statements which themselves were made nine and ten years after the events in question'. That was not Tony Stock's fault. This shocking case should have been exposed as a miscarriage of justice in 1979.

This is how Lord Justice Latham closed the last judgment in the case of Tony Stock. 'We accordingly dismiss this appeal. We do so recognising the tenacity with which this applicant has fought to overturn his conviction. It may be suggested in some way that this of itself should cause us to doubt the safety of the conviction. He has certainly persuaded the CCRC to expend considerable time and resources in support of this case. Whether or not the truth may be that he has been angered by the evidence of Detective Sergeant Mather, we will probably never know.' Some might conclude that Tony Stock has received more than his fair share of British justice. After all, the Appeal judges have pored over the details of his case four times now – the last three times were 1996, 2004 and 2008. They would be wrong.

No Let up From Lumpen Mob Demanding a Pound of Flesh

Ched Evans is resigned to the fact that he will have to clear his name before he gets an opportunity to return to football – after threats to the financing of Oldham Athletic's new stand and the chairman's mounting unease at becoming a source of mass vitriol contributed to the club aborting plans to sign the 26-year-old.

Evans is understood to believe that he will need the Criminal Case Review Commission to refer his trial to the Court of Appeal and have its three-judge panel overturn his conviction before he will get another opportunity to resume his career – a process which may not be completed until early next year. The CCRC will not rule on the case before March, when it will

imum length of immigration detentions be capped. In the run-up to the election, Citizens UK, the largest alliance of civil society organisations in the country, is to call on all prospective MPs to pledge a time limit on the detention of migrants.

In the run-up to the election, Citizens UK, the largest alliance of civil society organisations in the country, is to call on all prospective MPs to pledge a time limit on the detention of migrants. Jonathan Clark, the Bishop of Croydon who is backing the drive, said: "Detaining people indefinitely in prison-like conditions without judicial oversight is unjust, ineffective and inhumane.That's why Citizens UK are calling on people of goodwill across the country to join them in taking this issue to their parliamentary candidates. "We will ask politicians to pledge their support for a time limit on the detention of adults – and to work with us… to make it happen."

Separately, more than 30 charities and organisations are now calling for a time limit of 28 days' detention. The calls are being led by the Detention Forum, whose members range from the Migrants' Rights Network to the Prison Advice Service. Eiri Ohtani, coordinator, Detention Forum, said: "Barbaric and uncivilised, the practice of locking up migrants indefinitely has no place in Britain." The backlash against the Home Office's approach comes after The Independent revealed this week how 20 people have been held for more than two years.

They are among more than 3,300 people kept in detention "solely under Immigration Act powers" in removal centres such as Yarl's Wood, which has faced allegations of abuse and mistreatment of inmates by staff. Hundreds of others are held in prisons under the same immigration powers. Jerome Phelps, the director of Detention Action, said: "Immigration detention is a black hole at the heart of British justice. Suspected terrorists can only be held without charge for 14 days, yet asylum-seekers are routinely held for years, simply because a civil servant has failed to arrange their deportation." He added: "Most long-term detained migrants return to their communities in the UK, bearing the scars of indefinite detention. It is quite simply a dysfunctional practice that wastes taxpayers' money and human lives." Dr Lisa Doyle, head of advocacy, the Refugee Council, said: "It's utterly abhorrent that at the stroke of a pen a Government official can deprive someone of their freedom indefinitely, without them having being charged with or convicted of any crime."

The cost of the "Immigration Detention Estate" to the taxpayer is more than £164m a year. And millions more are spent on compensating people who have been unlawfully detained. More than £75m annually is wasted on detaining migrants who are then released, say campaigners. Britain is the only European country where migrants can be detained indefinitely, having opted out of the EU Returns Directive, which sets a maximum time limit of 18 months. The UN Committee against Torture, in May 2013, urged Britain to "introduce a limit for immigration detention and take all necessary steps to prevent cases of de facto indefinite detention."

Yet the number of people being locked up is at record levels, with more than 30,000 put into detention at some point each year. At any one point in time, several thousand people are in detention under immigration rules. Most of those are failed asylum-seekers, while others may be those whose visas may have run out, or who had indefinite leave to remain until being given a deportation order. In many cases, those who are held for long periods are from counties with barriers to removal, such as Somalia, Iran, and Eritrea. Others are detained because they are ex-offenders and regarded a "flight risk." The call for a time limit on how long people can be held is likely to be a key recommendation in a report to be published next month by the first ever cross-party parliamentary inquiry into immigration detention.

A Home Office spokesman said: "No one is held in immigration detention indefinitely. Individuals are detained for the shortest period necessary and all detention is reviewed on

that Iqbal appeared in court on Wednesday, admitting three counts of misconduct in public office. Ajmal and Khan were both convicted of the same offence. The lifting of restrictions means it can now be reported that Iqbal is already serving a seven-year sentence. He was jailed in September along with other gang members after admitting conspiracy to run a brothel, conspiracy to launder money and possession of Class A drugs with intent to supply.

Death In IRC – Wife Refused Permission to Attend Inquest *Kath Grant for RAPAR*

Misbah Tahir, the wife of Tahir Mehmood who died in detention at Pennine House, Manchester Airport in July 2013, was refused permission to enter the UK to attend her husband's inquest. Gary McIndoe, the solicitor who handled Misbah's appeal against the Home Office decision, said the Immigration Tribunal had rejected the argument that Mr Mehmood's wife's presence at the inquest was essential in order to ensure transparency of proceedings.

In his submission to the Tribunal on December 16th, Mr McIndoe said Misbah's appeal should be allowed on human rights grounds. Citing the case of R (Middleton) v West Somerset Coroner (2004), McIndoe pointed out that, in that case, the court had said about family members: "They, like the deceased, may be victims. They have been held to have legitimate interests in the conduct of the investigation (Jordan, para109) which is why they must be accorded an appropriate level of participation."

Mr McIndoe, who had argued that it was in the interests of democracy for Misbah Tahir to attend the inquest, said this week: "Arguments were also advanced on Misbah's behalf under Article 8, in relation to her private and family life, but these too were rejected in a very disappointing decision which - in view of the imminent start of the inquest - it will not be possible to challenge further." The judge ruled that Mr Mehmood's wife's presence at the inquest was not necessary and said it would not undermine the Coroner's investigation because Misbah Tahir had "no evidential part to play in it".

The inquest into the death of Mr Mehmood began in the Council Chamber at Manchester Town Hall on Wednesday 7th January and is expected to last for at least a week. Mr Mehmood, who had been in the UK since 2007, was taken to Pennine House, a short term holding centre at Manchester Airport run by Tascor, after his work visa expired. He was preparing to return home to Pakistan when he died on July 26th 2013.

On the first day of the inquest, Manchester Coroner Nigel Meadows was told Mr Mehmood had complained of being ill to his brother-in-law Nadeem Iqbal Gondal. Mr Gondal said, on the day of his death, Mr Mehmood phoned him to ask him to describe his symptoms to a nurse at Pennine House. After the nurse spoke to Mr Gondal, Mr Mehmood was given medication and taken back to his room. Steven O'Reilly, a paramedic with the North West Ambulance Service, told the Coroner that, when he and colleagues went into Mr Mehmood's room, he was lying on his bed. No-one was doing CPR and the paramedics moved Mr Mehmood off the bed and onto the floor and started resuscitation straight away. He explained that a hard surface was needed in order to carry out resuscitation. Mr Mehmood was also given six defibrillator shocks over an hour but this was unsuccessful.

Immigration Detention - Black Hole at the Heart of British Justice

Britain is the only country in Europe to allow the indefinite detention of migrants – leaving them in a legal limbo condemned as "barbaric" and abhorrent" by critics. It has been described as the "black hole at the heart of British justice". Thousands of people, most of whom have been convicted of no crime, detained for as long as government officials wish. But ministers are now facing the biggest ever challenge to the draconian powers, as a growing coalition of campaign groups, civil society organisations and religious leaders demand that the max-

either reject the application, refer the case to the Court of Appeal or say it needs more time to consider the matter. Few will have sympathy for the fact that Evans is understood to be devastated by today's developments – though he has not given up hope of playing again.

Oldham's decision to abandon signing the convicted rapist came amid mounting concern that the local council would withdraw financial support for the club's new £6m stand, though the escalating anger directed at the club was finding targets at every level. Chairman Simon Corney grew increasingly uneasy at finding himself, his family and business under mounting criticism and scrutiny in the past 48 hours – an alien experience, which he felt ill-equipped to deal with from his New York base. Karl Massey, the father of Evans' fiancée, faced threats to his own retail business, having helped to smooth the way into the club by offering up a contingency pot, in the event of sponsors pulling out. But the most disturbing attack was a threat to the safety of the named daughter of one of the club's board members. The BBC reported a threat of rape to that individual. Greater Manchester Police told The Independent that they had not received a complaint.

Police Visits to Homes of Sex Offenders - No Breach of Article 8

M, R (on the application of) v Hampshire Constabulary and another EWCA Civ 1651

The law governing the monitoring of sex offenders, allowing police officers to visit the homes of registered offenders, did not constitute an unlawful interference with the offenders' privacy rights under Article 8 of the ECHR. This was an appeal against a decision by the appellant (M) against a decision by Hallett LJ and Collins J in the Administrative Court that the practice of police officers making visits to the homes of registered sex offenders for the purpose of monitoring their behaviour did not violate the Convention.

In 1997 M was convicted of a number of serious sexual offences in respect of which he was sentenced to four years' imprisonment. As a result he became obliged to comply with the notification requirements of Part 2 of the Sexual Offences Act 2003 for life. The Criminal Justice Act 2003 s.325 authorised the police to visit offenders for the purpose of monitoring their behaviour, and the appellant was visited at home on several occasions. Although M let them in, he claimed that he did not truly consent to their entry, but he claimed that his will had been overborne by the knowledge that, if he refused to let them in, they would be able to obtain a warrant under the 2003 Act.

In September 2011 M began proceedings for judicial review seeking, among other things, declarations that the monitoring powers could be used only if there was a reasonable suspicion of offending, that a warrant could be sought under that section only if the person whose house was to be searched was given notice of the proceedings and (alternatively) that the relevant provision (section 96B) was incompatible with Article 8 of the ECHR. He also claimed damages in respect of the informal visits to his home on the grounds that they involved a breach of his Convention rights. In the grounds of claim it was said that the issues to which the claim gave rise were (i) whether the legislation was to be read subject to an implicit restriction requiring reasonable suspicion that an offence has been or is likely to be committed, (ii) whether the legislation was incompatible with Article 7 of the Convention (because in the appellant's case it imposed more onerous conditions on him than those which could have been imposed at the time of his conviction and so amounts to a retrospective penalty) and (iii) whether the appellant had a right under articles 8 or 6 of the Convention to make representations before any warrant was sought to enter his home.

The court dismissed all claims, concluding that s.96B was Convention-compliant and that M had consented to the police visits. In this appeal, M submitted that while s.96B was not

itself incompatible with Article 8, the police visits constituted an unlawful interference with his privacy rights because the existence of the power to obtain a warrant if entry was refused vitiated his consent. He also contended that the absence of any procedure for reviewing the application of s.96B separately from the notification requirements involved a disproportionate and unlawful interference with Article 8. The appeal was dismissed.

Reasoning behind the judgment: It has long been established that the police have no right at common law to enter and search a person's home against his will, unless they have a warrant or statutory authority. But a person can consent to acts which would otherwise involve an infringement of his rights, whether at common law or under Article 8 of the Convention (Millar v Dickson [2001] UKPC D4). Whether a person had waived his right to refuse entry would depend on the facts. In one case the offender may be happy to co-operate with the police and therefore willing to allow them into his home regardless of section 96B; in another he may consent only because he does not wish to give grounds for an application under the section and in such a case there may be a question whether he acted voluntarily. It therefore followed that it was not possible to accept M's broad proposition that in all cases section 96B robs the offender of the ability to make a free and informed decision. Whilst the knowledge that the police could apply for a warrant if refused entry might influence an offender's thinking, it did not necessarily follow that his will had been overborne so as to render his apparent consent illusory.

As the court below pointed out, an offender's failure to allow entry would not inevitably lead to the issue of a warrant. A senior officer had to apply to the court, and it was implicit that the application would have to be supported by evidence (R (on the application of G) v Commissioner of Police of the Metropolis [2011] EWHC 3331 (Admin)). There was no reason to suppose that the magistrates would not scrutinise applications with appropriate care. Therefore, if an offender allowed the police to enter his home without objection he would almost always have waived his right to refuse entry.

[The police do not need statutory authority to call on citizens to seek their co-operation or assistance; in that respect they enjoy the same rights as other people. If an offender considers that their visits are too frequent or that the police are acting unreasonably for some other reason, he has other remedies at his disposal.]

An offender was not in a position analogous to that of a person who applied for a criminal record certificate where required by an employer. The case of R (on the application of L) v Commissioner of Police of the Metropolis [2009] UKSC 3 was concerned principally with the systematic collection, storage and processing of personal data. The decision could not be treated as authority for the proposition that consent can never oust the protection given by Article 8. It was concerned with a problem "far removed" from the present case. Moreover, it could not be suggested that it was unlawful for the police to visit an offender's home merely because no prior arrangement had been made. Article 8 might be infringed if the police visited with unreasonable frequency and in circumstances liable to result in the offender's convictions being disclosed to friends or neighbours, but that issue did not arise in M's case. Police made visits to sex offenders in order to protect vulnerable members of society from harm.

If the visits engaged Article 8 at all, they were proportionate to their purpose and satisfied the criteria in Article 8(2). Parliament required arrangements to be in place for carrying out that purpose, and by enacting s.96B it recognised that visiting offenders in their homes was an effective way of achieving it. It would seriously undermine the efficacy of the arrangements if the police had to inform an offender or seek a magistrate's approval before making a visit.

A balance had to be struck between the rights of vulnerable people and the rights of offenders, and the state enjoyed a considerable margin of appreciation. The practice of making unannounced visits to offenders' homes seeking entry by consent was proportionate and did not involve an unlawful interference with Article 8.

When Parliament enacted s.96B, it must have intended that the notification requirements and the provisions for assessing continuing risk should be viewed as part of a single scheme for the protection of vulnerable persons. That scheme was not disproportionate because it did not provide for exemption from one constituent part. In Moore-Bick LJ's view,

[Viewed as a whole the scheme provides for notification of certain matters coupled with monitoring of behaviour by means of informal visits which to a large extent depend for their efficacy on the co-operation of the offender. That part is reinforced by a statutory provision for compulsory searches, subject to judicial oversight and safeguards which are capable of ensuring that the power is used only when necessary and in a proportionate way.]

Whilst the monitoring element of the scheme was reinforced by provision for compulsory searches, that was subject to judicial oversight and safeguards which ensured that the power was used proportionately and only when necessary.

Repeat Admin Message From MOJUK

Welcome to Issue 512 of 'Inside Out, third issue of 2015, 49 copies to follow. MOJUK has no secure funding and I am now retired from gainful employment and my attempts in the past at un-gainful have been piss poor. When I was earning I was getting good money, enough to produce 'Inside Out' free of charge. Probably over fifty thousand free copies of 'Inside Out' have been distributed around the prisons since January 2000. Stamps alone for 52 copies is £27,56 and does not include 52 weeks production costs, envelopes, copier paper, toner ink, line rental for Broadband/Internet subscriptions. 1) Those of you inside, with no support outside, just continue to send 2nd class stamps (do not send 1rst), best to send a book of 12 but doesn't matter if it is less than 12 or more.2) Those of you inside who have outside support and wish to continue receiving copies of 'Inside Out', ask family/friends to make a donation of £40 to MOJUK, which will cover copies up to January 2016.

3) Update, those of you who have not sorted someting out, issue 513 will be your last issue.

Bent Copper Drove Ferrari to Work in Birmingham

A policeman with a sideline as a gangster involved in prostitution and drugs was brought to justice after driving a £170,000 Ferrari to work. Osman Iqbal, who was an officer based in Birmingham, was jailed in September for seven years for running a brothel. Iqbal, 37, whose crimes can only now be reported in full for the first time, was in court again on Wednesday, when he admitted three misconduct offences. The crooked policeman's double life as a gangster was unveiled as a result of his decision to drive the Ferrari to Kings Heath police station. Colleagues became suspicious and West Midlands Police's counter-corruption unit began investigating. Officers discovered Iqbal, from Ward End, had bank accounts for two non-existent businesses that were being used to launder "hundreds of thousands of pounds" from brothels in the Covent Garden and Marylebone areas of London.

During their investigations, detectives also found Iqbal had attempted to access police intelligence systems. Iqbal was asked by Nahiem Ajmal, a Birmingham religious leader, to obtain information on behalf of Sajad Khan, West Midlands Police said. It was for these crimes