- physical conditions were mostly good and the prison was generally clean; - mental health services were very good, and the Beacon Unit was an excellent resource for prisoners with personality disorders; - public protection arrangements were sound; and - a wide range of offending behaviour programmes, including sex offender treatment, was available, but a new needs assessment was necessary to ensure it was adequate for the current population.

Nick Hardwick said: "HMP Garth has an important and difficult role and some of the significant challenges it faced at this inspection were caused by staff shortages outside its direct control. For the most part these pressures were well managed: priorities were managed proactively and the successful introduction of the new sex offender population was a real achievement in these circumstances. Nevertheless, the weaknesses in some critical areas – safety, equalities, activities and offender management – undermined its core function as a training prison for serious offenders."

HMP & YOI Hollesley Bay – An Impressive Open Prison!

Most of the men or young adults held at HMP Hollesley Bay are serving long or indeterminate sentences. The population varies from men with only a very short time left to serve to those subject to release by the parole board. The prison's job is to prepare these men for release. However, inspectors were concerned to find that: Bosmere unit, although well looked after, was old and outdated and needed to be replaced; despite managers responding to previous recommendations about keeping a focus on diversity issues, over a third of black and minority ethnic prisoners reported in a survey that they had been victimised by staff and managers needed to explore and address this; and some offender management work needed attention. Inspectors were pleased to find that: the prison remained very safe, with very few incidents of bullying and violence; the challenges around illicit drugs and alcohol were well managed; most of the living accommodation was decent and in good condition and the whole site was kept clean; relationships between staff and prisoners were very strong; the overall atmosphere was focused on resettlement; learning and skills were very strong and all prisoners were engaged in meaningful activities, either inside the prison or in the community on temporary release: this prepared them well to find employment on release; and resettlement provision effectively supported work to reintegrate men into the wider community and reduce risk.

Nick Hardwick said: "Hollesley Bay remained an impressive open prison from which other similar establishments could learn. It was weathering well the various challenges it faced and was providing some very good outcomes for prisoners, and the wider community. It prepared men very well to find employment on release and so reduce the risk that they would reoffend. It was moving towards a merger with HMP Warren Hill, a neighbouring prison, which would, in itself, present a new set of challenges in maintaining and building on the evident strong work. As a successful institution it needs to guard against complacency and build on its considerable strengths."

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.

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MOJUK: Newsletter 'Inside Out' No 513 (22/01/2015) - Cost £1

An Insult to all the Children Who Die in Custody *Eric Allison and Simon Hattenstone, Guardian*

Alex Kelly and the other 32 children who have died since 1990 deserve more than the state's weasel words and a silence that shames the media: When Adam Rickwood took his own life in August 2004, the story was reported extensively. Aged 14, he was the youngest child to die in custody in recent history. Adam hanged himself after being unlawfully restrained at Hassockfield secure training centre in Durham, 150 miles from his home in Burnley. Earlier that year in April, 15-year-old Gareth Myatt died from "positional asphyxia" while being restrained by staff at a similar centre at Rainsbrook, in Northants. Their deaths and the inquests that followed sparked a national debate about how we treat children in custody.

Fast forward 10 years to December 2014. An inquest jury recorded that a 15-year-old boy, Alex Kelly, took his own life at Cookham Wood young offender institution in Kent in January 2012, and a number of failures led to his death. The backstory to this tragedy makes heartrending reading. Alex was taken into care at six, after being repeatedly raped by a family member. As a teenager, he became preoccupied with his history and identity, which led to increasing bad behaviour and the eventual involvement with the police.

In October 2011 he appeared in court charged with breaching an intensive supervision and support programme he had been placed on. Tower Hamlets – the London borough that became his "corporate parent" collectively responsible for his care – decided Alex should undergo a mental health assessment before his sentence was passed. However, this was not carried out, and he received a 10-month custodial term at Cookham Wood – despite the recommendation that he should be sent to a secure training centre where his vulnerabilities could be better addressed.

At Cookham Wood Alex's behaviour became increasingly disturbed: he self-harmed, repeatedly blocked his cell observation panel, and drew pictures of hangmen. As a result he was placed on suicide observation watch. On the evening of 24 January 2012, Alex told a prison officer about the sexual abuse he had suffered as a child. Clearly distressed, his observations were increased to five times an hour. But later that evening he found time to hang himself. Following his death, Tower Hamlets carried out a review of its treatment of Alex. This catalogued a series of failings which contributed to the breakdown in their relationship with the troubled boy. After the review was published in August 2014, Alan White wrote a moving account of Alex in the New Statesman – the only record of what happened to him in the national press.

Yet the media cannot claim ignorance of the awful state of the institutions where we send young people, or the details behind each new death. The charity Inquest, which assists the families of those who die in custody, sends press releases relating to every death to every newsroom in the country. In 2014 the British Medical Association published a report on the health and human rights of young people in custody, which concluded: "Children and young people who offend are among the most vulnerable and disadvantaged members of society. They are all too often let down by the very health and social care services designed to promote their health and wellbeing." This was also largely ignored by most mainstream media.

Thirty-three children have died in custody since 1990, 31 of which were self-inflicted. After each death, the state, in the guise of the Ministry of Justice, claims to have learned lessons

Ray Gilbert - One Small Step Into the Future?

On Sunday 11th of January 2015, had my first vacation in 34 years, only lasted seven hours but it was great. Left the prison and got into a vehicle that didn't have a cage and not handcuffed to anyone. Travelled through north Liverpool to my families home, a small Georgian terrace in a suburban street. Sat down in a small quaint kitchen and had for the first time in 12,410 days, an old style breakfast with six relations, squeezed together to welcome me. A friendly discussion with sister over future and consequences fo behaviour in how we relate to each other. Then into a quaint living room with a 36 inch TV that I had to be shown how to control. Small round table, with square like sofa, backless seats, a gas fire that creates the effect of a real one, and a massive mirror above the mantelpiece and all the accompanying ornaments that make up an idyllic home. A real roast dinner with succulent chicken and proper gravy. In between breakfast and dinner a walk through the district. It was great to see all the family who turned up, they all enjoyed the occasion of having me home. Then all to swiftly time ran out and I headed back to prison. This small step into a world not envisaged for three decades and four years, provided a glimpse of a future without bars.

Writing this back in my bleak prison cell, a world that has been empty for 34 years. I do not have a release date yet and there are still obstacles in getting there, not of my own making, the wheels of NOMs grind exceedingly slow, when they grind at all, its taken 20 years to get this far, the judge at trial gave me 15 years that was in 1981, NOMs have given me the rest and more years to come. My next oral hearing if it goes well, will give me a release date or a date to work toward.

Now I have to hope that the prison service, NOMS will not try or hinder the next steps forward; that will enable me to reintegrate into society, without being judged and just be able to do every day things, like I did last Sunday.

Ray Gilbert: A6806AJ, HMP Kennet, Parkbourn Maghull, Liverpool, L31 1HX

Inquiry Ordered Into Destruction of N. Ireland Shoot-To-Kill Evidence *Henry McDonald*

Two investigations have been ordered into the withholding and destruction of evidence connected to one of the so-called shoot-to-kill incidents in Northern Ireland. The region's director of CPS has instructed the chief constable and the police ombdusman to inquirie into how evidence, including secret tapes, was lost after an incident in County Armagh in 1982. The case involves the shooting of two people by members of the Royal Ulster Constabulary (RUC) in 1982. During the RUC operation, teenager Michael Tighe was shot dead and Martin McCauley was wounded. Barra McGrory, the DPP for Northern Ireland, held out the possibility that there could be arrests or prosecutions in relation to the disappearance of the evidence. The hayshed shootings were investigated as part of Sir John Stalker's inquiry into allegations that members of the security forces, in this case the RUC, were carrying out a shoot-to-kill policy against republican suspects. Stalker and his colleague Colin Sampson discovered in 1985 that MI5 had received the tapes from the army and then destroyed them.

On the ruling from the Criminal Case Review Commission, which quashed a conviction against Martin McAuley, who survived being shot during an operation by the RUC in County Armagh in 1982 the DPP said: "I have concluded that I must exercise my power to request that the chief constable and the police ombudsman investigate matters which may involve offences committed against the law of Northern Ireland. The actions of police and security service personnel in relation to the concealment and destruction of potential evidence requires further investigation as does the identification of all those involved in such actions. The test for prosecution will be applied in relation to any evidence uncovered through the course of the investigation."

Chancellor and Secretary of State for Justice without any piloting or testing of the new approach. The Government were warned by experts, probation staff and the Opposition, as well as in the House of Lords, that their timetable was reckless. In 2013, the chairs of probation trusts wrote to the Lord Chancellor and Secretary of State for Justice, describing the plans as risky, unreasonable and unrealistic. As soon as the changeover began last summer, problems began to emerge. There have been reports of staff shortages, IT problems, records going missing, staff supervising offenders "blind"—with no information about offenders' offending history or personal circumstances, because staff lack access to records—and administration staff being unable to access records to manage supervision appointments. with, Transforming Rehabilitation. The Probation Service was a well-performing service. Every single probation trust in the country was assessed as being "good" or "excellent" under the Ministry of Justice's own measures—indeed, my own probation service in Greater Manchester had a reputation for innovative and effective work. It makes no sense at all to tear all that up and arbitrarily divide up the work of the probation service without there being any evidence of the effectiveness of the new model. That places public safety at risk. Ministers said that change was needed to address the high level of reoffending among those serving short custodial sentences, and they proposed introducing supervision, for the first time, of those offenders on their release from prison. Everyone agrees that that is entirely right and welcome. However, the probation service never had responsibility for supervising those offenders, so high rates of reoffending among them cannot be characterised as a probation service failure. Indeed, probation trusts, such as my own local trust, were keen to have the chance to work with this challenging group.

HMP Garth – Staff Shortages Undermining Progress

HMP Garth, at the time of its inspection, held 780 men serving long sentences for serious offences. It was beset by chronic staff shortages which impacted adversely on many aspects of its work. It had recently taken on a new role as a national category B sex offender treatment hub and two wings holding about 200 men had been re-roled to fulfil this. Despite the pressures it was under, the prison had managed the establishment of this new function well.

Inspectors were concerned to find that: - cells on the first night wing were dirty/badly prepared and reception/induction processes were haphazard; - number of violent incidents had risen steadily, there was a sharp increase in the two months before the inspection; - frightened prisoners sought sanctuary in segregation, drug recovery wing and 'reintegration wing', there was no clear strategy to get these men safely back to normal location; - drug treatment services were good, but undermined by too readily available drugs and alcohol and prisoners lodging on the drug recovery wing for their protection, rather than need for treatment; - management of equality and diversity was weak and prisoners with protected characteristics reported more negatively than the population as a whole in many areas; - relationships between staff and prisoners were undermined by a lack of continuity of staff on the wings, and staff shortages impacted on the delivery of some basic processes; - staff shortages meant the prison was running a restricted regime, most prisoners could only attend education or work for three and a half days a week, which was frustrating because the prison had sufficient, good quality activity places; - the strategic management of resettlement was reasonably good but staff shortages and the reorganisation of offender supervisor roles badly affected offender management work.

Inspectors were pleased to find that: - most prisoners, including the newly arrived sex offender population, said they felt safe and the prison was generally calm and well ordered;

Anti-Gangs Police Could Be Posted Inside HMP Feltham *Police Oracle*

Plans in early stages could involve placing Trident officers inside facility where "reckless" violence has flared. Specialised anti-gangs police could work inside a prison where fighting between inmates has become a serious problem. Feltham Prison houses teenagers representing dozens of rival street gangs - and a report by Her Majesty's Inspectorate of Prisons (January 13) warned of "unpredictable and reckless" violence between inmates. Prison Officers' Association has claimed Feltham is being run "on a wing and a prayer".

Concern about the prison, commonly known as Feltham Young Offenders Institution, was also raised by London Assembly politicians, who quizzed Lisa Harvey-Messina from the Youth Justice Board earlier this month. "We are in the process of potentially looking at having police officers working in Feltham at the moment to try and bring some of the levels of serious youth violence in there down," Ms Harvey-Messina told them. She added: "So they [the inmates] are not offending on the streets, they are offending in custody against each other. You might not see that in terms of [reported crime] rates. "

The plans, understood to be in the very early stages, would mirror initiatives run in HM Prison Isis in Woolwich. There, officers from the Metropolitan Police's Trident Gang Crime Command already take part in initiatives around resettlement of offenders on release. In the past Met officers have been posted to HMP Isis as part of successful pilot schemes aimed at reducing youth violence among inmates and sharing knowledge.

At the London Assembly Police and Crime Committee meeting Ms Harvey-Messina said the rate of reoffending for young people coming out of custody was "still extremely high". She added: "Those young people who now go into, let's say Feltham, are those young people who are the most damaged, the most violent, the most disenfranchised from society - and they are definitely the ones that are going to be at most risk of reoffending. So it's going to be always very difficult to influence those young people." Dr Tim Bateman from the University of Bedfordshire said a "substantial reduction" in resources for youth offending teams and their partners "has inevitably put some stress and strain on the system".

Michael Spurr, Chief Executive Officer of the National Offender Management Service, conceded that many young people at Feltham had "strong gang affiliations": He added: "There is no easy answer to the challenges presented by the young men in Feltham but we are committed to working positively with our partners in the youth justice board and in the wider community to reduce violence, prevent victims and support effective rehabilitation."

Probation Service [Parliament Extensive Debate - Massive Problems]

Kate Green: If the Minister has looked at my many previous interventions on this subject, he will know that I have had concerns about the Government's Transforming Rehabilitation plans right from the start. Those concerns have been borne out by my recent conversations with probation officers and offenders in my constituency and reinforced by the recent report from the chief inspector of probation into the early implementation of Transforming Rehabilitation.

Today I will talk about those implementation issues, but I will also question the Minister about the underlying rationale for, and risks associatedYet in June last year the Government embarked on a radical restructuring, abolishing all probation trusts and replacing them with 21 privately owned community rehabilitation companies and a diminished National Probation Service, which has responsibility for high-risk offenders. Contracts were signed just before Christmas, on 18 December. This massive restructuring has been rushed through by the Lord

80 Year Old Prisoner Handcuffed While in Hospital for Cancer Surgery

An elderly prisoner, who was handcuffed during his hospital stay for the removal of a tumour from his bladder, has secured compensation from the government. The 80 year old prisoner, known as "Mr E", was admitted as an inpatient at a London hospital in July 2012. He underwent surgery the same day as his admission and then stayed in recovery for the next three days. During this time, he was located in a separate room on the second floor of the hospital. As well as having bladder cancer, Mr E also suffered from other serious illnesses which caused him to suffer from chronic immobility and a chronic lack of breath. As a result, he could only walk with two walking crutches and even then could only do so for short distances.

Despite this, Mr E was "double-cuffed" up to his surgery (i.e. both his wrists were handcuffed together and then one of his wrists were then handcuffed to an escort officer), and then single-cuffed throughout his recovery (i.e. one of his wrists was handcuffed to an escort officer). As well as causing him discomfort, this also caused Mr E a lack of dignity and privacy. The handcuffing meant that at least one of the two escort officers accompanying him was present whilst he received treatment. This included examinations of his bladder area and discussions of his life expectancy, as well as nursing assistance with washing and dressing.

Following his discharge, Mr E instructed Benjamin Burrows, a lawyer in the prison law team at Leigh Day, to bring a claim against the prison in respect of the decision to handcuff him during his hospital stay. A claim for compensation was then brought against the Ministry of Justice for a breach of the Human Rights Act. It was argued that the decision to handcuff Mr E was not necessary or proportionate in light of his age, illnesses and immobility, and, as such, the lack of dignity and privacy it caused him amounted to a breach of his Article 3 and 8 Convention rights (i.e. prohibition on inhuman and degrading treatment and right to private and family life). Happily, shortly after it was brought, the Ministry of Justice agreed to pay Mr E compensation in settlement of his claim.

In commenting on the settlement, Mr Burrows, a solicitor in the prison law team at Leigh Day, said: "Both domestic and European caselaw is clear that a prisoner should not automatically be handcuffed when receiving hospital treatment just because they are a prisoner. Rather, the prison should carefully weigh up whether or not handcuffing is needed in light of the risk posed by a prisoner should they escape and their ability to do so should they wish to. In Mr E's case, it must have been clear to the prison that his illnesses and immobility meant that his ability to escape was very low and that any risk he did pose could have easily been mitigated by alternative measures such as simply stationing an escort officer by the door to his room. However, the prison failed to weigh this up, and Mr E suffered unnecessary humiliation and embarrassment as a result."

Behind Closed Bars: Sex In Prison Tuesday 17 March 2015

This one day conference will explore the issues and problems around sex in prison. There is currently little reliable evidence on both consensual and coercive sexual activity in prisons. The Commission on Sex in Prison, established by the Howard League for Penal Reform, has conducted primary research with former prisoners exploring their experiences of consensual and coercive sex in prison. This conference will shine a spotlight on sex behind closed bars and the implications for prisoners, health practitioners, prison staff, policy makers, criminal justice professionals and the wider community. It will explore why a mature approach to consensual sex in prison is needed and why sex in prison should be seen within the wider agenda of public health. The conference will highlight the complexities of sexual development and sexual activity within the confines of prison and the implications for staff in responding to sex behind bars.

Archibald Paterson to High Court of Justiciary

In accordance with the Scottish Criminal Cases Review Commission's statutory obligations, a statement of reasons for its decision has been sent to the High Court, Hall & Haughey, solicitors and Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public.

On 21 February 2013, at Glasgow High Court, Mr Paterson was convicted of murder and sentenced to life imprisonment with punishment part of 18 years. A consecutive sentence of 2 years was imposed in respect of a charge of attempt to defeat the ends of justice. The same sentences were imposed upon his co¬accused. The Commission has decided to refer the sentence imposed in respect of the charge of attempt to defeat the ends of justice to the High Court on the grounds of comparative justice (his co-accused's appeal in respect of that sentence having been successful) and because, further to a subsequent decision of the High Court, no sentence ought to have been imposed consecutively to a life sentence.

David Gilroy's family said: "The family remain supportive of David in his work to bring to the attention of the justice system the significant flaws in the case brought against him. He has now spent nearly three years in prison wrongly convicted of a crime which he did not commit. The family is concerned at the time which it is taking to get recognition of what they believe to be a serious miscarriage of justice involving faults by all parts of the justice system."

MoJ Says you Don't Need a Lawyer at an Inquest - Trust the State! *Justice Gap*

An inquest gives families and the public a chance to find out what led to a person's death. Agents of the state may be represented by publicly funded lawyers. What about families? My son was 18 years old when he drowned in the bath in an NHS specialist facility (Slade House Assessment and Treatment Centre run by Southern Health NHS Foundation Trust) on 4 July 2013. He had learning disabilities and epilepsy and should never have been left alone to bathe unsupervised. Two months after his death, an unannounced Care Quality Commission inspection of Slade House found it to be inadequate in all 10 measures of assessment. Enforcement notices were issued and Slade House has been closed to new admissions since. In February 2014 an independent report found that Connor's death was preventable.

Letter to the Ministry of Justice from Sara Ryan - Dear Ministry of Justice,

I'm writing because I'm pretty concerned about this statement you issued to BBC Radio Oxford a couple of weeks ago when asked why there was no legal aid for families to cover representation at inquests: "An inquest is aimed at helping families find out the circumstances behind the death of their loved one. Lawyers are not usually required as the hearings are specifically designed so people without legal knowledge can easily participate and understand what is happening.The coroner is there to investigate the death and can put questions on behalf of the family during proceedings."

This has a touch of In the Night Garden about it. Naive, meaningless fluff. You present a version of the inquest coated with parma violets, butterscotch and cream soda. Devoid of context. You suggest that families put their trust in the coroner. Yes. Maybe. But they should also be aware that other interested parties (such as the NHS, the prison service, police, local authority) may well turn up mob handed with barristers and the like. Determined to close down questions and limit the investigatory process.

And it isn't just about what happens at 'the inquest'. The inquest is a process not an event that happens within a set space at a particular time, as I'm sure you know. It's a process that involves evidence gathering and submissions. Without legal representation, how can fam-

US: Derrick Hamilton Exonerated, Alan Beaman Pardoned

Derrick Hamilton spent 21 years in prison for the 1991 murder of Nathanial Cash in Bedford-Stuyvesant, Brooklyn, New York. In prison, he steadfastly proclaimed his innocence knowing that this worked against his opportunities for early parole. He remained in prison even after the sole witness — Cash's girlfriend whose testimony had inconsistencies — recanted. According to a New York Times article (here) Hamilton became a self-taught "jailhouse lawyer" and advocate in prison. He and a group of inmates met regularly in the prison law library and worked on cases. Hamilton is credited with being one of the first to notice a common link to many convictions: the questionable tactics of Detective Louis Scarcella. He noted that Scarcella "often used the same eyewitness and produced confessions that defendants said were coerced or false."

Hamilton was paroled in 2011. He then won an appellate decision to reopen the case, which became one of 100 convictions under review by Kings County District Attorney Kenneth Thompson. About 70 of these, including Hamilton's, are linked to Detective Scarcella, now retired. After a review by his Conviction Integrity Unit, District Attorney Thompson told Hamilton on Monday that "he would join Hamilton's motion to toss his conviction and original indictment," according to CBS news. In a written public statement on Friday Thompson said, "The Conviction Integrity Unit carefully analyzed the scene of the crime and based on scientific and medical evidence concluded that the sole witness was unreliable." Hamilton's motion, supported by both Thompson and Hamilton's attorney, was granted when a State Supreme Court judge dismissed his murder indictment. According to the National Registry of Exoneration's report on this case (here), Hamilton's was the sixth homicide case involving Detective Scarcella to be vacated and dismissed. Detective Scarcella and his attorneys have denied any wrongdoing.

Thompson's Conviction Integrity Unit is ambitiously re-examining worthy claims of innocence, particularly those related to Scarcella. Thompson said, "Were looking at every case involving Scarcella where he played a significant role, if he says he took a confession, if he went into the grand jury, if he played a key role that we felt deserved to have us review the case and so out of all the cases that we're looking at, 71 of them involve Scarcella." Hamilton, who has been working to free others he believes were wrongfully convicted, praised the work and integrity of District Attorney Thompson.

Also on Friday, retiring Illinois Governor Pat Quinn, granted clemency to 231 persons and an innocence-based pardon to Alan Beaman, of Rockport. Beaman had been a college student when he was wrongly accused and then convicted of the murder of his former girlfriend. He spent 13 years in prison before finding relief. According to the case report at the National Registry of Exonerations (here), the Illinois Supreme Court reversed Beaman's conviction in 2008 because prosecutors withheld exculpatory evidence that the court believed would have likely changed the outcome of the trial. Prosecutors dropped all charges against Beaman in 2009. DNA testing in 2012 pointed to two unknown male suspects. A judge granted Beaman a certificate of innocence in 2013. He received $175,000 from the Illinois Court of Claims. Beaman is now married with two children. The Center on Wrongful Convictions (CWC) at Northwestern Law worked on the Beaman case for years. As reported by ABC News (here), CWC Director Karen Daniel explained the importance of Governor Quinn's pardon to Beaman and his family. "It's a statement by the highest elected official of Illinois that he's actually innocent," she said. "After all that he's been through, it is really an important symbolic statement and something that he can carry with him through his life." - Congratulations to Derrick Hamilton and Alan Beaman, and to the loved ones, supporters, and advocates who stood with them through long, arduous efforts to do justice. *Source: Wrongful Convictions Blog*

Activists Report G4S Over 'illegal' Work at Guantanamo Bay *Chris Green, Indpendent*

The British security company G4S has been reported to police over its involvement with Guantanamo Bay, the US naval base which contains the notorious prison for terrorism suspects, The Independent has learnt. Detectives at Scotland Yard have been asked to examine whether the firm may have acted illegally in fulfilling the terms of a £70m contract it won last August to service the Cuban base, which currently houses 127 inmates not charged with any offence. A complaint lodged with police by the human-rights group Reprieve alleges that G4S may be liable for prosecution in Britain under the Proceeds of Crime Act 2002 if it has profited from human-rights abuses at the prison, such as the use of force-feeding techniques.

At the end of last year, G4S sold its US subsidiary, G4S Government Solutions, which was responsible for carrying out the contract to provide "janitorial services" at the prison, to an undisclosed buyer for $135m (£89m). Reprieve argues that this may amount to the transfer of criminal property, which is also an offence under the same act. The Reprieve complaint states that the G4S contract replaced a previous agreement between the base and the US firm Bremcor, which included "detainee hospital work". It claims it is "highly likely" that G4S staff would have been handed responsibility for carrying out similar tasks, which "makes it highly plausible it will be at least enabling and possibly participating in the force-feeding of detainees".

It adds that G4S Government Solutions agreed to pay 1 per cent of its annual revenue to G4S as part of a royalties agreement, meaning that the UK company would be indirectly profiting from any work its subsidiary carried out at Guantanamo. In 2013, before the Guantanamo contract was signed, G4S received more than £2.8m in such payments. "In addition to being immoral and unethical, G4S's involvement in Guantanamo Bay may give rise to criminal liability," the complaint states. It goes on to argue that there is a "clear, public-interest" case for the company's involvement with the base to be investigated by Scotland Yard. The Government is already examining claims that G4S may have broken international guidelines laid down by the Organisation for Economic Co-operation and Development by accepting the Guantanamo contract, after Reprieve lodged a complaint with the Department for Business, Innovation and Skills. The results of the Government's investigation have yet to be published.

Kevin Lo, one of Reprieve's investigators, said: "It is a scandal that, while British resident Shaker Aamer still languishes at Guantanamo, G4S has been seeking to profit from the sale of a contract that supports the abuses he and others suffer daily. No British firm should be profiting from a prison that ministers have rightly called a 'shocking affront to the principles of democracy'. The authorities in the UK must hold G4S to account for its actions."

Last night, Amnesty International also called for a full investigation into G4S's involvement in Guantanamo. "G4S shouldn't have been playing any part in what goes on at Guantanamo in the first place," said Allan Hogarth, the charity's UK head of policy and government affairs. "Selling up and walking away from Guantanamo doesn't mean G4S can wash its hands of any involvement in past abuses. Given what we know about the scale of human-rights abuses at the camp, we certainly need to see further inquiries into the company's conduct at Guantanamo."

A spokesperson for the MEP confirmed the force had received a complaint about G4S "is currently under consideration". The Independent understands that if any investigation is launched, G4S will argue that its staff had not started working within Guantanamo prior to the sale of its US subsidiary. Previously, the company has stated that it "does not have any responsibility for the detention centre". A G4S spokesperson said: "We do not believe there are any grounds for such a complaint to be made or upheld. The company is no longer part of the G4S group."

ilies be sure that the questions they want answered are going to be asked? I'm not being funny, but coroners are only human and can't go through the mountains of paperwork associated with a particular death in the level of detail necessary. And a family who are experiencing the gut wrenching and devastating despair associated with bereavement aren't best placed to (and shouldn't have to) trawl through records and documents.

If, as you also suggest, the inquest is inquisitorial and not adversarial, why have Southern Health been arguing for the narrowing of our son's inquest to one with no jury and no Article 2 engagement? In your sunshine version surely Southern Health would be there cheering on in the sidelines for an inquest best placed to answer questions? With openness, candour and transparency. Not fighting the toss on these points. With spurious, insensitive and offensive arguments that include death by drowning is neither unnatural or non-violent.

Their choice of barrister, Gerard Boyle, also speaks to a fairly weighty adversarial inclination: Gerry is in huge demand by the police and medical defence organisations to appear at Article 2 inquests? In huge demand?? How does this fit with your bland statement that families need no legal representation? It makes no sense at all. You must be completely distanced from the reality of the process, or worse.

I don't know how to convey to you how we felt on the morning of LB's pre-inquest review meeting. Back in November. When, three hours before the meeting, we found out who was representing the Trust. Such a blatant sign of their determination to fight. To fight about the circumstances of the death of our son they'd previously accepted was preventable. I really don't know how an NHS Trust can possibly defend the death of a patient with epilepsy in the bath but that's clearly not stopping them. I'm just relieved we have a legal team that shine a fierce light on human rights issues. A team drenched in integrity. And no whiff of parma violet pong. Advising families they don't need legal representation at inquests is simply wrong. Each situation is different. And clearly in some contexts legal representation is a necessity. I can't imagine what it's like to end up with an unsatisfactory inquest outcome. Other than making the worst thing you could ever imagine so much worse. This is unforgivable. And who funds this representation needs examination and reform. It isn't fair that families have to pay. It strikes me it might be helpful to send a few of your bods out to attend some inquests involving deaths in NHS Trusts. To get an idea of how it works in practice.

Laws Preventing Police Officers Retiring/Resigning to Avoid Dismissal Now In Force

New regulations which stop police officers from resigning or retiring if they are subject to an allegation that could lead to dismissal come into force on Monday 12th January 2015. Officers will be prevented from resigning or retiring until any case has concluded or has found that the officer will not face a dismissal hearing. These regulations aim to ensure that officers are held to account for their actions, that the truth can be established, that victims of police misconduct and their families are provided justice and that the police learn the full lessons of each incidence of serious misconduct.

From 1 December 2013 to 1 August 2014, 144 officers resigned or retired whilst subject to a gross misconduct investigation, preventing them from being held to account for their actions. A chief officer or Police and Crime Commissioner will only be able to consent to an officer's resignation or retirement if they are deemed medically unfit or in other exceptional circumstances, for example where a covert criminal investigation could be prejudiced.

Home Secretary Theresa May said: "Direct damage has been done to public confidence by cases in which officers escaped justice by resigning or retiring where they might have been

dismissed.The public rightly expects police officers to act with the highest standards of integrity and for those suspected of misconduct to be subject to formal disciplinary proceedings.The ability of officers to avoid potential dismissal by resigning or retiring is an unacceptable situation. That is why I have introduced these reforms to ensure victims and their families are not denied the truth of police misconduct".

Police Federation Steve White - said that not only do these new regulations risk severely damaging public confidence, but they will run up significant costs at a time when police budgets are being reduced even further. "These regulations do nothing to enhance public confidence in the disciplinary process and the Police Service. In fact they run the severe risk of damaging it. There will also be significant additional costs associated with the proposals at a time when the funds available to the service are severely restricted. The regulations will damage the resilience and reputation of police forces and they will cause unnecessary stress to those police officers under investigation who may very well go on to be found completely innocent of any wrongdoing. "How can it be a worthwhile use of resources to keep officers in the service who want to resign when the most serious sanction would be to force them to resign anyway? There are already robust systems in place to prevent disgraced officers from rejoining another force. These new proposals merely place penalties on those forces who have identified wrongdoers in the first place - and requires them to keep those officers employed. This would cost the public purse millions of pounds every year and severely damage the Police Service's reputation in the eyes of the public." (Quote from Police Oracle)

Need to Read - DNA and Case Preparation

Things are changing fast in the world of forensic DNA testing. Samples previously thought too complex to report upon are now being used to seek to secure convictions. The introduction of computerised analysis and the use of DNA17 is likely to serve only to accelerate this process. As a result, it is increasingly important to be aware of what you are dealing with. Initially, served reports will often be brief to the point of being uninformative, so if in doubt, ask for clarification. Some major changes in DNA technology and analysis have recently come on to the forensic scene – but with little fanfare to accompany those changes, busy practitioners could be forgiven for not having noticed them. This article will set out those changes and go on to explore the challenges they can present to those who have to deal with DNA issues in criminal cases.

The first, and the one which needs the closest scrutiny, is the adoption by DNA service providers (such as Cellmark and LGC) of computerised interpretation software to provide statistical evidence regarding contributors to complex DNA mixtures. The second is the general replacement of SGM Plus, the testing kit widely used for analysing DNA samples in this jurisdiction, with a new and more discriminating kit known as DNA17.

Over the last 30 years, DNA evidence has come to be regarded as the 'gold standard' in forensic science. With a clear DNA sample from a single contributor, the crime sample can be compared with the 'suspect' profile. If the comparison shows a complete match, a simple calculation can produce an impressively high match probability (RMP) – usually expressed in terms of the probability of such a matching profile originating from someone else unrelated to the suspect as being in the order of 1 in 1 billion.

Even a partial match can still produce large RMPs – the greater the number of matching peaks (or 'alleles') the greater the RMP. Such a comparison can also quickly rule out a suspect – if non-matching alleles appear at any point on the profile. No one argues with this type of DNA analysis, nor with simple mixtures from clear DNA samples, which are now amenable to non-controversial statistical analysis.

nearer their children, who can more easily visit. I am delighted that our approach has found support across the political spectrum. That this policy has the support of the Women for Independence organisation, academics and the Howard League for Penal Reform is important. We can move beyond the divisions brought about by last year's referendum, and come together to make our country a better, and safer, place to live. Imprisoning fewer mothers is part of that vision.

Campaigners Call for Scotland to Abandon Women's Super-Prison *Libby Brooks*

Critics of the proposed facility in Inverclyde, which will replace Scotland's notorious Cornton Vale prison, say it runs contrary to the Scottish government's own advice on treatment of women offenders. It commissioned a report by the former lord advocate Dame Elish Angiolini QC in 2012 which highlighted the need to invest in therapeutic services at a local level, with a role for a much smaller specialist facility for the minority of women offenders who pose a significant risk to the public. The Edinburgh branch of Women for Independence – the non-aligned organisation that took a leading role in last year's referendum debate – launched a campaign against the new prison in December, which has gathered support across the political spectrum. The Guardian understands that Michael Matheson, the new cabinet secretary for justice, has since then referred the decision back to his office.

Jim Murphy has lined up with pro-independence women's campaigners to call on the Scottish government to think again about the building of a new super-prison for female offenders. Speaking at a lunch organised by the Scottish Parliamentary Journalists' Association on Tuesday, the new Scottish Labour leader accused the Holyrood government of planning for failure, echoing the sentiments of a grassroots campaign against the proposal which has garnered support from women activists prominent in last year's yes campaign. "We're imprisoning too many women, and too many mums in particular," Murphy told the group. "The number of women in prison [in Scotland] has doubled since devolution and that's not right." Murphy insisted: "This isn't about being soft on crime or hard on crime but when a dad goes to prison, in 95% of the cases the kid will stay with the mum. When a mum goes to prison, less than one in five kids will stay with their dad. This is about how we treat families and how we treat kids. And when you think that children who have parents that went to prison are themselves three times more likely to go to prison when they are an adult we are just genuinely getting something wrong here." At the beginning of January, Jim Murphy revealed that he planned to target the 190,000 mostly male voters who voted yes in last September's referendum after deserting Labour, in the hope of securing an overall majority for his party. Responding to his announcement, Women for Independence activists interpreted it as a direct appeal to women who voted yes.

Marsha Scott of Women for Independence said: "If you look at the population of women who voted yes, and the groundswell of anger towards Better Together over their 'eat your cereal' advert, I can't imagine that Jim Murphy's campaign hasn't realised that it has some work to do to show that Labour takes women's views seriously. There's no doubt that they are aware that this will play well to us." Maggie Mellon, a long-time campaigner on women's imprisonment who has spearheaded the campaign from Edinburgh, cautioned: "This is not a party political issue but absolutely about what kind of society we want to build in Scotland, and how we support people at the hardest end of social injustice. "As Jim Murphy's party fuelled the rise in the prison population in Scotland and across the UK when in government, I hope this signals a seachange in policy."

Former MSP and Women for Independence campaigner Carolyn Leckie welcomed Murphy's support, saying: "It shows that we have influence and that people are listening to us. Hopefully Michael Matheson is listening too. It would be very courageous [to reject the plan] when the whole of the prison service is supporting it and there will be a lot of pressure on him to go ahead."

offend, shock or disturb the state or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness, without which there is no 'democratic society.'"

Implicit in freedom of speech is the right to upset, annoy and deeply perturb individuals and groups by mocking them and subjecting them and their beliefs to ridicule, whether in the style of the late comedian Dave Allan or that of French cartoonists. In passing, it is worthy to note that the law did not always protect the advocacy of Christian beliefs, (see Hammond -v- Director of Public Prosecutions (2004)) and the blasphemy laws were repealed in 2008.

There is an enormous gulf between the respecting of religious tenets and that of freedom of expression. It is improbable in the extreme that all those holding religious beliefs will ever acknowledge the rights of individuals to mock their beliefs and their deity. Let us remember that in some Islamic countries blasphemy is punishable by death, as is apostasy (renunciation of faith).

Too Many of Scotland's Women End up in Jail *Jim Murphy, Guardian*

Scotland sends too many women to jail. Two-thirds of female inmates are mothers. The status quo just doesn't work for the women, their children or society. I am as uncompromising as the majority of Scots when it comes to crime; I want to see serious criminals punished. But we need to think about the impact jailing women has on their families. For too many children across Scotland, the imprisonment of their mother leads to the trauma of sometimes unnecessary separation.

It's a startling fact that today we send twice as many women in Scotland to jail as we did when the Scottish parliament was first established in 1999. Many jailed women have suffered from abuse and have mental-health problems. Many also have alcohol and drug problems. When a father goes to prison in Scotland, 95% of children remain living with their mother. But when a mother is locked up, fewer than one in five stays with their father. The rest are sent to live with other family or are put into social care. Many have no contact with their mother at all. The imprisoned mother too often loses contact with her children and community. The system turns inmates into nomads.

One in three children with a parent in prison develops serious mental-health issues. Those children whose mothers are in prison are also more likely to follow in their footsteps and end up in prison themselves. It can be a vicious circle of crime and punishment. Bluntly, locking up women is not the best way to reduce crime. The Scottish government's own statistics show that women serving short prison sentences are much more likely to reoffend than those given a community sentence. Cornton Vale, Scotland's only women's prison, is the most violent prison in the country.

So how do we deal with women who commit crimes? Letting them go unpunished isn't an option. That would send the wrong signal. But SNP government ministers in Edinburgh don't have to look too far for a solution. All they need do is dust down the report by the former lord advocate Dame Elish Angiolini. Two years ago the commission on female offending recommended closing Cornton Vale, and replacing it with a smaller jail for long-term and high-risk prisoners. When the findings of the Angiolini commission were published, the then SNP justice minister heralded them as a "compelling vision for the future". Cornton Vale will soon close its doors, giving us a chance for a fresh start. It will be an opportunity to move from custody to community-based sentences for low-level female offenders. Yet the SNP government wants to repeat all the mistakes of the past by creating a new central super-prison for women at HMP Inverclyde. By pushing forward with this, the Scottish government seems determined to plan for failure. Instead we should focus on community-based sentences that would help to break the cycle of reoffending.

Scottish Labour would do things differently. We would scrap the plan for this new female prison. We would use the money to invest in alternative community-based sentences for women. We would also build smaller family justice centres so that women who are imprisoned can be

Crime scenes often yield only tiny amounts of DNA material for subsequent analysis. These low-level and often incomplete profiles have raised some important evidential issues, but the law is now relatively well settled. Below a certain level (the 'stochastic threshold'), the admissibility of the profile can be challenged with expert evidence [1]. Above that level, no such challenge can be made. Low-level complex mixtures: DNA mixtures introduce a whole new level of complexity, and a recent 'hot topic' has been how to interpret complex mixtures from low-level, incomplete samples [2]. Here, the conventional (and transparent) methods of analysis break down. Reporting analysts have been unable to provide any statistical basis for the possible inclusion of a match to a suspect's profile within such mixtures.

In a (controversial) decision [3], the Court of Appeal has permitted the limited use of subjective, non-statistically based opinions – where based on their 'experience', analysts will suggest that due to the number of matching alleles from the suspect's profile contained within the mixture, there is 'some' or 'moderate' support for the suspect being a contributor. This represents, some may think, a radical departure from the previous belief that DNA results had to be accompanied by a statistical weight, but as we will see later, this may prove to be no more than a temporary stopgap – as computerisation takes hold. Practitioners may also have noticed that a new type of conclusion is appearing in DNA reports. It may be claimed that a mixed DNA sample recovered from a crime scene provides statistically based evidence against a suspect. If the report contains words and phrases such as 'low level', 'incomplete' or 'complex mixture', alarm bells should start to sound.

So too if, rather than giving a traditional RMP figure, the report sets up competing hypotheses (the prosecution hypothesis vs the defence hypothesis) and goes on to suggest that the former is 'x times more likely' than the latter. These are Likelihood Ratios (LRs), not RMPs, and require different analysis and understanding. So if you come across any of the above, it is likely that you are now dealing with a wholly different set of challenges, arising from the use of a computerised model for interpretation.

Computer modelling: Over the last few years, evidence based on computerised analysis has been both admitted and rejected by the courts on a fairly ad hoc basis. One system, LikeLTD, pioneered by Professor David Balding at UCL, has been rejected on one occasion, but subsequently allowed in – often without challenge. Another, True Allele, a US-developed software, has certainly on one occasion been successfully challenged here [4], but has been accepted in Northern Ireland (and in certain states within the US). Other models have also been developed, such as STRmix and DNA Resolve. At the time of writing (December 2014), none of these computerised systems have yet been considered by our appellate courts [5].

What's the problem?: Each of these computer models is of enormous complexity, and, like all models, is seeking to best capture the biological and mathematical problems that underlie analysis of low-level DNA mixtures. There are widely varying approaches as to how, for example, important phenomena (such as drop-out, drop-in and peak height imbalance) should be modelled. To understand (and therefore critique) these models, you need the skills of an advanced statistician, a computer scientist and a molecular biologist. Little wonder therefore that there have been few challenges to such evidence when it has come before our courts. The real problem for those who have to advise in relation to statistics generated by such programmes is being confident that they are producing reliable and robust evidence. While it is true that there is peer-review and validation testing being carried out, these mainly show that the programmes behave as they are expected to do. Sadly, there is no 'gold standard'. There is no fixed or definitive answer to what the correct LR in a particular case should be. There is no 'ground truth' [6].

Additionally, there are limitations with some of the software. DNA Resolve can apparently only allow for a hypothesis based on a maximum of two unknown contributors to a multi-person mixture. Many crime samples stretch these programmes to the limit [7]. In validation testing using samples from known contributors, there have been on occasions 'false positives' – that is, some statistical support for the inclusion in a mixture of someone who could not have contributed to it. So-called 'continuous' models (such as True Allele) may give different LR figures from the same sample if run more than once, due to the way they model probability.

A further problem lies in finding the right person to question about the robustness of the particular software being used. While until recently the scientists who developed the programmes have been made available when challenges have been raised, that is likely to change now that providers such as Cellmark and LGC have trained some of their own analysts to be able to input the relevant data, and then report the statistics that the software generates.

Scrutiny of expert evidence is today very much at the forefront of the criminal justice system [8]. New criminal procedure rules, drawing on recent court cases, came into effect last October [9]. These formalise a similar approach to the US Daubert and Frye admissibility hearings. Before expert evidence can be admitted, the court 'must be satisfied that there is a sufficiently reliable scientific basis for (it) to be admitted'. The courts are 'encouraged actively to enquire into such factors'. In considering reliability, the courts should be 'astute to identify possible flaws in such opinion which detract from its reliability', which would include whether it is 'based on a hypothesis which has not been subjected to sufficient scrutiny." It is important to note that even where computerised DNA evidence is admitted, it is still subject to certain key caveats.

First, the 'garbage in, garbage out' principle applies here as in any computer case. If incorrect data is fed in, then the resulting statistic will similarly be incorrect. How to 'call' a particular profile often involves a subjective input from the analyst, which may itself be the subject of challenge.

Second, challenges can sometimes be made to the hypotheses put up by the prosecution. Changing these can radically change the statistics. Is, for example, the suggested number of unknown contributors a robust assertion, or may there be more?

Third, subjective (non-statistical) opinions can be challenged by a close examination of the expert's claimed experience. An expert may indeed have looked at large numbers of mixed profiles over their working life, but have those numerous cases been sufficiently audited or independently peer-reviewed? So-called observer bias is also a recognised factor here [10].

Lastly, in the case of low-level DNA, the presence of a match to a suspect's profile tells you nothing about how or when it got into the mixture. Innocent transfer (direct and indirect) and contamination remain key areas of scrutiny.

DNA 17: To obtain the DNA profile, the DNA material has to go through a polymerase chain reaction process, which culminates in the production of peaks on a graph (electropherogram) corresponding to DNA markers at certain locations along the DNA molecule. The testing kit in general use (SGM Plus) until last year has tested for DNA at 10 locations (loci). DNA 17 replaced it last July, and it will now be used for profiles entered on to and searched on the National DNA Database. This new kit tests for six additional loci. What this means in practical terms is that that there is now more to look for in a potential match – and the statistics generated from a 'matching' profile will be that much more probative (that is, powerful) than before. Additionally, DNA 17 is said to be considerably more sensitive than its predecessor, so will be able to generate profiles from smaller quantities of DNA than before.

Conclusion: If subsequently there is to be a challenge to the evidence, make sure you get the right legal and scientific experts on board as early as possible.

psychosis played any part at the time of the offence, or that any other aspect of his mental illness affected his culpability for, the offence.

On that basis, therefore, we consider that the judge was entitled to pass the sentence that he did. It was within the range of the minimum term appropriate for this barbaric crime. Accordingly, we dismiss Adebowale's appeal against sentence.

Law Update: Freedom of Speech *David Pickover - Police Oracle*

Matters have progressed in France since Voltaire was imprisoned in the Bastille for a year for exercising free speech by lampooning the Duc D'Orleans. Nowadays, most subjects are fair game for being mocked, ridiculed or scorned. Twelve people lost their lives in the offices of the satirical magazine "Charlie Hebdo" in a callous act of vengeance in seeking retribution for the staff at the magazine exercising that most fundamental of human rights and freedoms - the freedom of expression - a cornerstone of any democratic institution.

It is Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which confers on us the freedom of expression. It is a freedom which has been nibbled away at in comparatively recent years; sometimes in the cause of political correctness; sometimes in consequence of half-baked notions in respect of "appropriate language". How often have you heard of persons stating they were discouraged from airing their views in case they were considered racist, homophobic or some other "ist" or "ic"? To what extent will the French massacres affect the exercise of the freedom of expression? One matter is clear. The expressions of solidarity of "Je suis Charlie" and "Nous somme Charlie", in the context of exercising freedom of expression, do not enjoy universal approbation, nor are they ever likely to. But the law is clear.

Article 10(1) of the European Convention provides, inter alia, that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The freedom conferred by Article 10(1) is subject to the constraints of Article 10(2) of the Convention. Article 10(2) records the exercise of the freedoms detailed in Article 10(1), since it carries duties and responsibilities, may be subject to such formalities, conditions and restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation and rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The operative words in Article 10(2) are "in accordance with the law" which govern the necessity principles. Thus, for example, the Criminal Law imposes restrictions on freedom of expression by the Public Order Act 1986 (in respect of the use of threatening or abusive words); the Criminal Damage Act 1971 (threats to commit damage) and the Official Secrets Acts (improper disclosure of information). Likewise, the Civil Law restricts freedom of expression by making provision in respect of libel and slander.

The meaning of "freedom of expression", in the context of Article 10(1) of the European Convention was explained in Handyside -v- United Kingdom (1976). The judgement in the case records "Freedom of expression" constitutes one of the essential foundations of a democratic society; one of the basic considerations for its progress and for the development of every man. Subject to Article 10(2), it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference; but also to those that

missions with the restraint to be expected in such a case, that on the facts of the case and on the application of the principles in Schedule 21 to the Criminal Justice Act 2003, there could be no doubt that the judge had been correct to identify the aggravating factors and that he was entitled to reach the view that he did.

He therefore advanced an eloquent submission as to why the minimum term of 45 years was manifestly excessive, grounded upon Adebowale's mental condition. As we have already noted, issues arose as to his fitness to stand trial. In reports made in November 2013 a number of psychiatrists concluded that he had signs of a psychotic episode. Reports were obtained from a number of other psychiatrists who diagnosed him as suffering from time to time from psychosis. The judge ruled that he was fit to stand trial. No challenge was made to the ruling. It is clear from our re-examination of those reports in the light of the submissions that have been made before us today, that it was clear at the time – and this is a very important factor – that it was accepted that the mental element played no part in Adebowale's culpability for the barbaric murder of Lee Rigby.

After sentence, it became apparent in late May 2014 that Adebowale's mental condition was deteriorating. He was transferred to Broadmoor on 3rd July 2014. The latest medical evidence before us is based on a report made on 14th November 2014. It is said that Adebowale has substantially recovered from the further episode of psychosis. It is said that when he was interviewed he was rational and understood the nature of the appeal. However, the conclusion of Dr Boast (the psychiatrist) was that there was a high risk of a further episode of psychosis and the possibility of him developing an enduring schizophrenic condition. Dr Boast also pointed out that another element of his mental condition was depression. It was his opinion that the stress of Adebowale's current sentence produced understandable depression, but the stress of the length of the sentence had been a factor in the most recent episode of psychotic mental illness. He also considered that hopelessness in the context of depression was a major risk factor.

On the basis of the reports that were before the judge, and the most recent report that is before us, it was urged upon us that Adebowale suffered from clear and significant psychotic episodes after the offences. He had shown some symptoms of mental illness prior to the offence, albeit not significant enough to be a proper basis on which to found a defence of diminished responsibility, or in any way to lessen his culpability for his actions. However, his mental condition was a mitigating factor; it was recognised and it should be taken into account. It was also submitted that we should take into account Adebowale's lesser role, the fact that although he had pleaded not guilty he did not contest or challenge the evidence in relation to the murder. The only challenge was in relation to the inference to be drawn in relation to the attempted murder of a police officer (of which he was acquitted). We were also urged, most importantly, to take into account his youth.

We have carefully considered all of those submissions. We have paid particular attention to the evidence in relation to his mental condition. At the time of the trial, as we have set out, it is clear from the reports of Dr Boast and the other psychiatrists that there was no evidence that the mental illness had any role at all in Adebowale's culpability. Nonetheless, we think that the judge was right to take into account the mental illness from which he had suffered thereafter, his symptoms at the time, his lesser role, the part he played and his youth. We consider that the judge fairly took all of those matters into account.

We have also had regard to the current report of Dr Boast. His view is that, prior to the trial and probably at the time of the offence, there might have been an element of psychosis. However, having carefully looked at this and having considered all the other reports, we are quite satisfied that there is no evidential basis on which it can be put before this court that

Police Officers Not Separated Following Deaths

The Court of Appeal has refused to overturn police policy that officers should not be separated immediately after a death following police contact. These two linked applications for judicial review challenge the lawfulness of guidance relating to the post-incident management of investigations into deaths that follow the use of force by police officers. One claimant is the father of Rafal Delezuch, a young man who suffered a cardiac arrest and died in hospital in August 2012 soon after he had been forcibly restrained and detained by police officers. The other claimant is the mother of Mark Duggan, who died in August 2011 in circumstances that have been the subject of extensive publicity: the vehicle in which he was travelling was stopped by police officers, one of whom shot him twice, fatally injuring him.

In each case the main argument is that in failing to require the immediate separation of the officers who either used force or witnessed its use, the guidance is unlawful, because of the risk of deliberate collusion or innocent contamination of evidence if officers have an opportunity to confer with one another before they make statements for the purposes of the investigation. ACPO changed its policy a month before the hearing to require supervision by senior officers to prevent conferring. The Court of Appeal found that this was sufficient protection against collusion, notwithstanding that it does not apply before the officers arrive at a police station or to officers who did not use force.

Grime Rap 'Gangbo' Appeal Fails in High Court

The Greater Manchester Police ('GMP') have been unsuccessful in an attempt to obtain an 'Injunction to Prevent Gang-Related Violence' (IPGV) or 'Gangbo' against Scott Calder. The application was based on police intelligence and the lyrics of Mr Calder's YouTube Grime Rap videos. On 14 January 2015, Mr Justice Blake dismissed the GMP's appeal to the High Court, and in doing so laid out guidance on the purpose and ambit of the IPGV legislation, which is currently being substantially amended by Parliament. Below is based on the Judge's extempore judgment by Diarmuid Laffan, UK Human Rights Blog

Gang injunctions were introduced in early 2011, giving police and local authorities new powers to deal with gang-related violence. They are court-issued orders prohibiting gang members from participating in certain activities, for example being in particular places at night or associating with particular people. s.34 of the Policing and Crime Act 2009 allows a court to grant an IPGV where it is satisfied on the balance of probabilities that the respondent has engaged in, or has encouraged or assisted, 'gang-related violence' and the court thinks the injunction is necessary to prevent the Respondent from engaging in gang related violence, or to protect the respondent therefrom.

Key to the section is the concept of 'gang related violence'. This is defined in s.34(5) as violence which occurs in the course of, or is otherwise related to the activities of a group which "(1) Consists of at least 3 people, (2) Uses a name, emblem or colour or has any other characteristic that enables its members to be identified by others as a group; and (3) Is associated with a particular area". This definition was added to during the course of the legislative process, following concern expressed by the Joint Committee on Human Rights that the section's lack of a definition for 'gang' would result in a "potentially wide application in the future beyond the category of people currently envisaged to be covered and the broad discretion which it gives to those seeking applications and the courts as to how [gang related violence] is interpreted". The section grants the court a wide discretion as to the mandatory and/or prohibitory conditions which it can attach to an IPGV. For example, the order sought against Scott Calder would have excluded him from large areas of Manchester, subjected him to a curfew, and required him to refrain from meeting various people in public places, including some of his brothers.

The judgment Under Appeal: On 17 July 2014, an application by the Greater Manchester Police ('GMP') for an injunction to prevent gang-related violence ('IPGV', also known as a 'Gangbo') under s.34 of the Policing and Crime Act 2009 ('the Act'), was refused in the Manchester County Court on the basis that the group to which the respondent Scott Calder was said to belong, could not be identified by 'others' as a gang within the meaning of s.34(5) (click for 1st instance judgment (PDF)). A joint expert on Grime music was instructed by the court in order to interpret the lyrics to Mr Calder's rap videos. The injunction was sought on the basis that Scott Calder was a member of a gang – which could be identified by others within the meaning of s.34(5)(b) – as a 'family which runs a drug-dealing network'. In support of its application, the GMP presented evidence that the respondent had been shot at in circumstances which he declined to explain, and had threatened reprisals in the grime rap videos he uploaded onto YouTube. It also submitted "intelligence evidence" in support of its claims about the Calder family.

His Honour Judge Armitage concluded that the applicant's posited criterion would not allow "others", which he took to mean members of the public a distinct from the police, to identify the respondent's associates as a gang. Even on the GMP's evidence, the family did not use classic gang signifiers such as colours, or have any established territorial presence, so members of the public would not be able to identify them as a gang. In making this finding the judge took comfort from paragraph 2.2 of the statutory guidance issued on IPCVs, which states "Gang injunctions are intended to be used against members of violent street gangs."

The High Court appeal: The GMP appealed to the High Court. It argued that the word 'others' in s.34(5)(b) should be interpreted in a strictly literal fashion, such that a relevant group would be a gang within the section's meaning if any two or more people could identify them with reference to any given characteristic. It also argued that the judge erred in finding that the "others" who identify the gang must be members of the public, as opposed to the police who through their investigative activities may have specialised knowledge of a group's illicit activities. On 14 January 2015, Mr Justice Blake – sitting in the High Court in Manchester – dismissed the GMP's appeal, which focused on the interpretation of s.34(5). He did so on the following bases:

First, the Statutory Guidance – notably paragraphs 2.1, 2.2, 2.7 and 7.2.3 – contained references to "street" gangs and the associated gang lifestyle. This shows that the target of the section was the specific phenomenon of urban street gangs, as opposed to organised criminals more generally. The Judge also held that "parliament concluded that some form of identity known to the public or section of the public is necessary. It is not sufficient that there is a threat of violence by more than one person if there is no common characteristic between them that enables other to identify them as such".

Secondly, the ejusdem generis principle of statutory interpretation – which holds that where a section contains a general category preceded by a list of specific examples, the category should be interpreted as restricted to things of the same kind as the examples – meant that the 'some other characteristic' catch-all in s.34(5) could only contain things which are like 'names, emblems and colours' or, in other words, consciously adopted outward signifiers of gang membership. Thus, the Judge held that it was "not in my judgment sufficient that a police officer piecing together pieces of information is able to draft a connection between members of the gang is there're is not some connection that would allow others more generally to make the identification".

Thirdly, s.50 of the Serious Crime Bill, which is currently before Parliament, creates a new 'injunction to prevent gang-related violence and drug-dealing activity'. This appears to be an attempt to broaden the gang-injunction power in response to the judgment at first instance,

Michael Adebolajo's Renewed Application for Leave to Appeal Against Sentence

By paragraph 4 of Schedule 21 to the Criminal Justice Act 2003 the appropriate starting point for a murder that is committed for the purpose of advancing a political, religious, racial or ideological cause is a whole life order. The judge concluded that the murder was committed for such a purpose and the purposes of terrorism.

It has been urged upon us that the judge should not be bound by the reasons that Adebolajo had given for his actions, but should have regarded the offence as one motivated by simple religious hatred or the equivalent of the murder of a police officer.

We cannot see any basis on which such an argument could properly be advanced. It is clear, in our judgment, that there was more than sufficient evidence upon which the judge could have concluded that this murder was committed solely for the purpose of advancing a political or ideological cause aimed at the State. We should record that Adebolajo did not suffer from any mental illness. On the contrary, it was asserted that the actions were deliberate and carried out in the full understanding of what was done. Having made that finding, the judge concluded that it was one of those rare cases where not only was the seriousness exceptionally high, but the requirements of just punishment and retribution made a whole life order the just penalty.

We have carefully considered the submissions that have been made before us. It has been suggested that we should carefully review the imposition of a whole life order and that we should give Adebolajo a chance to atone for what he has done and not uphold the order that will mean that he will spend the rest of his life in prison. In the case of any whole life order a court is bound to review with the utmost care the circumstances of the murder, the motives for it, and the submissions made both before the judge and before us. We have done so. We have also taken into account the devastating effect that Lee Rigby's family will continue to suffer for the rest of their lives.

In our judgement it is plain that Adebolajo intended to commit a barbaric murder for political and ideological purposes. His actions were aimed against the State and against any civilised society. He carried out the murder in a horrific manner. It was intended to have the maximum effect to promote the misguided political and ideological cause he espoused. Having killed Lee Rigby, he did not stop there; he gloried in the murder and sought to use it to advance his ideological causes by publicising it and making the statements he did.

Taking all of the circumstances of the case into account, we can see no conceivable basis upon which it can be argued that a whole life order was not the just penalty for such a horrific and barbaric crime. The renewed application is therefore refused.

Michael Adebowale's Appeal Against Sentence

We turn finally to consider the appeal by Adebowale which is made by leave of the single judge. Sweeney J concluded that in his case also the murder was carried out for the purposes of advancing a political, religious, racial or ideological cause. There was plain evidence on which he was entitled to come to that conclusion. He took the view, similar to that in the case of Adebolajo, that the offence was of exceptionally high seriousness and that his starting point should be a whole life term. He identified three aggravating factors: a significant degree of planning and premeditation; the fact that the victim was performing a public duty; and the way the body was treated. He considered, however, that there were mitigating factors: first, Adebowale's lesser role; second, his youth; and third, his pre-existing and continuing mental condition. The judge concluded that it was not appropriate to impose a whole life term, but that there should be a substantial minimum term. He settled upon the period of 45 years.

On behalf of Adebowale, it is properly accepted by Mr Lakha QC, who has made his sub-

side the prison attended by family and supporters. The response of the management at Strangeways was to transfer Kevan back to the Woodhill CSC. For those supervising and enforcing the CSC system Kevan now represented a problem that was proving unmanageable within the parameters of the CSC system – expediency dictated his removal to somewhere where his destruction was not so closely associated with the system. Kevan meanwhile continued to pursue his litigation war with the prison authorities, and his solicitor had commissioned an independent psychology report that stated Kevan's PTSD was being made significantly worse by the CSC regime. The recommendation of the report was that Kevan should be returned to a mainstream prison environment.

Never before having shown any duty of care for Kevan and shown nothing but contempt for his psychological condition, the management of the Woodhill CSC now decided that Kevan should be transferred to the notorious Rampton special hospital. This is now considered the finale remedy to the problem he represents, and once sectioned under the mental health act he will be at the total mercy of psychiatrists who perceive prisoners like him as suffering with a "dangerous personality disorder" that must be subdued in the interest of "public protection". The intention of the prison authorities is to consign Kevan to a place where under the guise of "treatment" and largely by the use of mind destroying drugs he will be silenced and effectively destroyed.

Yet again corrupt psychiatrists will assist in the destruction of a "difficult" prisoner. Kevan Thakrar has been an extremely brave voice in speaking out against the abuse of prisoner's rights and he has suffered terribly as a consequence. More than ever now he desperately needs the support of all those who truly believe in solidarity with the most oppressed, especially those of the oppressed who have the courage to confront state violence in it's most undisguised and vicious form.

With out notice on the 19th January, Kevan Thakrar has been moved from HMP Woodhill to HMP Full Sutton: Kevan is adamant that this move was to prevent him speaking to the Chief Inspector of Prisons, who is due to inspect Woodhill CSC, very shortly.

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1,073 New Criminal Offences Created by Government in Five Years

Lord Stoddart of Swindon to ask Her Majesty's Government, how many new criminal offences were created from 1 June 2009 to 31 May 2014; and what plans they have to review those offences to ensure that they do not have a detrimental effect on freedom of speech, freedom of thought and individual conscience.

Minister of Justice Lord Faulks: As set out in my answer on 17 December 2014 I would expect the development of all government policies including criminal offences to include appropriate consideration of the potential impact on areas such as freedom of speech. All new legislation requires a certificate of compliance with human rights or an explanation as to why it does not. The decision to review criminal offences after they are commenced is a decision for individual departments and, where appropriate, for collective Government agreement. The annual statistical bulletin on New Criminal Offences Statistics in England and Wales collates and presents statistics on the number of criminal offences created by government departments. This covers the period 1 June 2009 up until 31 May 2014. 1,073 offences have been created during this period. The latest edition of the bulletin was published on 11/12/2014. Statistics are not available for the number of criminal offences created during the period 1 January 2000 to 31 May 2009.

and it does away with the list of examples in s.34(5)(b), and simply requires that a 'gang' have any characteristic which allows its members to be identified as a group. The Judge accepted that the formulation of a new power which covers drug-dealers who do not outwardly manifest their gang allegiance, as well as the paradigmatic examples of street-gangs, indicates that s.34(5)(b) as presently framed is only intended to cover the latter.

Finally, the judge rejected Mr Calder's argument that the criminal standard of proof was required in gang injunction cases, the civil standard (balance of probabilities) having been specifically stated in the legislation. However, he finessed that with the following warning: "As this very judgment indicates there is flexibility in applying the civil standard and conclusions should not be lightly reached, applying the civil standard on conjecture and suspicion and particularly in relation to hearsay". In this case, the Judge below had not found, even on the balance of probabilities, that the gang existed in the form alleged. So even the proposed legislation would not have assisted the GMP.

Irish Innocence Project Exonerates Executed Man *Wrongful Convictions Blog*

A man who was hanged for murder over 70 years ago is due to be pardoned. Harry Gleeson was executed for the murder of Moll Mc Carthy who was shot dead in Tipperary in November 1940. Minister for Justice Frances Fitzgerald is due to bring a memo to Cabinet in the next few weeks recommending the President pardon Mr Gleeson. The Department of Justice reviewed the case following a submission last year from the Irish Innocence Project, based at Griffith College in Dublin. The review, conducted by Senior Counsel Shane Murphy concluded accepted new evidence which merited a pardon being granted to Harry Gleeson. Harry Gleeson reported the discovery of Moll's body, three months later he was hanged for her murder.

Indeterminate Sentence Quashed - Replaced With Fixed Term *BBC News*

A man who battered and robbed a frail woman in her home has won his appeal against being jailed indeterminately. Edward Cambridge, 23, was described by Court of Appeal judges as a "bully" a five-year indeterminate term, they instead ordered him to serve 10 years with an extra three years on licence. Cambridge's latest victim was a 58-year-old woman, whom he attacked at her sheltered accommodation apartment in north Belfast in June 2013. The woman, who has spinal problems, arthritis and asthma, sustained two black eyes, severe facial swelling and welts to her thigh, apparently from being hit by a strap. She also had to undergo a brain scan and has suffered post-traumatic stress disorder. Cambridge, pleaded guilty to robbery and assault occasioning actual bodily harm. He carried out the robbery while on probation for a sexual assault on a 12-year-old girl. Further counts of burglary and threats to kill, which he denied, were left on the books. His 27 previous convictions stretch back to criminal damage and assault he carried out at the age of 12.

Sentencing him at Belfast Crown Court last June, the judge said he posed a risk of inflicting serious harm. Lord Justice Gillen rejected Cambridge's appeal against this finding, describing it as "flawless". He said: "The current offence - yet another example of a bullying attack on a vulnerable person - was without doubt a significant escalation in the pattern of offending in which the physical harm may well have been much less serious and of shorter effect than the psychological harm inflicted on this defenceless and infirm woman." However the judge decided that the robbery and assault, while serious, did not merit an indeterminate sentence. Under his revised sentence, Cambridge will only be eligible for release after serving five years in prison if the Parole Commissioners are satisfied he does not pose a significant risk of serious harm to the public.

Campaign In Support Of Kevan Thakrar – by John Bowden

Join the protest: Monday 16th February, 12:00 Noon

HM Prison Service, Clive House, 70 Petty France, London, SW1H 9EX

The abuse of psychiatry in pathologizing and punishing "difficult" prisoners has a long and disturbing history in the British prison system and is probably the worst example of human rights abuse suffered by some prisoners labelled "challenging" and "unmanageable".

Throughout the 1960s and 1970s, especially, the role of prison system-hired psychiatrists in assisting in the suppression of rebellious prisoners became an established one and often an unlawful one too such as when administering tranquillizing drugs by force purely to assist guards in subduing "troublemakers". The practice became known as the "liquid cosh". For particularly determined prisoner "troublemakers" the spectre of maximum-security psychiatric hospitals such as Broadmoor and Rampton could quite easily become a reality and often did when psychiatrists were recruited to apply the necessary pathological labels and facilitate the "nutting-off", or sectioning under the mental health act, of sane but "difficult" prisoners, Rampton, especially, acquired a notorious reputation for it's brutal and inhuman treatment of prisoners, administered by prison officer "nurses" and punitive-minded psychiatrists, and was considered amongst long-term prisoners as the worst and most deadly weapon of all in the prison system's armourer of control and punishment.

An entry point for rebellious prisoners into the special hospital system (Broadmoor, Rampton and Ashworth) was an infamous psychiatric unit at Parkhurst maximum-security prison called "F.2". "F.2" was managed and run by a prison psychiatrist called Dr David Cooper. Cooper's role was to "manage" and "treat" prisoners considered too disruptive and unmanageable for ordinary prison segregation/punishment units, and he did so with a regime that blended the forced drugging of prisoners with straight-forward physical brutality administered by a gang of prison officer "nurses". Prisoners sent to "F.2" would in most cases be transferred eventually to Broadmoor or Rampton and most would suffer serious and irreparable psychological damage as a result of the experience.

Following an inquest into the death of prisoner George Wilkinson in 1989 who starved himself to death following a mental breakdown whilst being held in "F.2", Cooper was discovered wandering naked one night in some woods close to Parkhurst prison. He would subsequently resign on health grounds. The Home Office would later succeed in preventing the publication of a book that claimed Cooper had received payment from a large pharmaceutical company for testing new powerful tranquillizer drugs on "F.2" prisoners.

During the 1990s the overt abuse of psychiatry in controlling and suppressing dissent in prison was apparently replaced by the introduction of the "Close Supervision Units", brutal control-units with regimes of clinical isolation, solitary confinement and physical violence. However, prison-hired psychologists and psychiatrists continued to provide in put into the "behaviour modification" of "unmanageable" prisoners within the Close supervision Centres and their influence found expression in regimes based on a crude concept of "reward and pavlovian punishment"; "good behaviour" would earn a prisoner a graduated progression back to mainstream prison life, whilst "negative behaviour" would insure even worst treatment. So cruel and brutalising is the treatment of prisoners in the Close Supervision Centres that mental breakdown is commonplace and in fact psychologists and psychiatrists overseeing the regimes in the Close Supervision Centres are deliberately and actively complicit in the psychological torture and destruction of prisoners.

In 2010 Kevan Thakrar, a life sentence prisoner who is particularly hated by those enforcing his imprisonment because of his propensity to complain and confront abuses of power by prison staff, was placed into the Close Supervision Centre at Woodhill prison following allegations that he

had seriously assaulted three prison guards at Frankland prison. In fact, Kevan had been acquitted at Newcastle Crown Court of assaulting the guards following a trial that heard that it was Kevan himself that had suffered physical brutality at the hands of guards and so severe was that brutalization that he now suffers with Post-Traumatic Stress Disorder (PTSD). Following the trial and his acquittal, the Prison Officers Association (POA) swore that Kevan would be held accountable for what they continued to insist was a completely unprovoked attack on three of their members. In fact, for some time there was evidence that prison staff at Frankland prison had targeted ethnic minority prisoners for abuse, victimization and violence, and there clearly was a culture of overt racism amongst guards at the jail. Kevan is of mixed race heritage.

Kevan's allocation to the Close Supervision Centre at Woodhill jail was motivated purely by revenge and it was intended that he would remain there forever on "level 1", the most de-humanising and psychologically damaging form of treatment inflicted on prisoners for the initial period of their stay in the Close Supervision Centre; most prisoners are expected to eventually "progress" to less punishing levels of treatment before their release back into the mainstream prison population. For Kevan however, there was not the slightest intention to ever "progress" him beyond a regime based on clinical isolation and psychological torture, and clearly the real purpose was to destroy him, or at least his propensity to ever question or challenge his treatment again.

If that was indeed the intention then it failed completely and Kevan's response to the inhuman treatment inflicted on himself and other prisoners in the Close Supervision Centre has been consistently determined and well-focused. Legally and politically confronting and challenging the treatment of prisoners in the Close Supervision Centre has been the focus of Kevan's struggle in the CSC, and he more than anyone else has shone a direct light on a place where serious and routine abuses of basic human rights have been carried-out for two decades by the prison system. He more than anyone else has forced the prison authorities to try and justify their abuse of human rights in the CSC system, and both by legal actions and by high-lighting through radical groups on the outside the inhuman treatment inflicted on "difficult" prisoners in the CSC system, Kevan has confronted the prison authorities with their crime and obviously made them rue their decision to have originally placed him in a CSC that had now become the focus of his extremely well articulated struggle.

Following a persistent litigation battle and the publication of a pamphlet exposing the treatment of prisoners held in the CSCs, Kevan was transferred to a "Specialist Intervention Unit" at the notorious Strangeways prison in Manchester. The purpose of the transfer was two-fold: to take the heat and focus off the CSC at Woodhill, and subject Kevan to a regime at Strangeways even more brutal and inhuman than the one he had experienced at Woodhill. The so called "Specialist Intervention Unit" at Strangeways was located in the prison's segregation unit/punishment unit and for the guards staffing it prisoners like Kevan were sent there for one purpose – to be completely subdued and broken psychologically. Both the physical conditions of the "Specialist Intervention Unit" (a decrepit and primitive part of the old punishment unit, which the treatment of prisoners in had provoked the 1990 Strangeways uprising) and the treatment inflicted on it's prisoners at the hands of guards steeped in a culture of brutality and violence, was intended to crush any resistance and generate only fear. Whilst there Kevan was denied even basic hygiene facilities and his food and that of the other prisoners in the unit was frequently adulterated with excrement. He estimated that whilst at Strangeways he lost something like three stone in body weight.

Kevan's response to his treatment at Strangeways was to organise a demonstration out-