made and a lot of totally understandable disquiet that he is not going to be facing justice in any way," Clegg said on LBC radio. Lord Falconer, a former lord chancellor, said Saunders was wrong, and suggested there should have been an open hearing before a jury to decide whether Janner was fit to enter a plea. Falconer also suggested a special hearing – known as a trial of facts – could test the allegations in Janner's absence. The DPP said she made the right decision not to prosecute Janner, adding that his dementia was so severe he could "play no part in a trial".

Campaigners Win Right to Challenge Assisted Dying Prosecution Policy

Disability rights campaigners have won permission to challenge what they say is a liberalisation of the rules on assisted dying introduced by the director of public prosecutions. Last October, the DPP, Alison Saunders, amended prosecution policy under the 1961 Suicide Act, making it less likely that healthcare professionals would be charged, the high court was told. The act makes it a criminal offence to assist or encourage suicide but the DPP has discretion on whether to prosecute, according to the policy. At a short hearing in London, Nikki and Merv Kenward were granted permission to proceed with the judicial review of Saunders' new policy on the grounds that she had made the law more liberal and that the legality of the change should be scrutinised. A full hearing of the claim will be heard later this year.

Nikki Kenward, a former theatre manager who is uses a wheelchair, argued that the alteration was unconstitutional. She was at one stage so paralysed that she could only wink her right eye after being struck down by Guillain-Barré syndrome in 1990 when she was 37. She cannot tie her shoelaces or hold a needle. The couple, who live in Aston on Clun, Shropshire, have campaigned against euthanasia and assisted dying. They have been supported by the Christian Legal Centre. Nikki Kenward said: "The message from these new guidelines is that society thinks you are in the way. The best thing you can do is to agree to die." Lawyers for the Kenwards argued that the DPP's new policy was ideologically motivated and that doctors who assist deaths "are much likelier to escape responsibility for their crimes". They maintained that it was for parliament, not the Crown Prosecution Service, to make substantive changes to the law.

Previous changes in 2010, the lawyers maintained, were made after a wide public consultation. In contrast, the DPP introduced her new policy without any consultation with parliament or the medical profession, let alone the general public, they said. Submissions from the DPP denied that the policy has been changed and argued that it had merely been clarified. Doctors would not be immune from prosecution.

Andrea Minichiello Williams, a barrister for the Christian Legal Centre, said: "The DPP has overstepped the mark in liberalising the law on assisted suicide. "The DPP's jurisdiction is in applying the law. In this case, she is making law as opposed to applying it and in so doing she is acting outside the bounds of her jurisdiction. It amounts to a unilateral change in the law without recourse to parliament.

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 527 (30/04/2015) - Cost £1

Woolf Report: 25 Years On & Nothing Has Changed *John Bowden, HMP Shots*

In April this year, the 25th anniversary of the Strangeways prison uprising, Lord Justice Woolf, who led the inquiry into the uprising, claimed that conditions in most British jails were now even worse than they had been before Strangeways erupted in 1990. The treatment of those prisoners confined to usually overcrowded local remand and post-sentence jails (of which Strangeways was and is one), where the great bulk of the prison population are held, has always been significantly worse than the treatment of prisoners in more long-term establishments where the potential for collective unrest has always been traditionally greater.

Prison staff employed in over crowded local jails argue that the transient and difficult to control and manage population of such institutions, coupled with severe cut-backs in staffing levels, make all but the most basic functions of control and containment extremely difficult if not impossible. The operational reality of such an argument finds expression in virtual lock-down regimes and a wholesale warehousing of prisoners, as well as an overtly repressive response to any perceived potential loss or compromise of total control, all ingredients of what caused the Strangeways prison uprising in 1990. Greenock prison near Glasgow is an archetypal local jail; antiquated Victorian architecture and conditions, and an attitude and behaviour amongst some staff that is often openly contemptuous of prisoners, underpinned by a relationship of power that renders prisoners always vulnerable to abuse.

On the 16th of March this year I was to personally experience such abuse at Greenock following an incident during which I was alleged to have physically assaulted a member of staff. The "assault" took place whilst I was being subjected to an "oral search" after being administered a pain killer; all medication administered in Greenock is "supervised" by prison officers and after ingesting medication prisoners are required to submit to an "oral search", ostensibly to prevent them saving and storing up medication to later sell to other prisoners or commit suicide. Whilst there is therefore a legitimate rationale in ensuring prisoners ingest the medication they are administered, at Greenock some prison officers viewed the oral searching of prisoners as little more than an obedience test intended to humiliate and abuse. The prison officer "supervising" my "oral search" on the 16th of March decided that I was not adequately compliant and submissive during the process and so demanded that I submit to an even more intrusive search of my mouth.

He was of course fully aware that unlike most of the other prisoners over which he exercised total power at Greenock I was a life sentence prisoner with a history and reputation as a "trouble maker", a species of prisoner that he had heard much about but never before directly encountered, and certainly not in such an obviously delightfully domineering situation. His response to my refusal to be gratuitously humiliated was obviously conditioned by his occupational experience as an all powerful authority figure over short-term prisoners who fully knew their place – he began to physically push and shove me, shouting, "Do as you're fucking told!" I calmly warned him to keep his hands off me and attempted to walk away. Enraged, he grabbed me and attempted to apply a head lock on me and in the struggle that followed I managed to wrestle him to the ground. In a jail such as Greenock to resist and subdue the absolute authority of "front-line" uniformed staff provokes a reaction of almost pathological fury and

violence, and I was now the focus and target of that, under the euphemistic guise of “control and restraint”. As I was being “restrained” by a large gang of prison officers one of them screamed at other prisoners to “Get behind your fucking doors!” Inevitably all fearfully complied. I was then dragged to a filthy and unheated isolation cell, stripped naked and dumped on it's concrete floor. I would remain locked within that cell for the next 24 hours. An intercom on one of the cell's walls intended to facilitate communication between a prisoner held within the cell and those responsible for his well being and safety was used instead for the duration of my time in the cell to emit threats and abuse interspersed with laughter.

On the morning following the incident the cell was unlocked and I was thrown my clothes and ordered to get dressed and sit at a table and chair positioned just outside the cell, directly opposite which at another table and chair sat a prison manager. I was to be “adjudicated” on for “assaulting” a prison officer, a gang of whose colleagues now surrounded the scene. I was “advised” that it was in everyone's interest that I immediately pleaded guilty to the charge, which I declined to do. Instead I informed the manager that I was guilty only of self defence and asked that the officer whom I was accused of assaulting be called to answer questions regarding his evidence. The manger denied my request on the grounds that the officer had taken long term sick leave and so the hearing would continue based solely on his written evidence. I insisted that where there was a fundamental conflict of evidence both parties should be present in order to allow the questioning of witnesses.

I therefore asked that the hearing be postponed until the officer returned to work. The manager then declared that he would begin the hearing regardless, read the officer's evidence and then decide if it conflicted so fundamentally with my own version of events that it was absolutely necessary for him to be present to answer questions. The officer's “evidence” was predictable: I had carried out a vicious and unprovoked attack on him (he sustained no injuries), after which I was simply lead away by the arms by one of his colleagues, which begged the question of from where I sustained the very obvious bruising to my face and body?

Lord Justice Woolf in his report on the causes of the 1990 Strangeways prison uprising identified an almost total absence of natural justice in the treatment of prisoners as a core reason for the disturbance, and 25 years later my experience of prison “justice” at Greenock jail provided ample evidence that absolutely nothing had changed.

Eventually in response to my insistence that the officer's evidence so fundamentally contradicted the truth and my own knowledge of what happened that basic adjudication procedure dictated that I be allowed to directly question him, the manger reluctantly agreed finally to adjourn the hearing until the officer returned to work. I was then shackled and transferred back to Shotts Maximum Security Prison after just a fortnight at Greenock, which supposedly had been part of my “progression” to less secure conditions of imprisonment. When the Kangaroo Court of the disciplinary adjudication resumes I will inevitably be found guilty and it will potentially add years to my continued imprisonment, I have always avoided direct physical confrontation with prison officers, focusing instead on trying to politically educate and occasionally organise prisoners, and such activities have informed a prejudice of me that for many years motivated the prison authorities to prevent my release.

However, my record of non-violence over the last twenty years was making it increasingly difficult to justify my continued detention in conditions of maximum-security. In 2011 the Parole Board recommended my transfer to an open prison in preparation for release, a recommendation that was completely ignored by the prison system. Now the “staff assault” at

Journalists can harass the relatives of child offenders and depict those who commit crime as monsters. But it is social media which has made naming and shaming into a life sentence. Twenty years ago, a child named in a local newspaper could be lucky. Often only local people with long memories would be able to associate the adult with the crime. A child had a chance of moving on with their life, particularly if they went to live somewhere else. But newspaper websites, twitter and facebook have changed all that.

The Twitter mob. Now naming and shaming lasts for ever since anyone can be googled at any time. And the twitter mob can be vicious. Jon Ronson wrote recently of people who had committed major faux-pas being hounded by social media activists (here). None of his subjects had committed crimes – one had told a sexist joke – yet they were vilified, and hounded out of their jobs. Some retreated from public altogether, others got depressed. This shows the power of the social media mob, and how important it is not to ‘feed it’. Is ‘naming and shaming’ someone in social media for any kind of transgression the modern equivalent of putting people in the stocks and pelting them with rotten eggs? If so, I hope we can develop our understanding that such behaviour is inhumane and usually benefits no-one. There are some positive signs. The Guardian led the media pack to request that Will Cornick be identified. But, as soon as they succeeded, Guardian journalists tweeted their disapproval of their employer’s actions.

The EU has enforced a ‘right to be forgotten’ so anyone can apply to Google to have links about them taken out of search results. In the first eight weeks after the court ruling, Google received 70,000 requests for removal, many from those who wanted to delete references to criminal convictions. The legislation is hated by anti-censorship campaigners but as Cambridge researcher Julia Powles wrote: ‘There is a public sphere of memory and truth, and there is a private one… Without the freedom to be private, we have precious little freedom at all‘. Many would say that children who commit serious crimes have forgone their freedom to be private, but I disagree. It’s in the interests of both child offenders and the public to preserve anonymity. Children have great potential to change. But naming and shaming prevents rehabilitation and labels children for life. So it may sell newspapers today, but it’s not in anyone’s long-term interest.

Lord Janner's Alleged Victims Seek Formal Review of DPP Decision

A group of people who say they were abused by Lord Janner are seeking a formal review of the decision not to prosecute the former Labour MP following child sex abuse claims. Alison Saunders, the director of public prosecutions, decided not to charge the 86-year-old peer on health grounds, despite saying there was enough evidence to prosecute for 22 sex offences against nine people. Janner, who now has dementia, was accused of carrying out a catalogue of abuse against young boys, and more than a dozen people came forward to claim he abused them during the 1960s, 1970s and 1980s. Lawyers representing a number of his alleged victims have written to the DPP to formally request a review of the decision.

Liz Dux, specialist abuse lawyer at the law firm Slater and Gordon, said: “Our clients … very much hope that she gives their request the careful attention it deserves. All they have ever wanted is for the opportunity to give their evidence and to be heard.” The Crown Prosecution Service faced criticism since the it was announced the peer would not face prosecution.

In a letter to the Times, a cross-party group of MPs said the decision was damaging public confidence, while the deputy prime minister, Nick Clegg, expressed sympathy with calls for a review. He added that it was essential people understood how the DPP had come to such a “highly controversial” decision. “I have to say here is an individual where there are some very serious allegations

media says the public have a right to know who commits serious crimes and why, regardless of their age – their readers want to know. The news editor of a national newspaper explained: 'We don't automatically challenge anonymity orders – only in specific cases where there are wider issues. There was a case recently where we wouldn't have dreamt of challenging anonymity, on ethical grounds. It was a 12 year old who'd raped his seven year old sister and the family wanted to do their best for both children. It would have satisfied no-one other than the lynch mob brigade to name him. The blanket of anonymity can be abused, though. If the identity of defendants cannot be disclosed, we as journalists can't report many circumstances of the crime. Children who commit crimes are a product of the environment in which they live, but if we can't report their name, we can't properly report the failings of their parents or hold the agencies to account who should have done more to prevent it.'

It's definitely in the media interest to name and shame. But is the media interest also the public interest? I'd argue it isn't. Open justice is important, but this cannot automatically trump the rights of children to privacy and to the chance of rehabilitation, enshrined in the UN Convention on the rights of the child. Much of the reporting of children in trouble goes much further than reporting the facts – to the creation of monsters – and it is questionable how much naming adds to the media's ability to cover a crime. The failings of agencies and parents can still be discussed, even if the child in question is anonymous.

The media also say that the public need to be protected from dangerous people, so those criminals should be identifiable. This is definitely the case for criminals 'on the run' but most children who commit crime are in the police station only hours after the deed – their crimes are seldom secret. Other parts of the justice system respect children's right to privacy. Children who appear in the family courts because they have been neglected or abused, or because their divorced parents are fighting over them, are always granted anonymity. In a ground-breaking case, a family judge also granted anonymity to a mother facing criminal charges involving her children, in order to protect the children: 'While there is no evidence of a risk to life and limb, if [mother] is publicly identified, the probable consequences for the younger family members would at best be harmful and at worst disastrous.' Mr Justice Jackson, 2012

The effects on child offenders of being publicly named and shamed can also be disastrous. So great was the public outpouring of anger and vitriol after the conviction of Jon Venables and Robert Thompson for the murder of Jamie Bulger in 1993 that they had to have their identities changed immediately. The Sun, which follows every twist and turn of their story says Jon Venables' identity has been changed four times and claims '[it] has cost taxpayers an estimated £5 million to keep him safe', as if this was way too high a price.

Do we want children who commit crime to be able to rebuild their lives? It's difficult enough for a child who has been convicted in court and punished, to overcome the employment and educational barriers they face. But to face a wall of hatred is even harder. Robert is 15 and is serving a prison sentence for his involvement in a robbery. He was led on by a 31 year old, whom he hardly knew. He was named on conviction and the press called him a 'cocky career criminal' and wrote intimate details of his life including the names of his mother, grandmother and his girlfriend, and the facts that his mother had a drug problem and he had spent time in care. The first he knew he had been named was when a prison officer told him of the negative media stories about him. As a result of the coverage, he has lost friends, and his grandmother and girlfriend have been harassed by the media. (here, p13).

Greenock will be portrayed by the prison authorities as clear evidence that my continued imprisonment is justified in the interests of "public protection".

Meanwhile prison staff in jails like Greenock will continue with impunity to brutalise and dehumanize prisoners, and sow the seeds of more Strangeways. As the prison population is characterised more and more by a demographic of poverty and disempowerment so prisons are becoming nothing more than modern concentration camps, institutions increasingly stripped of any rehabilitative veneer and existing simply as places of overt repression and the destruction of the poor. *John Bowden: HMP Shotts, Cantrell Road, Shotts,ML7 4LE*

Miliband Promises Prisoner to Take 'Closer' Look at 'Joint Enterprise'

Bracken Stockley. Justice Gap: A Labour government would look again at the controversial law of Joint Enterprise. In a letter to a prisoner serving life for murder in HMP Durham, Ed Miliband has signalled his party's intention to take another look at the complex doctrine which enables defendants to be found guilty of a killing even if they did not deliver the fatal blow.

In a letter to a constituent Ambrose Dear, the leader of the opposition acknowledged the campaign to reform the law. 'I know that JENGbA have helped raise awareness of this issue over the years and I can assure you that I will follow this closely,' he wrote. ' Back in 2o14, brothers Ambrose and Michael Dear were each convicted by a jury of murdering 57-year-old Sidney Cox as well as conspiracy to cause grievous bodily harm to another man Benjamin Reynolds. They were each sentenced to life in prison with a minimum of 18 years in custody minus time on remand. Ambrose Dear claims to not have been at the scene of the crime.

In his response to Dear, Miliband, who is MP for Doncaster North, noted that JENGbA and many joint enterprise families were calling for an 'urgent review' of the doctrine and that, despite similar calls from the House of Commons' Justice Committee in 2012 and in a follow-up report in December 2014, the Government has declined such a review.

'I believe it is vital that all prosecutions, particularly in cases which carry a high mandatory sentence like murder, are carried out in a fair and balanced manner. I also believe it is important that it is the independent Director of Public Prosecutions and the Crown Prosecution Service that consider whether a prosecution should be pursued under joint enterprise and that a jury is then able to consider all relevant information prior to this to deciding whether to convict.' Ed Miliband

Some 10,000 people have now signed JENGbA's petition against joint enterprise which was handed in to Number 10 by campaigners include JENGbA patron Jimmy McGovern. The Liberal Democrat manifesto has a pledge to introduce a Freedoms Act which would include reform of joint enterprise. In a previous interview with www.thejusticegap.com, McGovern said: 'Joint enterprise needs to be reformed but it's the case of murder, murder needs reforming – how we treat murder – if you don't reform that, there will always be injustice. You assist in the tiniest way and you do life, the man who pulled the trigger also does life.' Gloria Morrison, the Campaign Co-ordinator at JENGbA, says she believes that 'chinks in the megalith' that is joint enterprise charging and mandatory sentencing are 'starting to show'.

In response to the petition the Ministry of Justice said: 'Joint enterprise law has enabled some of the most serious offenders to be brought to justice. It ensures that if a crime is committed by two or more people, all those involved can potentially be charged and convicted of that offence.' The MoJ went on to explain that although they had 'considered the Justice Committee's recommendations carefully', it would 'not be appropriate' to launch a review of the law before the end of the Parliament.

Prisons do Not Work For Anyone – Except Those Who Profit From Them

Last night I saw the moon and a star. It was the first time in a long-time. It made me think of all my friends, old and new,and wonder what they were doing under its glow. I feel so lucky to be part of a wide network of people. Anything seems possible when you know you have support. But whilst these thoughts make prison bearable, I will never forget the violence of the system.

The prisons are nearly full. So they are building more. From Topshop to Tesco, DHL to Lend Lease, and Virgin to Geoamey, there is a lot of money in the prison regime. Now private 'Community Rehabilitation Companies' are running the probation service. Christopher Grayling has announced another 'rehabilitative initiative' for the Ministry of Justice. Prisoners will create sandbags, fence posts and kit for the Armed Forces, in order to 'learn important new skills' and the 'value of a hard days work'.

The word rehabilitation is never far away inside these walls. But prison has a long shadow it isolates, separates and destroys lives. Much has been written recently about women in prison. Even Vicky Pryce – ex-wife of a Tory MP has called for change. But whilst women in prison certainly have, to use the language of the screws, 'complex needs', calls for reform on gendered lines oversimplify the problem. Prisons do not work for anyone – except those who profit from them. And what does 'rehabilitation' even mean? Repenting for your crime? Bowing down to supposedly benevolent systems which are offered to us as 'choices'? Rehabilitation is used like a carrot we are meant to chase. But I will not participate in a race to make sandbags. There is no rehabilitation in an IPP, CSC or seg. When people are shipped out without warning. This is not rehabilitation.

Assata Shakur described one of the many show trials she was subjected to. Whilst I am not in any way comparing myself to her, the sentiment really resonated with me: "Participating in the New Jersey Trial was unprincipled and incorrect. By participating, I participated in my own oppression. I should have known better and not lent credence to that sham. In the long run, the people are our only appeal. The only ones who can free us are ourselves."

Some people successfully detox in prison, many relapse. Some leave their abusive relationships, may return. Just like the myth of 'protection' the police perpetuate, 'rehabilitation' is a convenient facade which hides systemic violence. The decisions people make in prison may benefit or harm them. But any positive changes the individual makes happen in spite of, not due to, the 'opportunities' we receive. I will never forget the razor wire and the sound of the key in the door. but even though you lock me in, I am not alone. Much love, Em x

Emma Sheppard: A7372DJ, HMP Send, Ripley Road, Woking, GU23 7LJ

The End is Nigh for Pissing up the Wall

Those who wee in the street in the city and escape being fined could now end up with very wet feet. Paint which repels liquids is being trialled to combat men who publicly urinate in Manchester's city centre. When painted on a wall, the "anti-pee" paint supposedly causes the urine to be reflected back onto the street-piddler, there by requiring a change of shoes. The City Council is looking to source the high-tech paint, called Ultra-Ever Dry, after it was used in Hamburg's clubbing district, Manchester Evening News. Councillor Kevin Peel told them,: "I don't quite understand the technicalities of it, but it's a serious issue in the city centre and I think it would be a useful thing to pick up. "So I've asked trading services at the council to see whether it can be bought in the UK and how much it costs - and see if we can source it." With local council resources stretched, the cost has been become a major concern, as well as frequency of rainfall in Manchester. The paint is a superhydrophobic, meaning that it has the ability to "completely repel almost any liquid". It is manufactured by Florida based company UltraTech and also used to coat cars.

It emerged on Monday that officers had delayed providing Gray with medical attention despite his requests. He asked officers for an asthma inhaler two minutes after he was apprehended, before he was placed inside the police van, according to senior city officials. Yet the van made two stops before medics were radioed for. During the second stop, another prisoner from a separate incident was placed inside the van in a compartment walled off from Gray. A criminal inquiry has been opened into Gray's death by city authorities. Officials said on Monday the investigation would be completed by Friday 1 May and then handed to state prosecutors, who would decide whether or not to bring state criminal charges.

Baltimore Freddie Gray protests Turn Violent as Police and Crowds Clash

Protesters in Baltimore furious over the death of Freddie Gray were arrested on Saturday 25th April as clashes broke out with police in riot gear outside the Oriole Park baseball stadium. Several police patrol cars were smashed in an abrupt move by demonstrators, who were chased out of downtown streets by dozens of police. Outside the Camden Yards stadium, officers backed by several mounted police repeatedly charged into crowds lined up in front of them, prompting scuffles as protesters shoved back against shields. Demonstrators chanted Gray's name and demanded the arrest of the six officers who were suspended following his death. "All night, all day, we're gonna fight for Freddie Gray," they sang. Thousands of people descended on Baltimore from around the US on Saturday to voice their anger about Gray's death. Protesters marched peacefully from the site of Gray's arrest on Presbury Street to the western district police headquarters and on to City Hall for a downtown rally. They chanted, sang and carried placards with slogans such as 26-year-old Felicia Thomas's "BPD is breakin' our necks".". Unity broke out briefly across a protest movement that has often fractured since the August nights following the death of Michael Brown, an unarmed 18-year-old whose fatal shooting in Ferguson, Missouri, prompted an outcry and revived a debate on the use of force by police. Even lifelong rivals from the Bloods and Crips gangs marched side-by-side after a day's truce said to have been negotiated by members of the Nation of Islam.

Naming & Shaming: Does the Press Really Need to Depict Kids As Monsters?

Penelope Gibbs, Justice Gap: Will Cornick, who killed teacher Ann Maguire, was named and shamed by the Sun before he was even charged – aged just 15. When he was convicted the tabloid press had a field day – they called him 'vile', 'twisted', 'a fiend'. They raked over his past to reinforce this image, reporting that this 'face of evil' had 'once terrified an innocent group of children by pretending to drink a jug of blood in a park', that he had 'tried to talk his girlfriend into Natural Born Killers-style murder spree', and that his classmates considered him a 'weirdo' and a 'loner'. I can understand why the media want to be able to identify boys like Will who commit serious crimes. It makes for a better story if they can use a name and picture and interview friends and ex-girlfriends – it helps to create a public monster.

All the details which come up in the trial can be related, giving readers a blow by blow account of the crime and the events leading up to it. In contrast a teenager who murdered a stranger in a lift was not named when convicted in April 2015, because the judge did not accede to the media request to list reporting restrictions. Despite the newsworthiness of a 13 year old committing murder, coverage was sparse. It was reported that the boy was part of a gang and had been excluded from school for carrying a knife. But there were few details.

Why shouldn't children (under 18s) who commit crime be named and shamed? The

Six Baltimore police officers have been suspended over Gray's death. The 25-year-old black man was arrested on 12 April after making eye contact with a senior officer and running away unprovoked, according to police chiefs, who say a switchblade knife was subsequently found in his pocket. He was charged with illegally carrying the knife. The officers were named on Tuesday by a department spokesman as lieutenant Brian Rice, 41, sergeant Alicia White, 30, and police officers William Porter, 25, Garrett Miller, 26, Edward Nero, 29, and Caesar Goodson, 45.

Cellphone video of the arrest released last week showed Gray being dragged into a police van by officers. While he was shouting in apparent pain and moving his head, at least one of his legs appeared limp. The video did not show his initial treatment by police. However, Miller stated in a report filed to court that Gray was arrested "without force or incident" and had suffered a "medical emergency" during his transportation in the police vehicle. Senior officials echoed this claim and said all the officers deny using force.

"It's clear that what happened happened inside the van," Mayor Stephanie Rawlings-Blake told a press conference on Monday. "When Mr Gray was put in that van, he could talk, he was upset. And when he was taken out of that van, he could not talk and he could not breathe," said deputy police commissioner Jerry Rodriguez. On Tuesday, the mayor said she "welcomed" the federal inquiry. "Whenever a police force conducts an internal investigation, there are always appropriate questions of transparency and impartiality," she said in a statement. "This outside review will assist us in getting to the bottom of what happened to Mr Gray in the most objective and transparent way possible."

'They're going to beat me' - At the Gilmor public housing projects in West Baltimore, 53-year-old James Brown told the Guardian he witnessed Gray's arrest last Sunday as he returned to his unit after buying cigarettes. "I heard him howling, I heard him screaming 'my leg, my leg'," said Brown, a self-employed roofer. "I saw them dragging him towards the van. They shoved him in head-first." Another Gilmor projects resident, who identified herself only as 60-year-old Rosa, said she saw the incident take place from her window, which overlooks the 1700 Presbury Street address where Gray was arrested. She said she screamed at officers to release Gray after noticing his leg was limp. "He was just a young boy, nothing good or bad about him," Rosa said, adding that she had often seen Gray in the neighbourhood.

The Guardian had been at the site of Gray's arrest for less than five minutes before a swarm of police cars arrived. A young suspect ran past shouting "They're going to beat me" before he was arrested and placed in the back of a patrol car. A Baltimore police officer said he was "unable to divulge details" on the arrest. As the patrol car drove off, a passer-by in another vehicle yelled, "Fuck the police, we deal with this shit every day." Another Gilmor projects resident, who identified himself as John Wick, 20, said he was a friend of Gray's and described him as a "nice, funny guy". With reference to the arrest that had just taken place, Wick said: "That guy probably getting his ass whipped. You think I want to be in the back of someone's paddy wagon? I hope he comes back."

A high bar for federal charges: Evidence that officers intentionally victimised Gray because of his race is likely to be needed for civil rights officials at the Justice Department to bring any prosecution. They may use a 19th century federal law – known technically as Section 242 of Title 18 – that makes it a crime for anyone acting with government authority to "wilfully deprive a person of a right or privilege protected by the Constitution or laws of the United States." That high bar was also in place for civil rights investigations into the 2012 killing in Florida of Trayvon Martin, an unarmed black teenager, by George Zimmerman, and the fatal police shooting last year of Michael Brown, an unarmed 18-year-old in Ferguson, Missouri.

Unease Over Police Trial of Hi-Tech DNA Machines *Oscar Quine, Indpendent*

Police forces across the UK are trialling technology that allows officers to analyse DNA samples in custody suites, amid fears that civil liberties could be infringed and evidence compromised. RapidHIT machines remove the need for forensic expertise, with police officers operating the machinery after a two-week training course. Developed in the US by IntegenX, the technology is being marketed in the UK by Key Forensic Services.

Patrick Carroll, senior director of international sales at IntegenX, has told The Independent that he "expected" to see the technology used in all major UK custody suites in the near future. Although data is currently double-checked by a forensic expert, he said he believed officers could soon input information directly into the national database. "What we want is the data from this to go directly into the national database, so that you skip that step of having to have a forensic lab."

However, civil liberties groups and lawyers have raised a number of concerns around the technology. Emma Carr, director of Big Brother Watch, called for robust and proper public consultation before its use was further implemented. "Laws were changed in the last parliament to attempt to restore some common sense to the way DNA of suspects is gathered," she said. "Yet this message has not been heeded by police forces who, by using this sort of technology, continue to ensure that the UK's DNA database remains one of the largest in the world. There has been little to no information given about the fact that these sorts of tests are being carried out and what checks are in place. " In a meeting in September last year, the National DNA Database Strategy Board said the technology was being accredited, though it added that there were concerns around the "business model that was driving its development". IntegenX has previously boasted that DNA samples retrieved from cigarette butts and cups, as well as clothing items, can be tested.

Raj Chada, a partner at Hodge, Jones & Allen solicitors, cast doubt over the reliability of evidence coming from DNA testing undertaken in custody suites – pointing to the issues of interpretation and contamination. He said: "At the minute it's a sterile environment when it gets sent to a forensic scientist in the lab. Doing it in a custody suite would increase the potential for contamination. Mr Chada added: "This is not a pregnancy test where you can say yes or no. You still have to interpret the analysis to show whether or not it's a hit, and one would have concerns as to whether or not the police or this machine have the capability of doing that."

It is believed that a handful of other UK forces are trialling RapidHIT machines, with Nottinghamshire Police and Lancashire Constabulary both receiving finance for the technology from the Police Innovation Fund in 2012. Scotland Yard confirmed that it had trialled the new technology. "The trial was run alongside existing forensic processes so no investigation was reliant on results from the trial technology," a spokesman said.

Paul Hackett, Key Forensic Services' managing director, said he had full confidence in the technology. "Like every area of DNA analysis there are risks throughout the whole end-to-end process and nobody claims that the current means of DNA testing in the UK is risk-free or contamination-free," he said. "This technique is open to the same risk-assessment and anti-contamination procedures."

John Pat Cunningham: Arrest Over Army Murder in 1974 *Belfast Telegraph*

Police investigating the murder of a man shot dead by soldiers in County Armagh more than 40 years ago have arrested a 73-year-old man in England. John Pat Cunningham, who was 27, was killed near Benburb on 15 June 1974. The case has been reopened by the PSNI's Legacy Investigation Branch and a murder investigation has begun. Mr Cunningham had a mental age of between six and 10. The suspect has been brought to Northern Ireland and

is being questioned at Antrim PSNI station. In 2013, the Ministry of Defence apologised to his family saying Mr Cunnigham was "blameless". Relatives of Mr Cunningham said the police investigation did not have their support.

Campaign organisation the Pat Finucane Centre (PFC) issued a statement on the family's behalf. "Whilst family members have cautiously welcomed the arrest, they have asked the PFC to state categorically that they will only have confidence in an investigative process that is completely independent of the PSNI," a spokesman said. "Cunningham family members said in October 2013 that they wish to see all investigations into British Army killings, including that of John Pat, being investigated by an independent body."

Hapless Burglar Left Charge Papers From Previous Offence at Crime Scene

Ross McCarthy, Daily Mirror: A bungling burglar who staged a crime spree at student accommodation was snared by police after leaving behind charge papers relating to a previous offence. Unemployed Ricky Woolaston posed as a repair man in order to carry out the raids at the University of Birmingham. He was caught by police after he left a bag containing some personal documents, including a charge paper relating to a previous offence, at a crime scene.

The longstanding drug addict was sentenced to four years by Judge Roderick Henderson, who said: “There was some planning because you were plainly equipped. "There is no doubt at all that you were wearing that jacket to give the impression that you were an employee at the university - although it was not that professional a crime because of what you left behind.” Woolaston, 35, of no fixed address, had previously admitted breaching an Anti-social Behaviour Order, five charges of burglary and asked for five similar charges to be taken into consideration.

Kevin Jones, prosecuting at Birmingham Crown Court, said that when Woolaston was arrested for breaching an order banning him from going to car parks he was found to have on him items including a screwdriver and an adjustable spanner. He was also wearing a jacket embossed with the words ‘Birmingham City Cleaning Services.’ He said the defendant had been wearing the jacket when he carried out the spree in January this year, reports the Birmingham Mail.

One victim had returned to find her bedroom window had been opened and discovered her £1,000 laptop had been taken - although fortunately for her her work was backed up. Mr Jones said Woolaston had also plundered another laptop from a female student along with her purse and mobile phone. He said the defendant had been seen by students over the course of several days who claimed he was looking for any problems and saying that he was part of a maintenance team. Woolaston also broke into a bioscience laboratory on January 29, forcing open cabinets and cupboards but not taking anything. Mr Jones added that police found his fingerprints in the lab along with a bag containing some personal documents including the charge paper in relation to the car park offence.

Heidi Kubik, defending, said Woolaston had a long-standing problem with drug addiction. After being released from a previous sentence he had been given accommodation at a hostel in Erdington where there were drug users and dealers and he “succumbed and reverted to his old behaviour.” Following the sentence, Dc Jon Green from the West Midlands Police Birmingham acquisitive crime team, said: “Woolaston targeted students at Birmingham University in order to feed his drug habit. "He wore a Birmingham University top and pretended to be a maintenance engineer in order to enter the student flats and steal electrical goods. Unfortunately for him, Woolaston managed to leave vital evidence behind at one of the break-ins, and we are grateful to vigilant students who were able to identify him for further burglaries. Woolaston was charged with a total of five offences, and asked for a further five burglaries to be taken into consideration. We are happy with his sentence.”

unlikely to improve public confidence in the Serious and Organised Crime regime of the criminal justice system as a whole. The Court considered that this proposition is inconsistent with the statutory purpose of the scheme: “Where a court could conclude that there was a change of circumstances it is for the court and not the prosecutor to assess the impact upon the sentence unless there is some countervailing factor. It is the transparency of the reviewing court delivering open justice that provides the necessary public confidence. Any decision to interfere or not to interfere with the sentence once referred would be the subject of reasoned decision.”

The Lord Chief Justice accepted that the prosecutor was entitled to take into account the medical circumstances in relation to each of the Stewarts in determining whether it would be oppressive to refer the sentences but considered that those circumstances were not decisive in either of these cases.

The Divisional Court concluded that the prosecutor did not ask the right question when considering whether it was in the interests of justice to refer the sentences to the court. It further considered that she took into account irrelevant considerations in her determination of that issue. Accordingly it quashed the decision.

ECtHR: Piper v. the United Kingdom - Violation of Article 6

The applicant, Graham Jason Piper application no. 44547/10, is a British national who was born in 1948 and lives in Essex (England, UK). His case concerned the length of criminal proceedings to seize assets. Mr Piper was arrested in the Netherlands in 1999; he was then transferred to the UK and charged with attempting to import 163kg of cocaine. In 2001 he was sentenced to 14 years in prison. He was released in 2006 having served half his sentence.

Prior to his trial the prosecution obtained an order to seize and preserve Mr Piper’s assets under the 1994 Drug Trafficking Act, which allows the State to confiscate assets equivalent in value to the proceeds received from drug trafficking. Following a number of procedural steps, the final judgment in the case was delivered on 17 March 2010.

Relying on Article 6 § 1 (right to a fair trial within a reasonable time), Mr Piper complained that the length of the proceedings had meant that his case had not been heard within a reasonable time. Violation of Article 6 § 1 (length of proceedings)

Just satisfaction: The Court held that the finding of a violation constituted adequate just satisfaction for the purposes of Article 41 (just satisfaction) of the Convention in respect of any possible non-pecuniary prejudice sustained by Mr Piper.

US: Civil Rights Inquiry Opened into Police-Van Death in Baltimore - *Indpendent*

The US Department of Justice has opened a civil rights inquiry into the death of a man whose neck was broken when he was arrested in Baltimore, Maryland. Federal investigators will look into the death of Freddie Gray, who died on Sunday, a week after being arrested and lapsing into a coma. An attorney for his family said his spine was “80% severed” at the neck and his voice box was crushed. “The Department of Justice has been monitoring the developments in Baltimore, MD, regarding the death of Freddie Gray,” a spokesperson said in an email. “Based on preliminary information, the Department of Justice has officially opened this matter and is gathering information to determine whether any prosecutable civil rights violation occurred.” The announcement followed members of Gray’s family telling the Guardian that Baltimore authorities could not be trusted to investigate the death of a prisoner in the custody of their own police officers, and that a federal inquiry should be opened.

had given to the police and had at that time undertaken to give by way of evidence was such that there should be a very substantial reduction in the sentence which they would otherwise have received. He accordingly reduced the minimum term by 75% to represent that assistance. The Lord Chief Justice commented that this represented a discount at the very top end of the range but added that in this case the assistance comprised past co-operation by way of debriefing and pleas of guilty to offences, including offences where the police had no reason to suspect the involvement of the Stewarts, and an undertaking to provide future assistance.

The applicant argued that it was insufficient for the prosecutor to review the judgments in the Haddock case for the purpose of analysing those lies found by the learned trial judge and determining whether each constituted a breach of the agreements. The Divisional Court did not agree. It accepted that the task of the prosecutor was to identify from the available material any breaches of the agreements but considered that there was a degree of discretionary judgement available to her as to how she should approach that task. The Lord Chief Justice said that the judgments were a careful analysis of the manner in which the Stewarts had given their evidence by reference to among other things the debriefing material and that any false statements to police which impinged on their credibility were likely to have been exposed in the trial process. The extent and range of the judgments showed the detailed analysis carried out by the trial judge: "In those circumstances the decision by the prosecutor to conduct an investigation by reference to the terms of the judgments in the Haddock case was well within the boundary of the range of approaches that she could have adopted."

The Lord Chief Justice said that the first task of the prosecutor should be to determine whether the court could conclude that the circumstances had changed and that this is a decision which is plainly reviewable on a traditional basis by the court. He commented that in this case the prosecutor did not ask whether the court could conclude that the circumstances had changed: "She noted that the breaches of the agreement did not in either case attribute criminal conduct to an innocent person. She concluded that each of the brothers had lied about their motivation in coming forward to police and recognised that the learned trial judge found that to be an important matter affecting their credibility. She concluded that the breaches of the agreement were not determinative of the outcome of the trial and represented a small proportion of the many difficulties with the evidence. As a result of this analysis she concluded that any substitution of the discounted sentence in either case was not likely to be significant. She further concluded that the prospects of what she called a "successful application" were low. In support of that view she relied upon the nature and extent of the assistance actually provided by both Stewarts. We accept that this can be a relevant consideration in determining whether a court could conclude that circumstances had changed but, if the court could so conclude, then where it did so the extent of assistance actually provided would only be relevant to the court's determination of sentence on the review."

The Lord Chief Justice said the prosecutor also considered that the time which had elapsed since the date the original sentence was passed was a relevant consideration. The Divisional Court doubted whether that was a matter which should have carried any weight: "The fact that the prosecutor becomes aware that an assisting offender has breached his agreement sometime after he had been released from custody, but during the currency of the sentence, generally should not of itself diminish the public interest in ensuring that the changed circumstances are recognised by an appropriate sentence."

The Lord Chief Justice noted that a further consideration taken into account by the prosecutor was that any failed attempt to have the discounted sentences substituted was

Patrick & Paul Somers - Jail Terms Increased

[1] On 7 July 2014 the offenders were committed for trial to Fermanagh and Tyrone Crown Court on a single count that they unlawfully and maliciously wounded Shane Gallagher in the early hours of 27 October 2013 with intent to do him grievous bodily harm. At their arraignment on 28 August 2014, both offenders pleaded guilty to the offence. On 10 November 2014, Her Hon Judge McReynolds sentenced both offenders to a 3Ω years determinate custodial sentence, comprising 1 year in custody and 2Ω years on licence. On 8 December 2014 the DPP lodged an application for leave to refer the sentences to the Court of Appeal. Mr McGrory QC appeared with Ms Walsh for the prosecution, Mr Mulholland QC appeared with Ms Philips for Paul Somers and Mr Grant QC appeared for Patrick Somers with Mr Barr. We are grateful to all counsel for their helpful written and oral submissions.

Consideration: Court of Appeal in Northern Ireland

[20] There is a long line of authority from this court dealing with the problem of wanton violence by young males often after the consumption of large amounts of alcohol. Where such an attack is carried out with the use of weapons or involves an attack with a shod foot on a victim on the ground the sentencing range will lie between seven and 15 years depending on the issues of culpability and harm other than in exceptional circumstances. This sentencing range is designed to deter those who may be minded to engage in such violence and to protect the community in the event that such violence occurs by imprisoning or detaining the offenders. Since this is a deterrent sentencing range the personal circumstances of the offender are unlikely to carry great weight. They are not, however, altogether excluded. We should make it clear as we have before that although the aggravating and mitigating factors identified by the Sentencing Council are proper matters for consideration by the sentencer the starting points and ranges identified by the Sentencing Council ought not to be treated as guidelines in this jurisdiction unless expressly approved by this court.

[21] This was a case of high culpability. There was an element of premeditation in returning to the bar. The injured party was outnumbered by the offenders. Patrick Somers used a shod foot as a weapon and Paul Somers used a pool cue and bar stool. Both offenders were under the influence of drink and Paul Somers admitted to being under the influence of cocaine. In relation to the offenders both have previous convictions for offences of violence and both were in breach of suspended sentences. It is apparent that both responded to the inaccurate telephone call from their aunt which at least explains but does not excuse their outrageous conduct. Although the pre-sentence reports suggest remorse and motivation towards changing their ways that has to be balanced against the fact that these offences were committed within 18 months of receiving suspended sentences for similar offences and the assessment in each case that there was a high risk of reoffending. Making every possible allowance for the mitigating factors the starting point before considering discount for a plea was somewhere between seven and eight years.

[22] Both pleaded guilty at arraignment. Neither made admissions during police interview apparently because no statement of complaint or other material was then available. When the CCTV was made available it is clear that there was no other course available to them. That does not, however, deprive them of reasonable discount for the course taken. We consider that the minimum sentence on the section 18 count after the plea was five years.

[23] In this case each of these respondents was subject to a suspended sentence in relation to similar conduct. The implementation of the suspended sentence is not in any sense double counting since it is related to the penalty imposed for the previous offence rather than an element of the subsequently committed the offence. The decision to implement such a sen-

tence is, of course, subject to the principle of totality. Having regard to the similarity of the criminal conduct in the prior offence we consider that this was an entirely appropriate case for the implementation of the suspended sentences consecutively.

[24] We are satisfied, therefore, that the sentence in each case was unduly lenient. In light of the principle of double jeopardy we consider that we should impose a determinate custodial sentence of five years on the section 18 count and implement the suspended sentences concurrently.

[25] In R v McKeown [2013] NICA 28 we considered the approach towards the assessment of the licence period. Where the licence period is to be extended beyond one half of the term of the sentence the judge must explain why such a disposal will achieve the statutory objectives contained in Article 8 (5) of the Criminal Justice (Northern Ireland) Order 2008. In this case the most that can be said is that there is some support for the view that both appellants should undertake courses during the post-custody period. There is no information about the duration of such courses. No material has been opened to us which would have justified a period of licence of more than one half of the term.

[26] Conclusion: For the reasons given we substitute for the sentence of 3 Ω years a determinate custodial sentence of five years comprising 2 Ω years in custody in 2 Ω years on licence. Because of double jeopardy we implement the suspended sentences in each case concurrently.

Decision Not To Refer Stewart Brothers' Cases Back to Sentencing Court - Quashed

The Divisional Court in Belfast on Tuesday 21st April 2015, quashed a decision of a prosecutor not to refer the cases of Robert Stewart and Ian Stewart back to the court which sentenced them for their role in the murder of Tommy English after it was claimed they failed to comply with the terms of their agreements under the Serious Organised Crime and Police Act 2005 ("the 2005 Act"). This Act established a scheme for the reduction of sentences of offenders who offered to assist in the investigation and prosecution of offending by others and the review of the sentences of those co-operating offenders in certain prescribed circumstances.

On 4 August 2008 Robert and Ian Stewart approached the police and admitted a role in the murder of Tommy English in 2000 and named other persons whom they said had been involved. Each brother expressed a wish to become an assisting offender under the terms of the 2005 Act and entered into an assisting offender agreement with a prosecutor ("the agreements").

Under the agreements, the Stewarts agreed to "assist the investigator in relation to the investigation being conducted by the PSNI into offences relating to the murder of Thomas English on 31 October 2000 and … other offences connected and unconnected with [that] incident". This assistance would include participation in a debriefing process; provision of all the information they had and provision of a truthful account of the existence and activities of all others involved; and pleading guilty to the offences they admitted. The agreements also required the Stewarts to maintain continuous and complete co-operation throughout the investigation and any consequent court proceedings and to give truthful evidence in any court proceedings arising from the investigation. The agreements stated that failure to comply with their terms could result in any sentence the Stewarts might receive being referred back to the court for review.

The Stewarts pleaded guilty on 12 February 2010 in accordance with the agreements to such of the offences admitted by them which the PPS deemed met the test for prosecution including in each case the murder of Mr English. On 5 March 2010 the sentencing court identified a tariff starting point of 22 years. Taking account of their assistance under the agreements, the court applied a 75% reduction to the starting point, taking the tariff down to 5 ½

years. A further reduction was then made in light of their guilty pleas and personal circumstances with the effect that both were required to serve a minimum term of 3 years' imprisonment before they could be considered for release on licence.

The Stewarts gave evidence at the trial of R v Haddock and others. There were 37 counts. The trial judge convicted one defendant on counts of possession of an item for terrorist purposes (a sledgehammer) and doing an act with intent to pervert the course of justice. Neither of those convictions depended on the evidence of the Stewarts. The rest of the charges were dismissed. The trial judge said the Stewarts' evidence was so flawed that he was unable to exclude the real possibility that it was false in its implication of one or more of the accused:

"In summary these are dishonest witnesses of very bad character who have lied to the police and to the court, on some occasions wrongly implicated a number of men who were clearly not present at the crimes suggested, on other occasions at worst falsely embellished or at best wildly confused the roles and words of those whom they alleged were present, have clear difficulties distinguishing one crime scene from another, have obviously colluded to produce certain parts of their testimony and have given evidence which is flatly contradicted by unchallenged independent evidence throughout the process. Weighing up all these factors I have come to the conclusion that the evidence of the Stewart brothers, on which the core of the prosecution case rests, is so unreliable … that any supportive or additional evidence relied on by the prosecution evidence, is insufficient to satisfy me beyond a reasonable doubt as to the guilt of any of the accused on any of the remaining counts."

The applicant, Jason Loughlin, was one of those tried and acquitted. He sought to challenge the decision of the prosecutor to decline to refer the cases of the Stewarts back to the sentencing court under section 74 of the 2005 Act. This provision permits the court to substitute a greater sentence where it is satisfied that a person has knowingly failed to give assistance as specified in the agreement.

The Lord Chief Justice, delivering the judgment of the Divisional Court, said there was a long-standing and entirely pragmatic convention by which criminals received lower sentences than they otherwise deserved because they had informed on or given evidence against those who had participated in the same or other crimes. He noted that the review arrangements in the 2005 Act provided an important safeguard against dishonest manipulation of the process by the defendant.

The Divisional Court noted that a review under section 74 is a fresh process which takes place in new circumstances. It considered that this analysis is helpful in understanding how the prosecutor should approach the interests of justice test in the 2005 Act: "If the prosecutor concludes that the failure to give assistance is such that the court could not conclude that the circumstances had altered as a result, the interests of justice would rarely require referral. If, as is generally likely to be the case where there has been a failure or refusal to provide assistance, the court could take the view that the circumstances had changed the interests of justice would point towards a referral unless there were countervailing considerations. It is with those principles in mind that we examine the approach of the prosecutor in this case."

The Lord Chief Justice said the starting point, therefore, is to establish the circumstances as identified by the trial judge when he passed sentence on the Stewarts on 5 March 2010. In his judgment, the trial judge noted that the Stewarts had admitted their part in a very large number of offences, many of a very serious nature. He noted the investigations were continuing into the murder of Thomas English and that the prosecution regarded the assistance provided by the Stewarts as evidence which would greatly assist in those investigations and any prosecutions flowing from them. The trial judge considered that the extent of the assistance which they