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Sam Hallam & Victor Nealon - 'Miscarriage Of Justice' Compensation Challenge, Defeated

Sam Hallam, who was convicted of murder, and Victor Nealon, who was found guilty of attempted rape, suffered a defeat at the High Court last year. But they took their cases to the Court of Appeal. On Monday, three judges in London dismissed their human rights challenges. Mr Hallam, now 28, from east London, served more than seven years after he was sentenced to life as a teenager following his conviction at the Old Bailey in 2005 of the murder of a trainee chef. Mr Nealon, 54, who is originally from Dublin, was given a life sentence after his trial at Hereford Crown Court and served 17 years in jail - 10 more than the seven-year minimum term - after he persisted in asserting he was innocent. They were both set free after appeal judges ruled that fresh evidence made their convictions unsafe, but each had applications for compensation rejected by the Ministry of Justice (MoJ). Mr Hallam's conviction was quashed in 2012. Former postman Mr Nealon, who was convicted in 1997 of the attempted rape of a woman in Redditch, Worcestershire, won his appeal in December 2013.

At the High Court, they asked two judges to rule that UK law is incompatible with the European Convention on Human Rights (ECHR) because it wrongly restricts compensation in "miscarriage of justice" cases. Lawyers argued on their behalf that the Criminal Justice Act 1988, which governs compensation payments, was amended in 2014 in a way that violated Article 6 (2) of the ECHR because it required a person seeking an award to prove they were innocent. Applicants for compensation now have to satisfy the Justice Secretary that "a new or newly-discovered fact shows beyond reasonable doubt" that they did not commit the offences for which they were jailed.

Lord Justice Burnett, announcing the High Court's decision last June, ruled that the law "does not require the applicant for compensation to prove his innocence". He said: "It is the link between the new fact and the applicant's innocence of which the Secretary of State must be satisfied before he is required to pay compensation under the 1988 Act, not his innocence in a wider or general sense." Mr Hallam and Mr Nealon challenged the High Court's findings at the Court of Appeal last month in proceedings before Master of the Rolls Lord Dyson, Sir Brian Leveson and Lord Justice Hamblen. The three judges were asked to rule that the lower court "erred in law" when reaching its decision, but on Monday they announced that both appeals were dismissed. The judges also refused permission to appeal to the UK's highest court, but it is still open to the men to apply directly to the Supreme Court in a bid to take their cases further.

New Orleans Judge Orders Inmates' Release Amid Public Defense Crisis

Ciara McCarthy, Guardian: A judge in New Orleans on Friday 8th January 2016, ordered that seven prisoners charged with crimes ranging from murder to aggravated rape be released from jail because there isn't adequate funding for their legal representation, the most drastic sign of a growing public defense crisis in the city and throughout Louisiana. The inmates, who are guaranteed a lawyer because they cannot afford their own, will remain in jail while prosecutors appeal against the judge's decision. In his order, Orleans parish judge Arthur Hunter Jr ruled the inmates be released and their prosecutions delayed, saying the lack of funding for their defense is a violation of the inmates' sixth amendment rights and of the 14th amendment due process clause. "We are now faced with a fundamental question, not only in New Orleans, but across Louisiana: what kind of criminal justice system do we want? One based on fairness or injustice, equality or prejudice, efficiency or chaos, right or wrong?" Hunter wrote in his order.

The seven men that Hunter ordered be released were initially assigned to public defenders from the Orleans public defenders office. In November, the office said it couldn't take on any new cases because staff did not have enough resources to prepare adequate defense. The office began refusing some new cases in January. Tulane law professor Pamela Metzger was appointed by the court to litigate the men's constitutional due process rights, and private attorneys have been appointed to the men's criminal defense cases. The attorneys don't have money to investigate their clients' cases and hire experts and pay for other costs that traditionally come with felony charges, Metzger said. "We are very gratified that Judge Hunter had the courage and the integrity to stand in favor of the constitution and in support of the rights of poor people to the assistance of counsel and due process of law," Metzger told the Guardian. She said the men were "cautiously optimistic", in the wake of Hunter's ruling.

Hunter wrote in his ruling that appointing private attorneys was not a solution to the lack of public defenders, saying that their appointment "without adequate resources to represent their clients makes a mockery" of the sixth amendment. Five of the seven men have been awaiting trial for more than a year, and one of the men has been waiting for more than three years. Prosecutors told the New Orleans Advocate they would appeal against the decision within 10 days.

Metzger said she expected there would be similar rulings to Hunter's in the future for other inmates awaiting trial. "This is the logical end to not having resources to represent people," said Derwyn Bunton, the chief defender of Orleans public defenders office. Louisiana's unusual system to pay for public defense relies largely on court-generated fines and fees, which causes a fluctuating source of funding, Bunton said. The Orleans public defenders office has seen its budget split in half during the last four years, leaving staff fewer resources and causing experienced attorneys to seek better-paying jobs elsewhere. Remaining staff are nearing or have reached their workload limits, which is why the office has referred roughly 110 people so far seeking defense to a wait list, Bunton said.He said the state need an entirely new structure for public defense funding to fix the current crisis. Remedies to the crisis are unclear. State lawmakers are considering legislation that would grant more money to public defender offices throughout the state by taking it from defense teams of inmates facing the death penalty, according to the Times-Picayune. The American Civil Liberties Union is suing the Orleans public defenders office and the Louisiana public defender board over its refusal to accept some new clients.

Turkey: Man Who Murdered Student Shot Dead In Prison

A man convicted of murdering a 20-year-old female student in a crime that sparked fury over violence against women in Turkey has been shot dead in prison, local media reported. Ahmet Suphi Altındöken, 27, a minibus driver, was jailed for life without parole in December 2015 for killing and attempting to rape Özgecan Aslan. The 27-year-old was taken to hospital after the attack at the high-security prison in the southern Adana region on Monday, but doctors were unable to save his life. Altındöken's father, Necmettin, 51 – who was one of two men jailed as accomplices – was also shot and wounded, the Doğan news agency reported, but his injuries were not said to be life threatening. Prosecutors have launched an investigation into the circumstances of the attack and who carried it out. Altındöken Jr was shot close to his heart and a 6.35mm pistol was used, the report added.

On the day of her death, Aslan had been travelling on Altındöken's minibus, his trial had heard.

When all the other passengers had got off, he drove to a wood and tried to rape her. Aslan fought back using pepper spray but Altındöken bludgeoned and stabbed her to death. Altındöken's father and a friend were found guilty of helping him burn and dispose of the body. The trial was hailed as hugely symbolic in a country where hundreds of women are killed by men, often their husbands, each year. Killers have frequently been given reduced sentences by arguing that a woman provoked them, or that their dignity was impugned. Activists say remarks by government officials about women and how they should be treated leave them exposed to violence.

Beer More Precious Than Children

A man in Western Australia was caught by police puting the safety of his beer before his children. After stopping the driver on the Great Northern Highway, police found children in the car sitting on the laps of adults and in the foot wells – while the cases of beer were safely secured behind seatbelts. The driver, 27, was charged with "no authority to drive and failure to restrain a child."

Treating Prisoners as 'Assets' – and the Real Reason Behind Gove's Prison Reforms

Will McMahon, Justice Gap: When given time to prepare, politicians can demonstrate exceptional presentation skills. Astute political communication often rests on the ability to craft messages to engage the chosen audience on their preferred terrain and to develop a narrative that gives the listener reasons to support the policy proposals being suggested. Using this technique it can be possible to develop broad coalitions to support ostensibly simple policy platforms with radical implications, even though the different audiences might be listening from very different standpoints. Being 'tough on crime, and tough on the causes of crime' is perhaps the most well known example of this technique in the field of criminal justice policy.

Who could possibly disagree? Yet, despite being lauded by much of the liberal reform sector for this engaging couplet, the concrete outcome of Tony Blair's prescription was a rapid expansion in prison numbers and the staffing and operations of criminal justice as a whole. Many, frankly desperate to see the end of Conservative rule, had a valence to hear the message they wanted to hear, 'tough on the causes', rather than to look at the policy in the round. When Tony said he was going to be 'tough on crime' he meant it, but that was the message heard by the other side of the grand coalition that was 'New' Labour. This experience needs to be considered when appraising the recently announced prison reform policy.

Assets, not liabilities: Michael Gove has been busy in delivering messages aimed at corralling the reform movement behind the government's prison transformation programme, with an emphasis on the closure of old prisons, the opening of new estate more able to deliver on rehabilitation, and the idea that prisoners should be seen as 'assets' rather than liabilities.This approach has received a more than warm reception from parts of the reform movement. Rather than despairing about the overall lack of efficacy of the reform strategies since the early 1990s, and the burgeoning of prison numbers, there is an understandable desire to focus on the positive presentational messages that appear to reinforce and reinvigorate reformist ambitions.

Yet, if we listen from a different standpoint the messages being delivered can take on a different hue. It is no secret that the present government is committed to both reducing the size and scope of the state and believes that private delivery of most services should be the preferred policy option. Indeed, over the last generation more and more services, including those for vulnerable groups, such as the frail elderly and children in care, have been transferred to the private sector.So those in the business of private provision will have had their ears

cocked during the various announcements unpacking the prison reform programme to hear what opportunities might be arising. From this standpoint, the government will have left them hopeful that the prison service as a whole is to be opened to full-scale privatisation.

Preparing for market: Localism is usually thought of as a common good. Indeed, local prisons for local prisoners that family members can be more easily reach is often thought to be a sine qua non of a genuine commitment to rehabilitation. Yet, local management of prisons does not in and of itself promise this and is in fact quite a different proposition. Its real effect may be to break the existing state-managed system into smaller units that are much easier to contract out or privatise. Creating a market in prison provision requires the break-up of the system, otherwise what is regarded as the necessary competition to produce more effective outcomes will not take place – a public monopoly will just be replaced by a private monopoly.

In his Policy Exchange speech on prisons, the Prime Minister made reference to prison regulations allowing prisoners to have only a certain number of underpants and jigsaws and no more than 12 sheets of music. This can be heard as a call for the relaxation of certain onerous and unnecessary aspects of the punishment regime and a welcome liberalisation. However, from the perspective of a private investor, this is a signal that an over complex regulatory regime is to be curtailed, with the effect of creating cost savings for any entrepreneur wishing to invest in the prison reform programme. As in other areas of the government's programme, the emphasis is firmly on a 'bonfire of the red tape' with a purpose, the simplification of service delivery processes to allow for the creation of a viable space for market profit to be realised. The promise to introduce league tables for locally managed prisons creates the impression that prisons will be measured on outcomes for individual prisoners. However, as with school league tables, rather than measuring outcomes for individual students so that parents can judge which school to send their child to, the underlying purpose is to measure one institution against another so that market information can be created that allows competition to be in some way meaningful.

Markets in punishment and education do not arise as a result of everyday life, the conditions need to be created for them to develop, the ground has to be prepared for their construction. Localism, league tables and deregulation were the tried and tested processes used to the break-up and passage into private hands of much of the primary and secondary education system and prepared the way for forced academisation – there is little reason to suppose that a similar method will not be used for the prison system. The reader may, or may not, be in favour of private investment in education or the prison system, that is beside the point; what is crucial in politics is that governments will often offer 'a reason' or a series of 'reasons' in order to draw a coalition behind a policy that has a desired outcome for the policy objective – the 'real reason'. In the case of prison reform, the real reason may be a long-held government ambition, the delivery of a privatisation programme that began with British Aerospace in 1981 and has been a core purpose of Conservative policy ever since the Ridley Report was drawn up in 1977 in the policy aftermath of the Heath Government. It is to be expected, as part of building a coalition for the full privatisation of prisons, that government will dress the policy to make it as palatable as possible for the prison reform sector.

Talk of belief in redemption, combined with the clothes of localism, an end to over controlling prison regulations, and new prisons offering greater promise of rehabilitation, and the almost subversive comment that prisoners should be seen as 'assets', is the type of astute political packaging and communication that is aimed at neutralising opposition to the real reason for reform.

Negative Prison Report Was Toned Down, Leaked Draft Suggests *Guardian*

A critical inspection report on the state of Britain's most famous prison appears to have been toned down before publication, according to drafts seen by the Guardian. The report on Wormwood Scrubs, released on Tuesday, includes a foreword by the new chief inspector of prisons, Peter Clarke, who highlights the poor condition of the prison – outlining high levels of assaults, worsening safety records, suicides, easy access to drugs and even a rat problem. But an earlier draft leaked to the Guardian, which was written by the previous chief inspector, Nick Hardwick, before he stepped down in January, contained much tougher language. Hardwick announced in the first paragraph of his introduction that the prison remained in a "shameful condition"; Clarke's version said it was in a "poor condition". The earlier version also reported that one in 10 prisoners at Wormwood Scrubs said they had been physically assaulted and that "too many prisoners at risk of suicide or self-harm were held in the segregation unit without any explanation of the exceptional reasons required to justify it". These details are absent from Clarke's introduction.

In his concluding paragraph, Hardwick described meeting an 18-year-old who had for several months spent at least 22 hours a day in a cell with a broken window and a toilet that stank. The prisoner was also set to be homeless once released. "It was hard to identify anything that had happened in the prison that might improve the odds on him staying out of trouble when he left – and it was easy to see much that made them worse. There were many prisoners like him," he wrote. "The prison stands as an object lesson in the need for radical reform." The published version reaches a dryer conclusion that notes: "Wormwood Scrubs is a prison that continues to fall short of expected standards."

Frances Crook, chief executive of the Howard League for Penal Reform, said: "It raises concerns if the new chief inspector feels he is unable to be as robust as we would hope. The chief inspector must talk truth to the justice secretary and to the public about prison conditions as people die in jails, assaults and violence are everyday events, and that spills out into the community affecting us all." The role of chief inspector of prisons is an independent position, decided by open competition. Clarke, the former Scotland Yard head of counter-terrorism, was appointed to replace Hardwick and started in January. However, before he started there was some unease when it emerged in a justice select committee hearing last year that he had been telephoned by Michael Gove to see if he would be interested in the job.

An HM Inspectorate of Prisons spokeswoman rejected the suggestion that the report had been toned down. She said the changes to the report were made because Hardwick's original version was too long and contained personal observations Clarke had not witnessed. "Some amends were made to the introduction of this report to make it shorter, sharper and more impactful, but the substance of this extremely critical report has not changed … This report is one of the most critical published by the inspectorate in recent years," she said. The Ministry of Justice said it could not comment.

The final version of the inspection report remains highly critical of conditions in Wormwood Scrubs, where outcomes for the 1,258 men held there are still "unacceptably poor". It concludes that most prisoners still have less than two hours a day out of the cells, the levels of use of force were far higher than in similar prisons, and the number of prisoners being made homeless on release had risen by 5% to 40% since resettlement services were outsourced to the London Community Rehabilitation Company. Jo Stevens, shadow prisons minister, said: "It is absolutely vital that HM Inspectorate of Prisons is able to produce reports with total independence free from any interference or influence … This shocking inspection report raises huge questions about the Ministry of Justice's competence to address the worsening Tory prison crisis."

Inspection of HMP Wormwood Scrubs – Very Concerning

This report describes the findings of a very concerning inspection of HMP Wormwood Scrubs. Our announced inspection took place 18 months after the last inspection, whenwe also had serious concerns. Not nearly enough progress had been made. The prison, probably the most famous in the country, remained in a poor condition with unacceptably poor outcomes for the 1,258 adult men held, with much too little done to address their behaviour before they returned to the community. Not nearly enough progress had been made at HMP Wormwood Scrubs, said Martin Lomas, Deputy Chief Inspector of Prisons. As he published the report of an announced inspection of the West London local jail. This announced inspection of HMP Wormwood Scrubs took place 18 months after the last inspection, when inspectors also had serious concerns. The prison remained in a poor condition with unacceptably poor outcomes for the 1,258 men held, with much too little done to address their behaviour before they returned to the community. Progress had been severely hindered by very poor industrial relations at the prison. There were staffing shortages and the main union was opposed to the staffing arrangements for an improved regime the governor had wanted to introduce. Eventually national managers and union officials negotiated an alternative regime, which was in theory an improvement. In reality, the new regime was not being consistently delivered.

Inspectors were concerned to find that: • 49 recommendations from the last inspection had not been achieved and 16 only partly achieved • safety had deteriorated; • many prisoners arrived late in the day and reception processes continued into the early hours of the morning, undermining the ability of staff to identify risks; • inadequate arrangements for prisoners who required alcohol detoxification were particularly dangerous; • the number of assaults on prisoners and staff was double that at similar prisons and at the time of the last inspection; • there had been two self-inflicted deaths since the last inspection and while limited improvements had been made to supporting prisoners at risk of suicide and self-harm, procedures remained weak; • almost two out of five prisoners said it was easy to get drugs in the prison, drug use was linked to gang activity and debt and the prison's response to these threats was wholly inadequate; • the regime was generally so poor for everyone that the incentives and earned privileges schemes provided little encouragement for good behaviour; • levels of use of force were far higher than in similar prisoners and oversight was poor; • too little had been done to meet the needs of foreign national prisoners, particularly those who could not read or speak English;• the prison had a significant rat problem and there had been unacceptable failures by nationally commissioned facilities management services;• most prisoners still had less than two hours a day out of their cells; • poor use was made of the activity places available and attendance and punctuality were poor, although there were efforts to improve the quality of the activities available and some signs of improvement; • offender management and resettlement services were poor - staff shortages meant that most prisoners did not have an offender supervisor and there was a large backlog of risk assessments; and• since the new community rehabilitation company had taken over resettlement services, the proportion of prisoners who had accommodation on release had fallen from 95% to 60%, according to the prison's own data. • Inspectors made 93 recommendations

Martin Lomas said: "Wormwood Scrubs is a prison that continues to fall short of expected standards, and at the time of our inspection there was little cause for optimism. We leave the prison managers and staff with a series of recommendations, many repeated, which we believe require immediate attention if the establishment is to begin to fulfil its responsibilities."

HMP & YOI BRONZEFIELD – A Very Good and Improved Women's Prison

HMP Bronzefield, was a well-led prison with committed staff and had continued to improve, said Martin Lomas, Deputy Chief Inspector of Prisons. As he published the report of an unannounced inspection of the women's prison in West London. HMP Bronzefield is a women's local prison run by Sodexo Justice Services. It holds up to 527 women including those remanded by the courts, those serving short sentences and a number serving life. Ages of prisoners range from 18 to over 70. It is one of two prisons that holds restricted status women, deemed to require special management due to the level of risk they present or the notoriety of their offences. The catchment area of the prison is huge and the mix of women held continues to present a blend of complexity and vulnerability. Over 40% of prisoners indicated they had a problem with drugs and 66% said they had emotional wellbeing or mental health problems. The proportion of women reporting these types of problems was significantly higher than at the last inspection in 2013. It was encouraging to see that the prison had continued the improvement inspectors reported on after the 2013 inspection.

Inspectors were concerned to find that: • 12 recommendations from the last report had not been achieved and 14 only partly achieved • the quality of teaching and learning remained too variable and outcomes in the key area of functional skills (including maths and English) needed to be better; and • despite little violence and few serious incidents, many women still complained that they had felt unsafe at some time and had been victimised by both other prisoners and staff, and more needed to be done to reassure women about safety. • Inspectors made 46 recommendations.

Juliet Lyon Why I'm Leaving the Prison Reform Trust Now

Why step down from a charity you love, just when prison reform is properly on the public and parliamentary agenda? Why hand over when there is so much yet to achieve? The answer has to be, precisely because both of these things are true. There is a painful tension between the rhetoric of prison reform, and the prime minister's ambitions to make it the "great progressive cause of British politics", and the reality of the highest recorded levels of violence, suicide and self-harm in our overcrowded jails. It hurts to hear, and in large measure to believe, David Cameron and Michael Gove when they say they want to create a prison system that treats people in custody as "potential assets" and "not simply as liabilities to be managed". My recent visit to a ghostly, silent, locked-down Wormwood Scrubs and this week's chief inspector's report of men condemned to spend 22 hours a day behind their doors in a filthy, rat-infested prison, both attest to the extent of the challenge faced.

It is a fierce irony that this government's commitment to reform comes after two or three years of destabilisation of prison and probation services largely on its watch. Drastic budget cuts and an up-to-one-third reduction in staffing levels have set back much of the painstaking progress made since Lord Woolf's report into the disturbances at Strangeways prison. Since 1990, under successive governments too ready to use so-called "toughness on crime" as a party political badge of virility, the prison population has all but doubled, as inflation in sentencing and use of mandatory penalties have surged. Letters and calls to the Prison Reform Trust's advice and information service, now over 6,700 a year, reveal the day-to-day frustrations and privations, as well as time wasted, in a beleaguered public service. They show how hope was sucked out of the system by the former justice secretary Chris Grayling, intent on introducing more punitive measures, reducing incentives and restricting the previously successful release on temporary licence scheme. Meanwhile reconviction rates, unsurprisingly, remain stubbornly high. No one can, or should, accept that almost half of all prisoners are reconvicted within just one year of release.

Some things are particularly hard to stomach. The abolition in 2012 of the Kafkaesque indeterminate sentence for public protection, welcome in itself, has left over 4,000 people stranded in custody, most serving time for what they might do in the future rather than what they have done. One young woman, sentenced 10 years ago for arson, for trying to kill herself by setting her Holloway cell on fire, remains distressed and unwell in prison to this day. Many of the solutions to crime lie outside prison walls and outside the confines of a single government department. One of the things I am most proud of is that the Prison Reform Trust has helped reduce child imprisonment by over 60% since 2007. Another is work with the Women's Institute and our care not custody coalition to campaign for services to divert, where possible, people with mental health needs or a learning disability, and those struggling with addictions, out of the criminal justice system into the treatment and care they need. Liaison and diversion services in police stations and courts, funded by the Department of Health, now cover half of the country.

I am proud to lead an independent charity with such a good track record of driving policy and practice change; one that publishes clear, accurate figures about the state of our prisons and puts evidence before opinion. Michael Gove has drawn more than once on Winston Churchill's seminal speech naming the treatment of crime and criminals as "one of the most unfailing tests of the civilisation of any country". After 16 years, and with prison reform now firmly on the agenda and much work still to do to ensure that fairness and proportionality are the watchwords for our justice system, the summer is the right time to hand on the baton.

Immigration Officers Allowed to Hack Phones of Refugees and Asylum Seekers

Mark Townsend, Observer: Immigration officials have been permitted to hack the phones of refugees and asylum seekers, including rape and torture victims, for the past three years. The revelation has sparked outrage among civil rights groups and campaigners for rape victims, who said that it was distressing that the British government had rolled out powers that could target some of the most vulnerable individuals in society. The Home Office confirmed to the Observer that since 2013 immigration officials have been granted the power to "property interference, including interference with equipment", which can include planting a listening device in a home, car or detention centre, as well as hacking into phones or computers. Critics fear the powers could undermine lawyer-client confidentiality in sensitive immigration and asylum cases.

The power was authorised through an amendment to the Police Act 1997, prompting campaigners to warn that intrusive technological powers are being regulated by outdated legislation. Alistair Carmichael, the Liberal Democrat home affairs spokesman, said: "For far too long, vague and outdated legislation has been exploited to extend the Home Office's powers. No parliamentarian would have ever foreseen immigration officers having the powers to hack into our smartphones and computers of potentially quite vulnerable people." Silkie Carlo, of the rights group Liberty, said: "The entirely new power of routine communication interception at removal centres is a blatantly discriminatory move." Research has found that torture victims have been held in immigration detention centres, and campaigners cite statistics suggesting that up to 70% of women in centres like Yarl's Wood in Bedfordshire are rape survivors. Cristal Amiss, of the Black Women's Rape Action Project, said: "These powers are an outrage. People in detention have the right to confidentiality, to speak privately to their lawyer and disclose often very sensitive information such as details of rape, torture, domestic violence and alleged abuse by officials. They have to be able to share private information without their phones being hacked."

A Home Office briefing document detailing the hacking powers available to immigration offi-

cers claims the aim "is to ensure that immigration officers can deploy a full range of investigative techniques to deal effectively with all immigration crime". A Home Office official confirmed that "equipment interference" had been used to prevent serious crime, including disrupting the supply of counterfeit travel documents, which could have been used to facilitate the smuggling of illegal migrants. They did not address whether the powers had been used to ascertain the veracity of asylum claims. "They [immigration officers] may only use the power to investigate and prevent serious crime which relates to an immigration or nationality offence, and have done so since 2013," said a statement from the immigration minister, James Brokenshire.

The revelation coincides with fresh concern over the latest version of the "snooper's charter", which will give the police powers to access everyone's web browsing histories and hack into phones. The extension of police powers is contained in the investigatory powers bill, designed to provide the world's first comprehensive legal framework for state surveillance powers. This also dates from the 1997 Police Act, but the Home Office has tried to dampen disquiet by insisting such powers would only be used in "exceptional circumstances", extending the use of remote computer hacking from the security services to the police – predominantly the National Crime Agency – in cases involving a "threat to life", missing persons or cases that risk "damage to somebody's mental health". The bill has met severe criticism from three parliamentary committees, and surveillance campaigners are challenging MPs to improve safety and confidentiality measures before it is rushed into law. Carmichael said: "Parliament must be given the time it needs to properly scrutinise and improve it."

Carlo said: "The bill contains the flimsiest of safeguards and takes state hacking to an unprecedented and dangerous new level. It allows for practically limitless bulk hacking against the devices of individuals, groups or even entire nations." Liberty warns that powers to hack millions of devices en masse remain in the bill, despite recommendations from parliament's intelligence and security committee that they be removed. Elsewhere, the security services will still be able to examine the browsing histories of the entire population, and the communications of MPs, journalists and lawyers open to access by intelligence agencies.

Goat Detained After Breaking Into Starbucks

While kids committing burglary is not that rare – it was certainly a surprise for cops in California to find one who looked like this in a shopping mall. The bearded burglar who needed a late night caffeine fix made no secret of the fact that he was wandering around a Starbucks – but the suspect was actually a goat. A message on the /City of Rohnert Park Police and Fire /Facebook page this week said: "Imagine our dispatcher's surprise when she received a couple of calls early this morning advising there was a goat roaming around Wolf Den Plaza... more specifically, the goat apparently needed a caffeine fix and had wandered INTO the Wolf Den Starbucks. The on duty sergeant promptly responded, took the goat into custody, and transported him to the Rohnert Park Animal Shelter. We're sure the Animal Shelter supervisor will be thrilled to find a goat in a dog's crate when she arrives to work!" The goat – who has now become a bit of a legend himself – was unwittingly acting out a similar scene to the mythical story of how drinking coffee was discovered. Legend has it that Kaldi, an Ethiopian farmer, noticed his flock ofgoats jumping about wildly after seeing them chew on berries of the plant that produces coffee beans. Beans he collected were apparently later thrown onto a fire in anger, accidentally revealing that they were best roasted.

Inmate Lubes Himself up to Avoid Prison Transfer

In an attempt to make himself super-slippery and hard to grab hold of, Adam Gallagher stripped to his boxers and smothered himself in baby oil. After 'rolling about' with the riot squad, he damaged a G4S security van and threatened staff on the journey from Perth Prison to HM Prison Barlinnie in Glasgow. One of the security firm's employees was so frightened he fainted. Gallagher, 28, is currently serving a life sentence for stabbing a 21-year-old Czech fruit picker to death in Arbroath in 2006. His earliest date of parole is 2021. Appearing at Perth Sheriff Court, he said he had been held in a segregation unit for assaulting a prison officer before the incident on December 18. 'I had been there for seven weeks, and this day covered myself in baby oil before rolling about with the riot squad,' he said. 'I asked the G4S man's name in the van but he wouldn't tell me, so I kicked off. My adrenaline was high. 'I apologise for the man fainting, but these people are meant to be able to deal with this.' He was sentenced to eight months in prison. *Ashitha Nagesh for Metro.co.uk*

Hoist With His Own Petard

A small explosion rocked an anti-terrorism court in Karachi, Pakistan after a clerk removed the pin from a grenade-like detonator in order to show it to the trial judge. Dr Jameel Ahmed, Deputy Inspector General (DIG) south zone, said a detonator carrying a very small amount of explosive material was presented to the court on the judge's request following an application by defence counsel. The defendant in the case was facing a charge of possessing explosive materials. It was removed from a glass vessel by a court clerk who subsequently removed a pin from the device to show it to the judge. But removing the pin caused an explosion which injured ATC Judge Shakeel Haider, the clerk, a policeman and two others who were present in the court. The sound of the explosion caused concerns about an intentional attack in the courtroom and bomb disposal experts were immediately despatched. Dr Ahmed said safety measures for presenting explosives in court are now being reviewed.

Blunkett 'Regrets' Imposing Indeterminate Sentences *Source: The Brief*

Indeterminate sentences imposed on the most serious offenders have been a failure, the former home secretary who introduced the regime has admitted. David, now Lord, Blunkett told the House of Lords on Tuesday that he regretted creating the system. "The original intention," he said, "was that only those who posed a really serious risk to the population would be subject to such orders. That did not come about, and I regret that very strongly." His comments came as part of a Lords' questions session in which Lord Brown of Eaton-under-Heywood asked the justice minister, Lord Faulks, for details of how many foreign national prisoners serving indeterminate sentences had been released under provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. That legislation allows for foreign prisoners to be released and removed from the UK without approval of the Parole Board. Lord Faulks replied that 261 had benefited from those provisions over the past three years. Lord Brown told peers that domestic prisoners feel a "sense of injustice and frustration, not to say anger" at the fact that their foreign counterparts appear to have preferential treatment under the legislation. Lord Faulks replied: "This government are committed ... to removing foreign criminals to their own countries where possible. They must be punished but not at the expense of British taxpayers, therefore they are removed when the relevant section permits their removal. "Of course the secretary of state actively considers the position that he has a power to change the release test but, at the moment, he is not satisfied that it is appropriate to do so."

Chicago Approves $6.45m Payout to Families of Police Violence Victims

Chicago agreed on Wednesday to pay millions of dollars to the families of two men who died after interactions with police, as a blistering report on police-community relations said racism contributed to decades of mistrust between communities of color and the department. A police accountability taskforce released the report one day after it was leaked to the Chicago Tribune, recommending a complete overhaul of many aspects of the Chicago police department's operations. The taskforce was launched by Mayor Rahm Emanuel after video footage of the fatal police shooting of Laquan McDonald was released in November. "We arrived at this point in part because of racism," the report stated. "The linkage between racism and CPD did not just bubble up in the aftermath of the release of the McDonald video. Racism and maltreatment at the hands of the police have been consistent complaints from communities of color for decades." Officials also approved a new police chief for the city's beleaguered police department on Wednesday. Outrage over the city's handling of the 2014 shooting have forced changes at the highest level. Police superintendent Garry McCarthy was fired in December days before the Department of Justice launched an investigation into the department's practices. Anita Alvarez, Cook County's top prosecutor, lost her re-election bid last month following demands for her resignation because she took 400 days to charge the officer who shot and killed Laquan.

Lori Lightfoot, president of the CPD's civilian review body, released the 200-page report on Wednesday and called for a prompt response to the report's many detailed recommendations. The taskforce highlighted systemic problems within the department, and said that although the McDonald video served as a tipping point, it "irrefutably exemplified what those in communities of color have long said". The report, drafted through multiple working groups and input from citizens and community leaders, recommended new training for officers, particular around de-escalation techniques and helping citizens in mental health crises. The taskforce recommended overhauling the police department's community policing strategy and replacing the department's much-criticized Independent Police Review Authority, which investigate allegations of misconduct. The mayor's office and the police department did not immediately respond to messages seeking comment from the Guardian. Lightfoot said Emanuel would be briefed on the findings later on Wednesday. Before the report was released, Chicago's city council approved $6.45m on Wednesday to settle two high-profile cases of police misconduct, one involving police officers using excessive force against a mentally ill man that resulted in his death in 2012. The settlements arrive on the day the city council unanimously approved the appointment of a new police superintendent after a nearly four-month search following McCarthy's resignation. Incoming police superintendent Eddie Johnson, a 27-year veteran of the force, is the mayor's handpicked choice. His nomination bypassed the recommendation of three other candidates of the Chicago police review board, the authority tasked with conducting a national search to replace McCarthy. In a statement late last month, Emanuel said Johnson's various roles within the department had led to the reduction of crime in several districts and he has proven he "has been willing to hold officers accountable when necessary". Johnson, who is black, also received the support of the black and Latino caucuses of the city council.

The greater of the two settlements will go to the family of Philip Coleman, a mentally ill man who police took into custody by force in December 2012 following what they described as violent behavior in his mother's house. A video showed police officers dragging Coleman while handcuffed and struck with a Taser 13 times. Coleman died from a reaction to an antipsychotic drug he received while in a hospital, although an autopsy showed he experienced severe trauma, including more than 50 bruises and scrapes all over his body. That settlement, $4.95m, was paired with an additional $1.5m awarded to the family of Justin Cook, who died of an asthma attack while in police custody following a traffic stop in September 2014. Family attorneys say that police denied Cook his inhaler.

IPCC Send File on Five Sussex Police Officers to CPS following Duncan Tomlin's Death

The Independent Police Complaints Commission (IPCC) announced it has concluded its investigation into the circumstances surrounding the death of Duncan Tomlin, and has referred the case to the CPS to decide whether criminal charges should be brought against any individual. The IPCC has stated that the evidence relates to the actions of five police officers.

Paul Tomlin, Duncan's father, said: "My family and I welcome the decision by the IPCC to refer the case to the CPS. We trust that the CPS will make a decision as soon as reasonably possible, ensuring it has the resources to do so. We consider that it is vital for ensuring continuing public trust in the police that these officers are not allowed to remain on any form of active duty whilst the CPS consider if charges should be brought. We call on the Chief Constable of Sussex Police to now suspend all five officers concerned. We are aware that there are number of cases where officers have been allowed to continue to serve despite a referral by the IPCC to the CPS to consider criminal charges. We believe this sends the wrong message about how seriously the police take these matters, and we hope in Duncan's case that the Chief Constable will recognise the need to ensure the public's confidence by suspending the officers.

Helen Stone, solicitor for Paul and the Tomlin family said: "Duncan's family were understandably dismayed in 2014 when they learnt that the officers involved were all still on active duty, despite the IPCC investigation into potential criminal conduct and gross misconduct. Now that the officers may face criminal charges, we call once again on the Chief Constable of Sussex Police for their immediate suspension."

Deborah Coles, director of INQUEST said: "We welcome the decision of the IPCC to refer this matter to the CPS for consideration of criminal charges. Concerns about the process for holding the police to account following a death in custody has been at the forefront of public debate for some time. There now needs to be a prompt and robust scrutiny of the actions of the Sussex police officers. Until a decision is made we call on the Chief Constable of Sussex Police to suspend the officers"

INQUEST has been working with Paul and Tomlin family since July 2014. They are represented by INQUEST Lawyers Group members Helen Stone from Hickman and Rose and Jude Bunting from Doughty Street Chambers.

Georgia Executes Intellectually Disabled Man Whose Lawyer Slept Through Trial

The US state of Georgia executed a man yesterday 12/04/2016 despite concerns about his mental state, racial bias, and lack of adequate representation during his trial. Kenneth Fults was convicted of murdering a woman in her home in 1996. A jury sentenced him to death in 1997. Mr Fults and several jurors had said that his lawyer was sleeping during the proceedings. One juror signed a sworn statement eight years after the fact saying "I don't know if he ever killed anybody, but that n***** got just what should have happened. "Once he pled guilty, I knew I would vote for the death penalty because that's what the n***** deserved." Georgia's State Board of Pardons and Paroles denied Mr Fults' clemency petition earlier this week and yesterday the US Supreme Court declined to issue him with a stay of execution. His petition described him as "the kid who fell through the cracks". He was a gang member and grew up with a drug-addicit mother, absent father and abusive stepfather. The murder was the culmination of a week-long crime spree in which he tried to kill another man with a stolen handgun. But three of the jurors who voted to give him the death sentence have said they are concerned about the fairness of the punishment as they saw his lawyer sleeping during the sentencing trial. The Georgia Department of Corrections said he accepted a final prayer and made no statement before death.

Miscarriage Watchdog to Take Another Look at Ben Geen Case

The miscarriage of justice watchdog today 14/04/2016 agreed to take another look at the case of a nurse serving 30 years for murdering two patients and harming 16 others. Last October the Criminal Cases Review Commission decided not pursue the case of Ben Geen, described in the press as 'a thrill-seeking nurse' but whose family and supporters claim is serving time for crimes that were never committed. We are very pleased that the CCRC have come to this new decision – avoiding a costly and unnecessary judicial review,' Geen's father Mick told www.thejustice-gap.com today. 'We look forward to working closely with the CCRC to give a full understanding regarding the importance of the new evidence that we have submitted to them to review.'

"**San Antonio Four": Women Freed From Prison Fight To Clear Their Names**

Jean Casarez, ABC Newsletter: It was an allegation that stunned the San Antonio community in the mid-1990s. Did four young adult women rape two little girls, and if so, why? It was the beginning of a nightmare for the women who would become known as the "San Antonio Four." Elizabeth Ramirez, Kristie Mayhugh, Cassandra Rivera and Anna Vasquez were all convicted and sentenced to prison after jury trials in 1997 and 1998. They maintained their innocence from the beginning. But to say this has been a long road for the women does not do justice to what they say they have endured.

It all started when Ramirez had her nieces, sisters, ages 7 and 9, over to her apartment during a San Antonio summer in 1994. "It was a typical week, just what families do. ... We did things, we went out to the park, we ate, just kind of hung out," Ramirez told CNN's Jean Casarez. Ramirez's three female friends joined her for part of the time. All four women had recently come out as lesbians. After Ramirez's nieces finished their visit and went back to their parents, allegations began to surface that the children were undressed and then sexually assaulted with objects by the San Antonio Four while guns were pointed at their heads.

The police got involved. The women said the young girls were wrong and that nothing remotely like that ever happened. "I was like, where did they get that from?" Ramirez said. The women were charged with serious sexual felonies in 1994 and trials followed three years later. Each woman took the stand in her own defense, saying, "I did not do this."To sit there and defend yourself against something like that, knowing it's such a horrible crime, and people were looking at you like you are awful," Rivera said, recalling her testimony. Ramirez's young nieces testified against the women and medical science backed them up. According to legal documents, the sexual assault exam showed what appeared to be scarring on one of the young girl's internal membrane tissue.

The state's medical expert, Dr. Nancy Kellogg, testified to the juries this could only result from "painful trauma" ... "caused by the penetration of the victim's sexual organ by some object." Prosecutors in their closing arguments relied on the women's sexual orientation as motive evidence to explain to the jury why these women would want to sexually assault girls. The San Antonio Four refused to take plea deals, maintaining they had committed no crime. The jury convicted each woman of aggravated sexual assault of a child and indecency with a child. All were sentenced to decades in prison. Ramirez was tapped as the ringleader and received a 37½ year sentence.

'It didn't happen' - The convictions against the women began to unravel several years ago when one of Ramirez's two nieces, now in her twenties, stepped forward to say she had lied. The niece, Stephanie Limon, called a supporter of the women, journalist Debbie Nathan. She told Nathan, "It didn't happen. I have no memory of it ever happening." Members of her family coached her, she told authorities, to make up a story because of their anger toward

Ramirez's lifestyle. Soon after, it was realized that the medical science relied upon to corroborate the young girls testimony was wrong. "It was believed at that time that was evidence of scarring from a tear, and it would be indicative of a sexual assault. There has been further studying of those kinds of photographs which has led to information that it can occur naturally," said former Bexar County District Attorney Susan Reed. With that new evidence, defense attorney Mike Ware, along with the Innocence Project of Texas, filed for post-conviction relief to have the verdicts overturned. Ware told CNN he believes the women's lifestyle played a large role in the case."I think the only reason that the investigation was seriously pursued, why there wasn't more skepticism about the preposterous allegations in the first place, was because these four women had recently come out as gay, that they were openly gay," he said.

In their application for a writ of habeas corpus, the defense also argued that testimony from the child victims placed all four women in the apartment at the same time during the sexual assault. If investigators for the prosecutor's office had checked work records of the women during the time the alleged sexual assault occurred, Ware said those records alone would have shown the girl's testimony could not hold up. Some of the women weren't even in the apartment during that period.

In 2013, a Bexar County District Court allowed three of the women to be released from prison while the court considered their request. Vasquez had just been released on parole. Reed told CNN at that time she was not going to retry the cases if the verdicts were overturned. The motion worked its way through the Texas courts for more than two years and, in February 2016, the judge recommended the convictions be vacated. The trial court finding is a recommendation, and it is up to the Texas Court of Criminal Appeals to make the final ruling. But the district court in Bexar County would not go so far as to declare them innocent, due to the lack of "hard scientific evidence," and because the other girl did not recant her version. In the past 2½ years, the women have been working and assimilating back into the community. They have used skills learned behind bars to help them find employment. There is one last thing they are asking for from the Texas Court of Criminal Appeals: They want to be declared innocent as a matter of law. That decision may come before the end of the year. "I believe we deserve to be known as innocent. There is a terrible injustice. We are not going give up until we are found we are innocent. We will keep fighting," Rivera said.

Criteria: Interview Working Tapes Retained Under The Audio Code

In The Matter of an Application by Conal Corbitt For Judicial Review

[1] This is an application for judicial rColin Offor <c.offor@ntlworld.com>eview of a decision by the Police Service of Northern Ireland ("PSNI") whereby, during the applicant's detention in a police station following his arrest, it refused to give the applicant an undertaking that his voice would not be recorded for the purpose of analysis in respect of future investigations. Mr Macdonald QC and Mr Devine appeared for the applicant and Dr McGleenan QC and Mr Egan appeared for the respondent. We are grateful to all counsel for their helpful oral and written submissions.

[2] On 1 May 2015, following a coded bomb warning, the PSNI discovered and made safe a bomb hidden at the junction of Brompton Park and Crumlin Road, Belfast. The IRA subsequently claimed it had planted the bomb. On 7 May 2015 the PSNI arrested the applicant under section 41 of the Terrorism Act 2000 (the 2000 Act) and he was taken to Antrim Serious Crime Suite where his detention was authorised.

[3] During the initial police interviews on 7 May 2015, the applicant failed to answer any questions and did not make any statement either personally or through his solicitor. The

following day, prior to the commencement of further interviews, the applicant's solicitor requested that the PSNI give an undertaking that any recording of the applicant's voice in the interviews would not be retained for use in alternative or future investigations. The PSNI refused to give such an undertaking. In the subsequent police interviews the applicant continued to remain silent with his solicitor indicating that she had advised him to do so given the PSNI's refusal to give the requested undertaking.

[4] On the same date the applicant's legal representatives appeared before Treacy J, sitting in the Queen's Bench Division of the High Court, seeking a declaration that the PSNI's policy to record and/or retain suspects' voices is unlawful. Treacy J granted the applicant leave to apply for judicial review. The applicant was charged on 10 May 2015 with offences under section 57 and section 58(1)(b) of the Terrorism Act 2000. He was brought before a Magistrates' Court which refused him bail. He remains a remand prisoner on foot of these charges.

[5] In an affidavit dated 12 August 2015, Detective Inspector David Lowans of the PSNI avers that other than the recordings of the interviews conducted on 7 and 8 May 2015 the PSNI do not hold voice recordings of the applicant during any other after caution interview. During the course of the present investigation, however, the applicant's computer was seized and files contained on that computer include recordings of the applicant's voice.

Consideration: [12] Dealing first with the audio and video Code, it was submitted that the court should be slow to construe the text in square brackets in Annex A at paragraph 11 above, as being part of the Code of Practice itself. We reject that submission. The words are plainly inserted into Annex A. If they were not intended to be part of the Code of Practice they would not have appeared in the Annex. There is no basis for us to proceed as if they were not there. We also note that the Form TACT 47A served upon an interviewee under the audio and video Code contains the same words without the square brackets.

[13] Turning then to the circumstances in which the recording may be needed, it is plain from the reference to (b) in Annex A that the requirement to access the recording could only arise in relation to events occurring in the course of, or related to, the conduct of those actual interviews which were subject to audio and video recording. Secondly, the purpose of the recording is to secure the protection of the applicant and the interviewing officers. That purpose governs the reference to the recording being needed where criminal or civil proceedings are instituted. To suggest, as the respondents have in this case, that there is no limitation on the purposes for which the police can access the tapes is to go far beyond the purpose of protecting the applicant or the interviewing officers. In our view the purpose of protecting the interviewee and the interviewing officers plainly circumscribes the use which can be made of the tape. The tapes can be used for those purposes either for the institution of criminal or civil proceedings or in connection with a complaint of ill treatment.

[14] It was submitted that it would be anomalous if there was a difference in the use that could be made of the audio material under the audio Code and that which could be made of the material under the audio and video Code. We recognise, however, that the contents of each of the codes differ and that they may serve different purposes. We do not, therefore, consider that the limitations of the audio and video Code read directly across to the audio Code.

[15] We note, however, that there are similarities within the codes. Primary among those is the approach to the retention of tapes. We have set out at paragraph 7 above those contents of the audio Code which show that the question of destruction is directly related to the investigation in respect of which the interview was conducted. That approach is repeated in the Annex containing the form which is made available to the interviewee at the end of the first interview. That is a strong indicator, therefore, that the use to which the tapes can be put is also related to the progress of the investigation in respect of which the interview was conducted.

[16] Secondly, we consider that the interpretation advanced on behalf of the respondent was that the passage set out at paragraph 10 above meant that the tapes could be used by police for any police purposes. Such a broad entitlement gives rise to the risk of arbitrary use absent any express conditions or protections. The body of the Code of Practice is silent on the extent of the use of the working tape which can be made by police. The context set by the provisions on tape destruction point towards the working copy only being used for matters connected to the investigation in respect of which the interview was conducted. That interpretation also guards against arbitrary use. For those reasons we consider that it is to be preferred.

Conclusion: [17] The interview working tapes retained under the audio Code can only be used in criminal or civil proceedings or an investigation of a complaint of ill treatment related to the interviews conducted with the person detained. In light of this finding we do not consider it necessary to make any declaration.

Prisoners: Foreign Nationals

Lord Brown: How many prisoners serving indeterminate sentences for the protection of the public over the last three years have been foreign national prisoners eligible, pursuant to Section 119 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for removal from the United Kingdom at the end of their tariff terms without a direction from the Parole Board for their release, and what proportion of such prisoners have in the fact been removed without such a direction.

Minister of Justice Lord Faulks: From May 2012, when the tariff expired removal scheme was commenced, up to 31 March of this year, 261 prisoners serving a sentence of imprisonment for public protection have been removed under that scheme—that is, without a direction from the Parole Board. A further five such prisoners have been eligible for removal but officials decided that they did not meet the criteria, while 16 have been approved for removal but are awaiting the settling of their removal directions.

Lord Brown: I am grateful to the Minister for those figures but I am sure that he will readily understand the sense of injustice and frustration, not to say anger, felt by UK domestic IPP prisoners at this preferential treatment which is accorded to foreign national prisoners. It is preferential because, of course, the foreign national prisoners do not have to satisfy the Parole Board that they can safely be released. Would the Minister agree to see the Lord Chancellor and try to persuade him that this is yet another reason for the Lord Chancellor to exercise his powers, also given under Section 128 of LASPO, to modify the test which the Parole Board applies in the case of the domestic IPP prisoners so that, hopefully, some of them, too, may gain the earlier release that at the moment is given only to these foreign prisoners?

Lord Faulks: The noble and learned Lord is a champion of those who have been imprisoned under the IPP scheme brought in by the previous Labour Government. The position is that this Government are committed, as I think all Governments before them were, to removing foreign criminals to their own countries where possible. They must be punished but not at the expense of British taxpayers, therefore they are removed when the relevant section permits their removal. Of course the Secretary of State actively considers the position that he has a power to change the release test but, at the moment, he is not satisfied that it is appropriate to do so.

Lord Wigley: In view of the totally unsatisfactory ongoing position with regard to IPP prisoners, will the Minister convey to the Secretary of State that if the Secretary of State is not willing to take and use the powers at his disposal, he should consider appointing a senior judge to review the working of this system in order to get justice for people who are quite clearly not getting it at present?

Lord Faulks: We have reduced by 584 the number of IPP prisoners in the last year. There is an indeterminate sentence prisoners co-ordination group, run by NOMS, where close examination is taking place of all serving IPP prisoners. Efforts are made to accelerate their access to the appropriate courses, and we have removed backlogs from the Parole Board. We think that everything is being done to make sure that those who are safe to be released are being released when the Parole Board decides.

Lord Marks: Today we have further evidence of prison overcrowding from another shocking inspection report of Wormwood Scrubs, which holds 35 indeterminate sentence prisoners. It makes the obvious recommendation that single cells should not be used for more than one prisoner. Will the Government now recognise that the injustice of keeping IPP prisoners beyond their tariffs serves only to add to the scandal of holding prisoners in overcrowded, squalid and understaffed prisons?

Lord Faulks: The noble Lord refers to the report on Wormwood Scrubs, which I entirely accept shows a distressing picture. As he and the House will know, the Secretary of State and the Prime Minister are determined to improve our prison system, and the Chancellor of the Exchequer has given £1.3 billion to enable that to happen. It will not happen overnight, but I am sure the House will accept the Government's sincerity and determination to deal with some of the most unattractive aspects of our prison system.

Lord Woolf: I fully accept that the Government have been trying to find a solution to the problem of these unfortunate prisoners, but the fact remains that it is now coming up to the fourth year since the power to impose IPP sentences was removed. That is far too long a period when, as was indicated at the time, these sentences put on a prisoner the impossible task of proving that he is not a danger. That is the real heart of the problem. Unless something is done to tackle that, does the Minister recognise that there will be a substantial further period before the last of these prisoners are released?

Lord Faulks: The House of course greatly respects the noble and learned Lord for his experience in this area, but it is a matter for the equally experienced Parole Board to decide whether or not it is safe to release these prisoners. It must not be forgotten that, in each of the cases, the relevant judge sentenced the defendant in accordance with the then existing powers for the protection of the public. It therefore becomes incumbent upon the Parole Board to decide whether it is safe to release them, notwithstanding the fact that they may have a short-tariff sentence. It would be easy of course for the Government to wash their hands of this, but they have taken a responsible view to unravelling this unfortunate provision, which was brought in by the previous Labour Government.

Lord Blunkett: It is probably not the moment for me to confess that I was the Home Secretary who introduced the idea. The original intention, which I hope is understood, was that only those who posed a really serious risk to the population would be subject to such orders. That did not come about, and I regret that very strongly. But is it not a fact that what is lacking are the courses and therapy to allow the Parole Board to make the necessary decisions as quickly as possible, so that the overly prolonged incarceration of many of these prisoners can come to an end?

Lord Faulks: I entirely accept that the intention was to protect the public and that this provision caught in the net rather more prisoners than it was expected to catch. It must be remembered, of course, that these courses are important because they can provide evidence that a prisoner has grappled with a particular problem, whether it is sex offending, violence, drugs

or whatever it might be. It is not a prerequisite for their release that they have to have attended these courses, although it may provide some evidence. Equally, the fact that you attend a course does not guarantee your release. We have increased the availability of courses to these prisoners. I am aware that a letter was written to the noble Lord, Lord Beecham, by my noble friend Lady Evans when this matter was last raised. I will ensure that that letter is placed in the Library. It gives a list of all the various courses which are now available to those prisoners.

One in Eight Crown Court Cases Dropped as Convictions Fall to Five-Year Low

Ollie Persey, Justice Gap: The number of Crown Court cases being dropped reached a five-year high in 2014-15, new figures reveal. The Crown Prosecution Service initiated thousands of prosecutions that ended after Crown Court judges found that there was insufficient evidence to proceed to trial. The figures raise concerns that the CPS has overreacted to criticisms that it did not believe victims, and has brought prosecutions without properly assessing the evidence. More than 12,600 cases ended in judge-ordered acquittals in 2014-2015. That is one in every eight Crown Court cases and nearly 1,700 more cases than 2013-2014. According to Danny Shaw, BBC home affairs correspondent noted, in 70% of the dropped prosecutions, the CPS offered 'no evidence' at the Crown Court. The increase in judge-ordered acquittals has also contributed to decreasing Crown Court conviction rates. In 2014-15, conviction rates fell below 80% for the first time since 2010-2011.

The figures have prompted criticisms that innocent people are needlessly going through the painful experience of being prosecuted. Before cases reach the Crown Courts, there are lengthy investigations and defendants have to attend Magistrates' Courts to enter pleas. 'Peter', who was prosecuted for child abuse before his case was dropped, discussed the impact of the process in an interview on Monday's edition of the Today programme. He described how the process had taken 15-16 months from him first being accused to the case being dropped. He stated that the police and CPS had not investigated evidence that indicated his innocence and that the stress of the experience had harmed his mental health.It has been suggested that the increase in judge-ordered acquittals corresponded to increased child abuse prosecutions following the revelations about Jimmy Saville's abuse.

Speaking to the Justice Gap, an NSPCC spokesperson said that it took 'tremendous courage to speak out about abuse and fight for justice, so these figures are deeply disappointing'. 'However, this should not deter victims from coming forward as they can still be offered support to overcome the trauma they have suffered,' he said. 'Child sex abuse cases are often very complex which could partially explain the figures, but it is crucial that all possible steps are taken to ensure abusers are brought to justice.' In Peter's case he claimed that his prosecution was 'ridiculous'. However, his ex-partner in an interview with the BBC asserted that child abuse took place. Nazir Afzal, former head of the CPS in northwest English suggested that it was a difficult balance for prosecutors, stating that it was right to take every claim seriously but he warned against the CPS being influenced by a 'baying crowd' mentality.

New Developments in Blood Evidence Detection

In an early and often cited example of the use of blood evidence, a 12th century Chinese magistrate investigating a murder, observed that flies landed on the blade of a sickle belonging to one labourer and not on those of other workers. The magistrate suggested that this was because the flies could detect otherwise undetectable traces of the victim's blood, and that this proved guilt. Apparently the labourer later confessed, but can we be certain of how the confession was obtained? As well as being cited as a very early example of both blood evidence and forensic

entomology , perhaps this should also be cited as an example of the importance of sound science.

The use of blood evidence developed from this questionable beginning with the development of more reliable chemical tests, such as the Luminol test. Although these are powerful and reasonably specific, they are also prone to some potential false positive results and are somewhat disruptive to administer at the crime scene. Because of these issues, examiners normally test areas only when they already suspect blood evidence is present, perhaps leading to missed evidence when the traces are small or latent, or if stains are located on dark backgrounds. Hyperspectral imaging (HSI) has recently been shown to be a promising alternative. Not only might it revolutionise the detection of stains, it may offer important additional information, such as the age of the stain. HSI is non-destructive: as the investigator simply takes a picture using a device not unlike a digital camera, there is no need to treat, disturb, or even come into contact with the surface being studied.

Most digital cameras capture information for each point on the picture in three bands (representing the colours red, green and blue). As our eyes work in a similar way, this limited data gives an image that our eyes interpret as full colour. HSI extends this to allow the capture of information in many more bands. One system in development currently captures 56 discrete bands. While this is much more information than our eyes can cope with, computer analysis allows us to identify the location of specific substances in the image according to the characteristic subtle pattern of bands which they reflect or absorb in a way that would not be possible using only three bands. One substance which can be detected and identified in this way is haemoglobin, a component of blood, which absorbs light strongly and characteristically in the blue part of the visible spectrum. It is this absorption, and reflection of other light, which gives blood its distinctive red colour. Other substances also absorb blue light and so will appear red to our eyes, as well as to any camera using a three-band (RGB) sensor, but the detailed pattern of absorption and reflection will always be different to that of haemoglobin. Our eyes are not aware of these details so we find it hard to be certain if a red patch is due to blood or something else (e.g. red ink or tomato sauce) but the HSI system can be quite specific; a 56-band sensor reveals the subtlety of the absorption pattern in a way that can positively identify whether or not the absorption is due to haem.

Although HSI is not yet quite as sensitive as the best chemical tests, it is sensitive enough to detect blood even in washed garments. It is also much more specific than the chemical tests: so far no false positives have been discovered. Furthermore, as the blood stain ages, the absorption pattern changes. The stain changes colour and becomes reddy-brown, introducing the potential for visual confusion with other stains (e.g. coffee or chocolate). Not only can the HSI system still allow confidence that it is blood, it is this change in the absorption pattern that can be used to estimate how old the stain is. Having detected the blood, there are three main ways in which the evidence can be used. HSI offers advantages in all three applications. Blood spatter evidence has long been used in reconstruction of the events of crimes, with many examples of important insights. For best results, the investigator needs to know the shape and exact location of each mark and this is easiest when the marks are obvious and were all made during the same event. While existing techniques allow overlapping stains from a sequence of events to be partly characterised, and chemical tests may help locate less obvious marks, HSI may allow a much simpler and more detailed reconstruction of events by locating, confirming and imaging even small or faint marks without disturbing the scene.

Still more exciting is the potential to provide the relative age of stains, allowing investigators to be clear about the order in which blood marks were made. It may even be possible to determine the age of fresh stains to within a few hours and older stains to within a few days, allowing investigators to correlate blood evidence with time of death estimates or to check alibis.

Whilst HSI will allow us to confirm that a mark is or is not blood even when the image is taken long after the event, it is necessary to collect the HSI data as soon as possible to allow the most precise estimates of age. The team developing the technique recently received an enquiry relating to a suspect whose blood was discovered at a crime scene. The suspect admitted being at the scene many years before the crime and suggested that this was when the blood was deposited. An HSI image taken on discovery of the scene would have allowed the age of the stain to be confirmed with enough precision to confirm or deny this explanation, but unfortunately by the time the enquiry was made, years after the event, it would only have been possible to confirm that the blood was 'very old'.

Biological identification of suspects started in earnest with the use of ABO blood groups to at least exclude individuals. This became increasingly useful with the development of more sophisticated groupings, but the step change to truly modern investigation didn't occur until DNA analysis allowed much more positive identification of individuals based on tiny traces of blood. Such powerful use of tiny traces has placed still greater emphasis on the rapid, sensitive and reliable identification of blood at the scene. This may soon be advanced by the use of HSI to unequivocally and efficiently detect traces that can be productively analysed using these still relatively expensive DNA techniques. The great advantage of HSI will be that it will be possible to use it to scan a wide area rapidly, or to look at an especially interesting area in detail, without contaminating or disturbing the evidence. Fingerprint evidence is even better established and fingerprints in blood are commonly observed. Enhancement of faint prints is possible with chemical methods or the use of ultraviolet illumination, but incorrect application may result in a loss of ridge detail or interfere with subsequent recovery of DNA material. HSI has recently been shown to overcome these limitations.

In conclusion, Hyperspectral Imaging utilizes many more spectral bands than the three used in normal RGB cameras, making it possible to specifically locate and characterise particular chemicals, particularly haemoglobin from blood, within the image. This offers the potential to advance crime scene investigation in three main areas. Firstly, it allows better imaging of blood spatter and estimation of the relative age of blood marks. Secondly, it helps locate and identify blood marks for subsequent biological identification and finally it helps in the imaging of faint and latent fingerprints where blood is present. All of this can be done without disturbing the scene or using chemical enhancements. The technique is still relatively young, however, and is not yet quite ready for routine use at the crime scene; further work is needed to produce robust instruments that are as easy to use as a normal digital camera, to calibrate the aging algorithm so that it works reliably in real crime scenes, and to trial and validate the methods to the satisfaction of important jurisdictions. Nevertheless, the principles are now well established. Current developments have focused on the visible spectrum and thus on blood stains, but even more progress can be made when the method is extended beyond the visible to allow detection and characterisation of other biological evidence (sweat and semen) and even drug and firearms residues.

Liam O'Hare and Meez Islam, Inside Justice

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