

WAKE UP!! WAKE UP! ITS YER READY TO BAIL OUT...

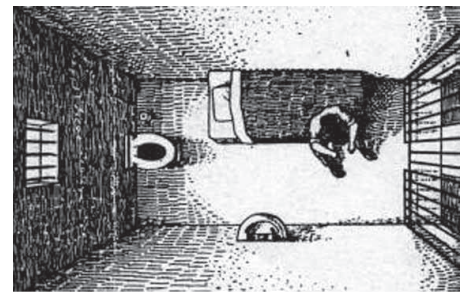
SchNEWS

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...thank you for your continued patience - your call is important to us...

CHANGE OF P.A.C.E.

SCHNEWS STICKS ITS BEAK INTO THE LEGAL AID DEBATE

“Moving to a market based system will make sure that we buy criminal legal aid services at the best price for the taxpayer.”

- *Legal Services Commission*

“The simple fact is that you don’t have to travel far to find areas where access to justice is under threat thanks to the fundamentally flawed policies emanating from our friends at the Legal Services Commission, and the total and utter intransigence of the Government. Criminal call centres are a direct, criminal defence service - in essence legal advice by non-solicitors, in many cases former police officers.”- *President of the Law Society Andrew Holroyd*

Sweeping changes to the legal aid system are going to mean that thousands who find themselves dragged into the legal system are going to find themselves without proper legal advice. Despite the fact that this government has created 6,000 new criminal offences in the last ten years, and is hauling record numbers before the courts and off to chokey, they’re now keen to restrict access to legal advice. All in the name of cost-cutting and reducing ‘inefficiency’ of course. What is actually happening is a massive erosion of hard won rights and the end of the legal aid system, which helped achieve some degree of parity in court cases. (OK, so SchNEWS is obviously against ‘the system’, man, but meantime still not keen to see what few civil liberties we have taken away!)

The changes came in on January 14th. Prior to this, on arrival at the police station you would be offered contact with a solicitor of your choice. From now on you will be directed to the Criminal Defence Call Centre (CDCC). This is staffed, not by solicitors but by ‘accredited’ representatives who’ve done a training course – many of them actually ex-coppers. You will only be allowed to contact your ‘own’ solicitor if you pay privately. Needless to say the call centre advice is probably going to be different to that of a specialist defence solicitor.

One Brighton-based solicitor told SchNEWS, “Previously we could intervene in the process earlier - warn people to make no comment, not to sign police notebooks and not to answer any questions off the PNC1 form*. We could act as an outside guarantee of people’s rights while they were inside”. Now, “the system is in meltdown.” If the call centre is too incompetent to get hold of your brief then you may end up using a duty solicitor or remaining unrepresented. If you’re not going to be interviewed then you can be fingerprinted, DNAed and booted out of the door without once receiving any independent advice.

In 1984, the Police and Criminal evi-

dence Act (PACE) was introduced as a result of widespread concern over the number of miscarriages of justice emerging. Cases such as the Guildford Four and Birmingham Six were just the tip of an iceberg of convictions produced through a combination of fabricated evidence and police brutality. The Brixton riots also forced the state and police to re-examine the powers of stop and search and how they were targeted against inner city youth. PACE introduced rights while in custody and the tape recording of interviews, as well as introducing firm rules about how police gathered evidence for use in criminal prosecutions. The most crucial right however was the right to free and impartial legal advice at the time of incarceration.

But now if you’re arrested for any of the following; breach of bail, breach of court injunction, Breach of the Peace, Drunk and Disorderly, Fare evasion or having warrants out for your arrest - you’ll get one phone call to the CDCC. SchNEWS is aware of one local activist who was incorrectly arrested for breaching bail conditions. His own solicitor attended the police station at midnight with documentary proof and he was released - but under the new system he’d have had a quick chat with a call centre then stayed in the cells overnight. The same applies if you’re issued with one of the shiny new Fixed Penalty Notices, which allow the police to fine you without recourse to the whole tiresome business of actually producing evidence and putting you on trial.

If you’re arrested for something more serious then you might get a visit, but not necessarily from a half decent solicitor. Instead of defence firms being able to bill for the amount of work they’ve actually done on a case, now they’ll only receive a flat fee for police station attendance. Say a solicitor pockets £200 for attending the cop-shop – a routine shoplifting case and they’re in and out in half an hour, and it’s quids in. A more difficult case, perhaps involving translators or having to wait for police searches of premises and they’ll still get the same cash. Even if the police require multiple returns to the station for ID parades or re-interviews. And this means that legal aid defence work is increasingly going to become unprofitable - *if it is done properly*. Good firms (see SchNEWS website for recommendations) may go to the wall, while cowboys move in and Hoover up the profits.

Supposedly there will be ‘peer review’ to ensure work is carried out to the required standard but as our solicitor told us, “The truth is everyone will be cutting corners...”

This explicit aim of the changes is of

course, to make the system ‘market driven’, even if it is a market remarkably short of willing customers. The changes will result in big firms managed by a few big wigs overseeing vast numbers of clerks, doing all the actual work - with the emphasis on speed and case turnover, whatever the costs to justice.

And of course the whole police-station to court and prison experience is, with the exception of a few fraudsters and insider dealers, a rather blue-collared affair. Anyone who has ever attended a magistrates court will have noticed the staggering class difference between those sitting in judgement and those in the dock. 95% of cases are heard in the mags without a jury and the conviction rate already stands at over 80%. Fixed fees have not yet been introduced in the mags but they’re coming later this year.

And fixed fees have already been introduced to Crown Courts. No matter how serious the offence or the difficulties, the amount of funding will be assessed on the number of pages of prosecution evidence. There will be no extra funding to search for disclosure of unused evidence. It is often this evidence that is crucial in proving a defendant’s innocence.

Our interviewee again: “I did this case recently which ticked all the horrific boxes which no-one would want to touch. It was a very serious charge. The defendant was an asylum seeker, he had mental health problems, didn’t speak a word of English and he was in custody. Now you would not want to touch a case like that with a barge pole under fixed fee. The case involved a huge amount of work. About two weeks before the trial I found a piece of CCTV, that both CID and a defence clerk had missed. I was assured 100% that my client was not on it - Eventually I found a three second sequence which completely exonerated him. In his case he was facing deportation at the end of his sentence, which would have amounted to a death sentence. This is what cutbacks to legal aid and the fixed fee regime will mean. Someone like that just will not get justice. All the big miscarriages of justice are going to come back.”

* The PNC1 form is a load of questions asked about your shoe size, where you went to school etc etc to be stored on the Police National Computer – You do not have to answer any of these questions.

What does this mean for Activists?

- * It is important to get people to shout out their names when arrested. That way you can get a solicitor to make enquiries at the cop shop via ‘3rd Party referrals’
- * Legal briefings/Bust Cards should be updated.
- * The best legal resource for activists: www.freebeagles.org

INFORMATION FOR ACTION

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Data with Destiny

Consistently unable to look after sensitive personal data and make any government IT project work at all, Neo Labour has finally kicked plans for new ID cards into the long grass. Unless that is, you're a foreign national – they'll be forced to carry the cards from 2009 together with those that 'volunteer' to join the scheme.

The reality is that UK plc is just a bit skint at the moment, having spent the entire NHS budget propping up Northern Rock. Add to that the more than minor embarrassment that government departments seem to lose hundreds of laptops a year full of personal details about all of us. If you've got a kid, chances are your bank account details were lost by Revenue and Customs. A bit richer? The same government department lost details of 300 'high value' tax-free savings accounts. And now the Ministry of Defence, which loses 600 laptops a year, has misplaced the details of 600,000 people who have applied to join the armed forces. Let's hope they don't leave the nuclear PIN number lying in some Chelsea pub.

And if you believe having your details floating around out there is no big deal, we suggest you ask feulish Jeremy 'brain the size of a spark plug' Clarkson. He published his bank details in his newspaper column, rubbing the idea of identity fraud. He was soon amusingly proved wrong as one cheeky wag set up a direct debit for £500 per month from his account to a diabetes charity (shame he didn't bankrupt him and give the proceeds to anti-car/war groups but there you go...). A chastened Clarkson was forced to publicly admit he was completely wrong (eating humble pie this time as opposed to custard, as he did when a protester gave him one in the face at Oxford university a couple of years ago). But we digress...

The Passport Agency, Home Office, NHS have all attempted huge IT projects that have ended in fiasco (See SchNEWS 510). Now UK plc has finally come to terms with the fact that they've not the cash, the technology or public support to make ID cards work. But things change. For some reason enough members of the general public think that ID cards will help prevent terrorism and fraudulent withdrawals from their bank accounts. At some point in the not too distant future the government will find money for the scheme and some corporation will convince ministers that they can be trusted with the IT side of things. Then all it takes is some harping on about ID theft and the War on Whatever and the cards will be back on the agenda. 2012 is the current plan, so resistance to the scheme is as important as ever. Not to mention the dark side of all the other aspects of the database surveillance society...See www.no2id.net

* Over in the US, money's no issue when it comes to surveillance. Starting from this week (1st Feb) applications are being taken for the new US passport card for travelers to Canada, Mexico and Bermuda. The £25-a-time cards will use Radio Frequency Identification Chips to track peoples' movements and record them to a secretive government database for permanent storage.

Party & Protest

Feb - 2-8 - International Boycott Japan Awareness Week - for whaling, not racist reasons - info and fliers see www.cetaceadefence.org
****3 - Seedy Sunday.** Radical seed swap, Hove Town Hall, 10am-4pm. **6 - Liverpool Defy-ID Meeting** - campaigning against ID cards & the National Identity Register. 7pm Next To Nowhere, 96 Bold Street, Liverpool. Web: www.liverpool-defy-id.org.uk **** 9 - End The Siege Of Gaza** - protest opposite 10 Downing St, Whitehall, London. 4-6pm. To order cards and leaflets contact PSC office - 02077006192 or psc.admin@palestinecampaign.org www.palestinecampaign.org **** 9/10 - UK Indymedia Network Meeting.** Hosted by the Sumac Centre, Nottingham **** 9/10 - National Squatters Meeting** in Leeds. squatmeetup@googlemail.com

No Oil Painting

When they decided to let Shell sponsor the Wildlife Photographer of the Year exhibition, they must have hoped that no Nigerians would send in their snaps. Not content with turning the Nigerian Ogoni land into one big oil slick, Shell bosses were complicit in the decision, back in 1995, to hang nine Ogoni activists who had campaigned against the oil company (see SchNEWS 520). Ecological destruction follows oil where ever it goes - and the hypocrisy behind the sponsorship deal has finally come to an end after more than two years of campaigning.

The BBC Wildlife Magazine have dumped Shell, a decision, no doubt, helped along by the likes of Rising Tide, People and Planet, Friends of the Earth and Art Not Oil. Last month Bristol based activists organised a Polar Bear 'die-in' at the offices of the BBC, invading a rather poncey cheese and wine do put on for local business leaders and their political puppets. Protesters drew attention to the irony of Shell sponsoring anything to do with wildlife, when its bosses refer to the melting of the icecaps as a 'business opportunity' because it will make drilling for the ever more elusive black gold that little bit cheaper.

Corporate sponsorship of environmental events by some of the most polluting companies is not particularly unusual. Keen to greenwash more than most, corporations like British Airways have plenty to be ashamed of - with air travel the fastest growing cause of carbon emissions. Earlier this month activists from Plane Stupid donned penguin costumes and darted around a BA sponsored ice rink that was the result of a deal with the Natural History Museum. Carbon emissions are a major contributor to global warming and are melting the icecaps; but BA bosses failed to see the irony in sponsoring an ice rink!

Back on the art and oil tip, BP have been buying off the Tate Modern. The gallery enjoys a very cosy relation with former BP boss, Lord Browne, who also just happens to sit on the Tate board as a Trustee. The oil company was recently fined £200m for fraud and environmental crimes in relation to its drilling operations in Alaska. "BP destroys beautiful places, spilling oil in Alaska and contributes massively to global warming," said one demonstrator, "The Tate should consider the ethics and moral behaviour of its sponsors..."

Check on similar and forthcoming actions at <http://risingtide.org.uk> and www.planestupid.com

Positive SchNEWS

Bad news for international privatisation water company Biwater as they've lost a UN court case brought against them by the government of Tanzania. It related to breach of contract for their failure to provide a decent or affordable water service to the capital city, Dar es Salaam - a contract 'won' by BiWater's UK subsidiary, City Water Systems, with a little help from the UK government, after the World Bank forced privatisation on the country as punishment for needing debt relief.

Credit to the dissatisfied Tanzanian government though - as we mentioned in SchNEWS 498, they unceremoniously kicked the company out only two years into its ten year contract.

That decision has been now upheld in court where damages of £3 million and costs of £500,000 were awarded against BiWater.

Despite the humiliation, the H2Owners of BiWater haven't yet learnt their lesson yet though. Unperturbed by the experiences of other flush firms experiences, like Bechtel in Bolivia (see SchNEWS 528), they've got they're own legal case against Tanzania pending at the International Centre for the Settlement of Investment Disputes (ICSID). The case is being held in secrecy at The Hague and is thought to involve a claim for approximately US\$20 million, with the ruling expected later this year. What price some cash flowing back in the other direction?

For more see www.wdm.org.uk

Fission for Business

A National Audit Office report out this week has found that the cost of cleaning up the UK's ageing nuclear power stations is set to rise by £12bn to £73bn - a figure that's almost a fifth higher than the last estimate made up by the government four years ago. According to the Nuclear Decommissioning Authority the extra cash will be needed due to "unforeseen expenses continually popping up." Oh well, that explains it. Pardon SchNEWS if we continue to pour scorn on the economic advantages of nuclear as well as the many other dangers and centuries of radioactive legacy...

While the UK is busy closing 15 nuclear power plants, it's also preparing the way for a whole new generation of stations (see SchNEWS 522). Earlier this month, it gave formal backing to sacrificing the future for the sake of the present as Business Secretary John Hutton told MPs they would give a "safe and affordable" way of securing the UK's future energy supplies while fighting climate change. He has also revealed how the plants will all be built - with no public subsidy (or therefore control) - by purely private firms. How reassuring! Look at the fantastic job the private sector has done with other important social responsibilities like the NHS, schools, public utilities etc, not to mention the bodged failed implementation of numerous critical government computer systems... Still, we're sure no cowboying will go on this time, despite the evidence of every other privatised screw up.

And who is stepping up eager to win those oh so lucrative contracts? Companies like French-owned EDF Energy who must be drooling over the prospect of being handed some golden profit-making opportunities. In fact they're probably more confident of winning the fair and unbiased tendering process than most - all thanks to their head of PR one Andrew Brown...yep, brother to Gordon!

Excuse us if we react badly when the inevitable EDF announcement comes.

To learn more about how the pro-nuke lobby has overcome the huge anti-nuclear pro-climate-future movement, try www.nuclearspin.org

...and finally...

American housewives in Arizona have tired of the domestic bliss of the tupperware party, worn themselves out at Ann Summers and are looking for a new thrill. Dana Shafman, founder of Shieldher Inc. provides the shocking solution and is making a name (and a pile of cash) for herself running highly profitable Taser-parties. Heartily encouraged by the Taser firm itself, coincidentally also based in Arizona, news coverage and PR has led to a booming trade in weapons-on-wheels visits to suburban girly get-togethers. Over small talk and snacks, women are invited to handle, and buy, the latest palm-sized C2 Taser stun gun.

It's unashamedly aimed at women - with Taser officials even dubbing it the "Lady Taser". Designed to be as sexy as an i-pod (and as painful as a cattle-prod), the C2 comes in four metallic colours, including the best selling 'Hot Pink', to accessorize with any outfit.



Disclaimer

SchNEWS warns all readers - if you're easily shocked, look away now...Honest!

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