

Venezuelan jail invaded by inmates' relatives

More than 950 relatives of inmates are refusing to leave a Venezuelan prison, demanding faster trials for inmates. The prisons minister, Iris Varela, said the protesters "kidnapped themselves" at the Yare I and II jail about 40 miles south-west of the capital, Caracas, during the new year holiday. They comprise some 800 women and 150 children and teenagers. She said the Venezuelan president, Hugo Chávez, had ordered the authorities to negotiate peacefully. State radio said Varela alleged that human rights groups financed by the CIA were using the occupation "to destabilise the country"

Moved location: Ray Gilbert: A6806AJ, to HMP Liverpool, 68 Hornby Road, Liverpool, L9 3DF

Extension of secret hearings "fundamentally unfair", say Special Advocates

Government proposals to increase the number of court hearings held in secret, and in which parties can only see minimal evidence relied upon by the court, have been severely criticised by the "Special Advocates" who play the central role in closed hearings. The group of 57 barristers, including 19 Queen's Counsel, argue that despite attempts, for example, to give those subject to "Closed Material Procedures" a summary of the evidence against them, they remain "fundamentally unfair" and represent a departure from the foundational principle of natural justice that all parties are entitled to see and challenge all the evidence relied upon before the court and to combat that evidence by calling evidence of their own. Closed material procedures (CMPs) represent a departure from the foundational principle of natural justice that all parties are entitled to see and challenge all the evidence relied upon before the court and to combat that evidence by calling evidence of their own. They also undermine the principle that public justice should be dispensed in public. Substantially less restrictive regimes than the CMPs currently deployed in the United Kingdom have been successfully adopted to deal with sensitive material; most notably in the United States, to which no consideration has been given in the Green Paper. Contrary to the suggestion in the Green Paper, CMPs are not "familiar to practitioners". The way in which CMPs work in practice is familiar to only a very small group of practitioners. Of the 69 currently appointed to the list of Special Advocate, only about 32 have substantial experience in the role. Contrary to the premise underlying the Green Paper, the contexts in which CMPs are already used have not proved that they are "capable of delivering procedural fairness". It is one thing to argue that, for reasons of national security, the unfairness and lack of transparency inherent in CMPs should be tolerated in specific areas - such as deportation appeals and control order proceedings. It is quite another to suggest that Government Ministers should be endowed with a discretionary power to extend that unfairness and lack of transparency to any civil proceedings, including proceedings to which they are themselves party.

Hostages: Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Gien Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, Talha Ahsan, George Romero Coleman, Gary Critchley, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Peter Hakala, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Frank Wilkinson, Stephen A Young, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 353 (08/01/2012)

Sex offender policies misleading, under-funded and potentially disastrous

By Raymond Peytors - theopinionsite.org, December 27, 2011

Legal sources have told TheOpinionSite.org that the government is failing in its duty to rehabilitate sex offenders by cutting spending on vital offending behaviour courses, choosing instead to spend taxpayer's money on misleading policies designed to convince the public that the government is protecting children when in fact it is not really doing so at all. As a result of lack of courses, sex offenders are not being released when they should be, are not receiving the necessary support when they are eventually released and are unlikely to ever find work due to the fear whipped up by the government in order to achieve short term political gain. There is also a misleading and damaging emphasis on 'stranger danger', again for political reasons, when in reality most child abuse takes place in the home. Our source has told us that many offending behaviour courses (OBC), seen as critical to the release of most offenders, are being cut due to lack of government funding. Although the Sex Offender Treatment Programme (SOTP) has to some extent been protected, there are still nothing like enough SOTP courses to satisfy demand.

Sex offenders are being told that they must undertake SOTP whilst in prison and also in the community if they are to be released. However, the government is content to starve the prison and probation services of the necessary funds, content in the knowledge that no MP will ever utter a single word in support of the rehabilitation of those that have become society's most reviled criminals.

It seems the Home Secretary, Theresa May believes that a man who goes around permanently crippling pensioners in order to steal from them is ok to be released but someone who has committed any type of sexual offence, sometimes 40 years ago, is not.

A violent criminal is apparently much less likely to be subject to the full force of police and probation supervision than a person who has committed even the most minor sexual offence. Nor will the violent criminal be forced to register with the police in the same way as is required of a sex offender. Successive governments over the last 25 years, the Blair government in particular, have used sex offenders as a political device to divert public attention from more serious government failures. Governments have also reacted to sex crimes with 'knee-jerk' legislation that has increased some sentences from 2 years to life imprisonment.

Bulger, Payne, Soham, Garry Glitter and other cases have encouraged ministers to seize the moment and to make political capital out of tragedy, both by bringing in new, often badly thought out legislation and by ramping up existing sentences and restrictions relating to sex offenders.

Lord Bichard, the author of the report following the Soham Inquiry, admitted in a recent parliamentary debate that many of his recommendations following the murder of Holly Wells and Jessica Chapman had been disproportionately implemented for political reasons.

Successive UK administrations have copied the USA and spent millions forcing schools, voluntary organisations, churches and children's groups to encourage children to see paedophiles around every corner and to cynically terrify parents with ever more frightening thoughts of child abduction, rape and murder.

However, you will never hear any Home Secretary or tabloid editor tell the truth and admit that in reality 95% of all child abuse takes place within the family and is committed by friends or relatives,

whilst only a tiny fraction of abuse is perpetrated by strangers. These figures are supported by Britain's biggest child protection charities and even the government itself.

Meanwhile, the money – your money actually – is continuing to be spent on enforcing the largely useless Sex Offenders Register and MAPPA, paying expensive policemen to visit convicted offenders at home and training just about everyone to seek out abuse by strangers when most of it takes place in a child's own home.

Private companies too are making a fortune promoting the threat of abuse and, often with taxpayer's support, running lucrative courses on child protection at £350 per person. Again, it is all directed towards 'stranger danger' when in reality that is not the main source of threats to children's safety.

Much needed money that could be used to successfully rehabilitate sex offenders is also still being wasted on publicity generating campaigns that allegedly protect children in other countries outside the UK. Child protection is of course not a bad thing but in all these cases, there is a substantial profit being made by someone, largely on the back of fear and paranoia.

Other European countries, those that are not paranoid and have not been taken in by the lie put forward by recent British governments, do not have these problems. They still manage to deal with the appalling crime of sexual abuse but not in the hysterical, ignorant and headline-grabbing manner that we do in Britain. Instead, they concentrate on rehabilitating the offender and, crucially, finding him a job which, as any policeman or probation officer will tell you, is one of the surest ways in which to prevent further offending. By reintegrating the European sex offender into the community, he is able to pay taxes, contribute to society, live a normal life and avoid reoffending.

His British counterpart on the other hand is segregated from the community for fear of reprisal or worse, has no support, is subject to regulations that in practice prevent him from working and is almost persecuted by the authorities to the point where he can contribute little, if anything, to society, even after his sentence is completed.

TheOpinionSite.org does not condone the actions of sex offenders in any way but we do acknowledge that they exist, mainly within the family and believe that when they are convicted and incarcerated, everything should be done to rehabilitate them. When they are eventually released, there should always be a job for them (the biggest employer in the country is the government itself after all), they should be supported and in return, the offender should take the opportunity to regain their position as a truly contributing member of society.

It is estimated that apart from the 50,000 sexual offenders currently on the Sex Offenders Register (there were only 3,000 twelve years ago), there are over a million others that have not been prosecuted. What is more, there are many, many more potential sex offenders within the families of Britain that will not be discovered until they have already harmed a child. It is clear that the manner in which this country deals with the problem has to change. Unfortunately, thanks to misleading information put out by the government and child protection charities, most members of the public are entirely ignorant as to the truth of sex offending in Britain today. This is hardly surprising when one considers that every recent administration has embarked on the same pointless exercise and disgraceful waste of money, trying desperately to convince everyone that the danger to children lies with strangers when, in reality, the true danger is at the front door.

It is an equally pointless exercise to go along with the tabloids and describe sex offenders as 'fiends' and 'monsters' when in fact there are now so many sex offences on the Statute Book that almost anyone could find themselves accused of a sex crime at some point, either through ignorance or false accusation.

150 police disciplined over online postings *Wesley Johnson, the Independent, 31/12/11*

At least two police officers were sacked, seven resigned and 150 faced disciplinary action after posting inappropriate photos or comments on Facebook in the past four years. Officers used the social networking site – which has 30 million users in the UK – to harass former partners and ex-colleagues, to comment on others' wives and to suggest they had beaten up members of the public during protests. Some even revealed details of police operations, tried to befriend victims of crime or were seen in inappropriate photographs, the forces said. The details, released following a request under the Freedom of Information Act, come as a review into police corruption found there was a "significant blurring" between officers' personal and professional lives on social networking sites, which risked damaging the service's reputation. The figures, from 41 of the 43 forces in England and Wales, cover the period between 2008 and 2010.

57 Inmates died from Self-Harm in prison custody 2011

Prisoner 'self-inflicted deaths' include all deaths where it appears that a prisoner has acted specifically to take their own life. Approximately 80% of these deaths receive a suicide or open verdict at inquest. As of 08.00 on 30 December, there are currently 57 deaths classified as apparent self-inflicted deaths during 2011. At the same time last year we reported 58 self-inflicted deaths during 2010. These deaths are in the context of a rising prison population. It should be noted that there are 20 deaths for 2011 which have not yet been classified and there remain 7 unclassified deaths from 2010. Figures within categories will change as Coroners' findings are released. There are currently 20 'unclassified' deaths where it has not yet been possible to determine the cause of death and therefore classify the death as either apparent self-inflicted, natural causes or other non-natural.

Source Ministry of Justice

Convicted murderer gets new trial after computer virus destroys data

In July 2009, a Miami jury convicted Randy Chaviano, of Hialeah, Florida, of second degree murder. Many might have thought it was the end of story when, after an eight day trial, Chaviano was given a life sentence for the shooting of Carlos Acosta. But when the courts recently investigated whether Chaviano had grounds to appeal his conviction, it was discovered that no legal record of the trial could be found - giving the Third District Court of Appeal no choice but to throw out the conviction and grant Chaviano a new trial. Stenographers at trials normally record proceedings on both paper and an internal disk. You've probably seen them busy at work, tapping wildly in the corner of the shot if you've ever seen a courtroom melodrama. But Terlesa Cowart, the stenographer at Chaviano's 2009 trial, transferred the data onto her PC, and erased it from the stenograph. A virus destroyed all data on her PC.

31 dead in Mexico prison knife brawl

A fight among inmates armed with makeshift knives, clubs and stones left 31 of them dead in a Mexican prison that holds many members of drug cartels, authorities said. Gulf and Zetas drug gang members (Tamaulipas state has been the scene of bloody turf battles between the two former allies) clashed when one group stormed into other's section of jail, according to accounts. Another 13 prisoners were wounded in the brawl in the Gulf Coast city of Altamira, Tamaulipas state's public safety department said in a statement. The fight started when a group of inmates burst into a section of the prison they were banned from and attacked the prisoners housed there. Soldier and marines managed to regain control of the prison.

No compensation for criminals injured in prison

Oliver Wright, Independent, 27/12/11

Convicted criminals are to be banned from claiming compensation for injuries sustained in attacks, in prison or after release, under new Government plans. Kenneth Clarke, the Justice Secretary, will claim that the new restrictions will free up money for more deserving victims of crime. But the move is certain to face a challenge in the courts and was attacked last night by prison reform charities that described the proposals as discriminatory and unjust. "People are still people regardless of whether they are behind bars," said a spokeswoman for the Prison Reform Trust. "The punishment is deprivation of liberty, not the removal of the right to compensation for real injuries which they may have sustained and that other people are entitled to." Last year only 340 prisoners made successful claims for injuries resulting in payouts of £3.1m - a small proportion of 3,000 prisoners who made claims. Three prisoners got awards of over than £100,000 while one received £500,000 in compensation. Among some of the higher-profile cases that have spurred the Government into action is that of the Soham murderer Ian Huntley who is claiming compensation of around £15,000 from the Criminal Injuries Compensation Authority as a result of injuries sustained in prison during an attack by another prisoner.

The move is also expected to affect people who, although once convicted of a criminal offence, have not re-offended and have been injured because of an attack that had nothing to do with their original offence. Ministers claim the move is necessary because the Criminal Injuries fund is chronically short of cash. Almost 50,000 victims of crime have been kept waiting for compensation worth over £500m because the compensation authority has run out of funds. But the move will also appeal to Tory backbenchers who have accused Mr Clarke of being soft on crime over Government policy to reduce custodial sentences. Figures from the Department of Justice show that around £5m is paid out from the Authority to people who themselves have been convicted of crime.

Philip Davies, a Tory MP, said: "It is an outrage and a scandal that so much taxpayers' money is being wasted on compensating criminals, who most people would think lost the right to make these claims." A senior source close to Mr Clarke said: "It is ridiculous that we are continuing to spend so much money on the injuries sustained by convicted criminals when so many victims of crime are still waiting for funds. "There is around £5m a year paid out to convicted criminals and we intend to bring that to an end. That will allow us to save around £20m during the lifetime of this Parliament." But a spokesman for Nacro, the crime reduction charity, said the move was against basic justice and it was important to treat people equally. "It would be grossly unfair on people who may have committed a crime in the past but have put it behind them. "People deserve to be treated equally under the law." A Ministry of Justice spokesman said: "The CICA receives a budget at the beginning of the year. As the scheme is demand-led, the amounts due to victims in any one year can exceed the available budget for any year." [End]

'What the above article doesn't tell you is that the Criminal Injuries Compensation Authority has been denying applications on the grounds of the criminal record of the complainant for years and that what is happening now is simply a further official sanction of that policy. It's surprising that as many as 340 prisoners made successful claims and they probably all lost at first instance and only got the money with the help of lawyers. Ian Huntley was always extremely unlikely to get any compensation at all as the CICA would never have paid his claim, but the adverse publicity that anything to do with him generates is being used to destroy every one in prison or with a criminal record's possibility of being treated like an ordinary citizen who can claim protection from crime and compensation when due.' Out of total of 31,581 disallowed claims in 2010/11 'Applicants criminal record/character' was reason for excluding 3,864
Nicki Rensten - Prisoners Advice Service (PAS)

Instead of looking across the Atlantic for answers and giving in to multi-million pound charities like the NSPCC and zealot-driven, money-making machines like ECPAT, the government should spend a great deal more on rehabilitation and a lot less on the post-release persecution and enforced segregation of those who have been released.

Those who are on licence should of course be supervised but supervised constructively by experienced probation officers with some experience of real life; not by some overgrown schoolgirl who has come straight from university and whose sole intention is to impress their boss by putting the offender back in prison at the first available excuse.

Those who have completed their sentence are by definition free and should be treated as such whilst being given support where it is needed in order to find work, etc.

Finally, there are many in government and law and order who believe that the Sex Offenders Register is a waste of money, counter-productive, ineffective and – in the way in which it is implemented – possibly unlawful.

The register always was – and still is – a political device that keeps people employed (not least through the very dubious and hugely expensive MAPPA system), gives a false sense of security to parents and the public, is by definition a reactive process and as such has yet to be shown to have ever prevented a crime from taking place.

The government, police, prison service, probation service and others seriously need to reconsider the way in which the protection of children from sex offenders is approached. The American system has failed miserably and has nearly bankrupted some US states; the British system, which attempts to copy the US, is directed towards the wrong people, also costs a fortune and is based on a lie, misinformation and political and monetary profit.

The only people in Britain to benefit from the current emphasis on 'stranger danger' are ambitious or indolent MPs, those employed in the massive child protection industry in Britain and over-paid officials who get a lot of money for doing very little other than propping up a failed system that has not worked in the past and will not work in the future.

Sex offenders need rehabilitation perhaps more than any other group of offenders and the government should get on with it. And for those rather silly people who readily swallow the effluent produced by tabloid newspapers and others with vested interests, there is no point either in locking up sex offenders and 'throwing away the key'.

At the current rate of increase in convictions, if one were to do that we would very quickly end up with a large proportion of the male, working population of the country in jail, living off the taxpayer for years and being unemployable when they came out; there would follow a fall in tax revenue and additional prison and family maintenance costs.

TheOpinionSite.org believes that real rehabilitation of sex offenders really is the answer. We are not Americans and have no need to follow them like sheep. Reform of such a politically sensitive issue may be difficult but it is not impossible. It may be a bitter pill for MPs to swallow but swallow it they must. To leave things as they are is courting disaster; a disaster that will grow and grow and eventually become unmanageable. All for the sake of spending rather more now and getting people out of prison and into work.

This is also about the difference between justice and revenge.

What exactly is so complicated about any of this? It all seems rather obvious to many people but not, it seems, to those in government who are all apparently terrified of criticism, are generally weak and cowardly and, in many cases, are seemingly too thick and stupid to see the consequences of allowing things to stay as they are. [End]

Sex offender treatment courses are not the answer

'A good man in the eyes of God would possess very different qualities from a good man in the eyes of Hitler. Moreover, one person's sense is often another person's nonsense'

A response to: 'Sex offender policies misleading, under-funded and potentially disastrous' by Raymond Peytors, www.theopinionsite.org By Charles Hanson

As far back as 2002 Johann Hari writing in the New Statesmen (25 March 2002) 'The Sad Truth About Child Molesters', wrote of his own research and findings following a study of a 1998 Home Office report in which he identified negative features of the Sex Offending Treatment Programme after sitting in on one such Cognitive Therapy type course at Maidstone Prison;

"Cognitive therapy can actually enhance the self-knowledge and effectiveness of some very dangerous individuals. At the end of the programme very few men were giving test answers that were in line with the 'man in the street'. Moreover, the study also revealed that those who had been released had 'rapidly deteriorating relapse prevention skills.' Moreover, where many offenders were giving what is referred to as 'victim narrative' or phrases relating to victim empathy and remorse, they were more likely than not the kind of phraseology 'drilled' into them.

Where Mr Hari had the opportunity of speaking to offenders who had completed the SOTP he was disturbed to find that in using all the psychology jargon and phrases they also spoke in a muddled way with factual contradictions about their crimes.

In a separate study, the psychologist J.K. Marques and three colleagues wrote about their findings in the 'Criminal Justice and Behaviour Journal'. They had monitored sex offenders who were part of a very extensive programme of both individual and group 'treatment', and after they were released of a year long aftercare programme. These offenders were given the highest-quality treatment known for sex offenders and it might have been hoped that there would be impressive results. Yet the 'treatment' made no difference at all. Those who had been through the programme were just as likely to reoffend as those with no 'treatment' at all.

One difficulty with the research into the SOTP is that researchers do not use a control group (sex offenders who do not do the SOTP) thereby having a group to compare with which might indicate the effectiveness of the programme. The result is that such studies are of little value and yet are used and relied on to promote the use of the SOTP. Where there does exist evidence of the ineffectiveness of the SOTP it is matched by how so called success rates are measured and for sure it is easy to produce figures which appear to show that treatment of offenders reduces recidivism when actually the figures show nothing of the kind. It is also very difficult to do proper research on the effectiveness of treatment so that the figures can be confidently interpreted as meaning what they appear to show.

There is also a need to be sure that any difference in the reconviction rates of those who have completed courses and a comparison group assuming that the groups do not have any kind of inherent bias are due to the effect of the 'treatment' course rather than just being due to chance.

In measuring the success of courses that supposedly address these problems, The Ministry of Justice have guidelines for evaluating 'treatment' programmes which recommends that, "the strongest design for an evaluation is random allocation of subjects and should be considered and chosen if possible." However the practicalities make this very difficult to achieve in the prison setting.

There have been a few research studies undertaken abroad which adopt this policy but none in the UK using the principles of Random Control Groups. (RCTs).

It may seem an easy business to follow up a group of offenders who have undergone the various cognitive skills training courses and after a period of time find out how many have

equal care needs to be taken to assess the true extent of the defendant's criminality by reference to what he actually did and the circumstances in which he did it.

(e) The passing of the years may demonstrate aggravating features if, for example, the defendant has continued to commit sexual crime or he represents a continuing risk to the public. On the other hand, mitigation may be found in an unblemished life over the years since the offences were committed, particularly if accompanied by evidence of positive good character.

(g) Early admissions and a guilty plea are of particular importance in historic cases. Just because they relate to facts which are long passed, the defendant will inevitably be tempted to lie his way out of the allegations. It is greatly to his credit if he makes early admissions. Even more powerful mitigation is available to the offender who out of a sense of guilt and remorse reports himself to the authorities. Considerations like these provide the victim with vindication, often a feature of great importance to them.

An unenviable task for the judge, and no doubt one which will lead to criticism of the sentencing regime. But, given the clear words of Article 7 ECHR, it would be difficult for the law to be changed to allow for retrospective punishment which is more severe than it would have been at the time.

In any case, it is important to remember that it was only because of the outrage – prompted in part by the famous Daily Mail "murderers" headline – over the initial failed private prosecution that the law on double jeopardy (trying people for the same crime twice) was changed to allow Dobson and Norris to be tried again.

The change in the double jeopardy rules, and more significantly the advances in the use of DNA to solve old crimes, means that an increasing number of judges will have to set their minds to the strange and artificial task of sentencing according to old law. But the human rights restrictions behind this exercise remain clear, and are unlikely to change any time soon.

Call for a United National Campaign to Scrap the CCRC

Initial Organising Meeting - Saturday January 28th 2012

10:00am - 3:30pm, Clifton Old School, Clifton Road, Balsall Heath, Birmingham B12 8NJ

The Criminal Cases Review Commission (CCRC is an obstacle to us all. Because of the way that the CCRC was created (fuelled by subsequent legislation) it was designed to be, and has become, a more and more effective block to people overturning their wrongful convictions. And the longer it is in existence the worse it will get. This is something that we should not and can not tolerate.

Over the past years the building blocks of a Miscarriage of Justice movement are taking shape. It is time for us all to come together and in a united effort push for an agreed radical change to how our cases will be 'reviewed'. We need the question of innocence to be given some taken into consideration. We need to have our say in how miscarriages are investigated and dealt with. We need a concerted united campaign that will bring together prisoners, ex prisoners, families, academics, MPs, and celebrities to challenge the legitimacy of the CCRC, give a national profile to the issue and agree a solution that will be fair to us.

This initial meeting is a delegate meeting, calling for organisations and campaigns to send a maximum of 2 representatives to come along to discuss setting up this campaign which will be an independent campaign made up of all those that can unite under agreed demands for radical change to the appeal process. It is accepted that there are many other issues that we need to unite around. If / when successful then we will march forward to bring about other changes. Make sure someone from you family/campaing attends!

Contact Russ Spring: russtspring@riseup.net or Tel. 0780 655 7509

or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised norms.

Article 7 must be read together with the longstanding principle in criminal law that sentencing is passed as if the crime had happened a short time ago; this only becomes controversial in rare cases when a case has been reopened after many years.

The words "that was applicable" were analysed by the House of Lords (now the Supreme Court) in Regina v. Secretary of State for the Home Department (Appellant) ex parte Uthley (Respondent)[2004] UKHL 38, when Lord Steyne observed that:

article 7 (1) will only be infringed if a sentence is imposed on a defendant which constitutes a heavier penalty than that which could have been imposed on the defendant under the law in force at the time that his offence was committed.

So the discretion of the judge sentencing Dobson and Norris only expands to the maximum sentence which could have been handed down to them if the matter had been tried shortly after the crime took place. At that time, in 1993 and early 2004, they were juveniles so must be sentenced as if they still were.

This means, thankfully, the judge does not have to imagine what the killers would have received at the time of the crime. But this is still a very complex task. As any criminal lawyer knows, a glut of sentencing legislation and guidance has been passed since 1993, when the murder took place, all of which must be ignored.

However, help is at hand from the Court of Appeal which, in the November 2011 case of H, R. v (Rev 2) [2011] EWCA Crim 2753 provided the following guidance for sentencing in "cold cases" (see also our post):

(a) Sentence will be imposed at the date of the sentencing hearing, on the basis of the legislative provisions then current, and by measured reference to any definitive sentencing guidelines relevant to the situation revealed by the established facts.

(b) Although sentence must be limited to the maximum sentence at the date when the offence was committed, it is wholly unrealistic to attempt an assessment of sentence by seeking to identify in 2011 what the sentence for the individual offence was likely to have been if the offence had come to light at or shortly after the date when it was committed. Similarly, if maximum sentences have been reduced, as in some instances, for example theft, they have, the more severe attitude to the offence in earlier years, even if it could be established, should not apply.

(c) As always, the particular circumstances in which the offence was committed and its seriousness must be the main focus. Due allowance for the passage of time may be appropriate. The date may have a considerable bearing on the offender's culpability. If, for example, the offender was very young and immature at the time when the case was committed, that remains a continuing feature of the sentencing decision. Similarly if the allegations had come to light many years earlier, and when confronted with them, the defendant had admitted them, but for whatever reason, the complaint had not been drawn to the attention of, or investigated by, the police, or had been investigated and not then pursued to trial, these too would be relevant features.

(d) In some cases it may be safe to assume that the fact that, notwithstanding the passage of years, the victim has chosen spontaneously to report what happened to him or her in his or her childhood or younger years would be an indication of continuing inner turmoil. However the circumstances in which the facts come to light varies, and careful judgment of the harm done to the victim is always a critical feature of the sentencing decision. Simultaneously,

been reconvicted. The problem is, what does such figures prove?

What is really wanted is how those figures compare with the numbers who would have been reconvicted had they not been involved in for example the SOTP. There can be no direct answer to that so one can only compare the outcome of the 'treatment' group as measured by the reconviction rates of a comparison or control group.

There is one factor which is really impossible to account for and that is that offenders who generally choose to engage in courses do so because they are more predisposed not to offend and thus it is likely that out of this will be some success stories. For the rest there exists elements of coercion that is often resisted, excuses will be made by the prisoner and decisions that target prisoners for courses can be often be subjected to legal challenge most which of course fail.

Statistics can also be interpreted to mean what the researcher wants them to mean, for example a claim that the effectiveness of courses reduces re-offending by 50% over 2 years can also mean that the figure is reduced to a mere 5% over 4 years. Short-term gains often means long-term losses.

For those offenders who meet the criteria of personality disorder there exists evidence that suggests that some interventions can have unintended consequences, for example the increase of violence due to treatment raising self-esteem and thus fuelling aggression. In addition, those with personality disorder it is suggested are likely to be 'false compilers' learning to fake empathy and 'jumping through the hoops'. (Harris et al 1994).

Would it also be fair to argue that if everything else remains unchanged for example the offender's socio- economic circumstances and his or her upbringing, poverty, unemployment, discrimination etc, the likelihood of an offender going on to re-offend will remain unchanged no matter how many 'thinking skills' course certificates or educational qualifications he or she would have achieved?

What we have in cognitive skills courses are heavily value laden sessions where the values and ideas of the tutors usually white middle class are regarded as being positive and meaningful whilst those of the participants are to be challenged regardless of their validity and for sure, a good man in the eyes of God would possess very different qualities from a good man in the eyes of Hitler. Moreover, one person's sense is often another person's nonsense, which is no more than degrees of common sense.

There does seem to be a blind devotion by the Ministry of Justice and the Prison Service to cognitive skills training which includes the Sex Offender Treatment Programme (SOTP), Enhanced Thinking Skills (ETS), Reasoning and Rehabilitation (R&R) Controlling Anger and Learning to Manage It (CALM) and the Cognitive Self Change Programme (CSCP) courses but these arguable solutions to offending behaviour are the result of very simplistic explanations as to why people offend when there are so many variables, features and conditions unique to each individual.

The dynamics of offending may be just more than the way one thinks and certainly the 'one size cap fits all' approach where courses are designed to treat groups alike irrespective of ethnic, cultural, gender, socio-economic or personality differences may well leave many questions unanswered and in some instances may render offending behaviour courses as being culturally unfair.

It does seem that in the current approach, the Ministry of Justice and the Prison Service are 'putting all their eggs in one basket' which may yet prove to be disastrously ineffective and far more costly than envisaged by the critics of psychology based offending behaviour courses. [End]

'The Day It all Went Wrong' for Anthony Jackson, in his Own Words.

Thursday 25th March 2010 started as any normal day. Little did I know what this day would have in store for me? After returning from a 6 month tour of Afghanistan on 10th February and spent four weeks at my partners' house in Glasgow. I then decided to pay a visit to my home town Hull to visit family and friends. If I was to know how a planned night out in the town centre was to turn out I would have stayed in Glasgow.

5.30 pm and I'd just finished watching a movie and decided to phone my partner before getting ready to meet the lads. The last thing I remember she said to me was "have a good time with your friends". I promptly jumped in the shower at around 5.45 with my iPod blasting Black Eyed Peas 'Tonight's Gunna Be a Good Night', Ironic eh?

Out of the shower, in to my 'glad rags' and a bit of hair gel and I was set up for the night. My mum drove me to Shaun R's house where he and Andy would be waiting for my arrival with a drink at the ready. After not seeing them for such a long time it was great catching up and being in their company. An hour or so later saw the arrival of Mike; another of my close friends whose girlfriend offered us a ride in to the town centre.

Upon arriving in the town centre I withdrew enough cash to buy everyone a few drinks. In to the first bar in Hull City Centre, where I bought a couple of drinks for everyone before moving on to the next bar. I was excited to see a couple more of my friends; Shaun S and Liam join up with us on the way to the next bar. It felt great to all be together for the first time in a very long while.

Now at around 10 pm and in the second bar of the night I carried on where I left off and treated us all to a couple more drinks. I returned to the area we were sitting to Andy and Shaun R chatting to a couple of girls who were sat on the seats next to us. I joined in the conversation for a couple of minutes and returned to Shaun S and Liam when the Door Man approached us and asked us to move outside. When asked what the problem was, I was told that a complaint has been made by the girls and we had to go around the building to another entrance and stay away from them. Not sure why the girls had made a complaint we decided to finish our drinks outside and move on to a night club. This incident was to become important in the trail because the doorman told everyone that he had asked us to leave.

The night continued on at Pozition Night Club across the road from the previous bar. There we had drink upon arrival and after wondering around the three floors of the club for a while found myself on my own. I wasn't surprised or too bothered at this as we usually bump in to one another later on in the night. After more wondering of the three floors I eventually found Shaun R who was talking to some of his friend from work that he had seen. Shaun said he didn't know where the other guys were when I asked him.

After receiving no response to investigative text messages to find the whereabouts of the others I decided to leave Pozition and go to Sgt Peppers bar in the New Town. This is often where we go after Pozition closes and I thought I might find one of the others in there I didn't see any of them in there but I received a text message from Shaun S stating that he was at home. I didn't think there was much point in staying out any longer so I finished my glass of water and headed for Paragon Square to a take away. When I noticed they were all closed I approached a girl sat on a bench outside one of the take aways. I sat down beside her and asked her if she knew of any local taxi company phone numbers because I was unsure of any after being away from Hull for so long. I called for a taxi and carried on talking to the girl whilst I waited. She offered me a chip whilst we chatted and I noticed a photo of child on her phone.

I asked her who it was and she told me it was her son.

color.

The disparities multiply: nationally, Alabama ranks 23rd in population, but second in executions in 2011. In Alabama, African-Americans are 27% of the population, yet comprise 63% of the prisoners. And while 65% of murders involve black victims, 80% of death sentences involve white victims. Further, according to the Equal Justice Initiative, 60% of black death row prisoners were convicted of killing a white person, although cases involving black defendants and white murder victims represent a mere 6% of the murders in Alabama.

In the past 10 years, 23 Alabama death penalty cases have been overturned because prosecutors had illegally struck black people from the juries. Alabama has no black appellate judges, and only one black prosecutor. And nationally, 98% of prosecutors are white.

If the death penalty is highly racialised, it is a regional and local phenomenon as well. Over three quarters of executions take place in the states of the former Confederacy (including 35% in Texas alone) with their history of racial violence, lynching and arbitrary Black Codes and Jim Crow laws, which sanctioned death for blacks for certain offenses.

In death penalty states, the decision to seek the death penalty takes place on the county level at the discretion of the district attorney. Only 10% of the 3,148 counties in America have returned a single death sentence; a mere 1% of counties returned one or more death sentences per year.

According to data from DPIC, 15 US counties accounted for 30% of the executions since 1976 – which is less than 1% of counties in the country, and less than 1% of the total counties in all death penalty states. Nine of these counties are in Texas, and three are in Alabama.

Capital punishment has national and international implications, yet in the US – where a very small number of counties, largely in the South, accounts for a majority of the executions – local officials enjoy broad powers to prosecute and execute based on groundless assumptions and bias about race. Questions of guilt and innocence are subordinated to expediency and prejudice.

Why Stephen Lawrence killers were sentenced as juveniles and under old law

Adam Wagner, UK Human Rights Blog, 04/10/12

Two of Stephen Lawrence's killers Gary Dobson and David Norris have been sentenced to minimum life terms "at her Her Majesty's Pleasure" of 15 years 2 months and 14 years 3 months respectively.

There has been surprise, from the Daily Mail amongst others that Dobson and Norris, now in their mid-30s, were sentenced as juveniles. Curiously, they have also been sentenced under historic law dating back to around 1993, which means they cannot be sentenced under harsh new guidance for racially aggravated crimes.

This may all sound a bit strange, but as readers of this blog will know, the sentencing of criminals convicted in "cold cases" which have heated up can be much more complicated than if the crime happened a short while before trial. This may upset Daily Mail readers, but the reason is partly the European Convention on Human Rights. As Alasdair Henderson posted last month, Article 7 prohibits retrospective punishment, that is punishment using law which was not applicable at the time of the crime:

(1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

(2) This Article shall not prejudice the trial and punishment of any person for any act

But until it happens to someone close to you, you believe what has been written, simply assuming if they are allowed to write such things then they must be true. Sadly this is not the case. The link to the story about free self defence classes given after the news that this incident had been reported. Just so happened to be an ex- Police officer, hmmm!

We were called into the courtroom and heard that the jury had made a decision. This was it, it was all going to be over, or not. "Guilty" rang around the courtroom and Anthony Jackson was sentenced to 6 years imprisonment and to top it all off he was discharged from the Army where had found home and comfort after his own tragic start to life.

That was only to be the beginning as a year later he still sits behind bars as a victim to miscarriages of justice, convicted of a crime he simply did not commit.

The racial bias of the US death penalty David A Love, guardian.co.uk, Tuesday 3 January 2012

What does it mean that just a handful of counties, mostly in the South, are responsible for the majority of executions in the US?

The application of the US death penalty is unfair, arbitrary and racially biased. Whether a defendant receives a death sentence depends not on the merits of the case, so much as on his or her skin colour – and the race of the victim – and the county in which the murder case was prosecuted. Two recent news items in the US provide some illustrative context.

First, the issue of bias: the North Carolina Senate recently approved Senate Bill 9, a measure that would repeal the state's Racial Justice Act. The act, signed into law by Governor Bev Purdue in 2009, allows inmates to challenge their death sentences through statistical evidence of racial bias, including the exclusion of blacks from juries. Republican lawmakers and prosecutors opposed the law.

Fortunately, the governor vetoed SB9, which would have required prosecutors to openly confess to racism. This would have made it far more difficult for prisoners to prove racial discrimination in their sentence, despite evidence such as a study of North Carolina which found that defendants whose victims were white were 3.5 times more likely to receive a death sentence.

Second, the geographical anomalies: an analysis by the Houston Chronicle found that 12 of the last 13 people condemned to death in Harris County, Texas were black. After Texas itself, Harris County is the national leader in its number of executions. Over one third of Texas's 305 death row inmates – and half of the state's 121 black death row prisoners – are from Harris County. One of those African Americans, Duane Buck, was sentenced based on the testimony of an expert psychologist who maintained that blacks are prone to violence. In 2008, Harris County District Attorney Chuck Rosenthal resigned after sending an email message titled "fatal overdose", featuring a photo of a black man lying on the ground surrounded by watermelons and a bucket of chicken.

But this is nothing new: race and capital punishment in the US have always been inseparable. According to the Washington-based Death Penalty Information Center (DPIC), 56% of death row inmates are black or Hispanic. However, although racial minorities comprise half of all murder victims nationwide, a far greater proportion (77%) of the victims in capital convictions were white. The racial identity of the murder victim is thus a leading factor in determining who receives a death sentence in America. Amnesty International also reports that 20% of blacks nationwide were convicted by all-white juries.

Given the over-representation of black and Hispanic prisoners on death row, it is hardly surprising that of the 139 capital convicts found innocent since 1973, 61% have been of

A short wait later and a taxi arrived and soon realised it wasn't for me when a couple of girls jumped in and it drove away. My taxi eventually arrived a little later. I jumped in and had the usual taxi chit chat with the driver on the way home. I told him about my planned holiday to Tenerife and my army tour to Afghan. He mentioned that I wasn't very drunk to which I explained I was travelling to Glasgow in the morning and didn't want to feel ill for the journey.

I asked the driver to drop me off at the Hop Pole pub because my mum had just moved to the area and I wasn't familiar with street names yet. As we approached my destination the driver pointed out a girl stumbling across the road of a roundabout near to the pub. I paid the driver £20 and told him to keep the change. Later in court the taxi driver denied seeing a girl, but said he mentioned something to me before I closed the door. It's quite contradicting and coincidental that we both used the same words to describe the girl in our police statements.

Little was I to know that the next 30 minutes was to ruin my relationship, career and everything I had worked 25 years to achieve.

On getting out of the taxi I walked over to the door of my mum's house when I looked over my shoulder and saw the girl that the taxi driver pointed out stumbling about. I decided to catch up with her; she was crossing at the zebra crossing outside the Hop Pole pub when I did. I asked the girl why she was stumbling then noticed her buckle had broken on one of her shoes. She said she had been to a friend's birthday party before going in to the town centre.

We carried on walking down Kingston Road together as CCTV footage later showed. We started to get on quite well, making small talk and I even cracked a joke calling her 'Skippy'. We came to a junction where a street came off the main road where we talked a little more. She leant up against the wall of the corner house and we kissed. We carried on kissing for around a minute before I asked her if she wanted to have sex with me. She replied by asking where I lived to which I pointed towards my mum's home.

I didn't want to take her in to my mum's home because I already had a partner and my mum would have disapproved (and rightly so, may I add). We discussed where we could go and decided that an ally down the street looked a bit too open. She then asked me if I had a condom and we agreed on the garden of the wall she was leaning on. We entered the garden and I reached for my wallet where I the condom she had previously asked for. She started kissing me again and we started to touch each other. She then moved over behind a bush in the garden, laid on her back, pulled her skirt up and her knickers to one side. We began having sex which lasted for around 5 minutes when she said she didn't feel comfortable. I'm not 100% sure what she meant by this whether it was because she thought someone could hear us or the ground was uncomfortable.

Anyway we stopped and got up off the ground and sorted out trousers/skirt then began walking further up the road. We came to another garden and decided to go in there as it had a space covered between a wall and a car. She walked in to the garden before me which had a gravelly surface and laid on the ground. We began having sex for a second time this time lasting about 10 minutes before I asked her to go on top. She replied that she needed to go because her friend would be waiting up for her. I then got off her and pulled her up on to her feet. Without saying anything she just walked off, so I asked her if she wanted me to walk her home but she said 'No it's ok'. I asked her if she was sure and she said 'yeah' so I walked back towards my mum's home (also later shown on CCTV). I was tired by this point as it was now about 3.45 in the morning so I jumped straight in to bed thinking that it was nothing but a one night stand.

I woke the next day at about 10.30 am, had breakfast, showered and uploaded some photos of the night on to my Facebook profile. I spent most of the day with my younger brother and gave him the rest of the money I had from the previous night before leaving for my train to Glasgow at 3.45 pm. All the way to Glasgow I felt guilty that I had cheated on my girlfriend but tried to put it to the back of my mind as I didn't want it to ruin our holiday. (A couple of days later. The Hull Daily Mail later reported that I had 'fled the country, following an alleged rape'. One of the many ways the paper portrayed me as guilty before the trial was over.)

So I went on holiday with my girlfriend and returned the next Monday thinking nothing of the consensual sex I had with a girl over a week before. Going through passport control I remember my girlfriend just wanting to get home because she didn't feel too well from the flight. I noticed five police officers approach us as we passed through and they asked us to step to one side. My initial thoughts where they must have made a mistake or my girlfriend had brought too many cigarettes back. When they said they wanted to see me I thought that maybe it was something to do with the army thinking that maybe I had taken too much time off and they had come to take me back. The police took me in to a room and I remember one of the officers asking 'you really don't have a clue why we are here do you?' He then followed up with 'Mr Jackson I am arresting you on suspicion of rape on Friday 25th of March 2010'. They then told me I was to be escorted to Hull in handcuffs in a police van and was not allowed to speak to anyone. The police took my girlfriend home and when she asked them what all this was about they replied 'We can't really say but he's definitely done it' (again, guilty before proven).

I arrived at Priory Road Police Station on the Monday morning at 9.05 after not having any sleep from the flight and police journey I had 11 hours worth of interviews. 11 hours answering every question, believing that the police would see sense.

Anthony Jackson, A4909AP, HMP Wymott, Ulnes Walton, Leyland, PR26 8LW

The Trial Posted by shaunscholes@live.co.uk on November 5, 2011

We find the defendant Mr Anthony Jackson "Guilty" there was utter shock and total disbelief echoing around the courtroom. In me writing and reliving this painful torment must be a far cry away from the feelings felt by 'Jacko' every single day sat in prison for a crime he simply did not commit.

The only 'crime' he was (and admits) to being guilty of was having a one night stand whilst having a girlfriend. Is this deserving such a punishment of getting up and laying down each day wondering how long it is going to be before someone pinches him and wakes him up from this horrific nightmare. After 7 days in the courtroom, each day hearing more and more facts that support Anthony's innocence and someone else's pure ignorance (to what she was ultimately putting on him) it came to the moment we'd all (as friends and family) been longing for all the months this dragged out before the curtain came down.

We all entered the courtroom thinking (after hearing all the evidence, the truth and nothing but the truth) this was it. The moment we were going to see an innocent man set free from the shackles of injustice that had held such draining strain on his own health and those who care about him.

Not to mention the stress that I can only imagine he was going through, trying to keep everyone else positive and putting others before his own feelings.... His relationship with his girlfriend under immense pressure, she found the courage to sit in the courtroom to support her man knowing full well what he had done. Being unfaithful to her and no more.

The Police interviewed Anthony and after he said they'd had consensual sex in 2 gardens they showed him pictures of 2 gardens. Now this in itself is of interest because the 'prosecutor' told the Police that she was raped in one garden. So why would the Police have pictures of

the 2 gardens if they had known nothing about a second until Anthony told them?

Garden number one they had to enter through a prickly hedge which the 'prosecutor' had grazed around her calves to support this. And yet she knew nothing about it and simply bluffed her way through the 'defences' questions by simply saying "I don't know" and "I can't remember". Garden number two was on a gravel driveway, no more than 10 feet away from someone's front door. She claims she was pinned down by her wrists by Anthony (weighing 15 stone) and yet no marks, no bruising to support this.

She never once screamed, struggled or made any attempt to alert the occupiers that she was doing something against her will. Why? Laid on gravel she could have made an attempt to grab a handful and throw it as hard as possible at the occupiers windows, but didn't. She agrees with not struggling or ever screaming or anything at all. In her words "I just closed my eyes and looked away". She remembered seeing him unzip his jeans. When the court held up his jeans they were buttoned, no zip.

Next, an unbelievable fact that should have on its own blown her 'cry' out of the water. A durex wrapper was found with both his and her DNA all over it, but she couldn't remember one being used so how would and could her DNA have gotten all over it?

Anthony was fully co-operative at all times and had a crystal clear recollection of the nights events despite being intoxicated after a night in the town with friends. Unlike the other one who had little and most of the time throughout no recollection whatsoever!?!?!?

To cap it off she admitted to Anthony asking her to "go on top" and saw this as her opportunity to get away. Anthony admitted that he asked her to go on top and not once doing anything against her will. The only time she said she wanted to go was when she got off Anthony, pulled her skirt back up and they went their separate ways after what is all too common in our society now; a one night stand with a stranger.

Her story claims that despite having 4" high heels on, one of which was broken, she outran him (after getting "on top") At the time Anthony was serving in the British Army and had just come home on 'leave' after a tour of Afghanistan. Would anyone be able to run in 1, 4" high heel? Let alone outrun Anthony?

The truth is she had to go to meet her friend who's (parents) house she was sleeping at that night, it was already in the early hours of the morning and she didn't want to take the mick out of their house "treating it like a hotel" in the words of her friend who also gave evidence.

This friend was questioned in court and agreed to being very angry at her friend for using her parents house like a hotel and coming in whenever she felt like it. When the prosecutor came in, her friend did not want to speak to her. This was still the case when they were both walking to college that same morning and then it started. 'I can't believe your not talking to me, I was raped!' After attending college for the whole day she went to another friend's house and it continued to roll off her tongue; "I was raped!!"

In this friend's time in the box in the court, she said the only time she showed any emotion was "when I said I'm taking you to report this to the Police" as any friend would understandably do. The prosecutor later reluctantly went to report this to the Police with her friend.

Shortly after, and even before Anthony had been tried in the court an article was printed offering free self defence classes to females aged 16+ in Willerby. They even printed his name before even being convicted the link is there for all to see, it is disgusting how this is allowed to happen. Unfortunately it is quite common and usually I think 'yeah they get all they deserve!!'