

The Blantyre House Prison Affair

LESSONS FROM A MODERN-DAY WITCH HUNT

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Tom Murtagh OBE

Foreword **Martin Narey**

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Acknowledgements

I am grateful for the support and tolerance of my wife, Frances, whose strength and wise council have kept me going in the difficult times and my feet firmly on the ground throughout my career. The help and understanding of my family all through that long career, and in writing this book, is deeply appreciated.

I am saddened that my good friend Ron Gooday did not live to see this project completed but his contribution and that of Ed Davidson were invaluable.

I would like to record my appreciation of the help and advice I received from Bryan Gibson, my publisher. My thanks also go to a number of other individuals who helped me but prefer not to be identified; which in no way diminishes my appreciation of their contribution.

Finally I want to record my gratitude to both Martin Narey (former Director General of HM Prison Service) and Phil Wheatley (the current Director General) for their loyalty and support throughout this whole affair. Martin was being 'put through the mill' with me at the same time and his thoughtful and quiet encouragement in the difficult times was reassuring. This is re-affirmed by his agreeing to write the Foreword to this book, for which I am most grateful to him.

Tom Murtagh

April 2007

Dedication

To the memory of my son

Nigel

who inspired me to write this book.

Some Key Abbreviations and Terminology

- ATM** Automated transaction machine (i.e. usually meaning a bank cash dispenser).
- BOV** Board of visitors. A committee made up of volunteer members of the public appointed by the Home Secretary to each prison in a purely monitoring role. They have no executive role or management responsibility and HMP Prison Service managers have no accountability to them. Since 2003 called the Independent Monitoring Board (or IMB).
- C and R** Control and restraint. An approved method used by prison staff to control violent and disruptive prisoners without causing injury.
- CSAP** Correctional Services Accreditation Panel.
- DG** Director General of HM Prison Service.
- DDG** Deputy Director General of HM Prison Service.
- Establishment** Generic description often applied to any HMPS premises, such as a prison or YOI.
- General search** A planned speculative full search of premises and/or people but with no specific target.
- Governor** Any grade of prison governor: but usually qualified so as to denote rank, e.g. 'assistant governor'. They may work in a particular prison or at HMPS headquarters.
- Governor in charge** (or 'in charge governor' or often 'governing governor') The governor who is in overall charge at a given prison/establishment.
- HAC** Home Affairs Select Committee. A committee of members of the House of Commons, i.e. that monitors home affairs.
- HMP** Her Majesty's Prison: as in HMP Blantyre House; HMP Wormwood Scrubs.
- HMPS** Her Majesty's Prison Service.
- KPI** Key performance indicator.
- NIPS** Northern Ireland Prison Service.
- NOI** Northern Ireland Office (the equivalent of the English Home Office in Northern Ireland).
- Open prison** One without a secure wall or perimeter fence and within and sometimes outside of which prisoners are allowed to wander subject to requirements of, e.g. security and control.
- PGA** The Prison Governors' Association. A staff association that represents some prison governors.
- POA** The Prison Officers' Association. A staff association that represents most prison officers.
- Resettlement prison** A prison specialising in preparing and assisting prisoners who are approaching the end of a long sentence to gradually reintegrate into the community.
- Rubdown search** A search carried out on a fully-clothed person requiring the palms of the searcher's hands to be rubbed over that person's body and the removal of his or her shoes (like the standard airport search on passengers).
- Semi-open prison** A special type of open prison but with a higher than usual category of prisoners and with special security requirements—that emerged partly as a consequence of the story told in this book.
- Strip search** A search involving the removal of clothing, initially from the upper body and, when replaced, from the bottom half including shoes and socks.
- Young offender centre** Name given to the equivalent of a YOI, in Northern Ireland.
- YOI** Young offender institution, i.e. for those aged 18-21.

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About the author

Tom Murtagh spent his entire adult working life within HM Prison Service and the Northern Ireland Prison Service, completing almost 40 years' service in 2002. After beginning in England at Wormwood Scrubs he moved to Northern Ireland at the height of The Troubles. He spent three periods at The Maze Prison, including as Head of Security and later as Deputy Governor. He is a former Principal of the Prison Service College in Northern Ireland and served as Governor in charge of both Armagh Prison and Hydebank Wood Young Offender Centre in Northern Ireland and later Dover Young Offender Institution (YOI) in England. For most of his time in Northern Ireland he was a known terrorist target and frequently under police protection. He returned to England in 1988, mainly for security reasons. He became area manager for East Anglia in 1992 and later held a similar position in Kent, then for the Kent, Surrey and Sussex area. A former chair of the Prison Governors Association in Northern Ireland, he was awarded the OBE for services to the Prison Service in 1990.

The author of the Foreword

Martin Narey is chief executive of Barnardo's—the UK's leading children's charity. Until 2005, he was Chief Executive of the National Offender Management Service (NOMs) and a Permanent Secretary at the Home Office until he left that department for the voluntary sector in 2005. He began his career in the National Health Service before moving to HM Prison Service in 1982 where he soon became recognised for his commitment to transforming and motivating prison staff, clarity of vision and his determination to drive through improvements in prison conditions and the way that prisoners are treated, including via a Decency Agenda that led to significant improvements and reforms. In 2003 he was awarded an Honorary Doctorate by Sheffield Hallam University where, in 2006, he was made a Visiting Professor. He received the Chartered Management Institute Gold Medal for Leadership in 2004.

Foreword Martin Narey

I did not get to know Tom Murtagh until just a couple of years before the Blantyre House controversy. We are not, and never have been friends in the true sense of the word. Although I like and admire him, we have never had a drink together, our wives have never met.

He came from a very different part of HM Prison Service. I was a fast stream assistant governor, naïve and idealistic on appointment and spared the grind of many years on the prison landings. I had moved swiftly to the top of the Prison Service. Tom, a lot older than me, had worked himself up from the bottom. He had been a 'Wormwood Scrubs Screw' and he took a longer route to senior management including an extensive—and courageous—spell in Northern Ireland at the height of The Troubles.

Our paths did not cross properly until 1998 when I joined the Prisons Board as Director of Resettlement. We did not get on initially and had one or two clashes. By this time Tom was the area manager in charge of prisons in Kent. I was in the habit of dealing directly with his governors as I sought quickly to re-introduce rehabilitative activity and to spend effectively the cash obtained by the Prison Service in the Spending Review of 1998. I lived in the midst of Tom's area and would frequently seek to make deals directly with his Governors. In particular, I began to spend time with Eoin McLennan Murray, the caring governor of Blantyre, and Eoin and I did become friends. Tom would remind me not to issue instructions to his staff. Encouraged by a view of Tom as a dinosaur, I continued to do so.

On Christmas Eve 1998, I phoned Mike Conway, another graduate entrant and contemporary of mine, and then the governor of Maidstone Prison, to tell him I was to be the next Prison Service Director General. Tom, Mike's Area Manager, was in the office when Mike took the call and he, Tom, added his—I thought—sheepish congratulations to Mike's. I remember thinking that Tom was unlikely to welcome my appointment. But at the same time I reflected that, late on Christmas Eve, when nearly everyone had stopped for the holiday, Tom was still in one of his prisons.

Others must have noted that Tom and I might not be a marriage made in heaven and a few weeks into my Director Generalship, Sir David (as he then was) Ramsbotham's Deputy at HM Inspectorate of Prisons asked for a private conference. He had a list of two names, people he and Sir David thought I should 'move on'. Tom's was the first of those names. I declined to take that advice, started visiting Tom's prisons, and began to notice how fast he was improving things. And in particular I noticed how he was gripping the new rehabilitative agenda, leading in the management of drug abuse as well as giving prison psychology a more influential role. He began to make a key contribution in developing a renewed resettlement strategy for the whole Prison Service. While

Tom was not the darling of the conference circuit, and while he did not speak out eloquently about rehabilitation, he was making it happen. I began to recognise him as an intelligent and outstanding manager.

Meanwhile, I began to take a close interest in Blantyre House. It was the nearest prison to my home and I found Eoin, the governor, to be idealistic and sometimes inspiring. He treated prisoners with respect, placed absolute trust in them and the atmosphere in his prison excited me. I wanted there to be much more of the humane approach prevalent at Blantyre elsewhere in the Prison Service.

But, much as I liked a great deal about Blantyre House, and long before I became Director General I had begun to form one or two doubts. I knew that prisoners were frequently released at weekends to carry out community work. On a glorious day in the summer of 1998 my family and I visited Goudhurst, a pretty little village, close to Blantyre. The village fete was in full swing and a large number of prisoners, freed on licence for the day were assisting. Eoin had told me that the success of the day release scheme was founded on an absolute intolerance of alcohol and that every prisoner on returning to Blantyre had to take a breathalyser test. Those who failed were transferred the same evening to another gaol. But on that sunny afternoon, in the absence of any staff from the prison, I noted that some of the prisoners were drinking. It was clear they knew they were not going to be tested when they returned to the prison. That suggested some staff were colluding.

After my appointment as DG, my doubts about Blantyre began to grow. David Ramsbotham convincingly told me that while he had no firm evidence he believed that prisoners from prisons on the Isle of Sheppey might be buying transfers to Blantyre. An audit of community work placements at Blantyre revealed a singular absence of much in the way of real work. And most troublingly, I discovered that there was at least one prisoner at Blantyre whose placement in a resettlement prison, at a very early point in his sentence, was inexplicable and indefensible. I began to worry.

You have to be political to run prisons effectively. You need always to be aware of the potential for escapes, riots or other embarrassments to prompt public, media and Ministerial anger. In the mid-nineties, notorious escapes from Whitemoor Prison and Parkhurst had nearly brought down the then Home Secretary, Michael Howard and did bring down the then Director General. My understanding with Jack Straw (Howard's successor) was that he would obtain the funding for me to make imprisonment more constructive as long as I did not allow prisons to embarrass him as they had embarrassed so many of his predecessors in office. I knew that a major security scandal would bring to a halt the promising re-emphasis on rehabilitation, decency and humanity.

I urged Eoin and his committed Board of Visitors to ensure there was a proper balance between trust and security at the prison. I reminded them of the capacity

of a minority of prisoners to manipulate the freedoms they enjoyed and to abuse the trust placed in them. Tom began, quite properly, to manage Eoin more closely, never doubting his, Eoin's, commitment, but sometimes doubting his judgement.

But things got worse. We began to receive worrying police intelligence about the activities of some prisoners when on day release. Things began to drift and, with Tom's blessing I began to take a more direct role. I thought an immediate way to fix Blantyre, recognising Eoin's compassionate leadership and the caring approach of many of the staff was to try and make it a flagship establishment for the custody of children. The Youth Justice Board were excited by the prospect and I decided to visit Blantyre to share the possibility—in confidence—with Eoin and the Board of Visitors. Shortly afterwards, before I had even discussed the possibility with him, Paul Boateng (the Prisons Minister) was put under pressure by the Home Affairs Committee, and anxious that he might be accused of undermining a resettlement prison, vetoed the idea.

In retrospect, my personal involvement, and wish for Eoin to succeed, probably made Tom's job in managing him more difficult. Later on there would be suggestions that Tom was a bullying and domineering manager. But, in reality, Tom should have intervened much earlier and moved Eoin to a new post. He almost certainly desisted from doing so because he knew I wanted Eoin to be successful.

Eventually, with emerging and extremely troubling evidence of significant criminal activity by serving prisoners at Blantyre and my growing conviction that some staff might be corrupt, I briefed Paul Boateng, and authorised Tom to remove Eoin, and—before prisoners and staff could hide evidence of wrongdoing—to have the whole prison meticulously searched. I remain entirely convinced—on the basis of the compelling evidence we had gathered—that, without that intervention, Blantyre prisoners might have been at the centre of a controversy, probably involving large scale drug importation, which would have threatened the reputation of the whole Prison Service, returning it to the mid-nineties emphasis on 'security, security and security'.

But it was impossible, in the weeks and months which followed, to secure any sensible discussion of the events and their justification. Attempts by me to share intelligence about what might have been happening at Blantyre House were thwarted by a constant leaking of discussions. A private meeting with the local bishop was reported in *Private Eye* the same week. When I invited members of the Board of Visitors to my home, to impress upon them the necessity of my actions, our discussions were later shared over the telephone by a member of the board with a notorious prisoner in another prison (I listened to the tape with some astonishment). My home address was revealed to the same prisoner by the board member, who I know to be a good and decent man, but who had forgotten that we were dealing with prisoners given long sentences for sometimes grave crimes, and that they could not always be trusted.

This is Tom's story. It is a personal account and does not claim to offer a detached view. But I believe it to be an honest and accurate account of an extraordinary affair. It is a cautionary tale about the need in managing prisons – however much one is committed to giving prisoners a second chance – to remain realistic about the potential for a small number to abuse the trust placed in them. And just as significantly, to remain aware of the potential for staff to be corrupted by powerful and wealthy prisoners. It is deeply ironic, after having my concerns about staff corruption roundly dismissed at the time, that just before I left the Home Office in 2005, I read a report from a Metropolitan Police Commander which criticised the failure to fight corruption when it was exposed at Blantyre at the turn of the decade.

This is the story of how, in the weeks and months following the removal of the governor of Blantyre House Prison – arguably an entirely internal matter for the Prison Service – an unholy alliance of Sir David Ramsbotham, the Board of Visitors, the Prison Reform Trust and others (who did not know, and could not be told, about investigations at Blantyre by at least two police forces and Customs and Excise) convinced a misguided Home Affairs Committee to vilify Tom whose actions in managing Blantyre not only preserved all that was good about the Blantyre regime (and it has gone from strength to strength since) but may have saved my then job and perhaps that of the Home Secretary.

Preface

This story might seem to have all the ingredients of a good novel but regrettably it is not fiction. This is a factual account, from my perspective on the inside, of events that occurred between 1998 and 2002 centred on a small Kent prison, Blantyre House. It describes how a small but sophisticated group of prisoners seemed able to influence the Governor, many of his staff and some members of the prison's Board of Visitors to an extent that they appeared to lose a proper perspective of what prisons are about. The group's authority became so strong that, in some instances, a handful of prisoners appeared to be empowered to make what should have been management decisions, leading to a situation in which basic security procedures were ignored or even discontinued.

The Governor was not carrying out HM Prison Service (HMPS) instructions in managing the prison and, it seemed, was at times wilfully disobeying clear orders from myself, at that time the HMPS Area Manager in Kent, Surrey and Sussex and his immediate boss. This situation created an environment in which a small number of people who until then might fairly be described as career criminals—and who in some instances might still be pursuing that career—and who should thus not have been at Blantyre House at all, were able to engage in criminal activity when on temporary release from the prison.

Eventually, this situation deteriorated to such a degree that the Governor had to be moved without notice and the prison subjected to a general search. This action prompted an unbelievable and unprecedented response which ultimately led me, the Director General of the Prison Service, Martin Narey and the Prisons Minister, Paul Boateng, to the committee rooms of the House of Commons. There the Home Affairs Select Committee (HAC), seemingly beguiled by prisoners and supporters of the former Governor, subjected the three of us to harsh and, in my view, quite baseless criticism for the, again in my view, clearly correct action that we had taken with the benefit of full and underlying knowledge of the events and considerable pause for thought.



Blantyre House is a small resettlement prison holding just 120 prisoners. Its role is to assist prisoners who are approaching the end of a long sentence gradually to integrate themselves back into the community as law abiding citizens. The resettlement process, in its latter stages, involves prisoners working in the community. Blantyre is one of only three small prisons carrying out this role in England and Wales (although resettlement work is done in many other prisons). Because of this it is important that the unique opportunities offered by these scarce facilities should be targeted at those most in need and most likely to benefit from them. The resettlement process involves a fair degree of risk taking on the part of any Governor and by the Prison Service. However risk taking has

to be carefully managed through selection and assessment, constant monitoring and a level of trust in the prisoner. Though the primary role of such a prison is to facilitate resettlement, that objective has to be pursued with equal regard for public safety issues and HMPS's ultimate responsibility to carry out the sentence of a court.

Because of their more relaxed regime and the level of freedom on offer to prisoners at such establishments, in comparison to the norm, resettlement prisons can be an attractive proposition not just to a prisoner who is set on going straight but also to career criminals. The 'wrong type' of prisoner might see a fully blown resettlement regime as an easy option, providing an opportunity to continue and cover for further criminal activities. Constant care had therefore to be taken to ensure that the selection process was not corrupted and that the privileged regime offered was not abused.

The history of Blantyre House shows that at the time of the events which I describe in this book, a number of sophisticated career criminals (at least on the basis of their records or background so far), with no discernible resettlement needs nor, seemingly, intention of altering their lifestyle on release, had somehow found their way there. Once in situ, some of them abused the freedom offered by the regime, including (according to police and other intelligence) so as to pursue criminal activity. Among the prisoners who managed to get to Blantyre House was the infamous Kenneth Noye, who was then serving a long prison sentence for offences linked to the notorious Brink's-Mat gold bullion robbery, which at the time ranked as the biggest robbery in UK history. As I describe in the book, while working out in the community, he again fell under suspicion; and there is some evidence that he formed close relationships with some individual prison officers. Certainly, following his release, a prison officer was arrested on suspicion of assisting a criminal gang in an ATM scam. I also describe this in the book because it forms part of the general backdrop to the whole story. Six men—not including Noye—were convicted and sent to prison for that conspiracy in November 1996. Noye was named by the police as being involved and in his book *Kenny Noye: Killer on the Road* (2002) Wensley Clarkson purports to describe the extent of that involvement. In 1999, Blantyre House appeared to contain a worrying number of comparable individuals, many in the early (rather than later) stages of a long sentence. None of them could have got themselves there without the agreement of prison staff, either at Blantyre or at other prisons.

Following the ATM scam trial, I commissioned an investigation into the involvement of a middle-ranking prison officer at Blantyre House. It resulted in the dismissal of that officer, but the findings also highlighted a number of areas of concern requiring action by the Governor to ensure that such abuse could not be repeated. On a wider basis, it led to the setting up of an area based permanent anti-corruption investigative department that became more commonly known as 'The Chaucer Unit'. Frequent and worrying reports continued to come in to

Chaucer, alleging that a small number of corrupt officers were facilitating the transfer to Blantyre House of prisoners in exchange for sums of money. Though the sources differed, the substance of these reports was remarkably similar.

Prison officers are required to treat prisoners fairly, decently and with humanity—and in most prisons relationships are good and often friendly. But over-friendly relationships sometimes lead officers to lose their proper professional perspective such that they begin to over-identify with the prisoners. This, in turn, can make them blind to obvious abuses that may undermine security and control. Some more sophisticated prisoners are particularly skilled and adept at preying on this fact and developing false relationships. The phenomenon is known within HMPS (and beyond) as ‘conditioning’. An analysis of some of the most serious breakdowns in prisons over the years, including the mass escape from The Maze Prison in Northern Ireland in 1983 (which I describe in *Chapter 2*), have owed their success, at least in part, to the conditioning of staff. Governors always have to be alert to such dangers, particularly where the interface between staff and prisoners is less formal. Resettlement prisons are no exception to this and might be said to be especially prone to such risks.



In the summer of 1998 I became aware of an apparent breakdown of the controls on the temporary release of prisoners from Blantyre House and commissioned a full investigation. This disclosed that a group of some 20 prisoners were being given an unprecedented amount of freedom to go and come as they pleased under the guise of raising money for charity. Almost all those involved were what I would describe as career criminals. The investigation also highlighted other serious failures at the prison and recommended that the Governor face disciplinary charges all of which I shall outline. I decided to take a less formal approach and to set in train a corrective action plan, agreed with the Governor, and based on the recommendations of the investigating officer.

Initially it seemed that the Governor was working to implement this plan but it gradually became clear that this was not the case. A small number of sophisticated prisoners, so it seemed, continued to enjoy undue favour and protection and were exercising considerable influence throughout the prison. Some were being allowed inappropriate levels of freedom outside the prison and appeared to be enjoying lifestyles inconsistent with their status as serving prisoners. At least one of these was a reputed former close associate of Kenneth Noye.

In the year up to April 2000 the Governor was ordered to make changes, and to exercise greater control and more sound judgment in his management of the prison. This, I believe, he failed to do and by the end of 1999 he appeared to be openly disobeying orders and ignoring national Prison Service instructions. He invited some Members of Parliament who were members of the HAC to the prison and appeared to be seeking their support in resisting my orders. During

this visit the HAC members spoke to prisoners and appear to have developed some kind of enduring relationships with a few of the more influential ones. Then, by the spring of 2000, reliable intelligence suggested that a small number of prisoners were involved in serious criminal activity when on temporary release from the prison. The fear was that the prison was the base for some of this activity, all drugs related. The Governor was thus removed on 5 May 2000 by the Director General of HMPS and a full search of the prison carried out that evening. In addition, an HMPS internal investigation into the management of the prison was immediately begun.

Thus followed the unprecedented series of events that led to the House of Commons and what I can only describe as the bizarre behaviour of certain members of the HAC, seemingly under the inordinate influence of serving prisoners, ex-prisoners, the former Governor and his supporters (who included the then Chief Inspector of Prisons, Sir David (now Lord) Ramsbotham and members of the Blantyre House Board of Visitors). Rather than wishing to uphold the authority of HMPS, various attempts were made to excuse the former Governor's behaviour and the breakdown of control at the prison. The HAC accused the DG, Martin Narey, of an error in judgement and me of trying to destroy the ethos of what they described as 'this uniquely successful prison'—because of my supposed, but untrue, opposition to resettlement.

Worse than this, even before starting their investigation or hearing the facts one member of the HAC was alleged to have openly stated his intention to 'make those responsible for the removal of the Governor and the search pay'. They tried to place the blame on me and to have me sacked; but this move was unsuccessful as other people in more powerful positions in Government knew the facts—and the Government later refused to act on the more telling of the HAC's conclusions. But the weight of the publicity damaged my reputation in the eyes of those who were not aware of the facts. The stress to my family and close colleagues of the HAC pursuing this misguided agenda was enormous and, to me, unbelievable. Yet the HAC was covered by Parliamentary privilege; and I had no real recourse; even being denied the opportunity to explain matters.

The decisions made by the DG and myself in relation to Blantyre House, the removal of the Governor and the subsequent search were sound in my view. Though they had led us before the Select Committee, most of the criticisms levelled at us—both in the media and later in evidence to the HAC—were not based on any direct evidence of the facts. In my view, for whatever reason, much of what was said, printed or given in evidence was misleading and underpinned by falsehoods. The substance of the case against us, it seemed to me, was based entirely on a manipulation of the facts. However, in what follows, I will outline the evidence and information that is in my own possession and leave it to you, the reader, to reach your own conclusions.



The account that you are about to read should also serve to highlight the ease with which a few powerful individuals, maybe under subtle pressure from criminal elements, can subvert the system to the highest level. I hope it also exposes the lack of protection that exists for any individual who finds himself or herself at the mercy of a Parliamentary Select Committee, not bound by the rules of natural justice nor fairness that apply to all other judicial or quasi-judicial proceedings. Select Committees are accountable to no one; and the events that I describe in the book might be thought to raise deeper questions about our often revered Parliamentary processes. I wrote what follows only after a great deal of soul searching, but I believe that it is a story which needs to be told.

All royalties from this book are being donated by the author to the

National Association for the Care and the Resettlement of Offenders (Nacro)

Nacro is the leading voluntary organization in England and Wales working to resettle offenders and prevent crime. Founded in 1966, Nacro is a registered charity that provides direct services to around 80,000 people each year, both offenders and young people at risk of offending. Nacro annually accommodates over 3,000 people in its housing projects, trains 14,000 people in its employment and education centres, works with 14,000 young people in its preventive youth activity projects, advises 21,000 serving prisoners through its prison-based resettlement workers and advises over 20,000 people through its Resettlement Plus Helpline.

In addition Nacro has specialist teams providing consultancy, training, monitoring and evaluation services in the areas of youth crime, prisoners' resettlement, mentally disordered offenders and race equality in criminal justice. Nacro also campaigns and works with a range of government departments to influence their policies towards the resettlement of offenders and crime reduction.

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