

NATIONAL COUNCIL FOR CIVIL LIBERTIES

NOTTINGHAM GROUP.

REPORT

Action of the Police and the Special
Courts with regard to the street
disturbances in Nottingham during
July 10th - 17th 1981.

A CAUSE FOR CONCERN

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INTRODUCTION

1981 was the summer of what the media and authorities called "The Riots" - street disturbances - the cause of which was attributed variously to unemployment, inner-city decay, racial tension, police provocation or wicked leftist plots.

Nottingham, like other major cities, suffered such disturbances; in this case during the weekend July 10th - 12th. This report does not set out to debate or establish causes, although an Ad-Hoc Committee established by the Nottingham Trades Council is doing so.

Our report arose because of disturbing accounts of injuries and denial of civil liberties occurring here in Nottingham in relation to the street disturbances. In particular a member of the National Council for Civil Liberties (NCCL) was one of the 100 arrested and his experience at the hands of the Police and the Magistrates Courts led him to complain to the Chairperson of the Police Committee and the Chief Constable. He asked for an investigation into the behaviour of the Police, the conditions of the cells in which defendants were kept and the manner in which the Magistrates Courts of July 13th - 17th dealt with those brought before them.

Accordingly, we set out to find evidence about the major areas of concern:

- the first covers complaints about arrests, including failure to caution or inform people of their rights; complaints about injuries to those arrested; about conditions in the cells where defendants were held between arrest and appearance in court and about the searches made by the police of peoples homes. These complaints came mainly from those who had been arrested or their families.
- the other complaints about courts concerned injustices arising from the way the Courts were run and the harshness of the sentence imposed on the defendants.

The Source.

These complaints came from not only defendants and their families but also from Duty Solicitors attending the Courts during the week 13th - 17th July 1981, and the Law Society.

It is to the credit of the Local Authority that the letters of complaint from the NCCL member to the Police Committee, led to -

- a. A request from the Chief Executive Officer for a report from the Duty Solicitors operating in the Magistrates Courts on Monday 13th July, about the conduct of those Courts. (Appendix 1).
- b. An extensive Police Enquiry, conducted by Superintendent Hudson of the Humberside Police, under Section 49 of the 1964 Police Act.

This report therefore draws upon; the statements we collected from 18 of those arrested; 4 who were subject to their homes being searched; 2 who complained of harassment by the Police. Our selection was based upon 24 names and addresses taken from the Nottingham Evening Post and in response to our request for information.

We cannot unfortunately compare our findings with those of the Humberside Police because their report only goes to the Chief Constable and the Police Complaints Board.

What we have been anxious to do in compiling this report is to keep it from being over-lengthy and therefore much of our supporting evidence will be found in the Appendix. In order to protect the confidence of those who made statements no names are given.

We hope our recommendations will not only be acted upon by those in Authority but focus the attention of the people of Nottingham on the denials of Civil Liberties that have occurred and, on the steps that must be taken to prevent any recurrence of such injustices again.

The Context of the 'Riots'

The Nottingham 'Riots', as they were constantly referred to by the local Nottingham Evening Post, took place over the weekend of Friday 10th July to Sunday 12th July 1981.

The major battle between the Police and the 'rioters' took place in and around the area of Hyson Green Flats complex between 11-30pm on the Friday and 3-30am on the Saturday. However, preliminary gathering of youths in the Clifton area occurred, apparently reacting to the rumour that youths from the Meadows area were coming into the Clifton area that evening. When they did not arrive the Clifton youths moved into the Hyson Green area together with youths from many areas of the City which resulted in them all joining together against the Police. Petrol-bombs and bricks were thrown and a large number of arrests were made. The following night (Saturday) there were further outbreaks along Alfreton Road and in the City Centre and a gang of 20-30 youths ran through the Beeston Town Centre Shopping Precinct.

As a result of these outbreaks the Police arrested just over 100 people - youths, mainly between 16 to 25 years of age - 90 of whom came before the "Special Courts" between Monday 13th to Friday 17th July. (Appendix 2)

It is difficult to assess the degree to which these outbreaks were 'organised'. A Chief Superintendent from Nottingham speaking at his Associations Annual Meeting was said by the Nottingham Evening Post of the 25th September, to have spelt out in general terms the tactics the Police employed. The Post also claimed that the cost of policing the riots came to £379,000. Apparently police kept an eye on trouble makers by deploying men equipped with powerful night binoculars on the roof of high-rise flats and monitored Citizens Band Radio wavelengths - "thought by the police to be the main medium of communication between some of those involved in the disorder". (Evening Post 25.9.81). What is clear is that there was a good deal of tension evident during that weekend and the initial public reaction according to the Evening Post was one of outrage and disgust against the activities of the 'rioters' with a good deal of sympathy for the Police.

In this unusual and tense situation the Chief Clerk to the Magistrates responded to Police information that "a large number of extra cases would be presented" (Letter from the Clerk to the NCCL, 25th September 1981) by arranging for "additional courts". A request from NCCL to the Clerk to the Justices asking for information about the way in which the 'Special Courts' were set up and dealt with defendants produced a statement from him claiming that they were only 'Special' in the sense that they were additional courts arranged by his staff because of the large number of extra cases. In view of the fact that all normal procedures were altered in these courts during the week, they were, by definition "Special" and not simply additional. (see appendix 3)

We feel that the matter of concern dealt with in this report. (both affecting Police behaviour and the workings of the court) can be partially explained in terms of the strong sense that both the Police and Courts seemed to have had about the importance of, being seen to be 'tough' on rioters in order to give an example to others. This is illustrated in the comments made by an Inspector of Police at the beginning of the proceedings in the first of the riot courts where he stated that "no one would control the streets of Nottingham except the Police and that the weekend was one of the blackest in the history of the City". (Law Society Report page 2, para. 8).

Given that only one person was charged with "incitement to riot" the reaction of the Authorities would seem to have been exaggerated. The consequences, - severe doubts about the fairness of the Magistrates Courts, and the concerns about both Police and Courts expressed by the parents of those accused who were interviewed - must be seen as grave and damaging for the relationships between the community and the Police and the Courts.

PART 1EVIDENCE OF COMPLAINTS AGAINST POLICE.

Our evidence for complaints against police came from:-

- * those whose premises were searched and damaged but where no charges were laid.
- * those who were at the scene of the riots in Hyson Green either at the time or later leafletting the area on the Sunday night following and who claimed they were harrassed but not charged.
- * those arrested and charged who we interviewed.

We make no claim that this is a comprehensive enquiry, as the Police investigation appears to be, but we feel that the agreement amongst those who made statements (chosen simply because we had their addresses) enables us to raise questions about:-

- A) The Manner in which arrests were made.
- Bi) The way in which defendants were treated whilst in Police custody.
- Bii) The lack of regard to the recommendations in the Judges Rules.
- C) The way in which Police evidence was presented in Court.
- D) The way in which searches of property were conducted.

Our method for highlighting the major areas of concern has been to select 7 case studies to present in detail. We have deliberately incorporated these 7 case studies into the body of the report in order to give 'flesh' to the general statements that we make about Police behaviour and the workings of the Magistrates Courts. Case studies of all 24 people interviewed by NCCL can be found in Appendix 5.

1.A)

The Manner of Arrests.

All 18 of our arrested and charged sample stated that they were not 'rioters'. On the surface this is an improbable claim until it is realised the circumstances under which arrests were made by the Police. The Police, faced with an initial barrage of petrol bombs and bricks, found it difficult to identify precisely who was involved or indeed what they were doing. Therefore, in some instances the Police responded by seizing those who were at hand. Moreover, some of those arrested were several miles away from the scene of the 'riots' in Hyson Green and in no way involved. Cases (A) & (B) illustrate this perfectly:-

Case (A) The defendant, when his case was eventually heard, had 3 witness to the incident in which he was arrested.

He was standing in Beeston with a friend when told to move on by a police officer. He failed to do so immediately, just after a gang of youths ran past and the Police Officer came back and arrested him. He was charged with Threatening Behaviour and after spending the weekend in Beeston and the Guildhall cells and the following 9 days in Lincoln Prison he was allowed out on Bail with strict conditions - despite being 24 years old he was only allowed out of the home at weekends if accompanied by his parents.

Case (B). The defendant was not at the scene of the riots in Hyson Green until after 2-00am. He had been to a city-centre Night Club and had witnesses to support this. He went to visit a 'Blues' club in the Hyson Green area and left at 4-00am. On his departure he was chased by the Police and when he stopped to turn round to find out what the Police wanted he was knocked unconscious by a Policeman with a dustbin lid. He was then arrested, taken to hospital for treatment to his cut and badly bruised face, and then taken to the Guildhall where he remained all weekend.

1.Bi) The Manner in which Defendants were treated while in Police Custody.

Over the weekend July 10th - 12th the Police were holding 103 defendants in cells built to accommodate 30 people. As a result defendants were kept in over-crowded cells, subjected to verbal and in some instances physical abuse and denied basic human rights: going to the toilet, sleeping on a bed with adequate covering, and denied vegetarian diets when requested.

Cases (B), (C), (D) and (E) are used to illustrate the above, the example of complaints run through all 18 case studies (see appendix 4).

Case (B) complained that there were no blankets or mattresses on either the Saturday or Sunday nights nor was there any heating. On Sunday night he and two other defendants divided a newspaper between them in order to keep warm. In the over-crowded cell there was only a small bench and slightly larger one on which he and others had to take turns in sitting and sleeping on.

Case (D) complained of being kept waiting for anything up to 2 hours after an initial request to use the toilet. This was not just an isolated incident.

Cases (C) and (E) complained about the lack of provision for vegetarians. Both of them are Rastafarian and therefore have special dietary requirements. These were refused, moreover when one of them suggested the Police contact their families, who would provide their own food and bring it to the Guildhall, his request was refused. Neither of them ate all weekend

1. Bii) Denial of Recommendations in the Judges Rules about access to Solicitors, parents and procedures for Cautioning Defendants.

The intimidating atmosphere experienced by the defendants was highlighted by the way in which Police responded to requests for access to solicitors and parents.

Case G illustrates this very sharply indeed:

He was arrested on Friday night in the City Centre after stopping to help a woman who had been knocked down by a gang of youths. He was frequently questioned over the next few hours. He requested to contact his parents and denied all the accusations laid against him (burglary, theft, threatening behaviour etc). His request to contact his parents was denied. His parents, worried at his failure to return home at the normal time, twice phoned the Police and reported him missing. The Police did not admit to having him in custody. Eventually, a friend, who had met his parents on the Estate looking for him, told them he had been arrested. Even when they went to the Police station they were denied access to him. He was refused access to see a solicitor until he appeared in court on the Monday morning. The person in case G is 16 years old.

1. C) The way in which the Police evidence was presented in the Courts.

It is hardly surprising that the main evidence of wrong-doing (in a riot situation) on the part of the defendants is supplied by the Police. It is of great concern therefore, that severe doubts have been cast on the evidence presented in some cases.

Case (B) In this case the Police claimed

*he had been seen in the flats area at 11-30pm on the Friday evening hurling abuse at the police officer. When they arrested him he was wearing a long-sleeved white jumper.

* The Police could not explain why he was knocked unconscious as they were not carrying dustbin lids and they had not drawn their truncheons.

He was, although unrepresented by a solicitor, asked by the Magistrate to plead. When pressed he pleaded Guilty and was sentenced to 3 months imprisonment.

The Duty Solicitor protested to the Clerk of the Justices and had the case brought back again the following day. He then pleaded not-guilty on the advice of the solicitor.

When the case was finally heard, three weeks later, on the 31st July a Daily Newspaper photograph was produced as evidence which clearly showed Mr. (B) being led away by Police with dustbin lids and truncheon drawn. The police were unable to produce the white long-sleeved jumper they claimed he was wearing - in fact he was wearing the same short-sleeved, blood-stained, shirt and dungarees that he had been arrested in 3 weeks previous, and he could produce witnesses who stated he was not in the area at 11-30pm and that he was in fact in the night club.

It is significant that the Magistrates at the final hearing commented that they were not happy with the police evidence and declared Mr. (B) not-guilty.

Case (F) The evidence in this case also raises some disquiet about the credibility of Police evidence.

He was originally charged with Treating Behaviour. At the time the prosecution stated that Mr. (F) had been part of a crowd which was hurling abuse at the Police. In subsequent hearings they produced no evidence to substantiate this claim. At the pre-trial review (when the prosecution has to give details of their evidence) the prosecution said that two police officers would state that Mr. (F) had been fighting with a group of Police. However, just before the trial a third police witness was added - a dog handler who claimed that Mr. (F) had thrown a bottle at him and had then been detained by the dog biting his arm. Mr. (F) was found guilty in the Magistrates

Court and sentenced to 4 months in Lincoln prison. Two and a half weeks later in the Appeal before the Crown Court he was found not-guilty of fighting with Police or throwing a bottle (the prosecution withdrew the dog handlers evidence, stating that it must have related to someone else. NCCL have been unable to trace such a person.).

There are a number of disturbing features in the evidence offered by the Police:-

- the dog handler in the Magistrates Courts stated that the person he arrested was wearing a white pullover whereas the other two Police Officers agreed Mr. (F) was wearing a dark shirt.
- one of the two Police Officers told the Magistrates Court that Mr. (F) had been fighting with a single Police Officer.
- the second arresting Officer told the Magistrates Courts that just before this arrest he had been hit by a brick and as a result was not able to describe what had happened prior to Mr. (F's) arrest, but he had told the Crown Court that he saw Mr. (F) fighting with a group of Police before he was arrested.

We are bound to conclude that the Police were determined to get a conviction and were not over worried about the way in which they obtained it - changing both the charges and the evidence in the course of time.

It is worth concluding that 17 of the 18 commented that they were unhappy with the evidence against them offered by the Police. We suspect that the tension of the circumstances and the difficulty of identifying people and determining what they were doing led the Police to submit in evidence some extremely doubtful data. This in itself is serious enough but given the pressure on the Magistrates Courts as well it was likely that this led to some serious miscarriages of justice. (We shall report on the Magistrates Courts at a later stage.)

1.D) The way in which the searches of Property were conducted.

Four people volunteered accounts of the Police searches of their homes. Though there were some difference of detail, most of the following complaints apply to most of the searches reported.

In every instance damage was done to the doors of the property searched as the Police forced their way in, not waiting for the householder to open the door.

Nor did the Police identify themselves before starting to damage the doors despite householders inquiries. Indeed, one informant thought it must be the National Front because of this and claimed that she was '...ready to jump out of the window' of her upper floor flat.

The searches were of flats in the Hyson Green area and the Police claimed to have 'permission from the Council' or 'from the Housing Department' to break in. However, no reply has yet been received by NCGL from the Nottingham City Housing Manager as to whether this damage was in fact authorised.

Warrants were not shown to those whose homes were searched, though on one occasion an officer produced a sheet of paper, claiming it was a warrant and held it briefly about three metres from the 'searchee'. When he stretched out his hand to take it and read it, he was pushed down and the paper immediately returned to the officers pocket.

Large numbers of Policemen, with riot shields and/or truncheons drawn entered each home, although none contained more than two adults. Usually the Police claimed to be looking for petrol bombs but failed to discover either bombs or the material for making them.

Perhaps the most notable feature of these searches was that no charges whatsoever were levelled as a result of them.

We recognise that the Police have the right to search for 'explosives' without getting a warrant from Magistrates to do so. However, it is evident that no petrol bombs were found, damage was done, and no charges brought against anyone. It was an exercise conducted by the Police which served to upset those searched but to achieve little else.

PART 2MAGISTRATES COURTS.PREAMBLE - NORMAL PROCEEDINGS IN MAGISTRATES COURTS.

As those arrested after the riots appeared in Magistrates Courts, we consider it useful to look briefly at the structure and the function of the Magistrates' Courts generally before turning to consideration of the Courts that heard the Riots cases. The Magistrates Courts deals with a variety of matters broadly divided into Criminal, family and civil 'jurisdictions', and it is the first of these with which we are concerned. The Criminal jurisdiction of the Magistrates Court is broadly two fold:

- (a) dealing with offenses of a less serious nature.
- (b) dealing with people brought before the court for the first time.

So far as (a) is concerned the modern division of criminal offence is:

- Those offences which must be heard by a Jury at the Crown Court.
- Those offenses that may be heard in either a Crown Court or a Magistrates Court, it being for the Magistrates Court to decide whether to hear the case or not.
- Those offenses which may be heard in the Magistrates Court, but in which the accused can demand trial by jury at the Crown Court.
- Those offenses which must be heard in the Magistrates Courts.

It therefore follows that the Magistrates Court may end up dealing with offenses within any of the last three categories.

So far as (b) is concerned, it is the function of the Magistrates Court to deal with all person charged with a criminal offence on their first appearance. So, where a person is charged with an offence which eventually is to be heard by the Crown Court, he or she will always first appear in the Magistrates Court and will be committed by that court to the Crown Court.

The following people have some sort of function within the Magistrates Courts Structure:-

The Magistrates.

Although in other towns one finds 'Stipendary Magistrates' who are paid and legally qualified, Nottingham relies on unpaid lay magistrates who are also known as 'justices of the peace'. When hearing criminal matters there are usually three magistrates on the bench, sometimes two, with one of their member acting as a chairperson.

The Court Clerk.

Because magistrates are not legally qualified they are always advised by a court clerk, who sits in front of the magistrates, and is responsible for the conduct of the days business. The clerk also retires with the magistrates when the magistrates require assistance with interpreting the law, but it is not part of the clerks function to decide the question of innocence or guilt.

The Lawyer.

The word 'lawyer' is a general term, and there are three kinds of professional lawyer - barrister, solicitor and legal executive. Only barristers and solicitors have right of audience before a Magistrates Court, and it is generally the province of the solicitor. Many defendants have their own solicitor in court, but it sometimes happens a defendant appears for the first time unrepresented, and to meet this situation most Magistrates Courts operate a Duty Solicitor Scheme. Under this scheme a firm of solicitors is allocated as duty solicitors for the day, and are responsible for attending at court those who appear before the court and who do not have their own solicitor to represent them. The purpose of the duty solicitor is two fold:

- to ensure the defendants rights are not overlooked, and
- to assist the courts business to proceed in an efficient and reasonably speedy manner.

Probation Officers.

When considering what sentence to impose the Magistrates have the power to order Social Enquiry Reports. A probation officer, employed by the probation service, is responsible to the Home Office is requested to compile a report on the background of the accused, and sometimes to recommend an appropriate penalty. The purpose of the report is to assist the courts in deciding what punishment to impose.

We note that the Law Society Report deals at length with Normal Procedure and contrasts it with the actual practice noted in the Magistrates Courts during the week of July 13th - 17th. (see appendix 4)

PART 2Evidence about the proceedings in the Magistrates Courts.

Evidence came from the following sources:-

- (i) the 18 defendants who made statements to us.
- (ii) the Duty Solicitor Report to the Chief Executive of the Nottingham County Council. (see Appendix 1)
- (iii) an analysis of the sentences given by the Courts between July 13th - 17th.
- (iv) accounts in the Nottingham Evening Post, which followed the 'riots' cases through from the beginning.

Our major concern is with the way the Courts proceeded in the week following the 'Riots'. It was during this period that grave doubts have to be recorded about:-

- (a) the procedures of the Magistrates Courts.
- (b) the sentences that they imposed.

2.(a) The Procedures of the Magistrates Courts.

The Courts which sat to deal with 'Riots' cases was a Magistrates Court with a lay magistrate sitting with a court clerk. During the week following the riots of the 10th, 11th and 12th July 1981, ninety (90) people were dealt with by this courts:-

- Monday - three courts dealing with 50 people.
- Tuesday - two courts dealing with 7 people.
- Wednesday - one court dealing with 9 people.
- Thursday - one court dealing with 15 people.
- Friday - one court dealing with 9 people.

This is a lot of people by any standard and it is appreciated that the courts were acting under pressure. However, concern was felt by many people in court, including defence solicitors and probation officers, as to the way these defendants were dealt with.

The Duty Solicitors for Monday were Messrs. Freeth, Cartwright and Sketchley, of Willoughby House, High Pavement, Nottingham. It was their specific task to represent those defendants brought before the courts who did not have their solicitors in court, and by definition, the majority fell into this category. To the firms credit they managed to produce four solicitors at court, and they did what they could under the difficult circumstances to represent the large number of accused brought before the court that day.

The firm was requested to report on procedure in court, to the Chief Executive Officer of the Nottinghamshire County Council. Appendix 1 is a copy of the Chief Executive's Report including the appended report of Messrs. Freeth, Cartwright and Sketchley. We would wish to draw particular attention to the nine points of concern listed by the Duty Solicitors arising out of the proceedings. It should be born in mind that the report was made by officers of the court, and concerned itself solely with the procedures adopted on Monday 13th July 1981:-

Extract taken from the Duty Solicitors Report to Nottinghamshire County Council. (see Appendix 1)

There appeared to be a pre-determined policy by the court, by the police or by both which resulted in certain courses of action contrary to the normal and established practices of the Court, some of which also went against natural justice. These were the following:-

- 1) No access was allowed by the Duty Solicitor to defendants before they were arraigned.
- 2) No access was allowed by solicitors to existing clients who were due to appear in that Court before they were arraigned.
- 3) The Courts appeared to be determined to conduct the business of the day with unreasonable haste.
- 4) Some defendants who requested an adjournment or whose cases were adjourned were remanded in custody without representation and therefore without being able to make an effective bail application.
- 5) It was stated by the Chairman of one Bench that all defendants would be remanded in custody if their case was adjourned unless there were exception circumstances. This is entirely contrary to the Bail Act 1976.

- 6) When dealing with sentencing it appeared that the offence was the criterion for deciding the penalty with little regard for the individual circumstances of the offender.
- 7) Custodial sentences were imposed without representation by solicitors.
- 8) Custodial sentences were imposed without Social Enquiry Reports.
- 9) Great difficulty was experienced in vacating a plea on behalf of a defendant when that plea had been made earlier when he was unrepresented.

2.(b) The Sentences that they imposed.

The areas of concern that arose from sentencing are as follows.

It may be useful at this point to refer to Appendix 2, which contains details of sentencing for the week 13th -17th July.
Severity of sentencing.

- * As mentioned by the Duty Solicitor little or no regard seems to have been paid to the individual circumstances of the defendant but rather an across the board sentence imposed where a defendant pleaded guilty.
- * Of the 43 defendants who pleaded guilty during the week of the Riots' Courts only 5 were not given custodial sentences.
- * The sentences imposed were significantly higher than those normally imposed for offences of a similar nature. There are many examples that could be given but the following is illustrative of the point:

Case (H) - was charged with looting after he had picked up sweets from the streets outside a looted shop. He received a 4 months Detention Centre sentence.

Case (F) - The Magistrates sentenced him to 4 months prison on what finally emerged in the Crown Court Appeal as a charge of using abusive language against the Police. (The judge was moved to remark that any normal person would have sworn in the circumstances.)

It is difficult to avoid the conclusion that the Courts were making an example of those defendants brought before them and were using their powers to teach people a lesson.

Refusal of Bail.

Appendix 2 shows the way in which the courts dealt with the various people who appeared before them during that week.

Of the 90 people who appeared:-

41 pleaded guilty and were dealt with.

49 were remanded to be dealt with at a later date.

Of those 49 only 14 were remanded on bail, the remaining 35 either were remanded in custody, or in the care of the Local Authority.

It should be born in mind that bail is a 'prima facie' right under the Bail Act 1976. This means that people should be granted bail unless there are good reasons for not doing so, eg their past record, or the likelihood of them committing further offences while on bail. Where no such reason exists, bail should be granted, although as the Duty Solicitors record at least one Chairperson of the Bench was operating on the basis that all defendants would be remanded in custody unless there were exceptional circumstances. Again, this appears as an example of the Courts using its powers to teach people a lesson in a heavy handed manner.

CONCLUSION

The evidence we present in this Report in our view cannot be left without action being taken upon it.

We would stress that it is not only our Enquiry that has recognised that the behaviour of the Police and the Courts left a lot to be desired.

The Chief Executive Officers Report to Council Members of the 15th September 1981 (see Appendix 1) is worth quoting in support of this contention:-

"I advised firstly that the attention of the Crown Law Officers might be drawn to the contents of the Duty Solicitors Report, secondly, that any further action by the Nottingham County Council, probably by way of legal action, ought to be considered in the light of advice from Counsel."

As a result of taking advice the Council were told that:-

"It was appropriate for them to make enquiries into whether injustices had occurred in the Magistrates Courts."

It is significant that the Council did decide to offer legal aid and advice on appeal procedures to those in detention. A remarkable decision which we certainly feel was justified. However, we need to stress that in our view the concerns about procedure, reiterated by the Chief Executive Officer the Duty Solicitors and the Law Society, only emphasise the failure of the courts to observe "normal procedure".

What we contend is that far more radical and far reaching changes have to occur if the injustices that occurred that week are not to be repeated. The reality is that our legal system at present, does not offer anything like adequate protection to those caught up in the 'Riot' situation. Both innocent and guilty youths were treated badly by the Police and by the Courts. Consequently we have made a number of recommendations.

These recommendations are the outcome of two Public Meetings at which our evidence was presented in 'draft' form. We are conscious that they do not adequately deal with the outrage and suffering caused not only to many defendants in the week 10th - 17th July 1981 but also their families. The recommendations involve changes in legislation in some cases, action by the County Council and the Magistrates Association in others.

What we fear is that our Report, like many others which have made recommendations for change, will be noted and then ignored. If that happens, the cynical and resigned attitudes of many of the youths we interviewed will be reinforced - namely, that complaining about injustices and asking for proper respect and fair treatment is a waste of breath and time.

RECOMMENDATIONS

Our recommendations have been drawn up in recognition of the fact that some relate to the existing regulations that govern the working of the Police and Courts while others would require government legislation in order for them to be implimented. Accordingly, we have listed them here in the two categories:-

a. recommendations that require legislation.

b. recommendations that can be immediately implimented.

a. Recommendations that require legislation.

1. An independant (or restructured) Complaints Board, dealing with the complaints against the Police, be established by the Government along the lines recommended by Lord Scarman and the National Council for Civil Liberties. The existing brief and function of such a Board could remain similar to the existing one but its independant form and structure be gauranteed in order to reassure the community that complaints against the Police will be effectively investigated and acted upon.

2. A Duty Solicitor Scheme would be a statutory obligation in all Magistrates Courts - such a scheme to require the Clerk to the Justices to ensure that defendants had access to either Duty Solicitor or their own as soon as they requested them. The legislation to require all defendants to have seen a Duty Solicitor before appearing in Court.

3. We recommend that the Judges Rules, which make recommendations about how Police conduct interviews with defendants, should be replaoed by a Bill of Rights. The disregard for the Judges Rules which occurred over the weekend of the 10th - 12th July suggests to us that the only effective way of safeguarding the rights of defendants is to have a Bill of Rights.

4. We recommend that the Law governing the issue and use of Search Warrants should be reviewed. At present the Law allows Police searching for "explosives" to do so without getting a Warrant from a Magistrate. In our view such a law gives Police excessive powers and leads to abuse.

b. Recommendations that can be immediately implimented.

1. The County Council, via the Police Committee, look at the whole question of Police Accountability and use their existing powers under the 1964 Police Act in a much more dynamic way, (eg their control over a significant part of the budget). In order to do this effectively we would recommend:-

(i) the establishment of a small support unit made up of members of the community to advise them about appropriate policies for improving Police/Community relations and monitoring the conditions of the cells, arrest procedures and the observation of the rights of defendants.

(ii) the restructuring of the Police Committee to give greater control to elected members. (The one third members currently chosen from the Magistrates should have less influence.)

2. We recommend that the Magistrates Association draw up instructions for the Nottingham Magistrates Courts to ensure that normal procedures regarding Bail, Legal representation, social reports and the nature of the offence be taken properly into account when Magistrates are considering sentences.

3. We recommend that the Lord Chancellors Office set up a Special Review Committee to examine the way the Courts of July 13th -17th were run and to examine the sentences imposed by them, given that both the Duty Solicitors Report and the Law Society Report, supported by own Report contain evidence of severe problems of procedures and the legitimacy of some of the evidence accepted by Magistrates.

4. We recommend that the County Council take steps to adopt a system whereby solicitors representing those who were found Not Guilty supervise the removal of photographs, finger prints etc. from the Police Files.

5. We ask that the Police investigation into Complaints against Nottinghamshire Police Officers, made under the section 49 of 1964 Police Act, be made public and action taken against those Officers found Guilty of improper conduct.

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APPENDIX

meeting POLICY AND GENERAL PURPOSES COMMITTEE

date 11th September 1981

agenda item number

Additional item -
RestrictedNOTTINGHAM CITY MAGISTRATES COURTS

1. This report has been prepared following the street disturbances which occurred in the City on the nights of 11th/12th July and the Magistrates Courts hearings which ensued. The report is particularly directed to the latter and recounts the sequence of events which started with correspondence sent to the Chair of the Police Authority and copied to a number of other County Councillors, by a person who was arrested during the early hours of 11 July. I received copies of the two letters which were sent by the person concerned.

2. The first letter amounted to a complaint against the Police and is being investigated under the complaints procedure. This report is not connected with the letter nor with the complaint.

The second letter, dated 1st August, invited the Chairman of the Police Authority, to investigate certain matters which the correspondent maintained were proper matters for the Police Authority, as such, to consider, and in his capacity as Deputy Clerk to Police Authority, my Deputy's advice was sought on that letter. I was unable to give an answer at the time.

3. The letter also stated that one defendant, having previously been convicted by the Court, was acquitted at a hearing some days later. Upon enquiry from the Magistrates' Clerk's Office the defending solicitor as to how this had come about, my Deputy pointed out that the conduct of proceedings in the Magistrates' Court on the 13th July, i.e. the first Monday after the weekend disturbances gave rise to concern amongst a number of local solicitors who were in court on that day, the grounds for concern essentially being that defendant rights were not observed.

4. Accordingly, upon my return from the hearing, I asked my Deputy to arrange to see the duty solicitors, i.e. private solicitors who are assigned to look after the interests of unrepresented defendants who were in court on 13th July. A meeting took place on the 20th August and a copy of the report prepared following that meeting is attached. Prior to the meeting, the Secretary to the Nottinghamshire Law Society was consulted and indicated his approval to such a meeting.

5. The Solicitors' report expresses the view that breaches of natural justice did occur and that there were other contraventions, either of legal procedure or established practice. Following the delivery of that report to me, I was invited by the Mayor of the Council and his senior colleagues (with whom I, personally, through my Deputy, had consulted throughout the investigative process) to advise upon what further steps ought to be taken, bearing in mind that approximately 60 people had been given custodial sentences by the courts and of these, 40 had by that time not lodged any appeal.

6. I advised firstly that the attention of the Crown Law Officers ought to be drawn to the contents of the Solicitors' report and secondly that any further action by the County Council, particularly by way of legal action, ought

to be considered in the light of advice from Counsel.

Together with the Secretary of the Local Law Society, who as a Solicitor in Court himself on the 13th July, generally endorsed the contents of the Solicitors' report, my Deputy conferred with Mr. John Milmo of Counsel on 2nd September,

7. Counsel advised an approach to the Lord Chancellor's Department. After further consultation with the Leader of the Council and his colleagues (and with Mr. Jack Dunnett, M.P., whom I considered to be an appropriate consultee on channels of communication with Crown Officers), I forwarded papers to the Solicitor-General on 8th September. At the time of preparing this report, no reply has been received from his office.
8. It was also my view that, in the complex legal area of the County Council's locus standi to become further involved in pursuing the issues raised in the Solicitors' report, the further advice of Leading Counsel would be necessary. Accordingly, and again after consultation, I consulted with Mr. Gerald Moriarty Q.C. on the 9th September. His written opinion is still awaited at the time of writing this report.

However, subject to his written opinion, Counsel did advise in conference that:-

- (a) It was appropriate for the County Council to make enquiries into whether injustices had occurred in the Magistrates Courts.
 - (b) Notwithstanding the County Council's legal powers to institute legal proceedings, to promote or protect the interests of the inhabitants of the area, the Council's locus standi in the particular circumstances disclosed by the Solicitors' report was doubtful.
 - (c) It would be open to the County Council to cause steps to be taken to ensure that those still in custody, and who had not so far appealed, were advised of their rights to appeal and of possible grounds.
 - (d) The Council did have power to pay legal costs.
9. Now that the enquiries launched last month have been taken so far and that Counsel and the Solicitor-General have been approached, I feel that the stage has been reached when I ought formally to report on the steps which, after consultation, have been taken on an issue which I know Members will recognise as being both important and complex, and not without its sensitivities.

I can only restate Leading Counsel's view that the steps taken to date have been proper in all the circumstances, but, after considering Leading Counsel's written opinion, I would want to advise Members before any further steps are taken.

SOLICITORS

20 LOW PAVEMENT

COMMISSIONERS FOR OATHS

NOTTINGHAM

NG1 7EA

A WHEELHOUSE, M.A. LL.B.
 I P.M. PAYNE
 H.A. YOUNG, M.A.
 M.G. THURSTON, B.Sc.
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 R.W. NELSON, LL.B.
 P. SALLEN, M.A.
 P.O. JOHNSON, M.A.

TELEPHONE 10602-58861
 DX 10039 NOTTINGHAM

OUR REF

YOUR REF

25th August, 1981

A REPORT1. Introduction

This report is prepared jointly by Messrs. H.A. Young, M.G. Thurston and R.W. Nelson all of whom were present as Duty Solicitors in the Nottingham City Magistrates' Court on Monday 13th July 1981. The report concerns the operation of the three Special Courts which dealt with defendants arrested as a result of the disturbances in various parts of Nottingham during the nights of the 10th and 11th July 1981.

2. Chronological report of proceedings

- 1) As a firm we realised that there would be a large number of defendants for us to deal with as Duty Solicitor and we therefore attended at the Guildhall at 9.15. Upon arrival at the cells access to any of the defendants in custody was refused by the police. The denial of access was described as "policy" because there were "no facilities". The usual facilities were in fact available.
- 2) We also attended at the Courts numbered 1, 2 and 3 but neither the Clerk nor the police were in attendance until very shortly before 10.00 o'clock. No cases were referred to us which made it clear that the Court was intending to deal with all the defendants in the Special Courts unrepresented and without the opportunity of advice from a solicitor.
- 3) We made representations to Mr. Yandell and it was agreed that any defendants should be referred to the Duty Solicitor if the Court was considering taking a course which would mean the defendant would remain in custody.
- 4) We went from Court 1 (where Mr. Yandell was Clerk) to Court 2 and informed the Chairman of the Bench and the Clerk of the decision made by Mr. Yandell.
- 5) The Court started after 10.00 o'clock and we attempted to cover all the Courts and listen to the proceedings while we were waiting for any cases that may be referred to us. No referrals were in fact made initially.
- 6) We all heard cases being dealt with which caused us concern. As a result of that representations were made both to the Clerks of the various Courts and the Courts themselves.
- 7) Once the Duty Solicitor was accepted by each Court and once the doubtful cases were referred to him the Courts ran as smoothly as they could in the circumstances. Instructions had to be taken whilst the defendant was in the dock and whilst other cases were being dealt with.

3. Points of concern arising out of the proceedings

There appeared to be a pre-determined policy by the Court, by the police or by both which resulted in certain courses of action contrary to the normal and established practices of the Court, some of which also went against natural justice. These were as follows:-

- 1) No access was allowed by the Duty Solicitor to defendants before they were arraigned.
- 2) No access was allowed by solicitors to existing clients who were due to appear in that Court before they were arraigned.
- 3) The Courts appeared determined to conduct the business of the day with unreasonable haste.
- 4) Some defendants who requested an adjournment or whose cases were adjourned were remanded in custody without representation and therefore without being able to make an effective bail application.
- 5) It was stated by the Chairman of one Bench that all the defendants would be remanded in custody if their case was adjourned unless there were exceptional circumstances. This is entirely contrary to the Bail Act 1976.
- 6) When dealing with sentencing it appeared that the offence was the criterion for deciding the penalty with little regard for the individual circumstances of the offender.
- 7) Custodial sentences were imposed without representation by solicitors.
- 8) Custodial sentences were imposed without Social Enquiry reports.
- 9) Great difficulty was experienced in vacating a plea on behalf of a defendant when that plea had been made earlier when he was unrepresented.

4. Generally

- 1) We make this report as Officers of the Court and in response to a request from the Nottinghamshire Law Society and the Nottinghamshire County Council. We have no other motive.
- 2) We acknowledge that the Courts and police were faced with exceptional and difficult circumstances. Our overall concern is that the defendants' rights were in danger of being overlooked and in certain cases were overlooked.
- 3) We make no comment on the sentences imposed.
- 4) We have made no reference to any individual cases as we consider this to be inappropriate but we have details of specific cases which illustrate the above points.

APPENDIX 2

STREET RIOTS IN NOTTINGHAM

Friday to Monday, 10th-13th July 1981

Profile of Defendants and disposals at Nottingham City Magistrates' Court during this week 13th-17th July 1981

Total identified in Court as being involved in "riots" - 90

Comprising:	White adult males	-	61
	Coloured adult males	-	9
	White adult females	-	2
	White Juvenile males	-	13
	Coloured Juvenile Males	-	5

Marital Status:	Married or co-habiting	-	5
	Separated	-	1
	Single	-	54
	Widower	-	1
	Not identified (prob. single)-	-	29

Age Groups:	Under 17	-	18
	Over 17, under 21	-	41
	Over 21, under 25	-	19
	Over 25, under 30	-	3
	Over 30, under 35	-	5
	Over 35	-	4

Youngest - 14

Eldest - 53

Current Probation, Licence & C.S.O.	-	14
Pend. File	-	18
Vol. Supervision	-	2
Crown Court Reports	-	2
Juvenile Court Reports	-	2
Dept. Social Services Supervision	-	4
Not Known	-	46
Not identified on sheet	-	2

Areas of Offences

Hyson Green, Radford Road, Derby Road, Parliament Street, City Centre, Meadows and Clifton Estate.

Areas of Abode of Defendants

Clifton	15	Mansfield Road	3	Aspley	1
Hyson Green	11	City Centre	3	Bullock Woods	1
Bulwell	8	St. Ann's	3	Sneinton	1
Forest Fields	4	Arnold	2	Lenton	1
Basford	4	Broxtowe	2	Bleston	1
Radford	4	Canning Circus	2	Eastwood	1
Forest Road	4	Netherfield	2	Newthorpe	1
W. Bridgford	4	Top Valley	2	N.F.A.	1
Meadows	3	Sherwood	2		
Carlton	3	Bobbersmill	1		

OFFENCES

Threatening behaviour	-	46
Possessing Offensive weapon	-	24
Trespass & theft	-	19
Criminal Damage	-	11
Receiving stolen property	-	1
Wilful Obstruction	-	1
Fine Default	-	1
Assault & A.B.H.	-	1
Trespass with intent to steal	-	1

Note: "Offensive weapon" included 6 turps bombs and 1 petrol bomb.

DISPOSAL

	Mon			Tues		Wed	Thurs	Fri	Totals
	Ct 1	Ct 2	Ct 3	Ct 1	Ct 2	Ct 1	Ct 1	Ct 1	
Prison	1	6	5	1	-	2	2	1	18
D.C.	1	3	1	3	1	1	4	3	17
Fine	3	2	-	-	-	-	-	-	5
Susp. Sent.	-	-	-	1	-	-	-	-	1
R.I.C.	9	7	1	-	-	6	6	4	33
R.O.B.	7	2	-	1	-	-	3	1	14
Care L/A	1	1	-	-	-	-	-	-	2
	22	21	7	6	1	9	15	9	90

N.D.

Re-typed for clarity
during printing.

11th September 1981

To:-

Mr. Yandell,
Clerk to the Justices,
The Guildhall,
Nottingham.

Dear Mr. Yandell,

National Council For Civil Liberties (Nottm. Branch) are looking at the way in which the Special Courts, set up from the 13th - 17th July, dealt with the defendants brought before them.

To assist us in this would you kindly let us have statistics concerning the following:-

1. How many courts sat on each day.
2. How were Magistrates selected to sit on the bench.
3. How many defendants were dealt with by these courts and how many charges were brought against them.
4. What were the nature of these charges brought against those charged and under which Acts of Parliament were they.
5. How many pleaded Guilty. How many of these subsequently changed their plea to not-guilty.
6. Of those charged to appear before the special courts:-
 - a. How many were dealt with by the special court.
 - b. How many were committed to Crown Court for sentencing.
 - c. How many had their cases adjourned to be dealt with by Magistrates later.
7. How many of those dealt with by the special courts got:-
 - a. Custodial Sentences.
 - b. Non-custodial Sentences.
 - c. Were found not-guilty.
8. In how many cases were special enquiry reports called for before sentencing.
9. How many defendants were represented by Solicitors.
10. Who authorised the establishment of the special courts.

We appreciate that it is unusual to ask for this kind of detailed information but the unusual situation itself and the role of the special courts does make it vital that we get a clear picture of what happened.

Yours sincerely.



APPENDIX 3

City of Nottingham

GEORGE YANDELL O.B.E.

Solicitor

Clerk to the Justices

THE JUSTICES' CLERK'S OFFICE
THE GUILDHALL NOTTINGHAM NG1 4BQ
TELEPHONE NOTTINGHAM 46345/6

GY/JH

25th September 1981

Dear Mr. Williams,

Thank you for your letter of 11th September 1981.

As no doubt you are aware, any defendant who is aggrieved by the conduct or decision of Magistrates' Courts is entitled to appeal to higher Courts.

I am aware that such proceedings are or may be pending, and you will understand that I am unable to furnish you, therefore, with the information you are seeking.

I can say this - that the Courts you refer to as "Special Courts" were only special in the sense that they were additional courts arranged by my staff because of the large number of extra cases we were informed by the police would be presented during the period to which you refer.

Yours sincerely,

Clerk to the Justices.

APPENDIX 4

REPORT BY THE NOTTINGHAMSHIRE LAW SOCIETY ON PROCEDURES LEADING UP
TO AND DEALING WITH APPEARANCES IN THE NOTTINGHAM CITY MAGISTRATES'
COURT FOLLOWING THE STREET DISTURBANCES IN NOTTINGHAM IN JULY OF 1981

1. During the weekend of 10th, 11th and 12th July 1981 and during the following week certain street disturbances took place in Nottingham resulting in a number of Defendants appearing at the Nottingham City Magistrates' Court on and after 13th July 1981 in special courts (hereinafter called "the riot courts").
2. A number of members of this Society expressed concern as to the conduct of these courts, particularly the three courts sitting on the morning of 13th July. In the afternoon of the same day a meeting was held in the offices of the Clerk to the Justices between representatives of the Clerk's Department, the Nottinghamshire Constabulary and this Society. A number of matters were discussed upon which the views of the various parties differed, but the Society's main objective of providing emergency representation in future courts to minimise the risk of injustice was achieved and these other matters were left unresolved.
3. It was decided that a report should be prepared by this Society. A request for information was sent to all member firms of the Duty Solicitor scheme operated by the Nottinghamshire Law Society.
4. This report is intended to set out factually the deviations from normal procedure which were adopted by the police and the Nottingham City Magistrates' Court at the riot courts. No attempt is made to comment on the incidents themselves, and further, no criticism is levelled at the type or severity of the sentences passed on those who properly pleaded guilty, or who were convicted of the offences, and this report is not intended to contain any expression of support or sympathy for guilty Defendants.
5. What follows represents the substance of the replies from solicitors to the letter referred to above, which replies were based on conversations with the Defendants and on the solicitors' own experience in the riot courts.

Police Attitude in the Cells

6. Solicitors report that Defendants subsequently represented by them state that the right, embodied in S.62 of the Criminal Law Act 1977, i.e. to notify someone of their detention, was withheld during the period of their arrest. They were told that there were too many people detained and facilities were not available. Solicitors similarly report Defendants saying that officers in the cell block told the prisoners to plead guilty as the court would not be granting bail that day.

The Prosecution

7. The usual, although not invariable practice in the City court is that the prosecuting solicitor's department will undertake prosecution of cases proceeding to plea. All the prosecutions in these riot courts, and not merely the remand cases, were conducted by uniformed police officers. Despite the gravity of the situation, and of the offences with which some of the Defendants were charged, the prosecuting solicitor's department does not appear to have been involved at all. This, linked with the general statement referred to below made by one of the prosecuting officers, gave the impression of a strong police presence in these court rooms.

The Prosecution Speech prior to the Commencement of particular Cases

8. An Inspector of police at the commencement of proceedings in one of the riot courts was allowed to make a general statement in the presence of only one unrepresented Defendant, who had been brought up for the start of the court's business, but whose case had not yet commenced. In this speech, which did not relate to any one particular Defendant, the Inspector stated that he was asked to assure the court that no-one would control the streets of Nottingham except the police, that the weekend was one of the blackest in the history of the city and he went on to describe the sort of damage that had been caused in one particular area of that city. Albums of photographs taken in this area during the riots were produced to the magistrates, including photographs of cars gutted by fire and shop windows smashed and looted. Exhibits of offensive weapons recovered by the police were also produced to the magistrates. The photographs and weapons did not relate to any particular case. The Inspector went on to say that the disturbances were a criminal enterprise to the level where anarchy reigned on the streets, and that the public must be assured that the persons engaged in such an enterprise would receive the full force of the law.

9. The Cases

We deal below first of all with the practice which is usually followed in the City Magistrates' Court when dealing with Defendants making their first appearance on a particular criminal charge from custody, and the way in which they would normally be referred to a solicitor.

10. The Nottinghamshire Law Society operates a Duty Solicitor scheme at the Magistrates' Courts in Nottingham and the member firms who deal with criminal work are included on the rota. The Duty Solicitor attends prior to the commencement of court business, and any Defendants who will be the subject of a prosecution application for a remand in custody are referred by the Remand Sergeant for the day to the Duty Solicitor for the day. Generally, the scheme is limited purely to custodial remands, but the terms of a Duty Solicitor's undertaking are sufficiently wide to allow him to deal with referrals from the Bench in appropriate cases and to deal with emergency situations.
11. In the City courts, custodial remands are now more usually dealt with in a separate court from other court business and to prevent the court being delayed whilst instructions are taken, the practice has recently arisen for the Duty Solicitor to attend as early as possible at the court, especially if there are a number of people awaiting attention.
12. At the request of the Justices' Clerk's department the Duty Solicitor now undertakes to complete legal aid application forms on behalf of all people who will be appearing from custody in the remand court to ensure that no remands in custody will be made without the Defendant having an opportunity to be referred to a solicitor of his choice. Such legal aid applications are very rarely refused at Nottingham and indeed, it is generally understood that the granting of legal aid in the Nottingham City Magistrates' court is high.
13. In almost every case, the prosecution is unable to proceed at the first appearance of the Defendant from custody, the usual reason given being that the file has not been prepared and the Remand Sergeant only has an apprehension report. It follows from this that the first appearance is to decide whether a subsequent remand whilst the file is prepared will be on bail or in custody. By the time the prosecution is ready to proceed in cases where the original application

by them was for a remand in custody, the Defendant is almost always represented. If not, the magistrates are generally reluctant to allow mode of trial procedure or plea to be dealt with without advice or representation. The Duty Solicitor is sometimes asked to advise on these matters to expedite proceedings if possible. Otherwise, the case is adjourned for further legal advice. Indeed, this reluctance extends to unrepresented Defendants appearing from bail.

14. So far as sentence is concerned, by the time a Defendant in custody appears for plea and/or sentence at the City Magistrates' Court, he is usually represented or has had legal advice. In any event, in all but the most straightforward cases, on bail or in custody, the magistrates are favourably disposed to adjourn to allow the Defendant legal advice.
15. Where the court is considering a custodial sentence, the magistrates are concerned to offer an adjournment for legal representation whether or not this is a strict requirement of the law as in S.21 of the Powers of Criminal Courts Act 1973. Similarly, where examinations of a Defendant's circumstances show it to be appropriate, the magistrates order the preparation of social enquiry reports.
16. On 13th July 1981 it was public knowledge that there had been numerous arrests over the weekend, and the firm on the Duty Solicitor rota for that day, anticipating a large number of referrals, attended at the Guildhall at 9.15 a.m. with three solicitors. There had been no prior contact with the Society to inform them that the usual procedure would not be followed.
17. No Defendants concerned in the riot courts were referred to the Duty Solicitor. They were told that no Defendants in those courts could be seen in the cells as there were no facilities. Solicitors individually instructed by anyone in the riot courts were refused access, although solicitors attending to see clients in custody appearing in other courts were afforded normal facilities for interviewing.

18. The Duty Solicitors established that cases arising from the disturbances were to be dealt with in special courts, the riot courts, sitting in courts 1, 2 and 3 at the Guildhall. No referrals were made to them by the courts prior to the commencement of business. It became clear as the Defendants were produced that they were unrepresented.

19. In all the riot courts it was apparent that the prosecution was ready to proceed to plea, although the only facts available to the prosecuting police officer being those on an apprehension report. In some cases these were subsequently found to be inaccurate. Unusually, mode of trial procedure was dealt with and pleas were entered without the Defendants being offered legal advice. Equivocal pleas were heard to be entered and inadequate advice and explanation was given by the court to the Defendants in respect of charges where the legal position was not easily understood, e.g. the possession of an offensive weapon. As a result, representations were made by the Duty Solicitors, both to the Clerks of the Courts and to the Magistrates themselves. As a result, in one court it was agreed that if the court was considering taking a course of action which could mean a remand in custody for a Defendant, or a sentence of imprisonment, that Defendant would be referred to the Duty Solicitor, although in the main instructions had to be taken by the Duty Solicitor in the dock whilst other cases were proceeding.

20. This did not happen in courts 2 and 3 on the first morning, where Defendants were dealt with without legal advice. In court 2 one Defendant would be brought up, the facts in his case would be outlined and then he would be put down whilst a second Defendant would be brought up, the facts outlined, etc., and so on until a number of Defendants had appeared. The Defendants were then brought up once more to be sentenced. Only in those cases where the legal obligation of S.21, Powers of Criminal Courts Act 1973 applied was an adjournment offered, and then the Clerk said that only in exceptional circumstances would the Defendant be granted bail. One of these Defendants was remanded to 30th July 1981 in custody, without legal advice, although facilities were available for referrals whilst all the others were sentenced, most receiving custodial sentences.

21. In court 3 one unrepresented Defendant pleaded guilty and said he wanted an adjournment for legal representation. The Bench remanded him in custody without any mention at all of bail. The Clerk immediately asked the Bench to retire, went in to the Magistrates and shortly thereafter the Bench returned and the Chairman said he had been advised that they had not allowed this Defendant an opportunity to apply for bail. The Defendant was brought back into the dock and by this time a local solicitor had had a few words with him and stepped forward to commence a bail application. The Chairman stopped him, saying that that Bench, and not just that Bench, were only going to consider bail in exceptional circumstances. The solicitor was cut short in his bail application and the Defendant was then remanded in custody.
22. There were clear cases of equivocal pleas. One Defendant pleaded guilty, gave sufficient information to the court to make the solicitors present concerned about equivocation but was then sentenced to three months' imprisonment. This Defendant, by agreement with the Clerk's department, was brought back to the court the following day when his plea was changed. He was then remanded in custody until the not guilty hearing at which he was acquitted. This was not the only example of an equivocal plea being entered and changed following intervention from a member of the Society.
23. Solicitors report that they encountered difficulty in persuading the court to vacate pleas entered by Defendants when they were unrepresented.
24. An application to adjourn a "riot case" to a date to tie in with unrelated offences for which the Defendant appeared on a subsequent date before the City Justices was refused. This is contrary to the procedure approved by the Court of Appeal (R v Bennett, The Times March 2nd 1980 and 1980 3CLR).
25. Although individual members of the Society made representations to the courts, the first formal involvement with the Clerks and the police by this Society was at the meeting on the afternoon of the 13th July referred to at the beginning of this report. This

- consultation had two direct results. In the first place, by Tuesday 14th July, the Duty Solicitor was receiving "Dock" referrals in all the riot courts in cases where custodial sentences were being considered or an unequivocal plea had been entered. Subsequently the usual facilities for interviews became available in the cells.
26. Secondly, it produced advance notice from the police to this Society of the number of Defendants to appear in the riot courts, enabling this Society to provide sufficient Duty Solicitors as early in the day as possible. By Thursday 16th July, cell access was afforded to the Duty Solicitors to commence interviewing at 9 a.m.
27. We publish this report to record the position on 13th July and subsequently as our members saw it and were told about it by the Defendants and in the hope that should there unhappily be any recurrence of events of a similar nature, this report would be of some assistance. No attempt is made in this report to consider anything outside the riot courts, but in view of some of the subsequent publicity, the Society wishes to put on record the fact that a high standard of co-operation normally exists between its members and the Clerk to the Nottingham City Justices. The Society also wishes to place upon record their thanks to the Duty Solicitors from Messrs Freeth Cartwright & Sketchley who attended at the Guildhall on 13th July 1981, and whose considerable efforts on behalf of otherwise unrepresented Defendants are reflected in this report.

These 18 case studies have been compiled by NCCL members interviewing the defendants (or in some cases their parents) using a standard questionnaire which we produced. (see appendix 6)

The cases are offered in the appendix because they add weight to the cases we already quote within the body of the report and because they highlight our contention that the experiences faced by defendants at the hands of the Police and the Courts were very similar.

Our observations on the way in which defendants were dealt with would be:-

- 1) When arrested only three were Cautioned.
- 2) Only one managed to get a solicitor before their first appearance in Court during the week of July 13th -17th and that was only because of great pressure from friends outside. Only two were allowed a phone call to family or friends.
- 3) All of them commented adversely upon the way in which they were treated and the conditions of the cells. Interestingly, despite all of them experiencing verbal abuse nine of them did not feel intimidated by this. The others however, commented strongly upon their sense of being harrassed by police officers and all agreed the cells were overcrowded, lacking in adequate bedding and sanitation and the food was appalling.
- 4) There were six who complained of being assaulted by the Police at the time of their arrest. Cases B,F,G,J,K,P, all experienced being maltreated by the police.
- 5) Sixteen of the eighteen denied being 'Rioters' and the charges against them were as follows:-
 - (a) 12 charged with 'Threatening Behaviour, likely to cause a Breach of the Peace'.
 - (b) 3 were charged with 'Theft and Threatening Behaviour, likely to cause a Breach of the Peace'.
 - (c) 2 were charged with 'Carrying Offensive Weapons, Threatening Behaviour, likely to cause a Breach of the Peace.
 - (d) 1 was unclear of what he was charged with but ascertained that he pleaded guilty to 'Threatening Behaviour'.

The evidence in most cases was given by the Police alone, with no other witnesses being called to give evidence.

5 of the cases were found not-guilty, cases B,D,G,I,L. Despite this they all were held in custody for lengthy periods of time and when subsequently given Bail were subject to very strict curfews.

Another 5 pleaded guilty originally but on legal advice subsequently pleaded not guilty. One of these cases was 'Dismissed' (Case D) as police had wrong identity information. One was found guilty of carrying a penknife but not of carrying a gun, (Case J) he was fined £240 plus court costs of £60. The second person charged with 'Carrying an Offensive Weapon (Case L) was found not guilty because Police evidence was so contradictory. Case Q the verdict of guilty was upheld but his sentence was reduced to the time he had already served and thus discharged the same day. One found not guilty after originally being pressured by the bench to plead guilty, (case B).

Case A.

Male, aged 24, white - arrested July 11th in Beeston.

Circumstances of arrest:

Talking to friends in Beeston Square when told by a plain clothed policeman to move on. He replied that he would go after ending his conversation. At this point a gang of 25/30 youths ran through the shopping precinct, the policeman returned and arrested him. He was taken to Beeston Police Station.

Charge:

He was cautioned and charged 24 hours later with 'Threatening Behaviour and Abusive Language, likely to cause a Breach of the Peace', having been transferred to the Guildhall.

Contacts:

He was not allowed to phone a solicitor but was allowed to phone his parents on the Sunday (July 12th).

Conditions under which he was held:

He complained of the conditions in cells in both Beeston and the Guildhall. Inadequate supply of both beds and bedding. Food pathetic and cold. He complained that the police frequently swore at him. Sanitary arrangements appalling.

Court Appearances:

1. He saw a duty solicitor 10 minutes prior to his first appearance in Court (July 13th) who advised him to plead not guilty. The Police had advised him to plead guilty. He was not given Bail and remanded to Lincoln Prison for 9 days.
2. On his second appearance on the 26th July his case was adjourned and he was released on Bail on condition that he remained at home between 5-00pm and 8-00am weekdays and at weekends was not allowed out of the house unless accompanied by his parents.
3. His third appearance on September 6th The Magistrate in charge, after being requested to continue into the afternoon session declined to do so stating that "those sorts of cases did not take long. Those cases that plead not guilty eventually fold and we find they are guilty anyway". The Magistrate made this comment without hearing any evidence at all. His solicitor asked that the bail conditions be dropped which was agreed to by the Magistrate. The Case was again adjourned.
4. At the 4th appearance the Police agreed to drop the charges against him provided he agreed to the civil offence of 'failing to move on when requested to do so by a police officer'. He was bound over to keep the peace for a year on a £100 surety.

Comments:

- a. He was fortunate enough to have independent witnesses of the arrest incident.
- b. He was allowed access to the Duty Solicitor.
- c. The Bail conditions was absurd given the age of the defendant.
- d. The Magistrates comment on his third appearance are quite unacceptable and prejudicial.
- e. He accepted the 'Civil' charge only because his job would have been in jeopardy if he had been found guilty of the original charges.

Case B.

Male, aged 20, white - arrested July 11th, Hyson Green area.

Circumstances of arrest:

He was leaving a 'Blues' Club in Hyson Green (having been to a Night Club with friends until 2-00am) when he was chased by the police into a Cul-de-sac. He stopped and turned round and a policeman hit him in the face with a dustbin lid knocking him unconscious which caused cuts and swelling around his eyes which needed hospital treatment.

Charge:

After hospital treatment he was taken to the Guildhall and later charged with 'Threatening behaviour, likely to cause a breach of the peace!.

Contacts:

He was not allowed to see a solicitor before his 1st appearance in Court and was not allowed to send a telegram to his girlfriend.

Conditions under which he was held:

He complained of having no mattress or blankets, the cell was freezing cold; there were three of them sharing with only two narrow benches to sit and or sleep on. It was so cold that the three of them tried to keep warm by sharing a newspaper between them.

Court appearances:

1. The Magistrate asked him how he pleaded. He replied he did not know how to plead as he had been unconscious at the time of arrest. The Magistrate pressed him further on the matter of a plea and he ended by pleading guilty. He was sentenced to three months in Lincoln Prison.

The Duty Solicitor on the same day raised the matter with the Court and asked for the case to be returned to the court.

2. The following day (July 14th) on the advise of the Duty Solicitor he changed his plea to not guilty. He was then remanded to Glen Parva Detention Centre until the 31st July.

3. When he appeared again on the 31st July he was found NOT GUILTY. The Police evidence was challenged by the solicitor who was able to :

produce photographic evidence from a Daily newspaper showing Mr. B. being led away by Police holding dust-bin lids and drawn truncheons despite their denial of having done so.

challenged the police to produce the long-sleeved white jumper they claimed he was wearing, while in fact he was stood in court in the same blood-stained sweat shirt and dungarees that he had worn the night of his arrest.

He was found not guilty and the Magistrates commented about their concern over the police evidence they had heard.

Comments:

1. Mr. B. spent three weeks in detention despite not being guilty of any offence.
2. The Police evidence in this case was extremely suspect.
3. The Magistrate in Mr B's first Court appearance acted in a manner which led Mr. B. to plead guilty despite his original attempt not to plead.
4. Mr. B. was hurt badly enough by the police on his arrest to warrant hospital treatment.
5. If the Duty Solicitor had not been alert Mr. B. would have served a three months sentence.

Case C.

Male, aged 18, black - arrested July 11th, Hyson Green area.

Circumstances of arrest:

He and two friends were arrested by police as they were leaving the area in a taxi. The police arrested them on Suspicion of Looting. The taxi driver told the police the lads had nothing with them when they entered the taxi the police told him to 'shut up' or he would get the same as them.

Charge:

He was taken to the Guildhall and some time later charged with Threatening Behaviour likely to cause a Breach of the peace.

Contacts:

He was not allowed to contact either solicitor or friends. His sister, having heard of his arrest, tried to contact him but was denied access.

Conditions under which he was held:

He didn't eat, the police said they didn't do anything for Vegetarian diets. When he asked to see a solicitor he was told that no one would have a solicitor and that they were going to face "Kangaroo Courts" and that he should plead guilty if he wanted to get it over and done with quickly.

There were no blankets or beds, there were four or them sharing the cell with only one small bench between them. They were cold, hungry and uncomfortable and used newspapers to keep warm. He commented:

"..it got so bad that I thought to myself I don't care if I get locked up so long as I can get out of here quickly".

Court appearances:

1. His first appearance was on the 13th July, when confronted by the prosecution he said 'he hadn't done it'. The Magistrate then instructed him to plead not guilty. He was remanded in custody for eight days.
2. On his second appearance his solicitor asked for Bail which was granted with strict curfew conditions, his case was adjourned.
3. AGAIN THE CASE WAS ADJOURNED UNTIL A LATER DATE.
4. HE WAS FOUND GUILTY AND FINED £60 AND ORDERED TO PAY LEGAL COSTS.

COMMENT.

- A. HE WAS NOT A RIOTER AND WAS ATTEMPTING TO LEAVE THE AREA WHEN ARRESTED.
- B. HIS CASE TOOK 6 MONTHS TO BE HEARD AND A DECISION MADE.
- C. DISPIE THE FACT HIS FAMILY WERE PREPARED TO BRING FOOD INTO HIM THEY WERE DENIED THE OPPORTUNITY TO GET HIS VEGETARIAN FOOD TO HIM.

COMMENTS CONTD..

- D. HE WAS REFUSED ACCESS TO THE SOLICITOR AND TOLD THEY WERE 'KANGAROO COURTS'. THIS WAS LATER DENIED BY THE POLICE AND THE COURTS THEMSELVES.
- E. THE CONDITIONS WERE SO BAD THAT HE AND OTHERS HAD TO SHARE A NEWSPAPER IN ORDER TO TRY AND GET SOME WARM.

Case D.

Male, aged 20, black - arrested Hyson Green area July 11th.

Circumstances of arrest:

See case C.

Charges:

See case C.

Contacts:

He was not allowed to see a solicitor or contact family or friends.

Conditions under which he was held:

He felt the cell was filthy, complained of being cold and was refused blankets, there were no beds. The food was terrible and toilet facilities disgusting. He felt he had generally been treated badly and that the police advised him to plead guilty.

Court appearances:

1. He appeared on July 13th and pleaded guilty at first. He asked for legal advice in court but was refused it. The Magistrate adjourned his case instead and he was remanded for 3 weeks in custody.

2. On his second appearance he changed his plea to not guilty after receiving solicitors advise. The case was again adjourned for six weeks and he was given Bail. His curfew was 10-00pm to 7-00am.
3. On the 24th September the case was dismissed. The Police had wrongly identified him and the Magistrates commented that he should not have been arrested at all.

Comments:

- a. Cases C, D and E were all arrested together on suspicion of looting and all eventually charged with Threatening Behaviour likely to cause a Breach of the Peace. However their experiences at the hands of the courts were very different.
 - Case C, DESPITE THE FACT THAT HE PLEADED NOT GUILTY ON MAGISTRATES ADVICE HE WAS, 6 MONTHS LATER, FOUND GUILTY AS CHARGED, FINED £60 AND ORDERED TO PAY COSTS.
 - Case D, after serving 3 weeks on remand and 6 weeks under curfew was found not guilty and his case dismissed.
 - Case E, who pleaded guilty, on the advise of the police, had no access to legal advice was sentenced to 3 months imprisonment, which was later reduced to 4½ weeks on appeal (he had served 4½ weeks by the time his appeal was heard.).

Case E.

Male, aged 21, black - arrested 11th July Hyson Green Area.

Circumstances of arrest:

See cases C & D.

Charged:

See C & D.

Contacts:

He was not allowed to contact either solicitor or family and friends.

Conditions under which he was held:

He was not cautioned or informed of his rights. He was verbally abused and complained about dirty, over-crowded cells. His requests for blankets and bedding were refused. The food was inedible and he was advised by the police to plead guilty.

Court appearances:

1. Monday 13th July, he did not see a solicitor and pleaded guilty on the advise of the police. He was found guilty and sentenced to 3 months in prison. He saw a solicitor immediately after he had been sentenced who advised him to ask for legal representation as soon as he arrived at the prison. This he did, who advised him to appeal.
2. He appeared in Crown Court 4½ weeks later where the Judge upheld the verdict of guilty but reduced the sentence to the 4½ weeks he had already served.

Comments:

- a. Mr. E. suffered more than his two friends who pleaded not guilty and he was dealt with extremely hastily on his first appearance (the three courts dealt with 50 cases on that first Monday).
- b. He like his friends, was picked up on suspicion of looting held in the Guildhall and some 40 hours later was charged with Threatening Behaviour likely to cause a Breach of the Peace.

Case F.

Male, aged 32, white - arrested 11th July, Hyson Green area.

Circumstances of arrest:

Mr. F. is a resident of the Flats Complex who came out to see what all the noise was about and as a member of the Tenants Association he felt he should observe the events of the night.

The Police charged a gang of youths who ran, he stood still not wanting to be mistaken for a rioter. However, the police seized him and set a police dog on him. He was bitten on the arm, arrested and charged with Threatening Behaviour.

Charge:

He was taken to Hyson Green Police Station cautioned and then taken for hospital treatment to his arm, from where he was taken to the Guildhall and charged with Threatening Behaviour and abusive language.

Contacts:

He was not allowed to contact a solicitor despite repeated requests, when he claimed it was his right to see a solicitor he was told that under circumstances like that night (rioting) he had no rights what so ever.

Conditions under which he was held:

Like all the other defendants he complained about the overcrowding of cells, no blankets or bedding, food etc. He also complained about the police abuse of defendants - it was his letter of complaint to the Police Committee Chairperson which led to the subsequent Police Enquiry under Section 49 of the 1964 Police Act.

Court appearances:

1. On Monday July 13th he appeared and refused to plead. He asked to speak to a solicitor before making his plea, this was refused so he asked that the case be adjourned in order for him to obtain legal advice, the Magistrate asked if he had any good reason why this should be allowed. He refused to plead until he had spoken to a solicitor, the Magistrate then allowed him to do so and he pleaded not guilty. He was allowed out on Bail with an 8-00pm to 8-00am curfew.
2. In September he was in court again where the charges had been increased from 'Threatening Behaviour and Abusive Language' to Threatening Behaviour, abusive language, and throwing a bottle at a police dog and its handler. His case was heard with police evidence only and he was found guilty and sentenced to four months in prison. He appealed.

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3. Two and a half weeks later his appeal was heard in the Crown Court. The Police dropped the charges of throwing a bottle at a police dog and its handler and the Threatening Behaviour charge was also proved not guilty. He was however found guilty of Abusive Language (swearing at the arresting officer). The judge commented that anyone under those circumstances would have sworn therefore he was guilty of that charge. His sentence was reduced to the 2½ weeks he had already served and he was bound over to keep the peace for 1 year on a £100 surety.

Comments:

- a. He was an observer to the events and although the police originally accused him of fighting with them and throwing a bottle these allegations were subsequently withdrawn at the appeal hearing.
- b. He was the complainant about both police behaviour and the Court procedure and we feel strongly that this influenced the manner in which he was dealt with/ ^{by the police.} The Original charge had been significantly increased by the time the case was heard, and subsequently reduced again by the appeal hearing.
- c. The Police evidence was contradictory and yet the Magistrate appeared to ignore this and sentenced him to 4 months. (Comment made by people present in the court)
-

Case G.

Male, aged 17, white - arrested July 11th, City Centre area.

Circumstances of arrest:

Mr. G. was walking down Derby Road when a gang of youths knocked over a woman and tried to seize her handbag. He went to assist her and she, in a distressed state asked him to leave her alone, this he did. He continued down the street and 4 policemen came round the corner and grabbed him. He attempted to explain what had happened and was told to shut up - "you're nicked".

He was handcuffed to the rear seat of a police van and pushed down into broken glass which was on the floor of the van. He was taken to the Guildhall and later charged.

Charges:

He was charged with causing criminal damage, burglary, theft and threatening behaviour etc. The police claimed he had broken a window, stolen a bedpan and hit a vehicle with it. He denied all charges.

Contacts:

He was not allowed to contact his parents or a solicitor.

His parents, worried at his non return at 11-00pm rang the police station and reported him missing. After walking the streets looking for him they rang again at 6-30am, the police did not admit to having him in custody. Eventually, at 4-30pm on the Sunday a friend met his parents and told them what had happened and that he had been arrested.

They then went to the police station again and asked to see him their request was refused and they eventually saw him in Court on the Monday morning.

Court appearances:

1. He was allowed to speak to the Duty Solicitor for about a minute or two when he first appeared in the dock. The prosecuting policeman made his opening remarks about "anarchy in our streets" (see appendix 4 Law Society Report). The Magistrate before hearing any evidence at all stated 'you are obviously one of the ring-leaders and you will be remanded in Glen Parva for 10 days. He pleaded not guilty.
2. On the 21st July he appeared again and was released on Bail with strict curfew conditions. The case was adjourned.
3. On October 16th he was found not guilty. The two police officers gave conflicting evidence of his identity and whilst remanded at Glen Parva he had overheard one boy boasting of having stolen a bedpan and so was able to produce witnesses at court as his defence.

Comments:

- a. He was another observer (come good samaritan) who was swept up by the police.
- b. His worried parents were misled by the police as to his whereabouts.
- c. The police evidence was contradictory and could not substantiate either his identity or the charges brought against him.
- d. The Magistrates remarks, coupled with the opening statements by the prosecuting policeman, prejudiced his chances of getting a fair hearing on the Monday 13th July.

Case H.

Male aged 19 - white. Arrested in the Clifton Area.

Circumstances of arrest.

He was arrested during the disturbances in the Clifton Area of the City. He was caught picking up a packet of toffees from the pavement outside a shop whose window had been smashed during the disturbances.

Charges:

He was charged with theft and using abusive language.

Contacts:

He was not allowed to contact a solicitor but he was allowed to phone his parents.

Court Appearances:

1. He saw the duty solicitor in court and pleaded guilty. He was sentenced to 4 months detention. This was felt to be unfair by the defendant and his parents and council, they appealed. This they subsequently dropped in view of the fact there were other pending charges for a previous crime yet to be sorted out.

COMMENTS:

THE MAGISTRATES DID NOT KNOW THE PREVIOUS HISTORY OF THE DEFENDANT, DID NOT ASK FOR A SOCIAL REPORT, THEREFORE THIS DEFENDANT WAS FOUND GUILTY OF THEFT (A SMALL BAG OF TOFFEES) AND SHEARING AT THE ARRESTING OFFICERS, IT WAS FELT BY HIS FAMILY AND SOLICITOR THAT THIS WAS EXTREMELY HARSH SENTENCING IN VIEW OF THE CRIME, HAD IT NOT BEEN FOR THE 'RIOTS' IT MAY HAVE BEEN A RATHER SHORTER SENTENCE.

CASE I

MALE, AGED 18 YEARS, BLACK - ARRESTED HYSON GREEN AREA 11TH JULY, 3-00AM.

CIRCUMSTANCES OF ARREST.

HE WAS ARRESTED, TAKEN TO THE GUILDHALL AND EVENTUALLY CHARGED AT 10PM ON SUNDAY WITH 'THREATENING BEHAVIOUR, LIKELY TO CAUSE A BREACH OF THE PEACE'.

CONDITIONS UNDER WHICH HE WAS HELD.

THERE WERE NO BLANKETS, NO BEDS AND NO LIGHTS IN THE CELL, THE REQUESTS FOR BEDDING AND THEIR COATS WERE REFUSED. THE FOOD WAS POOR AND THEY HAD A LONG WAIT TO GO TO THE TOILET, POLICE VERBALLY ABUSED HIM AND OTHERS IN THE CELL.

CONTACTS:

HE WAS NOT CAUTIONED, NOR WAS HE ALLOWED ACCESS TO FAMILY FRIENDS AND LEGAL ADVICE. HOWEVER, HIS FATHER FOUND OUT HE HAD BEEN ARRESTED AND ARRANGED FOR HIM TO SPEAK TO A SOLICITOR 10 MINUTES PRIOR TO HIS COURT HEARING ON THE MONDAY MORNING. HE PLEADED NOT GUILTY ON HIS SOLICITORS ADVICE, HE HAD ORIGINALLY INTENDED TO PLEAD GUILTY AFTER BEING ADVISED BY THE POLICE.

COURT APPEARANCES.

1. HE WAS REMANDED TO GLEN PARVA FOR 2 WEEKS.
2. HE WAS GIVEN BAIL WITH A CURFEW FROM 6-00PM TO 6-00AM. HIS FATHER FELT THAT BAIL HAD ONLY BEEN GRANTED BECAUSE HE HAD ASKED FOR TRIAL AT CROWN COURT.
3. IN AUGUST HE WAS FOUND NOT GUILTY.

COMMENTS:

- A. HE WAS ARRESTED WHILST LEAVING THE FLATS; AFTER VISITING HIS BROTHER, AND CHARGED WITH SOMETHING HE CLAIMED ALL ALONG NOT TO HAVE DONE.
- B. HE FELT INTIMIDATED AND WRONGLY ADVISED BY THE POLICE.
- C. WHEN HIS CASE CAME TO COURT THE POLICE EVIDENCE OF IDENTITY WAS

CONTRADICTORY AND HE WAS FOUND NOT GUILTY.

CASE J

MALE, AGED 33 YEARS, WHITE, ARRESTED HYSON GREEN JULY 10TH.

CIRCUMSTANCES OF ARREST.

HE WAS TRYING TO MOVE HIS WIFE, CHILD AND SISTER OUT OF THE AREA AND HAD TELEPHONED FOR A TAXI. THE POLICE ARRESTED HIM, AS HE RESISTED ARREST THE POLICE HIT HIM BOTH WITH THEIR FISTS AND WITH TRUNCHEONS.

CHARGES:

HE WAS CHARGED 34 HOURS LATER WITH CARRYING OFFENSIVE WEAPONS - A SHEATH KNIFE AND A 'SHOW-PIECE' COLT 45.

CONTACTS.

HE WAS NOT CATIONED, NOR WAS HE ALLOWED TO CONTACT SOLICITOR AND FAMILY.

CONDITIONS UNDER WHICH HE WAS HELD.

THE FIRST CELL HE SHARED WITH FOUR OTHERS AND THE SECOND CELL WITH NINE OTHERS. THERE WAS ONLY ONE SMALL BED IN EITHER OF THE CELLS, NO BEDDING AND NO HEATING. FOOD WAS POOR. VISITS TO THE TOILET AND REQUESTS FOR DRINKS WERE VERY LIMITED.

COURT APPEARANCES.

1. ON JULY 13TH HE ASKED TO BE TRIED AT CROWN COURT. HE PLEADED NOT GUILTY AND HIS CASE WAS ADJOURNED, HE WAS GIVEN BAIL WITH CURFEW CONDITIONS OF 10-00PM TO 7-00AM.
2. THE CROWN COURT FOUND HIM NOT GUILTY OF CARRYING AN OFFENSIVE WEAPON IN THE CASE OF THE GUN BUT GUILTY OF CARRYING A SHEATH KNIFE. HE WAS FINED £240 PLUS ORDERED TO PAY £60 LEGAL COSTS.

COMMENTS:

- A. HE WAS SWEEPED UP BY THE POLICE IN THE AREA - DESPITE TRYING TO ORGANISE FOR HIS FAMILY TO LEAVE THE AREA FOR SAFETY.
- B. HE WAS PHYSICALLY ABUSED AND ASSULTED BY THE POLICE IN THE PRESENCE OF HIS WIFE, CHILD AND SISTER.
- C. HIS MORE FAVOURABLE BAIL CONDITIONS WERE GRANTED PURELY BECAUSE HIS JOB WAS BEING THREATENED OTHERWISE.
- D. HE WAS A 'SHOWMAN' AND ALWAYS WORE THE TWO 'WEAPONS' - HE HAD NOT REALISED THE IMPLICATION OF WALKING THE SO CALLED 'RIOT-TORN' AREA WITH THEM ON.

CASE K.

MALE AGED 20 YEARS, WHITE - ARRESTED IN THE MEADOWS AREA 11TH JULY.

CIRCUMSTANCES OF ARREST.

HE WAS SWINGING ON A TREE IN THE SHOPPING PRECINCT, HE WAS ARRESTED AND HAD HIS NOSE BROKEN IN THE PROCESS.

CHARGES.

HE WAS CHARGED WITH CAUSING CRIMINAL DAMAGE AND USING THREATENING BEHAVIOUR - THE POLICE LATER STATED THEY WOULD DROP THE CHARGE OF THREATENING BEHAVIOUR IF HE PLEADED GUILTY TO THE CRIMINAL DAMAGE CHARGE.

CONTACTS.

HE WAS NOT ALLOWED TO CONTACT HIS FAMILY, FRIENDS OR LEGAL ADVISER, BUT HIS MOTHER HAD HEARD OF HIS ARREST FROM A FRIEND AND ARRANGED FOR A SOLICITOR TO SPEAK WITH HIM AS HE WENT INTO COURT.

CONDITIONS UNDER WHICH HE WAS HELD.

HIS MOTHER BROUGHT CLOTHING AND CIGARETTES ON THE SUNDAY BUT WAS NOT ALLOWED TO DELIVER THEM. HE COMPLAINED OF POOR CELL CONDITIONS AND POOR FOOD ETC.

COURT APPEARANCES.

1. ON SOLICITORS ADVICE HE PLEADED NOT GUILTY AND WAS BAILED UNTIL SEPTEMBER.
2. IN SEPTEMBER HE WAS FOUND GUILTY AND FINED £40 WITH £35 LEGAL COSTS.

COMMENTS.

HE STATED THAT HE DID NOT PURSUE A CLAIM FOR COMPENSATION AGAINST THE POLICE FOR HIS BROKEN NOSE AND DAMAGED BACK BECAUSE HIS SOLICITOR ADVISED HIM THAT HE MIGHT BE 'PICKED' ON LATER.

CASE L.

MALE, AGED 18 YEARS, WHITE, - ARRESTED IN THE HYSON GREEN AREA DURING THE EARLY HOURS OF SUNDAY MORNING.

CIRCUMSTANCES OF ARREST.

HE WAS ARRESTED ON FOREST ROAD FOR CARRYING AN OFFENSIVE WEAPON.

CHARGES.

HE WAS TAKEN TO THE GUILDHALL AND CHARGED WITH CARRYING AN OFFENSIVE WEAPON.

CONTACTS.

HE WAS NOT ALLOWED TO CONTACT A SOLICITOR, FAMILY OR FRIEND.

CONDITIONS UNDER WHICH HE WAS HELD.

HE DID NOT WISH TO MAKE ANY COMMENT.

COURT APPEARANCES.

1. HE PLEADED GUILTY AND HIS CASE WAS ADJOURNED, HE WAS REMANDED TO GLEN PARVA FOR EIGHT DAYS, WHILE IN GLEN PARVA HE SAW A SOLICITOR WHO ADVISED HIM TO CHANGE HIS PLEA TO NOT GUILTY.
2. HE CAME BEFORE THE CROWN COURT AND WAS FOUND NOT GUILTY BECAUSE OF CONTRADICTORY EVIDENCE BY THE POLICE.

COMMENTS.

- A. HE CLAIMED THAT A POLICE WOMAN HAD FABRICATED A STATEMENT FROM HIM IN WHICH HE WAS PERPORTED TO HAVE SAID THAT HE WAS GOING TO HYSON GREEN FLATS TO 'FIGHT THE BLACKS' HE SAID THAT THIS WAS WRONG AND THAT HE HAS GOOD RELATIONSHIPS WITH BLACK PEOPLE AND IS NOT RACIST.
- B. HE WAS YET ANOTHER DEFENDANT WHO PLEADED GUILTY ON THE ADVICE OF THE POLICE WITHOUT HAVING ACCESS TO LEGAL ADVICE TO HIS PLEA WHICH WAS SUBSEQUENTLY CHANGED AFTER SEEING A SOLICITOR.

CASE M.

MALE AGED 17, WHITE - ARRESTED IN THE MEADOWS AREA SAT. 11TH JULY.

CIRCUMSTANCES OF ARREST.

HE WAS PART OF A GANG OF YOUTHS WHO HAD CONGREGATED IN THE MEADOWS AREA.

CHARGES.

HE WAS NOT CLEAR AS TO WHAT HE HAD BEEN CHARGED WITH AT THE TIME BUT OUR INVESTIGATIONS LED US TO THE CONCLUSION THAT IT WAS THREATENING BEHAVIOUR LIKELY TO CAUSE A BREACH OF THE PEACE.

CONTACTS.

HE WAS NOT ALLOWED TO PHONE A SOLICITOR, FAMILY OR FRIEND BEFORE COMING TO COURT ON THE MONDAY MORNING. HE HAD CHARGES PENDING AND HIS MOTHER WAS INFORMED, BY THE DEPARTMENT OF SOCIAL SERVICES, AFTER HIS APPEARANCE ON THE MONDAY MORNING.

CONDITIONS UNDER WHICH HE WAS HELD.

HE HAD NO COMMENTS TO MAKE.

COURT APPEARANCES.

ON THE 13TH JULY HE PLEADED GUILTY, WITHOUT LEGAL ADVICE, AND WAS SENTENCED TO THREE MONTHS AT A DETENTION CENTRE.

COMMENTS.

- A. HIS PARENTS WERE NOT INFORMED OF THE ARREST.
 - B. HE FELT THAT THE SENTENCING AND TREATMENT HAD BEEN FAIR.
-

CASE N.

MALE, AGED 18 YEARS, BLACK - ARRESTED AT 10-00AM SAT, 11TH JULY.

CIRCUMSTANCES OF ARREST.

HE WAS ARRESTED, AT HOME, WHEN THE POLICE ARRIVED AND STATED THAT SOMEONE HAD 'GRASSED' AND SAID HE HAD BEEN IN THE RIOTS THE NIGHT BEFORE.

CHARGES.

HE WAS CHARGED WITH CRIMINAL DAMAGE (BREAKING A SHOP WINDOW).

CONTACTS.

HE WAS NOT ALLOWED TO CONTACT A SOLICITOR, FAMILY OR FRIENDS.

CONDITIONS UNDER WHICH HE WAS HELD.

HE ASKED FOR A PHONE, BLANKETS AND 'PROPER' FOOD AND WAS REFUSED THEM SO HE SWORE AT A POLICEMAN WHO TOLD HIM THAT IF HE DIDN'T SHUT UP HE WOULD BE DONE FOR THREATENING BEHAVIOUR AS WELL.

COURT APPEARANCES.

1. HE APPEARED ON MONDAY 13TH JULY AND SAW THE DUTY SOLICITOR 5 MINUTES BEFORE GOING INTO COURT. HE PLEADED NOT GUILTY, BUT WAS FOUND GUILTY AND SENTENCED TO THREE MONTHS DETENTION CENTRE.

COMMENTS.

- A. HE WAS THE ONLY PERSON WE SURVEYED WHO WAS ARRESTED AND CHARGED AFTER EVENT.
 - B. HE CLAIMED THAT HE HAD NOT BROKEN THE WINDOW.
-

CASE O.

MALE, AGED 19 YEARS, WHITE - ARRESTED SATURDAY 11TH JULY.

CIRCUMSTANCES OF ARREST.

HE WAS ARRESTED CAUSING WILFUL DAMAGE AND CHARGED WITH THREATENING BEHAVIOUR AND ABUSIVE LANGUAGE, AND LOOTING.

CHARGES.

HE WAS CHARGED AS SOON AS HE GOT TO THE POLICE STATION WITH THREATENING BEHAVIOUR LIKELY TO CAUSE A BREACH OF THE PEACE, ABUSIVE LANGUAGE AND LOOTING.

CONTACTS.

HE WAS NOT ALLOWED TO SEE A SOLICITOR, FRIEND OR FAMILY.

CONDITIONS UNDER WHICH HE WAS HELD.

COMPLAINED THAT THERE WERE FIVE PEOPLE IN THE CELL WITH NO BLANKETS OR BEDS. FOOD AND DRINKS WERE POOR AND IRREGULAR.

COURT APPEARANCES.

1. HE DID NOT SEE A SOLICITOR BEFORE GOING INTO COURT AND PLEADED GUILTY TO THE CHARGES, ALTHOUGH BEFORE HE WENT INTO COURT HE HAD SAID HE WAS GOING TO PLEAD NOT GUILTY TO THE ABUSIVE LANGUAGE, THE POLICE ADVISED HIM TO PLEAD GUILTY ON ALL CHARGES IF HE WANTED TO GET IT OVER AND DONE WITH QUICKLY. HE WAS FOUND GUILTY AND SENTENCED TO THREE MONTHS.

COMMENTS.

HE FELT HE HAD BEEN TREATED UNFAIRLY - "IF IT HADN'T BEEN THE WEEKEND OF THE RIOTS I'D HAVE PROBABLY GOT OFF WITH A FINE" HE SAID. HE ALSO FELT THE POLICE ADVISED HIM WRONGLY.

CASE P.

MALE, AGED 31, WHITE - ARRESTED ON 11TH JULY ON RADFORD ROAD.

CIRCUMSTANCES OF ARREST.

HE WAS WALKING HOME WHEN AN UNMARKED CAR PULLED TO A HALT AND GRABBED A MAN IN A SHOP DOORWAY, HE CALLED TO HIS MATE TO TAKE THE NUMBER OF THE CAR WHEREUPON HE WAS SEIZED BY THE MEN AND TAKEN TO THE POLICE STATION AND SUBSEQUENTLY CHARGED.

CHARGES.

HE WAS CHARGED WITH THREATENING BEHAVIOUR AND ABUSIVE LANGUAGE, AND OBSTRUCTION.

CONTACTS.

AFTER PRESSURE FROM FRIENDS HE WAS ALLOWED TO SPEAK TO A SOLICITOR ON THE SUNDAY EVENING PRIOR TO GOING TO COURT. ON THE MONDAY MORNING HE WAS NOT ALLOWED TO SPEAK TO HIS SOLICITOR UNTIL FRIENDS AGAIN PUT PRESSURE ON.

CONDITIONS UNDER WHICH HE WAS HELD.

HE WASN'T INFORMED OF HIS RIGHTS, HE FELT INTIMIDATED AND ABUSED AS WELL AS PHYSICALLY ASSULTED ON HIS ARREST.

COURT APPEARANCE.

1. HE PLEADED NOT GUILTY AND THE CASE WAS ADJOURNED, HE WAS RELEASED ON BAIL.
2. IN NOVEMBER THE CASE WAS ADJOURNED AGAIN.
3. THE CASE WAS HEARD AGAIN AND ADJOURNED FOR SENTENCE.
4. HE WAS FOUND GUILTY AND FINED £300 PLUS LEGAL COST.

COMMENTS.

- A. HE TOO WAS PRESSURED BY THE POLICE TO PLEAD GUILTY EVEN THOUGH HE FELT HE WAS NOT.
 - B. HAD IT NOT BEEN FOR THE PRESSURE EXERTED BY FRIENDS HE WOULD NOT HAVE HAD LEGAL REPRESENTATION AT THE COURT ON THE MONDAY MORNING.
 - C. HE INCURRED CONSIDERABLE COSTS IN HIS EFFORTS TO DEFEND HIMSELF.
-

CASE R.

MALE AGED 16 YEARS, WHITE, ARRESTED 10TH JULY APPROX 11-30PM.

CIRCUMSTANCES OF ARREST.

HE WAS PICKED UP IN THE HYSON GREEN AREA LATE FRIDAY EVENING.

CHARGES.

HE WAS CHARGED WITH THREATENING BEHAVIOUR LIKELY TO CAUSE A BREACH OF THE PEACE AND ABUSIVE LANGUAGE.

CONTACTS.

HE WAS NOT ALLOWED TO PHONE A SOLICITOR, FAMILY AND FRIENDS. HIS PARENTS EVENTUALLY REPORTED HIM MISSING ON THE SATURDAY MORNING. THE POLICE DID NOT INFORM THEM OF HIS WHEREABOUTS UNTIL HE APPEARED IN COURT ON THE MONDAY MORNING.

CONDITIONS UNDER WHICH HE WAS HELD.

HE FELT HE WAS NOT TREATED WITH RESPECT, HE WAS AFRAID OF THE POLICE BECAUSE THEY WERE ANGRY. HE CLAIMED THEY ASKED IF HE HAD 'FORM' AND WHEN HE REPLIED THAT HE WAS DUE TO APPEAR IN COURT FOR OTHER OFFENSES THEY LAUGHED AND REMARKED "DON'T EXPECT TO SEE YOUR FOLKS AGAIN FOR SOME TIME".

COURT APPEARANCES.

1. HE HAD NO LEGAL ADVICE BUT PLEADED GUILTY ON THE 13TH JULY. THE DUTY SOLICITOR ASKED FOR THE CASE TO BE ADJOURNED FOR SOCIAL REPORTS. HE WAS ALLOWED OUT ON BAIL WITH A CURFEW 6-00PM TO 6-00AM.
2. ALL CHARGES PENDING WERE RAISED TOGETHER AND THE CASE WAS AGAIN ADJOURNED.
3. HE WAS SENTENCED TO THREE MONTHS DETENTION CENTRE.

COMMENT.

THE POLICE FAILED TO INFORM HIS PARENTS OF HIS WHEREABOUTS DESPITE HIS PARENTS ENQUIRIES.

CASE STUDIES OF THE POLICE SEARCHES.CASE S.

ON SATURDAY 12TH JULY AT APPROX. 8-30 PM 6 OR 7 PLAINCLOTHES POLICEMEN BROKE INTO A FLAT IN HYSON GREEN COMPLEX.

THE COUPLE INSIDE WERE RELAXING WHEN THEY HEARD THE GLASS PANEL IN THEIR FRONT DOOR SHATTER FOLLOWED BY HEAVY BANGING ON THE DOOR. THE MAN SHOUTED 'WHO IS IT' SEVERAL TIMES BUT THERE WAS NO REPLY. HE WAS AFRAID IT WAS THE NATIONAL FRONT.

THE POLICE BROKE INTO THE FLAT AND THE OCCUPANT RECOGNISED ONE AS A LOCAL C.I.D. OFFICER. TWO OFFICERS PINNED HIM TO THE SETTEE, ALTHOUGH HE HAD OFFERED NO VIOLENCE OR RESISTANCE, AND THE OTHERS SEARCHED THE HOUSE. WHEN ASKED WHAT THEY WERE DOING ONE POLICEMAN STATED THEY HAD A WARRANT BUT REFUSED TO LET THE OCCUPANT INSPECT IT.

THE POLICE THEN ACCUSED THE MAN OF MAKING PETROL BOMBS ALTHOUGH THEY DID NOT FIND ANYTHING INCRIMINATING IN THE SEARCH.

THE COUPLE WERE TOLD THEY WERE BEING ARRESTED AND THE MAN WAS TAKEN BY VAN TO THE POLICE STATION IN HYSON GREEN WHILE THE WOMAN WAS TAKEN ON FOOT BY TWO OF THE POLICE OFFICERS.

INTERVIEWED AT THE POLICE STATION THE MAN WAS TOLD TO GIVE NAMES OF PEOPLE INVOLVED IN THE RIOTS AND THAT THOSE ARRESTED HAD ALREADY GIVEN HIS NAME TO THEM. HE WAS UNABLE TO GIVE ANY INFORMATION TO THEM. NEITHER WERE CHARGED AND AFTER THREE HOURS WERE RELEASED. ON RETURNING HOME THEY FOUND THEIR DOOR OPEN AND THE FLAT IN A STATE OF CHAOS, WITH BROKEN GLASS AND CLOTHING STREWN AROUND THE FLOOR, A 26" COLOUR TELEVISION DAMAGED BEYOND REPAIR, THEIR THREE-PIECE SUIT SLASHED AND A MUSIC CENTRE WRECKED. THESE DAMAGES OCCURRED DESPITE AN EARLIER POLICE ASSURANCE THAT SOMEONE WOULD KEEP A CLOSE EYE ON THE HOUSEHOLD AND ITS CONTENTS.

COMMENT.

- A. THE POLICE DID NOT HAVE A WARRANT AND USED THE PETROL BOMB SEARCH AS AN EXCUSE SINCE LOOKING FOR EXPLOSIVES DID NOT REQUIRE ONE.
- B. THE SUBSEQUENT FAILURE TO FIND ANY EVIDENCE AND THE FAILURE TO CHARGE THE COUPLE AS SUSPICIOUS OF THE POLICE INTENTIONS IN THIS INSTANCE.
- C. THE DAMAGE TO THE COUPLES PROPERTY CAN BE ATTRIBUTED TO POLICE FAILURE TO LOOK AFTER AND LOCK UP THE OCCUPANTS HOUSEHOLD AND CONTENTS DURING AND AFTER THE SEARCH.

CASE I.

A WOMAN WAS DISTURBED AT APPROX. 1-00AM ON SUNDAY 12TH JULY, WHEN A NUMBER OF POLICE OFFICERS BROKE IN THROUGH THE DOOR WITHOUT KNOCKING. THEY DID NOT PRODUCE A WARRANT OR SHOW ANY IDENTIFICATION. NEITHER DID THEY TAKE ANYTHING FROM THE FLAT OR DETAIN ANYONE FOR QUESTIONING. THEY CLAIMED THAT THE 'COUNCIL' HAD GIVEN THEM PERMISSION TO ENTER THE PREMISES. THE WOMAN COMPLAINED LATER TO THE HYSON GREEN POLICE STATION ABOUT THIS AND WAS TOLD THE POLICE HAD AN AGREEMENT WITH THE CITY COUNCIL TO DO SO.

COMMENT.

- A. AGAIN NO EVIDENCE WAS FOUND, AND IN THIS CASE NO ONE EVEN QUESTIONED THE MOTIVE FOR ENTERING ARE A COMPLETE MISTERY.
 - B. OUR INVESTIGATIONS AS TO THE VALIDITY OF THE POLICE CLAIM THAT THEY RECIEVED PERMISSION TO ENTRE PEOPLES FLATS HAS PROVED BLANK.
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CASE II.

A MAN IN A NEARBY FLAT REPORTED THAT AT ABOUT THE SAME TIME THE POLICE BROKE INTO HIS FLAT AND FORCED THEIR WAY IN. THEY DID NOT ARREST ANY ONE OR QUESTION THEM, THEY COULD NOT PRODUCE A WARRANT OR IDENTIFICATION AND AGAIN CLAIMED THE COUNCIL HAD GIVEN THEM PERMISSION.

COMMENT.

- A. AGAIN, THE POLICE PRODUCED NO IDENTIFICATION OR WARRANT, NO ONE WAS DETAINED, QUESTIONED OR CHARGED, NO EVIDENCE WAS FOUND IN THE FLAT TO IMPLICATE THEM IN THE RIOTS AT ALL.
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CASE V.

POLICE BROKE INTO AND FORCED THEIR WAY INTO THE FLAT OF A WOMAN WITH HER TWO CHILDREN. THEY CLAIMED TO BE LOOKING FOR A MAN WHO THEY SUSPECTED HAD TAKEN REFUGE IN HER FLAT. ONE POLICEMAN STOOD IN HER BEDROOM WHILE THE OTHERS SEARCHED THE FLAT. HER CHILDREN WERE AWAKENED AND FRIGHTENED ANOTHER POLICEMAN KEPT THEM IN THEIR BEDROOM AND WOULDN'T ALLOW THE WOMAN ACCESS TO THEM. THEY WERE ALL VERY FRIGHTENED. THE POLICE TURNED THE FLAT 'INSIDE OUT' SHE STATED AND YET THEY FOUND NOTHING NOR THE SUPPOSED MAN WHO HAD COME TO HIDE

IN THE FLAT. THE POLICE LEFT STATING THEY MAY BE BACK IF NECESSARY.

COMMENT.

THE WOMAN WAS VERY DISTRESSED BY THE INCIDENT AND SO INDEED WERE HER CHILDREN. SHE DENIED HAVING A MAN IN HER FLAT FROM THE ONSET YET THEY CONTINUED TO SEARCH MAKING A MESS THAT TOOK CONSIDERABLE TIME TO CLEAR UP AFTERWARDS. NEITHER HER NOR HER CHILDREN SLEPT THAT NIGHT AND SPENT THE FOLLOWING FEW DAYS WITH RELATIVES IN ORDER TO RECOVER. AGAIN THIS SEARCH APPEARS TO HAVE BEEN COMPLETELY UNECESSARY.

CASES OF HARRASSMENT BY THR POLICE.

CASE W.

MALE, AGED 30 YEARS WHITE. HE WAS TAKING PHOTOGRAPHS OF THE AREA AND THE DISTURBANCES ON THE SATURDAY 12TH JULY APPROX. 1-2AM. HE IS A FREELANCE N.U.J. (NATIONAL UNION OF JOURNALISTS) PHOTOGRAPHER.

A NUMBER OF POLICE APPROACHED HIM, ONE TOOK HIS CAMERA AND BROKE THE LENS OFF THE CAMERA. HE WAS UNABLE TO IDENTIFY WHICH OFFICER DID THIS. HE HAD SHOWN THE POLICE HIS N.U.J. CARD AND YET THEY STILL REFUSED TO ALLOW HIM TO TAKE PHOTOGRAPHS. HE WAS NOT GIVEN COMPENSATION FOR THE DAMAGE TO HIS CAMERA.

COMMENT.

A. DISPTIE SHOWING HIS N.U.J. CARD HE WAS NOT ALLOWED TO TAKE PHOTOGRAPHS, WHEN HE CONTINUED TO DO SO THE POLICE TOOK HIS CAMERA WAY AND DELIBERATELY BROKE THE LENS OFF OF IT. HE RECIEVED NO COMPENSATION FROM THE POLICE FOR HIS CAMERA AND DISTROYED FILM BECAUSE HE COULD NOT IDENTIFY THE OFFICER IN QUESTION.

CASE X.

TWO WHITE MALES WERE GIVING OUT LEAFLETS TO ANYONE WHO CARED TO TAKE THEM ON SUNDAY JULY 12TH IN THE HYSO GREEN AREA. AFTER DISTRIBUTING THE LEAFLETS

THEY WERE WALKING HOME WHEN THEY WERE APPROACHED BY THE OCCUPANTS OF A FORD ESCORT SALLOON CAR. THE DRIVER ASKED FOR A LEAFLE AS ONE OF THE PASSENGERS GOT OUT, THE COUPLE BECAME AFRAID OF THE FIVE MEN IN THE CAR AND BEGAN TO 'RUN FOR IT'.

ONE OF THE COUPLE FELL TO THE GROUND AND THE FIVE MEN CAUGHT THEM. THEY WERE HOLDING TRUNCHEONS AND NOW IDENTIFIED THEMSELVES AS POLICE OFFICERS. THE COUPLE WERE SUBJECTED TO VERBAL ABUSE, AND TOLD THEY HAD NO BUSINESS IN THE AREA.

THEY WERE NOT ARRESTED NOR CHARGED BUT WERE TAKEN TO THE POLICE STATION AND QUESTIONED ABOUT THE LEAFLETS. ONE OF THEM WAS KICKED REPEATEDLY ON THE SHINS AND POKED IN THE FACE WITH A PEN. TWO AND A-HALF HOURS LATER THEY WERE TAKEN HOME.

COMMENT.

- A. THE POLICE WERE CLEARLY CONCERNED ABOUT THE POSSIBILITY OF 'POLITICAL' INVOLVEMENT IN THE RIOT AREA AND TRIED SUCCESSFULLY TO FRIGHTEN THE MEN INVOLVED IN DISTRIBUTING LEAFLETS AND TAKING PHOTOGRAPHS.
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APPENDIX 6

NOTTINGHAM NCCL INQUIRY

1. How old are you?
2. What sex are you?
3. When were you arrested?
4. Were you cautioned?
5. Were you released before coming to court?
6. If you were released before coming to court how long were you detained?
7. Whilst in custody were you allowed to telephone
 - a solicitor?
 - friends of family?
8. Were you charged? If so how long after arrest?
9. How were you treated whilst in police custody? Were you
 - informed of your rights?
 - treated with respect?
 - intimidated?
 - abused?
 - assaulted?

Please add anything you wish here:

10. Did you see a solicitor at any time before coming before the court? At what point?
11. If you are under 18, were your parents informed of your arrest?
Your whereabouts?
12. What did you plead? Guilty or not guilty.
13. If 'Guilty' was this because (please tick more than one if appropriate)
 - You were guilty?
 - To get it dealt with quickly?
 - Because the police told you to?
 - On legal advice?
 - Some other reason? (If so what?)
 - Don't know?
14. Did you have legal advice as to your plea?
15. If you pleaded guilty
 - Were you dealt with on your first appearance before the court?
 - What day was this?
 - What was your sentence?

Do you consider this fair?

If not, why not?

Did you appeal? Is the result known?

16. If you pleaded 'Not Guilty' and your case has been heard

In what court was this?

What was the verdict?

What was the sentence?

Were you represented?

Did you receive legal aid?

If you pleaded 'Not Guilty' and your case has not been heard

When is your trial?

Which court?

Have you (a) applied for (b) received legal aid?

Do you have a solicitor acting?

17. Do you feel you have been/are being dealt with fairly? If not why not?

18. Is there any other matter you would wish to raise in connection with your case or the way it has been handled?