

# **A NEWSLETTER FROM KEVIN DONALDSON OCTOBER 2006**

**Kevin Donaldson**

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I am sending this to over one hundred people who will, already, have varying levels of information. I hope it will help those with partial, or fragmentary, information about my situation towards a better understanding of what has happened. Anyone wishing to ask further questions, or just to write to me, is welcome to do so at this address:

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Please note that all correspondence is read by prison staff.

On 24<sup>th</sup> July 2006, after a six-week trial, I was convicted of serious sexual offences against former residents of Newfield House Community Home, where I was Principal 1978-1982. I was convicted, on majority verdicts, of eleven offences and acquitted of six. Two convictions were for rape and nine for indecent assault. I was sentenced to fifteen years. I deny all the allegations and have lodged an appeal. I am yet another victim of liars and will maintain my innocence whilst there is breath in my body. I am grateful to all those who believe in my innocence and assure you, you are not mistaken.

My family, my legal team and I were shocked by the verdicts of the jury. The large number of questions sent up by the jury led us to feel that they had seen through the lies of the prosecution witnesses and the tactics of the prosecuting barrister. With hindsight we realise that the insightful questions must have come, predominantly, from the two dissenting member of the jury.

Other knowledgeable observers of the trial were also surprised by the verdicts. A court official told my family that they had expected me to be acquitted. A solicitor observing the trial on behalf of Coventry City Council expressed a similar opinion, shortly before the jury retired.

I am, of course, appealing against all eleven convictions. I am advised that so many first appeals are presumed to be without merit that 98% are refused without close examination. Second appeals are examined more closely and are far fewer in number because they entail the risk of having the sentence increased. Success will be either a referral to the Court of Appeal or an order for a re-trial. It cannot come soon enough but I have no idea how long I will have to wait.

The waiting period is being used to review all of the evidence, including previously unused, and to find additional evidence. Significant progress is being made but it would be unwise to say more about that in this newsletter.

One of the greatest difficulties for my defence is the loss or destruction of over 90% of the Newfield records. I set up an extensive recording system including individual, unit and management logs. The records ought to be

equivalent to at least 43,500 A4 leaves. Coventry City Council could find only about 3,500 leaves and the latest date on these was November 1979. Daily records thereafter cannot be found. The records that are available enabled us to disprove some of the lies. If only we had those other 40,000 leaves the case may well have looked very different to the jury.

Fewer than half of my former staff, and an even smaller proportion of former residents, could be traced. The majority of staff were young women, many of whom will have changed their names through marriage. Some, sadly, have died, and some who have been contacted are not in good health and would struggle both with memory and the rigours of cross-examination.

***If you are a former staff member or associate of Newfield, please consider whether you have any records, such as diaries, photographs or duty rosters that might help us towards reconstructing the whole calendar of Newfield 1978-1982. If you have anything at all please contact my solicitor, Paula Porter, Thompsons Solicitors, Acrefields, 8 Exchange Street, Manchester M2 7AH.***

It is heartbreaking to be separated from my family. The pain of enforced separation is as constant for them as for me. I probably have it easier than Anne, and the children. They have to deal with constant reminders of my absence as well as the social consequences of the assault on my reputation. Thankfully, family, friends and neighbours have been really supportive and I can only say a big 'thank you' to all who try to make the situation more bearable for my loved ones.

I am concentrating on maintaining my physical and mental health whilst I await my appeal. At first I hoped that it might be a matter of weeks. I now understand that an indefinite number of months is more likely.

I try to make the best of the situation by keeping myself busy with reading and education and the few opportunities we get for exercise. These are particularly limited here in the Vulnerable Prisoners wing which houses, under 'Rule 45', prisoners who would be at risk in the 'ordinary' parts of the prison. I am reliably assured that any of us on this wing would, at least, be severely beaten if we went "off the rule". In fact, quite a few here have not been convicted of sexual offences and are vulnerable for other reasons. I know this mainly through, on occasion, writing letters for people with limited literacy skills – otherwise I avoid enquiring what other people are convicted of and discuss my own case only with my cellmate and one other person whom I trust, to a degree. I am not aware of anyone else who is maintaining innocence.

In education I make myself available as a 'peer partner' to prisoners with poor literacy and numeracy skills. Several are even less able than most children in care that I can remember. Some, I have no doubt, have undiagnosed dyslexia and there is not, at present, any system for identifying these and giving them the sort of help they would get in an FE college.

My 'best' peer partners, including one with whom I was following the Toe by Toe reading programme, have been moved to other prisons. This usually happens at about one hour's notice, so, to put it mildly, continuity is a bit of a problem! I expect others will soon replace them.

Many of you will know that, despite reasonable skills in everything involving words and most things involving maths and science, I have the drawing skill of the average spider! Well, I am having a little tentative go at doing something about this. I have nothing to show yet but watch this space!

I have also joined a small music group which has been playing some of 'my old ones' as well as some slightly more up to date things like Johnny Cash (I did say slightly) and REM numbers. Equipment is a bit of a problem as it gets 'borrowed'. When all is present we have electric bass, electric guitar, keyboard, small drums and three acoustic (Spanish style) guitars. We do not have a music teacher but the supervising tutor taps his foot to 'Working on the Railroad' etc.

The majority of officers are okay, some can be positively friendly and compassionate, and only a small number are actually unpleasant.

The food is not what I would normally eat and, to make sure I get enough vitamin D and Omega 3, I have taken to having a once weekly can of smoked mackerel which can be bought from the canteen. (Mackerel is not an endangered species and has relatively little build-up of pollutants.) Otherwise I am managing to stay vegetarian, though not to get 'five a day'.

I have just decided to put my name down to be a 'Listener'. This is a valuable role for supporting prisoners who are in acute distress (as I was at first). Listeners have some training from Samaritans and have to agree to be on call twenty-four hours a day. They also have to agree to be retained at this prison for at least six months. That is a drawback as there are quite a few restrictions at 'Winson Green' that don't apply at prisons with lower movement numbers. The big advantage, other than any intrinsic satisfaction, is that Listeners are allowed one extra family visiting session per month. And that, of course, is the most important thing for me.

I am expecting the issue of having the children visiting to be resolved within a few days. It is already resolved in principle but there seems to be some procrastination in the Prison Probation Department. (*Note from Anne – this was finally resolved on 12<sup>th</sup> October and they made their first visit to their father on 22<sup>nd</sup> October.*)

I am fortunate to be with an amenable cellmate who likes a clean environment and intelligent conversation. He also has the same need as me for times of withdrawal and inhabiting 'one's own space'. He is very good at drawing and painting. He gets absorbed in this whilst I am absorbed in books or writing. I receive a gratifyingly large number of letters – keep them coming please – they really brighten my days! The fifty or so picture postcards and photographs some of you have sent all decorate one wall of the cell. We

have only toothpaste as a fixative, so they fall down when the breeze from the window is brisk, but they make a fine and colourful display. Many are original photographs by my brother-in-law, Tony, and my nephew, Steve.

Many prisoners are on medication to help them sleep or cope with anxiety. I have never been one to take medicine - other than about two Beecham's Powders a year – and I am not about to start now! I don't sleep well but I have a radio with earphones, which I just leave on all night, dipping in and out of sleep and the World Service respectively.

So, I am surviving prison reasonably well so far. Anne and the children are 'coping and hoping'. I know Anne has her low points and the support of family, friends and neighbours will continue to be really important for them.

Whilst I hope for a clean, successful appeal I know it is unlikely to be quick or easy. So I am grateful to my far-sighted family for setting up the 'Justice for Kevin' organisation. I am very fortunate to have such a talented and committed family finding the time and energy in their busy lives to take actions of this kind. Whilst JfK will not directly affect my appeal it can have a significant effect upon the social and political environment that permits and encourages mercenary liars to destroy people's lives

I have as much sympathy as anyone for genuine victims of sexual abuse. In fact, as a social worker, up to 70% of my enduring caseload has sexual abuse as either a background or a current issue. However, false allegations against dozens, perhaps hundreds, of innocent former carers or teachers do nothing to help genuine victims. In fact, the liars are insulting to the true victims.

I believe that early intrafamilial sexual abuse is corrosive of the personality. By age ten, victims have such a burden of lies, double talk, secrets and fears that they have often become inveterate liars, often with a backlog of undischarged anger, ready to be displaced to anyone rash enough to try to help! At least some of the plausibility of false allegations against carers arises because they can describe abuse convincingly, having experienced it in their own families, before coming into care.

One of the most offensive remarks to me was that of the Judge when he attributed to me the damaged personalities paraded before him. I thought it outrageous for him to say that after the overwhelming evidence that they went to Newfield because they were seriously disturbed in their emotions and behaviour.

I realise that reasonable people may, now wonder whether the jury was right to convict me. Thankfully those who know me really well have no doubt of my innocence. Others, who have knowledge of the way in which these cases are constructed, are also confident of my innocence. Many of you will know me moderately well, but know little of the astonishing and frightening facts about alleged 'historical' abuse by carers, may well wonder whether I have been 'a wolf in sheep's clothing'.

How can an accused person prove innocence? If the circumstances of an alleged crime entail forensic evidence there is some chance that the absence of such evidence is conclusive.

There is no forensic evidence in this case.

If the allegations are specific as to place and time then records or other witnesses might prove conclusive. With one exception, none of the allegations against me is date specific. Unfortunately we do not have the staff rosters for Christmas evening 1980. If we did then, hopefully, those staff would be able to attest that all those who were guests in my house that Christmas Day left together and no resident stayed behind alone with me.

For each of the alleged offences the sole 'witness' is the complainant herself. Not one of the charges would stand up by itself. The seventeen charges represent six complainants: their allegations were formed by the prosecution into the seventeen 'counts'. The credibility of the prosecution relied upon rules of evidence that are unique to alleged sex offences. The most important of these is the 'similar fact' rule which, combined with the fact of a number of supposedly independent complainants, has the effect of reversing the burden of proof. The accused has to prove innocence.

The 'similar fact' rule was introduced to prevent men getting away with serial date rape because of ambiguity about consent. If two or more independent complainants describe a similar 'modus operandi' each can be adduced as evidence to support the other(s). Originally there was a high standard required of both 'similarity' and of 'independence'. This standard has fallen so low that, for example, women claiming that twenty-five years ago, they saw a bulge in my tight jeans, indicating erection, when restraining a violent girl can be adduced as evidence of raping a different person at a different time!

Those claiming to have seen such bulges twenty-five years ago all required prompting more than once to recall this image. One had to be prompted at least five times before she remembered the script and another three times before the 'Ahah' expression came to her face. In the 'five' case the prosecutor actually turned to his junior and mouthed 'What's happening?' before persevering to 'successful recall'. Why the jury failed to see through this blatant scripting we will never know. (By the way, no staff member made any similar observation either in their statements or in the witness box. Physical restraint almost always took place with several staff and residents present.) By constant repetition of such claims the prosecution seem to have convinced the jury that I was a 'dirty old man'.

I could write a book on the dishonest and devious evidence brought against me. Perhaps, one day, I will do so. For the moment, may I suggest to those who have any doubt of my innocence, have a look at the following:

1. The case of Robert George Anderson and Margaret Hewitt, Northern Ireland 2004. Thankfully acquitted on appeal, the case against these two proves positively that seven former residents, with prosecution

orchestration, could and did get away with perjury. This was proved when one, consumed with guilt, confessed and another boasted to the 'wrong' person. If you think that such orchestration could not happen, this case proves otherwise.

2. The FACT website <http://www.factuk.org> and links to information about Home Affairs Select Committee on Investigations into Past Abuse in Children's Homes and the All-Party Parliamentary Group (APPG) for Abuse Investigations chaired by Claire Curtis-Thomas. Both of these are concerned with miscarriages of justice due to the legal changes and investigating practices associated with alleged sex offences, especially of the historical kind.

I am adding to this newsletter an appendix about Newfield House and what it was like. Many of you were there or have heard so much about it that you do not need the appendix. Others may find it interesting in itself – but also for the questions it raises about present day provision for the sort of young people we tried to help, and often succeeded in helping, at Newfield.

I will conclude with my heartfelt thanks to my wonderful family and to all who have supported my family and me during this dreadful business. I wish it could be finished but there is a long way to go yet, not only to see 'Justice for Kevin' but also for my family, who deserve none of this, and for all the hundreds of people whose lives have been damaged by the shameful witch hunt against carers and teachers who have only tried to help needy young people, many of them violated by their own families.

Those who have given evidence, character testimonials or other assistance to my defence please know that your confidence in my integrity was not and is not misplaced. The alleged crimes simply did not happen. I have never forced myself on anyone, anywhere, any time. I have never, in any way, sexualised a relationship with any age-inappropriate person, anywhere, any time. I have looked after, in one way or another, dozens of people and I have never abused the trust placed in me or taken any advantage of anyone in any way dependent on me, whether child, adult or colleague.