

## ***Detective Mark Azariah removed from duty after two rape trials collapse in a week***

<https://www.thetimes.co.uk/article/detective-mark-azariah-removed-from-duty-after-two-rape-trials-collapse-in-a-week-ggg6gmjs0>

David Brown, Chief News Correspondent | Fiona Hamilton, Crime Editor

December 21 2017, 12:01am, The Times



Mark Azariah, left, delayed emailing texts by Isaac Itiary's accuser

A Metropolitan Police officer involved in two collapsed rape cases was removed from active duty last night. Detective Constable Mark Azariah was stood down as a "precaution" while the force reviews all open sex abuse cases, prioritising roughly 30 alleged rapes about to go to trial.

Two cases collapsed in one week after failure to disclose material that assisted the defence. Jeremy Wright, QC, the attorney-general, described them as "appalling failures". Mr Wright is conducting a review and Theresa May told the Commons: "It is important that we look at this again so we make sure we are truly providing justice."

*The Times* understands that at least two other police officers were involved in the disclosure process in the case of Isaac Itiary, 25, which collapsed on Wednesday. Mr Itiary, a father who spent four months in jail awaiting trial for child rape, is considering suing the Met and the Crown Prosecution Service (CPS).

A legal source connected with the cases said they believed that Mr Azariah, a member of the force's child abuse and sexual offences unit, was being "hung out to dry" by the Met, which seemed to be portraying him as a "rogue officer". The truth was that disclosure problems were far more widespread, the source said.

On Friday *The Times* [revealed](#) the collapse of the trial of Liam Allan, 22, a criminology student accused of rape. Police had failed to disclose texts from a woman that proved his innocence. Mr Itiary, from Walworth, southeast London, faced six charges of sexual activity with a child, two of rape and one of making indecent photographs. The girl was 14 and 15 at the time of the alleged offences

but the case was dropped at Inner London crown court after police disclosed texts that showed she routinely posed as a 19-year-old.

Mr Itiary's defence lawyers had been asking for the records of the complainant's mobile telephone since September but they were not emailed by Mr Azariah until Sunday. The next day the CPS said that it was dropping the case.

Sundeep Pankhania, of Gower Solicitors, and the barrister Mary Aspinall-Miles, who acted for Mr Itiary, said that disclosure had been "disjointed, piecemeal and in contravention of repeated court orders". They added: "It has become apparent that there may be additional evidence as yet undisclosed to the defence which informed the Crown Prosecution Service's decision."

Commander Richard Smith, who oversees rape cases for the Met, denied that there were systemic failures but acknowledged that the review could affect hundreds of cases. Cressida Dick, the Met commissioner, told the BBC that police and prosecutors had made mistakes and needed to learn lessons, but her officers were professional and fair.

A Met source said that officers were overwhelmed by the amount of digital evidence and were handling up to 30 investigations at any given time.

The Criminal Law Solicitors' Association reiterated criticism from senior lawyers that the collapsed prosecutions reveal the "tip of the iceberg".

Dominic Raab, the justice minister, told BBC Radio 5 Live that the collapse of two prosecutions was "worrying. What we need to know now is quite how widespread that is and why."

Nigel Evans, an MP who was cleared of rape, called for a nationwide review of the police disclosure of evidence in sexual abuse investigations.

Failures by the Met's rape investigation unit to disclose evidence were exposed two years ago. A report by Dame Elish Angiolini, QC, highlighted huge workloads and a lack of training.

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December 21 2017

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DWT Dec 21, 2017

I find it ironic that the Times appears to be naming and shaming this Officer before any investigation has occurred let alone a finding of guilt. Would it not be better to allow the truth to be established before this man's professional reputation has been totally damaged beyond repair? If he is found not to be at fault, will the Times publish a full retraction and apology? I have enormous sympathy for the two innocent men who have already gone through an unimaginable ordeal. I do not want to think that a third innocent man is about to experience an awful ordeal because the full facts are not yet known.

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3RecommendReply

Mike Herberts Dec 21, 2017

Mr Itiary is considering suing. His own admitted actions are less than heroic. Poor judgement with a marginal 15 year old and he lands in it. No sympathy here for public money to feel better.

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RecommendReply

Andy Crofts Dec 21, 2017

Either: Anonymity for both (preferable), or disclosure of both parties. As a poster stated "Feminists want equality".

Well, let's give it to them. (Unless they want an 'Animal Farm' equality).

Case in point: Liam Allan. Exposed. Destroyed.

Another case: A woman - Jemma Beale - habitually did this, and is now banged up for 10 years.

In Mr. Allam's case, without being exposed the evil woman could've put more men in the slammer. Just for the fun of it.

I hope they (both recent cases) sue the police and CPS for everything they can get.

Then, Lessons will certainly be learned!

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CM Dec 21, 2017

Only a very stupid person would believe that these widespread failures are down to a lowly DC. When is evil serial abuser of power Alison Saunders getting sacked? When is Kier Starmer going to stand down from his shadow cabinet role and apologise for his role in this rot as ex DPP? When are we cracking down on the evil that Common Purpose does? To all you nasty little lefties out there - We are sick of you. And we are on to you. Jess Phillips, enough already with your evil witchhunts.

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4RecommendReply

Ken Wood Dec 21, 2017

And that of course that will solve everything? Clearly a well thought and considered strategy to deal with a junior officer dealing with a large case load, where individuals are prepared to lie and commit perjury to gain revenge.

In an atmosphere where only a few years ago the police were castigated for not prosecuting. Where the HMI of police issued an instruction ( later denied) stating that police "must" believe any one making an allegations of a sexual nature.

If every time something went wrong those involved were fired, there would nt be a government.

I wonder what senior position you held? Your subordinates ( if any) must have loved you?

Flag

2RecommendReply

Andy Webb Dec 21, 2017

@Ken Wood

But this is a case of negligence and incompetence and being busy is no excuse whatsoever, particularly when you have peoples lives and reputations on the line.

There simply must be consequences for people who get things this wrong.

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2RecommendReply

Treading Water Dec 21, 2017

Get rid of the DC.

Get rid of Saunders.

Both are clearly ideologues and/or incompetents.

The Justice System need neither.

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9RecommendReply

Paul Morris Dec 21, 2017

Suddenly the curtain on the incompetence is revealed!

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lanasmarsbar Dec 21, 2017

While the role of the police needs to be investigated, that must not distract attention from the role of Saunders' CPS in these cases.

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Righttorant Dec 21, 2017

"A report by Dame Elish Angiolini, QC, highlighted huge workloads and a lack of training".

Complete bo\*\*\*\*ks! Since when did simple common sense require training and workload reduction?

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Yes But Dec 21, 2017

"her officers were professional and fair"; so Cressida Dick believes that police officers being '**in contravention of repeated court orders**' is professional does she? And as for that old chestnut about learning lessons, give me a break...

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Patrick Walker Dec 21, 2017

@Yes But They were, which court orders were they in contravention of exactly?

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BigJim Dec 21, 2017

*A legal source connected with the cases said they believed that Mr Azariah, a member of the force's child abuse and sexual offences unit, was being "hung out to dry" by the Met, which seemed to be portraying him as a "rogue officer". The truth was that disclosure problems were far more widespread, the source said.*

DC Azariah was being supervised I presume? At least by a DS - Detective Sergeant. Who in turn would report to a DI - Detective Inspector, then a DCI - Detective Chief Inspector, then Detective Superintendent and onwards to a Detective Chief Superintendent. That would be the normal chain-of-command in the Met'.

I'd expect the DS and DI to be removed from their duties at the very least, as those two would have had direct contact with DC Azariah.

Regardless DC Azariah still appears to have been in possession of evidence that indicated the defendants in both these cases were completely innocent. Having a CID officer-in-place who specializes in pursuing criminal cases against innocent members of the public is never going to be useful to the Metropolitan Police; they've already got plenty of such types working in the CPS!

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5RecommendReply  
Howzat Dec 21, 2017

Why has Azariah's picture been broadcast by the media - other than to set him up to take all the blame on behalf of a failed system?

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7RecommendReply  
John Lynch Dec 21, 2017

Cressida Dick said, her officers were professional and fair. Of course they are, Ms Dick. And we are all very stupid.

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16RecommendReply  
Mr N D Dec 21, 2017

@John Lynch Never forget, she was the officer responsible for the fatal shooting of an innocent Brazilian electrician. This is the level of competence that the Met promotes.

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1RecommendReply  
Andy Webb Dec 21, 2017

Azariah is clearly incompetent and people have suffered horribly because of him, but I can't help thinking that whoever his next in command is, is also guilty of negligence.

Not a peep from Cressida Dick.....disgraceful.

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16RecommendReply  
Patrick Walker Dec 21, 2017

@Andy Webb No he's not, just drowning in overwork and handling an impossible caseload.

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2RecommendReply  
Andy Webb Dec 23, 2017  
@Patrick Walker @Andy Webb

So you keep saying, but where's the evidence of "an impossible caseload"?

Why not complain to his chain of command if he's so busy he's ruining lives and sending innocent people to prison?

We're all busy mate!

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1RecommendReply  
TT 20 Dec 21, 2017

*Commander Richard Smith, who oversees rape cases for the Met, denied that there were systemic failures but acknowledged that the review could affect hundreds of cases.*

Which begs the question. How many constitutes a systemic failure?

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16RecommendReply  
Alan R MacKenzie Dec 21, 2017

"A legal source connected with the cases said they believed that Mr Azariah, a member of the force's child abuse and sexual offences unit, was being "hung out to dry" by the Met, which seemed to be portraying him as a "rogue officer". "

I reckon Mr Azariah wishes he were white. Institutional racism? Perhaps. On the other hand he might have been less than 100% efficient.

What it boils down to is the drive by Alison Saunders to have men put in jail whether or not a crime had been committed. Her stated aim was to increase the number of convictions rather than to pursue justice. That is evidenced in a case last year when the accused was cleared only for Ms Saunders to state he got off due to insufficient evidence being found rather than the actuality of the accused being innocent.

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18RecommendReply

Clumsier Dec 21, 2017

>>>were handling up to 30 investigations at any given time<<<

It would be more correct to say they were not handling investigations.

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Patrick Walker Dec 21, 2017

@Clumsier Because they were overwhelmed and no one could cope with such an impossible workload.

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1RecommendReply

Matthew Twigg Dec 21, 2017

Playing Devil's Advocate here, but there should be different outcomes for different cases.

For example, there may be a case where someone was found "not guilty" because there wasn't enough evidence to convict, but the complainant still insists they were raped. In this instance, all parties should remain anonymous.

However, in the two highlighted cases, where the complainant was demonstrably found to be lying, they should be named and charged with attempting to pervert the course of justice. I'm on the fence as to whether they should face a custodial sentence, but I think they should suffer the stigma of a criminal record and all the hassle that comes with one.

I'm also tempted to suggest that serial liars or where someone has been especially vindictive in pursuing a rape or sexual assault claim against an innocent party should have to sign the sex offenders register.

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Wyn Ford Dec 21, 2017

I would have thought that the officer should have been stood down days ago, when the first appalling case emerged.

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Stanley Cohen Dec 21, 2017

I'm unsure which is the worse of the two aspects of this situation. Either the policeman involved was deliberately and selectively withholding evidence and remained undetected [sic] or his behaviour was encouraged and supported by his colleagues and superiors?

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4RecommendReply  
cabbie Dec 21, 2017

' Cressida Dick, the Met commissioner, told the BBC that police and prosecutors had made mistakes and needed to learn lessons, but her officers were professional and fair.'

Professional and fair? Let's hope that the vast majority are, but DC Azariah cannot be said to be professional. And as to reviewing all OPEN sex abuse cases I wouldn't mind betting that the lawyers representing some already convicted will be seeking an appeal if this guy was involved.

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4RecommendReply  
A Firswell Dec 21, 2017

*Mr Azariah ... was being "hung out to dry" by the Met, which seemed to be portraying him as a "rogue officer".*

Well, he seems to be either corrupt or completely incompetent. I can think of no other reasons why he would fail to disclose information HE knew would make the rape allegations collapse.

And Mr Itiary and Mr Allan will, I hope, sue both the Met and the perjurers who got them into this awful Kafkaesque set-up.

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23RecommendReply  
Frankie Lee Dec 21, 2017

I have long experience of law enforcement practices and investigation techniques. The problem is widespread inability to evaluate evidence and draw balanced conclusions. This poor practice is supported by senior managers who also don't know how it should be done. A good investigation will, of course, weigh up all the evidence, both in favour of the client and against , in the interest - where possible - of discovering the truth. A bad investigation will set a goal of securing a "result" and evidence which doesn't support achieving that goal is disregarded or insufficient weight is placed on it.

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13RecommendReply  
Joe in Suffolk Dec 21, 2017

Precisely as I predicted - a lowly plod has been set up. Where are the senior management? And why is Cressida Dick still silent? Utterly shameful, but fully expected

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19RecommendReply  
Mark Eltringham Dec 21, 2017

@Joe in Suffolk Exactly. This guy needs to face charges but he's being set up as a scapegoat for the failed ideology of people right at the top of the judicial system. The person who should really be in the dock is Alison Saunders and Keir Starmer should also be losing sleep.

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11RecommendReply  
Clumsier Dec 21, 2017

@Joe in Suffolk Set up? Do you really think trolling through all the text messages is done by a senior officer? It doesn't matter what rank did the work, their refusal to do the task correctly has to be dealt with.

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1RecommendReply  
Keith6646 Dec 21, 2017

@Clumsier @JohnJoe Senior Officers are supposed to manage their juniors. Clearly there has been incompetence in that management. I would be in the least surprised if they argued there was too



great a workload for too few workers. Lets see what comes out of their investigations, but a management overhaul appears seriously overdue.

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CM Dec 21, 2017

It was pretty obvious to anyone paying attention that the texts were crucial. They always are with dumb millennials.

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Andy Crofts Dec 21, 2017

@Clumsier @JohnJoe I think you meant:

"...their failure to do the task correctly ...

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Comment is free Dec 21, 2017

Scotland Yard does seem to have a fondness for glib phrases. So, Cressida Dick, the Met commissioner, told the BBC that 'police and prosecutors had made mistakes and needed to learn lessons, but her officers were **professional and fair**'. Just like one of her colleagues described the 'evidence' of discredited 'VIP paedophile ring' accuser Nick as **credible and true**.

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9RecommendReply

Freebooter Dec 21, 2017

At the moment, senior officers are limiting their enquiries to rape cases currently under investigation. This problem reaches far further into the judicial system than that: this 'offence' was committed not specifically because the two cases were rape trials but because an individual - or his unit - ignored the rules regarding evidence procedures. It has highlighted a very serious failing within the system. Whether the failing in the cases was deliberate or due to incompetence remains to be seen.

The effect of this could be chaotic. Every prosecution going back donkey's years runs the risk of the same sins of omission with evidence that could undermine police cases having been committed.

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Freebooter Dec 21, 2017

As an addendum to this

"The Criminal Law Solicitors' Association reiterated criticism from senior lawyers that the collapsed prosecutions reveal the "tip of the iceberg"." Apparently their survey revealed that only in 13% of trials were the rules on disclosure by the prosecution properly observed.

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8RecommendReply

BigJim Dec 21, 2017

@Freebooter

I agree. No criminal trial which resulted in a 'guilty' verdict conducted in England and Wales since 2014 (Alison Saunders became DPP in late 2013) should be regarded as 'safe'. That's until an independent investigation can determine if proper disclosure to the defense was performed-or-not. As detailed below by Freebooter, it's estimated that 87% of trials saw the law on disclosed evidence NOT being followed correctly.

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5RecommendReply

KnightsbridgeSW Dec 21, 2017

These defendants should have enjoyed anonymity until convicted. It is completely indefensible that false accusations can be made, defendants subsequently charged and, in the process, lives ruined because of shoddy investigative process and protocol not adhered to. The argument that naming a suspect encourages (or flushes out) other complainants is irrelevant. If the defendant is found guilty, anonymity ceases and any other complainants can come forward to press their cases for which the convicted criminal can then be tried. It may make the Police's job more difficult but it sure as hell makes our society a much safer place for the innocent.

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29RecommendReply

*Ref.: Detective Mark Azariah removed from duty after two rape trials collapse in a week.docx*  
26/04/2018 09:24