

MPs to quiz prosecutions chief on collapse of rape cases

<https://www.thetimes.co.uk/article/mps-to-quiz-prosecutions-chief-on-collapse-of-rape-cases-lkcbcdlvp>

Trials face delay as scandal mounts over disclosure of evidence

Richard Ford, Home Correspondent

January 26 2018, 5:00pm, The Times



Alison Saunders, director of public prosecutions, says disclosure is fundamental to fair trials
TIMES PHOTOGRAPHER RICHARD POHLE

Every rape and serious sexual assault case in England and Wales is being reviewed by the Crown Prosecution Service after the collapse of trials over failures to disclose evidence.

Some cases involving alleged sexual offences are likely to be stopped as a result of the inquiries, Alison Saunders, the director of public prosecutions, said.

Ms Saunders announced the review yesterday as police and prosecutors confirmed emergency measures relating to disclosure in an attempt to shore up public confidence in the justice system.

The move came after *The Times* revealed that four rape trials had collapsed after crucial evidence was disclosed only at the last minute.

Oliver Mears, 19, an Oxford student, was cleared of rape eight days ago after spending two years on bail. The Crown Prosecution Service (CPS) and Surrey police, which handed over relevant evidence days before the trial, were criticised by the case judge and ordered to explain in writing the “completely unnecessary” delays.

Ms Saunders began the review last month shortly after this newspaper reported the collapse of the case against Liam Allan, 22, a criminology student accused of rape. Police had failed to disclose texts from a woman that proved his innocence.

Ms Saunders said that she was “taking steps to identify any individual cases of concern as a matter of urgency”. She added: “All cases are subject to regular and ongoing scrutiny, but senior prosecutors across England and Wales are currently assessing all live rape and serious sexual assault cases to check they are satisfied that disclosure obligations have been met.”

The chief prosecutor admitted that some sexual offence cases would be stopped because of disclosure issues. “Inevitably, bringing forward these case reviews means it is likely that there may be a number of cases which we will be stopping at around the same time,” she said.

Prosecutors are looking at all rape and serious sex cases in which a person has been charged but has yet to be tried in the 14 CPS areas of England and Wales. Last year 3,671 people were charged with rape, according to official figures. It is not known how many people were charged with other serious sexual offences.

Another criminal case collapsed yesterday because of disclosure failures. Three people were cleared of human trafficking after their trial was stopped and the judge complained of a “wholesale failure” to hand over vital evidence.

Lawyers for the defendants are now considering whether to bring a civil claim for wrongful imprisonment after Christina Bosoanca, 25, one of the defendants, spent 14 months on remand and had a baby in custody. “I feel really guilty having my child imprisoned when he has done nothing wrong and has such a severe illness,” she said from Bronzefield prison, Surrey. “I felt like a ghost because every day I woke up knowing I was innocent.”

Medical records disproving some claims from the alleged victim were disclosed only six days into the trial; 65,000 phone messages that undermined the prosecution case were handed over after two days.

Anisoara Lautaru and Adrian Iordan, the two other defendants, were also cleared. Judge Gregory Perrins has called on the CPS to explain itself next week after concluding that the failure to hand over messages was the result of “incompetence or negligence of the police and CPS”.

The CPS refused to say how many cases were being reviewed or in how many it had found issues that might lead to them being halted. A spokesman said: “This work is ongoing and we are not giving a running commentary.”

Surrey police and the Metropolitan Police have begun a review of all current rape cases in their areas and Ms Saunders is to be summoned to appear before the justice select committee over the collapse of rape trials.

The former lord chief justice Lord Judge said last week that rapists would get away with their crimes because police and prosecution failings had undermined public confidence in the justice system.

Police chiefs and the CPS announced measures yesterday to improve confidence. They admitted that although laws governing disclosure had been in place for years “the criminal justice system has struggled to get it right”. They added: “Disclosure issues are systemic and deep-rooted. In recent years the challenge of discharging our statutory duties has been made more difficult than ever before by the widespread use of mobile phones and other communication devices.”

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Mr Turner Jan 28, 2018

"You will be believed"!!! Utter nonsense.

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RecommendReply

steve tavener Jan 28, 2018

yet again the police are more interested in their own statistics than justice

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RecommendReply

PJW Jan 27, 2018

What about wrongful convictions? The proposed action doesn't seem to cover those.

Flag

7RecommendReply

EdwardAugusters Jan 27, 2018

It's not the CPS's job to consider possible wrongful convictions. There's a whole independent body to do that and this changes nothing other than, maybe, reminding some dozy defence lawyers to make sure they question their clients more closely about possible alibis and call more stridently for unused material such as phone records.

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RecommendReply

Avicenna Jan 27, 2018

The police and COS are colluding to hide evidence and this is a culture of believe everything the alleged victim says? All social media should be given to defence not that which is selected by the police.

Flag

9RecommendReply

OctavianUK Jan 28, 2018

@Avicenna I read somewhere that rape convictions were on the low side and this will be political correctness trying to get the number up corruptly. Not giving a damn about the innocent lads getting caught up in their desire of a higher conviction rate and now the adults (judges) are taking charge.

Flag

4RecommendReply

Avicenna Jan 28, 2018

Octavian

No one knows what the 'correct' number of convictions is. But it cannot be greater than the number of cases where the evidence is beyond reasonable doubt which is going to be very rare in he said she said cases. Indeed the number of cases in this category going to court looks like it should be falling substantially, and currently driven by misandry of Saunders and company.

Flag

6RecommendReply

RM Jan 28, 2018

Nor should it be the CPS who review wrongful convictions, for they were party, possibly indirectly, of not fully disclosing material.

Who exactly will represent these wrongfully convicted men and women? I doubt their original barrister and solicitor would be interested as they most probably disappeared quite rapidly once they

had lost the case and are now at risk of looking incompetent if further disclosure now appears, disclosure that they did not pursue.

Who will cover the cost of this exercise if it is not a blanket review? Many wrongfully convicted men and women lost everything as a result of their conviction in legal fees and reputational ruin leaving their spouse to survive alone.

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3RecommendReply

John MacArthur Jan 27, 2018

Rape, just like almost every other criminal offence is a matter of degree and circumstance and mitigation play a very large part in determining whether or not a case should proceed and have any chance of securing a conviction. It is therefore absolutely essential that full disclosure is made by all parties but most especially from the police and hence the CPS. While they both at times might wish to at least obfuscate in order to lend weight to their case, the possibility of convicting an innocent outweighs in large measure any advantage gained by non-disclosure.

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john barker Jan 27, 2018

Alison Saunders is a victim of systemic failure of a system of 'victim belief' cuddly Allison herself put in place. We all make mistakes and, I am sure, that the untold number of those incarcerated in vermin-infested cells on evidence that should not have passed muster, will understand your difficulties and wish you well in your future career. It is likely that she will continue in post for the duration of her term, while a further suitable candidate is found to bang another. Marxist drum

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1RecommendReply

Danger Mouse Jan 27, 2018

Alison Saunders. Go.

Flag

10RecommendReply

Appeasementisfatal Jan 27, 2018

"MPs to quiz prosecutions chief on collapse of rape cases"

It seems as if she has been found out about her biased conduct over the last decade.

She must go and be made to all outstanding questions many people are wanting answered!

Flag

8RecommendReply

John OConnor Jan 27, 2018

Wrongful convictions should not happen. We know that they do happen.

When a police service can withhold information in a trial there is something fundamentally wrong with the administration of "justice".

Could some of the problems stem from the need to have good statistics? Let's have good figures and we get more funding.

That kind of thinking is destroying the education system, the health system and now the justice system.

Flag

8RecommendReply

rue de remarques Jan 27, 2018

Don't just blame the Police or CPS- although they clearly are the agents of dysfunction, the roots lie in the populist pressures forced on politicians and public servants by an increasingly voiciferous and intrusive media.

Media which seeks greater and greater sensationalism to sell their product. A media which stokes the flames of prejudice and polarised views by feeding those prejudices rather than informing.

The Police have been bent first one way then the other by the winds of public sentiment.

First by the simplistic instruction that "Every woman who reports rape should be believed" and now?-

Flag

4RecommendReply

Dave Balding Jan 27, 2018

Every woman who reports rape SHOULD be believed until proved otherwise. That must be a fundamental principle. In exactly the same way that a suspect should be believed until proved otherwise.

What is needed is thorough checking of ALL the evidence; the lack of thoroughness is at the heart of the matter.

Failing that, disclosure MUST happen as soon as possible once a suspect has been charged. It is SCANDALOUS that cases have been brought to court without thoroughly taking into account ALL the facts. It is CRIMINAL, in my humble opinion, that disclosure has not been taking place. Not only because of the waste of resources but also because of the length of time suspects have had the charge hanging over them.

Flag

6RecommendReply

J Chapman Jan 27, 2018

If the woman directly accuses a suspect of rape how can they both be believed until proved otherwise? It cannot be a fundamental principle that anyone that accuses rape is believed until proved otherwise since it's a fundamental principle that the accused is innocent until proven guilty.

Flag

1RecommendReply

Semper te fallant Jan 28, 2018

@J Chapman Sounds like Schrodinger's cat to me.

Flag

RecommendReply

Roger King Jan 27, 2018

@rue de remarques

The politicians pandered to the media and it would be political pressure that swayed the police rather than the media.

Agree that the media are increasingly desperate as sales fall but at least they are accountable. The stuff put out on the social channels is just as bad but without any accountability or responsibility.

Flag

RecommendReply

Peter O'Toole Jan 27, 2018

The Crown Prosecution Service, (the clue is in the name), represents the Crown, ie the State, ie us, as in the Crown verses Bloggs.

Shouldn't, then, the position of DPP be an elected post, from a list of suitably qualified candidates of course, as opposed to an appointed one?

If the incumbent had to face an election every, say, four years, with only his/her record in office to fend off the competition, we just may see a little less smug complacency and a bit more efficient scrutiny of ALL the evidence before going forward with a prosecution.

Flag

2RecommendReply
J Chapman Jan 27, 2018
No.

Flag

1RecommendReply
Anteeta Jan 27, 2018

'Police chiefs and the CPS announced measures yesterday to improve confidence. They admitted that although laws governing disclosure had been in place for years "the criminal justice system has struggled to get it right" '...

Really? The admission beggars belief and 'measures to improve confidence' in a seriously flawed system isn't good enough.

So much for justice.

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9RecommendReply
PB Joyce Jan 27, 2018

This won't make anyone in the UK feel any better, but nothing is different here in New Zealand. Non-disclosure of evidence hasn't made any headlines, but hopefully it will if some eddies from the UK's current outrage wash over here. The "believe the victim" assumption is just as pervasive, and feminist-inspired changes have been made to the Evidence Act, preventing judges from warning rape juries about the dangers of convicting on uncorroborated testimony. In a recent trial here for an historical rape, even the prosecution conceded there was no evidence. Yet he told the jury to convict if they detected "a ring of truth" in the complainant's story. She performed admirably and the man was duly convicted. Readers can learn more about this case by googling "Napier rape teacher".

If you are falsely accused of burglary or fraud or assault, it is a terrible experience but you can at least expect that facts will clear you. A false sexual allegation often depends not on evidence but on pure credibility - a "ring of truth". This is combined with an official assumption that complainants (or, as they are so revealingly labelled, victims) must be telling the truth. As a result, the only falsely accused person on a sexual charge who is not terrified is the one who is too naive to realise what is likely to happen.

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11RecommendReply
Roger King Jan 27, 2018
@PB Joyce

There is a problem with false accusations. Here in Manchester it is common practice for divorce lawyers to pressure the wives to include assault as part of the grounds for divorce, whether it happened or not. Only strong women are able to resist this pressure. The outcome is a belief that the majority of men regularly beat their wives and this is written into the social studies papers, etc.

Flag

8RecommendReply
PB Joyce Jan 27, 2018

@Roger King @PB Joyce An interesting point, which shows that false accusations exert a power independent of any legal charge; they can be used by manipulators as a cynical but effective bargaining tool. A woman who disputes her taxi fare may threaten the driver with a sexual assault accusation. She knows she has nothing to lose, because she will not be prosecuted, so the only possible outcomes for her are a win or a draw.

Flag

6RecommendReply
Roger King Jan 27, 2018
@PB Joyce @Roger King

Wonder if the escalation of this will be taxi drivers ignoring women flagging down a ride? Women not being given jobs? Men refusing to help women in trouble? Not a good future.

Flag

3RecommendReply

Narayan Kutty Jan 27, 2018

@PB Joyce Thanks very much for this very revealing trend. Ring of truth what is it? Does the jury understand it, is it like an element of truth, a shred of evidence, some vague notions of guilt?

Has the system really fallen on its face?

Flag

RecommendReply

PB Joyce Jan 27, 2018

@Narayan Kutty @PB Joyce No, the jury doesn't understand it; it may be an element of truth, depending on what you mean by "element"; in this case it had nothing to do with evidence, because there wasn't so much as a shred; yes, it is a vague notion of guilt. In the absence of evidence, what determines the outcome is purely the court performance of the complainant. The lawyer here who handled my case (yes, it happened to me) and who does lots of these cases has told me that the "victims" who are just after compensation aren't very convincing in court, but the True Believers, most of whom have been to dodgy counsellors, are the ones we should fear.

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3RecommendReply

Epi-man Jan 27, 2018

We will not be able to trust the police over these issues until we see the worst police officers go to jail.

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9RecommendReply

Oakley Jan 27, 2018

This is a predictable result of the "All rape accusers must be taken seriously" thing which rapidly turned into "All rape accusers must be believed"

Once you got to that point, it became a logical step that if all accusers were to be believed, all the accused must therefore be guilty. Guilty until proven innocent if you like.

So it becomes very easy to then not look for any evidence that the accused was innocent, as that would be "awkward".

QED

Flag

19RecommendReply

Venetian Lady Jan 27, 2018

@Oakley You're logic doesn't make sense. For too many years rape cases have been brushed off by police and the general view has been 'it must be the woman's fault' or 'she was obviously looking for it'.

It is right that all rape claims are taken seriously and women believed, however the police also needs to do their job competently and ensure that the accusations are valid and not fabricated by the woman. It is not a 'logical step that the accusers **must** be believed', but that all the evidence **must** be reviewed.

The issue here is not the women being able to be believed but the Police and CPS incompetence.

Flag

2RecommendReply

RECH Jan 27, 2018

@Venetian Lady @Oakley No - it is right that all rape claims are taken seriously, but I'm afraid the recent cases that have been dropped show clearly that women can no more be believed than men.

Establishing the truth will always be very, very difficult in so-called acquaintance rape. Essentially society has to decide what is the acceptable level of risk of innocent people being convicted. The consensus seems to be that that risk must be re-set to be much, much lower than it is now.

Flag

2RecommendReply

Venetian Lady Jan 27, 2018

@RECH @Venetian Lady @Oakley

Rech I don't understand what you mean by 'the risk must be reset to be much, much lower than this now.'

You either take someone's rape claim seriously or you don't.

However I would say that when a woman has been found to have lied, she should be prosecuted.

Flag

1RecommendReply

RECH Jan 27, 2018

@Venetian Lady @RECH @Oakley Of course an allegation of rape must be taken seriously. What I was taking issue with was your assertion "*it is right that women [be] believed*" because we know as a result of the evidence eventually disclosed in some of the recent cases that they have lied - claiming afterwards that consensual sex was not consensual.

In any prosecution which essentially revolves around he said / she said there is bound to be a risk on the one hand that a guilty person gets away with it, and on the other that an innocent person gets locked up. We have to decide where we want that risk to lie. The answer will never be perfect, but personally I think it is more important to avoid locking up innocent people, and I am delighted that the consensus seems to be moving that way.

I agree with you that a few prosecutions for perjury might help. I also think that a judge should have the power to lift anonymity in clear cases of malicious falsehood.

Flag

4RecommendReply

rue de remarques Jan 27, 2018

@RECH @Venetian Lady @Oakley The test for very many years in any criminal case is that the jury believe the defendant is guilty "beyond any reasonable doubt". And judges will always advise this in their summing up.

In which case I would not expect a rape case defendant to be convicted if it is simply a "he said- she said" without significant other evidence. Which is why the police were often reluctant to pursue a complaint because they know it is often fruitless even though they may well find the accuser plausible.

Civil cases on the other hand are based on "the balance of probabilities"

Flag

2RecommendReply

RECH Jan 27, 2018

@rue de remarques @RECH @Venetian Lady @Oakley Yes I know about the test for guilt.

Ched Evans was convicted - and do you really believe that none of the recent cases would have resulted in a conviction unless evidence had emerged that the complainants were probably lying?

Flag

2RecommendReply

rue de remarques Jan 27, 2018

@Venetian Lady @Oakley The problem is that (as reported in The Times) several Police forces actually sent the instruction to their officers that "all rape accusations should be believed". This was

an understandable reaction to years of legitimate complaints that the Police were not treating women seriously.

Trouble is they went too far-

Flag

1RecommendReply

Oakley Jan 27, 2018

@rue de remarques @Venetian Lady @Oakley That is exactly what I was saying. An accusation became de facto guilt. Because the accuser had to be believed.

Flag

3RecommendReply

Oakley Jan 27, 2018

@Venetian Lady @Oakley You are missing my point. For many, it became a logical step [in their minds] that if the accuser had to be BELIEVED then their accusation had to be TRUE. Ergo, the accused was guilty. Perfectly logical

Flag

2RecommendReply

Roger Wood Jan 27, 2018

Why must the inquiry be limited to rape and sex assault? What about the other criminal convictions that were gained simply because the police hid the truth?

It's a really big issue. Society and civilisation are at an end when the police cannot be trusted. Is it too much to hope that several police and smug excuse-makers from the CPS will end up behind bars?

The compo to the accused whose lives have been wrecked will run into millions.

Too much to hope that those really guilty will pay the bill? ... that is the bent police and the "rape" victims who made up their allegations?

And who was in command at the Home Office for six years while the police service was run into the dirt? Surely not the Great Ditherer?

Flag

8RecommendReply

TommyCovi Jan 27, 2018

@Roger Wood Twas indeed she.

Flag

RecommendReply

RM Jan 27, 2018

I write anonymously purely to limit the damage already done to my children and I.

Whilst a review is a enormous turning point in 'live' cases, it is too late for many of us who have suffered years, and I mean not just a few, of destruction as a result of police incompetence, trial, incarceration, social care involvement, financial ruin and reputational ruin.

You can't fight a conviction without new evidence, even though you can be convicted without evidence.

The damage of these convictions permeate to the lowest echelons of one's life.

It has saddened me so much to read all these comments knowing that many others out there have also suffered like me. Yet it has encouraged me that so many people, who may have not been affected directly, can clearly see how wrong our system is.

Flag

17RecommendReply

Bernard Angus Jan 27, 2018

This pretty well sums it up. Men are convicted on the basis of accusations, as they are in 'child abuse' cases. The idiot police chief who said "you will be believed" is responsible for most of this. Whatever happened to 'innocent until PROVED guilty'?

Flag

5RecommendReply

David13 Jan 27, 2018

It is obvious the photo of AS was not taken for this article - but doesn't she look smug?
She is clearly complacent and should fall on her sword to avoid being sacked.

Flag

9RecommendReply

Zabonga Jan 27, 2018

Just waiting for someone from the office of the CPS to say:-

"Lessons will be learned"

The mantra of the downright incompetent.

Flag

14RecommendReply

Peter O'Toole Jan 27, 2018

@Zabonga

Yes.

Then we can all, (going forward), draw a line under it and move on. Right?

Flag

1RecommendReply

Philip Woolf Jan 27, 2018

The CPS has been in the news far more recently, many times for the wrong reasons. I don't know exactly whether this is down to the "management" of Alison Saunders, but surely her role has to be called in to question.

Flag

10RecommendReply

Colin Grant Jan 27, 2018

Rape must be the most difficult crime of all to investigate. It is so easy for a woman to cry wolf and so easy for a man to overpower a woman in a compromising situation especially if she is tipsy.

Is asking too much for the prosecution (who must in many cases be seen to act no matter how flimsy the evidence) and the defense to cooperate openly.

Flag

1RecommendReply

peter openshaw Jan 27, 2018

@Colin Grant Of course they should. Have you wondered why shoplifting and armed robbery are considered as different crimes?

Flag

1RecommendReply

peter openshaw Jan 27, 2018

I have no reason to doubt the goodwill and devotion of the vast majority, be they police officers, agents of the Crown, bank employees or whatever. That is not where the problem lies.

The problem is that the system of promotion gradually filters out those of noble intention and favours those skilled in the arts of manipulation and obfuscation. Here we are living with the consequences in politics, the justice system, the banking system, the private sector in general..... That is some swamp that requires some draining, but it is not an excuse not to start. The system of justice is the right starting point.

Would I have support to start the ball rolling?

Flag

8RecommendReply

peter openshaw Jan 27, 2018

So the answer would appear to be "no" beyond a click. I am not asking for money, just support. Given support, a modest sum would be needed though not by me. I need nothing to pursue it.

Flag

RecommendReply

MJR Jan 27, 2018

So they are now reviewing the current caseload.

What about the cases that have already gone to trial?

Surely if they are concerned enough to review the current cases, then the implication is that those cases that have already gone to trial are similarly at risk of lack of disclosure?

This whole episode shows how top down grandstanding on an issue such as rape and the perceived lack of convictions can lead to distorted behaviours in order to meet "targets".

The whole of the legal system is being brought into disrepute through the failings of the police and CPS. Heads should roll.

Flag

19RecommendReply

HazeR Jan 27, 2018

@MJR Would you want those cases where a man was acquitted reviewed also since it is possible that some victims also did not receive a just verdict given the low number of those found guilty?

Flag

1RecommendReply

MJR Jan 27, 2018

@HazeR @MJR

I think the issue raised is over non disclosure of evidence to the defence.

Not sure how that would have a bearing on the prosecution?

The low conviction rate is surely a reflection that in many cases it boils down to a she said/he said situation where it must be difficult to get over the reasonable doubt hurdle.

Flag

4RecommendReply

Lazy Dogg Jan 27, 2018

You appear completely to have

misunderstood (or worse wilfully disregarded) the burden of proof and indeed the concept of double jeopardy.

It's become an accepted truth by repetition that the conviction rate for rape is low. This conclusion is only reached by starting from the conclusion that every allegation however untested is true . Which is absolutely the wrong approach.

Flag

5RecommendReply

TommyCovi Jan 27, 2018

@HazeR @MJR So in your in mind, cases of acquittal - where the evidence that was available to the prosecution was not enough to allow a jury to be 'sure of guilt' - are somehow the same as cases where evidence that indicates innocence has been hidden/withheld/not disclosed from the defence

by the prosecution? Perhaps you think that the prosecution hid evidence from itself were there was an acquittal?

I sincerely hope you are not summoned for Jury Duty.

Flag

1RecommendReply

PB Joyce Jan 28, 2018

@HazeR @MJR When you say "victims", do you mean "complainants"? It's an important distinction.

Flag

1RecommendReply

Peter Iden Jan 28, 2018

@PB Joyce @HazeR @MJR Complainants appears have been dropped when it comes to rape cases, yet plenty of the victims seem to be the men.

Flag

RecommendReply

TommyCovi Jan 27, 2018

@MJR Yes heads should roll but it needs to be the right heads and that means those at or near the top. The individuals who determine the policies that influence the decisions made lower down not those who have to implement the policies at operational level (who most often are the scapegoats). There needs to be a wholesale review of Government spending on the Police, the CPS and the Courts so that budgets are significantly increased.

A certain Home Secretary of previous years (many years in fact - the longest serving HS ever in fact) was so unable to stand up to the Chancellor of her day (for fear perhaps of losing her then job) and protecting our Criminal Justice system from swingeing cuts that we are now seeing the effects in rather frightening ways (it's not just here that the system is failing).

The right not to lose one's liberty wrongly is next only to the right to life itself so that a right minded person would think that a leader of a democratic nation who goes to Church on a Sunday (I assume that is out of some conviction) would see that the dire state of affairs we are learning about would be at the top of her list of 'To Dos'. What do I know though.

Flag

1RecommendReply

brian wright Jan 27, 2018

This debacle demonstrates that, if you don't do things properly, the whole process will eventually collapse in a heap. The actions of the CPS and the police have quite simply set back the cause of justice for women in rape cases.

Flag

5RecommendReply

Barry Orton Jan 27, 2018

An interesting quote below from the Illinois Innocence Project on "Wrongful Conviction Day" when flags are flown to represent each instance of release after wrongful conviction. Comparing the population of the USA to the UK and assuming a similar rate would mean that around 500 flags would be up there on a UK Wrongful Conviction Day! That would be 500 people living the nightmare of knowing they're innocent but being in prison. If people in the CPS or police closed their eyes for a few minutes and imagined that being them, we might get a better justice system.

"There are 2,096 flags there, and that's a very interesting number because just last week, when we bought those flags that was the number. Now it's over 2,100 and that's just in a few days.

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6RecommendReply

Graham Godfrey Jan 27, 2018

Do we have an honest police force? The strong implication of this is that we do not

Flag

4RecommendReply

GW Jan 27, 2018

..

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RecommendReply

peter openshaw Jan 27, 2018

@GW One and the same I'm afraid.

Flag

RecommendReply

peter openshaw Jan 27, 2018

@Graham Godfrey We do not, though it has never done me any harm.

Flag

1RecommendReply

Mr Robert Shaw Jan 27, 2018

@Graham Godfrey Don't confuse honesty with competence

Flag

RecommendReply

Graham Godfrey Jan 27, 2018

@Mr Robert Shaw @Graham Godfrey

The evidence is that they are neither - anything for an easy life and keep the new BMW's coming

Flag

1RecommendReply

Michael Wilkinson Jan 27, 2018

Ms Saunders should be fired. How many innocent individuals have been wrongly gaoled on her watch?

Flag

17RecommendReply

HazeR Jan 27, 2018

@Michael Wilkinson or how many guilty wrongly freed?

Flag

1RecommendReply

Lazy Dogg Jan 27, 2018

This is a decade indeed centuries old canard oft utilised by those who object to the presumption of innocence in principle but do not quite want to be open about such a view point.

Flag

2RecommendReply

TommyCovi Jan 27, 2018

@HazeR @Michael Wilkinson

If the evidence is not enough for a jury to 'be sure' that someone did the crime they were charged of which must lead to an acquittal, what do you suggest is done?

Do you think the prosecution in cases of acquittal have hidden evidence from themselves to ensure that the prosecution they have brought fails??

You are not thinking this through are you?

Flag

3RecommendReply

Joannah Yacoub Jan 27, 2018

Many years ago, and before the arrival of mobile phones never mind social media, a young man called Stephen Kizco was convicted of the rape and murder of 2 little girls. Had the death penalty been in existence, he most certainly would have hanged. Yet this was a crime he could not POSSIBLY

have committed as he was born without testicles and physically could not produce the sperm sample upon which the prosecution case rested. The Police were told this by his doctor but the evidence presented by the doctor was not used as part of the defence (quite why I do not know) or perhaps it was discounted. It's a long time ago, so I can't really remember but I do know that the police were so eager to secure a conviction they bulldozed everything else in sight. This poor (slightly retarded) gentle giant was locked away for a number of years until a concerted effort by his mother and this doctor finally succeeded in overturning the verdict. A disgraceful case and one which highlighted the determination of a police force to secure a conviction at any price. It was an appalling and preventable miscarriage of justice. Now it is even more unforgiveable as forensic testing is more advanced but as the article says "disclosure issues are systemic and deep-rooted."

Flag

18RecommendReply

C J Delmege Jan 27, 2018

@Joannah Yacoub Poor Kizko's original defence barrister - who failed to mount a proper defence- was one David Waddington; later Home Secretary and supporter of the death penalty. Scandalously the police officers responsible, and the pathologist, escaped scot free. One wonders if much has changed with Yorkshire Police- who also botched the hunt for Peter Sutcliffe.

Such a sad case, especially as Kizco did not live long enough even to receive his full compensation, let alone enjoy it as he had hoped on his release. His doughty and devoted mother also died soon after him.

I instinctively yearn for the return of the Death Penalty. Then I remember Stephen Kizko.

Flag

7RecommendReply

Colin Grant Jan 27, 2018

Why do you yearn for the death penalty?

Flag

RecommendReply

Zabonga Jan 27, 2018

@Colin Grant " Why do you yearn for the death penalty?"

He's not alone.

Why not?

Flag

3RecommendReply

C J Delmege Jan 27, 2018

@Joannah Yacoub I meant to add that 3 girls gave false evidence against Kizco- retracted many years later.

Flag

4RecommendReply

Barry Orton Jan 27, 2018

Ever since the Liam Allen case surfaced I've been wondering why defence lawyers haven't looked at phone and social media records themselves. Their failure to do this undermines their criticism of the CPS and police not doing their job properly. If I was accused and if my lawyer didn't demand such records as a matter of course, I would fire them.

Flag

2RecommendReply

Sherubawan Jan 27, 2018

@Barry Orton As I understand it, in some cases they were demanded by the defence but not provided ('nothing of relevance').

Flag

10RecommendReply

Barry Orton Jan 27, 2018

@Sherubawan @Barry Orton Just so Sherubawan but surely Liam (a criminology student at Oxford!) knew that such evidence existed; after all, he was the one who'd received the texts? And if the police did in fact refuse to hand it over it would have been a piece of cake to get a judge to order them to do it.

Flag

1RecommendReply

Sherubawan Jan 27, 2018

@Barry Orton @Sherubawan I think in his case largely what saved him was not the texts between him and his accuser, but the accuser's texts to others. The prosecution eventually received the other texts and had the integrity and moral courage to bring them to the court's attention.

Flag

2RecommendReply

C J Delmege Jan 27, 2018

@Barry Orton @Sherubawan Only after the start of the trial.

Flag

3RecommendReply

Queequeg Jan 27, 2018

@Sherubawan : By "integrity and moral courage" you mean "statutory duty". Let's not kid ourselves that the CPS would provide disclosure if they were not obliged to do so by law.

Flag

3RecommendReply

Sherubawan Jan 27, 2018

@Queequeg Integrity requires one to follow the law. Courage requires one to do so in the face of sometimes overwhelming perceived wisdom.

Flag

2RecommendReply

Lucy's dad Jan 27, 2018

@C J Delmege @Barry Orton @Sherubawan

Only when a new CPS QC took the case over, one Jerry Hayes the ex MP.

Flag

1RecommendReply

Mr Anthony Williams Jan 27, 2018

I have rarely seen such level of consensus amongst readers. Nor such strong feelings directed against one individual.

I accept matters go beyond Alison Saunders, but where is her moral compass staying in a job where no one has confidence in her?

This is way beyond people making a mistake. How do they sleep at night knowing they have not done their job and the terrible mess they have made of other people's lives?

Flag

27RecommendReply

peter openshaw Jan 27, 2018

@Mr Anthony Williams Very true. She is hardly alone. Were people to stand down voluntarily on that basis there would be some plum vacancies.

Flag

4RecommendReply
PAUL LEWIS Jan 27, 2018
@Mr Anthony Williams

Its virtually unheard of for someone in the public sector to be dismissed.

Flag

6RecommendReply
Richard Stout Jan 28, 2018
@PAUL LEWIS @Mr Anthony Williams

...unless subject to a "believe the victim" allegation!

Flag

RecommendReply
Alan Haile Jan 27, 2018

What about reviews of all cases where a man has been convicted of rape and is serving time in jail? If so many cases that have not come to trial are suspect what about those that have taken place and resulted in a guilty verdict? Surely a number of those are likely to have been a miscarriage of justice.

Flag

24RecommendReply
HazeR Jan 27, 2018
@Alan Haile ,..... and vice versa.

Flag

RecommendReply
TommyCovi Jan 27, 2018
@HazeR @Alan Haile See some of my other answers to this post you have repeated over and over here.
You simply don't understand how it all works do you? It seems to think that if a woman accuses a man of a wrong, that is enough for a conviction.

Flag

4RecommendReply
peter openshaw Jan 27, 2018
Rape is a particularly thorny subject. I have googled statutory rape to be sure that I have understood what should be put to the jury. Unsurprisingly we find a distinction between the act and the intention behind it - the basis of common law.

We find that a requirement for the offense is that "A" did not reasonably believe that "B" consented. If you get into bed with someone of your own free will and there is no sign of physical coercion, which sane juror could possibly conclude beyond reasonable doubt that "A" could not have reasonably believed that "B" consented? The statute makes no reference to the need for "A" to establish the sobriety of "B" and rightly so. The sobriety of "B" is the responsibility of "B" and nobody else.

Flag

11RecommendReply
TommyCovi Jan 27, 2018
@peter openshaw
It's not at all as you say.
The question of whether the belief is reasonable "...is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents." Section 1 (2) of the Sexual Offences Act 2003.
<https://www.legislation.gov.uk/ukpga/2003/42/section/1>

Very many of these cases involve ladies who have had a large quantity of alcohol and there comes a point of inebriation where you cannot possibly give any kind of consent. However, determining that point is often very difficult since the act happens in private so that it usually becomes one person's word against another and the swing from dismissing allegations of rape by the Police has swung the other way so that a women's allegations are not just taken seriously nowadays (correctly) but taken as fact in many instances so that no balance has been achieved but rather we have gone from one extreme to another.

The idea that women aren't prepared to use the allegation of rape or threat of the same as a weapon however has been clearly and unambiguously shown to be untrue though the likelihood is that the vast majority of women do not act this way - but that's just my opinion.

The cry to make the identities of both parties anonymous unless the alleged perpetrator is at least charged (better imo that there was 1st a conviction) is likely to fall in deaf ears and I suspect that once the current broohaha has died down it will be business as usual - I very much hope that I'm wrong.

Flag

1RecommendReply

J Chapman Jan 28, 2018

Belief in one persons account when they are an interested party can quite simply never be sufficient for a conviction.

Flag

RecommendReply

TommyCovi Jan 28, 2018

@J Chapman

Although the CPS will always present 'circumstantial evidence' that supposedly 'corroborates' the victims account, in reality that circumstantial evidence is quite often pretty flimsy to say the least and it **can** come down, in the final analysis, to a simple choice of who the Jury believes.

Because of the emotive nature of these cases it seems plain to me that justice is not at well served in this (admittedly) very difficult area - and it cuts both ways I suspect (i.e. guilty getting off and innocents being convicted).

Flag

RecommendReply

Anip Jan 27, 2018

Without any doubt Alison Saunder's dangerous policies have damaged and destroyed many people's lives.

Why on earth hasn't she been sacked?

Flag

28RecommendReply

PAUL LEWIS Jan 27, 2018

@Anip cos its the public sector init

Flag

4RecommendReply

sumwot Jan 27, 2018

Alison Saunders must be some kind of PR genius - or else she is a pc protected species.

This is really a story that professional standards throughout the CPS are virtually non-existent. But instead it's presented as an exercise in due-diligence. It's not, it's incompetence and poor leadership. It's no good letting standards fall until the press calls you out.

Flag

33RecommendReply

Old Peculiar Jan 27, 2018

Still confident there are no innocent people in jail, Alison?

Flag

27RecommendReply

peter openshaw Jan 27, 2018

@Old Peculiar There are plenty.

Flag

15RecommendReply

HazeR Jan 27, 2018

@peter openshaw @Old Peculiar as there are many guilty who are not.

Flag

RecommendReply

peter openshaw Jan 27, 2018

@HazeR @peter openshaw @Old Peculiar True, but not the same ones so little consolation.

Flag

2RecommendReply

peter openshaw Jan 27, 2018

Far be it from me to underestimate the gravity of non-consensual sex. Indeed I fail to see what pleasure could be derived from such an act. A short message:

Your handover is your problem, nobody else's.

Flag

3RecommendReply

peter openshaw Jan 27, 2018

Sorry "hangover"

Flag

5RecommendReply

Russell Jan 27, 2018

Has the justice system become a watered down process over the years it seems we get more and more absurd decisions and investigations, like the Worboys issue it doesn't appear that the victims have the justice, where as the accused has a lot of protection and inconsistency of convictions.

Flag

4RecommendReply

peter openshaw Jan 27, 2018

I have no problem with sacking Saunders, but it will not solve the problem. There is a deeply entrenched fraternity which needs to be shattered by an outsider. Who is outside?

Flag

8RecommendReply

CM Jan 27, 2018

Does anyone trust the police and the CPS not to start destroying evidence if they can? Can text message or social media evidence be destroyed or can it be demanded from the relevant companies? I suggest the lawyers of the defendants go looking for the evidence ASAP.

Flag

12RecommendReply

Michael Jones Jan 27, 2018

Just listening to Jerry Hayes a prosecution barrister on Sky News, suggesting there is a culture in the police that they believe they are charged with building a prosecution case rather than presenting the case to the CPS with all the evidence. Sounds like a short cut to successful prosecutions. Great stuff from Jerry, he should be asked to head the review.

Flag

32RecommendReply

peter openshaw Jan 27, 2018

@Michael Jones And I would help him for free.

Flag

11RecommendReply

lancsmarsbar Jan 27, 2018

@Michael Jones Or appoint him DPP.

Flag

9RecommendReply

Old Peculiar Jan 27, 2018

@Michael Jones Jerry Hayes is a top bloke. Ironically just the sort of character that is conspicuous by its absence from the House of Commons nowadays. Bet he's earning a lot more now than he was during his time as an MP.

And yes - half of the problem is the term 'successful prosecution'. For far too many people that term is defined simply as 'conviction'.

Flag

14RecommendReply

Len Gurrie Jan 27, 2018

@Old Peculiar @Michael Jones

Absolutely, he's a hero. He should get an honour "for services to justice".

Flag

1RecommendReply

Prabhat Jan 27, 2018

So DPP is going to be the accused, judge and the jury in this matter.

Excellent. That will restore the trust in the incumbent.

Flag

21RecommendReply

RECH Jan 27, 2018

Quite rightly there is a focus in the performance of the police and the CPS, though I do have some sympathy for them given the explosion in data that they have to sift.

But that should not blind us to something potentially much more serious. The accused in the recent cases were badly treated but **they were lucky** - if the digital data disclosed, albeit late, had not existed then at least some of them would without doubt have been convicted.

How can one be sure beyond reasonable doubt whether or not there has been consent when it is a he said / she said situation? How many innocent people are in jail now?

Flag

16RecommendReply

Barry Orton Jan 27, 2018

@RECH But your sympathy for the police should be tempered by the fact that there's nothing stopping them handing the data over to the defence who, if they're doing their job, will flag up anything that undermines a prosecution case.

"Overworked police" is no excuse for failing to carry out their duty to seek the truth by whatever means necessary.

Flag

4RecommendReply

Chris 1966 Jan 27, 2018

If I ever was called for Jury service and ended up on a rape trial, there is no way I would be able to find anyone guilty

Flag

6RecommendReply

Graeme Harrison Jan 27, 2018

So you'd acquit someone who dragged a woman off the street, violently assaulted her, then raped her?

Flag

8RecommendReply

peter openshaw Jan 27, 2018

@Graeme Harrison A very valid point. I guess that what you are saying comes down to the distinction between seduction and undue coercion (violence in the extreme case).

We are encouraged to view rape as an act of violence and violence can take many forms. As it happens I was a juror in a rape case and found the accused guilty because the lack of consent was shown beyond reasonable doubt, but I do agree with Chris insofar as that the withdrawal of consent post facto, and in the absence of evidence of violence, should be regarded with the very greatest suspicion.

Flag

8RecommendReply

Gregor Kropotkin Jan 27, 2018

@Chris 1966 Do you actually think before you wrote that? If you do get called up, make sure you tell them that first.

Flag

2RecommendReply

Toomuch Time Jan 27, 2018

The main principle of our justice system is the perception of fairness, that the accused will be given a fair trial and the guilty will be convicted. There will inevitably be miscarriages of justice and we have to learn from those. However, what we see now is a a number of "potential" miscarriages coming together, all for similar reasons i.e. the non disclosure of evidence. This points to a more systematic failing, one that results directly from the direction given by Alison Saunders.

For this reason, she should resign or be sacked. I do hope that the fact that she's still in post isn't because she's a woman, but the belief that this is the case stated many times below is, in itself, very damaging for the rights of women. It furthers the perception that women "get the job" merely because they are a woman, or they "keep the job" for exactly the same reason.

Flag

20RecommendReply

William Clark Jan 27, 2018

Surely a major issue here is the setting of targets? I would suggest we would all benefit from the dropping of all police "targets".

Flag

18RecommendReply

Mark Roberts Jan 27, 2018

@William Clark Just in case we become a target!!

Flag

RecommendReply

MB Jan 27, 2018

Confidence in our criminal justice system will not be restored whilst Alison Saunders remains in post.

Flag

26RecommendReply

Joe Collins Jan 27, 2018

The question that must be asked is how many are there who have been wrongly convicted and are languishing in jail - or who are out of jail with their lives ruined? It is too horrific to contemplate.

Flag

25RecommendReply

Christopher Sheldrake Jan 27, 2018

" in an attempt to shore up public confidence in the justice system".

Too late, confidence that the justice system and the police is fair to defendants has already been lost.

Saunders has been ultimately responsible for these scandalous failings and she has to go.

If a man can be fired just for attending that President's Dinner, it's obvious that she's only kept the job because she's a woman.

Flag

28RecommendReply

Chris 1966 Jan 27, 2018

@Christopher Sheldrake It was lost in the 80's when they murdered Blair Peach, in this family

Flag

3RecommendReply

William Croom-Johnson Jan 27, 2018

With all the focus on abandoned trials, I see very little about miscarriages of justice and people who may have been wrongly convicted in the past. It is hardly as though this problem has suddenly arisen. It has obviously been running for years.

Flag

25RecommendReply

Mrs L Baker Jan 27, 2018

Police struggled with disclosure issues pre social media which clearly increases the volume of material to be sorted and determined.

Flag

1RecommendReply

Leo Jan 27, 2018

police and prosecutors confirmed emergency measures relating to disclosure in an attempt to shore up public confidence in the justice system

Public confidence will only be improved when the CPS demonstrate competence & use their organisation to support a justice system based on the principle that all defendants are innocent until proven guilty. Instead of the current politically led attacks on easy targets.

I hope I'm wrong but it seems unlikely that Alison Saunders will abandon long held views and suddenly become gender blind when taking decisions. For that reason this feels like spin, a meaningless step. Nothing will change until Saunders is replaced.

Flag

27RecommendReply

Foreversideways Jan 27, 2018

Where is all the protest online against these unfair acts against men, where is the equivalent #metoo protest. It's time for men to fight back against this attack on them by women.

Flag

24RecommendReply

Steve Williams Jan 27, 2018

I was amazed there is no petition to sack her - there is

now <https://petition.parliament.uk/petitions/211133/sponsors/new?token=ZNzuM69eAcElgMhTPwt>

Flag

13RecommendReply

Foreversideways Jan 27, 2018

How is she still in her position ?

Flag

18RecommendReply

Observer20 Jan 27, 2018

Allison Saunders fundamental mistake was to send out an implicit directive not to improve the standard of procedures in alleged rape case but simply to up the conviction rate.

"Allison Saunders, the Director of Public Prosecutions, said she wants all evidence available on a defendant to be presented in court including CCTV, social media and witness testimony covering the lead-up to attacks."

And all available evidence on an accuser?

Flag

28RecommendReply

Peter Iden Jan 27, 2018

There are calls for MP's to be sacked for going to a charity event, there are calls to sack Boris Johnson every time he says anything. Why is Allison Saunders still in a job.

Flag

31RecommendReply

Steve Williams Jan 27, 2018

It's vital that the guilty are punished but equally important that the innocent are protected. It seems that the determination of this vile woman Saunders to increase the conviction rate has encouraged some, probably a small number, of women coming forward and making false allegations. Saunders refusal to believe anyone is innocent has meant these men have been out through hell. The reputation of the CPS is tarnished beyond repair and genuine victims, the very people we should be protecting will be put off reporting rapes because of the numerous reports of acquittals, juries will be more likely to acquit because they've heard of so many innocent people charged. Despite all of this Saunders refuses to quit. She is an arrogant ego maniac who has put the interests of victims back 40 years to the 70's and all the false convictions.

Flag

36RecommendReply

PB Joyce Jan 27, 2018

@Steve Williams Small number? How small? No one can know, but it's many more than most people suspect. The CPS seldom prosecutes false accusers because they are "vulnerable" people and it doesn't serve public interest to punish them. Convictions are therefore few, and that low number of convictions is used to claim that false accusations are rare. A neat but very vicious circle.

Flag

2RecommendReply

Krunger Jan 27, 2018

Some people are expressing bewilderment that Allison Saunders is still in office. She certainly deserves the sack and as others have said if she was a man she would have been kicked out ages ago.

But the government can't sack her. If they did it would make every guilty verdict in her period in office unsafe and deserving of a retrial. This would introduce even more years of delay into an already over stretched legal system - and as the old saying goes justice delayed is justice denied.

They will wait until this story has been off the front page for a while and let her resign for "personal reasons".

Flag

18RecommendReply

Observer20 Jan 27, 2018

@Krunger "They will wait until this story has been off the front page for a while and let her resign for "personal reasons".

Or until they have found a suitably ludicrously well remunerated Quango position for her to make sure there is no 'blowback'

Flag

13RecommendReply

Steve Williams Jan 27, 2018

There is no way any court would say simply because an ego driven maniac was in charge at the time that the conviction was unsafe, it may encourage more people to challenge whether all the material was disclosed but I don't think it will trouble the court greatly. I agree she should go.

Flag

6RecommendReply

Hem Laljee Jan 27, 2018

MPs should question the Police Commissioners and the Chief Constables.

Flag

9RecommendReply

Voice of the Voyager Jan 27, 2018

No doubt Lady Chakrabarti will spring to her defence...

Flag

15RecommendReply

James Jan 27, 2018

@Voice of the Voyager

Just what inside information have you got that the rest of us are unaware or do you just come out with such statements rather like somebody suffering from Tourette syndrome?

Flag

2RecommendReply

James Jan 27, 2018

I presume most of us are very aware of just how difficult it is to get a conviction for rape and how many aren't reported because of the additional trauma the victim has to endure with very little hope of a conviction.

I can't imagine how sickening it is to see the grinning face of somebody who's raped you leaving court with a verdict of "innocent".

The sooner we move to the Scottish "Not proven" verdict the better.

I was also thinking of some terrorists where the evidence has been there but still that loophole or tiniest level of doubt a bright lawyer can exploit. Some of these as we've found out are far from "innocent".

What was and still is has been a huge disgrace is for so long so many perverts have been protected by their employers and friends. We've seen all religious groups and political parties being complicit in cover ups.

When people quote Savile nobody has explained why although being warned Thatcher still used him as a "Tory poster boy", gave him a Knighthood or allowed him to head an enquiry into one of the places where he was abusing.

Most are aware surely of a giant cover up where other parties kept quiet because of what was known about their own "friends".

We need to be very wary when attacking new measures that we aren't returning to those bad old days when perverts could groom and rape knowing full well that if they had contacts society would cover for them leaving victims powerless.

Just how do think the victims thought and were further damaged seeing Savile posing smiling with our PM, getting a knighthood from our Queen and a Papal medal from the Pope?

We are surely aware that he was the tip of a very evil iceberg.

Yes mistakes are being made now but nothing compared to the past.

Flag

6RecommendReply

Observer20 Jan 27, 2018

@James "Yes mistakes are being made now but nothing compared to the past."

You mean like charging and holding people for something the evidence tells you they did not do, in the process ruining their reputation and potentially bankrupting them through legal costs of defence. Then concealing that evidence so that you may get a successful prosecution so you may see them locked up for years for something they didn't do and in the process ruining the rest of their life?

Flag

28RecommendReply

Steve Williams Jan 27, 2018

No one has ever walked out of court with an innocent verdict. It's not guilty.

Flag

14RecommendReply

J Chapman Jan 28, 2018

Correct. Not in the UK anyway. In the Some US states the court can issue a factual declaration of innocence. Since not guilty essentially seems to me to be perceived the same as not proven, I I'm not sure what @James is getting at. If anything the verdict that seems to be missing to me is an innocent verdict where the case completely falls apart or the accused quite clearly is innocent. Why should they be tainted with a 'not guilty' verdict.

Flag

RecommendReply

Krunger Jan 27, 2018

@James So even if the man is innocent he should still be punished by having his reputation damaged by a "not proven" verdict just in case he is guilty but there is no evidence.

We need to be careful that while redressing one injustice we don't create another.

Flag

15RecommendReply

Sam Day Jan 27, 2018

How is it that you can be hounded out of a job for simply being in a place where dubious but unproven sexual activities may or may not have taken place, but AlisonSaunders remains stalwartly in place when she and the actions of the department she heads up are shown to be not only incompetent but blatantly prejudiced?

Flag

55RecommendReply

PB Joyce Jan 27, 2018

It's hard to say whether the disclosure problem stems mainly from a lack of resources or a naive "believe the victim" narrative connected to a policy to raise sexual convictions, but I suspect the latter. Some good may come of this. Feminists and left-leaning journalists may be forced to question their dangerous assumption that false sexual accusations are, in the words of Guardian writer Zoe Williams, "vanishingly rare". Not all false accusers deserve prosecution, but it's time more were brought to account. Right now there are almost never any consequences for false accusations, and the liars seem to know this.

Flag

31RecommendReply

Simon Baker Jan 27, 2018

@PB Joyce Your point about 'believe the victim' is a pertinent one! Investigating any crime should not be a question of believing the victim. Its about an impartial examination of the evidence and intelligence available that can corroborate the victims allegation and thereby enhance their status as a credible witness.

Flag

22RecommendReply

Observer20 Jan 27, 2018

@Simon Baker @PB Joyce I think the problem is that it starts from the point you classify them as a victim with no sound evidence, not simply a complainant.

Flag

15RecommendReply

HazeR Jan 27, 2018

@Observer20 @Simon Baker @PB Joyce The same principle should be applied to reported hate crimes, but it isn't.

Flag

2RecommendReply

Martin Bryars Jan 27, 2018

What I am rather surprised about is the apparent complete silence of Keir Starmer in all this. As a former DPP, and now a reasonably prominent politician, he surely should have some comment to make. One can of course reach a variety of conclusions as to why this might be, most of which are not flattering to Starmer or alternatively to Saunders, or to both.

Flag

28RecommendReply

Jay Patel Jan 27, 2018

@Martin Bryars Quite agree. The erosion of presumption of innocence in these sorts of cases escalated under his watch.

Flag

17RecommendReply

Neil Barrett Jan 27, 2018

@Martin Bryars You're surprised? I'm not. He has too many skeletons in his own closet.

Flag

1RecommendReply

AFit Jan 27, 2018

Alison Saunders must be put on trial for perverting the course of justice, in my opinion.

Flag

17RecommendReply

Paul Sharp Jan 27, 2018

the fashionable and "right on" assumption of guilt until proven innocent in these cases has not only wrecked police credibility but undermined any progress society had made in these crimes. Regrettably, the CPS has long been regarded as a haven for the incompetent so this is just more proof of its inadequacy.

Flag

16RecommendReply

Simon Baker Jan 27, 2018

Back in the 1990's, it was considered (in Police circles) that the material needed for disclosure (unused material) was the responsibility of the Defense to sift and identify. When the Criminal Proceedings and Prosecution Act was passed, many Detectives were annoyed that the responsibility for reviewing and summarizing the content of unused material (or material that didn't form the evidence for prosecution) were effectively being asked to do the Defense work for them! It became a process that was completed at the end of an investigation and is very time consuming, especially now, in the age of digital media. Disclosure is trained on the PIP 1 & PIP 2 courses, but with Forces like the Met carrying a shortage of trained Detectives (900 at the last count), it is hardly surprising that these problems are occurring. The phrase 'set up to fail' springs to mind!

Flag

6RecommendReply

Steve Williams Jan 27, 2018

The problem with relying on the defence to do it is that they don't know what evidence exist sometime.

Flag

5RecommendReply

chris edwards Jan 27, 2018

Nor do the police - until they have trawled through possibly thousands of phone and social media records. There's no reason why defence lawyers could not do that if the records are made available.

Flag

1RecommendReply

Steve Williams Jan 27, 2018

If that happens then disclosure has been made. The problem is exactly that. The records aren't being made available - hence lack of disclosure.

Flag

5RecommendReply

Graeme Harrison Jan 27, 2018

Apart from the fact that defence lawyers aren't paid to trawl through thousands of pages of irrelevant disclosure and don't have the time to do so.

Flag

1RecommendReply

chris edwards Jan 27, 2018

If I was falsely accused and facing possible imprisonment I'd be willing to trawl through the records myself.

Flag

3RecommendReply

J Chapman Jan 28, 2018

@chris Edwards

Assuming they hand over the records. Even then one could ask why should you have to? Surely the state should have evaluated evidence both supporting guilt and innocence before attempting a conviction? Or do you think the states role is to maximise the number of convictions regardless of whether they are safe or not? Remember, someone innocently convicted of a crime is as much a victim as any other victim and the police and CPS have the according responsibility to ensure that doesn't happen.

Flag

RecommendReply

chris edwards Jan 28, 2018

That's what they should do, but recent cases demonstrate that they don't always do so. Probably due to resource issues.

The world isn't perfect. I would prefer to plough through the records myself rather than rely on an overworked police officer not missing something important.

Flag

RecommendReply

Ricky Freeman Jan 27, 2018

Alison Saunders, who set targets to increase rape convictions, with predictable results, is the architect of the current problems.

Flag

29RecommendReply

Orleigh Wragg Jan 27, 2018

This issue of failure to disclose is symptomatic of a system which is functioning, but not working correctly. The justice system has been hollowed out from bottom to top. The police no longer have the manpower or resources to investigate crime properly. The same applies to the CPS. There has been a dramatic reduction in the availability of legal aid so too many defendants appear in court unrepresented. It sometime takes months to get trials into court because of lack of resources with judges, magistrates, and their legal and support staff.

Unfortunately this is not just restricted to the justice system. The same is happening in Defence, in the NHS, in construction, and so on.

Not only do we have an incompetent government and a useless opposition, but we have this combination at one of the most challenging times in our political and economic history.

Flag

6RecommendReply

Ricky Freeman Jan 27, 2018

All the money to fund essential services has been diverted to welfare.

Flag

7RecommendReply

lanesmarsbar Jan 27, 2018

@Ricky Freeman And foreign aid.

Flag

4RecommendReply

Graeme Harrison Jan 27, 2018

Legal aid remains available to all defendants who are on trial in the Crown Court if their disposable annual household income is below £37,500.

Flag

1RecommendReply

Orleigh Wragg Jan 27, 2018

@Graeme Harrison More than 90% of cases are tried in the Magistrates Courts.

Flag

RecommendReply

Gerryco Jan 27, 2018

The main problem is inadequate time and resources for police and prosecutors to vet properly all unused material, given the huge digital footprint which many people leave these days from their almost constant use of smartphones etc.

Alison Saunders' policy of increasing rape and other sexual offence prosecutions, in the wake of Savile, has contributed to this problem. Where the issue is consent and there is no evidence to contradict the alleged victim, she has more or less instructed prosecutors that offences should be charged.

By definition therefore the trial outcome in such cases is finely balanced. One or two text messages suggesting possible consent will be enough to destroy the prosecution case.

Too many such cases are simply being left to the jury- the CPS should never have abandoned its previous more cautious approach of acknowledging that a jury must find cases proven beyond reasonable doubt, and that many of these consent cases are unlikely to succeed.

Flag

15RecommendReply

putneytony Jan 27, 2018

@Gerryco I would agree with you except that the police and prosecutors must have gone through it all to determine which bits are relevant to the prosecution.

Flag

4RecommendReply

Jim Hacker Jan 27, 2018

So Saunders is taking action because a newspaper highlighted a fundamental failure in our justice system?

Was she not aware of this?

Or just happy to carry on regardless as her departmental stats and targets looked good?

She has a lot to answer.

Flag

29RecommendReply

AOT Le Snarque Jan 27, 2018

Sensible measure. I do wish, though, that some people would rein in their anti-feminist paranoia.

Flag

4RecommendReply

Gezobel Jan 27, 2018

Saunders was appointed by our politically-correct politicians **precisely** to increase prosecutions for rape and sexual assault. To be fair to Saunders she has never hidden that to be a prime aim.

When will our naive, dunderheaded politicians finally realise that Feminism does not mean 'gender equality' it means blatant misandry and an inferior status for men in relation to women.

The very word itself is a bit of a giveaway ...

Flag

29RecommendReply

EnglishRose Jan 27, 2018

No. Feminism is nothing to do with this and one accused in the article was female. This is about timely disclosure.

Flag

14RecommendReply

Orleigh Wragg Jan 27, 2018

@EnglishRose And it should not just be restricted to rape and serious sexual assault. Failure to disclose can have serious consequences for any alleged crime, however serious the alleged crime.

Flag

14RecommendReply

Mark Eltringham Jan 27, 2018

@EnglishRose It's everything to do with a particular strand of feminism.

Flag

14RecommendReply

AOT Le Snarque Jan 27, 2018

@Mark Eltringham @EnglishRose Or a particular brand of misogyny - one of the accused was female.

Flag

1RecommendReply

James Jan 27, 2018

@Gezobel We do have an abysmal record on convictions which we should be ashamed of.

A bit worrying when people aren't more concerned about this.

Flag

3RecommendReply

Alan Haile Jan 27, 2018

@James How can you write such rubbish? You are saying that everyone brought before a court is guilty and too many of them are not being convicted.

Flag

3RecommendReply

Newminster Jan 27, 2018

I have the very slenderest smidgin of sympathy. The “widespread use of mobile phones and other communication devices” (as well as CCTV) has effectively flooded the system with more data than it can possibly cope with.

Today’s case included 65,000 (can that be right??) phone messages which according to the way the report reads “undermined” the case for the prosecution. How many other phone/text/email messages between the various parties were totally irrelevant (“your wife rang; pick up a bottle of wine on your way home” — even human traffickers have a “normal” side to their lives!)

One way that the accused could help is by trying to identify the calls and messages that support his/her innocence and for the investigators to take the information seriously. At present I’m not sure they do. “Well, he would say that, wouldn’t he?” Yes. As he would if he were innocent!

And since the principle of innocent until proven guilty still applies — even in rape cases in spite of untiring efforts by the feminist activists to change that — the accused has every right to have his version of events fully and properly investigated.

Flag

9RecommendReply

EnglishRose Jan 27, 2018

They do though. I think that Oxford boy did exactly that. Said immediately he saw police check her phone as we just had texts which prove she was happy. Also if you hand all to the defence they or their client can quickly go through them and very early on. On the case I am think@g of sadly the boy did not have his phone to check it.

Flag

10RecommendReply

Michael Jones Jan 27, 2018

Under Alison Saunder’s watch, the “Violence Against Girls and Women” agenda has proved immensely successful in putting men behind bars, creating an almost competitive atmosphere for the prosecutions. Now we know why, now she must go. Like today.

Flag

24RecommendReply

James Jan 27, 2018

@Michael Jones Were you a lot happier when the vast majority got away with it?

More men needed to be put behind bars than was the case in the past where they could rely on their employers, religious group or political party to protect them.

Flag

4RecommendReply

MaryR Jan 27, 2018

I agree with you James but this is about withholding vital evidence that could prove innocence. That is clearly and unequivocally wrong.

Innocent until proven guilty has to be the bedrock of our justice system.

Flag

8RecommendReply

Michael Jones Jan 27, 2018

You state the obvious about guilty men, but this is about the innocent, and none should be behind bars due to withholding of evidence and perverting the course of justice.

Flag

9RecommendReply

Emily Nugent Jan 27, 2018

@James @Michael Jones

You want young men to suffer for the sins of their forefathers?

Flag

1RecommendReply

Very Concerned Jan 27, 2018

"To increase rape and sexual assault conviction rates"...a target, a mission. This has no place in the justice system. The result is the mess currently reported. "To better investigate" any crimes, with emphasis on some where it can be seen there may have been past issues would be more appropriate.

Of fundamental importance is also the "believe" doctrine/mantra that police now (seemingly) have in their policy guidance! If one starts from a position of belief, it equates to not believing the innocent accused. Of course it is no for police to believe one party or another... but to investigate. One fear now is that police are becoming de-skilled, since they do not practise what they are supposed to do.....investigate.

This "belief" principle in police is so strong that when shared with employers and others it becomes omnipotent with dreadful consequences for innocent people. So even when no charges are brought, the "information" provided by police to others, results in referrals to Disclosure and Barring Service or similar, so that the situation is worsened for the innocent.

Flag

18RecommendReply

GT Jan 27, 2018

@Very Concerned I fully agree: females have been made toxic to men. It started in schools and has resulted in a disproportionate proportion of female teachers. Now, in the work place, any male having a private one-to-one with a female in a room with the door closed would be acting in a reckless manner.

Flag

21RecommendReply

AFit Jan 27, 2018

@GT @Very Concerned Feminism is cancer. Pure and simple.

Flag

4RecommendReply

James Jan 27, 2018

@GT @Very Concerned You are certainly OTT with this comment.

Maybe it refers to you but the men I know get along fine with the women in their lives at work, down the pub, family and friends etc.

Flag

2RecommendReply

Fothers Jan 27, 2018

@Very Concerned you make some valid observations.

The 'belief' aspect really concerns me.

This came about post Savile to encourage victims who didn't have the confidence to come forward and I do think it had a positive impact initially. The unintended consequence was the impact on those charged with investigating the offences whose focus naturally became bias in favour of the complainant. This is the problem.

The Police must be independent of mind from political influence and act without fear or favour.

Peel said (or similar to...) The police are the people, the people are the police.

It is not for the police to decide whether someone should be charged with an offence, it is not for the police to decide guilt. It is their responsibility to take a complaint seriously and investigate it. This includes testing the complaint and the person making it.

Another problem; this testing is seen by some as 'non-belief', an indication that the investigation isn't being taken seriously and in the case of rape, sexist, misogynistic behaviour by the police a la Thames Valley Police circa 1980's.

Overlay arbitrary performance measures that seek a simple outcome presuming guilt of the accused, the impact of the scale of digital media with a huge reduction in police officers and prosecutors we find ourselves in this position.

The vetting and barring process is a difficult one, very well intentioned to ensure vulnerable adults and children are not exposed to those that would do them harm. The criminal justice system rightly focuses on proving guilt not innocence, it is said that 'better a guilty man goes free than an innocent man goes to prison', that means that some 'guilty' suspects remain free but have displayed behaviours on the balance of probabilities highlight a risk. Decisions are open to challenge/appeal, but frankly the safety of my children is more important than the employment prospects of an 'innocent' person who could do harm.

Flag

1RecommendReply

Very Concerned Jan 27, 2018

@Fothers The safety of all children is important to me. When there are no behaviours on balance of probabilities, but only false allegations from many years ago with no evidence of any wrong doing let alone abuse, often over a career of many years, in child care Social Work etc then it should not be difficult to see the magnitude of the problem.

Flag

2RecommendReply

P A Green Jan 27, 2018

They are all obviously guilty of something. They are guilty of being men.

Flag

14RecommendReply

James Jan 27, 2018

@P A Green What a pathetic comment!

Flag

3RecommendReply

AFit Jan 27, 2018

@James @P A Green There is a war on men. If you can't see that then you are either a woman or a male feminist.

Flag

7RecommendReply

Ytongs Jan 27, 2018

Funny that about public services. Every now and then another one pops up where they are seen to be totally incompetent this followed by a big fuss, sincere statements of not fit for purpose or lessons to be learned, nobody much held accountable or if they are seen to be they move on to another nice position and then it all goes back to normal.

There is something very wrong with public services in the UK.

Flag

17RecommendReply

Michael Jones Jan 27, 2018

@Ytongs

I think this is far more sinister than incompetence.

Flag

14RecommendReply

Ytongs Jan 27, 2018

@Michael Jones Almost as bad as Mid-Staffs or the contaminated blood scandal or health screening procedures giving people incorrect information or police shooting the wrong people or foreign aid bulding an airport aircraft cannot land on or Government spending £10billion on a failed IT project (and not the only one either) or all the public services ignoring the complaints of young women because of political correctnes. It just goes on and on and on and nothing ever changes.

Flag

2RecommendReply

Dennis Clarke Jan 27, 2018

Damage limitation is the necessary way forward with the CPS and Police blaming the Criminal Justice System for the issues even though they have removed the justice from the system.

The current rules on disclosure were introduced back in 1996 and were introduced after discussions with the police and cps who were failing to deal with disclosure under the common law up to then. The new rules were meant to limit the access to the material on the part of the defence and the only way it worked was for the police and cps to carry out their functions as set out in very simple terms.

There can be little doubt that the reason we arrive at this sorry situation is that some people in both organisations who have the duty to oversee the proper presentation of material and to ensure proper allocation of resources decided that the pressure to convict was greater than the pressure to keep justice in the Criminal Justice System. Deliberate actions to avoid carrying out what are in reality simple tasks might be an attempt to pervert the course of justice. Blame the system and then none of those high up in all the organisations at fault will need to face up to their individual culpability. They will continue and will make similar errors going forward.

An issue with the CJS for some years has been the failure of personal responsibility. The CPS in particular has ensured that it is bordering on the impossible to hold any one person responsible for lapses in the preparation of a case which is a reason why the courts have been powerless to bring defaulters to book.

It was not always like this. The CPS developed into this sorry mess.

Flag

26RecommendReply

Newminster Jan 27, 2018

Dennis Clarke —

We could always go back to the days when all but the more serious cases were dealt with by the local police inspector who decided whether to proceed by way of caution or by formal charge and an initial and timely appearance in the magistrates court. Many cases would be dealt with there and then.

None of the cases we are talking about here would have qualified but at least the channels would not have been clogged with cases (and I quoted the other day the Ben Stokes case) which in my view should have started (and possibly finished) with a court appearance within 48 hours depending on what charges the local inspector chose to make. As it is it will **six months** before either side gets the chance to put its version of events to a court. That's not justice and is only one example of thousands.

Flag

4RecommendReply

Chris Huckle Jan 27, 2018

Many of these defendants have incurred huge unavoidable legal fees which they are not permitted to reclaim, often resulting in the loss of the family home. This has to be redressed with a significant contribution from Saunders pension fund....and the sale of her own home.

Flag

28RecommendReply

Michael Jones Jan 27, 2018

What a lovely fairytale ending that would be.

Flag

8RecommendReply

Andrew Middlemiss Jan 27, 2018

Can the Editor please check facts? According to the BBC it's every current case - which leaves the prospect that there are innocents left in jail, convicted if an offence they didn't commit.

Given that it is current cases only surely this is simply damage limitation at the lowest cost . As with others, it's time for the DPP to go (ie, be sacked)

Flag

22RecommendReply

London Resident Jan 27, 2018

Saunders must resign. Her flagship policy as DPP was to increase prosecutions for rape and other serious sexual offences. It seems like her department has taken her at her word and gone about achieving that goal in an incompetent and allegedly dishonest manner.

As a result numerous people (men and women) have been falsely imprisoned, have seen their careers destroyed and lives ruined. It is a catalogue of human suffering caused, in part, by her agenda.

Her tenure has seen two fundamental principles of justice come under attack (i) innocent until proven guilty; and (ii) it is better that the guilty go free than an innocent goes to jail.

No doubt she was happy to receive the congratulations of similarly "progressive" friends and contacts. However, this is the human cost of her campaign and it is utterly shameful.

Flag

59RecommendReply

Avicenna Jan 27, 2018

Saunders is a typical misandrist.misandry is a hate mindset and is as wrong as racism.

Flag

12RecommendReply

AOT Le Snarque Jan 27, 2018

So is misogyny.

Flag

2RecommendReply

Avicenna Jan 27, 2018

APT agree misogyny and misandry are equally offensive and unacceptable, both are as bad as racism. Saunders is a disgrace and has a hate mindset for men.

4RecommendReply
AOT Le Snarque Jan 27, 2018
@Avicenna Not necessarily. The tidal wave of historical cases of abuse and the Rotherham et al. cases probably influenced her. She forgot that two wrongs don't make a right.

Flag

1RecommendReply
lancsmarsbar Jan 27, 2018
@London Resident I wish I could give you more than one 'recommend' - you have expressed the entire problem accurately and succinctly.

Flag

2RecommendReply
Leggo my Eggo Jan 27, 2018
When the police withhold evidence, they are chasing prosecution stats, not Justice.

Flag

35RecommendReply
Saint John Jan 27, 2018
Why just rape why not all trials being reviewed ?
(if you met the average member of cps staff it would be informative .)

Flag

11RecommendReply
putneytony Jan 27, 2018
Does anybody seriously believe that non-disclosure problems are limited to sexual offences?
As far as I can tell for fairness we are going to have to review every case for the last several years. MS Saunders needs to be sacked immediately without compensation.

Flag

64RecommendReply
RM Jan 27, 2018
You're right, if this can happen in rape cases, then it can happen in any case.
Historic cases are of course the most concerning. Little or no evidence exists and Judge and Jury rely almost solely on hearsay.
It appears that we no longer have a Justice system it is now a just is system.

Flag

14RecommendReply
Rod Hunt Jan 27, 2018
Durham crown court this Thursday....armed robbery trial halted on second day due to non-disclosure of vital evidence casting doubt on identification only when trial under way. Verdict of not guilty directed.

Flag

15RecommendReply
Andy Crofts Jan 27, 2018
@putneytony It just happened in a human trafficking case.

Flag

7RecommendReply
Andrew Lee Jan 27, 2018
Dear Ms Saunders.

Flag

Please hand this task to an independent commission, who will identify how long this has been a cultural problem for, and then review all cases , including completed cases where people are perhaps wrongly in prison today. There are just as likely to be people acquitted who should have been found guilty had the evidence been unearthed.

Flag

21RecommendReply

RM Jan 27, 2018

Please let this independent body not be the IOPC (formerly IPCC) an organisation so totally entwined with the police that it should be renamed the Integrated Office for Police Complaints.

Flag

9RecommendReply

Smoky Ashton Jan 27, 2018

The extent of wrong doings by the CPS is shocking. Even more shocking is that the appalling head of the CPS, instrumental through her actions and directions in creating the disgraceful and shocking situation that now exists, has not been dismissed. The CPS has proved itself "not fit for purpose" and must be reformed. And the reforms must start with the appointment of a proven, competent, new head.

Flag

27RecommendReply

Oneforall Jan 27, 2018

How did it get to this?

An independent enquiry has to discover who pressured for this lack of fairness to be introduced ,who gave instructions to police forces to condone this, presumably illegal, widespread practise. In investigating other types of criminality is this failures to disclose evidence also occurring? How safe are innocent people in this country when accused?

Forget that it is phone evidence, once you hide evidence in one way are you not likely to hide it in others?

Flag

20RecommendReply

Leonidas Jan 27, 2018

This Alison Saunders shambles has been going on for years, but she's still in place. How has she survived? Is Theresa May protecting her?

She needs to go, and whoever is protecting her needs to go, so that the approach to rape can be reset and justice can be restored.

Flag

44RecommendReply

Richard Pursehouse Jan 27, 2018

Pity the police are so short on staff they cannot investigate properly - however, I assume they will now investigate the 'nameless for legal reasons' accusers for wasting that police time in the first place?

Maybe those accused will name them in court and they lose their anonymity?

Flag

13RecommendReply

stella hollis Jan 27, 2018

Failure to disclose is just the excuse . These prosecutions were never warranted in the first place .

Flag

15RecommendReply

Sue Warrener Jan 27, 2018

This is an awful situation for everyone concerned and of course particularly the innocent accused. However I think we should recognise that things are not that simple.

Is it right that an innocent victim - whether a rape victim or otherwise should have all their private texts and emails disclosed to the defence to be potentially brought up in court?

If not as I believe happens now the police or prosecution must go through them all and determine which are relevant - a massive task that has to be prioritised. I can understand why this might have

been left until it was more certain that a trial would take place (although in hindsight this is a very flawed practice).

I think I differ from most of your contributors in that I believe that most people are actually trying to do a good job but things are complicated.

Politicians and AS recognised the difficulties of prosecuting rape offenders and tried to redress the balance for example I believe by preventing evidence about the victims past being used to discredit them. This then makes it a judgement as to which texts, emails etc should be passed to the defence which may have contributed to the mess.

One thing I think we should all be grateful for is that we live in a country where when something goes so badly wrong we are free to comment on it and it will get investigated although perhaps not quickly enough.

Having said all that I am very sad for the victims of these injustices and hope that a thorough investigation will now take place and the correct systems and culture developed to improve matters. Unfortunately I do not think there will ever be an easy solution to getting the right balance particularly in rape cases.

Flag

7RecommendReply

Lazy Dogg Jan 27, 2018

Yes it is right if it proves she was a liar or at best her evidence insufficiently credible upon which a conviction might properly be founded.

If Saunders were male there would be a twitter mob calling for her dismissal. But instead there's a fluffy non - interview on Woman's Hour where the most difficult questions aren't even asked so can't even be dodged. She is directly responsible for weak cases having proceeded post Saville.

Flag

25RecommendReply

Peter Bromiley Jan 27, 2018

It obviously depends on the case. But when the accused says the alleged victim sent him texts asking for sex, then it is imperative that the defence are given access to the texts.

Flag

5RecommendReply

PB Joyce Jan 27, 2018

@Sue Warrener Balance starts with a presumption of innocence, which has been lost. This matters more in sexual charges than in any others because of the "he said/she said" nature of the alleged crime. No evidence can clear the innocent accused, and a jury is likely to convict merely because the complainant is convincing.

Flag

5RecommendReply

Richard Ambler Jan 27, 2018

Firstly, this is what happens when politically correct politicians insist on an increased conviction rate for a criminal offense. It is frightening how quickly the credibility of our whole justice system can be undermined, which can lead to doubt over the conviction of guilty individuals. One of the corner stones of our justice system is to ensure that too much power is not concentrated with too few people. The separation of the powers of Parliament, which makes the laws, and the judiciary, which interprets and enforces them, has served us well for hundreds of years.

Secondly, Alison Saunders must resign. This is the only way to begin to restore a semblance of credibility to the Crown Prosecution Service, which must be satisfied that any cases it brings to court has a high probability of a conviction. She has clearly failed in this responsibility.

Finally, there needs to be an investigation into the competence and impartiality of the investigating police officers, who appear to have withheld evidence to increase their conviction rates. Another key question is how a Detective Constable was put in charge of the Liam Allan case and others. Surely a serious case that can lead to a long prison sentence should be managed by a more senior officer?

But the failure to disclose evidence by investigating officers and poor scrutiny by the Crown Prosecution Service is only part of what will undermine future rape trials.

What does this do for the credibility of women alleging these offenses in the first place?

The fact that many women seem to be willing to put an innocent ex-lover through years of hell, whilst on bail, is bad enough. But they are also apparently comfortable seeing this to its logical conclusion, with their ex-lover receiving a long prison sentence and a lifetime of the sexual offenses register, effectively ruining their lives.

We hear from feminists and the media that few women falsely allege these crimes. I've not seen any evidence for such a bold statement and cannot imagine how it could be proved. But recent evidence suggests there are many such women and they can make these allegations with complete anonymity and little chance of repercussions on them.

Hell hath no fury.....?

Flag

50RecommendReply

LLE Jan 27, 2018

The next scandal to hit the CPS, should be their treatment of domestic violence cases. Anyone can make unsubstantiated allegations against partners/ex partners, lacking credibility or supporting evidence, and the CPS more often than not, will charge.

If D doesn't have an alternative address to be bailed to he may be remanded in custody. The amount of men put on remand losing livelihoods and liberty, only for the alleged victim to withdraw their statements before court is staggering.

Flag

18RecommendReply

Avicenna Jan 27, 2018

30% of domestic violence is female on male and often overlooked.

Flag

5RecommendReply

AFit Jan 27, 2018

@Avicenna Some studies are as high as 50%. I will see if I can source them.

Flag

RecommendReply

HazeR Jan 27, 2018

@Avicenna <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017>

Flag

RecommendReply

SixG Jan 27, 2018

Ms Saunders was a bad politically inspired choice to be the DPP. She is a campaigner whose partisan views have no place at the top of any justice system. How she has survived so far is a mystery. I guess she must have many powerful supporters.

But I doubt she'll survive this time - nor should she.

Flag

58RecommendReply

LLE Jan 27, 2018

@SixG In the upper echelons of the senior civil service, poor performance is rarely punished..

Flag

15RecommendReply

jeffrey bonas Jan 27, 2018

There must be hundreds of unsafe convictions in all categories with innocent people in prison. What a mess.

Flag

16RecommendReply

John Hooton Jan 27, 2018

It begins to look as though the opening sentence is too long and too qualified. We may need to also review other trials and more convictions. Quality does not come cheaply but then perhaps we didn't reduce the CPS as well as the police, the prison service, etc!

Flag

2RecommendReply

ALMa Jan 27, 2018

Resign!

Flag

13RecommendReply

Muroy Jan 27, 2018

Crusades are for knights AS, hopefully yours will result in a long period away from these shores hunting your very own holy grail whence you will never return.

Flag

8RecommendReply

CeeDee Jan 27, 2018

@Muroy Fat chance of that, she will retire as a 'Dame' once the furore has died!

Flag

RecommendReply

Naproxen Jan 27, 2018

I wonder if there is a link between this and the cuts to legal aid that were introduced by the coalition government.

Flag

1RecommendReply

EknowsUknow Jan 27, 2018

@Naproxen Why? This is a case of due process not being followed and in some cases I daresay - an overarching desire to get a conviction and meet some target. The all too easy answer today is "lack of funds" and excuse the pun, but after the NHS fiasco - I just don't buy it.

Flag

17RecommendReply

PG Jan 27, 2018

@Naproxen It isn't. It's simply a case of the CPS wanting to win.

Flag

11RecommendReply

London Resident Jan 27, 2018

@Naproxen It's possible. Although it's strange how they failures of disclosure only seem to benefit the prosecution. If it was all about cuts then surely we'd have numerous instances of non-disclosed evidence turning up after a failed trial that proved the accused's guilt, yet to the best of my knowledge there have been no such incidents. All the cases have been failures to disclose information that proved the innocence of the guilty.

It's almost as if accusations that "the cuts" are to blame are a deflection tactic given the very high profile determination of the DPP to obtain more rape and sexual assault convictions. A flagship policy that has seemingly led to the wrong incarceration of numerous people.

Flag

6RecommendReply

Jack Jones Jan 27, 2018

It's odd she's still in a job. Some people can lose their job for merely saying some vaguely inappropriate things years ago on Twitter. But somehow you can preside over a wholesale breakdown of the prosecution system and keep it.

-

She also claims the system is so perfect that no innocent person has gone to jail - yet so imperfect every sexual assault case needs reviewing. Isn't this a contradiction?

Flag

115RecommendReply

Richard Shaw Jan 27, 2018

Yes, I heard that radio 4 interview and found her complacency staggering.

Flag

12RecommendReply

CeeDee Jan 27, 2018

@Jack Jones *She also claims the system is so perfect that no innocent person has gone to jail -* actually she has gone further than that when she stated "Just because there has been an acquittal doesn't mean there has been a false allegation. What it means is the defendant has been found innocent, but it doesn't necessarily mean there is a false allegation." Note that she didn't say "the defendant has been found not guilty", she used the word "innocent". The 'not proven' verdict available to Scotland causes all sorts of problems for both accused and accuser in as much as the verdict hangs over both for evermore. It seems that DPP Saunders has decided that she will apply that not proven classification in England and Wales when she feels that she knows better than the judge and jury.

Flag

RecommendReply

Jay Patel Jan 27, 2018

This begs the question about cases that are no longer "live". How safe are those convictions if failure of disclosure has been a long running problem?

Flag

39RecommendReply

Jack Jones Jan 27, 2018

Don't worry Jay. Ms Saunders says they're all fine. Seems like everyone has just accepted that, so maybe we should too?

Flag

7RecommendReply

RM Jan 27, 2018

Let's brush under the carpet all those cases that have resulted in conviction and imprisonment. These alleged convicts have no voice whatsoever.

The police and CPS will now be doing their utmost to cover up their tracks in these cases for fear of revealing the truth and demonstrating their target driven ethos. A review is needed of past convictions today.

Flag

12RecommendReply

Ghoti Jan 27, 2018

@Jay Patel Anyone who was convicted on the basis of statements by the alleged victim without other corroborating evidence will, I suspect, now be looking to have their cases re-examined.

Flag

11RecommendReply

RM Jan 27, 2018

We can only hope.

Many a person has been convicted on statements from alleged victims, their family and their friends only. This goes on on a daily basis and many people's lives, and that of their immediate family, have been destroyed.

It is the tax payer that pays for the extraordinarily long police investigation, trial, subsequent incarceration, probation, rehabilitation, financial support of the alleged convicts family and ultimately financial support for the alleged convicts on release, for he/she will never find a decent job again.

Flag

4RecommendReply

MJJ Jan 27, 2018

This is what this woman's obsession, together with her gross and egregious incompetence have resulted in. How much money will be spent on these reviews? How much money has been wasted bringing unwinnable cases to court. How many women have been pressured into humiliating themselves by persisting in their complaints? No backing out allowed. The CPS and police have lost sight of everything but convictions at any price.

It's become a numbers game, the more cases they bring, the more cases they might win, especially when they manipulate the evidence. Gerry Hayes uncovered a real can of worms, thank heavens he had the courage. How many younger, less well established and less confident lawyers have been intimidated by the Awful Alison into creating this fiasco of mismanagement and injustice.

Don't forget, either, that Alison expressed her considered opinion that the police did a bang up job at Hillsboro

Flag

44RecommendReply

Trekman Jan 27, 2018

Revelations about the dysfunctional CPS become worse by the day. Whatever her formal qualifications and experience, Alison Saunders has repeatedly shown extremely poor judgement as chief executive and on this ground alone should be removed from post immediately.

Flag

61RecommendReply

Andrew Cole Jan 27, 2018

All of the MPs and parties involved in the change in the rape laws that have caused this situation need to recant. PC revenge motivated legislation should have no place in a modern democracy, the MPs and lords involved should resign immediately...and if we lose the majority of both houses so be it.

Flag

6RecommendReply

Daniel ODonoghue Jan 27, 2018

Honest question: I am not familiar with the issues you are referring to, and would welcome a brief explanation? Thanks

Flag

RecommendReply

Jack Jones Jan 27, 2018

I think it refers to the effort to push up rape convictions in (as described here) 'revenge' for previous failures to convict enough rapists.

-

The suspicion is that not enough attention was paid to ensuring that people are treated as innocent until PROVEN guilty in order to exact this 'revenge'.

Flag

10RecommendReply

Nick Bowen Jan 27, 2018

She's like the Harold Shipman of the DPP

Flag

13RecommendReply

Freebooter Jan 27, 2018

This is masking the extent of the problem. This has been happening since the year dot in every case that appears before the courts. It is of course impossible but every single case where a not guilty plea was entered and a guilty verdict returned needs re-examining. The police and the CPS always

have and always will bend the rules to get the result they want. Firm and unambiguous mandatory rules need putting in place for disclosure of evidence starting immediately a date for a court hearing is set.

Every police station should have 24 hour video monitoring at any place in a station where suspects are spoken to and any breach of PACE should be a criminal offence where a charge against the officer concerned is mandatory.

Flag

15RecommendReply

Paul Hendy Jan 27, 2018

Saunders must go on trial. She has been perverting the course of justice.

Flag

38RecommendReply

Mizula Montana Jan 27, 2018

Her appointment started with her declaring her intention to increase the number of rape convictions. Completely wrong for the DPP to do as they are supposed to be guided by evidence. If the goal is simply to increase convictions then it is hard not to think that evidence that might stop that would get held back.

Flag

57RecommendReply

CeeDee Jan 27, 2018

@Mizula Montana So true, a classic example of cause and effect.

Flag

RecommendReply

Questioner Jan 27, 2018

It is all very simple. The police MUST hand over to the prosecution, and the prosecution MUST hand over to the defence, EVERYTHING they have in their possession which could conceivably relate to the case; presently the police - and the prosecution - rely on a silly two stage process around whether or not it is primary or secondary. HAND IT ALL OVER FROM THE START!

Flag

29RecommendReply

Pam Gully Jan 27, 2018

Yes, but what is the defence lawyer doing, the while?

Flag

1RecommendReply

RM Jan 27, 2018

Writing another hefty invoice.

Flag

2RecommendReply

Lazy Dogg Jan 27, 2018

Oh really ?? Precisely what is this fatuous observation based upon ?

FYI latest legal aid changes will pay defence (at a derisory rate) to read 6000 pages. One case in question had north of 20k pages.

Flag

2RecommendReply

Questioner Jan 27, 2018

@RM This sort of work is all legal aid - there aren't any hefty invoices. Idiot.

Flag

2RecommendReply

Lazy Dogg Jan 27, 2018

A - Invariably making requests for disclosure which are ignored or lazily batted aside.

It's the *Prosecution's* burden of proof Not the Defence's . "Beyond reasonable doubt" - do you recall that?

Flag

3RecommendReply

Questioner Jan 27, 2018

@Sal Asking, asking asking, continually asking for ALL material and being told there isn't any, in effect being lied to by the police.

Flag

4RecommendReply

Jill Allan Jan 27, 2018

@Sal

I'm not sure that the defence lawyers have the power to obtain evidence like 'phone records, for example, whereas the police have legal methods to access this type of information.

Flag

2RecommendReply

Pam Gully Jan 27, 2018

@Jill Allan @Pam Gully Good point

Flag

RecommendReply

Avicenna Jan 27, 2018

Saunders is a misandrists who hates men, she introduced effectively guilty till proven innocent in he said she said alleged rapes and willfully encouraged hiding evidence. Saunders hatred of men is worse and more pernicious that the very worst racists in the BNP, or Himmlers hatred of Jews.

Flag

39RecommendReply

Mark Eltringham Jan 27, 2018

@Avicenna actually she continued the work of Keir Starmer.

Flag

3RecommendReply

London Resident Jan 27, 2018

@Avicenna This hysteria undermines the argument. I doubt that Saunders hates men, I doubt she is a "feminazi" or any other silly slurs, she isn't an extremist and the comparisons to the BNP and Himmler is silly.

Sadly Saunders is simply your modern, high profile public official who has risen to the post she occupies in part because she has absorbed identity politics and a victim agenda.

She isn't unusual in her views, she may be a feminist but her stance is not especially extremist. It is about elevating the victim status close to sanctity, weighing individuals according to a hierarchy of victimhood and holding long-established principles of justice cheaply.

Of course she should be sacked. However, her views are not unusual across both front benches, the civil service, education and the charity establishment. That agenda is having real world consequences of innocent people going to prison, but I don't expect that agenda to change any time soon.

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7RecommendReply

Avicenna Jan 27, 2018

London resident

Saunders is plain and simple a misandrists. The recognition of misandrists is rising. Misandry is as wrong as racism.

Typical misandry are statements like 'women are better team players than men', or 'women have higher EQ than men', or 'women are better at multi tasking'.....

Now change the words to 'whites are better than blacks at...'

Do you get it. Saunders has a 'hate' mindset, misandry is as wrong as racism.

Flag

5RecommendReply

catriona talbot Jan 27, 2018

@Dr Ralph

Oh come on! Just a little OTT there.

Flag

RecommendReply

Christopher Sheldrake Jan 27, 2018

Why is Saunders still in post ?

If she were a man she would have been sacked long before now.

Flag

92RecommendReply

Mizula Montana Jan 27, 2018

True, she'd have been out a long time ago. She was hired because she's an extreme feminist, though.

Flag

47RecommendReply

Vicious Hippo Jan 26, 2018

Ms Saunders is politicising the law, and she's going to get away with it

Flag

47RecommendReply

MaryR Jan 27, 2018

That started under Tony Blair. Many other societal problems we face today are the fruit of his actions.

Flag

3RecommendReply

Richard Marriott Jan 26, 2018

Can the DPP be sacked? Since if there were ever a DPP who needed to be sacked, it is Alison Saunders.

Flag

88RecommendReply

Michael Jones Jan 27, 2018

A goat on a crumbling hillside.....

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2RecommendReply

Mark Eltringham Jan 26, 2018

It's a shame Keir Starmer isn't in the same chair. He's the one who first inverted the presumption of innocence in these cases.

Flag

65RecommendReply

Mi Morgan Jan 26, 2018

Rule 1 - when given access to emails between defendant and complainant the Police should

- a) look at them rather than ignore them
- b) investigate discrepancies
- c) pass ALL findings on to CPS

Rule 2 - CPS should

- a) look at them in good time

- b) request further investigation if necessary
- c) prior to making a Charging decision they should not ignore what is staring them in the face

All of the above would save time, money and more importantly emotional stress of both complainants and suspects.

Simples!

Flag

19RecommendReply
Freebooter Jan 27, 2018
@Mi Morgan

You missed of the most important and the most flagrant breach of the law.

Rule 3 - CPS must hand over all unused to the defence in good time for the defence to investigate any information contained in the unused and deliberate withholding of unused to be made a criminal offence.

Flag

20RecommendReply
Mi Morgan Jan 27, 2018
@Freebooter @Mi Morgan
Agreed

Flag

1RecommendReply
CAK Jan 26, 2018

AS is a dreadful DPP. She is obsessed with prosecuting historical sex cases.

It is tragic that any women or child had to experience what they allege they experience (I say alleged because Nick said he had experience various things and he was a fantasist).

With the amount of money wasted on pursuing 80 year old guys for doing something that they are supposed to have done 30/40/50 years ago, we could have given every victim a hundred grand. Whilst that might sound mercenary, how many alleged victims have made financial claims.

When Jimmy Saville died I seem to recall he left an estate worth about £4m. I wonder how much of that will be paid to victims who brought claims against his estate.

Flag

38RecommendReply
Paul Bentley Jan 26, 2018

The director of public prosecutions is to be summoned to answer MPs' questions over the collapse of rape trials because of failure by police and prosecutors to disclose crucial evidence.

(1) The justice committee's decision to hold an inquiry comes as it emerged that a **"licence to practise"** may be introduced for police as a result of the evidence problems.

What does a 'licence to practice' mean? Don't all police already have a licence to practice?

(2) Specialist disclosure experts are to be posted into every police force in England and Wales as part of efforts to tackle the problems. An "improvement plan" published today by the CPS, National Police Chiefs' Council (NPCC) and College of Policing outlined plans to improve standards. Training on

disclosure is to be reviewed with a cadre of specialist and experienced disclosure experts in every force by July.

Where from? Do the police have hidden resources who can now be employed – where were they before?

(3) It is also planned to provide all multimedia evidence from the CPS to the defence via direct electronic link by the same month.

Good. But why is this proposed only now? Though not before time.

(4) The document also commits to reviewing whether there “should be a requirement for officers to hold a licence to practise in respect of disclosure” by January 2019.

This sounds like the formation of a new department through the various police forces and must be welcome.

(5) Ms Saunders, DPP and head of the prosecution service, said: ““The steps we have already taken, along with the measures we have announced today, are aimed at tackling the deep-rooted and systemic disclosure issues.”

You have to admire Ms Saunder’s chutzpah.. From almost complete denial (yesterday) she is now boldly acknowledging grievous faults in the system. Too late for some – see (6).

(6) Ms Saunders said steps were being taken to identify any individual cases of concern “as a matter of urgency”. Senior prosecutors across England and Wales are currently assessing all live rape and serious sexual assault cases to check they are satisfied that disclosure obligations have been met. Ms Saunders added: “Inevitably, bringing forward these case reviews means it is likely that there may be a number of cases which we will be stopping at around the same time.”

But only 'all live; cases. That leaves innocent men in jail with no recourse and no hope. I imagine they will be contacting their solicitors. Good luck to them.

Paul Bentley

Flag

38RecommendReply

Peter Grant Jan 26, 2018

The whole thing rather reminds me of Marietta Higgs and the Cleveland Child Sex abuse scandal.

Flag

18RecommendReply

G W F Hegel Jan 26, 2018

It's a racing certainty that these MPs are going to treat Saunders with kid gloves over this, in chronic fear of being accuses of 'sexism', or letting 'victims' down.

Chris Saltrese, a solicitor who has handled many appeals in sexual crime cases, estimates that scores, if not hundreds of innocent men, are currently in prison as a direct result of Saunders encouraging a hunt for convictions at all costs.

Here is a link to the Justice for Men and Boys article on this, which embeds a link to another fuller article by the blogger William Collins <https://j4mb.org.uk/2018/01/18/william-collins-the-rassam-ali-case-and-alison-saunders-credibility/>

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23RecommendReply

Steve Bowles Jan 26, 2018

Saunders is a feminazi who doesn't care what happens to innocent men.

Flag

54RecommendReply

Narayan Kutty Jan 26, 2018

Not making evidence available or making evidence selectively available, is that not perverting the course of justice??

Flag

90RecommendReply

John Sheppard Jan 26, 2018

Smoke and mirrors comes to mind here. This disclosure improvement project hides the truth that the information was positively withheld in order to obtain a conviction, do not be fooled.

Flag

61RecommendReply

Zabonga Jan 26, 2018

@John Sheppard " hides the truth that the information was positively withheld in order to obtain a conviction, do not be fooled."

You speak the TRUTH John.

Flag

16RecommendReply



*Ref.: MPs to quiz prosecutions chief on collapse of rape cases.docx
26/04/2018 10:04*