

DOMINIC LAWSON

December 17 2017, 12:01am, the sunday times

<https://www.thetimes.co.uk/article/nowadays-only-one-sort-of-victim-gets-justice-bs8liv95g>

Nowadays only one sort of victim gets justice

dominic lawson

Alleged sexual assaults are prosecuted on flimsy evidence; thugs get off lightly

Sometimes an event is at one and the same time shocking and unsurprising. [Take the case of Liam Allan, a 22-year-old criminology student](#), whose trial for multiple rapes of a former girlfriend was abandoned last week by the prosecution after evidence emerged that these were in fact consensual acts.

Allan had insisted all along that his accuser had sent countless text messages that would confirm this and that her claims were a form of revenge after he had ended their relationship. But although the police had possession of her phone, they insisted it contained no relevant evidence. For the two years in which this matter slowly ground towards the courts — and indeed until a new lawyer took on the case at the trial's outset — they didn't even bother to "interrogate" the claimant's phone.

No wonder the judge was outraged and called for an inquiry. It should encompass more than this scandalous episode. Allan's solicitor, Simone Meerabux, told the BBC this was just one of a number of similar cases of claimed sexual assault in which "the evidence is very weak [against the accused] but yet they are charged". She added that the "pendulum has swung too far".

As Angela Rafferty, the chairwoman of the Criminal Bar Association, said yesterday: "The theory that everyone who reports a sex offence must be a 'victim' may unconsciously bias the police and [Crown Prosecution Service] against giving complaints the impartial in-depth scrutiny that is essential to avoid the injustice that so nearly befell Mr Allan." I'd only take issue with the word "may".

So we get cases such as the prosecution of a teacher called Simon Warr, brought to trial (again, after two years of purgatory on bail) for allegedly fondling a pupil's genitals after PE classes he'd taken decades earlier. Warr's lawyer rapidly demolished the case, by summoning former teachers who pointed out he had never taken PE classes, for his accuser or anyone else. Remarkably — or perhaps not so remarkably — the police had not even bothered to check this basic fact. The jury took barely three-quarters of an hour to find Warr not guilty.

If convicted, he would almost certainly have been given a custodial sentence. Yet this doesn't on the whole apply to other such odious crimes as violence against the person and even arson. A report last week for the Civitas think tank — *Who Goes to Prison?* — shed much-needed light on this murky area of public policy and demolishes the persistent belief that we have a "lock-'em-up" penal policy. Analysing all sentencing carried out last year, the report showed that only a third of those convicted of crimes of violence received a custodial sentence. Just 11% of those convicted of violence against the person for the first time receive a custodial sentence and only 7% of those convicted of "criminal damage and arson".

Even those repeatedly convicted of violent acts can escape imprisonment: for example, Yasmin Thomas, an estate agent who was given 80 hours' community service as punishment for attacking a

man she didn't know with a broken glass. Shards had to be removed from the victim's eye. Thomas had 17 previous convictions in what the trial judge referred to as "a breathtaking record of violence". Yet still he didn't send her to prison.

In the same week a couple of years ago, a 91-year-old man, Marcus Marcussen, was given nine years' imprisonment for sexual offences conducted between 1957 and 1978, while two 23-year-old men, Corey Savory and Thomas Vernon, were allowed to walk free from a court after being convicted of a "ferocious and unprovoked attack" on an engineer called Daniel Pierre. How must Pierre, who was permanently scarred by their brutality, have felt when his attackers "whooped with delight" as they left the court with a suspended sentence of eight months?

And who presented the greater danger to the public: those young thugs or the 91-year-old Marcussen? I'm not arguing that this historic offender should also have walked out of the court a free man. That would have been unbearable for the adults he had abused when they were 14-year-old boys. But there does seem to be a peculiar dichotomy in which absolutely anyone who claims to be have experienced abuse — no matter how long ago — is automatically believed and categorised as a victim, while those who bear the visible scars of recent violent physical assault arouse much less sympathy on the part of the police and the justice system.

Another example: two years ago an 18-year-old called Angus Gallagher stopped to help his fellow Scot, Brian Ramsay, to his feet. Ramsay's reaction was not to thank him, but to beat his helper to a pulp: Gallagher sustained 13 fractures to his skull, as well as three broken fingers and fractured ribs. Ramsay was given a sentence of 18 months — which in fact meant just nine months, as those convicted of all but the most heinous offences are paroled after serving half their sentence.

Now, you might think, at least they will be under strict supervision on release. Wrong. A friend who used to be a prison doctor once remarked to me: "What is it about probation that would actually stop people committing crimes? Going to see a probation officer for 15 minutes once every two weeks?" A report last week from the chief inspector of probation showed that released criminals now don't have even that level of invigilation. In her annual review, Dame Glenys Stacey complained that tens of thousands of paroled criminals "are supervised by telephone calls every six weeks or so from junior staff overseeing 200 cases or more. I find it inexplicable." She also wondered how the staff could even know they were talking to the right person on the phone.

The absurd innovation of abandoning face-to-face contact with recently released prisoners, including those who have a record of violence, owes much to the squeeze on the budgets of the Ministry of Justice and the Home Office. But this makes it all the more ridiculous that ever-increasing sums are directed towards investigations of alleged "historical abuse", of which the bizarre and self-indulgent police pursuit of the late Sir Edward Heath was only the most recent example.

As the former lord chief justice Lord Woolf observed of such exercises as the independent inquiry into historic child sexual abuse, which has already got through three chairwomen to no obvious public benefit: "They are sucking huge amounts of resources from the justice system . . . The question is, where are the priorities?"

It is a good question. It is one that should be addressed to the police as well as to the politicians. The former could begin by behaving less like the latter.

dominic.lawson@sunday-times.co.uk

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Simon Andrews Dec 18, 2017

That matches my experience. A little over a year ago, I was attacked in the street by a group of young men in their late teens or early twenties after a quite drink with my brother - he a teacher and me an accountant, both in our late thirties. To this day I don't remember anything between seeing the group approach and regaining consciousness in the A&E department of the local hospital with a face swollen with bruises, a lacerated lip and a literal boot print on one side of my head where one of the group had stamped on my face as I lay on the ground.

I was initially relieved to be told that the police had already apprehended the group and had caught the whole incident on CCTV. A few weeks later I was told that the culprits were being let off with a caution and sent to attend a violence awareness course where they would be told not to kick strangers in the head for entertainment. Apparently this isn't something we expect adults to know in civilised society any more.

Flag

2 Recommend Reply

Hugh Thornton Dec 18, 2017

What is so outrageous is that it is Regina who is prosecuting these people. The Queen should stop prosecuting innocent people and leave it up to paid or elected servants we can dismiss. "Send her victorious"? Think of the implications.

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Recommend Reply

Andrew Cole Dec 17, 2017

Political correctness overriding innocent until proven guilty. The politicians who put this version of rape law into statute should resign.....that's most of them.

Flag

5 Recommend Reply

Adrian Turner Dec 17, 2017

@Andrew Cole Which politicians, and what versions of rape law? And who should resign and why?

Flag

Recommend Reply

Robert Jones Dec 17, 2017

What is it that a violent criminal most fears, while he is "at work"?

A USA prison inmate survey of convicted violent offenders found out.

Far and away, a violent criminal most fears an armed victim.
(Criminals know that police are never there & the victim always is.)

Yes. I know. It is unfair, for a victim to effectively defend herself.

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3 Recommend Reply

Adrian Turner Dec 17, 2017

@Robert Jones 'Reasonable force' can be used in self defence or in the prevention of crime, and 'reasonable' is defined to allow a wide degree of latitude, especially in 'householder' cases.

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RecommendReply

Antony Martin Dec 17, 2017

Sadly our law truly has become an ass. I am no longer surprised by any of these sorts of anecdotes about our judicial system. Frankly I've lost any faith whatsoever in the ability of our police, courts and law processes to send criminals to prison or to acquit those wrongly accused. Our society is atrophying in its own excrement.

Flag

11RecommendReply

Adrian Turner Dec 17, 2017

@Antony Martin No system is perfect. It is not the fault of the 'law' that an individual failed to do his job.

Overall, the conviction rate is high and we do send many people to prison, per capita more than most other western countries.

Flag

1RecommendReply

BigJim Dec 17, 2017

Simon Warr, brought to trial (again, after two years of purgatory on bail) for allegedly fondling a pupil's genitals after PE classes he'd taken decades earlier. Warr's lawyer rapidly demolished the case, by summoning former teachers who pointed out he had never taken PE classes, for his accuser or anyone else.

The Warr case is yet another example of the kind of prosecution case that the CPS have been increasingly bringing to Crown Courts across the land under the leadership of the Director of Public Prosecutions, Alison Saunders; the ones where it is physically impossible for the defendant to have committed the alleged offense (for which no forensic or medical evidence is ever presented to the Court).

Two other recent cases spring to mind.

* Geography teacher Kato Harris was placed on trial for allegedly repeatedly sodomising a female pupil during dinner breaks. This despite a complete absence of any medical or forensic evidence, the fact that the school interior was patrolled at all times at dinner times and that Kato had been prescribed a medicine for another condition which had the side-effect of rendering him impotent. All of which was known to the CPS before the trial.

* The artist Mark Pearson was placed on trial for 'rape by digital penetration' of a woman on the concourse of Waterloo Underground Station. Except he and the victim were under video surveillance at-the-time. To perform the offense and beat-the-camera, Pearson had to move at over 400,000 miles-per-hour, twice as fast as the cigar-shaped asteroid Oumuamua sped through the inner Solar System recently.

As it is if Pearson managed the feat, the hypersonic shockwave would have obliterated him, his victim and left a wide crater where Waterloo Station stands, killing and injuring thousands. Naturally enough no medical or forensic evidence was presented to the Court.

The Pearson Scandal appears to have been the first effort to accuse someone of being a witch since the last witchcraft trial in 1716, when Mary Hicke and her nine-year-old daughter Elizabeth, were condemned to death by the Assize Court and were hanged in Huntingdon. The snag for the CPS (and Alison Saunders) is that there is no Witchcraft Act presently on the Statute Books, and so the prosecution was doomed to fail.

Flag

16RecommendReply

Adrian Turner Dec 17, 2017

This article mixes a number of topics, which is unhelpful since they are disparate and none of them is fully analysed.

For example, the last available statistics - published by a poster yesterday - show a better than even conviction rate in rape cases, which is to be applauded given the absence of independent evidence in many of these cases.

That does not, of course, begin to excuse the dreadful non-disclosure of vital evidence in the Allan case, or the more general failure of disclosure which is sadly the pattern today, but focusing on particular examples and ignoring the more promising general trend does not assist constructive debate.

The Sentencing Council's has published definitive guidelines on offences of violence and judges are bound to follow them unless there are genuine and stated reasons for not doing so. Where this has allegedly not happened, please present the full facts. When this happens it is often the case that the 'leniency' headline does not reflect the true position.

There is a special sentencing regime for 'dangerous' offenders, which involves longer detention and longer periods of licence on release. This has been the subject of frequent statutory development in the last 15 years.

I could go on, but I think I have made my point.

Flag

1RecommendReply
Dougal Dec 17, 2017
@Adrian Turner

If there is a culture of prejudice against those accused of certain offences, and a habit of negligence in the sharing of evidence, how can you be sure that an increasing conviction rate tells us that the offences were properly prosecuted? Might it not indicate that the number of miscarriages of justice is increasing?

Flag

10RecommendReply
Adrian Turner Dec 17, 2017
@Dougal @Adrian Turner I have never discovered a 'culture of prejudice' in my 39 years at the Bar.

Criminal justice laws have changed and with great benefits for victims of rape and domestic violence, who were previously very poorly served.

What happened in the Allan case was dreadful, but to go back to the old of doing, or rather not doing, things will create more general injustice.

Flag

1RecommendReply
james murray Dec 17, 2017

What influences people who are planning to commit an offence of dishonesty or are in a situation where they are about to commit a crime of violence.

-

The most important factor is always the chance of their being caught.

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But following close behind is the real chance of an immediate prison sentence.

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We know that a person subject to a suspended sentence has that sentenced breached and activated if they are convicted of a further offence.

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And the recidivism rate for such people is much less during the period of the suspended sentence because the whole of that suspended sentence will be added on to the new sentence for the new offence during the suspended period.

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Courts, however, decide their periods of prison sentencing in exactly the same for immediate sentences as those for suspended sentencing.

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The answer is, therefore, to double the prison sentence if it is suspended.

-

The defendant does not go to prison but will not believe themselves having 'got away' with it as they are subject to the 'Sword of Damocles' for far longer than if they had tasted porridge straightaway.

-

In fact, give them the defendant the choice - immediate prison or a release but with the chance of twice the porridge if they fail to go straight.

-

That way, they will have chosen to keep out of trouble for a long period and we will all benefit from an offence-free criminal and our not having to pay for them to go to prison.

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The latter, BTW, is up to £1,000 per week - practically the cost of keeping them in the Dorchester...

-

That may well be a win-win for us all....

-

Jim Murray

Flag

2RecommendReply

Gill.i.an Dec 17, 2017

Hardly the Dorchester but I agree with the point you make

Flag

RecommendReply

Allison Laird Dec 17, 2017

It is depressingly clear from the Liam Allan case, and many others, that with respect to allegations of any form of sexual misconduct, Alison Saunders and the CPS are pursuing a deliberate policy of increasing the rate of conviction. Why? Probably there is no one answer, but, in the wake of Jimmy Savile and more recently allegations against Harvey Weinstein feeding the herd mentality of the MeToo campaign to the swollen proportions of a dead cow's belly, culminating in ever more lurid hysteria about 'gropers' and 'all women are victims', it should come as no surprise that the justice system reacts by showing it is doing its bit by bringing miscreants to justice, whatever the evidence. What Mr Lawson's brilliantly analyses is a justice system reacting with its blindfold off, instead of acting dispassionately in line with the evidence.

Flag

11RecommendReply

Jude Da Costa Dec 17, 2017

It is reported that for some considerable period the Police refused to disclose this evidence as it was "too personal", now the story is changed to "they had not looked at it".

This changed story gives rise to grave suspicion that the Police had indeed looked at it but had been reluctant to disclose it as it would prove that in fact, the alleged rape never took place.

Is it possible that so much political pressure to improve the conviction rate for rape has been heaped on the CPS, and thence onto the Police that the result is such focus on the obtention of a conviction that any evidence which proves innocence is nowadays viewed by the Police as an unwanted distraction, to be suppressed?

Even more deeply worrying is the astonishing comment from the Judge regarding risk of a miscarriage of justice. This implies that the other "evidence" in this case may well have been sufficient to convict an innocent man of a crime that never took place.

Given that the alleged crime did not take place, what possible evidence could there be to prove "beyond a reasonable doubt" that this man was guilty?

When you can answer that question you may begin to realise quite how far our once admired legal system has fallen.

Flag

27RecommendReply

Adrian Turner Dec 17, 2017

@Jude Da Costa See my comments above.

Any system will fail occasionally. The old system of dealing with rape and domestic violence failed continuously. Saville is an obvious example.

The 'correction' may have gone too far, but do not go back to the bad old days, please.

Flag

RecommendReply

Gary Stapleton Dec 17, 2017

"The pendulum has swung too far" is a crass statement. Whether the pendulum swings in one direction or another is irrelevant, it should merely be a reflection of thorough and unbiased investigation, verifiable facts and incontrovertible evidence, full disclosure, honesty and the correct application of justice. Taking anything at face value, just on words, and not even checking the basic facts before accepting an accusation is unbelievable. Is there an independent "Standardisation Unit" within the Police, that tests and checks, every say 2-3 years, processes, investigative procedures, case handling, crime recording and reporting etc, and advises on best practice, across all Police Forces countrywide. If not, there should be!

Flag

7RecommendReply

Did You Ring Sir Dec 17, 2017

A craven media is probably the most responsible for the bias that has now overwhelmed the justice system. It has accepted and re-broadcast the feminist propaganda - without the objective view (like that of Dominic Lawson's) to counter it. Within that media, my impression is that it was the BBC started the process 10-15 years ago.

Flag

10RecommendReply

Brian Vallance (Corfu) Dec 17, 2017

In domestic disputes, wives tend to have walked into a door or fallen downstairs. Husbands, on the other hand, usually have had an accident with a kitchen knife (frequently with far more serious consequences). The problem is that male egos are far more fragile, and rarely if ever report such assaults. From my police experience, I would estimate that battered husbands are almost as common as battered wives. I never manages to get any single injured husband to support any appropriate prosecutions. Battered women were another matter entirely. As a result of the fragile male egos, and the lack of reporting, there can be no statistical evidence of the level of this crime except that more husbands are killed by their wives than the other way around!

There is a serious level of campaigning and fund raising involved to support battered wives. What about the husbands? A high level of sexism is obvious in the campaigning and their supporters. I am not defending abusive husbands, just pointing out that there is another side to the story that is totally ignored.

Another example. About 10 years ago it was made a specific criminal offence for perverted teachers to have sex with those to whom they had a "duty of care". Their pupils and other pupils at their schools. Since that time the proportion of convicted teachers has been between 75% and 80% FEMALE, abusing their male pupils and their female ones.

There are, clearly a significant number of Female Sexual Offenders as well!

And as for the Liam Allan case, I would hope and presume that a prosecution of the female 'victim' is being seriously considered. In all the proven false complaints in celebrity 'abuse' in the past, I haven't noticed any prosecutions of the false complainants appearing in the media. 'Nick', perhaps?

Flag

8RecommendReply

MKW Dec 17, 2017

@Brian Vallance (Corfu) "more husbands are killed by their wives than the other way around!"

That's not true and I'm not sure why you're saying it. Far more women than men are killed by their partners. Nearly 50% of female murder victims are killed by their partner or ex-partner. Under 10% of male murder victims are killed by a partner or ex-partner.

"the proportion of convicted teachers [who had sex with pupils] has been between 75% and 80% FEMALE,"

Do you have any kind of source or citation for that? That's a bit less implausible than your previous claim, but still doesn't tally with anything I've read on the subject.

Flag

7RecommendReply

Mr David Parsley Dec 17, 2017

@MKW @Brian Vallance (Corfu) You need to quote numbers as well as percentages. In fact, if the total number of male murders significantly exceeds female murders then, using your percentages, we could still have the situation of more males being murdered by their female partners than the other way round.

Flag

2RecommendReply

MKW Dec 18, 2017

@David Parsley @MKW @Brian Vallance (Corfu) Right-o. The actual ratio of Men Killed By Partners to Women Killed By Partners is 6 : 11.

Flag

RecommendReply

Jack Jones Dec 17, 2017

"there can be no statistical evidence of the level of this crime except that more husbands are killed by their wives than the other way around!"

-

Can you post the statistical event of this?

Flag

2RecommendReply

Brian Vallance (Corfu) Dec 18, 2017

This whole subject is incredibly sexist in politics, public opinion, the police and lawyers. Yes, I am also being sexist in putting the other perspective. Women are offenders in sexual crime as well as men and are rarely prosecuted or punished.

Flag

RecommendReply

John MacArthur Dec 17, 2017

There is a certain class of habitual criminal, frequently violent and almost always quite willing to play the sentencing game with the courts. They realise that even for severe offences to the person or property, the likelihood of severe, deterrent punishment is almost non-existent. There should be a particular type of punishment for serial offenders that includes what used to be called 'hard labour'.

Flag

4RecommendReply

Peter c Dec 17, 2017

An excellent article. I wonder if anyone would like give a true definition of sexual abuse?

I was at a carol afternoon for educationally subnormal people the other day. One girl aged about 30 lost her way back to her home. I said i would take her back. She took my hand as we walked back. Was I in danger of being accused of sexual harriment?

As part of my work, I often meet people who are in an emotional mess for many reasons. I dare not touch them, although that is what they need, and is my inclination.

What is really happening or is the real desire of the complainants compensation?

Flag

16RecommendReply

Patrick Tobin Dec 17, 2017

I agree with Peter, and the difference between sexual abuse and sexual harassment should be confirmed, and defined for both sexes. Will you be able to shake hands with a member of the opposite sex anymore, or pat them on the shoulder? How far does this go before it becomes a complete farce and joke? I think the government has got to intervene now and introduce new laws here worldwide. Anyone reading this must realise how crazy this whole situation is becoming. Maybe this is a gay rights conspiracy to prevent men and women being attracted to each other.....the whole thing gets out of hand with a never ending conclusion.

Flag

2RecommendReply

Adrian Turner Dec 17, 2017

@Patrick Tobin The law is clear, eventually, after the courts got involved to make sense of the very broad offence of Harassment.

It is about how it is enforced. That is down to individual police officers.

Flag

RecommendReply

Patrick Tobin Dec 17, 2017

I think more control is needed then from that side of the law so everyone is clear.

Flag

RecommendReply

Mr R A Adams Dec 17, 2017

If anyone, including those working within our system, hasn't twigged how appalling the treatment of this young man has been, by our system, watch *The Shawshank Redemption*, and have a think.

Flag

1RecommendReply

Graeme Harrison Dec 17, 2017

@Mr R A Adams *The Shawshank Redemption* is a UK-based documentary? Who knew?

Flag

1RecommendReply

Mr R A Adams Dec 17, 2017

@Graeme Harrison @Mr R A Adams To answer your questions, if that's what they are, no and no one.

Flag

RecommendReply

Philip PM Dec 17, 2017

'What is truth?' asked Pontius Pilate. Judging by the performance of the police and the CPS, that seems to be an irrelevant question. They play their own game of what will be pleasing to the spirit of the age and the ruling establishment, and they're more concerned with hitting the right PC 'targets' than finding out what happened.

Your comments on prison sentences are also most timely and relevant. We watch some of the police programmes from time to time, and what gets up our nose is how often, following the commission of some particularly obnoxious crime, a convicted criminal is given a slight slap on the wrist, often without a custodial sentence and often not brought to court at all, despite all the evidence being shown on TV.

Certainly reduces our confidence in British justice, and is bound to lead to the view that what preoccupies the minds of many police is being seen to be busy, rushing round enjoying themselves on a day to day basis, but without any really perceptible benefit to us from all their apparent exertions.

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6RecommendReply

Dominick Henry Dec 17, 2017

Is there ANY chance that Amber Rudd, David Lidington or their counterparts in the opposition will read, mark and actually do something about this? Answers on a postage stamp.....

Flag

6RecommendReply

Edward O'Brien Dec 17, 2017

An excellent exposé, albeit just about every man and his dog knows and thinks as Dominic Lawson does on this issue. I still ask: when will we hear of the woman being arrested and charged for her malicious and false allegation against Liam Allan? The apparent lack of action, I find disturbing.

The imbalance in both investigating and punishing crime is an old chestnut, but we have the right to ask, why is it still such a disgrace. I can remember similar questions back in the 1950s.

The reason I believe, is the unwillingness of the police to challenge lenient sentencing. In my view - and I have proposed this in the past on several occasions - victims should be encouraged to apply for a sentencing review if they believe a sentence to be unduly lenient. Victims should at least be made fully aware they can make such an application. I believe, for example, had the good Samaritan, Angus

Gallagher, made such an application, his attacker would have been jailed for at least two years and probably longer.

It needs to be made a formal procedure, as is making a police statement, that the police and prosecution service advise victims of their rights. Today, I doubt if it is ever mentioned.

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9RecommendReply

Michael Duerden Dec 17, 2017

Yes everyone guilty should be appropriately punished but where are the sentencing guidelines that should ensure that thugs get the same as the 91-year old?

Flag

6RecommendReply

Alan Hawkes Dec 17, 2017

Imprisoning those who deserve imprisonment costs. Suspended sentences keep the bills down, whilst politicians can quote the conviction as a sign of progress.

Flag

6RecommendReply

Michael Duerden Dec 17, 2017

Totally agree with this article by Dominic. He makes the absurd comparison between the vast sums spent on high profile cases which could be far better spent on better funding for the probation service.

Flag

RecommendReply

Clumsier Dec 17, 2017

@Michael Duerden Probation service? Far better spent locking the b....rs up for better sentences.

Flag

2RecommendReply

Foreversideways Dec 17, 2017

All signs of a society in terminal decline.

Flag

10RecommendReply

William Isaac Dec 17, 2017

@Foreversideways Was you the one who used to turn up at race meetings, horse racing of course, carrying the big sign 'The end of the world is nigh' ?

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1RecommendReply

Jackie P Dec 17, 2017

Our political class and legal specialists do not seem to know the difference between law and justice.

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2RecommendReply

JDM Dec 17, 2017

Good article. Given that most of these issues are blindingly obvious and do not require much of an intellect to understand, it is not an unreasonable question to ask why our politicians seem so determined to stick their heads where the sun does not shine and not see the obvious. It could be a lack of even the modest intellect required, but I do not think so. It seems to me that the overwhelming need to virtue signal destroys all higher thinking capability. Is it any wonder that people look at politicians with the same sense of disgust as they do when seeing unpleasant things crawling from under stones.

Flag

8RecommendReply

Mr Turner Dec 17, 2017

Our country has gone badly wrong, yet we have a supposedly conservative government who unfortunately seem to be in thrall to the leftist 'progressives', terrified of being accused (by eg Andrew Marr) of being 'racist' or conservative meanwhile we have lost our wonderful justice system, presumption of innocence, impartial and equal justice for all, jury trial, which we exported to the World, sad, sad, sad!

Flag

15RecommendReply

John B Dec 17, 2017

Our justice system is a complete joke. The police are tied up with paperwork and unable to patrol our streets or are tasked with wasting time on "hate crimes", and the courts are far too soft on serious criminals as this piece indicates. We need tougher sentences and to get rid of this ridiculous trend of passing down a sentence which is effectively a lie, because they get let out early. Good behaviour in prison should be expected and not something you get time off for, instead we should be extending the sentences of those who are not well behaved.

Criminal justice needs a total overhaul and we need to have proper crime stats not the crime survey which is clearly politically designed to make it seem like there is less crime than there really is.

Flag

3RecommendReply

Toby Dec 17, 2017

Toby An excellent article which was much needed. It seems that at the mention of sexual assault all consideration of evidence and judgment disappears. Should not the "victim" be described at the start as the "complainant" and become "victim" on conviction of the accused? This

Flag

9RecommendReply

Anthony Lee Dec 17, 2017

The allegations are proven to be completely fabricated and malicious surely the accuser should face a custodial sentence as a matter of course. Examples we are hearing about have been malicious in the extreme and potentially life changing for the accused.

The police themselves are forever banging on about funding, so why wouldn't they prioritise differently I wonder, unless otherwise motivated.

Flag

11RecommendReply

Philip Weeks Dec 17, 2017

@Anthony Lee There are two fundamental flaws with our judicial system which probably reflect the society it represents

1. We are overly soft on females and thereby extension female crime
2. Despite occasional lip service we don't really care about adult male victims

In situations where the two come together we have a recipe for potential catastrophic miscarriages of justice.

We need to return to the days where cast iron evidence is required and if a complainant can't provide it as they would be expected to in all other alleged crimes; the case goes no further.

Flag

5RecommendReply

Dr Nick Cornish Dec 17, 2017

@Philip Weeks @Anthony Lee I'm not sure that that is correct. I am sure I read a report a while ago showing that women are more likely to go to prison for assault etc; because they are deemed to be worse than violent men as it is not in the female character.

Flag

RecommendReply

Anthony Lee Dec 18, 2017

@Philip Weeks @Anthony Lee I think that might inhibit legitimate accusations. The issue here is about quantifiable examination of the evidence at the police/prosecution disposal. The police are measured on outcome; a civilised society might have other measurements of achievement/delivery.

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RecommendReply

William Clark Dec 18, 2017

@Anthony Lee I was under the impression that there was a criminal offence called wasting police time.

Flag

RecommendReply

Anthony Lee Dec 18, 2017

@William Clark @Anthony Lee I'm sure there is, but that hardly compares with the 'offence' of making unfounded and malicious accusations intended to (in effect) destroy another persons life. There is also in this that the police appear to be content to waste their own time.

Flag

1RecommendReply

j turner Dec 17, 2017

We should get back to the principle of innocent until proven guilty. Also, if a crime is not reported within a certain time length, it should be left in the past as without actual evidence it is ridiculous to prosecute on the basis of someones say so who may bear a grudge and be lying, as is often the case. The justice system is over bureaucratic, error prone and focuses on politically correct issues instead of actual justice. Repeat offenders cost the country a fortune and get off lightly over and over again. Jails are not quite holiday camps, but treat prisoners as visitors with privileged and free education, food, services, beauty treatments and healthcare. They neither punish or rehabilitate as evidenced by the reoffending rate. An overhaul of the system is long overdue as is a thorough examination of how we treat criminals - why not make them all carry out community service, build new roads, clear rubbish, do anything other than fester in a jail cell at the country expense.

Flag

6RecommendReply

barbara stevens Dec 17, 2017

@j turner

Detaining someone at Her Majesty's pleasure averages at around £32,500 a year across the country, for all types of prison, allegedly.

Flag

2RecommendReply

CM Dec 17, 2017

Yep. Politicians and the public sector are making us all sick. What are we going to do about it?

Flag

8RecommendReply

Sam Day Dec 17, 2017

What moral imperative runs through our justice system whereby the above situations and others is the de facto norm. Accuse someone of a hate crime i.e. a sideways glance at someone who then takes offence, the presumption of guilt if someone accuses you, usually you are a male, of rape after a private encounter, sometimes months or years later.

Full identity protection for those who appear to make completely false allegations. No accountability by the police or CPS for permitting these false allegations. Whatever Political Correctness was supposed to achieve it has missed its target by a million miles and made most peoples' lives very much more uncomfortable and clearly not necessarily safer.

Flag

8RecommendReply

William Clark Dec 17, 2017

does not the falsely accused have the right to sue for defamation of character?

Flag

23RecommendReply

Chris Huckle Dec 17, 2017

They can't even claim their legal fees.

Flag

2RecommendReply

Stanley Steamer Dec 17, 2017

Who can afford to sue these days? Even when civil legal aid was more widely available it was never available in a defamation action. An individual would have to be very rich to contemplate taking on a police force or individual officer, who would almost certainly be backed by the Police Federation, in the courts.

Flag

1RecommendReply

Graeme Harrison Dec 17, 2017

@William Clark No.

Flag

RecommendReply

j h Dec 17, 2017

The woman who made the accusation; the police; and the prosecuting lawyers are the guilty ones and yet they have had the luxury of remaining anonymous. She could very well get hung up on someone else and do it again - with a whole army of enablers behind her, to help her achieve this. What disincentive is there for her, or people like her, not to do it to our own brothers, nephews, sons, fathers, friends etc?

Flag

47RecommendReply

Agriffindor Dec 17, 2017

A great article

In certain cases it seems a presumption of guilt is the starting point in prosecution, where surely the opposite should be the case.

In the cases where an accusation of rape has been proven to have been made falsely, I feel that the accuser should face charges, maybe the punishment that what have been given to the accusee

Flag

34RecommendReply

William Clark Dec 17, 2017

@Agriffindor I have previously remarked in these columns, with considerable support, that the rot set in with Tony Blair's race discrimination act, in which an accuser only has to think there has been racial discrimination and that is sufficient evidence. As that is the only "proof", then as one other commentator pointed out, there is therefore no possible defense. This overturned the absolute defining characteristic of British law, that someone is presumed innocent until proved guilty.

Until this pernicious act is modified, we will continue to see "guilty until proven" spreading into the law generally, of which the case inspiring this article is only one.

Flag

22RecommendReply

Arcane Solutions Dec 17, 2017

When there is no merit in an accusation of rape and it was made maliciously then there might be an argument for punishing the false accuser. But many cases will be 'close' and the accused is acquitted

by a small margin or on a technicality. Could you say to a woman: if the man is found guilty he'll get ten years but if he gets off you'll get ten years! That can't be right.

Flag

2RecommendReply

Agriffindor Dec 17, 2017

I didn't mean it quite like that. I meant that, as in the example in the article, where evidence is found that consent was given, that the prosecution of the accuser should start

Flag

4RecommendReply

Jack Jones Dec 17, 2017

Who's suggesting that?

Flag

RecommendReply

Foreversideways Dec 17, 2017

The problem starts with that rabid feminist Allison Saunders who should have been removed from her post some time ago. It's all time for men to regroup and start fighting this creeping attack on them by some women.

Flag

5RecommendReply

Hopotter Dec 17, 2017

Justice in this country is a sick joke.

Flag

34RecommendReply

Mr R A Adams Dec 17, 2017

@Hopotter I wouldn't describe it as any kind of joke.

Flag

1RecommendReply

Bernard Stewart-Deane Dec 17, 2017

How many millions will the police spend on their supposed investigation into the role of their officers in this affair? How much in damages will have to be paid to Liam to compensate for his awful experience?

And when it finally ends, will anyone be disciplined for their negligence? Some hope. The discredited police 'service' will again protect its own, either by promoting them or allowing them to retire early on full pension, thus escaping punishment of any sort.

Flag

48RecommendReply

Chris Huckle Dec 17, 2017

Liam will get nothing. Since the change in rules in 2011 he can't even claim his defence costs.

Flag

4RecommendReply

Ihatearmchairexperts Dec 17, 2017

And only last week there was a call from the judiciary that it is wrong to question the performance of judges. It seems to me that ALL judges should be held to account. They are not omnipotent, which they indeed admit - hence their disapproval of capital punishment!

Flag

7RecommendReply

John Hamer Dec 17, 2017

@Ihatearmchairexperts Don't all civilised people disapprove of capital punishment?

Flag

6RecommendReply

JB Dec 17, 2017

Some might say that the vast sums spent imprisoning the Yorkshire Ripper might have found a better use, cancer care for example, had he been executed.

Flag

1RecommendReply

John Hamer Dec 17, 2017

@JB I expect a lot more money went into cancer research when Timothy Evans was executed.

Flag

1RecommendReply

Alan Hawkes Dec 17, 2017

@John Hamer @lhatearmchairexperts Possibly not, at least not if it's a missile fired at jihadists.

Flag

RecommendReply

Wyn Ford Dec 17, 2017

This is a great article. Will we ever know what happens to the police officer who decided that the evidence in Liam Allan's case should be ignored or withheld? I fear we may not — despite this being among the most egregious and immoral episodes in British policing. Without full transparency we are stuck with a system in which some police can actively prevent justice.

And as for priorities, mine are that violent people and active paedophiles are top of the list for removal from our streets. Investigation into possible activities of dead people half a century ago is very near the bottom.

Flag

70RecommendReply

Michael Smith Dec 17, 2017

Disgraceful as it was I very much doubt that this would get anywhere near being "among the most egregious and immoral episodes in British policing." But as the (female) lawyer says, in terms of sexual offences, the pendulum has swung too far.

Flag

22RecommendReply

Wyn Ford Dec 17, 2017

@Michael Smith Well, if it's the case that a police officer withheld evidence and was prepared to let a young life be ruined, it's about as bad as it gets in this decade.

Flag

6RecommendReply

Mr R A Adams Dec 17, 2017

@Michael Smith I'm not with you, I'm afraid.

The job of the police is to discover who committed crimes, and ensure their prosecution. Inevitably they will 'suspect' many innocent people, who should be eliminated from the enquiry immediately evidence comes to light that exonerates them. We do not have the full picture - when can the press ever give us the full picture - but the appearance here is of a policeman or a CPS officer, we don't know which, or possibly both, having been at pains to prevent this evidence coming to light. That is the active prevention of justice, and when a police officer does this, it is egregious and immoral.

Flag

5RecommendReply

Ian Lumsden Dec 17, 2017

Excellent article.

Flag

29RecommendReply

RDS Dec 17, 2017

I had liquid thrown into my face by a gang of thugs on bikes on Islington high street pavement a few months back. lucky for me the liquid turned out to be orange juice - it still stung my eyes though.

What did the metropolitan police do about it? Absolutely sod all never even bothered to follow it up. Useless.

Flag

44RecommendReply
sumwot Dec 17, 2017

There is a peculiar focus on lechers = as if our moral compass has been so well and truly smashed that we can only agree on peripheral crimes. Not only do we continue to accept violent and disruptive anti-social behaviour as the norm ("It's the cuts you see") but the cardinal sins have been redefined as "hate crimes". Thus if I call you a derogatory name based upon your race, religion, gender, sexual orientation or colour - then the police will arrive in droves and I will be swept off sharpish. If I simply decide I'm feeling bored and decide to hit you with a bat to brighten my day, the police will be busy elsewhere.

Flag

69RecommendReply
John Cameron Dec 17, 2017

Historic sex abuse cases are almost impossibly difficult for courts and juries tasked with assessing the evidence which usually comes down to the memories of the complainant and the accused. It is for precisely this reason that all EU jurisdictions except the UK have a statute of limitation for such offences of around 12 years. I doubt we have a monopoly of wisdom in this matter. We imprison far more of our people than any other EU nation and the sight of men in their dotage being banged up on decades-old allegations is disturbing. More civilized nations place sex offenders over 70 under house arrest.

Flag

22RecommendReply
Agriffindor Dec 17, 2017
@John Cameron perhaps the limitations act 1980 needs changing

Flag

3RecommendReply
Celtom Dec 17, 2017

The police are corrupted by their failures. Having so obviously failed in major scandals of the past - Hillsborough cover-up and Jimmy Savile - they now swing to extreme measures to prove their zeal by investigating non-offences and pursuing non-offenders.

Surely any half-brain detective should know the difference between allegation and evidence, and focus on the evidence? Any case which is just "she says - he says" with no physical evidence, should go no further unless there is supporting, or corroborating, evidence and the possibility of false allegation is considered but excluded.

Flag

20RecommendReply
Richard Bassett Dec 17, 2017

The police, most of the legal business, and so many others in society are proving that they are not fit for purpose. Is it any wonder that people in the West are turning to politicians like Trump?

Flag

8RecommendReply
David Dec 17, 2017

Well said Dominic. The obscene imbalance in the criminal justice system that you highlight is yet another tragic example of all that has gone wrong with this country. Britain used to be a world leader in all disciplines; now it's nothing more than a cringing apologist, belittled and derided by the rest of the world.

Flag

25RecommendReply

Paul Cook Dec 17, 2017

I have a friend who whilst on jury service listened to evidence concerning a rape. A key piece of evidence involved a restaurant where the victim was plied with drink before the attack took place. The victim described the venue, and its approximate location, but following "police investigation" the establishment was not found, and the evidence she gave was undermined. After the trial, we googled using the description given, and found it immediately. Since that moment I realised that the police are capable of being just as lazy and incompetent as any other set of individuals. The case of this poor man really does make my blood boil, and I am very glad that he has been cleared.

Flag

37RecommendReply

Paul Hendy Dec 17, 2017

Very good article, thank you.

It bothers me a lot that I find myself agreeing with nearly everything you write except for the drivel you spout on Europe. What went wrong, Dominic?

Flag

4RecommendReply

Mr H Dec 17, 2017

Any idea why DL not agreeing with your opinion on every subject causes you such discomfort, Paul?

Flag

6RecommendReply

Michael Jones Dec 17, 2017

The sad fact is that there appears to be no comeuppance for those who are negligent or who demonstrate no duty of care in their jobs. There are many sectors in society where this is true, but the recent scandals in the manner in which the police operate and behave, is jaw dropping. Like with the disgraced police informant "Nick" who, as far as I am aware, still enjoys anonymity and has not been charged, will the woman who made the false allegations against Liam Allan be named, shamed and charged, and will the police who almost encouraged a miscarriage of justice be disciplined and dismissed for their negligence in duty?

Flag

121RecommendReply

JohnJoe Dec 17, 2017

@Michael Jones You know the answers to those questions: no and no. The police officers involved will be put on gardening leave on full pay until this has all died down. No sanctions whatever. Law unto themselves

Flag

34RecommendReply

Saint John Dec 17, 2017

No because there is a home office policy not to do anything to deter people bringing claims.

Flag

19RecommendReply

JohnG Dec 17, 2017

Maybe we need a brave pioneering journalist to make it a project to report on the actions against those who have failed so blatantly. Then report it in the press or on the net. Without the spotlight of the press the action will fade away or be fudged. Any nominations?

Flag

1RecommendReply

Michael Jones Dec 17, 2017

It's already had the ice broken by Andrew Norfolk of the Times who reported on the Rotherham police debacle.

Flag

1RecommendReply

Exceptio Dec 17, 2017

What I don't understand about the rape case is why the innocent accused, who always said his accuser sent him messages which proved sex was consensual, did not show his own phone to his defense, instead of waiting for the messages in the accusers phone to emerge.

Flag

10RecommendReply

ilikewords Dec 17, 2017

@Exceptio Maybe he deleted the messages from his phone at the time they were received. Fairly normal behaviour for somebody who is trying to move on from a relationship and is not expecting to suddenly be accused of rape.

Flag

11RecommendReply

Stephen Wilderspin Dec 17, 2017

I think the police will have taken his phone as evidence and not bothered to look at it.

Flag

2RecommendReply

Saint John Dec 17, 2017

Because she sent the text messages to her friends not him

Flag

5RecommendReply

David Shipley Dec 17, 2017

The messages were sent to her friends rather than to him.

Flag

3RecommendReply

Tim Greening-Jackson Dec 17, 2017

@Exceptio Perhaps he had a new phone?

Flag

3RecommendReply

A Lodge Dec 17, 2017

@Exceptio His solicitor used a phrase like "his phone was no longer available" when she was interviewed. My interpretation of that was that it had been lost stolen or was broken beyond repair.

Flag

2RecommendReply

ANDREW Kemp Dec 17, 2017

There was a trial a year or so ago which resulted in the accused being cleared of sexual assault, yet the investigating police officer expressed disappointment and said they would continue to support the "victim"!

Flag

56RecommendReply

Saint John Dec 17, 2017

That's how they are trained

Flag

13RecommendReply

Mr R A Adams Dec 17, 2017

@ANDREW Kemp But surely this could be an appropriate reaction; the officer's reaction is perhaps of disappointment at not having caught whoever actually did it, and if there had been a genuine sexual assault, surely the victim should be considered worthy of ongoing support...

Flag

1RecommendReply

Jack Jones Dec 17, 2017

Mr Adams - sexual assaults do not usually involve mistaken identity! If someone is cleared it does not follow someone else did it. If a woman accuses a particular man, and that man is found not guilty, you don't just accuse someone else. Using the term 'victim' insinuates the crime DID occur and the person cleared is in fact guilty.

Flag

RecommendReply

David Spence Dec 17, 2017

Is there no consideration of the common good when assembling cases against deceased accused? I am sure there could be cost savings.

Flag

10RecommendReply

talob Dec 17, 2017

Yes there is. One of the criteria for any prosecution decision is whether it is in the public interest.

Flag

RecommendReply

Thecaveartist Dec 17, 2017

Save money, only investigate crimes where there is a possibility of conviction ie they are still breathing.

Flag

9RecommendReply

Nigel Brown Dec 17, 2017

@Thecaveartist In the past wasn't it an essential criterion for deciding whether to prosecute whether there was a reasonable prospect of gaining a conviction ? Has this criterion been dropped? If not, then what is the point of any Police investigation which will not be prosecuted ? It only diverts Police resources and taxpayers money away from crimes that could be prosecuted.

Flag

3RecommendReply

Londoner Dec 17, 2017

I have generally disagreed with DL in recent months, especially when he's on about Brexit, but with this article I agree with every word: well said!

Flag

15RecommendReply

C J Delmege Dec 17, 2017

I find it impossible to disagree with anything Mathew wrote.

Forget the Brexit vote. This is the real legacy of the supposedly principled Dominic Grieve.

Flag

7RecommendReply

Mr R A Adams Dec 17, 2017

@C J Delmege Who is Mathew?

Flag

1RecommendReply

The Modest Proposer Dec 17, 2017

The police should concentrate on prosecuting important crimes - like being transphobic.

Flag

5RecommendReply

John Austin Dec 17, 2017

A troubling article.

I for one believe that spending money on our own Justice system is a more worthy cause than spending money on the current priorities of the overseas aid department.

Flag

65RecommendReply

HazeR Dec 17, 2017

@John Austin Most things that would benefit our way of life and values are more worthy.

Flag

RecommendReply

Families Need Fathers Dec 17, 2017

"pendulum has swung too far"

That is certainly the experience of many of those in family disputes where false allegations are a serious growing problem.

An almost identical complaint to Liam Allan's involving a less serious assault was brought to the attention of the charity Families Need Fathers. The accuser sought to coerce her ex-partner to resume a relationship he had broken-off by blackmailing him with access to his six year old daughter. He did not agree - there were reasons for ending the relationship.

Charges were not brought. However, many months of bail with conditions of not contacting the mother, resulted in their daughter not seeing her father. To add insult to injury, even as he was told that the case had been dropped, the police persisted in describing the mother as the 'victim', when plainly it was the other way around. The family courts then failed to enforce their own contact orders, made in the child's best interest. Eventually, exhausted by the systemic failings of both the criminal and family justice systems he gave up, became depressed and lost his job.

Yes, the pendulum has swung too far. Serious crimes must be investigated and treated with utmost seriousness... and without delay. However, such allegations against a person must be regarded with similar gravity if there is to be some balance. They are frightful hate crimes. There must be disincentive to people vengefully gaming the system in the most destructive way possible. The damage done is to ex-partners and their children too, who invariably get caught up in the deceit and end up losing a loving parent.

[Note: some details have been altered in the story above to protect the identity of the parties.]

Flag

52RecommendReply

Families Need Fathers Dec 17, 2017

No assault or police involvement, but a story with similar motivation appears in the *Dear Deidre* agony aunt column in the Sunday Sun today. It is coercive behaviour using a child. Its devastating effect is horrendous and remedy through the family justice system is usually tortuous.

See: <https://www.thesun.co.uk/dear-deidre/5155633/dear-deidre-sex-with-ex-to-see-my-son/>

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1RecommendReply

*Ref.: Nowadays only one sort of victim gets justice.docx
26/04/2018 10:06*