

Peers call for action after Liam Allan trial blunder

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Frances Gibb, David Brown

December 19 2017, 9:00am, The Times



Rape charges against Liam Allan were dropped after it was discovered that police had not passed on evidence proving his innocence

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Senior legal figures have piled pressure on ministers to act over the failings exposed in the case of a student wrongly charged with rape.

Lord Morris of Aberavon, a former attorney-general, demanded a judge-led inquiry into the lack of disclosure in the trial that could have led to the conviction for rape of Liam Allan.

Angela Rafferty, QC, chairwoman of the Criminal Bar Association, which represents barristers, warned that “unconscious bias” could be preventing police and prosecuting barristers from thoroughly investigating alleged victims of sexual assault.

David Lidington, secretary state for justice, told the BBC’s Radio 4 *Today* programme this morning that the case had potentially been “a very serious miscarriage of justice”. He added that the impact of digital technology presented challenges in all parts of the criminal justice system.

He denied Mr Allan’s claim that “conviction rates have become like sales targets” and said that cases must be led by sufficient evidence and nothing else. Asked whether people who made false allegations should face charges, he said that there were questions to be addressed but would not be drawn further.

The case against Mr Allan collapsed last week after it emerged that the police had not disclosed mobile phone messages sent by the woman who accused him of a series of rapes proving that she had lied. Mr Allan, 22, a criminology student at the University of Greenwich, said that he had endured two years of “mental torture” between his arrest and the start of his trial at Croydon crown court last month. He told the BBC’s *Victoria Derbyshire* programme yesterday that he was considering suing the Metropolitan police.

Lord Judge, a former lord chief justice, led a line-up of senior lawyers at a debate in the Lords demanding to know whether the police and Crown Prosecution Service lacked resources. Lord Cormack, a Tory, said that there was concern at a “clear, near miscarriage of justice” that would

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Bishop Jonathan Blake Dec 19, 2017

The judicial system has been hijacked by "unconscious bias", and men, are in the main, though not entirely, the victims. It is a pernicious contaminant, against which the defendant can do nothing to defend themselves. The bias can be leavened by the canny and played expertly by prosecuting barristers, until police, judge and jury are mesmerised into typecasting the defendant as the villain,

before he or she has even defended themselves. Such invisible forces, working against the delivery of justice are various. The Nobel laureate, Daniel Kahneman, referred to the eight parole judges in Israel who approved requests after their meal, but rejected them, as their blood sugar dropped. "Unconscious bias", unlike food, is so arbitrary and subjective a matter, that watching legal proceedings dispassionately, one is chilled at the susceptibility of the court room to its trickery. Except for the cases where there is incontrovertible objective evidence against the accused, there are few other judgements of a court that can be relied upon.

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Ed Dec 19, 2017

We're told that all men are potential rapists. Here's an idea: let's jail them all before they do, that would sort justice out.

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Joanne Fisher Dec 19, 2017

As this young innocent man has said "my name is out there for all the world to see, and I have been unjustly accused."

Where is the girl who accused him. When will her name be announced, if only to protect another foolish young man from her? Anonymity for both parties should be the rule.

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MJJ Dec 19, 2017

This whole debacle sounds to me as if it is the malign intent of a few police officers and CPS lawyers to get a conviction at any cost. All driven by the uberfeminazi's obsession. What sort of soulless people would contemplate, even for a minute, let alone two years, sending an innocent man to jail for ten years? Certainly Alison's kind of people. Now they will have a purge of lawyers like Jerry Hayes.

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Ricky Freeman Dec 19, 2017

Could be target culture, or that fact that a conviction in a big case can lead to a promotion.

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geminigirl789 Dec 19, 2017

'Asked whether people who made false allegations should face charges, he said that there were questions to be addressed but would not be drawn further.'

So I get dumped, get angry, make a load of false sexual assault allegations against my former lover, file a false police report, give false evidence to the police and brag to my friends about it...and

'there's a question to be addressed?' The only appropriate question is 'How many years will I serve?'

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Amin Smith Dec 19, 2017

The CPS should be shut down, and prosecution duties restored to the self-employed Bar. The Crown should have no interest in obtaining convictions; its only concern should be that a fair trial is held. The mere existence of the CPS, and the proposed but discarded Crown Defence Service, is constitutionally improper. The same applies to the Ministry of Justice.

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Graeme Harrison Dec 19, 2017

@Amin Smith Because the self-employed bar just can't wait to take on all the functions of the CPS.

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M.E. Whittle Dec 19, 2017

So 'senior legal figures' are looking for an inquiry, these typically cost the public purse millions and who pockets the millions?

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Germann Arlington Dec 19, 2017

Considering the recent (or not so recent) rise in historical sex abuse claims and convictions I may wonder how thorough these investigations may be.

How can the claimant prove (the burden of proof must still be on prosecution, is not it?) that they suffered sexual abuse/assault decades earlier if they never reported it before?

Would proving that the claimant and the alleged abuser/assailant were in the same location at the time be considered enough "proof" that the abuse/assault took place?

I am not surprised that Mr Allan thought that "conviction rates have become like sales targets", it certainly looks like it.

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Ian Whitlock Dec 19, 2017

Overworked Police and CPS people will lead to such miscarriages. But budgets will continue to be slashed. Until the government is swept away nothing will change.

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Bel Ami Dec 19, 2017

@Ian Whitlock How much money does it take to hand over some phone records? Blaming this on cash cut backs instead of sloppy - perhaps even deliberate - mishandling of evidence won't wash.

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Broken Brexit Britain Dec 19, 2017

@Bel Ami @Ian Whitlock It was not as simple as failing to hand over the phone records. In an earlier report I read that many hours of phone records were not checked by the police. It is more than likely that the police officer responsible was overworked and that there were budget restraints on the investigation, with pressure to reduce the man hours on the case. This may well have been the result of budget cuts.

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Graeme Harrison Dec 19, 2017

@Broken Brexit Britain @Bel Ami @Ian Whitlock The police certified that there was nothing that was caught by the relevant disclosure requirements. The police did not say that, because of work pressure and a lack of resources, they did not know whether there was material that was liable to be disclosed.

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31linden Dec 19, 2017

@Broken Brexit Britain @Bel Ami @Ian Whitlock my understanding is that the Police, when the accusers phone records were requested, replied that there was nothing relevant in them and a lot of the content was "personal".

This seems to suggest the records had been accessed and leads to an entirely different interpretation as to why the records were not provided earlier.

This aspect needs to be fully investigated.

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Ms Elizabeth Keith Dec 19, 2017

@Ian Whitlock 'Overworked Police and CPS people will lead to such miscarriages.' These are the excuses offered every time the police and/or CPS are caught out in some gross miscarriage of justice and they don't wash any more. The current Liam affair sounds like a deliberate attempt to convict him, come what may. And we all know the agenda of Alison Saunders of the CPS. Overwork has nothing to do with it.

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Ricky Freeman Dec 19, 2017

This whole case should have been swept away within a few days of the allegation. The officer in the case should have initiated a simple inspection of the complainants phone messages. This seems to me, to be such a basic first step.

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David Craig Dec 19, 2017

Yippee! Yet another important judge-led inquiry costing millions, taking years and providing nice pensions for all the lawyers involved. Well, this is one way for the Government to boost the economy (of lawyers)

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Janet Brown Dec 19, 2017

All cases should be investigated properly , the public need to have confidence in Tge Police . The culture of convictions somehow proving that The Police are efficient needs to go. This is pushed by central government who promote targets and league tables . Most importantly The Police need to be given the resources to investigate thoroughly and to reinstate the management process that checked that files were completed properly. Where were the CPS in this , as they should have been guiding the case ?

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Keith Dec 19, 2017

The primary purpose of any government is to maintain order and defend the country. If this case did result in part from large cuts to the Ministry of Justice budget I wonder if the government's priorities are right.

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@Keith The purpose of some governments is to remain in power at the next election. Tax cuts appeal to some voters. The effects of those cuts can then be hidden behind other causes, such as inefficiencies, poor training, bad management etc. while the truth is that a good service requires money.

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Ricky Freeman Dec 19, 2017

In totally, police funding is a small proportion of overall spending. Unfortunately most government departments are being cut to the bone in order to feed the monster which is welfare.

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Robert Highfield Dec 19, 2017

They can deny it all they like, but there has been mounting pressure to increase conviction rates for sexual assaults, and at the same time, a reluctance bordering on outright refusal to take action against false reports, claiming it will dissuade genuine cases from complaining. This is the result.

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lanasmarsbar Dec 19, 2017

@Robert Highfield Yes, so the bias is not 'subconscious', it has been created quite deliberately, and it is that which has to stop and the system returned to evidence-based objectivity.

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