

## Sex abuse cases to be urgently reviewed after trials collapse

<https://www.thetimes.co.uk/article/sex-abuse-cases-to-be-urgently-reviewed-after-trials-collapse-2rnmtxnft>

David Brown

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Liam Allan, one of two men whose trials for rape collapsed this week after the late disclosure of evidence

BEN GURR

Reviews of 30 rape and sexual abuses cases about to go to trial are being prioritised amid growing concern about police failures to reveal evidence.

Britain's biggest police force announced yesterday that it was reviewing all open sex abuse investigations after two cases collapsed within week.

A father who spent four months in jail awaiting trial for child rape before his case collapsed yesterday is now considering suing the Metropolitan Police and Crown Prosecution Service (CPS) over his ordeal.

Isaac Itiary, 25, was freed from jail last night after the police revealed that they had text messages from the alleged victim showing that she lied about her age.

Lawyers for Mr Itiary, from Walworth, southeast London, condemned the police's handling of the case and said that they had repeatedly asked for downloads of messages from the telephone of the alleged victim.

Sundeep Pankhania, of HP Gower Solicitors, and Mary Aspinall-Miles, a barrister, said: "Disclosure in this case has been disjointed, piecemeal and in contravention of repeated court orders."

They said that delays in revealing the key evidence, which was not released until Sunday, was “not only gravely concerning but also unconscionable and in contravention of the ongoing duty of disclosure”, particularly as Mr Itiary was in jail.

Commander Richard Smith, who oversees rape cases for the Metropolitan Police, today denied that there was a “systemic” failure in its handling of evidence in sexual abuse cases.

“The review is into all current investigations where someone has been charged — 30 cases that are about to go to trial and they are our priority,” he told *The Guardian*.

Mr Smith said he did not believe that those already convicted would have grounds for appeal.

Theresa May told MPs that the cases of Mr Itiary and Liam Allan, 22, whose rape trial collapsed last week when messages from the alleged victim’s telephone showed that she had lied, had highlighted an important point.

“The attorney-general had, even before these cases came up, had actually initiated a review of disclosure,” she added.

Dominic Raab, the justice minister, described the collapse of the two rape prosecutions as “deeply worrying”.

“The basic principle of British justice is at stake,” he told BBC Radio 5 Live. “The proper disclosure obligations in these two cases have not been discharged, and that is deeply worrying. What we need to know now is quite how widespread that is and why.

“I don’t want to prejudice a review which is going to be under way but I do think the CPS and the police do need to have a pretty hard long look in the mirror about this.”

An MP who was cleared of rape has called for a nationwide review of the police disclosure of evidence in sexual abuse investigations.

Nigel Evans told BBC Radio 5 Live: “It seems to be in too many cases that police are cherry-picking the evidence that is there in order to get a prosecution.

“That is not what the justice system is about; it should follow the evidence. Because of the failures in the system . . . quite frankly, lives have been ruined.”

Mr Evans called for a “proper review” of cases by police forces across the country, not just the Metropolitan Police, which investigated Mr Itiary and Mr Allan.

The former deputy speaker has previously spoken of his “11 months of hell” after he was cleared of raping a university student and sexually assaulting six other men over ten years.

Today the Criminal Law Solicitors’ Association reiterated criticism from senior lawyers that the collapsed prosecutions reveal the “tip of the iceberg”.

Bill Waddington, the association’s chairman, said: “Fair disclosure of evidence is essential to a fair trial, whether that be evidence suggesting an accused’s guilt, or evidence — as in this case — which shows a prosecution witness is being untruthful and supports the defence case. Sadly failures such as this are only too common.”

In a recent survey by the association 98 per cent of those who responded reported serious disclosure failures, with 90 per cent describing it as “commonplace”. Almost three quarters said that they “very often” had problems with disclosure by the time a case had reached trial.

Angela Rafferty, QC, chairwoman of the Criminal Bar Association, suggested that “unconscious bias” stopped the police and the CPS “impartially and thoroughly investigating and scrutinising complaints in sexual offence cases”.

“It should be remembered that it is not the job of the police or CPS to judge the truthfulness or otherwise of any allegation made,” she said.

“The deluge of sexual allegations in the system is well known. If the criminal justice system is to cope and cope properly then funding must be found to ensure that there are proper investigations, a proper filtering system for cases that have no merit and a proper approach by the police and CPS to disclosure issues.”

She pointed to a joint report of Her Majesty’s Inspectorate published in July that highlighted “severe shortcomings” in the ability of police and the CPS to deal with the disclosure regime.

Stephen Wooler, chief inspector of the CPS between 2000 and 2010, said that police and prosecutors faced a “conundrum” of needing to develop an affordable system that reliably identified information that might assist the defence.

The relevant evidence could be just a small proportion from the overall mass of documents and data produced by modern investigations.

“The CPS does not want the material: it would have to pay its prosecutors and counsel to read it. Nor do police managers want the cost of copying it on their budget. Neither wants the task of copying it to all the defence,” he wrote in a letter to *The Times*.

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Clive Hamilton Dec 21, 2017

It's so many cases that the police sit on there hands. They have a vigilante mentality, rather than being observers and discovers of evidence for the courts to decide the law they take it upon themselves, lie to judges, falsify evidence, alter statements, intimidate witnesses, it's happened to me so I know. They've ruined my life really, and damaged so many others, sitting on exonerating evidence. Sussex Police are a disgrace to the uniform

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John Simon Newton Dec 20, 2017

There should be two overriding guidelines.

1. If in doubt, disclose the material or disclose all the material.

2. If the volume is so great that the Prosecution cannot review the material within a reasonable time, they must be frank with the Court and say so.

Where Prosecution or Defence need time to review the material, this **MUST** be disclosed to the Court at any bail application. The Court will take this fact into account in deciding whether bail should be granted or refused.

And, if the Defence ask for further disclosure at any pre-trial stage, the Court should be slow in refusing the request in the absence of special reasons advanced by the Prosecution. Where the Prosecution fails to comply with proper disclosure the Court must apply costs sanctions.

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John OConnor Dec 20, 2017

"Reviews of 30 rape and sexual abuses cases **about to go to trial** are being prioritised amid growing concern about police failures to reveal evidence."

Should cases where accused has been found guilty not also be reviewed? I wonder if there are innocent men in jail because of withheld evidence.

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anyfool Dec 20, 2017

It needs a clean out of the politically correct appointees, the whole of the public sector has gone downhill, all the quota filling appointments based on ethnicity, colour and gender should cease and P45s should be issued to those whoever they are, if found to be incompetent.

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Robert Holmes Dec 20, 2017

so who in the police will get the chop?

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TemporaryTexan Dec 20, 2017

This will open the floodgates for appeals wherever the police cannot demonstrate they paid adequate attention to social media evidence. Could get really ugly for the police.

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John Austin Dec 20, 2017

And for rape victims.

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