

## Cuts blamed for failings in disclosure

<https://www.thetimes.co.uk/article/cuts-blamed-for-failings-in-disclosure-qvgh5sdp8>

Jonathan Ames, **Frances Gibb**

February 10 2018, 12:01am, The Times



Liam Allan spent nearly two years on bail accused of rape because police failed to disclose text messages that would have exonerated him

DAVID MIRZOEFF/PA

Failures to disclose evidence to defendants in rape and sexual assault cases are linked to staff cuts in the prosecution service, the attorney-general has been told.

The number of lawyers at the Crown Prosecution Service has fallen by more than 30 per cent since 2010, which has put a “huge strain on the service”, Steven Littlewood, the head of the FDA union, has claimed. In a recent letter to Jeremy Wright, QC, he said: “Simply put, the current issues around disclosure cannot be separated from the under-resourcing of the CPS.”

Mr Littlewood criticised Mr Wright over his recent comments on Radio 4 in which the attorney-general claimed that disclosure should be basic for prosecutors and that it was untrue that resources were a problem.

A number of recent cases dropped at the eleventh hour have led to criticism of prosecutors and the police. Several defendants, mostly facing rape and sexual assault allegations, have spent months on remand with charges hanging over them, only for the cases to collapse when evidence that should have been disclosed earlier was revealed.

In his letter to Mr Wright, who is responsible for the running of the CPS, Mr Littlewood, said “disclosure issues have become ever more complex and time-consuming”.

He added: "The nature of the unused materials provided to CPS prosecutors by police has transformed in the last twenty years from a page or two of paper to thousands of pages worth of text messages, emails and social media communications."

Mr Littlewood told *The Times*: "The attorney-general's media comments were unhelpful in the context of a service creaking under the weight of diminishing resources and increasing demands."

Mr Littlewood claimed that staff cuts together with the increasing complexity of prosecutions "inevitably means that the question of adequate resourcing needs to be included in any review of the problems around disclosure".

A spokeswoman for the attorney-general said that the CPS had apologised and acknowledged that mistakes had been made in some cases. She added: "There are clear issues with the disclosure process more broadly which is why the attorney-general launched a review."

The review was announced last month after *The Times* revealed four trials had collapsed.

It began shortly after this newspaper reported the collapse of the case against Liam Allan, 22, a criminology student accused of rape who spent nearly two years on bail. Police had failed to disclose text messages from the alleged victim that would have immediately exonerated him.

Meanwhile yesterday, the head of a watchdog that highlighted failings by prosecutors and police over disclosure last July, warned that he would carry out another inspection if they were not seen to be addressing the crisis.

Kevin McGinty, chief inspector of the CPS, said inspectors would be watching whether measures had been taken that made a difference in whether disclosure was being tackled.

He said that the CPS and police needed time to take on the recommendations.

Mr McGinty added: "Looking at case files is the bedrock of our inspections and if we don't detect any change in the way they are dealing with disclosure as we see files I will be in a position to go back [to the inspector of constabulary] to bring forward another inspection."

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Lady Loughton Feb 11, 2018

It does not take a Pulitzer winning investigative journalist to find out that this is a failing in the system that has gone on for a long time. Sadly, the police and the CPS are able to mark their own homework in conducting the disclosure exercise and, guess what, they pass. Ms Saunders' comments that there was no person in prison as a result of a botched disclosure is almost certainly bunk. A new independent head of her organization cannot come too soon. But the job will be huge, the pay will be low, compared to private practise, and the candidates not the best.

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Chris Huckle Feb 11, 2018

Arrant nonsense. The time spent in bringing a case to trial or just before it is far greater than checking for exculpatory evidence, it isn't cuts that are responsible but almost the same word with the addition of 'n'.

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Careless Wispers Feb 10, 2018

In summary the Police had a lot of information but no time to review it.

The CPS had access to this information but no time to review it.

The defense lawyers did not have access to the information that would have brought the whole legal process to a halt thereby freeing up resources for investigation of real crimes.

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lakshman Menon Feb 10, 2018

"Cuts" seem to be responsible for everything from the miserable performance of the CPS to global warming. I dare say cuts are also responsible for Jeremy Corbyn's beard on the grounds he cannot afford a razor.

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Man on the Street Feb 10, 2018

" Failures to disclose evidence to defendants in rape and sexual assault cases are linked to staff cuts in the prosecution service, the attorney-general has been told."

Staff cuts and austerity have now become an all purpose excuse that fails to persuade me.

Why is it that only evidence that would adversely affect the prosecution case has a habit of being not followed up. The prevailing climate in which every sexual allegation is deemed to be true, and calculation of the conviction rate is made using the number of complaints irrespective of whether it is true or not and the pressure to increase the conviction rate have all contributed to the state of affairs.

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Vivien Hall Feb 10, 2018

This is quite scary. Cutbacks are happening all over the legal and law enforcement services so how can we be sure of proper justice now? There are only so many cuts you can make before it starts to fall apart. Where is all the money going?

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Peter Hurley Feb 10, 2018

Cuts be damned! This practice [stiching the accused up like a kipper]is endemic in the police and CPS and has been going on for decades

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RM Feb 10, 2018

We must not let this excuse of cuts detract from the failures to disclose, it may well explain some of the failings, but does absolve them.

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John Prince Feb 10, 2018

"Simply put, the current issues around disclosure cannot be separated from the under-resourcing of the CPS."

Nor can they be separated from poor direction and leadership, from inadequate supervision, from weak inspection/monitoring and an adversarial system which plays win-lose games with people's lives.

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Saint John Feb 10, 2018

But police success is measured in convictions not in being even handed so they cannot possibly be fair .

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Keith Feb 10, 2018

Who removed the "n"?

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Chris Huckle Feb 11, 2018

I saw what you did there! Naughty, but quite clever and very appropriate.

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thebeancounter Feb 10, 2018

Funny then how there are no disclosure issues with incriminating evidence. Funding is a simply excuse.

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RM Feb 10, 2018

Absolutely correct, there seems to be no problem with evidence to support the alleged victim yet it appears difficult to disclose anything that supports the accused.

This bias runs through all levels but ultimately it stops at the door of the police. It is the police's job to investigate both sides and trawl through what evidence there is. It is important to note here that many historic cases had no evidence. It is the police that feed the CPS with a possibly biased account of the investigation.

Reviewing current cases is vital, it is clear problems exist. However it is just as important to review past cases as these problems did not start with Liam Allan's case. These reviews must be independent of the Police and CPS due to the obvious conflict of interest.

If failings are discovered then they need to be exposed, however embarrassing they are to these agencies. This embarrassment is nowhere near the devastation caused to those people wrongly accused.

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Matt Griffiths Feb 11, 2018

Well said. We only know if the last minute disclosures leading to dropped cases, not the ones which were not discovered and which may well have led to the conviction of innocent people.

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Skywriter Feb 10, 2018

@thebeancounter A lot of money and time could be saved by asking the accuser if there is any social media evidence that undermines their accusation. They must be informed that false accusation and deliberate obstruction of justice is a criminal offence.

Most of these failed prosecutions would have lasted as long as the initial interview and there would be no case to pursue - as was true in each of these recent cases after much money had been spent and innocent lives ruined.

Doing the job properly saves resources. It is the incompetence and determination to meet prosecution targets that leads to this expensive Orwellian idiocy.

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