

DPP accused of complacency over justice failures

<https://www.thetimes.co.uk/article/dpp-accused-of-complacency-over-justice-failures-08g5vtzpm>

David Brown

January 18 2018, 12:00pm, The Times



Alison Saunders, the director of public prosecutions, suggested that photographs and social media accounts did not need to be fully checked in rape cases, even though such evidence has been crucial in clearing several defendants recently

The director of public prosecutions has been criticised by politicians and lawyers for insisting that innocent people were not in jail despite admitting “systemic issues” in disclosing evidence.

Alison Saunders was described by one Tory MP as “part of the problem” and by a judge was “complacent” after she said that the justice system was working even though failures with evidence have led to a string of trial collapses.

Last month a rape trial in London collapsed when it was revealed that police had not handed over social media messages which revealed that the accuser had lied. Liam Allan, a 22-year-old student, spent nearly two years on bail and was put on trial for 12 counts of sexual violence, only because the police had failed to hand over text messages from the alleged victim that would have immediately exonerated him. At least two other rape prosecutions in London have since collapsed after crucial evidence was disclosed. Scotland Yard is conducting an urgent review of about 30 sex cases but refuses to say how many prosecutions have been halted.

Ms Saunders is meeting senior police officers, representatives of the senior judiciary and legal professionals today to discuss concerns that vital material is not being disclosed.

She said: “Disclosure is a vital matter which we take very seriously, but it is clear that there are systemic issues across the entire criminal justice system. We will be considering what role each of us

— police, prosecutors, and judiciary — should play in disclosure and immediate action we can take. We will also discuss whether any changes to systems, legislation or guidance might help address the issues we face.”

Ms Saunders told BBC Radio 4’s *Today* programme: “The problem we have found recently is around the ever-increasing use of social media, all the digital material we obtain.”

She suggested that photographs and social media accounts did not need to be fully checked in rape cases, even though such evidence was crucial in clearing Mr Allan and other defendants.

Ms Saunders said that police were obligated to pursue “all reasonable lines of inquiry” but: “That doesn’t mean going into every single avenue of your life.”

Asked if it was possible that there were people in prison because of disclosure failures, she replied: “I don’t think so, because what these cases show is that when we take a case through to trial there are various safeguards in place, not least of which the defence indicating what their defence is going to be.”

Anna Soubry, a Conservative MP and former minister, responded to the comments saying that she feared that Ms Saunders was “part of the problem”.

She wrote on Twitter: “Appalled at the ill informed comments of DPP Alison Saunders. hv been longstanding problems w disclosure. Those duties extend to investigation of all allegations not just a few serious offences. I fear Alison Saunders is part of the problem.”

Nick Rhodes, QC, a criminal barrister and part-time judge, wrote on Twitter: “Alison Saunders here displays the precise complacent attitude that lies at the root of the failures in the approach to disclosure shown by her department and the police.”

The trial of Mr Allan, 22, was halted at Croydon crown court last month. Days later another prosecution collapsed against Isaac Itiary, 25, who was wrongly accused of raping a child. A third rape trial collapsed last week after a failure from investigators to find key evidence.

The case against Samson Makele, 28, was halted at Snaresbrook crown court after his defence team unearthed key images from his mobile phone that had not previously been made available. He had been accused of raping a woman he met after the Notting Hill Carnival in 2016 but the case, due to go to trial at the end of the month, was thrown out after more than a dozen pictures emerged of the pair apparently cuddling in bed.

Investigators from the Metropolitan police did not find the images, which were discovered when the defence hired an independent forensic expert.

Ms Saunders said of the latest case: “How would anyone have known that there were photographs there until the defence had told us that they were there? The system worked. What I think should have happened in that case is it should have happened much earlier.”

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Peter Smith Jan 18, 2018

We have a politicised police service with lots of little clubs celebrating diversity in official time whilst chief officers indulge in vanity policing projects such as Op Conifer. We have the CPS, which is a job creation scheme for lawyers who cannot make it on the outside, with a support staff who could not get a job with the Ministry of Fish and Chips. And we have a DPP who would love to see more convictions for rape. Light blue touch paper and stand clear. Well clear, if you are a young man.

Flag

11RecommendReply

Michael Doughty Jan 18, 2018

We never seem to be told what happens to women who make false rape accusations. Are they ever named and convicted?

Flag

8RecommendReply

C.G. Portocale Jan 19, 2018

No

Flag

1RecommendReply

Contravariant Jan 18, 2018

"It is better that 10 innocent persons suffer than that one guilty person escape". I think Ms Saunders should check her lecture notes about Blackstone.

Flag

7RecommendReply

Neil Barrett Jan 18, 2018

What all these cases show is that there more than a few cases where the accusation of rape is made maliciously, or in regret, or to cover a misjudgment to others.

They should be subject to exactly the same rigours of justice as any other charge, particularly given the effect of a conviction (and just an accusation).

For a start, the accused should have the same privilege of anonymity as the accuser.

Flag

8RecommendReply

Did You Ring Sir Jan 18, 2018

Why is she still there ? Heads have rolled for far less failure. Or are politicians still afraid of the feminist brigade ?

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John Austin Jan 18, 2018

Doesn't having innocent men on remand count as being "in prison"?

Flag

12RecommendReply

G W F Hegel Jan 18, 2018

As an addendum to my earlier comment, may I draw attention to Collins' statement that the police can draw 'victim's' attention to the fact that they can get financial compensation. An open invitation to abuse:

Police officers can also point out to the people they question that there are financial advantages to making accusations which lead to men being convicted, as victims of sexual abuse are entitled to

compensation. Care homes are liable for misconduct by their staff and their insurers will not defend claims for compensation when the alleged perpetrator has been found guilty in the criminal courts. The average compensation pay out is in the region of £20,000, but can go as high as £100,000.

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9RecommendReply

Paul Bentley Jan 18, 2018

Ms Saunders said that police were obligated to pursue “all reasonable lines of inquiry” but: “That doesn’t mean going into every single avenue of your life.”

Why not? And if Ms Saunders doesn’t think that is exactly what the police do, she is sadly ignorant. The point is surely what the police do – or do not do - with what they find.

Asked if it was possible that there were people in prison because of disclosure failures, she replied: “I don’t think so, because what these cases show is that when we take a case through to trial there are various safeguards in place, not least of which (is) the defence indicating what their defence is going to be.”

So if Defence is inadequately briefed by the police or prosecution, then it is the fault of Defence?

Ms Saunders said of the (Makele) case: “How would anyone have known that there were photographs there until the defence had told us that they were there? The system worked. What I think should have happened in that case is it should have happened much earlier.”

Because neither the police – who were in possession of the phone - or prosecution checked, *despite having been alerted to the possibility by defence*. Indeed prosecution were advised by the police that there was nothing relevant to the case on the phone. The system only worked, because defence paid to prove them wrong.

Ms Saunders had the opportunity today to acknowledge that all is not for the best in the best of all judicial worlds, that miscarriages of justice occur – and more frequently than we knew. But, no, “I don’t think so”, she says.

Paul Bentley

Flag

19RecommendReply

C.G. Portocale Jan 18, 2018

Has the DPP apologised to those who have been the victims of long drawn-out false accusations or wrongful imprisonment as an indirect consequence of her drive to get more convictions?

Flag

17RecommendReply

peter openshaw Jan 18, 2018

I don't know how these things work in detail. Is it not the job of the CPS to enquire of the police where their case may fail?

Flag

2RecommendReply

G W F Hegel Jan 18, 2018

Alison Saunders has finally lost all credibility. Chris Saltrese, a solicitor who has handled many appeals for those accused of sexual crimes, thinks that "there are certainly scores, and possibly hundreds" of men who are in prison, having been convicted, but are not guilty and should never have been sentenced. Unsupported allegations are enough to get a man in prison, following inexplicable decisions by the Law Lords in 1991 and 1995.

See William Collins' fine analysis of the Rassam Ali case (Rassam Ali spent 3 years in jail for a crime he did not commit on the uncorroborated evidence of a 14 year old girl) at <http://mra-uk.co.uk/?p=2152>

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17RecommendReply

C.G. Portocale Jan 18, 2018

@G W F Hegel This link was so terrifying I abandoned half way through and will resume later, but all lads should read it and be aware.

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6RecommendReply

Alan Simpson Jan 18, 2018

When a suspect in a crime has been arrested the procedure during subsequent interviews is that he/she be first cautioned in the following words: "You do not have to say anything, but it may harm your defence if you do not mention now, something which you later rely on in court. Anything you do say may be given in evidence".

As interviews are now tape recorded and more often than not the suspect will have a solicitor present, it's impossible to claim that the suspect wasn't so cautioned.

If a suspect is being accused of rape and tells the police that he had been in a consensual sexual relationship with his accuser and that his social media records will prove such then the police are certainly obliged to check those records.

If in due course the police uncover intimate exchanges between the suspect and the accuser then alarm bells should immediately start ringing.

In such circumstances, it becomes a very serious matter if the police discover such exchanges and fail to notify the CPS.

On the other hand, the police are now so undermanned and under pressure that if they aren't alerted to a previous intimate relationship between the suspect and the accuser they really don't have the time or inclination to delve deeply into every aspect of a suspect's lifestyle.

I, therefore wonder if the recent cases did the accused tell the police that they had been in a relationship with their accuser during interview?

Flag

2RecommendReply

Neil Barrett Jan 18, 2018

@Alan Simpson Because the police would automatically believe them, you mean?

Flag

3RecommendReply

stephen winter Jan 18, 2018

unbelievable complacency and arrogance. How does Ms Saunders know how many innocent people are confined ... 'I think' yeah, Ms Saunders is not good enough.

Flag

10RecommendReply

westheader Jan 18, 2018

She's a prosecuting counsel not defence counsel you ignorant plonker.

If you can't understand our legal system it's best you belt up

Flag

RecommendReply

Newminster Jan 18, 2018

westheader —

No, she is not “prosecuting counsel”, you plonker! She is the Director of Public Prosecutions and head of the department charged with assessing whether there is sufficient evidence to proceed to trial.

This includes any evidence which might tend to weaken that case as much as to strengthen it. If she only gets to see one side (which is what happened in these cases) she cannot make an informed decision.

I would do a bit of research of your own. And a bit of anger management wouldn't come amiss, either!

Flag

20RecommendReply

Chris Huckle Jan 19, 2018

You are the definition of ignorant moron.

Flag

RecommendReply

Gerryco Jan 18, 2018

There are many comments on this article inspired by an intense dislike of Ms Saunders (I presume because she is a woman and rape is seen by some as a man vs woman issue) but they also reveal a general ignorance of criminal procedure as laid down by law. Sorry chaps but there are many misogynists among you!

I am a man incidentally, and I have been critical in previous comments of the DPP's policy of taking on rape cases in which there is little or no corroboration, and/or a jury is likely to acquit because the issue is consent and the alleged victim was exceedingly drunk to the extent of not being able to recall the incident in detail.

But on disclosure issues she is absolutely right. Every case is different and the police and prosecution only have a duty to take lines of enquiry which in the circumstances of the case are reasonable ones to take. If for example a suspect in interview says that social media or mobile phone records will support his defence, they would be reasonable lines of enquiry (in most cases, before charge). The police cannot be expected to guess that somewhere on WhatsApp or Facebook (etc.) there is a message or photograph which will assist the suspect, and to look for one on an off-chance basis could take many months.

Of course many suspects go no comment in interview, or they may not think at that stage about such material assisting them. Which is the reason why the law allows (in fact demands) that the defendant, assisted by his legal representative, should write a statement outlining the nature of his defence and requesting from the police defined material which may support his case.

The recent failed cases (at least one of them anyway) suggest that some officers have not carried out their duty diligently enough, but poor performance by certain individuals is not carte blanche for outright attack on Ms Saunders.

Flag

1RecommendReply

Mr John Broom Jan 18, 2018

@Gerryco But maintaining that nothing is wrong, I'm afraid, is grounds for attack.

And by the way, that has absolutely nothing to do with whether she's a woman or a man.

Flag

17RecommendReply

Prabhat Jan 18, 2018

@Gerryco - That should take this debate forward. Brand those criticising the DPP as sexist. Well done.

Flag

8RecommendReply

BigJim Jan 18, 2018

Do you have an opinion about Alison Saunders lack of enthusiasm to see FGM practitioners in England and Wales prosecuted?

Flag

6RecommendReply

westheader Jan 18, 2018

You have to find evidence to prosecute.

How do you propose our cops do that?

Give the parents a thorough going over.

The race relations industry and the hundreds of quangos and self appointed defenders of our liberty would love it if they did that, it would keep them in self righteous fulminations for years

Best change the law to say a parent of an FGM child goes to prison automatically because you never prove fault

Flag

1RecommendReply

Neil Barrett Jan 18, 2018

@Gerryco When false cases are brought and noddod through like this, there are TWO groups of victims. Those falsely accused - and those who have really suffered the crime.

Flag

2RecommendReply

Soysauce Jan 18, 2018

As long as people are being appointed to their jobs based on 'positive discrimination' the wrong people will continue to be selected.

Flag

9RecommendReply

Arcane Solutions Jan 18, 2018

Perhaps it's time for Ms Saunders to take up her place in the Lords. We need fresh eyes. Perhaps Sir Keir would come back.

Flag

2RecommendReply

5050noline Jan 18, 2018

@Arcane Solutions Don't think so.

He was never a brilliant fit as CPS Head in the first place, as his forte/background was Human Rights.

He was recently forced to reject a lucrative second job at Mission de Reya, I believe, due to issue of potential for conflict of interest - given his position as being Anti-Brexit and theirs being the same and on which, I believe, they have acted.

He also has some questions being asked as to why, as Head of CPS, he did not continue to prosecute the outstanding rape allegations from the Worboys case.

So, IMO 'fresh eyes', he is not.

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1RecommendReply

Mr John Broom Jan 18, 2018

I heard the interview and was shocked at her complacency. Definitely part of the problem. Big part probably .

Flag

18RecommendReply

Caspertg Jan 18, 2018

Disclosure is obviously a key issue and appalled at the complacency of Ms Saunders. She is definitely "part of the problem".

I believe that the bigger issue is the police and CPS's practice of absolute belief in the victim (especially in the case of sexual assault and rape allegations) and then trying to prosecute all allegations even if there is zero corroborating evidence.

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10RecommendReply

Prabhat Jan 18, 2018

She said: "Disclosure is a vital matter which we take very seriously, but it is clear that there are systemic issues across the entire criminal justice system. We will be considering what role each of us — police, prosecutors, and judiciary — should play in disclosure and immediate action we can take. We will also discuss whether any changes to systems, legislation or guidance might help address the issues we face."

That is the most pompous political nonsense I have ever read coming from someone whose job, qualification and remit is purely legal.

Her posturing that somehow judiciary is at fault because police and DPP's office and team are guided by the blatantly one-sided statement of Ms Saunders on rape matters is beggars belief.

The failings are entirely down to her, her intentions and her guidance to the police and her team. End of. If she can't see the obvious I dread to think how many more cases need to fail before she will take responsibility.

Flag

18RecommendReply

5050noline Jan 18, 2018

@Prabhat Agreed. Enough of the 'sloping shoulders' and public organisation 'ducking and weaving' to try spread the blame.

Spreading the blame may be justified somewhat here but we, the taxpayer , pay this lady a lot of money and a very nice pension to follow.

Simply not good enough.

Flag

1RecommendReply

westheader Jan 18, 2018

The criticism comes mainly from the BBC which is run by and for left wing liberals at the licence payers expense
The BBC is anti police, anti criminal justice, and have a long record of supporting murders rapists and criminals
It about time the BBC was shut down and their journalists put out to grass

Flag

RecommendReply

Mr John Broom Jan 18, 2018

@westheader No it doesn't, the criticism comes from the sensible people that there still are Thanks be .

Flag

13RecommendReply

westheader Jan 18, 2018

Rubbish

The job of the defence is to defend the client.

If the accused has emails exonerating him, his barrister should produce them at the earliest

Only a donkey can't understand that

Flag

RecommendReply

Mr John Broom Jan 18, 2018

@westheader Well, I most certainly can't follow your train of thought . And if that makes me a donkey, then eeyore it is !

Flag

2RecommendReply

lancsmarsbar Jan 18, 2018

@westheader I am certainly no left wing liberal or supporter of the BBC but I do not believe the scales of justice should be unbalanced by conviction targets which are at the root of this mess. This is a bad trend for which Ms.Saunders must bear some responsibility.

Flag

5RecommendReply

sean currie Jan 18, 2018

This is deeply, deeply worrying. We live in an increasingly digital age and the DPP needs to get ahead of the curve on this one.

Flag

9RecommendReply

Mr John Broom Jan 18, 2018

@sean currie Somewhere in the region of the curve would be a major advance.

Flag

6RecommendReply

Saint John Jan 18, 2018

I heard her on the radio . Not an ounce of contrition for the failures.

She is using her office for a personal anti men crusade . She is not interested in justice . She has to go .

Flag

35RecommendReply

Celtom Jan 18, 2018

"Considering what role each of us — police, prosecutors, and judiciary- should play" is straight from the handbook for inadequate jobsworths. When challenged, deflect responsibility to the future and to everyone involved. Saunders line of deflection translates to plain English as - "is it my fault if no-one yet knows how to do their job with thoroughness and integrity"? To which concealed evasion the answer is "yes - knowing how, and getting others - to do it right IS your job".

Flag

6RecommendReply

Dr Nick Cornish Jan 18, 2018

So, if no innocent people are in prison, why do we need the Courts of Appeal ?

Flag

18RecommendReply

BigJim Jan 18, 2018

@Dr Nick Cornish

Indeed. If we switch to a 'guilty on accusation' criminal justice system - perhaps starting with rape trials and ending with being accused of being drunk in charge of a cow (The Licensing Act of 1872) then Alison Saunders problems go away.

And 'guilty on accusation' - which was the basis for the witchcraft trials of the 16th century in Europe and America - isn't so improbable in the minds of some, including even some who self-identity as feminists - take a look at the arguments presented in the discussion about Margaret Atwood's most recent 'offense' (trying to reinforce the concept of the presumption of innocence) in https://www.mumsnet.com/Talk/womens_rights/3142683-Margaret-Atwood

And Atwood make specific reference to what she meant by a Witch Hunt in her essay. She was likely wasting her time trying to explain; she appears to have encountered an army of apprentice Witchfinder Generals-in-waiting.

Fortunately many of the forum members have come to the defence of this core element of our criminal justice system...which evolved in America and in England and Wales (Scotland caught-up later) when the Witch Trials ended.

Our modern criminal justice system, with its concept of lay magistrates, prosecution and defence goes back centuries. Our concept though of evidence and the presumption of innocence goes back to the late 16th century with the backlash against the Witch Trials.

Now we are witnessing some who wish to rid our society of that structure - in essence - though I'm sure not their intent, in returning us to a criminal justice system which was with us in the days of the Witch Trials.

Flag

7RecommendReply

Dr Nick Cornish Jan 18, 2018

@BigJim @Dr Nick Cornish Good points.

I was completely nauseated by the Chief Constable of Wiltshire Police grandstanding outside Edward Heath's house proclaiming that the allegations were credible and true and the appalling attitude towards Field Marshal, Lord Bramall.

Flag

13RecommendReply

Neill Macklin Jan 18, 2018

AS has a long history of defending the judicial system as is appropriate for the DPP. She also has a history of supporting the practice of non-disclosure of victims identities unless an occasional prosecution of an exposed false allegation finally finds the light.

To support the police in their apparently necessary less than diligent evidence gathering, because it is up to the defence to show their hand when asking for 'missing' evidence particularly digital is to fly in the face of our long held practice of having to prove guilt following an accusation.

In truth the police and the CPS assume guilt and, as AS states the defence have to work to disprove this bias and that's before the police fail to disclose evidence which recently has proved to be case in multiple circumstances.

So much for her claim that no prisoners are languishing in prison falsely accused and found guilty.i

Flag

25RecommendReply

Michael Smith Jan 18, 2018

Didn't The Times do an expose on another scandal involving this woman? Surely her time is up!

Flag

18RecommendReply

Pete O'Tube Jan 18, 2018

@Michael Smith Her time was up when she basically said that 'all women who make rape allegations MUST be believed by the police'

It's not up to the Police to assume guilt, they are there to collect evidence, ALL THE EVIDENCE, and then present it to the Courts for the jury to decide.

Flag

19RecommendReply

Gosta Luthman Jan 18, 2018

@Pete O'Tube @Michael Smith Pete, I think you're getting a bit carried away. Even Alison Saunders never said this.

Flag

RecommendReply

Merrypeterpan Jan 18, 2018

There remains a substantial suspicion that she prioritises conviction rates for rape over proper disclosure of social media posts. She needs to be called to account. This is the result of the pendulum swinging too far in the anti-male PC movement.

Flag

37RecommendReply

peter openshaw Jan 18, 2018

@Merrypeterpan Then she can tell us all what her brief was.

Flag

1RecommendReply

Timezy Jan 18, 2018

Time she was moved on.

Flag

17RecommendReply

Anip Jan 18, 2018

"How would anyone have known that there were photographs there until the defence had told us that they were there?"

So she is in effect saying that you are guilty until proven innocent.

Please sack her.

Flag

50RecommendReply

peter openshaw Jan 18, 2018

@Anip I agree, the presumption of innocence must take precedence.

Flag

25RecommendReply

Christopher Sheldrake Jan 18, 2018

There have been plenty of concerns over Saunders before but this has to be the final straw.

Recent events have proven that in rape cases it is absolutely vital that all Social media outlets, computer and phone data is properly scrutinised by the police before a decision is made to charge. This should be compulsory and proven to have taken place by there being full disclosure to the defence prior to trial.

By telling Police they don't have to look at everything, Saunders is guaranteeing that more innocent blokes will be stitched up and banged up in the cause of increasing conviction rates in rape cases.

It's about time there was a full return to the concept of Innocent until proved guilty for men in such circumstances, starting with equal anonymity. After a not guilty verdict, unless the man has been granted life-long anonymity, it should also be removed from the woman.

By claiming that there are no innocent people in prison due to non-disclosure, Saunders is flying in the face of recent evidence. So many cases have had to be abandoned recently that it seems extremely unlikely that not one case and probably several have gone ahead and led to a conviction.

She should be sacked, forthwith.

Flag

57RecommendReply

peter openshaw Jan 18, 2018

@Christopher Sheldrake On balance I agree, and particularly the duty of the police and CPS to look at everything before deciding to proceed. My only caveat is that it is not for the prosecution to do the work of the defense. The responsibility for this must lie with the accused (with assistance).

Flag

3RecommendReply

Michael Smith Jan 18, 2018

@peter openshaw @Christopher Sheldrake It is of course not the job of the police to do the job of the defence but they should surely have investigated his phone with the same rigour as the defence in pursuit of evidence.

Flag

13RecommendReply

Christopher Sheldrake Jan 18, 2018

@peter openshaw @Christopher Sheldrake

One problem is that the defence will not have access to the phone and computer records of the accuser or other witnesses. Nor is that desirable on grounds of confidentiality.

We all agree that **someone** has to go through these records and who other than the Police and prosecution would qualify as being trustworthy to go through all the confidential records of the "accuser" ?

The defense has to be 100% confident that everything has been looked into and that full disclosure of all relevant information has taken place in good time before any trial takes place.

At present the defence team simply cannot rely on this having been done. This is completely unacceptable and will undoubtedly have caused some miscarriages of justice.

Flag

8RecommendReply

SandH Jan 18, 2018

@peter openshaw @Christopher Sheldrake I disagree: it is the job of the police to investigate and gather evidence, whatever it is and wherever it can be found. The police should not be part of the

prosecution. (Which is one reason for deprecating the habit of (police) investigators commenting on verdicts and sentences outside court - that is no part of their role.)

Flag

3RecommendReply

Prabhat Jan 18, 2018

@peter openshaw - It is not the job of the prosecution to do the job of the defence team but it is their legal obligation to do full disclosure. Something that DPP and the police are not fully keen on.

Flag

2RecommendReply

Iain Sanders Jan 18, 2018

@Christopher Sheldrake By *May* ? - she might refuse to go!

Flag

1RecommendReply

Freeliner Jan 18, 2018

@Christopher Sheldrake I agree, she is thoroughly 'unfit for purpose'. Her complacency is astounding.

I've a strong suspicion that Saunders wouldn't be half as relaxed about phones not being fully checked out if it was resulting in men getting away with rape.

She appears to be saying..."Oh, don't worry, these men will be ok in the fullness of time, we'll eventually realise they're innocent if they truly are.

Flag

14RecommendReply

Paul Beckett Jan 18, 2018

@Christopher Sheldrake Up until now I have been relatively content that she is merely incompetent. Now I am starting to think she has a feminist axe to grind against men. Either charge should be enough to see her fired.

After all, guilty until proven innocent.

Flag

RecommendReply

MJJ Jan 18, 2018

I wonder how many CPS lawyers are brave enough to insist on disclosures that will scupper the case? How many preserve their careers by complying with the demands for conviction by any means possible? Alison Saunders seems to think that being a man makes you guilty of something and if you didn't (quite obviously in many cases) commit the crime of which you're accused it doesn't matter because you must have done something else so it's only right that you should be punished.

I'm sure she heartily approves of the fact that women are taking advantage of the fact that one accusation of sexual assault can be the start of a nightmare for any man. This beats revenge porn any day. It would be childish, I know, to venture the opinion that excessive male admiration is not something our Alison has ever had to deal with.

Flag

13RecommendReply

peter openshaw Jan 18, 2018

@MJJ OTT

Flag

1RecommendReply

MJJ Jan 18, 2018

Ask the men who escaped jail and disgrace by the skin of their teeth

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3RecommendReply

Ramtops Jan 18, 2018

@MJJ I think that's all rather a stretch, to be honest. All you know about her is what you read in the media.

Flag

RecommendReply

MJJ Jan 18, 2018

Perhaps a slight overstatement. However, perhaps we should ask those who have suffered from false accusations and concealed exculpatory evidence. There is a saying "by their fruits you shall know them" and I, personally, shudder to see Alison's fruits. One ruined life is one too many.

Flag

2RecommendReply

Gerryco Jan 18, 2018

@MJJ Total rubbish and insulting to boot.

Flag

RecommendReply

MJJ Jan 18, 2018

Again, ask the falsely accused and almost convicted but for people like Gerry Hayes, what they think

Flag

2RecommendReply

Joe in Suffolk Jan 18, 2018

breathhtaking arrogance. She MUST go

Flag

29RecommendReply

Avicenna Jan 18, 2018

Saunders is out of touch. Then there is the liar Nic and false allegations. It should be routine for the defense to be able to search all social media of accusers in rape cases.

Flag

5RecommendReply

peter openshaw Jan 18, 2018

@Avicenna I agree, but maybe it needs to ask. In civil law it is called discovery.

Flag

1RecommendReply

Graeme Harrison Jan 18, 2018

@peter openshaw @Avicenna Not in England and Wales it isn't.

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part31>

Flag

RecommendReply

peter openshaw Jan 18, 2018

@Graeme Harrison @peter openshaw @Avicenna Sorry, I was talking about Australia and I presumed it was the same.

Flag

1RecommendReply

BigJim Jan 18, 2018

One of the many issues that face the CPS and the DPP - Alison Saunders - in particular, is the abject inability to cope with post-Enlightenment science and modern technology.

Hence I regularly note the witchcraft accusation against Mark Pearson at Blackfriars Crown Court in February 2016. I say 'witchcraft' because when the accused and 'victim' are under video surveillance and an offense can't be seen occurring, then the only (un)reasonable explanation is that the accused used supernatural means - witchcraft, to carry-out his foul deed (which should have resulted in forensic and medical evidence, which was missing).

The inability to cope with modern technology extends to both the Police, DPP and the CPS in general. In a world of mobile phones, GPS devices, social media, emails, SMS and wide digital footprints left by the 'accused' and 'victim' the complete and utter disregard for these forms of evidence is inexcusable.

And finally, will some enterprising journalist ask Alison Saunders if she would be comfortable with the return of spectral evidence in criminal trials?

Flag

6RecommendReply

peter openshaw Jan 18, 2018

@BigJim Your message, which is fully understood and appreciated, is in your third paragraph. I don't get the rest.

Flag

3RecommendReply

peter openshaw Jan 18, 2018

There are two issues that must not be confused. The first is the failure of the prosecution to divulge information that it has, whether helpful or not to their case. This is totally inexcusable. The second is the responsibility of the defense to do its own research with the assistance of the accused.

I am slightly conversant with the legal system, both criminal (not me!) and civil. What I do know is that to get to the facts is an exhausting and time-consuming exercise that must be driven by the "client" since he/she is the only one to know where to look.

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MJJ Jan 18, 2018

The problem seems to be that Alison has created a culture where, in the frenzy to get a conviction at all costs, police are driven to conceal exculpatory evidence and only the bravest and most firmly established prosecutors have the integrity to demand disclosure. This woman is toxic

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peter openshaw Jan 18, 2018

@MJJ To conceal evidence is at best intolerable. An acquaintance of mine (oddly a police officer) was wrongly accused of stealing seized drugs from a police safe to which he had sole access - an open and shut case.

He got lucky with his defense team who demonstrated that in fact almost anybody had access, and indeed did. A young trainee lawyer spent endless hours working it out for the simple reason that he profoundly believed in the person's innocence and that the explanation lay elsewhere.

So what happens if you don't get lucky?

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MJJ Jan 18, 2018

Manifestly Alison's version of legal process happens. She has a lot to answer for

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Siobhain Egan Jan 18, 2018

The real issue is that the Courts (and government) are insistent upon 'speedy justice ' and saving costs .

Those were the reasons behind the change in the disclosure process which meant that true responsibility for disclosure moved from the CPS reviewing lawyer to the police .

The police do not fully understand disclosure and the issues that they should be looking at ... they are not lawyers , are under resourced , under staffed and have a huge backlog of cases .

The defence have the right to raise any issues relating to their defence during interview with Police and again when they serve a Defence Statement after the Crown have served their case (which can be many months later)

In my experience both the police and the CPS pay scant regard to these Defence statements because they simply do not have the time .

In sex cases Alison Saunders clearly stated that the police and CPS treat all victims as persons of truth and credibility - their evidence had weight -which meant that many aspects of a criminal investigation are overlooked .

In addition , most defendants are on legal aid ... it's almost impossible to persuade the LAA to agree payment for a Forensic expert in these situations ...and the very best experts will not work on legal aid rates any more .

It's all down to money and resources ..

The legal profession had been warning about this for years .

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peter openshaw Jan 18, 2018

@Siobhain Egan And it is expertise that is needed in these cases.

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Attrix Jan 18, 2018

Interesting.

On the same day.

"innocent people were not in jail"

"Stephen Simmons, 62, was aged 20 when he and two friends were convicted for the crime in 1976 and served eight months at a borstal in Suffolk."

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Ms Elizabeth Keith Jan 18, 2018

' We will also discuss whether any changes to systems, legislation or guidance might help address the issues we face.'" Such as sacking Alison Saunders, for starters.

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33RecommendReply

kateha Jan 19, 2018

@Ms Elizabeth Keith "Such as sacking Alison Saunders for starters". Agree. That woman, has wrecked havoc with the justice system and has the look of a NuLab Common Purpose "elite leader"; not too far removed from that of female jailers in the Soviet Gulags.

Note the 'Royal "we"'? I listened to Ms Saunders being interviewed by the supremely courteous Joshua Rozenberg some time ago on BBC Radio 4. Her 'tone' of self-righteous superiority, reeked of not just power, but 'omnipotence' - a perfect match for the face.

The time is long past for the "sacking of Alison Saunders" if we are to retain any confidence in the Justice System.

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