

Failures of Policing

The police must be held to account for blunders in the case of Liam Allan, a student falsely accused of rape. He endured two years of hell thanks to their incompetence.

The Crown Prosecution Service (CPS) and the Metropolitan Police have urgent questions to answer. Last week *The Times* revealed that Liam Allan, a 22-year-old student, spent nearly two years on bail and was put on trial for twelve 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. If Mr Allan's case is an isolated incident, it is worrying enough. If it betokens a wider phenomenon within the Met, the CPS or the police in general, there is a serious cultural problem in how the authorities approach serious criminal cases, which must be corrected.

In messages to friends, Mr Allan's accuser had written of how upset she was that he would not see her again, describing her obsession with sex and discussing her sexual fantasies of being raped. "It wasn't against my will," she wrote in reference to one encounter with the man she accused. Mr Allan's lawyers had repeatedly asked for records from the complainant's telephone, but the police declined to disclose those records because, in the view of detectives, there was nothing of interest for the prosecution or defence. When a new prosecutor took over the case a day before trial and finally agreed to a request from Mr Allan's barrister to see the material, the case was immediately dropped. It was clear that, had the material come to light earlier, Mr Allan would not have been charged.

Mr Allan has spoken movingly of the "mental torture" he endured while on bail. "I felt completely isolated at every stage of the process," he said. "I feel betrayed by the system which I had believed would do the right thing." Understandably, he now intends to sue the police and the CPS.

Alison Saunders, the director of public prosecutions, has promised that the CPS and the Metropolitan Police will carry out a "management review" to examine this case and learn lessons. This inquiry must identify the individuals responsible for Mr Allan's two years of misery, and hold them to account. There are three possible routes to this failure, all worrying. First, detectives may have lied about having looked through the complainant's phone messages, in which case they deserve censure for both their lazy police work and their dishonesty.

Second, they may have looked at the records but been so incompetent as to fail to see that the messages were relevant, in which case policing at the Met clearly falls below the standards the public expect and deserve. Third, most damning of all, they may have seen that the messages exonerated Mr Allan, but decided against disclosure anyway in the hope of securing a conviction. In Mr Allan's words, "conviction rates have become like sales targets" in some parts of the police.

The new prosecuting barrister who demanded the records has acknowledged that the police and CPS have limited time and money. A report in July by the body that inspects the CPS blamed this for repeated shortcomings, citing 56 cases scrapped since 2013 because of failure to disclose evidence. Angela Rafferty, QC, chairwoman of the Criminal Bar Association, likewise warned in these pages that this was "not an isolated incident". Yet resource issues are no excuse. If the police did not have time to sift through the records, it would be wrong in principle to claim that they had done so.

There is no doubting that sexual violence is serially under-reported and securing a conviction is almost uniquely difficult, as these crimes leave so little evidence in their wake. It is also clear that, in the past, victims have been deterred from pursuing their cases by the unsympathetic and incredulous responses of the authorities. It is therefore important that police approach alleged victims with sensitivity. That is not the same, however, as securing conviction at all costs. The police and the CPS both have a duty, in the end, to secure justice.

107 Comments

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PB Joyce Feb 1, 2018

This is unstated policy and target-setting rather than an oversight. False accusers seem to know that the only possible outcomes for them are a win or a draw. These outrages will stop only when they are regularly prosecuted and word gets out that they can be held to account.

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RecommendReply

Michael Dawlish Dec 18, 2017

This seems to be a failure on so many levels. In addition to comments below, was it reasonable for the defendant's first lawyer to take at face value the Police's statement that the phone records were irrelevant? Surely they should have looked, probably not for evidence that the plaintiff lied, but for anything suggestive of reasonable doubt.

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6RecommendReply

David Stewart Dec 18, 2017

Who actually polices the police. They seem a law unto themselves.

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Kader Nahaboo Dec 18, 2017

Justice!

One of the fundamentals of Human Rights is the Right to Justice. Any society's destruction is the consequence of Injustice.

Is not Justice embedded in *Our Values*?

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3RecommendReply

Ramtops Dec 18, 2017

I would like to see the young woman involved brought to trial - false accusation, wasting police time, blackmail, there must be something she can be charged with. A despicable thing to do.

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14RecommendReply

Michael Duerden Dec 18, 2017

Not sure what a "management review" is meant to achieve but I sincerely hope it is neither a witch hunt to put the blame on particular individuals nor a self justification white wash. We need a justice system that it fit for purpose which at the moment it clearly is not. Using lack of resources as an excuse won't wash given the millions pursuing the nefarious claims by "Nick"

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3RecommendReply

LLE Dec 18, 2017

There is a host of nonsense that the CPS/Police pursue, wasting taxpayers money in legal aid and other costs.

Why do they interview when there is no complainant statement?

Why do they waste time with pointless interviews for prolific shoplifters, when they can charge on the available evidence in most cases?

In domestic cases, spurious allegations are taken as read, especially where there is no injury. Why isn't the credibility of the complainant scrutinised in detail?

There is so much waste and inefficiency I don't know where to start. Send in Army officers to take control of the leadership of the Police, as there is root and branch failings in management.

As for the CPS it is a lost cause.

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7RecommendReply

Jason Paul Dec 18, 2017

The issue of records is problem number 2.

Problem number 1 is that there appears to be no evidence to charge this man with rape, yet it was brought to trial without any notable evidence.

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Charles Robson Dec 18, 2017

Jack Jones' comments below are right on the button. There is a scandal here and the main one is, as he says, that there was no evidence and the man should never have been charged. In other words had the police been doing their job by presuming innocence and looking for evidence before sending the case to the CPS they would have found that it was the alleged victim who should be charged and the alleged perpetrator exonerated. It stretches credulity that this is an isolated case of incompetence or corruption. A culture of setting targets for convictions rather than due diligence looks more and more plausible as we watch the politicisation of the police, particularly in high profile issues like historical sex abuse and rape. I would be more impressed if the police and the CPS were to establish publicly stated principles and practical actions which should guide their response, including where priorities should lie in using their scarce resources and why the presumption of innocence should not trump all in a police investigation.

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12RecommendReply

John Simon Newton Dec 18, 2017

Unfortunately CR and JJ you may not be correct. The police will have taken a detailed statement from the alleged victim. Indeed, I think she gave evidence in accordance with that statement. The Defendant probably admitted either orally or in writing that he had had penetrative sex with her earlier and that this had come to a conclusion. That was all the "evidence" the prosecutor needed to establish a case. Whether it was a good case is another matter.

The evidence in the text messages then became crucial in establishing the Defendant's case beyond any doubt. When asked about the text messages the police response was not... We haven't had the time or resources to read them. Their response was that the texts were trivia and 'private' implying that they had read them. So, a mistake has to be ruled out. This was a deliberate falsehood. The Court might have been seriously misled had the truth not come out

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11RecommendReply

Jason Paul Dec 18, 2017

@John Simon Newton It shocks the readers here however that someone can be brought to trial on an unevidenced accusation. And the serious risk of doing so is highlighted in this particular case by the fact there existed exonerating details.

What would have happened to the poor young man if there had not been this evidence?

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Terence Power Dec 18, 2017

A Failure of Policing: In this case, incompetence or policy?

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Very Concerned Dec 18, 2017

It is becoming increasingly evident that the doctrine of "believing" the "victim" in all sex abuse cases, historic or otherwise, has created a mindset that creates and allows, even encourages, police and CPS to ignore the fundamentals of justice: innocent until proven guilty and thorough open-minded investigation of facts and evidence. Innocent people, some professionals, with many years of service, are having careers, reputations and health ruined by an over zealous, misguided approach from police and CPS, no doubt fuelled by an appreciation of, and a wish to make up for, "past mistakes". This presentation renders employers powerless and too fearful to challenge, as this would lead to condemnation, and damage to their own reputation. The result is that good people are either discarded or lost to the service due to ill health or disillusionment.

Surely, hopefully, the legal profession has some astute and able minds to see through what is happening and stop this abuse of the system, otherwise everyone is doomed.

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12RecommendReply

Persephone Dec 18, 2017

The police are only interested in cases that generate headlines. A burglary on someone's home, a mugging in the street, a car being stolen, these do not generate headlines - sex cases do!

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4RecommendReply

catriona talbot Dec 18, 2017

@Persephone

Very much the wrong sort of headlines, in this instance, due to their incompetent or cavalier behaviour.

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RecommendReply

Thecaveartist Dec 18, 2017

If it doesn't smell right it probably isn't. Someone's lying. And again it's the Met. Time to disband this unreformable organisation that thinks it is above the law.

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16RecommendReply

Mark Eltringham Dec 18, 2017

@Thecaveartist They're just doing what the CPS want.

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4RecommendReply

Paul Hendy Dec 18, 2017

Prosecution for the police officers involved; clearly, they sat on the evidence to get a conviction. Prosecution for the buffoons at the CPS who forced this cockroach of an accusation into court, ditto. And full disclosure of the identity and prosecution for the malevolent criminal who tried to get this man imprisoned.

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23RecommendReply

Joe in Suffolk Dec 18, 2017

@Paul Hendy Mark my words: not a single soul in the Met will be prosecuted or censured in any way. Maybe a detective will be told off - must try harder. Cressida Dick STILL silent on the matter. Shows how much she cares about justice, only about conviction rates.

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Nicholas Beale Dec 18, 2017

Quite. The Police and CPS used to be very free with charges of Malfeasance in Public Office. It seems possible that whoever declined to disclose these text messages is guilty of precisely this.

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13RecommendReply

Jack Jones Dec 18, 2017

The phone records are a red herring.

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There was clearly NO evidence of any crime. The scandal seems to be about the wrong thing. It's not that he shouldn't have been tried because of these records; he shouldn't have been tried AT ALL.

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If an accuser has zero evidence to back up their allegation, it should not be for the defence to prove that allegation is untrue. It is for the prosecution to produce EVIDENCE. There was NONE here.

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This was a clear case of guilty until proven innocent, and the issue of the phone records is a distraction. They prosecuted a man without evidence. Phone records or not, THAT is the scandal.

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26RecommendReply

Mark Eltringham Dec 18, 2017

@Jack Jones Exactly that. The fear is that the police are singled out for criticism in the CPS review, when the real problem is a DPP who has inverted the presumption of innocence and set the police targets that encourage them to seek convictions with no evidence at all or evidence that points to innocence.

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19RecommendReply

Matt Dec 18, 2017

@Jack Jones

And the only reason this case got to court on such flimsy evidence is the CPS think the jury will assuming "no smoke without fire".

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Jack Jones Dec 18, 2017

"If the police did not have time to sift through the records, it would be wrong in principle to claim that they had done so."

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Precisely. Yet the police, and many others on their behalf have pointed to resources as an excuse. A lack of resources cannot possibly explain why they would PRETEND to have viewed the evidence when they had not.

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London Resident Dec 18, 2017

@Jack Jones I also find it astonishing that they had sufficient resources to marshal a prosecution and go to trial yet insufficient resources to uncover a swathe of evidence that just so happened to be "problematic" to the prosecution's case.

That is before one considers the countless millions that have been spent investigating long dead politicians such as Edward Heath.

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1RecommendReply

John Simon Newton Dec 18, 2017

From long experience, it is my view that a policeman or policemen saw this evidence and knew its import and importance to the outcome of 'their' case and sat on it deliberately. Now, the burden should be on the prosecuting authorities to prove this was not the case. They are 'in the dock'. The officers concerned should not be allowed anywhere near each other or any other case until their innocence is proved.

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