

Rape trials under threat

<https://www.thetimes.co.uk/article/rape-trials-under-threat-sntzi3rd7>

Former lord chief justice warns blunders by CPS and police will help attackers walk free

Frances Gibb, Legal Editor | David Brown, Chief News Correspondent

January 20 2018, 12:01am, The Times



Lord Judge, the former lord chief justice, said failings by prosecutors could have an impact on juries
GARETH FULLER/PA

Rapists will get away with their crimes because police and prosecution failings have undermined public confidence in the justice system, the former head of the judiciary has warned.

Juries could be deterred from convicting in future sexual assault trials because they would not have faith in evidence placed before the court, Lord Judge said. The former lord chief justice spoke out after *The Times* exposed how four rape trials had collapsed after crucial evidence was disclosed only at the last minute. He described the disclosure failings in all four cases as alarming and deeply troublesome.



Alison Saunders, the director of public prosecutions, faces criticism over her handling of disclosure issues

TIMES PHOTOGRAPHER JACK HILL

Oliver Mears, 19, an Oxford student, was [cleared of rape yesterday](#) after spending two years on bail. The Crown Prosecution Service (CPS) and Surrey police, which handed over relevant evidence days before his trial was due, were criticised by the case judge and ordered to explain in writing the “completely unnecessary” delays.

The development came as:

- Surrey police followed Scotland Yard in reviewing all current rape cases.
- Police and prosecutors admitted failing to hand over vital digital evidence in a rape trial for the fourth time in a month.
- Alison Saunders, the director of public prosecutions, faced criticism over her handling of disclosure issues.

Lord Judge, who was the most senior judge in England and Wales in 2008-13 and remains an influential judicial figure in the House of Lords, said that the failings over disclosure of evidence were “deeply worrying” because of the possible impact on juries.

“The recent examples in cases involving alleged sexual crime are alarming, both for all the individuals concerned and for public confidence in the administration of criminal justice generally,” he told *The*

Times. “It is at least possible that from time to time juries, alarmed as everyone else by these cases, may wonder, even in an apparently strong case, whether they have been provided with all the admissible evidence. These events may reduce the prospects of conviction even when the allegation is genuine.”

Delays in cases, with some suspects or defendants awaiting charge for nearly two years, were also unacceptable and caused “unnecessary suffering to all involved”, he said. Lord Judge called for a swift investigation into the failure to disclose evidence, and also into the delays in the charging of suspects by the CPS.



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The criticisms will increase pressure on Ms Saunders, who was criticised after saying on Thursday that innocent men were not in jail, despite admitting “systemic issues” in disclosing evidence to defence lawyers. Anna Soubry, a former minister who described Ms Saunders as “part of the problem”, was supported by her fellow Tory MP Zac Goldsmith, who wrote: “The blundering CPS is responsible for a catalogue of appalling injustices.”

Ms Saunders had said that police need not check social media accounts fully when investigating allegations of rape. This is despite failures to hand over digital media being at the centre of three previous rape trial collapses, including that last month of the student [Liam Allan](#), 22, which led to political and public concern about rape cases.

Jon Savell, Surrey police’s head of public protection, admitted yesterday that flaws in the Mears investigation included a detective failing to “examine the victim’s digital media during the initial stages of the investigation or follow what we would consider to be a reasonable line of inquiry”. He

added that the review of all the force's rape cases was to "ensure that investigations are thorough, timely, effective and compliant with policy and guidelines".

Yesterday Judge Jonathan Black formally found Mr Mears, from Horley, Surrey, not guilty of rape and an indecent assault. The CPS had denied on Thursday that the case had collapsed because of a "disclosure issue" but the prosecutor ordered by the judge to attend Guildford crown court to explain the decision not to offer evidence admitted that key information had not been handed over by police until last week. Sarah Lindop, for the prosecution, told the judge: "This case is old and it was quite old when it came in to the hands of the CPS and I do not know the reason for that. Further material was obtained and was reviewed in a case that was finely balanced."

Judge Black said: "It seems that if this was a case that was as finely balanced as you say it was, there have been unnecessary delays in investigating [and] what seems to be a completely unnecessary last-minute decision.

"Oliver Mears and the complainant have had this matter hanging over their heads for more than two years in circumstances that, if their investigation had been carried out properly in the first place, we would not have been in this position."

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David Craig Jan 21, 2018

To those who claim the police are underfunded, I would merely point out that in London, under Mayor Khan, the Met recently boasted that they had "900+ police officers dedicated to hate crimes". These supposed "hate crimes" are not actual physical attacks - they're just ordinary, law-abiding people writing comments on the Internet possibly criticising a certain group in our society who seem to have trouble accepting our values.

Perhaps if Mayor Khan could reduce his thought-control police from 900+ to perhaps 2 or 3 officers left to trawl the Internet for supposed 'hate speech' he'd be able to deal with London's rapidly-rising real crime?

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8RecommendReply

Northern Boy Jan 21, 2018

"There are lies, damned lies and statistics."

.....why would anyone ever accept a statistic from a politician?

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2RecommendReply

Northern Boy Jan 20, 2018

As I have said on previous occasions.....

Politicians get the police they deserve .

I will not reiterate the whole reasoning here but just the relevant point. There has been significant pressure to increase prosecutions for rape and sexual offences without recognition that rapes can be very difficult to prove many being dependent upon the issue of consent.

Judge Judge missed the point by blaming the CPS and police and not the politicians

.....but he would.....he sits in the Lords and is therefore inside the Westminster Bubble..... ie..... a politician.

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1RecommendReply

Londonderry Lad Jan 20, 2018

We need 3 fundamental reforms to the system. Firstly we need a massive rise in funding for the police. We've had an 80% rise in reported sex crimes in the last decade whilst police budgets have been slashed and exhausted officers are juggling 30 cases each and quitting in record numbers. You get what you pay for (and the reverse). Secondly we need to educate the public more on the realities of rape prosecutions, that so much of it is not the violent attack we see on TV but drunken 'he said, she said' where the burden of proof for the prosecution is impossible to prove. It is estimated that perhaps 2% of real rapes end in a conviction. We have to stop outcry's when the CPS don't proceed to charge, if they decide not to then there are good reasons why not. Lastly we need to take politics out of the system, to stop the concept that all claims must be taken as real at face value and stop the 'presumption of guilt' surrounding those accused, anonymity for defendants a huge step in the right direction.

Flag

4RecommendReply

Avicenna Jan 20, 2018

Police just need to give access to the defense to all social media. They do not need more resources.

Flag

15RecommendReply

RECH Jan 20, 2018

@Avicenna The whole situation is really serious for the administration of justice, but I don't think one can hold the debate without acknowledging that the sheer volume of information could be a problem. I am old enough to remember that Richard Nixon taped conversations in the White House, and then afterwards Henry Kissinger remarked in an interview that "*the idiot didn't realise that four years of recordings would need four years to listen to them*".

Flag

2RecommendReply

Londonderry Lad Jan 20, 2018

@Avicenna But the police/CPS need to look at it first to see if it is relevant, otherwise you're handing over the whole social history for the accuser which the defence will trawl through for embarrassing material to try to shame the accuser into not testifying. The police have had their budgets slashed whilst dealing with an 80% rise in sex crimes reported, do the math.

Flag

2RecommendReply

Avicenna Jan 20, 2018

Londonderry

The ice do not need to redact to suit their purposes. For social media and electronic sources all data needs to be handed over precisely because ALL relevant material needs to be brought out. Police do not need more resources.

Flag

5RecommendReply

Londonderry Lad Jan 20, 2018

@Avicenna Of course they do, didn't you read what I just said? How do you define what 'relevant material' is? Of course the police/CPS need more resources, do you really think these things would be happening if they had time to investigate properly and weren't breaking under their enormous workloads?

Flag

2RecommendReply

Richard Clegg Jan 20, 2018

@Londonderry Lad @Avicenna

They don't need to look at it first. It's my understanding that the Police should give access to all evidence gathered (whether they consider it relevant or not) to the defence. The defence don't have the Police's extensive investigatory powers, it's not something they can do themselves.

The Mears case is a prime example of that ... if that had been handed over at the time of collection, it wouldn't have taken two years to get to completion ... that's exactly what the judge said.

Flag

8RecommendReply

Londonderry Lad Jan 20, 2018

@Richard Clegg @Londonderry Lad @Avicenna Yes they do, are you going to hand over the social media of the accuser with all their details and those of their friends and families too? The Police make the CPS aware of the evidence and the CPS choose what is relevant to disclose. Again, when would the detective juggling 30 cases have the time to go through the social media history of defendant/accuser for each?

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1RecommendReply

Northern Boy Jan 20, 2018

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RecommendReply
Avicenna Jan 21, 2018
Londonderry

Because of the presumption of guilt, miasandry rules and full access to all social media is necessary to build a reasonable defense. Access should be mandatory after the allegation is made without asking permission from those who like to redact evidence such as police and CPS. Saunders is so anti-man she makes BNF racists look fair minded.

Flag

3RecommendReply
Northern Boy Jan 20, 2018

Doh!.....The defence already have access. All the suspect has to do is tell them that there is defence evidence on social media etc and give them permission to access it.

That is the entire purpose of having a solicitor or barrister. It is their job to identify that defence material.

It is incumbent upon the police to disclose unused material but not to hunt for a defence that may or may not exist.

The problem is that defence solicitors often do not want suspects talking to the police so a case can end up be built because the suspect fails to disclose what might prevent them being charged in the first place.

It might be better if we moved away from the whole adversarial court system and towards one that tried to find the factswith the police being the investigative arm of the court rather than as they are now.....part of the prosecution.

Flag

1RecommendReply
HazeR Jan 20, 2018

No-one appears to have considered that most cases of reported rape never get to trial (estimate of the latter is 37%). Factor in the numerous studies that suggest as much as 50% of rapes are not reported at all and, of all those brought to trial, only about 18% result in a conviction and we have a frightening number of women who are not believed.

Is the suggestion that these women were all lying? No outrage for those who were not or are those commenting only concerned about men who are treated unjustly?

Flag

2RecommendReply
RECH Jan 20, 2018

@HazeR I don't think anyone is saying that - at least I'm not.

In a perfect world all guilty people would be convicted, and no innocent ones. But we live in an imperfect world. In the final analysis this debate is about it being better to avoid locking up innocent people, even at the expense of guilty ones getting away with it.

If one accepts that proposition, then in a he said / she said situation it is inevitable that sometimes there will simply not be evidence, and so rather than risk an innocent being jailed, a not guilty verdict is returned - or the case doesn't come to court. One party or the other may or may not be lying - there just isn't the evidence to decide.

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10RecommendReply
Londonderry Lad Jan 20, 2018

@HazeR No, but the burden of proof is not met so not guilty is the right decision when it is one person's word against another's.

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5RecommendReply
Avicenna Jan 20, 2018
Hey Hazel

Men are innocent until proven guilty. The misandry you exhibit is worse than racism.

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9RecommendReply
PB Joyce Jan 20, 2018

@HazeR To ask rhetorically whether all the complainants are lying is really a straw man argument. It isn't black and white. Most are probably telling the truth; some are deluded; some have been encouraged by friends or family members; some are mentally ill; some are malicious liars.

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8RecommendReply
Gezobel Jan 20, 2018
@HazeR

Many women are not 'believed' because they are forced to admit they had been drinking when the alleged 'sexual assault' took place and on many occasions report the 'offence' months even years after the event ... and needless to say when any relationship with the 'offender' has ended.

If some women want to be treated more sympathetically they should behave and act responsibly. No man would be taken that seriously if he left his back door and windows open when he left the house to go to the pub and then his property was burgled whilst he was away. It's not a question of 'blaming the victim' it is a question of plain common sense!

There are bad men who rape innocent women. There are bad women who murder their innocent husbands for insurance money.

I'm afraid both men and women have to be realistic and learn to live in a world that not everyone has their best interests at heart.

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2RecommendReply
BigJim Jan 20, 2018

'No-one appears to have considered that most cases of reported rape never get to trial (estimate of the latter is 37%)'

This makes the recent South Wales Police and CPS fiasco with recovered memories/spectral evidence in the rape allegations even more inexplicable.

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1RecommendReply
Gramarian Jan 20, 2018

The consequences of a politicised CPS working hand in hand with a Momentum driven government do not bear thinking about.

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17RecommendReply
Avicenna Jan 20, 2018

Saunders is a dreadful misandrist who hoped to lock up more men by introducing presumption of guilt.

She is as damaging as the worst racists are to justice.

Police who do not share all evidence should be immediately sacked with loss of pension right, it is gross misconduct and perversion of the course of justice. All social media are necessary for defense
In he said she said cases.

Flag

22RecommendReply

Londonderry Lad Jan 20, 2018

@Avicenna No, you cannot wonder why an officer with 30 cases on the go does not have the time to sit down and trawl through the defendant and accuser's social media for the last 2 years for each case? We must increase resources or lessen their burden,

Flag

4RecommendReply

Avicenna Jan 20, 2018

The officer does not have to 'select' information, he just has to give access to all of it. No new police resources needed.

What we need is reversing the presumption of guilt based in is misandry which makes racism of the National Front look tame. Misandry is hate crime.

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Londonderry Lad Jan 20, 2018

@Avicenna You can't just 'turn over the lot', the defence would look for anything embarrassing to shame the accuser out of court. Most would drop the allegation then and there.

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1RecommendReply

Avicenna Jan 20, 2018

Londonderry

The defense needs access to all information to build a defense.

In the same way all previous convictions of the accused need to be brought up.

Transparency and candor on both sides please!

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4RecommendReply

Londonderry Lad Jan 20, 2018

@Avicenna THAT is at the discretion of the judge and only when they feel their past crime is sufficiently similar, otherwise you're just giving a dog a bad name and hanging it. You tell most rape victims that the defence will have unfettered access to their social media records and they'll drop all charges rather than have it aired in court.

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1RecommendReply

Avicenna Jan 20, 2018

Londonderry

If an accuser decides to drop their claim because their social media is damning of their character and shows their true behavioral patterns then so be it.

Flag

4RecommendReply

Londonderry Lad Jan 20, 2018

@Avicenna That's not what I mean, it would be tantamount to once again being allowed to bring someone's past sexual history into the courtroom, the internet is the one place we are all truly honest in our opinions because it is truly anonymous. A rapist should not walk free because his victim is too embarrassed to admit she has some weird fetish, or had an affair or voiced some prejudiced opinion, in court.

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1RecommendReply

Avicenna Jan 20, 2018

Hey Londonderry

In he said she said cases of course all information, including character and previous behaviour is relevant to assessing if allegations are credible or not. If those making vexatious allegations, which

seem very common, know that they cannot hide this important evidence then the justice system will be less overburdened by false and not credible allegations.

What do you think of the Kato Harris case?

<http://www.dailymail.co.uk/news/article-3716388/Ruined-195-000-legal-bill-teacher-cleared-rape-just-26-minutes-Friends-raise-money-help-former-head-geography-left-mentally-physically-crushed-troubled-teen-s-false-allegations.html>

Or Ciff Richard? Or dozens other vexatious rape cases where failure to disclose has been necessary to make a case because disclosure destroys the case?

Flag

2RecommendReply

Ruth Ramsden Jan 20, 2018

@Londonderry Lad Only things relevant to the case would be admissible. And the idea that we're only honest on the internet is demonstrably false. The amount of bullsh*t washing round Twitter would drown a small city. In the olde worlde past many cases have turned on letters and phone calls that give insight into a situation that's otherwise boiled down to he said/she said. That's the nature of evidence. Given the seriousness of the crime, the young man whose life is wrecked by a malicious allegation deserves at least a similar measure of justice as the young woman who prosecutes a rapist.

Flag

2RecommendReply

brian wright Jan 20, 2018

As a sign of how out of touch they are, the idiots in charge of the CPS and the police probably didn't even see this backlash coming. And as other people have already pointed out, even this statement by a former head of the judiciary doesn't exactly inspire confidence, with its implication that sending innocent people to jail is unimportant when set against keeping juries convinced that the system is working.

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8RecommendReply

Peter John Jan 20, 2018

I would have thought that the first concern of a Lord Chief Justice - past or present - should be whether miscarriages of justice have been and still are taking place.

The fact that his first concern appears to be whether recent events might make future juries less likely to convict is a clear indication that there is a bias in the system.

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15RecommendReply

Wanderer Jan 20, 2018

So much for an independent judiciary concerned about appearances to please their bosses. Perhaps the selection and performance criteria for judges is a factor.

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6RecommendReply

Doodlebug Jan 20, 2018

Wanderer possibly, and the jury system could also come under scrutiny.

Flag

1RecommendReply

Wanderer Jan 20, 2018

@Doodlebug Perhaps juries should be selected by an entirely separate organisation. Their voting secret and free of influence. Directions from a judge would seem to be in conflict with the independence. If jurors have no knowledge of the legal system how can they see through a case manipulated by the police and CPS.

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1RecommendReply

Beazle Jan 20, 2018

Alison Saunders, a career civil servant, was the only applicant for the post of DPP. With no professional experience she is the classic and definitive example of someone being massively out of her depth.

Flag

32RecommendReply
Avicenna Jan 20, 2018

Saunders is a misandrist and as inappropriate to be in this position as a racist who is in the BNP.

Flag

4RecommendReply
Metlo Jan 21, 2018
@Beazle so right.

Flag

1RecommendReply
RECH Jan 20, 2018
There is another worrying scenario.

These recent high profile cases have revolved around he said / she said cases where very late in the day social media material has shown that what he said is more credible than what she said. There seems a high probability that if the social media material had not become available, then miscarriages of justice would have occurred when he was convicted.

What about the cases where there actually isn't any social media material available to disclose? How many innocent people are in jail because the evidence to back up their story that consent was given just isn't there?

Given that we know revenge porn exists, are we really expected to believe that women who later regret sex will never allege rape, especially as there seems very little downside for them to do so - and they may even get financial compensation?

I don't know the answer, because the thought that rape could go unpunished is appalling, but I am pretty sure that the answer isn't to lock up innocent people.

Flag

25RecommendReply
SJR2020 Jan 20, 2018

The current debacle more or less began around the initial conviction of footballer Chedd Evans. This case hinged on the 'Victim' being so drunk at the time that she could not have given Evans consent. This conviction effectively gave women a 'Joker' to play if ever needed. And this included the 'Out of character' (or in character.....) one night stand or cheat on boyfriend or husband, the unhappy sexual experience or simple guilt. All could be removed by the single complaint of Rape to the police, who thereafter pursued evidence to prove the offence with a tenacity worthy of the Spanish Inquisition..... But apparently it transpires without consideration for what the alleged offender said, did or was encouraged or incited to do.

Surely to wilfully ignore or fail to search for the possibility of contradictory evidence must be a neglect of duty, more so when men are charged, hauled before a Court and in some cases convicted? We all agree that in sexual offences 'No' means 'No' and always should. But being unable to recall what you said, or deciding you were raped days later (this is different from systematic abuse offences) after discussing it with friends, does not necessarily mean 'No'.....

And these are the cases that need fully investigating, not the semantics of a few seconds.

Flag

18RecommendReply
Ken Broadbent Jan 20, 2018

If there wasn't a percentage of girls happy to 'cry rape' then the authorities wouldn't be in such a bind. These girls should be utterly demonised and jailed.

Flag

14RecommendReply

Mrs R Knox Jan 20, 2018

This is not too difficult to understand

Rape investigations have increased considerably

The use of social media has increased considerably

The funding of the police and cps has reduced considerably

There seems to be a lack of understanding around this.

Imagine investigating 20+ rapes at any one time. CCTV requires reviewing, phones need downloading - it is not uncommon to get 10,000+ items to view from a download, considerable amounts of material is collated that requires review.

This in the face of enormous cutbacks curtailing the police in their ability to do their job.

HM Government needs to wake up to the impact of their cuts.

Police, Prisons, CPS, Probation, Defence Lawyers all cut and all on their knees

The public get the services that they pay for.

It will only get worse

Flag

3RecommendReply

David Williams Jan 20, 2018

@Mrs R Knox I think you are missing a key point here. Cases that end up being dropped are going all the way to court at huge cost in police, CPS and defence time and effort. A proper examination of the facts early on is in everyone's interests, not least as it would avoid all this effort being wasted and free up resources for cases that do need to be pursued.

Flag

16RecommendReply

Mrs R Knox Jan 20, 2018

Unfortunately it is the complete lack of resources that cause this problem.

Also technology has moved on and so the method of gathering evidence has moved on considerably too, which means that if an alleged offence took place now, it would, by the nature of the system take about a year to get to court and then another 6 months to get to trial. In that time technology moves forward and what was not available now becomes available then. Simply put, the police do not have the resources to deal with this issue. We can all crow as much as we want about he said she said, or false allegations, or the issue of consent, but the absolute bottom line is that the police sexual offences units do not have the capacity to deal with the volume of work that exists and the public needs to understand this.

The blame lies squarely at numbers 10 & 11 Downing Street

Flag

1RecommendReply

LuckyJack Jan 20, 2018

Despite the ability of commentators here to provide an absolute answer and solution in a pithy response, rape investigation is very complex for all involved and involves high stakes. It requires sensible legislation taking account of changing human behaviour and norms. Investigators need to be knowledgeable across a range of areas while displaying sensitivity and neutrality as fact finders. There have also been grave failures in supervision and leadership in the recent cases. There are insufficient resources throughout the CJ system and these obvious failures highlight the consequences. But, that is only one element. One issue with the adversarial system is that quite understandably the defence are under no compulsion to assist with any line of enquiry. This is problematic where the only source of evidence is the complainant (not unusual in disputed consent rape cases). If a suspect is interviewed and is advised to make no comment or is not aware of the importance of information that may assist their case the CPS will only have a view from one party.

There is so much peripheral online information in such cases these days it is all too easy for such information to be missed by both sides during case preparation. There is a shortage of skills and capacity to examine large quantities of data which now feature in most cases. Lastly, from the comments it is clear that rape myths are alive and strong within the general public given many of the comments. It is simple, it is NOT ok for a man to have sex with a woman without her consent. It doesn't matter where it is, what she is or isn't wearing or whether she is sober or not, the responsibility does not pass to her by default. This message can get a little blurred for some youngsters who have been exposed to corrosive levels of online pornography. We all owe it our sons and daughters to do better than we are at present.

Flag

5RecommendReply

Martin R Jan 20, 2018

What happens when someone consents after 2 drinks and consents. Does the man have to determine her blood alcohol level for fear of her in the morning saying she was drunk and he raped her.

If 2 drinks is ok what about 3 or 4 or

What happens if he has not been there all evening to count the drinks consumed.

It is a minefield for a man who agrees consensual sex only to later be told he may now face 20 years in jail.

What is your solution to this?

Flag

19RecommendReply

Sarah Cole Jan 20, 2018

Similar situation to when the man promises undying love and has phoned several times daily for weeks - take it with a pinch of salt and expect the worst, it's what women have been doing for centuries.

Flag

3RecommendReply

Martin R Jan 20, 2018

@Sarah Cole But the woman does not end up facing 20 years in jail. So slightly different.

Or even in your example after a few unreturned phone calls the man can go to the police and accuse the woman of something and even if the man is lying he is still seen as the 'victim'.

Flag

6RecommendReply

Metlo Jan 21, 2018

@Sarah Cole If a woman gets into a car when drunk and kills a child they are treated as a criminal. If she decides to get into bed with someone she is treated as a victim. Why are women absolved from any responsibility for their actions when they are drunk and have sex, men certainly aren't.

Flag

1RecommendReply

chiamonti Jan 20, 2018

@Martin R Young men should behave like Frank Sinatra in High Society. When he took Grace Kelly to her bedroom, she being "a little better or worse for wine" he merely placed her on the bed and left her. Why? "Because there are rules about that sort of thing."

Flag

6RecommendReply

Ruth Ramsden Jan 20, 2018

@chiamonti @Martin R High Society was the first thing I thought of as well! In all seriousness, though, if the young lady has been drinking, assume, for your own peace of mind, that she cannot

give consent. Treat her like an unexploded bomb and walk away. As MartinR points out, it's not straightforward establishing how p*ssed your date may be, so unless she's eked out a small glass of wine over a couple of hours, I'd leave it for another day. Sadly all of the new rules surrounding this sort of thing assume that women have no agency, that they're not just as capable as men of demanding drunken sex. The difference now seems to be that, for some, those cringe inducing next-day-regrets are being channelled into an accusation of sexual assault. Sorting the genuine cases from the spurious has turned into another battle of the sexes. Thank God I'm not dating any more.

Flag

4RecommendReply

Metlo Jan 21, 2018

@Ruth Ramsden @chiamonti @Martin R If waking up in the morning and regretting you had sex with someone because you were drunk, is rape. Half the men in country are rape victims.

Why do our rape laws not apply regardless of gender.

Flag

1RecommendReply

RECH Jan 20, 2018

@LuckyJack I think the issue over drink is more complicated.

At the moment - to construct an admittedly unlikely hypothetical scenario - a woman could get tanked up on a couple of bottles of vodka, get in a car, hit someone without even realising it, get home and get into bed with someone. The next morning the police could arrive to arrest her for drink driving because the law assumes, however much she has had to drink, that she remains responsible for knowing when she shouldn't drive, and then arrest him for rape because she was too drunk to consent.

I don't actually know what the answer is, especially when some men spike drinks etc, but I do think that there is at least question.

Flag

14RecommendReply

Martin R Jan 20, 2018

@RECH @LuckyJack Excellent point.

All I ask for those that may not suffer the challenges men face, how would you feel if your son was falsely accused. You would fully support the woman being the 'victim' and your son being seen as the rapist.

Or your brother, father, etc.... it effects us all.

Surely campaigning for justice for all and equality in law has to be the right approach

Flag

6RecommendReply

InScents Partnership Jan 21, 2018

@RECH There's more than one inconsistency in legislation at the root of the absurd possibility of your example. If we take an example where a male and female have both willingly been using another drug rather than alcohol: ecstasy or methamphetamine for instance, wouldn't a jury conclude that the right to claim diminished capacity had been forfeited when the decision was taken to voluntarily enter into a state of impaired judgement?

We cannot have a situation in which a substance that has a powerful effect on the central nervous system is not only legal for adults, but consumption to excess is culturally encouraged, but at the same time absolve adults of responsibility for their actions while intoxicated. We don't do that for any other drug and as you point out we don't do it for any behaviour other than sexual. Why are women happy to be infantilised this way?

Flag

1RecommendReply

John Brown Jan 20, 2018

From my somewhat jaundiced viewpoin there would seem to the development of "revenge rape" in a similar fashion to "revenge porn". I hope I am wrong as if this is happening the likelihood of real rape victims getting justice will decrease and that would be totally unacceptable. The demographic of the "falsely accused" would indicate snowflake millenials are overly represented, is this an indication of declining standards of personal responsibility on both sides of the events?

Flag

15RecommendReply

David Bridge Jan 20, 2018

@John Brown John it has always been around but seems more prevalent nowadays. Many (many) years ago a friend was accused by his ex. He was carted out of the pub in the most embarrassing way. Fortunately my sister was there and allowed to go with him gave a statement which proved he could not have done it (he was somewhere else completely) the police accepted the statement investigated & confirmed it and released him 5 hours later. As the woman concerned had documented mental health issues and my friend did not want her prosecuted - she wasn't. I believe that now it is possible the statement would not be believed or investigated. The attitude seems to be the "victim" (no longer the alleged victim) is telling the truth and anything that disproves this should at best be discounted (or hidden).

This comes from the top of the CPS. Also no "victim" has been considered for prosecution for wasting police time. Rape is a foul crime which should be investigated thoroughly and fairly and victims provided justice including victims of false allegations

Flag

22RecommendReply

John Brown Jan 20, 2018

@David Bridge @John Brown I am in complete agreement with you, "alleged" has been lost and "VICTIM" has become the watchword to the denigration/detriment of justice.

Flag

16RecommendReply

R Berry Jan 20, 2018

@John Brown The other big factor here is that the woman is not named even if the man goes to trial and is acquitted.

So there is virtually no downside for a woman who wants to be malicious.

The ordeal for the accused man is considerable whether he is guilty or innocent; there will be intrusive medical examinations, imprisonment under arrest or on remand and aggressive police questioning that assumes he has committed the offence.

The CPS and police have in a number of cases been at least unprofessional and probably negligent, but they, and women who actually have suffered appalling sexual offences, would be well served if the women, who in many cases have been proved to have invented allegations, were pursued and punished for perjury and wasting police time. There are many legal experts who read the Times who might have a view on whether new legislation is needed, with appropriate sentences, to address malicious false accusations of sexual offences.

Flag

10RecommendReply

Mr Nettleford Jan 20, 2018

No one ever comments that these men's lawyers have a duty to their client to provide all evidence to the Court. But its not PC to do that! Same procedure in divorce cases. Concealment of evidence, as happened to em, is contempt of court but no one gets prosecuted for that.

Flag

6RecommendReply

A Lodge Jan 20, 2018

@Mr Nettleford What on earth are you talking about? These are criminal cases not family proceedings. A little knowledge is a dangerous thing.

Flag

5RecommendReply

Steve Hill Jan 20, 2018

@Mr Nettleford So if the police have confiscated your phone and tablet - for years - containing whatever exonerating texts, emails, and photos exist, how is the defence to do that?

Flag

9RecommendReply

Wanderer Jan 20, 2018

@Steve Hill @Mr Nettleford By repeatedly trying to get the device so it can be analysed. However this is likely to take many attempts and cost a lot of solicitors time. They will likely release it a few days before a trial perhaps after a direction by the court. One of many tricks routinely used by the police/CPS etc. to frustrate, delay, hide. Forget trying to get evidence from the accusers mobile, computer, can't do that as it could undermine the prosecution case.

Flag

6RecommendReply

Dave Balding Jan 20, 2018

Exactly Steve. Which is why there ought to be a time limit in which the prosecution must provide the records.

Flag

6RecommendReply

Graeme Harrison Jan 20, 2018

No - they have a duty to provide to the court only that evidence that assists their client. To hand over evidence that might assist the prosecution could, unless specifically authorised by their client, amount to professional negligence.

Flag

RecommendReply

Richard Marriott Jan 20, 2018

Why is Alison Saunders still the DPP? She is an insult to justice and has been since she became DPP! The woman is obsessed.

Flag

32RecommendReply

Gramarian Jan 20, 2018

A person who clearly states that there are not enough rape convictions, has all the appearance of someone who wishes to override the due process of law and its operational separation from politics.

Surely there is a better alternative to the current head of the CPS.

Flag

49RecommendReply

Yorkshireman Jan 20, 2018

It seems to me that the "rape" trials which have collapsed have all involved cases where the issue is of consent mainly in cases where " the victim" has gone willingly with a young man usually at college and drink etc and our somewhat immoral society has taken events forward. Immoral behaviour is not criminal. What I and many of my contemporaries feel, all 50 to 60 female ,is unusually pity for the young lad involved rather than the anonymous victim. Surely the answer is to decriminalise this kind

of immoral behaviour and leave the criminal law to pursue what we perceive as real rape and violence cases. This seems to have been missed in this media furore, leaving real victims at a loss. Has anyone done any research work into how many of hours are spent on police investigative work in the first type of rape case to the detriment of real victims of rape and violence.

Yorkshireman's wife

Flag

26RecommendReply

Compos Mentis Jan 20, 2018

@Yorkshireman I completely agree with this statement. My reading of these cases proves that these young men have been victimised by the accuser and the police. Criminal cases should be brought against these women. It appears to have become too easy in our society to claim rape or sexual harassment and the accuser being automatically believed. If accusers are to remain anonymous, then so should the accused.

Flag

32RecommendReply

Jaffa Cake Jan 20, 2018

Bull****. I was raped at 16 and I never told anyone because I felt it was my fault for ending up in a room alone and drunk with a rapist. I fancied him and wanted a kiss but then he turned on me, ignored my crying and screaming (loudly) in pain. He had no empathy or humanity for me. He actually got off on causing me pain. I blamed myself for 10 years until I realised that I was preyed on, 'chosen' for my vulnerability and taken advantage off by someone who was older and should have known better. I thought he was a nice person who honestly liked me, I didn't know he would turn nasty, I didn't know he was a rapist. Your comments are victim blaming and very upsetting.

Flag

3RecommendReply

Lucy's dad Jan 20, 2018

It's not victim blaming, it's women making false allegations and committing the crime of perjury or perverting the course of justice.

Flag

21RecommendReply

Steve Hill Jan 20, 2018

@Jaffa Cake Nobody's blaming victims.

But it is fair to blame people who are *not* victims who make unfounded allegations. These people are getting the benefit of far too much doubt. The system is institutionally biased towards believing the allegation without really testing it, then the whole juggernaut kicks into gear and people's lives get ruined.

I'm happily married, thank God, because these days I'd be terrified to try dating! Is that really where we want to end up?

Flag

17RecommendReply

Jaffa Cake Jan 20, 2018

@Steve Hill @Jaffa Cake we need to tell girls and women to stay away from men and never end up in a room alone with a man, no matter how well you know him or how nice he seems. if he rapes you - society will blame you. 99% of rapists never see a day in jail. Rape is effectively legal and encouraged in this society.

Flag

1RecommendReply

Steve Hill Jan 20, 2018

@Jaffa Cake @Steve Hill Dear god, you're a cheery little bundle of joy aren't you?

I shall instead continue to bring up my daughter with relatively normal ideas.

Flag

15RecommendReply

Jaffa Cake Jan 20, 2018

@Steve Hill @Jaffa Cake and then if she is raped know that she will never tell you or anyone else as on some level she will know that you blame HER for being in a room alone with a man. It's HER fault for not being a mind reader and knowing he wanted to rape her. It's not HIS fault for raping someone physically weaker than him.

Flag

1RecommendReply

Steve Hill Jan 20, 2018

@Jaffa Cake @Steve Hill She will not know that I blame her, because I would not. And she already knows I would not. She also knows she can talk to either of her parents, at any time, about anything.

Have you thought about counselling?

Flag

12RecommendReply

Jaffa Cake Jan 20, 2018

@Steve Hill @Jaffa Cake I was responding to you thinking you had made the comment "seen it all" made. It's none of your business if I've had counselling. This comment section is full of men talking about false rape accusations and victim blaming. Now I have added my voice as a rape victim, and you are telling me to seek counseling. Counseling can only do so much, these crimes should never occur in the first place.

Flag

1RecommendReply

Neil Barrett Jan 20, 2018

@Jaffa Cake @Steve Hill "Rape is effectively legal and encouraged in this society. "

Perhaps it would be less so, if many women didn't see an accusation of rape as a quick way to hurt someone and to get considerable compensation.

THEY are the ones who are hurting people like you.

Flag

10RecommendReply

Jaffa Cake Jan 20, 2018

@Neil Barrett 99% of rapists never see a day in jail. That has nothing to do with a minority of women making false rape accusations. The notion of false rape accusations is blown all out of proportion. False accusations are no higher for rape than any other crimes, but societal perception is that women lie about rape. This feeds into the current situation which is that 99% of rapists get off scot free. What's more, they know this is the case. They know they are free to rape at will. Rapists are a minority of men but they are repeat offenders. It's a disgrace.

Flag

2RecommendReply

island voice Jan 20, 2018

@Jaffa Cake @Neil Barrett How do you do a false accusation for GBH..? fake a broken arm?

Flag

1RecommendReply

Jaffa Cake Jan 20, 2018

@island voice @Jaffa Cake @Neil Barrett the same should be true of rape. Rape victims present to hospitals bruised and bleeding, the most sensitive parts of their bodies violently attacked - but somehow men are allowed to inflict these injuries if they claim that she was "asking for it".

Flag

2RecommendReply

island voice Jan 20, 2018

@Jaffa Cake @island voice @Neil Barrett That wasn't what I asked

Flag

2RecommendReply

Steve Hill Jan 20, 2018

@Jaffa Cake @Steve Hill I lived for 28 years with a psychotherapist, and your posts genuinely suggest you might benefit from some help in moving on.

Believing that girls and women should never, ever be alone with any man is more than a little dysfunctional. And frankly degrades any point you may be trying to make. If you have a point at all.

Flag

13RecommendReply

Jaffa Cake Jan 20, 2018

@island voice a false accusation of GBH would be where you claimed someone maliciously and purposefully injured you, when in fact you had started the fight by punching someone but were basically weak and then the other person caused more damage in response as he is stronger.

Flag

1RecommendReply

Martin R Jan 20, 2018

Oh dear

Flag

4RecommendReply

Jaffa Cake Jan 20, 2018

@Steve Hill @Jaffa Cake I don't believe that women should never be alone with a man. I have a loving boyfriend. I have work colleagues. I have many male friends. It was an argument in response to claims that it's a girl's fault for being raped if she ended up in a room drunk and alone with a man. I'm sorry that you're unable to grasp such nuance. I'm also sorry you're being a passive aggressive w*****. I've admitted to something deeply personal on this thread and you're not responding to me with any compassion at all.

Flag

RecommendReply

Heather Jan 20, 2018

@Jaffa Cake @island voice @Neil Barrett

'Rape victims present to hospitals bruised and bleeding, the most sensitive parts of their bodies violently attacked - but somehow men are allowed to inflict these injuries if they claim that she was "asking for it".'

No men are not allowed this at all. You are wrong. And not a little obsessive.

Flag

7RecommendReply

Dave Balding Jan 20, 2018

I think your statistics are skewed by your experience.

The majority of men are not rapists. But there are plenty who are.

Flag

3RecommendReply

Mike TC Jan 20, 2018

@Jaffa Cake You should seek counselling - you clearly have emotional and psychological issues. Flag

6RecommendReply

Londonderry Lad Jan 20, 2018

@Jaffa Cake @island voice @Neil Barrett No they do not, if they did prosecutions would be very easy, most women are not injured as a result of rape or sexual assault, he said, she said and often reported long after.

Flag

1RecommendReply

seen it all Jan 20, 2018

@Jaffa Cake It was still your responsibility not to get drunk and any well brought up girl should be aware that entering a room for the purpose of a kiss may lead to sex.

Flag

7RecommendReply

Jaffa Cake Jan 20, 2018

@seen it all so any girl should expect any man to rape her? it wasn't sex, it was rape. I was crying and screaming in pain and he was aroused by that. Does that sound like sex to you? Is that how you have sex?

Flag

3RecommendReply

Graeme Harrison Jan 20, 2018

Presumably whether the woman in question wants it or not.

Flag

RecommendReply

seen it all Jan 21, 2018

@Jaffa Cake @seen it all No they should not but entering a room for the purpose of a kiss does sound a little OTT. After all kissing is acceptable in public now days. We are in the 21st Century.

Flag

RecommendReply

Attrix Jan 20, 2018

@Yorkshireman Probably the most sensible comment on the topic, Yorkshireman's wife.

Flag

6RecommendReply

Yorkshireman Jan 20, 2018

Thank you.

Yorkshireman's wife

Flag

RecommendReply

Wanderer Jan 20, 2018

@Yorkshireman It seems there must be better ways of dealing with lower level matters outside of the legal system. Resources should be directed to provide neutral support and education free of lobbyists doctrines. Long term this is surely a better way of working. The cost of prosecutions is huge and involves some very well paid barristers and judges. They frequently complain that they don't have enough time but don't ask should they be spending the time on it in the first place. These funds should be better used in education and support. The notion that convictions help people lead better lives or protects us is a well analysed falsehood. Look at reoffending rates, understand the wider taxpayer burden in housing, unemployment. However while the Commons and Lords are over represented with members of the legal profession such as the former lord chief justice Lord Judge the existing structures and principles will remain. Politicians have made numerous changes to laws and procedures: for domestics/rape etc. guilty on accusation, targets, LAA rates and access, limiting appeals have created a perfect environment for secret, biased, shoddy police work to go unchecked. There needs to be a away of evaluating how to deal with the range of issues from the

unpleasant to the horrible but we are letting the structure be controlled by those operating the system.

Flag

1RecommendReply

Nick Tilley Jan 20, 2018

If we accept that society has been perverted to accommodate the views of lobby groups promoting a view that all males are rapists and females do not instigate domestic violence, these will be prevalent in both the police and CPS, which with limited resources and pressure from politicians will be inclined to fail to find or provide extenuating evidence for the defence.

We have set up a culture, particularly in relationships that sees malice particularly on the part of males, everywhere. That is clearly absurd and exemplified by those on MeToo who really can't distinguished flirting and a bad date from sexual harassment and assault.

Life is not black and white but an infinite set of shades of gray, extremes are unacceptable, realistic judgement of intent required at all points in between.

Flag

32RecommendReply

Anthony Groom Jan 20, 2018

People don't like doing gray, particularly some of the more extreme female lobby groups who prefer to think in black and white terms.

Flag

16RecommendReply

Graeme Harrison Jan 20, 2018

Either someone consents to sex or they don't. Looks pretty black and white to me.

Flag

RecommendReply

Anthony Groom Jan 20, 2018

You've clearly led a sheltered life.

Consent is sometimes implicit and it's not black and white.

Flag

6RecommendReply

Mike TC Jan 20, 2018

@Graeme Harrison No - sex between two people is normal. It only becomes criminal if consent is withheld and therefore the onus is upon the female to say no rather than on the male to procure consent.

Flag

2RecommendReply

AOT Le Snarque Jan 20, 2018

@Anthony Groom Not to mention the more extreme men's groups and individual men who eagerly endeavour to invalidate all female accusations of rape ("what was she wearing?"-"what was she doing out at night on her own?" - "was she drunk or drugged?"- "we can't let a young man's life be ruined for one silly mistake", etc. etc.).

Of course, when a young man is raped, their attitude is somewhat different.

Flag

RecommendReply

CeeDee Jan 20, 2018

@AOT Le Snarque @Anthony Groom There was a case in the west of Scotland where the defence barrister held up skimpy knickers and asked the complainant if she had worn similar on the night of her claimed rape. The sheriff asked how that was relevant, to which the barrister claimed it would show her state of mind on her night out. The sheriff said no more, sadly he didn't see fit to order the

barrister to reveal his underwear to the court so that the jury could get an idea of the state of his mind. Very sadly the lassie took her life not long afterwards.

Flag

1RecommendReply

Anthony Groom Jan 20, 2018

Some rape accusations are true and some aren't .

That's why it isn't a black and white issue.

He said, she said

Flag

RecommendReply

Compos Mentis Jan 20, 2018

@Nick Tilley We should also take responsibilities for all our actions. Hollywood loves sexualised films, with men and women apparently happy to participate in these distorted views of reality. We have to accept that we are animals, and mating behaviour - flushed cheeks (using blusher), full lips, (botox, lipstick), displayed cleavages (push up bras, low cut tops) etc etc etc are all classic mating displays, and likely to attract mating behaviour. Non-consensual sex - rape - is absolutely the responsibility of the rapist - male or female, and sexual harassment should be a crime, but if anyone displays mating signs or behaviour, they are likely to be chatted up, eye-balled, whatever you would like to call acceptable mating behaviour

Flag

2RecommendReply

AOT Le Snarque Jan 20, 2018

We also need to educate our youngsters better, teach girls to be firm when saying no and teach boys a few manners. In connection with the latter, I'm thinking of the Cheryl James case, where although the girl had consented the two young men treated her so badly after sex that she came to believe quite genuinely that she had been raped and ended up committing suicide. I'm glad the young men were acquitted and equally glad that the judge gave them a b*****g that had them both in tears.

Flag

9RecommendReply

Compos Mentis Jan 20, 2018

@AOT Le Snarque And teach men and women to be responsible for their actions.

Flag

10RecommendReply

Jaffa Cake Jan 20, 2018

We need to teach young girls that men are dangerous and to stay away from them. They grow up thinking 'sexy is cool' and then are preyed upon.

Flag

1RecommendReply

Lucy's dad Jan 20, 2018

So are women, your comment is sexist in the extreme.

Flag

8RecommendReply

Heather Jan 20, 2018

@Jaffa Cake

'We need to teach young girls that men are dangerous and to stay away from them.'

We don't need to teach girls that at all.

Flag

4RecommendReply

Sean Harrington Jan 20, 2018

“We need to teach young girls that men are dangerous and to stay away from them”. I can’t believe that comment got a recommend.

Flag

6RecommendReply

Michael Stringer Jan 20, 2018

@AOT Le Snarque And teach girls that it is not rape if he loses interest in you after a sexual encounter.

Flag

14RecommendReply

Graeme Harrison Jan 20, 2018

And teach men it’s rape if she loses interest but they keep humping away despite being told to stop.

Flag

3RecommendReply

AOT Le Snarque Jan 20, 2018

@Michael Stringer @AOT Le Snarque Provided he makes his intentions clear at all times- that this is a one-night stand- I don't have a problem with that. And, of course, that he shows some sensitivity at the time of separation (see my comment above re the Cheryl James case).

Flag

RecommendReply

NombaNinshi Jan 20, 2018

Rape is hideous, cowardly, appalling damaging and deserving of the most serious of penalties available under law. Worboys for example should never be released in my opinion.

It is precisely because rape is such an appalling crime that false accusations of rape are in themselves also so appalling.

We seem unable these days to walk the middle path or reason, rather everything must be black or white, binary, for us or against us.

The loathsome activities of people such as Saville were ignored and even condoned when they should have been acted against and Saville punished, discredited and locked up for a long time. The right response to this should have been to review the entire process to ensure easier access to justice for those accused, comprehensive and proportionate investigations and trials, while maintaining the presumption of innocence we are all entitled to until proved otherwise in court.

Instead the response was a visceral jerk in the other direction, seeking to root out perceived sexual predators regardless of actual guilt. Thankfully Yew tree caught some genuine offenders who have rightly been excoriated and imprisoned. However as we also know, police have taken action against people based on highly flawed witness accounts and carried out damaging and apparently malicious actions against people for whom no case could be made.

We have also had a number of cases of allegations of rape where the accused is named from the outset, to suffer pre-trial vilification and agony. The outcome of some have been that the allegations are shown to be false, but the alleged perpetrator is still named, while the accuser remains anonymous and is still described as a victim.

It is very good that we have pulled the lid off the murky sewage barrel of the activities of some people in public office, or in show business. It is right and proper that they should be subject to due process of law. What is not right and proper is the abandonment of the presumption of innocence, what is not right and proper is the trial by social media, what is not right and proper is the grandstanding of celebs towards people they have happily worked with in the past but now are

pandering to the chatterati by throwing out explicit and implicit accusations that cannot be answered.

If we continue to lose sight of our core principles - innocence before the law for example - that were hard fought for and valued by our ancestors, then we will create a breakdown in law and order, equity, decency and fairness. Social media has turned us into nothing better than a baying medieval mob. Reason must prevail, not emotion and grandstanding. Due process protects the innocent and society; without it we are lost.

Flag

42RecommendReply

Nigel Benson Jan 20, 2018

Your paragraph 6 sums up everything I've said about the system that stinks. I'd love someone to give me a cast iron justification for this disgusting state of affairs. Funny - not - that the women's lobby disappear without comment as soon as the man is found innocent. As I've often said, I wonder how they'd feel if the then not guilty with a trashed life was their brother or father.

Flag

13RecommendReply

Gezobel Jan 20, 2018

@Nigel Benson

Totally agree ... but it's not just the women's lobby but, much more worryingly, it's our politicians who are in complete thrall to it.

Yesterday they spent hours discussing the Parole Board decision in the Worboys case. That is fine in itself.

Yet no apparent concern or even mention of at least three cases of young men being brought to court on false rape charges simply on the accusations of anonymous and untruthful women.

I find it truly alarming that our representatives in Parliament seem prepared to ignore such glaring injustices preferring instead to sacrifice innocent young men on the devilish altars of Feminism and Political Correctness presumably in an effort to gain some personal political advantage in the process.

Flag

17RecommendReply

Nick Reay Jan 20, 2018

If rape trials become a question of he said, she said - and the jury just decide on who they like best - with of course the proviso that the accuser walks free if the case is rejected - we will truly be back in the days of the medieval witch hunts.

In practice, men will avoid any social contact with women for fear of being accused - and their lives effectively ruined.

Or perhaps we will all join Islam, which prohibits any social contact between unmarried men and women.

Of course the women will have to wear the hijab - perhaps they can then all use the #metoo hashtag to confirm their solidarity.

Flag

10RecommendReply

Neill Macklin Jan 20, 2018

Missing from this round of the totally dated implementation of the 2003 Sexual Offences Act is the question of anonmity for the 'false' accusers.

In these four recent cases the individual should be named so that they can suffer some of the indignity they have forced upon those subsequently found innocent or whose alleged crime fails to stand the evidential test, however poorly that was first applied.
That's justice, if anyone in the Judiciary or Government is listening.

Flag

23RecommendReply

seen it all Jan 20, 2018

@Neill Macklin More than that, they should be placed on a public register, similar to paedophiles, so that the innocent men are able to be pre-warned.

Flag

7RecommendReply

FJR66 Jan 20, 2018

These recent cases highlight a disturbing and worrying trend which is being perpetrated by the liberal left and too some extent hardcore feminists which if allowed to continue will end in a very unjust society. What we are seeing too often now are cases where if you are male and accused of a sexual crime you are considered guilty until proved otherwise.

Alison Saunders certainly takes this position with rape cases but we are also seeing this behaviour from many politicians, people in senior or influential positions and supported by some in the media with many of the sexual harassment cases. If allowed to continue unchecked society starts to lose confidence in the system and eventually will rebel. And the sad thing will be the real victims of sexual crime in whatever form will not see justice and the perpetrator properly punished.

Flag

23RecommendReply

Christopher Sheldrake Jan 20, 2018

@Fiona Rowe

I am afraid that we are already there, Fiona.

In rape cases, the CPS and the Police have now completely abandoned the concept of innocent until proved guilty. The refusal of politicians to even consider granting anonymity to the accused is further evidence, if any were needed, that the establishment is conspiring against men under pressure from radical feminists and the political correctness brigade.

The latest comments from the deeply unimpressive Alison Saunders just go to highlight the fact that the CPS clearly does not want the Police to properly investigate the social media of accusers for fear of reducing the number of rape cases it brings to trial.

Despite what Saunders says, it is extremely likely that there are one or more innocent men languishing in prison for rapes that were, in reality, consensual sex. I don't think she cares one jot about possible miscarriages of justice where the "crime" is a sexual assault against a woman.

In the meantime a proven serial offender like Worboys is going to walk free after serving a derisory sentence for his many crimes.

Is this Justice ?

Flag

20RecommendReply

Wanderer Jan 20, 2018

@Christopher Sheldrake @Fiona Rowe I understand it is not only in rape cases that the CPS and the Police have abandoned the concept of innocent until proved guilty. Also some people/groups are not inclined to cast the first stone perhaps because they don't consider the events a crime so they

themselves become vulnerable. So while the police appear to have become zealous about rape accusations there are issues such as psychological abuse which they refuse to address. This is arbitrary justice selected, manipulated.

Flag

RecommendReply

AOT Le Snarque Jan 20, 2018

Rape cases should not be tried by jury, but by a bench of specially trained judges. There are too many foolish myths current in the minds of many of the general public and it would also keep the police up to standard as such judges would be more adept at spotting inadequate police work.

Flag

7RecommendReply

Martin M Jan 20, 2018

@AOT Le Snarque

Juries are the only safeguard in a deeply flawed system. "Specially trained" = ignore reasonable doubt, in order to get the conviction rate up?

Flag

13RecommendReply

AOT Le Snarque Jan 20, 2018

"Specially trained" in this case means not only well-versed in the law but trained in medicine and psychology and aware of the facts concerning rape. Unlike many of the general public, who tend to sympathise far too easily with the accuser or the accused - see the comments under any ToL article relating to the subject.

Flag

3RecommendReply

Graeme Harrison Jan 20, 2018

@AOT Le Snarque And where are all these 'specially trained' judges, well-versed in law, medicine, and psychology (whatever well-versed means in that context) to come from?

There's already a recruitment crisis in the judiciary and effectively reducing the number of judges by making them sit 'benches' will only make the current insufficiency worse.

Flag

2RecommendReply

AOT Le Snarque Jan 20, 2018

That's another issue entirely, and sadly I have to agree with you.

Well-versed in medicine would mean informed of the mechanics of rape, the nature of the evidence yielded by rape kits and the potential medical consequences for the alleged victim.

Well-versed in psychology would include awareness of the motivations and behaviours of serial rapists and false accusers, as well as of the fact that neither looks, age or clothing are of any relevance in determining whether an alleged victim actually is a victim.

Flag

RecommendReply

Graeme Harrison Jan 20, 2018

"Informed of the mechanics of rape" - what the hell does that mean?

As for the rest of your post, that's already part of judicial training and it's open to defence counsel to raise them before the jury.

What your post is actually about is scrapping jury trials for sexual offences in the hope that somehow you'll end up decisions that fit with your views on these issues.

Flag

2RecommendReply

AOT Le Snarque Jan 20, 2018

@Graeme Harrison "The mechanics of rape": knowledge of what physically happens in the event of a rape, and in particular of what can and cannot happen (I live in France, and many people took

Dominique Strauss-Kahn's side by insisting that he would not have been physically able to do what he did to the Sofitel chambermaid).

My post is actually about ensuring that anyone called upon to issue a verdict in a rape trial knows what they are talking about and is not swayed by silly myths.

Flag

RecommendReply

CeeDee Jan 20, 2018

@AOT Le Snarque @Graeme Harrison Well your last paragraph suggests that jury trials should cease, yet the various legal systems in the UK, but especially the common law system applicable in England, are held on the principle that an accused is tried by their peers.

Flag

RecommendReply

Heather Jan 20, 2018

@AOT Le Snarque

Who is going to decide on the training, and who is going to select those to sit on the bench?

Flag

1RecommendReply

AOT Le Snarque Jan 20, 2018

@Heather @AOT Le Snarque Other judges, as well as any experts involved in the special training.

Flag

RecommendReply

CeeDee Jan 20, 2018

@AOT Le Snarque @Heather But that is why both prosecutors and defence are entitled to call expert witnesses to give their professional opinion for the benefit of both the judge and the jury.

Flag

RecommendReply

Newminster Jan 20, 2018

Jon Savell, Surrey police's head of public protection, admitted yesterday that flaws in the Mears investigation included a detective failing to "examine the victim's digital media ...

Let's think about this for a minute.

For a start, Mr Savell could stop using the word "victim" in this context unless he is talking about Mr Mears who is in reality the victim here. The word he is looking for is "complainant". The accuser remains a complainant until the accused has been found guilty of an offence against her. Only at that point does she become a "victim" — at least in the eyes of the law, and it is "the law" with which police are supposedly concerned.

Next, can we please consider the adage "justice delayed is justice denied". 50 years ago the decision whether or not to prosecute and for what precise offence lay very largely with the local police inspector.

If that situation had still applied, Ben Stokes and his antagonists would either have been cautioned and released or charged with whatever the inspector's reading of the evidence thought appropriate — affray, assault, breach of the peace, ABH, GBH, you name it — and they would have appeared before a magistrate the following morning and the matter probably disposed of then by means of a fine, jail sentence, binding over.

Or a not guilty plea would have had a trial date set and the whole thing would have been over and done with by Christmas at the very latest.

As it is this relatively simple case has needlessly clogged up the CPS bureaucracy for six months with no end in sight while rape cases are not properly investigated because the CPS and the police don't have the staff or budget to get the genuinely serious cases right.

And Stokes (and fellow-accused, and accusers) see no justice in sight while rape accused are having to put their lives on hold for two years or more.

The system worked when the inspector decided and passed to the DPP the cases that were too complex or too serious. Is the fact that it worked the reason it was changed? Sometimes you wonder!

Flag

19RecommendReply

keith gibson Jan 21, 2018

@Newminster It's a simple idea that police have 100 days to bring a case to court, (or some other number) or the defendant walks. I think Scotland uses this and people are not remanded on bail for years.

Flag

RecommendReply

Peter Smith Jan 20, 2018

Lady Justice has been assaulted. Her sword lies broken in the gutter. She used her blindfold to staunch the wounds to her back. Police are seeking an elderly woman carrying a stolen balance who was seen scuttling towards CPS headquarters. Any witnesses who come forward will be stitched up as nonces.

Flag

14RecommendReply

Graeme Harrison Jan 20, 2018

@Peter Smith If you're talking about Lady Justice at the Bailey, she doesn't have a blindfold.

Flag

RecommendReply

Peter Smith Jan 20, 2018

@Graeme Harrison @Peter Smith

I meant of course the allegorical personification of Lady Justice who does have a blindfold. The statue at the CCC does not, and there are holes in her balance.

Flag

2RecommendReply

8031 Jan 20, 2018

Those making false accusations must be named and prosecuted. As it stands, there is no justice for those falsely accused of rape in this country.

Flag

49RecommendReply

Anthony Groom Jan 20, 2018

It's been said better a thousand guilty men go free than one innocent man imprisoned. Better still the guilty incarcerated too.

Flag

12RecommendReply

Man on the Street Jan 20, 2018

While the New Labour was in power, laws governing rape and conviction were very seriously tampered with when it was decided that every allegation of rape is to be believed and the complainant treated as the "Victim" and the man who was complained against treated as a rapist until it is proved otherwise. The axiomatic presumption under law that defendant is not deemed guilty until a courts find his to so was abandoned. Also, the life-long anonymity for the complainant given in this time made malicious complaints a cost free exercise.

Also there has been excessive pressure to "Improve conviction rate" where the conviction rate is determined on the assumption that all complainants are truthful.

All this has led to where any person with a modicum of judgement would have foreseen. The Police, the DPP and the rest of the authorities found it convenient to ignore their legal duty to be

neutral and objective and took it upon themselves to (very conveniently) ignore any evidence that exonerated the defendant. Many young men's good name and careers were trashed because of complaints that were blatant lies. Such complainants went scot free.

Now the chicken are coming home to roost. That does not help women who are genuine complainants. The so called reform since 1997 has not help them but those who are malicious or unable to accept for whatever their reason may be that they consented.

It is time to revisit this whole area and bring some objectivity and justice instead.

Flag

54RecommendReply

William Clark Jan 20, 2018

@Man on the Street This also true of the Race Discrimination Act introduced under Tony Blair. A crime is committed if someone merely "thinks" discrimination has taken place. No evidence is required, and therefore there is no possible defence. This is all a very slippery slope.

Flag

8RecommendReply

Peat Jan 20, 2018

If the number of people making false claims reduced, the police might have more time to investigate thoroughly the real claims. There is, at present, absolutely no apparent deterrent for making a false claim and thus ruining another person's life.

Flag

37RecommendReply

Neil Barrett Jan 20, 2018

@Peat Whereas the going rate encouraging them is apparently about £20,000?

Flag

3RecommendReply

Hem Laljee Jan 20, 2018

The problem is that there is not much Police on the front line and have hardly any time to look into the details of complaints. We have one Police Constable allocated to our village. We hardly see him. He comes one day week to report to the Parish Council. What do the Police Commissioners do? We can not blame the CPS but it is the Government which actually allocates the number of Police.

Flag

6RecommendReply

Turnbacktime Jan 20, 2018

Surely confidence in the justice system in all types of trials is being undermined by this incompetence not just sex related trials. If the problem is incompetence or lack of resources, rather than just an overwillingness to get rape convictions, it will be impacting more than just one type of case.

I did jury service many years ago, and was stunned by the number of jurors who were unwilling to believe anything presented by the prosecution no matter how cut and dried it was. I can only imagine that the situation is getting worse.

Saunders has to go. Her leadership is non-existent and she seems to have her head stuck firmly in the sand if not somewhere else. Of course there are innocent men in prison, just as there are guilty men who go free. Get real woman, or get out.

Flag

22RecommendReply

Angela Barratt Jan 20, 2018

@Turnbacktime

When I did jury service I was stunned by the jurors who thought that what they had seen on TV crime dramas was true to life and were confused by evidence that contradicted those perceptions.

Flag

6RecommendReply

London Resident Jan 20, 2018

Alison Saunders should resign. She sets the tone from the top and her personal campaign was to increase the number of rape convictions. That campaign has, in no small part, led to cases being brought to trial that lacked sufficient evidence (and in some cases had evidence totally undermining the prosecution case).

As a result some men have been put through terrible ordeals and the public trust in the judicial system shaken.

Her statement that there are no innocent men in prison is utterly crass. There will be inevitably a few innocent men in prison, sadly, as justice isn't perfect.

Imagine a logically similar statement claiming that if the trial doesn't result in a conviction then the accuser is obviously a liar. The person saying that would be hounded from their job.

Flag

61RecommendReply

Thecaveartist Jan 20, 2018

She is clearly a flawed character if she believes there are no innocent men in prison. Unless she just believes that all men are guilty of course.

Flag

13RecommendReply

London Resident Jan 20, 2018

@Thecaveartist Either way it is a totally absurd statement. Imagine a senior male public official who claimed that only a certain number of rapes occurred because only a certain number of perpetrators are convicted. Therefore, if your abuser hasn't been prosecuted then you weren't raped.

His career would be toast before you could say "Guardian front page". Yet Saunders somehow stays in her role.

The graph printed in this article shows you all you need to know. Anyone familiar with stats will tell you that something is going wrong with the data collation or qualification.

Flag

11RecommendReply

Seasider Jan 20, 2018

@London Resident "There are no innocent men in prison". I am surprised she didn't add "and there are no guilty men walking the streets".

Flag

1RecommendReply

Peter Iden Jan 20, 2018

Once the police name someone they cannot be allowed just to drop the case. There must be an apology, a declaration of innocence and compensation paid. Power must come with a responsibility not to abuse it.

Flag

41RecommendReply

seen it all Jan 20, 2018

@Peter Iden and the complainant prosecuted.

Flag

8RecommendReply

LLE Jan 20, 2018

For those crying "waaa the police and CPS are underfunded" (which has nothing to do with failure's highlighted by the trial Judge) criminal defence advocates are the one's who are really under the cosh doing this type of work.

Legal aid rates are pitiful, and firms are closing as they can't eke out a living.(do not confuse commercial lawyers fees to those doing legal aid criminal advocacy).

Google the rates paid by the LAA for representation at both the police station and magistrates/crown court for such vitally important assistance.

Remember it could be you. Anyone can have an allegation made against them resulting in police interview and possible custody. I work in leafy Surrey doing this stuff, and the amount of middle class people, who have never been arrested before, falsely accused, would surprise you.

Flag

26RecommendReply

C J Delmege Jan 20, 2018

" Ms Saunders had said that police need not check social media accounts fully .." That explains a lot. The woman has no credibility and must go. Now.

Flag

66RecommendReply

LLE Jan 20, 2018

As I have to deal with the thoroughly incompetent Surrey Police fairly often, (as an advocate not a defendant) I am glad they have been censured by the trial Judge. I'm hoping their appalling tactics with regards domestics/sexual offences will be reviewed, but I won't hold my breath...

Flag

30RecommendReply

Vicious Hippo Jan 20, 2018

I would say the fault lies mostly with those making false accusations of such a life changing nature. Some examples need to be made of, or it will just continue.

Flag

65RecommendReply

LLE Jan 20, 2018

@Vicious Hippo

In all my time in representing those arrested at police stations, I have only ever dealt with one female suspected of making a false accusation for Rape. She was given a caution for wasting police time. The accused spent 6 months on police bail, and 19hrs in the police station..

Flag

24RecommendReply

LLE Jan 20, 2018

@Vicious Hippo

Furthermore I was banned from the graun for making this same point! Thank you The Times for allowing me to say this on here!!!!

Flag

22RecommendReply

Ed R Jan 20, 2018

LLE

Really? The Graun banned you for saying that? That is quite disturbing.

Flag

RecommendReply

Crowbar Jan 20, 2018

That rise in sexual offences is alarming. I cannot believe this country has suddenly become more sexually deviant. So either women are reporting more than before or the data is wonky.

Flag

11RecommendReply

Heather Jan 20, 2018
@Crowbar

I suppose there is more publicity. It's not to do with the compensation, I'm sure.

Flag

1RecommendReply
Saint John Jan 20, 2018

The police numbers have been reduced and reduced so they don't have enough people to do their job properly .

A cps caseworker gets about £25 grand - you don't get clever enough people for this work at that rate of pay .

Those who castigate these services are the same people demanding endless cuts In Public spending . Those cuts are causing these evidential problems .

Flag

10RecommendReply
Mark Eltringham Jan 20, 2018

They may be a factor but this is the consequence of policy.

Flag

14RecommendReply
Ytongs Jan 20, 2018

@Saint John "...Ms Saunders had said that police need not check social media accounts fully ..." And she gets considerably more than £25K.

Flag

17RecommendReply
Peter Iden Jan 20, 2018

@Saint John Even if you are under pressure, there is a choice. Do you name and charge an innocent person based on zero evidence, or do you wait until you have some evidence that a crime has been committed.

Flag

8RecommendReply
Saint John Jan 20, 2018

Imagine a women has made the complaint . Your bosses say you must assume she is telling the truth and the head of the the cps measures succes by convictions not finding the truth . Convictions will get you reward and promotion . Finding someone innocent will not.

Against that background what is the overworked person who is not senior be most likely to do ?

Flag

20RecommendReply
Steve Hill Jan 20, 2018

Without commenting on individual cases, it appears that the problem in short is that police and prosecutors have withheld evidence which exonerates defendants, e.g. digital evidence that they enjoyed perfectly normal, affectionate relationships with the complainants.

So to some degree it appears we are dealing not with "victims" but with people making unjustified "revenge complaints", perhaps after some falling out.

I have no time for victim-blaming, but if they are not actually victims we are dealing with some extremely malicious people who have caused considerable distress, cost and hardship, and have wasted huge amounts of police and court time.

Perhaps one or two of them should be prosecuted, to encourage the others.

Flag

78RecommendReply

lanesmarsbar Jan 20, 2018

@Steve Hill Yes. If the statement made by the complainant (NOT 'victim' unless there is a conviction of the accused) is so unreliable that the case is not even strong enough to put before a jury, then there must be a prima facie case that the complainant, in making such a statement, has committed an act tending to pervert the course of justice. The CPS should be as zealous in pursuing this as hounding the originally accused, authorise a charge of the complainant, and mount a prosecution. The current one-sided view of justice in these cases, which appears to have been Ms.Saunders' flagship policy, cannot be tolerated any longer and she should go, now.

Flag

13RecommendReply

Christopher Sheldrake Jan 20, 2018

@lanesmarsbar @Steve Hill

No person should face a charge for making a rape complaint unless it is found by the Police to be clearly malicious, in which case the offence is wasting police time.

However after an accused is found not guilty, and there has been clear contradictory evidence produced, the accuser should in normal circumstances be tried for perverting the course of justice and sent to prison. In practice this almost never happens and that is the problem.

Flag

11RecommendReply

Steve Hill Jan 20, 2018

@lanesmarsbar @Steve Hill Many years ago I worked at the Official Receiver's office. When we took statements from people who had gone bankrupt, we first asked them to sign a declaration to the effect that their statement was governed by the Perjury Act and that criminal penalties would ensue if they made any false statements. We asked them also to confirm they understood exactly what that meant.

Then we took their statement.

I am not sure what the police procedure is, but some sort of system making complainants at least take a deep breath before going ahead would appear to be necessary.

Flag

3RecommendReply

lanesmarsbar Jan 20, 2018

@Steve Hill @lanesmarsbar That warning is on every formal statement the police take.

Flag

1RecommendReply

CeeDee Jan 20, 2018

@lanesmarsbar @Steve Hill "This statement (consisting of _ page/s and signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true."

Flag

RecommendReply

CeeDee Jan 20, 2018

@lanesmarsbar @Steve Hill Ms Saunders has claimed that many false accusers have been severely punished, however she refuses to disclose numbers or punishment.

Flag

1RecommendReply

Angela Barratt Jan 20, 2018
@Steve Hill
Don't you mean **discourage**?

Flag

1RecommendReply
ModCon Jan 20, 2018
@Steve Hill
Think you meant to discourage others.

Flag

RecommendReply
Richard Ambler Jan 20, 2018
The failure to disclose evidence by investigating officers and poor scrutiny by the Crown Prosecution Service is only part of what will undermine rape trials. What does this do for the credibility of women alleging these offenses in the first place?
The fact that many women seem to be willing to put an innocent ex-lover through years of hell, whilst on bail, is bad enough. But they are also apparently comfortable seeing this to its logical conclusion, with them receiving a long prison sentence and a lifetime of the sexual offenses register, effectively ruining their lives.
We hear from feminists and the media that few women falsely allege these crimes. How they can know this without their cases going to trial (and when they do there are few convictions) I don't know. But recent evidence suggest there are many such women. This is a very frightening thought. Shame on them.
He'll hath no fury?

Flag

50RecommendReply
Christopher Hume Jan 20, 2018
Ladies and Gentlemen, a little taster of things to come if Corbyn and Co get hold of the levers of power. I think some proper scrutiny of the 'evidence' from Labour needs to take place during the next election. He and they got away with it last time, with a free pass from the media and a shockingly complacent Tory campaign. This is exactly the sort of agenda led perversion we can expect to see across our public bodies and wider society. Objectivity and truth are not easy bed fellows for people with a 'cause'.

Flag

14RecommendReply
Martin R Jan 20, 2018
Where are the Feminists helping their cause by also objecting to this situation. Or is this reserved only when the woman is the 'victim'?

Flag

18RecommendReply
Christopher Hume Jan 20, 2018
@Martin R. The truth is this is terribly damaging for all. In the week when we've seen a justice system see fit to release the wicked John Warboys, we also see this outrageous affront to human decency. Persecution of innocent people on the 'say so' of another is wicked and barbaric. Rape case such as the ones we are referring to require sensitive, considerate, but above all impartial investigation. Even a whiff of bias or agenda led thinking has to be avoided, if the justice system is to be credible and respected. I think Alison Saunders, from what I have seen, appears to place a lower priority on probity than she does on achieving her ideological goals. That is completely unacceptable in any responsible position, but in a DPP should be sanctionable. She should certainly be investigated properly and if this is shown to be true, removed from office.

Flag

24RecommendReply
Philippa Thomas Jan 20, 2018

I am a feminist therefore believe that all men and women should be treated equally. Anyone making false accusations of rape or sexual assault need to be held to account. This isn't a feminist issue, this is a failing in public service.

Flag

24RecommendReply

LLE Jan 20, 2018

@Philippa Thomas

If you read the graun, commentators will tell you that there is rape/violence against women epidemic and only the most draconian laws will do (funnily enough underclass criminality, and bogus asylum seekers are given a pass). Pretty sure they declare themselves feminists..

Flag

8RecommendReply

Martin R Jan 20, 2018

I agree with you. The more that this view is supported the better for everyone.

Flag

1RecommendReply

David Harris Jan 20, 2018

The incidence of reported sexual misdemeanours has risen because, even when the accused is found not guilty, the accuser is never named, if you have a problem with a former male acquaintance, get your revenge by making an accusation against him, you're bullet proof.

Flag

94RecommendReply

R Ward Jan 20, 2018

I agree and would go onto say that surely natural justice demands that alleged offenders are afforded the same anonymity as victims so that they, their families and close friends do not have their lives ruined by allegations. Once guilty then by all means name. The only exception should be where it is clear that a serial offender has been apprehended. The reasons for doing so are straight forward and revolve around reputational issues. I challenge any competent HR professional to say that they, when faced with candidates of equal ability, choose the one that has an alleged rape case listed in their CV. Subconsciously it simply would not happen, we may not like it or want to admit it but that is the reality of the situation.

On another issue it is clear that natural justice demands that those making up false allegations are dealt with harshly and, if the alleged perpetrator is named, named as well. What holds true for one surely holds true for the other party.

Finally, there is no place in the criminal justice and come to think of it in the civil system as well for incompetence and failure to follow procedure. Taking short cuts undermines society's trust in the system and those investigators, officials and the like found wanting should be deal with as appropriate.

A legal system that was once the envy of the world is quickly becoming a laughing stock and a system that has lost public support.

Flag

20RecommendReply

john coles Jan 20, 2018

@David Harris Perhaps a few prosecutions for wasting police time might help address the balance?

Flag

4RecommendReply

Avicenna Jan 20, 2018

In squirted cases the accuser should always be named to protect other men.

Flag

RecommendReply

Adrian Bamford Jan 20, 2018

It's becoming something of a cultural problem...and at an alarming pace. Whatever the truth of any given rape or assault allegation, at this very moment the media is rife with examples of accusations & insinuations that are automatically branded as fact when the truth of the matter is completely untested. If campaigners like #metoo aren't careful, they could create a backlash that sets their cause back by decades.

Flag

37RecommendReply

Michael Askew Jan 20, 2018

The problem seems to have come about because the police (and perhaps the CPS) have swung violently from a presumption of innocence to a presumption of guilt in rape cases. Women need to know that any complaint will be dealt with sensitively and investigated thoroughly. After Jimmy Saville, police policy is now to believe all complaints, rather than to collect all the evidence and pass it to the CPS. Alison Saunders seems to think that all alleged perpetrators are guilty so the normal rules of evidence collection and disclosure don't apply. The reason may be that convictions are hard to obtain when it's one person's word against another's. True, but not a reason suspending the normal standards of justice.

Flag

59RecommendReply

GT Jan 20, 2018

@Michael Askew That fault stems from the statute. For instance, section 3 of the Act ("sexual assault"). Unless the encounter is filmed, what objective evidence can be produced? Any male who goes drinking with a female risks freedom, reputation and career unless he departs the venue going his separate way and ensures that there is objective proof of that. She will be considered by the law as having not been competent to "consent" and he will be considered by the law to having not been competent to reasonably believe that she consented.

The statute leans towards a presumption of guilt and a requirement for the male (generally) to prove his innocence.

And in the eyes of Saunders and her mob, when a complaint has been filed the accused cannot be innocent: it is simply a question of whether they consider that there is enough "evidence" to secure a conviction. That is the language that they use. From that it can be reasonably inferred that innocence and guilt are irrelevant. "Getting a result" is all that they are interested in - they say so.

Flag

16RecommendReply

Graeme Harrison Jan 20, 2018

@GT @Michael Askew It doesn't matter how many times this rubbish is repeated but that is not how section 3 SOA 2003 works. The law does and never has worked on the assumption that a person who has consumed alcohol cannot by virtue of that fact alone give consent. If you want to give us examples of actual cases where one small glass of dry sherry has been deemed to have vitiated someone's ability to consent then please feel free to post them here.

Flag

RecommendReply

GT Jan 20, 2018

@Graeme Harrison @GT @Michael Askew I was not referring to couples who would leave a party, wine bar or pub fit to drive a motor vehicle. Such persons would have undoubtedly entered into a pre-coital agreement.

Flag

RecommendReply

Heather Jan 20, 2018

Why are women making false allegations of rape? What's going on. Is it the compensation?

Flag

15RecommendReply

Swahili man Jan 20, 2018

It is indeed the compensation in my opinion

If you cry rape you have little to lose, if the case is dropped you remain unknown, but if the man is wrongly found guilty you get the compensation - so little to lose and 10,00 pounds to pocket.

Substantial numbers of folk claim welfare money improperly - why would you not see false claims of rape for money?

Flag

22RecommendReply

Neil Barrett Jan 20, 2018

@Swahili man Double that amount.

Flag

1RecommendReply

Alexander Fiske-Harrison Jan 20, 2018

@Heather I was quite shocked after reading your post to discover there was compensation. I assumed it couldn't be true, searched for it on the web and sure enough, there it is. I could already think of half a dozen reasons why someone might make a false allegation - revenge on a lost love, revenge on an unrequited love, need for official validation, thirst for profile etc. - but I hadn't realised the state had added plain old money to the situation.

Flag

23RecommendReply

Mark Eltringham Jan 20, 2018

Claimants may actually get compensation regardless of the outcome of the case.

Flag

6RecommendReply

Alexander Fiske-Harrison Jan 20, 2018

@Mark Eltringham Not quite, but near enough: "You may still be eligible for an award under the Scheme even if your assailant is not known, or is not convicted."

Flag

6RecommendReply

CeeDee Jan 20, 2018

@Alexander Fiske-Harrison @Mark Eltringham Thus the DPP's statement that a defendant being acquitted does not necessarily mean there was a false allegation opens the "award" door.

Flag

RecommendReply

lancsmarsbar Jan 20, 2018

@Alexander Fiske-Harrison @Heather I always thought that those who said in any context "Follow the Money" were being unbelievably cynical but I am now thinking that they are right.

Flag

7RecommendReply

Heather Jan 20, 2018

@Alexander Fiske-Harrison @Heather

Quite a lot of people will not have realised that compensation is available. It makes you think.

Flag

4RecommendReply

Vicious Hippo Jan 20, 2018

@Heather I did not know about the compensation either and if you search you can already see firms of no win no fee ambulance chasers encouraging civil claims for psychological damage, loss of earnings etc. You can see the seeds of an epidemic. There are enough sociopaths out there to take advantage of any weakness in any system that they can.

Flag

9RecommendReply

Graeme Harrison Jan 20, 2018

@Vicious Hippo @Heather

Why would people be pursuing civil claims when they can simply apply to the CICA?

Flag

RecommendReply

CeeDee Jan 20, 2018

@Graeme Harrison @Vicious Hippo @Heather Because a smart solicitor can make a better argument to a court than to CICA? Or perhaps because losing a spurious claim in a civil court has less consequences than a spurious official statement and claim to the Authority?

Flag

RecommendReply

SixG Jan 20, 2018

No excuses. There is no lack of funding if resources were properly spent on law enforcement and not diverted into wasteful side issues. There is no shortage of manpower if priorities were not driven by PC campaigns.

Through a combination of woeful PC attitudes and sheer incompetence, the police and CPS have lost the trust and respect of the general public.

This is immensely damaging to our society but it's an own goal.

Flag

31RecommendReply

Michael Jones Jan 20, 2018

Saunders has already admitted that there has been 'systemic issues' in the disclosure of evidence. If that is the case, one has to ask how many potentially innocent men (men, due to the nature of the beast) are in prison, right now? Well, how many Ms Saunders?

Flag

15RecommendReply

Neil Barrett Jan 20, 2018

@Michael Jones Her answer to that was 'none'.

Flag

1RecommendReply

Andrew Walker Jan 20, 2018

While not an excuse, police forces are woefully underfunded, officers are seriously overburdened with cases and with such pressures, inclined to cut corners, as is the CPS.

No one will deny that rape is a heinous crime, and the victims traumatised for life, however these wrongly accused men are now also victims as well, the stain and harm of these accusations will stay with them for life, and this cannot be right.

We must observe the rule innocent until proven guilty, and it cannot be right any longer that those so accused are able to be publicly named, and therefore subject to trial by media, the reasons previously used that it would encourage others to come forward are flawed, each case must stand on its own, particularly now that acquittals can be overturned if required.

Great injustice has been done, the law is being brought into disrepute, and will, if allowed to continue, will make it harder to convict those who have committed this terrible crime.

The implications of these acquittals, is that the women concerned are using the allegation of rape as a weapon, for the sake of genuine rape victims, those false acusers must face harsh penalties, both to give justice to their victims, and as a deterrent to those who would chose to make false allegations in the future. Rape victims must be able to be believed.

Flag

6RecommendReply

Michael Jones Jan 20, 2018

I would have to challenge what you are saying. Why would under-funding affect disclosure of evidence? In one recent the case the police even said that the text history the accuser's mobile phone was immaterial.

Flag

21RecommendReply

C J Delmege Jan 20, 2018

@Michael Jones "Ms Saunders had said that police need not check social media accounts fully ...
"Following the boss' direction I guess.

Flag

3RecommendReply

Steve Hill Jan 20, 2018

@Michael Jones I heard a discussion with Alison Saunders yesterday. Her point was that the police did not have the resources to thoroughly trawl through everybody's phones and tablets looking for exonerating evidence.

Lack of resources could be a handy fig-leaf to disguise an institutional bias towards deliberately not looking for exonerating evidence.

Flag

9RecommendReply

CeeDee Jan 20, 2018

@Steve Hill @Michael Jones Indeed, thus the case where the detective constable initially refused to release the complainant's phone and text messages on the basis that they were "too personal and irrelevant", only for the subsequent release to be found by the court not only relevant but sufficient to allow acquittal.

Flag

1RecommendReply

David Craig Jan 20, 2018

The problem is that the (useless) DPP, Alison Saunders, seems to spend most of her time pursuing a leftist agenda of banning free speech, so that she doesn't have time to do her real job - ensuing proper prosecutions.

This ghastly woman's latest moves against free speech were to declare that exhibiting 'hostility' towards someone on the Internet was equivalent to a physical attack and should be punished as GBH. She also has said that evidence of 'hostility' or 'hate' is no longer necessary to convict someone of a supposed 'hate crime' - all that is needed is that someone (anyone) 'perceives' a statement to display 'hostility' for the writer to be guilty of a supposed 'hate crime'.

Ms Saunders has thus completely overturned the most basic principle of British Law that someone is innocent until found guilty by the courts.

All this has happened and nobody seems to have noticed how this dreadful woman is destroying British Law.

Flag

89RecommendReply

Mark Eltringham Jan 20, 2018

@David Craig slight correction. It's not just hostility, but perceived hostility.

Flag

7RecommendReply

Tom Bloomfield Jan 20, 2018

@David Craig

I trust she perceives hostility on these pages and about this issue. It is surely the intent.

Flag

6RecommendReply

David Craig Jan 20, 2018

@Tom Bloomfield @David Craig If she perceives hostility, then we are all guilty of a 'hate crime' and should all be prosecuted and punished in the same way as if we had attacked Ms Saunders with an axe.

Flag

2RecommendReply

high-torque wrap Jan 20, 2018

If my perception is that Ms Saunders is hostile to male defendants, can she be prosecuted for this "hate crime"?

Flag

8RecommendReply

David Craig Jan 20, 2018

@high-torque wrap Yes if you report her to the police

Flag

2RecommendReply

seen it all Jan 20, 2018

@David Craig @Tom Bloomfield The way the law is going don't be surprised if that happens.

Flag

1RecommendReply

Gramarian Jan 20, 2018

@David Craig

A statement " 'hostility' towards someone on the Internet was equivalent to a physical attack and should be punished as GBH", sounds like the issuer is frankly 10 pence short of a quid.

Flag

1RecommendReply

Prabhat Jan 20, 2018

Lord Judge has hit the nail on its head. There is something much bigger beyond the obvious failings of the DPP. It is the faith of ordinary people in the judiciary and how cases like these are going to influence any jury member in future rape trials.

It is a fallacy to assume that this is a battle between men and women. All right thinking men and women will expect proper conviction for actual rapes. But at the same time the same right thinking men and women will expect due process, fair hearing and a conviction based on all evidence.

As of today under the current DPP rape trials have become show trials where stripes are earned on the basis of achieving convictions, by any means and it appears based on select evidence, and in the process undermine the credibility of judiciary and, worse, undermine the credibility of the woman suffering an actual rape. The consequence is not just felt by a person wrongly accused of rape and/or found guilty based on selective evidence but also women who experience the real threat of rape or, worse, suffer rape regularly.

DPP is a highly symbolic post and it carries a huge amount of weight and responsibility. By deviating from remaining objective and thorough the current DPP has undermined her office, our judiciary and more importantly failed our rape victims and those falsely accused. I do believe DPP has to take a step back, take the blame for the shambles that she has presided over in the past few years and step aside. By all means appoint another female DPP (we know there are some very well qualified female barristers) but whoever is appointed has to fight for the integrity and reputation of our judiciary and achieve proper convictions that are thorough and objectively sound.

Flag

35RecommendReply

Alexander Fiske-Harrison Jan 20, 2018

@Prabhat While I agree with what you say at face value, it also made me think of a deeper, almost evolutionary point. As the very process of accusation and trial comes into question in the public domain, the stigma of being accused begins to lose its sting. I always stood on the side of the argument that said accused people should not be named until convicted, because even the accusation tarnishes a name. As more and more stories like this come out, that will be diluted, if not washed away. An unintentionally happy corollary...

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3RecommendReply

Paul Hendy Jan 20, 2018

Saunders must go. She is perverting the course of justice.

Flag

45RecommendReply

CeeDee Jan 20, 2018

@Paul Hendy Perhaps within the range of Misconduct in Public Office?

Flag

1RecommendReply

MJJ Jan 20, 2018

Juries already seem to be reluctant to convict men accused, without corroboration, of rape. Especially when the complainants admit they were too drunk to remember clearly what happened. Women who would do much better to try and put an indiscretion behind them are pressured by friends and family to go to the police and police would go to any lengths to get a conviction and women lose sight of how things look to the people who are not involved. Nobody warns them how humiliating their day in court will be.

All that is without the recent proliferation of completely false accusations. Very soon it is a rape conviction which will be newsworthy.

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10RecommendReply

Graeme Harrison Jan 20, 2018

Raping someone isn't "an indiscretion."

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2RecommendReply

Steve Hill Jan 20, 2018

@Graeme Harrison In the collapsed cases we are talking about, as a matter of law, no rapes took place.

Unjustified accusations appear to have been made in a fog of regret or revenge.

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9RecommendReply

Heather Jan 20, 2018

@Steve Hill @Graeme Harrison

Exactly. (And then there's the compensation.)

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MJJ Jan 20, 2018

Having sex when you are drunk, however, IS and reporting it as rape doesn't make it so.

Flag

RecommendReply

Robert Hughes Jan 20, 2018

We are where we are as a result of a policy of "believing the victim". It has blinded police forces and the CPS to evidence that would tend to assist the defence or undermine the prosecution.

-

And we are here because of the pressure brought to bear by activist groups determined to increase the number of sexual assault and rape prosecutions. The effective elimination of the human rights of suspects is and continues to be a stain on our justice system the like of which we have not seen since the routine fitting up of innocent people during "The Troubles". It is horribly ironic that the final outcome of this activism is that all complainants in all sexual assault cases have much greater burdens to shoulder while the chances of successful prosecutions have been reduced even further.

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70RecommendReply

InScents Partnership Jan 20, 2018

@Robert Hughes

We are where we are as a result of a policy of "believing the victim if they are female". It has blinded police forces and the CPS to evidence that would tend to assist the defence or undermine the prosecution.

-

And we are here because of the pressure brought to bear by feminist groups determined to increase the number of men charged with sexual assault and rape. The effective elimination of the rights of male suspects is and continues to be a stain on our justice system the like of which we have not seen since the routine fitting up of innocent people during "The Troubles". It is horribly ironic that the final outcome of this feminist activism is that all complainants in all sexual assault cases have much greater burdens to shoulder while the chances of successful prosecutions have been reduced even further.

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5RecommendReply

Marcus Aurelius Jan 20, 2018

So. At one time he was Judge Judge? That's hilarious.

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Lucy's dad Jan 20, 2018

Idiot!!

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3RecommendReply

Ed R Jan 20, 2018

@Marcus Aurelius

What's so hilarious about it? I have come across a barrister called Counsel, a dentist called Grimrod, a bank manager called Money, a doctor called Le Fever, policemen called Hassle, Crusham and Plante, and - there are many others, but I can't think of them at the moment. It's amazing how many people there are whose surnames suit their jobs.

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Tom Bloomfield Jan 20, 2018

@Ed R @Marcus Aurelius

Dr. Nurse, a bit confusing.

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Chris Huckle Jan 20, 2018

I Dredd to think of a stutterer coping with this.

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2RecommendReply

Paul Hendy Jan 20, 2018

No it's not

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Michael Jones Jan 20, 2018

Good job his surname wasn't Fudge.

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Keith Jan 20, 2018

Like the bloke who works in our warehouse?

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Neil Barrett Jan 20, 2018

@Marcus Aurelius In all the decades he was in the news, you never noticed??

Flag

1RecommendReply

Lucy's dad Jan 20, 2018

"Ms Saunders had said that police need not check social media accounts fully when investigating allegations of rape."

So is Ms Saunders now saying that police officers when giving evidence may perjure themselves in court with impunity or will they be prosecuted for giving untrue evidence.

The first thing any defence barrister will ask the police officer is 'did you examine and hand over all the evidence including all social media and if not why not?'

Either way her position is untenable, she should go now or be dismissed and prosecuted for conspiracy to pervert the course of justice.

Flag

59RecommendReply

Chris Huckle Jan 20, 2018

A little hysterical, in that the police aren't withholding evidence they've uncovered, they've simply not been thorough enough in investigating all the evidence some of which may have exonerated the accused. So the police officer would correctly respond, yes we have disclosed all the relevant evidence we found.

But I fully agree with you that Saunders position is untenable due to her arrogance in not recognizing the problem and dismissing valid concerns despite collapsing cases highlighting the issue.

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11RecommendReply

Mark Eltringham Jan 20, 2018

@Chris Huckle Yes they are. That's part of the problem here.

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Saint John Jan 20, 2018

That's not correct the police have refused to hand over evidence saying it wasn't relevant - when it was

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Chris Huckle Jan 21, 2018

If we're talking about the case of the subsequently suspended police officer, he said there was no relevant evidence in the phone records so deemed it unnecessary to hand over. In fact he had not examined the content of the messages rather than having discovered exculpatory evidence and

concealed it ,for which he would have been liable to a charge of perverting the course of justice. There is a difference but the laziness/incompetence is also egregious.

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CeeDee Jan 20, 2018

@Chris Huckle "her arrogance in not recognizing the problem..." From the interviews she has given to the media, it seems that she has actually created the problem, evidenced, I suggest, by her statement "Just because there has been an acquittal doesn't mean there has been a false allegation. What it means is the defendant has been found innocent, but it doesn't necessarily mean there is a false allegation."

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1RecommendReply

Maya Patel Jan 20, 2018

Looks like an ex back street solicitor called Sadiq Khan is going to sort it all out once and for all.

Flag

4RecommendReply

Ghoti Jan 20, 2018

@Maya Patel What is a 'back street' solicitor?

Flag

2RecommendReply

Ed R Jan 20, 2018

@Ghoti @Maya Patel I think Maya means 'high street solicitor'. Nothing wrong with them at all, and not to be confused with back street abortionist.

Flag

4RecommendReply

keith gibson Jan 20, 2018

SAUNDERS MUST GO NOW!

Flag

46RecommendReply

Chris Huckle Jan 20, 2018

Or even before!

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6RecommendReply

onlyfair Jan 20, 2018

"Rapists will get away with their crimes". It is equally as important that innocent people are not convicted of rape. The suspicion has to be that a not insignificant number have been as a result of these police and prosecution failings. At least people who have been wrongly acquitted can now face later prosecution. People whose lives have been destroyed by wrongful convictions do not have that luxury.

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67RecommendReply

William Clark Jan 20, 2018

@onlyfair I also wonder what sanctions are taken against false accusers.

Flag

42RecommendReply

Lucy's dad Jan 20, 2018

@William Clark @onlyfair

None at all generally as they are treated as 'victims' and are paid out by the government.

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38RecommendReply

Chris Huckle Jan 20, 2018

And do these 'victims ' have to repay these sums when the case collapses due to their allegations subsequently being found not credible? I believe not. Win,win for them.

Flag

11RecommendReply

CeeDee Jan 20, 2018

@Lucy's dad @William Clark @onlyfair ... and their identity protected in perpetuity.

Flag

1RecommendReply

D Grant Jan 20, 2018

@William Clark @onlyfair False accusers should be dealt with by heavy punishment. Perhaps our legislators ought to be attending to this.

Flag

6RecommendReply

William Clark Jan 20, 2018

Blackstone's principle seems to be forgotten:

"It is better that ten guilty persons escape than one innocent suffer." (Commentaries on the Laws of England) 18th century.

Flag

37RecommendReply

Ghoti Jan 20, 2018

@William Clark Yes, but it is too limited in its scope. What if one of those guilty people escapes and then does it again to someone else? Is it better that an innocent avoids being imprisoned, or an innocent avoids being raped, beaten or murdered?

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RecommendReply

Marcus Aurelius Jan 20, 2018

So we should all be locked up. You know, just in case.

Flag

16RecommendReply

Chris Huckle Jan 20, 2018

I think it should be weighted based on your post code. If you're from a high crime area then it should be easier to convict and jail you because the likelihood is you're more likely to be guilty. So a scouser is probably a scally and did the crime whereas the gentleman from Guildford more likely to be a pillar of the community and should be sent on his way without a stain on his character. ;-)

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2RecommendReply

Tom Bloomfield Jan 20, 2018

@Chris Huckle

"Round up even more of the usual suspects".

Flag

1RecommendReply

Mizula Montana Jan 20, 2018

@Ghoti @William Clark That choice is irrelevant as innocents going to jail does not protect other innocents from being raped. Blackstone's principle is merely that the state locking innocent men/women up is a grave injustice. Communist thinking, which influences most state-employed people (such as Saunders) is that innocent men/women going down is no big deal. It's a simple difference between belief in the individual and their freedom or the power of the state over the people.

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18RecommendReply

Saint John Jan 20, 2018

The innocent take priority always

Flag

1RecommendReply
CeeDee Jan 20, 2018

@Saint John Correct, which is why we do not have the death penalty, for which we should be grateful in view of Ms Saunders' view of innocence and guilt.

Flag

RecommendReply
Chris Huckle Jan 21, 2018
Unless they're entering a roundabout.....

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RecommendReply
Richard Stout Jan 20, 2018
@William Clark

We are now subject to the feminist legal view that appears to be:

"It is better that ten innocent men go to jail than one guilty man be acquitted, or the allegations of one female complainant be tested".

Flag

43RecommendReply
CeeDee Jan 20, 2018
@Richard Stout @William Clark It appears that "complainant" is still being replaced by "victim" despite the learned Sir Richard Henriques' recent strong recommendation.

Flag

RecommendReply
Heather Smith Jan 21, 2018
@William Clark But not 12?!

Tim Smith

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