

CPS FAILINGS

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CPS failings: Prosecutions chief Alison Saunders is part of the problem, say MP and judge

David Brown

January 19 2018, 12:01am, The Times



Alison Saunders, the director of public prosecutions, maintained that the system worked
PHOTOGRAPHER JACK HILL

The director of public prosecutions was criticised by politicians and lawyers yesterday after insisting that innocent people were not in jail despite admitting there were “systemic issues” in disclosing evidence.

Alison Saunders was described as “part of the problem” by one Tory MP and “complacent” by a part-time judge after saying that the justice system was working despite failures with evidence leading to a string of trials collapsing.

She met senior police officers, senior representatives of the judiciary and legal professionals yesterday to discuss concerns that vital material is not being disclosed.

Ms Saunders acknowledged in a statement before the meeting: “It is clear that there are systemic issues across the entire criminal justice system. We will be considering what role each of us — police, prosecutors, and judiciary — should play in disclosure and immediate action we can take. We will also discuss whether any changes to systems, legislation or guidance might help address the issues we face.”

Speaking on BBC Radio 4's *Today* programme she added: "The problem we have found recently is around the ever-increasing use of social media, all the digital material we obtain." She suggested that photographs and social media accounts did not need to be fully checked in rape cases despite such evidence having been crucial in clearing a number of recent defendants.

Ms Saunders said that police were obligated to pursue "all reasonable lines of inquiry" but "that doesn't mean going into every single avenue of your life".

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

Anna Soubry, the Conservative MP and former minister, said she was "appalled at the ill informed comments" of Ms Saunders.

"Have been longstanding problems with disclosure," she wrote on Twitter. "Those duties extend to investigation of all allegations not just a few serious offences. I fear Alison Saunders is part of the problem."

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

A senior prosecutor, who asked not to be named, accused Ms Saunders of being "in denial" and sending the "wrong message". The prosecutor added: "It is up to the attorney-general now."

Concerns about prosecutions for rape and serious sexual offences have been highlighted since the trial of Liam Allan, 22, collapsed when it emerged that police had texts proving that his accuser had lied. He had spent nearly two years on bail and three days in the dock.

The case against Samson Makele, 28, was halted at Snarebrook crown court last week after his defence team unearthed images from his mobile phone of him cuddling in bed with the alleged victim which had not been made available. Mr Makele, who said that they had had consensual sex, had spent 18 months on bail.

Ms Saunders said of Mr Makele's case: "How would anyone have known that there were photographs there until the defence had told us that they were there?"

She added: "The system worked. What I think should have happened in that case is it should have happened much earlier."

Rape cases under review

Scotland Yard is reviewing all current rape cases after the trial of a criminology student collapsed last month when it was revealed that police had failed to disclose evidence.

Liam Allan, 22, spent almost two years on bail and three days in the dock at Croydon crown court, south London, before the trial was halted when it was revealed that text and social media messages proved that the complainant had lied. The trial judge demanded a review of disclosure of evidence by the police and warned of the risks of a "serious miscarriage of justice". The court was told that

lawyers for Mr Allan had repeatedly been refused access to records from the woman's phone because police had insisted it held nothing of interest.

Days later the prosecution dropped charges against **Isaac Itiary**, 25, after he had spent four months in jail awaiting trial on child rape charges. Lawyers for Mr Itiary, discovered that the investigation had been led by Detective Constable Mark Azariah, also the officer in Mr Allan's case, and asked for the disclosure of all phone records in the case. Police handed over text messages showing that although the girl concerned was 14 and 15 at the time of the alleged offences she routinely posed as a 19-year-old.

Scotland Yard said before Christmas that its review of investigations into alleged rapes and serious sexual assaults would give priority to 30 cases where trials were about to start. The police and Crown Prosecution Service (CPS) have refused to say how many of those cases have collapsed.

This week it was revealed that **Samson Makele**, a handyman accused of rape, had been cleared after police failed to disclose photographs of him cuddling in bed with the alleged victim. Mr Makele, 28, hired an expert to retrieve the crucial photographs from his mobile phone after the police said that it contained nothing of interest. Mr Makele met the woman at the Notting Hill Carnival in 2016 and they spent the night at his home. The CPS offered no evidence at a pre-trial hearing.

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keith gibson Jan 20, 2018

SAUNDERS, IN THE NAME OF GOD GO!

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PB Joyce Jan 20, 2018

Too many sexual encounters are being classed as rape. Rape can be as terrible as the word implies but, with its broader new definition enshrined in law and accepted by people such as Alison Saunders, it isn't necessarily. If subtler acts of non-consensual sex are considered rape, it is no longer tenable to claim rape is always a horrible act of violation. Yet some rape charges are now being pressed which centre on relationships in which no one's life has been tainted. New terms and new sentences are needed to reveal the range of sexual crime. This is anathema to modern feminists, who chant that rape is just rape and react with horror to any suggestion that violating a ten-year-old at knifepoint is worse than having sex with your partner at a time when she preferred to watch the news on the bedroom TV and omitted to use the word "yes". With definitions, as with so many other things, you can't have your cake and eat it too; you can't define rape as broadly as the law does now and preserve the devastating effects the word denotes according to its traditional meaning.

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Appeasementisfatal Jan 20, 2018

Alison Saunders conduct in relation to Lord Jenner was not credit worthy. She should have gone then!

She ought to go now!

Flag

3RecommendReply

CeeDee Jan 20, 2018

@Appeasementisfatal What! No damehood?

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Appeasementisfatal Jan 20, 2018

@CeeDee

No worries. She has friends!

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CM Jan 20, 2018

Alison Saunders is bringing this country and its justice system into disrepute. She belongs in a corrupt, totalitarian state. We are not yet in the deathly grip of Corbyn and McDonnell. Why are politicians not seeing to it that they represent the people and get her sacked? Without any gongs and with a much reduced pension. How often do we hear Corbyn and his minions going on about rewards for failure? Nowhere are these more common or egregious than in the public sector.

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6RecommendReply

Keithad Jan 20, 2018

I listened to Ms Saunders on the today program and was staggered by her comments on how much effort it would be to look at an individuals phone etc for social media and excusing the police for lack of effort. She clearly has no idea that we live in the 21st century and that particularly for most teen to 30 years old that's where their life profile is. So to say it's too much effort to look into the accused and accusers online presence to seek evidence is just incompetence. She should resign she is part of the problem.

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John Snodgrass Jan 20, 2018

The elephant in the room is the repeated police assertion that they they did not go through the phones etc when exculpatory evidence has in some cases been uncovered by happenstance at the last minute - in other less fortunate cases perhaps not. I submit that it is inconceivable that the police did not examine these phones/social media looking for incriminating photographs, text messages and posts to build their case. So the elephant I refer to is not the more palatable scenario of overworked police officers not doing their job properly but rather a culture of deliberately suppressing evidence vital to the defence. This would be a monumental scandal if true. If so then it may already be in danger of being covered up by alternative myth-making being peddled by way of damage-limitation.

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Jason Paul Jan 20, 2018

So God help me if they knight Saunders like they have Starmer.

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Londonderry Lad Jan 19, 2018

I partly agree with her and partly disagree, she's right that the rise of social media has placed an intolerable burden on the police, it's just not practicable for detectives already collapsing under the weight of their workload to go through every single text/email/posting of every single victim/suspect. But for her to say it doesn't matter and that innocent people haven't been convicted beggars belief. She should be the one fighting for more police resources to enable them to do so.

However, we should not forget the hysteria following the Saville revelations when the police and CPS were criticized for not taking accusers seriously in the past. A lot of the people they dismissed in the past were exactly the sort of people making malicious allegations and having them taken to court today as the justice system is under constant criticism from victim's organizations for the lack of convictions.

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Turnbacktime Jan 19, 2018

One thing strikes me as missing, what about the role of the defence team? What strikes me in many of these cases is that the accused has claimed there are texts, social media messages etc backing up his version of events.

Once that statement has been made I would have thought that made such records materially relevant, and if the police aren't going to trawl through them then the defence team should have the right to do so. And that should happen immediately not at some point after charging.

It isn't the police's job to just prove the person they have arrested is guilty. It is their job to confirm a crime has been committed and then catch the right person and prove the case against them. When the accused states there is evidence showing the incident was not a crime then the police have to follow up on it, or let the defence have access so they can prove it.

Rape/sexual abuse are horrendous and life ruining crimes, but the process of being falsely accused of committing such offences is equally damaging and hard to recover from.

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CeeDee Jan 20, 2018

@Turnbacktime Some of these collapsed cases the defence have asked the police for phones, images, texts etc. and they have only been granted access a few days before trial... months or nearly a year since they asked. In one case the DC refused because he said that the info was personal and not relevant... which turned out to be untrue.

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1RecommendReply

Henry Scrope Jan 19, 2018

Can the Times find out how many people who have made false accusations of rape have been prosecuted for perjury and/or wasting police time in, say, the last 3 years?

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20RecommendReply

CeeDee Jan 20, 2018

@Henry Scrope Ms Saunders refused to reveal the figure. However the *grauniad* gave statistics of 109 between 2009 and 2014. Try "109-women-prosecuted-false-rape-allegations" to get the page, I am not into putting their links on this paper's comments section!

Flag

RecommendReply

Radlon Jan 19, 2018

Reversing the Burden of Proof, enthusiastically naming and shaming a (usually) alleged male abuser because he is male, allowing the anonymity of the (usually) female accuser because she is female, allowing tittle tattle as evidence; these are all very well-rehearsed reasons for replacing this lady.

But no one has the guts to do it. Until the female rent-a-mob fades unmourned into History, Show Trials will continue to clog up the Criminal Courts and blight innocent lives for years to come.

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22RecommendReply

Nigel Benson Jan 19, 2018

Is the woman actually qualified in anything and how successful was her career before this shambles

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15RecommendReply
Otto Leipzig Jan 19, 2018
@Nigel Benson Serial failure maybe?

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2RecommendReply
Appeasementisfatal Jan 20, 2018
Friends in high places is good enough qualification!

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CeeDee Jan 20, 2018
@Nigel Benson Yes, she climbed the greasy pole quite professionally, which makes her latest outpourings a wonder as to how she managed it.

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1RecommendReply
Mrs Ruth Bruce Jan 19, 2018
Rape is a sensational crime and makes headlines. We have, therefore, all read about these cases.

How many cases not involving sexual assault have been unjustly dealt with in the same way? If the authorities will distort evidence to achieve convictions in one sort of case it is at least possible that they will do the same in others. It is unreasonable to imagine that there are not, for this reason, men and women in prison who have done nothing to deserve it.

It looks as though the justice system is not merely defective, but corrupt. A thorough overhaul is needed.

Flag

26RecommendReply
James Anderson Jan 19, 2018
@Mrs Ruth Bruce
The cases show that the "justice" system works. What they also show is that there is a problem at CPS/Police level.
All these cases involve a failure, blamed on the police, to disclose evidence because, it is said, the evidence had not been examined and they went on to say that it showed nothing of relevance. Leaving aside the illogicality of that, why cannot the police/CPS just disclose all evidence in their possession? It would then be up to the defence to determine what was or was not relevant.

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Bishop Jonathan Blake Jan 19, 2018
Saunders gives the green light for the police not to investigate properly, not to uncover vital information that would clear a defendant, not to reveal essential evidence for disclosure and not to ensure they protect the innocent. From that indefensible position, she smugly comforts herself with the delusion that only the guilty are in prison. Her blinkered thinking clearly doesn't take into account findings of the Court of Appeal.

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24RecommendReply
Mr T R Butchard Jan 19, 2018
This woman should clearly be replaced. The job is beyond her.

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32RecommendReply
Smoky Ashton Jan 19, 2018
The police are holding the accused's phone, Not the Defence. Yet Madam, the enforcer, says, "how could we know the pictures were there, on the phone, if the Defence didn't tell us ? I throw it back at Madam Enforcer that the Police's first meeting with the accused, with his Defence Lawyer present,

should be to review, not just the contents of his pockets and the stains on his boxers, BUT ALSO his bloody phone ! Calls made and received - numbers noted and investigated especially around the time of the claimed offence. Videos and Pictures reviewed, subjects identified and so on. Absolutely the most basic of Police work. She is head of an organisation that clearly can't cope with such simple work. She should be sacked as an example with others to follow being sacked or reprimanded as the full scale of their incompetence is revealed.

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24RecommendReply

Mark Eltringham Jan 19, 2018

@Smoky Ashton It's not incompetence. It's policy.

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5RecommendReply

Mrs Sarah Rees Jan 19, 2018

The basic concept of everyone being equal in the eyes of the law seems to have been thoroughly dismantled during the tenure of Ms. Saunders. We have all been shown repeated examples of women avoiding custodial sentences for violent or repeat serious crimes and we have repeated examples of men being wrongly convicted or spending months or years on bail with the legal sword of damocles hovering above their necks and their lives in tatters until the case collapses due to CPS or Police, well lets be polite here and simply call it "incompetence". This smells heavily of the legal system having being hijacked and directed by ideological ideals rather than by established legal principals, checks and balances. This appears particularly evident in the case of the rape "victims"; not one of whom has to my knowledge been charged or punished for their spiteful and disgusting accusations against the innocent men.

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39RecommendReply

Ros from Wareham Jan 19, 2018

@Mrs Sarah Rees Women avoiding custodial sentences is down to the sentencing judge not down to Ms Saunders

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RecommendReply

CeeDee Jan 20, 2018

@Ros from Wareham @Mrs Sarah Rees Only if the CPS take her to court. Ms Saunders view that an innocent man doesn't mean there was a false accusation suggests that she is mainly interested in a rape conviction not a perverting the course of justice one.

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RecommendReply

Robert Jan 19, 2018

@Mrs Sarah Rees - well said.

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Ghoti Jan 19, 2018

How is Alison Saunders still employed? She is clearly incompetent as well as complacent. She appears to be able to do nothing right. She needs to be dismissed.

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28RecommendReply

Matt Jan 19, 2018

When the only defence to a malicious and false accusation of rape is for the accuser to make a mistake (for example sending a text proving it was consensual), I think it's fair to say that there are definitely innocent people in jail.

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31RecommendReply

Exceptio Jan 19, 2018

Kafkaesque.

Scary to be caught up with the police in a seemingly civilised country under the rule of law.

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25RecommendReply

JohnJoe Jan 19, 2018

"The police and Crown Prosecution Service (CPS) have refused to say how many of those cases have collapsed." They should be instructed to do so by the appropriate authority. This is clearly in the public interest so we may judge for ourselves

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30RecommendReply

John Prince Jan 19, 2018

Incredibly, Ms Saunders seems to regard disclosure a few days before trial as a vindication of "the system". She totally discounts the psychological trauma of the victim of her vindictive incompetence and never even mentions the expense incurred by said victim once he has been falsely charged. She is utterly unfit for role.

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Richard Pursehouse Jan 19, 2018

I wonder on what basis she claims the system 'works'? Not by any comparisons anyone else uses. More to the point how many 'accusers' has she named? Or taken to court?

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R Ward Jan 19, 2018

Her comment about there not being innocent people in prison, given the recent spate of dropped cases due to issues about disclosure coupled with her statement about investigators not needing to explore every avenue of people lives is incomprehensible in an age of social media. Not to put to fine a point on such things we are in the 21st century not the 19th and like it or not social media plays an extremely important part in everyone's life's. It can and is often used to record personal thoughts much in the same way as keeping diaries were in the time of our grand parents. Review of such materiel often uncovers inner thoughts and feelings about social issues including dare one say personal fantasies including regrets about personal behavior and action after an event. Surely in such a digital age it is incumbent for investigators to explore in detail the personal relationships, including personal communications, between a victim and alleged offender so that the nature of the relationship if any can be established thereby ruling out revenge type allegations or ones based on fantasy or other drivers.

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20RecommendReply

Tom Marshall Jan 19, 2018

"Ms Saunders said that police were obligated to pursue "all reasonable lines of inquiry" but "that doesn't mean going into every single avenue of your life"."

But Ms Saunders, I'd maintain that if it's an issue of whether someone is going to be wrongly convicted with all the concomitant repercussions, then the police and the CPS do have a duty to investigate"every single avenue".

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33RecommendReply

Robert Jan 19, 2018

There's always been a nagging doubt about Saunders' ability to discharge the CPS role - surely she has to go.....

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DD Jan 19, 2018

What happens to the false accusers?

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51RecommendReply

Ros from Wareham Jan 19, 2018

@DD In extreme cases they are prosecuted

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RecommendReply

freedomheart Jan 19, 2018

@Ros from Wareham @DD They need to prosecute them in less extreme cases too. Otherwise there really isn't much incentive.

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10RecommendReply

Ros from Wareham Jan 19, 2018

@freedomheart @Ros from Wareham @DD They need to be careful. An acquittal does not necessarily mean a false accusation - simply that the jury had some kind of a doubt. If the complainant had some kind of mental health issue and ended up committing suicide because of the prosecution (which I think happened in one case) there would be an uproar. I agree the worst cases should be prosecuted but judgment needs to be exercised

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1RecommendReply

LarryC Jan 19, 2018

@Ros from Wareham @freedomheart @DD

Very tricky. The implication being that in even the most egregious cases a "vulnerable" accuser could escape prosecution.

Flag

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Ros from Wareham Jan 19, 2018

@LarryC @Ros from Wareham @freedomheart @DD Well, if someone beats you up, but that person is found not guilty because of some problem with the evidence, you wouldn't expect to be prosecuted would you?

Of course, if it could be proved that you had deliberately injured yourself, and then blamed someone else, that would be another story

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RecommendReply

LarryC Jan 19, 2018

@Ros from Wareham

I'm only referring to cases where the accusation is demonstrably false. In this situation protecting accusers from prosecution because of the state of their mental health seems a tricky proposition.

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Henry Scrope Jan 19, 2018

Can the Times find out how many false accusers have been prosecuted in the last, say, three years?

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4RecommendReply

CeeDee Jan 20, 2018

@Henry Scrope Saunders won't reveal the figures nor the punishment, just that they were "severely punished".

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RecommendReply

Thomas Mortley Jan 19, 2018

Well, if you won't actually investigate fully, the conclusions you will draw are inevitably incomplete. Therefore whatever 'judgements' you seek to make are equally incomplete and surely must therefore be disregarded?

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23RecommendReply

Trevor Baker Jan 19, 2018

The former DPP, Keir Starmer, waffled, deflected, then finally all but blamed DPP staff for the failure to prosecute John Warboys of more alleged attacks. Alison Saunders appears to be of similar feeble mind. No doubt she too will stand for Labour in due course.

Flag

35RecommendReply

CeeDee Jan 20, 2018

@Trevor Baker "No doubt she too will stand for Labour in due course"... and become a 'Dame'.

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RecommendReply

NickWickPapers Jan 19, 2018

Alison Saunders on the Today program actually said this about the case of Samson Makele: ""How would anyone have known there were photographs there until the defence told us that they were there?" Perhaps by doing your job properly and looking on the same phone that you got the texts from, which you had no problem finding because they seemed to prove your case.

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61RecommendReply

Crowbar Jan 19, 2018

She has to go.

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Mencius Jan 19, 2018

Alison Saunders previously stated that she wanted the number of rape prosecutions being brought to court to increase by one-third. She doesn't seem at all concerned that her crusade is leading to innocent men going through hell for months or years as they await trial.

Surely the police and the Crown Prosecution Service have a duty to make these basic checks before prosecuting someone? It simply isn't good enough to say that it will all get sorted out when it comes to trial.

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45RecommendReply

Jonathan Porthc Jan 19, 2018

The CPS seem to find every excuse not to charge the guilty. the innocent that suffer from their zealotry are merely picking the wrong "crimes"

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17RecommendReply

Minority Man Jan 19, 2018

Could someone point me to a picture of someone with a vengeful expression, please? Well, that is how photo-journalism works, isn't it?

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