

## **Met police to review all live rape cases as second trial collapses**

<https://www.thetimes.co.uk/article/met-police-to-review-all-live-rape-cases-as-second-trial-collapses-tm92z035t>

Officers withheld key evidence for four months

David Brown, Chief News Correspondent | Fiona Hamilton | George Sandeman

December 20 2017, 12:00pm, The Times



Nigel Evans, who was cleared in 2014 of raping a student, said police were “cherry-picking” evidence to get prosecutions

CHRISTOPHER FURLONG/GETTY IMAGES

An MP who was cleared of rape has called for a nationwide review of the [police disclosure of evidence](#) in sexual abuse investigations.

Nigel Evans said evidence was being cherry-picked in “too many cases” after Britain’s biggest police force ordered a review of all current rape and sexual abuse cases yesterday. The Tory MP, who was cleared in 2014 of raping a student, called for the review to be expanded after a second rape case collapsed within a week.

He told BBC Radio 5 Live: “It seems to be in too many cases that police are cherry-picking the evidence that is there in order to get a prosecution. That is not what the justice system is about; it should follow the evidence. Because of the failures in the system . . . quite frankly, lives have been ruined.”

Charges against Isaac Itiary, 25, of rape and sexual activity with a child were dropped yesterday after text messages from the [alleged victim](#) showed she lied about her age. The trial of Liam Allan, 22, collapsed last week after messages from the woman who accused him of rape showed she had lied. Mr Evans called for a “proper review” of cases by police forces across the country, not just the Metropolitan Police, which investigated Mr Itiary and Mr [Allan](#).



Rape and abuse charges against Isaac Itiary were dropped yesterday when it emerged that police failed to disclose evidence that his accuser had lied about her age

The former deputy speaker has previously spoken of his “11 months of hell” after he was cleared of raping a university student and sexually assaulting six other men over a 10-year period. The Crown Prosecution Service (CPS) is reviewing its decision not to charge Mr Evans for a separate allegation of sexual assault made by a civil servant under the victims’ right to review scheme.

Today the Criminal Law Solicitors’ Association reiterated criticism from senior lawyers that the collapsed prosecutions reveal the “tip of the iceberg”. Bill Waddington, the association’s chairman, said: “Fair disclosure of evidence is essential to a fair trial, whether that be evidence suggesting an accused’s guilt, or evidence as in this case which shows a prosecution witness is being untruthful and supports the defence case. Sadly failures such as this are only too common.”

In a recent survey by the association 98 per cent of those who responded reported serious disclosure failures, with 90 per cent describing the it as “commonplace”. Almost three quarters said they “very often” had problems with disclosure by the time a case had reached trial.

Angela Rafferty, QC, chairwoman of the Criminal Bar Association, suggested that “unconscious bias” stops the police and the CPS “impartially and thoroughly investigating and scrutinising complaints in sexual offence cases”.



Liam Allan, 22, spent almost two years on bail and was on trial for a series of alleged rapes before police handed over text messages that exonerated him

BEN GURR FOR THE TIMES

"It should be remembered that it is not the job of the police or CPS to judge the truthfulness or otherwise of any allegation made," she said. "The deluge of sexual allegations in the system is well known. If the criminal justice system is to cope and cope properly then funding must be found to ensure that there are proper investigations, a proper filtering system for cases that have no merit and a proper approach by the police and CPS to disclosure issues."

She pointed to a joint report of Her Majesty's Inspectorate published in July highlighting "severe shortcomings" in the ability of police and the CPS to deal with the disclosure regime.

Stephen Wooler, chief inspector of the CPS between 2000 and 2010, said police and prosecutors face a "conundrum" of needing to develop an affordable system that reliably identifies information that might assist the defence. The relevant evidence could be just a small proportion from the overall mass of documents and data produced by modern investigations.

"The CPS does not want the material: it would have to pay its prosecutors and counsel to read it. Nor do police managers want the cost of copying it on their budget. Neither wants the task of copying it to all the defence," he wrote in a letter to *The Times*.

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December 20 2017

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I repeat, again, there was no excuse for the failure to disclose in these rape cases, and my comments over the past few days should not be otherwise interpreted. But the real problem goes much, much deeper.

Criminal justice law and policy has been politicised for decades, and any 'agendas' which the various criminal justice agencies have devised owe a lot to appeasing political and other pressure groups, and cow-towing to often ill-informed public opinion.

I was called to the Bar in 1978 and I have always practised primarily in criminal law, in various capacities.

I have witnessed in those years a sad decline in performance and effectiveness in many (not all - we have advanced massively in domestic violence cases, for example) areas, and I feel we have now reached the point where nothing less than root and branch reform across the board is necessary to reverse this.

I could cite many examples. Thousands of 'crimes' are just not investigated at all. Where this is not the case, many offenders are 'diverted' from prosecution to avoid the increasing expense and 'trouble' of bringing cases to court. When cases are prosecuted, the bloated bureaucracy that now dominates criminal procedure leads to short cuts being taken, and errors and omissions.

When failures occur, the tendency - as recent threads have shown - is just to call for service heads to resign rather than to get to the causes.

Every aspect of criminal investigations, prosecution and trials requires review if we are to stand any hope of getting a criminal justice system which is fit for purpose.

Adrian Turner Dec 20, 2017

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Ricky Freeman Jan 12, 2018

Surely if the police discover something which undermines a claimants account, shouldn't that be the end of one investigation and the start of another into the conduct of the accuser?

Flag

RecommendReply

Robert Williams Jan 13, 2018

@Ricky Freeman Not as the law stands. Under the Perjury Act 1911 there has to be independent evidence which corroborates the assertion that a particular statement made on oath was not true. Even then a jury must be satisfied beyond reasonable doubt as in any other crime. There is very often no independent corroboration of the allegation that a woman did actually consent, and is therefore lying if she says she did not. What could corroborate that? CCTV perhaps if it were available but it would have to be most peculiar circumstances.

Flag

RecommendReply

gazump Dec 21, 2017

Re Mr Itiary's case is there not a responsibility on the alleged perpetrator to establish the true age of a young girl and not simply accept her statement of her age? Is it really a defence to say " Oh, she claimed she was 16" or whatever? Is it not incumbent on him to take steps to establish her true age?

Flag

RecommendReply

Ken Wood Dec 20, 2017

Well of course the police are to blame. If some one makes an allegation of sexual assault/ rape/indecency etc and the police believe they are unreliable or dishonest . They must be telling the truth.

The police are to blame if they do not believe them.

As a result the Chief HMI issued an instruction that police must believe anyone claiming to be a victim. ( He later tried to deny this when the consequences became clear)

So now the police must believe people who make an allegation. But if the accuser has been dishonest, lied and committed perjury then the police are to blame.

Simple really.

Flag

RecommendReply

Adrian Turner **Featured**

Dec 20, 2017

I repeat, again, there was no excuse for the failure to disclose in these rape cases, and my comments over the past few days should not be otherwise interpreted. But the real problem goes much, much deeper.

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Every aspect of criminal investigations, prosecution and trials requires review if we are to stand any hope of getting a criminal justice system which is fit for purpose.

3RecommendReply

Did You Ring Sir Dec 20, 2017

@Adrian Turner Would it be too much to expect the whole of the bar to strike or go slow until the right heads roll and all the branches are rooted out ?

Flag

RecommendReply

John Austin Dec 21, 2017

Fat chance.

The Bar is allegedly very independent-minded, which means they largely do what their Clerks and their Establishment- supporting Heads of Chambers tell them to.

Flag

RecommendReply

BigJim Dec 20, 2017

The Attorney General's Office appears to understand the concept of the disclosure of evidence;

#### **Attorney General's Guidelines On Disclosure - Legal Guidance**

*Disclosure is one of the most important issues in the criminal justice system and the application of proper and fair disclosure is a vital component of a fair criminal justice system. The "golden rule" is that fairness requires full disclosure should be made of all material held by the prosecution that weakens its case or strengthens that of the defence.*

*This amounts to no more and no less than a proper application of the Criminal Procedure and Investigations Act 1996 (CPIA) recently amended by the Criminal Justice Act 2003. The amendments in the Criminal Justice Act 2003 abolished the concept of "primary" and "secondary" disclosure, and introduced an amalgamated test for disclosure of material that "might reasonably be considered capable of undermining the prosecution case or assisting the case for accused". It also introduced a new Code of Practice. In the light of these, other new provisions and case law I conducted a review of the Attorney General's Guidelines issued in November 2000.*

(<https://www.cps.gov.uk/legal-guidance/attorney-generals-guidelines-disclosure>)

Although the above is published on the CPS web site, it appears the Director of Public Prosecutions (Alison Saunders) and the CPS-in-general, aren't really understanding the concept of disclosure.

In addition this case and that of Liam Allen, plus the witchcraft case mounted against Mark Pearson and others, indicates a core problem with the CPS. Many prosecutors, including the DPP herself, don't appear to be able to comprehend modern technology - such as mobile phones and CCTV. So if there is evidence easily available and recorded on modern technology, such as text and SMS messages or a digital video recording which conclusively provides evidence that the suspect was not capable of performing the offense/didn't perform the offense/wasn't present when the 'offense' is alleged to have happened etc. then the default response should be to drop the case and if necessary, pursue a false allegation/perverting the course of justice investigation/prosecution against the complainant.

The CPS and the Police though have apparently reinterpreted instances where there is conclusive evidence that would have otherwise have prevented a case from proceeding...as being the grounds to continue it. Basically a perversion of the entire basis for our criminal justice system.

This corruption of our prosecution and executive investigation branch (the Police) has happened only in recent times. True, we've certainly seen false allegations, unsafe convictions and on occasions, false testimony/statements. Now though the CPS and Police appear to be working to a structure which guarantees miscarriages of justice.

To the point that no CPS criminal prosecution undertaken by the CPS now or since 2015 in England or Wales which resulted in a 'guilty' verdict should be regarded as 'safe'.

Flag

RecommendReply

Adrian Turner Dec 20, 2017

@BigJim I am aware of the guidelines and they are usually followed. Your final points are scaremongering. They are utterly without foundation.

Flag

1RecommendReply

BigJim Dec 21, 2017

@Adrian Turner @BigJim

Not when it has now been revealed that in only just 13% of cases gone-to-Court have the evidence disclosure law and guidelines been followed correctly.

Which means in 87% of cases, the disclosure law hasn't been followed.

Which means I believe that I wasn't scaremongering. It's way too late to try and keep a lid on what is developing into the most serious crisis for our criminal justice system since the Guildford Four.

Flag

RecommendReply

de Selby Dec 20, 2017

The sub-heading states " Officers withheld key evidence for four months ", although there seems to be nothing to substantiate that precise claim in the story as printed.

If it is true, it should be clearly understood that there is a difference between being unaware of evidence, for example because you were too busy or too lazy to review it, and withholding evidence, which is a conscious act and if the sub-heading is correct would be conspiracy to pervert the course of justice.

Flag

1RecommendReply

MJJ Dec 20, 2017

Most people would think withholding is what they did. Malign intent rather than incompetence

Flag

RecommendReply

Nigel Brown Dec 20, 2017

Success today appears to revolve entirely around ambition and getting to the top through any means possible. The ideals revolving around moral behaviour and performing a worthwhile job appear to have been abandoned.

Let the Devil take the hindmost comes to mind.

Flag

3RecommendReply

Andrew Middlemiss Dec 20, 2017

Why isn't the D.C. involved being investigated for attempting to pervert the course of justice? Is it because his Seniors condone the crime?

Flag

1RecommendReply

Anthony Esler Dec 20, 2017

Of course false accusers of rape need to be named & shamed...there might then be far less false accusations for the police to deal with...they & CPS have such a heavy case load because of all the false accusations. Consensual sex takes place...the 'victim' then has second thoughts/feels guilty/falls out with the other party and cries 'rape'. Why should anonymity be granted for lying and wasting police time?

Flag

4RecommendReply

Adrian Turner Dec 20, 2017

@Anthony Esler Because the majority of complainants are not from that mould and it takes great courage for a real victim to report a rape and then go through the ordeal of the trial process.

If an accusation is found to be false, and the complainant is then prosecuted for perverting the course of justice, he/she is not entitled to anonymity.

Flag

RecommendReply

MJJ Dec 20, 2017

It's not only the false accusations, but the absurd. How can there be a realistic prospect of conviction when the witness has no recollection whatsoever of the crime because she was so drunk.

Flag

1RecommendReply

John OConnor Dec 21, 2017

@MJJ The state of mind of the victim should not have any bearing on the outcome. Proper medical and police evidence should be the main factors in determining the outcome as they are in cases of sexual assault of a child or a person of limited mental ability.

Flag

RecommendReply

Anthony Esler Dec 21, 2017

@John OConnor @MJJ That may be 'the law'- but doesn't anyone have responsibility for their own behaviour any more? As a society we are far too eager to blame others for our own mistakes. If you are 'out of your head' on drink or drugs..nasty things tend to happen. These young men's lives..and their families have been put through hell and back...think of them!

Flag

1RecommendReply

John OConnor Dec 21, 2017

@Anthony Esler @John OConnor @MJJ These young men's lives..and their families have been put through hell and back...think of them!

I have thought of them in many comments that I have made in this and other articles.

Here, I was simply making the point that proper evidence can also protect a genuine victim.

Flag

RecommendReply

Anthony Esler Dec 21, 2017

@MJJ Spot on- totally agree!

Flag

1RecommendReply

Did You Ring Sir Dec 20, 2017

I presume the Criminal Law Solicitors' Association has been pressing this matter for some time. Why have their concerns not received any publicity ? Why do their concerns not seem to have penetrated the skulls of the powers responsible ? There are VERY serious questions to be asked here. The finger is being pointed at the CPS and its seeming 'agenda'. I repeat. VERY serious questions concerning the rule of law are now waiting for a reaction from the VERY top of our society and government. Could the buck be winking away on the desk of a certain person formerly responsible for the rule of law ?

Flag

2RecommendReply

allie lewis Dec 20, 2017

In the most recent case of young Isaac Itiary it is the SAME Policeman dealing with disclosure ( or lack of disclosure in these cases ) of evidence as Liam Allen.

The Policeman in question, DC Mark Azariah has not been suspended. Why is that?

Flag

3RecommendReply

Obiter Dictum Dec 20, 2017

allie,

Why, young Isaac, he is a 25 year old man who had intercourse with a 14 year old girl.

Flag

RecommendReply

Heather Dec 21, 2017

@Obiter Dictum

Have you actually read the details?

Flag

RecommendReply

Caroline Charalambides Dec 20, 2017

Let's not over complicate the issue, where someone is proved to have wilfully and knowingly falsely accused another of a serious crime, then a charge needs to be brought against the accuser. They should then be named and shamed with charges of defamation/libel, perverting the course of justice and perjury brought against them.

If, in the process, the police, or anyone else involved in the judicial system, is found to have withheld vital information that would absolve the accused of the said crime and/or prove the unreliability of the given evidence, then they too should face severe consequences.

Flag

6RecommendReply

Attrix Dec 20, 2017

@Caroline Charalambides Spot on Caroline. It is simple and should be kept simple.

(much as the legal profession would dislike it!)

Flag

RecommendReply

Freebooter Dec 20, 2017

"It should be remembered that it is not the job of the police or CPS to judge the truthfulness or otherwise of any allegation made,"

Yes it definitely is. If the police, then the CPS feel there is little chance of a conviction then the case will very seldom be prosecuted.

Flag

6RecommendReply

Bernadette Bowles Dec 20, 2017

@Freebooter Not the same thing. Someone may be telling the truth, anyone interviewing them may be convinced they are telling the truth, but if there is insufficient evidence to prove it, the case will not be prosecuted. The whole point of the CPS is to review the evidence dispassionately and judge whether there is enough legally admissible evidence to make a conviction more likely than not - the police, having worked hard to amass evidence against a suspect, are naturally inclined to think the evidence more compelling than it may be. But it is an inclination they are supposed to try to ignore.

But neither are supposed to judge truth, that is the job of the jury. The job of the police is to find as much evidence as possible, and even if it points to a particular suspect, to look also at any evidence that points elsewhere before deciding to pass it to the CPS. The job of the CPS is to check that all evidence is legally admissible, that nothing obvious, nor any legal requirement, has been overlooked, and make a judgement on whether a prosecution should proceed.

Flag

RecommendReply

Cobalt Dec 20, 2017

The latest legislative development from the paradise of feminists - Sweden. You want to have sex, you have to ask a permission the second party. If there is no oral/written permission, you most probably unknowingly raped somebody.

Here is the link from a German newspaper reporting on this.

<http://www.augsburger-allgemeine.de/panorama/Schweden-Maenner-muessen-Sex-Genehmigung-bei-Frauen-einholen-id43589536.html>

Flag

4RecommendReply

J McGill Dec 20, 2017

@Cobalt

This rule obviously doesn't apply to the sex attacks committed by immigrants and covered up by the Swedish police.

Flag

1RecommendReply

AK 57 Dec 20, 2017

'At least Liam Allen had his liberty, young Isaac was on remand for months.

Flag

6RecommendReply

Jake Nolan Dec 20, 2017

@AK 57 If you can call what Liam had 'liberty.'

Flag

5RecommendReply

Obiter Dictum Dec 20, 2017

AK57

"young Isaac' who is in fact 25 years of age. He had sexual intercourse on a number of occasions with a girl who was 14 and 15 at the time. Although the girl claimed to be 19 years of age, Isaac could offer the defence that he had a reasonable belief that the girl was over 16. Taking the girls word is not always sufficient. I do not have the same amount of sympathy for Isaac as I do for Liam.

Flag

RecommendReply

Heather Dec 21, 2017

@Obiter Dictum

How are you supposed to know how old someone is?

Flag

RecommendReply

Chris Baker Dec 20, 2017

False accusers should face the same punishment that their victims would have faced. Police who facilitated the false accusation should be fired, irrespective of rank.

Flag

16RecommendReply

Ian Whitlock Dec 20, 2017

The Police are under pressure to prosecute rapes and secure convictions under a regime of money cuts. Caseloads are increasing. A recipe for more miscarriages. We need to review things nationwide not just in London.

Flag

9RecommendReply

gb901 Dec 20, 2017

"Unconscious bias" by police and cps my backside!

Flag

14RecommendReply

Matt Dec 20, 2017

Are we going to get a swing back to innocent before proven guilty? Or the more likely "these rapists must go to prison for something they can't be proved to have done"?

Flag

19RecommendReply

J McGill Dec 20, 2017

@Matt

They are men so obviously they are guilty and should be sent to prison.

Evidence smevidence!

Flag

RecommendReply

Mrs Ruth Bruce Dec 20, 2017

@Matt

*rapists must go to prison for something they can't be proved to have done*

Or even, as in these cases, for something they can be proved not to have done.

Flag

RecommendReply

Dr Nick Cornish Dec 20, 2017

Interesting interview on The World at One stating that Scottish prosecutors have the power to direct the police to hand over evidence which is apparently not the case with the CPS in England and Wales.

Flag

9RecommendReply

Newminster Dec 20, 2017

Dr Nick Cornish —

One of the interesting aspects of Scots Law is, or at least used to be, that the prosecution was first of all obliged to prove that there had been a crime.

In Mr Itiary's case there was, even though the circumstances were such that a conviction could have been said to be unjust. In Mr Allan's case there was no crime as the complainant's own statements proved.

One worrying aspect of this current affair is that, according to reports this morning, the same officer was responsible in both cases for dealing with the paperwork that should have been passed to the defence but never was. I think this deserves an in depth investigation in its own right.

Flag

7RecommendReply

Dr Nick Cornish Dec 20, 2017

@Newminster It is utterly ridiculous that this officer is still working on sex crime investigations. I assume that one of the first questions the defence barrister will ask is if this individual is involved. If the Met think he is a suitable person to continue to be involved in such serious matters then it must be a Met Police culture issue.

Flag

7RecommendReply

Bernadette Bowles Dec 20, 2017

@Dr Nick Cornish Full disclosure is actually the law in England and Wales too - see Criminal and Investigation Procedures Act 1996 and the Criminal Justice Act 2003, and the Human Rights Act 1998.

Flag

5RecommendReply

Dr Nick Cornish Dec 20, 2017

@Bernadette Bowles @Dr Nick Cornish When I was an academic in Cardiff I got to know a lot of criminal and civil solicitors and barristers as we all drank in the same fabulous pub. They were so contemptuous of all but the specialist police squads and also contemptuous of the fact that South Wales Police had a fraud squad dedicated to rooting out fraud within the police.

One also pointed out to me that between 1990 and 2010 all but two murder convictions secured by the South Wales Police were overturned on appeal in many cases because of undisclosed evidence.

I was a juror in Cardiff Crown Court a number of years ago. It was very enlightening as every case we were meant to deal with was withdrawn by the CPS or thrown out by the judge on the basis of non-disclosure.

I think this goes far beyond the Met and sex crimes.

Flag

2RecommendReply

Freebooter Dec 20, 2017

@Bernadette Bowles @Dr Nick Cornish

A law which, like PACE, the police tend to treat as there to be adhered to or ignored as best suits their case.

Flag

2RecommendReply

J McGill Dec 20, 2017

@Bernadette Bowles

I'm not a lawyer but I would humbly suggest that the judge might begin a trial by asking if there had been full disclosure.

If there hasn't then that's the end of the trial. Should take all of 2 mins.

Better still, this question could be asked when the trial date is set and save a year or two of grief for the accused and a lot of expense.

Just a thought.

Flag

RecommendReply

jojowiththeflow Dec 20, 2017

Nigel Evans being understandably vocal about his suffering under sexual assault accusations against him, yet staying awfully quiet about his active role in reducing legal aid to others facing similar accusations...

So while journalists wallow in pride and are showered with praise from other commenters, why isn't any one of these 'quality' journalists asking folks like Nigel Evans difficult questions about that?

Flag

4RecommendReply

Ruth Ramsden Dec 20, 2017

Perhaps someone will set me right on this but in the US, criminal defence lawyers employ people to dig about and investigate, independently of the police, to find any evidence that might help the accused. The Brady Act also means the prosecution *must* hand over evidence to the defence, who pay people to sift through it, draw their own conclusions and look for corroborating witnesses. Surely we need something like this?

Flag

6RecommendReply

Bernadette Bowles Dec 20, 2017

@Ruth Ramsden We do have such a law; it was being broken, which is why the cases collapsed. And the point was that the evidence existed only on the phones of the girls involved in each case, which the police had copied, but apparently not looked at nor passed on - not accessible to the defence except through the rules of disclosure.

US defence lawyers are often paid by the accused, and will ferret as long as they are paid. Their public defenders (equivalent of a legal aid lawyer) are notorious for not troubling themselves too much for their clients, all of whom are by definition poor and many of whom are black.

Flag

4RecommendReply

Ruth Ramsden Dec 20, 2017

@Bernadette Bowles Thank you. I wasn't sure if there was an equivalent to Brady (I thought there probably was but...). And I know there are great gaping holes in the US system too, particularly, as you say, in the area of public defence. I'm puzzled why the phone evidence wasn't available to the defence. Presumably there was a record of it having been gathered, regardless of whether the police bothered to look at it or not. Sloppy or a 'deliberate' failure? If the CPS don't want the material, someone who isn't driven by targets into partiality needs to make sure these terrible miscarriages cease. Men are being failed by this system and so too are women with genuine complaints.

Flag

3RecommendReply

Bernadette Bowles Dec 20, 2017

@Ruth Ramsden @Bernadette Bowles Disclosure means only that the police have to tell the defence that the phone records exist. It is then up to the defence to ask to review them. As the judge spoke of lack of disclosure, presumably the police didn't say that they had them.

Flag

RecommendReply

Nicholas Luff Dec 20, 2017

The straw poll question is far too black and white. Whether a false rape accuser is named or not it should not deter a genuine victim from coming forward. However, the alleged victim is always afforded the right of anonymity. Why is this not extended to the alleged abuser? Release the name after a successful conviction has been secured. If the police are doing their job correctly they will be able to find out if there are other victims without running the risk of false claims by opportunists who may only have had brief contact with the person who has been accused.

Flag

12RecommendReply

Dr Nick Cornish Dec 20, 2017

@Nicholas Luff I understand the arguments for and against naming victims and suspects but there must surely be a way for the alleged behaviour to be described together with a generic description of the alleged villain and generic location of the incident's location.

Flag

1RecommendReply

Mark H Dec 20, 2017

Another example of Met Police/CPS incompetence was the case of Kato Harris a teacher who was accused of raping a pupil in a classroom. He was cleared by the jury in 26 minutes & the judge said that the decision to prosecute Mr Harris had been an "unnecessary or improper act" and ordered the CPS to pay all his bills. See [www.thetimes.co.uk/article/teacher-rape-charge-was-improper-pkmjr7sxw](http://www.thetimes.co.uk/article/teacher-rape-charge-was-improper-pkmjr7sxw)

Flag

14RecommendReply

Heather Dec 20, 2017

@Mark H

And look at the nasty response by the CPS - '*.....were satisfied a reasonable jury, properly directed, could have convicted the accused.*'

Flag

7RecommendReply

lancsmarsbar Dec 20, 2017

@Heather @Mark H Yes, it would be nice if the CPS said (just occasionally): "We got this one completely wrong".

Flag

5RecommendReply

Freebooter Dec 20, 2017

@lancsmarsbar @Heather @Mark H

That will never happen unless they are absolutely over a barrel. Admission such as that leave them wide open to be sued. If you or any member of your family has ever had a problem with something going wrong in a hospital, the terms of their insurance forbid them admitting mistakes.

Flag

RecommendReply

Obiter Dictum Dec 20, 2017

lancsmarsbar,

They could have a large rubber stamp made!

Flag

1RecommendReply

de Selby Dec 20, 2017

@Heather @Mark H

Surely accusing the judge of having directed the jury improperly is contempt of court-

Flag

RecommendReply

Bernadette Bowles Dec 20, 2017

Failing to disclose evidence is itself an offence. Senior officers who are not emphasising this to those working for them need to be dismissed, without pensions; the CPS would also seem not to be discharging its legal responsibility. Time for a change at the top there, too.

It is also wasting taxpayers' money, as well as the human cost. If someone can be shown to be innocent at the start, all the money used for prosecution and for the court case is wasted. The courts complain that they are overwhelmed; if only cases come before them where there is real evidence pointing to guilt and nothing disproving it, some of the backlog could be cleared. It is the job of the CPS to ensure that only such cases come to court - so what are they doing?

Flag

19RecommendReply

Captain Haddock Dec 20, 2017

@BB, a change at the top ? Yes, I find it frustrating that there are ( in the Met) Detective Chief Superintendents who never served as as detective constable or a detective sergeant.

Straight in as a detective inspector, one particular person who was parachuted in as a detective inspector and was then subsequently promoted until they became a Detective Chief Superintendent had never been on a crime squad and could not detect a rubber duck in bath if asked to.

These people then fly around specialist squads not knowing one end of a crime report to another, let alone interviewing people , investigating, gathering evidence and properly disclosing it.

Until they grasp that nettle and admit they were wrong these cases will continue.

A good leader knows his work and how quickly things can go wrong and how to rectify those mistakes before they make an impact on the case.

Flag

4RecommendReply

Bernadette Bowles Dec 20, 2017

@Captain Haddock Sounds like the voice of experience. Many police officers do excellent work - but it only takes a few to destroy public trust. It's essential that is restored.

Flag

1RecommendReply

MJJ Dec 20, 2017

The end result of this will be that fewer and fewer juries will be willing to convict a man who pleads not guilty to rape. I know that I wouldn't dream of doing so unless there was incontrovertible evidence, such as cctv or half a dozen witnesses, and even then I might have doubts. This applies particularly in situations where the woman was so drunk she has no idea of whether she consented, or indeed of what happened. And why is a man who is drunk responsible for his actions, when a couple of drinks immediately render a woman incapable of giving consent?

To know that police will go so far as to conceal evidence and deliberately mislead the CPS (or did they collude?) is beyond shocking. We already knew that the rush to prosecute any sexual offence was getting out of control. We seem to live in a world where the inadvertent brushing of a hand against a woman's knee constitutes a serious sexual assault. What next?

Another factor which is generally ignored is that a woman who is perhaps pressured by friends, boyfriend or family to make a complaint is probably subject to relentless pressure to pursue her

complaint even if she begins to realise what a can of worms she has opened. Nobody warns her about the humiliation she will suffer when she is questioned by the defence and when her "attacker" is, almost inevitably these days, acquitted.

Flag

13RecommendReply

AOT Le Snarque Dec 20, 2017

@MJJ Like women, drunken men are responsible for any damage they cause when drunk, e.g. at the wheel. If a man is blotto, he's in no fit state to rape anyway.

Flag

RecommendReply

MJJ Dec 20, 2017

True, but if two tipsy people have sex the woman is considered to be incapable of giving consent. I must say, though, that a drunken man is not always incapable of having sex, just less able to perceive the risk he is taking. We are not talking violent assault against a struggling woman here, but a probably brief encounter with an apparently willing, albeit inebriated, woman.

Many women have probably woken up the morning after and wished they hadn't done the deed. I happen to think the best option here is to put it down to experience, keep quiet and move on. Women who confide in friends, boyfriend/husband or parents are pressured into going to the police and the nightmare begins.

Flag

3RecommendReply

Peter Smith Dec 20, 2017

So it's all about money. But UK Legal Aid is available in civil cases to anyone, irrespective of nationality, residency or citizenship. Aided and abetted by British lawyers, the Taliban bandit in his Afghan lair may sue the MoD for unlawful detention and the compensation seeking Iraqi chancer can lie about being tortured by our soldiers. Every asylum seeker has access to legal aid the moment he sets foot in the UK and immigration lawyers use every trick in the book to prevent the removal of fraudulent claimants. So perhaps cutbacks were made in the wrong places. And if the police are so strapped for cash, how come money was available for Operation Conifer? The Gilbertian antics of Wiltshire police investigating allegations against the late Sir Edward Heath cost over one million pounds. Predictably, no evidence of wrongdoing was found. Perhaps some of the cost will be offset by the sale of the now redundant Ouija board.

Flag

12RecommendReply

Bernadette Bowles Dec 20, 2017

@Peter Smith Different force - and Wiltshire was forced to beg the government for extra funds this year in order to do their actual job.

Flag

RecommendReply

Howard M Dec 20, 2017

The wheels of justice turn slow - but they turn. In this case they ground to a halt because of bias and a couldn't care less attitude.

Flag

4RecommendReply

Adrian Turner Dec 20, 2017

There was clearly a major failure of disclosure in the present case and, sadly, such failures are all too common.

Without, for one moment, intending to excuse any failure - let alone one in such a serious matter of a rape prosecution - I think it is salutary to remember why the present laws and codes on disclosure came about.

They were preceded by common law rules, which were much broader. In the 1980s and early 1990s defence practitioners latched on to this and used applications for disclosure as a way of grinding down prosecutions and, ultimately, in some cases de-railing them.

To some extent, this continues. There are a number of firms which claim to specialise in motoring offences, particularly drink driving, and they will use any pretext to demand anything and everything to do with the evidential breath testing device which was used, for example, maintenance logs. In a judgment which cannot yet be published, the Divisional Court has put a stop to this for the time being, but these firms will only think of something else. Ultimately, they rarely succeed for the client, who still has to pay often enormous fees, but that does not seem to get through to gullible, road traffic offence defendants.

I mention this because a lot of police and CPS administrative resources are expended dealing with unmeritorious applications for unused material, and criminal procedure would not be so dependent on the integrity and thoroughness of disclosure officers if it were not for the background I have related.

I repeat, this does not excuse any dereliction of duty on anybody's part in this or any other case.

[Flag](#)

3RecommendReply

PaulW Dec 20, 2017

@Adrian. Why shouldn't the reliability of evidence be tested?

[Flag](#)

3RecommendReply

Adrian Turner Dec 20, 2017

@PaulW It can be, but most of the material gathered in major police investigations neither helps nor undermines either side. It is, therefore, of no value. However, its existence has to be mentioned. If the defence think this material might be of value, by undermining the prosecution or by assisting the defence being run, they can apply to the court for disclosure. But there must be a proper basis for such applications, rather than just fishing.

[Flag](#)

1RecommendReply

Freebooter Dec 20, 2017

@Adrian Turner @PaulW

"most of the material gathered in major police investigations neither helps nor undermines either side."

And will be selectively ignored if it suits their case. In the Michael Stone case, a witness telephoned the police shortly after the murder and told them that she had seen someone leaving the scene, got a good look at him, gave a description of the man she had seen and his car. The police did not visit her, take a statement from her or contact her in any way. Having seen pictures of Bellfield, she is adamant that it was him she saw at the scene. The police already had Stone in their sights and were hell-bent on getting a conviction.

[Flag](#)

3RecommendReply

Adrian Turner Dec 20, 2017

@Freebooter @Adrian Turner @PaulW That's an example of the police filing to follow an important lead, and I agree it was reprehensible.

Flag

RecommendReply

Freebooter Dec 21, 2017

@Adrian Turner @Freebooter @PaulW

No, it was not a failing, it was a choice made because they had already decided who they were going to charge. A failing is something accidental or due to lack of ability: this was deliberate.

Flag

RecommendReply

JournoList Dec 20, 2017

They have been lending moral support to Bob Quick. Jacqui is exhausted.

Flag

RecommendReply

Luke Watts-Apnin Dec 20, 2017

" ...and that there is a lack of funding for defence lawyers, risking miscarriages of justice."

There never seems to be any shortage of defence lawyers when it comes to the multi-million pound cases fought at the expense of the taxpayer to defend Islamists accused of preaching hate or encouraging jihad or promoting terrorism (think abu Hamza, abu Qatada, Anjem Choudary)

Keep a watch on this story as it unfolds - also from today's Times ...

<https://www.thetimes.co.uk/edition/news/spy-chiefs-triggered-police-raids-as-christmas-bomb-plot-fears-grew-8vf23g82g>

Flag

2RecommendReply

peter nightingale Dec 20, 2017

CPS guidance for such offences:

"The Policy Statement emphasises the need for case building. Rather than merely spotting the evidential failings, prosecutors are encouraged to think 'well, there is a problem here but is there anyway that we can improve the evidence so that the Code standard is met?'"

It looks like a stated policy to 'bury' any conflicting evidence.

Flag

8RecommendReply

Mrs Ruth Bruce Dec 20, 2017

@peter nightingale

*is there anyway that we can improve the evidence ?*

I had to read that twice - and still find it hard to believe. Is that really a quotation from the CPS? Is *improving* evidence really part of their practice? What has happened to justice in the country we live in?

Flag

3RecommendReply

Mrs Ruth Bruce Dec 20, 2017

@peter nightingale

By the way: I just checked on the CPS website. And, yes, although it strains credulity, that is exactly what it says.

Flag

1RecommendReply

peter nightingale Dec 20, 2017

@Mrs Ruth Bruce @peter nightingale Yes, paragraph 2 'Decision to Prosecute'

<https://www.cps.gov.uk/legal-guidance/rape-and-sexual-offences-chapter-1-cps-policy-statement>

Flag

RecommendReply

Richard Stout Dec 21, 2017

@Mrs Ruth Bruce @peter nightingale

A Freudian slip that reveals the unwholesome bias of the CPS.

Flag

RecommendReply

Blueinsale Dec 20, 2017

Whilst the obvious crimes against these two men should be rightly brought to the attention of the public, it cannot be right to name the detective constable involved. This is another example of people being found "guilty in the eyes of the public" before trial which seems to be a popular trend. We, and I suspect the Times do not know the facts behind who withheld the evidence. The senior policeman involved should make a statement about the actions the force now intend to take. Given the widespread use of social media and the publication of a name, we have the opportunity here for a man who may be innocent to be vilified and attacked.

Flag

1RecommendReply

Steven Oldfield Dec 20, 2017

@Blueinsale All Police Officers involved in a prosecution are informed when evidence is withheld to the Defence as it is normally part of an overall strategy to ensure a conviction takes place. In such instances this tactic often involves the further falsification of evidence to ensure a conviction takes place and the role of most Appeal Judges is to ensure this corruption never meets the light of day.

Flag

3RecommendReply

MJR Dec 20, 2017

@Blueinsale

No one wins when the legal system is brought into disrepute. The police look "guilty" due to the lack of disclosure. But surely if this evidence were available why on earth did the CPS proceed to trial?

There seems to be an issue generally with the way the law is now skewed to believe the anonymous "victim" and treat the accused as guilty until proven innocent. This seems to be dead set against the innocent until proven guilty basis upon which we all rely. Why, given both the accusers in the above cases have lied are they not prosecuted for perverting the course of justice?

Addressing this in-built bias in the system would undoubtedly deter the false accusers, and thereby free up resources to handle the other cases properly one hopes.

Flag

7RecommendReply

Bernadette Bowles Dec 20, 2017

@MJR @Blueinsale One hopes the women will indeed be prosecuted.

Flag

1RecommendReply

AOT Le Snarque Dec 20, 2017

Speaking as a feminist, I would appreciate it if The Times would fully report the prosecution (or lack thereof) of the accusers of both Liam Allen and Isaac Itiary.

If women want more power, they should take more responsibility.

Flag

15RecommendReply

lancsmarsbar Dec 20, 2017

@AOT Le Snarque Courageously said.

Flag

RecommendReply

Bernadette Bowles Dec 20, 2017

@AOT Le Snarque Absolutely. No-one can be allowed to ruin another's life and waste large amounts of taxpayers' money without being held to account for it.

Flag

RecommendReply

Peter Grant Dec 20, 2017

Well done the Times for revealing this appalling miscarriage of justice. This same newspaper also shone a light on Rotherham. The concern is that investigative journalism is expensive, and most newspapers of repute are losing money faced as they are by competition from "free" news. An independent press is an essential check on abuse of power. I am not sure I would be confident that the BBC would have been as diligent in this case or in the case of Rotherham.

Flag

59RecommendReply

Maurice White Dec 20, 2017

@Peter Grant I so agree, and investigative journalism is on its last legs. Please Thunderer, more like this. I would love to see an investigation into the involvement of Common Purpose advocates in the NHS, Police and other government bodies, and a real explanation of what their 'common purpose' really is and who funds them.

Flag

1RecommendReply

Andrew Middlemiss Dec 20, 2017

"Detective Constable Mark Azariah, 37, the investigating officer in both rape cases, remains on full duty in the sexual offences investigation unit. "

So the problem goes much higher than DC's -higher officers, by their inaction are condoning this desperately bad, if not criminal (seeking to pervert the course of justice) behaviour.

Flag

26RecommendReply

AOT Le Snarque Dec 20, 2017

@Andrew Middlemiss Laziness can be just as bad as criminal behaviour. There's a reason why they call it "criminal negligence".

Flag

1RecommendReply

MJJ Dec 20, 2017

There can be little doubt, surely, that he was simply following orders?

Flag

4RecommendReply

Bernadette Bowles Dec 20, 2017

@Andrew Middlemiss It is in fact criminal; the prosecution has a legal duty of disclosure. And while this DC needs to be removed from his position, it's unlikely that this is all due to one incompetent junior officer; if his seniors were doing their job properly, and the CPS theirs, the evidence would have been discovered long before it reached court.

Flag

6RecommendReply

Steven Oldfield Dec 20, 2017

@Andrew Middlemiss The problem is that not only does full disclosure often not take place but that Police Officer's have falsified evidence and refused to investigate alternative possibilities for a fear of their dishonesty being discovered. To conceal such practices Judges are often ignoring Perjury hence why conviction rates for it are dropping.

Flag

2RecommendReply

Charles Vintcent Dec 20, 2017

In the East End they have always been convinced that 'The Law' is as bent as a nine bob note. They seem to be right.

Flag

13RecommendReply

Brian Vallance (Corfu) Dec 20, 2017

The normal practice by the police and by the prosecutors, for any criminal prosecution, (and not just sexual matters) since time immemorial, and especially in any denied or disputed charges, is to seek Corroborative or Confirmatory evidence. Prosecutions just wouldn't continue without it, when just based upon one word against another.

Why have modern rape prosecutions, apparently, totally ignored this totally normal practice. No corroboration - No prosecution!

It seems as if investigating officers and also the CPS have become incredibly sexist, lately (These male / female disputed matters just wouldn't occur the other way around) - And quite incompetent as well!

Flag

16RecommendReply

Brian Vallance (Corfu) Dec 20, 2017

The incredibly amateur statement "Credible and True" comes to mind in these matters!

Flag

2RecommendReply

Celtom Dec 20, 2017

Does the prospect of criminal injury compensation play a part in these allegations - or is it just laziness and pre-judgement on the part of the police?

Flag

8RecommendReply

Steven Oldfield Dec 20, 2017

@Celtom It is often criminal conduct by Police Officers that is sanctioned by corrupt CPS Barristers that is then protected by equally corrupt Judges in the Appeal Courts and I say this with the evidence to confirm such accusations in my possession.

Flag

1RecommendReply

james murray Dec 20, 2017

"Met police to review all live rape cases as second trial collapses"

Yes, well at the very least, every case, current or closed, where this police officer has ever been in charge of disclosure or even had a hand in it.

And while we are about it, every case where the relevant CPS lawyer has been involved as he/she clearly knows nothing about their duties of disclosure in general, and specifically under the 1996 CPI Act which regulates this.

Jim Murray

Flag

28RecommendReply

Bernadette Bowles Dec 20, 2017

@james murray I would be surprised if only one junior officer bears responsibility for this.

Flag

3RecommendReply

james murray Dec 20, 2017

@Bernadette Bowles @james murray

Bernadette,

You may well be right, but I will bet a pound to a penny that no senior heads will roll....

Jim Murray

Flag

1RecommendReply

peter nightingale Dec 20, 2017

@james murray From the CPS :

"The Policy Statement emphasises the need for case building. Rather than merely spotting the evidential failings, prosecutors are encouraged to think 'well, there is a problem here but is there anyway that we can improve the evidence so that the Code standard is met?'" !!

Flag

1RecommendReply

31linden Dec 20, 2017

Now that the identity of the Police Constable has been revealed we should be careful not to make him the sole culpable party in the investigation of the accusations. Those higher up in the chain of command must face equal scrutiny.

Flag

29RecommendReply

Anip Dec 20, 2017

Apparently Cressida Dick - head of the Met and the disgraceful Alison Saunders are all graduates of the ' Common Purpose' charity said to be a ' left-wing masons' organisation in that it is highly secret.

Root and branch clear out is now needed please.

And Alison Pearson over at the Telegraph is calling for this in her brilliant article today.

Flag

36RecommendReply

MJJ Dec 20, 2017

It would perhaps be interesting to see how a Brazilian accused would fare in Ms Dick's regime.

Flag

2RecommendReply

John black Dec 20, 2017

the individuals that withheld this evidence must be locked up. sacking and losing pension is not enough. These people are trusted by us, their word holds more sway than the public, and they are a disgrace to their colleagues, their department and to this country.

Flag

25RecommendReply

Peter Hurley Dec 20, 2017

When the police and CPS bend the rules so you can't help but think they are doing it to meet targets...

Flag

16RecommendReply

Michael Watson Dec 20, 2017

@Peter Hurley Need to get AC-12 onto them...

Flag

6RecommendReply

Lucy's dad Dec 20, 2017

@Michael Watson @Peter Hurley

Even the fictional AC-12 would do better than most of not all police professional standards units.

Flag

1RecommendReply

Jake Nolan Dec 20, 2017

Wait so have I read this wrong or was the same officer involved in both cases and he withheld information in both cases? Surely I have misunderstood...?

Flag

14RecommendReply

hfk123 Dec 20, 2017

@Jake Nolan That was what I read. Sure he or she should be taken off duty while investigation is going on.

Flag

15RecommendReply

Bernadette Bowles Dec 20, 2017

@Jake Nolan Yes - but he's a DC. If he is not doing his job properly, what are his superiors doing? Why was the lack of disclosure not noticed by the CPS, and remedied?

Flag

3RecommendReply

Baltimore Dec 20, 2017

The concept of guilty "beyond all reasonable doubt" seems no longer to exist in cases of rape and indecent assault.

If Liam Allen had not been able to prove his innocence he may well have been convicted, sentenced to twelve years in jail, and carried the stigma of a rapist for the rest of his life. And that would have been all because he could not prove that the claims made against him by his anonymous accuser were false.

If the phone had been lost and the exculpatory evidence did not exist Mr Allen would be just as innocent, but being unable to prove it would likely be convicted. That is a totally unsatisfactory state of affairs. It should not be up to the accused to prove his innocence.

Flag

36RecommendReply

Graeme Harrison Dec 20, 2017

It's not; as every judge makes clear in every summing up.

Flag

3RecommendReply

Lucy's dad Dec 20, 2017

@Graeme Harrison

Despite what the judge may say at the summing up, the poor or even criminal presentation of the prosecution case may have actually no effect on the accused.

Flag

1RecommendReply

Graeme Harrison Dec 20, 2017

I'm sure that made sense to you.

Flag

RecommendReply

Steven Oldfield Dec 20, 2017

@Graeme Harrison This is misleading as the Judge in my case said this and supported the prosecution at every opportunity.

Flag

1RecommendReply

Graeme Harrison Dec 20, 2017

If he said it, I'm not sure what's misleading about my statement.

In your trial (nothing too rape-related I hope!), the judge will also have told the jury to disregard anything he said about his assessment of the facts of the case if they disagreed with it.

Flag

RecommendReply

R Jowett Dec 20, 2017

@Baltimore

Liam Allen, like all those accused of any crime, should not have to prove his innocence.

Because our legal system starts with a presumption of innocence in criminal matters, the Police and CPS have to persuade a jury, beyond all reasonable doubt, that the evidence they have put forward on behalf of the accused, cannot be 'explained' away by the accused.

As you say, this may not have been possible for Liam Allen, due to the evidence which had been withheld from his defense team.

Flag

5RecommendReply

John Robertson Dec 20, 2017

In regards to the false claims, since dismissed, against Liam Allan, given the complainant seems to have admitted to her friends on social media that it was all a lie, when can we expect to hear from the DPP that they will be laying charges against her (and potentially, at least, these friends) for perverting the course of justice? It is all well and good to blame the police for (disgustingly) breaching their disclosure obligations, but we should not lose sight of the fact the entire episode was based on lies told by her to the police, maliciously, and she needs to pay a high price for that, and be seen to do so.

Flag

56RecommendReply

Bernadette Bowles Dec 20, 2017

@John Robertson Absolutely; those making false allegations are occasionally prosecuted, but it's rare. It must be done in every case where it is clear, as here, that the complainant deliberately lied. And the waste of public money is considerable; if she has any assets, she must be made bankrupt and whatever she has seized to pay towards this bill.

Flag

3RecommendReply

Hector Le Crapaud Dec 20, 2017

We can talk about changes in the system till the cows come home. All systems are as good as the people operating them. The individuals concerned should be made responsible for their negligence and fired. The wrongly accused should be compensated. There should be a public enquiry to establish how many other cases there have been. Firing/compensating then to be repeated as needed.

Flag

13RecommendReply

Luke Watts-Apnin Dec 20, 2017

@Hector Le Crapaud A true story from a few years ago ..

My then girlfriend was on her way home late one night and was blue-lighted by a police car for no apparent reason.

She pulled over and the police car pulled in about ten metres behind her. Its sole occupant got out and walked towards my girlfriend's car. As he approached she wound her window down. The policeman took one look at her and said : 'Oh I'm sorry, I thought it was a bloke driving.'

And that was it. He bade her goodnight and walked back to his car.

Flag

4RecommendReply

Lucy's dad Dec 20, 2017

@Peter Scarborough

Actually they should be prosecuted for perverting the course of justice.

Flag

3RecommendReply

Hector Le Crapaud Dec 20, 2017

@Lucy's dad @Peter Scarborough As well, yes.

Flag

RecommendReply

Bernadette Bowles Dec 20, 2017

@Peter Scarborough While true, the systems need to be correct; the opportunities for those operating them to subvert the system should be as few as possible.

Flag

1RecommendReply

Hector Le Crapaud Dec 20, 2017

This one spent 4 months in jail. Liam Allen was on bail. Am I the only one to smell discrimination here? Theresa May herself pointed out that the justice system was loaded against people of colour. And then, as usual, did precisely nothing about it.

Flag

14RecommendReply

Michael Watson Dec 20, 2017

@Hector Le Crapaud Perhaps he was in prison as it was an offence with a minor as opposed to Mr. Allen's offence? Or there were other charges?

Flag

5RecommendReply

Hector Le Crapaud Dec 20, 2017

@Michael Watson @Peter Scarborough Perhaps... or perhaps not.

Flag

RecommendReply

Bernadette Bowles Dec 20, 2017

@Peter Scarborough There are a number of reasons for refusing bail; and some offences are considered too serious for bail. Few people would be bailed for alleged sex with a minor, unless the claimed offence was historical. Wasn't a factor in the Allen case, where the claimant was adult.

Flag

1RecommendReply

Hector Le Crapaud Dec 20, 2017

@Bernadette Bowles @Peter Scarborough You don't need to be so creative. The most likely reason is that he did not have the money or anyone to put it up for him.

Flag

RecommendReply

LLE Dec 20, 2017

I really must thank The Times for exposing these cases in a way some other publications refuse to. As someone who represents those arrested and interviewed at police stations, I am routinely shocked by the abuse of power by some rotten officers involved in more serious cases. Its almost as if they take things personally, quick to judge and callous to those innocent and subject to vexatious allegations.

Police 'management' are also to blame. Another example of public servants failing those they are meant to serve.

Flag

24RecommendReply

Anip Dec 20, 2017

@LLE I hope you speak up when you witness this abuse - this is the only way to stop it.

Flag

9RecommendReply

Brian Burnell Dec 20, 2017

@Anip @LLE

Not practicable Anip. If he spoke up he'd quickly be fitted up himself.

Flag

1RecommendReply

Mr John Dec 20, 2017

The Police and CPS are no longer fit for purpose.

Flag

19RecommendReply

Celtom Dec 20, 2017

@Mr John

A bit harsh! I'd like those directly responsible and their line of supervision to be dealt with immediately and firmly. Otherwise we just get medical retirement of the worst detectives and the usual cover up review for their seniors who failed to ensure probity and integrity.

Flag

8RecommendReply

Bernadette Bowles Dec 20, 2017

@Mr John Not all of them - but this attitude is pervasive, and needs to be rooted out. And there is definitely something rotten at the CPS.

Flag

4RecommendReply

Simon Kingston Dec 20, 2017

Two catastrophic failures in disclosure and police conduct. Jerry Hayes maybe right that it is not just one rogue police officer, but I find it difficult to accept that any lay individual with a modicum of common sense and reasonable judgement could not have realised the relevance of the material they had reviewed to the defence. It seems highly likely, against any "threshold" test that the investigating officer was selective in his use of evidence, and erred very much on the side of prosecution rather than establishing all of the facts. Or maybe he did establish them but still decided he had a role as judge and jury. My Hayes is right again; that clearly isn't the role of the police. I don't accept that as a funding issue either. Its a conduct and basic competence issue pure and simple.

Isn't it interesting too that the press coverage to date has been substantially on the Allan case rather than Itiary. For sure the Allan case broke sooner and highlighted the travesty. Fortunately, though he didn't spend any time on remand and there appears, at least, to have been no selective disclosure of digital evidence. Mr Itiary spent several months in prison with his liberty denied and in this case it appears that there was cherry picking of evidence and disclosure. I wonder what the difference is between the two?

Flag

18RecommendReply

Celtom Dec 20, 2017

@Simon Kingston

The very words "threshold test" are the key! Tickbox by jobswords rather than real police work.

Flag

6RecommendReply

Bernadette Bowles Dec 20, 2017

@Simon Kingston The implication is that the DC never bothered to actually read any of it, rather than deciding to suppress it; though we don't actually know. Either way, his superiors and the CPS have questions to answer.

The difference is in the alleged offences; sex with a minor will often mean bail is denied, as would an allegation of rape of a stranger, or with violence - in Mr Allan's case the issue was whether sex in a relationship was consensual or not, and such cases are usually bailed, sometimes with the condition of not contacting the claimant. Plus, for the first 14 months, Mr Allan was told he was not going to be charged, it seems.

Flag

RecommendReply

Simon Kingston Dec 20, 2017

@Bernadette Bowles @Simon Kingston Proves the point that we shouldn't rush to judgement! Yes as the day moves on more information comes to light. Maybe the DC hadn't reviewed the actual material and so there was no malicious act of concealment, maybe just lazy workmanship or maybe a swift appraisal that there was no real case to answer so why bother...I get that more readily. But still when the charge came why the concealment? Surely, if he had been of the opinion that no charges should be made, compassion makes you go back and review matters. Perhaps we do conclude too little time with too little resource and pressure to push these things through without thorough process.

Thanks for the explanation on the different treatment of each of the accused with respect to bail and remand. Makes sense. My point was more about the subsequent press exposure though.

More to come out I suspect. Time to hold ones tongue....

Flag

RecommendReply

JournoList Dec 20, 2017

They have to wait around for the BBC helicopter.

Flag

10RecommendReply

Bishop Jonathan Blake Dec 20, 2017

The Police and the Crown Prosecution Service have perverted the course of justice and ought to be charged. Repeatedly they have been in possession of information that would have assisted the defence and have withheld it. The 'threshold test' applied it seems, is whether they can so manipulate the evidence they can boost their statistics.

Flag

17RecommendReply

Graeme Harrison Dec 20, 2017

Can bodies corporate be charged with perverting the course of justice? I'd have thought individuals were rather more intimately involved in making wrongful decisions than an organisation.

Flag

1RecommendReply

Burung Hantu Dec 20, 2017

@Bishop Jonathan Blake

*Quis custodiet ipsos custodes?*

It is conceivable that individuals might be legally at fault here but, to follow your suggestion, who, technically, could 'prosecute' the Crown Prosecution Service?

Flag

Flag

1RecommendReply

Bishop Jonathan Blake Dec 20, 2017

@Burung Hantu @Bishop Jonathan Blake Exactly. The fatal flaw that spawns these aberrations of justice.

Flag

RecommendReply

Gerald Collins Dec 20, 2017

@Bishop Jonathan Blake The Threshold Test is simply an emergency evidential analysis used to immediately charge a person who appears unsuitable for bail ( because they are likely to commit further offences, abscond, interfere with witnesses etc.) It is followed by the usual evidential test (realistic prospect of conviction) when all the evidence has been gathered. At least you might now understand that bit of your uninformed rant.

Flag

1RecommendReply

Steven Oldfield Dec 20, 2017

@Gerald Collins @Bishop Jonathan Blake There is not a need to have insulted Bishop Jonathan Blake as the evidential stage is often not met in such cases and people failing to meet this criteria should face prosecution and they don't which explains why such injustices keep re-occurring.

Flag

1RecommendReply

Cynicas Dec 20, 2017

Trying to run a police force with political interference, budget cuts, and political correctness doesn't seem to work very well.

Flag

14RecommendReply

BARBADOSBELLE Dec 20, 2017

Ah, well. At least they all have University Degrees (though unfortunately no morals or common sense).

Flag

8RecommendReply

Steven Oldfield Dec 20, 2017

@Cynycas They are well funded but employ a significant number of people who are more concerned with their early retirement being granted than being honest in the workplace.

Flag

1RecommendReply

Liberty Dec 20, 2017

The police concerned are guilty of 'perverting the course of justice' It is as clear as the nose on your face. That is a very serious offence and I expect the officers concerned to be prosecuted in the same way as I would be if I attempted to bribe a witness. However, although there are probably dozens of guilty policemen I suspect they will all be cleared, put on gardening leave for a year or so while their cases are investigated, moved to another force, retired early and nothing permanent will be done and we will be reading of such cases for years to come.

Flag

16RecommendReply

Peter Roberts Dec 20, 2017

@Liberty I would hope that, not only are they prosecuted, but they are seen to be prosecuted.

Flag

3RecommendReply

Germann Arlington Dec 20, 2017

"Met police to review all live rape cases as second trial collapses"

Maybe they should look at tried rape cases too.

If there is a chance that the police forces were concealing evidence it is possible that some cases have come to trial on false/incomplete evidence.

Some may think that it should be a matter for a court of appeal but the major difference is that in the court of appeal the accused have to prove that they are innocent.

Flag

12RecommendReply

Foreversideways Dec 20, 2017

The courts are going to be hearing a lot of new evidence from those banged up, if I was one of them I would be instructing solicitors to look for new / hidden evidence. The work load will be enormous and this is going to turn into yet another scandal, where are our dozy government in all this ?

Saunders needs sacking straight away, the officers in this case removed from duty pending any prosecution and a full UK enquiry conducted.

Flag

14RecommendReply

brian wright Dec 20, 2017

It seems beyond a coincidence that the same PC was the investigating officer in both cases. Yet he remains on full duty. Why?

Flag

14RecommendReply

R Jowett Dec 20, 2017  
@brian wright  
Perhaps because he was incorrectly/improperly supervised.

I find it astonishing that an officer of Constable rank did not have their work overseen by a Sergeant, who in turn would have been overseen by an Inspector, indeed all the way up to Commander Level. Why haven't these officers been named too?

Flag

9RecommendReply  
geminigirl789 Dec 20, 2017  
@R Jowett @brian wright Surely you don't need a supervisor to tell you to turn over evidence that exonerates a suspect?

Flag

8RecommendReply  
R Jowett Dec 20, 2017  
I agree, an officer with that much experience shouldn't need to be told to hand over all pertinent evidence. However, that 2 such cases involving the same officer working in the same unit have come to light, suggests failures in oversight as much as incompetence or dishonesty on the part of the officer.

Flag

1RecommendReply  
Peter Dawe Dec 20, 2017  
@geminigirl789 @R Jowett @brian wright It depends whether the policeman believes (wrongly) that it is his duty to obtain a conviction rather than to thoroughly gather the evidence, the decision to prosecute being the responsibility of others.

Flag

RecommendReply  
Steven Oldfield Dec 20, 2017  
@R Jowett Oversight? This evidence would have been checked to assist the conviction and it clearly showed the accuser was a liar but it was ignored because it is likely that other incriminating evidence offered to the Court was falsified. This is the way the Justice System works and there are many innocent people in jail because of such practices and the conduct of the Police Officer involved is criminal and not an oversight.

Flag

2RecommendReply  
Mr R Taylor Dec 20, 2017  
During my time in the Met. all allegations of rape had to be investigated by a Det. Insp.

Flag

2RecommendReply  
R Wallace Dec 20, 2017  
Allison Pearson writing the DT is right:

Alison Saunderson, Director of Public Prosecutions should stand down or be sacked.

<http://www.telegraph.co.uk/women/politics/alison-saunders-must-stand-sacked/>

Flag

11RecommendReply  
Baltimore Dec 20, 2017  
@R Wallace  
I wonder how many people have subscriptions to both the Daily Telegraph and The Times.

For the benefit of those of us who do not have a subscription to the Daily Telegraph perhaps R Wallace could summarise the reasons Ms Pearson gives to support the proposition that the DPP should be sacked.

Flag

4RecommendReply

Kiddilad Dec 20, 2017

I know that sticking up for Lawyers is never the most popular topic, and the profession is often its own worst enemy, but this is the benefit of a truly independent Bar.

Flag

21RecommendReply

Celtom Dec 20, 2017

@Kiddilad

For "truly independent bar" read vigorously fee seeking bar. Good on these barristers but they only did what the police and solicitor - indeed any person of integrity -should have done before charges were laid.

Flag

1RecommendReply

Peter Dawe Dec 20, 2017

@Celtom @Kiddilad The defence cannot know whether there is any relevant material on the complainant's computer/iphone unless the police and prosecution disclose it. If they make a blanket request and receive a negative answer, they are stuck.

Flag

4RecommendReply

Chris Oakley Dec 20, 2017

In my view, this culture is an inevitable consequence of political interference in the justice system. Harriet Harman and Vera Baird both occupied the position of Solicitor General and in my opinion both pushed an agenda that has subverted justice by favouring the right to accuse above the right to a fair trial.

The intentions may have been good and I am not denying that there have been benefits but one unforeseen consequence is that it is now possible for malicious people to make false accusations from the relative safety of guaranteed anonymity and a second is that they are likely to be believed by police officers trained to do just that.

Flag

18RecommendReply

Hector Le Crapaud Dec 20, 2017

@Chris Oakley The fact remains that specific police officers consciously decided to conceal information. And have not been punished.

Flag

9RecommendReply

Anip Dec 20, 2017

@Hector Le Crapaud @Chris Oakley Sorry - but laying all the blame on an individual officer just won't wash. He did wrong and I hope he loses his job, but this is obviously an organisation issue.

Flag

7RecommendReply

Hector Le Crapaud Dec 20, 2017

@Anip @Peter Scarborough @Chris Oakley The important question is how many other bent cops are in that organisation? There just is no replacement for individual responsibility.

Flag

2RecommendReply

Peter Hurley Dec 20, 2017

@Chris Oakley Its a coppers job not to believe anyone. That way it forces them to seek evidence...

Flag

4RecommendReply

geminigirl789 Dec 20, 2017

@Peter Hurley @Chris Oakley But they HAD evidence...just the wrong sort, it seems.

Flag

9RecommendReply

Richard Stout Dec 21, 2017

@Chris Oakley

That is an excellent point. It is as if the entire system has been set up to encourage false accusations.

Flag

RecommendReply

Christopher Sheldrake Dec 20, 2017

The legal profession and the accused can have no confidence in the sexual offences investigation unit of the Met.

The officer concerned should have been immediately suspended or transferred to other duties pending an independent enquiry. These two cases demonstrate at the very least a catastrophic management failure across the whole unit as well as by the supervising assistant chief constable. At worst, it could be an unofficial policy within the unit not to treat those accused properly and to completely ignore the concept of innocence until proved guilty.

An attempt is almost certainly going to be made to shift the blame onto the Government by claiming that limited resources are the cause. Yet the consequences for those falsely accused are so devastating that the unit should have been limiting its own activities to cases that it knows it is able to pursue properly.

Pressure from the feminist lobby has led to the sorry state and at the heart of the problem are politicians such as Harriet Harman and many others who have demanded higher conviction rates in an area of the law in which it is notoriously difficult to prove guilt beyond a reasonable doubt.

Add the grossly discriminatory rules on anonymity and we have now reached a point where, in the area of sexual crimes, the criminal justice system has completely forgotten William Blackstones famous statement that *"It is better that ten guilty persons escape than that one innocent suffer."*

Flag

23RecommendReply

LLE Dec 20, 2017

@Christopher Sheldrake

It is that statement by Blackstone, which motivates me to get up at sparrow fart o'clock to deal with a job at Police custody..

Flag

1RecommendReply

Richard Stout Dec 21, 2017

@Christopher Sheldrake

The feminist approach to rape and sexual assault appears to be the exact opposite: "It is better that ten innocent men be convicted than that one guilty man escape"

Flag

RecommendReply

edward Bellamy Dec 20, 2017

These are probably not the only rigged rape cases all recent convictions need review, it makes the Met Police appear like the communist East German police. This is a political agender by that disgraceful woman Alison Saunders who was probably setting conviction targets to further her own career lets hope this woman does not make it to the house of lords.

Flag

13RecommendReply

Chris Wood Dec 20, 2017

I'm not a fan of the police but in these cases I have a little sympathy. After all the media talk of men getting away with assaults and rape they must be under intense pressure to investigate any allegations made by a woman (or girl) and to support the allegations by bringing prosecutions. It's not right but within the current hysterical atmosphere it's not too surprising. It is an institutional failing not an individuals. Having said that if a copper has done anything illegal, strong disciplinary action must be taken.

Flag

3RecommendReply

AJCG Dec 20, 2017

@Chris Wood You are assuming that this is a recent phenomenum. It is not and is therefore little to do with the recent events. It is endemic.

Flag

6RecommendReply

Goldbold Dec 20, 2017

The false accusers should always be named, charged with perverting the course of justice, and sentenced to a period of imprisonment at least as long as that that would have been incurred by those they accuse.

Flag

17RecommendReply

AOT Le Snarque Dec 20, 2017

@Goldbold Absolutely.

Flag

1RecommendReply

PJW Dec 20, 2017

Presumably this doesn't just call into question ongoing trials and investigations - it also calls convictions into question.

Flag

8RecommendReply

Christopher Ashton-Jones Dec 20, 2017

Just police Constable in charge of such a sensitive case!

Flag

5RecommendReply

peter ellis Dec 20, 2017

It seems clear enough to me. The police deliberately held back evidence until they were forced to disclose it showing that the accused had been innocent all along, all to get a conviction. If ever there was criminal behaviour by the police this is it.

This has to be taken seriously. Internal investigations will let them off the hook. Officers have to be prosecuted for this.

Flag

18RecommendReply

LeonZuBird Dec 20, 2017

And its females like this, who lie about circumstances surrounding rape, that make it hard for genuine rape cases to fully succeed.

Shame on her.... And i do hope this young man can recover from this horrible experience.

Flag

30RecommendReply

Hafthor Ericsson Dec 20, 2017

Is this the same Met that is supposed to protect the public from terrorism?

Flag

5RecommendReply

Sinnott Dec 20, 2017

I am confused. Is 'habeas corpus' a thing of the past? Or is it that, on the strength of the overwhelming 'evidence' presented by the police (sorry, the prosecution) that the accused was a serial paedophile and a threat to the public that a magistrate remanded him in custody for 4 months awaiting trial? How many others are in jail on similar 'evidence'?

Flag

7RecommendReply

Graeme Harrison Dec 20, 2017

Habeas corpus has nothing to do with this case; the fact that an adult was having sex with a child does.

Flag

1RecommendReply

Stelling Dec 20, 2017

@Graeme. You've made this same point a number of times. READ the article again ! She told him she was 19. Have we got to the stage where a birth certificate is required, along with a condom ?

Flag

8RecommendReply

AlMa Dec 20, 2017

Cressida Dick now needs to show that she is worthy of the role as Commissioner and clear the stables and prevent potentially more cases of miscarriage of justice. Start with the head of the unit, Commander Richard Smith, on his watch.

Flag

5RecommendReply

John Hooton Dec 20, 2017

Let us not forget the latest Rolf Harris fiasco that went through the whole legal process including conviction on nothing. It is not only the police, the CPS and I fear the even Judiciary are not above criticism. As to the Home Office and the political masters of the system, I despair.

Flag

6RecommendReply

Grumpy Old Man Dec 20, 2017

Whilst the impact upon the lives of those that were falsely accused is of paramount importance it is worth noting the costs associated with these two cases.

Crown Court £150,000 per day?

Four months in prison £50,000?

All because a Policemen chose not to reveal important evidence.

Flag

12RecommendReply

PJW Dec 20, 2017

We're not talking here about administrative oversights. We're talking about perverting the course of justice, ie criminal activity. Very well done to the Times for investigating this.

Flag

22RecommendReply

David Edwards Dec 20, 2017

There's an explosion in the amount of information in our society. Where once communications would be spoken and immediately lost as evidence, or there might be a few letters on paper to be found on a search, there are now innumerable messages.

It's indefensible for the Police to say they've examined electronic information and that nothing is relevant to a prosecution - that is a lie. On the other hand, it's possible that their legal obligation to investigate all available evidence is becoming impossible to perform within reasonable resources.

Flag

5RecommendReply

SGH53 Dec 20, 2017

Why should it be assumed that police failure to disclose is confined to rape and sex abuse cases?

Flag

21RecommendReply

Burung Hantu Dec 20, 2017

@SGH53

Indeed, SGH. One suspects that there must be an even bigger can of worms to be opened here.

?

Flag

1RecommendReply

William Dec 20, 2017

The MET do like to buck the trend by leaving the DC involved in place and on full pay while this is investigated. At the very least, after demonstrating his total incompetence to function in this important role, he should be suspended until the investigation is complete and further training and or supervision is decided.

Where is the government minister responsible hiding at the moment?

Flag

5RecommendReply

Hem Laljee Dec 20, 2017

The Police are supposed to be Impartial, unbiased and custodian of all evidence in pure form to present these before the Court for its Judgement but on the way some personnel in the Police Force are tinkering or withholding the true evidence to bend the discharge of the Court Ruling in the direction which they decided the person is guilty. In other words, they have decided who is guilty even if the person is innocent. This is called rogue Police activities.

Flag

3RecommendReply

Rozel Dec 20, 2017

Are the Police guilty of institutional sexism in these two cases?

Flag

6RecommendReply

Keith Dec 20, 2017

"Prosecutors decided that there was no longer a realistic prospect of conviction."

This was also said by the CPS in the case of Liam Allan. Those words leave the impression 'he was guilty but we could not make it stick'. Why cannot they just say that he was innocent?

Flag

28RecommendReply

John Langford Dec 20, 2017

@Keith Thinking exactly the same thing. It is just so petulant and leaves a shadow over the innocent. At least the judge had the decency in the Allan case to say that "he leaves without a stain on his character".

Flag

10RecommendReply

Hector Le Crapaud Dec 20, 2017

@Keith In the case of Liam Allen the judge said that. In this case it did not get so far. The DPP and the police appear totally unable to be open and honest about their mistakes. I hope he gets big compensation.

Flag

4RecommendReply

Graeme Harrison Dec 20, 2017

Because they're not in a position to judge whether he's innocent and Parliament hasn't said that that's the test to be applied before a prosecution is discontinued.

Flag

2RecommendReply

Keith Dec 20, 2017

@Graeme Harrison Silly me. I thought the accused were innocent until proven guilty. The words used still suggest otherwise and it is curious that, if the judge used those words, the CPS copied him, or was it the other way round?

Flag

1RecommendReply

Peter Dawe Dec 20, 2017

@Keith @Graeme Harrison The requirement is innocent unless proved guilty beyond reasonable doubt. If the prosecution is only able to prove guilt on the balance of probability, the defendant is entitled to an acquittal although, objectively, he may be guilty. "Not Guilty" does not equal "Innocent" much as acquitted defendants might like to present it so. The Scots are more clear-eyed with their verdict of "Not Proven".

Flag

1RecommendReply

Mary Walker Dec 20, 2017

@Keith

A valid point. The terminology they use indicates their mindset - that a conviction is a point to them - regardless of the innocence or guilt of the suspect.

Flag

4RecommendReply

Robert Williams Dec 20, 2017

... claims that 'the police are unconsciously biased against men accused of rape'.

One explanation I suppose, but another is that the police and the courts are under great pressure to 'improve' the conviction rate in sex offences cases, because there is a lobby which supposes that the police and the courts are supposedly biased in favour of men accused of rape.

Truth may be that it is very difficult to prove sex offence charges in many instances (without driving a coach and horses through the rules)

Flag

7RecommendReply

Robin Paine Dec 20, 2017

Until there is an incentive for females to stop telling malicious lies of rape against males, which could destroy the lives of perfectly innocent men by condemning them to many years in detention followed by possibly life on the sex offenders register, these allegations are going to continue to be made.

The incompetence and stupidity of the police, in conjunction with the CPS, in not knowing whether they should disclose evidence that could prove an alleged offender innocent is beyond parody. but just one side of the equation. Why the policeman responsible for two near cases of a miscarriage of justice is still in his job is hard to comprehend.

Maybe naming and shaming the false accusers, in addition to sentencing them to the same term of imprisonment that their victim might have received, would concentrate their minds, especially if they were reminded of the consequences of telling 'porkies' at the time of the accusation.

This might be too much for the liberal establishment to get their heads around, but one thing is for sure and that is a man accused of rape should be entitled to have the same suppression entitlement as his alleged victim, at the very least, until found guilty.

Flag

14RecommendReply

Michael Fisher Dec 20, 2017

It sounds to me like another case where no evidence existed against the man except for the account given by the complainant.

I think we need to get back to basic principles of justice, and not allow our system to be influenced by political pressure to get more men put in prison.

Flag

11RecommendReply

*This comment has been deleted*

LLE Dec 20, 2017

@Graeme Harrison umm...I would assume he gave his lawful defence in Police interview, that he had an honest belief that she was over 16; the police should have looked into the veracity of that defence at the investigation stage, including looking at the bally phone records between the two!!!

Flag

4RecommendReply

Saint John Dec 20, 2017

Does this say that it's the same officer in both cases ?

Flag

2RecommendReply

Peter Dawe Dec 20, 2017

@Saint John Yes.

Flag

1RecommendReply

Edward Locke Dec 20, 2017

If there is not an "app" to archive text messages in the "cloud" there should be. The innocent party in cases such as this would merely have to make the details available.

Flag

1RecommendReply

Burung Hantu Dec 20, 2017

@Edward Locke

Good point, Edward. I know exactly what you mean, and you'll probably be pleased to learn that there is indeed such an app as you suggest. However, bear in mind that the defendant would only be

able to archive messages that he had sent and received. In the case of Liam Allan, the text messages that led to him being exonerated were exchanged between the (so called) 'victim' and other third parties. He would not even have been aware of their existence - and that, of course, was the crux of the police's mishandling of the case.

Flag

Flag

3RecommendReply

Edward Locke Dec 20, 2017

@Burung Hantu @Edward Locke I thought that there must be. I was not aware that the text messages were not between the two of them. I should be surprised if there were none at all, though. I rather thought that young people used any excuse to send a text message.

Flag

RecommendReply

peter sitch Dec 20, 2017

Meanwhile, presumably, the complainant, due to her retention of privacy remains able to continue to masquerade as a 19 years old.

there have been promises for confidentiality for both sides in rape cases is it not time to finally resolve this and give anonymity to both sides?

Flag

3RecommendReply

Ian Lumsden Dec 20, 2017

"Detective Constable Mark Azariah, 37, the investigating officer in both rape cases, remains on full duty in the sexual offences investigation unit." Am I dreaming?

Flag

13RecommendReply

AOT Le Snarque Dec 20, 2017

And about time too. I have feminist sympathies but this is disgusting.

Flag

6RecommendReply

AdamS Dec 20, 2017

Same detective in both cases - one person with the power to destroy lives. How can that be right? At best it is incompetence from this DC, at worst, ideologically driven behaviour to fit in with the CPS narrative of guilty even if proven innocent. The lack of oversight is a major concern as well. I hope heads will roll.

Flag

8RecommendReply

Joe Cool Dec 20, 2017

What a mess.

Flag

4RecommendReply

Stelling Dec 20, 2017

Same police officer in both cases ? Now we have his name. Unless there are serious penalties for the police, there will be no improvement. If worst is suspension on full pay, or early retirement on full pension, then we have a problem. Withholding of evidence is a criminal offence, and appropriate charges must be brought against all police officers involved. This must not be dismissed as laziness and incompetence.

Flag

20RecommendReply

Robert Jones Dec 20, 2017

Feminism's progress is the most important issue of our times.

"You can't make an omelet without breaking some eggs."

I forget. Who said that? Corbyn? No, Josef Stalin.

Flag

9RecommendReply

John Nutkins Dec 20, 2017

@Robert Jones I think Berthold Brecht also made the same remark when defending communism back in the days of the monstrous Stalin, knowing full well the mayhem, murder and terror going on in Russia.

Flag

1RecommendReply

AOT Le Snarque Dec 20, 2017

@Robert Jones Feminism is not fascism.

I understand you may have been given a bad time by a woman who abused feminist principles in order to mistreat you. However, it is just as likely that you are sulking at loss of privilege.

I leave it to you to determine which of the above applies to you.

Flag

RecommendReply

Michael Watson Dec 20, 2017

"It was unclear why those undermining the case were not disclosed sooner" ....Yep, that's a tough one to figure out alright

Flag

11RecommendReply

Muroy Dec 20, 2017

Every live case is being reviewed, but no look at what has already happened, isn't that concerning?

Flag

7RecommendReply

Angela Barratt Dec 20, 2017

@Muroy

Give it time.

Flag

RecommendReply

Crowbar Dec 20, 2017

Detective Constable Mark Azariah seems more interested in improving his case closed statistics.

Maybe he needs some enforced time off to reflect.

Flag

9RecommendReply

Ann Bishop Dec 20, 2017

This just gets worse and worse. Poor man.

Flag

8RecommendReply

Elizabeth Jane Mott Dec 20, 2017

Both the woman who lied and the policeman who withheld evidence should now be prosecuted. And the women in both these rape cases remain anonymous ~ having seriously disrupted the lives of the accused. Until the perpetrators are punished in some way, this is likely to continue. I hope none of my family are ever accused of a crime.

Flag

38RecommendReply

Mark Roberts Dec 20, 2017

@Elizabeth Jane Mott People have to sign the register if convicted. Perhaps there should be a register of false accusers as well, so other people know not to get involved with them.

Flag

7RecommendReply

tom jones Dec 20, 2017

@Elizabeth Jane Mott exactly. The article is headed with a photo of the falsely accused man, rather than the falsely accusing woman, or the police officer who pushed this into the courts.

Flag

7RecommendReply

Graeme Harrison Dec 20, 2017

Is lying about your age a criminal offence?

Flag

RecommendReply

David Dec 20, 2017

@Graeme Harrison To solicit sex, yes it should be.

Flag

2RecommendReply

Peter Dawe Dec 20, 2017

@Graeme Harrison It is if the lie makes a difference between whether an offence has been committed or not. Context is everything.

Flag

5RecommendReply

littleol'me Dec 20, 2017

The same officer in both cases.....!

Flag

2RecommendReply

Mike Richley Dec 20, 2017

Where on earth are our Junior Ministers for Police, Justice, Human Rights and any other dogsbody? So much sleeping on the job. The sooner we reduce the number of MP's, the sooner the Cabinet can be reduced and the sooner some real work gets done, instead of the constant posturing by nobodies.

Flag

3RecommendReply

Christopher Hume Dec 20, 2017

What also concerns me in this. Two young men, one black, one white, both falsely accused of the same crime, yet one is remanded in jail, the other not. I sincerely hope there was something material undisclosed in the article, that give rise to this, but if not, that is also appalling and equally indefensible.

Flag

6RecommendReply

John Austin Dec 20, 2017

The difference I think from reading Press reports is in the respective ages of the complainants in each case, the second case involved a minor, thus adding a layer of seriousness and perhaps a theoretical risk of the defendant absconding.

But then I wasn't at the bail hearings.

Flag

RecommendReply

Christopher Hume Dec 20, 2017

@John Austin Yes, perhaps that was the case. I certainly hope so, although I believe there is some evidence to suggest that ethnic minority defendants are treated more harshly when it comes to remand conditions, and sentencing . The law must be even handed if it is to be respected. That is why these cases are so shocking. Evidence and the disclosure of it was not considered important. what was considered important seemed to be the complainant being 'believed' no matter what.

Flag

1RecommendReply

John Austin Dec 20, 2017

It's hard to argue with that.

Flag

RecommendReply

8031 Dec 20, 2017

Are you suggesting he was remanded in prison because he was black? What about his accuser thought to be underage? Would you have raised this if the circumstances were reversed with the white man remanded?

Flag

2RecommendReply

Christopher Hume Dec 20, 2017

@8031 No I raised it as a concern only. I hope that the issue was simply one of a different degree of gravity, although as I said the two cases seem really quite close in similarity. The fact that the potential prison sentence facing Mr Allan was 10 years suggests a very serious charge. As none of us were at the bail hearings it is speculative though, I accept. There have been recent well publicised cases that have suggested that judicial leniency appears more prevalent towards privileged, female. white defendants (in that order). The recent case of the Oxford student, high on cocaine stabbing her boyfriend in a frenzy, and being told that 'custody would not help her career' was particularly concerning in this regard. Imagine, a black male from a council estate off his head on skunk stabbing his girlfriend in a frenzy. That is only ending in one type of sentence isn't it?

Flag

1RecommendReply

Tacitus Dec 20, 2017

Funny they (the Met) complain they do not have the resource for full investigations/disclosure when things go wrong, but when they are caught out they have the resource for a full enquiry for all outstanding cases!

This will cause a deluge of cases already gone before, and be a further drain on resource. So something else will fall through the cracks.

Isn't it about time they were held to account to do the job properly and once!

Flag

6RecommendReply

RamRod Dec 20, 2017

Doing the job correctly the first time actually takes less resources overall.....

Flag

4RecommendReply

Wyn Ford Dec 20, 2017

Unless proven otherwise, it looks very much like the police did 'cherry pick' the evidence against Mr Itiary. What other explanation is there for some texts to be disclosed and others, which would have undermined the case against him, to be held back? We need to know. And is it appropriate that DC Azariah, the key person in both the above cases, is still doing this work while investigations are ongoing?

Flag

21RecommendReply

John Stirzaker Dec 20, 2017

Aside from yet another nail in the confidence of our men in blue, corruption in one force, wasting public money chasing Private Eye, and now withholding evidence, why is it that it is okay to name the accused and not the victim? All parties in these type of cases should remain anonymous until there is a conviction.

I hope this blackening of the two most recent exonerated defendants is reflected in any legal fights that will undoubtedly follow. Instead of spinning excuses, it is now time for a full review of the police, and we must remove and punish any inefficient and corrupt officers, and their management.

Flag

18RecommendReply

Adrian Bamford Dec 20, 2017

The Met must be the smartest force in the world with the amount of 'lessons that have been learnt' over the years.

Flag

47RecommendReply

expat Dec 20, 2017

"Detective Constable Mark Azariah, 37, the investigating officer in both rape cases, remains on full duty in the sexual offences investigation unit."

It would seem that we have a rogue cop who is more concerned about getting convictions on his sheet than proving a victims innocence.

Flag

17RecommendReply

Foreversideways Dec 20, 2017

He would have fitted right in with Reagan and Carter

Flag

1RecommendReply

Prabhat Dec 20, 2017

Point to note is that he was in jail pending a trial and while the police sat on evidence. For four months until the police realised they were sitting on evidence that confirmed his innocence. That four months - Longer than a suspected terrorist can be detained under current terrorist legislations.

As always the woman is unnamed and this guy's life is ruined.

Flag

40RecommendReply

Alan Haile Dec 20, 2017

'No longer a realistic prospect of conviction'

Weasel words - they mean he was innocent. The same police officer as in the Liam Allen case. How strange.

Flag

40RecommendReply

Graeme Harrison Dec 20, 2017

They're the words of statute.

Flag

RecommendReply

Peter Dawe Dec 20, 2017

@Alan Haile See my comment above. Not Guilty does not mean innocent. One is a legal concept, the other, moral. They do not always overlap.

Flag

RecommendReply

The Dynamic Flashy Dec 20, 2017

Nowadays, for men, it's guilty until proven innocent. Or guilty even if innocent.

Flag

21RecommendReply

Simon Shinerock Dec 20, 2017

It reminds me of the employment tribunal system before it was reformed, completely biased towards the employee. We either want an evidence based justice system with a presumption of innocence until proven guilty or we don't. What has been going on lately seems more akin to the behaviour of a politically correct lynch mob than proper judicial conduct

Flag

15RecommendReply

Mark Eltringham Dec 20, 2017

I understand the police has a (sort of) independent body to investigate itself, but the CPS now appears to be investigating its own role in these matters. The Government needs to intervene, remove Alison Saunders and any fellow ideologues, investigate the historic role of Keir Starmer and reiterate some core values of the judicial system.

But I won't hold my breath.

Flag

37RecommendReply

Alan Bama Dec 20, 2017

When the last case came to light various ex coppers turned up in the media saying it was "process" failure and likely CPS failure.

The media failed to address the other possibility in any discussion i read: that the evidence was deliberately withheld by a police officer (assuming nobody would have the time to check his/her decision to deny any relevance to the defence).

There is no excuse for this if proven - not resources or process. Shameful.

Let us hope I am wrong.

Flag

5RecommendReply

stella hollis Dec 20, 2017

Cases like this should never reach the stage of disclosure to the defence . The prosecutions either should never have started or the police should have informed the prosecuting authorities as soon as they had the information and the prosecution would have stopped .

Flag

4RecommendReply

Prabhat Dec 20, 2017

@stella hollis Agree or even police challenge the one claiming rape to establish the full story in view of all the texts. If she is lying she will know she has been caught and if she is not lying and there is actual rape, despite the text evidence, then the police can build the case properly. We don't want actual rape cases to be lost on account part evidence.

Flag

RecommendReply

RamRod Dec 20, 2017

But then the stats would say the police are not acting on these complaints - some balance is needed in the system - how many complaints are made wher the evidence proves these to be false? No publicity of the accused name should be made until basic investigations have taken place to correlate the accusations - the police repeatedly

do not see it as their job to correlate the truth in unsubstantiated allegations - natural justice seems to have gone out of the window.....

Flag

RecommendReply

Patrick Jolly Dec 20, 2017

@stella hollis If the DM (horrible rag, that it is) is to be believed, the DC in question is reported as stating to the accused, that he was recommending to the CPS that no prosecution be pursued.

Is this a case where the CPS in general, and Alison Saunders in particular, were pursuing their own agenda, regardless of available evidence?

<http://www.dailymail.co.uk/news/article-5186957/Detective-rape-case-told-CPS-drop-charges-months-ago.html>

Flag

2RecommendReply

stella hollis Dec 20, 2017

Unless the phone items were shown to the prosecutors there would have been no grounds to stop the case . The policeman may well have said this to the Defendant . But it could not have been true .

Flag

RecommendReply

tom jones Dec 20, 2017

@Patrick Jolly @stella hollis I'd probably have the self awareness to either not quote the DM or not attack it. Doing both makes you look like a hypocrite. Actually, it makes you a hypocrite.

Flag

RecommendReply

MR ROBIN CORRY Dec 20, 2017

Another young man has suffered months of anguish and had his reputation sullied by a vicious, unprincipled liar. When on earth will those accused of sex offences be granted the anonymity their accusers enjoy?

Either they must BOTH be named or both left anonymous. I prefer the latter.

Flag

11RecommendReply

Foreversideways Dec 20, 2017

I hope they both take the Met to the cleaners.

Flag

2RecommendReply

Michael Jones Dec 20, 2017

This now begins to beggar belief. The methodology of the police has to be questioned but the competence (or bias?) of police officers are surely at the heart of this? Without doubt, there should also immediately be an unearthing of Detective Constable Mark Azariah's previous investigations to see if similar miscarriages of justice have occurred with historical cases he has been responsible for? Alarm bells must surely be ringing somewhere? Evidence in a case, any case is evidence. You begin to wonder whether evidence like this on mobile phones or other devices, or indeed any evidence is disclosed properly by the police or is it the mantra, conviction, conviction, conviction?

Flag

6RecommendReply

Anonymoose Dec 20, 2017

I'm sorry this case seems very different - I'd argue many teenage girls lie about their age. It doesn't mean an alleged rape didn't happen. Sounds like a flimsy reactionary reason to drop a case.

This sounds like a very different case to the Liam Allan mess where there was good evidence all along that none of the alleged rapes had ever happened.

Flag

3RecommendReply

David Dec 20, 2017

@Anonymoose The guy had no reason to believe that the girl was less than 19.

Flag

3RecommendReply

John Austin Dec 20, 2017

The complainant apparently sent texts to the defendant claiming she was 19. It's then a question of whether the defendant had reasonable grounds to believe her.

Flag

1RecommendReply

RamRod Dec 20, 2017

As I read it the charge of sexual activity with an underage child has been disproved (knowingly) which has cast doubt on the other charges being non-consensual - but we do not know the full details - however it does appear that the reason for his incarceration has been disproved - while the police had this evidence all the time he was locked up.....

Flag

2RecommendReply

Robert Highfield Dec 20, 2017

There's more to consider; Both defendants were cleared because there were text messages undermining the complainant's story, but what if there were not? In the old days, some corroboration was required, such as early complaint. In the rush to improve conviction rates, they now are willing to convict based only on the alleged victim's story. In these two cases, the lying complainants would have sent two innocent men to gaol for years, their reputations ruined but for the good fortune of the existence of texts.

That is not good enough. Any defendant should only be convicted 'beyond reasonable doubt' for any offence. There should be no exceptions for sexual offences.

Flag

15RecommendReply

AOT Le Snarque Dec 20, 2017

@Robert Highfield Which means that in practice there would be almost no convictions as rape is seldom perpetrated in public. Which highlights the need for thorough investigation of all evidence.

Flag

RecommendReply

Heather Dec 20, 2017

@AOT Le Snarque @Robert Highfield

It means that if a person doesn't make a complaint immediately and leaves it (for sometimes years) then the complaint has less weight.

Flag

3RecommendReply

Peter Loomes Dec 20, 2017

It is glaringly obvious that the police in these recent cases were prepared to engineer the conviction of innocent men to satisfy a Home Office directive to raise the conviction rate statistics. Amber Rudd should accept responsibility and go.

Flag

16RecommendReply

Andrew Lee Dec 20, 2017

"Some text messages from the girl's mobile phone, which helped the prosecution, had been provided by police in September. It was unclear why those undermining the case were not disclosed sooner."

It might be unclear, but I think we can all have a guess.

Flag

21RecommendReply

Appeasementisfatal Dec 20, 2017

"Met announces review of every live investigation"

This shall keep the police busy for years!

Flag

4RecommendReply

Waldorf Dec 20, 2017

Fact 1: More and more people keep coming into this country's and over the last 10 -15 years there has been a significant growth in population.

It is asserted that this country needs more people to grow the economy.

Fact 2: every day...as today... we are informed that we cannot maintain the defence of the realm because there is a lack of resources, we cannot run the justice system because of cut backs and lack of resources, we cannot sustain the NHS because of lack of resources, we cannot maintain Social Welfare because of lack of resources, we cannot maintain our roads because of lack of resources....we cannot...

So what are more and more people for?

Flag

28RecommendReply

RamRod Dec 20, 2017

The additional people do not contribute to the costs of building (including investment in training) the infrastructure needed.

The nett contribution argument given is like a car shared contributing to the running cost of the car - but not the cost of the car itself.

Without a contribution towards infrastructure costs (ie an extra car) everyone will find less available to them.....

Flag

2RecommendReply

Joe in Suffolk Dec 20, 2017

police are "unconsciously biased".? That's being generous. Consciously biased to achieve targets would be my guess.

Flag

14RecommendReply

I am feeling rather weary.. Dec 20, 2017

Another case of guilty until proved innocent through bias to men.

Flag

8RecommendReply

Richard Stout Dec 20, 2017

Please do not add insult to injury by repeating the risible CPS claim that police may be "unconsciously biased". They are simply working within their given rubric to meet performance targets (more rape convictions).

The bias against men accused of sex related crimes is entirely conscious, deliberate, premeditated and systemic in many police services and the CPS. It is driven from the top down by police chiefs and the CPS in response to the braying "believe the victim" crowd, and the sorority of "me too" social engineers who are steadily dismantling the justice system to satisfy feminist dogma that "every man is a potential rapist" and "previous behaviour of the female complainant is not relevant".

As far as such women are concerned, female accusations are the new guilty, and unsupported allegations the new evidence. DC Azariah is simply another pawn in the game. When cutting out the systemic rot, please start with the direction from the top, including Ministerial involvement.

Flag

13RecommendReply

AOT Le Snarque Dec 20, 2017

@Richard Stout Too often I have seen and heard good men seek every possible excuse for patent rapists. If it were not so, the metoo campaign would not have happened.

Flag

RecommendReply

Richard Stout Dec 21, 2017

@AOT Le Snarque @Richard Stout

I struggle to see the relevance of your comments. My comments, and those of many others do not seek to excuse rapists.

Rather, we are concerned about a system that has been deliberately engineered to effectively reverse the principle of innocent until proven guilty, and to encourage both false accusations, and the selective disclosure of evidence to "improve" it.

Your phrase "patent rapists" suggests that you are content with allegations and require no evidence before reaching judgement.

Flag

RecommendReply

John Buckeridge Dec 20, 2017

How can anyone have confidence in the police after this?

Flag

10RecommendReply

MKW Dec 20, 2017

It seems that the girl lied about her age, and that is enough to cast doubt on both the sexual activity with a child charge and the rape charge. Fair enough, you'd never get a prosecution. But you start to realise that the follow-on is that if a woman or girl has ever lied about anything, she can be raped with impunity, which is rather troubling.

Flag

3RecommendReply

brian wright Dec 20, 2017

@MKW If a person of either sex is a proven liar, then it's only right and proper that their testimony in any sort of criminal investigation should be treated with caution. That is a far cry from 'if a woman or girl has lied about anything, she can be raped with impunity'.

Flag

8RecommendReply

Simon Andrews Dec 20, 2017

@MKW That's not remotely the follow on. The lesson here is that if the accuser has lied about facts pertinent to the case then the accusation is rightly called into doubt. Lying about something unrelated to the case is irrelevant.

Flag

5RecommendReply

MKW Dec 20, 2017

You're repeating what I've said. The fact that she lied about her age is considered pertinent, so she is not going to be believed about having been raped, because of the lie about her age. So anyone who has lied about their age will be doubted, so their testimony becomes tainted...

Flag

1RecommendReply

Mark Eltringham Dec 20, 2017

@MKW Although one of the most obvious side effects is indeed a diminishing likelihood that victims of rape and assault will have their testimony believed, you have no evidence for the assertion that men will now rape women 'with impunity'. It just appears to be an attempt to deflect from the real problem, which is a broken system in these cases which serves neither men nor women very well.

Flag

1RecommendReply

MKW Dec 20, 2017

@Mark Eltringham Read my comment again, but pay attention to the fact that I never claimed men 'will now rape women' as if they'll see this as an invitation. This case fell apart not because the child lied about being raped, but because she lied about being 19. If a person had ever once lied about anything, would there ever be a consequence for someone who raped them or will it always come down to 'she lied once'?

Flag

1RecommendReply

Graeme Harrison Dec 20, 2017

It doesn't seem to trouble many people round here that Mr Itiary was apparently having sex with a 14 year old child.

Flag

1RecommendReply

Gary A Dec 20, 2017

@MKW No because sex with a minor is a rape irrespective of consent so it is highly relevant in these kind of cases

Flag

1RecommendReply

MKW Dec 20, 2017

No, sex with a child of 13 or less is rape irrespective of consent. Sex with a child of 14-15 is 'sex with a minor', a crime but one less serious than rape of a child. So the issue of consent is relevant.

Flag

1RecommendReply

Chris Huckle Dec 20, 2017

In a typical iceberg only 10% is visible above the surface. Let's hope the forthcoming flood melt washes away the incompetents in the police and CPS at the highest level.

Flag

7RecommendReply

Bob Ellis Dec 20, 2017

This collapsing of rape cases was guaranteed from the moment the lunatic practice of granting anonymity to the accuser without offering the same privilege to the accused was introduced.

As it stands it is an open invitation to any unbalanced person to wreak awful damage on somebody they have a grudge against without fear of retribution.

Genuine feminists should lobby for the abolition of this rule with might and main.

Every case like these two endangers women by casting doubt on almost any genuine case.

Soon a common defences will be "She is doing it for revenge." Or. "because she is barmy". Or "because she is after money".

Often those defences will cast sufficient doubt so that guilty people go free whilst innocents have their lives ruined.

Anonymity for both or anonymity for neither.

Flag

26RecommendReply

Richard Stout Dec 20, 2017

The view from Canada where the justice system is similarly infected:

<http://nationalpost.com/opinion/barbara-kay-a-sadly-necessary-handbook-for-men-falsely-accused-of-sexual-assault>

Flag

4RecommendReply

Stephen Tyler Dec 20, 2017

@Richard Stout thank you for link - interesting and valid article

Flag

RecommendReply

Patrick Jolly Dec 20, 2017

@Richard Stout And another relevant article, written by a UK barrister on the state of the British criminal justice system...

<http://barristerblogger.com/2017/12/15/liam-allans-case-shows-criminal-justice-system-becoming-matter-national-shame/#more-2419>

Flag

RecommendReply

John C. Dec 20, 2017

One cannot help getting the impression that justice is not at the top of the police agenda.

Flag

31RecommendReply

AB Dec 20, 2017

Yet again why is he subjected to having his picture and name disclosed surely this must stop

Flag

8RecommendReply

Alan Simpson Dec 20, 2017

Last Monday I felt qualified to comment by this means on the case of Liam Allan as I'm a retired detective superintendent with 25 years of hard policing behind me. I seem to remember that the law in respect of having consensual sexual intercourse with a child under the age of 13 years is an absolute offence i.e. there is no defence to it.

Sexual intercourse with a child between the ages of 13 and 16 years is also a crime but a defence can be set out that the perpetrator held an honest belief that the girl was older.

In this case, it seems that Mr Itiary held an honest belief that the girl in question was actually 19 years of age and the previously undisclosed texts prove that she routinely portrayed her age as being 19 yrs. He, therefore, had a good defence. If the CPS had been made aware of this when the case was initially presented they may have agreed to have him released on police bail while the papers in the case were being prepared. Instead, they opted to charge him immediately and present him as a threat to the general public.

It remains a matter of deep concern that essential evidence of help to the defence was withheld by the police in these cases.

Detective Constable Mark Azariah has now been identified as the investigating officer in both instances.

My major concern is how well was he being supervised and his work overseen by detective sergeants, detective inspectors and those further up the chain of command?

I find it difficult to believe that he worked in isolation and that others were unaware of the entirety of the evidence he held. If this turns out to be the case then there are more sinister elements at play and the defects can't simply be placed at the feet of an incompetent junior detective.

This is the more worrying part for me.

Flag

67RecommendReply

David Tilley Dec 20, 2017

@Alan Simpson A useful insight.

Flag

5RecommendReply

AOT Le Snarque Dec 20, 2017

@Alan Simpson Great to have a professional opinion. Thanks!

Flag

1RecommendReply

LLE Dec 20, 2017

@Alan Simpson I find it worrying that the police do not look into avenues of enquiry that lead away from the accused being involved. I have lost count of cases where alibis, witnesses, defences have been put forward, only for a charging decision to be made without these lines of enquiry being looked into. Both the Police and the CPS are culpable.

It's an utter disgrace.

Flag

3RecommendReply

CJ Delmege Dec 20, 2017

"Rape investigations are by their nature very complex.." Not in these two cases, where the evidence was available almost from the start. And there's a link between the two; Mark Azariah. What's the betting he'll be allowed to retire without facing charges?

Flag

100RecommendReply

Gary Byrne Dec 20, 2017

Disgraceful, young lad locked up for 4 months, what sort of police have we got?

Flag

78RecommendReply

Richard Marriott Dec 20, 2017

@Gary Byrne

A politicized police force which will raid the House of Commons at the behest of its then political masters and then reveal confidential evidence some 9 years later to embarrass a Government Minister. A politicized police force which will traduce the reputation of past politicians based on heresy. A politicized police force which will reveal to the Press what a Government Minister may or may not have said to a police constable outside Downing Street.

Flag

8RecommendReply

Graeme Harrison Dec 20, 2017

Ones that are worried about adults having sex with children?

Flag

RecommendReply

Mrs Ruth Bruce Dec 20, 2017

@Graeme Harrison

No. For long enough they weren't in the least worried in Rochdale.

Flag

RecommendReply

thebeancounter Dec 20, 2017

Turning into the biggest scandal in living memory. An absolute disgrace.

Flag

44RecommendReply

David C Dec 20, 2017

@thebeancounter Not at all. What about the Birmingham six and Guildford four? These cases are both well within living memory.

Flag

RecommendReply

Alan Hawkes Dec 20, 2017

Liam Allan's case is becoming one of those cases that changes how we see police procedures. It will be painful for the police, but it will remind them that they are citizens in uniform. At the same time we should all remember that each constable is the person we expect to put himself between us and the individual, with a knife and voices in his head, who has not taken his 'care in the community' medication.

Flag

32RecommendReply

james murray Dec 20, 2017

Sir,

"Some text messages from the girl's mobile phone, which helped the prosecution, had been provided by police in September. It was unclear why those undermining the case were not disclosed sooner."

Well, I would warrant that the reason is as clear as day to anybody reading this.

The evidence was plainly cherry-picked by a police officer.

And, in fact, any act that, when objectively viewed, causes proceedings to head in the wrong direction (as this did) thereby completes a very serious crime.

This crime, if proved, is that of 'perverting the course of justice' - a crime that strikes at the heart of our criminal justice system.

It is considered so serious that it carries a sentence of anything up to life imprisonment.

And what will happen to the person responsible for this in the Met Police?

What will happen is that nothing will happen.

Jim Murray

Flag

91RecommendReply

Adrian Bamford Dec 20, 2017

@james murray Absolutely. If it's 'unclear', then 'clear it up'.

Flag

1RecommendReply

Ramtops Dec 20, 2017

@james murray Just wondering - why do you put a "-" in between paragraphs?

Flag

1RecommendReply

james murray Dec 20, 2017

@Ramtops @james murray

@james murray

The posting program does not accept paragraph spaces when posting from an iPhone app such as Safari.

This is annoying as I believe it makes it easier to scan read when there is a space.

The same thing happens when using Edge but not when using Chrome.

Strange eh?

Jim Murray

Flag

RecommendReply

Heather Dec 20, 2017

@Ramtops @james murray

Yes it's an annoying read with all those dashes and double spaces.

Flag

RecommendReply

J McGill Dec 20, 2017

This is getting beyond ridiculous.

The Director of Public Prosecutions, Alison Saunders has to resign immediately.

The CPS is now a complete laughing stock.

They have been told by Ms Saunders to assume that all women claimants are victims to be believed and all accused males are guilty irrespective of any evidence.

That cannot be a good position to start from in any criminal justice system unless we've become a totalitarian regime and I hadn't noticed.

God help any real rape or assault victim attempting to be believed in this climate.

There is something more to this than the police not understanding the laws on disclosure.

Flag

101RecommendReply

Robert Williams Dec 20, 2017

@J McGill

Why is the CPS at fault here?

Flag

RecommendReply

Mark Eltringham Dec 20, 2017

@J McGill Exactly this. They'll go after the police officers involved and ignore the fact they're just doing what they're asked and trying to meet targets set by the CPS.

Flag

2RecommendReply

Adrian Turner Dec 20, 2017

@Mark Eltringham @J McGill The CPS is independent of the police. That is why it was established in the first place. Read the Prosecution of Offences Act 1985.

The CPS does not set targets for the police. See above

Public prosecutions are brought in the name of the Crown. Should HM abdicate over this?

Flag

RecommendReply

lancsmarsbar Dec 20, 2017

@J McGill Well said - you have hit the nail very squarely on the head. The justified criticism of the police must not distract attention from the role Saunders' flagship policy has played in creating a culture which has allowed this to happen. There has been nothing 'unconscious' about this bias.

Flag

5RecommendReply

Adrian Turner Dec 20, 2017

@J McGill These were failings by the police. The CPS sought the material. They disclosed it when they got it. Perhaps the lawyer in the case should have pressed for earlier disclosure, but why should he/she assume that material was being deliberately withheld, if that was the position?

What is the basis for saying that any of this has anything to do with Ms Saunders, let alone was her fault? And if the answer is, well she is the head of the CPS and must be held vicariously liable, even for the errors of another agency, may I point out that constitutionally she works under the supervision of the Attorney-General, so should the A-G go, too?

Flag

RecommendReply

Freebooter Dec 20, 2017

"The Metropolitan Police said it would assess whether it was obeying laws on disclosure in hundreds of potential prosecutions after officers failed to divulge "

This is not just going on in rape cases, the police and prosecution do their damnedest in moist cases to manipulate the unused to their advantage. Once case eight years ago where a friend of mine was prosecuted his defence team was handed a wad of unused five days into the case which contained a lot of information which would have led to questions being asked of prosecution witnesses - witnesses who had given their evidence and left the courts. The case was thrown out at half way but the result may have been different.

Flag

13RecommendReply

nick meurice Dec 20, 2017

As the barrister said to the BBC, "This is not one rogue officer. This is a systemic cultural problem with the police . . . If you speak to any barrister they will tell you stories, that this happens every single day and it's got to stop." This must be taken seriously.

It isn't just rape cases. The police believe they are the prosecution which they are not. They are incentivised to obtain a conviction and will use underhand tactics to achieve this and meet their targets, including withholding evidence. The culture needs to be changed which must happen from

the top. But with the DPP director encouraging such behaviours and the self protection police culture, both police and DPP are heading in the opposite direction.

Flag

3RecommendReply

Donald Stickland Dec 20, 2017

Why does ... *Detective Constable Mark Azariah, 37, the investigating officer in both rape cases, remain ... on full duty in the sexual offences investigation unit ?*

Flag

113RecommendReply

JAMES TAIT Dec 20, 2017

@Donald Stickland It is clear that DC Azariah has some explaining to do and he should be suspended from duty while full investigation into these two cases (and indeed any other cases in which he has been involved) is carried out.

Flag

1RecommendReply

AOT Le Snarque Dec 20, 2017

That, indeed, is the question.

Flag

RecommendReply

Jonathan Morton Dec 20, 2017

Lady Bracknell had a phrase for it.

More seriously, rape carries a maximum sentence of life imprisonment, so it is ridiculous to suppose that it is a suitable matter for a constable without supervision. Who was in charge?

Flag

1RecommendReply

Michael Jones Dec 20, 2017

His number of convictions.

Flag

RecommendReply

Angela Barratt Dec 20, 2017

@Donald Stickland

And is he involved in investigating any other rape cases, and if so, to what extent?

Flag

RecommendReply



Ref.: Met police to review all live rape cases as second trial collapses.docx  
26/04/2018 9:59