

Issue
37

SAFARI

Supporting All Falsely Accused with Reference Information
Web Site: <http://safari-uk.org>

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"The only thing necessary for the triumph of evil is for good men to do nothing." (Edmund Burke)

UPDATES: In last month's newsletter we featured the stories of Katie Davis & Sally Henderson – both found guilty of making false rape allegations. These two women have now been sentenced to six and 12 months respectively.

FIRST MINISTER JACK MCCONNELL MSP has agreed to a controversial change in the law in Scotland, which would allow families to be notified of predatory paedophiles living in their neighbourhoods. The plans will be included in Labour's election manifesto next year. However, Iain Macleod, head of sex offender policy for the Association of Chief Police Officers in Scotland (ACPOS), quite rightly says that the introduction of a "Megan's Law" would drive up to 2,000 sex offenders into hiding, where police could not monitor them. Mr McCleod comments that in American states where Megan's Law is in force, police have lost track of up to 70% of known sex offenders. He said, "We believe [the level of compliance] could drop from 97% to below 50%. There will be those sex offenders who are hell-bent on re-offending and will go underground to avoid detection." SAFARI urges readers to vote against any Party or individual MP who seeks to bring in such legislation (and let them know your intention to do so unless they correct their policies). Leave the policing to the police – not to vigilante activists. Sadly, the public's view of the usefulness of such a law is to a large extent driven by the media, which constantly fuels people's fear of the sexually predatory stranger. But Matthew Sarti, Head of Metropolitan Police's Paedophile Unit has said, "Family-member abuse doesn't sell newspapers. Sexual abuse at the hands of a stranger is everyone's worst nightmare and sells newspapers. The majority of people think the biggest threat to children is the man on the Internet or the stranger on the street. The reality is that it is a person living within their household." We would ask the media to become more responsible in assessing the possible negative outcomes of their desire to sell papers!

ALASTAIR NOBLE, of the misleadingly-named "Violent Crime Unit" at the Home Office, wrote to SAFARI on 9th November 2006 confirming that our views about the potential disclosure of information on sex offenders have been passed to the Child Sex Offender Review Team who report to Gerry Sutcliffe, Parliamentary under Secretary of State for Criminal Justice and Offender Management, and to the Home Secretary.

GAVIN MATTHEWS, FALSELY ACCUSED of speeding on the M4 at Port Talbot, in South Wales, was determined to prove his innocence and wrote off asking for photographs of the incident. The photographs showed the back of his car and the white lines at the side of the road. The second photograph showed that it was taken 0.5 seconds later, by which time he had moved five white lines along. He remembered from school that you could calculate speed if you had the correct distance and time.

He looked on the Internet and found an official website stating that lines on the motorway are spaced two metres apart. This meant he had driven 10 metres in 0.5 seconds or 20 metres per second. That worked out at 44.7 mph. The pictures he received showed a bus racing by on the outside lane, which Mr Matthews said he believed had caused the camera to flash. He wrote to the South Wales Police safety camera unit and received a written apology from the Mid and South Wales Safety Camera Partnership. We have to wonder how many innocent motorists have just accepted a similar presumption of guilt caused by Police failure to spot the real offender!

FATHER TONY HOGG, RECENTLY CLEARED of sex offences, has told of his ordeal after being falsely accused of molesting a 10-year-old boy in South Africa. During an emotional service at St James's Church in Denchworth, he said: "We do not need weapons of mass destruction to destroy the will of the people. The human tongue, when it is used wrongly, can give a priest six months of hell."

JAMES MALLOY CLEARED – LIES ADMITTED: A 15 year old schoolgirl has admitted lying about being raped. Her lies led to 58-year-old father-of-three James Malloy being branded a paedophile and locked up. After being faced with damning evidence that the supposed attack was made up, the girl has written to James to apologise. DI Peter Bent, from South Shields CID, said he had no idea why the girl made the story up but whatever her reasons there was no justification. He went on to say: "Our officers investigate every angle of the allegation and we leave no stone unturned until we get to the bottom of exactly what has happened in each and every case." To be honest, we find this statement hard to believe as so many innocent people end up in prison on the basis of allegations alone. Granted, under the Code of Practice, Criminal Procedure and Investigations Act 1996, the Police are *supposed* to follow *all* reasonable lines of enquiry, whether these point towards *or away from* the suspect, but (lacking manpower and resources, and faced with the current 'target-driven' system) they rarely do so. A suspect is even told (usually) that the purpose of the interview is to 'gather evidence *against* you' – not 'gather evidence *against or for* you'. This is an area of investigation techniques and attitudes, which the Home Office urgently needs to address if they genuinely seek to avoid wrongful convictions. Again, though, we feel that the Home Office's desire to 'increase the conviction rate' is also largely media-driven, and until the media accept that the increasing number of allegations is more likely to be driven by the lure of compensation than by a genuinely increasing crime rate, the call for increased conviction rates is unlikely to change.

CLEVELAND KENNEDY, who spent 77 days in a jail for sex offenders after a girl of 12 falsely claimed he raped her, has recently demanded £250,000 in compensation, and a personal apology from the Wiltshire Police Chief Constable.

Donations very much appreciated at:

a/c name: 'SAFARI', Sort Code: 30-92-02, a/c No.: 2702360



Or hit the
button on the
website!

Contact us by eMail at SAFARI_Editor@yahoo.co.uk

(We can accept no responsibility for errors in this newsletter as we only share information received)

JOSEPH GIBBONS has had his conviction for robbery quashed after it was shown that there was not a parent or guardian present during his police interview, in which he agreed to sign a statement "just so he could get home". It has been known for decades now (and this knowledge is backed by research) that innocent people can be, and sometimes are, pressurised to make false admissions. This is another area that the Home Office needs to address if they genuinely seek to avoid wrongful convictions.

PATRICIA MILLER JAILED FOR NINE MONTHS for false rape claim. Miller falsely claimed that she had been raped by a man she met in the street, when in fact she had had consensual sex with 19-year-old student Charles Brown. Judge Stephen Ashurst, sitting at York Crown Court, said Miller had told "a pack of lies". Charles handed himself in to the police after seeing his picture in a local West Midlands newspaper. It was only then that Miller's lies began to unravel as Charles maintained that the sex had been consensual. He insisted that Miller had invited him into her flat, but she claimed that she had never had a relationship with a man and had been seeing a woman at the time.

CASH FOR ACCUSATIONS ADMISSION: The number of people falsely claiming to have been robbed in order to gain financial benefit from the Benefits Agency, or insurance companies, is on the rise, authorities admit. The 'fake robbery' fairy story *can*, though, lead to innocent people (who appear to match the description of the imaginary thief) being arrested, charged, and sometimes even jailed – at which point the authorities would rather maintain the status quo than admit a mistake. Isn't it strange how the authorities are happy to admit *this* type of fraud, where there's no innocent person's conviction to overturn, just a so-called 'victimless' financial fraud! An acceptance that the 'false allegations against named suspects' industry exists, with the lure of cash from the CICA, would be gratefully accepted at this point. It's naïve to think that fraudulent CICA claims, and associated wrongful convictions, are not *also* on the increase in today's compensation culture.

WHAT'S AN APPELLANT? An 'appellant' is someone who is in the process of appealing against their sentence or conviction. If your appeal only results in your sentence being changed, you can re-appeal (with new evidence) against your conviction and therefore become an appellant again.

COMPENSATION FOR THE FALSELY ACCUSED: Liton Miah (Direct Communications Unit, Home Office) said on 4th August 2006: "Section 133(1) of the 1988 Act provides that compensation shall be paid where a conviction has been 'reversed...on the ground that a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice...unless the non-disclosure of the unknown fact was wholly or partly attributable to the person convicted.' Section 133(5) of the Act defines 'reversed' in this context as a conviction having been quashed following an out of time appeal or a reference to the Court of Appeal, either by the Secretary of State before 31 March 1997, or by the Criminal Cases Review Commission on or after 31 March 1997. (*Angela*) Canning's application did not meet the statutory requirements of Section 133(1) of the Act as her conviction was not 'reversed' as defined by Section 133(5) following an out of time appeal." There still needs to be a way of allowing compensation for those whose appeal was not 'out of time' – but which took months or years to clear through our snail-like appeals process! It's not *their* fault they stayed in prison for so long!

WE ARE TIRED OF HEARING that defence barristers refuse to call defence witnesses using the naïve argument that 'you don't have to prove your innocence'. In cases where an uncorroborated allegation is sufficient to gain a conviction (e.g. many sex offence charges) you DO have to prove your innocence. If your Legal Team gives this advice, fire them, as they are NOT acting in your best interests!

RULE 39 (LEGAL) MAIL: Some readers have said that their legal mail has been unlawfully opened in prison. If you have *proof* of this, we recommend you make a complaint directly to the Prison and Probation Ombudsman (Ashley House, 2 Monck Street, London, SW1P 2BQ, Tel 020 7035 2876 or 0845 010 7938, Fax 020 7035 2860, Email: mail@ppo.gsi.gov.uk.)

PRISON LAW ADVICE: Need advice on Prison Law (not Criminal Law)? Contact the Prisoners' Advice Service, PO Box 46199, London, EC1M 4XA (Tel: 020 7253 3323, Fax: 020 7253 8067). Please do remember, however, that their resources are limited.

POSTED SAFARI NEWSLETTERS should arrive by the end of the first week of each month (eMails go out on the last day of each month). If you don't get your copy, please let us know and we'll include it with the *next* newsletter.

OVERWORKED AND OVERSTRESSED: Please remember that SAFARI is primarily a publisher of monthly newsletters designed to help the falsely accused cope; we also communicate with those involved in the Legal System (Government, Police, Probation, CCRC, CICA, Prisons, etc.) advising how the System must change. Please don't ask us to do work specific to your own case (eg. contacting your solicitor, finding grounds for appeal, doing Internet research, typing letters for you, etc.) – those '10 minute jobs' all add up and with 1,000+ readers each month we simply don't have the time or resources to do this. Wherever possible, please ask your solicitor, Prisoners' Advice Service, family or friends to help you here.

SOTP/STOP - SUCCESS RATE: Readers have queried us on the success rate of the SOTP (STOP in Scotland) suggesting that they should not be forced to attend if the course is not effective anyway. SAFARI would like to remind readers that the success or failure rate of these courses is not the point! If you didn't commit the crime in the first place, then attendance on the course (if you are accepted) will make no difference to *your* likelihood of 're-offending' *whatever* it's success rate.

MONTHLY PAROLE STATISTICS: Readers have noticed that some people falsely accused of sex offences *are* granted parole, but that they are far less *likely* to get parole as it is difficult to 'prove' lowered risk when the offence wasn't committed in the first place. SAFARI *and* the Parole Board are concerned at the very recent reduction in the number of alleged sex offenders, maintaining their innocence, who are granted parole and are monitoring the situation.

Thanks to Terry McCarthy (Parole Board for England and Wales) for statistics of those granted release on Parole despite maintaining innocence.			
Figures for month of October 2006			
<i>Non-lifers:</i>			
All offences	11	of 67	16.4%
Rape	1	of 26	3.8%
Indecent Assault	1	of 9	11.1%
Other Sex	1	of 3	33.3%
Violence	1	of 5	20%
Property	0	of 2	0.0%
Drugs	4	of 6	66.7%
Others	3	of 16	18.8%
Total Sex	3	of 38	7.9%
Total Non Sex	8	of 29	27.6%
<i>Lifers only</i>			
	0	of 9	n/a
[2 of the 9 lifers were recommended for open conditions]			