

Issue
38

SAFARI

Supporting All Falsely Accused with Reference Information
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"The only thing necessary for the triumph of evil is for good men to do nothing." (Edmund Burke)

DC SUSAN SALLIS, of Derbyshire Police, is facing an inquiry following a "historic abuse allegations" case in which a defendant was cleared of all charges on the fifth day of his trial at Derby Crown Court. Judge Tony Mitchell instructed the jury to find the defendant not guilty, after cross-examination of a police officer revealed the case had "not been properly investigated". He said: "I think this matter is one of great concern to me and everyone involved. It's a travesty of justice if there is truth in the allegations. If there is no truth in the allegations then it seems the police officer has become part and parcel of collusion with the complainant."

Interviews with the complainant, now aged 24, were conducted with other parties present, and DC Sallis' note-keeping was comprehensively condemned. Judge Mitchell said: "I have never known an officer's notebook so useless to me in a trial. I find it appalling. It's like extracting wisdom teeth that don't want to come out. Have you taken an oath? I have never had to say that to a police officer in my life." It emerged during the trial that DC Susan Sallis, an officer with 14 years' experience, six of which were in CID, had not disclosed 'absolutely vital' evidence to solicitors both prosecuting and defending the case. Judge Mitchell said: "I am going to invite the chief constable to make an inquiry into the investigation of the case."

LORD CAMPBELL SAVOURS is campaigning for judges at the Court of Appeal to have the discretion to name those who make false allegations. In October 2006, Lord Savours used Parliamentary privilege to name an alleged rape victim in the House of Lords. He said: "People have the right to know the names of those who perjure themselves. Why should people be protected if the claim is not true? If you want to restore confidence in the system, you should set up arrangements where women are discouraged from making false allegations."

THE UNITED CAMPAIGNERS FOR ABUSE INVESTIGATION REFORM (U-CAIR) is holding a National Spring-Time Awakening Day on Tuesday 27th March 2007 (11.30am to 2.30pm). This will be in the form of Spring Time Vigils at locations across England, Ireland, Scotland and Wales. Details are available from the SAFARI website. (If it is impossible for you to access the website, and you would like to attend one of the vigils, please ask for a paper copy, which we will include with your next SAFARI newsletter.) The purpose of the day is to raise awareness, among the public and politicians, of the consequences of false allegations of child sexual abuse; also to promote the call for politicians in England, Ireland, Scotland and Wales to set up Commissions of Inquiry into methods of disclosure and investigation of allegations of child sexual abuse in criminal and psychotherapeutic settings, and the prosecution of these cases.

DON'T GET LOST! Make sure you have provided us with an alternative contact address for when you are released from prison. SAFARI is not just for prisoners – support *after* release is important too! Especially as it's the easiest time to work on your case.

POLICE WITNESS ON PERJURY CHARGE: Jim Bates, a computer analyst who has given expert testimony in dozens of highly-sensitive cases related to Scotland Yard's inquiry into internet child pornography, Operation Ore, has been charged with one count of perjury and two offences of making false statements. He was bailed to appear before magistrates in Leicester on 7 December.

WITNESSES WHO ADMIT LYING: Some SAFARI readers have told us that witnesses have subsequently admitted lying or being asked to lie in their evidence. If this has happened in your case, try to get official statements from those witnesses to that effect; this can then be passed to the CCRC as significant fresh evidence, which casts doubt on the safety of your conviction.

IRRESPONSIBLE JOURNALISM: The Police can arrest those whose actions are 'likely to cause a breach of the peace'. One has to ask whether newspaper owners should be charged if they allow the whereabouts of alleged sex offenders (innocent *or* guilty) to be published, which is likely to result in (sometimes violent, and always costly) vigilante action.

PROBATION AND LICENCE CONDITIONS: We have a reader who maintains his innocence and whose original licence conditions included (quite reasonably in the light of the nature of the conviction) that he was to have 'no unsupervised contact with children'. However, on his release, he has now been told (by Probation) that he is not to visit his partner at her home, at any time, for any reason. This is apparently because she has grandchildren. The grandchildren do not live at her home, and would not be present if he visited. To distort a 'reasonable' condition into one which does not allow you to visit the home of a person who has non-resident grandchildren seems to us to be worth challenging. If *you* have had licence conditions imposed which are *unreasonable*, ask your solicitor to challenge them and get them removed. But DON'T pre-empt that removal by breaching the condition – you *will* be recalled if you do.

PAROLE REFUSED? If you've been refused parole and feel the reasons given to you were unjust, please send us a copy of your parole refusal letter for our files. While we won't be able to reply, or to argue for the parole board to reconsider, receiving copies of these letters will help us understand why the parole board make the decisions they do, and perhaps better enable us to advise innocent prisoners on achieving parole in the future. The more information both we and the Parole Board have, the more we can work together to try to ensure that decisions are just, fair, and will adequately protect the public from those who genuinely *do* constitute a risk, without penalising those who *don't*.

Donations very much appreciated at:



Or hit the button on the website!

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

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)

COERCED FALSE CONFESSIONS: Were you coerced to plead guilty or make a false confession while suffering from a mental illness? (e.g. serious depression). If so, get your solicitors to obtain the services of an expert in the field of false confessions. If your original legal team were the ones doing the coercing, make a formal complaint the Law Society and/or the Bar Council.

HAVING TROUBLE obtaining your case papers from your previous solicitors? Try this: (a) apply to the Law Society for enforcement of a request for your papers. They are *your* property, not your solicitor's. (b) Apply again to your solicitors, informing them that the Law Society have been contacted about the issue, and giving them a 14 day deadline to supply the papers. (c) if the papers do not arrive by the deadline, re-apply under the Data Protection Act (which gives them a 40-day deadline to provide you with all documentation to, from or about you, under the terms of the Act). (d) If the papers are *still* not passed on to you, contact the Information Commission about your solicitor's failure to comply with the Act.

LETTER FROM PRISONER BEING RELEASED: We rarely publish readers' letters but felt that this one, received recently, summed up so many things so well that it warranted publication: "As a further punishment, for crimes that I did not commit, I am to be placed in a hostel. I have a wife and home to return to, but the probation want me in a hostel. I see people who have admitted their guilt, and taken courses, being allowed to return home to their wives. Am I being treated differently because I maintain my innocence and still insist on trying to appeal? Is this a last try at destroying my marriage? Do they get a pleasure in stopping me from working as a self employed IT consultant? Possibly they just want to make life difficult for me because I am innocent and could not take the SOTP course. I agreed to the ETS, but they did not place me on the course. Why should the innocent be punished more severely than the guilty? A lot of questions, with no real answers forthcoming from the people who administer the system. The CCRC even refused to accept police corruption as grounds for appeal, and dismiss an expert witness out of hand. So much for justice in this country. One day I hope that we will get a just legal system in this country that is not led by the media, politicians and targets that are met at the expense of the innocent."

HOMEWORK FOR THE HOME OFFICE! In September 2006 we asked the Home Office a number of questions to ascertain whether there would in fact be any significant advantage in releasing sex offender information to the public. Our questions related specifically to what percentage of sex offences against children were committed by strangers, and, of those, what percentage were committed close to the offender's home.

The Home Office replied as follows: "Thank you for your e-mail about sexual offenders who offend against children previously unknown to them. Unfortunately we are unable to provide this information. The way in which sex offences are recorded does not make explicit the relationship between perpetrator and victim (unless the offence is one of incest) so we cannot calculate the proportion of offenders who have victimised someone known / unknown to them. Therefore we cannot provide an answer to the first and the last of your three questions. In relation to your second question regarding location of offence, again I am afraid this is not information which we hold. Both victim and offence details are contained within offence summaries, submitted by the police and held within the National Identification System at New Scotland Yard. The only means of accessing this information is therefore to undertake a manual search of these records."

Clearly, in the absence of the information outlined above, it is impossible to ascertain whether there would be *any* benefit in releasing this information (supposedly to protect children against the danger of unknown predatory paedophiles who commit offences close to their own address) at all. Before deciding whether or not to release information which is likely both to drive the really dangerous underground, and possibly effectively to incite violence against suspected offenders, cause breaches of the peace and damage to property (not to mention the Police resources required to deal with this vigilante action), we would suggest that the Home Office *first does their homework* to see how many offences *are* in fact committed by strangers in their own local area! Imposing new (and possibly dangerous) legislation, backed by no research into the actual risks it is supposed to address, is just irresponsible. After all, what would our Government think of a doctor who forcibly administered a medicine with potentially lethal side-effects, and no research-backed benefits?

MORE MP INVOLVEMENT IN THE CAUSE: On 6th December 2006, in the House of Commons, Anne McIntosh MP asked the Solicitor-General what guidance he had provided to the Crown Prosecution Service on the prosecution of the perpetrators of false rape claims. Mike O'Brien (Solicitor General, Law Officers' Department) responded to say "I have not provided specific guidance to the CPS on this issue, and neither has the Attorney-General. As the Crown Prosecution Service is now responsible for advising the police on cases for possible prosecution and deciding whether to charge in all but the most minor of cases, cases involving false rape allegations will be referred to prosecutors for a charging decision. Potential charges are wasting police time and perverting the course of justice. All cases must be reviewed in accordance with the code for Crown Prosecutors. Application of the code means that a case is prosecuted when there is sufficient evidence for a realistic prospect of conviction and that the prosecution is in the public interest. Specific guidance on public justice offences is published jointly by the CPS and the Association of Chief Police Officers. *The guidance provides that it is likely that a charge of perverting the course of justice will be appropriate when the making of a false allegation wrongfully exposes another person to the risk of arrest, imprisonment pending trial, and possible wrongful conviction and sentence.*"

SAFARI would like to take this opportunity to wish all its readers a Happy New Year; we hope that 2007 will bring much needed changes to protect the falsely accused.

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 November 2006			
<i>Non-lifers:</i>			
All offences	13	of 67	19.4%
Rape	6	of 31	19.4%
Indecent Assault	1	of 10	10.0%
Other Sex	0	of 3	0.0%
Violence	1	of 3	33.3%
Property	2	of 5	40.0%
Drugs	2	of 3	66.7%
Others	1	of 12	8.3%
Total Sex	7	of 44	15.9%
Total Non Sex	6	of 23	26.1%
<i>Lifers only</i>	0	of 2	N/A
[Neither of the lifers was recommended for open conditions]			