

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

BED, BREAKFAST AND BENEFITS: Warren Blackwell, falsely accused of rape by a 'serial accuser', and convicted after a Police investigation described as 'shoddy', applied for compensation for his three wasted years in prison as a convicted sex attacker, and was flabbergasted to learn the Home Office now intends to charge him nearly £7,000 for 'board and lodging' - as has happened to so many others. This follows a House of Lords ruling which said that claims for compensation for wrongful imprisonment would incur a weekly £40 deduction for board and lodging. In a statement, the Ministry of Justice said: "It's wrong to refer to the deductions as 'bed and breakfast' as they are made in respect of the costs an individual would have had to pay out of their net income on things such as a mortgage or rent. The purpose of the compensation is to put an individual back into the financial position they would have been in but for the miscarriage of justice, but not to a better position."

However, under the terms of Human Rights legislation, the Government is *obliged* to ensure that its citizens have access to an 'acceptable standard' of accommodation and enough money to survive on. For this reason, people who are outside prison, and out of work or unable to work, are entitled to benefits (Income Support, JobSeekers' Allowance, and Housing Benefit) to ensure that they can maintain a subsistence level of life.

There are laws in place that govern what is considered to be 'acceptable accommodation'. If you are in either Council or privately rented accommodation which is not 'up to scratch', then you are *entitled* to move into accommodation that is. For example, it's normally accepted that your bathroom / toilet should have a door separating it from other rooms. You should, as a matter of course, have access to cooking facilities, etc. You should not be confined to one room for many hours a day on an involuntary basis.

You don't have to share your bedroom with a complete stranger - let alone a convicted criminal (even if they may also have been falsely accused!). If you're not in prison, you can *choose* where you live, and (provided your rented accommodation is suitable to your 'needs' and you cannot cover the cost of it yourself), you are entitled to Housing Benefit to cover that cost. The purpose of compensating those wrongly imprisoned is *not* simply to get them back the money they would have been able to earn 'on the out'. It's to compensate them for degradation, humiliation, the loss of their reputation, and (most importantly) the loss of their liberty and ability to sustain a normal life, able to interact with their family, friends and acquaintances without restriction. If a person had been paying a mortgage, *they would have the capital value* of their house - mortgage repayments don't simply disappear into a black hole. A person working outside prison would have been earning at least £5.35 per hour (national minimum wage) for that work - in prison they're lucky to get £3.00 per day - with a very restricted choice as to how they can spend it. Prisoners should be able to counter-claim for the work they put in - and to counter-claim at the highest rate available for that work.

Finally: what would the Criminal Injuries Compensation Authority (CICA) pay out in compensation to a person kidnapped and falsely imprisoned for many months or years, subjected to emotional torture (investigation, trial and conviction for an event which never happened, separation from family, 'punishments' for inability to comply with the kidnapper's demands e.g. attending SOTP)? When these traumas are inflicted by the state itself, with all the additional associated trauma which would not apply to a 'private kidnap', the Government cannot realistically suggest that compensation should be *lower* than that which it would, itself, award for the crime of kidnap and many years false imprisonment if it had been committed by someone else.

RUTH SIGGEE has been jailed for four months after she admitted making a false allegation of rape. Siggee had claimed she was dragged into bushes in broad daylight and violently raped while passers-by walked just metres away. Her lies were revealed when a witness came forward and told how she had seen Siggee willingly walking into bushes with a man who turned out to be a former school friend. Siggee eventually admitted perverting the cause of justice.

Judge Paul Worsley said: "Rape is one of the most serious criminal offences and is rightly taken extremely seriously by the police and the public. False allegations of rape can be extremely difficult to refute and not only put innocent people at risk but also seriously undermine true rape victims' evidence to the courts."

"OFFENDING BEHAVIOUR COURSES": *Most* courses offered in prisons are 'realistic' & 'achievable' no matter how innocent you may be. The real exception to this is the Sex Offender Treatment Programme (SOTP), which is quite impossible for an innocent person to do. If you are innocent of sex offences, but are 'required' to attend SOTP, our advice is to say that you will *agree* to attend if the prison will *allow* you to attend. You are allowed to add comments to your sentence plan; you could sensibly suggest that they make what they call 'the deniers course' available as a realistic and achievable alternative.

NON-SAFARI QUESTIONNAIRE: One SAFARI reader in prison has said that a questionnaire asking if he is a "convict in denial" was included with his SAFARI newsletter. We'd like to confirm that this was *not* issued by SAFARI and appears to have been added by a member of prison staff; all SAFARI communications carry the SAFARI name on them.

If anyone has doubts about the authenticity of *any* document purporting to come from SAFARI, please contact us!

Donations very much appreciated at:



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

Contact us by eMail at [SAFARI\\_Editor@yahoo.co.uk](mailto:SAFARI_Editor@yahoo.co.uk)

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

## VOICES FROM PARLIAMENT

Claire Curtis-Thomas MP asked the Minister of State, Ministry of Justice if she would make a statement on the effectiveness of the Sex Offender Treatment Programme (SOTP) for (a) high, (b) medium and (c) low risk offenders; and what the subsequent reconviction rates are for offenders from each of these categories who took part in the SOTP since its inception.

Gerry Sutcliffe (Parliamentary Under-Secretary, Ministry of Justice) responded: "The most robust evaluation of the Sex Offender Treatment Programme (SOTP) in England and Wales (Home Office, 2003) examined the impact of the prison-based programme. This compared two-year reconviction rates for prisoners who participated in the programme with those who did not. Findings indicated that the SOTP had an impact on reconvictions for sexual and/or violent offences (as a combined measure).

An explanation for this effect could be that a proportion of violent reconvictions were sexually motivated offences. Sexual reconvictions were combined with those for violent offences because sexual offenders (in the absence of intervention) are reconvicted for sexual offences at a very low rate — less than 5 per cent - over two years. Any decrease in this rate as a result of treatment is therefore unlikely to be statistically significant.

For combined sexual and violent reconviction, the treatment group showed a statistically significantly lower rate of reconviction overall than the comparison group (4.6 per cent. and 8.1 per cent. respectively, see Table 4 in Home Office Research Findings [HORF] No. 205). Treatment participants in the medium-low and medium-high risk groups showed a statistically significantly lower rate of reconviction than respective risk groups in the comparison sample (see Table 4 in HORF 205). For general and sexual reconviction rates, the treatment group showed lower rates of reconviction than the comparison group although differences were not statistically significant (see Tables 5 and 3 respectively in HORF 205).

No statistically significant differences were found among risk groups. These findings relate to offenders who completed the SOTP between 1992 and 1994.

A programme of research is planned to examine the impact of the prison-based SOTP delivered to offenders post-1994 in terms of both short-term change in relation to treatment targets (e.g. victim empathy) and longer-term change in terms of future re-offending."

SAFARI comments: the research Mr Sutcliffe referred to is 13 years out of date, and yet the innocent falsely accused are still being penalised for 'failing to comply with sentence planning targets' (attendance on SOTP) by removal / refusal of enhanced status. It's also noteworthy that the reconviction rates (even back as far as 1994) for those convicted of purely sexual offences, with no element of violence, was as low as "less than 5%". Perhaps this is in some measure accounted for by the numbers of those falsely accused of such offences. In all instances, though, the Government's own research (however out-of-date) shows that those convicted of non-violent sexual offences cannot be realistically considered to be "high-risk" for the purposes of Parole decisions, whether or not they have attended SOTP.

SARAH'S LAW: GOVERNMENT SEES SENSE. The Government has bowed to pressure from SAFARI, the Police, and numerous child protection groups to bury the idea of Sarah's Law. Instead, they are only introducing two main rules that will directly affect those falsely convicting of alleged sex offences following false allegations. Firstly, single parents with children are to get a legal right to ask if a new boyfriend or partner is on the sex offender's register. Secondly, those on the sex offender's register will have to tell the police in future when they form a relationship with a woman with children. It seems sensible for anyone entering into such a relationship to tell their partner about the earlier false allegations / convictions anyway as a relationship cannot be successfully built on secrecy.

Anyone falsely posing as someone's partner or misusing the information to fuel vigilantism or harassment could themselves face police action, including prosecution for incitement; SAFARI would strongly recommend that people advise their partners about any intention to make enquiries with the police and for the police always to confirm with the person being checked that there is, in fact, a relationship or proposed relationship with the person requesting the check, before releasing any information about them.

The most valuable statement made by John Reid was his judgment that **Megan's Law (seen as the publication on websites of the names and addresses of people on the Sex Offender's Register) has been a failure.** Justice minister Gerry Sutcliffe, sent to the United States to look at the idea, said that it had driven sex offenders underground to avoid identification. Other measures include voluntary system of "castration" through medication and lie detector tests for those considered to be persistent offenders. These measures will generally not affect those falsely accused.

DO YOU KNOW SOMEONE who has had their wrongful conviction overturned at appeal? If so, please send us their name and any details you can about them (especially the names of their legal teams); SAFARI is now trying to make contact with as many of these people as possible to help build up our power in getting Government to change their policies — this will be so much easier when SAFARI can 'prove' false allegations by presenting 'real cases' to Government.

PAROLE BOARD BOOKLET "How Do I Maintain My Innocence and Get Parole" can still be downloaded by your family or friends direct from the SAFARI website. If you know nobody with Internet access and would like us to send you a paper copy, just ask (please send three stamps to help us cover printing costs) and we'll include it with your next newsletter.

JEMMA POTTER has walked free from court after falsely accusing Brian Pallister of rape, which resulted in him being viciously assaulted by her boyfriend and his friend. The assault on Brian left him with a fractured jaw and eye socket, a collapsed lung, broken ribs, a blood clot on the brain, wounds to his face and loss of teeth. He underwent lifesaving surgery and spent six weeks in hospital. Potter was sentenced to 12 months in jail, suspended for two years, and given a two-year community order. In 2005, Potter was given a warning for wasting police time after she made a rape claim which, while initially taken seriously, proved to be false. Potter admitted inciting an assault on Mr Pallister but said she did not think any serious harm would be caused to him. Stories like this leave SAFARI readers stunned; a suspended sentence for someone who made TWO false allegations of rape, one of which ending up in the accused person nearly dying. Enough is enough.

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KENNETH SAMUELS, who spent six years in prison for a rape he did not commit, has spoken of his joy at being freed by the Court of Appeal. Back at home with family in Wrexham where he has met two grandchildren for the first time, Mr Samuels said: "It just hasn't sunk in yet." Fighting back tears, he added: "It's been a long road. With the legal team I had, I knew I would get to court but I didn't know I would have this result at the end of it. I have never had anything in my life before - just my family, that's it."

Kenneth always protested his innocence, and after the Criminal Cases Review Commission (CCRC) referred the case to the Criminal Appeal Court, Lord Justice Gage, Mr Justice Cresswell and Mr Justice Holman ruled his convictions were "unsafe" and formally quashed the verdicts. Kenneth's counsel, Peter Wilcock, had told the judges of fresh evidence of subsequent complaints made by the girl against three other men. Police initially investigated, but did not take the matters further because she did not want to proceed. Mr Wilcock said the girl's complaints would have given an alternative explanation for medical evidence at the trial that showed that she had had sex. He also detailed descriptions the victim gave to the Criminal Injuries Compensation Authority of incidents involving Kenneth that were not mentioned to police or during the trial.

Lord Justice Gage said: "In our view, the key to this ground of appeal lies in the medical evidence. At trial, Mr Samuels could not challenge the medical evidence which demonstrated that she must have had sexual intercourse with someone." The judge added that the girl had complained of "at least one other man" assaulting her. Summarising, he said: "In the result, our conclusion is that these verdicts are not safe and, for that reason, they must all be quashed."

Mr Samuels, who described his six years in prison as "hell," has now been reunited with family members, including two sons aged 15 and 17. He has paid tribute to a fellow prisoner who helped him win his case, because he could not read or write when he entered prison.

Asked if he was pursuing compensation, he said: "I have not really thought about that side of it because it was basically to clear my name. It just never registered, the compensation." The Crown Prosecution Service has decided against a retrial.

AMY JONES (now 21) has been sentenced to four months in prison after admitting perverting the course of justice. Jones had claimed to police that her stepfather, Rod Swainson, had been abusing her since she was 12. As a result of the false allegation, Rod had been charged with rape, indecent assault, gross indecency and inciting a child to commit gross indecency. The Court heard that Jones had told her girlfriend Kelly Mackin she had been raped, and had made several phone calls to former partner Laura Sproat, asking her to confirm her allegations to police. Laura said she was not prepared to lie for her. Jones apparently said "I just want to clear everything up. I want to be with Kelly and clear up all these lies I have been telling." Sentencing her, Judge Timothy Mort said: "Of all the allegations made by a woman, rape is a very serious one. A sentence has to send out a message to other people that they must never do this for the sake of the genuine victims." Sadly, as far as SAFARI is concerned, the 'message' it sends out is that in the unlikely event you are caught telling the lies, you are likely to get away with only a four month sentence. The Government needs to accept now that false allegations are rife and on the increase; sentences for those guilty of making false allegations need to be dramatically increased and those accused of rape / indecent assault must no longer be able to be convicted on the sole word of an accuser who may well be lying.

DR MARK PEPPERMAN has been freed after judges quashed his convictions for indecent assault. Two women had made complaints – one at the time of the alleged assault, and one four years after an alleged assault. The trial judge had erred in not giving the jury adequate directions in relation to "inconsistencies" and "contradictions" in the second complainant's evidence. Sir Igor Judge told the Court of Appeal: "the key part of the defence case was that the complaint was subject to many flaws, to the extent that they were significantly contradictory accounts of the incident. These issues were important and the omission of any mention of them meant the jury's deliberations were without the benefit of the judge mentioning these crucial aspects of the defence case." Sir Igor declined to order a retrial, saying it would be very difficult for prosecutors to obtain a conviction were the judge to give the jury a proper direction about the "contradictions" in the second complainant's evidence.

TOM STEPHENS, who became a special constable in 1992, but left in 1997 after an affair with a prostitute, was later falsely accused of the murder of five prostitutes. Tom, who had his bail cancelled last week by Suffolk police, said he had been through a horrendous ordeal since being arrested six months ago and added: "If an angel came down from heaven right now and said they could change one thing by turning back time I would say to them to bring back one of the girls rather than change what happened to me. If I could, I would bring back all five. The worst five things were the five girls going missing - the next worst thing from my point of view is what I have been through." Tom, who worked at Tesco in Martlesham, was arrested on December 19 last year after a raid on his home by police investigating the deaths. He was held for four days before being released on bail, which remained until last week. He said the whole experience has left him a broken man. "My life has been turned upside down and shaken up - there is not much left of it," he said. "A lot of things said about me are false - things that did not happen, places I have not been and people I do not know. Supposedly I was involved in various different acts with people, which is all false." He was propelled to the status of prime suspect for 24 hours at the height of the investigation and was the focus of the world's media following his arrest. He is still struggling to come to terms with what happened to him and was left shocked and distressed on seeing his picture in the paper. "It was awful, I felt like it was a wanted poster," he said.

A 17-YEAR-OLD GIRL has been "criticised" for falsely telling police she had been brutally raped by a pair of hooded men. More than 15 officers worked on the investigation as detectives searched desperately for clues to the identities of the offenders, who, she claimed, had dragged her down an alley at midday, and said that one of the men pinned her to the ground while the second man raped her.

Police spent hours carrying out door-to-door inquiries and began work on an e-fit of the two attackers. Officers also visited the scene to try to recover forensic evidence and the woman's clothes were sent off for chemical analysis. Police, councillors and rape counsellors condemned the girl (who has not been named) after it emerged she made up the whole story, pointing out that cases like this can deter genuine victims from reporting crimes.

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"ELECTRONIC FOOTPRINTS":  
CELL SITE ANALYSIS - THE NEW TOOL  
FOR INVESTIGATORS

Investigators are turning to technology to help assess the validity of alibis or determine the precise location of a suspect at a given time. From kidnappings to drugs conspiracies, specialist telecommunication evidence is playing an increasingly important role in the criminal courts, allowing prosecutors to demonstrate to judge and jury the whereabouts of a suspect at the time of an offence. Some forensic specialists have regarded this as one of the most important investigative advances since the employment of DNA profiling and fingerprint recognition!

'Cell Site Analysis' (CSA) is the term used to describe taking measurements and recordings from the tele-communications network (such as O2 or T-Mobile) to allow for signal strength and coverage. It can be possible to determine the relative position of a specific mobile telephone handset when a call was made/received or a text message sent/read. CSA played a crucial role in the investigation of the murders of Holly Wells and Jessica Chapman in Soham, where cell site evidence was used to challenge an alibi offered by Maxine Carr, suggesting that they had been together outside of Soham at the time when the disappearance of the girls was noticed. Further cell site evidence was employed to illustrate that Ian Huntley had changed the tyres on his car a day after dumping the children's bodies. Whilst Huntley had been meticulous in removing almost all traces of the girls' presence from his car and property, he was unaware of the electronic footprints being left behind by his mobile telephone. CSA evidence is rarely challenged, but this can place the defence at considerable disadvantage, and without assessing the accuracy of the findings, it will be accepted by the courts as unassailable fact. What is important is that in any case where such evidence is being relied upon by the prosecution, the defence instruct a suitably qualified expert to thoroughly assess the crown's finding and identify the challenges and opportunities presented.

The majority of solicitors never instruct experts in this field, to determine if there is evidence that is exculpatory (i.e. proves innocence), whether the assessment has been undertaken in a truly robust manner, or to allow any form of independent verification.

Increasingly we are seeing whole conspiracy cases - from drugs to murder - being built purely on the basis of this form of evidence. In the majority of cases where contact forensics play a role, such as fingerprints at scene of crime, a defendant may naturally 'put the crown to proof' before deciding on whether to enter a basis of plea with the support of the legal team. In such cases, the defence will naturally instruct an 'expert witness' to examine the evidence independently, and determine whether there is anything that might materially support or undermine the defence case. However, in many instances technical evidence is regarded as scientifically perfect and as such a defence is crafted around the findings and attacks against the prosecution case are not made in a head-on fashion.

The lack of expert support to assess the technical evidence can place the client at considerable disadvantage. In a recent murder investigation in the Merseyside region, Afentis Forensics were instructed to provide a full review of the CSA evidence to assist EAD Solicitors in appreciating the evidence and assisting their client in his legal defence. The original police findings were quite clear in that they stated that a particular phone call had been handled by a specific mobile telephone cell station and as such placed the defendant in a relatively narrow geographical area as defined by the cell station coverage.

Over the course of a fortnight, extensive mappings and field measurements were made across a number of telecommunication stations across the Liverpool area, with signal coverage and relative strengths at different times of day/night plotted graphically onto ordinance survey maps.

When the full findings were reviewed in concert with the legal, a number of discrepancies were identified in the prosecution case as well as clear mis-interpretations of telecommunication records. It transpired that it was both technically possible and entirely feasible that the defendant's version of events were correct; in that he was in fact over two kilometres away from the crime scene and at home at the time of the offence!

A wide range of agencies and investigatory agents have authority to request copies of telecommunication data to assist in Cell Site Analyses; ranging from customs & excise through to the police and intelligence services.

The defence are fully entitled to access CSA related evidence, whether or not the prosecution have undertaken any studies in this area, though obtaining an order for this may alert the prosecution to the line of your defence. Ed Judge, Partner at technology fraud law firm Judge & Partners, says that "at this time no formal records are maintained centrally by the Home Office, network providers, or even the Association of Chief Police Officers (ACPO) as to who is having access to this material, and under what circumstances disclosure of the records is being granted. However, based on the cases we see on an almost weekly basis in the crown courts, it is clear that Cell Site Analysis evidence is playing an increasingly important role in both the criminal and civil courts and is a powerful tool we expect to see forming a crucial part of future prosecutions."

*(Article supplied by Ross Patel, of Afentis Forensics, St John's House, St John's Square, London EC1V 4JL Telephone: 0800 180 4545 / Fax: 0845 053 7573 / Email: [Info@Afentis.Com](mailto:Info@Afentis.Com))*

SAFARI E-PETITIONS: Please get everyone you know who has access to the Internet to sign our latest on-line Government ePetition, to amend the Code for Crown Prosecutors, replacing the requirement that there be a "realistic prospect of conviction" with a requirement that there be a "realistic prospect of the defendant being *factually guilty* and convicted". We need at least 200 signatures on *each* of our petitions to get a Government response. Please visit: <http://petitions.pm.gov.uk/> followed by ..... FactuallyGuilty and also ..... SitWithBarrister ... or click the links from our website.

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 May 2007			
<i>Non-lifers:</i>			
All offences	11	of 52	21.2%
Rape	2	of 20	10.0%
Indecent Assault	1	of 4	25.0%
Other Sex	0	of 3	0.0%
Violence	2	of 7	28.6%
Property	0	of 3	0.0%
Drugs	1	of 3	33.3%
Others	5	of 12	41.7%
Total Sex	3	of 27	11.1%
Total Non Sex	8	of 25	32.0%
<i>Lifers only</i>	0	of 1	0.0%
[ The lifer remained in closed conditions ]			