

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

PAROLE BOARD STAKEHOLDER GROUP: SAFARI was invited to attend both the Sir David Hatch Memorial Lecture (given by The Right Honourable Jack Straw MP) on 17th January 2008, and an Intensive Case Management policy meeting on 18th January 2008. SAFARI are part of the Parole Board's Stakeholder Group and are, as such, invited along to some of their meetings to help them shape policies for the future.

The Intensive Case Management policy meeting was also attended by representatives from HMPs Frankland, Grendon, Lindholme, Manchester, Moorland, New Hall, Risley, Sudbury, Swaleside, Swansea and Wakefield, plus HMP HQ, the Offender Assessment & Management Unit, Prisoner's Advice Service, Probation (Kent & Hertfordshire), Public Protection Unit, plus a number of representatives from solicitors. The Parole Board reiterated that they are reliant on the quality of reports provided to them by others. (If you believe that reports have been falsified or are otherwise misleading, discuss this with your solicitor and / or the Prisoners Advice Service.)

We were impressed by the level of commitment shown by those present to improving the Parole procedures, particularly with regard to reducing dramatically the number of deferrals and improving the quality of information exchange. The Parole Board are hoping to be able shortly to publish a 'league table' of prisons highlighting those who are good at providing dossiers on time – and also highlighting those which consistently fail to do so, delaying hearings.

AS OUR NAME SUGGESTS, SAFARI (Supporting All Falsely Accused with Reference Information) exists to support those who are *falsely* accused and *innocent*. If you were *guilty* of the crime for which you were convicted, please do not ask for our help, whether it's to do with 'technicalities' at your trial, sentencing issues, prison law, or appeals. Your solicitor or the Prisoners' Advice Service are there to help you with those issues.

CENSORSHIP ISSUES: We have had reports that some SAFARI newsletters have been withheld from prisoners and we have written to a few prison governors on this issue. As far as we are aware, prisons are not allowed to withhold mail *unless that mail poses a threat to prison security* (which the SAFARI newsletter, of course, does not). If you feel that some newsletters are being withheld from you, we recommend you ask your friends and family to download newsletters from our web site (<http://safari-uk.org>), print them out, and post them in to you, stapled to a letter that states that a SAFARI newsletter is attached. If you believe that your prison – or the prison in which the person you are supporting is held – is withholding SAFARI newsletters, please let us know so that we can ascertain their reasoning behind the decision.

SOTP – DON'T MISUNDERSTAND US! One reader has written to us stating that we had given 'advice bordering on betrayal to me and others in our circumstances' by recommending that people falsely accused of sex offences should *lie* to qualify to attend the Sex Offenders Treatment Programme (SOTP). This is *not* what we said! SAFARI *always* advises people to tell the *truth* at all times. As far as the SOTP goes, if your sentence plan or licence requires attendance on this course, *agree* to attend but *only tell the truth* – which means if you didn't commit an offence, *don't* say you did! Never ever lie.

What we *actually* said was: "...if your licence requires you to take part in one of these courses, do so! **Just remember to tell the truth at all times.** You should not be breached for answering a question such as 'Tell the group what led you to commit the crime' with 'I didn't commit the crime'. You are attending. You are taking part. You are telling the truth. It is important to remember, however, that a *refusal* to attend a course required of you on your licence is grounds for being breached. If any requirement is actually *unlawful* then you can ask your solicitor to force its removal."

KELLY EMERTON (19) has been sentenced to 240 hours community service and must pay £325 costs after admitting having made up a story that she'd been raped. Emerton, a community worker looking after the elderly, had originally claimed she'd been raped at knife-point by a man dressed in black, who jumped into her car at a junction. The eight-day investigation into the allegation wasted 315 hours of police time, involving work such as forensics, interviews and door-to-door inquiries for eye-witnesses. The forensic work alone cost £8,000. Somehow we don't think the £325 fine will go very far to pay back the wasted cost of the investigation; and 240 hours community service does not reflect the sentence which might have been given to an innocent victim of her false allegation had the police arrested and charged someone.

SEONAD CAMPBELL (18) has been jailed for eight months after falsely accusing a taxi driver of raping her, after he was able to provide police with video evidence of her begging for sex. Campbell had got drunk and then ordered a taxi to take her home after a party. When she arrived home at 4am she told her father that she had been raped. He immediately contacted the police. Police then arrested a taxi driver for the alleged rape, only to discover they'd misidentified him. They then arrested the taxi driver who had *actually* driven her home.

Under our current flawed legal system, he would have stood very little chance of being found not guilty at his trial, because the prosecution would not have had to *prove* his guilt – all they need to do is *convince the jury* that he is probably guilty. Luckily the taxi driver had recorded on his mobile phone Campbell's constant pleas for him to have sex with her. Once the police saw that evidence they released him immediately. In court Campbell pleaded guilty to perverting the course of justice and was jailed for eight months by Judge Roger Thorn, QC, who told her that her lies might have had devastating consequences.

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!

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

DNA EVIDENCE – AGAIN! The unreliability of DNA evidence was highlighted again just before Christmas with the acquittal of Sean Hoey, the man accused of planting the Omagh bomb in 1998 which killed 29 people. The case against him hinged on low copy number (LCN) DNA evidence, a technique that has been used by the UK's Forensic Science Service since 1999. LCN differs from the standard DNA fingerprinting technique by repeating again and again the initial step that copies the DNA, amplifying it to levels that can be analysed. LCN allows forensic scientists to link DNA to a person even if the most minute amounts are present. Because such small amounts can be detected, though, it vastly increases the potential for contamination.

The judge, Mr Justice Weir, rejected the DNA evidence, prompting a moratorium on the use of LCN and a review of pending prosecutions that relied on it by the Crown Prosecution Service. The CPS concluded that it had, "not seen anything to suggest that any current problems exist with LCN" and the moratorium has now been lifted, but doubts remain about the technique among some in the forensic community.

Allan Jamieson at the Forensic Institute in Glasgow, who testified in the Omagh trial, says that LCN stretches the reliability of DNA evidence. "The standard DNA technique is very reliable," he says. "But we've now pushed the technology to the absolute limit, and we're still using the same certainty. Unfortunately, what we don't know from the experimental work is how reliable this technique is ... The main problem is that if you don't have a visible body stain, you really don't know how it got there or when it got there," says Jamieson.

It is this that led Mr Justice Weir to dismiss the evidence. The prosecution attempted to link a number of explosive devices to Hoey and LCN evidence apparently suggested his DNA was found on some of the devices, but it was not actually found at Omagh.

Mr Justice Weir said: "It is not my function to criticise the seemingly thoughtless and slapdash approach of police officers to the collection, storage and transmission of what must obviously have been potential exhibits in a possible future criminal trial, but it is difficult to avoid some expression of surprise that ... such items were so widely and routinely handled with cavalier disregard for their integrity."

Even if evidence is handled carefully, the extreme sensitivity of LCN increases the possibility of false forensic inferences. Previous studies have shown that by shaking hands with someone your DNA can be transferred by them on to other objects (such as a murder weapon) when *they* touch them, even if your contact with them was half an hour ago. Once your DNA has been transferred it can remain on the object for a very long time. "That's kind of scary when we are working back from the evidence," says Jamieson. Jamieson believes the technique should be used with much more caution. Despite nearly a decade of use in the UK, LCN has not taken off internationally, other than in the Netherlands and New Zealand. "Why is it the rest of the world just doesn't believe this?" asks Jamieson. "There clearly is an issue of reliability." In one case which used LCN-STR (Low Copy Number, Short Tandem Repeat) DNA 'evidence' in retrieving sweat from a 'partial fingerprint', the prosecution 'expert' said he could link the suspect's DNA to the sweat, 'to a statistical value of 1 in 7 million'. Later investigation has shown his 'reasoning' behind these 'statistics' – which seem designed to confuse and dupe the Judge and Jury for the benefit of the prosecution paymasters rather than a search for the truth or any integrity to any professional expert values. In this case, the 'partial fingerprint' was in fact overlaid with another fingerprint in any event – hardly 'uncontaminated'! An important question for ANY defence counsel to ask such an expert is "For *how many other people in this country* would this supposed 'evidence' provide a similar match?" If the DNA evidence – particularly LCN evidence – is the only 'evidence' available, the next question is: "How many of the remaining hundreds of possible matches have been interviewed and their alibis checked?" Juries need to be made aware of the sheer volume of *other people* who could *also* be said to be a 'DNA match' for the evidence. If there are hundreds of other 'possible matches' in the UK, one cannot say 'beyond reasonable doubt' that the defendant is the guilty party! As Sir Alec Jeffreys (the 'father of DNA fingerprinting') rightly points out, DNA evidence can never stand alone.

SAFARI feels that if a DNA 'expert' and a prosecutor who know full well themselves that their supposed 'evidence' is of little value, but present it nonetheless as 'powerful' in an effort to deceive the jury, should themselves be prosecuted for attempting to pervert the course of justice.

SAVE ROUGH JUSTICE: the BBC recently decided to axe funding for the programme often viewed as the 'last hope' for innocent victims of the justice system. Join the lobby to save it by visiting:

<http://www.gopetition.co.uk/petitions/save-rough-justice/sign.html>

The petition is due to end in July 2008 and it is hoped it will be handed directly to Mark Thompson (the Director General of the BBC).

OUR TIME AND RESOURCES ARE LIMITED! Please remember that every letter we receive has to be read, logged, and filed – and this all takes time! Please keep letters as short as possible, and only write *giving* information which would be helpful to others, or *requesting* information the answers to which we might be able to publish in a future newsletter to help others. We have received around 2,500 letters so far, many of which are requesting personal help which we are sadly not in a position to give!

TEAM – TOGETHER EVERYONE ACHIEVES MORE. We'd like to take this opportunity to point out that (we hope!) every right-minded person involved in the justice, prison and probation systems agrees that the innocent-falsely-accused should be protected from wrongful imprisonment, and released as soon as possible. We should all be on the same side – let's work *together* to achieve these aims.

SAFARI E-PETITIONS: Please get everyone you know with Internet access to sign our on-line Government ePetitions. Please visit:

<http://safari-uk.org>

..to view all our ePetitions.

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 December 2007			
<i>Non-lifers:</i>			
All offences	3	of 35	8.6%
Rape	1	of 20	5.0%
Indecent Assault	0	of 2	0.0%
Other Sex	0	of 1	0.0%
Violence	1	of 2	50.0%
Property	0	of 5	0.0%
Drugs	1	of 2	50.0%
Others	0	of 3	0.0%
Total Sex	1	of 23	4.3%
Total Non Sex	2	of 12	16.7%
<i>Lifers only</i>	0	of 0	n/a
[No lifers were considered for parole this month]			