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Key: **SOTP**: Sex Offenders' Treatment programme, **ETS**: Enhanced Thinking Skills, **CICA**: Criminal Injuries Compensation Authority, **ECHR**: European Court of Human Rights, **CCRC**: Criminal Cases Review Commission, **DNA**: DeoxyriboNucleic Acid, **IPCC**: Independent police Complaints Commission

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

THE UK GOVERNMENT has been condemned by the ECHR for their 'Blanket and indiscriminate' use of the English & Welsh DNA database, which shows the same disregard for the privacy of innocent suspects as for convicted criminals. The Government has been told to remove 850,000 profiles of innocent people from the database. In response, Home Secretary (Jacqui Smith) agreed that it will no longer be official policy to hold the records of the innocent forever. Instead she said they would only be held for six (for those innocent of minor offences) or twelve (for those innocent of serious offences) years! Yes – you read that correctly. In response, to be told to destroy the profiles of the innocent, they have agreed to do so ... just not for a very long time. Their reason? To help solve crime!

...and now the Home Office is running a public consultation until 7th Aug 09 about how the government should handle the DNA evidence. The "keeping the right people on the DNA database" consultation document intends to promote public debate on how long the government should retain fingerprints and DNA. Home Secretary Jacqui Smith said: "The DNA database plays a vital role in helping us do that and will help ensure that a great many criminals are behind bars where they belong. It is crucial that we do everything we can to protect the public by preventing crime and bringing offenders to justice."

Meanwhile, DNA's founder, Professor Sir Alec Jeffreys, has confirmed that: "Retaining the DNA of innocent people for up to 12 years will lead to a 'presumption of future guilt'."

SAFARI's view is that either (a) only *guilty* people should remain on the DNA database or that (b) *everyone* should appear on the database (which *would* make crime prevention and proving innocence easier). Certainly only including *some* innocent people is wrong.

THE SOTP IS A VOLUNTARY COURSE. That means you don't have to take it if you don't want to. Attendance on the course requires attendees to discuss their 'offences' and their thoughts and feelings about those 'offences'. Those people who are *truthfully* stating that they are innocent (prisons often incorrectly call this being 'in denial' - which actually means 'guilty but unwilling to accept guilt') simply do not qualify to attend because they can't discuss 'offences' that didn't happen. So should you refuse or agree to attend? We advise agreeing to attend but ensuring you make it clear that you did *not* commit the offence(s) for which you were convicted and that you will only tell the truth on any course; this means that if you're asked to 'Tell the group what led you to commit the crime' you truthfully reply: 'I didn't commit the crime'.

You won't actually qualify to attend the full course in any event (although you may attend the initial stages) but a refusal will almost always guarantee you lose out on category reductions, parole, early release, Enhanced status, etc. Agreeing to attend gives you more chance of achieving these things (but this is by no means a guarantee – it's still an uphill battle). The Prison Service's own rules state that all Sentence Plan targets must be 'S.M.A.R.T.' - **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime-bound). Clearly attending the standard SOTP course in prison is neither 'achievable' nor 'realistic' for an innocent person, because to 'achieve' the goal they'd need to discuss *their* role in crimes they did not commit! If the prison requests that you attend the SOTP but refuse you access to it, we strongly advise you put in a written request (copy to your solicitor) to have the 'deniers' version made available to you, which you would be allowed to attend, or to have the requirement to attend the *unachievable* target removed from your Sentence Plan.

(By the way, the ETS course, although still run by the Offending Behaviour unit, does not require any admission of guilt, so it is achievable and can be attended. ETS is quite a good personal development course and can be useful to everyone – innocent or guilty.)

In most cases, having an appeal lodged with the Court of Appeal (and producing your appeal number) is sufficient to be allowed Enhanced Status despite not attending SOTP as long as other aspects of your behaviour are acceptable. The only version of the SOTP you might be allowed to attend in full is the so-called 'deniers' version but, we understand this is not yet available in prisons and is only being tried in some areas of the country by some probation departments. (The 'deniers' version allows attendees to discuss hypothetical situations as opposed to concentrating on the alleged offence(s). This means attendees can discuss their thoughts on those situations instead.) If you do attend one of these, remember, as always, to stick to telling the truth at all times. If attendance of a course is a requirement on your release licence, then this applies too. As long as you are attending, taking part, and telling the truth, it is highly unlikely that you will be recalled to prison. We know some people disagree with our views on this issue, thinking that agreeing to attend the SOTP might damage their chances of winning an appeal. It should not, as long as you always confirm that *you did not commit the crime(s)* for which you were convicted.

SAFARI is often asked about the success (or otherwise) rate of the SOTP course. We don't hold these statistics and, to be honest, have no intention of doing so because it's not the issue! Whether or not the SOTP works has no bearing on an innocent person, as their 'risk' is non-existent in the first place.

CHIEF CONSTABLE COLIN PORT, of the Avon and Somerset Police, is considering refusing to abide by a court order to return computer equipment and data to its owner, Jim Bates, despite it being unlawfully seized. Jim had been a computer forensics expert who had attended a police station in Bristol to clone computer hard drives alleged to contain paedophilic material, as these formed part of a case in an upcoming trial for making of indecent images. The police were unhappy that Jim had been given access to such sensitive material and, incredibly, went on to raid his home in September 2008 seizing 87 hard drives, and a reported 2,500 indecent images of children. Jim had earlier been found guilty of making a false written statement claiming he had a degree in electronic engineering and the police claimed that the raid was justified because they believed he had obtained the images through deception, and that the entire episode was part of a criminal conspiracy to obtain indecent images of children. A Judicial Review before the High Court upheld a complaint by Jim Bates that both the original raid, carried out to locate the cloned hard drives, and the extension of the search during that raid to encompass other materials on Bates' premises had been unlawful. The court ordered Avon and Somerset Police Force to return all materials that they had seized. But Police Chief, Colin Port, is considering *refusing to comply with that order*, arguing that the ruling went against common sense. "We don't know what's on these hard drives, but it is highly likely they contain indecent material going back to the 1990s. They were found with over 2,500 hard copies of child abuse images and they must have come from somewhere. Clearly, defying the court is a serious matter and one that is not taken lightly. Common sense dictates to me that we shouldn't be returning indecent images to anyone - yet I am prevented from even examining the material." But being a computer forensics expert, Jim was *expected* (and permitted) to be in possession of this kind of material as it formed a large part of his casework. One can't help wondering whether the Police were simply upset that Jim had lied over his qualifications and wanted to 'get back' at him. The fact that Colin Port is considering risking jail by refusing to comply with a court order is interesting. It is just another example of police breaking (or considering breaking) the law to achieve *their* goals. SAFARI has numerous examples (and proof) of the police breaking both minor and major laws – and a complete refusal of anyone in authority to do anything about it.

TERENCE SHIELDS' CONVICTION for possession of a handgun and membership of the IRA youth wing back in the 1970's has been quashed by the Court of Appeal. He was originally convicted based on a written statement but it has now emerged that Terence, who was only 16 at the time of the alleged offences, was held without access to a lawyer or a parent. The Court of Appeal ruled that this went against what were called judges' rules. No new evidence was presented during the three-day hearing in Belfast so Terence's conviction was ruled to be unsafe. He is now eligible to seek compensation for the wrongful conviction.

CLIVE BISHOP, A TAXI DRIVER who was falsely accused of rape by a drunken 17-year-old passenger, is to be the first falsely accused person successfully to receive compensation from the CICA. Clive had made two claims to the CICA in the past, but they had refused on the basis that he had not received any *physical* injuries. That refusal has been overturned by the courts. The landmark decision is the first time the authority has agreed to compensate for the mental trauma of a false criminal accusation. Clive could receive as much as £100,000, although the amount he actually receives will depend on the psychological damage he suffered from the incident as well as his lost earnings. His lawyer, Russell Pearce, said: 'This is without doubt the right result. It is the first time that a person who has been falsely accused of committing a crime has been allowed to claim compensation from the Criminal Injury Compensation Authority. It is a landmark case - especially for all those who have suffered the extensive trauma that a false allegation can bring. This now means that in the future other people will be able to make an application, which is very important.'

PATRICK ZENGEYA'S CONVICTION for fraud (specifically 2 counts of attempting to obtain services by deception) has been overturned by the Court of Appeal, who ruled that the failure to disclose relevant material during the case had undermined the safety of the original verdict on 25th July 2001. Patrick attempted to appeal in November 2001 but was refused leave. In 2006 he took his case to the CCRC who eventually passed the case back to the Court of Appeal in 2008. The Crown Prosecution Service did not ask for a retrial and did not challenge the appeal. The officer who failed to disclose the relevant material, DS Steve Hassall, is now under investigation by the IPCC.

ALESHA WATKINS HAS BEEN JAILED for 20 months after falsely accusing Darren Ball of raping her after a party. In fact, Watkins had consented to sex with him. Darren spent 19 hours in custody, and had to attend four court appearances over seven months, before Watkins eventually admitted perverting the course of justice with her lies, saying that she had lied because she regretted having sex with him.

ACHIEVING CHANGES in the Legal System requires the help of MPs, solicitors, barristers, support groups, journalists, etc. Only when enough people make the argument for change will change happen. Change *is* happening, *but* it is *slow*. If you are in touch with anyone in authority who might be happy freely to support SAFARI's goal of achieving justice for the falsely accused, please ask them to contact us via the web at http://safari_uk.org or via email at SAFARI_Editor@yahoo.co.uk.

TEAM:

Together, Everyone Achieves More.

DONATIONS! We'd like to take this opportunity to thank those of you who are making donations to SAFARI; your generosity helps ensure SAFARI can continue its work. If you have not yet set up a Standing Order with your bank and would like to do so (even £1 per month is helpful and gratefully accepted), just ask your bank to set up a monthly Standing Order to be paid to account 'SAFARI', sort code 30-92-02, a/c No: 02702360. Supply your full name as a reference. Thank you.

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

<http://safari-uk.org>

...to view all our ePetitions.

Thanks to Terry McCarthy (Parole Board for England and Wales) for supplying us with the statistics of those granted release on Parole despite maintaining innocence.			
Figures for month of April 2009			
<i>Non-lifers:</i>			
All offences	5	of 27	18.5%
Rape	2	of 10	20.0%
Indecent Assault	1	of 6	16.7%
Other Sex	1	of 2	50.0%
Violence	0	of 4	0.0%
Property	0	of 0	n/a
Drugs	0	of 0	n/a
Others	1	of 5	20.0%
Total Sex	4	of 18	22.2%
Total Non Sex	1	of 9	11.1%
<i>Lifers only</i>	0	of 0	n/a
[No lifers were considered this month]			