

## Pearson Telegraph 8/2/18

Thursday, 08 February 2018

Our police have been brainwashed by Alison Saunders's view of rape

ALLISON PEARSON

Another week, another two failed rape cases, another chance to rub our eyes in astonishment at the fact that Alison Saunders, the Director of Public Prosecutions, is still in her job.

The trial of Christopher Penniall collapsed on Monday. When Mr Penniall, 43, was arrested by police in September 2016, he handed over his mobile phone and details for his Facebook account, telling officers that they contained messages which showed clearly that he and the complainant had a consensual one-night stand.

However, police don't appear to have looked at this rather important evidence. Messages deleted by the alleged victim, which supported Mr Penniall's account, were only recovered two weeks ago, following requests by the Defence. That is 16 months of his life that Christopher spent in the purgatory of false allegation.

On Friday - keep up at the back! - not-guilty verdicts were entered in the case of a 17-year-old boy who had been charged with rape and sexual activity with a child. Thousands of previously undisclosed Facebook messages proved that the sex the boy had with a girl of the same age was consensual.

As the Crown Prosecution Service lurches from one scandal to the next, Ms Saunders reassured the public that it was going to review disclosure (of evidence) in all ongoing rape and serious sexual offence prosecutions. Sorry, but that is not the underlying problem here.

The problem is that our police have been brainwashed into accepting the Saunders' view of rape cases which goes something like this: accusers are always telling the truth and allegations are the new evidence.

When the CPS and the Metropolitan Police issued an apology last week to student Liam Allan, another innocent crucified in the cause of driving up rape convictions, they blamed "a combination of error, lack of challenge, and lack of knowledge". Mr Allan was not satisfied, and nor should we be.

As the 'Secret Barrister' blogger puts it, "For many years there has been remorseless pressure on the police and prosecutors to convict more rapists and sex criminals... The College of Policing retains its notorious policy that investigators should "believe the victim" and not "focus" on investigating their credibility. It is almost as if an accusation is enough to assume guilt and a trial is a tiresome and somewhat archaic obstacle on the way to locking up the accused."

That, ladies and gentlemen, is the Kafkaesque condition of our justice system. The Secret Barrister claims that "even when material is uncovered which demonstrates the innocence of a slew of hapless defendants there is a widespread reluctance to draw the obvious conclusion that prosecutions based on the uncorroborated word of a single witness are liable to lead to wrongful conviction".

Every damning word the Secret Barrister says was confirmed by police officers, both serving and retired, who emailed me after I wrote about the Liam Allan case. Here is Gordon, a custody sergeant, on what happened when a 16-year-old

boy - "an entirely respectable young man who had never been in trouble" - was brought into his station on a rape charge.

"He'd been in a relationship with a girl, aged 15, and had sex with her several times. After they broke up, she reported him for raping her. There was no other evidence other than her word.

"The officers in the boy's case were of the opinion that the sex had been entirely consensual but, in the absence of any other evidence, he would be charged with rape and held in custody until he appeared at court. I must admit, for the first and only time in my career, in a kind of way I perverted the course of justice.

"Prior to his interview, I visited him in his cell. I repeatedly reminded him of his rights as a suspect and stressed that he was perfectly within his rights to say 'No comment' to all questions. Thankfully, he was naive but not dim, and eventually took the not-so subtle hint. The detectives were pleased to report to me he had said nothing during interview and that he could be released without charge at that time.

"Allison, I'm sure if you spoke to any detective in this field, they will confirm it is now standard to conduct investigations on the presumption that all men accused of rape are guilty. It is very rare for those who make false allegations to be charged. The DPP seems to have formulated some crazed, ultra-feminist belief that all men are rapists and that the goal should be to confirm this at all costs, not undertake a balanced and open-minded investigation. This is grossly unfair and undermines confidence in our justice system.

"It's also deeply patronising to suggest that women aren't as capable, in some circumstances, of making the wrong choices or even as being as bad, as men. That is not to say that women report these things out of any particular malice (a few do!) but it's amazing how many women, after too many drinks, find themselves the morning after in situations they bitterly regret.

"Like the young girl who alleged she had been raped in a hotel room by a group of five young Spanish tourists, only to find one of them had fortuitously filmed their entire encounter and for it to transpire her grievance was due to their renegeing on their earlier promise to pay for her taxi home! Most detectives, I'm sure, would confirm such incidents are much more common than the DPP cares to believe."

OK, let's pause for a minute to absorb what this custody sergeant and his troubled conscience are telling us. Certain police officers, who fear that the CPS approach to rape cases is unjust, are finding themselves in the bizarre situation of trying to protect innocent men from the law.

Gordon is not alone. Alec, a reviewing officer from Wales, told me about a case where two female investigating officers didn't believe the accuser because they had found jokey texts from her to the suspect both before and after the alleged rape. The women came under immense pressure from their DCI to charge the suspect, and it was only Alec refusing to authorise continued detention that saw the suspect released.

So, once again, I ask, when is Alison Saunders, the architect of a policy which has led to multiple likely miscarriages of justice, going to resign? Her position is untenable. If the DPP won't go, then the Prime Minister must summon some gumption and sack her.