

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

HERTFORDSHIRE POLICE, following pressure from Mark Prisk MP, have investigated their own handling of a case in which Michael Johnson was wrongly jailed for arson and burglary. Mr Johnson and his family spent almost two-and-a-half years trying to clear his name after he was jailed in January 2004. His father, Anthony, is furious that the case even got to court. He recruited Mr Prisk's help in getting the police to review their investigation. He claims officers "knew from day one that it was impossible for Michael to commit the crime." His assertion is based on the fact that his son was wearing an electronic tag which proved he was at home when a fire it was claimed he started broke out at a neighbour's home in Hunsdon, on New Year's Day 2003. Michael became a suspect when he left his house to watch the flames - a perfectly natural reaction, and one which was no doubt shared by quite a number of people. He was arrested after a search revealed glass splinters on his coat, which forensic scientists linked to a broken window at Mr Carter's property. At his trial, Michael argued that the splinters could have been picked up in his work as a labourer. More compelling evidence in his favour came from records from his tag, which he was wearing at the time, following a conviction for possessing an offensive weapon. In his summing up, the judge said there was 'some confusion' over the tag records. The Court of Appeal ruled that the jury was not given proper direction and that the conviction was unsound.

A member of Hertfordshire Constabulary's professional standards department met the family last week. A police spokeswoman said: "Our professional standards department carried out an internal investigation following a complaint. A conclusion to satisfy all parties was reached and a formal letter will be sent to Mr Johnson shortly detailing his right of appeal to the IPCC [Independent Police Complaints Commission] should he choose."

JOHN FOX, former head of a police child protection unit, has been cleared of assaulting two girls aged 14 & 15. The girls only made the false allegations against him after he had given them a stern warning for anti-social behaviour. Mr Fox, who was off-duty at the time, had been forced to swerve when one of them threw a piece of wood in front of his car. Chichester magistrates were told that both girls had a history of abusive and disruptive behaviour.

Presiding Magistrate Dennis Leonard said they found the girls' accounts inconsistent, contradictory and "not credible". Mr Fox had been in the police force for 26 years until resigning from his job following his arrest. He was a Detective Superintendent in charge of Hampshire's child abuse investigation unit. Ian Readhead, Deputy Chief Constable of Hampshire, said after the verdict: "Det Supt John Fox is a long-standing and highly regarded senior police officer who had an excellent service record prior to his retirement in November last year."

REFERENCES AND JUDGEMENTS: We are sometimes asked by readers to provide copies of reference cases and judgements, along with other paperwork. Unfortunately, the only judgements and references we can readily access are those which can be found for free (such as via Internet searches, etc.); access to many judgements and legal databases is by subscription only.

With the current level of donations, we cannot afford this type of subscription, and feel that priority has to be given to continuing to provide the monthly newsletter, and as much information as we can access for free. As and when the level of regular donations allows it, we will certainly consider paying for subscriptions to access more information. At the moment, we're afraid it's a no-go area! (If you wish to make donations by cheque, standing order or PayPal, please see the bottom of this page, or our website, for details of how to do this.)

THE HIGHEST STANDARD OF PROOF? In response to numerous letters sent by SAFARI readers to their MPs, the Home Office has stated that the "Highest Standard of Proof" is necessary to obtain a conviction. Here's an example of what it means in practice: Accuser: "The woman is a witch! With my own eyes I saw her place a curse on Farmer Giles' cow in the big water meadow beyond the copse the Easter before last!" Defendant: "I'm NOT a witch! Farmer Giles didn't even OWN a cow until Christmas - and by Easter LAST year the water meadow belonged to Farmer Tom - who never lets anyone else graze their animals on it!" Judge: "Dates, times and places are details - and people may be confused about events, or misremember details. What you have to decide is whether the Defendant EVER cast a spell or curse of any kind, anywhere, at any time." Jury: "Yeah, she's a witch. Hang her!" Alternatively: Accuser: "He abused me when I was 12, in that year, babysitting his son who was 3, in this precise address!" Defendant: "But my son hadn't even been BORN at that time! By the time he was three, the accuser was 17! And I didn't OWN that house then!" Judge: (the usual 'details don't matter' blurb.) Verdict? Guilty. And they call *this* "the highest standard of proof" ....? It is certainly *not* the case that the "highest standard of proof" is necessary to obtain a conviction and the Government must be made to accept this fact!

ANONYMITY: Many people now argue for those accused of a sexual offence to remain anonymous at *least* until they have been charged and *preferably* until any conviction has been obtained. The lives of those falsely accused can be ruined as a result of being named. SAFARI shares this view but firmly believes it should apply to people accused of committing *any* crime - not just sexual crimes. We urge anyone campaigning for anonymity to ensure they argue for it to apply to *all* as this will be easier to get through Parliament, and it will be fairer.

Donations very much appreciated at:

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

A BRIEF REMINDER of what SAFARI is all about and what we aim to achieve. Primarily we offer support to those falsely accused of committing any crime, by publishing our monthly newsletter of information relating to legal matters. We support those who have been *falsely accused* and *therefore* maintain their innocence. (We are *not* a support group for the guilty who claim they are innocent!) We wholeheartedly recommend that those falsely accused always stick steadfastly to the truth and agree to do everything reasonably asked of them by the authorities *unless* it involves lying. For example, a person falsely accused of committing a sexual offence *should* agree to attend the Sex Offenders Treatment Programme if asked to do so, but *only* on the strict condition that they will always tell the truth and not 'pretend' to be guilty just to 'qualify' for attendance. We also campaign for changes in the legal system, and ask readers to assist us in this by writing to the appropriate authorities.

SAFARI now regularly publishes example letters for readers to use as a basis for lobbying. Response to your work has been phenomenal! Thanks to all of you who are campaigning with us and forwarding to us copies of replies. We will continue to provide examples in some newsletters so do please keep writing!

Although some MPs can clearly see the problem and want to take it forward, there are a few misguided souls who seem to be under the impression that "this is a matter for a solicitor or another legal representative." They seem to have missed the point that the campaign is about achieving *changes in the criminal justice system* – not about fighting the case of an individual! Your solicitor, of course, cannot possibly implement general changes in the legal system! We wonder if those particular MPs actually read the original letter, as their responses seem to be to 'what they thought might have been meant' as opposed to 'what was actually said.'

IN DENIAL! THE GOVERNMENT is having a hard time believing that false allegations are a real problem, and instead believe that there are very few people convicted based on false allegations. Without wishing to labour the issue, and regardless of the rights or wrongs of the matter, there's a great deal *more* evidence to suggest that false allegations are a problem, than there was for the existence of weapons of mass destruction in Iraq!

It's the old, old story: "For those who *want* to believe, no proof is necessary. For those who *won't* believe, no proof is sufficient."

So, next month (October 2006), SAFARI plans to write a single letter to the Government highlighting *real cases* of prisoners for whom there is strong evidence to suggest they were wrongly convicted. To have your *own* case included on our list, please write to us, giving permission to mention your case by name to the Government, and supply us with one or two *key* reasons why your conviction is clearly wrong. Stick to the facts and stick to less than 75 words. For example: "On the date my accuser stated they were assaulted by me, I could prove I was 100 miles away." Even if you've written to us before, write again *now* with your 75 words or less. (Please note: due to time restraints we can *only* consider reports of 75 words or less and won't be able to respond to your letter other than to confirm receipt ... confirmation will go out with the October newsletter.) We will then write to the Government outlining the problems in the system and use *your* cases as examples.

FACT AGM AND CONFERENCE: The FACT (Falsely Accused Carers & Teachers) AGM is on Sat 9 Sep 06 in the meeting rooms adjacent to St Chad's RC Cathedral, Queensway, Birmingham, B4 6EU. The AGM will commence at 11:15am and should finish around 12 noon, and will be followed by the Conference, the subject of which will be "Child Abuse - Moral Panic - An International Problem". Speakers include Dr Pat Sikes (Univ. of Sheffield), John Easling (campaigner), Dale Dunlop (Barrister and Solicitor) who acted for care staff who successfully sued the Government, after being falsely accused of child abuse, Mark Smith (Lecturer in Social Work) and Florence Horsman-Hogan (campaigner). To reserve places, call (02920) 777 499 or email conference@factuk.org.

INACCURATE AND / OR MISLEADING DATA: Sadly it is common-place for reports on those falsely accused to be wildly inaccurate and frequently very damaging. The Data Protection Act gives you the right to have inaccurate data about yourself corrected. This applies if the data is incorrect *or misleading* about any matter of fact *or contains an opinion based on data that is factually incorrect or misleading*. You are entitled to **require** the prison to correct, erase, destroy or block the use of the information. **Opinions based on wrong facts can be removed.**

ENHANCING PUBLIC CONFIDENCE? The CCRC state that one of their goals is "To enhance public confidence in the criminal justice system, to give hope and bring justice to those wrongly convicted." They also state: "It should not be forgotten that our work is critical to confidence in the criminal justice system, which is a prominent aim of the Government's criminal justice policy: the public want to be assured that, when things have gone wrong, there is a mechanism which can ensure they are put right." We'd like to see what percentage of SAFARI readers find that the existence of the CCRC has, in fact, increased their confidence either in the criminal justice system, or their belief that, if things have gone wrong, there is an effective mechanism which can ensure they are put right. So please tell us! The more input we can have, the more correct the statistics will be, and the easier it will be for us to help them achieve the goal of increasing public confidence.

KEITH VAS MP has argued for compensation for the falsely accused and convicted. In a House of Commons debate, 25 July '06, he said: "...it is important that others in a similar position - who are falsely accused and convicted and whose convictions are quashed on appeal - should have the proper level of compensation."

THE LEGAL SERVICES COMMISSION have confirmed that it is the *criminal courts* who decide whether or not to grant legal aid for a criminal case, and it is not currently means tested, but we await clarification on this issue and will publish more details in a future newsletter. It is certainly the case that a means test *will* be introduced for criminal proceedings in the *Magistrates Courts* on 2<sup>nd</sup> October 2006.

Thanks to Terry McCarthy (Parole Board for England and Wales) for statistics of those who achieved release on Parole whilst maintaining innocence.			
Figures for month of July 2006			
<i>Non-lifers:</i>			
All offences	13	of 52	25.0%
Rape	2	of 17	11.8%
Indecent Assault	1	of 5	20.0%
Other Sex	0	of 3	0.0%
Violence	1	of 6	16.7%
Property	2	of 5	40.0%
Drugs	4	of 7	57.1%
Others	3	of 9	33.3%
Total Sex	3	of 25	12.0%
Total Non Sex	10	of 27	37.0%
<i>Lifers only</i>			
	0	of 5	0.0%
[ 1 of the 5 lifers was recommended for open conditions ]			