



Criminal justice and the collapse of rape trial

Sir, Further to your report "Judge slams police after man cleared in rape trial" (News and leader, Dec 15), the prosecution decision to offer no evidence in a rape case against Liam Allan was taken after new material emerged after an additional disclosure to the defence. It is regrettable that this disclosure happened at a late stage and I would like to apologise to all parties involved for this.

The Crown Prosecution Service and the Metropolitan Police will carry out a management review to examine the way in which this case was handled to see what lessons can be learnt. It is incorrect to suggest that the CPS would withhold such data in order to save costs. The CPS is clear about its obligations to disclose relevant material that could assist the defence case. Cost considerations play no part in decisions over disclosure.

We know how important it is to get disclosure right and in the light of the recent HM Crown Prosecution Service Inspectorate report we are reviewing our disclosure policies and practices with police colleagues as a matter of urgency. There are systemic disclosure issues across the entire criminal justice system, and it will take a collective effort from all participants in order for improvements to be made.

ALISON SAUNDERS
Director of Public Prosecutions

Sir, The case of Liam Allan shows the best and worst of the criminal justice system: but for an eleventh-hour intervention by the independent Bar he would have suffered an appalling miscarriage of justice, caused by the failure by the police and CPS to fulfil their legal duty of disclosing relevant background material to the defence.

This is not an isolated incident and probably not deliberate, but it happened because the police and CPS lack resources to check the "unused material" properly. Furthermore, the theory that everyone who reports a sex offence must be a "victim" may unconsciously bias the police and CPS against giving complaints the impartial in-depth scrutiny that is essential to avoid the injustice that so nearly befell Mr Allan. The case should never have been brought.

ANGELA RAFFERTY, QC, chairwoman, Criminal Bar Association; FRANCIS FITZGIBBON, QC, and MARK FENHALLS, QC, former chairmen, CBA

Sir, I agree with Jerry Hayes's concerns about the criminal justice system ("Treasury cuts have crippled justice system", Dec 15). A few years ago, as part of pupillage, I was sent to Coventry to prosecute the list in the magistrates' court. The papers arrived 15 minutes before the day's hearing started, leaving little time to read them. First on was a case in which the

accused was charged with assault, having hit the victim, knocking him to the floor. During the course of giving evidence, the police officer mentioned in passing that the incident had been recorded by CCTV, and revealed when questioned further that the video was back at the station. The trial was adjourned to enable the video to be brought into court, and for TVs to be set up so the magistrates could watch it. Contrary to the prosecution's case, the video when played showed the victim hitting the accused, knocking him to the floor. I agreed with the accused's counsel that there was no case to answer.

After that I stuck to civil work.
FRANCES PIGOTT
Atkin Chambers, London WCI

Sir, At a time when the value of the independent criminal Bar is regularly under attack, the value of the role of independent counsel could not have been better demonstrated than in the case of Liam Allan. Although the ultimate result of this case gives me significant pride in the work of criminal barristers, it sickens me that they seem to be fighting a daily battle with politicians and regulators to be allowed to get on with their job, which the criminal justice system desperately needs them to do.
PROFESSOR JOHN COOPER, QC
25 Bedford Row, London WCI