

## Bundling

Wednesday, 04 October 2017

Bundling.

Something police have been doing for decades but, like many other aspects of police behaviour, it is out of control.

A top Lord, who also happens to be a key commentator in one of our national newspapers, described this to a mutual friend as "assembling a large number of weak cases to give the impression of a strong case." In days gone by, burglars used to admit to hundreds of other crimes, many of which they had not committed, in order to clear the books for police and raise their clear-up quota. Reasonably harmless, but it did mean there were thieves still active. Just a small example of police behaviour crossing the line.

By bundling.

Of course, in those times some police behaviour was far worse than it is today. One only has to watch reruns of the marvellous *Life On Mars*, with superb Philip Glenister as DCI Gene Hunt thumping baddies with gay abandon, to realise that the Dixon of Dock Green era was not as perfect as all that.

But as physical violence slacked off, legal violence increased. Police began by bending the rules and then broke them with even gayer abandon, just as, ironically, they abandoned blatantly persecuting gays, because being gay became no longer a crime but, many suspect, a social obligation. Such incidents as the one George Michael faced, dishy cops sneaking into public toilets to attract foolish pop stars making up before they go-go'ed, slackened off. Described, in the fractionally inaccurate Wikipedia, as consisting of "persuading, encouraging, instigating, pressuring, or threatening so as to cause another to commit a crime", incitement went underground, out of the cottage. It is now called "encouraging or assisting crime".

And police, keen to learn, found there were legal ways of doing this that did not involve physical behaviour. I've described before how the day is fast approaching where police or public officials will start appearing in front of judges, accused of conspiring to pervert the course of justice or malfeasance in public office.

A recent case of a false accuser being sentenced to ten years hit the media last month - with the interesting development that prosecution removes the previously guaranteed anonymity for false accusers; a terrific change which will put off many potential liars. But are police and CPS officials who assisted her previous crimes, either actively with support or passively by omitting to investigate, going to be prosecuted? We shall see.

As we shall discover with the case of "Nick", who lied about Lord Bramall and Leon Brittan and cost the Metropolitan Police £100,000 - or, rather, us, the tax payers. Will police who declared his lies "credible and true" before investigating them, be prosecuted? We shall see.

But back to this habit of "bundling". Why do police and CPS do this? When we read, in the media, that someone is charged with 118 claims against them we tend not to notice that these claims were made by 7 men or women. Nor do we notice, when the trial takes place, that the number of claims has dropped down to 3 or 4 against two people, because the judge, hearing all the evidence, has removed most of the bundled charges. The reason that, often, we don't notice is because reporting restrictions have been put in place; ostensibly to protect the defendant.

However, most of us, including intelligent and educated observers and, more importantly, including several of the potential jurors, have read about 118 charges and have already made up our minds. The current media driven Presumption of Guilt has kicked in.

That is why police “bundle”. Many judges have not noticed this. Fortunately for us, several Lords, MPs and media hacks have now spotted it.

I suspect Judges, when they see the detail of the charges, and read that one event of stealing a kiss has been turned into fifteen charges ranging from “unwanted touching” to “inappropriate conversation” and “grooming” and “misuse of social media” and all the other tricks and twists now available, chuck out fourteen of the charges. But none of us know that, because of “reporting restrictions” and we, having simply read the initial reports, presume guilt, as we are meant to in 2017, where none of us (including jurors) have the time or inclination to bother with complexity or depth of analysis.

This may be just one of many changes urgently needed to our broken judicial system that will be corrected, by such decent people as the aforementioned Lord, or because of pressure by good journalists or Editors who not only want a good story but justice and fairness in society.

Meantime, what are those to do who may face trial before changes in the law and are accused of 118 charges, presumed guilty as a result by a future jury before a word has been heard at trial?

Hopefully, their defence barrister (often on Legal Aid and not an expensive QC) will be good enough to make sure potential jurors are vetted before being chosen. But, if biased individuals have not been weeded out, he or she must make sure the jurors are told and explained during the trial. But that is easier said than done. You, gentle reader, have probably already been bored into a coma by this lecture. I often think the point of a trial is to tire the jurors into numb acceptance of anything, just so they can go home, please. Suffocate the truth with detail - and preferably use the name ARCHBOLD as often as possible. Legal technicalities are stunning in their ability to induce coma. As Mr or Mrs Ordinary Person sits there on a jury, wondering what is for dinner, they phase out when discussions regarding precedents and PACE clauses and Archbold are put before them.

To their credit, many judges try to avoid this but they do this job day in, day out. They can easily begin to forget just how extraordinarily boring trials are. Only the interesting bits wake up jurors - which is one reason for police, CPS and media to inflate, colour and exaggerate everything. A tragic accident is only ever painted as a disgusting, graphic, blood curdling murder, fully intended and deliberate. Someone falling downstairs is SOOO boring. Far better they are brutally battered to death. And in fact it becomes the boring bits that fascinate the judges and lawyers.

“Bundling”. A disgrace. A blot on our system. Just another one of many that needs to be stopped. Now.