

My essay for The Justice Gap on the system

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About 20 years ago something dreadful happened.

Constrained by budgets and targets, police and CPS found that getting convictions was more important than finding the truth. At the same time Home Secretary Michael Howard, with the very best intentions, changed the law so that allegations of historic sex abuse no longer needed evidence in court to gain convictions. Horrified, like many of us, by care home workers abusing orphans decades earlier, he set in motion a way to rectify such past injustices.

Police "assisting" witnesses had been going on for ages. Quite often, again for the best of reasons, criminals could only be locked up if the evidence was bent a bit. But there were also corrupt cops who discovered that promotion and financial gain could come from twisting the facts. This law change in sex offences was a gift from heaven. No proof needed? Just one person's word against another's? Easy.

I was an early victim of this. Co-incidentally also, my arrest came two days before the European Courts forced the UK government to equalise the ages of consent. As a teenager, all gay sex was illegal and could mean prison or death. In the late 1960s the UK changed that to being legal for men over 21. Which remained true until the 1990s when the age of consent for gay sex was changed to 18. Throughout this, the heterosexual age of consent was 16. In 2000 the age of consent in the UK was finally equalised. Many gay or bisexual individuals had thought it absurd that girls were able to make up their minds at 16 whilst men were legally considered too immature to decide.

Police also became aware that media coverage inspired enormous assistance in solving crimes. CRIMEWATCH had, for years, been a massive boon to law enforcement. The top public relations man, Max Clifford, was very experienced in the advantages of media publicity and his assistance in this area earned him a letter of commendation from his local police force in my case, which he proudly framed and hung on his office wall. As far as celebrities were concerned, media publicity would always provoke numerous other claims. I describe it as TRAWL BY MEDIA.

Coupled to the changed law, this was a lethal cocktail. Yes - it meant that celebrities who had broken the law would be brought to deserved punishment. But it also allowed high profile miscarriages of justice, as I discovered 15 years ago.

People are very influenced by the media. False allegations can be provoked for many reasons. Genuine delusion, exaggeration, desire for sympathy or revenge, financial gain from compensation and (naturally) media interview fees - as well as, in some cases, the truth.

I find it frightening that some individuals cannot see both sides of this problem. Can police and CPS truly believe all allegations are true? "You will be believed" they constantly say, a statement I would have thought was immoral, dangerous and possibly illegal. They don't believe those who deny murder or fraud or terrorism or burglary. Do they really think all those who make sex claims are telling the truth?

Encouraging the crime of perverting the course of justice with statements like "You will be believed" is bizarre.

Isn't the police and CPS duty to examine without assumption of either truth or lies? It would be equally unfair if they said "You will NOT be believed". Their claims should be examined for evidence without bias. Perhaps they should say "You will be believed unless you are lying, in which case you will be prosecuted with the full force of the law".

But, of course, that would mean police and CPS wanted the TRUTH, not just convictions. The CPS even boasts that their goal is to prosecute "if there is a realistic prospect of conviction", not if there is a realistic prospect of discovering the truth.

This bizarre situation has poisoned all aspects of our judicial system. In court, during my trial, we proved I could not be guilty of several charges. The prosecution simply asked if the dates on the charges could be changed. The Judge allowed this. I found it horrifying but my QC told me that was the Judge's privilege. I was not allowed to find evidence or alibi for the new dates.

I was (wrongly) convicted and sentenced to seven years. On my release I investigated the changed dates and discovered proof that I had been in America when one of the "crimes" was claimed to have taken place in London. The CCRC rejected my evidence saying "it's not when but whether something happened that matters". In a case involving the age of consent, where one second can mean the difference between criminality and innocence? Is that Justice?

The truth is that many cases of sex abuse are grey areas. Drugs and drink are often involved. Many "rapes" - a grossly misused word - are misunderstandings. I look back on the 1960s when groupies stuffed socks into their bras in order to lose their virginity to rock stars, but, 50 years later, may genuinely believe they were raped against their will. And I feel sorry for the majority of honest police officers, who listen to a fantasy, know within seconds it is untrue, yet find they have to pursue it under current politically correct guidelines.

My experience of British Justice has been that it is not only damaged but broken. Not only has the difference in morality as years go by been ignored but public opinion, usually formed by tabloid headlines and slogans, is influencing political and judicial decisions.

The media only wants a good story. Most good stories need to be kept simple, and as extreme as possible. They need not be true. Justice has gone the same way.