

How the police trawl the innocent

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False
allegations

How the police trawl the innocent

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ONE EVENING IN MAY of this year, Brian Johnson, a 43-year-old former care worker from South Wales, telephoned me from a call box in Cardiff. He had been charged on several counts of physical and sexual abuse. But the prosecution had offered a deal. Good-humoured as always, Johnson told me: 'If I plead guilty to the physical charges, they are prepared to drop all the sexual allegations and I will almost certainly walk out of court a free man. So what do I do?'

I didn't really need to answer. Johnson had already made up his mind. His legal team had collected substantial evidence that all the allegations against him had been fabricated. 'I'm going back tomorrow,' he said, 'and I am going to tell them exactly where they can stick their offer. I am going to fight.'

For some time, there was no news. Then I found out what had happened. After a three-week trial, Brian Johnson had been found guilty on several counts of sexual abuse. He was sentenced to 15 years in prison. He was led from the court, shouting out that he was innocent.

The evidence against Johnson was collected during a new form of police inquiry which has developed only in the past ten years: the trawling operation. First used by Leicestershire police in the Frank Beck case in 1990, the method spread to North Wales, Cheshire and Merseyside. Now it has been used by as many as two-thirds of the country's police forces to convict dozens of alleged abusers.

Detective Superintendent John Robbins, of the Merseyside police, has described this new kind of investigation as 'the reverse of normal police methods'. Instead of starting from a crime and setting out to find

the criminal, the trawling procedure starts with the suspect (or an allegation) and then attempts to find the crime. Police officers trace and interview former residents of care homes and, during these interviews, more evidence against the original suspect, or against other care workers, almost unfailingly emerges.

These investigations are often said to involve 'children's homes'. In fact they are usually residential institutions for troubled or difficult adolescents and, since the allegations of abuse usually refer back ten, 20 or even 30 years, those making them are not children at all. They are almost always adults, many of them with long criminal records. In a number of cases they make their allegations in prison or while facing serious criminal charges. It is here that the real dangers of police trawling operations become apparent – or ought to become apparent.

If police officers interview hundreds of damaged young people with long records of deception and dishonesty, with the aim of gathering allegations of abuse against those who once cared for them, it would be surprising if they did not succeed in provoking a large number of false allegations – particularly when it is known that such allegations can result in thousands of pounds being paid out by the Criminal Injuries Compensation Authority. Yet police forces up and down the land continue their trawling operations with the full knowledge and implicit approval of Home Office ministers.

Lord Williams of Mostyn, for example, recently wrote that there are 'no viable alternatives' and that 'sexual abuse allegations are too serious not to look for further evidence'.

Here is an example of how the police do it. In September 1997 former residents of St George's School in Formby, Merseyside, which had always enjoyed an unblemished reputation, received a letter from Robbins, headed 'Operation Care'. It read:

I am the senior investigating officer of the above operation which is currently investigating allegations of child abuse reported to have taken place within a number of residential establishments in the Merseyside area.

I am aware from records provided to me that in times past you have been a resident at St George's/Clarence House School . . . I am concerned that there is a possibility that such abuse may have taken place whilst you were in residence there.

If you have any information *or if we can help you with any complaint you may have* [my italics], please respond by completing and returning the attached slip using the enclosed pre-paid envelope or by contacting a member of my staff using the above telephone number.

One man interviewed as a result of this trawl is the Southampton football manager Dave Jones, who worked at St George's for four years during the 1980s, and whose conduct at the time was considered exemplary. His case was leaked to the press because he happens to be well known. But it is believed that 80 former members

of staff face allegations, and Robbins recently told a judge that charges would be brought against as many as 50 of them. Yet until recently St George's enjoyed an unblemished reputation.

St George's is only one of a hundred institutions that have been investigated by the Merseyside and Cheshire police forces in the past five years. It would seem likely that, in these two counties alone, trawling operations have led to allegations being made against as many as a thousand care workers.

The original North Wales investigation produced allegations against 365 different people, and this tally has now risen. In South Wales, according to a report in *Community Care* magazine, an investigation carried out by Gwent police into a single home, Ty Mawr, has already led to accusations against 60 former members of staff. So far, however, the police have interviewed only 200 former residents. According to the report, it is their intention to interview another 6,800 before their investigation is concluded. In another care home, five former members of staff, one of whom is in his eighties, have recently been charged by the South Wales police with more than 200 counts of abuse.

Another case involves Derek Brushett, former head of Bryn-y-Don. So well-respected was he that he became a Welsh Office inspector. Yet he now faces 40 counts of sexual and physical abuse relating to more than 20 complainants. None of these complaints was made spontaneously and all were the products of police trawling exercises. At least 50 other institutions in South Wales are under investigation.

Meanwhile on Tyneside, Operation Rose has reached such a pitch that Gill Rutherford, a solicitor with Thompson's, has retained the services of five barristers, who meet weekly. About 100 care workers have already faced police interviews; more than 20 have been charged.

Given the statistics already in the public domain, it is reasonable to assume that the number of care workers implicated by trawled allegations is now in excess of 3,000 and may well be approaching 5,000. Many of these cases will never come to court. But with the cost of the North Wales tribunal alone estimated at £10-15 million, the overall cost to the public purse of convening inquiries, mounting police trawling operations, co-ordinating with social services, bringing suspects before the courts and holding those convicted in prison must already run into hundreds of millions of pounds.

Most people would consider this money well spent if it were indeed contributing to the cause of justice. But many lawyers believe that exactly the opposite is happening. Certainly some of the care workers involved in these cases are guilty of sexual abuse. But from the beginning, solicitors have expressed concern about the alarmingly high level of false allegations that appears to result from trawling operations. Chris Saltrese, a solicitor based in Merseyside, takes the view that at least half the convictions obtained in Cheshire and Merseyside are unsound. He also thinks that, as the investigation in the North-west has gathered momentum, the number of false

allegations has multiplied, to the point where as many as 90 per cent of trawled complaints have been fabricated. Chief among the complex motives of those who make false complaints, he believes, is the desire to gain compensation.

The principle underlying all trawling operations is, in the words of Robbins, that of 'corroboration by volume'. Terry Hoskin, the former head of St Aidan's, Widnes, whose appeal against his conviction in 1996 on a number of serious offences will be heard later this year, found himself facing allegations made by no fewer than 40 complainants. All but one had been trawled by the police. Even after the prosecution had discarded the more obvious fabrications, 20 complainants remained. In the face of such multiple allegations it is all but impossible to find judges or juries who are prepared to acquit, however many inconsistencies the evidence contains.

The same factor appears to have played a part in the conviction of Brian Johnson last month, even though his own trial involved only four complainants. One allegation against Johnson and his co-defendant Geoffrey Morris (who pleaded guilty to a number of counts) involved a claim of satanic abuse: a black cloak, an altar and the drinking of blood were supposedly used as ritual preludes to sexual assault. Although the jury rejected this allegation, they accepted another from the same man that actually ran counter to the evidence before them. The man claimed that Morris had driven him in a minibus to a venue where he was sexually abused by both Morris and Johnson. Even though Morris could not drive, and even though this was accepted by the Crown, the jury convicted Johnson on this count.

Another witness was a woman who claimed that Johnson had indecently assaulted her. Her psychiatric records suggested that she was unable to distinguish between truth and lie and that she had made numerous allegations which were not true. Ten years ago, after making an allegation of rape which had resulted in a police investigation, she eventually admitted that she had made up the entire incident. In court last month, however, she claimed that the rape had taken place after all. In spite of a great deal of other evidence, including the testimony of her former foster mother, which completely undermined the credibility of this witness, Johnson was found guilty of indecently assaulting her.

In this respect, the trial followed the pattern of countless others involving care workers: the sheer quantity of complainants and allegations leads to a situation where the quality of the evidence offered becomes all but irrelevant. That Johnson – who, in the view of his legal team, is entirely innocent – should have been found guilty 'beyond reasonable doubt' on the evidence presented is extremely disturbing. It is tempting to criticise the jury system itself. But the real responsibility lies with those who decided to put such cases before a jury in the first place.

For sound historical and evidential reasons our legal system contains safeguards designed to protect both individual citizens and the public purse from unsound prosecutions ever being brought before a court. Since its creation in 1986, the Crown Prosecution Service has played

a central role. Its brief is that it should allow prosecutions only if there is a realistic prospect of a conviction and if a prosecution would be in the public interest. A second safeguard has traditionally been provided by the magistrates' court. In cases initiated before April 1997 it is still possible to hold an old-style committal hearing in front of a magistrate. Witnesses can be called and magistrates can dismiss weak cases without them ever going before a judge. Even if this safeguard fails, judges can themselves dismiss cases or prevent unsound evidence going before a jury on a number of grounds.

In any sane and reasonable society, no prosecution based on allegations that have been actively sought or solicited by police forces, in circumstances where substantial material rewards may be available to those who make false allegations, would ever be allowed to proceed. The case would be halted by the CPS or the evidence would be ruled inadmissible either by a magistrate or by the judge.

The problem that our criminal justice system now faces is that the attitude we have adopted as a society towards allegations of sexual abuse is neither sane nor reasonable. So terrifying has the spectre of child sexual abuse become, so convinced are we that we are beset by some unspeakable evil, that the ordinary checks and balances built into our justice system have been rendered powerless.

In recent years barristers have noticed an increasing tendency for the CPS to allow cases to proceed, regardless of the quality of the evidence. At the same time both magistrates and judges seem terrified to use their powers to dismiss unsound prosecutions or to halt trials as an abuse of process. The terror that an innocent person might be found guilty, which has traditionally and rightly been the foundation on which our entire justice system has been built, has been replaced by the terror that a guilty man might go free.

In these circumstances, in which both magistrates and judges have in effect relinquished their traditional responsibility to protect the public against ill-founded and dangerous prosecutions, it should scarcely be surprising that juries, misled by the court into believing that the evidence being presented to them is safe, should use this evidence as the basis for convicting the defendant. For juries, too, are susceptible to terror. And they, too, are liable to reach a verdict of guilty not on the evidence but in response to the fear that they might acquit a guilty man. If recent rulings are any guide, even some appeal court judges appear to have succumbed to the terror.

When you are faced by an unspeakable evil, the safest course is always to convict, whatever reasonable doubts there may be about whether the defendant has actually committed the crimes of which he or she is accused. We saw that again and again in the cases brought after the IRA terror bombings.

In such a climate, the dispensing of justice is replaced by a witch-hunt. And, because police trawling operations have been allowed to develop virtually unchallenged over ten years, we are now in the midst of a witch-hunt of unprecedented intensity.

Perhaps the most lavishly resourced witch-hunt in history, taking up thousands of police hours and draining hundreds of millions of pounds of public money, the present one stretches across England, Scotland, Wales and Ireland and involves literally thousands of care workers, former care workers and an increasing number of teachers. One of the reasons that it has spread so rapidly, so silently and so invisibly is that all free societies depend ultimately not upon lawyers or politicians but upon journalists to watch over their essential liberties and to keep them safe. Yet in the present case journalists have themselves been responsible for driving the witch-hunt forward.

Although we tend to assume that investigative journalists are among the most sceptical of observers, that is by no means always the case. As at least one former national newspaper editor has noted, journalists are sometimes the most credulous of people. So anxious are they for sensational stories that they are frequently unable to interrogate these stories sceptically or to investigate them properly. It is because the great children's home panic, in the midst of which we now find ourselves, was largely created by apparently responsible journalists writing for broadsheet newspapers (or for *Private Eye*) during the early years of this decade that its true nature has remained, in effect, invisible for so long. It is because it has been virtually undocumented by serious journalists that this particular moral panic has become so vast, so powerful and so dangerous.

Much can now be done by politicians, by lawyers and by the judiciary. But whether it is done will depend on whether editors and journalists can wake from their slumberous credulity and begin to document in detail the phenomenon that they have played such a large role in creating.

If they do not, it is likely that Brian Johnson, and the dozen or more other innocent care workers who are already serving long prison sentences, will continue to protest their innocence in vain and that the carefully prepared submissions of their lawyers will continue to be turned down by the Court of Appeal. If this should indeed happen, it is certain that they will be joined by many others from among the thousands who have had allegations made against them. Given the scale of the investigations that are now taking place, the number of innocent care workers in prison is likely to rise by the score until it reaches a hundred or more.

Such a prospect should not be tolerated in any society that calls itself free. The present situation, where police forces hunt crimes, rather than criminals, should not be tolerated, either.

In allowing retrospective trawling operations to develop in the way they have, we have created a machine for producing miscarriages of justice. That machine is now out of control. It has already done inestimable damage to countless innocent care workers and their families. If it is not halted soon, and halted by the very people who have thus far driven it forward, a great deal more damage will be done, and a tragedy that is already grave beyond the power of words to express will become graver still.

This article first appeared in the New Statesman, 19 July 1999. It led to a lively three-way correspondence in the letters column of the NS between the journalists Christian Wolmar and Nick Davies and me. To read this exchange of letters, click [here](#).

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