

## Messing with the Fed

The police trade union has thrown a virutally impregnable protective wall around its members

Nick Cohen

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To date, the newish Criminal Case Review Commission has examined claims from 3,218 convicts that they were falsely imprisoned. Can you make a stab at estimating how many have been upheld? Before you speculate, remember the cynical wisdom that everyone in jail will swear on all they hold sacred that they're innocent. The cynics aren't all wrong. I've no doubt that some lags were trying it on when they attempted to persuade the commission's civil servants to raise doubts about their convictions before the Court of Appeal. You shouldn't forget either that jail cells are a fourth-rate substitute for closed mental hospitals. They hold luckless beneficiaries of 'community care' who can protest that they've been framed with genuine sincerity. Unfortunately they can also be howling mad. You must therefore discount the chancers and the deluded, while remembering there is no fouler offence than the state jailing the innocent. Once you've made the necessarily loose calculations, you're ready to play fantasy justice and give your best guess of the percentage of complainants who have good grounds for arguing they're the victims of incompetent or malicious prosecutions.

My guess is a conservative Observer reader might imagine that the commission and appeal judges have a love of truth strong enough to push them to examine a quarter of disputed verdicts. An ultra-conservative might go as low as a tenth. Actually the commission has decided that only 136 cases should be referred to the court. Of these, the judiciary ruled that a paltry 53 convictions should be overturned. The hit rate is 1.6 per cent.

There's nothing as terrifying as a vicious policeman. He can attack with the privileges of the law as his Praetorian Guard. If you fight back, you're committing an offence. Passivity is the only safe response; safe, that is, unless your injuries are fatal. Hollywood got the unaccountable power of violent authority just right in 48 Hours when it had Eddie Murphy bellowing at a bar stuffed with rednecks: 'I'm your worst nightmare. A nigger with a badge.' Flash the badge and the swaggering opponent is transformed into powerless prey.

Between 1969 and 1999, 1,000 people died in police custody, prisons and secure psychiatric hospitals. Caveats must be made once again. Many deaths were unavoidable suicides or accidents. Nevertheless, not one death was followed by the successful prosecution of an officer of the law. The hit rate in this instance is no fraction of any per cent whatsoever. It's zero. The criminal justice system can forgive with the empathy of a doped-out aromatherapist when necessary.

The civil libel courts are just as permissive. The Police Federation combined with its solicitors Russell, Jones & Walker to form the most successful suing machine of the 1990s. Together they won 96 defamation cases in a row. Typically, Russell, Jones & Walker would not file a writ for libel until the last minute before the statutory deadline expired. Memories had faded and witnesses had vanished: resistance was all but pointless.

The typical target would be local papers or TV stations without the resources to risk hundreds of thousands in fantastically expensive court hearings. They might have thought they were on firm ground because they didn't name names in innocuous reports of an inquiry into police going over the top on a Saturday night, for instance, or an investigation into an anonymous officer. Their restraint didn't bother The Fed. All Russell, Jones & Walker had to do to get the cash flowing was to produce associates of the officers, such as wives who said that they knew the reports identified their dear husbands as suspects in some misconduct inquiry and swear that their marriages were in danger until their men's names were cleared.

It was easy money and a standing joke. Officers called them 'garage actions'. They were far too modest. The damages they sucked up as a matter of course were on a scale to buy a new conservatory or second home. The imbalance between the hit rates isn't a coincidence. There's a rough inverse proportion between the ability of police officers to intimidate and the failure to remedy false convictions and examine suspicious deaths.

To the makers of Injustice, a film about a few of the many deaths in police custody, Britain seems like a former Soviet republic. Cinemas are cancelling screenings after being hit with Russell, Jones & Walker warnings that they might be sued - delivered, as ever, at the last minute.

The documentary follows the campaign of the family of Brian Douglas, for one, who was stopped by two officers in south London. He was restrained and arrested. After 15 hours in a station he was taken to hospital to die. He had a fractured skull and brain damage. According to evidence given at the inquest into his death, his head injuries were consistent with being dropped onto his skull from a window 60 feet up. (One of the arresting officers told the court that his baton had slipped accidentally when he hit Douglas on the shoulder.)

The only way to see the documentary is to contact the director via [www.injusticefilm.co.uk](http://www.injusticefilm.co.uk) and, in the manner of old Soviet dissidents trying to find a samizdat, convince him it's safe to tell you about 'guerrilla' showings at a secret location in your area.

Advertised viewings in a free country are thin on the ground. Three cinemas have pulled the film. The manager of the Metro in the West End of London was cautioned that a planned screening was an 'imminent libel' of the police, and told: 'It must be a matter for you whether you see fit to go ahead with the screening of this film. Obviously our clients' position is that you should not do so. On their behalf we would suggest that it is only reasonable and responsible that you should at least not do so until you have taken proper steps to satisfy yourselves that you are justified in disseminating such devastating accusations against our clients.'

There's no 'reasonable and responsible' way for a cinema manager to investigate the terrible deaths Injustice reports, as Russell, Jones & Walker must know. Ken Fero, the director, and his crew spent seven years covering the families of the dead's fight for an explanation. He went to Channel 4 for funding, but was turned down because the station was worried about Russell, Jones & Walker. He and his colleagues didn't give up. They worked for nothing and made Injustice on a pitiful budget of £40,000 - half the cost of one episode of Home Front in the Garden.

Praise for his inspirational drive might be a back-handed compliment if it makes Fero sound like a fanatic. But note that 'it must be a matter for you...' I spoke to the Police Federation and Russell, Jones & Walker on Friday and neither said they intended to sue him or the families, who would just love to have their day in court after all these years. The Fed and its lawyers prefer to go for the distributors who can't defend a documentary they haven't researched.

Some of Britain's greatest sleazebags - Robert Maxwell, James Goldsmith - rehearsed this tactic when they threatened newspaper distributors in the Seventies and Eighties. Neil Hamilton, who appeared last week to believe he had a reputation left to lose, tried it against small bookshops in his Cheshire constituency in 1997 when they stocked accounts of his corruption. The forces of law and order are keeping exemplary company. Unless you've been through a miscarriage of justice campaign, you can't know how hard it is to take the smallest of steps. The Court of Appeal generally doesn't want to know about claims that the prosecutors or the police suppressed or fabricated evidence.

These aren't minor fouls, like a judge misdirecting a jury, which can be punished with a yellow card before the game proceeds. They're the legal equivalent of a Malaysian betting syndicate fixing a match and making whole sport a joke. That prospect, as the late and truly cowardly Lord Denning said when he rejected the first attempt of the innocent Birmingham Six to appeal, is 'too terrible to contemplate'.

On top of judicial reluctance to admit the game isn't worth the candle is the nicely named 'chilling effect' on the media. Even if a newspaper is willing to take up what looks like a rotten conviction and campaign for years to find evidence to get it overturned - an enormous 'even if' - it will be deterred by the laws of libel.

Every case has an officer in charge. If you find he missed evidence, aren't you accusing him of negligence or worse? If he doesn't recognise that a dead man in a cell has been beaten senseless, aren't you accusing him of covering up for his colleagues? Better to forget the story and move on to how much leg this season's dresses are showing.

The Government is supposed to be preparing itself to take on the Police Federation. But New Labour is a party without a liberal cell in its tiny mind. It shows no understanding of how restrictions on free inquiry thwart justice and cannot see the connection between the licence to kill and the licence to print money.

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