

83 reasons to plead not guilty

For (too?) many years LDMG has been urging protestors who get nicked to plead not guilty, pointing out that being charged is not the same as being convicted. Even if it seems that you are bang to rights, there is a long way between arrest and trial.

We have now looked back at the 100 trials for public order offences that we have monitored over the last three years. In these, a massive 83% of defendants walked away with no conviction; which means no criminal record (for that offence).

17% - the chance of conviction

As you can see from the table overleaf, only 43 out of the 100 cases ever even went to trial. Of those that did, a number were dropped by the Crown Prosecution Service (CPS) at the start of the trial. A common reason for the case being thrown out of court is the police not even showing up as witnesses, or offering no evidence, sometimes 'losing' vital tapes or photos.

43% of cases dropped

A further 13 people were acquitted at trial and one on appeal.

So, on our reckoning, if you are charged with an offence arising out of a protest, there is only a 17% chance you will end up with a conviction!



A common myth is that the sentence will be far worse if you plead not guilty but are then found guilty. In our experience this is not necessarily the case, although new court costs recently bought in will add to the financial cost of a guilty verdict – time to start fund raising for legal expenses amongst your groups.

So our advice continues to be:

- ❖ **Make No Comment**
- ❖ **Accept no caution**
- ❖ **Plead not guilty**
- ❖ **Contact LDMG for advice**

Can't Prosecute Shite

According to the BBC in September 2015, the Crown Prosecution Service (CPS) is on the brink of collapse. They noted that:

- Over the past five years the CPS has seen budget cuts of over 25% resulting in job losses and internal reforms;
- In 2014, 35,822 trials were classed as "ineffective", because they did not go ahead when they were scheduled to, or "cracked", when they ended unexpectedly, due to issues linked to the prosecution – 18.4% of all listed trials, the highest rate for at least five years;
- There are increasing concerns about staff morale, the quality of decision-making and the standard of advocacy in court!

Outcome of 100 London cases monitored by LDMG between December 2012 and September 2015

Table 1 – not guilty

Dropped before trial	43
Police witness didn't show at trial - case dismissed at start of trial	10
Complainant didn't show at trial - case dismissed at start of trial	1
No evidence offered - case dropped at start of trial	13
Charges dropped at trial - mistaken identity	1
No case to answer at half time	1
Acquitted	13
Won on appeal	1
TOTAL NOT GUILTY	83

Table 2 – guilty

Conditional discharge	2
Fine	4
Conditional discharge + fine	5
Community work	1
Unknown sentence	1
TOTAL GUILTY	13

In 4 cases the outcome is not known

We have omitted a Critical Mass trial of 9 people – 6 were acquitted and 3 found guilty

Police Spies Public Inquiry

LDMG have applied for 'core participant' status in the Pitchford Inquiry into the role and behaviour of police spies. Although we are under no illusion about the outcome, we hope this will reveal information about the use of police spies and help us learn lessons for the future. For more information see:

<https://campaignopposingpolicesurveillance.wordpress.com/>

<http://policespiesoutoflives.org.uk/>

£25k for malicious prosecution, assault and battery

In the 2010 student protests a cop fell off his horse but the Met claimed he was pulled off by two brothers: Christopher and Andrew Hilliard. Media coverage was extensive and even Cameron accused them. They were prosecuted but, with support from family and LDMG, were acquitted. They sued and were recently awarded £25k each, together with an apology. Only Channel 4 News reported this.