

BOOKS & COURSES

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A question of evidence

Alexander Baron on new allegations that forensic scientists work under conditions that make their evidence suspect

IT IS A LONG-STANDING FORMULA of pulp fiction: the perfect crime has been committed – in this case, a double murder – the police, fools that they are, are tripping over each other like Inspector Clouseau, while the amateur sleuth turns up with his magnifying glass and, by a series of logical but brilliant deductions, quickly unravels the mystery and exposes the villain. A remarkable story, but of course, pure fiction. However, a newly published book, *A Question of Evidence* would have us believe that this is exactly what has or is about to happen. The super sleuth in question is none other than the author himself.

The author concerned is in fact two co-authors, Christopher Berry-Dee and Robin Odell, whose book was published by W H Allen on 19 September. Its subtitle, *Who Killed the Babes in the Wood?* refers to the case of Russell Bishop, but Berry-Dee and Odell are not so sure.

In November last year, Bishop was jailed for life at Lewes Crown Court for the attempted murder of a seven-year-old girl. Bishop snatched the girl off the street bundled her into the boot of his car, drove her to an isolated spot, sexually assaulted her, strangled her and left her for dead.

At the trial, his defence was that he had been 'fitted up' by the police because they believed him to be responsible for the double murder of Karen Hadaway and Nicola Fellows four years earlier. Bishop had stood trial for killing the girls in 1987 and was sensationally acquitted when the defence was able to discredit the forensic evidence successfully. The case against Bishop had never been strong: aside from the always weak forensic evidence, it was principally that he had been in the area at the time of the killings. Bishop, a man of limited intelligence, had always emphatically denied killing the girls, and there was no suggestion that the conduct of the police had been in any way improper.

However, the authors cannot resist a certain amount of sniping at the police, claiming that '... the Sussex Constabulary, with its abysmal crime detection rate and its extremely high profile with traffic duties, seemed to have got its priorities wrong'. This is a reference to the



Russell Bishop: 'fitted up'

use of an experienced detective constable to check the routing of buses in the area at the time of the double murder. The authors feel that using a traffic constable would have been a more efficient deployment of scarce resources.

In spite of such nitpicking, the book raises serious questions, not for once about the behaviour of the police, but about the nature and reliability of forensic science: in particular, the conditions under which forensic scientists have to work, and the access granted to the defence to make their own examination. After Bishop's acquittal, it was revealed that both fell short of that demanded in a murder case.

It is increasingly believed that while eye-witness evidence is notoriously unreliable, forensic evidence is irrefutable. Sadly this is not the case, as a number of recent controversial cases attest. The police came in for heavy criticism for refusing to re-open the 'babes in the wood' case after Bishop's acquittal. The authors are both convinced that Bishop did not kill the two girls and that they have found the real murderer. Obviously their suspect cannot be named,

but this is not the real issue raised by this book.

Whatever else it may have done, the advent of an independent prosecution service, the CPS, has surely put paid to the notion that the police exert undue influence over the courts, particularly magistrates' courts. The issue of forensic evidence, how it is to be handled, by whom, exactly how much access prosecution and defence expert witnesses should have to it, is one that needs urgently to be resolved, as is the question of the allocation of resources. Those currently available to the defence are considerably less than those to the prosecution, while the entire service is in dire need of a massive injection of capital to maintain even the current inadequate level. The authors report that in 1988 it could take up to six months to obtain a routine drug analysis in London.

It is currently taken for granted that all such evidence should remain in police custody, usually bagged up in a storeroom where it is possible, indeed demonstrable, that fibre and other potentially incriminating samples come into contact with other exhibits which renders them worthless as evidence.

If instead of being remanded to police custody, such forensic evidence were to be held by an independent body under hermetically-sealed and controlled conditions, it would remove all possibility of contamination, and the subsequent charges of police incompetence – or, as in the case of Bishop's second trial, claims that the evidence had been manufactured.

Such a system would have benefits for both the police and the defendant. If nothing else, it deserves consideration. Had such a system been in operation in 1986, there might have been no need for Bishop to be tried a second time ■

A Question of Evidence: Who Killed the Babes in the Wood? by Christopher Berry-Dee and Robin Odell, W H Allen, £14.99.

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