



Dear Reader

The past six months have been devoted to implementing our ambitious plans to cut the charity's overheads by closing the main office and to setting up our new work arrangements from remote stations around the country utilising all that technology can afford us. We thank everyone for their patience whilst we ironed out the logistical challenges plus the delays in being able to utilise our new telephone system. We are now settled, the archive has a new home at City University, London and the BFMS newsletter has a new editor, Dr Kevin Felstead, whose editorial follows:

I have been in post for almost six months now. From my perspective, that time has passed quickly. The job has been exhilarating. I have particularly enjoyed dealing with new cases, speaking with members, lawyers and other professionals. In equal measure, I have enjoyed communicating with a wide range of professional colleagues – including members of our Advisory Board. The collective knowledge – specific and generic – you all share has been truly impressive.

The post has proved challenging. Reading members' harrowing accounts of false and distorted memory, appalling therapy, false allegations and, in some cases, dreadful miscarriages of justice and wrongful imprisonment was a humbling experience which hammered home to me the devastating impact of false memory in the United Kingdom over the last 20 years. The fallout from the Jimmy Savile scandal and the subsequent police inquiry, Operation Yew Tree, has not helped. In a previous newsletter, solicitor Claire Anderson warned ominously about governmental reforms to the criminal justice system and the inherent dangers for the falsely accused. Her concerns have proven to be justified and the impact of legal aid cuts is now beginning to hit home. To compound this situation, the cavalier attitude of the Police and the Crown Prosecution Service to historic

allegations of child sexual abuse has ensured that it is more difficult than ever for the falsely accused to get a fair hearing. In the current legal climate, it appears that the system of criminal justice has been thrown into turmoil. Accusing parties are no longer described as 'complainants', but 'victims' – a departure from a long-established legal practice dating back to the mid-nineteenth century. Elsewhere in this newsletter, former *Rough Justice* and *Trial and Error* television presenter, David Jessel has aptly described this process as "a perfect storm."

It is not all doom and gloom however. The Society continues to provide support to members falsely accused of historic sexual abuse, based on false memory. In several recent cases, members have been exonerated following unsuccessful prosecutions, although the damage done to their families and the financial burden of mounting a successful defence cannot easily be fixed.

Statistically the Society has seen a long-term reduction in the number of new cases we receive. In 1994, there were 268 new cases; in 2004, this number had reduced to 74. A downward trend has continued, with 34 new cases reporting to the

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Society in 2013. It is too early to tell if this trend has been reversed this year.

Madeline and I are determined to raise awareness about the devastating impact of false memory and the work of the BFMS in general. To that end, I have recently written to Alison Saunders (the Director of Public Prosecutions) and to Chris Grayling (the Minister for Justice). Madeline has made a submission, highlighting the perils of false memory, to the Criminal Case Review Commission. I have started to make contact with a number of University Departments and I have been invited to a number of speaking engagements in 2015.

We are trying to raise awareness about the work of the Society through other forums. Madeline and I have attended two successful FACT (Falsely Accused Carers and Teachers) events; I also attended a National Miscarriage of Justice event, which was held at Liverpool John Moores University. The new partnership with City University will provide a platform to take our work forward and to continue to bring it to the attention of the public and practitioners working in the criminal justice system.

Kevin Felstead

## Diary Note

### BFMS AGM 2015

25th April 2015

Will be held in central London

## A Great Mental Health Myth

*"That traumas experienced as a child can be totally forgotten for decades is the great mental-health myth of our time - a myth that is not only devastating innocent families but doing enormous damage to psychiatry"* Martin Gardner (1914 - 2010)

More than 21 years ago he wrote the following article: **The False Memory Syndrome** which has been reprinted in honour of his work in the January 2015 issue of the *Skeptical Inquirer*. You can read this article on:

<http://www.csicop.org/uploads/files/martin-gardner-pdfs/false-memory-syndrome.pdf>

## IN THE NEWS

### Schoolteacher falsely accused of child sexual abuse cleared on all counts

Schoolteacher Simon Warr was recently acquitted on separate counts of historic sex offences, which were supposed to have taken place in the 1980s and 1990s.

A Jury at Ipswich Crown Court took less than 40 minutes to acquit him. In a statement which is sadly all too familiar to the BFMS Mr Warr, who was arrested in 2012, described the devastating impact of the false allegations: "It's hard because I lost my home, I lost my community at the Royal Hospital School, which I loved, I lost my job, my friends, my job at Radio Suffolk, and of course I lost my reputation."

I have said it before and I will say it again, no-one benefits from a false allegation and certainly not real abuse victims when resources – which are not finite – are directed to investigating fantastical claims based on false memory or malicious prosecution by attention seeking individuals many of whom suffer from psychiatric illness.

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### Satanic Panic in Scotland

If you thought it had gone away, then think again. The press have got caught up in a moral panic about the putative widespread existence of Satanic Ritual Abuse in Scotland. The *Express on Sunday* (9 November 2014) reported that: "The existence of such terrifying cults is said to have gone unchecked in Scotland for decades ... Police in Scotland said yesterday they were taking the allegations 'incredibly seriously' and would investigate any complaints. The *Scottish Express* adopted a similar perspective illustrating how quickly journalists can get caught up in a frenzy of superstitious irrationality.

This latest moral panic, triggered by two charities claiming to have discovered widespread evidence of SRA, mirrors the moral panic which manifested in the UK in the early 1990s. Yet, as Professor Chris French (Guardian On-Line 18 November 2014) has suggested, this latest wave of hysteria

is ‘almost certainly’ based on false memories: “The use of various dubious techniques”, writes French, “by therapists and counsellors aimed at recovering allegedly repressed memories of childhood sexual abuse can often produce detailed and horrific false memories.” The fantastical claims in Scotland which include sacrificial slaughter and the creation of snuff movies parallel exactly the discredited allegations of SRA in Nottingham (1987), Rochdale (1990) and in the Orkney Islands in 1991. There is no proof, no evidence, just uncorroborated allegations. Those helping to propagate this latest myth might well note that in 2006, the 16 adults who were forcibly taken into care following the Rochdale panic successfully sued the local authority for damages.

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## SPECIAL FEATURE

### The Making of a “Perfect Storm”?

#### David Jessel

*David Jessel, best known for his Rough Justice and Trial and Error television series investigating miscarriages of justice, first gave this address to the FACT Spring Conference May 2014. It has been re-printed here with kind permission of both the author and FACT.*

Thank you for inviting me to kick off this afternoon’s session of FACT’s conference.

You have been especially generous in your invitation given that most television investigations ignore the issue of falsely accused carers and teachers, preferring the cases of good honest murderers.

But as for my time as a Commissioner at the CCRC, although sometimes dispiriting – largely due to the shadow of ‘real possibility’ looming over us from the Court of Appeal – I remember two cases in particular which gave me some satisfaction; the first was that of a falsely accused music teacher who we successfully referred after a review of the science of recovered memory. Alas, he did not live to hear his conviction

quashed. The second was of a care home assistant convicted after his alibi evidence could not be supported by staff rota records which had gone missing. As a blunt non-lawyer Commissioner, it just felt wrong to me that a defendant was effectively denied his only defence – and I’m glad to say my more learned colleagues and the CACD (Court of Appeal Criminal Division) agreed with my amateur opinion.

I think a big problem with those who are indifferent to, or unaware of miscarriages of justice is a failure of imagination. They cannot imagine the sense of utter and desperate loss when you have lost your appeal, lost your legal support, lost your liberty, your reputation, your career, your family, your life – and there’s nothing you can do about it. For my part, I remember reading a description of wrongful conviction as ‘like being tortured for information you don’t actually possess.’ They cannot imagine how, as Lord McAlpine said, “it gets into your soul, into your bones.” Another Tory – at this rate, criminal justice reform will be in next year’s Conservative election manifesto.

We can only hope, for his own good, that Chris Grayling gets accused of a crime of which he is innocent. Then he might know what it is like to be defended by a solicitor who is paid a maximum of £250 to read the case papers to decide if an appeal is worthwhile.

Legal aid cuts are just one part of the perfect storm which is building toward hurricane force and which directly threaten the falsely accused. A second element – you won’t need reminding – is the gathering momentum around the Operation Yewtree and associated cases. Now I make no comment on these, but I do know that all those factors that lead to false accusations will have been encouraged by the prosecutions, and none of those factors which promote caution over such allegations will have been discouraged.

I’d couple with that the new orthodoxy that ‘the victim must be heard’ which so easily blurs into the concept that the complainant must be believed. Victimology is shark-infested waters in which I do not publicly dare to paddle; I’d only commend an article by the barrister Barbara Hewson which I found on the FACT website which forensically anatomises and coolly critiques the victim culture.

Legal aid cuts, the fallout from Yewtree, and a third element – don't for a moment believe that the higher judiciary are immune to the effects of moral panic. Consider this careful view from Lord Chief Justice Woolf in 2001 in an interview where he said child sex cases presented the greatest danger of miscarriages of justice; abuse allegations "were easy to make" and might be motivated by claims for compensation. He said serious concerns had already been raised ... over a number of paedophile convictions...involving "very old offences" from former residents of children's homes. He said many of the recollections, "may not be accurate", especially when they were "tempted" by awards from the Criminal Injuries Compensation Board and the police were asking, "Did anything happen to you?"

Plans to relax the rules of evidence could add to the danger of miscarriages of justice in child abuse cases, he warned.

Now compare that with a recent lecture from the last LCJ Lord Judge in the last few weeks. Lord Judge was damning in his indictment of past processes which, he argued, 'discouraged or effectively disenfranchised the young from coming forward'. With cases of historic sexual allegations coming to the fore "we are," he said, 'catching up with the consequences of the problems ignored or created by earlier generations.' He questioned whether a belief that children were not worth listening to was part of the reason for the recent emergence of so many historic sexual abuse cases. This belief, combined with rules of admissibility designed as a safeguard to protect the innocent from wrongful conviction, and the 'competency test', whereby 'children below some notional fixed age could not give evidence' simply closed the door to many children's complaints.

In other words, the court's thinking, swayed, I have no doubt, by the recent prosecutions, has lurched into complete reverse from where it was 13 years ago.

Let me be frank. I believe some accusations are true. But I was always struck – when I was a Commissioner at the CCRC – by the sheer fragility of the evidence in these cases, especially when set against the consequences I referred to a minute ago. In the end, it was so often one person's word against the other, often with the judge weighing in to assist the jury by saying 'you have seen the complainant. Is it possible to imagine that she could have made up so many disgusting

and terrible things?'

I have to tell those judges that these days it is commonplace for young teenagers to download porn videos of anal, oral and whatever sort of sex and send clips via their mobile phones to girls saying that that's what they'd like to do next time.

We live in a different world. It's time judges did, too.

And I wouldn't restrict this attitude to sex cases. In cases of so called Shaken Baby Syndrome the court regularly shirks the truth that in all but obvious cases the best scientific knowledge is that we do not know what happens to some of these babies. One day, when neuroscience finally yields up its secrets, we will look on Shaken Baby Convictions in the same way we think about burning witches.

I mentioned the CCRC, and have to include that as the fourth component of my perfect storm.

When I was a Commissioner, I was shocked by the sheer volume of child sex cases – up to 40% of the entire case load. These cases were overwhelmingly rejected on the grounds that there was little or nothing that could be done. Many of them were rejected on the grounds that the applicant had not appealed, and so the CCRC could only refer in 'exceptional circumstances' which the CCRC alone, with its special powers under section 17, has any chance of discovering. Well, people often don't appeal because they are told by their own defence team that they can't find any grounds; the applicant is in no position to find any exceptional circumstances. But in this cruel Catch 22 the CCRC rejects the cases on the application form alone, on the grounds that they don't contain any exceptional circumstances.

To be frank, the sheer scale of these applications, much of it with no merit at all – 'my nine year old stepdaughter never complained at the time' – induces a miscarriage fatigue. My advice to solicitors involved with the CCRC is to put the Commission on notice that they expect the CCRC at least to implement its own Formal Memoranda, and take the prescribed investigatory steps involving past and continuing social service records, school records and so on. Confidentiality gags me, but I was at times aware of the dangers of screening out these cases without any further investigation at all.

Still with the CCRC, I am disturbed by a referral rate which has reduced in crude terms from 4% when I left in 2010 to 1.6% now.

I honestly don't believe that miscarriages of justice have more than halved over the past few years. I do believe, however, that there has been a steady drift away from the investigative function of the CCRC to baldly analytical, case paper processing. The foreword to the 2012/13 CCRC annual report claims that most miscarriages of justice arise from procedural matters, and that "there are simple checks which can usually establish whether complainants' credibility might be an issue for consideration."

In my practical experience of 30 years of investigating miscarriages of justice, the answer only rarely lurks in the paperwork. I have always found that whenever you actually meet a prisoner or a witness, or go to the scene of the crime, you discover something new. You are unlikely to get the same result from simply interrogating a database. At the CCRC I did help to push through a pilot programme where in every sex case the applicant should at least be seen. This was speedily closed down by the accountancy tendency of the CCRC as being expensive and of no quantifiable advantage.

Resources do have an effect on delivery, and that's as true of justice as anything else. 35 case review managers cannot do justice to 1600 cases a year.

I come to my fifth, and probably the most depressing element – in what I confess has been a less than cheerful speech. But I believe it contains the seeds of hope.

We have lost interest in miscarriages of justice. As a former Channel 4 boss told me rather languidly, Miscarriages of Justice are a bit 80's. Today, the quashing of a conviction after nine years scarcely warrants a paragraph - even in the Guardian.

It doesn't help that those who are concerned about miscarriages are in a state of civil war - innocence projects notoriously clawing each other's eyes out, squabbling over cases, refusing to co-operate with the media – "why should we give all our research to you?" – in one case persuading a prisoner to abandon his solicitor – an iconic figure in the history of miscarriages of justice.

The divisions in our mission show that we have dropped the torch that my friend and hero Ludovic Kennedy lit, and it can only serve to please those who are indifferent to justice.

Let me appeal for a truce. We can all work together towards the discovery and cure of miscarriages of justice. If the CCRC hasn't the resources to do the investigative spadework, let's hand the task to those students in the Innocence Projects to bring to the CCRC and say – what do you make of that, then?" Let's encourage the CCRC to be more open to cases with a high media profile – they have a high profile because journalists have done some digging and come up with new evidence.

And yet... I do detect a renewed concern about justice in this country. Hillsborough, Plebgate, Tomlinson, undercover policemen, made-up crime figures, the appalling shortcomings of the Police Federation are once again fanning the spark of concern about our criminal justice system. The success of the Justice Gap website – I beg you to follow it – is also another straw in the wind.

I have always been an optimist – it's what made me in 1985 chose to present Rough Justice rather than the Holiday programme. No brainer, because I believe that whether it is Hillsborough, the Birmingham Six, the Luton Post Office murders which went back to the Court of Appeal five times before justice prevailed, the case of Eddie Gilfoyle, even maybe Lockerbie - the truth does have a habit of worming itself to the surface.

It needs help to do so. It needs an awful lot of help. But I sense a mood in society more ready to accept that terrible mistakes are made in the name of the law; the growth of the feeling that if we are to put the needs of victims first, that includes victims of justice and false accusations. Even Channel 5 are about to launch a miscarriage of justice series. The pendulum has a habit of swinging back, but it needs the continued momentum of the falsely accused individually and collectively, and of FACT as an organisation. It needs the falsely accused and wrongly convicted to have faith that however abandoned they feel – they are not alone. There is hope. The time will come. Public concern about justice and the falsely accused is returning.

## Interview with Professor Christopher French

I recently had the pleasure of interviewing Chris French, Professor of Psychology at Goldsmiths, University of London, and a member of the BFMS Advisory Board. The interview took place in the office of Chris' wife, who lectures at Birkbeck College, also part of the University of London. They met whilst studying at Leicester University and in the past participated in collaborative research. This helped to cement their relationship. "We couldn't split up", Chris proclaimed, "because we didn't know who would get custody of the data!"

Chris' research focuses on the psychology of paranormal and related beliefs, and the psychology of belief in conspiracy theories. He has appeared on numerous science television and radio programmes and documentaries – including *Everyman*, *Timewatch* and *Heart of the Matter*. Chris has been invited to provide a sceptical perspective on a range of topics, including: telepathy, faith-healing, hypnotic past-life regression, ghosts, UFOs, out-of-body experiences and astrology. I asked Chris how he first got involved in this unusual area of work.

"As a teenager and young adult, I was pretty much a believer in all of that stuff. I read various books and there wasn't much around in terms of sceptical literature in those days."

I enquired why he changed his views about these subjects. It turns out that the major turning point was the publication in 1981 of James Alcock's *Parapsychology: Science or Magic?* This book challenged Chris' pre-existing beliefs: "I went from being a believer to being a sceptic and I started to subscribe to an American magazine, the *Skeptical Inquirer*. I was 29 at that time."

As Chris continued with his teaching and research, he realized that much of the information supporting the existence of paranormal activity did not stand up to rigorous academic scrutiny. In other words, it was not supported by the evidence. However, as a relatively young academic researcher, Chris became aware of a further difficulty as he realized quickly that his research area was "tolerated, but not encouraged. I was explicitly told by my head of department not to devote too much of my time to this research." This re-

sulted in Chris leading a double life at work, carrying out 'mainstream' research but simultaneously pursuing his interest in the paranormal. At times, this proved to be something of a challenge. Somewhat harshly, in my opinion, Chris stated that "with the benefit of hindsight, I wish I had been a bit more courageous early on."

Chris is aware of the fact that one's own beliefs inevitably bias one's interpretation of any complex body of evidence. "I tell my students", said Chris, "that I do have a particular viewpoint on these issues, but, conversely, I could stand up in lectures for 11 weeks and convince them to believe in the paranormal. The important thing is to get the students to think about the evidence for themselves and make up their own minds on the basis of sound reasoning and the quality of that evidence."

I raise the subject of false memory. "There is no doubt that some people are susceptible to false memory. In fact, we all are, to a greater or lesser extent." Chris affirmed what every member of the BFMS knows about false memory – namely that the academic and scientific evidence has comprehensively demolished the notion that the mind blocks out traumatic experiences. As Chris wrote in the *Guardian* newspaper, a few years ago: "The evidence strongly suggests that far from being unable to remember sexual abuse, victims typically find it all too difficult to keep such memories out of their consciousness." In other words, people who are abused tend to remember being abused. They do not need the help of a psychotherapist to help them to recall that abuse. Yet, as Chris pointed out, "The classic view is that memories might never be recovered, but they can be recovered by a skilled psychotherapist. However, there are no sure-fire symptoms of childhood sexual abuse." We have a fruitful discussion about child abuse and agree that the BFMS will never defend this abhorrent crime. But in equal measure, the Society must continue to vehemently support the rights of the falsely accused.

Chris began to take an interest in the BFMS – and more generally in the topic of false memory – during the mid-1990s, following claims of alien abduction. After recently reading Susan Clancy's book on this subject, I can understand his position. "Should it not give us pause for thought that exactly the same 'memory recovery' techniques, including hypnotic regression and guided image-

ry, can give rise to apparent memories of being taken on board spaceships and medically examined by aliens?" Chris is insistent that many so-called 'abductees' share striking similarities with victims of false memory. "The techniques used are identical", he stresses.

The BFMS is fortunate to be able to draw on the knowledge and experience of Professor French. His sound analytical reasoning, easy demeanour and down-to-earth attitude make him a force to be reckoned with. Many thanks to Chris for taking time out of his busy schedule for this interview and sharing his views with the BFMS.

Anomalistic Psychology: Exploring Paranormal Belief and Experience, by Chris French and Anna Stone, is available on Amazon Books.

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## MEMBERS' FORUM

### Volunteers' Training Day

The BFMS has a team of volunteers who provide support and advice on our telephone help line, each Friday. When new callers first contact the Society, this can be difficult and challenging. The volunteers do an excellent job and the Society is extremely grateful for to them for giving their time. The Helpline is a priority and we need to continue to provide a professional service.

On 7 October 2014, the BFMS held its first Volunteers' Training Day, at the Ibis Hotel, London Euston. The purpose of the day was to provide our volunteers with an up-date about the new working arrangements following closure of the BFMS office in June; to provide information about the ongoing development of the BFMS web site; to share good practice and to review the information available to volunteers and the level of service which volunteers can offer. Dr Peter Naish, Dr Katharine Mair and Dr Bryan Tully – all members of the BFMS Advisory Board – were in attendance to provide specialist input around their particular areas of expertise.

There was a consensus that the day was positive and beneficial to all participants, generating fruitful discussion about the BFMS web site, dealing

effectively with calls to the telephone helpline service, mentoring and improving our internal communication channels with volunteers. A big Thank you to everyone who attended.

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## BOOK REVIEWS

### Books: Justice for Carol – the true story of Carol Felstead by Kevin and Richard Felstead

<http://www.amazon.co.uk/dp/>  
ISBN: 9781494962616 £7. 99

### Review by Peter Dale

This is an astonishing book in two ways. First, with regard to the outrageous prolonged supposedly 'therapeutic' interventions that inculcated Carol with a false belief system that she had been subjected to 'satanic' abuse by her family throughout her childhood. Second, is the extraordinary tenacity of the Felstead family (largely through freedom of information requests) in uncovering the details of the iatrogenic brainwashing of Carol, alongside the flawed processes of both the Coroner's office and the police following her untimely death. It is this detail, including quotes from contemporaneous records, that makes this book a horrifying yet compelling read.

In short, Carol (whose medical and educational records indicate that she had an unremarkable yet happy childhood) fell into the clutches of several abuse-obsessed therapists when in her early 20s. At this time, in the mid 1980s, she came to believe that she had been the victim of prolonged satanic, ritualistic and sadistic abuse at the hands of her family (and also prominent politicians) throughout her childhood. In fact, Carol became a 'star' Satanic Abuse 'survivor' – and apparently featured as such in a book from that era by one of her high profile therapists. Following Carol's untimely death in 2005, another of these therapists falsely claimed to be her next of kin, and attempted to arrange her cremation without her family being informed. It is jaw-droppingly staggering that this particular therapist was a past chair of the BMA ethics committee. Names are named in the book.

This book is a powerful testament to the capacity of therapeutic models (and therapists) to become infected with self-reinforcing paranoid and even delusional belief systems. One major example of this is the history of so-called “recovered memory therapy” involving therapy-induced false beliefs about childhood sexual abuse. Whilst the associated ‘Satanic Panic’ era is now largely history, the same contagion process can reappear in a ‘rebranded’ form – be it with deluded beliefs about alien abduction, past lives, or the notion of multiple personality disorder.

My own research in the early 1990s into clients’ experiences of therapy concluded the process has the potential for great benefit, and also great harm (Dale 1999). With competent and ethical therapy many people can (and do) make important desired positive changes in their lives and relationships. However, as portrayed vividly in this book, there is the dark side. Vulnerable clients, such as Carol Felstead, subject to brainwashing about imaginary external malign forces, can be unwittingly manipulated into an altered identity, isolation, and ultimately pathological dependence on the actual cult of the consulting room – the cult of the perverse therapeutic process.

Dale, P (1999) *Adults Abused as Children: Experiences of Counselling and Psychotherapy*. London: Sage.

Dale, P (1999) *Multiple Personality Disorder: A Sceptical perspective*. In: M. Walker and A. Black, *Hidden Slaves: An Exploration of Multiple Personality*. Buckingham: Open University Press.

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## **Suggestibility in Legal Contexts: Psychological Research and Forensic Implications**

Ridley, Anne M.; Gabbert, Fiona; La Rooy, David J., *Wiley Series in Psychology of Crime, Policing and Law*, John Wiley & Sons, Chichester, 2014.

See: <http://eu.wiley.com/WileyCDA/WileyTitle/productCd-0470663685.html> for purchase options from £26.99 (E-book), £32.99 9 (paperback) to £67.50 (hardcover). Suggestibility helps us to be open to new ideas but can make us vulnerable to deception or malevolent manipulation. This collection of essays shows how suggestibility impinges on

people caught up in or administering criminal law and by looking at many aspects of the subject it is potentially very useful.

Anne Ridley’s opening chapter explores the concept’s history and describes recent work on its relevance to interviews and interrogations. ‘Investigative suggestibility’ is offered to distinguish between that which happens incidentally from that caused by pressurised questioning. Suggestibility is hard to pin down but various definitions are offered and it is distinguished from compliance and conformity. Chapter 2 considers the forced fabrication of completely invented happenings, Chapter 3 deals with interrogative suggestibility and compliance and Chapter 4 looks at what happens when co-witnesses discuss their testimony. Chapter 5 is about the way individual differences affect suggestibility and Chapter 6 by James Ost will be of most interest to BFMS members. It is about the issue of memories of child sexual abuse said to be recovered after years of amnesia as well as the experimental induction of false memories of trauma. His conclusion is that there is no convincing evidence of any mechanism that ‘blocks-out’ memories of trauma and that ‘recovered memories’ cannot be relied on without corroborating evidence. In Chapter 7 four authors review variations in the suggestibility of children. Chapter 8 is about vulnerable groups and Chapter 9, a very practical chapter, shows how coercive interrogation may lead to false confessions and gives useful advice to help innocent suspects equip themselves to resist such manipulation. Chapter 10 shows how improved interviewing methods have helped to reduce misleading suggestibility effects and Chapter 11 by the editors summarises the key findings and highlights the implications in legal contexts.

Altogether the conclusion is that people involved in the criminal law including police interviewers, lawyers, judges and juries are woefully ignorant of the often insidious role of suggestion and suggestibility in all aspects of legal proceedings. This book is therefore essential reading for all concerned and its conclusions merit the most serious consideration.

Barnabas May 2014

## LEGAL

### Justice for Carol – Application for New Inquest

On 13 February 2013, David Felstead (Carol's brother) applied to the Attorney General's Office for authority to bring a statutory review claim in accordance with Section 13 of the Coroner's Act 1988 seeking a new inquest. On 4 March 2014, the Solicitor-General granted that authority.

Section 13 of the 1988 Act provides as follows:

(1) ... *Where, on an application by or under authority of the Attorney General, the High Court is satisfied as respects a coroner ...*

*Where an inquest has been held by him, that (whether by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, the discovery of new facts or evidence or otherwise) it is necessary or desirable in the interests of justice that another inquest should be held ...*

(2) The High Court may –

(a) Order ... another inquest to be held into the death either

(i) By the coroner concerned; or

(ii) By the coroner from another district in the same administrative area;

(c) Where an inquest has been held, quash the inquisition on that inquest.

Following Carol's death a good deal of fresh evidence has emerged which we were unaware of at the time of the first inquest - which took place in 2005. It is this new information which formed a central aspect of the application to the Attorney General.

Additionally, following a number of protracted inquiries, Carol's psychiatric records - several thousand pages in total - were obtained after an arduous struggle. The records reveal that Carol first presented to her doctor with reoccurring headache and demonstrate unambiguously that she had no 'memories' of being abused prior to receiving recovered memory therapy. Her medical and psychiatric files reveal that she was hypnotised and that her 'treatment' was supported by vast quantities of prescribed medication including a number of mind-altering drugs. Carol's story has now been reported in seven national and two regional newspapers. At the time of writing, there is further media interest including a potential documentary. Carol's family remain confident that the true narrative of her false memories will

be a central feature of the new inquest - which we expect will take place early next year.

Solicitors representing the Coroner for Westminster have been instructed to consent to the application and to that effect a Statement of Reasons and a draft Consent Order has been submitted for approval by the Court on the agreed basis that it would be necessary in the interests of justice for a fresh inquest to be held. Signed copies of the Consent Order were lodged with the High Court on 25 November 2014. The Order will be considered by two judges sitting in private. If approved, the previous inquest will be quashed and a new inquest granted and pronounced in Open Court.

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### Christopher Jefferies—A Cautionary Tale

The BBC broadcast a two-part documentary drama on the plight of Christopher Jefferies who was arrested and questioned by police on suspicion of murdering Joanna Yeates in December 2010.

Jefferies, a retired and respected public school teacher, was the victim of a feeding frenzy by the press. Jefferies was questioned relentlessly by the police and kept on police bail until March 2011.

A neighbour, Vincent Tabak, was charged with Joanna's murder in January 2011 and later sentenced to life imprisonment after being convicted in a unanimous decision by jury in Bristol Crown Court. Jefferies successfully sued eight newspapers for defamation over their coverage of his case.

One of the chief characteristics of current and past cases seen by the BFMS is shoddy police investigation. Particularly in the current climate, victims of false allegations are being dragged through the criminal justice system on the flimsiest of claims.

Paradoxically there is an abundance of evidence which suggests that the police have failed to act in serious cases, such as the Rotherham Child Abuse Scandal. Professor Alexis Jay's report highlights systemic failings of the police and other statutory bodies. Jay concluded that during a 16 year period from 1997, approximately 1, 400 children were targeted by predatory gangs. Yet the police failed to act. What is the point of having a criminal justice system if it is failing victims of the worst kind of crime imaginable, bar genocide, and simultaneously, in cases of false memory, ensnaring innocent people for imaginary crimes which never happened?

## Overseas False Memory Societies

Please feel free to write or phone if you have relatives in these countries who would like to receive local information. The American and Australian groups produce newsletters.

### AUSTRALIA

Australian False Memory Association Inc., PO Box 694,  
Epping NSW 2121, Australia  
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