



Serving People and Professionals
in Contested Allegations of Abuse

Dear Reader

Recently I spoke with a Detective Police Constable who worked with his force's Child Protection Unit. We discussed, in outline, a case which had touched his heart for all those involved. He explained that he had experienced what he felt was the first false memory case of his career which spanned fifteen years. Recognising the inconsistencies in the case he proposed that the complainant should be subject to a psychological assessment and it was this that led to the dismissal of the case against her parents. I told him that I was quite frankly surprised that this was his first case and qualified it as his first 'recognised case'. He wanted to pass on details of the Society to the parents who had been through a 'terrible ordeal'. Unfortunately, even at an early stage in any similar criminal investigation the damage to the accused is already mounting. Movingly, in this edition, a father reveals the extent of lasting damage that a false allegation case, in the hands of the police and prior to Crown Prosecution involvement, has had upon him and his wife. (See Legal p12)

Although we have experienced signs of token acknowledgment, at government level, to the existence of false rape allegations, attempts to obtain real statistics on the subject are repeatedly thwarted. In recent times we have been told that no department keeps such statistics. When two experienced barristers wrote about this matter in *Criminal Law and Justice Weekly*, Wolchover, D. and Heaton-Armstrong, A., April 2010, Vol.174 they described their attempt to obtain the statistics initially through a Freedom of Infor-

mation Act request to the Ministry of Justice, and also a Parliamentary question. Their application was denied on the statutory ground that the projected cost of retrieving the information was likely to exceed £600, beyond which the right to a FIA inquiry ceases to apply. Also, Baroness Stern, author of the *Stern Review* into the handling of rape complaints, was rebuffed on similar grounds. In her review she has however, urged the Ministry of Justice to commission independent research to study the frequency of false allegations of rape compared with other offences. As we all know and as the barristers point out, any official research will be subject to the ever present limitation which is, 'the near impossibility of establishing falsity on anything other than subjective criteria'. Cases where falsity can be proven, do exist and BFMS members can write to their MPs and to the Minister of State for Justice to highlight such cases.

Madeline Greenhalgh

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NEWS

Coalition Government Appointments

From Dr Lynne Wrennall

It gives me great pleasure to announce these appointments to the new UK coalition government.

Earl Frederick Howe has been appointed Under Secretary of State for Health, responsible for quality.

Tim Loughton has been appointed as minister for Children and Families in the Department of Education.

Child Protection in the UK observes the principle of being non-party political. Nevertheless, we are able to celebrate their appointment to the new government. Freddie has been committed to promoting social justice in the field of Children's Services, throughout his career and I have no doubt that the many humane interventions that he has undertaken have been critical in supporting the well-being of children and families and have saved lives. Freddie's humanity and generosity of spirit have been expressed through his sensitive and compassionate understanding of the needs of children and families. Tim has an excellent grasp of the complexities of the system and of the nuanced facets that are necessary for the reform agenda. Both have been courageous in expressing their support for people who have been harshly or unfairly treated. These appointments are excellent news for service users, who will be able to count on the fact that both Freddie and Tim fully understand the problems with the current system of health and social care. Liberty is stronger today for the work of these two men. Anti-authoritarianism can breathe more easily, the fragrant anticipation of a better future.

We warmly wish them every success in their new appointments.

Coordinator, Public Health Research Group
Criminology Programme, School of Social
Science, Liverpool John Moores University.

Anonymity in Rape Cases

The new Government's pledge to "extend anonymity in rape cases to defendants" proved too controversial to get off the ground. There was a storm of protest not only from MPs across all parties but also from women's groups who claimed it would deter complainants from coming forward.

Why did the Government take this stand in the first place? We would like to think it is because they are now more aware than ever before of the incidence of false allegations of rape. David Cameron, an ex-member of the All Party Group into Abuse Investigations, said "we know that a lot of people are falsely accused". Baroness Stern, in her recent review of rape reporting, acknowledged that there are figures suggesting around 8% of cases involve false complaints. Regrettably, she also noted that judges, police and CPS felt they were very few. Crispin Blunt, the justice minister, backed anonymity for rape defendants because sex crimes 'are of an entirely different order'. He is right, there can be no comparison between the devastation caused to the enduring integrity and credibility of someone falsely accused of historic rape with that of alleged burglary or even murder where it is expected that forensic evidence will aid the court in deciding guilt or innocence.

The plan, David Cameron explain, had been to shield a defendant's name until conviction but now he hoped there could be a watered-down version. There will be no change in the law but Crispin Blunt explained that the Government now wanted to find a 'non-statutory solution'. The Ministry of Justice suggested one way might be for a voluntary agreement among newspaper publishers, through the Press Complaints Commission, that those charged with rape will not be identified until they are charged. This is indeed a major u-turn. So it comes down to a job for press-regulation. In fact, the number of cases in which the press are aware of men arrested on suspicion of rape before being charged is thought to be so small as to make such an agreement almost meaningless.

So near, yet so far. The campaign to protect those who are falsely accused of rape deserves recognition but alongside it there must be a determination to commit to changes in the law.

Libel Reform

In April science writer and broadcaster Simon Singh won his legal case against The British Chiropractic Association which sued him for libel over his criticism of their medical claims. The BCA dropped its libel claim against Dr Singh two weeks after the judgment by the Court of Appeal ruled that the author could use the defence of fair comment.

In early July Anthony Lester QC wrote the following letter to members of the Libel Reform Campaign. The BFMS has followed events in a matter close to its heart. (BFMS Newsletter Vol 17.1 July 2009)

'Dear Friends

Tomorrow [9th July] I will introduce the second reading debate on my Private Members Defamation Bill. This is a unique opportunity for Parliament to reform our antiquated and unjust libel laws. I am grateful for your support - 100s of you have spoken out and written about this; you have told the Libel Reform Campaign about threats of libel action which lead you to remove articles, blogs, reviews, academic papers, reports and books; your organisations have joined the campaign and 100s of MPs signed up for reform after you wrote to them. Senior judges recognise the pressing need for reform - the Court of Appeal in Simon Singh's libel case highlighted how ludicrous it is that finding out if he even had a defence cost Simon £200,000 and 2 years before he got to court. All of this has drawn attention to the profound problems with the law as it stands that need to be addressed by legislation from Parliament.'

Anthony Lester QC

Justice Minister Lord McNally announced during the second reading debate of Lord Lester of Herne Hill's Private Members Defamation Bill that the Government will publish a Bill to reform the libel laws early in the new year. It will focus on freedom of speech and protection of public interest debate. McNally stated the Government is firmly committed to legislation on a statutory public interest defence and the multiple publication rule. He said the Government has "a firm commitment to action."

Regulation of Psychotherapy and Counselling

The regulation of psychotherapy and counselling was certainly on the cards for the previous government. Now we are interested to know if the Coalition Government will continue the process to introduce regulation under the auspices of the Health Professions Council. Since 2004 the idea of regulation has been banded about with the publication of government White Papers, Consultation Working Groups at the Department of Health, another for the therapy bodies, meetings at the Council for Healthcare Regulatory Excellence and the Health Professions Council, plus the setting up of Skills for Health to develop National Occupational Standards for

The Working Group has been reformed...following more meetings in the autumn their work is likely to lead to a Final Report ... in February 2011.

psychological therapies, all culminating in numerous reports and consultation documents but still no firm agreement from the therapy industry that it wants to be regulated.

The Health Professions Council (HPC) plough on regardless charged by the previous government with the task of adding some of the talking therapies to its current remit for the regulation of 15 other health professions. The HPC Policy Manager has confirmed that following their last consultation process which closed in October 2009 several areas requiring further work have been identified. The Working Group has been reformed and following more meetings in the autumn their work is likely to lead to a Final Report on the proposal to regulate in February 2011. In the end it all comes down to whether or not the new government is committed to the process in spite of the resistance from much of the therapy industry and, of course, the need for substantial spending cuts. Whatever the cost of this exercise to date, it must be considerable taking into account the number of quangos and interest groups that have been set up to deal with it over a period of almost seven years.

RESEARCH

New Study calls for research into ‘the successful implantation of vivid false memories both in therapy and in the laboratory’

Editor’s note: the researcher does not hyphenate ‘nonbelieved’ and ‘nonremembered’.

This is a summary of a study into ‘nonbelieved memories’ (‘memories for events that people no longer believed happened to them’ - Abstract) by Giuliana Mazzoni and Lucy Harvey of the University of Hull, and Alan Scoboria of the University of Windsor published in July/August 2010 in the journal *Psychological Science*. The author of the summary has attempted to highlight important aspects of the study relevant to the false

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memory debate. Although the study’s purpose is to explore the phenomenon of nonbelieved memories, the references to the emotional power of believed and believed-in-but-nonremembered events (which, presumably, includes the ‘false memories’ arising in a therapeutic setting referred to in the Discussion section and elsewhere in the study) may be of special interest to BFMS members involved in court proceedings. The full report may be obtained, on request, from the news archive of the University of Hull, www2.hull.ac.uk

“these data speak to the continued power and compelling nature of these mental representations, regardless of the memory’s credibility.”

“belief in a memory that is lacking in positive emotional intensity might be challenged more easily than belief in a memory that is saturated

with positive feeling”.

The “first empirical study of vivid autobiographical memories for events that people no longer believe happened to them” involving students at the University of Hull and the University of Windsor has, the study states, “important implications for the way autobiographical memory is conceptualised and for the false memory debate.” (*abstract*)

At Hull University, 207 first-year psychology students (92% of all first-year psychology students) underwent an initial screening from which 40 participants were successfully recruited to the study. At the University of Windsor, all 1,386 undergraduates who enrolled in the psychology department’s participant pool during a single term took part in the initial screening from which a final sample of 98 students was selected. (*method*)

“Until now the existence of this type of memory has been little more than the object of rare, albeit, intriguing, anecdotal reports,” the study states. “False memories are assumed to be rare...the potential greater frequency than usually assumed of spontaneous memories for events that did not occur is highlighted by a number of anecdotal experiences reported by several different individuals to one of the authors.” (*introduction*)

The study states that its findings have “important theoretical and applied implications”. The applied implications include, “the important issue of the consequences of successfully implanting false autobiographical memories.” (*introduction*).

The procedure used involved “assessing three categories of mental representation: (a) nonbelieved memories, (b) believed memories, and (c) believed-but-nonremembered events.” Arising from this procedure were outcomes that BFMS members will recognise as featuring in the false memories of their accusers: “recollective qualities (e.g. the ability to relive or mentally travel back in time to the event), perceptual qualities (i.e. vision, taste, sound, touch, and smell) and spatial characteristics (e.g. location, spatial arrangement of people and objects) that

were associative with the event...intensity of emotions...prior conversations about the event... clarity and sharpness of details...smell and taste.” (*memory-characteristics inventory*)

Under the section, *characteristics of the mental experience*, the study elaborated the above definitions, “Believed memories and nonbelieved memories showed higher ratings of reliving, mental time travel, perceptual, visual and tactile characteristics, intensity of feeling, richness of emotional content, clarity of location, and clarity of spatial arrangements of elements - including people and objects - than believed-in-but-nonremembered events. In addition, these individual mental representations of remembered events were rated as being organised like single, unitary episodes with narrative coherence, rather than being made of isolated elements. Finally, both believed memories and nonbelieved memories had been the subject of conversations prior to our study more often than believed-in-but-nonremembered events had been.”

Documenting the existence and characteristics of nonbelieved memories has important implications for the study of spontaneously developed false autobiographical memories and... for the false memory debate...

“Believed memories were rated as having greater personal significance and a greater connectedness to other life event...characterised by more intense positive emotions and by stronger perceptual, auditory, smell and taste characteristics... experiencing feelings, a clear recollection of the time at which the event occurred, the vividness of details associated with the event, and the degree of complexity of the event.” (*characteristics of the mental experience*)

The report states that the age at which the nonbelieved events occurred ranged from 1 to 21

(the mean age being 7.19) and the age at which they stopped believing the memory was 6 to 30 years (mean age 14.56). “Hence, the nonbelieved memories originated primarily in middle childhood and belief came into question during adolescence.” (*general characteristics of nonbelieved memory*) “Although most nonbelieved events were recollected as having occurred during childhood, a few were remembered to have happened in late adolescence and young adulthood.” (*exploratory analysis*)

The study’s concluding paragraphs may give much food for thought for all involved in a legal setting in judging the veracity of evidence based on memories recovered during therapy.

These characteristics of memory were reiterated several times in the *discussion* section, “these data speak to the continued power and compelling nature of these mental representations, regardless of the memory’s credibility...belief in a memory that is lacking in positive emotional intensity might be challenged more easily than belief in a memory that is saturated with positive feeling... Documenting the existence and characteristics of nonbelieved memories has important implications for the study of spontaneously developed false autobiographical memories and, more generally, for the false memory debate...however, the presence of memories for impossible events does not prevent the spontaneous creation of false memories during childhood”.

“The fact that nonbelieved memories convey a persistent sense of recollection raises questions about the consequences of the implantation of vivid false memories in therapeutic and experimental settings. What happens to the mental representations of the false events that clients have come to ‘remember’ during therapy and only subsequently recognise as false? Do participants continue to remember implanted events even after being debriefed at the end of a false memory study? One of the effects of successful implantation of vivid false memories both in therapy and in the laboratory might be the long-term presence of a vivid memory for an event that is no longer believed. Future research should address this crucial issue.”

William Burgoyne

Implications for Eye-Witness Testimony

Dr Helen Paterson from the University of Sydney has found that people in discussion can contaminate each other's memories. When talking with a friend or a co-witness they include misinformation into their memory. In talking together of an event people's memories become more similar to each other's than if they had not had the discussion.

The research suggests that this indicates people find it difficult, if not impossible, to distinguish true from false memories of an event.

64 students were included in the study with each watching a three-minute film of a crime which they later discussed with a co-witness. Unknown to them the co-witness had seen a slightly different version of the film. One week later the students were interviewed individually for 45 minutes. 42 per cent of the students had adopted at least one piece of misinformation during their discussion with a co-witness.

The research suggests that this indicates people find it difficult, if not impossible, to distinguish true from false memories of an event.

In addition leading questions, repetition and suggestive interviewing techniques can also negatively affect witness memory of an event.

Ms Paterson's research showed that 20 per cent of Australians recall memories of their childhood that never really happened.

The findings are in line with the study from the University of Hull (see p5).

MEMBER'S FORUM

Joint Pain Joint Hope

If you are reading this article there is a likelihood that you have experienced some of the pain that we have experienced over the last 9 months, or at the very least, you know of someone who is going through a similar situation and it is with that in mind that we decided to write this article so that you can gain something from a joint hope thanks to the rapid progress we have made.

Our nightmare began approximately 6 months before it was disclosed to us on 8th November 2009. Our daughter had been through a traumatic period in her life; she had split up with her long term boyfriend in the February, and had nursed her poorly grandfather (to whom she was totally devoted) to his death and combined that with the stress of studying for her degree you can see, with hindsight, that she was a powder keg waiting to blow. When she did blow, boy did it sink our ship.

We do not think it is necessary or appropriate to go into all our personal details, as we would much rather concentrate on the positive outcomes that we have achieved so far. Suffice to say my husband was working as a youth leader and assistant pastor in a church and was due to take up the pastorate of another church. When, out of the blue, an accusation was levelled at him, by our daughter, of sexual abuse; she had been seeing a counsellor at college for nearly 3 years. With this knowledge alarm bells began to ring but in our blissful state of ignorance before 8th November we thought it was healthy and normal.

My husband tried everything he could to 'sort out the mistake' with the relevant authorities but to no avail, and he was eventually arrested and bailed in January 2010 after a very stressful family Christmas without our daughter (who very interestingly had bought Christmas presents for all the family including my husband and I). A couple of months later my husband was eventually contacted by the police on the morning that he was due to answer bail for the second time, and thankfully he was told that they (the police) had finished their investigations, and in their opinion there was no evidence to support the allegations against him. Bearing in mind that my

husband holds several Criminal Record Bureau checks for different organisations, and was running a successful youth programme, if something was amiss it would surely have shown up. It was at that point that our 'joint hope' began to emerge.

We have a friend who is a social worker, and is also involved in child protection. One of her duties is to work with families that have been broken apart for various reasons with the aim of eventual reconciliation. Our friend introduced us to a thing called 'storybook'. Storybook works in a controlled environment with all of the members of the family and gradually reintroduces them in meetings. In the case of the false memory, the accuser (our daughter) tells her story to the social worker who then recounts the story to another family member (initially me) and I was able to point out discrepancies and inaccuracies in her recollection of events. The accuser then goes away and 'rethinks' their story, and retells it without so many of the inaccuracies to the social worker. Over a period of time the accuser comes to realise that what they first perceived as true is littered with events that could not possibly have occurred. To give you an example, our daughter referred to incidents at a certain age that took place 'in the shower', I was able to point out to her that when she was that age we lived in a house that did not have a shower fitted, only a bath. This meant that that memory was false, and as a result it has sown the seed in her mind that some of the other 'memories' are false also. This is just one example that we were able to challenge. In reality her 'story' is littered with dates, times, and events that we can disprove gently and progressively.

As a result we have begun to rebuild our daughter's 'true memory'. This process is ongoing and will still take some time. However, from not being part of my daughter's life at all, I am now in regular contact with her, even to the point that when a problem occurred in her life recently it was me that she turned to for help and advice. Unfortunately, my husband has not yet had any contact with our daughter, but she has started to talk about him (without the aggression that was apparent in the early days) and has said that she does eventually want to have contact with him and that she still wants him to walk her down the aisle (not that this is imminent).

We are very fortunate, our daughter knew our social worker friend before all this began and she trusts her. Undoubtedly this trust means that our daughter opens up and accepts what she is told. As a result, I do believe that we have progressed quicker than would normally be possible, mainly because the relationship between our daughter and the social worker was already established.

My husband and I have said if we can survive this we can survive anything, and to encourage anyone else who is going through a similar nightmare, we share your pain, we just pray that you can share our joint hope.

A Mother and Father

AGM 2011 - A Date for the Diary!

The Annual AGM and Conference for 2011 has been booked for **Saturday 9th April 2011** from 11am to approx 5pm at a venue in London. We are very hopeful that Pam Freyd, the Executive Director of the False Memory Syndrome Foundation in Philadelphia, will be with us on the day to share information on events that are currently taking place in America.

Let go? Not yet

How do you handle being falsely accused of having sexually abused a child, a crime regarded with more opprobrium than murder? How do you deal with it if your accuser is one of your own children? I can answer those questions, up to a point, but I do not know, nor do I wish to know, how I would cope if the accusations were followed by police raids, bail, a trial and jail.

The allegation against me has been part of my life now for 10 years. Those near and dear to me – other than my accuser – have had to endure booms and slumps in my mood, periods of frenzied activity, moments of hope and great troughs of disappointment and despair.

So far there have been various attempts to help me. Predominantly they could be summarised as ‘let it go’. I’ll deconstruct:

‘Let it go – with your unconditional love for her let her go, with your blessing.’

‘Let it go – there’s nothing I can do and I probably wouldn’t know how to if I could. Worse things happen, you know.’

‘Let it go – I know I was sympathetic but, actually, this is putting me on something of a spot.’

‘Let it go – we love you. It’s driving you mad. Your life is not over. There is much to do. You are needed. Live now.’

Same words, different motives, different meanings. I could try to opt for the last. It is puzzling to me that obsession can drive you mad, no matter how good the cause. The fact of obsession is destructive. Sometimes my campaign is an obsession.

Every so often someone has, in effect, to sit on me, calm me down. Ever since, as a child, when I devoured the wartime comics in which the schoolboy hero was vindicated in his battles against the wicked prefect, my instinct has been to campaign for justice, and I’m programmed to believe the ‘goodie’ triumphs in the end.

I’m also programmed to communicate. My wife and I think it’s because my mother was very se-

verely deaf. When people of power, in politics, the law or academe, smile non-committally – and that’s a good reaction - from a high fence, I dig deep for new ways of getting through. I can’t take not being heard.

Above all I want to get through to my accuser who has refused all contact for more than a decade.

There are deep trends in history. Recovered memory therapy is, in my belief system, a recent manifestation of the war between good and evil which goes back to the Garden of Eden. Religious wars, persecutions, witch hunts, destruction of loving families. They all fit.

So I don’t let go. I’ll fight on. But I’ll avoid obsession, with the help of my loved ones.

An accused father

Evangelical healing?

The evangelical healing practices of which I have vicarious experience believe that any personal shortcoming can be healed by supernatural influence. The in-house principle is simple: spiritual hurts and wounds (passed down through the sins of the fathers, or acquired through the conduction of satanic oppression) are identified by those with the power to discern spirits, then suitable prayer activity frees the believer from bondage to this particular hindrance to the truth (spiritual blindness = worldliness). Despite the fact that practitioners believe that they have cleared their own spiritual yardarms, and therefore have direct access to the holy spirit, interview techniques, among other revelatory procedures, are extensively employed, along the lines of therapeutic intelligence gathering, giving the discerners plenty to go on. Like many cures, this system may appear to work, provided the patient believes in it - ie has joined this club already.

Those who entertain such totalitarian belief in the all-pervading supernatural reality of their own access to spiritual revelation and the ability to wage spiritual warfare within what otherwise

could be described as the psychotherapeutic arena has a problem: the public at large aren't going to buy this stuff, so the potential clientele is somewhat limited. The full version can only be operated in-house. It certainly can appear to work (maybe) - I know one member who was cured of his homosexuality, and fixed up with a nice wife. They now have a nice family. It seems the problem had been his mother - afflicted by the spirit of unbelief while carrying him (there you go).

However, there may well be those who can juggle the dualism required if a little of their alternate world of extreme belief is to be carried over into the one that most of us call reality, without causing alarm or blowing their cover (the truth should only be revealed to those who are ready to receive it).

While there are highly reputable therapists out there who may go under the title of 'Christian Counsellor' I would advise caution if too much prayer comes into the proceedings. It could be that the healer knows the answers already - the spirit of abuse is a popular diagnosis, along with anger, confusion, unbelief, rebellion; anything you like really (and the freemasons, a rival power base, come in for plenty of stick too).

I couldn't have believed in the possibility of seventeenth century Puritan thought existing today in the developed western world, until I saw it first hand - a living museum of archaic tyranny. Run a mile; and retain your sanity, I say.

M.A.Riley
Switzerland

Funding the Future

From Bernard Reed, Treasurer

Many of the Society's members were unable to attend this year's annual meeting and will be very interested to know how those who were there responded to a question posed by the Treasurer, Bernard Reed. He said that, although the Society's financial position is currently sound,

there are uncertainties about its future. The Society faces a substantial decline in grant income and, despite a prudent budget reduction, a funding deficit. Although its unrestricted funds will cover that deficit for 2010 and 2011, it has to generate new funding in order to continue even the reduced level of activity beyond that period.

It is not realistic to expect the membership to cover that shortfall year after year. However, they might agree to a one off donation to give temporary relief. Bernard therefore asked the 91 members present at the meeting to indicate by a show of hands their willingness to pay, perhaps in two or three years time, a special donation of £150 each, which would amount to £300 per couple. Members responded in an overwhelmingly positive way to this question. The Trustees take great comfort from this evidence of members' support.

Meanwhile, members are, wherever possible, making donations to the Society, to supplement the amounts that they contribute by way of annual subscriptions. In addition, some members have kindly made bequests to the charity in their wills. Others may wish to follow that example.

Lunch with Professor Elizabeth Loftus—A rare and fantastic opportunity

It is with delight and much excitement that the BFMS can announce that the esteemed and distinguished Professor Elizabeth Loftus is to pay a visit to the UK next year and that we have been fortunate enough to secure an audience with her on the morning of 6th July 2011 at a venue in London.

Elizabeth Loftus Ph.D. is a Distinguished Professor of Psychology and Law at the University of California, Irvine. She has carried out extensive research and spearheads the research into human memory. Professor Loftus specialises in the study of human memory as applied to the field of law. She is widely published and the author of the book *Eyewitness Testimony*, and the co-author

of the books *The Myth of Repressed Memory*, and *Witness for the Defence*.

Professor Loftus has been ranked 58th in a list of the 100 most influential researchers in psychology and the highest ranked woman. She is a world authority on memory capability.

If you would be interested in attending an audience/conference/debate with Professor Loftus, please would you register your interest by contacting Sue at the BFMS office.

We do hope that as many people as possible will avail themselves of this splendid and rare opportunity to listen to reports of cutting edge research and take advantage of a question and answer session afterwards.

The day will take the following format: Lecture by Professor Elizabeth Loftus, followed by a Question and Answer session, after which Professor Loftus will join us for lunch and will be happy to talk briefly to people.

Please note there will be a charge to cover refreshments, lunch and the hire of the hall. This will be notified at a later date once costs are known.

Powerful Australian Investigative journalism

‘Over the Edge’ is a documentary shown in April this year.

It is a harrowing story of the therapist whose work led some patients to believe they'd committed, or been the victim of, shocking sexual crimes. **WARNING** – Although an amazing exposure it is very distressing. You can watch Sarah Ferguson's report online. Be sure you are up to viewing the programme before you link to it.

<http://www.abc.net.au/4corners/content/2010/s2862588.htm>

BOOK REVIEWS

Contesting stories of child sexual abuse, Jo Woodiwiss (2009):

Palgrave Macmillan 978 0 230 57404 5 256 pages £55

Reviewed by Robert Shaw

This may be the most important book on recovered memories in twenty years. It is thoughtful and thought-provoking and will trouble those on both sides of the debate who have a settled view of the issues.

She begins with an account of the cultural background to the rise of the idea of recovered memories before telling the history of this and associated ideas and the various debates that have raged around them. But she points out that the people who have not been heard have been the women themselves.

To understand their stories she drew on the accounts of sixteen women, around a third of whom had continuous memories of abuse, a third of whom had no continuous but had recovered memories and a third of whom had had recovered memories but had rejected all or part of those memories.

The book is packed with reflections from the women themselves and its insights are too numerous to cover in a review but a few can give a flavour of the themes discussed.

She rejects the accounts of victim-hood given on all sides, arguing that the women were active in searching the self-help literature and in seeking to manage their self-development both within and outside the frameworks offered them. They had been through a lot of other literature before they had encountered the idea of recovered memories.

She argues that both the child sexual abuse (CSA) literature and the false memories literature reinforce women's roles as victims.

Even those who did not reject the CSA literature did not use it in the prescribed ways but reinterpreted it to suit their own feelings and situations. Some of them benefited from reading it even if they did not agree with it; some of them rejected the interpretations given in the literature or by their therapists whether of continuous or recovered memories.

Those who had rejected the recovered memories in favour of the false memories narrative had done so because the former had not made them happy but the latter had not always been satisfying. It was interesting however that, of the women who had had recovered memories, those who had rejected the recovered memories narrative also said that it had come from their therapist.

In effect all the women were searching for knowledge and their use of the CSA literature was just one of their ways of gaining understanding of their situations.

Recognition as a victim legitimises someone and gives them authority – something which applies equally to those with continuous memories, those with recovered memories and those who see themselves as victims of false memories.

Many of the women had turned to the literature because of difficulties in sexual relationships; the CSA literature gave them a narrative which explained their current difficulties in terms of being abused as children. But this narrative was based on 'compulsory sexuality' – the idea that female self-realisation is to be found in a satisfying sexual relationship and that anyone who cannot attain this must have been abused.

Though recovered memories had arisen from the feminist movement of the 1970s and 1980s, it has resulted in the anti-feminist position of denying women any choice about how they express their sexuality.

In the end, she argues, the women are really victims of limited narratives – both the CSA and the false memories narratives conceptualise women as victims. The only way in which to free them is to provide a wider range of narratives which they can explore when they embark on any search through the self-help literature.

Whether or not you agree with any of her conclusions, her description of the various positions in,

and the relationships between various contributors to, the debate is masterful and anyone wishing to make a further contribution should read this book before they do so. It is however not an easy read; whether she was overwhelmed with the range of material she was trying to deal with or had not yet mastered the skill of writing a full length book, there were many times when I thought a different ordering of the material might have enabled a better flow to the arguments.

But don't let that put you off. Six months before I had heard about false memories, my solicitor had asked me for an account of everything that had happened in my family. On several occasions I have been told that that narrative cannot possibly be true; in fact, several aspects of that narrative that others have rejected are reflected in the experiences of these women. So you may well find experiences, insights or even throwaway comments that will illuminate something about your own experiences or about this debate that you had not thought of before.

Meredith Maran (2010) ***My Lie: a True Story of False Memory* £16.99**

Detail taken from the press release of the book's launch, due 22nd September 2010.

At age 37, Meredith Maran, an award-winning journalist and mother of two, accused her father of sexual abuse. Ten years later she realised, nearly too late, that he was innocent. *My Lie*, a wrenchingly honest, profoundly human account of living a daughter's nightmare, asks how such a grievous mistake could have been made. And more shockingly, how could tens of thousands of other accomplished, middle-class, thirty-something women like Maran come to believe the same lie at the same time? What has neuroscience discovered about the brain's capacity to create false memories and encode false belief? And what are the 'big lies' gaining traction in American culture today and how can we keep them from taking hold?

LEGAL

The Result of Arrest— Presumption of Innocence is a Myth

A Father's Personal Account

It seems that the experience of most people is that when an accusation of historical sexual abuse is made to the police, the police process will assume guilt and arrest the accused. If the accused is not charged then most people might assume that the accused is regarded as innocent. How 'innocent' and naive we are!

These days once we are arrested our DNA, fingerprints and photograph are taken and kept by the police. What we don't necessarily realise is that we have a detailed 'criminal' record on the Police National Computer. So what?, you might think, it will show that I am innocent and therefore nobody except the police will know. How wrong we are, the word 'innocent' is not one used by the authorities; 'insufficient evidence' is the expression. They also do not use 'accusation' instead they use 'offence'. So a CRB check shows that you committed one or more offences and there was 'no further action' as there was 'insufficient evidence'. So what, who will see it? Well any voluntary organisation, employer, the media or your family can request a CRB check and it is at the discretion of a senior police officer as to what exactly is disclosed.

If you want to know what the record details are, then you write to the Data Protection Officer of the relevant police forces and request a 'Subject Access', detailing the arrest reference, dates etc in a pdf form downloaded from the internet. It is advisable to wait a brief period after being cleared before applying, as the data may not have been updated. If more than one police force has been involved then it is advisable to do a Subject Request to all the police forces involved. Each request currently costs £10. One would assume that the information released by different police forces from the Police National Computer would be exactly the same, but again you would be wrong.

There is correspondence via my member of parliament, to the Ministry of Justice, the Home Office and the investigating Police Force. Their responses were appallingly inadequate hence the correspondence is ongoing. I have also written directly to the Prime Minister, David Cameron, but after four weeks I have not yet had a reply. This letter was in response to the PM's answer to Harriet Harman in respect to increasing the conviction rates for rape. He responded with a statistic saying that many innocent people considered suicide. Why should he be surprised as an innocent person accused and arrested, but not charged have the following to deal with:-

- No presumption of 'innocence' or any police record, which may suggest innocence.
- The system shows no respect for an innocent person's privacy with police cars outside the house for hours and the letters from ACPO with their name clearly visible. If the local media had been present at the police station, then my name and the accusation might have been printed in the local paper.
- A criminal record, which is declared on a CRB check, is available to overseas authorities as a result of EU agreements on exchanging 'criminal' information, despite the fact that you have not been convicted of a criminal offence.
- Increased difficulty and additional expense travelling to the USA, Canada, Australia, New Zealand and South Africa.
- The criminal record implies guilt by the language used.
- The Home office puts the onus on the Police Forces, who appear to be responsible for the data held on the Police National Computer (PNC). The Criminal Records Bureau (CRB) is just a gateway to the record, it has no responsibility for the content. The PNC is operated by the National Policing Improvement Agency (NPIA), a government quango. The PNC is accessed by ACPO Criminal Records Office (ACRO). ACPO is the Association of Chief Police Officers a private company funded by the Home Office.

So you apply to the Police force for a 'Subject Access', but it is ACPO who reply. What the rest do is anyone's guess!

I wrote the following letter to the Prime Minister:

Letter to David Cameron, the Prime Minister

The Prime Minister
10 Downing Street
London
SW1A 2AA

June 2010

Dear Prime Minister,

Re: Your Answer at Prime Minister's Question Time on Wednesday 9th June, in respect of Rape Convictions and Suicide

It shouldn't come as a great surprise that innocent people accused of rape commit suicide, once you understand the process of arrest, the lack of privacy, the lack of information and the lasting record on the Police National Computer, even though the person is not charged.

I am 68 years old and was falsely accused of rape, forcefully arrested by the police, held in a cell for ten hours before being questioned and after two months, no charge was made and the case was dropped.

So you might assume that I am innocent, but it seems not by the criminal justice system. After much correspondence with my MP and, through him, the Home Office and Ministry of Justice, no progress has been made. The Police National Computer (PNC) still holds the record of my arrest and this might be disclosed to a CRB check at the discretion of a senior police officer. The record states that I 'committed' two offences, one 'non-conviction' and one 'no further action'. What does this mean, that I might be guilty but there is insufficient proof?

My experience briefly is:

- I was 'forcefully arrested' at 7.30am in October 2009
- I was detained for ten hours in a police cell before being questioned.
- I was released on unconditional bail for a period of two months.
- All of my computer, memory devices, mobile phones, etc were taken and not returned for two months. The effect was that I had no contact information or access to emails as all my data is held on computer and backed up on memory sticks.
- My computer was not investigated, so clearly the evidence against me was insufficient, so one might question why I was arrested.
- The case was 'closed' in December 2009. I was

informed by telephone and told to pick up my equipment from a distant police station (180 miles away). There was no written confirmation.

- I have no idea of the precise nature of the charges and what evidence if any was presented by the accuser. I was told that this is only disclosed if charges are brought, why?
- I was not happy about the lack of information and contacted my MP. He wrote to the Home office and the Ministry of Justice, but the replies were unhelpful.
- My MP did however tell me that I could obtain the information held by the police, by using a 'Subject Access', which I duly did. The result was, the police or CPS had not updated the record and the case was shown as 'pending'. This was six months after the case was 'dropped'.
- As a result of my Subject Access request, the record has now been updated to 'no further action'. I was however informed that if a CRB check was requested then the information in respect to my arrest might be disclosed at the discretion of a 'senior police officer'. The ACPO website shows a process of 'stepping down' but this is no longer carried out. Previously it restricted the use of the data.
- I have again contacted my MP, who has written to the Chief Constable and the Home Office in respect of information held against innocent people. The response from the West Midlands police is unacceptable and I am awaiting a response from the Home office. Meanwhile, I have written to my MP again, highlighting the use of words on the PNC record and the people to whom this information can be disclosed.

So after approximately eight months from arrest, the stress for my wife and myself is still present. I am on a criminal database for a very serious crime, which I did not commit, but the information might be declared to a third party. No written information was willingly given by the police or CPS, I had to investigate and contact the authorities myself, why cannot innocent people be informed by right. Is it any wonder that suicide might be considered? It seems that innocence in cases of a sexual crime, is not a condition recognised by the police once someone has been arrested, why?

In addition to the above I have four other concerns:

- If I want travel to the USA I cannot travel on their waiver system, as I have been arrested. It seems that this is covered by an EU agreement to share criminal information, BUT I am not a convicted criminal. To obtain a Visa I need to obtain a certificate from the Association of Chief Police Officers (ACPO), but I do not know what this certifi-

cate will say, until I pay them £30 and then apply for the visa within six months.

- ACPO is a private company not covered by the Freedom of Information Act, but they appear to be in control of the Police National Computer. I understand this from the response to my access request, which came from ACPO. Presumably they have shareholders who profit from this activity and their staff has access to criminal information. What controls are there on staff access to sensitive information? The response to the access request came in an envelope with a window, clearly displaying 'ACPO Criminal Records Office', again showing no respect for our privacy.
- The accuser, my daughter, who is now middle aged, 'remembered' the abuse only after hypnotic regression treatment by a pseudo professional hypnotist. The 'memory' was 'recovered' after a number of sessions and involved a number of people within the family and some friends, all except my wife and I are dead. My daughter now 'treats' people after taking a ten-week correspondence course in hypnotic treatment and I know that she tells some 'patients' that their problems, such as failing to give up smoking, are due to sexual abuse as a child. How can such organisations exist? There is a charity, the British False Memory Society, (BFMS) which helps people in my position. They have a list of people falsely accused, but are fully aware that many people are too ashamed to speak out and that there are probably many more. Unfortunately the police or the Home Office do not keep records of false accusation.
- Why is there rarely action taken against people who make malicious accusations? Or those hypnotists who are not qualified by normal educational standards. Why are such people allowed to 'practice'?

I have decided to write to you as other avenues have no effect and I understand that your government is reviewing both the Criminal Records system for innocent people and rape anonymity for the accused, but not charged. I am willing to co-operate with any investigation, but insist on my name not being made public, to protect my wife and grandchildren. My comments are based on the presumption of innocence and the protection of the individual's privacy, whilst fully understanding that such accusations have to be investigated and the police have to keep some record of accusations, but only for their own purposes.

Yours sincerely

Falsely accused father

An Informative Response on Subject Access to Police National Computer Records

One of the responses received by this father's M.P. has come from the Rt Hon Nick Herbert MP, Minister of State for Policing and Criminal Justice. Some extracts are given below.

"All information relating to arrests, convictions, cautions, reprimands and warnings for recordable offences is retained on the PNC. Under the Association of Chief Police Officers (ACPO) PNC Retention Guidelines, introduced in April 2006, it is current police policy to retain all such information until the subject reaches 100 years of age, for police operational reasons and in the interests of the prevention and detection of crime. Information relating to arrests is retained as it represents a factual record of the investigation process.

"Following the judgment by the Court of Appeal on 19th October 2009 in the case of *Chief Constables of Humberside, Staffordshire, Northumbria, West Midlands and Greater Manchester v Information Commissioner, [2009] EWCA Civ 1079*, which upheld the current retention policy, police forces are no longer applying the Step

"All information relating to arrests, convictions, cautions, reprimands and warnings for recordable offences is retained on the Police National Computer."

Down model to the retention of information held on PNC. Therefore PNC information will be retained as per the guidelines described above. Under the Data Protection Act 1998 (DPA) the Chief Constables of each police force are the Data Controllers of all information placed by that force onto the PNC or retained in local force records. The Subject Access provision allows an individual access to information of which a particular police force is the Data Controller. It is a matter for the force receiving the application to determine which information should be provided to

fulfil a Subject Access request.

“There are a number of circumstances under the DPA in which a Data Controller is not obliged to observe all of an individual’s rights to access data held about them. A list of these exemptions is available on the Information Commissioner’s website: http://www.ico.gov.uk/what_we_cover/data_protection/your_rights/exempt_information.aspx

“Where there is entitlement to an enhanced Criminal Records Bureau (CRB) disclosure, the Police Act 1997 requires the chief officer of police to include information, such as details of an arrest, which he considers relevant to the post applied for. The inclusion of information from the PNC on a CRB certificate does not of itself (unless of a very serious nature) bar an individual from a specific employment. Ultimately it is for the employer to decide, on the basis of all the information available to them, whether an individual job applicant is suitable for a particular position.

“Chief Constables of police forces, as Data Controllers, allow the ACPO Criminal Records Office (ACRO) to fulfil a number of functions relating to processing police data on their behalf. These functions include generating Subject Access responses under the DPA and Police Certificates for visa purposes.

“The requirements specified by foreign authorities for entry to their country are a matter for those authorities. In certain circumstances the Police Certificate may form part of the visa application process. Unlike the retention of information on the PNC, the Police Certificate is generated under the Step Down model which means that information relating to arrests and any minor conviction, caution, reprimand or warning is unlikely to be included.”

Hypnotherapy

Editor’s note: Because this particular case is linked to the practice of hypnotherapy the Minister continues with a rather naïve response to a query about regulation. His attempt at reassurance will be challenged by the BFMS.

“The Government has no plans to introduce statutory regulation for the hypnotherapy profession.

Instead the Government’s intention is that hypnotherapy should be subject to voluntary regulation and we are pleased that progress is being made towards this.

There are professional bodies representing the hypnotherapy profession, who have standards and codes of ethics in place which practitioners must adhere to. The Department of Health would recommend that any practitioner a member of the public chooses is registered with a reputable professional body.”

Faith Healer Jailed

Judge Jonathan Gosling told Niem Mohammed he had targeted vulnerable and desperate victims with promises he could not fulfil. The deception involved taking thousands of pounds while claiming to have paranormal powers. Among his clients were a couple who could not conceive a child, a woman seeking the removal of a ‘black magic’ spell and another seeking reconciliation with an estranged son.

The judge went on to say that Mohammed’s victims had ‘plummeted into despair’ while he enriched himself and added humiliation to their pain. He sentenced him to jail for 18 months.

This case was not brought on the basis of the harm he caused to his clients but through legislation introduced in 2008 under the new Consumer Protection Regulations requiring faith-healers, spiritualists or mediums and fortune tellers, among others, to put up disclaimers when telling customers what they offer if it is ‘not experimentally proven’ or ‘for entertainment only’ to ensure they are acting fairly towards consumers. The legal test being, ‘Is it unfair commercial trade practice?’. The law is enforced by the Office of Fair Trading or the trading standards officers.

The prosecution was brought by Sandwell Council’s trading standards department. Manager, Bob Robinson, said “ We are very pleased by the outcome of the trial and it proves we were fully justified in taking this action on behalf of people we felt had been duped.

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
Tel: 00 61 300 88 88 77 · Email: false.memory@bigpond.com · www.afma.asn.au

CANADA

Paula – Tel: 00 1 705 534 0318 · Email: pmt@csolve.net
Adriaan Mak – Tel: 00 1 519 471 6338 · Email: adriaanjwmak@rogers.com

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Alerte Faux Souvenirs Induits, Maison des Associations, 11 rue Caillaux, 75013 Paris, France
Tel: 00 33 6 81 67 10 55 · Email: afsi.fauxsouvenirs@wanadoo.fr · www.psyfmfrance.fr

NETHERLANDS

Email: info@werkgroepwfh.nl · www.werkgroepwfh.nl

NEW ZEALAND

Donald Hudson, Casualties of False Sexual Allegations New Zealand Inc, 80 Avondale Road, Christchurch, New Zealand
Tel: 00 64 3 388 2173 · Email: cosanz@clear.net.nz · www.geocities.com/newcosanz

NORDIC COUNTRIES

Åke Möller – Fax: 00 46 431 21096 · Email: jim351d@tninet.se

USA

False Memory Syndrome Foundation, 1955 Locust Street, Philadelphia, PA 19103-5766, USA
Tel: 00 1 215 940-1040 · www.fmsfonline.org

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