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Keir Starmer-Director of Public Prosecutions has left the CPS

Sally Ramage

In November 2013, Sir Keir Starmer, KCB, QC, completed his term as the United Kingdom's Director of the Public Prosecution Service ('CPS'), a government agency, founded in 1986. In December 2013 the Labour Party announced that Sir Keir Starmer would lead an enquiry into changing the law to give further protection to victims in cases of rape and child abuse. He became the fourteenth Director of Public Prosecutions (DPP) and the sixth head of the Crown Prosecution Service (CPS) on 1 November 2008 for a five-year term.[1] Personally, Sir Keir Starmer, KCB, QC, has had some very important highlights in his career as a barrister, namely that in 1989, he represented MI5's David Shaylor[2] in his appeal against conviction for leaking secrets; in 2002 he became a Queen's Counsel at Doughty Street Chambers, specialising in human rights, international law, judicial review and criminal law.; in 2003 he became a human rights adviser to the Policing Board of Northern Ireland; in 2005 he won the Bar Council's Sydney Elland Goldsmith award for his outstanding contribution to *pro bono* work in challenging the death penalty throughout the Caribbean and also in Uganda, Kenya and Malawi; in 2007 he successfully challenged 'control orders' in a test case in the House of Lords and was appointed Head of Doughty Street Chambers in 2007. Doughty Street Chambers is probably the largest and most wide-ranging civil liberties legal practice in the world.

[1] See http://en.wikipedia.org/wiki/Keir_Starmer, accessed on 10 June 2014.
[2] David Shaylor had been charged with three charges of breaching the Official Secrets Act 1989 on 21 September 2000, one charge of passing on information acquired from a telephone tap in breach of Section Four of the Act, and two charges of passing on information and documents obtained by virtue of his membership of the service in breach of Section One of the Act.

Keir Starmer, former Director of Public Prosecutions, UK.
Source: Google.

Also in 2007, he was named as QC of the Year in the field of human rights and public law by the Chambers & Partners directory. In 2008 he was appointed Director of Public Prosecution[3].

He is also the author of several leading text books on human rights and criminal law, namely, (i) Clive Walker and Keir Starmer, (1993) *Justice in error*, Oxford: Blackstone;[4] (ii)Clive Walker and Keir Starmer (1999) *Miscarriages of Justice*[5] *(A*

[3] The DPP is the most senior criminal prosecutor in England and Wales, responsible for more than 6,800 staff.
[4] The release from prison of the Guildford Four, the Birmingham Six and Tottenham Three, and the Maguire Seven and the discredited West Midlands Crime Squad have highlighted serious failures in the criminal justice system which have contributed to miscarriages. The various steps within the criminal justice system which have resulted in the conviction of the innocent, and remedies as to how miscarriages might be avoided in the future are suggested images of justice.
[5] The various steps within the criminal justice system which have resulted in the conviction of the innocent, and remedies as to how miscarriages might be avoided in the future, are suggested.

Review of Justice in Error)[6], Oxford: Oxford University Press; (iii) Keir Starmer (1999) *European Human Rights Law: The Human Rights Act 1998 and the European Convention on Human Rights,*[7] London: Legal Action Group; (iv) Francesca Klug, Keir Starmer and Stuart Weir, (1996) *Three Pillars of Liberty: political rights and freedoms in the United Kingdom (Democratic audit of the United Kingdom)*, London: Routledge; (v) Keir Starmer, Michelle Strange, Quincy Whitaker, and Anthony Jennings (2001) *Criminal Justice, police powers and human rights*,[8] Oxford: Blackstone; (vi) Keir Starmer, Francesca Klug and Iain Byrne (2001) *Blackstone's human rights digest*,[9] Oxford: Blackstone; (vi) Keir Starmer and Theodora Christou (2005) *Human rights manual and sourcebook for Africa*[10], London: British Institute of International and Comparative Law; (vii) Crown Prosecution Service and Keir Starmer (2009) *Crown Prosecution Service Annual Report and resource accounts for the period April 2008-April 2009*[11],London: Stationery Office Books; (viii and ix) A.T. Draycott, A.P.Carr and Keir Starmer, (2001) *Stone's Justice Manual: 2000 and 2001*, London: Butterworths; (x) W.McKenzie Skene, Keir Starmer; Lance Ashworth

[6] Amongst the many disturbing features are the obtaining of confessions by unacceptable means ; the fabrication of evidence ; the failure to disclose evidence adverse to the prosecution; and the inadequacy of appeal and reference-back systems.

[7] The Human Rights Act 1998 imposes radical changes on UK law and practice: all statutes have to be reinterpreted to "read in" human rights, all public authorities (including the courts) have to comply with the European Convention on Human Rights - there is a new right of action against those who fail to do so - and breach of a Convention right is a defence in criminal and civil proceedings. The Act incorporates into UK law not only the Convention itself, but also the extensive case-law of the European Court and Commission of Human Rights.

[8] The Human Rights Act 1998 and R.I.P.A. came into force in October 2000, significantly altering the way in which police investigations are carried out. Any person working within the fields of criminal law, law enforcement or part of regulatory body must be informed of these expansive new regulations.

[9] Digest analyzes and provides extracts from: the key judgments of the European Court of Human Rights; the key decisions of the European Commission of Human Rights; and the essential cases from Scotland, New Zealand, Canada, South Africa and the Commonwealth

[10] first of its kind for the African region and an invaluable resource to human rights practitioners, academics and interested parties worldwide. At a time when human rights in Africa have made many advances, this publication introduces easy-to-use jurisprudence that turns a previously difficult research task into a simple procedure. Much of the work emanates from primary research and investigation conducted by local research teams in the individual countries and has not been compiled into a single collection before.

[11] This annual report details the objectives, activities and performance of the United Kingdoms Crown Prosecution Service for the period April 2001 to March 2002, during which period it dealt with 1.36 million cases in the Magistrates' Courts and 115,000 cases in the Crown Court.

(1998**)** and *Director's Disqualification*[12], London: Butterworths; (xi) Coner Foley and Keir Starmer (1998) *Signing up for Human Rights: The United Kingdom and International Standards,* London: Amnesty International UK; (xii) Keir Starmer and Charlotte Kilroy (2014) *European human rights law*, London: Legal Action Group; (xiii) 'Thirteenth report of session 2013-14: Drawing Special Attention to, Pensions Increase (Pension Scheme for Keir Starmer QC) Regulations 2013 (S.I. ... 2013 (S.I. 2013/2619) (House of Lords Papers)', London: The Stationery Office; (xiv) The Pensions Increase (Pension Scheme for Keir Starmer) Regulations 2013 (Statutory Instruments) (2013) London: TSO; (xv) *Covert policing*,[13] (2011) Oxford: Oxford University Press; (xv)

Sir Keir Starmer is a high-profile personality and during his five-year term of office, the former head of the CPS made headline news, particularly on the matter of assisted dying when he offered guidelines and when he spoke about the UK Human Rights Act 1998.

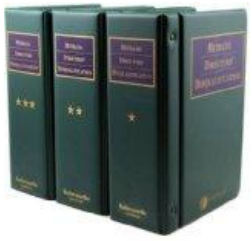
On 17 October 2013, new guidelines for dealing with child sex abuse cases were published, marking the most fundamental attitude shift in the criminal justice system in a generation, Keir Starmer claimed. It is hoped that the guidelines will assist prosecutors to rise above the myths and stereotypes about victims of sex abuse and so

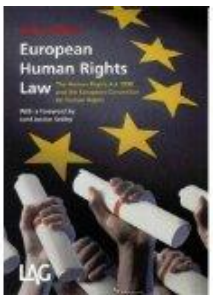
[12] Mithani has, together with a team of expert practitioners and academics produced the definitive work on the law relating to disqualification.

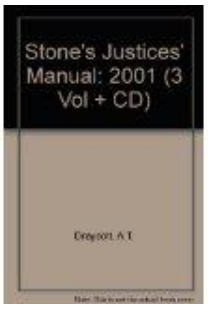
[13] This book sets out the framework within which covert policing operations should be planned and managed to enable practitioners working for either the defence or prosecution to consider the legality and propriety of evidence obtained in cases where covert policing resources have been deployed, including applications for Public Interest Immunity. The text places considerable emphasis on the need for a proper methodology of approach to RIPA 2000 and other legislation affecting this area, including the 2010 revised Codes of Practice on Covert Surveillance and Property Interference and the Use and Conduct of Covert Human Intelligence Sources. It examines the statutory and procedural requirements relating to covert policing deployments, from the interception of communications and directed and intrusive surveillance resources, through to the use and conduct of covert human intelligence sources in operations as diverse as counter-terrorism and serious crime to minor test purchase cases.

ensure more convictions. The guidelines cover how victims should be treated and how a case should be built and presented. [14]

He made regular media appearances including on Radio 4's 'Today' programme to explain the CPS child sexual abuse guidelines and to call for public servants who fail to report instances of child abuse to be prosecuted. He has also taken a strong line on tackling sex crime.







New DPP- Ms Alison Saunders

Ms Alison Saunders, the new DPP.
Source: Google.

Sir Keir Starmer has been succeeded my Ms Alison Saunders, the first CPS employee to rise to the top job of Director of Public Prosecutions. Mr Starmer believes that Ms

[14] Editor, 'DPP Keir Starmer issues tough new guidelines for child sex cases aimed at securing more convictions', *Independent*, 17 October 2013. Also at http://www.wn.com, accessed on 10 June 2014.

Saunders should maintain the CPS's proactive approach to publicity and she has not disappointed him because she has already made media appearances on Radio 4's 'World at One' in early November. Mr Starmer believes that Whitehall support and the collegiate support of the Home Office and the Ministry of Justice is needed for the changes that Ms Saunders must complete within the CPS.

Mr Starmer maintained that to publicly set out the CPS's approach to prosecuting potential offences is an important guarantor of its freedom from political interference. Starmer believes that the best guarantee of independence and integrity is the existence of public guidelines against which the organisation can be judged.

The CPS's budget was cut by 27% in the last spending review, and a further 5.5% cut is expected in the financial year 2015-16. The CPS is today a very stream-lined organization with the introduction of 'standard operating practices' and a streamlined office network.

Introduction of *plea bargaining*

The CPS has worked to encourage plea –bargaining. That is, to encourage defendants to enter a guilty plea early in the legal process, rather than waiting until the last moment. The CPS maintains that three quarters of all defendants do plead guilty. The plea-bargaining process entails work with the courts and the judges and the police because it is a collective criminal justice issue. Opportunities for the prosecution to

engage formally in discussions with the defence over possible pleas are more limited in England and Wales than in many other jurisdictions. [15]

Note that at present there is no formal system of plea bargaining in UK courts. Traditionally the criminal justice system in England and Wales has steered away from sanctioning any sort of formal plea bargaining system because of concerns about the need to retain judicial independence and to ensure that no undue pressure is put on a defendant to plead guilty.[16]

There is however, wide support for the introduction of a properly sanctioned plea negotiation system in the UK, subject to appropriate safeguards to preserve: (i) the principles of fairness to defendants and victims, and (ii) the general public interest[17] the main reason being a financial reason. Both prosecution and defence agree that significant savings in time and money would result in adopting a trustworthy plea bargaining procedure for the UK.[18]

Negotiations on plea take place against a backdrop of certainty. The essence of plea bargaining is compromise on both sides, with the relationship between prosecutor and defence lawyer require considerable trust and that both sides know the true strength of

15 Editor, 'Crown Prosecution Service has embraced open policymaking and digital working – and warns of tough decisions ahead', *Civil Service World*, 20 November 2013.

[16]However in the United States, for example, in contrast to the UK's criminal justice system to date, a huge majority of cases that come to trial are resolved through plea bargains, making it the dominant force in US courtroom procedure.

[17] Recent focus on the cost and effectiveness of serious cases has highlighted the absence of plea bargaining as an issue. The inevitable comparison with the US has ensured it be taken forward.

[18] Proponents of plea bargaining also contend that both defendants and society reap benefits. Defendants benefit because both the defendant and prosecutor help to fashion an appropriate punishment. Society benefits because it is spared the cost of lengthy trials while defendants admit to crimes and still receive punishment. Although the punishment pursuant to a plea agreement is generally less severe than that imposed upon conviction after a trial, the process nevertheless produces a deterrent effect on criminal behavior because prosecutors are able to obtain more convictions.

the case and the risks involved in plea bargaining, with safeguards to ensure no 'horse-play'.

For there to be substantial financial savings in a plea bargaining system, the timing of the plea would have to be a key issue. The best time for a deal that would save money would be before the police investigation takes on an advanced stage, as this will save CPS and police costs. For such a deal, the suspect would need to admit guilt even before he knew whether the CPS would decide to prosecute. [19]

In their book, *Jury trials and plea bargaining: a true history*, Mike McConville and Chester Mirsky argued that plea bargaining can only be explained by examining the wider political changes and the nature and purpose of criminal prosecutions. Such criminal prosecutions, the authors argue, consisted of private disputes involving police, coupled with prosecutorial discretion.[20]

One is reminded that the English legal system's cornerstone is the assumption that the prosecution must prove the case against the accused.

Any agreed plea bargain sentence would need to be acceptable to public opinion, the court, the prosecution and the suspect.

[19] Defendants are not required to enter into plea negotiations or accept a plea agreement offer. Some defendants choose to decline a plea bargain if they believe that the risk of conviction is outweighed by the possibility of acquittal.

[20] McConville, M. And Mirsky, C. (2005) *'Jury trials and plea bargaining: a true history,* Oxford: Hart Publishing.

Fundamental changes would result in the solicitor-client relationship. At present English professional rules require that the defence solicitor must be satisfied that his client's plea is a voluntary and not a coerced plea, essential for plea negotiations to be effective. If negotiations fail, professional rules currently prevent the defence lawyer from advancing a positive defence on behalf of his client following an admission of guilt and any change of legal representation by the suspect would tip off a co-accused that deals have been tried and failed.

Replacing 'trial by jury'

Plea bargaining is not a novel legal subject and the subject has been seriously studied many years ago. A study of the origins and systematic adoption of plea bargaining *replacing trial by jury* as the principal method of disposition in criminal cases in New York, United States of America. America's history of plea bargaining goes back as far as the year 1800 and legal scholars have described it as a fascinating journey from the mercantile era, through to general sessions prosecutions, litigation practice, adjudication, sentencing and case disposition, crime detection and control, litigation practice in general sessions, to the structure of guilty pleas.[21] It is, research on the subject reveals, a fallacy that professionalisation caused jury trials to be abandoned and guilty pleas relied on in America. According to the professionalisation legal

[21] The New York State Constitution of 1777 stated that a jury trial was an inviolate right. Cases were decided by a petit jury with general jurisdiction over law and fact and the jury was made up mainly of business people. Night watchmen were eventually replaced in 1846 by the municipal police, viewed at the time as barely competent, lazy and corrupt as elaborated in writings by Feldberg (1980, Richardson (1970) and Fogelson (1977). After lawyers were introduced into the justice system, it is claimed that it is lawyers' efficiency that kept the system going. This and the twenty-four –*man* jury, together with the ability of the defendant to challenge the appointment of a prospective juror. Evidence was subject to English common law rules. In those days, by contrast to New York Criminal law today, presiding judges often collected the evidence and explained its significance to the jury, often expressing an opinion as to the truthfulness of witnesses and the level of importance of their evidence.

scholars, the immediate precursor of the presence of lawyers and the transformation in the method of case adjudication was the reorganisation of police and the transformation in the method of case adjudication. Over time lawyers facilitated streamlined litigation into guilty plea, the American argument in favour of plea bargaining goes. As to the professionalisation theory as the cause of the sudden ending of jury trials to guilty pleas, the authors McConville and Mirsky say that this was not due to heavier workload, but that plea bargaining in the United States, marked the silencing of the defendant, and a means of more social control.[22]

Electronic documents: CPS standard operating practices

Efficiency reforms, as related to electronic documents required collective action and the major transformation from paper to digital is one of the defining moments in the history of the criminal justice system. The CPS now has standard operating practices and a secure digital case-handling network. Digital systems are also changing how the CPS works with the police and courts. Every year the CPS assesses 16,000 cases against a set of quality questions, randomly interrogating them against a number of questions. Was the right charge brought? Was the right policy considered at the right point? If the criminal justice system is to cope with the savings that need to be made,

[22] However, if the government were to breach a plea agreement, the defendant may seek to withdraw the guilty plea, ask the court to enforce the agreement, or ask the court for a favourable modification in the sentence. The government breaches a plea agreement if it fails to deliver its part of the plea agreement. If a prosecutor, say, agrees to dismiss a certain charge but later reneges on this promise, the defendant may withdraw his guilty plea but an unenthusiastic sentence recommendation by a prosecutor is not a breach of a plea agreement (See *United States v Benchimol*, 471 U.S. 453, 105 S. Ct. 2013, 85 L. Ed. 2d 462 [1985]).

then a political discussion and consultation is needed about what the criminal justice system's purpose is and about which cases should be kept out of court and which cases should go to trial.

A study of murder and plea bargain in the United States in 2008

The following US murder case highlights all that newsmongers publish incorrectly about the 'horse-trading' that goes on in the US plea bargaining system.[23]

A jury convicted Hans Reiser, *developer of the Reiser FS filesystem for Linux*, of first degree murder for killing his estranged wife in 2006 even though her body was never found. As the verdict was read in Alameda County Superior Court, Reiser furrowed his brows. The verdict ended almost six months of trial and three days of jury deliberations. Although the case was built almost entirely on circumstantial evidence, prosecutors managed to convince the jury with the help of about 60 witnesses, including Reiser himself. Prosecutors seized on the fact that shortly after the murder Reiser removed and discarded the passenger seat of his Honda CRX and then hosed it down, leaving an inch of water on the floorboard.

During 11 days of rambling testimony,[24] Reiser said he was simply trying to clean the car's interior and wrongly assumed the water would drain. He also said he removed hard drives from his computer because he resented government officials taking all his possessions.

[23] Some critics of plea bargaining argue that the process is unfair to criminal defendants. These critics claim that prosecutors possess too much discretion in choosing the charges that a criminal defendant may face. When a defendant is arrested, prosecutors have the authority to level any charge if they possess enough facts to support a reasonable belief that the defendant committed the offense. This standard is called *probable cause*, and it is a lower standard than ability to prove a charge *beyond a reasonable doubt*, the standard that the prosecution must meet at trial.

[24] A defendant who goes to trial and is found guilty of a serious felony receives, on average, a prison sentence that is twice as long as the sentence offered in a plea bargain for the same offence.

Nina Reiser, 31, was last seen September 3, 2006 while dropping off the couple's two children. Six days later police found her minivan in the Oakland hills. A few miles away they found Reiser's waterlogged car with the missing seat and two books on police murder investigations inside. It also contained a sleeping-bag cover stained with her blood. Reiser faced a maximum of 25 years life imprisonment. A judge said that the prominent Linux developer Hans Reiser had rejected a plea deal that would have sent him to prison for only three years for killing his wife, Nina Reiser.[25] During what was supposed to have been Reiser's sentencing today, Judge Larry Goodman of Alameda County Superior Court revealed that Reiser was offered a plea bargain last in September 2007 for a reduced charge of voluntary manslaughter. The judge said he was prepared to give Reiser the minimum sentence of three years in prison in accordance with the deal *to spare Nina Reiser's family the distress of going through a trial.* Had Reiser not maintained his innocence until leading police to the buried remains of his wife yesterday, he would have been out of prison possibly by May 2009, the judge noted. By leading police to the body, Reiser struck a new zero-hour deal with prosecutors. Under the new agreement, Reiser was sentenced for second-degree murder rather than for the first-degree murder verdict decided by a jury in April 2007. In the United States, a first-degree murder charge carries a 25-years-to-life prison sentence. A second-degree murder charge carries a 15-years-to-life prison sentence. While a reduction to second-degree murder did not guarantee Reiser a reduced prison sentence, it meant that he would be eligible for parole sooner.

[25] Generally a judge will authorize a plea bargain if the defendant makes a knowing and voluntary waiver of his or her right to a trial, the defendant understands the charges, the defendant understands the maximum sentence he could receive.

Goodman defended the agreement because Nina Reiser's family were fully agreed to the disposition since

it meant that they would then be able to bury their daughter to rest in peace. He stressed that any deal which prosecution may have reached with Reiser needed to be approved by the court as an ironclad deal in which Reiser must fulfil all his obligations, including waiving his rights to appeal.[26]

Legal Aid Reforms

The government has already started making decisions about how the criminal justice system operates. There are legal aid reforms in the pipeline such as depriving defendants of the right to choose their own lawyer. The CPS has regularly held round-table discussions with groups such as victims[27], judges, lawyers, police and education staff and this has resulted in agreed guidelines.

The victim's right to review

One of the most significant current developments in thinking about crime is the growing interest in restorative justice theory (Umbreit 1996, 1994a, 1989a; Umbreit and Coates 1992; Van Ness and Strong 1997; Wright 1991; Wright and Galaway 1989; Zehr 1990, 1985). Victim-offender mediation is a process which allows crime victims to meet face-to-face with the offender to talk about the impact of the crime and to develop a restitution plan. It is the oldest and most empirically grounded

[26] The judge does not participate in plea bargain discussions. Prosecutors have discretion whether to offer a plea bargain.
[27] Crime victims decry the lighter sentences that plea bargaining produces.

restorative justice intervention. The term restorative justice describes a response for wrongdoing which focuses on people and relationships rather than on punishment and retribution. But restorative justice involves a convening of a conference of all parties with a stake in the particular crime, the purpose of the conference being a collective resolution of the aftermath of the offence and its implications for the future. High levels of victim and offender satisfaction with the mediation process have been found, along with high successful restitution completion rates and reduced fear among crime victims. Restorative justice is used within the criminal justice system in New Zealand, Australia, Canada, Germany, and the UK.[28]

Note that in German law, restitution operates as per Section 46a of the Criminal Code: restitution for harm caused. The German Criminal Code states *that 'in a case in which the restitution for the harm caused required substantial personal accomplishments or personal sacrifice on his part, completely or substantially compensated his victim; then the court may mitigate the punishment pursuant to section 49 subsection (1), or, if the maximum punishment which may be incurred is imprisonment of not more than one year, or a fine of not more than 360 daily rates, dispense with punishment'.*

Since 1986 the German government enacted the Victim Protection Act 1986 (Opferschutzgesetz) which amended the StOP In Germany victims of serious crimes now have wider rights of participation in proceedings, thereby becoming better protected against discrimination or prejudice arising from the procedure. But these rights consists of rights to information about the progress of proceedings, the right of

[28] In 1990, an international conference supported by NATO funds was convened in Italy to examine the growing interest in restorative justice throughout the world. Academicians and practitioners from numerous countries (Austria, Belgium, Canada, England, Finland, France, Germany, Greece, Italy, Netherlands, Norway, Scotland, and Turkey) presented papers related to the development and impact of restorative justice policies and practices.

access to files, the right to legal assistance and such victims in German courts can now take an active part in the proceedings and also have protection of privacy, the contravention of which is a tort in Germany but not so in the UK.

When questions relating to victims are discussed during the German trials, these victims are able to object to questions concerning their privacy rights. In 1994 the German government also enacted amendments to German criminal law by way of 46a StGB, the Verbrechensbekampfungsgesertz, to give restitution and compensation for damage caused by an offence.

The CPS has created policies which have altered the relationship between the prosecution and the victim, in a really fundamental way.[29] The 'victim's right to review', for example, means that whenever the CPS decides to drop a case, the crime victim can ask for a review and explanation.

Such open policymaking is revolutionising the way the CPS interacts with key groups such as judges, lawyers and victim support charities. The victim's right to review has fundamentally changed the CPS's relationship with those who have suffered from a crime.[30]

How a sexual assault victim is treated in states in the US

[29] See 'Justice through victim-offender mediation: a multi-site assessment' *Western Criminology Review* 1(1). http://wcr.sonoma.edu/v1n1/umbreit.html/ accessed 10 June 2014.
[30] See http:// www.nationmaster.com/graph/cri_mur_percap-crime-murders-per-capita/ Crime Statistics - Murders (per capita) by country. The UK's murder statistics in 2008 was 0.0140633 per 1,000 people as compared with USA murder statistics of 0.042802 per 1,000 people.

Sexual assault victims are entitled to all of the privacy rights accorded to crime victims in general. (This includes victims statutory or constitutional crime victim rights.) In addition, every state has a rape shield law (these laws were supposed to ensure that a victim's private and irrelevant sexual history was excluded as evidence in a criminal case). In many (but not all) states there is a privilege law that protects communications between a Sexual Assault counsellor or advocate and a victim-survivor.

The level of protection afforded under the privilege varies widely from state to state, however, and victims need to be informed (before they share information) how private and protected their communications and disclosures are (or aren't).
Of course, there are other privilege laws, too, such as therapist-client, attorney-client, medical provider-patient, etc. In some states SA privacy protections extend only to minors. In a number of states a judge may authorise that a SA victim under a certain age can have her or his testimony taken by videotape in lieu of in-person testimony at a criminal trial and the videotapes are subject to protective order.

In Alabama, a judge can limit the number of law enforcement interviews with a SA victim under the age of 12 and the court has authority to schedule a minor SA victim's testimony in a room that provides adequate privacy. Also in Alabama a statute requires that court records of a minor SA victim must be kept confidential (15-1-2).
In other states, the privacy protections extend to both adult and minor victims.
In Alaska the name of a sexual assault victim is not public record and the victims name may not be used in court documents. Instead, the victim's initials must be used. (AS 12.61.140). However, Studies in Alabama, Delaware, Maryland, Michigan,

Minnesota, North Carolina, Oregon, and Vermont have consistently found that the public is deeply concerned with holding offenders accountable while being quite supportive of community based sanctions which allow for more restorative outcomes.

Bibliography

Editor, 'Crown Prosecution Service has embraced open policymaking and digital working – and warns of tough decisions ahead', *Civil Service World*, 20 November 2013.

Donald.G.Gifford, (1983) 'Meaningful reform of plea bargaining: the control of prosecutorial discretion', *US: University of Illinois Law Review*, 37.

Nicholas Herman (1997) *Plea Bargaining*, Charlottesville, Va.: Lexis Law.

McConville, M. And Mirsky, C. (2005) *'Jury trials and plea bargaining: a true history*, Oxford: Hart Publishing.

Jessica Mindlin, 'How do privacy rights for sexual assault victims differ from those for other types of crime victims?' 29 April 2009, at http://ovc.ncjrs.gov/ovcproviderforum/.

Sally Ramage, 'Victim's Family Statement read out in court- is this a form of restitution or is it unauthorised evidence?', *Lexis Nexis*, 2006.

United States v Benchimol, 471 U.S. 453, 105 S. Ct. 2013, 85 L. Ed. 2d 462 [1985]).