

INUK – New beginnings

At the end of this year's membership (September 2014), INUK will no longer be renewing or taking memberships from universities and/or law firms.

We believe that with more than 30 INUK innocence projects around the country, that this aspect of INUK's aims has been successfully achieved and that it is now timely for innocence projects to step up as independent enterprises in their own right and with full responsibility for any successes or failures.

This decision is supported by the following:

1. General funding constraints and a growing number of requests on the communications and policy side means that Dr Naughton simply does not have the capacity to continue to operate INUK as a support service for member innocence projects in other universities – assessing all applications, organising national training conferences, etc.
2. INUK has been spending a disproportionate amount of time acting as a support service for member innocence projects and/or other universities who are either not working to the protocols that they signed up to or not doing much at all (evident for several years in annual reports) and/or dealing with complaints from prisoners and others about member innocence projects not operating to the protocols or as they think they should. INUK did not foresee or ever intend to “police” member innocence projects. It does not have the capacity or resources to do so and it can longer take responsibility or be held responsible when members fail to work to the protocols – the terms and conditions – that they signed up to.
3. Tied to this, there is an urgent need to start to work on issues around quality of assistance to alleged victims of wrongful convictions by innocence projects. It is just no longer acceptable that hundreds of students around the country can say on their CVs that they are working with an INUK innocence project when they know next to nothing about INUK or how to work on an alleged wrongful conviction case and/or have never attended a single INUK conference or training event, nor have many of their directors.
4. After 10 years of assessing applications from alleged innocent victims of wrongful convictions the eligible cases are drying up. In the last year only a few of the couple of hundred applications that we have assessed have been deemed eligible: the applicant may be innocent and there is something that we can do to prove or disprove the claim.

CELEBRATING INUK'S ACHIEVEMENTS IN THE AREA OF INVESTIGATING ALLEGED WRONGFUL CONVICTIONS OF THE INNOCENT

We do not see this in negative terms but, rather, celebrate INUK's achievements in this area over its first decade, which include:

1. Acting as a focal point that has resurrected an interest and concern for alleged victims of wrongful convictions. This interest/concern was lost with the setting up of the CCRC when JUSTICE and Liberty ceased working on alleged miscarriages of justice on the mistaken belief that the CCRC was the panacea to the problem of wrongful convictions.
2. Perhaps most crucially, Dr Naughton used INUK as a means to facilitate a vibrant environment of pro bono casework assistance for alleged victims of wrongful convictions

offered by innocence projects in 35 universities and a corporate law firm, and inspired other initiatives, which did not exist when INUK was established and which was a key reason for its establishment: to raise awareness of the need for innocence-focused organisations from our research on the causes of wrongful convictions and the limits of the criminal appeals system and especially the CCRC in assisting the innocent to overturn their convictions.

3. On the casework side, as of January 2014, INUK had received 1,348 requests for assistance and assessed 827 full applications. Of these, 129 cases have been deemed eligible, i.e. with further investigation by a member innocence project may fulfil the CCRC's or the SCCRC's referral criteria. Of these, 114 have been referred by INUK to innocence projects for further investigation following a review. Around half of the applications referred to innocence projects for further investigation have had previous unsuccessful applications to the CCRC or SCCRC prior to contacting INUK. 11 cases referred by INUK to its member innocence projects have been submitted to the CCRC and 1 case has been submitted to the SCCRC. Of these 12 cases, 2 cases have been referred to the Court of Appeal by the CCRC and 1 to the Scottish High Court of Justiciary by the SCCRC.

4. To support this work, Dr Naughton devised rigorous and robust systems for dealing, centrally, with a high volume of enquiries and applications and to assess whether they are eligible for further investigation. We have shared our knowledge and experiences by creating starter packs and first steps documents with templates to guide new innocence projects through the early stages. We have created a set of governing casework protocols which have been validated by the Attorney General's Pro Bono Protocols and CLEO's model standards for live client work. We have organised over 20 conferences and many other local and national events, which have been a vital source of training and education for both staff and students who undertake the case investigations. We produced the *Claims of Innocence* book to transfer our knowledge and experiences on working on alleged wrongful convictions to assist others who investigate alleged wrongful convictions.

5. We have been consulted by MPs and provided invited submission to inquiries at home and abroad. Perhaps most crucially, INUK played a significant part in the intervention in the recent case of Nunn at the Supreme Court, which ensures the viability of innocence project investigations at the pre-CCRC stage. It places a duty on the police and prosecution to comply with reasonable requests for access to exhibits and samples if there is a 'real prospect' of finding something that might undermine the safety of the conviction. This provides better opportunities for innocent victims of wrongful conviction and imprisonment to overturn their convictions and clear their names.

6. For some, the 'elephant in the room' is that we are yet to 'prove' the innocence project model by overturning a wrongful conviction. There are always naysayers and without wishing to trivialise the enormous challenges that alleged wrongful convictions present and which all face on a daily basis, the history of miscarriages of justice in the UK and the statistics from the innocence projects in the US show that the overturning of wrongful convictions takes many years of careful and painstaking investigation – and a good dose of luck! From a standing start with little or no experience and little or no support we have, indeed, struggled, but we have learnt much as a network and the organisational knowledge and experience is vastly better to when we started. Moreover, with on-going reviews of applications by innocence projects by the CCRC and a case referred by INUK to a former member that will soon be heard in the Court of Appeal, Dwaine George, we remain hopeful that we are moving ever closer to an innocence project playing a major part in overturning a major wrongful conviction in the UK.

N.B.: INUK referral case of Dwaine George's murder conviction was overturned in December 2014.

THE WAY AHEAD

Going forward we believe that it makes sense to have some kind of "Memorandum of Understanding" between providers of pro bono assistance to alleged victims of wrongful convictions, whether in universities or not and whether members, ex-members and/or non-members of INUK.

On a basic level, all working in this area need to know who is working on what case to prevent duplication of effort, although that does not mean that there cannot be partnering on cases between projects and other organisations.

To this end, we are happy to maintain an e-mail list if colleagues in innocence projects and/or other similar organisations that provide pro bono assistance to alleged victims of wrongful convictions want us to for the sharing of information and best practice.

Please let us know if this applies to you and you want to be added to the INUK pro bono casework list.

We could also use this list as a forum to discuss issues of mutual interest (in the way that we have always wanted this list to develop) and to publicise publications and events of general interest.

MEMBERSHIP OF THE INNOCENCE NETWORK IN THE US

We also encourage all innocence projects in the UK to become members of the Innocence Network in their own right, the international network of innocence projects around the globe.

The name 'innocence project' is trademarked by The Innocence Project.

If innocence projects that are not members of the Innocence Network in the US then The Innocence Project will likely take aggressive steps to stop such projects from using the innocence project name; from misusing its brand, etc.

In the circumstances, we recommend all innocence projects who wish to continue using the name to become members of the Innocence Network.

The membership criteria can be found on the Innocence Network's website: <http://www.innocencenetwork.org/resources/membership-materials>

If you have any queries or questions about membership of the Innocence Network, please contact Rachel Schwartz at: rschwartz@innocencenetwork.org

FINALLY

We have known for some time that without the necessary resources and support that INUK could not continue to operate.

As already said, INUK was never intended to be a support service for member innocence projects.

It has never had the resources and it was never financially viable for it to be so, even from the start.

However, we felt ethically obliged to support the fledgling innocence projects that we had facilitated in any way that we could until they were able to stand on their own feet.

We feel now that that time has come with many of the innocence projects that were facilitated by INUK being 6, 7 or even 8 years old and with much internal experience and knowledge.

This makes them equipped to operate as truly independent projects in their own right and to form new forms of association and collaboration to support and further their work on alleged wrongful convictions, as many of them have been doing over the years.

In parting, we want to emphasise that all of those running or who work with innocence projects (or similar wrongful conviction or miscarriage of justice projects in universities) should always keep at the forefront of their minds and the work that they do that “the main thing is to keep the main thing the main thing” – i.e. that innocent prisoners are the reason for such work; that student education is, indeed, valuable and important; but, that striving to overturn wrongful convictions so that factually innocent victims of wrongful convictions and/or imprisonment can achieve their freedom and clear their names should always be the first priority.