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INQUIRY

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Innocence Network UK (INUK)
School of Law,
University of Bristol
Wills Memorial Building
Queens Rd
Bristol BS8 1RJ

For any queries about INQUIRY, please e-mail: Innocence-network@bristol.ac.uk

THE CASE OF THE INFAMOUS PENILE SWAB

BY NIGEL HODGE, FORENSIC SCIENTIST

Back in the winter of 2004/5, less than a year after I started working as an independent forensic scientist, I was contacted by a firm of solicitors whose client appeared to have a hopeless case. Their client's step-daughter had accused him of having sexual intercourse with her. He denied the charge. Vaginal swabs were taken from the complainant and penile swabs were taken from the defendant. These swabs, together with the usual DNA reference (mouth swab) samples had been transferred by the police to their forensic science provider's laboratory for analysis.

The laboratory results came back as showing that no semen was detected on the vaginal swab, so it wasn't subjected to DNA analysis. The penile swab had been subjected to DNA analysis and a full (i.e. complete) DNA profile obtained that matched the complainant's DNA profile with a DNA match statistic in the order of 1 in 1 billion (1 thousand million). Fairly solid evidence. The defendant was still denying the charge.

At this point many solicitors would be inclined to try to get their client to plead guilty, but on this occasion they contacted me. It occurred to me that if the defendant was having sexual intercourse with the complainant's mother, then there would be a chance (albeit extremely slim) that the mother and daughter may have the same DNA profile, so I recommended that – if the mother was willing – a reference sample from her be analysed and compared with the results already obtained.

Before the results could be compared I received a phone call from the solicitors that changed everything. A caseworker had noticed that the exhibit number for the penile swab in the Crown forensic scientist's report didn't match the exhibit number for this swab in the police submissions document; rather, it matched the exhibit number for the vaginal swab in that document. What had happened was that the vaginal swab had been sent off for DNA analysis instead of the penile swab, but had been labelled "penile swab". No surprise then that we got a DNA profile matching the complainant, as the swab had

been taken from inside her vagina.

The net result of this was that the case against the defendant was dropped. The forensic science provider was severely embarrassed and

THE CASE OF THE INFAMOUS PENILE SWAB (CONT.)

the police (and others) were understandably angry. If the mistake had not been spotted, it is very likely that the defendant would have been found guilty, sent to prison and may still be there protesting his innocence. Mistakes do happen; forensic scientists are not infallible. This case just shows how important it can be to check the basics. Presumably everyone associated with him would have concluded that he was in a classic case of "denial". I like to think that if the caseworker hadn't spotted the error, I would have identified it when the documents were made available to me for examination, but then I'm no less human than the scientists at the lab who originally worked on the case. Would I have seen this? I honestly don't know.

The caseworker was no forensic scientist but nevertheless spotted a problem that highly qualified professionals missed. Never doubt the potential value of your own involvement in a case, and if you see something that you think is out of place, mention it. It may be that you've spotted something everyone else has missed.

INNOCENCE PROJECTS - A MODEL FOR CLINICAL LEGAL EDUCATION

BY COLLEEN SMITH, DIRECTOR, SHEFFIELD HALLAM UNIVERSITY INNOCENCE PROJECT

Clinical Legal Education at Sheffield Hallam University (SHU) has been a flagship of the law programme for the past 18 years. It is well recognised that clinical legal education programmes enable students to apply law in a real world context so they can arrive at an understanding of the role of law in practice. Students are able to develop both their legal and generic professional skills. Clinical legal education not only serves as the best possible vehicle for the learning of the skills of a lawyer, it also serves as a highly effective vehicle for the teaching of doctrinal law, and provides an unrivalled context for the development of a solid, ethical understanding of the profession of law.

The underlying philosophy of our clinical modules is that students' understanding of legal rules and principles are enhanced if they can appreciate the practical context in which those rules and principles are applied. Similarly, their professional ability is strengthened if they develop skills at the same time as they study the substantive rules and principles underlying the law. To this end the development of knowledge and skills is viewed as an integrated, not a linear, achievement. The aim is to produce law graduates who understand the interdependence of black letter law and procedure, and are able to reflect on the law in their professional life and the global context within which they will operate. Students' academic learning is blended with developing the practical skills essential to becoming employable.

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Since the inception of the Law Clinic 18 years ago a suite of clinical modules have been developed, including the 'Innocence Project' Module. This module runs along the same lines as our other clinical modules. Students work in firms of six, supervised by an academic tutor and work alongside the solicitor who is responsible the case (if the client has one). We are also fortunate to have a QC who acts as our advisor. The firms meet formally twice a week to discuss case progress and attend workshops on various clinical skills (DRAIN skills) such as drafting, interviewing and, research.

A MODEL FOR CLINICAL LEGAL EDUCATION (CONT.)

The students are assessed on their continuous performance which is evidenced in their 'file of work' and a written case study which concerns an aspect of one of the cases they have been working on.

Much has been written about the pedagogic advantages of learning in a practical way. Hands-on experience exposes students to a unique way of learning law, procedures, ethics and develops their understanding of how it all works in practice.

Indeed, many of my students have been quite shocked at their own naivety. Until they had worked on the Innocence Project, they believed the criminal justice system worked flawlessly!

'I found actually dealing with the idea of having a person's liberty in our hands very scary, but at the same time exhilarating that we had that responsibility…'

'I have learned more in the last year having hands-on practice than revising from a book for an exam. Reflecting on my experiences has also been very helpful and I agree with the idea "Reflection is the magic ingredient converting experience into education"

'Until you take part in this module you never really think that the law can create injustice for some individuals. I always believed that the law was a place to protect people…'

As can be seen from the sample quotes, students often begin to question the criminal justice system, and also their own way of learning. To a greater extent than other methods, learning in a clinical way involves self-reflection and evaluation. Reflective practice can be a very difficult skill to master, however those students who can reflect upon and evaluate their own learning, not only produce incredibly insightful and meaningful pieces of work, they also harness this evaluative thought process to use in their casework. Students who engage successfully in reflection see the' bigger picture' and they can and often do use this skill to look beyond the immediate casework to focus on law reform and policy work, something strongly encouraged at SHU Innocence Project.

Teaching and assessing an Innocence Project piece of work is not an easy task for the academic tutor, as with all practical modules we face the age-old conflict of client need versus educational aims. It is hoped that working within the INUK protocols and being honest and direct with the prisoners and their solicitors we can give clear guidance on the type of service we can offer and state what our parameters are.

The students are instructed and supported from day one, so they understand that although they are undertaking an assessed module which forms part of their degree, it is the client who must be in the forefront of their minds at all times. Although the student values what grade they will achieve at the end of the module, in the three years that I have been running an Innocence Project module, they have consistently put the client first at all times.

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JOINT ENTERPRISE: A LEGAL DOCTRINE WHICH LEADS TO THE CONVICTION OF THE INNOCENT

*BY ANDREW GREEN, MEMBER OF INNOCENT & JENGBA & AUTHOR OF POWER, RESISTANCE, KNOWLEDGE: THE EPISTEMOLOGY OF POLICING (2008, MIDWINTER & OLIPHANT)**

On the streets of Tottenham during recent riots, a young man said to a TV camera, 'the joint enterprise law is the reason we hate the police.' The use of joint enterprise has become common, principally in murder cases. The campaigning organisation Joint Enterprise: Not Guilty by Association (JENGbA) has trawled the media for murder prosecutions with more than one defendant, and found 233 defendants facing charges in cases involving 82 victims (there are undoubtedly more cases, but no official body compiles statistics).[1] A BBC News report of 7 September 2010 stated that since 2008 more than 350 defendants had been prosecuted in 116 murder cases, and joint enterprise law has been applied in all of them.[2]

Many of those convicted claim to be innocent. Over 230 prisoners have contacted JENGbA, seeking help because they claim to be innocent. Some of these admit that they were engaged in criminal activity when the murder of which they were convicted took place, but that they had no foresight that a violent crime might take place and did not encourage the perpetrator. Others claim they have committed no crime at all and are completely innocent.

INNOCENT and other grass roots support and campaigning organisations which are members of United Against Injustice (UAI) have been overwhelmed by joint enterprise murder cases, and many of these are coming to the attention of INUK and its university Innocence Projects.

How has the use of this legal doctrine become so common and so feared amongst young people, and why is it important to understand how it is used?

Joint enterprise is a legal doctrine, not a law. It is part of the common law, not statute. The doctrine is ancient, traceable back to the 16th century. Simply stated, it is a rule that if two or more people embark on a joint criminal enterprise, all of those involved are equally responsible for any crime committed in the course of that enterprise, whether it was the crime they all set out to commit, or another crime, as long as they could foresee that the crime might be committed. So if a group of people intend to commit a common assault, but one of them murders someone, they are all guilty of murder, as long as they were aware that one of their number might be capable of killing or causing serious harm.

A recent article on Joint Criminal Enterprise[3] argues that the joint enterprise doctrine formerly required the application of an *exclusionary* principle using a test of whether the crime had been 'authorised' by a co-defendant of the actual perpetrator,[4] but has been transformed to enable the systematic *inclusion* of anyone believed to have had 'foresight' of what the perpetrator might be capable of doing. Now, when trying a joint enterprise case, if a jury is convinced that a defendant had foresight of what crime a perpetrator might be capable of committing, and encouraged her or him to commit it, then that defendant is also guilty of the crime.

The doctrine may sound reasonable. But how can jury members know what foresight a defendant

JOINT ENTERPRISE (CONT.)

had of the state of mind of a perpetrator? In some cases trials proceed and defendants are convicted although it is not known who the perpetrator was, and the perpetrator may not have been caught or even identified. Encouragement by a defendant is routinely inferred from his or her presence at a crime scene, or from the making of phone calls around the time of the murder (the content of calls being unknown).

Because both foresight and encouragement require no direct proof, but only inference from actions or communication by defendants, it is very easy for prosecutors to secure murder convictions using the joint enterprise doctrine. Compare an 'ordinary' murder, where identity of the perpetrator and intent – *mens rea* – must be proved. In joint enterprise prosecutions, no proof of intent on the part of defendants is needed. There is no need for the police to identify the perpetrator. No wonder joint enterprise has been called a 'lazy law' and is popular with the police. Commander Simon Foy, head of the Metropolitan Police Serious Crime Squad, says: 'Joint Enterprise has a lot of popularity around murder. It's mostly used in murder…'.[5]

How does it work in practice? The following are typical of the evidence deployed in joint enterprise cases.

Presence at the scene: Juries are told that mere presence is not enough to prove involvement, but if they think that the presence of a defendant encouraged the perpetrator, then that is evidence of guilt. An example of this is the case of Jordan Cunliffe who was convicted of murder because he was near a friend responsible for kicking the victim and causing his death. This was despite the fact that Jordan suffers from severe keratoconus, a disabling eye condition which transforms vision into a confusion of flashing lights and prevented him from knowing what was happening.[6]

Mobile phone calls: The records of calls between suspects made around the time of a murder are used to infer that those who made them are all members of a 'gang', know that some of the 'gang' are capable of committing violent crime, and have encouraged each other.

Cell site analysis: This analysis of how signals from mobile phones are received and transmitted via nearby masts shows where and when phones were used and the direction in which they travelled. There is no record of the content of calls. Expert analysis purports to place individuals at crime scenes, or moving 'in convoy' with other defendants. From this it may be inferred that the owners of the phones used were engaged in joint enterprise with other defendants, knew what they were capable of doing, and were encouraging them to commit a serious violent crime. But many people convicted on such evidence report that they were not in possession of the handset at the time calls were made, or that records disclosed by phone companies are wrong (for example, relating to a mast that was not functioning at the time the calls were made), or that calls can be innocently explained: in one case, experts were asked whether calls that were consistent with being made from a crime scene were also consistent with being made from the defendant's home: they replied that they could not say, because the police had not asked them or paid them to find out.

CCTV recordings: It might appear that any jury member could view and make a judgment on a CCTV recording purporting to show a defendant in a place or acting in a way which implicated her or him in a crime. Unfor-

JOINT ENTERPRISE (CONT.)

tunately many such recordings are of poor quality and made in poor lighting conditions, so the evidence presented in court is the *interpretation* of recordings, made by 'experts' who are often also investigating officers.[7]

Witnesses under threat: Because it so easy for the police to make realistic threats of prosecution for murder when all the evidence they need is that of association with other potential suspects, those who are arrested on suspicion of involvement in murder often realise that their only escape from prosecution is to make statements implicating other suspects. Former Metropolitan Police Commissioner Ian Blair wants 'more young people who are involved in these crimes to turn Queen's evidence, to give evidence for the prosecution about what happened ...'.[8]

Thus witnesses originally arrested along with those who become defendants may have evidence against them which is no different to that being used against those who are charged with a crime. For example, a witness who owned a car used in a drive-by shooting was threatened with a murder charge. She made a statement saying she had lent the car to two people, who were then arrested and later convicted of the murder. Her statement was the only evidence against one of these, who denied he had borrowed the car. She did not attend court to give evidence at the trial, and the police said they could not find her.[9]

In this last case, the trial judge required the jury to be sure that each defendant (there were nine of them) were present in one of three cars alleged to be travelling 'in convoy' past the scene, that they knew the perpetrator was armed with a shotgun, and that he might use his weapon. It seems a lot to be inferred from a witness statement unsupported by oral testimony. Another defendant in this case was arrested a month after the shooting, when he was stopped by the police while driving a car with some friends in it. Arrested on suspicion of having committed a driving offence, he was released on bail, but the police kept a mobile phone seized from him. He denied that the phone belonged to him. A cell site analysis expert said this phone had been used at or near the scene of the crime, at the time when the crime was committed. It was the *only* evidence against this defendant.

So, inferences which are used to prove responsibility for murder can be drawn from single highly contested strands of evidence. Each of these strands of evidence, on their own and without corroboration, are used to support allegations that a defendant had foresight that someone else might be capable of intentionally inflicting serious or fatal injury, *and* encouraged the actual perpetrator to commit the crime.

For those of us who are asked to help challenge convictions, whether criminal appeal lawyers, students in innocence projects, or members of support organisations, cases like these are some of the most difficult. When the prosecution evidence is so minimal, what is there to contest? Frequently defence lawyers, accustomed to conventional cases, do not anticipate their clients will be convicted on such evidence. They are not *au fait* with how the law has developed, and tell their clients they have nothing to worry about and need do nothing. After conviction, they can find no grounds on which to appeal.

Those fighting injustice therefore have added responsibility towards those claiming to have been wrongly convicted through application of the joint enterprise doctrine. Since the evidential bar to successful prosecution is set so low, frequent wrongful convictions are likely to occur, while fresh evidence is hard to find. We

JOINT ENTERPRISE (CONT.)

must work with families and friends to identify potential sources of fresh evidence, such as records that police investigations are likely to have generated but which have never been disclosed, or the potential for an independent cell site analysis expert or a CCTV analyst to discredit trial evidence submitted by the prosecution.

We must not underestimate the problems we face. The law has not changed casually – the change has been planned and driven by policy,[10] designed to provide the police with a powerful tool for tackling a perceived problem of gang violence. Key cases are tried by senior judges dispatched to regional courts, and the subsequent appeals often end up before judges who uphold convictions however slight the evidence. No doubt the Criminal Cases Review Commission will be, as usual, unwilling to challenge the courts' acceptance of this 'draconian law'.[11]

The Law Commission has made its recommendations for enshrining this doctrine in legislation:

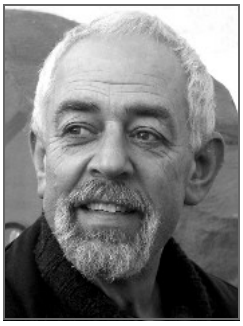
(1)[W]here two or more persons participate in a joint criminal venture,
(2) If one of them (P) commits an offence, another participant (D) is also guilty of the offence if P's criminal act falls within the scope of the venture.
(3) The existence or scope of a joint criminal venture may be inferred from the conduct of the participants (whether or not there is an express agreement).
(4) D does not escape liability under this section for an offence committed by P at a time when D is a participant in the venture merely because D is at that time (a) absent, (b) against the ventures being carried out, or (c) indifferent as to whether it is carried out.[12]

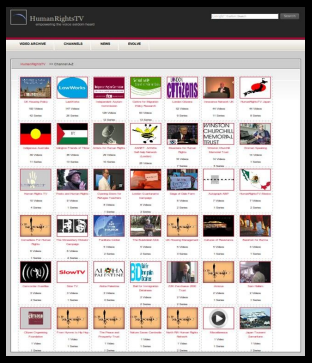
'Intent' is a word conspicuous by its absence from this formula. Section 4 positively encourages the rounding up of numerous suspects. Is this a glimpse of the future of the criminal law, corrupted by joint enterprise doctrine development?[13] No wonder young people feel angry and hate the police.

Parliament's Justice Committee plans to review the law.[14] JENGbA and senior lawyers are working with the Committee and plan to submit evidence for consideration. We argue that convicting innocent people is not an effective way of preventing gang violence. We hope to persuade politicians to abolish or reform this law. Perhaps anger against its unjust outcomes and its threat to young people will, for once, have some effect.

Endnotes

*JENGbA website is at www.jointenterprise.co and INNOCENT at: www.innocent.org.uk
1 Trawl last updated 28 July 2011
2 Their source is not given, but the article implies the data have been provided by the Metropolitan Police (http://www.bbc.co.uk/blogs/guysmith/2010/09/theres_little_evidence_as_to.html).
3 Beatrice Krebs, *Joint Criminal Enterprise,* Modern Law Review 2010 73(4): 578-604
4 Geoffrey Lane QC, approved by Lord Parker CJ, in *Anderson and Morris* [1966] 2 QB110 (CA) at 118-119
5 Live Magazine, 21 Apr 2011; http://live-magazine.co.uk/article/joint-enterprise/554#
6 Cunliffe [2010] EWCA Crim 2483
7 For example: [2008] EWCA Crim 1342, paragraphs 63-73; see also *Otway* [2011] EWCA Crim 3
8 BBC Today Programme 8 September 2010
9 Pinnock and others [2006] EWCA Crim 3119)
10 Powell and English, House of Lords 1997
11 Former Lord Chancellor Lord Falconer, BBC Today Programme of 8 September 2010
12 LawCom 305, CM7084 2007
13 Krebs op. cit.
14 http://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/news/announcement-of-joint-enterprise/





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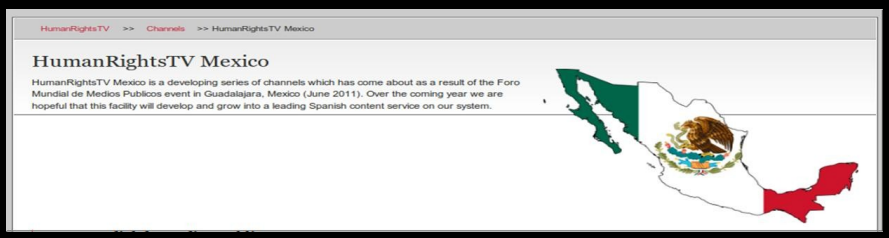

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BOOK REVIEW: THE CRIMINAL CASES REVIEW COMMISSION: HOPE FOR THE INNOCENT? M. NAUGHTON (ED.) BASINGSTOKE: PALGRAVE MACMILLAN (2010) ISBN 978-0-239-21938-0

BY CLAIRE MCGOURLAY, DIRECTOR, UNIVERSITY OF SHEFFIELD INNOCENCE PROJECT AND GEORGINA QUINTON SMITH, STUDENT, UNIVERSITY OF SHEFFIELD INNOCENCE PROJECT

This collection of papers examining the work or role of the Criminal Cases Review Commission (CCRC) comprises a total of 17 contributions by academics, legal practitioners, campaign officers and journalists whose separate contributions come together to provide a critique of the CCRC. This work is the result of the Inaugural Innocence Network UK (INUK) Symposium to mark the tenth anniversary of the CCRC, held at the University of Bristol in March 2007. Although prepared for the symposium in 2007 and not published until 2010, the issues dealt with in the book are still very much in need of discussion. The book is essential reading for academics, students, policy makers and practitioners as well as campaign groups with an interest in miscarriages of justice.

The book is organised logically to gradually influence the perception of the reader; beginning with introductions from senior legal figures such as Michael Mansfield, Michael Zander and Michael Naughton, the 'failings' of the CCRC are exposed.

However as the book progresses one's perception swings to the belief that although improvements could, and should, be made (suggestions made by Maddocks and Tan should be noted), perhaps some are not 'failings' after all, but instead, just appear so as perceptions of the CCRC are skewed.

The book may completely change the reader's perception of the CCRC via a thorough exploration of the entire organisation, its history, objectives and apparent failings. Naively perhaps, the general public's perception of the CCRC is that it seeks to overturn convictions of those who are factually innocent but the book evidences that this is not the case: technical innocence is, in fact, the primary focus with actual innocence of the individual being secondary to this. This eye-opening compilation, furthermore, informs the reader that it would be virtually impossible for the organisation to perform in the way public perception believes it already does: restrictions imposed by statute, the Court of Appeal and funding would not allow it, frustrating as this might be.

As a student exploring the complex body that is the CCRC and an academic running an Innocence Project and teaching on the topic of miscarriages of justice, we found the most interesting chapter to be 'After ten years: an investment in justice?' by Richard Nobles and David Schiff. The chapter gives a detailed historical background of the forming of the CCRC, the foundations on which it was set and the ideals behind it: essential for anyone wishing to analyse and critique the Commission. The chapter continues with an exploration of three criteria for assessing the achievements of the CCRC, usefully allowing the reader to form a judgment about whether it is, indeed, a successful body fulfilling the purpose for which it was created, or whether – as Michael Naughton suggests in his opening chapter – it is, indeed, failing. Nobles and Schiff do an excellent job of writing in a clear yet rigorous manner, evidencing their information with statistics which are not only informative but also incredibly interesting to the reader; the statistics clearly show the facts surrounding the first ten years of the CCRC's existence on a measurable scale, that can be put into perspective and compared. Furthermore, the chapter is peppered with quota-

Book Review (Cont.)

tions from academics, journalists and people involved in real life miscarriage of justice cases, adding an extra dimension for the reader. The chapter provides a starting point for learning about the CCRC from which readers can progress to other chapters in the book.

The other contributions from legal practitioners and voluntary sector workers are also informative and make for compelling reading. Finally, Naughton completes the book with a similar conclusion to that which we also arrived at: 'There is still a need for a specific body to help alleged innocent victims of wrongful conviction . . . (that is) able to function in the interests of justice as popularly understood' (p.225, italics added).

Overall, the book provides a significant insight into work of the CCRC and its objectives. It suggests that without organisations such as INUK and other pro-bono projects, many factually-innocent individuals would, indeed, have no hope of release or disproving their guilt as questioned in the title.

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BOOK REVIEW: THE CRIMINAL CASES REVIEW COMMISSION: HOPE FOR THE INNOCENT? M. NAUGHTON (ED.) BASINGSTOKE: PALGRAVE MACMILLAN (2010) ISBN 978-0-239-21938-0

BY HANS SHERRER, EDITOR & PUBLISHER OF *JUSTICE DENIED—THE MAGAZINE FOR THE WRONGLY CONVICTED*

The Criminal Cases Review Commission: Hope for the Innocent? has valuable insights for anyone interested in correcting the conviction of innocent people.

The book is an anthology of 14 essays that critically examine the effectiveness of the Criminal Cases Review Commission (CCRC) for England, Wales and Northern Ireland. The essays were written by law professors, lawyers, journalists and advocates for the wrongly convicted.

The idea of an organization modeled after the CCRC has been suggested for Australia, New Zealand, Canada and the United States. So the information in the book's essays is invaluable for evaluating whether establishing such an organization is worth pursuing in those and other countries.

The CCRC was created by the Criminal Appeal Act of 1995 in response to several high profile exonerations between the late 1980s and the early 1990s of people convicted in the 1970s of Irish Republication Army (IRA) bombings in England. Publicity about those swayed public opinion toward believing that the then current method of reviewing cases of a possible miscarriage of justice was inadequate. Those bombing cases included the Guildford Four, The McGuire Seven, and the Birmingham Six. The Guildford Four is depicted in the 1993 movie 'In The Name of the Father', that starred Daniel-Day Lewis as Gerry Conlon and Emma Thompson as solicitor (attorney) Gareth Peirce.

Prior to the creation of the CCRC, the C3 division of the British Home Secretary's Office reviewed cases of a possible miscarriage of justice

Book Review (Cont.)

and referred meritorious cases to the Court of Appeal—Criminal Division (CACD). (The Attorney General is roughly the US equivalent of the Home Secretary.) The IRA bombing cases revealed that political considerations were affecting the C3's referral of possible miscarriage of justice cases to the CACD. To remedy that "apparent constitutional problem" the CCRC was created to take over the function of C3. (p.1)

The CCRC began operating in 1997 as an independent body to evaluate cases that involve a possible miscarriage of justice, and recommend those cases to the CACD that based on "fresh" (new) evidence have a "real possibility" of either having the conviction overturned or the sentence reduced.

There is a wealth of information in the book's essays about how the CCRC has performed in practice, in contrast with how it was expected to perform by those who advocated for it to replace C3.

The overwhelming sentiment based on the author's analysis is that the CCRC has not just failed to live up to the expectations that it would provide an effective mechanism to correct the conviction of innocent people, but that large numbers of innocent people are languishing in prison because the CCRC will not even investigate their cases, much less refer their cases to the CACD.


Dr Michael Naughton

The CCRC's failure is so spectacular that miscarriage of justice cases referred to the CACD by the Home Office's C3 division would not today be referred to the court by the CCRC, because they wouldn't consider there is a "real possibility" of a successful outcome. Dr. Michael Naughton, the book's editor and founder and chairman of the Innocence Network UK , levels the most damaging accusation possible against the CCRC by asserting it is unlikely it would refer the Birmingham Six case to the CACD. Naughton writes: "This is because the evidence of police misconduct and incorrect forensic expert testimony that led to the quashing of their convictions in the third appeal was available at the time of the original trial and appeal, so it does not constitute the kind of 'fresh evidence' normally required by the CCRC to encourage a referral." (p.4) The irony of Naughton's observation is that one of the impetuses behind creation of the CCRC was a lack of public confidence in the legal system caused by publicity about the exoneration of the Birmingham Six that only happened because C3 referred their case to the CACD.

The statutory role and responsibilities of the CCRD set out in the Criminal Appeal Act 1995 are defined as:

* Reviewing suspected miscarriages of justice and referring a conviction, verdict or finding or sentence to an appropriate court of appeal where it is felt that there is a "real possibility" that it would not be upheld.

* To investigate and report to the Court of Appeal on any matter referred to the Commission.
* To consider and report to the Secretary of State on any conviction referred to the Commission for consideration of the exercise of Her Majesty's prerogative of mercy.

The Act creating the CCRC specifically states it will be an independent organization, "the Commission shall not be considered as the servant or agent of the Crown." (p.55) However, it is explained in the book that the CCRC is effectively a servant of the appeals court because it evaluates

Book Review (Cont.)

cases based on the "real possibility" of success if referred to the CACD.

The degree to which the CCRC adheres to its statutory mandate can be gleaned from analyzing its success rate. From 1997 to February 2011, 314 of the 449 cases the CCRC referred to the Court of Appeals had their conviction quashed or their sentence reduced. (See, http://www.ccrc.gov.uk/cases/case_44.htm) It is observed in several of the book's essays that the high success rate (70%) of referred cases is because the CCRC rigorously adheres to its statutory mandate to only refer cases that have a "real possibility" of being granted relief by the CACD.

The CCRC has contributed to quashing the conviction or reducing the sentence of an average of less than 23 cases yearly (314/14). Yet, it has conservatively been estimated that there are an average of almost 5,000 convictions annually in the United Kingdom that can be considered a miscarriage of justice (p.166) — and that doesn't even take into account cases involving an unjust sentence.

That is why Kevin Kerrigan writes in his essay "Real Possibility or Fat Chance," that for "an increasing number of campaigners, lawyers and academics, the CCRC has come be seen not as a solution, but as a contributor to systemic injustice in criminal law. Initially high expectations among prisoners, families and their representatives have developed into cynical rejection of the CCRC as a maintainer of the status quo and a means of taking the political sting out of the continuing reality of wrongful convictions." (p.166)

The illusion that the CCRC appreciably contributes to rectifying miscarriages of justice in England is reflected by considering there were 57,000 felony convictions in 2006, and through the direct appeal process almost 300 convictions were quashed and almost 1,700 sentences were reduced. (152-153). That is a total of 3.5% of convictions (2,000/57,000). In 2006 the CCRC referred 33 cases to the CACD that resulted in a quashed conviction or a reduced sentence. So in 2006 the CCRC added 0.0165% (33/2,000) to the convictions that were quashed or sentences reduced by the direct appeal process. That situation was even worse in 2009-2010 when only 23 referrals by the CCRC were successful in the CACD.

The general ineffectiveness of the CCRC to assist in correcting miscarriage of justice cases is detailed in the essay, "After Ten Years: An Investment in Justice?" The Home Office's C3 division reviewed between 700 and 800 possible miscarriage of justice cases annually, of which around 10% were referred to the CACD. (151) So C3 referred 70 to 80 cases annually to the CACD. (151) The CCRC's budget is almost 10 times what C3's budget was (adjusted for inflation), yet during its first 14 years of operation it referred an average of 32 cases to the CACD (449/14). The math is basic: The Home Office's C3 division was more efficient than the CCRC in referring possible miscarriage of justice cases to the CACD. It is disturbing to consider, but the question that begs to be asked and seriously considered is how many more miscarriage of justice cases would have been referred to the CACD since 1997 if the CCRC had not been established, and the C3 office had not been closed? Was the CCRC not a solution, but has it in fact increased the difficulty any given innocent person has to expose the truth and have their conviction overturned?

Naughton discusses that a key flaw with the CCRC is it relies on the same standard to deter-

Book Review (Cont.)

mine if a case is a miscarriage of justice as the CACD uses to evaluate the legality of a conviction. He calls it the "legalification process, shifting from a concern with the possible wrongful conviction of the innocent to an entirely legal notion that sees miscarriages of justice in terms of the need for convictions to be safe in law." (p.18) Neither the CACD nor the CCRC is *per se* concerned with the actual innocence of a convicted person — they are primarily concerned with determining if there is "fresh" (new) evidence that legally undermines the "safety" (i.e., reliability) of the person's conviction.

The book's essays identify two very negative consequences of the CCRC replacing the Home Office's C3 division. First, the press largely lost interest in reporting on cases of people claiming innocence. Second, the grass roots organizations that had been working on cases of people claiming innocence largely stopped doing so.

However, there has been a backlash to the CCRC's reluctance to investigate cases involving a person claiming actual innocence. Only 7 years after it began operating the Innocence Network UK was founded in 2004 at the University of Bristol. The Innocence Network UK has helped to set up more than 30 innocence projects at universities in England, Scotland and Wales. Those projects are currently investigating around 100 possible actual innocence cases. (Endnote 1) So advocacy for imprisoned people claiming innocence has come full circle in the UK — there has been a rebirth of the grassroots organizations that were displaced by the CCRC under the false assumption it would assume the torch of championing their cases.

The CCRC's general ineffectiveness is consistent with the one experience in the United States with a quasi-criminal case review commission. The North Carolina "Innocence Enquiry Commission," is a state agency that began operating in 2007.

Although the number of wrongful convictions in the U.S. is unknown, it is credibly estimated to range from 2% to 15% of convictions. North Carolina has a prisoner population of over 41,000 (41,174 on March 14, 2011). So there are likely anywhere from 820 to 6,150 innocent persons imprisoned in North Carolina. Yet, in its first four years of operation the NCIIC has assisted in overturning one person's conviction. (Endnote 2)

There are differences in the respective legislation establishing the CCRC and the NCIIC, however the end result is the same: Neither one is effective at assisting in the exoneration of innocent people. (Endnote 3)

The unvarnished picture painted by The Criminal Cases Review Commission and the experience in the U.S. with the NCIIC is it is a fools Nirvana to expect an organization created by the government to vigorously pursue correcting the conviction of innocent persons. The most effective advocates for the innocent are people and organizations outside the system that have no self-interest in maintaining the status quo or currying favor with the police, prosecutors, or judges involved in a conviction.

Naughton writes in the book's Conclusion: "It is clear from this book, however, that the CCRC is not the solution to the wrongful conviction of the innocent, and that the problem that caused the public crisis of confidence in the criminal justice system that led to the RCCJ and the CCRC remains: the flaws of the criminal justice system mean that innocent people can be wrongly convicted and the system (still) does not contain the appropriate means of ensuring that wrongful convictions will be overturned when they oc-

Book Review (Cont.)

cur." (p.228)

The Criminal Cases Review Commission: Hope for the Innocent? is a must read for any person with a serious interest in understanding what approaches may and may not work to help with overturning the conviction of innocent persons.

The book's $95 price in the U.S. is steep, but a person can request that their local public, university or law school library purchase a copy for general circulation.

Endnotes:

1 "The Innocence Project: the court of last resort," By Sarfraz Manzoor, The Guardian (London), January 9, 2011. Those are all serious criminal cases, while the CCRC even involves itself with referring to the CACD cases involving a person convicted of a traffic violation.

2 North Carolina Innocence Inquiry Commission

3 This reviewer predicted before the NCIIC began operating that it would fail to assist in the exoneration of an appreciable number of innocent people. As the editor and publisher of Justice Denied — the magazine for the wrongly convicted, this reviewer wrote in the editorial, "Worse Than Nothing: The North Carolina Innocence Inquiry Commission is a huge step in the wrong direction":

"The byzantine rules under which the NCIIC and the three-judge panel appointed to review a case referred by the commission operates, raises the question: Who will be successful in having erroneous charges dismissed against him or her?

...North Carolina has 38,000 adult prisoners (Dec 2006), so if perchance several of them a year overcome the NCIIC's procedures and succeed in having their charge(s) dismissed, they will likely be used as examples of the legal system's effectiveness, and how rarely it errors by convicting the wrong person… The NCIIC is worse than nothing. It can only be hoped that no other state relies on it as a model to establish a comparable statutory scheme …" (*Justice Denied*, Issue 34, Fall 2006, 22-23) In a subsequent Justice Denied editorial his reviewer wrote after the NCIIC had been operating for more than a year:"… as we prophesized in our editorial, the NCIIC is fulfilling its true function of falsely confirming "… the legal system's effectiveness, and how rarely it errors by convicting the wrong person." We repeat our call for repeal of the legislation creating the NCIIC, and we repeat that it is worse than nothing." (Justice Denied Editorial — "There Is No Political Will In The United States To Correct Wrongful Convictions," Justice Denied, Issue 40, Spring 2008, 16).

This review was originally published in Justice Denied, March 2011: <http://justicedenied.org/wordpress/archives/881>

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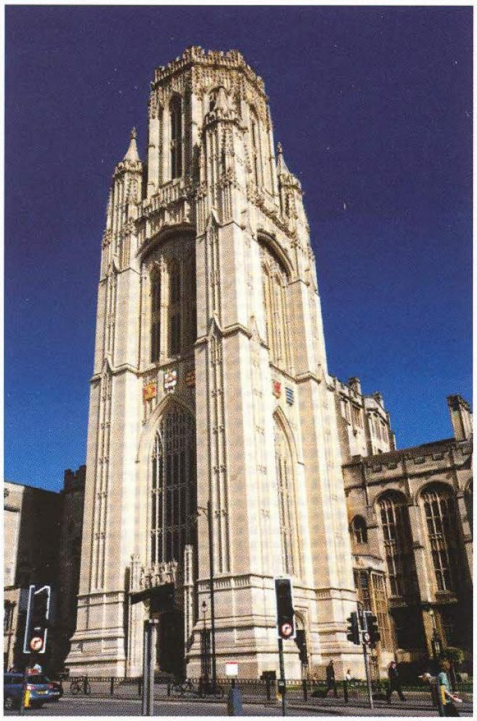

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KEYNOTE SPEECH: SURVIVING THE TRAUMA OF FALSE ALLEGATIONS BY GABE TAN, INNOCENCE NETWORK UK (INUK)

The following is an abridged version of the key-note speech given by Gabe Tan at the Falsely Accused Carers and Teachers (FACT) Spring Conference held in Birmingham on the 28 May 2011. It has also been published in FACTION, Vol. 26, July 2011.

Introduction

I would like to thank Mike Barnes for inviting me to talk at this conference today. I have been to FACT conferences for the last three years and I have always found them thought provoking and inspiring. So I am really glad today to have this opportunity to address this conference.

My talk today is based on an article that I've recently published in the international journal Critical Criminology entitled 'Structuration Theory and Wrongful Imprisonment: From 'Victimhood' to 'Survivorship'.

In short, the article looks at cases of individuals who were wrongly imprisoned and how they seek to rebuild their lives after release.

I've been working in the area of wrongful convictions for about seven years now. First as a student on the Innocence Project and now working full time for the Innocence Network UK. It has become very apparent to me that one of the main issues is the difficulty that victims of wrongful imprisonment face after release, and their inability to move on with their lives. This is why I I started undertaking research on this issue. I wanted to explore, not just how victims are harmed by their wrongful conviction, but also, how they could survive it and rebuild their lives after release.

Whilst the article focused on cases of wrongful imprisonment, many of the harms they face and the strategies they use to survive, it will equally apply to those who have not been imprisoned, those who were charged but acquitted and those who were falsely accused but the charges against them were dropped.

Indeed, although those who have been wrongly imprisoned can be conceived as the 'worst cases' of miscarriages of justice, there are many types of harm that are shared by those who have been falsely accused in general. The stigma, the loss of jobs and difficulty of regaining employment, the psychological stresses experienced by individuals and their families, the financial costs incurred in seeking to challenge the allegation and so on.

I have to admit at the outset that, in many ways, I am perhaps not the best person to be giving this talk. I am sure that many of you who are sat here today have survived a false allegation. Some of you may have been imprisoned and achieved release after overturning your convictions. You are better placed than I am to talk about how you have survived your ordeal. Indeed, this research was very much based on your stories, the biographical and autobiographical accounts of people like Paddy Hill, Gerry Conlon, Patrick and Anne Maguire, Michael O'Brien of the Cardiff Newsagent Three and so on. Each individual story is a unique one. Many are heartbreaking, such as the story of Sally Clark who never got over the trauma of her wrongful conviction and imprisonment. At the same time, many are inspiring and they give a real insight into human tenacity and people's ability to survive the harms of the wrongful conviction, no matter how devastating they are.

My aim is not to give a definitive guide on how to survive a wrongful conviction. The objective, instead, is to bring these stories together, and dis-

Keynote Speech (cont.)

cern some shared, common factors that enable those who have been wrongly convicted and imprisoned to move on from being a victim to a survivor.

In all stories of survivorship – whether one is looking at victims of wrongful imprisonment, those who has been through other forms of trauma, being a victim of abuse, being a victim of a debilitating accident, being a victim of war, being a victim of a serious crime - a common thread lies in how people overcome the harms inflicted on them. It involves three crucial ingredients: stability, identity and resistance.

1) Stability

When victims of wrongful imprisonment are released, particularly those who have been released after spending many years in prison such as the Birmingham Six, the Guildford Four, Robert Brown and Paul Blackburn who spent 25 years in prison, they are often released with no structure in their lives.

Their families have been torn apart. They have no support, no stable accommodation, no income, they don't know anyone. They are released into a world to which they are complete strangers. Many victims of wrongful imprisonment live very unstructured lives for the first few years of their release. In a recent report on Andrew Adams for instance, during his 14 years in prison, his mum died and his father developed Alzheimers. After his release, he had no home to go to, no income, no support. He stayed in hostels, slept on the floor of other people's homes.

Indeed freedom from imprisonment does not mean freedom from all structures and constraints of social life. On the contrary, all human beings need routines, they need structures. For the vast majority of people, our routines are very mundane. We get up at six in the morning, go to work or school, go back home after an 8 hour shift, have a bit of an argument with our families, go to bed, and start again the next day.

With little or no structure in their lives when released, victims of wrongful imprisonment often slide into destructive routines to fill the void – drug addiction and alcoholism seems to be the most common of all. Many victims call it 'self-medication', a way of numbing their pain; a way to take their minds off their ordeal temporarily.

The first step to survivorship is to have a semblance of a stable structure. Somewhere permanent to stay, a stable source of income, a stable circle of friends, family. This stability forms the first step towards survivorship. It is like building the foundations for a house. Without this foundation, you cannot build anything else.

For this reason, compensation and post-release support are very important. Yes, victims want compensation because it is the only semblance of accountability that they can get for what has happened to them. But compensation has a very practical function too, which is to provide them with some financial stability, the capital that they need to start to rebuild their lives.

2) Identity

The second ingredient is identity. In the last seven years, I have met many victims of wrongful imprisonment who seem to be unable to move on, despite the fact that they have been released for many, many years. Some have been out longer than the time that they actually spent in prison.

One of the factors that seems to contribute to

Keynote Speech (cont..)

their inability to move on is the fact that they have become entrenched in the identity of being a victim of wrongful imprisonment. This has implications on first, how they view themselves, second, how they relate to others, and third, how others relate to them. Put simply, if you identify yourself as a victim, you will always remain a victim and others will see you as one.

However, there are other ways in which a victim of wrongful imprisonment can identify themselves – as a parent, as a grandparent, by their occupation (if they do manage to regain employment) and so on. An example is Michael O'Brien and how he has managed to move on over the years from just being one of the Cardiff Newsagent Three. The Cardiff Newsagent Three, for those of you who have not heard of the case before, were convicted for the murder of a newsagent, Philip Saunders. They were convicted primarily on the false confession of one of their co-accused, and evidence manufactured by South Wales Police. The three won their appeals in 1999 after spending 11 years in prison each.

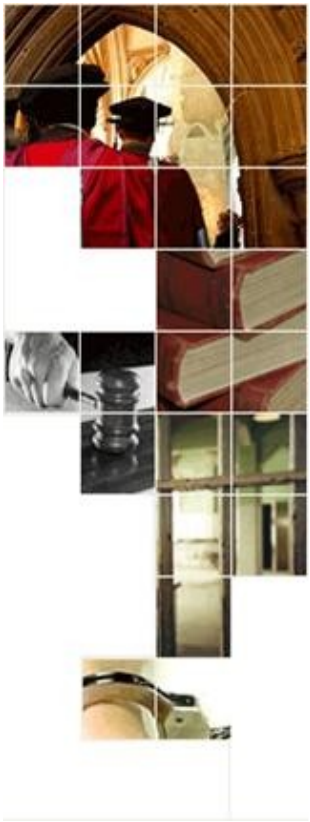
During the 11 years he spent in prison, Mike's wife left him, his daughter died of cot-death, his son grew up without a father, and his own stepfather died of alcoholism. Michael struggled in the first few years of being released. He suffered (and still suffers) from PTSD. Michael has now re-married. He assumed a parental role of his new wife's three children. They have another child together and they have a second child on the way. Michael has also, to a large extent, managed to rebuild his relationship with his son Karl who was one year old when he went to prison.

We often hear of how victims of wrongful imprisonment are still imprisoned in their minds when they are released. For Michael O'Brien, it is quite apparent how this new family life he has, has genuinely helped him by changing his identity from being just a victim of a wrongful imprisonment to something more. He has formed stable relationships with his wife and children, , become a husband and a father with commitments, responsibilities and a future to look forward to. As he said in a newspaper article a couple of years ago:

> ***'I don't look on myself as a victim of a miscarriage of justice but as a survivor…Things are looking really good now. I feel that I'm on the mend and I want to make a success of my life and not always be known as one of the Cardiff Newsagent Three'.***

We see Mike and his wife Claire quite regularly. They live in Cardiff and we often drop by their place when we go to Cardiff prison for prison visits. The last time we saw Mike a couple of months ago, we were amazed by how he did not mention his wrongful conviction at all. He talked about all sorts of things – his kids, how they are doing in school, his cars and Kylie Minogue. He used to be consumed by his wrongful conviction, but now his life is filled with, and has been enriched by, all these different things.

When we talk about re-identification, it is not about forgetting the injustice that has happened. What I'm talking about is not letting the injustice consume your life. Another example is that of Johnny Kamara. Johnny Kamara spent 20 years in prison, out of which 16 years was spent in solitary confinement. In an interview he did last year, he talked about how his life and attitude



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Dr Michael Naughton (INUK)

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have changed with having a family:

> ***'What's helped me has been having a stable relationship with someone and the kids…What really used to make me think was when I used to put the kids to bed…I sit there sometimes and think to myself: "Bloody hell- if I didn't win that appeal, they wouldn't be here." It really makes me think about why I was fighting.'***

The freedom of those who have been wrongly imprisoned is hard-earned. It took years, sometimes decades to fight for. Don't waste the freedom by being trapped in what has happened. Make something positive out of it. Don't let the past define your present. Don't let the past dictate your future.

Of course, the situations that you are in are very different from Michael O'Brien and Johnny Kamara. Both of them were young men when they were convicted and middle-aged when they are released. Some of you here today may have been retired when the false allegation against you was made. But there are similarities too in that all of you have been falsely accused, and falsely accused of very serious crimes – murder, abuse of children, sexual offences. But like Michael O'Brien and Johnny Kamara, you do not have to let the false allegation dictate your identity and who you are.

3) Resistance

Indeed, you could resist the labels that have been unfairly put on you, which brings me to my next ingredient - resistance. Many of you here today have been accused of what is probably one of the most stigmatised crimes – abusing children. The charges against you may have been dropped. You may have been charged but acquitted, you may have been convicted but overturned your conviction, you may not even have been charged at all.

One of the main obstacles for victims of false allegation is the on-going stigma and permanent stain on your reputations. This stigma has wider implications. It affects the way you are seen by your friends, your community, sometimes even your own family. Many of you here today may have had your careers blighted by a false allegation, and the stigma makes it almost impossible to get a job even though you have done absolutely nothing wrong.

This stigma that victims of false allegation suffer is a form of discrimination – like all discrimination, the prejudice is groundless. You are treated unfairly, unjustly in your community, in your workplace – even though you are actually, factually innocent. Things such as CRB checks further legitimise this discrimination. You can be dismissed from employment, barred from regaining employment solely because somebody has made an unfounded, malicious allegation against you in the past.

But we are not and do not have to be passive towards such discrimination. On a personal level, we can resist the stigma by not letting the stigma chip away at our self-esteem, our dignity and our self-respect. You have not done anything wrong and you should not be ashamed, you should not be scared. Society is the one who ought to be ashamed for the injustices and harms caused to you and your families, not you.

Collectively, we can all do something to challenge this discrimination. The first step to combating this discrimination is by 'coming out', telling the public about your experience, the injustices that have happened to you.

A good example, for instance, is a recent Channel

Keynote Speech (cont..)

4 documentary called 'My Beautiful Friends' which some of you may have seen. This four-part documentary followed the story of a woman called Katie Piper who was severely disfigured following an acid attack. What was inspiring about this documentary and this very remarkable lady, was that she did not simply try to cope with and live with the stigma and embarrassment of the disfigurement. Instead, she tried to combat this stigma by coming out, letting the public know, through this documentary, not only the pain she goes through on a personal level, but how cruel, harsh and ignorant society can be towards people like her.

A lot of parallels can be made. The permanent disfigurement suffered by Katie Piper and her friends are physical. But victims of false allegations are permanently disfigured too. You've had your reputations, your livelihoods, your characters disfigured through no fault of your own. But like Katie Piper, you should not be ashamed by this disfigurement. This discrimination against victims of false allegation stems in large part from ignorance – society's ignorance about the flaws of the criminal justice system, society's ignorance about how law abiding, upright citizens could so easily have their entire lives destroyed by a malicious allegation. The first step towards overcoming this discrimination is by opening up and educating the public. Society needs to know what has happened to you and the injustices you have suffered.

Just as Katie Piper was looking for ambassadors for her charity to assist victims of disfigurement, you too, can be ambassadors for this very important cause of eradicating society's discrimination against victims of false allegation.

For this reason, this conference today should have been a public conference. If discrimination stems from ignorance, then the public needs to know what is being said here today and be educated about the problem of false allegations and their consequences on those who have been falsely accused.

FACT has done an amazing job in trying to raise public awareness about the plight of those who have been falsely accused. This booklet here, *Presumed Guilty* (1), is a great example of making people aware of the perversion of justice that happens when a false allegation is made – at the investigation stage, those who are accused are presumed guilty. The presumption of guilt pervades the trial stage as well. The burden of proof is reversed and those who have been accused have to seek to disprove the allegation made against them. Yet, when we think about the ongoing stigma and permanent stain to reputation that victims of false allegation experience, they are still presumed guilty even after the charges have been dropped or the conviction has been overturned.

This discrimination, this presumption of guilt has to be resisted. Discrimination succeeds when people don't challenge it, when people let it consume them, when people hide away. Don't be ashamed of it, resist it, challenge it and defeat it.

Endnotes:

(1) *Presumed Guilty*, a booklet produced by FACT, was featured in Issue 1 of INQUIRY.

NEWS BULLETIN

INUK's first corporate law firm innocence project

INUK is pleased to announce that White & Case LLP has become its first corporate law firm member. We believe this to be a global first, as corporate law firms in the US and elsewhere that support the work of innocence projects do not establish their own innocence projects. Volunteers from the White & Case LLP Innocence Project, consisting of partners, associates and trainees attended an intensive one-day training programme on the 14th September at their London offices in preparation to taking on its first case. During the day, Dr Michael Naughton and Gabe Tan presented sessions about INUK's remit and scope and casework protocols, the criminal justice process and the methodology of investigating an alleged wrongful conviction. White & Case LLP has since taken on its first case from INUK.

New university members

INUK would like to welcome the following new member innocence projects - the University of Buckingham Innocence Project (directed by Dr Carol Brennan and Dr Sara Sargent and the University of Exeter Innocence Project (directed by Dr Sue Prince).

Casework News

The University of Bristol Innocence Project (UoBIP) made a submission to the Scottish Criminal Cases Review Commission (SCCRC) in response to its decision not to refer the case of William Beck back to the High Court of Justiciary. Mr Beck, who has been maintaining innocence for over three decades, was convicted in 1981 of an aggravated robbery and spent seven years in prison. The UoBIP's submission was researched and drafted by post-graduate law students Mark Allum and Ryan Jendoubi who challenged the reliability of the eyewitness identification evidence used to convict Mr Beck. The UoBIP's submission has been widely publicised. It was covered by BBC Radio Scotland's, Good Morning (the equivalent of The Today Programme), BBC News Online, The Scotsman, Edinburgh Evening News, Sunday Mail Scotland, Lawyer2B and Private Eye.

The case of Warren Slaney, referred by INUK to the University of Winchester Innocence Project has been accepted for full review by the Criminal Cases Review Commission (CCRC). Mr Slaney was convicted in 1990 of two counts murder and has been protesting his innocence for over two decades. His case was featured in the recent issue of Private Eye (No. 1296).

A case concerning conspiracy to commit murder that INUK referred to the University of Lancaster Innocence Project has failed in its appeal at the Court of Appeal (Criminal Division). The grounds of appeal were perfected by Mark George QC. An application has been made for leave to appeal to the Supreme Court.

Events

INUK is pleased to announce that its 6th Annual Conference for Innocence Projects will be hosted by Norton Rose (London). Special thanks to Patrick Farrell and Miranda Joseph, Partner and Associate at Norton Rose, respectively. Miranda is also an alumni of the first cohort of students who established the Bristol University Innocence Project. The Conference will take place between (Friday-Saturday) 25-26 November 2011. Confirmed speakers include John Cooper QC, Mark George QC, Solicitor-Advocate Mark Newby, Dr Eamonn

NEWS BULLETIN

O'Neill, Dr Michael Naughton and Gabe Tan. (For more information, see www.innocencenetwork.org.uk/events).

Award

INUK has been awarded £16,200 by The Joseph Rowntree JRSST Charitable Trust to organise a two-day symposium in 2012. Entitled 'Preventing Wrongful Convictions: A Review of the Criminal Justice System in England and Wales', the symposium will receive oral and written evidence from leading legal experts, forensic scientists, police officers and representatives from civil liberties and human rights groups on areas in the pre-trial and trial processes that could cause wrongful convictions. INUK's first White Paper will be drafted from the proceedings of the conference.

Communications/Publications

Naughton, M. (2011) 'How the Presumption of Innocence Renders the Innocent Vulnerable to Wrongful Convictions' *Irish Journal of Legal Studies*, 2(1): 40-54.

Naughton, M. and Tan, G. (2011) 'The need for caution in the use of DNA evidence to avoid convicting the innocent', *International Journal of Evidence and Proof*, 15(3): 245-257.

Tan, G. (2011) 'Surviving the Trauma of False Allegations' FACTION (July, Vol. 26): 6-11.

Naughton, M. (2011) 'Truth, or Evidence' Bristol Review of Books – Open Mind (July): 21

All publications are available on the INUK website.

CCRC/SCCRC Updates

A total of 8 cases referred by INUK are currently under review by the Criminal Cases Review Commission (CCRC). 2 cases referred by INUK are under review by the Scottish Criminal Cases Review Commission (SCCRC).

New staff and volunteers

INUK would like to welcome Jackie Nichols as its new membership secretary. In addition, INUK is pleased to announce two new volunteers to the team at Bristol – Laura Tomlinson is INUK's Editorial Assistant and Aine Kervick is INUK's Administrative Assistant.

Troy Davis

Like Innocence colleagues around the world, INUK is saddened by the death of Troy Davis who was executed in Georgia on the 21 September 2011 despite serious doubts about his guilt and a twenty-year campaign for clemency. Dr Michael Naughton, INUK's Founder and Director gave an interview to BBC Radio Bristol in response to the execution outlining the moral wrongness of going ahead with the execution when so many doubts exist.

Case Statistics

As of September 2011, INUK has referred a total of 90 cases of alleged wrongful convictions to innocence projects for further investigation. In addition, INUK has 104 cases deemed eligible that are currently on the waiting list pending referral to a member innocence project.

SPONSORSHIP

INQUIRY is seeking sponsorship to help finance its publication .

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CALL FOR SUBMISSIONS

INQUIRY welcomes submissions for any of the following categories:

1) Feature Articles on any issue relating to wrongful convictions and/or innocence project work (no more than 2,000 words).

2) Reviews of books, articles or films on the subject of wrongful convictions and/or innocence projects (no more than 1,000 words).

3) Innocence Project News from Members (no more than 250 words)

4) Research Updates (no more than 250 words)

5) Student articles on any issue relating to wrongful convictions and/or innocence project work (no more than 1,000 words).

Please note: all submissions from students must be from member innocence projects and must be vetted and sent via their staff director.

DEADLINES & SCHEDULES FOR 2011

Winter Issue

The deadline for the submissions for all of the above categories is MONDAY, 28 OCTOBER 2011.

INSTRUCTIONS

All submissions and expressions of interest should be sent by e-mail with INQUIRY in the subject line to:

innocence-network@bristol.ac.uk

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