

INQUIRY

THE QUARTERLY NEWSLETTER OF THE INNOCENCE NETWORK UK

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THE SUGAYA STORY: CROSS CULTURAL HISTORY, JAPANESE JURISDICTION & MISCARRIAGE OF JUSTICE

*By Jack Adams,
Churchill Fellow, Project Director, Human Rights TV*

I would like to present you with the story of the Sugaya Case (1) but not as an academic text or a legal opinion, I want to present a human story. We all know and appreciate the work of INUK and one of the reasons why it has such a powerful impact is because its work touches our own humanity. Can there be a worse situation in life than to watch the sand in the hour glass of your life dwindle away whilst you sit in a prison convicted of something you didn't do? The story about to be revealed is that of a man losing 17 years of his life to a miscarriage of justice. If we then add the twist of a different culture and a different jurisdiction, those not satisfied by the common humanity of a tale then have a morsel of something legal or academic to chew over.

In February 2011 my wife, Akane Takayama, and I arrived in Japan for our regular winter visit to the honourable mother-in-law. Through our work with INUK we knew of a miscarriage case in Japan but had no name or any contact details, we just knew the fact that it was a DNA case. As I recovered from a nasty virus (caught from the worst type of explosive sneezing passenger you could ever wish to spend 10 hours on a plane with) Takayama set about identifying and tracking this case down. Personal recovery and her inevitable success led to us to taking a 3 hour train journey out of Tokyo to some provincial town I really couldn't tell you the name of right now. All we knew for certain was that an obscure woman had arranged to meet us at the station and had also arranged an hour interview in the town hall with Mr Sugaya.

At the station a slender middle aged woman named Nishimaki met us with a sneeze and an apology about not feeling all that well. She was as polite as Japanese people are and gave the appearance of someone who could be pushed about at will and mostly dismissed as ineffectual in life. We got into her small car, you know the sort, I think Suzuki make them, they are for people without a great need for elbow room and look like an odd box on wheels. As I don't speak Japanese her conversation was through Takayama's periodic translation. To my great surprise I was informed that this woman was going to take us through the scene of crime. We have been working with INUK for three years now but this is the first time we had ever been taken through a scene of crime.

The midday sun in a Japanese February can

deceive you into thinking it is a warm day when there is actually quite a sneaky cold edge to it. As the wind nipped at my fingers I stood in the car park of a Pachinko Hall filming Mrs Nishimaki talking and pointing. This was where the four year old girl was snatched before she was taken away, raped and murdered, Takayama efficiently translated. The coldness of the day somehow penetrated my heart in that moment. I instinctively and immediately wondered if this man was truly innocent and if I could interview him later without emotion. Yes, an instinctive reaction on being brought face to face with the crime, an unprofessional reaction, perhaps even an unjust reaction, but a truly human one on hearing the nature of the crime committed. A reaction that immediately identified one of the problems with a case of this nature.



The image of Takayama and Nishimaki is from the video series of the testimony gathered at the scene of crime. (Click for video footage.)

As time progressed I began to realise just what a remarkable woman this Mrs Nishimaki is and how important she was to the whole story. Before I can tell more of this, for those of you who have no real experience of Japan or Japanese culture, there are some facts you need to know.

As a culture Japan is solid, intact, implacable, for all practical purposes non-negotiable and fundamentally and irrevocably pragmatic in the cause of its own continued existence. Natural disaster, nuclear bombing, unconditional surrender, occupation by foreigners are all dealt with by that irrevocable pragmatism that never allows being Japanese to be surrendered. As a point of reference, my own definition of culture is: "Culture is the human response to environment as a selected evolutionary preference to physical mutation." (2) →

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FROM THE EDITORS

By Gabe Tan & Michael Naughton

Welcome to the first issue of INQUIRY, the quarterly newsletter of the Innocence Network UK (INUK). We have titled this newsletter INQUIRY to reflect the ethos of the work of innocence projects: to undertake an objective, extensive investigation to uncover the truth behind a convicted person's claim of innocence. The title also reflects our vision for this newsletter. We want INQUIRY to be a platform for stimulating critical dialogues and analyses on the multifaceted issues that encompass the subject of wrongful convictions.

Indeed, when wrongful convictions occur, they often bring to light a wide range of errors and limitations of the criminal justice system, from police investigations, trial and appeal procedures, the limitations of forms of evidence, the plight of prisoners maintaining innocence who are unable to achieve parole, the mountain of investigative and procedural obstacles they have to surmount to have their innocence established and the lack of remedy for those who have overturned their convictions.

So too, is the multi-disciplinary nature of

"We want INQUIRY to be a platform for stimulating critical dialogues and analyses on the multifaceted issues that encompass the subject of wrongful convictions."

innocence projects work which often involves a variety of disciplines beyond criminal law – investigative journalism, forensic science, psychiatry, medicine, and even engineering for those working on cases involving technological evidence

such as cell-site and CCTV.

For this reason, the scope of INQUIRY will be broad and will cover a whole host of topics relating to wrongful convictions and innocence project work both within the UK and internationally. We hope that as INQUIRY develops, it will become a useful resource for academics, students, criminal law practitioners, prisoners and third-sector groups in this area.

This first issue kicks off with an international dimension with an inspiring account on the Sugaya case, a recent DNA exoneration case in Japan. It will explore the plight of falsely accused carers and teachers and how methods frequently used by the police when investigating such cases reverse the presumption of innocence. Also included in this issue is a news section, an abridged version of the keynote speech by Julian Young at the INUK Spring Conference and book reviews on *Claims of Innocence: An Introduction to Wrongful Convictions and how they might be Challenged*.

We hope that you will find INQUIRY an enjoyable and thought-provoking read!

THE SUGAYA STORY (CONT)

If you have any doubt about my definition, many do, then I would ask you to draw from your memory the astoundingly orderly queues of Japanese people post Tsunami. They suffered an apocalyptic event of a level I am unaware of another leading economy suffering. (3)

Imagine that was London or anywhere in England, perhaps the army wouldn't be in clearing up the debris, they would be in dealing with armed looters, murder and mayhem. The Japanese queued. They queued because they are Japanese and Japanese people value order, value structure and value pragmatism. Yes the world may nearly have ended but they are still Japanese, they queued.

If you live in an environment where earthquakes are a regular feature and disaster is only a breath away at any moment, then you need a cultural paradigm which won't collapse in the face of such challenges. Such a model of culture works best when there is a firm and unyielding social hierarchy operating at all levels of society. In Japan the basic unit is the family, the head of the family is noted in the Town Hall Family Register and is

socially responsible for the good conduct of their family, the Japanese conduct of their family. From this basic unit grows an inevitable pyramid of authority, a hierarchical system of power and control, a culture of knowing your place in society's queue. (4)

Mrs Nishimaki clearly didn't know her place in the legal authority queue but for very, very Japanese reasons. As she led us through the crime scene she told how she simply could not believe that a kindergarten school bus driver could murder a child.

For her, the idea that someone charged with the safe delivery of children to a kindergarten school could harm them was impossible. Sugaya was a kindergarten bus driver and so was she and that was their only social connection.

Taking up her deep unease she wrote to Sugaya who was by then convicted and in prison. She said that if he had committed the crime he should immediately apologise to the parents and serve his sentence quietly but if he had not then he should never ever stop proclaiming

his innocence.

This is an act of Japanese cultural disbelief. Let's face it, where in Europe or America would someone conceive of being a bus driver for young children as the reason why a middle aged man couldn't be a murdering paedophile? When Sugaya received this letter he had given up, he was depressed and all the fight had been beaten out of him. →



This image is from the video testimony given by Mrs Nishimaki whilst she drove from the pachinko parlour to the riverside. (Click for video footage.)

Without this seemingly unimportant woman legal history would not have been made in Japan because she gave Sugaya the will to continue proclaiming innocence.

The justice system in Japan had failed an innocent man and cast him into psychological hell. For all the degrees and expensive training, for all the history and culture of those involved in the justice system, they ultimately proved no match whatsoever for a kindergarten school bus driver. Mrs Nishimaki was prepared to march to that hell and get Sugaya back. She did this not because she doubted Japanese justice but that for her the Sugaya Case was not Japanese justice and that failure to "be Japanese" empowered her to challenge the otherwise unchallengeable authority of the courts.

As Nishimaki told the dreadful story of the abduction and brutal murder of this pitifully young child she began to reveal how her involvement grew. Sugaya eventually replied to her letter confirming his innocence and so Mrs Nishimaki immediately set about finding legal representation (5) and establishing a campaign group. She spoke of her early struggles but then revealed the facts behind something which fascinated me ever since we had arrived at the crime scene; how was it she knew the crime scene in such detail?

Apparently Nishimaki realised that in order to gather momentum she needed to establish a credible challenge to the case against Sugaya, not bad for someone without legal training. So she began to look at the confession the police obtained from Sugaya. Once she read through this description of events questions about the proposed time scale arose. In her opinion that time frame was physically impossible to achieve. Armed with this crucial doubt the kindergarten bus driver and the campaign group physically mapped out the territory of the crime scene. As she took us around that scene she brought us to small posts planted in the ground to mark the key events.

This civilian reconstruction demonstrated that in terms of the time frame of the confession there was a fundamental and demonstrable objection to the document. Sugaya could not physically have committed the crime in the time frame proposed. This was the foundation from which the campaign of many years to free Sugaya found a legal credibility.

After our guided and detailed tour we arrived to interview Sugaya himself. (6) His tale was amazingly familiar. The police had identified him as the murderer, arrested him with the words "this is what you

have done" and then spent 14 hours beating a confession out of him. This confession was the fundamental element for the conviction.

My point about familiarity is this, through my work with INUK I have found that there are two salient commonalities in miscarriage of justice cases. The first is that the police appear to identify the victim who will fit the evidence they have selected. The second is that there is most usually police malpractice either through bad process management or clear corruption. What astounded me was that in another culture, in another jurisdiction, in a very different jurisdiction, at the root of this miscarriage was police malpractice. I felt as though I was seeing a wholly obvious truth, so obvious indeed that I am not sure it has ever expressed as explicitly as I am going to express it now.

If there is a common denominator at the root level of miscarriage of justice across different jurisdictions and across different cultures then tackling miscarriage as an issue cannot be achieved systemically in any individual jurisdiction. The fundamental element of all miscarriage is cross cultural and therefore cross jurisdictional.

Paul Blackburn (7) was chosen by the police to fit the evidence before the system produced the miscarriage. Sugaya was chosen by the police to fit the evidence before the system produced a miscarriage. Others have been chosen by the world's police forces to fit the evidence they select.

If it happens in the U.S.A., if it happens in the U.K. and if it happens in Japan, three different cultures, three different jurisdictions, then we have to ask if it is a phenomenon of a transnational police culture. Does this progenitor, police malpractice, appear to be stemming from the management, psychology and culture of being a police officer?

As this progenitor lies outside of the court process then the first and primary route to preventing miscarriage of justice has to be addressing the failures of police management and process.

The problem with that is, of course, who would be the judge or politician that would stand up and say: "The best police force in the world is vulnerable to malpractice and corruption which costs the tax payer millions of pounds in court costs and compensation whilst allowing guilty perpetrators to walk free in society." And for as long as no-one has the moral courage and fortitude exemplified by a kindergarten school bus driver the essential problem of miscarriage, one which we could address, remains the worm at the centre of the apple. →

"And for as long as no-one has the moral courage and fortitude exemplified by a kindergarten school bus driver the essential problem of miscarriage, one which we could address, remains the worm at the centre of the apple."



This set of images comes from the riverside testimony of Mrs Nishimaki. Possibly one of the most incredible pieces of video testimony in the history of miscarriage of justice, Nishimaki's guided journey through the scene of crime and her contesting of the confession evidence provides a stark contrast to the judicial process. (Click for video footage.)

THE SUGAYA STORY (CONT)



Toshikazu Sugaya, 63, freed on March 2010 after 17 years in prison.

“The final link across all cultures and histories is that, as far as I know, no police officer has ever been held fully to account for involvement in victimising and falsely imprisoning an innocent person.”

In the meantime the murderer of a four year old child has never been brought to justice. The police chief in charge of the Sugaya investigation allegedly maintains, despite DNA evidence proving innocence, a full and public pardon and payment of substantial compensation, that Sugaya is guilty and refuses to offer him an apology. Sugaya and many others hold suspicions that the identity of the true murderer is and has always been known to the police. In the UK, Simon Hall (8) remains in prison when many believe that the police have known and have always known the true identity of the murderer of Joan Albert. The final link across all cultures and histories is that, as far as I know, no police officer has ever been held fully to account for involvement in the victimisation and wrongful imprisonment of an innocent person. The worst sanction has involved early retirement on full pension, surely this is a terrible miscarriage of justice? I

Notes:

(1) “Sugaya, 63, was acquitted on March 26 by the Utsunomiya District Court in a retrial that struck down his life sentence over the murder of Mami Matsuda in the city of Ashikaga. Sugaya spent more than 17 years behind bars before he was released June 4.” (The Japan Times, 2 April 2010)

(2) This definition of culture is one I have developed from my work in cross cultural research. The definition relies on an understanding of the human animal as a part of an evolutionary process rather than as an exceptional life form. Professor Richard Dawkins suggestion of a *mene* as a unit of evolution led to the idea that our major adaptation in evolutionary terms was that of developing thought-forms (cultures) in response to environment in preference to adapting physical form to environment needs.

(3) Admittedly Hurricane Katrina in the U.S.A. was a major event but with a casualty rate of less than 1500 deaths it cannot be compared to the scale of the tragedy in Japan.

Perhaps it is also pertinent to recall the anarchy and social disorder which broke out in parts of New Orleans in contrast to the civilian response in Japan.

(4) I have made an empirical study of what it is to be Japanese and have written about Japanese authority and identity in a blog called “Japanease”. The article on authority in Japanese society can be found here: www.travelinginjapan.blogspot.com/2010/01/mito-komon-understanding-who-is-boss.html.

(5) Mrs Nishimaki went to a support centre. We interviewed one of these support centres that were involved in the Sugaya Case and that testimony can be found on: <http://www.humanrightstv.com/hrtv-japan/rescue-eng/legal-support&vpage=0>

(6) Sugaya's own testimony is available but there is no running English translation. See: <http://www.humanrightstv.com/hrtv-japan/271/sugaya-speaks&vpage=0>

(7) Paul Blackburn's testimony can be found on the INUK channel on Human Rights TV: www.humanrightstv.com/innocence-inuk/freshfields-nov-2010/freshfields-nov-2010&vpage=0

(8) Simon Hall remains in prison despite a complete lack of credible evidence connecting him to the murder of Joan Albert. See: <http://www.humanrightstv.com/innocence-inuk/simon-hall-innocent/simon-is-innocent&vpage=0>.

To see the entire video series of the Sugaya Case, including interviews with Mrs Nishimaki and Mr Sugaya, go to: <http://www.humanrightstv.com/hrtv-japan>.

For a Japanese translation of this story, go to:

<http://news.humanrightstv.com/news/2011/inuk-launch-inquiry-sugaya-case-japanese-text>



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PRESUMED GUILTY: THE PLIGHT OF FALSELY ACCUSED & WRONGLY CONVICTED CARERS & TEACHERS

By Michael Barnes, Chair, *Falsely Accused Carers & Teachers* (FACT)

The material used in this article is a summary of a Parliamentary briefing paper *Presumed Guilty: The plight of falsely accused carers and teachers* recently published by F.A.C.T.

Sir William Blackstone's statement that "it is better that ten guilty persons escape [justice] than one innocent suffer" has guided legal practise throughout the world for centuries. (1)

Perhaps, therefore, it is not so surprising that the presumption of innocence is so deeply rooted in our criminal justice system and is now enshrined in the Universal Declaration of Human Rights, the European Convention on Human Rights, and is enacted domestically in the UK by the Human Rights Act (1998).

What the presumption of innocence does is place a requirement on the criminal justice system to always presume that suspects of crime or defendants in criminal trials did not commit the offence(s) that they are accused of, until such time as the State (Crown) can prove they did so beyond reasonable doubt.

And, yet, for many people this basic tenet no longer holds true. Increasingly popular opinion seems to support the former Master of the Rolls, Lord Denning's reputed view that, it may be better that innocent people should serve life sentences, than that the law should be seen to make gross errors.(2)

In suggesting that it may be better that innocent people should be punished rather than the law be seen to be in error Lord Denning, unwittingly perhaps, began the process of redefining the very essence of the word justice. For centuries justice has meant the pursuit of truth but now, for many falsely accused carers and teachers (and many other innocent people), justice is more about scapegoating people for the failures of the State, oppression, and vengeance.

In fairness the judiciary cannot be held responsible for the proliferation of false allegations, although some judicial deterrents would be helpful. The blame lies entirely with those who make, or otherwise encourage, such allegations.

The need to falsely accuse people who, for the most part have unblemished records and have dedicated years of their life to either caring for disadvantaged people, promoting learning, or strengthening community capacities is complex and deserves far more research. There is, for

example, an obvious need to examine more closely the motivation and personal histories of those who make the complaints, the attitudes and methodology used by those who investigate them, and whether or not the influence of those professions/professionals whose support of 'victims' unwittingly encourages false allegations.

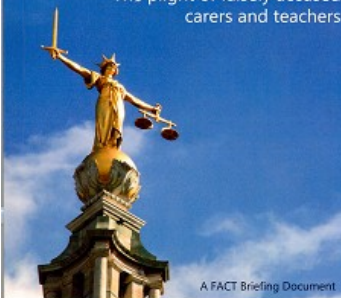
Most of the research relating to the plight of falsely accused carers and teachers to date has been to view the problem in the context of a flawed child protection and judicial system, (3) moral panic (4) and the manipulation of narratives. (5) Not surprisingly some of those who have sought to provide a balance to the perceived view that abuse was (or is) rife in care homes and residential schools have had an uphill struggle to get their views accepted. (6) Fortunately such constraints have not inhibited attempts by investigative journalists to expose a culture of false allegations, (7) nor attempts by those cleared of allegations of abuse to tell their story. (8)

A decade has almost passed since the then Lord Chief Justice, Lord Woolfe, warned that "the convictions of dozens of men for child sex assaults years after the alleged offences may be unsafe." (9) Carers, teachers, healthcare workers and other professionals still remain vulnerable to false allegations of abuse or misconduct. During this period the concerns of carers and teachers have been the subject of scrutiny by two previous Parliamentary Committees.

In July 2002 the House of Commons Home Affairs Committee (10) examined how investigations into abuse in children's homes was conducted, and concluded, "We share the general view that a significant number of miscarriages of justice have occurred". In 2008 the Children, Schools and Families Committee revisited the subject in so far as it related to schools and warned that, "There is a risk of losing sight of the principle that school staff, like anyone else accused of wrongdoing, should be treated according to acknowledged principles of justice and should be seen as innocent until proven guilty. The aim should always be to deal with allegations speedily, effectively and justly, to minimise the cost and the impact upon those accused." (11) →

Presumed Guilty

The plight of falsely accused carers and teachers



"There is a risk of losing sight of the principle that school staff, like anyone else accused of wrongdoing, should be treated according to acknowledged principles of justice and should be seen as innocent until proven guilty."



PRESUMED GUILTY (CONT)

The Government's response to both of these reports was hugely disappointing. Very little has changed. Carers and teachers are just as vulnerable to the risk of false allegations and justice miscarrying as they were a decade ago. Substantial numbers of men and women have been unjustly imprisoned and have (or are) serving long prison sentences and wish to clear their name. Hundreds more have been caught up in widespread police investigations and as a result have been traumatised or have lost their professional reputation and personal standing. Lives have been shattered, careers have been lost and families torn apart. What they expected was a thorough, impartial and fair investigation and justice.

The task of the police

The task of the police in all investigations is to carry out a full and thorough investigation into all the facts which support the allegation(s) made, **and** all the facts which run contrary to them. More often they ignore the latter and fail to consider that the complainants may be mistaken, or that their allegations may be motivated by the prospect of psychological gain, financial compensation or the mitigation of life style behaviours such as drug/alcohol misuse and/or criminal activity. Denial by the accused is invariably interpreted as confirming guilt.

The need to conduct objective inquiries

Despite the requirement for prosecutors to ensure they have all the information they need to make an informed decision and to put relevant evidence before the Court (12) this often doesn't happen. At a care home trial in Cardiff Crown Court in 2001 a complainant told the judge that one of the defendants had murdered a boy because the lad would not allow himself to be abused. The police were immediately required to investigate his claim but could not find an ex-resident of the name given appearing on the admission registers of the home. The claimant had previously been interviewed in prison where he was on remand for attempted murder. Three days before the meeting he had been diagnosed as being 'unfit to plead in his own defence', a fact which the interviewing police officers ought to have been aware of. The diagnosis was confirmed by a second psychiatrist a few days after the police interview and yet the complainant was considered fit to act as a witness for the prosecution. The judge stopped this particular trial immediately after the prosecution had presented their evidence. (13)

In June 1994 at Chester Crown Court a complainant alleged that the defendant had thrust a crowbar in his anus, twisted it around and then pulled it out. The barrister produced a crowbar and the claimant agreed that this was the type of instrument that had been used. The boy claimed that he did not require any medical treatment. The defendant was convicted nevertheless. In the same trial another claimant stated that he had jumped from a road bridge over the railway on to a coal train going from Wrexham to Cardiff. In fact there had not been any coal trains travelling on that stretch at that time and for a number of years previously. (14)

In another South Wales historic abuse trial which took place 28 years after the alleged offences were said to have happened, it was stated that the complainants had absconded and driven a stolen car to Newport along the M4 motorway. The Cardiff to Newport section of that motorway had not however been built at the time of the alleged incident. (15).

In each of the above examples the police could, and should, have readily ascertained that the claims made were untrue. However with the exception of the first case cited which was stopped by the Judge, all the defendants were convicted.

Trawling and dip sampling

Normally the police start with a spontaneous complaint from an 'injured party' and then investigate the facts to determine if a crime has been committed. In cases of alleged historical abuse they start with a belief that a crime has occurred and then trawl for 'victims' willing to supply information to justify their presumption of the guilt of the accused. The ethics of police trawling were considered at some length by the Home Affairs Select Committee. The Committee expressed strong reservations about this practice and recommended that "any initial approach by the police to former residents of care [homes] should – so far as possible – go no further than a general invitation to provide information to the investigative team." (16) The fact of the matter is that quite often the police go well beyond this requirement and pressurise individuals to make complaints even when that person has previously, and sometimes repeatedly, indicated that they have no complaint to make. (17)

As David Rose, special investigations reporter on the Observer newspaper, told

trawling as it is now carried out is that it remains an absolutely unregulated process which is almost tailor-made to generate false allegations." (18)

It is also a practice unique to abuse investigations. In April 2005 Claire Curtis Thomas MP asked the Secretary of State for the Home Department in what types of investigations other than historical sex abuse police use (a) trawling and (b) dip-sampling.

"The police undoubtedly have a difficult job in deciding which allegations are true and which are false but rather than presume innocence they presume guilt."

Hazel Blears, then Minister of State (Policing, Security and Community Safety) at the Home Office informed her that: dip-sampling, also referred to as trawling, is rarely used during the course of police investigations ... and is invariably limited to investigations involving allegations of historical sex abuse in care or residential homes, where the police need to identify any corroborating evidence relating to the allegations under investigation (19).

Arrest and Interview

If the presumption of innocence means anything then the arrest and interview stage should at least be neutral. Increasingly in cases of alleged historical abuse in care home cases police forces use the arrest and interview stage for dramatic →

effect or strategic advantage in order to intimidate the accused.

Typically this involves dawn raids and multiple arrests. In 1999, the entire male staff of St George's School (Formby) including former staff members was arrested following a police trawl, 91 men in all. The decision to arrest them all was clearly a ploy by the police to ensure that none of those arrested could act as a character witness for a colleague appearing in court. The day after the trial ended, all were discharged with 'no further action'.

Similarly, there is a great reluctance by the police to seek out (or ignore) statements which are made in favour of the accused or support his/her defence. Selective interviewing of this sort not only leads to an incomplete investigation but also runs the risk that evidence vital for establishing the truth is not recorded.

Interviews with ex-residents: the risks

In several recorded incidents ex-residents made it clear to the police that they had no complaints to make, but, following further police visits, the individuals then started to make allegations of abuse. The police justify the practice of multiple visits on the basis that disclosures of abuse are made incrementally and over a period of time. Whilst this may be true in some cases, it is also essential that police officers acknowledge the psychological effect on potential witness of being repeatedly being asked to provide information. There is a fine dividing line between encouraging genuine victims of abuse to make full disclosure, and pestering vulnerable ex residents who have persistently and consistently stated they were not victims, to make disclosures.

There is widespread agreement amongst police and professionals that the prospect of compensation to ex-residents can sometimes skew the truth. Terry Grange, then Chief Constable of Powys and speaking on behalf of ACPO, indicated that advertisements for compensation (which are frequently displayed in prisons) encouraged fabricated allegations (20). The Head of Children's Services in North Wales was unequivocal in agreeing that there was a risk that advertisements of prospective awards of compensation in cases of alleged institutional abuse encouraged people

to come forward with fabricated evidence. Other witnesses, including ex care home residents, made a similar point. (21)

Despite this, solicitors continue to invite former residents of care homes/residential schools to make compensation claims. Of course compensation should be paid to genuine victims of abuse and to survivors of care home scandals but common sense alone tells that if it is made freely available, any compensation scheme is likely to be abused. Perhaps it is not so surprising that the Government is now beginning to tighten up on 'claim farms' where unscrupulous solicitors seem to have created a very lucrative industry for themselves.

If you are a carer or teacher (or other professional) accused of historic abuse or misconduct, you cannot rely on the police to apply the same methods and standards of investigation that you might expect in other instances. You may well be discriminated against. Not only do the police adopt special measures to secure a conviction by trawling for complainants but some are also not averse to using unnecessary and in some instances unethical tactics to intimidate the accused. As far as many are concerned it is better that ten innocent persons are denied justice than one guilty person remains free. **I**

Notes:

(1) Blackstone, Sir W. *Commentaries on the Laws of England 1765-1769*. The full quote is "All presumptive evidence of felony should be admitted cautiously, for the law holds that it is better that ten guilty persons escape than one innocent suffer".

(2) This remark is attributed to Lord Denning and is widely quoted. The actual source and context of the remark is however difficult to identify. It was referred to in Hansard (Parliament of New South Wales) during the second reading of the Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Bill on the 5th May when it was linked to comments made by Lord Denning during the Birmingham Six appeal.

(3) Jervis M (2004) 'Briefing on Child Protection and Criminal Justice Systems in Relation to Child Abuse Cases' (F.A.C.T. Publication)

(4) Webster R (1998) *The Great Children's Homes Panic* (Oxford: Orwell Press) and Webster R (2005) *The Secret of Bryn Estyn - the making of a modern witch hunt* (Oxford: Orwell Press).

(5) Smith, M (2010) 'Victim Narratives of Historical Abuse in Residential Child Care: Do We Really Know What We Think We Know?' *Qualitative Social Work*, 9(3): 303-320.

(6) Sikes, P. & Piper: H. (2010) 'Ethical Research, Academic Freedom and the Role of Ethics Committees and Review Procedures in Education' *International Journal of Research and Method in Education*.

(7) Kelly, H. (2007) *Kathy's Real Story – a culture of false allegations exposed*. (Ireland: Perfect Press)

(8) Metcalfe, M. (2003) *Insight into Anguish – trial and error: a family's nightmare over sexual assault allegations* (Leominster: Day One Publications); Taylor, H.: (2009) *Boy Am I Mad? One teacher's battle with injustice* (Privately Published) and Greene, N (2011) *False Accusation; Guilty Until Proven Innocent* (US: Strategic Book Group)

(9) Quoted on BBC Teletext, 23rd November 2001

(10) Home Affairs Select Committee (2002) 'The Conduct of Investigations into Past Cases of Abuse in Children's Homes' (HC 836/1, page 40).

(11) Children, Schools and Families Select Committee (2008) (HC 836, page 3)

(12) Crown Prosecution Service (2010) 'Code for Prosecutors': paras 2.2 and 3.2. See also Addendum to the Code for Crown Prosecutors, paras 2.2, 2.4–3, and 5.3.

(13) Private papers – trial transcript

(14) Private papers

(15) Private papers

(16) Home Affairs Select Committee (2002) 'The Conduct of Investigations Into Past Cases of Abuse in Children's Home' (HC 836, para 34)

(17) See for example the evidence of Mark Merrett, *ibid*.

(18) *ibid*

(19) Hansard: HC Deb, 4 April 2005, c1132W. See also Hansard 7 Apr 2005: Column 1795W.

(20) Evidence of Chief Constable Terry Grange, *ibid*.

(21) Evidence of Janet Donaldson, Devon County Council and Julie Driscoll, *ibid*.

NEWS BULLETIN

New Innocence Projects

INUK would like to welcome its new member innocence projects from the following universities —University of Abertay Dundee, University of Greenwich and University of Southampton.

Going Global

INUK took on its first international intern, Ms Christine Sim from the National University of Singapore (NUS) as part of supporting their efforts to establish the first innocence project in Singapore. Christine's two-week internship took place between the 9 to 20 May.

Communications

The following talks were recently given by Dr Michael Naughton — *Why the Criminal Cases Review Commission is not a State Sponsored Innocence Commission* and *Wrong Convictions in England and Wales* at the Innocence Network Annual Conference, 7-10 April, Cincinnati; *The Innocence Project* at the Bristol Festival of Ideas, 21 May, Watershed Bristol.

Gabe Tan spoke at the Falsely Accused Carers and Teachers (FACT) conference on *Surviving Wrongful Imprisonment*, 28 May, Birmingham.

Publications

Naughton, M. (2011) 'There is still scope for debate on miscarriage of justice compensation', *The Law Society Gazette*, 19 May.

Tan, G. (2011) 'The Dilemma of Maintaining Innocence' Report of the joint Conference organised by the Association of Prison Lawyers and Progressing Prisoners Maintaining Innocence. Matrix Chambers, London, 25 January.

Both available on the INUK website.

Events

INUK held its Annual Spring Conference on the 25 March. The event was attended by around 80 staff and students and was hosted by Cleary Gottlieb Steen & Hamilton, London. See page 13 for snapshots from the Conference.

New Home for the University of Sheffield Innocence Project

The University of Sheffield Innocence Project is now housed in the newly launched Grade II listed Bartolome Lodge. The

Lodge was officially opened on the 25th March. The opening ceremony was attended by project donors including representatives from law firms Nabarro and Adleshaw Goddards, the Sheffield Town Trust, and School of Law alumni, students and staff. Dr Claire McGourlay, Staff Director of the University of Sheffield Innocence Project, cut the ceremonial ribbon to declare the Lodge open.

Awards

Dr Claire McGourlay, Director of the University of Sheffield Innocence Project has been shortlisted for the Good Work towards Employability Award in the University of Sheffield Academic Awards 2011.

Case Statistics

As of June 2011, INUK has referred a total of 92 cases of alleged wrongful convictions to innocence projects for further investigation. In addition, INUK has 100 cases deemed eligible that are currently on the waiting list pending referral to a member innocence project.

CCRC/SCCRC Updates

A total of 7 cases referred by INUK are currently under review by the Criminal Cases Review Commission (CCRC). 1 case is under review by the Scottish Criminal Cases Review Commission (SCCRC).

In addition, INUK is due to submit a response to the SCCRC's decision not to refer the conviction of one of its clients back to the Scottish High Court.

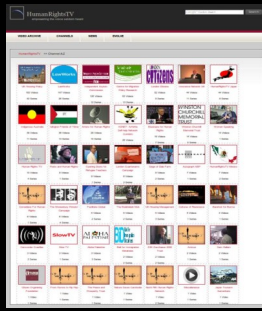


Christine Sim (middle) from the National University of Singapore (NUS) with Michael Naughton & Gabe Tan

"The training I've received from INUK has given me the confidence to lead the Innocence Project in Singapore into casework." - Christine Sim.



Launch of Bartolome Lodge, the new home of the University of Sheffield Innocence Project



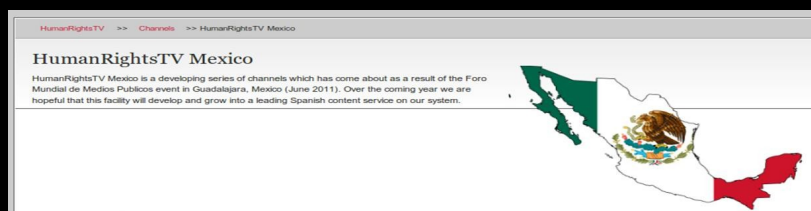
WHAT IT IS ALL ABOUT AND WHY IT HAS TO BEEN DONE.



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KEYNOTE SPEECH BY JULIAN YOUNG (WITH JUDY RAMJEET) ON THE CASE OF SEAN HODGSON

The following is an abridged version of the keynote speech given by solicitor advocate Julian Young (with Judy Ramjeet) at the INUK Spring Conference, held at Cleary Gottlieb Steen & Hamilton on the 25 March 2011.

As you can imagine, many defence solicitors, solicitor advocates and barristers have become case hardened. That is, perhaps, inevitable in view of the types of cases which we deal with, the files and papers we have to read and analyse, and the people we meet and deal with. The clients we work for are often in conflict with the police and prosecuting authorities. On a cynical basis, one could say that most defendants lie and most police officers exaggerate.

Every so often, however, we come across the exceptional case, which makes all the long hours at a poor rate of remuneration worthwhile. Sean Hodgson's appeal against conviction was one of those.

In March 2008, nearly 30 years after his initial arrest for other offences and 26 years after conviction after a jury trial, this client wrote to my colleague Judy Ramjeet from HMP Albany, a specialist prison for violent sexual offenders on the Isle of Wight. Judy responded and went to see him in April 2008. He had an incredible tale to tell although he was a bit muddled and it was hard to follow his train of thought. Judy rang me from outside the prison in some excitement. She was certain that she had found an innocent client! His sincerity shone through years of incarceration and institutionalisation.

In 1979, Sean Hodgson was a drifter who happened to be in the Southampton area at the time of the murder. He had several previous convictions for theft of cars but no conviction for violence or indeed for sexual offences; he was a petty offender and more of a nuisance with a drug and alcohol problem as well as diagnosed and unresolved mental health issues. He was not a suspect for the murder of Teresa de Simone in 1979. It was only whilst he was in custody in 1980 and 1981 that he made "admissions" to others, including a priest and a number of police officers as to his involvement in the murder.

None of the original defence papers were available as they had been destroyed in accordance with ordinary professional rules many years ago. But with some assistance, a file was made and the origi-



Judy Ramjeet and Julian Young addressing the INUK 2011 Spring Conference, Cleary, Gottlieb, Steen and Hamilton LLP

nal exhibits were eventually located even though the Forensic Science Service (FSS) had told the police back in 1998 that they did not have any exhibits stored. The first struggle was to obtain funding for DNA analysis on the exhibits. Strangely, almost as if Hampshire Police knew something we did not know, they volunteered to fund the analysis.

Let me put the Crown's case for the trial in 1982 into context. They asserted that the person who raped the victim was the person who killed the victim. There was no suggestion or evidence that anyone else was involved. Therefore, if the DNA on the swabs taken from the body of the victim was not that of Sean Hodgson, he could not have been the murderer. The Crown's case at trial was that Sean Hodgson was in the area, that his blood group matched the blood group on the swabs, as did 30% of the male population, and that he had made admissions on several occasions including references to "secret details" which would only be known to the killer. DNA testing did not exist in 1981, the first time it was used within criminal proceedings was in 1986. In respect of the 2008 tests, the first results were promising and the second set of results were astonishing: 3 out of 3 main exhibits all showed no DNA whatsoever from the client, but all from an unknown 3rd party. Time would eventually show that this was from David Lace, a young man who confessed to the murder after Sean Hodgson's conviction and subsequently committed suicide in 1988. His body was exhumed. This was only the second time a body has been exhumed for DNA testing to determine the person

responsible for a serious offence in the UK.

It was established that David Lace's confession was correct, that his DNA was on the exhibits taken from the body of the innocent victim and that had he been alive today he would have been prosecuted. We now know, with as much certainty as science will permit, that Sean Hodgson was completely innocent: it is not a case of there being no smoke without fire, there was not even a smoldering ember in the first place!

In February 2009, I prepared and lodged grounds of appeal against conviction. Eventually I received a telephone call asking me to be available for the Court of Appeal (Criminal Division) on 18 March 2009 to appear before the Lord Chief Justice. After 27 years and 1 month, and some 11 months after Judy Ramjeet started work on his case, Sean Hodgson walked free into the fresh spring sunshine with his conviction quashed. No retrial was ordered and effectively, that is the end of the case in so far as the prosecuting authorities are concerned.

What happened and how was the conviction of Sean Hodgson obtained? I was practicing in 1979 when Sean Hodgson was arrested. There was no duty solicitor or appropriate adult, notes of interview and no tape recordings. Admissions from a proven liar, blood type and being in the area of the crime – those were enough for a 1982 jury to convict. No medical or psychiatric evidence was placed before the judge and jury. The police in London knew that Sean Hodgson was a pathological liar. He had had a case returned from a Higher Court to a lower Magistrate's Court because he had admitted offences that he could not have committed – he was in prison at the time the offences he admitted to was committed! In addition, he admitted to offences including two other murders whilst admitting to the murder of Teresa de Simone. →

KEYNOTE SPEECH BY JULIAN YOUNG (CONT)

He got the name of the victim and her injuries wrong; almost as if he had forgotten things he had been told or had forgotten the script! However, he was in the wrong place at the wrong time, had the same blood group as the perpetrator, and had made admissions. That was enough in 1982 to get a conviction.

How did he admit to this offence? I suspect that the police “fed” him the “secret details” and asked him leading questions which they then wrote down as assertions rather than the ‘yes’ or ‘no’ responses he actually gave. I cannot prove this but all my instincts tell me that this was the case.

So for Sean Hodgson, we are left with claims for compensation from the Ministry of Justice, Forensic Science Service, and Hampshire police. It is ludicrous that from any claim from the statutory compensation scheme, a deduction is made for ‘board and lodging’ as if anyone in his right mind would voluntarily book into prison for 27 years. If there is any compassion and morality in our system, they should get together and agree a financial settlement. The forces of the state failed Sean Hodgson, they should not leave him uncertain as to his future and worried about police, courts and lawyer fees. Time alone will tell if this enterprise will help him or he will have to cling on to his dreams of a quiet life in the future.

Of course, I do not know how many other cases may exist where DNA may show or tend to show that a defendant was innocent. Rape and murder spring to mind in view of the nature of exhibits likely to be found on or inside the victim, and all I can suggest is that lawyers obtain funding and make enquiries with the Crown Prosecution Service, Forensic Science Service, and the police. I have no doubt that if the law report of *R v Hodgson* becomes well known, there will be numerous defendants who will want to seek advice about an appeal and the re-testing of significant samples and exhibits to establish innocence, or possibly to confirm guilt.

Passing on to our parole system, if a convicted person refuses to accept guilt, this is nearly a bar to release on parole. So Sean Hodgson was not given parole due to his continued denials, which turned out to be true. If he had admitted his guilt, he might have been released many years ago!

So the perennial question to be asked of

a defence lawyer “How can you defend someone who is obviously guilty?” The answer has to be “I am not a witness. So I defend him to the best of my ability because he might be innocent”

In most countries where the death penalty exists, especially the US, murder aggravated by a serious sexual attack such as rape attracts the death penalty. The case of Sean Hodgson shows, without a shadow of doubt, that if he had been executed, Sean Hodgson would have been judicially killed as an innocent man. It is cases such as Sean Hodgson’s that inspired both Judy Ramjeet and I to go into criminal defence work. It is both humbling and an honour to be able to successfully advise and represent him before the Lord Chief Justice in the Court of Appeal.

Where does this leave innocence projects such as yours? Well you can assist in the essential analysis work – work in which accuracy is absolutely essential and supervisors must make sure that there are no errors. Interviewing witnesses is a problem and supervision must be fairly strict. But the presentation of a well-researched and analysed appeal case assists the solicitor and advocate who have to prepare the final documents for the Court of Appeal.

Innocence projects are essential to the interests of justice and likely to become more important as legal aid pays less and less and the system expects more and more from defence lawyers. I



“Innocence projects are essential to the interests of justice and likely to become more important as legal aid pays less and less and the system expects more and more from defence lawyers.”



Sean Hodgson (left) freed from the Court of Appeal after 27 years of imprisonment.

SNAPSHOTS FROM THE INUK SPRING CONFERENCE 2011



(From Left to Right) Speakers Dr Eamonn O'Neill (Director, University of Strathclyde Innocence Project), Dean Kingham (Solicitor, Swain & Co.) and Ryan Jendoubi (Student, University of Bristol Innocence Project)

(Right) An attentive audience of around 70 staff and students from various universities in the UK.



(From Left to Right) Speakers Jonathan Blackman (Partner, Cleary Gottlieb Steen & Hamilton), Dr Michael Naughton (Founder & Director, INUK), and Laura Moorby (Student, Sheffield Hallam University Innocence Project).

BOOK REVIEW: CLAIMS OF INNOCENCE BY MICHAEL NAUGHTON WITH GABE TAN (2010, UNIVERSITY OF BRISTOL)

By Vaughan Caines, MSc

Forensic Scientist, MA Student, University of Bristol

Introduction

On Tuesday, January 4, 2011, Texas citizen Cornelius Dupree was declared innocent after having spent thirty years in prison for alleged crimes dating back to 1979. According to various news reports, only two other individuals in similar situations had had longer prison terms before exoneration. Originally, Mr. Dupree had been sentenced to seventy-five years in prison beginning in 1980. His exoneration was achieved after DNA testing proved his innocence. Represented by the Innocence Project in the United States, Mr. Dupree's exoneration is one of any number that now are occurring world-wide due to important advancements of science and technology and their applicability in criminal proceedings and the pursuit of human and social justice.

Like Cornelius Dupree, Paul Blackburn spent twenty five years of his life behind bars after being falsely accused of attempted murder and sexual assault. He was only fourteen years old when he was convicted. Though on different continents and separated by an ocean, there is the common thread of miscarriage of justice which binds them and which is present in the collective systems of justice. These cases detail the crucial need for publication of the subject matter contained in this monograph, *Claims of Innocence*. The cause of obtaining justice for those that are wrongfully accused of any crime is universal, regardless of race, nationality, or any other human category. An injustice to one is an injustice to us all.

It is the aim of this review of and commentary upon *Claims of Innocence* to give readers a cursory yet definite introduction to the interdisciplinary and valued partnership of science and law in approaching possible miscarriages of justice in any judicial system. This review summarizes this recent manual that was written by authors associated with the United Kingdom's branch of the Innocence Project. The monograph was written to provide basic knowledge and resulting advisement on legal applicability including the use of scientific endeavours for those in the United Kingdom who feel they, like Mr. Dupree and Mr. Blackburn, have been wrongfully accused. While individuals reading this review may have widely divergent views regarding various such cases, the central aim of this commentary is to illustrate how forensic technologies and scientific advancements can influence social processes. In this vein, this review of *Claims of Innocence*, by Dr. Michael Naughton of the United Kingdom Innocence

Project, is designed to celebrate the mission of academic and professional interdisciplinarity that is at the heart of this inaugural edition of the *Journal of Healthcare, Science and the Humanities*.

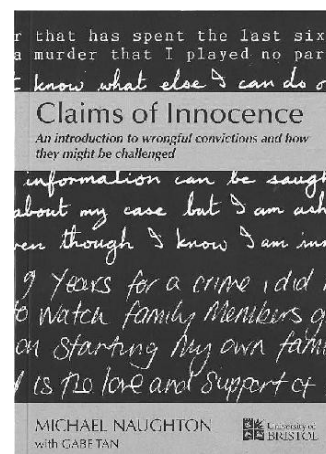
Synopsis

Claims of Innocence, published in 2010, is a very short monograph of 80 pages written and published at the University of Bristol in the United Kingdom. It is a short procedural manual designed for individuals who are seeking advice for the potential overturning of wrongful convictions. In its introduction (pp. 1-2) the book illustrates that instructional information is not readily available to individuals who maintain innocence after conviction. The text has been written as a response to this informational gap. It provides critically needed information in three distinct parts. Part 1 is a general overview of the key causes of wrongful convictions. Part 2 details how claims of innocence are dealt with in England and Wales specifically. Part 3 provides enlightenment on the practical routes that innocent victims of wrongful convictions may use in attempting to prove their innocence.

Though Part 2 is compelling in and of itself, it admittedly is focused on the utilization of methods localized to the United Kingdom. Therefore, to meet the academic and professional perspectives of various international readers of this review who may have a more general scientific interest, this summary will focus on Parts 1 and 3 alone. These two sections detail key causes of wrongful convictions and the practical remedies in which science can play a vital role to assist the wrongfully convicted to prove their innocence.

From its onset the book sets a very sobering tone by describing the lives of individual persons wrongfully convicted. The text describes well the effects that wrongful convictions make on individuals, their families, and society at large. The authors approach this well and vividly through eight different case studies presented as autonomous vignettes (pp. 7-10). By placing a name and face to each of the eight key causes of wrongful conviction, the authors invite the reader to approach these key causes not as an abstract intellectual exercise but something more. The reader is provided with a human face to human injustice.

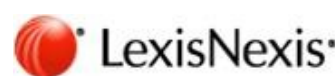
In all of the listed causes of wrongful confessions, by way of commentary within this review it is interesting to note that science can play a direct role in combating or confirming



Claims of Innocence by Michael Naughton with Gabe Tan..

(Click for information on the book and how to obtain a copy free of charge)

“By placing a name and face to each of the eight key causes of wrongful conviction, the authors invite the reader to approach these key causes not as an abstract intellectual exercise but something more. The reader is provided with a human face to human injustice.”



Claims of Innocence was kindly designed and printed on a pro bono basis by Lexis Nexis.

the existence of each. The powerful role of science in criminal law is a fascinating field of inquiry. While it is not its intention per se, this monograph calls important attention to this reality. However there is a cautionary tale to be heeded and it is found in the text in one of the categories, namely that of flawed expert evidence.

In this one area, the book uses the case studies of two individuals to describe how science initially “got it wrong” (p. 10). These two case studies illustrate a definite need to demystify a contemporary and very unscientific fascination that is often attached to forensic science. Due to the development of this cultural adulation of forensic science, some members of the public believe that the involvement of forensics in a conviction absolutely substantiates the correctness of the conviction itself. This is not necessarily so. It is sometimes easy in the popular imagination to forget that scientific data must be validly interpreted. Science is fundamentally an interpretative act. Scientific data can be interpreted in multiple ways. Therefore, it can be misapplied or misused depending on context.

With advances in science, it is possible to piece together information to provide a more complete timeline concerning proximity and location, with the aim of exonerating or proving the conviction of an individual (pp. 50-54). As all would readily realize, this applicability of scientific knowledge has great value. Yet, especially in the sensitive areas of exoneration, scientific knowledge and scientific evidence require rigorous testing and validation.

Claims of Innocence illustrates the importance of such validation and calls for extremely careful, step-by-step re-examination of retained evidence when looking to the exoneration of a person wrongfully convicted of a crime. As the monograph illustrates, a large portion of any case is evidentiary in nature. To reverse the presumption of guilt in wrongfully accused cases, as the text states, one must “... actively find evidence... or produce new evidence” that could positively establish innocence in a particular case (p. 45).

As the text discusses the interaction of law with scientific expertise, false witness testimony, faulty witness identification, and forced/coerced confessions can be refuted. Yet the text warns: “much of forensic science and expert testimonies are far from foolproof”... and the overturning of cases (involving forensic science) “demonstrate(s) the limitations of such forms of evidence” (pp. 45; 50) Valid conclusions must be based upon valid and accurate interpretation. The process is not simply “black and white.” Depending on the expert and the use of the data, different conclusions can arise from the same data. Therefore, the power of science in the social processes of law and legal justification is not automatic. The text rightly calls attention to the need for scientific rigor and analysis.

Proceeding from this attention to scientific rigor and analysis, the monograph gives a concise but informative framework regarding general principles of forensic science as well as their limitations and the context of these principles themselves (p. 50). The text expertly explains how law utilizes science as an aid. It discusses the critically powerful academic and professional impact of the National Academy of Sciences in the field of forensic science (p. 51). The text skilfully details forensic scientific vocabulary when used by professionals in oral or written conclusions, and

the different ways such vocabulary can be construed. The text also provides pertinent prudent advice for avoiding conflictual analyses (p. 51). Much of this material is an excellent summary especially for individuals who are laypersons regarding forensic science or even the physical sciences in general.

As a specific instance regarding the above, when a layperson thinks of law utilizing forensic science, an assumption can many times be made that forensic science is equated with the discriminating power and finality of DNA analysis for outcomes. Yet, this assumption is not completely valid. Indeed, the power of DNA in legal proceedings is indisputable. The text chronicles the number of DNA exonerations in the United States and the United Kingdom since 1989 therefore illustrating the scope and power of DNA science (p. 52). However *Claims of Innocence* strongly invites the reader to consider carefully the critical context of information obtained in DNA analysis, specifically as it pertains to the particulars of each case (p. 54). This clearly underscores the need for correct contextual evaluation and scientific interpretation. This point cannot be stressed enough.

DNA forensic practitioners are acutely aware that, though the science indicates the presence or absence of a specific genetic profile, it is not up to the scientist to infer or imply guilt or innocence. That is the purview of the fact-finder in a court of law. The domain of the forensic scientist is to analyse the material, collate the data, present the facts of that material in report or oral form, and then explain the possibilities of the data in the social context highlighted by each individual case. Illustrated in sections beginning with page 50, the text aptly addresses the harnessing of science by law and the power of science to provide law itself with a greater illumination of events and their circumstances in a methodical, systematic, logical and precise context. Law uses the practical exacting authority of science to bolster social policy. Within this social context, science also has the ability to exonerate as it previously had been used to convict.

The remainder of *Claims of Innocence* explains to its intended readership and expounds on the details needed to choose legal representatives wisely and the utilization of alternative methods such as Innocence Projects and the media to help in working on any case. The structure is concise and clear, yet contains practical applicable information, enabling the reader to digest and understand such an overwhelming topic in palatable portions.

Conclusion

The aim of *Claims of Innocence* is to illustrate the key causes of wrongful convictions, and the problems faced by those seeking to regain their innocence in the face of a system that considers them to be guilty with limited opportunities to prove their innocence. The text also looks at practical pathways by which alleged innocent victims of wrongful convictions might prove their innocence. For the purposes of this review itself, the text illustrates well how science is an invaluable tool for social processes.

Science can be used to level the cultural playing field as its ethos is based on verifiable physical principles. The pure scientific equation is an invaluable objective resource for social policy, especially for law. →

(CONT)

Due to its inherent rigor and basis upon proofs and repeatability, the impartiality of science's examination of facts is a perfect complementary partner for law. As this review points out, this is not to say that scientific analysis in and of itself has no possibility of error. Such is not the case. *Claims of Innocence* demonstrates that quite well. The possibility of error is indisputable. Yet what is equally indisputable is the essential and profound value that scientific analysis gives to the pursuit of law. In the cases found in *Claims of Innocence*, the specific value of forensic science is unquestionable.

While a text written as a manual of procedures for a special readership, namely those seeking to prove their exoneration, *Claims of Innocence* indeed has a value for the general reader. The text gives an individual a clear and cogent way by which to view "science in action." It shows the cultural

value of science generally and forensic science in particular. It does so with a cultural corrective to popular misconceptions of forensics as an absolute imprimatur of truth. Presented within the sensitive context of human rights, *Claims of Innocence* gives readers the rare opportunity of becoming caught up in forensic science as a culturally powerful tool whether for ill or for betterment. Readers therefore should enter the text with as much care and prudence as the text reminds them is necessary for the pursuit of justice. I

This review was originally published in the Journal of Healthcare, Science and the Humanities, Volume 1(1), Spring 2011.

BOOK REVIEW: CLAIMS OF INNOCENCE BY MICHAEL NAUGHTON WITH GABE TAN (2010, UNIVERSITY OF BRISTOL)

By Sue John, mother of an alleged victim of wrongful conviction

I found the book very comprehensive and informative without being overly complex or too technical, albeit cases of wrongful convictions can themselves be very complex. The book made for easy reading in everyday language, unlike many books that are far too technical for the ordinary lay person.

It contains very useful tips, some of which may not generally be known i.e. the importance of ensuring retention of files/evidence by police, CPS and the FSS. I certainly had not given it a thought and assumed that those files/evidence would remain on file for a considerable length of time. I was also not aware that the convicted person or his/her family could have the file from the solicitor who took the proceedings, when that same solicitor will not be instructed any further. These are just a couple of useful tips which I will act upon on behalf of my son.

The book was very well structured, covering all aspects from cause, effect and the various channels in which to challenge innocence. The explanations regarding the processes and how to put forward a case for consideration were extremely uncomplicated and straight forward. In addition, the various statistics given about success and failures of cases put forward were enlightening, plus a very useful list of relevant organisations.

Overall I consider this to be a very powerful booklet, in a format that is easily read, digested and referred to when preparing to challenge wrongful convictions, and all contained within a succinct 80 pages, that would normally be double or more in other similar publications.

It will most definitely be my reference guide in fighting my son's cause. In fact I am using it already whilst writing letters to ensure the retention of evidence. Many thanks for this great "pocket bible". I



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- 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

Autumn Issue

The deadline for the submissions for all of the above categories is FRIDAY, 26 AUGUST 2011.

Winter Issue

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

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