



Case Assessment Pack

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1) Summary of the stages of eligibility assessment

Step 1: What stage of the criminal justice process is the applicant at?

- Have not exhausted appeal process/ case is with the (S)CCRC/ case is investigated by another innocence project (**CASE IS INELIGIBLE**)
- Exhausted appeal process and case is not under review by the (S)CCRC (**GO TO STEP 2**)

Step 2: Is this a factual innocence claim?

- No (**CASE IS INELIGIBLE**)
- Not sure (**GO TO STEP 3**)
- Yes (**GO TO STEP 3**)

Step 3: Verifying the applicant's claim

- Assess Prosecution's and Defence's evidence by looking at the core documents (e.g. trial judge's summing up of verdict, advice on appeal, appeal judgment, CCRC/SCCRC's Statement of Reasons).
- Verify the Prosecution's & Defence's case with the applicant's account.
- Fill in any information gaps by clarifying with the applicant.

Step 4: Make a decision – Eligible/Ineligible?

- On verification with applicant, s/he is not making a factual innocence claim (INELIGIBLE)
- Applicant is maintaining factual innocence but his/her account is highly implausible (INELIGIBLE)
- Applicant is maintaining factual innocence, his/her account is not implausible, but there are no avenues of investigation (INELIGIBLE)
- Applicant is maintaining factual innocence, his/her account is not implausible, could be investigated further (ELIGIBLE)

2) Ineligible – Applicant has not exhausted the appeal process

Thank you for your Preliminary Questionnaire/letter dated XXX/and the additional documents you have provided.

We note that you are *yet to apply for leave to appeal against your conviction / you are currently awaiting the decision for your application for leave to appeal / you are in the process of renewing your application for leave to appeal / you have applied for leave to appeal and you have an appeal hearing pending / you are yet to apply for leave to appeal against your conviction as your original lawyers have advised that you have no grounds of appeal. However, you have since engaged NAME OF LAW FIRM to assist you in finding grounds of appeal.*

The Innocence Network UK (INUK) is very much a last resort for alleged victims of wrongful conviction. As such, we only work on cases which have exhausted the initial appeals process or where applicants are unrepresented after being advised that grounds of appeal could not be found.

This decision has been taken because we do not want to be in conflict with the legal profession by working on first appeals that are still eligible for legal aid funding.

For this reason, we will not be able to assist you at this moment in time.

We know that this is not the response you would have hoped for and we are sorry for the disappointment this may cause.

We will retain your file on our database. In the event that *your application for leave to appeal is unsuccessful / your appeal is unsuccessful / XXX has advised that you have no grounds of appeal*, please do not hesitate to contact us again.

3) Ineligible – Case is under review by the CCRC/SCCRC

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided.

We note that you have made an application to the (Scottish) Criminal Cases Review Commission and you are currently still awaiting a decision from them.

INUK assists alleged victims of wrongful conviction by investigating their cases for evidence that could substantiate their claims of innocence. Where evidence supporting an applicant's innocence is found following a full investigation, the innocence project will make an application to the CCRC on behalf of the applicant.

We therefore do not take on cases that are in the process of being reviewed by the CCRC as this could result in unnecessary delays to the CCRC's case review.

Whilst we fully understand your position and the frustrations you are experiencing, we are sorry to inform you we are unable to assist in your case at this moment in time.

We will retain your file on our database. In the event that the CCRC has come to a decision not to refer your case to the Court of Appeal, please do not hesitate to contact us again.

4) Ineligible – Case is under investigation by another university

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided.

We note that your case is currently being investigated by the University of XXX.

Unfortunately, this means that we will not be able to take on your case at this moment in time. This decision has been taken purely on practical grounds to avoid duplicating the investigative work that the University of XXX may have undertaken.

We will retain your file on our database. In the event that the University of XXX has decided that it cannot assist you any further, please do not hesitate to contact us again.

5) Undecided – Further clarification / documentation required

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided. We have considered all the information that we have on your case. There are a number of issues which we would like you to clarify to assist with our case assessment:

- Question 1
- Question 2
- Question 3

In addition, we would be grateful if you could provide us with the following documents:

- Trial judge's summing up of verdict
- Advice on appeal
- Appeal judgment
- CCRC Statement of Reasons

We look forward to hearing from you in due course.

6) Ineligible – Not a factual innocence claim

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided.

INUK only works on cases where applicants are claiming to be factually innocent and have no involvement at all in the offences that they are convicted of.

We recognise that you might not have physically stabbed the victim, and, that you got involved in the altercation to defend your friends. However, having considered your claim of innocence carefully, we feel that your case falls outside of our specific casework remit and we are unable to assist you in your appeal against conviction. OR

We note that you do not deny inflicting the fatal injury on the victim. However, you maintain that this was not intentional, and that you should have been convicted of manslaughter instead of murder. Having considered your claim of innocence carefully, we feel that your case falls outside of our specific casework remit and we are unable to assist you in your appeal against conviction. OR

Word accordingly. Describe briefly the circumstances of the applicant's claim. Having considered your claim of innocence carefully, we feel that your case falls outside of our specific casework remit and we are unable to assist you in your appeal against conviction.

We know that this is not the response you would have hoped for and we are sorry for the disappointment this may cause. We would like to emphasise that this is by no means an indication that you have no grounds of appeal against your conviction.

If you think that we may have misunderstood your claim of innocence, please write back to us with as much details as possible.

You may, instead, wish to contact the following organisations that may be able to assist you:

Liberty

21 Tabard Street
London
SE1 4LA

Student Law Office

School of Law
Northumbria University
City Campus East
Newcastle upon Tyne
NE1 8ST

7) Ineligible – Claim of innocence implausible/ No viable lines of investigation

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided.

We note that you were convicted of XXX at XXX Crown Court on the DATE. *Provide a summary of Prosecution's case and Applicant's claim.*

Our innocence projects' case investigations consist of two broad approaches. Firstly, to undermine the prosecution's evidence that led to conviction, and, secondly, to find new methods (such as forensic science testing) that could positively establish innocence.

Unfortunately, having considered your case carefully, including possible lines of enquiry that can be pursued, we do not feel that your case is suitable for further investigation by an innocence project.

We know that this is not the response you would have hoped for and we are sorry for the disappointment this may cause. If you have other forms of evidence that you think could establish your innocence which you have not already told us, please do not hesitate to contact us again.

We would like to emphasise that this does not mean that you have no grounds of appeal against your conviction and you may instead wish to contact the following organizations that may be able to assist you:

Student Law Office

School of Law
Northumbria University
City Campus East
Newcastle upon Tyne, NE1 8ST

Criminal Cases Review Commission

5 St Philip's Place
Birmingham
B3 2PW

Joint Enterprise Not Guilty by Association (JENGBA)

27 Old Gloucester Street
London
WC1N 3AX

8) Ineligible – False allegation for sexual offences with no viable lines of investigation

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided.

We have considered all the information you have provided and would like to update you.

As with many false allegation cases where the conviction is based mainly on the complainant's/complainants' testimony, the nature of your case represents possibly the most difficult type of miscarriage of justice to overturn.

Whilst we know that you may be innocent, unless there are viable lines to substantially disprove your accuser(s) allegation(s), or, your accuser(s) is/are prepared to retract her/his/their evidence to the satisfaction of the Court of Appeal and with good reasons for why her/his/their retraction(s) should be accepted as truthful, the lines of investigation that an innocence project can pursue to establish your factual innocence is very limited.

For this reason, unfortunately, we do not feel that we are able to assist in your case.

We know that this is not the response you would have hoped for and we are sorry for the disappointment caused.

You may, instead, wish to contact the following organisations for advice and assistance:

False Allegations Support Organisation (FASO)

176 Risca Road
Crosskeys
NP11 7DH
Tel: 0844 335 1992 (6pm-10pm, Mon-Fri)

Falsely Accused Carers and Teachers (FACT)

PO Box 3074
Cardiff
CF3 3WZ
Tel: 0292 077 7499

Quality Solicitors, Jordans

4 Priors Place
Doncaster
DN1 1BP

9) Ineligible – Not a criminal matter/ white-collared crime that is not within INUK's realm of expertise

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided.

We have considered all the information you have provided and would like to update you.

We note that your claim involves SUMMARY OF CASE/ We note that you were convicted of XXX on the DATE at XXX Crown Court/Magistrates' Court.

INUK typically works on serious, violent criminal offences, such as homicides and sexual offences that can be re-examined through fieldwork investigations and/or application of forensic techniques such as DNA testing.

As your case relates to a civil matter/ white-collared crime, we do not have the necessary expertise to undertake the type of investigations necessary.

For this reason, we are unfortunately unable to assist in your case.

We know that this is not the response you would have hoped for and we are sorry for the disappointment caused. We would like to emphasise that this is by no means an indication that your claim has no merits. You may instead wish to contact the following organisations that may be able to assist you:

Student Law Office

School of Law
Northumbria University
City Campus East
Newcastle upon Tyne, NE1 8ST

Criminal Cases Review Commission

5 St Philip's Place
Birmingham
B3 2PW

10) Eligible

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided.

We have considered all the information that you provided and can confirm that your case **DOES** meet our eligibility criteria. Your case has been added to our database of cases currently awaiting further investigation.

We will let you know as soon as we have the capacity to take on your case.

*We note that you currently do not have a solicitor assisting you with your appeal against your conviction. **In the event that you manage to engage a solicitor prior to your case being allocated to an innocence project, please let us know. OR***

We note that NAME OF SOLICITOR is currently assisting you with your appeal against conviction. We will contact NAME OF SOLICITOR in due course to confirm that s/he is happy to work in collaboration with an innocence project on your case.

Finally, we have enclosed a pack of articles on innocence projects and the problem of wrongful convictions in general which we hope you will find of interest.

Should you have any queries in the meantime, please do not hesitate to write to us.

11) Eligible – False allegation/sexual offences with limited lines of investigation

Thank you for your Preliminary Questionnaire/letter dated XXX/the additional documents you have provided.

We have considered all the information that you provided and can confirm that your case **DOES** meet our eligibility criteria. Your case has been added to our database of cases currently awaiting further investigation.

We will let you know as soon as we have the capacity or is willing to take on your case.

We also have to stress that as with many false allegation cases where the conviction is based mainly on the complainant's/complainants' testimony, the nature of your case represents possibly the most difficult type of miscarriage of justice to overturn.

Whilst we know that you may be innocent, unless there are viable lines to substantially disprove your accuser(s) allegation(s), or, your accuser(s) is/are prepared to retract her/his/their evidence to the satisfaction of the Court of Appeal and with good reasons for why her/his/their retraction(s) should be accepted as truthful, the lines of investigation that an innocence project can pursue to establish your factual innocence is very limited.

As such, whilst we have deemed your case to be eligible, we do not want to raise your expectations of the likelihood of your case being further investigated, and, what an innocence project can do on your behalf if your case is investigated.

We therefore recommend that you continue to seek legal assistance to assist you with your appeal against conviction. You may also wish to contact the following organizations for advice and assistance:

False Allegations Support Organisation (FASO)

176@NP11 7DH, South Wales
Tel: 0844 335 1992 (6pm-10pm, Mon-Fri)

Falsely Accused Carers and Teachers (FACT)

PO Box 3074
Cardiff
CF3 3WZ
Tel: 0292 077 7499

Historical Abuse Appeal Panel (HAAP)

Jordans Solicitors LLP
4 Priory Place
Doncaster
DN1 1BP

In the event that you manage to engage a solicitor prior to your case being allocated to an innocence project, please let us know. OR

We note that NAME OF SOLICITOR is currently assisting you with your appeal against conviction. We will NAME OF SOLICITOR in due course to confirm that s/he is happy to work in collaboration with an innocence project on your case.

Finally, we have enclosed a pack of articles on innocence projects and the problem of wrongful conviction in general which we hope you will find of interest.

Should you have any queries in the meantime, please do not hesitate to write to us.

12) Suggested wording for other scenarios

i) If applicant is deemed eligible but did not receive a custodial sentence or no longer in custody (with the exception of life sentenced prisoner who has been released on parole):

“As a voluntary organisation with limited resources, we have to prioritise cases of prisoners with long-term prison sentences remaining. As you did not receive a custodial sentence/ you are no longer in custody, your case will not be prioritise for referral and we cannot guarantee that an innocence project will be able to take on your case in the near future. We therefore recommend that you continue to seek legal assistance to appeal against your conviction.”

ii) Returning original documents to applicants (All documents sent by applicant (except for correspondences to INUK and Preliminary Questionnaire) should be photocopied and returned to the applicant:

“We have retained photocopies of the documents you have provided in your file and have enclosed the originals.”

iii) If the applicant wants to send you his/her entire case file

“We will not require your entire case file at this moment in time. Instead, please provide us with the following documents:

- *Trial judges summing up of verdict etc.”*

iv) If the applicant requests for a visit

“Due to our lack of resources as a voluntary organisation, we do not typically conduct prison visits at this preliminary stage of our enquiry. Prison visits will be conducted by staff and student volunteers if your case is deemed eligible and is taken on for full investigation.”

v) Case falls outside INUK’s jurisdiction (i.e. England, Wales and Scotland)

“INUK only works on cases that fall within the jurisdictions of England, Wales and Scotland. Unfortunately, your case falls outside of our jurisdiction and we are unable to assist you. You may instead wish to contact the following organisations...”

13) INUK House Style

Font: Arial

Font Size: 11

Spacing: Single

Logo: Header - Top Right Hand

14) Template letter to a prisoner



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

Our Ref: 0111-SMI

Mr John Smith (A0011AA)
HMP Bristol
5 Garden Court
Bristol
BS1 1AA

1st January 2011

Dear Mr Smith,

Yours sincerely,

G.T.

*pp.*Innocence Network UK (INUK)

15) Template letter to an applicant who is not in prison



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

Our Ref: 0111-SMI

Private & Confidential

Mr John Smith
5 Garden Court
Bristol
BS1 1AA

1st January 2011

Dear Mr Smith,

Yours sincerely,

G.T.

*pp.*Innocence Network UK (INUK)

16) Letter Writing Tips

- Do not copy the template letters blindly – the templates are meant for guidance only. You will need to adapt as appropriate.
- Refrain from asking questions that have already been answered either from the documents or from the applicant's previous letters.
- Refrain from asking questions that the applicant cannot reasonably be expected to know the answer. (e.g. Why do you think that the police did not pursue the other suspects?)
- Do not ask questions that will encourage the applicant to speculate – this is unhelpful.
- Keep questions simple, and most importantly, **relevant** to your case assessment. How does the question help you to decide whether the applicant's case is eligible or not?
- If your question is too long, it may help to break it down into sub-questions.
- Use bullet-points if you are asking a series of questions.
- Avoid overtly long sentences and jargons.
- Use the appropriate tone, particularly when asking questions of a sensitive nature. In particular, refrain from using an "accusatorial tone" e.g. "Please explain why you gave a different account to the police when you were first interviewed." instead of "Why did you lie to the police?"
- It is acceptable to explain to an applicant why s/he is guilty, if the applicant has clearly misunderstood the law.
- However, if the applicant is maintaining factual innocence but you find the evidence overwhelming or you find his/her claim simply not plausible, refrain from telling the applicant that s/he is guilty or you do not believe that s/he is innocent! Instead, use phrases like, 'having considered the strength of the evidence that led to your conviction, we feel that there is very little an innocence project can do to assist you in overturning your conviction'.
- Proof-read for spelling and grammatical errors.
- Please comply with house-style e.g. Font, font size, logo etc.
- Dear Mr Smith instead of Dear John Smith!
- Put down the prison number only if the letter is going to be posted to a prison.