



## GUIDANCE FOR NEW APPLICANTS

### About us

Innocence Network UK (INUK) was established by Dr Michael Naughton in September 2004. It is a practical response to the limitations of the criminal justice system identified in his academic research: there are many known causes of wrongful convictions to which innocent individuals can fall prey, both intentional and unintentional, and, yet, the criminal appeals system cannot guarantee that all innocent victims of wrongful convictions will have their convictions overturned.

### INUK has four broad interrelated purposes:

#### Research

INUK is a vehicle for the circulation of Dr Naughton's research on wrongful convictions and the research that he undertakes on wrongful convictions and miscarriages of justice with others under the auspices of INUK. These researches feed into INUK's public engagement and impact aims.

#### Casework

INUK undertakes independent, objective investigations into claims of factual innocence by alleged victims of wrongful convictions to determine whether they are true or not.

All investigations into alleged wrongful convictions by INUK are undertaken on a *pro bono* basis – free for public good.

#### Public engagement

INUK seeks to communicate to policy makers, criminal justice system agencies, the legal community and more widely to members of the public on a range of issues relating to the findings of research and case investigations into alleged wrongful convictions.

#### Impact

INUK's overall aim is to overturn convictions given to factually innocent people, to learn lessons from such wrongful convictions and to improve the criminal justice system by effecting reforms and changes in practice to prevent such wrongful convictions from occurring in the future.

#### Support

INUK draws support from a wide range of constituency groups concerned with wrongful convictions, including academics, criminal appeal lawyers, victim support groups and campaigning organisations, forensic scientists and investigative journalists.

It is crucial to note that INUK does NOT give legal advice and it is NOT a campaign or victim support group.

## **International partnership**

INUK is a member of The Innocence Network, an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted and working to redress the causes of wrongful convictions.

## **INUK casework**

INUK's casework is undertaken by University of Bristol Innocence Project students who have first completed the INUK training in the causation of wrongful convictions, assessing applications for casework assistance, investigating alleged wrongful convictions and writing applications to the CCRC and/or SCCRC.

Students work under the close academic supervision of Dr Naughton and with pro bono legal assistance from a practising lawyer where appropriate.

INUK casework aims to conduct thorough, objective and independent investigations of claims of factual innocence by alleged victims of wrongful conviction.

INUK investigations generally entail obtaining and analyzing all available used and unused evidence, requesting for retention of evidence, prison visits to alleged innocent victims of wrongful conviction, tracing and interviewing witnesses, conducting comprehensive research on forms of evidence, exploring new methods (e.g. DNA testing or other forensic science techniques) that could establish the validity of a claim of innocence, consulting with forensic science experts and making submissions to the appropriate public/ legal bodies.

If evidence of factual innocence is found or the evidence that led to the conviction is discredited, INUK will assist in making an application to the CCRC or the SCCRC for the applicants case to be reviewed for referral back to the appeal courts.

It is also possible that INUK may make applications for a Free Pardon under the exercise of the Royal Prerogative of Mercy in applications to the Secretary of State if strong evidence of factual innocence exist that does not provide legal grounds for appeal in the eyes of the CCRC and/or the SCCRC.

There are no definitive criteria for INUK's casework, other than that it is concerned with allegations of factual/actual innocence as opposed to allegations of technical miscarriages of justice.

INUK does not consider claims that murder convictions should have been convictions for manslaughter, for instance.

It is crucial to point out that INUK does not act as a solicitors firm and does not give legal advice. INUK is not a replacement for legal aid.

As such, INUK investigations into alleged wrongful convictions can help to meet the unmet legal needs of alleged victims of wrongful conviction whose cases have exhausted the appeals process and fall outside the scope of legal aid.

However, we continually grapple with a whole host of problems which limit the casework assistance that we can provide to those that we seek to help.

1. INUK is limited in its resources and capacity.
2. As such, INUK cannot guarantee that all applications that are deemed to be eligible will be able to have their claims of innocence investigated immediately. There is a waiting list but eligible applicants will be updated regularly about when their case will be investigated.
3. Another major limitation is that we do not have the powers of investigation that statutory bodies such as the CCRC possess. As a result, INUK investigations are often unable to access and/or obtain confidential or sensitive information such as medical records, police log books and diaries and information contained in the police's HOLMES database.
4. At present, INUK does not have the financial resources to commission forensic testing or analysis, although INUK does have forensic scientists who can offer preliminary review and advice on a pro bono basis.
5. As such, whilst INUK can assist with identifying lines of investigation and conducting research on the forms of forensic science technology that can help to establish a claim of innocence, the actual tests and analyses can usually only be carried out if the CCRC commissions it. In such circumstances, INUK will make an application to the CCRC requesting for the required tests to be commissioned.

## Eligibility Criteria

For your case to be eligible for further investigation by INUK, you must fulfil **all** of the following criteria:

- i) **You must be claiming to be factually innocent of the crime you have been convicted of. We will only assist in cases where an individual is claiming to have absolutely no involvement in the crime at all, including claims that no crime has occurred at all (e.g. where deaths are accidental or resultant of natural causes as opposed to criminal homicides).**

We **do not** assist in the following types of cases:

- Sentencing issues
  - Claims of partial defence such as diminished responsibility
  - Claims of partial innocence i.e. where an individual is maintaining innocence of the offence he/she is convicted of but admits legal culpability for one or more lesser offences (e.g. claim that murder conviction should have been conviction for manslaughter or GBH).
  - Claims of self-defence
- ii) **You have exhausted the normal appeals process (i.e. you have had a first appeal or applied for leave to appeal against your conviction which was unsuccessful); or, your solicitors had advised that no grounds of appeal can be found.**
  - iii) **Your case is not currently under review by the Criminal Cases Review Commission or the Scottish Criminal Cases Review Commission.**

*Please note fulfilling the above eligibility criteria does not guarantee that your case will be accepted by INUK. We will also consider the merits of the case, overall strength of the evidence that led to the conviction, and whether there are viable lines of enquiry an innocence project can investigate during the eligibility assessment process.*

*For practical reasons, we also tend to prioritise cases involving prisoners convicted of serious criminal offences and with long-term prison sentences remaining.*

## How long will the preliminary case assessment process take?

We will seek to undertake a preliminary assessment of your application within 6-8 weeks from the date of receipt of your Preliminary Questionnaire (but this may take longer out-of-term time). A letter will be sent to you stating our decision and preliminary views on your case. Alternatively, we might request further documentation and/or ask that you clarify certain questions before we confirm whether or not we are able to assist.

## How long do I have to wait before my case is investigated?

INUK is limited in its resources and capacity.

As such, INUK cannot guarantee that all applications that are deemed to be eligible will be able to have their claims of innocence investigated immediately.

There is a waiting list but eligible applicants will be updated regularly about when their case will be investigated.

### **Do I need a solicitor?**

It has to be stressed that whilst all investigative work done by INUK is done on a pro bono (free of charge) basis, we are not a replacement for legal aid.

If an applicant does not have legal representation and legal advice is appropriate, INUK will try to link the applicant up with a suitable solicitor.

Where an applicant already has legal representation, INUK will only work on his/her case if the applicant's acting solicitor, having understood our aims and functions, is agreeable to work with INUK and assist with its case investigation.

### **Privileged correspondence**

Please note that INUK **DOES NOT** currently formally have the cover of Rule 39 or Rule 58 confidential correspondence. This is simply because INUK did not exist in this country when the list of authorised persons/organisations under Rule 39 or Rule 58 was compiled.

However, many prisons do accept our correspondence as confidential and we have legal visits in some prisons with our applicants, but this is something we are unable to guarantee for all prisons at this stage.

### **Instructions for Applicants**

If you feel that your case meets the casework criteria and would like your claim of factual innocence to be considered for further investigation by INUK, please complete the enclosed Preliminary Questionnaire as fully as you can and return it to the following address:

**Innocence Network UK**  
C/O University of Bristol Law School  
Wills Memorial Building  
Queens Rd  
Bristol  
BS8 1RJ

We will then assess your case based on information provided in your Preliminary Questionnaire and contact you to let you know whether we might be able to assist you.

Please note that, with your permission, we will keep the information you have provided **INDEFINITELY** in our national database for research purposes. If you do not agree to this, please indicate on the last page of the enclosed questionnaire or in a separate letter.

Please be assured that all information provided in your questionnaire will be treated as confidential, but that we may share your details with our INUK researchers.

## LIST OF CAMPAIGN/VICTIM-SUPPORT GROUPS AND ORGANISATIONS

The Innocence Network UK (INUK) is **NOT** campaigning or victim support organisations. As such, you may wish to contact the following groups and organisations that campaign and/or support alleged victims of wrongful conviction and their families.

Organisation and Group	Contact Details
<b>United Against Injustice (UAI)</b> , with member organisations including:  INNOCENT  Kent Against Injustice  London Against Injustice  Merseyside Against Injustice  Yorkshire and Humberside Against Injustice  West Midlands Against Injustice	Dept. 54, PO Box 282, Oldham, OL1 3FY  PO Box 328, Gillingham, Kent ME7 2WU Tel: 07930 860943  LAI, c/o St. John's Church, Waterloo Rd, SE1 8TY Tel: 07964 812 170  PO Box 51, Upton Wirral, Merseyside, CH49 2WA  PO Box 597, Harrogate, HG1 9WZ Tel: 07762 346 229  The Warehouse, 52-57 Allison Street, Digbeth, Birmingham, B5 5TH
<b>Miscarriages of Justice Organisation (MOJO)</b>	54 Carlton Place Glasgow G5 9TW Tel: 0141 418 0152

The following victim-support groups assist individuals claiming to be wrongfully convicted of abuse and/or sexual offences as a result of false allegations:

Organisation and Group	Contact Details
False Allegations Support Organisation (FASO)	FASO, 176 at NP11 7DH, South Wales, UK Tel: 0844 335 1992
Falsely Accused Carers and Teachers (FACT)	PO Box 3074, Cardiff, CF3 3WZ Tel: 029 2077 7499

### **Disclaimer:**

*The groups and organisations listed above are **NOT** affiliated to the Innocence Network UK (INUK). We cannot guarantee that they will be able to provide assistance in your case. Neither do we accept responsibility for the quality of service they may provide.*