



Innocence Network UK (INUK)

‘Educating to overturn and prevent the wrongful conviction of innocent people.’

5th ANNUAL INNOCENCE NETWORK UK NATIONAL CONFERENCE FOR INNOCENCE PROJECTS

Freshfields, 65 Fleet Street, London
19-20 November 2010

Organised by



Hosted by:



www.innocencenetwork.org.uk





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Introduction and Welcome

We would like to start by expressing our gratitude to Freshfields Bruckhaus Deringer LLP for hosting the conference for the second year in succession. This support is vital to enabling the INUK training conferences to happen, which underpins the investigations undertaken by member innocence projects.

We would also like to thank all delegates for attending the conference this year to learn, first hand from those who have overturned wrongful convictions, how you, too, might do it!

As in previous years, the conference will commence with a Victim's Voices session with talks from two high profile speakers from the world of miscarriages of justice: Paul Blackburn and Susan May.

The aim of this session is to provide staff and student caseworkers with a real insight into the struggles that victims and alleged victims of wrongful conviction face in terms of the difficulties in attempting to overturn their convictions and trying to rebuild their lives after release and/or successful appeal. In previous years, our Victims' Voices session has consisted only of individuals who already had their convictions overturned by the Court of Appeal (Criminal Division) (CACD). This year, however, we have invited Susan May who had failed to overturn her conviction despite three unsuccessful appeals and an third application to the Criminal Cases Review Commission (CCRC) that was recently refused a referral back to the CACD. We thought that Susan May's case is an apt illustration of how, despite the CCRC, established in response to a series of notorious miscarriages of justice cases including the Birmingham Six and the Guildford Four as a remedy to the problem of wrongful convictions, the existing system can, and does, still fail to overturn the convictions of innocent individuals, despite compelling evidence that they did not commit the crime(s) for which they were convicted.

In previous years the INUK conferences have provided more background information on the problem of wrongful convictions and the limitations of the post-conviction system to help innocence project staff and students gain an awareness of the context that they are working in, as well as teach students the basics of case investigation and management.

However, as our member innocence projects have become more established and case investigations have advanced, we feel that our conference this year should similarly evolve to reflect this. As such, the objective of the Saturday sessions is to equip staff and students with practical skills and tips that will assist them in assessing and investigating forms of evidence that routinely feature in innocence project cases. In addition, we have also included sessions that will give an insight into how innocence projects can potentially utilise DNA testing in attempts to establish the innocence (or guilt) of alleged victims of wrongful conviction whose cases they are investigating.

We are aware that most of our innocence projects operate within law schools and are generally guided by practising solicitors and barristers. Whilst knowledge of the law and the criminal appeals process is crucial, investigating alleged wrongful conviction cases often requires the investigator to look beyond law, undertake research on a range of other (non-law) disciplines, and, apply a range of investigative strategies and techniques that are perhaps more akin to investigative journalism rather than the conventional 'lawyer's approach'.

As such, the Saturday sessions will be delivered by speakers who come from a range of professional backgrounds – investigative journalism, forensic science, criminal defence, law enforcement. Notwithstanding their diverse backgrounds, these speakers have years of experience and successes in investigating and overturning alleged wrongful convictions. They each bring their own unique expertise and investigative approach and we hope that by bringing them together, this conference can help to open students' minds and encourage them to think more laterally and creatively in their attempts to find



solutions to the range of practical and procedural challenges that innocence projects frequently face when seeking to investigate and overturn an alleged wrongful conviction.

Of course, it is not possible to cover, in-depth, every single problem and situation that innocence projects' case investigations may present in a one and a half day conference. However, we hope that this conference will help to make innocence project investigations more effective by 'signposting' staff and student caseworkers to the diverse range of casework strategies and avenues available for investigation.

With 8 cases referred by INUK submitted to the CCRC, a case under review at the Scottish CCRC and the first INUK referral to be heard at the Court of Appeal (Criminal Division) in December, the signs are there that INUK and its member innocence projects are having the kind of impact that was hoped for when it was established.

We hope that much is gained from this year's conference and that you will leave feeling enriched with the knowledge that will have been gained and inspired and motivated to put it into action in the cases that you are investigating.

Michael Naughton and Gabe Tan
November 2010



Conference Programme

Friday 19th November

“Victim’s Voices” <i>Chaired by Bruce Kent</i>		
1800 – 1830	Registration	
1830 - 1900	Director’s welcome	Dr Michael Naughton, <i>Founder & Director, Innocence Network UK</i>
1900 – 1930	Session 1: Victims’ Voices I	Susan May
1930 – 2000	Session 2: Victims’ Voices II	Paul Blackburn
2000 – 2030	Q & A with evening’s speakers	
2030 – 2130	Drinks Reception and informal ‘Meet the Speakers’	

Saturday 20th November

“Investigating Alleged Wrongful Convictions” <i>Chaired by Dr Claire McGourlay, Director</i>		
0900 – 0930	Registration	
0930 – 1030	Session 3: Tracing Witnesses	Neil Smith, <i>Data Locator 2202</i>
1030 – 1130	Session 4: Investigating sexual offences: the need to think outside the box	Mark Newby, <i>Jordans Solicitors LLP, Historical Abuse Appeals Panel</i>
1130 – 1145	Break	
1145 – 1300	Session 5: An investigative journalism approach to overturn alleged wrongful convictions	Dr Eamonn O’Neill, <i>Director, University of Strathclyde Innocence Project</i>
1300 – 1400	Lunch	
1400 - 1500	Session 6: The limitations of DNA evidence	Professor Allan Jamieson <i>Director, The Forensic Institute</i>
1500 - 1545	Session 7: Assessing the validity of police and other investigations	Des Thomas <i>Former Senior Investigating Officer and Deputy Head of Hampshire Constabulary CID</i>
1545 - 1600	Break	
1600 - 1700	Session 8: Wrongful Convictions: The failures of the system to correct them and a methodology for proving innocence	Dr Michael Naughton <i>Founder and Director, Innocence Network UK</i> Gabe Tan <i>Assistant Director, Innocence Network UK</i>
17 00 - 1730	Feedback Forms/ Conclusion	
1730	END	



Sessions 1-2:

Victims' Voices

The aim of this session is to provide a first-hand insight into the experiences of victims of wrongful imprisonment, the obstacles that they have encountered in seeking to prove their innocence and the ongoing struggles that they face after release.

Brief synopses of speakers

Paul Blackburn



Paul Blackburn was convicted in December 1978 at the age of 15 for the abduction, attempted murder and buggery of a nine-year-old boy. Although Paul did not match the description of the attacker and there was no evidence linking him to the brutal crime, Paul was convicted after he was forced into making a confession in the course of a 5-hour oppressive interrogation without a solicitor or an adult present. Despite obvious flaws in Paul's 'confession', his application for leave to appeal was refused by a Single Judge in 1979 and by the Full Court two years later. In May 1995, despite a feature by Channel 4's Trial and Error on his case, a petition on his behalf to the Home Secretary was unsuccessful. Paul was released on life licence in 2003 after serving a total of 25 years in prison. He had served over a decade longer than his given tariff solely because his stance of innocence and his steadfast refusal to undertake offending-courses that required him to admit guilt. On the 25 May 2005, following a referral by the Criminal Cases Review Commission (CCRC), Paul's conviction was finally quashed when the Court of Appeal heard new linguistic evidence which suggested that police officers were heavily involved in the wording of the 'confession'.

For more information, see www.writesite.org.uk.

Susan May



On a morning in March 1992, Susan May was making her usual daily call on her aunt, 89-year-old Hilda Marchbank, when she found her brutally murdered in the lounge. The lounge, where Hilda Marchbank slept, had been ransacked, with drawers and cupboards emptied and personal items



scattered around. Although police had initially believed the murder to be a result of a botched burglary, they were soon convinced of Susan's guilt, believing that she had killed her aunt for money. In 1993, Susan was convicted of the murder and sentenced to life imprisonment on the flimsiest of evidence. The prosecution's main evidence against Susan was three fingerprint marks allegedly belonging to her that was found on the wall of the lounge and said to contain the victim's blood. However, the test used by the prosecution expert has since been heavily discredited and, to this day, the question of whether or not the mark does contain human blood is yet to be scientifically established. Another piece of evidence against Susan was a remark she allegedly made to a police officer relating to scratches found on her aunt's face, which the prosecution claimed she could not have known about unless she had caused them. Susan has always denied making the remark and the notebook in which the police say the words were logged has gone missing. In 2005, Susan was released, a week before her 12-year tariff date, becoming the first prisoner maintaining innocence to be released 'on time' despite her steadfast refusal to admit guilt and comply with her sentence plan. Susan, however, is very much 'an exception that proves the rule' as many indeterminate-sentenced prisoners who maintain their innocence continue to serve sentences way pass their given tariffs. Susan's case has been referred twice to the Court of Appeal by the CCRC, and, on both occasions, her conviction was upheld. In June this year, Susan's third application to the CCRC failed. Susan and her hundreds of supporters, including several MPs and judges, continue to fight for her conviction to be overturned.

For more information, see www.susanmay.co.uk.

Learning outcomes:

1. Gain an awareness of the causes and consequences of wrongful convictions.
2. Gain a first hand insight on the experiences of victims who have experienced long-term wrongful incarceration and the obstacles they continue to face after release.
3. Learn about the obstacles that indeterminate-sentenced prisoners who maintain their innocence face in trying to achieve parole.
4. Understand the key procedural obstacles that victims of wrongful conviction have to overcome in order to achieve a successful appeal and prove their innocence.
5. Gain an awareness of the limitation of existing remedies available for victims of wrongful convictions.



Session 3:

Tracing Witnesses

The session will cover ways in which the internet can be mined for the wealth of information that it can provide to assist in innocence project investigations.

Brief synopsis of speaker

Neil Smith

Neil Smith runs Data Locator 2202, an information agency that provides legally obtained information and intelligence to a range of clients, including solicitors and law enforcement agencies, whom he regularly assists and trains in Internet Investigation Techniques. Neil previously worked as a police officer and has spent time as a Government Fraud Investigator and as an Insurance Investigator. Data Locator 2202 is a supporter of INUK and regularly provides *pro bono* assistance to INUK's member innocence projects by tracing and obtaining information on witnesses.

For more information, see www.datalocator2202.com.

Learning outcomes:

1. Learn about the intelligence that can be obtained from legal trawls on the internet.
2. Gain techniques to assist in tracing witnesses for interview.
3. Gain skills on how to obtain other documents and records, wills and employment records, and so on that can assist in investigating alleged wrongful convictions.



Session 4:

Investigating Sexual Offences: the Need to Think Outside the Box

In this session, Mark Newby develops his talk delivered at the INUK Spring Meeting earlier this year on investigating miscarriage of justice, taking an additional look at the work of the CCRC in dealing with sexual offence cases and strengthening his view of why investigations need to be approached by “out of the box thinking” using a current notorious case before the CCRC Victor Nealon which the CCRC has repeatedly rejected.

Brief synopsis of speaker

Mark Newby



Mark Newby was admitted as a Solicitor in 1993 and became a Solicitor Advocate in 2004. Since 2002 he has had a strong interest in miscarriage of justice and particular historic sexual offences. He was Director of the Historic Abuse Appeal Panel (HAAP) set up in 2003 to tackle historic allegations and has written and spoken on miscarriage issues ever since. Mark has overturned several high profile wrongful convictions in the last few years, notable cases include:

R v Sheikh [2004] Historic Care Home conviction quashed
R v Grierson [2005] – CCRC Referral Sexual Offences
R v Robson [2006] – Historic Care Home conviction
R v Lay [2006] – CCRC Referral Sexual Offences and consecutive sentences
R v Wake [2008] – CCRC Referral Historic Care Home Case
R v Lawless [2009] – CCRC Referral Murder conviction
R v Mackreth [2009] – Historic Care Home Case
R v France [2010] – Sexual Offence genital deformity
R v Walsh [2010] – Historic Case
R v Hodson [2010] – Doli incompax applied to Historic Cases
R v Sutherland [2010] – IPP Sentences

Mark also contributed to Dr Michael Naughton's edited book, *Criminal Cases Review Commission: Hope for the Innocent?* (2009, Palgrave Macmillan) and many of Mark's cases and his previous comment is featured in a forthcoming edition of Book on Sexual Offences.

For more information, see <http://jordanscrime.co.uk>.



Learning outcomes:

1. Learn about the phenomenon of false allegations and the variety of reasons why false allegations are made.
2. Gain an insight into the difficulties of investigating alleged wrongful convictions for sexual offences and the need to 'think outside the box' to overcome them.
3. Gain an insight into the inability of the appeals system and the CCRC to adequately address the problem of wrongful convictions for sexual offences and ensure that such cases are overturned.
4. Gain an awareness of how poor police investigations might cause wrongful convictions.
5. Gain an insight of the use of DNA in proving a claim of innocence.



Session 5:

An Investigative Journalism Approach to Overturn Alleged Wrongful Convictions

Investigative journalism has long been regarded as a unique genre in press, broadcast and more recently, online reporting. In part, this is due to the separate techniques its exponents use in their work. This paper explores: the definition of investigative journalism; brief case histories where it has been used in miscarriage of justice cases involving the innocent; and, how its practices can be applied to innocence projects. It explains how approaches unique to this genre of journalism can assist case investigators in collating, managing and analysing large amounts of data and suggests practical solutions to commonly found problems in the area of 'investigations' for any innocence project which might feel it is under-equipped in this field.

Brief Synopsis of Speaker

Dr Eamonn O'Neil



Dr Eamonn O'Neill, an award-winning investigative journalist, is the Programme Director of the MSc in Investigative Journalism, University of Strathclyde, Glasgow, Scotland. He is also the Director of the University of Strathclyde Innocence Project. His work on miscarriages of justice includes the 11 years he spent investigating the Robert Brown case which ended with a 25-year wrongful murder conviction being overturned by the Court of Appeal, London, in November 2002. Dr O'Neill's work has been honoured in national and international awards including: The Paul Foot Award; The British Press Awards; the Scottish BT Media Awards; and The British Film & Television Academy. He was the first British journalist to be awarded an American IRE (Investigative Reporters and Editors) honour in the Special Award (Tom Renner Award) category for his lifetime's investigative work on miscarriages of justice.

For more information, see www.eamonnoneill.com.

Learning outcomes:

1. Learn about the role of investigative journalism in overturning wrongful convictions.
2. Gain an understanding of what it means by the 'investigative journalism approach' and how it might differ from the legal approach to overturning alleged wrongful convictions.
3. Gain tips on how to manage and analyses large quantities of case papers and data.
4. Gain practical, investigative tips that might assist you in your casework.



Session 6:

The Limitations of DNA Evidence

DNA testing was first applied in criminal investigations in 1986. Since then, DNA evidence (and many other forms of forensic or expert evidence alike), have gained a reputation of being objective and infallible. This, however, is a misconception and cases such as Sean Hoey and Raymond Easton where individuals have been wrongly charged as a result of flawed DNA evidence are demonstrative of their inherent pitfalls. In this session, Professor Allan Jamieson critically discusses the limitations of forms of DNA evidence, such as Low Copy Number (LCN) DNA, partial DNA and mixed DNA and how they could cause innocent individuals to be wrongly identified for crimes they did not commit. In addition, he considers how the adversarial court system and the ways in which expert witnesses present their findings could cause juries to attach undue evidential significance to what might be inherently subjective and unreliable expert opinions.

Brief Synopsis of Speaker

Professor Allan Jamieson



Professor Allan Jamieson is the Founder and Director of The Forensic Institute based in Glasgow. He has a degree in Biology and Genetics and a PhD from the Forensic Science Unit at Strathclyde University. He then engaged in post-doctoral research until 1993 when he was appointed the manager for laboratory medicine at a hospital in Glasgow. In 1995, Professor Jamieson became Head of Lothian & Borders Police Forensic Science Laboratory until 2002. Professor Jamieson has acted as expert witness in a number of high-profile cases involving DNA evidence. He was instrumental in the challenges to the use of the Low Copy Number DNA technique in the Omagh Bombing Trial, which led to the acquittal of Sean Hoey [*R v Hoey*].

For more information, see: www.theforensicinstitute.com.

Learning outcomes:

1. Understand that DNA evidence is not foolproof and gained a critical awareness of the limitations with forensic science evidence.
2. Learn about how existing (mis)use of DNA in police investigations and criminal trials can potentially cause wrongful convictions.
3. Gain an awareness of the limitations with forms of DNA evidence, such as mixed DNA, partial DNA and Low-Copy Number DNA.
4. Learn about how the adversarial system and the inequality of arms between the defence and prosecution might prevent an impartial assessment and presentation of forensic evidence.



Session 7:

Assessing the Validity of Police and Other Investigations

A crucial aspect of investigating the reliability of evidence that led to a conviction is by assessing the validity of the police investigation that yielded the evidence in the first place. Indeed, poor police practices such as 'tunnel-vision' investigations where police construct the entire case around a known suspect; the method of 'trawling' which involves police actively seeking out allegations against a known suspect and/or failures to comply with procedures to ensure the protection and preservation of crime scenes and evidence frequently feature in cases of wrongful convictions and miscarriages of justice. In this session, utilising the case example of Michael Attwooll and John Roden who were jointly convicted in 1995 for the murders of Gerry Stevens and Christine Rees, Des Thomas provides an overview of the methodologies that can be utilised in assessing the validity of crime investigations.

Brief Synopsis of Speaker

Des Thomas



Des Thomas has 35 years investigative experience. He is a forensic management consultant former Senior Investigating Officer (SIO) and Deputy Head of Hampshire Constabulary CID. He was also Head of: Child Protection, Forensic Science Services, CID Training, CID Strategy, Fraud Squad, The Computer Crime Unit and Investigative Performance Review and Evaluation. His last operational deployment was as an SIO on 9/11. He currently works as a

Forensic Management Consultant, writes and lectures on Investigative Policy (the way investigations are controlled and directed) He gives media interviews and has acted as a consultant to the BBC. He is a proponent of police reform and supports a number of organisations including: INNOCENT and the independent think tank 'Reform'.

Learning outcomes:

1. Gain an understanding of how poor investigative practices can lead to flawed evidence that can in turn contribute to a wrongful conviction.
2. Learn about main police investigation procedures, policies and systems, including MIRSAP and HOLMES.
3. Learn about the key documents you need when looking into how a police investigation was conducted and how to utilise them.
4. Gain an understanding of the different methodologies that can be applied in testing the validity of an investigation.

**** Refer to Appendix 1**



Session 8:

Wrongful Convictions: The Failures of the System to Correct them and a Methodology for Proving Innocence

This session will be based on the book, *Claims of Innocence: An introduction to wrongful convictions and how they might be overturned* (University of Bristol, 2010). Dr Naughton will start the session with a critical discussion on the causes of wrongful convictions and the failures of the appeal system and the Criminal Cases Review Commission (CCRC) to ensure that they are overturned. He will talk about the 'parole deal' and how indeterminate-sentenced prisoners who maintain innocence may never be released from prison unless and until they have their convictions overturned.

Gabe Tan will provide a methodology for proving (and disproving) a claim of innocence that is based on the investigative experience of the University of Bristol Innocence Project as well as cases of wrongful convictions that have been overturned. She will discuss the retention policies of the police, forensic science providers and law firms, provide a step-by-step guide on how to start investigating a claim of innocence and provide an overview of the forms of DNA testing techniques that may be utilised to exonerate an innocent victim of wrongful conviction.

Brief Synopses of Speakers

Dr Michael Naughton



Dr Michael Naughton obtained his BSc (Hons) (First Class) and PhD from the University of Bristol. He is employed as a Senior Lecturer in the School of Law and School of Sociology, Politics and International Studies (SPAIS), University of Bristol. Michael specialises in the area of miscarriages of justice. He is the Founder and Director of the Innocence Network UK (INUK), the umbrella organisation for currently 20+ innocence projects in UK universities, which he established in the School of Law, University of Bristol, in September 2004. He is Founder and Director of the University of Bristol Innocence Project, the first innocence project in the UK, through which he directs pro bono investigations into cases of alleged wrongful imprisonment. He has written widely on issues related to miscarriages of justice and the wrongful conviction of the innocent for academic journals and broadsheet newspapers and is a regular contributor to television and radio. He is the author of *Criminal Cases Review Commission: Hope for the Innocent?* (Palgrave Macmillan, 2009) and *Rethinking Miscarriages of Justice: Beyond the tip of the iceberg* (Palgrave Macmillan, 2007).



Gabe Tan



Gabe Tan obtained both her LLB and MSc Socio-Legal Studies (Distinction) from the University of Bristol. Her MSc dissertation concerned the adequacy of aftercare provisions for victims of miscarriages of justice in England and Wales. Gabe is employed as a Research Assistant in the School of Law, University of Bristol. She works for the Innocence Network UK (INUK). As Head of Casework, Gabe receives all applications for assistance from alleged innocent victims of wrongful conviction, decides eligibility and allocates appropriate cases to member innocence projects for full investigations to determine whether the claim of innocence is valid. She also researches aspects of wrongful convictions that arise in the course of her work. Gabe is one of the founding members of the first innocence project in the UK, the University of Bristol Innocence Project (UoBIP), which she currently manages on a pro bono basis. Gabe has published articles and contributed to books on the topic of wrongful convictions and has had work published in leading peer-reviewed academic journals including *Critical Criminology: An International Journal* and *International Journal of Evidence and Proof*.

Learning outcomes:

1. Gain an awareness of the key causes of wrongful convictions
2. Learn about the limitations of the appeals system and the CCRC and the procedural obstacles that prevent innocent victims of wrongful conviction from having their convictions overturned.
3. Understand the challenges that indeterminate-sentenced prisoners who maintain innocence face in trying to achieve parole.
4. Learn about the evidence retention policies of the police and forensic science providers and what you should do to ensure that crucial materials are not destroyed.
5. Gain an overview of how to investigate a claim of innocence.
6. Gain an awareness of the range of DNA testing techniques available and how they could be utilised to exonerate an innocent victim of wrongful conviction.



Appendix 1

ASSESSING THE VALIDITY OF POLICE INVESTIGATIONS

By Des Thomas

Method Philosophy

This method of assessing the validity of an investigation is based on a model of Total Quality Management published by the European Foundation for Quality Management. It assumes that the outcome of any process is dependent:

- a. The inputs to that process – for example the competence of the people employed
- b. The nature of the processes it self – for example a chaotic or badly managed process may produce goods and services which are of a variable and unknown quality, whereas well managed and documented processes are likely to produce goods and services that are of a known standard.

It was by adopting a strategy of Total Quality Management (TQM) that Japanese manufacturing companies came to set a world standard that every other country had to meet. This presentation is based on the assumption that MIRSAP is nothing more than the investigative version of a Total Quality Management System. Investigations that meet the requirements contained in the original version of MIRSAP adopted following the Byford Report into the Yorkshire Ripper investigation are:

- a. Likely to be of a standard that is known and can be trusted.
- b. Easy to audit and in this respect it is easy for Disclosure and Reviewing Officers to spot and disclose material that may require Public Interest Immunity or assist the defence. In case of a civil action for negligence it may also help victims and their families obtain redress against individuals and organisation that may have failed in their duty.

In this context just by reviewing cases you are providing an important public service. Where you find flaws, there must be failures and it can never be a bad thing to put pressure on public servants to improve their performance. Where you find flaws that may, in the judgements of the courts, undermine the safety of a conviction or may have prejudiced the rights of a victim, then it may be reasonable to assume that those flaws derive from:

- a. A failure of investigations to follow MIRSAP procedures – for example by not registering documents in the chronological order in which they were received by the investigation.
- b. A failure of Chief officers to Review Investigations – for example in compliance with Home Office Circular 114/82 and ACPO Policy 1989/99/2005.

The clarity and quality of the original MIRSAP system was, in my view, compromised in 2005 when the:

- a. The requirement to Trace Implicate and Eliminate (TIE) a suspect was replaced with a requirement to Trace Interview and Eliminate (TIE) a suspect. As a senior detective I and many other colleagues resisted this change because we believed that it undermined the quality of the process and may have circumvented Section 7a of CPIA – disclose material that may assist the defence and by implication the rights of victims.
- b. By the adoption of a doctrine of seeking to prove a hypothesis, rather than conduct an agnostic search for truth, together with colleagues I also resisted this policy because in our view it increased the dangers of case construction.

The degree to which our concerns may be considered legitimate or otherwise may be an issue on which you may wish to form your own judgement. It is also something which may be both implicit and explicit in cases that



occurred after 2005. In my view there were perhaps two driving forces behind these changes. The first was a growing belief in the concept of unequivocal evidence. For example, until the case of Lydia Fairchild many scientists seemed to believe that every person had one set of unique DNA; Lydia, in common with an unknown number of others, had two. Until the Mayfield and Mackie cases a similar situation may have existed in relation to fingerprint evidence; Mayfield was unjustly accused of the Madrid Bombing and WPC Mackie of leaving her fingerprint at a murder scene. This belief in unequivocal evidence may in turn have provided a rationale for reducing the, high, cost of conducting an agnostic search for truth. Why if you have unequivocal, DNA, evidence of guilt or innocence investigate further? Once again these and other assumptions may be found in the cases you review and I would invite you to form your own judgement as to their validity or otherwise.

Reviewing a Case

Step 1- Obtain a copy of the full Nominal Index or if the Police refuse a full set of Nominal lists, these include a numerical list of all the documents set out below. These lists will allow you to judge if anything is missing and, in the normal course of events, if anything has been altered, substituted or removed – these are critical documents.

Step 2– Messages

Obtain copies of all Messages both In Messages and Out Messages. Place them in numerical order one or more lever arch files. Then check the chronology, in terms of both time and date against their numerical order and the Nominal List. Make a note of any anomalies and if you do not already have them request copies of the original documents, as opposed to facsimile computer printouts.

Examine the original copies for the signatures of the HOLMES operators, Receiver, Reader, Officer Manager, SIO and Indexer who processed them. Anomalous documents without appropriate signatures may be viewed with suspicion and may provide evidence of substitution.

Step 3 – Other Documents

Repeat the above process

Step 4 – Officers Reports

Repeat the above process

Step 5 – Actions

Repeat the above process

Step 6 – Policy Book

Identify the major policy decisions and references to the documents used to justify them. Examine and compare the times and dates recorded on the source documents with the times and dates the decision was made. The validity of any decisions made before the information on which they were based may speak for itself.

Examine all of the above documents for information on which you might reasonably expect a policy decision to have been made and compare the validity and absence of any decision to that which you might expect. For example, one might expect information that tended to eliminate a suspect to be treated in the same way as that which may have implicated them.

Step 7 – Compare Documents

Here one is looking for anomalies and gaps. For example one may be suspicious of an Action that pre time dated the information on which it was based. One might be very concerned about an investigation in which the Nominal List recorded documents that pre time dated those on which they were based. One might also be concerned about the absence of an Action to follow a line of enquiry identified in an Other Document or Officers Report.

Step 8 – Review Statements

In an ideal world you need two sets of statements. One set may be laid out following the order of the prosecution file supplied by the CPS or if you are the CPS the police. The other is laid out in the numerical order in which the statements were recorded by the investigation.



The first thing to check may be the Nominal List against the order of the prosecution file. If one finds that, irrespective of the dates on which statements were taken, the list marches the order, one might conclude that the documentation may have been recorded after the investigation.

The second thing to check is the date the statement was received by the investigation, as listed on the Nominal List, against the date the statement was signed. One might view a statement that was apparently received before it was made with some suspicion, for example it may have been re-written to remove evidence that was inconvenient to particular hypotheses.

The third thing to do is compare the evidence contained in one statement against that in others, for example was the weapon found by the body responsible for the shooting or did the post mortem reveal bullets of a different type?

The fourth thing to look for is gaps in the evidence, missing exhibits or highly judgement decisions, for example the cigarettes were not examined because they were of a different kind to that smoked by the accused.

Step 9 – Repeat the Cycle until you are happy with the result

Step 10 – Record your results on a Report and Review

It is only by writing things down and reviewing them that you may find gaps in the logic of your arguments and evidence. Given the nature of what your reviews may reveal, it may be important that you present them in the right way; no gaps or prejudice.



List of Participating Universities

Aberystwyth University

BPP Law School

Nottingham Trent University

Sheffield Hallam University

University of Bristol

University of Cambridge

University of Durham

University of East Anglia

University of Gloucestershire

University of Kent

University of Plymouth

University of Portsmouth

University of Sheffield

University of Strathclyde

University of the West of England

University of Winchester



Acknowledgements

We would like to thank Freshfields Bruckhaus Deringer for once again hosting this conference and for their general support of our work.

We would also like to thank Bruce Kent and Dr Claire McGourlay for chairing the conference, as well as the following speakers for their respective sessions: Paul Blackburn and Susan May; Neil Smith; Mark Newby; Dr Eamonn O'Neill; Professor Allan Jamieson, and, Des Thomas.

Finally, we wish to thank all staff and students from all of our member innocence projects for their ongoing enthusiasm, support and involvement.

Contacts

For any queries relating to the conference or the work of the INUK, please e-mail Pat Hammond at **Pat.Hammond@bristol.ac.uk**.

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