



Innocence Network UK (INUK)

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

8th ANNUAL INNOCENCE NETWORK UK CONFERENCE FOR INNOCENCE PROJECTS

School of Law, University of Sheffield
1-2 November 2013

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List of INUK Member Innocence Projects

University Members

BPP Law School
Nottingham Trent University
Sheffield Hallam University
University of Aberysthwyth
University of Bristol
University of Cambridge
University of Durham
University of East Anglia
University of Exeter
University of Gloucestershire
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University of Leicester
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Acknowledgements

We would like to thank Norton Rose LLP for once again hosting the INUK Annual Conference for Innocence Projects. In particular, special thanks to Patrick Farrell and Miranda Joseph, Partner and former Associate at Norton Rose LLP, respectively. Miranda is also an alumnus of the first cohort of students who established the University of Bristol Innocence Project and her continued enthusiasm and support for the work of INUK and its innocence projects is valued and appreciated. We would also like to thank Janey Gallacher, Legal Assistant at Norton Rose LLP, who has provided invaluable assistance in organising this conference.

We are grateful to LexisNexis for sponsoring this conference, especially to Tom Laidlaw, Head of Academic Development, for his continuing support of the work of INUK and its member innocence projects.

In addition, we would like to thank the speakers for their generosity in sharing their extensive knowledge and experiences of working on wrongful conviction cases with us so that we might learn more about the causes and harmful consequences of wrongful convictions, how they can be investigated and how they might be overturned: Peter Wilcock QC, Eddie Gilfoyle, Sue Caddick, Diana Kirsch, Dr Jamie McLean, Nick Johnson, Professor Tim Valentine, Mark Barlow, Ms Julie Allard, Professor Paul Roberts, Michael O'Brien and to Dr Claire McGourlay and Dr Andrew Green for chairing the sessions at the conference.

Finally, we wish to thank all staff and students from all of our member innocence projects who give hope to alleged innocent victims of wrongful convictions and for their evident desire to achieve justice for the innocent.

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Contacts

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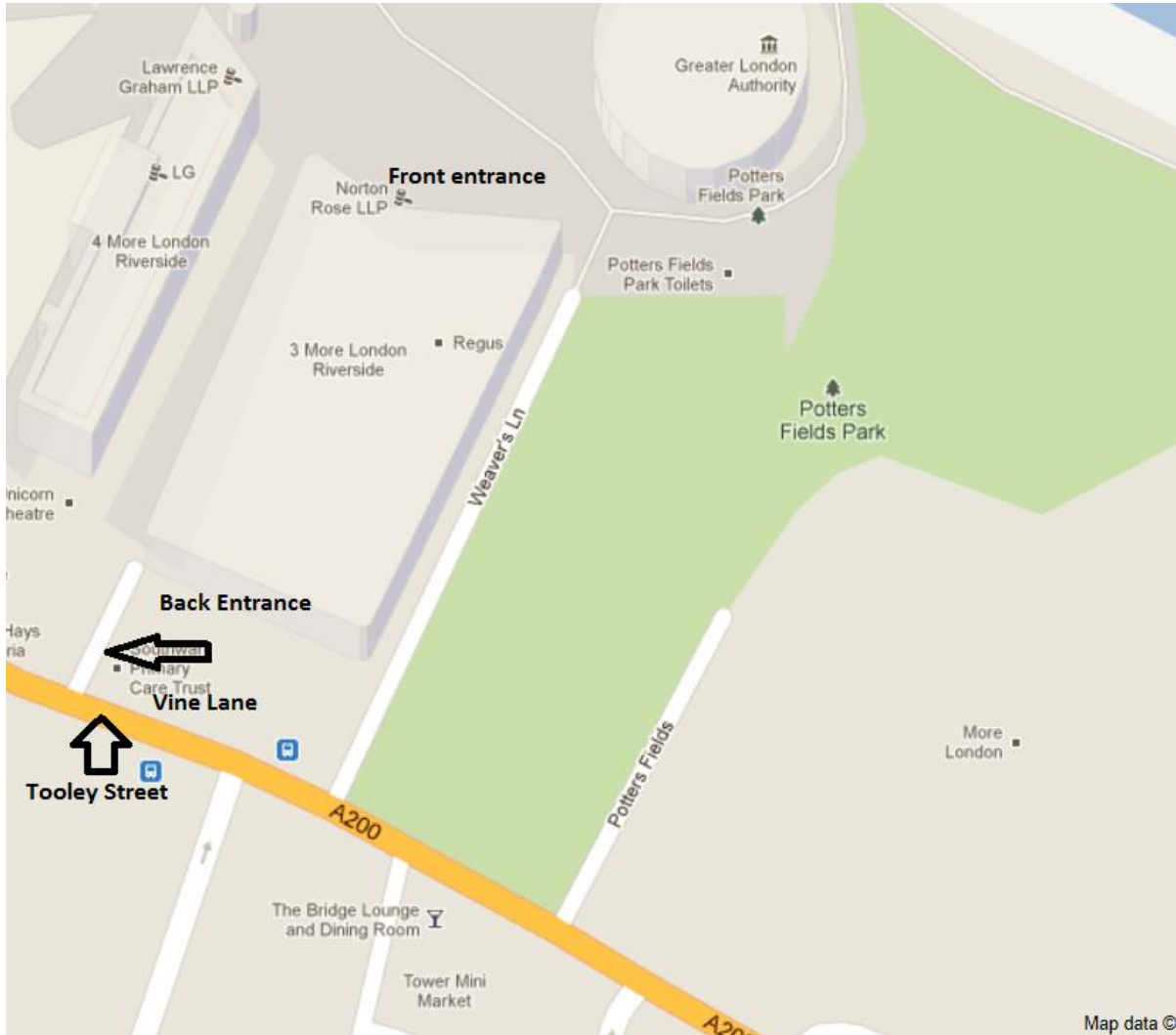
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For any queries relating to the conference or the work of the INUK, please e-mail Ms Gabe Tan at Gabe.Tan@bristol.ac.uk.



Map of Conference Venue

Norton Rose LLP, 3, More London, Riverside, London SE1 2AQ



IMPORTANT: Please note that the front entrance to Norton Rose will be closed on the Saturday. Please enter via the back entrance to the building on **Vine Lane off Tooley Street**.

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Introduction and Welcome

Firstly, we would like to welcome all attendees and speakers to the 7th INUK Annual Conference for Innocence Projects. Thank you for taking time off your busy schedules to participate in this event. This conference would not be possible without your enthusiasm, commitment and desire to learn about wrongful convictions.

From our humble beginnings as a single innocence project in Bristol with a handful of students in 2005, INUK has now grown into a vibrant network of 23 member innocence projects. Year on year, around 500 students are involved in innocence projects and, as a network, we are collectively working on over a hundred cases of alleged wrongful convictions. The vast majority of cases investigated by INUK's member innocence projects involve prisoners serving life or long-term sentences for serious offences. Almost all have exhausted the normal appeal process and have very limited access to legal aid funding. Whether you are a student caseworker, a staff director, a supporter or an advisor to INUK, the role that you play in providing the much needed help and hope to alleged victims of wrongful conviction is a very crucial one.

Over the years, the enormity of the task of overturning wrongful convictions has become increasingly apparent. There are teething practical obstacles that innocence projects have to overcome, from the students' lack of practical casework experience, the difficulty of navigating through boxes and boxes of materials in a complex case, lack of viable lines of enquiry, to funding issues that may curtail an innocence project's ability to undertake fieldwork investigations, obtain trial transcripts or commission forensic testing. In addition, the legal challenges are notoriously difficult to surmount. The Criminal Cases Review Commission (CCRC) and the Scottish Criminal Cases Review Commission (SCCRC) refer only a handful of cases back to the appeal courts each year. What both of these bodies require is fresh evidence – or, more often than not, fresh, fresh, fresh evidence by the time these cases reach our desks, having previously failed in their appeal and been rejected by the CCRC or the SCCRC. When a case gets referred to the Court of Appeal or the High Court in Scotland, there is an even more difficult task of persuading the judges that the conviction is unsafe and should be quashed. As an innocence project caseworker recently described, 'it's like climbing to the bottom of Everest and then realising that you've got Everest to climb!'

Despite these difficulties, the little successes that INUK member innocence projects have achieved recently are positive signs that we can overcome these challenges. In September this year, the University of Bristol Innocence Project achieved a referral back to the High Court of Justiciary by the SCCRC in the case of William Beck, convicted more than three decades ago of armed robbery. The University of Gloucestershire Innocence Project and the University of Winchester Innocence Project have also both made applications/submissions to the CCRC in their respective cases this year. Many other INUK member innocence projects have also indicated that they are towards the final stages of their investigations and will soon be in a position to submit applications to the CCRC or SCCRC on behalf of their clients. We are hopeful that by working together more closely as a network, exchanging ideas and learning from each other's experiences, we will be in a stronger position to investigate cases of alleged wrongful conviction and achieve successful appeals for those that we find from our investigations to be genuine victims of wrongful conviction.

The Annual Conference for Innocence Projects is one of the main ways in which INUK supports its members. As with previous years, the aim of this year's conference is to advance the knowledge and skills of innocence project caseworkers and staff directors so that we are all better equipped to make progress with our cases. We have a fantastic array of speakers again this year who are all leading experts in their fields. Collectively, they bring together their respective expertise in criminal evidence, criminal appeals, forensic science, eyewitness identification evidence, false allegations, pro bono work and clinical legal education. In addition to these speakers are Michael O'Brien, Eddie Gilfoyle and Sue Caddick whom, through their own experiences of fighting the criminal justice system, have become experts in their own right.

These speakers are here with us this weekend to share their experiences, impart their knowledge and most importantly, to implant a passion for justice in our innocence project caseworkers, many of whom will go on

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to become the next generation of solicitors, barristers, police officers, and so on, and take on roles within the criminal justice and legal sectors.

Of course, none of the sessions at the conference are meant to be exhaustive. However, we hope that you will take from this conference, a wealth of useful tips, advice, ideas and contacts that will help you in your attempts to find the truth behind the alleged wrongful convictions that you are investigating. Innocence project work is by no means a simple feat. It is laborious, complex and at times frustrating. We hope that by spending a day and a half with an excellent array of speakers and meeting innocence project colleagues from other universities, you will leave the conference feeling reinvigorated and inspired to carry on in endeavours to rectify wrongful convictions and achieve freedom and justice for the convicted innocent.

Michael Naughton and Gabe Tan
Director and Executive Director
Innocence Network UK

20 November 2012



Conference Programme

Friday 23rd November

Chaired by Dr Michael Naughton		
1800 – 1830	Registration	
1830 – 1915	Session 1: Victims' Voices	Eddie Gilfoyle and Sue Caddick
1915 – 2000	Session 2: Achieving Justice for Victims of Wrongful Convictions	Peter Wilcock QC Tooks Chambers
2000 – 2015	Q & A with evening's speakers	
2015 – 2115	Drinks Reception and informal 'Meet the Speakers'	

Saturday 24th November

Morning		
Chaired by Dr Andrew Green		
0900 – 0930	Registration	
0930 – 1015	Session 3: Innocence Network UK: introduction and update	Dr Michael Naughton, Founder and Director, INUK Ms Gabe Tan, Executive Director, INUK
1015 – 1115	Session 4: Different models of running an innocence project	Diana Kirsch - BPP Law School Gabe Tan - INUK, University of Bristol Jamie McLean - University of Southampton Nick Johnson – Nottingham Trent University Claire McGourlay – University of Sheffield
1115 – 1130	Break	
1130 – 1215	Session 5: Problems with eyewitness testimony and identification evidence	Professor Tim Valentine Goldsmiths, University of London
1215 – 1315	Session 6: Investigating historical abuse and sexual offences	Mark Barlow Garden Court North
1315 – 1415	Lunch	
Afternoon		
Chaired by Dr Claire McGourlay		
1415 – 1515	Session 7: An introduction to Body Fluid and DNA evidence	Ms Julie Allard Director and Consultant, Forensic Context Ltd.
1515 – 1615	Session 8: Forensic evidence and its presentation in criminal courts	Professor Paul Roberts University of Nottingham
1615 – 1630	Break	
1630 - 1730	Session 9: Plenary Speech: Prisons Exposed	Michael O'Brien Cardiff Newsagent Three
1730	END	

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Session 1:

Victims' Voices

The harmful consequences of a wrongful conviction can often impact not only on direct victims but also on their families. Very often, family members can spend years of their lives seeking to achieve justice for their loved ones. The aim of this session is to provide a first-hand insight into implications and impacts of wrongful conviction, the psychological and emotional trauma faced by victims and their families and the mountain of obstacles that they have to overcome to achieve freedom and justice.

Brief synopsis of speakers

Eddie Gilfoyle and Sue Caddick



Sue Caddick is the sister of Eddie Gilfoyle. For almost two decades, Sue has campaigned tirelessly for her brother who was convicted of the murder of his wife. In June 1992, Eddie Gilfoyle's wife, Paula Gilfoyle, who was eight and a half months pregnant, was found hanging in the garage of their home in Upton, Wirral. Although Paula's death was initially thought to be a suicide, Merseyside Police charged Eddie with Paula's murder, which led to a conviction at Liverpool Crown Court in July 1993. After his conviction, the Police Complaints Authority (PCA) instructed Lancashire Police to conduct an inquiry into the case. Lancashire Police concluded that there was no evidence of murder. Their findings also revealed that Merseyside Police had suppressed the evidence of a witness who saw Paula alive and well several hours after it was alleged that Eddie had killed her. Despite the findings by Lancashire Police, Eddie's appeal in 1995 was rejected. His case was featured by Channel 4's 'Trial and Error', where pathologist Professor Bernard Knight concluded that there was no evidence supporting the claim that Paula was murdered. In 2000, the CCRC referred Eddie Gilfoyle's conviction back to the Court of Appeal, where it was again dismissed. In January 2012, Paula's diary and personal papers, which revealed previous suicide attempts and a troubled background, were disclosed by Merseyside Police. Eddie's conviction is presently under review again by the CCRC. An inquiry has been launched to investigate why these documents which could prove Eddie's innocence were withheld from his legal team.

Learning outcomes:

1. Gain an awareness of the causes of wrongful convictions.
2. Gain a first-hand insight into the harms suffered by victims of wrongful conviction and the secondary harms caused to their family.
3. Understand the key procedural obstacles that alleged victims of wrongful conviction have to overcome in order to achieve a successful appeal against conviction.



Session 2:

Achieving Justice for Victims of Wrongful Conviction

This session aims to develop some of the issues raised in the previous session, in particular, the legal and practical obstacles that have to be overcome to achieve a successful appeal against conviction. Drawing from his wealth of experience as a barrister who has represented some of the most high profile victims of wrongful conviction, Peter Wilcock QC will talk about the key challenges he faced in the cases he represented and how he overcame them in his attempts to clear the names of his wrongly convicted clients.

Brief synopsis of speaker

Peter Wilcock QC



Peter Wilcock QC specialises in criminal defence including regular appellate work; civil actions against the police; inquests and mental health. Peter's criminal practice has encompassed the full range of serious offences from terrorism to professional crime and fraud. In recent years Peter has developed a specialism in cases involving expert evidence whether it be clinical, pathological or psychiatric. Peter has assisted several high profile victims of wrongful conviction in successfully appealing against their convictions, including babysitter Suzanne Holdsworth who overturned her conviction for the murder of her neighbour's two-year old son in 2008 after the expert evidence that led to her conviction was found to be unreliable. Other cases that Peter represented include Graham Huckerby who overturned his conviction for armed robbery in 2004 and Victor Boreman, Michael Byrne and Malcolm Byrne who overturned their convictions for murder after the evidence given by the now discredited pathologist Michael Heath was found to be flawed.

Learning outcomes:

1. Gain an appreciation of the length of time and depth of investigation required to establish the claims of innocence of alleged victims of wrongful conviction.
2. Gain an understanding of the legal and procedural obstacles that have to be overcome to overturn a wrongful conviction.
3. Gain a critical awareness of the Court of Appeal's criteria for allowing appeals against conviction under s.2 of the Criminal Appeal Act 1995 and the criteria on admissibility of evidence under s.23 of the Criminal Appeal Act 1968.
4. Gain a critical awareness of the difficulties in achieving a referral back to the Court of Appeal via the Criminal Cases Review Commission.



Session 3:

Innocence Network UK (INUK): Introduction and Update

The aims of this session are two-fold: first, to introduce new members to the work of INUK, why it was established and how it supports its member innocence projects. Second, this session will provide an update on the activities of INUK, from the cases presently investigated by our network of 23 innocence projects, the difficulties we are facing on the casework front, to our most recent communication and policy initiatives to push for reforms to the Criminal Cases Review Commission.

Brief synopses of Panellists

Dr Michael Naughton



Dr Michael Naughton is the Founder and Director of the Innocence Network UK (INUK), an umbrella organisation for member innocence projects in UK universities, which he established in the University of Bristol Law School in September 2004. INUK has actively assisted in setting up 34 innocence projects in UK universities to date (November 2012). 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 convictions. Michael is also a Reader in Sociology and Law with joint appointments in the School of Law and the School of Sociology, Politics and International Studies (SPAIS). He teaches in the general area of crime, justice and society and in his specialist area of miscarriages of justice and has written widely on issues related to miscarriages of justice and the wrongful conviction of the innocent for leading academic peer-reviewed journals, professional magazines and broadsheet newspapers. He is the author of *Rethinking Miscarriages of Justice: Beyond the Tip of the Iceberg* (2007, paperback 2012), *Claims of Innocence: An Introduction to Wrongful Convictions and How they Might be Challenged* (2011) (with Gabe Tan). He is the editor of *Criminal Cases Review Commission: Hope for the Innocent?* (2009 [paperback 2012]). His forthcoming book for Palgrave Macmillan, *The Innocent and the Criminal Justice System*, is planned for publication in the Spring of 2013.

Gabe Tan



Gabe Tan obtained both her LLB and MSc Socio-Legal Studies (Distinction) from the University of Bristol. She works exclusively in the University of Bristol Law School as the Executive Director of the Innocence Network UK (INUK), overseeing all of the organisation's casework, including eligibility assessment of applications from prisoners, submissions to the Criminal Cases Review



Commission (CCRC) and the referral of cases to INUK's member innocence projects. Gabe is also one of the founding members of the first innocence project in the UK, the University of Bristol Innocence Project (UoBIP), for which she serves as Executive Director on a pro bono basis. Gabe researches aspects of wrongful convictions that arise in the course of her work and has published various articles on miscarriages of justice in academic peer-reviewed journals, professional magazines and has contributed to books on the topic. She is also the co-author of *Claims of Innocence: An Introduction to Wrongful Convictions and How they Might be Challenged* (2011, University of Bristol) (with Michael Naughton).

Learning outcomes:

1. Learn about the history of INUK, why it was established and its functions.
2. Learn about how INUK supports its member innocence projects, including how it undertakes eligibility assessment on applications for assistance and refer cases to member innocence projects for further investigation.
3. Gain an insight into the breadth of case investigations that are collectively undertaken by INUK's member innocence projects.
4. Gain an insight into some of the key difficulties that INUK and its member innocence projects are facing.
5. Learn about INUK's ongoing efforts to reform the Criminal Cases Review Commission so that it could better assist those who might be innocent.



Session 4:

Different Models of Running and Innocence Project

Over the years, INUK's member universities have adopted different models of running their innocence projects. Most projects are run as an extra-curricular, pro bono venture or as part of the university's law clinic. A growing number of member universities have also started to run their innocence projects as taught, assessed modules. This session brings together a panel of innocence project staff directors who will share their approach to running their innocence projects, best practices that are adopted by their innocence projects and how they guide their students to ensure that progress is made on the cases that they are investigating.

Brief synopses of panellists

Dr Claire McGourlay



Dr Claire McGourlay is the staff director of the innocence project at the University of Sheffield, where she also works as a Senior Lecturer. Known for her innovative approach to teaching, Claire is the holder of a University Senate Award for excellence in learning and teaching and an Award for Excellence in Inquiry Based Learning. Claire specialises in criminal law and criminal evidence. In addition to her publications in academic, peer-reviewed journals, Claire is the author of *Criminal Evidence Statute Book* (4th Edn) (2012, Routledge Cavendish) and the co-author of *Criminal Evidence in Context* (3rd Edn) (2012, Routledge Cavendish) (with Jonathan Doak).

Diana Kirsch



Diana Kirsch is the staff director of the innocence project at BPP Law School in Holborn. She is also an associate solicitor at Neumans. Diana has undertaken work covering all aspects of criminal litigation; from minor magistrates' court matters to the most serious crown court work, she has represented those facing the most serious of allegations, including murder, rape and money-laundering. She also has considerable experience in representing clients involved in public demonstrations such as the May Day protests.

Gabe Tan – see above



Dr James McLean



Dr James McLean is the staff director of the University of Southampton Innocence Project. A former military chaplain with operational experience in the Gulf War, Northern Ireland and the Former Republic of Yugoslavia, Jamie has also served as an elected member of local government in Scotland and on a number of local, regional and national committees. James is presently a Senior Lecturer at the University of Southampton. In addition to his publications in academic, peer-reviewed journals, James is the author of *Rethinking Law as Process: Creativity, Novelty, Change* (2011, Taylor and Francis) and the co-editor of *The Universal and the Particular in Legal Reasoning* (2007, Ashgate) (with Zenon Bankowski)

Nicholas Johnson



Nicholas Johnson is the staff director of the innocence project at Nottingham Law School, where he works as a Senior Lecturer and Pro Bono Director. Nick teaches Property and Advanced Commercial Property on the Legal Practice Course and Constitutional and Administrative Law on the Graduate Diploma in Law. He is also responsible for Pro Bono activities within the Graduate Division including the Legal Advice Clinic and is a member of the Division's Business Development team. Nick is currently engaged in developing a research project with a local professional looking at the impact of changes to the legal aid system. He is also developing a pro bono project with the Free Representation Unit to give students the opportunity to undertake tribunal representation in Nottingham.

Learning outcomes:

1. Gain an overview of the different models of running an innocence project and how these models can be adapted depending on the size of the project, students' academic level (e.g. undergraduate, post-graduate, LPC/BPTC) and discipline.
2. Appreciate the importance of staff engagement and supervision in ensuring client care, case progression and effective student learning.
3. Gain an insight into how to structure and manage an innocence project and the role of students as caseworkers.
4. Learn about funding opportunities and strategies to ensure the innocence project's sustainability.



Session 5:

Problems with Eyewitness Testimony and Identification Evidence

The criminal justice system in England and Wales contains a variety of safeguards in recognition of the fallibilities of eyewitness identification evidence, including the Police and Criminal Evidence Act 1984 and the Turnbull Guidelines. Such evidence also features in many of the cases investigated by INUK's member innocence projects. This session aims to enhance our understanding of eyewitness testimony and identification evidence, in particular, the range of factors that could affect their reliability, the psychological reasons for why eyewitness identification evidence is inherently problematic and how innocence projects should approach cases where the client is claiming to be a victim of eyewitness misidentification.

Brief Synopsis of Speaker

Professor Tim Valentine



Professor Tim Valentine is a Professor of Psychology at Goldsmiths University of London. He is one of the world's foremost experts in eyewitness identification, eyewitness testimony and facial recognition. He has written widely in scientific journals on the problems with identification evidence and its presentation at trial. He is the joint-editor of *The Handbook of Psychology of Investigative Interviewing* (2009, Wiley) (with Ray Bull and Tom Williamson). Tim has also acted as expert witness in a number of high profile alleged miscarriages of justice, including the case of Abdelbaset al-Megrahi who was convicted of the murder of 270 people in the Pan Am 103 disaster and the case of William Beck whose conviction was recently referred by the Scottish Criminal Cases Review Commission back to the High Court of Justiciary.

Learning outcomes:

1. Learn about the nature of eyewitness identification evidence and the legal and procedural safeguards that exist to ensure the integrity of such evidence.
2. Gain an insight into the range of factors (such as distance, visibility, length of time) that could affect the reliability of eyewitness identification evidence.
3. Gain an appreciation of how police practices in conducting VIPER parades or line ups could affect the reliability of eyewitness identification evidence and testimonies.
4. Gain tips on how to investigate claims of misidentification by alleged victims of wrongful conviction.
5. Gain an appreciation of the fallibilities of eyewitness identification evidence and testimonies.



Session 6:

Investigating Historical Abuse and Sexual Offences

Around 75 per cent of applicants to INUK are convicted of sexual offences, where they claim to be victims of false allegations. Many of these cases are of a historical nature, where the allegations were not brought by the accusers until years or decades after they allegedly happened. Due to the lapse of time and lack of physical evidence, such cases are notoriously difficult to investigate. In this session, Mark Barlow will share his wealth of experience and successes in overturning convictions for sexual offences. He will highlight the typical difficulties that one will encounter when investigating such cases and give useful tips on how to overcome them.

Brief synopsis of speaker

Mark Barlow



Mark Barlow is a barrister at Garden Court North. He practices in both the English and Northern Irish jurisdiction mainly in criminal, human rights and appellant law. He is recognised as one of the leading junior counsel in complex historic allegations of sexual abuse, together with extensive experience of miscarriage cases in both England and Northern Ireland. He has been involved in a number of landmark decisions in the Court of Appeal involving historic care home appeals, most notably *R v Joynson* [2008] EWCA Crim 3049; *R v Sheikh* [2006] EWCA Crim 2625; *R v Robson* [2006] EWCA Crim 2754; *R v Brizzalari* [2004] EWCA Crim 310 and *R v Basil Rigby Williams* [2003] EWCA Crim 693. These cases concentrated upon the difficult area of whether a fair trial can be achieved given extensive delay in the criminal proceedings and the safeguarding of the rights of an accused.

Mark's experience in this area of law is demonstrated by his role as a legal advisor to the campaign group Falsely Accused Carers and Teachers (FACT) and his organisation of the first national conference on The Challenges of Historic Allegations of Past Sexual Abuse held in Manchester in 2009.

Mark also appears on historic domestic sexual abuse cases and has successfully overturned a number of criminal convictions in both jurisdictions. *R v DPMA* [2010] NICA 22 (appeal involving doli incapax, young memories and inadequate directions); *R v AG* [2010] NICA 20 (inadequate legal directions); *R v W* [2010] EWCA Crim 29.1.10 (inadequate summing up in a delay case); *R v H* [2010] EWCA Crim 29.1.10 (Doli incapax and historic allegations); *R v Paul Hughes* [2008] NICA 17 (inadequate directions); *R v K [A]* [2007] EWCA Crim 1492 (childhood amnesia); *R v KF* [2007] EWCA Crim (CCRC referral historic allegations based on fresh evidence). He has an extensive criminal appeals case load dealing with other serious criminal matters. *R v Roger Ferguson* [2010] NICA 9 (Murder conviction); *R v R v Lawless* [2009] EWCA Crim (CCRC referral on murder conviction); *R v Thomas Graham* [2010] NICA (Murder conviction).



Learning outcomes:

1. Learn about the phenomenon of false allegations of sexual offences and the variety of reasons why false allegations are made.
2. Gain an awareness of how poor police investigations and the use of techniques such as 'trawling' might cause wrongful convictions.
3. Learn about how the criminal trial process and the rules on admissibility of evidence could contribute to wrongful convictions for sexual offences.
4. Gain an insight into the difficulties of investigating alleged wrongful convictions for sexual offences and how to overcome them.
5. Gain an insight into the stigma, financial and psychological harms that affect those who are wrongly accused or convicted of sexual offences and how these harmful effects can often continue even after the conviction has been overturned.



Session 7:

An Introduction to Body Fluid and DNA Evidence

Body fluids and DNA analyses are routinely used in criminal investigations. In this session, Julie Allard will give an introduction to the science behind body fluids and DNA analyses and how they are carried out by forensic scientists. Drawing from her wealth of experience as a forensic scientist, she will give an insight into the advantages and pitfalls of body fluids and DNA evidence and how innocence projects could utilise these techniques in their attempts to establish the claim of innocence of an alleged victim of wrongful conviction.

Brief Synopsis of Speaker

Julie Allard



Julie Allard is a well known forensic expert specialising in body fluids, particularly in the area of sexual offences and has authored and co-authored publications throughout her career. She was formerly Principal Scientist accountable for body fluids within the Forensic Science Service (FSS), leading on quality, training and casework matters. In March 2012 she became a freelance Forensic Consultant as co-director of Forensic Context Ltd. She is also a co-director of Principal Forensic Services Ltd. She has over 30 years' experience of reporting body fluids cases as an expert witness. These have included homicide, violent crime and sexual offences in addition to case specific advice for the CCRC. She has given oral court evidence on hundreds of occasions, predominantly at the Old Bailey. Over her 10 years of scientific leadership in the FSS she was instrumental in developing and implementing national standards and competency criteria for body fluids and in improving quality and consistency both within & between laboratories. She advised on and progressed research & development in body fluids identification and interpretation and also provided scientific consultancy internationally on laboratory development projects.

As Principal Scientist, Julie was responsible for defining the terms of reference for regular FSS internal body fluids audits, participated as an auditor on numerous occasions and addressed UKAS, BSI and internal audit actions to enable the FSS to maintain its ISO 17025 accreditation. She has developed and delivered training throughout her career and as Principal Scientist was responsible for approving all materials used to train FSS body fluids examiners and reporting officers. With a keen interest in the case assessment and interpretation model (CAI), she has provided training and development over a number of years to facilitate its application by reporting scientists in body fluids and in addition provided CAI coaching for scientists in other disciplines.

Julie was a key member of the Body Fluids Forum (BFF), a working group of the Association of Forensic Science Providers (AFSP), from its inauguration in 2003. She was a member of the BFF steering group for 5 years and joint BFF Chair in 2010-11. As an FSS representative on the Royal College of Physicians' Faculty of Forensic and Legal Medicine (FFLM), she contributed to the development of the 'Recommendations for the collection of forensic specimens from complainants and suspects'. With the former CRFP (Council for the Registration of Forensic Practitioners), Julie was a



registered practitioner, an assessor in body fluids and DNA and also an advisor to its disciplinary panel. She is a longstanding member of the Forensic Science Society.

Learning outcomes:

1. Gain a basic understanding on the key forms of body fluids, how they are collected and analysed.
2. Learn about DNA analysis and how it is conducted.
3. Learn about the key strengths and limitations of body fluids and DNA evidence.
4. Learn about the key procedure, safeguards and best practices that should be followed to ensure the integrity of body fluids and DNA evidence.
4. Gain an awareness of how body fluids and DNA analyses could help in investigations of claims of innocence by alleged victims of wrongful conviction.



Session 8:

Forensic Evidence and its Presentation in Criminal Courts

Misrepresentation of forensic evidence has been attributed as one of the main causes of wrongful conviction worldwide. Recent cases in the UK include the case of Barry George, whose conviction for the murder of Jill Dando was overturned as a result of unreliable forensic evidence of firearms discharge residue; David Asbury, whose conviction for murder was quashed in light of the unreliability of fingerprint evidence; the case of R v T where a murder conviction was quashed in light of the misrepresentation of shoeprint evidence. In this session, Professor Paul Roberts will discuss the crucial questions of how forensic scientists and other expert witnesses should present their evidence in court and what kinds and quality of data can experts properly draw on in formulating their conclusions.

Brief Synopsis of Speaker

Professor Paul Roberts



Professor Paul Roberts read law at Balliol College, Oxford (1987-1990 and 1992-93) and criminology at the Institute of Criminology and King's College, Cambridge (1990-91). Whilst based in the Faculty of Law in the University of Bristol in 1991-92, he conducted empirical research on forensic science evidence on behalf of the Runciman Royal Commission on Criminal Justice, before joining the School of Law as a Lecturer in Law in 1993. He was promoted to Reader in Criminal Justice in 2000 and to Professor of Criminal Jurisprudence in 2003. In 2011 he was also appointed Adjunct Professor in the Faculty of Law, University of New South Wales, Sydney.

Paul teaches and researches in the fields of criminal justice, evidence, criminology, criminal law and legal theory, with particular emphasis on philosophical, comparative and international perspectives. His principal publications are: Roberts and Zuckerman, *Criminal Evidence* (2nd Edn) (2010, OUP), Roberts and Hunter (Eds), *Criminal Evidence and Human Rights* (2012, Hart), Aitken, Roberts and Jackson, *Fundamentals of Probability and Statistical Evidence in Criminal Proceedings* (Royal Statistical Society, 2010), Roberts and Redmayne (Eds), *Innovations in Evidence and Proof* (2007, Hart), Cooper and Roberts, *Special Measures for Vulnerable and Intimidated Witnesses: An Analysis of Crown Prosecution Service Monitoring Data* (2005, Crown Prosecution Service), and Roberts and Willmore, *The Role of Forensic Science Evidence in Criminal Proceedings* (1993, HMSO), in addition to which he has published over eighty journal articles, book chapters, essays and reviews.

Paul has been visiting professor or invited lecturer at the International Islamic University Malaysia (IIUM), the University of Warsaw, the Jagiellonian University in Krakow, the University of Gottingen, the University of New South Wales (UNSW), Sydney, and the University of Natal (Pietermaritzburg), RSA. He is editorial board member of four academic journals: *International Commentary on Evidence* (ICE); *Criminal Law & Philosophy*; *Law, Probability and Risk* and *Law and Philosophy*. He was also a founding editorial board member of *The International Journal of Evidence and Proof* (E & P), serving as Reviews



Editor (1995-2005) and General Editor (2005-9). Paul has served as a consultant to the Crown Prosecution Service (CPS) and to the Law Commissions of England and Wales and Scotland. He is currently an advisor to the Forensic Regulator, and is a member of the Royal Statistical Society's Working Group on Statistics and the Law, of the Northumbria University Centre for Forensic Science and of the Board of Foreign Advisors of the Institute of Evidence Law and Forensic Science, China University of Political Science and Law (CUPL).

Learning outcomes:

1. Gain an awareness of how misrepresentation of forensic evidence in court could contribute to wrongful convictions.
2. Gain an understanding of the typical errors made by expert witnesses when presenting evidence in court.
3. Learn about the limitations and dangers that accompany the use of statistical probabilities in court.
4. Learn about the key case laws and policy guidelines that set the current standards for how forensic evidence should be presented in court.
5. Learn about how the adversarial trial process could interfere with the objective presentation of forensic evidence at trial.



Session 9:

Prisons Exposed

In this session, Michael O'Brien will recount his 11 years of wrongful incarceration. Drawing from his new book *Prisons Exposed*, Michael will give an in-depth and personal analysis of his experience with the prison system, from the daily grind of the prison regime, corruption of prison staff and overcrowding, to the widespread drug problem the continues to inflict British prisons. Michael will also discuss the experiences of other prisoners that he has met during his time in prison, interviews with prison and probation officers about good practices and share his thoughts on the how the prison system should be meaningfully reformed.

Brief Synopsis of Speaker

Michael O'Brien



Michael O'Brien and his two co-accused, Ellis Sherwood and Darren Hall, were convicted in 1988 of the murder and robbery of Cardiff newsagent Philip Saunders. They each served over 11 years in prison before their convictions were quashed by the Court of Appeal. It was discovered that Darren Hall, whose confession was instrumental in securing the three men's conviction, has a personality disorder rendering him a 'pathological liar'. The Court of Appeal also found that there had been serious breaches of the Police and Criminal Evidence Act 1984 (PACE) by South Wales Police. These included unlawful denial of access to solicitors, handcuffing of detainees to hot radiators, 'off the record' interviews with detainees and long periods of time during which the whereabouts of the detainees within the police station was not known. In November 2006, seven years after they won their appeal, Michael and Ellis Sherwood achieved the biggest payout in British legal history from their civil action against South Wales Police for malicious prosecution and misfeasance of public office. Michael is the author of *The Death of Justice* (2008, Y Lolfa) (with Greg Lewis) and *Prisons Exposed* (2012, Y Lolfa)

Learning outcomes:

1. Gain an in depth insight into the realities of prison and the day-to-day routines that prisoners undergo.
2. Gain a critical understanding of the prison regime and its weaknesses.
3. Learn about the unique difficulties confronting prisoners maintaining innocence.
4. Gain an appreciation of the wider impacts of imprisonment on families and society.

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