

INNOCENCE NETWORK UK



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

3rd ANNUAL INUK NATIONAL TRAINING PROGRAMME FOR INNOCENCE PROJECTS

**Cardiff Law School
24-26 October 2008**

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Message from the Chair

It may seem odd that the Innocence Network UK (INUK) was created before any innocence projects actually existed in the UK. It was motivated by a desire to contribute to encouraging and supporting a national network of innocence projects in the UK, like the one in the US, to undertake case investigations into the many thousands of miscarriages of justice and alleged wrongful imprisonment cases that were unearthed by my doctoral researches.

In the same way, the impulse has always been on sharing the knowledge, experiences and resources of the University of Bristol Innocence Project with the colleagues from the pro bono and clinical legal education communities, as well as in other disciplines, media and cultural studies, sociology, criminology, and so on, so that we may together form a growing innocence projects movement in the UK, which can speak with a stronger voice against the ills of the criminal justice system.

The growth of the INUK has been exponential, from a single member in 2004/05 with five student members working on a couple of cases to over 20 member innocence projects in 2008/09, which equates to some 500 students currently working together on 50 plus cases. But, with this growth come new responsibilities. In particular, it is incumbent on the directors of the member innocence projects to ensure that their innocence projects keep sight of our collective vision to ‘educate to overturn and prevent the wrongful conviction of innocent people’.

This commands that we manage both the expectations and the numbers of students that we take onto our innocence projects in line with our ability to truly support their education. We need to have the time required to work with innocence projects students so that they may learn about the causes of wrongful convictions and the limits of the appeals system. Only this way will we instil the kind of healthy scepticism and critical minds necessary to equip them to make progress with their cases, which is, simultaneously, crucial if they are to learn anything of value from their participation.

Yet, these challenges should not be viewed in the negative. In just four years, we now have a vibrant network of innocence projects, which has re-ignited a public interest on the problem of the wrongful conviction of the innocent, firmly putting it back on the agenda of the education of the criminal justice system and criminal justice system policy.

Conventionally, the politics of wrongful convictions has dictated that lines have been drawn, sides chosen, and there has been little engagement between those who stand against wrongful convictions and the various agents that work within the organisations that together comprise the criminal justice system. This has only worked to the detriment of victims of wrongful convictions and society as a whole.

Instead, we stress that rather than seeing wrongful convictions as a ‘thorn in the side’ of the ‘fight against crime’, the concern about the wrongful conviction and imprisonment of innocent people should be at the heart of criminal justice matters. Put simply, when an innocent person is convicted of a crime that he/she did not commit, the real perpetrator of the crime is at liberty with the potential to commit further crime. As such, wrongful convictions should be seen as a crucial concern for all

members of society *and* those involved in the delivery of criminal justice, not least for the failings of the system that they represent.

It is significant, then, that the INUK Training Programme brings together both ‘sides’ of the wrongful conviction conundrum in an educational setting and in a spirit of working together to highlight the limitations of the criminal justice system and the major causes of wrongful convictions.

Criminal law is, perhaps, the most fascinating of all areas of law in the way that it reflects human relations – the human condition. When the criminal justice process goes wrong, the harmful consequences are wide-ranging and may never be resolved - lost years in prison, termination of employment, stain to reputation, loss of health, children growing up without their fathers or mothers, death of parents and other loved ones, the effects felt by whole communities when they realise that the wrong person/people have been convicted for brutal crimes and that the real perpetrator(s) may still be at large.

The criminal justice system is a human system and it is inevitable that there will be errors and mistakes and that wrongful convictions can and do occur. The measure of our system is what it does to avoid wrongful convictions and what it does to remedy them when they occur.

Dr Michael Naughton

Overview

Friday, 24 October 2008: Victims' Voices: An insight into the effects of wrongful conviction and imprisonment upon direct victims, their families, and the wider community

The training will commence with talks by three high profile victims of wrongful convictions and imprisonment to ground students in the realities faced in terms of the difficulties in overturning alleged wrongful convictions, the limits of the available aftercare, and the ongoing struggle that they face in trying to fit back into society.

Saturday, 25 October 2008: Criminal Justice Process & Procedure: The key aspects of the criminal justice system that relate to innocence project activity

The Saturday sessions will be delivered by representatives from criminal justice system agencies to, firstly, provide vital information about the statutory remit of each as they relate to investigating crime and/or potentially overturning wrongful convictions. Then, critical issues in terms of how they relate to causing wrongful convictions or attempting to remedy them when they occur will be addressed by each of the speakers.

This part of the training provides an overview of the key stages involved in a wrongful conviction from the decision by the Crown Prosecution Service to charge and try criminal suspects and defendants through to a successful appeal. In addition, it emphasises that due to the limits of the criminal process, not all innocent victims will overturn their wrongful convictions and some will spend their whole lives in prison, precisely because they are maintaining innocence.

Sunday 26 October 2008: The Innocence Network UK (INUK): The 'ABC' of INUK innocence project support and operation

The final day looks at the practical aspects of the actual workings of innocence projects. It starts with a view from the US that looks at the differences and parallels of innocence projects in both jurisdictions. It covers how the the INUK administers requests and applications and its central database of cases, emphasising how we assess the applications using the typology of claims of innocence. It includes sessions on Casemap, an electronic case management system available to members, to help students to see what they are looking for within the mass of documents in their possession; on the protocols that guide casework, taking in ethical issues and data protection.

Of course, a two and a half day course can only scratch the surface of the problems with the criminal justice process as they relate to wrongful convictions. Moreover, time and space constraints mean that not all of the key players in the lexicon of wrongful convictions is present, e.g. Police, Probation Service, forensic scientists, and so on.

Yet, the INUK National Training Programme for Innocence Projects does provide the main 'signposts' to the terrain on wrongful convictions that will prove a vital resource

for innocence projects students when they undertake reviews and investigations on the growing mountain of cases in the INUK database. It only remains to say that we hope that you find the weekend enjoyable, as well as informative.

Conference Committee:

Julie Price

Gabe Tan

Michael Naughton

SESSION TIMETABLE

Session	Title	Time	Venue
DAY 1	Friday 24 October 2008		
	Welcome to Cardiff; brief overview of training programme; housekeeping	18.00 - 18.10	Julian Hodge LT
	<i>Julie Price, INUK Secretary; Co-ordinator, Cardiff Law School Innocence Project</i>		
	Chair's Welcome; short film "Pro Bono matters" from the Attorney General's office	18.10 - 18.20	Julian Hodge LT
	<i>Dr Michael Naughton, Chair, INUK; Director of the University of Bristol Innocence Project</i>		
	'Victims' Voices': <i>An insight into the effects of wrongful conviction and imprisonment upon direct victims, their families, and the wider community</i>		
1	In the name of the father: a passionate insight into the Belfast and IRA situation in the 1970s and 1980s and the case of the Guildford Four, which (along with the Birmingham Six case) led to the creation of the Criminal Cases Review Commission	18.20 - 18.50	Julian Hodge LT
	<i>Gerry Conlon of "The Guildford Four"</i>		
2	Lost childhood: what is it like to be arrested at age 14 and spend 25 years in prison for the assault and attempted murder of a nine-year old boy before finally having your conviction quashed?	18.50 - 19.20	Julian Hodge LT
	<i>Paul Blackburn</i>		
3	The death of justice?: A timely opportunity to hear about how miscarriages of justice can be caused, the harm that they engender and the on-going struggle for justice by Mike O' Brien	19.20 - 19.50	Julian Hodge LT
	<i>Mike O'Brien (of the case known as the Cardiff Newsagent Three)</i>		
4	Informal opportunity to chat to our speakers. Mike O'Brien will be available to sign copies of his book, "The Death of Justice", published in September 2008 by Y Lolfa	19.50 - 20.30	The Foyer of the Julian Hodge Building

Session	Title	Time	Venue
	Saturday 25 October 2008		
DAY 2	‘CRIMINAL JUSTICE PROCESS & PROCEDURE’ <i>The key aspects of the criminal justice system that relate to innocence project activity</i>		
5	The Criminal Cases Review Commission (CCRC); brief background, statutory remit, the “real possibility” test, what the CCRC is looking for in an application for review	9.30 - 10.45	Julian Hodge LT
	<i>Michael Allen, Commissioner, CCRC</i>		
6	The role of the Crown Prosecution Service (CPS); CPS role in file-building, unused material, post-conviction disclosure	10.45 - 11.40	Julian Hodge LT
	<i>Deborah Rogers, Divisional Crown Prosecutor, CPS</i>		
	BREAK		
7	Prison Service: What happens inside – the experiences of a lifer manager	11.40 – 12.00	Julian Hodge LT
	<i>Darren Harrison, Lifer Manager, HMP Cardif</i>		
	LUNCH	13.00 – 13.45	
8	Parole Board: The difficulties when faced with prisoners who maintain innocence	13.45 – 14.45	Julian Hodge LT
	<i>Christine Glenn, Chief Executive, & Terry McCarthy, Head of Casework, Parole Board for England and Wales</i>		
9	The law relating to criminal appeals; legal advice and assistance offered to INUK members by QEB Hollis Whiteman Chambers; how supervising barristers can advise on case investigation	14.45 – 15.45	Julian Hodge LT
	<i>Philip Evans, Barrister, QEB Hollis Whiteman Chambers, London, National Legal Advisor, INUK</i>		
10	An overview of the limitations of the criminal justice system and the need for innocence projects in the UK; the role of the INUK	15.45 – 16.45	Julian Hodge LT
	<i>Dr Michael Naughton</i>		
	BREAK	16.45 - 17.15	Aberdare Hall, Corbett Road
	Drinks Reception	17.15 – 18.45	Aberdare Hall, Corbett Road

Session	Title	Time	Venue
	Sunday 26 October 2008		
DAY 3	‘THE INNOCENCE NETWORK UK’ <i>The ‘ABC’ of INUK innocence project support and operation</i>		
11	A view from the United States: situating the INUK with the global innocence projects movement; parallels and differences with innocence projects in the US; a brief look at how innocence project cases are investigated in the US	9.15 – 10.30 (GMT)	Julian Hodge LT
	<i>Professor Mark Godsey, Innocence Network, Committee Member, Director, Ohio Innocence Project</i>		
12	The INUK Database; the process of dealing with applications to the INUK and deciding eligibility of cases; how member innocence projects obtain and return cases	10.30 – 11.00	Julian Hodge LT
	<i>Gabe Tan, INUK Database Manager & Research Officer</i>		
	BREAK	11.00 – 11.15	
13	How to run an innocence project: getting started - the very first steps: organising student teams/casework firms; staff student relations; work load and time commitment; working with local/national lawyers; dealing with the media. This session will comprise examples and tips from current student caseworkers based on experiences to date of setting up a project and its early days	11.15 – 11.45	Julian Hodge LT
	<i>Student caseworkers from up to 3 member innocence projects</i>		
14	The paperwork arrives: what now? How to organise and deal effectively with a large volume of evidence; Casemap demonstration through the vehicle of a case under investigation by Cardiff Nexus Innocence Project	11.45 - 13.00	Julian Hodge LT
	<i>Dr Paul Mason, INUK Innocence Projects Committee Chair; Director, Cardiff Nexus Innocence Project</i>		
	LUNCH	13.00 - 13.30	
15	INUK Protocols, validated by the Clinical Legal Education Organisation (CLEO) and the Attorney General’s Pro Bono Protocols, to give an overview of the basics for innocence project operation; students illustrate with examples of working practice based on Protocols; prison visits; dealing with the media	13.30 - 14.00	Julian Hodge LT
	<i>Student caseworkers</i>		
16	INUK central support for members: illustration of the Discussion Forum	14.00 – 14.15	Julian Hodge LT
	<i>Steve Cheng, University of Bristol student, INUK webmaster</i>		
17	Student questions and answers: a chance for students new to innocence project work to ask questions of more experienced colleagues	14.15– 14.30	Julian Hodge LT
	<i>Panel of students from various member projects, chaired by Caitlin Gallagher, elected Innocence Project officer, Cardiff Law School Innocence Project</i>		

18	Consolidation/Questions and Answers/feedback/what next?	14.30 – 14.45	Julian Hodge LT
	<i>Dr Michael Naughton; Julie Price; Dr Paul Mason</i>		

SESSIONS 1-4

Victims' Voices

The aim of this session is to provide a first-hand insight into the experiences of long-term wrongful imprisonment, the wide-ranging forms of physical, psychological, social and financial harms, and the on-going struggles faced by victims of miscarriage of justice and their families.

At the end of this session you will have:

1. gained an insight into the experiences of high-profile victims of wrongful imprisonment;
2. appreciated the wide-ranging forms of harm that accompany miscarriages of justice;
3. understood some of the key limitations of the criminal justice system from the initial stage of police investigations through to the limits of the criminal appeals system;
4. acknowledged that a successful appeal against a criminal conviction does not necessarily lead to finality for innocent victims of wrongful convictions and their families;
5. identified the intrinsic connection between criminal forms of injustice and civil remedies;

Brief synopses of speakers:

Gerry Conlon:

On 22 October 1975, Gerry Conlon, along with three others- Carole Richardson, Paul Hill and Paddy Armstrong (known as the Guildford Four) were convicted and given a life sentence each for the IRA-related Guildford and Woolwich pub bombings in 1974. For days after Gerry's arrest, he was interrogated, tortured and deprived of food, water and sleep. It was not until threats by the police to 'fix' a fatal accident for a family member that Gerry finally signed a 'confession' which would put him in prison for the next 15 years. Whilst awaiting trial, Gerry's ailing father and aunt also ended up as one of the 'Maguire Seven', charged and later convicted for 'handling explosives'. Gerry's father died in prison in 1980 before the Court of Appeal quashed the wrongful convictions of all seven in 1991. In 1989, persistent efforts by defence solicitor Gareth Peirce led to the discovery of a crucial statement by Charles Burke, a greengrocer who was with Gerry at the time the Guildford bombing took place. This evidence of the Guildford Four's innocence had always been known to the police, but was deliberately withheld by the police and the prosecution. This subsequently led the Court of Appeal to quash the Four's convictions, after they each spent 15 years in prison. The case of the Guildford Four and the Birmingham Six (quashed less than 2 years after the Guildford Four were freed) led to the establishment of the Criminal Cases Review Commission, the statutory body tasked with the role of reviewing alleged miscarriages of justice and referring qualifying cases to the Court of Appeal.

Paul Blackburn:

Paul Blackburn was convicted in December 1978 at the age of 15 for the attempted murder of a nine-year-old boy. He confessed to a crime he did not commit after 5 hours of oppressive interrogation without a solicitor despite the fact that Paul did not match the description of the attacker and there was no forensic evidence to connect him to the brutal crime, which had been committed in broad daylight. Despite many holes in the case against him, his application for leave to appeal was refused by a Single Judge in September 1979 and the Full Court refused the application in March 1981. In May 1995, a petition on behalf of Paul Blackburn was submitted to the Home Secretary but no grounds for referral were found. He spent 25 years in prison - ten years longer than the usual "tariff" for murder because he refused to admit his guilt. The conviction was finally quashed on 25 May 2005 following a referral by the Criminal Cases Review Commission (CCRC) back to the Court of Appeal in August 2004.

(More information can be found on <http://www.writesite.org.uk>.)

Michael O'Brien

Michael O'Brien of the Cardiff Newsagent Three was convicted of the murder and robbery of Cardiff newsagent, Philip Saunders, at Cardiff Crown Court on 20 July 1988. His case was referred back to the Court of Appeal by the Criminal Cases Review Commission (CCRC) and was eventually quashed in 1999 after 11 years of wrongful imprisonment in which he was absent from his son's life, his second child, a daughter suffered a "cot death" at two months old, his wife left him, and his father, reported to have been broken by his son's wrongful imprisonment, drank himself to death. In quashing the convictions against the three, the Court of Appeal accepted evidence, most of it gathered by Thames Valley Police in a comprehensive investigation, of grave breaches of the Police and Criminal Evidence Act (PACE) 1984 including mistreatment of the defendants in police custody: all three were denied access to solicitors, interviewed off the record, and two (including Michael O'Brien) were handcuffed to hot radiators and other objects in the police station, and subjected to bullying. The Court of Appeal heard allegations that Detective Inspector Stuart Lewis fabricated a confession he claimed to have overheard between Michael O'Brien and Ellis Sherwood in the police cells and that prosecution witnesses have admitted that they were bullied by police officers and offered inducements to give false evidence at trial. In 2006, Michael O'Brien received £300,000 for his legal action against South Wales Police, the largest single pay-out by anyone who has been wrongly convicted. He is currently seeking to bring his a case against the Home Office to the European Court of Human Rights (ECHR) for deduction of "saved-living expense" from his compensation.

The above information is taken from INNOCENT, at <http://www.innocent.org.uk>.

SESSION 5

The Criminal Cases Review Commission (CCRC)

By Michael Allen, CCRC Commissioner

The Criminal Cases Review Commission is an independent public body that was set up in 1997 on the back of high-profile miscarriages of justice including the Guildford 4, Birmingham 6 and the Maguire 7. Its purpose is to review possible miscarriages of justice and refer appropriate cases to the appeal courts. This session will provide a brief background to the CCRC, its statutory remit, the “real possibility” test, and what the CCRC is looking for in an application for review

At the end of this session you should have a better understanding of:

1. the statutory remit of the CCRC, its role and powers
2. the relationship between the CCRC and the Court of Appeal (Criminal Division)
3. the statutory test for new evidence as interpreted by the Court of Appeal
4. the “real possibility test” and key cases that have shaped the Commission’s application of it
5. the CCRC’s caseworking and decision-making processes
6. the types of issues that might give rise to convictions being overturned
7. how to make a CCRC application

Brief synopsis of speaker:

Michael Allen graduated from Queen's University, Belfast, in 1979, subsequently carrying out research and teaching there. He was called to the Northern Ireland Bar in 1980. He lectured at Liverpool University in 1982-83, before joining Newcastle University where he was successively Senior Lecturer, Reader in Criminal Justice, Professor of Law and Head of the Law School. He has taught criminal law and written widely on criminal justice issues. He was the founding editor of the Web Journal of Current Legal Issues. He is author of *Textbook on Criminal Law* (OUP), and co-author of *Elliott & Wood’s Cases and Materials on Criminal Law* (Sweet & Maxwell), *Cases and Materials on Constitutional and Administrative Law* (OUP) and *Sentencing Law and Practice in Northern Ireland* (SLS Legal Publications NI).

Useful References:

CCRC website: <http://www.ccrcc.gov.uk>

SCCRC website: <http://www.sccrc.org.uk>

Nobles R. and Schiff D. (2001), “The Criminal Cases Review Commission: Reporting Success?”

SESSION 6:

The role of the Crown Prosecution Service (CPS)

By Deborah Rogers, District Crown Prosecutor, CPS (South Wales)

The Crown Prosecution Service is responsible for prosecuting criminal cases investigated by the police in England and Wales. This session will explore the Criminal Procedure and Investigations Act (CPIA) (1996), and how it may encourage a 'culture of non-disclosure' by introducing the concept of the prosecution disclosing any material that, in the prosecutor's opinion, might undermine the case for the prosecution. It will critically address concerns that the CPS should be more inquisitorial in directing police investigations, i.e. less concerned to strengthen the case against suspect/defendant and discuss recent reforms under the Criminal Justice Act (2003) which bring the CPS and police closer together in charging and prosecution decisions.

At the end of this session you should have a better understanding of:

1. the Prosecution of Offences Act 1986
2. the Criminal Procedure and Investigations Act 1996
3. the role of the CPS in criminal prosecutions
4. the role of the police investigations of alleged crimes
5. the Prosecutors' Code which governs the general principles that the CPS applies in decisions to prosecute, including the Threshold Test, the concept 'realistic prospect of conviction' that informs all prosecution decisions, reliability of evidence, and, public interest factors for and against prosecution.

Useful References:

Crown Prosecution Service (CPS) website: www.cps.gov.uk

SESSION 7:

What Happens Inside: The experiences of a lifer manager

By Darren Harrison, Lifer Manager, HMP Cardiff

This session provides an insight into how life-sentenced prisoners progress in the prison system to achieving parole. It will critically engage with the “parole deal” and the problem of prisoners maintaining innocence. More specifically, it discusses the requirement that prisoners maintaining innocence give a “full and honest account” of their crimes as a prerequisite to progression, and the claim that the Incentives and Earned Privileges Scheme (IEPS) is being inappropriately used to encourage innocence people to admit crimes they say they did not commit.

At the end of this session you should be able to:

1. discuss the process by which a life-sentenced prisoner progresses from arrival at prison to possible release;
2. compare the experiences of regular life-sentenced prisoners with those maintaining innocence;
3. define how the Prison Service categorises prisoners maintaining innocence;
4. classify a range of courses that are required to be completed by all lifer prisoners to demonstrate re-offending risk-reduction;
5. outline key forms used by the Prison Service for assessment of prisoners at various stages of their journey through the system; and
6. analyse the multi-disciplinary links between probation staff in prisons, prison officers and prison psychologists.

Brief synopsis of speaker:

Darren Harrison is currently working as a Principal Officer at HMP Cardiff. He joined the Prison Service in 1991 and has been fortunate enough to work in a number of different prisons around the country prior to returning to Wales five years ago.

Useful References:

HM Prison Service (2001) “Life Sentenced Prisoners- Lifers 2001/02” available on:
http://www.hmprisonservice.gov.uk/assets/documents/10000589pib_life.pdf

National Offender Management Service (NOMS):
<http://www.noms.homeoffice.gov.uk/>

SESSION 8:

Obstacles to Achieving Parole: The difficulties of progressing prisoners maintaining innocence

***By Christine Glenn (Chief Executive) & Terry McCarthy (Head of Casework)
Parole Board for England and Wales***

As illustrated in the previous day's session on 'Victims' Voices', miscarriage of justice victims are often incarcerated for sometimes over a decade after their tariff date until they finally achieve release through overturning their wrongful convictions. This pervading problem faced by life-sentenced prisoners maintaining innocence is what is commonly known as the 'parole deal', where prisoners are unable to progress through their prison sentence and achieve release as a result of not admitting to crimes they maintain they did not commit, and hence are unable or refuse to undertake or complete 'offence-related courses' which the Parole Board utilise to assess a prisoner's risk of re-offending. This session by representatives of the Parole Board discusses how it conducts its assessment for the possible release of life-sentenced prisoners, with an emphasis on the challenges that are presented by prisoners maintaining innocence.

At the end of this session you should be able to:

1. understand the role of the parole board and how it assesses if a prisoner is fit to be released;
2. understand the obstacles to progression and release faced by prisoners maintaining innocence;
3. understand the limitations of assessing risk of re-offending through existing offence-related or offending behaviour programmes
4. connect this session with the experiences of miscarriage of justice victims to understand the implications of the current parole system on innocent prisoners

Useful References:

The Parole Board for England and Wales: <http://www.paroleboard.gov.uk>

Naughton M. (2008) 'Factual Innocence versus Legal Guilt: The Need for a New Pair of Spectacles to view the Problem of Life-Sentenced Prisoners Maintaining Innocence' *Prison Service Journal*, 177, May (available on INUK website under 'Publications')

Naughton M. (2007) 'Confronting an uncomfortable truth: Not all alleged victims of false accusations will be innocent!', *FACTion*, (pp. 8-12) (available on INUK website under 'Publications')

Naughton M. (2005) 'Why the Failure of the Prison Service and the Parole Board to Acknowledge Wrongful Imprisonment is Untenable' *Howard Journal of Criminal Justice*, 44(1): 1-11

SESSION 9:

The Law Relating to Criminal Appeals

By Philip Evans, Barrister, QEB Hollis Whiteman Chambers (London); INUK National Legal Advisor

This session will look at the law relating to appeals from the Crown Court to the Court of Appeal (Criminal Division). Contrasting what the public expects from the criminal appeals system and what it actually delivers, this session will provide an insight into the relationship between miscarriages of justice and the criminal appeals process and understanding how the Court of Appeal (Criminal Division) reaches its decision to quash or overturn “unsafe” convictions.

At the end of this session you should be able to:

1. cite the relevant statutory authorities relating to criminal appeals in the Court of Appeal (Criminal Division) (CA);
2. understand the law and practice relating to appeals from the Crown Court to the CA.
3. understand how the law and practice relating to criminal appeals can pose obstacles that prevent the factually innocent from overturning their wrongful convictions.

Brief synopsis of speaker:

Philip Evans is a barrister at QEB Hollis Whiteman. He practises in the area of general criminal law, representing both the Crown and Defence. He also has extensive experience in police law through acting for police officers before police tribunals.

Useful References:

Criminal Appeal Act 1968
Criminal Appeal Act 1995
R v. Chalkley [1998] QB 848
Condron v. United Kingdom (2001) 31 EHRR 1
R v. Togher [2001] 3All ER 463
R v. Pendleton [2002] 1WLR 72
R v. Hampton (2004) The Times, 13th October 2004

SESSION 10:

The Limitations of the Criminal Justice System and the Need for a Network of Innocence Projects in the UK

By Dr Michael Naughton, Chair of the Innocence Network UK (INUK); Director, University of Bristol Innocence Project

This session will critically reflect on the various previous sessions by representatives of key agencies of the criminal justice system. It will discuss the emergence of innocence projects and the Innocence Network UK (INUK) in response to the inability of the existing criminal justice system to guarantee that innocent people will not be wrongly convicted and when they are that they will overturn their wrongful convictions. More specifically, it will consider the limitations of the CCRC to refer the cases of applicants that even it believes may be innocent and the limitations of the Prison and Parole regimes to address the inevitable possibility that due to the flaws of the criminal justice process, some prisoners maintaining innocence may be innocent. Against this, it will emphasise the importance of having a strong, collaborative network of innocence projects to have an impact on policy reforms to the criminal justice system to improve the current plight of victims of wrongful conviction.

At the end of this session you should be able to:

1. understand the causes of wrongful convictions and the scale of the miscarriage of justice problem in the UK
2. have an awareness of the limitations of the criminal justice system in ensuring the overturning of wrongful convictions
3. have an understanding of the need for innocence projects in the UK

Brief synopsis of speaker:

Dr Michael Naughton, a Senior Lecturer in the School of Law and Department of Sociology, University of Bristol, is the Founder and Chair of the Innocence Network UK, the Founding Director of the University of Bristol Innocence Project, the first dedicated innocence project in the UK, and a Steering Group member of Progressing Prisoners Maintaining Innocence (PPMI), which exists to assist prisoners maintaining innocence progress through the prison system and achieve release. He recently published *Rethinking Miscarriages of Justice* (2007) with Palgrave Macmillan.

Useful References (available on INUK website under 'Publications'):

- Naughton M. (2006) 'Wrongful Convictions and Innocence Projects in the UK: Help, Hope and Education', *Web Journal of Current Legal Issues*, 3
- Naughton, M. (2006) 'Innocence Projects', *ScoLAG: Scottish Legal Action Group*, 348, pp. 202-203
- Naughton, M & Price, J. (2006) 'Innocence projects: a perfect solution for clinical legal education?', *Directions: UK Centre for Legal Education*, 13

SESSION 11:

A View from the United States

By Prof Mark Godsey, Director of the Ohio Innocence Project; Committee Member of the international Innocence Network

This session will commence with a film featuring the case of Clarence Elkins, a prisoner serving a life sentence whose wrongful conviction for murder and rape was overturned by students of the Ohio Innocence Project. It will discuss parallels and differences between innocence projects in the United States and Britain. Prof Godsey will also emphasise his expertise by discussing the limitations of eyewitness identification evidence.

At the end of this session you should be able to:

1. gain an insight into the global innocence projects movement;
2. have a general understanding of similarities and differences innocence projects in the US and the UK may share;
3. gain an insight into DNA exonerations in the US
4. have an understanding of the limitations of eyewitness identification evidence

Brief synopsis of speaker:

Mark Godsey is a professor at the University of Cincinnati, College of Law, and the faculty director of the Ohio Innocence Project which he established in 2003. Since then the Ohio Innocence Project has helped three men gain their release from prison, including, most famously, the release of Clarence Elkins who was serving a life sentence for murder and rape until a DNA test proved him to be innocent.

Useful References:

The Innocence Network (international) website: www.innocencenetwork.org

Ohio Innocence Project: http://www.law.uc.edu/academics/rosenthal_oip.shtml

SESSION 12:

The INUK National Database: Processing and deciding eligibility of cases

By Gabe Tan, INUK Database Manager and Research Officer

This session will outline the procedure in which requests for assistance are processed and allocated to member innocence projects and provides a brief statistical report on the INUK National Database of Cases. It will outline how eligibility of cases is decided through applying the 'typology of prisoners maintaining innocence' as part of distinguishing eligible claims of factual innocence from non-innocence cases, and to ensure that appropriate cases are allocated to member innocence projects.

At the end of this session you should be able to:

1. gain a clearer picture of how cases are processed and administrated by the INUK
2. understand how the eligibility of cases are critically assessed through applying the 'typology of prisoners maintaining innocence'

Useful References:

Naughton M. (2008) 'Factual Innocence versus Legal Guilt: The Need for a New Pair of Spectacles to view the Problem of Life-Sentenced Prisoners Maintaining Innocence' *Prison Service Journal*, 177, May (available on INUK website under 'Publications')

Naughton M. (2007) 'Confronting an uncomfortable truth: Not all alleged victims of false accusations will be innocent!' *FACTion*, (pp. 8-12) (available on INUK website under 'Publications')

SESSION 13:

How to run an Innocence Project: Getting started - the very first steps

By student representatives from member innocence projects

This session will comprise examples and tips from current student caseworkers based on experiences to date of setting up a project and its early days. It discusses the initial practical considerations involved, including organising student teams/casework firms; designating an appropriate space for storage of cases and innocence project activities; staff/student relations; work load and time commitment; working with local/national lawyers and dealing with the media.

Issues to consider:

1. likely timescales and volume of paperwork likely to be received in the early weeks;
2. occupying students before paperwork arrives – information in the public domain; creating a mini library; sponsorship/fundraising
3. involving local campaign/ victim-support groups
4. the role of the staff supervisor, and insurance considerations
5. working to agreed INUK case-working protocols
6. student confidentiality contract
7. relationship with the supervising practitioner
8. legal support to member innocence projects from the INUK National Legal Adviser

Useful References:

INUK Website: 'FAQ' & 'Links' pages

SESSION 14:

Organising Case Documents Effectively: a Demonstration of Casemap

By Dr. Paul Mason, INUK Innocence Projects Committee, Chair; Director of Cardiff Nexus Innocence Project

The initial stages of casework often involve organising huge volumes of case documents and paperwork. As these case papers have often been through several hands - police, trial and appeal solicitors and prisoners themselves, they are very rarely in order or entirely complete. This session looks at how Cardiff Nexus Innocence Project utilises 'Casemap', a software given by Lexis Nexis, which aids in effective organisation of case documents.

At the end of this session you should be able to:

1. have an idea of what to expect when case documents arrive;
2. have basic knowledge of how effectively to organise huge volumes of paperwork;
3. have a general idea of how to utilise Casemap and other software that can aid in the organisation and management of case documents;
4. understand the importance of organising case files and know what documents are missing and which should be obtained as a necessary preliminary aspect of casework

Brief synopsis of speaker:

Dr. Paul Mason is a Senior Lecturer at the School of Journalism, Media and Cultural Studies, Cardiff University and has written extensively in the field of crime and media. He currently chairs the INUK Innocence Projects Committee and the Director of the Cardiff Nexus Innocence Project.

SESSION 15:

Casework Protocols: The INUK Model Standards for Innocence Project Work

By student caseworkers of the Cardiff Law School Innocence Project

This session discusses the INUK Model Standards for Innocence Project Work, a comprehensive set of protocols validated by the Clinical Legal Education Organisation (CLEO) and the Attorney General's Pro Bono Protocols. Students from the Cardiff Law School Innocence Project and the Cardiff Nexus Innocence Project will give an overview of the basics for innocence project operation by illustrating how they utilise these protocols to guide working practices including prison visits and dealing with the media.

At the end of this session you should be able to:

1. have an understanding of key aspects of the INUK casework protocols;
2. understand their importance in terms of ensuring both the safety and wellbeing of students undertaking innocence project work, maintaining a professional standard of service and fulfilling the duty of care towards clients;
3. gain ideas from the working practices of member innocence projects on how to ensure that students adhere to casework protocols

Useful References:

Innocence Network UK (INUK) Model Standards for Innocence Project Work (full protocols available to member innocence projects, or upon request from non-members)

Attorney General Pro Bono Protocols, available on ProBonoUK website:
<http://www.probonouk.net/index.php?id=resources&rid=24>

SESSION 16:

INUK Central Support for Members: Illustration of the Discussion Forum

By Steve Cheng, INUK Webmaster and student member of the University of Bristol Innocence Project

In line with the INUK's spirit of collaboration, a new Discussion Forum has been added to the website, which will be activated after the national annual training conference. The Forum is open to directors or appointed student representatives from member innocence projects only. It will provide a channel in which members can raise questions and share ideas related to casework and other innocence project activities. This is a practical session that will illustrate how to use the Discussion Forum.

Useful References:

INUK Website: 'Forum' page (to be activated after the training conference)

SESSION 17:

Q&A for Students on Innocence Projects Work

By students from various member innocence projects, chaired by Caitlin Gallagher, elected Innocence Project Officer, Cardiff Law School Innocence Project

The aim of the session is to provide an opportunity for students who have just started innocence project work, or are thinking of setting up a member innocence project, to ask questions and discuss concerns they may have with more experienced colleagues from more established innocence projects.

SESSION 18:

Consolidation/ Q&A/ Feedback/ Next Steps?

By Dr. Michael Naughton, Julie Price and Dr. Paul Mason

To conclude the training programme, this session will consolidate the various sessions over the last two and a half days and address any questions or issues staff members and students may have. It will provide an opportunity for attendees of the training programme to give feedback on how training and support from the INUK can be improved, and discuss key plans for the future.

List of Member Innocence Projects

Bournemouth University Innocence Project

BPP Law School Innocence Project

Cardiff Law School Innocence Project

Cardiff Nexus Innocence Project

European Law Students Association (ELSA) Innocence Project

Glasgow Caledonian University Innocence Project

Lancaster University Innocence Project

Oxford Institute of Legal Practice Innocence Project

Sheffield Hallam University Innocence Project

University of Bristol Innocence Project

University of Cambridge Innocence Project

University of Leicester Innocence Project

University of Plymouth Innocence Project

University of Portsmouth Innocence Project

University of Sheffield Innocence Project

University of Strathclyde Innocence Project

University of Wales, Bangor Innocence Project

Acknowledgments

The INUK would like to thank Lexis Nexis for their sponsorship of part of this training programme, and for providing Casemap suite licences free of charge to our member innocence projects.

We would also like to thank the many and varied other agencies, organisations and supporters who offer support in a multitude of ways.

Finally, we wish to thank our member innocence projects, staff and students, for their ongoing enthusiasm, support and involvement, and say that we look forward to ongoing and developing collaborative relationships that will last for many years to come.

Contacts

Queries and Problems

These can usually be addressed to students at the registration desk.

The main telephone number for Cardiff University is 029 2087 4000. Cardiff Law School reception desk is 029 2087 6705, but the training event is happening outside of the law school building.

The telephone number for the University out of hours (security) is 029 2087 4444

Emergency Contact:

In event of an emergency, please contact Julie Price on (029) 208 76510 (office) or via Caitlin Gallagher on 07810 535756

Location Guides

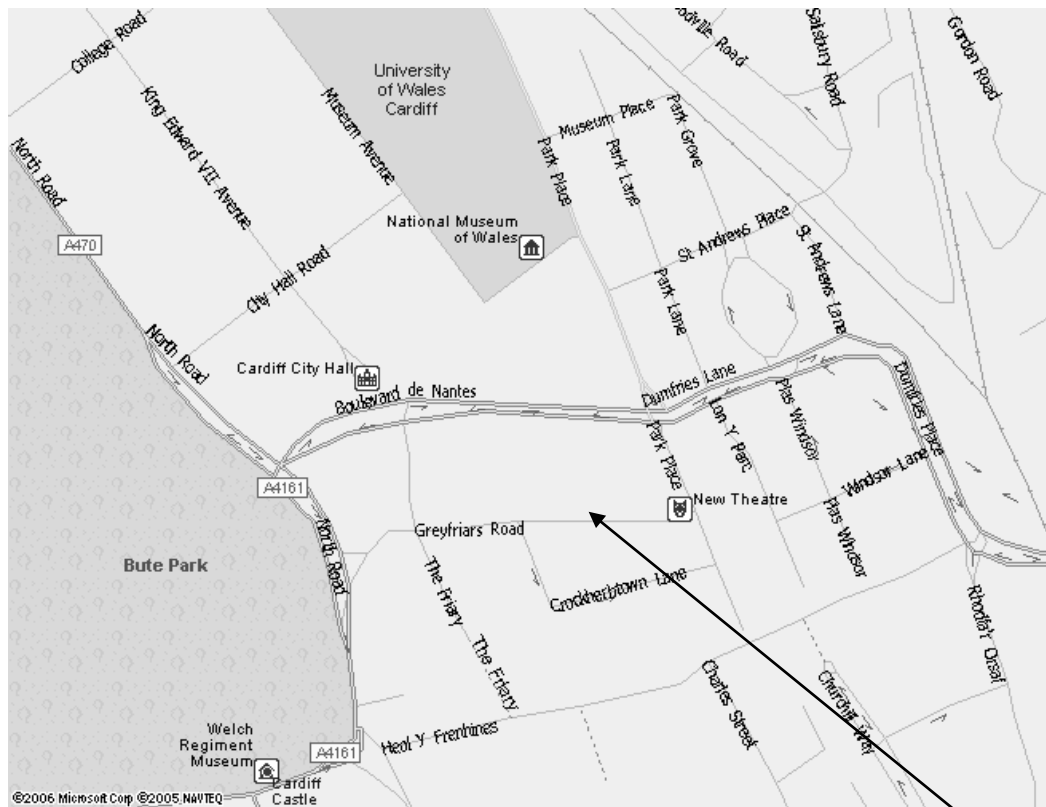
University site



28 - Cardiff Law School

14 - Julian Hodge Lecture Theatre

22 - Aberdare Hall



Park Plaza Hotel

THE SOCIAL SCENE IN CARDIFF

Note from Cardiff Student Law Society to visitors from other universities for innocence projects training programme

Dear Visitors,

As visitors to Cardiff, the Law Society hopes that with some guidance you will become as excited and addicted to the Cardiff nightlife as we all are. Cardiff has a reputation as being one of the best social Universities in the UK and this weekend we hope to live up to that standing!

We have put together a few recommendations for your weekend which we hope will give you a varied experience with plenty of choice to cater for most tastes. Maps of the city can be obtained from most areas of the University and the students and local people are very friendly and helpful, so don't be afraid to ask if you need help.

Bars and pubs:

The Woodville: A cheap and popular Scream Bar on Woodville Road. It's just opposite the Law building and is a great place to get to know people and plan a night out.

Prince of Wales- A Weatherspoons, ideal for the start of your night. The Prince of Wales is a huge pub with a fantastic atmosphere which is famous for its décor. This is in the centre of town, right near the Millennium Stadium.

Inncognito- A sophisticated and relaxed bar, for those who don't want a crazy and exhausting night out. With a smart casual dress code this is a popular bar, though a bit expensive.

Gassy Jacks- Gassy's is a bar in the centre of Cathays, a popular venue with students who live in the area. It's often busy early evening as people warm up for a night out.

Bounce at Walkabout: This is without a doubt THE premier night in Cardiff on a Thursday. It is often packed to the ceiling with students; drink offers and cheesy music guarantee an unforgettable night. Try the Prince of Wales first, as they are quite close together on St. Mary's street.

Creation: Found in Park Place, this club is a continual favourite with students. Not as busy as Walkabout on a Thursday but plenty of drink offers and good music. Entry is usually free before 10pm.

Jumping Jaks: Found in Millennium Plaza; right up near the stadium, Jumping Jaks guarantees a night filled with cheesy music and cheap drinks. A firm contender when Walkabout gets too busy.

Jongleurs, Bar Risa: Shattered after Thursday night? Jongleurs provides a fantastic comedy night down in Millennium Plaza. The show starts at 8.15pm and afterwards Risa is open with a disco until 2am.

Clwb Ifor Bach: Pitched as the best live music club in Cardiff, "The Welsh Club" is a firm favourite among those students who want to avoid the run of the mill clubs. There is a Drum 'n Bass night on a Friday which is very popular.

Access All Areas at the Union: A new night at the Students' Union which is proving to be very popular. A fabulous mix of music with alternative, rock, punk, dance and hip hop means that there is something for everyone. The atmosphere is great at the Union and is definitely worth a look in. As it is popular it is advisable to pop in on a Thursday and check to see if there are any tickets.

Prefer a quiet night?

There are two main Cinemas in Cardiff, both surrounded by bars and pubs. Cineworld is at the bottom of St Mary's St and Vue Cinema is in the Millennium Plaza.

Eating out:

Like any city Cardiff is jam-packed with places to eat. There are plenty of Weatherspoons which are popular with students for food, and there are also a couple of O'Neills and Yates pubs dotted around the city.

China China on St Mary's St is a popular and very reasonable "all you can eat" Chinese.

The Brewery Quarter on St Mary's St is full of fabulous places to eat from international cuisine to steak houses.

Any questions, give one of us a call. We will be making a few mobile contact numbers available to you on Friday.

Have fun!

Cardiff Student Law Society