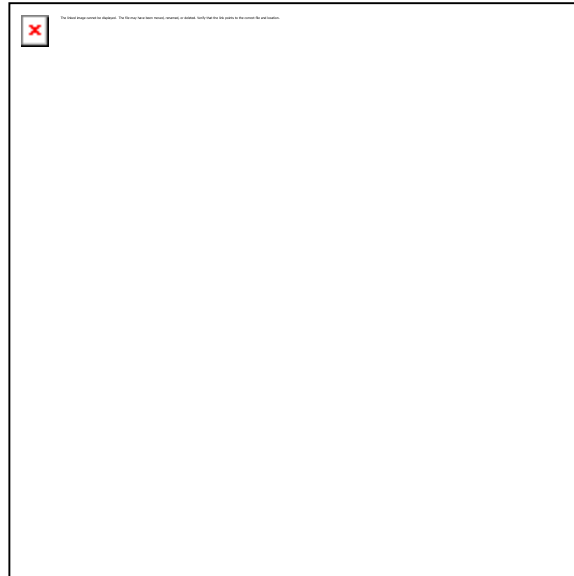


INNOCENCE NETWORK UK



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

2ND ANNUAL INUK NATIONAL TRAINING PROGRAMME FOR INNOCENCE PROJECTS

School of Law, University of Bristol
2–4 November 2007

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INTRODUCTION

Background

The idea for this core training programme for existing innocence projects and other colleagues and students wishing to set up an innocence project derived very much out of necessity. The interest that the existing innocence projects have attracted from the clinical legal education community and colleagues in other disciplines (media and cultural studies, sociology, criminology, and so on) called for a unified approach to providing the basic training required to prepare students for case investigation. And, so, the idea of a national core training event was born, supported by a student travel grant from the UK Centre for Legal Education (UKCLE). The inaugural INUK National Core Training Programme for Innocence Projects in Cardiff in October 2006 saw over 200 staff and students from 14 universities attend a two and a half day event.

The organisers consider that the pilot 2006 INUK national training event was extremely significant and almost certainly unique in the field of legal education because any natural academic inclination towards competitive protection of an idea is put aside in the wider interests of collaboration and student education.

As far as we are aware, there is no other national university student training scheme whose core remit is to facilitate the creation and development of a UK-wide collaborative venture. The INUK National Training Programme for Innocence Projects has parallel aims of enhancing legal education/education about the legal system via an innovative live-client vehicle, enveloping the pro bono involvement of both limbs of the practising legal profession within legal education. It exposes the nation's future lawyers, journalists and sociologists, to a compelling educational movement with social justice roots.

We believed that students nationwide would be spurred on by the media interest in this subject area as evidenced in television programmes such as BBC 1's 2006 drama *The Innocence Project* and the BBC 2 Rough Justice programme *The Innocents' Brief* and would take the initiative and seek ways to start innocence projects within their own universities. Our belief that this "innocence movement" at grass roots level within the student population had legs and would run proved to be right. Starting from a base of one innocence project at the beginning of 2005, by the end of the year there were three innocence projects in the UK, in 2006 the INUK had seven active member innocence projects, and following the 2007 training programme many new innocence projects will be set up around the country that will join the INUK family.

Attorney General's Award

The idea and value of this collaboration was recognised during the Attorney General's Pro Bono Awards in the House of Lords in April 2007, when Bristol and Cardiff received a 'Highly Commended' Award for the inaugural INUK national Training Programme for Innocence Projects

Rationale

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

Instead, the Innocence Network UK stresses that rather than seeing wrongful convictions as a ‘thorn in the side’ of the ‘fight against crime’ we see the concern about the wrongful conviction and imprisonment of innocent people to 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.

This represents the second year of what we hope is an ongoing programme of educational training which will also lead to better informed criminal lawyers, journalists and academics on the limits of the criminal justice process. It should also encourage research of wrongful convictions which can be translated into recommendations for changes to the criminal justice system aimed at their reduction.

Overview

Friday, 2 November: Victims’ Voices

The introductory session, delivered primarily by representatives from the victim support and/or campaigning sphere, will illustrate the difficulties in overturning alleged wrongful convictions.

This first element of the programme exposes students and staff to the “Victims’ Voices”. Most of our students will be too young to remember first-hand the impact on the UK of the IRA’s bombing campaign in the 1970s and 1980s, and they may not have heard of The Birmingham Six or the Guildford Four. They almost certainly won’t realise that these cases led directly to the Criminal Cases Review Commission being set up.

On the same evening, we will hear about the role of support and campaign organisations and will hear a constant message through a multitude of different voices, each with a compelling story to tell.

Of current media interest during this Second National INUK training event will be the case of the murder of the BBC Crimewatch presenter Jill Dando, for which Barry George was convicted. His family have long maintained his innocence and campaigned against his conviction. Barry George's appeal is about to be heard in the Court of Appeal, and there will no doubt be high-profile news coverage to which the students will better relate after attending the training event. This will be reinforced by the fact that the Victims' Voices element of the training will be opened by Michelle Diskin, who is Barry George's sister.

Michelle will be followed by Paddy Hill of the Birmingham Six, and Michael O'Brien of the Cardiff Newsagent Three. Full details and speaker profiles are set out in Appendix 1 of this booklet.

Saturday, 3 November: Procedure

After hearing from victims and supporters, the structure of the various sessions delivered by representatives from criminal justice system agencies is, firstly, to 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 initial police investigation 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.

Time prevents us this year holding a special session on the possibility that forensic science expert witnesses may contribute to wrongful convictions, but other speakers will make reference to issues relating to forensic science, DNA and so on, which in itself is a massive subject, and which students will undoubtedly need to research at some point in their innocence project work.

The training will look at how the media can both be a factor in causing and quashing wrongful convictions, and will supplement the learning experience.

Sunday, 4 November: Skills and practical guidance

In response to feedback on the pilot training programme, we have included for 2007 a new element to offer advice and give practical examples of work on particular cases, and students from existing member innocence projects will give demonstrations. The whole of the final day's training therefore looks at the practical requirements of setting up an innocence project, the work that students will be doing from the early stages of a project to how they should be presenting an

application to the CCRC, and what they are looking for within the mass of evidence in their possession. What skills will they learn, such as interviewing prisoners and witnesses, and how can they write effectively? How should they manage themselves as well as their cases? What are the key data protection and ethical issues to consider? There will be a demonstration of Blackboard and Casemap as two options of electronic case management. We will also hear from a solicitor and barrister about the way in which they have supervised students working on an innocence project.

Conclusion

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. Home Office, Parole Board, Probation Service, and so on.

Yet, the INUK Core Training Programme for Innocence Projects does provide the main 'signposts' to the terrain on wrongful convictions that will prove a vital resource as new innocence projects emerge and students start to 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 training programme enjoyable, as well as informative.

Criminal law is, perhaps, the most fascinating of all areas of law in the way that it reflects human relations. 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 will occur. The measure of our system is what it does to avoid wrongful convictions and what it does to remedy them when they occur.

Michael Naughton and Julie Price

SESSION TIMETABLE

Session	Title	Date	Time	Venue
	Friday 2 November 2007			
	Welcome and brief overview of training programme	Friday 2 November 2007	18.00 - 18.15	Chemistry Building, LTI
	<i>Dr Michael Naughton, Founder and Chair of Innocence Network UK, Director of University of Bristol Innocence Project & Julie Price, Solicitor, Innocence Projects Co-ordinator and Secretary of Innocence Network UK, Co-ordinator of Cardiff Law School Innocence Project</i>			
1	Victims' Voices	Friday 2 November 2007	18.15 - 21.00	Chemistry Building, LTI
	An insight into the effects of wrongful imprisonment to direct victims, their families, and the wider community, and the assistance offered by campaign and victim support groups. Speakers include Paddy Hill ("The Birmingham Six"), Mike O'Brien ("the Cardiff Newsagent Three"), Paul Blackburn (served 25 years in prison, and whose experiences were aired in a Radio 4 play), Miscarriages of Justice Organisation (MOJO), INNOCENT, United Against Injustice, Falsely Accused Carers and Teachers (FACT), South Wales Against Wrongful Convictions, False Allegations Support Organisation (FASO).			
	Saturday 3 November 2007			
2	The Criminal Cases Review Commission (CCRC): background, statutory remit, the "real possibility test" and making a CCRC application	Saturday 3 November 2007	9.30 - 10.45	Reception Room WMB
	<i>Michael Allen, Commissioner, CCRC</i>			
3	Understanding police investigations: The Police and Criminal Evidence Act (PACE); the realities of police investigations; practical guidance on where to look for possible problems when a reviewing evidence	Saturday 3 November 2007	10.45 - 11.45	Reception Room WMB
	<i>John Long, Chief Superintendent, Avon and Somerset Constabulary</i>			
	BREAK		11.45 - 12.00	
4	The role of the Crown Prosecution Service (CPS)	Saturday 3 November 2007	12.00 - 13.00	Reception Room WMB
	<i>Deborah Rogers, District Crown Prosecutor, South Wales CPS</i>			

	LUNCH		13.00 - 14.00	
5	Prison Service: What happens inside – the experiences of a lifer manager	Saturday 3 November 2007	14.00 - 15.00	Reception Room WMB
	<i>Darren Harrison, Lifer Manager, HMP Cardiff</i>			
6	The law relating to criminal appeals; legal advice and assistance offered to INUK members by QEB Hollis Whiteman Chambers	Saturday 3 November 2007	15.00 - 16.00	Reception Room WMB
	<i>Philip Evans, Barrister, QEB Hollis Whiteman Chambers, London</i>			
7	The role of the INUK: An overview of the limitations of the criminal justice system and the need for innocence projects in the UK	Saturday 3 November 2007	16.00 - 17.00	Reception Room WMB
	<i>Dr. Michael Naughton</i>			
	BREAK		17.00 - 17.15	
	Drinks reception and address from representative of the Innocence Project at New York, established in 1992, and which has been responsible for overturning over 200 wrongful convictions since its inception.	Saturday 3 November 2007	17.15 - 19.00	Great Hall WMB
	Sunday 4 November 2007			
8	How to run an innocence project: getting started - the very first steps	Sunday 4 November 2007	9.30 - 10.00	Reception Room WMB
	<i>Julie Price and Gabe Tan, Central Administration Secretary, INUK</i>			
9	Media images and miscarriages of justice	Sunday 4 November 2007	10.00 – 11.00	Reception Room WMB
	<i>Dr Paul Mason and Dr Claire Wardle and students, Cardiff JOMEK Innocence Project</i>			
	BREAK		11.00 - 11.15	
10	The paperwork arrives: what now? How to organise and deal effectively with a large volume of evidence; early case-management options – Blackboard demonstration; Casemap.	Sunday 4 November 2007	11.15 - 11.45	Reception Room WMB
	<i>Cardiff JOMEK Innocence Project</i>			
11	Reviewing case documents: What are you looking for? How do you know whether documents are missing and how you might obtain these? How do you start to look for new evidence or a new line of argument?	Sunday 4 November 2007	11.45 – 12.15	Reception Room WMB

	<i>University of Bristol Innocence Project (UoBIP)</i>			
	LUNCH		12.15 - 13.00	
12	The role of supervising lawyers in innocence project work	Sunday 4 November 2007	13.00 - 14.00	Reception Room WMB
	<i>Jonathan Beck, practising Solicitor, supervisor to University of Bristol Innocence Project 2005-2007; Dr Hemma Ramrattan, Barrister, City Law School Innocence Project; Mark MacDonald, Barrister, The London Innocence Project, 1 Pump Court</i>			
13	Relevant communication skills: interviews, prison visits and letter writing	Sunday 4 November 2007	14.00 - 14.45	Reception Room WMB
	<i>Julie Price</i>			
14	Data Protection and the Ethics of Innocence Projects	Sunday 4 November 2007	14.45 - 15.00	Reception Room WMB
	<i>Lynne Copson, PhD research student, University of Bristol</i>			
15	Making an application to the CCRC	Sunday 4 November 2007	15.00 - 15.30	Reception Room WMB
	<i>Michael Naughton and Gabe Tan will talk through key aspects of the format and content of the CCRC submission</i>			
16	Consolidation/Questions and Answers/feedback/what next?	Sunday 4 November 2007	15.30 - 16.00	Reception Room WMB
	<i>Michael Naughton and Julie Price</i>			

Devised and designed by Michael Naughton and Julie Price for the Innocence Network UK (INUK)

SESSION 1

Victims' Voices

The aim of this session is to provide an insight into the experiences and on-going struggles of a victim of a high profile miscarriage of justice. It will also cover the principal support and campaigning groups and organisations in the UK and the ways in which they attempt to raise awareness of, challenge and help to overturn wrongful convictions. It will highlight the contributions that such organisations have made to overturning some of the most troublesome miscarriages of justice that have occurred. The different methods by which the various groups engage with the problem will also be considered.

At the end of this session you will have:

1. gained an insight into the experiences of a high-profile victim 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;
6. list various voluntary and charitable local and national support organisations;
7. outline the origins of and motivation behind selected support organisations;
8. differentiate between the roles and remits of such organisations and highlight some of their key purposes;
9. understand the strengths and weaknesses of support organisations and the range of assistance that they can provide; and
10. recognise the situations in which an alleged victim of wrongful conviction might benefit from a referral to an appropriate support organisation.

*** See Appendix 1 for synopses of speakers and organisations**

SESSION 2

The Criminal Cases Review Commission (CCRC)

The Criminal Cases Review Commission is an independent public body that was set up in 1997 at 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 of 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’s, 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

The session will be delivered by:

Michael Allen,
Commissioner, CCRC

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 3

Understanding Police Investigations

This session explores the Police and Criminal Evidence Act (1984), the statutory framework that governs police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing detainees. It will also provide an insight into the realities of police investigations, and will offer practical guidance on how to review the police investigations on a case.

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

- 1 understand the background, aims and application of PACE 1984
- 2 describe the nature of evidence in police investigations
- 3 evaluate the problems with the search for truth as it relates to criminal offenders
- 4 appraise, critically, concepts revolving around the quality, validity and fairness in police investigations
- 5 recognise some of the limitations of police discretion
- 6 recognise the systematic limitations of police investigation

The session will be delivered by:

John Long,
Chief Superintendent, Avon and Somerset Constabulary

Useful references:

Powers and PACE Codes, available on: <http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/>

SESSION 4:

The role of the Crown Prosecution Service (CPS)

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 of ‘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 case against suspect/defendant and discuss recent reforms under Criminal Justice Act (2003) which bring 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.

The session will be delivered by:

Deborah Rogers,
District Crown Prosecutor, Crown Prosecution Service, South Wales

Useful References:

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

SESSION 5

What Happens Inside: The experiences of a lifer manager

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 crime as a prerequisite to progression, and the claim that the Incentives and Earned Privileges Scheme (IEPS) is being inappropriately used to encourage innocent 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.

The session will be delivered by:

Darren Harrison,
Lifer Manager, HMP Cardiff

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 5 years ago.

Useful References:

HM Prison Service website: <http://www.hmprisonservice.gov.uk/>

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

What happens inside?

The Experiences Of A Lifer Manager

Darren Harrison, HMP Cardiff

What is a Life Sentence?

- Differs from other sentences by:
- Only a minimum time to be served in custody is set...
- No specified release date or maximum time a person may spend in custody...
- If released the person will be subject to life licence for the remainder of their life.

3 Main Types of Life Sentence

- Mandatory
- Discretionary
- Indeterminate sentence of public protection (ISPP)

Mandatory

- The ONLY possible sentence if convicted of Murder

Discretionary

- Given when the risk of re-offending is so grave that the Court decides only a life sentence is appropriate.

Indeterminate Sentence of Public Protection

- To be imposed:
 - For a sexual or violent offence carrying a maximum penalty of ten years or over
 - For offenders assessed by the Court as posing significant risk to the public
- Licence to run for at least 10 years, after which time it may be revoked by Parole Board
- How long is a Life Sentence?
- All Life Sentences are indeterminate
- Time in custody depends on:
 - TARIFF The MINIMUM time in custody required to meet the needs of retribution and deterrence
 - RISK The risk the offender may pose to the public if released

Stages of a Life Sentence

- Typical Male Lifer:
- Remand / Local Prison High Security, Cat B
 - First Stage Dispersal, Cat B
 - Second Stage Dispersal, Cat B & C
 - First Parole Board Review
 - Third Stage Cat D / Semi-Open / Open
 - Second Parole Board Review

- Release on Life Licence Community

Why are Lifers Different?

- Life Sentence Prisoners may not perceive their remand time is taken into account when tariff is considered
- No EDR - can remain in custody even though their sentence [Tariff] has expired
- No automatic PED - Lifers cannot be released before tariff expiry
- Cannot claim remission for good behaviour
- Cannot have their sentence punitively increased
- Behaviour is monitored in custody – their actions will have a considerable impact upon their progression through the system
- Released on Life Licence / Subject to Recall
- Uncertainty it creates for the prisoner, both during sentence and after release
- Purpose of the life sentence plan (LSP)
- Clear and detailed documentary analysis of a lifer's index offence
- Summary of risk factors from various assessment systems
- Projection of offending behaviour targets
- System for sentence planning, and progress reviews
- Record of accomplishments

LSP Sections

- LSP 0 Potential Lifer on remand
- LSP 1 Newly convicted Lifer
- LSP 2 Lifer risk assessment at First Stage
- LSP 3 Sentence plan and Progress reports from First Stage onwards
- LSP 4 Activities at Second Stage Cat C & Third Stage Cat D
- LSP 5 Recalled Lifer

Disclosure

- In the spirit of Principle 1 of the Prison Service Vision, whenever practicable, the LSP must be disclosed to the prisoner

Exceptions for disclosure

- Sections quoting specific evidence from the Confidential Summary Dossier [CSD]
- Information covered by the Victims' Charter
- Medical information that Healthcare staff have decided should not be disclosed
- Security sensitive information
- Other information kept confidential under Prison Service rules

Assessing risk in prisoners...

- As Criminal Justice professionals we have to make assessments of risk beyond those likely to affect just ourselves...
- What sort of "risks" should we be concerned about when assessing prisoners?

Risk Assessment guidelines

- Lifer Risk Assessments must:
 - Be based upon factual evidence
 - Relate to the criminogenic needs of the individual lifer

- Relate to sentence planning targets
- Provide a basis for monitoring and evaluation throughout custody

Progress through the Life Sentence System

The overriding factor is:
Demonstrated reduction in risk

Progress through the Life Sentence System

Progress will stem from:
Willingness to provide an open and active account of the offence
Motivation to change
Achievement of sentence planning targets
Participation in offending behaviour programmes
Conformity with the custodial regime

Denial of guilt - Areas of concern

Even when involvement in the offence is denied, there is often problem behaviour or anti-social attitudes to be addressed:

- Alcohol or drug abuse
- Anger control
- Difficulties with relationships
- Sexual deviancy
- Poor social skills

A lifer who denies the index offence, but is willing to reduce risk factors can progress through the system

Denial of guilt

- Not a bar to release
- No rule or policy preventing progress or release
- The Prison Service starts from an assumption that the prisoner was rightly convicted
- Concerned with assessing and minimising the risk
- Other processes exist to challenge the safety of the conviction
- Release dependant on satisfaction that areas of concern have been satisfactorily dealt with

Release on Life Licence

Mandatory lifers

- Parole Board only "recommends" release; Home Secretary takes decision

Discretionary lifers

- If the Panel decides that the prisoner is suitable for release they make a "direction for release" that is binding upon the Home Secretary.

Release

- All types of life sentence prisoners will not be released until the Parole Board has decided their RISK TO THE PUBLIC is significantly reduced
- For murderers, Home Office approval MUST be given before release

SESSION 6

The Law Relating to Criminal Appeals

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 as obstacles that prevent the factually innocent from overturning their wrongful convictions.

The session will be delivered by:

Philip Evans,
Barrister, QEB Hollis Whiteman Chambers, London

Brief synopsis of speaker:

Philip Evans is a barrister at QEB Hollis Whiteman. He practices 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] 3 All ER 463
R v. Pendleton [2002] 1 WLR 72
R v. Hampton (2004) The Times 13th October 2004

Naughton M. (2004) “Redefining Miscarriages of Justice”, British Journal of Criminology, 2 August 2004

SESSION 7

The Role of the Innocence Network UK (INUK)

This session will reflect, critically, on the various previous sessions. It will discuss the emergence of 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. It will make reference to the scale of miscarriages of justice that occur each year, the key causes of wrongful convictions and the distinction between miscarriages of justice and the wrongful conviction of the innocent to emphasise the unmet legal needs of prisoners maintaining innocence who may be innocent. It will consider the limits of the campaigning and victim support groups to assist innocent prisoners, 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 needs of prisoners maintaining innocence who are innocent.

The session will be delivered by:

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

Brief synopsis of speaker:

Dr Michael Naughton, a 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. His recent academic publications include: *Rethinking Miscarriages of Justice: Beyond the tip of the iceberg*, Palgrave Macmillan, (2007); 'Wrongful Convictions and Innocence Projects in the UK: Help, Hope and Education', *Web Journal of Current Legal Issues*, 3 (2006); 'Redefining miscarriages of justice: a revived human rights approach to unearth subjugated discourses of wrongful criminal conviction' *British Journal of Criminology* (2005: 45(2): 165-182); 'Why the Failure of the Prison Service and the Parole Board to Acknowledge Wrongful Imprisonment is Untenable' *Howard Journal of Criminal Justice* (2005: 44(1): 1-11).

SESSION 8

How to run an innocence project: getting started - the very first steps

You've taken the first step of becoming an INUK university member, and have attended the national training programme, so you have the basic knowledge and you want to set up an innocence project (or you have joined an existing innocence project). What happens now?

This session looks at the early days of an innocence project, and initial practical considerations. It may also apply to existing innocence projects where there is a lull in casework where new cases have yet to become established.

Questions to consider:

How are student teams organised initially? The role of a student innocence project committee.

What storage space is needed and where do students work?

How often do students meet, and when do they meet with supervising lawyers?

Issues to think about:

Preliminary points – before starting on casework

Relationship with the supervising practitioner. *This will be expanded upon in Session 12 later today when we'll look at examples of how this supervision has worked in practice.*

The role of the staff supervisor, and insurance considerations

Working to agreed INUK protocols

Support of QEB Hollis Whiteman chambers. *This will expand briefly on the support outlined in Session 6 yesterday, and how new innocence projects might call for this support.*

Student confidentiality contract

Likely timescales and volume of paperwork likely to be received in the early weeks

Occupying students before paperwork arrives – information in the public domain; UAI website; creating a mini library; sponsorship/fundraising

Types of INUK cases

Julie Price (Solicitor, Co-ordinator of Cardiff Law School Innocence Project, Secretary of INUK) and Gabe Tan (INUK central administration secretary) will offer suggestions

drawing on their experiences of the early days of the Bristol and Cardiff Innocence projects, and their administration work with the INUK.

SESSION 9

The media environment and miscarriages of justice

JP to insert Paul and Claire's lesson plan

SESSION 10

The paperwork arrives: what now?

Questions to consider:

What will you receive by way of documentation?

- a) a neat bundle of files that are all in order; or
- b) a mass of disorderly papers, with documents missing?

How will you start to deal with this documentation, and what are your options?

How can you best “manage” the family and their expectations at this early stage?

Issues to think about:

From the previous session, how the media reporting may have impacted upon your case.

The information in the public domain is not necessarily objective and not always accurate.

Retaining objectivity in your search for the truth.

This session will be delivered by staff and students from the Innocence Project based at Cardiff School of Journalism, Media and Cultural Studies.

They will give an example of how their Project dealt with receiving a very large amount of paperwork directly from a client’s family, how they utilised Blackboard, and how they are now going to use Lexis-Nexis’s Casemap software, on the recommendation of a high-profile practising criminal appeals solicitor.

SESSION 11

What are you looking for?

Moving on in time, you have received most of the documentation and have decided upon a system of filing and managing the paperwork.

Questions to consider:

How do you know whether documents are missing and how you might obtain these?

How do you start to look for new evidence or a new line of argument?

Issues to think about:

Asking the client or the client's family for some pointers as to what concerns them about the case, and make sure you understand all of their concerns. Remember that they have lived with this for some considerable time and will know the case inside out.

Has the family got copies of any relevant documents – whether you can rely on these or just use them as pointers pending receipt of full documentation

Preparing a summary of the case. Often you can be helped in this task by looking at Counsel's Advice and/or the judge's summing up.

Difficulties you will face as regards missing documents.

Obtaining copies of judgements: cost

Copies of trial transcripts: very high cost

Innocence projects are not naïve and do not always believe that a person is innocent in all circumstances. They may face a situation where they no longer believe that someone is innocent, and they can no longer assist that person.

Innocence projects have to examine a case from a perspective of professional non-alignment, and manage family expectations accordingly.

From documentation that is available, clearly there will on the face of it have been a strong case against the person maintaining innocence, otherwise he/she would not have been convicted in the first place.

Your search will aim to go beyond documentation that was used, and it will explore unused and

(hopefully) new material and lines of argument.

Students from the University of Bristol Innocence Project will give practical examples from one of their cases by demonstrating the essential first steps in constructing a timeline using Microsoft One-Note, and will illustrate practically how they went about their investigations.

SESSION 12

The role of supervising lawyers in innocence project work

Questions to consider:

As students, how can you find out the detail of the relevant law to be of any practical help in a case?

What guidance will you want/need from the supervising lawyers?

Who writes to the client – the student caseworkers or the supervising lawyer?

Issues to think about:

Innocence projects cannot give legal advice – that comes from the supervising solicitor or barrister

Which solicitors/barristers to approach to support your project

Working with solicitors at a distance, where a client already has a solicitor working towards preparing an application to the CCRC

We will hear about the different experiences of practising lawyers working with innocence project students from Jonathan Beck, practising Solicitor, supervisor to University of Bristol Innocence Project 2005-2007, Dr Hemma Ramrattan, Barrister, City Law School Innocence Project, and Mark MacDonald, Barrister, The London Innocence Project, 1 Pump Court

SESSION 13

(i): Relevant communication skills

Now that you have an idea of what your general task is, what do you do by way of communication?

Questions to consider:

Who do you write to and when?

Are the letters confidential or are they opened by the prison?

Drafting and perfecting an application to the CCRC – structure and content (*this will be expanded on in Session 14*)

Who do you interview and when?

Do you need to visit a client in prison?

Issues to think about:

Writing for internal use only – notes and memos for files

The tone and content of your letters, and who should sign them

Confidentiality – Rule 39a legal correspondence

Do not inadvertently put yourselves in the position of saying something that could be interpreted as legal advice.

What makes a good letter and what makes a bad letter?

Prison visits – accompanying students/Legal or family visits?

Effective listening and effective questioning are needed for an interview to be effective.

Julie Price will give a brief overview of relevant listening and questioning skills.

Cardiff Law School students will share their experiences of interviewing a client at Gartree and Cardiff prisons.

The session will discuss examples of a good and bad letter.

SESSION 13

(ii): Data Protection and the Ethics of Innocence Projects

Questions to consider:

How can an innocence project ensure that it complies with the Data Protection Act and other relevant legislation and guidance as regards storing client information?

Issues to think about:

Where to keep client files

How to communicate confidential information between innocence project caseworkers and the supervising solicitor

Confidentiality and the use of email

Whether to use a computer dedicated for innocence project work

Lynne Copson, Doctoral Researcher, University of Bristol will give a brief overview of relevant aspects of current legislation and their potential impact upon innocence project work.

The INUK can only offer guidance on this subject area and each member innocence project must take responsibility for updating itself on relevant requirements relating to retaining and communicating confidential client information. The INUK's role is as a support network and it cannot take responsibility for the actions or inactions of any member innocence projects in any aspect of innocence project casework

SESSION 14

End of year reports and making an application to the CCRC

As final summer examination time approaches, some students will be leaving the innocence project. The case on which they have been working may be:

- a) ongoing, but not ready to submit to the CCRC; or
- b) at a stage where the supervising lawyer wishes to submit an application to the CCRC

Whatever stage the case has reached, the contribution of an individual/team to a particular case needs to be summarised for several purposes:

- i) for new team caseworkers to pick up on in the next academic year;
- ii) so that a case progress summary can be submitted to the INUK for its central national records;
- iii) so that an application may be submitted to the CCRC which has the best possible chance of achieving a referral.

Questions to consider:

When does an end of year report need to be started, and by when does it need to be completed?

What is the format of an end of year report?

What is the content and format of an application to the CCRC?

Issues to think about:

That only about 4% of applications to the CCRC result in a referral to the appeal court.

How you can most effectively present your arguments to the CCRC, to give your case its best chance of success.

Dr Michael Naughton and Gabe Tan will talk through key aspects of the format and content of the end of year report and making applications to the CCRC. They will offer an insight into feedback received from the CCRC on an actual CCRC application.

List of Participating Universities

List of universities attending the training event or starting an innocence project:

Anglia Ruskin University

Aberystwyth University

Bangor University

BPP Law School (London)

Bournemouth University

European Law Student's Association (ELSA), King's College London

University of Bradford

University of Bristol

Cardiff Law School, Cardiff University

School of Journalism (JOMEC), Cardiff University

ICLS/ City Law School

University of Lancaster

University of Leicester

University of Liverpool

Oxford Institute of Legal Practice

University of Plymouth

University of Sheffield

Sheffield Hallam University

Contacts

Queries and Problems

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

The main telephone number for The School of Law, University of Bristol is .

The University of Bristol main switchboard telephone number is 0117 928 9000.

Organisers

The event organisers will be attending all sessions, but if you need to contact them outside session times, contact numbers are:

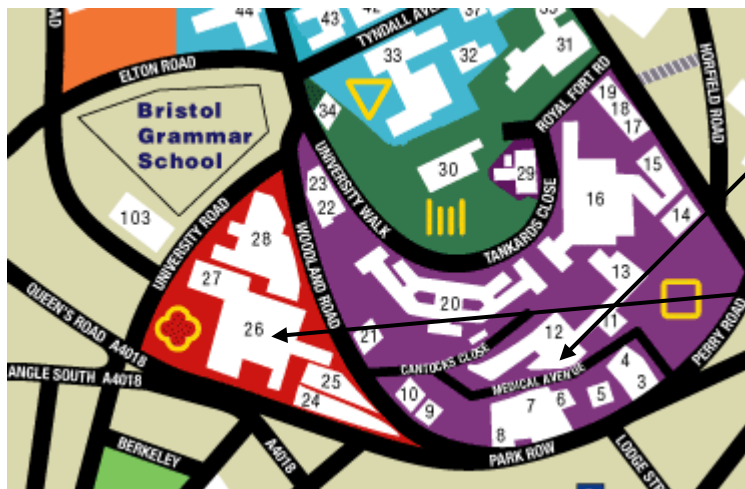
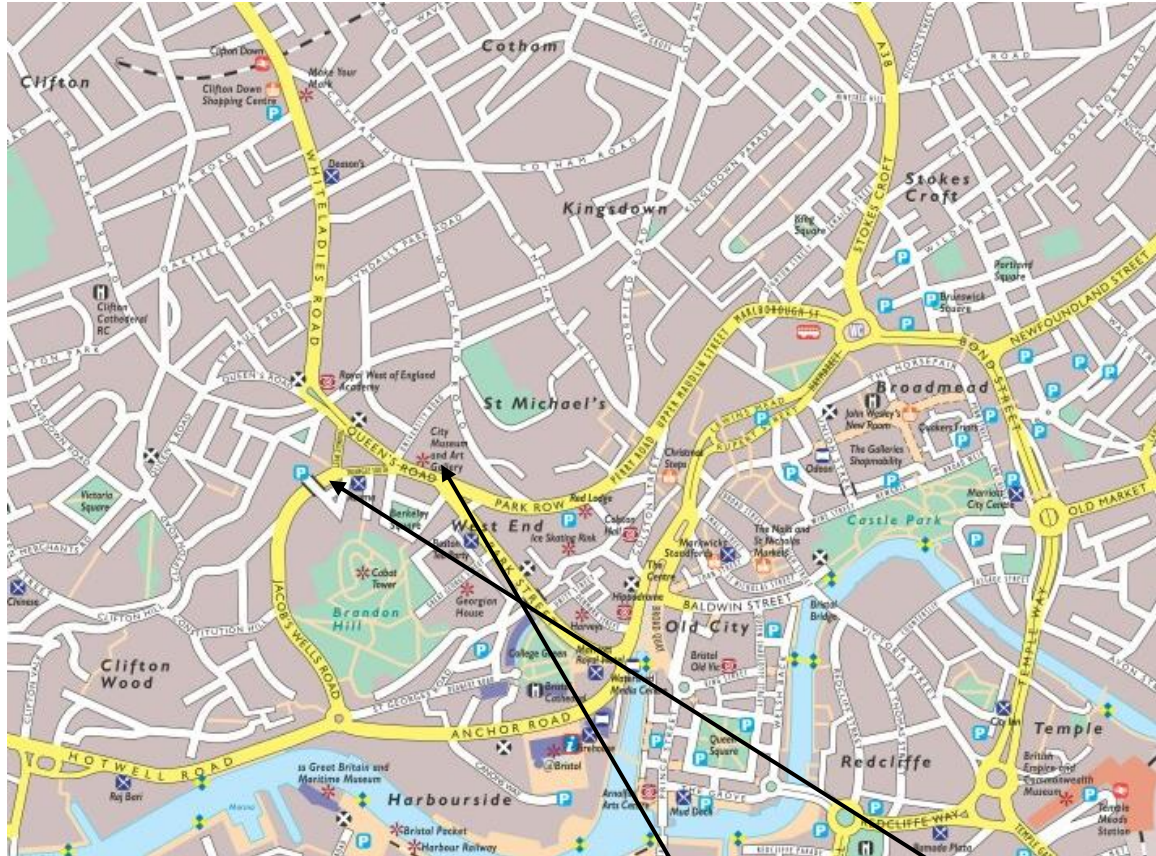
Michael Naughton
(Office) 0117 954 5323
(Mobile) 0789 012 5092

Julie Price
(Mobile) 0785 566 2878

Student contacts:

The names and contact numbers of Bristol University students will be made available at registration.

LOCATION GUIDES



Chemistry Building [11, 12]
(LT 1)

Wills Memorial Building [26]
(Reception Room)

THE SOCIAL SCENE IN BRISTOL

Dear Visitors,

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:

Arnolfini: 16 Narrow Quay, Tel: (0117) 927 9330

Reopened last September after a lengthy and considerable refit. The makeover has provided a fab new bar, complete with imported lagers and organic cider on draught, plus plenty of bottled beers, wines and spirits. Run by the same company who operate venues such as The Royal Opera House and Bath's Pump Rooms and Assembly Rooms, with food served from 12noon-9pm. Considerable al fresco area. Open until 2am on Fridays, with DJs from 9pm.

Picture House Bar: 44 Whiteladies Rd. Tel: (0117) 973 9302

Continental-style cafe, the Picture House takes its name from the original Picture House Cafe, which was the watering hole of the adjacent (unfortunately long-closed) cinema. Boasting an inspired a la carte menu which features fresh fish, meats and locally sourced produce, as well as several imaginative vegetarian and vegan dishes, with an extensive choice of tapas, the menu is complemented by the well-stocked bar with an eclectic mix of cocktails and a fine range of spirits, and there's a wide range of New World wines, hinting at owner Nicholas Armitage's Kiwi connections.

Coronation Tap: 8 Sion Place, Clifton. Tel: (0117) 973 9617

Not just a local legend - the world-famous Corrie Tap is the only cider house in Clifton and the oldest in Bristol. Home of the infamous Exhibition cider (8.4% and sold in half-pints only) along with a range of seven locally produced ciders, including Thatchers, Cheddar Valley and Taunton Trad. Beers include Pedigree and Bass. An incredibly popular traditional bar: you never know who you might bump into - according to one yearbook, both God and Elvis are regulars. Opens 5.30pm weekdays. Live music every Sunday lunchtime, from 1pm.

Prefer a quiet night?

The nearest cinema from the university precinct, surrounded by bars, pubs, restaurants and retail outlets is the Odeon Cinema, located at Union Street, Broadmead. Check out also, activities and films screened at the Watershed, located at Harbourside, the heart of Bristol city.

Eating out:

Like any city, Bristol is jam packed with places to eat. There are plenty of affordable restaurants in

Bristol which are popular with students for food.

Around the university precinct, Park Street, Queens Road, Whiteladies Road and Clifton Village are jammed pack with restaurants and takeaways, including Weatherspoons, Zizzi, Pizza Express and Beijing Bistro.

Bristol Broadmead, located at the city centre, and its surrounding areas, also offers a wide variety of restaurants, traditional English, Chinese, Italian and Indian, catering for every taste and budget!

The above information is taken from www.venue.co.uk

APPENDIX 1: VICTIMS' VOICES (SESSION 1)

SYNOPSES

FALSELY ACCUSED CARERS AND TEACHERS (F.A.C.T.)

F.A.C.T. (Falsely Accused Carers and Teachers) is a voluntary campaigning organization and support group for falsely accused and wrongly convicted carers and teachers throughout the UK. It aims to campaign for justice and lobby for change; provide help and advice, and support carers and teachers (and their families) who have been falsely accused of child abuse; and raise public awareness concerning the reality and risks of false allegations of abuse. An important part of F.A.C.T.'s work has been to bring to public's attention the vulnerability of carers and teachers to false abuse allegations, and to network with similarly minded groups and other 'justice' organisations. Further to its victim-support role, it also seeks to bring to the notice of the general public any evidence of investigative malpractice by the police, child protection agencies, and by employers. F.A.C.T.'s current membership includes men and women who work (or have worked) in children's homes, day and residential schools, colleges, playgroups, nurseries, or as childminders or foster carers; the voluntary sector, in health care provision, or for church communities which makes it well-placed to comment on the vulnerability of carers and teachers at all levels throughout the UK.

(For more information, see F.A.C.T. website at: <http://www.factuk.org>)

FALSE ALLEGATIONS SUPPORT ORGANISATION (FASO)

FASO (False Allegations Support Organisation) is a voluntary organisation dedicated to supporting anyone affected by a false allegation of abuse by offering clear information, practical advice and emotional support. FASO provides a network of members and supporters to help and support each other as accused families, and more importantly, it provides a useful resource for vital information such as the powers of Social Services (Child Protection) and how its referrals operate; resources and rights of the family; how the criminal justice and prison systems work; how the law permits the public exposure of the (falsely) accused person's identity in the media while protecting the "victim's" anonymity; as well as valuable advice on post release and aftercare, including issues on employment, housing, parental rights and contact arrangements. It also offers a wide range of support including guidance on what to do upon arrest; legal assistance by providing a database of the most experienced and successful solicitors and barristers; and practical advice on appeals such as how to prepare and present a case for legal review.

(For more information, see FASO website at: <http://www.false-allegations.org.uk>)

MISCARRIAGES OF JUSTICE ORGANISATION (MOJO, SCOTLAND)

The Miscarriages of Justice Organisation (MOJO) (Scotland) is a human rights organisation dedicated to assisting innocent people both in prison and after their release. Set up by Paddy Hill (Birmingham Six) (see below) and John McManus and funded by the Scottish Executive, the organisation's main objectives are to provide counseling and aftercare for the innocent after they are released from prison;

and to act as an advocacy service to help innocent victims who are still inside prison maintaining their innocence by recommending experienced and capable defence lawyers, as well as forensic experts and contacts within the media to raise the profile of their cases and bring them to the public's attention. MOJO has been involved with high profile cases who have won their freedom after serving sentences ranging from four years to twenty-five years. These people were wrongly imprisoned because of a miscarriage of justice and since their release have had great difficulty fitting back into our modern society. In light of the existing unmet needs of victims of wrongful imprisonment, who are often suffering from post traumatic stress disorders and are in desperate need of help, MOJO is launching a new campaign to raise funds for the establishment of a MOJO Retreat to help depressurise victims, and prepare them, back into a society they should never have been taken out of. The Retreat will be unique project, using shared counseling experiences to help victims gradually come to term with what has happened to them.

(For more information, see MOJO (Scotland) website at: <http://www.mojoscotland.com>)

MISCARRIAGE OF JUSTICE ORGANISATION (MOJO, NATIONAL)

Miscarriages of Justice Organisation (MOJO) (National) is a voluntary, charity organisation dedicated to human rights and to promoting healthy changes in the criminal justice system of England and Wales. Affiliated to MOJO (Scotland), it shares the same objectives of seeking to promote changes that will reduce the number of miscarriages of criminal justice and to increase the level of profession after-care of victims of miscarriages of justice.

(For more information, see MOJO (National) website at: <http://www.mojonational.com>)

SOUTH WALES AGAINST WRONGFUL CONVICTION

South Wales against Wrongful Conviction was formed in 2006 to take over the individual case work on alleged wrongful convictions and campaign against miscarriages of justice, previously undertaken under the banner of South Wales Liberty, which it continues to retain strong associations with especially in the area of membership. The group facilitates a platform for mutual support between families, friends and supporters of victims of wrongful conviction, provides advice on campaigning, and invaluable contacts with solicitors, journalists and academics. Since its establishment, members of South Wales Against Wrongful Convictions have, in a few cases, assisted with the Criminal Cases Review Commission (CCRC) and applications for criminal appeals by providing case analyses and liaison work. It has also organised media involvements and publicity events in relation to particular cases or issues, along with prison visits and writing letters of support to alleged miscarriage of justice victims. The group has also made numerous responses to government consultations on criminal justice issues and has lobbied the authorities in relation to a number of perceived injustices at national level. (For more information, e-mail South Wales Against Wrongful Convictions at: south.wales_liberty@btopenworld.com)

UNITED AGAINST INJUSTICE (UAI)

United Against Injustice (UAI) is a association of independent member organisations and is committed to helping miscarriage of justice campaigners set up such local organisations. UAI was established with the aims of federating miscarriage of justice campaigns, support groups and organisations; highlighting the incidence of miscarriages of justice and expand the public's awareness of miscarriage of justice issues; providing advice, support and an information network to member groups; representing the collective voice of our member groups; promoting mutual understanding, communication and good relations between our member groups; actively encourage, support, advise and facilitate the formation of likeminded groups; and establishing and organising an annual National Miscarriage of Justice Day which will be held on the 13 October in London this year.

For a list of all of the groups affiliated to UAI, see <http://unitedagainstinjustice.org.uk>. On the night, UAI will be represented by Dr Andrew Green, from INNOCENT, a key affiliate of UAI:

INNOCENT

INNOCENT, based in Manchester, is an independent organisation which supports and campaigns for innocent people in prison. It is made up of families, friends and supporters of wrongly convicted prisoners who have come together in order to help each other. Founded in June 1993 by Andrew Green and Jane Austin who were, then, members of Conviction, a Sheffield-based organization which endeavours to help prisoners wrongly convicted of serious crimes, INNOCENT has been meeting fortnightly ever since, through which families and friends of wrongly convicted prisoners could support each other, and help one another in the long and difficult task of overturning convictions. (For more information, see INNOCENT website at: <http://www.innocent.org.uk>)

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 had been interrogated for 5 hours without a solicitor present, and alleges that he would have confessed to “anything” given the oppressive nature of the officers’ questioning. 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. Paul Blackburn wrote about his experiences of wrongful imprisonment in a book by L.A. Taylor, *Judge for Yourself How Many are Innocent*.

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

BARRY GEORGE

Barry George was convicted in July 2001 for the murder of TV presenter, Jill Dando. He was arrested 13 months after the murder when a review by the police murder squad team of outstanding names in the system flagged him up. It emerged later that the police were given information which pointed out Barry George as a potential suspect in May and June 1999, just weeks after the murder. Nothing was done with this information until eight months later. Evidence that led to his conviction included the discovery of a single particle of firearm residue in his coat pocket, consistent with that found on the deceased's bullet wound and the cartridge case at the scene. His appeal against conviction was rejected both by the Court of Appeal and the House of Lords in 2002. However, in March last year, fresh evidence have emerged which raises doubts about the safety of the conviction. New medical evidence suggests that Barry George's mental problems would have made him incapable of carrying out the crime. Further, there are now substantial doubts as to whether too much weight has been placed on the gunshot residue, which has since been codified by the government's Forensic Science Service as "of no value". The CCRC referred Barry George's case back to the Court of Appeal in June this year. This case will be heard on 5 November 2007.

Barry George's sister, Michelle Diskin, will be speaking on his behalf at the INUK Training Event.

PADDY JOE HILL

Paddy Hill was one of the Birmingham Six who were wrongly convicted for an IRA bombing that killed 21 people and injured more than 160 in 1974. The case against the Birmingham Six was quashed in 1991 and all six were released after 16 years of wrongful imprisonment following a new police inquiry which used new forensic tests to show that statements made by the Birmingham Six were altered at a later date. Scientists also admitted in the Court of Appeal that traces of nitroglycerine found on their bodies which were originally said to confirm that the two (Paddy Hill and William Power) had been handling explosives could have come from innocuous sources such as soap and cigarettes. During the police investigation, the six were interrogated by Birmingham CID where they were beaten, threatened and forced to sign statements written by the police over three days of questioning. Fourteen prisoner officers were charged with assault in June 1975, but were all found not guilty at a trial preceded over by Mr. Justice Swanwick. The Six pressed charges against the West Midlands police in 1977, which were rejected in the Court of Appeal on 17 January 1980 by the Master of the Rolls, Lord Denning. The notoriety of the Birmingham Six case, and other high-profile miscarriages of justice occurred during the same period, resulted in a public crisis of confidence that led to the establishment of the Royal Commission on Criminal Justice (RCCJ) in 1991. Following the RCCJ Report in 1993, the Criminal Appeal Act 1995 was introduced, and the Criminal Cases Review Commission (CCRC) was subsequently established in 1997. Since his release, Paddy Hill also founded the Miscarriage of Justice Organisation (MOJO), an organisation dedicated to provide support and aftercare for victims of wrongful imprisonment. (see MOJO, Scotland above).

CHARLIE MCMENAMIN

Charlie McMenamin, 45, quashed his conviction at the High Court in Belfast in July this year, 27 years after being wrongly convicted of terrorist offences, during which he had maintained his innocence and fought to clear his name. Arrested at the age of sixteen in 1978 for an alleged involvement in a gun attack on soldiers in the Bogside, he signed false confessions written by his RUC interrogators, following almost three days of physical and mental torture without access to his parents or solicitor. He was subsequently found guilty in 1980, and spent three years in custody. During the appeal, the court heard vital evidence that was not put before the court during the original trial 27 years ago. Barrister Eilish McDermott told that court how the teenager was interrogated alone and physically abused during the three-day interrogation. Further, it revealed that on the day the schoolboy was alleged to have been involved in a gun attack, Charlie McMenamin was in a juvenile training centre after running away from home. It also emerged that prior to the 1980 trial, on the basis of this evidence an official for the Director of Public Prosecutions decided that all charges against him should be dropped. The RUC in Belfast and Coleraine were informed of the DPP's decision by letter but the directive was not communicated to the Crown prosecutor and the trial went ahead. Presenting their final submissions to the High Court in Belfast, the three Appeal Court judges, ordering for the convictions to be quashed immediately, ruled that Charlie McMenamin could not have been guilty of the charges brought against him and the case should never have gone to trial. Charlie McMenamin is currently seeking aggravated damages from the Secretary of State.

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, 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 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>.