



## The Bradford Innocence Project



The Bradford Innocence Project provides a university led, community supported initiative that deals with cases of wrongful conviction. The project provides students from a wide variety of academic disciplines the opportunity to research and subsequently run cases under the close supervision of academics and practitioners in the legal field.

### Introduction

*"Contrary to popular perceptions,...wrongful criminal convictions are a normal, everyday feature of the criminal justice system - the system doesn't just sometimes get it wrong, it gets it wrong every day, of every week, of every month of every year. With the result that thousands of innocent people experience a whole variety of harmful consequences that wrongful criminal convictions engender."*<sup>1</sup>

High profile cases of wrongful convictions are intermittently seen in the national news, with groups such as the Birmingham Six, Guildford Four, and individuals such as Stephen Downing coming to the media's attention. This coverage asks questions of many of the institutions involved in the delivery of social justice and order: The process that has wrongly imprisoned a group or an individual involves numerous parties, including, solicitors, judges, the Crown Prosecution Service (CPS) and the police.

This type of media coverage is undoubtedly damaging to the criminal justice system, however the coverage perhaps gives a skewed impression that the incidence of wrongful conviction is an intermittent problem within the UK court system. As outlined by Michael Naughton<sup>3</sup> the incidence of injustice may be more common than the public perceives there to be.

There are checks and balances within the criminal justice system; however the structures of the existing criminal appeal system cannot guarantee that all innocent victims of wrongful imprisonment will overturn their convictions. Once imprisoned, legal aid is not always available to persons maintaining their innocence wishing to appeal; alongside this innocent individuals are often reluctant to attend rehabilitation courses while in prison

so may not qualify for early parole board approved release.

Statistics on the problem outline the scale of wrongful conviction: During the period between 1989-1999 the Criminal Division of the Court of Appeal saw 8,470 criminal convictions successfully appealed, which breaks down to an average of 770 a year. In addition approximately 3,500 criminal convictions a year obtained at the Magistrates' Courts are found to be invalid at the Crown Court<sup>3</sup>. The Bradford Innocence Project enables a further avenue for appeal by providing a robust investigative and analytical approach to cases, which provides both societal benefit and practical experience in the law field to a wide section of the university populace.

### The Bradford Innocence Project

The concept of a community project looking at incidents of wrongful conviction, which falls outside the "normal" players of the Court process is not new. The US version of the innocence project has been running in many of the American states since the early 1980's and has seen a degree of success with wrongful convictions being overturned on many fronts.

An Innocence Project is a group of law students investigating, under the supervision of academics and practising lawyers, the case of a convicted person maintaining innocence, who has exhausted the initial appeals processes. Students aim to find evidence that will assist them in making an application to the Criminal Cases Review Commission (CCRC)<sup>4</sup> for that person's case to be reviewed for referral back to the Court of Appeal. The final decision to progress is made in conjunction with academic and practitioners in the legal field and the parent organisation the Innocence Network UK (INUK).

The Innocence Network UK was launched in September 2004, in part due to the feeling that in some areas the

problem of wrongful conviction of innocent people was not sufficiently resolved by the creation of the. INUK has allowed best practice to be shared and increased the potential for the acquisition of commercial sponsorship and support from other sectors that are involved in the criminal justice process, such as DNA processing labs.

#### **Potential benefits: Transferable skills**

The institutional project capitalizes on the skills already present within the senior and junior aspects of the university, using academic and student talent from criminologists, forensics and legal areas to the skills offered by journalists.

Within the structures and protocols of the project there are a number of advantages for individuals involved: There are a number of software applications that are widely used with the legal fields including: Case map software, which allows all the legal documentation to be processed and searched digitally, alongside providing a full featured timeline that identifies the alleged criminal act and subsequent prosecution. Mindjet Manager with JVC Gantt, this allows the students to explore the concept of project management and the usage of Gantt charts. Finally Lexis Nexis software, a product that is widely used in both the legal and business community, that allows the search of legal information. Although these tools have specific legal application, the founding concepts and use allow transference of skills to other disciplines.

#### **Initial problems: Complexity of provision**

The advantages of the initiative are apparent, however they do have an administrative cost as the project is multi-faceted and can require time and patience to correctly draft the necessary protocols. Subsequent implementation of the varied protocols must enable all parties involved to work together towards a common goal.

There are other issues to consider. One relates to student participation. The project although still in its early stages has been very popular. The challenge is to be able to select candidates to interview from the large number of applications. Large numbers of

The Innocence Network UK (INUK) is the co-ordinating organisation for member Innocence Projects based in UK universities. The INUK has three core aims:

Educate: to encourage and support the creation and subsequent running of member innocence projects in UK universities.

Research: to conduct and facilitate research into, among other related things:

- i) the causes of the wrongful conviction of the innocent;
- ii) the barriers to attempts to overturn these convictions in the Court of Appeal or by application to the Criminal Cases Review Commission (CCRC); and
- iii) the associated harmful consequences of wrongful conviction on victims, their families, friends and society as a whole.

Communicate: to inform public debates about the wrongful conviction and imprisonment of innocent people, the INUK will communicate findings from the activities of member innocence projects and research, with the objective of improving the criminal justice system and preventing future wrongful convictions.

students apply, but are not willing (or able) to commit to the time requested by the project which amounts to approximately four hours per week. Others may decide that this particular branch of the law, due to the unsettling nature of the subject matter, is not suited to them. Often case notes are unordered and in paper format and the transferral of transcripts into the case management software can be a long and repetitive process, this can also put students off in the early stages.

Other issues have arisen including the insurance requirements for prison visits

and the confidentiality aspects of case management and related client care. With this said once these problems are solved the project should have a solid foundation to build upon, the challenges providing an insight into the practicalities of running not just a case but a fully formed organisation. Both staff and the students involved are provided with opportunities to learn about new areas and use their existing skills for societal benefit.

#### **References and Further Information**

<sup>1</sup>Michael Naughton, Guardian.co.uk, Sunday July the 28<sup>th</sup> 2002

<sup>2</sup>Ibid

<sup>3</sup>Lord Chancellor's Department (1999), Judicial Statistics Annual Report, London: HMSO CM 4786; Lord Chancellor's Department (1998), Judicial Statistics Annual Report, London: HMSO CM 4371.

<sup>4</sup>The Criminal Cases Review Commission (CCRC) is the body set up in the wake of notorious cases such as the Guildford 4 and the Birmingham 6 to investigate alleged cases of miscarriage of justice.

#### **About the Author**

Dr Mark Van Hoorebeek is a lecturer at the Bradford University Law School. His teaching interests encompass a wide variety of areas, they include Intellectual Property and the Law of the Internet, Public law, and comparative Sharia Law. His research at present is focused on two main projects; one concerning the Eco patent commons and the second revolves around the controversy surrounding the issue of computer patents.

For all Innocence Project enquiries email: [m.vanhoorebeek@bradford.ac.uk](mailto:m.vanhoorebeek@bradford.ac.uk)

#### **About Law in Brief**

Law in Brief is produced by Bradford University Law School. It covers a variety of topics from research summaries to innovative teaching ideas and reports. Law in Brief focuses on issues currently being researched and debated within the Law School and wider community.

Publisher: Bradford University Law School, School of Management, Emm Lane, Bradford, BD9 4JL.

Editorial team: Jessica Guth (Head), Tel: 01274 236799; Fax: 01274 236786;

email: [j.guth@bradford.ac.uk](mailto:j.guth@bradford.ac.uk); William Onzivu and Tim Connor.

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