

NO SMOKE WITHOUT FIRE

A guide for victims of a miscarriage of justice

by Jill Morrell

FOREWORD

In 1978 my son, along with three other men, was charged with a horrendous crime - the murder of newspaper boy Carl Bridgewater. I watched in complete shock and disbelief -how could this have happened to my son and myself? As the court proceedings gathered pace, false confessions were produced and dubious witnesses perjured themselves. The police were more than anxious to bring a conviction and, as we know today, they falsified documents to secure a conviction.

When the guilty verdict was pronounced, I vowed that I would clear the names of my son, Michael, Jim Robinson, Pat Molloy and Vincent Hickey. I knew that a gross miscarriage of justice had been perpetrated and that justice would prevail. What I was not prepared for was the time that it would take and the opposition that I would encounter along the way.

I did not know where to start and to whom I could turn. In those early days I felt very much alone, but as my campaign got under way, people began to take notice. However, the police and judiciary will never easily admit that they are wrong and it took almost twenty years before they were finally forced to concede that a miscarriage of justice had taken place. I have made a great many friends over these years and I am indebted to them all. So many of them would have liked to have contributed their experience to the production of this booklet but, for reasons of space, this was not possible. Our hope is that it will serve as a useful guide to both innocent prisoners and their families in their fight for justice. If such a booklet had been available to me in those early days, I really believe that my campaign would have been shorter.

Unfortunately, the judiciary still does not appear to have learned from its past mistakes. At the time of writing no police officers have been brought to justice for the part they played in the Bridgewater Four miscarriage of justice or any other, and there are still corrupt police around who will do anything to further their own ends. It is, therefore, sadly inevitable that there will be further miscarriages of justice. The important lesson to learn is that every effort must be made from the very start to demolish the evidence of the prosecution. Once a conviction has been made, it is very difficult to reverse -the law does not like to be proved wrong and, as I have learned, it takes many years of full-time work to prove a miscarriage of justice has taken place.

In solidarity

Ann Whelan, January 1999

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Introduction

This booklet is intended to guide people through the nightmare of being convicted of a crime they did not commit-the same nightmare experienced by people like the Bridgewater Four. Three of the men -Michael Hickey, Vincent Hickey, and Jim Robinson -suffered 1 B years of wrongful imprisonment. The fourth, Pat Molloy, died in prison.

Over those years the men and their families, and Bridgewater Campaign members led by Ann Whelan, the mother of Michael Hickey, learned valuable lessons about gathering evidence to help their case, winning support, starting a campaign, lobbying parliament, and getting the case referred back to the Court of Appeal. After one unsuccessful appeal in 1988, a second in 1997 saw the men's presumption of innocence restored. The three surviving men were released two months before the appeal when it was discovered that the police officers had forged Vincent Hickey's signature on a crucial prosecution document.

This guide starts from the moment of arrest, continues with advice on how to deal with solicitors and barristers before and after trial, includes sections on how to help your own case win a referral back to the Court of Appeal and on how to mount a campaign to draw attention to your case, and ends with practical advice on post-release care. We hope that the lessons learned by Ann and other Bridgewater Campaign members will help others fighting against all the odds to prove that they, or their loved ones, were wrongly convicted.

The miscarriage of justice cases of recent years have shown that there is a way through, that it is possible to obtain some kind of justice in the end, and that the presumption of innocence will be restored.

Jill Morrell, January 1999

Note to readers

Starting this guide from the moment of arrest might seem a bit premature. Shock and confusion are likely to be your reaction to the arrest of someone close to you, coupled with a belief that the truth will out and that British justice will serve you well. However, this guide starts where in hindsight some of the people who contributed to it wish they had started.

To avoid unnecessary clumsiness in the text, the "You" used throughout is intended to refer to prisoners themselves, their families, and those campaigning for them.

1. AFTER THE ARREST

Someone close to you has been arrested and charged with a serious crime, and you believe they are innocent. What can you do?

- don't leave it all to the lawyers. Tell your lawyer why the arrested person is innocent, what will help to prove it, eg alibi evidence, and go out in search of evidence to back up your case
- the arrested person (the defendant) might feel under pressure from the police to get things dealt with quickly rather than wait for a solicitor. Everyone held in a police station is entitled to free legal representation, either by calling their own solicitor or a duty solicitor, but only 20% do so.
- if the defendant is charged and refused bail he/s!-le goes to court the next day. If the offence is serious, legal aid is likely to be provided

Before the trial

The best place to avoid a miscarriage of justice is in the first place, at trial. It's often not appreciated how the trial itself is a 'one-off' opportunity for justice and how limited the appeal process can be in the majority of cases

- visit the defendant in prison and try to keep up his/her morale, so that he/she can give their best in the witness box
- take care to choose the right solicitor, experienced in criminal law. You will find one by: word of mouth from other prisoners; Chambers Law Directory lists top solicitors and barristers in each area of law; writing to Liberty and asking them to recommend one (contact details at end of booklet)
- get a copy of the trial papers from your solicitor and work on them at the same time as him/her
- try to participate as much in the preparation of your defence; if you lose your case, your solicitor goes home and **you** go to prison
- make sure you know your case thoroughly; ask for regular reports from your solicitor and barrister who are being paid a lot of money to defend you; check if they have done what they said they would do; if you aren't happy, don't let things drag on - change your solicitor (see "*find another solicitor*" section later on). Hopefully it won't come to this.
- pass on any information -gossip, names and addresses of possible defence witnesses to your solicitor
- ask your solicitor to research the activities of relevant police officers to obtain cross-examination material. The prosecution should disclose the past disciplinary offences of police officers
- make sure that the trial lawyers press for maximum disclosure of the prosecution papers (although the rules are now more restrictive)
- under no circumstances discuss any aspect of your case with anyone in prison; they may be looking for an opportunity to give evidence against you at your trial

During the trial

The main complaint from wrongly convicted prisoners is that their barrister and solicitor didn't listen to them. So, if you're not happy with the way the trial is going, speak to your barrister and don't take their word for it -ask for explanations

- listen to what's going on in court. Take notes of any points you are concerned about and pass them to your solicitor eg "Witness x couldn't have seen what he saw; there's no street lighting there."
- supporters of the defendant should always be present in the public gallery; it helps the defendant's morale and it shows the jury that the defendant has support. Those attending court should be attentive, and not sneer or laugh at the evidence as it's being given. This will alienate the judge and jury

Conviction and prison

You will be probably be in a state of shock, and unable to believe what has happened. Where do you go from here?

- gather support where possible, from family and friends
- explain to them that you're going to fight the decision of the court, and give the reasons why
- you have 28 days to appeal. If the trial barrister believes there are grounds for appeal, he/she must tell you within 14 days and draft them within 28 days
- clarify whether the appeal is against conviction or sentence or both
- family and friends should look for new evidence and write giving their views and any questions to the solicitor
- if any fresh information has come to light, pass it on to your solicitor. The vast majority of appeals, however, are based on the claim that something went wrong with the trial itself; new evidence hasn't normally come to light at this stage
- If you're seriously dissatisfied with the trial lawyers then you are allowed to get advice from fresh lawyers BUT this is not the norm; people usually have to stay with the legal team at trial. Any new lawyers will have to start from scratch, legal aid will have to be transferred to them, and all delay after the 28 days will have to be explained if you file grounds of appeal later
- if your current solicitor and/or barrister believe there are no grounds for appeal, and you disagree, you can approach a new solicitor. If you sack your solicitor at this stage, you can write to the Appeal Court yourself. Get a form called "NG" from your probation officers and send it within the 28 days allowed to the Crown Court where you were convicted. Write down why you think you have grounds of appeal. Then set about finding a new solicitor. You are allowed to appeal beyond the 28 days if your current barrister has advised you there no grounds of appeal and you have found new solicitors who disagree
- two to three months after you file grounds of appeal, a single judge will consider the papers and decide whether you should be given 'leave to appeal' (permission to appeal)
- if you are granted leave to appeal, you will be given legal aid to pursue the appeal before the appeal court. Don't hold your breath, though -it could take a year for the appeal to be heard
- you can apply for bail pending appeal, but this is very rarely granted. If the prison sentence is very short, it may be possible to obtain an appeal hearing quickly, to avoid the whole sentence being served before the appeal is heard

- If leave is refused, you have a right to appeal the single judge's decision. Your lawyer can argue the case before the court for no fee or a nominal sum if you can afford something
- remember, you have the right to one final appeal decision, and only one. If you are refused leave to appeal by the single judge and do not renew your application within 14 days, that's the end of the normal appeal process. If you do renew your application and the full court refuses leave, that's also the end of the normal appeal process
- **WARNING!** If the full court considers your application to be frivolous, it can rule that the time you've spent in prison should not count against your sentence. This doesn't happen if you've been advised to appeal by your lawyers.

Appeal

Your leave to appeal has been granted. What can you do to help the case? - once your appeal is granted you lose your solicitor and the Registrar of Criminal Appeals (c/o The Royal Courts of Justice, The Strand, London WC2A 2II) takes over. S/he does not usually carry out any investigations, however you can ask for legal aid to pay for a solicitor if you can persuade him/her that new enquiries need to be made

- speak to the convicted person; take notes and start to put your thoughts down on paper about what went wrong at the trial, which areas need investigation and why the police picked on them. If you are the convicted person and have no one to do this for you, don't despair, there is a huge amount you can do by yourself
- get familiar with your papers. A convicted person and his/her next of kin have a right to see their papers which are in the hands of the solicitor (see next section)
- remember that the appeal court will be suspicious of witnesses changing their stories, so any approaches to trial witnesses after conviction should be handled sensitively. Any direct and unannounced approach could be misinterpreted and misrepresented later, even if there is a change of story
- you can sometimes find addresses of witnesses in the local library, on the electoral register
- tell your lawyer as soon as you find any new evidence
- during the run-up to the appeal, prison officers can make life difficult, eg fail to give you your mail on time. Keep calm and make sure your solicitor is aware of any real difficulties you are experiencing
- litigation can take a long time. Preserve your energy and try to keep mentally alert for the appeal.

2. APPEAL DISMISSED!

Your appeal has been dismissed, you are desperate and your solicitor does not want to know you. You can't apply directly to the Court of Appeal again yourself. Your only avenue now is to apply to the Criminal Cases Review Commission for them to investigate and possibly refer the conviction back to the Court of Appeal. This normally requires some vital fresh evidence which was unavailable at trial.

What do you do now?

- Get all of your case papers from your solicitor. Without these papers you will find it very difficult to get another appeal started

write as follows:

- 19 Defendant's statement**
- 20 Defence witness statements**
- 21 Defence exhibits, eg photographs**
- 22 Solicitor's correspondence file**
- 23 Advice on evidence**
- 24 Clerk's trial notes**

- A good way to check that you have got all the documents is to read your solicitor's brief to counsel, where the documents sent to counsel will have been listed
- The judge's summing up and the Court of Appeal judgement are crucial to your case. A new solicitor will need to read them both in order to assess your case. If your solicitor does not provide you with a copy of either of these, then you can obtain them from the Court of Appeal for a small charge
- Do not lose your papers
Keep them in the order in which you received them
 Do not lend your papers to anyone, but let them have copies

Ensure that trial exhibits and other documents are preserved

The firms that take shorthand notes or make the tape recordings of court proceedings destroy them after 5 years, so it is important that you preserve them:

- write to the shorthand writers at the Court where you were on trial as follows:
Dear Shorthand Writer
My name is (write your name here) and I was on trial atCrown Court between the following dates (insert dates).
I am instructing new solicitors to prepare an appeal. I understand that you destroy your shorthand notes after five years.
I would be grateful if on this occasion, you would not destroy the notes without writing to me first to see if I need anything transcribing.
Yours faithfully
 (sign and write your name here)

Ensure that trial exhibits and other documents are preserved

The police have various 'destruction' policies some years after trial, but with the advent of more and more sophisticated forensic testing, clothing and other crime scene exhibits can be re-tested and police paperwork re-examined. It is important to preserve these, so:

- write letters to the Crown Prosecution Service and the police, along the lines of the letter above, emphasising that the conviction will be open to long-term investigation, and asking for an undertaking that such material will be preserved and not destroyed without notice being given to you
- it's possible to get your solicitor to obtain an order from the courts for such preservation if an undertaking is not forthcoming

Find another solicitor

- the pressure groups, Liberty and Justice (see addresses at end of this booklet) can advise on solicitors who may take on your case. Contact them to obtain a list
 - alternatively, most solicitors will advise you for free under the Green Form scheme
- Once you've got another solicitor within your sights:

- send them a short, written account of why the person is imprisoned, explaining what they were convicted of, when, in which Court, and the sentence they received
- say why they are innocent i.e. that they have an alibi, that they were not involved in the fight, and why they may have been picked on i.e. because of other convictions

You may have to do the rounds of other solicitors, and most won't reply. Don't be disheartened.

- telephone the solicitor, or go in person -it's more persuasive
- if you're the convicted person and don't have anyone to help, keep writing

In the end a solicitor will agree to read the Judge's Summing Up and write back to you. Their replies will often fall into three categories. They will say either:

- 1 the strength of evidence against you is overwhelming, and he/she cannot assist you
- 2 where the convicted person says s/he should have been convicted of a lesser offence, eg manslaughter, not murder, the solicitor will probably say that this was for the jury to decide and that s/he cannot help you
- 3 the solicitor is troubled by your case, believes there's scope for helping you, and says they will keep your papers.

The problem of finding fresh evidence, however, is not easy to overcome. It may be that the most you can hope for is that the solicitor tells you it may take years for your case to progress, and they don't want to give you false hope. There is no legal aid for a solicitor who takes on your case.

The Criminal Cases Review Commission (CCRC) - your next goal

If your offence took place in England, Wales, or Northern Ireland, what you and your solicitor are working towards now is a submission to the CCRC (address and website at end of booklet). Unless this is done, nothing will happen. There is a separate Scottish CCRC for Scottish cases.

What is the CCRC?

The CCRC was set up in 1997, replacing the Home Office as the body which decides if a case should be referred to the Court of Appeal. It is:

- independent of the government
- independent of the courts
- impartial
- investigative

The Commission has wide-ranging powers. It can:

- access material held by public bodies
- override official secrets legislation and public interest immunity
- reconsider cases previously rejected by the Home Office
- review sentences as well as convictions
- consider cases tried at Magistrates Court as well as Crown Court
- interview applicants
- call for expert advice on any matters relevant to a case

To be accepted by the Commission, cases must meet two basic requirements:

- 1 They must originally have been tried in England, Wales or Northern Ireland. Applications can't be accepted from convictions from Scottish, Isle of Man and Channel Island Courts, nor from military courts.
- 2 Cases must already have been refused leave to appeal or lost an appeal. Very rarely the Commission may take on other cases with exceptional circumstances.

How do you apply?

By and large you need a solicitor to find new evidence in your case, and you can't apply to the CCRC without this. So, don't apply except through a solicitor

- you or your solicitor writes to the CCRC setting out the new evidence or argument in your case (application forms and information pack are available from the Commission)

NB: If you don't have a solicitor, do not send your defence file to the CCRC without proper legal advice

- having satisfied themselves on points 1 and 2 in the previous paragraph, the Commission will decide how quickly a case should be allocated so that the detailed investigation can begin
- you will then be allocated a named **case review manager**

What happens next?

A panel of three Commissioners will see whether any new evidence or new argument is being put forward. If there is neither, there would need to be an exceptional reason for continuing to review the case

- even if there is new evidence, the Commission will consider whether the new evidence creates a real possibility that the conviction will not be upheld
- if the CCRC is going to reject your case, they will send a preliminary view to your lawyer. Your lawyer will then respond, trying to persuade them to reconsider
- if you or your lawyer have a good relationship with the CCRC, you may find out which issues they are considering. If you get some idea of where they are leading, you might be able to head them off if they are pursuing the wrong line of enquiry, or, alternatively, encourage them in the right direction
- it is possible for your lawyer to have a hearing at the CCRC. They can meet the person working on your case and address them on it

The CCRC's response

If the CCRC is going to reject your case, it is obliged to provide you and your lawyer with the material upon which its decision is made and give you a chance to respond

- if it does reject your case, you must work towards another submission, containing new evidence
- if you are granted an appeal, the average length of time it takes for the case to be heard is two years at the time of writing. If the issues involved in your case mean your appeal hearing is likely to take only one or two days, your case will probably be 'listed' earlier than if it's likely to last several weeks. The Criminal Appeal Office, Royal Courts of Justice, Strand, London WC2A 2LL (0171 9266011/0171 9366900 fax) are responsible for listing Court of Appeal hearings and for other aspects (eg access to the court)
- legal aid will be granted, and your defence lawyers will start the lengthy process of drafting arguments and exchanging papers. If the evidence is clearcut, bail can be applied for.

3. CAMPAIGN

Your new solicitor is up and running and you're working towards a submission to the CCRC, but progress is painfully slow and s/he has a million other cases to look after. You need to concentrate his/her mind and that of anyone else who can help, on this case. You start a campaign.

Your aim is to get the prisoner's name better known, to encourage/pressurise people who can help you inside and outside of the legal profession to do so, and to get the case back to the Court of Appeal. You may have only one or two people you can turn to at first who can do very little, but support will grow. It's important not to burn yourself out -you should pace yourself. Acknowledge the potential hostility you may face. All you can ask people to do is give you a hearing or read to the end of your letter.

The campaign's relationship with the solicitor

Don't let him/her off the hook; But don't get up his/her nose either; s/he won't have all the answers; Try to get on with him/her.

- Most appeals are about finding new witnesses. Solicitors will always warn you not to do this. But if no one is going around seeing witnesses, do it yourself
- Go in two's, be honest about who you are and what you're doing
- Tell the solicitor what you're doing. Unless you're convinced s/he is right, then ignore their warnings. However, if you are visiting witnesses less than a year after the conviction, it could be seen as witness intimidation, so follow your solicitor's advice on this (*see previous "appeal" section about visiting witnesses*)
- the campaign should obtain a set of case papers for reference

Getting started

- gather friends and family around you
- nominate someone who will be a figurehead and speak to the press -it's less
- confusing if they have only one name to remember apart from the convicted person's
- meet in someone's house to decide your strategy. Don't let the meetings become a talking shop and nothing else. Nominate someone to take notes and someone to keep track of what action was agreed
- hold regular monthly meetings, say the first Wednesday of the month, but try not to get bogged down with formalities
- nominate someone's phone to be the campaign phone number. It's vital that you get an answermachine
- start a campaign address book, and a small mailing list
- keep a copy of everything you write
- it's vital to keep the convicted person, his/her family and solicitor in constant touch with what's going on, particularly when it comes to publicity which might affect any ongoing negotiations with the CCRC.

Getting support

- contact the pressure groups JUSTICE and LIBERTY (contact details at end of booklet) and the smaller pressure groups connected with miscarriages of justice. Justice and Liberty have stopped working on individual cases, but you should alert them to your case by sending them campaign literature (see page 24)
- contact local churches, send them your campaign literature and ask for their support
- contact any trade union with which you have links. Again, send them your campaign literature and ask for support. Offer to speak at their meetings

- write to student unions all over the country, (contact details from National Union of Students, 461 Holloway Road, London N7) send them your literature and ask if you can come and be a speaker at an event, particularly to law students. Ask them to organise their own support group and petitions
- contact your local Labour Party, Liberal Democrat Party, Conservative Party and Amnesty International Group (contact details in phone book or local library) and offer to speak at their meetings.
- all of the above usually welcome outside speakers. And even if only two people turn up to listen, that's two more people you may be able to add to your list of supporters
- if you do go along to speak at a meeting, don't ramble on. People want to hear a good story that's easy to follow. Make yourself notes beforehand listing the main headings of points you want to cover; tell your audience the main points of your story and why you are fighting the conviction, and summarise the evidence. Speak slowly, don't go into long-winded detail and don't get sidetracked. Finish by telling people what they can do to help and have campaign literature available for people to take away. Take along a tape recorder and tape yourself to find out how you sounded
- try to enlist the support of your MP. Find out who they are, their address and surgery times from the local library, then write to them and attend the surgery. If s/he supports you, put that on your campaign literature. (See later section on "Lobbying in
- the UK and Europe")
- every single righting of injustice has involved some form of journalistic campaigning. Contact journalists with a track record of campaigning on miscarriages of justice cases, such as Duncan Campbell at The Guardian, Nick Cohen at The Observer, Paul Foot at Private Eye, Nick Fielding at The Mail on Sunday and Cathy Marks at The Independent (see contact numbers at end of booklet)
- contact the television programmes Rough Justice and Trial and Error (contact details at end of booklet) and send them your campaign literature. They have a 50% success rate
- ask people to write to their MP's
- ask people to write to the prisoner and send Christmas/birthday cards .ask people to write to their local papers and express concern
- set up a website. Someone who understands HTML (the programme language for web sites) should be able to set up a basic website, but to create anything more sophisticated you need someone sympathetic to the campaign who knows how to do it professionally (or at least to a high standard). Make sure you find a service provider who will give you 5 -10 Mb of space for free so you don't have the ongoing costs of hiring the site space. You will need to update the information on your site if anything new happens.

Campaign materials

Get your campaign literature in order -ie headed notepaper, flyers, leaflets and press releases

- anyone who's got access to a computer can design simple headed notepaper with the name of the campaign at the top and address and telephone number at the bottom, print it out, then photocopy it onto better quality paper. As you get some campaign funds, you can get your literature printed professionally
- make headed notepaper, flyers, leaflets and any other campaign literature look as if they belong to the same "family" stylistically i.e. they all carry the same letter-head
- as you gather support, add the names of any prominent supporters to the headed notepaper, flyers, and leaflets

- type out a one-page flier remembering the following points:
 - most flyers, leaflets and letters to solicitors are unclear, badly laid out, too longwinded and lacking in essential information
 - stick to five facts on one side of A4 or A5 if possible which explain who the person is, what they were convicted of and why they are innocent eg: Witness A lied at trial, convicted person has an alibi, etc
 - make sure the person's name is prominent, as should be the word "Innocent"
 - don't be abrasive or offensive, stick to the facts
 - if you accuse a prosecution witness of lying, then you could leave yourselves open to a libel action with substantial damages awarded against you. No legal aid is available for cases like this
- type out a leaflet in which you flesh out the case for people who show an interest in finding out more. This could run to a few sides of A4, but keep the above points in mind.
- don't confuse people – avoid too many names and details
- put a tear-off slip at the bottom of the leaflet asking people to a) return it if they want to go on the mailing list (see below) or b) make a donation, or both
- when funds permit, campaign compliment slips (to enclose with leaflets, receipts for campaign donations, etc) look professional and it reassures people that you are a bona fide group.
- type a regular newsletter to send to supporters. They don't have to be fancy, just clear and concise, containing an update of the case, any current fund-raising events and ideas, useful addresses, ie the campaign headquarters address with telephone number and/or fax, and the address of the person in prison
- keep receipt books and send receipts to everyone who donates money, stamped "with thanks" or accompanied by a compliment slip
- type out a press release template. It should have the letterhead and contact address and telephone numbers for the campaign at the top, then PRESS RELEASE in big bold letters underneath
- when funds permit, have t-shirts printed bearing your campaign logo. Your Yellow Pages will list addresses for t-shirt printing -ring around for competitive prices

Campaign mailing list

- keep a database of supporters names and addresses to whom you send newsletters/invitations to attend campaign events/requests for donations
- make sure it's all correctly spelt and keep it up to date
- buy sheets of office labels in bulk
- for big mailings, you need computer software that allows you to 'mail merge'. You can keep the database divided into various 'fields' (eg media, MP's). Make sure the title, name and surname are on the first line, followed by separate lines for the address, then the town, etc. It may take a few goes to get the spacing right so that everything is correctly placed on the labels
- AS, self seal envelopes need just one fold of an A4 sheet.
- brown envelopes are cheaper. Buy them from Viking Direct or compare prices with wholesale or office suppliers
- buy sticky rollers or sponges for sticking stamps (always use second class unless the mailing is very urgent)

- a mailing of 1800 takes three people six hours each approximately, so don't leave it for just one person
- the mailing may (hopefully) generate replies, so someone will be needed to respond. It's very important to do this to maintain goodwill and to appear efficient

see section on Campaign Finances for advice on how to deal with donations

Campaign events

What you can do:

- candlelit vigils on birthday or anniversary day outside prison or police station where the convicted person was taken to on arrest -you are within your rights to do so and anyway the police will be loath to move you on
- set up stalls in town centres and collect signatures for a petition to the Home Secretary. You don't need permission to do this as long as you're on public property and you're not obstructing the pavement. ask anyone and everyone to write to their MPi provide a sample letter if you can so they know the strongest points to raise. lobby the House of Commons (see Lobbying in the UK and Europe)
- release doves and balloons on relevant dates such as anniversaries and birthdays, the delivery of submissions to the CCRC or petitions
- deliver a big birthday card to the prison/police station
- Bike rides from prison to prison (cycling for justice) .all night candlelit vigils
- organise letter-writing campaigns to the CCRC/Home Secretary/MP but tell people what to write -different stages of the case require different approaches
- organise as many members of the campaign as possible to bombard the CCRC/Home Secretary's fax machines with campaign messages to mark a particular anniversary or protest against a government statement, etc. These numbers can be found through Directory Enquiries, or MP's individual offices via the main number at the House of Commons
- at Christmas, send as many cards as possible to the person in prison
- try to get a personalised Campaign Christmas card (by approaching cartoonists, sympathetic designers, etc) and sell them on behalf of the campaign. They should include the campaign address. This is a good way to publicise the campaign beyond the immediate support group
- write to the main political parties and ask if you can set up a fringe meeting at their annual party conferences

REMEMBER, if you're holding a public event, always invite relevant media.

Fundraising

- After people join your mailing list, ask for donations
- Attend a car boot sale. You might make £40 or so to start the campaign funds
- On all campaign materials insert tear-off section at the bottom which asks people if they would like to a/ be put on the mailing list, and b/ to make a donation to the campaign
- Ask supporters to do a sponsored swim/walk/bike ride
- Organise a pub quiz, hold a car boot sale/jumble sale

- Organise supporters to hold collecting tins at appropriate events and always have campaign leaflets ready to hand out. Never forget that as well as raising money, these events also raise consciousness
- Organise a fund-raising concert or benefit (*see below*)

Organising a benefit

The campaign's off the ground, you've got £146 in the bank account -what do you do next? Organise a benefit

Planning the event

- decide what your evening's entertainment is going to be -singer, performer, magician, comedian, story teller and build the event around them. Everyone knows someone who can perform in one way or another
- get a benefit organising committee together to share the job .you need at least six weeks to organise a fairly basic benefit
- find a suitable venue. If it is a more amateur evening, a venue such as a church hall, community centre, labour club, student unions, colleges, municipal halls will be more suitable. Theatres can be expensive to hire and are often only available on a Sunday. Wherever it is, try to borrow/hire a good sound system, (for the performers and the speeches) even if it is a small room. It is very important to get your message across, otherwise the event is a waste of time
- check the number of seats so you can work out how much you can make on the door
- sort out a deal with the venue. Remember they can charge VAT, and they often want a deposit and a percentage of the takings. It's worth searching around for a sympathetic venue which won't demand a percentage
- always ask people for advice and favours -they can only say no
- keep the evening short, so you can get to the bar/pub afterwards to talk things through and chat to new supporters and members of the audience
- it's useful to have someone to link the acts, like a compere
- make sure the event is not too gloomy; better to have an evening of fun with one serious moment
- MAKE LISTS AND DELEGATE TASKS
- local, free publicity is best, ie radio and local papers
- print up simple posters (black and white can be very effective) with the campaign name, the title of the evening, the date, the address of the venue, the time, the people appearing, the price of the tickets and the number of the box office. Flypost in places of work, libraries, pubs, shops, amateur dramatic venues, schools, community centres, the HQ's of supportive organisations -any noticeboard you pass. Fax/post posters to local radio stations with your campaign literature
- make a running order of all the acts and put a firm time on them so the evening doesn't overrun
- if you can afford to have a programme printed, ask local businesses to sponsor it. It should have a list of performers and thanks to local supporters. Put the campaign address in it and information about the case. Sell the programmes, but use it to ask for a donation above the cost. Ask volunteers to sell programmes and hold collecting buckets/tins at the event

On the night

Set up early (three to four hours before the event starts) and arrange a "get-in" time with the venue

- if you are using the venue's staff, check when overtime starts because you might be charged extra for it
- have names on the doors of any dressing rooms and copies of the running orders in each. Have running orders at the side of the stage, particularly if there has been no rehearsal
- have someone (armed with a running order) to meet and look after artists. .dress the stage with campaign banners/photos of the imprisoned person .make sure there are complimentary tickets for the family of the imprisoned person
- put campaign leaflets on all the seats
- hold a raffle and ask local businesses to donate prizes
- have a tray of sandwiches and drinks backstage for people giving goodwill services
- try to video the event for the person in prison
- maintain goodwill with the venue by tidying up afterwards

Campaign finances

Open a campaign bank account; you'll probably need three signatories with two needed to sign cheques

- when donations arrive, make a note of them and keep with campaign records
- send the cheque/Postal Order/money to the campaign treasurer or put immediately into the campaign bank account
- send a receipt to the giver "with thanks" stamped on it -it is worth buying a "with thanks" stamp, or when the campaign funds stretch to it have some compliment slips printed

Remember who you're doing this for

- try to inform and involve the person in prison as much as possible in the campaign by sending them copies of press releases, leaflets etc
- send Christmas and birthday cards to the person in prison
- organise vigils outside the prison
- send them copies of relevant newspaper articles
- video any campaign events and send them a copy of the tape .remember the families involved and consider whether any help can be given to them

4. HANDLING THE MEDIA

General points

Local newspapers and radio are eager for stories to fill their pages and airtime. Getting on regional television is harder. You need to establish a relationship with them in which you help them do their job

- make sure you send in sensible and clear campaign material which explains the case

- you should try to interest them in something connected to your case by making as wide a point as possible, for example more people will be interested in hearing about your new evidence if you say "There is fresh evidence that X didn't have a fair trial" rather than just saying "Witness A says he lied" and leaving it to everyone else to work out how significant that is
- have one articulate person dealing with the media. It's easier for journalists and therefore to your advantage if they have only one name and one phone number to remember
- learn how to deal with the bad points of your case. For example, no attempt was made to deny that some of the Bridgewater Four had committed armed robberies. The point was that they were not murderers and were innocent of the murder of Carl Bridgewater. Acknowledge that people listening to or reading your interview want these points answered honestly and clearly.
- when you talk about your case publicly, always have in mind the victims of the crime the convicted person is wrongly imprisoned for
- focus on the fact that the real criminal is at large and on seeking any information which may lead to their arrest
- there's almost no point in organising media events after 6pm; it's too late to make today's news bulletins and too late for the following day's newspapers
- only contact the media when you have something new to say. Don't burn your boats by "crying wolf"
- if and when the campaign becomes newsworthy, the media may beat a path to the prison door to interview the prisoner, who may become famous, exhausted and the cause of resentment in other prisoners whose cases are not going well. It's important to be aware of this and try to manage the requests for publicity.
- use any media opportunity to raise your case in the public eye i.e. if another similar case is receiving a lot of publicity, if areas of law relevant to your case are being debated, when you reach significant anniversaries

press releases

Can be sent out when you have something new to say -a development on the case, new material, an event you are holding which you want the media to attend

- type a headline in bold letters at the top of the page underneath the contact names/numbers and letterhead. It should be brief and appealing, ie "Lone mother to hold candlelit vigil on birthday/ anniversary of I Am Innocent's imprisonment" or "Fresh evidence revealed: I Am Innocent did not receive a fair trial"
- send out (post or fax) a press release a week in advance of the event you are organising to local newspapers, radio and tv. Address them to the name of the person who deals with crime and send a copy to the news editor. If they don't contact you, ring them up a few days after you have sent it to jog their memories and ask them if they are going to cover your story
- when you're talking to the journalist, it helps to drop in lines like "Everyone I meet is concerned about this" or, if you've written to Rough Justice: "Rough Justice are considering my case". Mention the MP's, celebrities, eminent legal people who support your case

Local media

- read the local newspaper and find out who the crime correspondent is, then ring him/her up. Arrange a meeting to discuss your case and try to enlist their support

- do the same with local radio and tv journalists

National media

- see contact numbers at the end of this leaflet. Ring them up and ask the switchboard operator who deals with crime stories and who is the news editor, or home affairs editor. Put the phone down, ring again and ask for them in person
- ask them if you can send them information about a miscarriage of justice case. If they say no, send it anyway
- on any major anniversaries or campaign events, send your press releases to this person and copy them to the home affairs editor
- send your press releases to the Press Association. If they decide to use it, most newsrooms in the land will read it

Interviews

Most of the interviews you do will be pre-recorded. This means they can edit out your mistakes; it also means they might edit out what you consider your best bit

- tv and radio will use only 25-30 seconds of what you have said, so you should try to make sure that you get your point across succinctly and clearly. Stick to the hard facts
- work out what point you want to get across and make sure that whatever question you are asked, you wangle in something of what YOU want to say. Have three main points that you want to make and make them early on in the interview
- if it is a tv interview, look at the interviewer all the time. Don't glance down or away as this can look shifty. Don't take what the interviewer says personally; keep your voice even, but engaged
- if the interview is going to be live, the same rules apply, but also remember the following:
 - check if anyone else is going to be involved in the interview. You need to be prepared if you are going to be arguing with someone or sharing the interview time
 - there is more pressure but more chance to say what you want without being edited out
 - don't leave anything important until last as you may not get time to say it
 - try to get radio and newspapers to broadcast/print the campaign address and telephone number

5. LOBBYING: UK & EUROPE

General points

The House of Commons, House of Lords and, to a lesser extent, the European Parliament, can offer powerful support to miscarriage of justice cases. How do you go about getting your case raised there?

Since the CCRC took over from the Home Office as the final arbiter of which English, Northern Irish and Welsh cases will be referred back to the Court of Appeal, the task of lobbying has become much harder. The Home Secretary and Home Office Minister no longer answer questions or provide information to parliament or campaigners on individual cases. They can only be questioned about general issues. And although the CCRC has to present its annual report to the Home Secretary between April and July every year, there is no guarantee that it will be debated in parliament.

It is still possible, though, to get your case raised in parliament and to lobby the CCRC:

What your MP can do

It's important to enlist the support of the constituency MP of the imprisoned person. Write to the MP outlining the main points of your case, (c/o House of Commons, London SW1 OAA) and make an appointment to see him/her at their local surgery. Constituents should always be given a hearing about their individual problems and concerns over wider issues

- get to know the MP's assistant. MP's receive huge amounts of mail, and a helpful assistant can direct their attention to your campaign correspondence
- once the MP is on board, he/she can approach the CCRC on your behalf if you are having difficulty obtaining information or getting a response to your letters. For instance, the CCRC may take a while to allocate a caseworker to your case -the MP may be able to speed this up. Your MP can also find out whether the CCRC has all the information relevant to your case -for example, a copy of a Police Complaints Authority report which you believe is important. And although the CCRC isn't obliged to respond, your MP can also seek a meeting with the CCRC to discuss your case
- as mentioned above, it's no longer possible to question Ministers and the Home Secretary about individual cases. However it is still possible to question the Home Secretary about issues related to the Metropolitan Police
- you can also ask supporters to raise the case with their own MP's. Provide supporters with a brief, concise sample letter which highlights three or four points of your case. The letters should ask something concrete of your MP, to meet you in person, or to add his/her name to an early day motion (*see below*) about your case. They may say that the CCRC is the appropriate organisation to lobby; you could respond that you would like his support for your case nonetheless
- once MP's agree to support you, you can put them on your headed notepaper and get useful publicity at a local level
- they can also book rooms in the Palace of Westminster for meetings with other MP's. These are useful for holding briefing sessions for MP's. Don't get dismayed if few MP's turn up, though; regard five attendees as a bonus. You can hold media conferences there too, which gives your media appeal an extra lift

Widening your support in Parliament

Don't concentrate your efforts on one party. You need to gain cross-party support for your case

- as your relationship with your supportive MP's grows, you can provide them with useful information about your campaign, and the changing aspects of the case. MP's often don't have the time or the resources to keep up to date themselves
- MP's can gauge the strength of public opinion on an issue by how many letters they get on the subject from their constituents. Letter-writing campaigns are powerful tools

- you can also lobby MP's who are known to have a special interest in home affairs, civil liberties, judicial matters, or sit on parliamentary committees or all-party groups, about broader issues relevant to your case -disclosure, forensic evidence. The Home Affairs Select Committee have held several hearings which the CCRC have been asked to attend. You can brief members of the Committee and ask for a wellinformed campaign member to attend hearings as a witness. MP's special interests are listed in Dod's Parliamentary Companion, (ask your local central library if they stock a copy), in PMS Parliamentary Companion, or telephone the House of Commons Public Information Office (0171 2194272). More informal groups of MP's, such as the Socialist Campaign Group, sometimes ask for speakers from campaign groups, so it's worth contacting them too. It may be worth approaching groups of MP's who are members of the Bar, those interested in Human Rights, and those involved in Race and Community groups
- Early Day Motions (EDM) are a useful way of getting MP's to record their support for an issue, and if there are a lot of signatories, the CRCC will take notice despite its statements to the contrary. An EDM is a motion put down for debate by one or more MP's on a day which, in practice, never arrives, but they are printed up with the names of supporting MP's, on the notice paper. They are one sentence long sometimes a very long sentence -and begin with the word 'That' eg 'That this House registers its concern at the growing body of evidence indicating that a miscarriage of justice may have occurred in the case of x and calls on the CCRC to investigate this case with some urgency/refer this case back to the Court of Appeal'. The EOM will be reprinted every time more MP's add their name to it for two weeks afterwards, but subsequently only on Thursdays. If no new ones are added, it lies dormant until the end of the parliamentary session. Make sure you get the EOM number so that supporters can ask their MP to sign "EOM Number xxx"
- adjournment debates are an opportunity to get a minister to talk on the record about a specific issue (ie a general point arising out of your case, or specifically about your case if you are lobbying the Secretary of State for Scotland). There is one adjournment debate at the close of business every day that parliament sits, lasting fifteen minutes. MP's apply for adjournment debates to the Speaker's office by Wednesday evening and the debates are decided by ballot and announced the following day. This tactic is useful because the Minister may be drawn into making a concession, or saying something sympathetic
- there may be various opportunities during normal parliamentary business to persuade MP's to raise cases during debates on relevant bills, eg Criminal Justice Legislation. Keep a close eye on parliamentary business and keep in close contact with sympathetic MP's
- campaigners are currently trying to establish a Miscarriage of Justice Group inside Parliament. It would be worth raising this with your MP, too, asking for his support for the idea
- the House of Lords doesn't have EOM's or adjournment debates, but it does provide the opportunity to raise issues in other forms. For example, questions can be asked on almost any subject, and the House of Lords has its own form of debate which can be inspired by individual peers so lobby them as well

Direct lobbying of the CCRC

Ask your supporters to write to your named commissioner (see page 18), demanding information or, (using information from a sample letter provided by you) why the case should be referred back to the Court of Appeal. You can hold vigils outside the CCRC HQ in Birmingham, to mark your submission or other important dates, but remember that although you may get local coverage of these events, the national media will rarely travel to Birmingham for such a story. You can use the anniversary of other events to hold vigils at the Court of Appeal, the Old Bailey, Scotland Yard, or the Home Office

Scottish and Welsh cases

- for Scottish cases, the lobbying process is aimed at the Secretary of State for Scotland and his /her ministers, so supportive MP's can ask questions in the House of Commons about your case, and request information from Ministers and the Secretary of State. With the Scottish Parliament coming into effect in 1999, this provides another forum in which to raise issues.
- in Welsh cases the Lobbying process is still aimed at the CCRC, but the new National Assembly for Wales provides another forum in which to raise issues

Lobbying in Europe

There is no reason why you shouldn't lobby Members of the European Parliament, particularly UK MEPs, about your case. It gives your case an airing in a different forum, and MEPs, whose case load is different to that of their counterparts at Westminster, can be very helpful. If your campaign has the money, it is worth paying the European Parliament a visit. It sits in Strasbourg and Brussels (Brussels is more accessible and therefore cheaper to get to). MEPs can also be visited in their UK offices (addresses from local library)

- enlist the support of your constituency MEP. Again, publicise their support and add their name to your campaign notepaper. Ask them to write to the CCRC on your behalf
- if you do visit Strasbourg, they can organise meetings for you and host your visit
- at the time of writing the Socialist Group of MEP's is the largest single block of MEP's at Strasbourg. If your case becomes high profile enough, it could be debated by them and they could also lobby the CCRC on your behalf
- in the cases of miscarriages of justice concerning Ireland, Irish MEPs have a natural interest and constituency. Their support can be immensely powerful
- beyond Europe, miscarriage groups in other countries can provide international support for your campaign, lobbying the CCRC on your behalf should you wish it

6. TAKING YOUR CASE TO EUROPE

Are you eligible?

You can take your case to Europe only after exhausting all avenues in the UK, ie:

- the Court of Appeal has turned you down
- the House of Lords has turned you down, or it's not appropriate for your case to be heard there (cases only go to the House of Lords if there is a point of law of public importance at stake)

Within six months of completing the last stage of one or both of the above, you or your lawyer can then take your case to the European Court of Human Rights, (not the European Court of Justice, which deals with economic matters). You can only do this

- if you are complaining about something which violates one of the fundamental principles of the European Convention on Human Rights (now part of UK law as the Human Rights Act)

- if existing UK law cannot put it right because the law is structurally wrong. For example, Ernest Saunders was successful in the Court of Human Rights because he had been forced to give evidence to OTI investigators on pain of penalty, providing information which was later used against him in court. The Court of Human Rights found that this had violated his right to silence.

Other cases might involve:

- the current law on disclosure
- adverse inference drawn from the defendant's silence
- cases where legal representation was denied
- intrusive surveillance
- hearings in camera

How do you apply?

You or your lawyer write directly to the European Court of Human Rights stating your case

Your case will be considered by a panel of three members who will decide whether it can be taken further. A committee then decides whether it is admissible.

If it is, your case goes to the Court and is considered by potentially every member of the Council of Europe

A long process

It is not a quick process. Until recently, cases were considered first by the European Commission and the whole process took 4-5 years. The new system of applying direct to the Court of Human Rights should speed things up, but this remains to be seen

- if the Court decides you have a case, it will give you approximately £400 + expenses towards your costs. If you win, your government will pay your total bill
- despite the lack of upfront funding available, finding a lawyer to put your case should not be difficult. Most lawyers regard appearing before the Court as a great opportunity
- if you win, UK law must be changed and the UK will be required to make "just satisfaction" to you. If you have shown that there were serious problems with your trial, this would result in your release from prison.

7. THE END IN SIGHT?

Leave to appeal granted

If you're successful, don't stop the campaign.

- Keep telling people you'll be acquitted
- Keep the press well-informed: follow all the rules mentioned previously. Have one person to liaise with the media and keep them up to date with the case; issue clear press releases; produce a chronology of the case and a guide to the main points of contention/new evidence

- Suggest that local tv makes a documentary on this local issue. All programmes like this have produced something new to help the case
- If you lose in the Court of Appeal you start again
- If you win, you hold a press conference and you celebrate!

Setback

You've been refused leave to appeal. You're devastated, exhausted and the wind may have been taken out of your sails. It may take a few days or weeks before you feel like thinking of carrying on, but anger is the best motivator and it will spur you into action. Most successful cases have been through this: the Bridgewater 4, the Guildford 4 and the Birmingham 6. If it's not referred back, you go back to the beginning and you start again, looking for fresh evidence.

8. POST RELEASE CARE

General points

A long-term prisoner will have had great difficulty in making proper plans for their life after release; the continuous knockbacks you are likely to have experienced will prevent you from thinking in the future tense in any meaningful way. However, if you can manage to make some realistic plans, it can be of enormous help during the post-release period

- an adrenalin rush will probably take you through the first days/weeks of release, but this euphoria will wear off
- the world will seem as bewildering as it is wonderful

State assistance

At present, there are no facilities available for released prisoners of miscarriage of justice cases to receive any practical or emotional support (except the RCJ Advice Bureau – see below). The campaign may have to provide:

- clothes to attend the Court of Appeal
- escorts and transport from the Court of Appeal
- a temporary "safe" place where you can meet privately with family and friends immediately following the release
- protection from the press, ie someone to act as a buffer between you and the press
- money to live on until social security/compensation comes through. This may take some time -it was seven months before the first compensation payments due to the Bridgewater men were paid
- advice on how to claim social security, local authority housing, obtain a passport, driving licence, bank account (*see over page*)

- counselling: at present lawyers are attempting to argue that the state should provide for the costs of counselling in compensation payments. No one currently offers miscarriage victims this service free of charge. Helpful organisations listed at the back of this leaflet may be able to give advice on where counselling can be found; the following organisations should be able to offer direct help:

Family Matters 01712532777 or 0800 956 7288

Provides counselling and therapeutic help for victims of miscarriages of justice and their families

**The Bourne Trust
Lincoln House
1 -3 Brixton Road
London SW9 6DE**

**0171 582 1313
0171 582 6699 (*advice on welfare rights*)
0171 735 6077 fax**

Specialises in helping prisoners on remand and their families, but will also give advice at either end of the prison sentence

**NACRO (The National Association for the Care and Resettlement of Offenders)
169 Clapham Road, London SW9**

**0171 5826 500
0171 7354 666 fax**

Will offer advice on finding counselling

British Association of Counselling

0178 8550 899

Offers advice on counselling; this need not necessarily involve private treatment as people can be referred by their GP

Gay Rights

01273 708 659

The RCJ Advice Bureau

Miscarriages of Justice Project (this information was sent to Innocent by the Project)

The Miscarriages of Justice Project is a service covering England and Wales based at the Royal Courts of Justice Citizens Advice Bureau.

This Project provides advice and assistance to the victims of Miscarriages of Justice whose convictions have been quashed following an out of time appeal or following referral by the Criminal Cases Review Commission. Currently the Project does not extend to clients whose convictions were quashed following an in time appeal. However in such cases it would still be able to offer more limited assistance.

We can assist you even if you were released some time ago so long as you fulfil our eligibility criteria.

Initially you will be seen by a project worker to assess what help you might need.

The project worker's initial priorities will be to ensure that:

- You are in receipt of income.
- You have adequate housing.
- You have a solicitor dealing with your compensation claim.
- You understand the principles of money management.
- You have access to an initial assessment, should you wish to have one, for your psychological needs.
- You have access to financial advice for the management/investment of compensation.

Your adviser will work very closely with you until all of these needs have been met.

We do not limit ourselves to these initial priority areas. Any practical assistance you need will be provided.

In the event of your release, advice and assistance can be given in order to help with specific resettlement needs. This may include help with:

- Claiming benefits
- Registering with a GP
- Opening a bank account / Budgeting

- Obtaining / Keeping accommodation
- Help with dependency issues
- Employment / Training needs
- Counselling / Befriending
- Family / Relationship issues

Your adviser will be able to give practical help to including help with filling in forms, writing letters, booking appointments and accompanying you to other services. Throughout our work we will be aiming towards helping you feel confident about dealing with your own problems. We are also able to advise on specialist services and funding, and can refer you on to these if appropriate.

The Miscarriages of Justice Project is part of the RCJ Citizens Advice Bureau and our advice is free and confidential. The Project is based in London but is working closely with other Citizens Advice Bureaux throughout the country, so those people living away from London will still be able to use this service.

There is no limit as to how long you can access this service, though it is estimated that most will use this service for up to 6 months following release. You will be able to access the Bureau's generalist advice services once the role of the project worker is completed.

If you think you may need our help and you fall into our remit or would like more information on this project you can call 020 7947 7822/ 020 7947 7645 or email david.herbert@rcjadvice.org.uk.

Alternatively you can write to us at:

Miscarriages of Justice Project
 RCJ Citizens Advice Bureau
 The Principal Registry of the Family Division
 First Avenue House
 42-49 High Holborn
 London **WC1V 6NP**

Housing

Going to live with relatives is not always possible for people who have spent years in prison, but an address is needed, however temporary, to register with a doctor, open a bank account, apply for benefits, etc

- few people these days have an automatic entitlement to housing. Some local authority housing departments are more understanding and flexible than others;
- some inner city Labour controlled boroughs are more responsive
- your solicitor, a family member or campaigner should write a letter on your behalf to a named senior housing official at the Housing Department who has the power to make non routine decisions. This should be followed up with a phone call direct to the named officer requesting a private interview
- if you are over 60 years old you should qualify for rehousing. If you are unwell and have no immediate family to support you, you may also qualify. It's not always easy to get a doctor to verify your illness as you aren't likely to have known one for long enough on the outside. Don't be afraid to get a doctor from prison to write a reasonable report for you. If you're reasonably sure you're going to be released it would be good to get one from your prison doctor anyway
- some Housing Associations are willing and able to help people experiencing social isolation or who are vulnerable in other ways. Some offer welfare rights support after they rehouse you. In London, there are three or four Irish Housing Associations who are worth contacting. The London Irish Centre Advice Service (0171 9162222) should be able to help.

Furniture

- If you're entitled to Income Support and have no other income you should be able to apply for a Social Fund Grant to buy a basic bed and bedding, kitchen table, chairs, floor covering, a cooker and basic kitchen utensils and cutlery. You need to obtain an application form and get a DSS officer to help you to fill it in. Most are helpful but you may need to make an appointment.

Gas and Electricity

- The utilities services often ask for a deposit of £100 before they will agree to give you a supply, but if you have no money they cannot refuse to supply you. Take a friend to the gas or electric showrooms and stand your ground. Insist on being seen confidentially.

Housing Benefit

- If you are rehoused by a local authority or a housing association, you will normally be given a Housing Benefit Form to complete by the officer who signs your tenancy agreement. If you are on full Income Support and have no other income you will be entitled to Housing Benefit and a rent rebate, but you must sign on for it immediately and check that you know the date when your next Housing Benefit form is due to be completed. If you are in receipt of full Housing Benefit and full rent rebate you are unlikely to have to pay any Council Tax.

Income Support, state pension and other benefits

- 99% of prisoners released by the Court of Appeal have no possible source of income in the following weeks. You or someone on your behalf must put in an application for Income Support to the DSS office in the area in which you are likely to spend some months. If you move around too much you will find that your papers are pushed from office to office and this could delay your claim. If it is handled properly your claim should be through in a matter of days, but again, it's important to find a senior DSS officer who is sympathetic and has a thorough understanding of the system.

Clothes

- Apply for a Social Fund Grant to buy clothes, shoes, underwear, etc. It is useful to go to the DSS with a clothing catalogue of your own choosing. If not the DSS use their own. This claim takes longer, but should not be a problem. Beware of taking out a refundable loan you may be unable to repay.

Other benefits

- if you're suffering from serious ill health requiring substantial help with personal care indoors and/or out and you have had this condition for more than 6 months you can apply for Disability Allowance (under 65) or Attendance Allowance (over 65). This is not means tested and will not affect any Income Support. Ask for the forms at the DSS; they will post them to you
- at present if you receive £8000 or more as an interim payment for compensation for your years spent in prison, your income support will be affected or stopped. At present lawyers are arguing that compensation money spent by victims of a miscarriage of justice on supporting themselves on their release from prison should not affect their income support payments. The matter is not yet decided

- ask for a pension forecast from the pension department in Newcastle (Department of Social Security, Central Office, Room 37D, Longbenton, Newcastle-upon-Tyne NE98 1 YX) as soon as you are released. This will tell you what you can expect to receive when you reach 65. It will not include all the years you spent in prison; you will receive no pension for that period unless you can persuade the pension office to allow you to buy back your lost years. The Birmingham Six were allowed to do so as were others.

Other practical issues

- banking and bureaucratic systems may have changed since the prison sentence began. Be prepared for the fact that standard forms are not devised for victims of miscarriages of justice. Go prepared with a good reference from your solicitor or a friend or family member with an account in your chosen bank
- to obtain a passport, get an application form from the Post Office and send it off like anyone else. You will need to get your lawyer, priest or Officer of Oaths to sign two copies of your photo. You will need to provide your birth certificate, your marriage certificate or decree nisi, before you can get a passport
- you may have problems signing on with a doctor. Get a permanent address, find a friend or family member who is already registered with a doctor and go along and register. A large clinic with a choice of doctors is a better prospect than a small practice
- the rules on driving licenses changed in the 1980's. If you passed your driving test and were imprisoned before 1981, you will have to reapply and pass a new test

9. POTENTIAL PROBLEMS

Time

You've come from a controlled environment where prison guards have been managing your time 24 hours a day to one in which you can do anything, and this may be felt as an enormous pressure

- after a long period spent resisting the regulation of time, you are suddenly called on to regulate your own time. During the first days and weeks it is useful if someone can help by organising your diary.

Family relationships

On an emotional level, the release takes everyone by surprise. No one can predict how things are going to be once you are free

- during the time you were in prison, relationships have gone on hold. Family members may find they are relating to you as if they and you were still the age you all were when the sentence began
- whilst in prison, you may be protected from family problems. After the release, you will be shocked to hear about them. At worst, you may be asked to sort them out.

The Media

You will need an advisor to handle press enquiries.

- for a long time no one has shown an interest in your case; you may be tempted to tell everything to anyone who asks.

- remember that your story is your capital and there may be opportunities for selling it to newspapers or publishers.
- make sure you are able to do as you like with it, in the way you would like.

Finances

The compensation payment is likely to be the biggest lump sum you have ever had in your life, awarded at a time when you are least able to handle money.

- you may want to blow a lot of money and make up for lost time. Try to resist the temptation to do so and use the money sensibly

Fame

Be aware of other people's agenda's. People will tend to view you in a certain way because of their own outlook and experiences

- expect hostility from some – the people who still think you are guilty
- mostly, you will receive immense sympathy. People will identify with you as a victim, want to shake your hand, and get overwhelmed. This may seem a novelty for a while, but quite quickly people tend to want to tell you their own story, about how they helped with the case, what a terrible time they have had, etc
- some may see you as a hero, a victim of political injustice
- all this can make you lose your feet at an emotionally turbulent time.

Emotions

- it's important for you to talk to someone who has been through what you are experiencing, someone who can be on hand on the day of release and afterwards. Make contact with other victims of miscarriage of justice
- it's also important to have someone who isn't part of the family to talk to; a close, trustworthy friend
- it may be beneficial to go back and talk to prison discussion groups such as Dialogue
- you may not feel a dire need for counselling at the point of release or immediately afterwards, but it's important to find a counsellor immediately because the trouble will come later. If a contact has already been made it will be so much easier to resume it rather than start from scratch later on.

HELPFUL ORGANISATIONS

INNOCENT

Dept. 54, PO Box 282, Oldham OL1 3FY
Manchester-based organisation which supports and campaigns for innocent people in prison. **INNOCENT** is made up of families, friends and supporters of prisoners, who have come together in order to help each other.
Innocent's web site is very comprehensive and a good starting point for exploring miscarriage of justice web sites
www.innocent.org.uk

MERSEYSIDE AGAINST INJUSTICE

PO BOX 51, Upton Wirral,
Merseyside CH49 2WA
mai5@lineone.net

KENT AGAINST INJUSTICE

2, Coppice Road, Lordswood, Chatham,
Kent ME5 8RJ
kai999@aol.com

SOUTH WALES LIBERTY

PO Box 646, Cardiff CF24 4XL
south.wales_liberty@btopenworld.com

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

PO Box 2161, Wrexham, LL13 9WQ
tel.: 01978 354801
www.factuk.org

FALSELY ACCUSED SUPPORT ORGANISATION

National helpline 0870 241 66 50
support@false-allegations.org.uk

FALSE SCOUTING ALLEGATIONS

PO Box 43158, Walthamstow,
London E17 4WX
tel.: 07017 407 621
www.false-scouting-allegations.org.uk

MOJO (Miscarriages of Justice Organisation)

52 Outmore Road, Sheldon,
Birmingham B33 OXL
Tel: 0121 789 8443 or 01902 731088
Email: mojonational@aol.com

MOJUK

Runs a website featuring miscarriage of justice cases, and an email service

publicising cases: www.mojuk.org.uk

JUSTICE FOR WOMEN

www.jfw.org.uk

HOWARD LEAGUE FOR PENAL REFORM

708 Holloway Road, London N19 3NL
Tel: 0171 281 7722

Useful information pack with list of supportive organisations. Free to families and prisoners.

LIBERTY

21 Tabard Street, London SE1 4LA
Tel: 0171 403 3888

Supports only a limited number of test cases, but can pass cases onto a network of sympathetic solicitors. They may have a branch in your home town or where you are in prison who will take up your case.

PRISONERS ADVICE SERVICE

Unit 305, Hatton Square, 16 -16A Baldwins
Gdns London EC1N 7RJ
Tel: 01714058090

Provides free advice, specialising in prison law. Has a solicitor and a caseworker service for serving prisoners and solicitors.

PRISON REFORM TRUST

2nd floor, 15 Northburgh Street, London
EC1V 0JR Tel: 0171251 5070

Information pack free to prisoners. Contains factsheets about prisoners rights, and lists of helpful organisations.

PRISONERS WIVES AND FAMILIES

(also for friends and partners)
254 Caledonian Road, London N1
01712783981

Support group as title suggests; can provide good accommodation recommendations for prison visiting (B&B's) in the London area. For elsewhere in the UK phone the local Tourist Board, or the prison itself. Sometimes probation officers will help with B&B

There are additional prisoners support organisations listed in the telephone directory under "Prison"

UNITED AGAINST INJUSTICE

Federation of many of the above groups.
Organises a Miscarriage of Justice Day
public meeting in October each year.

www.unitedagainstinjustice.org.uk

OTHER ORGANISATIONS

COURT OF APPEAL Criminal Division

020 7947 6011

CRIMINAL CASES REVIEW COMMISSION

Alpha Tower, Suffolk Street, Queensway
Birmingham B11TT

Tel: 0121 633 1800

Fax: 0121 633 1804/1823

www.ccr.gov.uk

THE SCOTTISH CRIMINAL CASES REVIEW COMMISSION

5th Floor, Portland House, 17 Renfield
Street, Glasgow, G2 5AH

Tel 0141 270 7030

Fax 0141 270 7040/7023

[E-mail: info@sccrc.org.uk](mailto:info@sccrc.org.uk)

SOLICITORS COMPLAINTS BUREAU

Portland House, Stag Place

London SW1 EBL

Tel: 0171 8342288

Write to them if you think YOIJr solicitor has
been guilty of serious or professional
misconduct.

GENERAL COUNCIL OF THE BAR

Professional Conduct Committee

11 Smith Square, Gray's Inn

London WC1R 5EL

Tel: 0171 242 0934

Write to them if you did not get a fair trial
because your case was not properly
presented.

LEGAL SERVICES OMBUDSMAN

22 Oxford Court, Oxford Road,
Manchester M2 3WQ

Tel: 0161 236 9532

Investigates complaints if above two
organisations fail to give satisfaction. Write
to them within three months of receiving a
decision from either of them.

THE LAW SOCIETY

113 Chancery Lane, London WC2

0171 242 1222

and

Ipsley Court, Barrington Close Redditch

01527517141

PUBLICITY CONTACTS

National Newspapers

THE DAILY EXPRESS (& Express on
Sunday)

Ludgate House, 245 Blackfriars Road
London SE1 9UX

01719288000

DAILY MAIL (& Mail on Sunday)

Northcliffe House, 2 Derry Street,
Kensington London W8 5TT

01719386000

THE DAILY MIRROR (&Sunday Mirror)

1 Canada Square, Canary Wharf
London E14 SAP

01715103000

DAILY STAR

Ludgate House, 245 Blackfriars Road
London SE1 9UX

THE DAILY TELEGRAPH (&Sunday
Telegraph)

1 Canada Square, Canary Wharf
London E14 5DT

01715385000

EVENING STANDARD

Northcliffe House, 2 Derry Street,
Kensington London W8 SEE

01719386000

FINANCIAL TIMES

1 Southwark Bridge, London SE19HL
01718733000

THE GUARDIAN

119 Farringdon Road, London EC1R 3ER
01712782332

THE INDEPENDENT

18th Floor, 1 Canada Square, Canary Wharf
London E14 5AO

01712932000

NEWS OF THE WORLD

1 Virginia Street, London E1 9XR
01717824000

THE OBSERVER

119 Farringdon Road, London EC1R 3ER
01712782332

THE PEOPLE

1 Canada Square, Canary Wharf London
E14 SAP

THE SUN

1 Virginia Street, London E19BD
01717824000

THE TIMES (& Sunday Times) 1
Pennington Street, London E19XN
01717825000

National Television & Radio

BBC RADIO & TELEVISION NEWS

Room 1630, Television Centre, Wood Lane
London W12 7RJ
01816249141

Press releases should be sent to News
Gathering and also to specific relevant
correspondents BBC SOCIAL AFFAIRS UNIT
(Television & Radio) Room 1502, Stage 5,
Television Centre, Wood Lane London W12
7RJ

01816249010

BBC RADIO 5 LIVE Forward Planning

Room 2605, BBC News Centre
Television Centre, Wood Lane
London W12 7RJ

01816249550

BRITISH SKY BROADCASTING (Sky News)

6 Centaurs Business Park, Grant Way
Isleworth TW7 5QD

01717053000

CHANNEL FOUR NEWS

200 Gray's Inn Road, London WC1X 8XZ

CHANNEL 5 NEWS

200 Gray's Inn Road, London WC1X 8XZ

INDEPENDENT RADIO NEWS (IRN)

200 Gray's Inn Road, London WC1X 8XZ
01714304814

INDEPENDENT TELEVISION NEWS (ITN)

200 Gray's Inn Road, London WC1X 8XZ
01718333000

NEWS AGENCIES Press Association

PA NEWS

PA News Centre, 292 Vauxhall Bridge Road
London SW1V IAE
01719637000

Local Media

Check local newspaper contact details and
correspondents in copies of the
newspapers. Details of local radio,
television stations and news agencies are
included in the telephone directory or
should be available from your local library.
For local media based outside your
immediate area you may have to contact
Directory Enquiries.

SPECIALIST MEDIA

ROUGH JUSTICE

BBC
White City
London W14
0181 7438000

Programme makers covering miscarriage of
justice cases. They require new evidence
not made public before in order to make a
programme. They research cases and new
leads thoroughly and are well-respected.