Westminster Commission on Miscarriages of Justice Questionnaire

The Westminster Commission on Miscarriages of Justice has been formed to investigate the ability of the criminal justice system to identify and rectify miscarriages of justice. The Westminster Commission is now gathering written evidence. The Commission believes strongly that it is important to hear from people with lived experience of the Criminal Cases Review Commission (CCRC) and the criminal appeals system. For this reason, it welcomes contributions from prisoners and family members with experience of CCRC applications.

The Commission has established the following terms of reference for its inquiry:

- Given that there are serious misgivings expressed in the legal profession, and amongst commentators and academics, about the remit of the Criminal Cases Review Commission (CCRC) and its ability to deal with cases of miscarriages of justice, the Commission will inquire into:
  1. The ability of the CCRC, as currently set up, to deal effectively with alleged miscarriages of justice;
  2. Whether statutory or other changes might be needed to assist the CCRC to carry out its function, including:
     a. The CCRC’s relationship with the Court of Appeal with particular reference to the current test for referring cases to it (the ‘real possibility’ test);
     b. The remit, composition, structure and funding of the CCRC;
  3. The extent to which the CCRC’s role is hampered by failings or issues elsewhere in the criminal justice system;

and make recommendations.

If you have personal experience of the CCRC, you can contribute either by (1) writing your own response or (2) completing a questionnaire (see page below).

You should be careful not to comment on matters currently or soon to be before a UK court where comment could prejudice these matters. The Commission’s intention is for submissions to be published online. If you do not wish your submissions to be published, you must explain your reasons for this.

Please be aware that, while the Commission is looking for evidence, it is unable to deal with individual cases or offer specific support.

If you would like your important experiences to be considered, and contribute to improving the appeals system, please email your responses to mail@appeal.org.uk or post your responses to: APPEAL, The Green House, 244-254 Cambridge Heath Rd, London, E2 9DA.

The deadline for responses is Monday 30th September 2019.
Questionnaire for those with experience of applying to the Criminal Cases Review Commission (CCRC), either to appeal their own case or on behalf of a friend or family member

1. How many applications have you made to the CCRC
   [ ] One
   [ ] Two
   [ ] Three
   [ ] More than three - please specify ________________________________

2. Had you appealed to the Court of Appeal before applying to the CCRC?
   [ ] Yes
   [ ] No

3. Which CCRC did you apply to:
   [ ] CCRC (for England, Wales and Northern Ireland),
   [ ] Scottish CCRC,

4. On whose behalf were you applying to the CCRC?
   [ ] Yourself
   [ ] A family member
   [ ] Someone else – please specify ________________________________

5. Were you applying for a review of:
   [ ] conviction only
   [ ] sentence only
   [ ] conviction and sentence
6. Did you have any assistance making your CCRC application, and if so, from whom? Please mark all relevant categories which apply.

[ ] legal aid solicitor (fees paid by the Legal Aid Agency)
[ ] privately funded solicitor (You paid them privately)
[ ] pro bono solicitor (acting without payment)
[ ] legal aid barrister (fees paid by the Legal Aid Agency)
[ ] privately funded barrister (You paid them privately)
[ ] Pro Bono Barrister (acting without payment)
[ ] Innocence Project or other University based project
[ ] Other – please specify ______________________________

7. If you did not have assistance in drafting your application can you please tell us more; were you happy to submit the application without assistance or did you want assistance but were unable to find anyone willing to help?

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8. Have your application(s) to the CCRC result in a referral to the Court of Appeal Criminal Division (CACD) for a fresh appeal?

[ ] Yes, case was referred once
[ ] Yes, case has been referred more than once
[ ] No, case has never been referred

9. If your case was referred to the CACD, what was the outcome of your appeal?

[ ] Conviction Upheld (appeal was rejected)
[ ] Conviction Quashed (appeal was successful and conviction overturned)
[ ] Sentence Upheld (appeal was rejected)
[ ] Sentence Reduced (appeal was successful)
10. What was the total length of time that your case was with the CCRC?

11. Please tell us more about your experience of communicating with the CCRC whilst your case was under review. You may wish to tell us what contact you had with the CCRC; how often was a representative from the CCRC in touch; and did you find this contact informative? Were you asked for any further information at any point?

12. Which of the following were performed by the CCRC in relation to your case?

   [ ] Interviewing of yourself
   [ ] Interviewing of original witnesses
   [ ] New forensic or scientific testing
   [ ] Obtain new expert evidence
   [ ] Interviewing new witnesses
   [ ] Obtaining unused prosecution material
   [ ] Obtaining new documents
   [ ] Other (please state) ________________________________
   [ ] I was not informed of the work that had been done on my case

13. On what grounds were you told that your application had been decided?

   ____________________________________________________________
14. Did the CCRC share with you any newly obtained information at the end of their investigation?

[ ] Yes
[ ] No

15. Do you have any suggestions as to how the CCRC could improve the service which they offer for victims of miscarriages of justice?

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