

Explain and Comment on the role of the Criminal Cases Review Commission [20]

June 2001

On 14 March 1991 the then Home Secretary announced the establishment of a Royal Commission on Criminal Justice to be chaired by Viscount Runciman of Doxford.

The Royal Commission was charged with examining the effectiveness of the criminal justice system in securing the conviction of the guilty and the acquittal of the innocent.

In making the announcement, the Home Secretary referred to such cases as the Birmingham Six and Judith Ward which had raised serious issues of concern to all, and the undermining of public confidence when the arrangements for criminal justice failed. It was felt that the Home Secretary was not sufficiently independent from the Government in order to review cases fairly.

The Royal Commission's report was presented to Parliament in July 1993.

It recommended the establishment of an independent body:

- to consider suspected miscarriages of justice;
- to arrange for their investigation where appropriate; and
- to refer cases to the Court of Appeal where the investigation revealed matters that ought to be considered further by the courts.

The Criminal Appeal Act 1995 was subsequently passed, enabling the establishment of the Criminal Cases Review Commission.

The Criminal Cases Review Commission is an independent body (as opposed to what it was before prior to the CCRC under the Home Secretary) responsible for investigating suspected miscarriages of criminal justice (incl. summary offences) in England, Wales and Northern Ireland and to refer cases back to the courts. In addition the Court of Appeal may direct the Commission to investigate and report to the court on any matter which comes before it in an appeal if it feels an investigation is likely to help the court resolve the appeal.

The Commission's principle role is to review the convictions of those who believe they have either been wrongly found guilty of a criminal offence, or wrongly sentenced.

The Criminal Cases Review Commission took over the investigation of miscarriages of justice in April 1997.

Some of the first cases it investigated were alleged miscarriages of justice from over 40 years ago, such as the case of Derek Bentley. Bentley was hanged for murder in 1953, while his co-defendant, Craig, who actually fired the fatal shot, was not hanged due to his youth. Over the years there have been many attempts to have the case re-opened but it was not until the Criminal Cases Review Commission took over the investigation that the

case was referred back to the Court of Appeal. In July 1998 the Court of Appeal held that the summing-up of the judge at the trial had not been fair and it quashed the conviction.

Whenever the Commission considers that there is a real possibility that a conviction or sentence would not be upheld, it will refer the case. The Commission's involvement ends at this point, and it is up to the applicants and their representatives (family or lawyers) to present their best case to the Court of Appeal.

The Commission can review convictions and sentences imposed in criminal cases that were originally heard in the Magistrates' or Crown Courts in England, Wales or Northern Ireland.

Applicants should have already appealed, or sought leave to appeal. (Only in exceptional circumstances can the Commission review a case that has not been through the usual appeals process).

Convictions- The Commission will consider arguments or evidence not raised at trial or appeal that may justify referring the case to the appropriate court of appeal. (Only in exceptional circumstances can it make a referral without such arguments or evidence).

Sentences- The Commission will consider arguments on points of law, or information not raised at trial or appeal that may justify referring the case to the appropriate court of appeal.

In the first four and a half years of work the Criminal Cases Review Commission received almost 4,500 applications and had dealt with about 3,500 of these. The Commission had referred 145 cases to the Court of Appeal. 73 of these had been heard and the convictions quashed in 55 cases.

It is important that claims that there has been a miscarriage of justice should be dealt with as quickly as possible so that any injustice can be put right and so that, where the claim is rejected, everyone concerned can know where they stand and get on with their lives.

"I believe that the Criminal Cases Review Commission will come to play a key role in enhancing public confidence in the integrity and effectiveness of the criminal justice system as a whole, as Parliament intended, and I look forward to seeing it do so."

-Jack Straw, Home Secretary, 2001