

It is More Important to Acquit the Innocent Than To Convict the Guilty

This topic will remain a controversial point of discussion for a long time to come, as conflicting points of view debate the fact of whether it is more important to acquit blameless parties and maintain their innocence, or to convict the criminals that threaten our society. Whichever side you choose to support a number of factors should be taken into consideration when basing your opinion.

With regards to public safety I predict that the majority of the population would argue that it is more important to convict the guilty. If criminals are locked up then they are no longer at large and in a position to jeopardize the safety and happiness of the community. If in the process some unlucky innocent people get convicted, we hope that justice will win through in the end in the form of the Court of Appeal. It is an unfortunate situation to have to deal with but better than having dangerous people walking the streets of our country.

However, what about the victims of these mistakes? They undergo an unnecessary and unfair ordeal that deeply affects their lives for ever. Most people assume that the British legal system, which is regarded as one of the best in the world, works; but it is evident from examples of miscarriages of justice that this is in fact not the case and there are serious flaws in the system.

In the mid 1970's Stefan Kiszko was charged and convicted with the rape and murder of a thirteen-year-old schoolgirl. He was socially inadequate and therefore gave the impression of not being very bright, in stature he was tall and broad, physically capable of committing this type of crime and he was also already known to the police as he had previously had one unfortunate incident of indecent exposure; he was a perfect scapegoat. He spent fourteen years in prison and had a very hard time due to the fact he had been convicted for a sex offence. A number of years later, when Kiszko was still in prison, the case was brought to light again and it emerged that the police had a semen sample from the scene of the crime. Stefan Kiszko was impotent, therefore it would have been impossible for him to commit the crime - the police knew this. He was eventually released as his innocence had been proved. However, this man's life was destroyed because of a flaw in our criminal justice system.

Another example of an appalling miscarriage of justice is the case of the 'Guilford Four'. In 1974/5 three Irish men and one woman were charged and convicted with murder. They stood trial accused of bombing an army pub in Guilford in which about twenty-five people were killed. In 1989 an appeal trial took place and the four were released. It is still possible that the Guilford Four were guilty, but the point is that this was not proved in court beyond reasonable doubt.

It later emerged that in these cases, along with several others, the suspects had been bullied by the police into a confession. The police rely heavily on confessions to help secure a conviction so underhanded tactics will sometimes be used in order to get one - these include interrogation for long periods of time, unacceptable treatment, deprivation of rights such as legal advice or a responsible adult. In our country we are supposed to operate on a principle of innocent until proven guilty - the onus is on the prosecution to prove that the suspect is guilty, not for the defence to prove that the suspect is innocent. There were not adequate safeguards to protect the suspects in these cases but the report from the Phillips Commission changed this.

In 1978/9 Maxwell Confait, a male prostitute was murdered. Three educationally sub-normal teenage boys who were all under the age of eighteen were arrested, charged and convicted. Whilst under police detention they were given no access to adult or legal guidance, they were interrogated for long periods of time and in the end they confessed. However, after a few months in prison new evidence came to light that proved that the boys were innocent. The police had framed them by fabricating evidence. The Royal Commission set up an enquiry; this investigated serious flaws in the system and makes recommendations about changes that should be made.

However, the government is not obliged to make these changes. The man heading the inquiry was Sir Cyril Phillips, it later became known as the "Phillip's Commission".

The Phillip's Commission released a report in 1982 which then led to the "Police and Criminal Evidence Act 1984". This act created a new post of a Custody Officer whose job it is to inform the suspect of their rights and ensure that they are being treated fairly. Also the suspect is given the right to one phone call, free legal advice, under eighteens or mentally handicapped adults must have a responsible adult present, all interviews are to be tape recorded and the suspect can only be detained for twenty-four hours without charge except in exceptional circumstances. In addition, the role of prosecution is taken away from the police and the job is given to an independent body - the Crown Prosecution. This new act attracted mixed feelings from different people. The police say that it provides the suspect with too many safeguards and it makes their job much more difficult. Civil Liberty groups claim that the police still have too much power and suspects do have enough protection.

Since the passing of the Police and Criminal Evidence Act the amount of convictions of innocent people has decreased due to the higher number of safeguards. However, there is still evidence of miscarriages of justice since this act was passed; for example the case of the "Tottenham Three" which occurred in 1985. Three black men were convicted of stabbing and murdering a police officer during an inner city riot. They were interrogated for a long time with lots of repetitive questioning, one sub-educationally average man confessed and all three were convicted on the basis of this one confession. It was only during the retrial that the interview tapes were listened to.

Mistakes with the examination of evidence have also led to the conviction of innocent people. At the time of the Guilford Four case, members of the suspect's family were investigated to rule anyone else out of the picture. A family of one of the members was imprisoned for about six years after traces of explosives were found on their hands, this included minors. It arose that the pathologist had made a mistake and the chemical found could have been derived from household soap.

Due to there being such a high number of miscarriages of justice the "Runciman Commission" was set up to investigate, its report made in 1992 led to the "Criminal and Public Order Act 1994". The commission was set up because in the cases mentioned, plus others, the police had too much power or the power they had was being abused. However, the irony is in actual fact the succeeding act gave more power to the police.

The police need to be seen to be getting results, especially in high profile cases with a lot of publicity and public feeling; for example the Sarah Payne case. It is partly due to this that framing takes place so that a scapegoat is convicted. I realize the importance of protecting our society and catching and convicting the people who pose a threat to it, but this must not mean that innocent people should be imprisoned at this expense. Surely convicting the innocent, especially when intentional, is a crime in itself and a society that does this cannot respect itself if it can behave in this manner. Therefore in my opinion it is equally important to have free innocent people as well as convicted guilty ones.