

Unreliable witness testimony biggest cause of miscarriages of justice over the past 50 years

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Unreliable witness testimony has been the biggest cause of miscarriages of justice over the past half century, a major new study suggests.

The research also suggests that regulations governing the powers of police have been effective in reducing [wrongful convictions](#) caused by unreliable confessions.

Dr. Rebecca Helm, from the University of Exeter Law School, led the analysis of more than 250 miscarriages of [justice](#) that have occurred in England & Wales over the last fifty years. This research has led to a new publicly available database of over 350 convictions overturned due to factual error in England and Wales and elsewhere in the UK, from 1970 to 2016.

The study identified four key contributors to factual error miscarriages of justice in England and Wales—unreliable witness testimony, false or unreliable confessions, inadequate disclosure, and false or misleading [forensic science](#). One hundred and seven (41%) of the [cases](#) identified involved unreliable witness testimony

A total 69 (26%) of the cases involved a false or unreliable confession, 55 (21%) of the cases involved false or misleading forensic science and 47 (18%) of the cases involved inadequate disclosure.

- 42% of the cases involved a charge of murder.
- 11% involved manslaughter or assault
- 22% involved sex offenses
- 4% involved drugs offenses
- 19% involved robbery or burglary
- 13% involved another offense.

Of the cases involving a false or unreliable confession; 68% involved murder convictions; 14% involved a manslaughter or assault conviction; 6% involved a sexual offenses conviction; 17% involved a robbery or burglary conviction and 1% involved a drug offense conviction. Almost all of these cases happened prior to the Police and Criminal Evidence

Act and the disbandment of the West Midlands Serious Crime Squad, and almost all successful appeals based on unreliable confessions occurred after these two events.

Of cases involving false or misleading forensic science, 49% involved murder convictions, 16% involved a manslaughter or assault conviction, 11% involved a sexual offenses conviction and 6% involved a robbery or burglary conviction.

Of cases involving inadequate disclosure 64% involved murder convictions, 2% involved a manslaughter or assault conviction, 15% involved a sexual offenses conviction, 11% involved a robbery or burglary conviction, 8% involved a drug offense conviction, and 6% involved another type of conviction.

Dr. Helm said: "The data show that miscarriages of justice are persisting despite changes in legal regulation and are still a cause for concern in England and Wales. Studying the miscarriages of justice that have occurred provides us with the opportunity to learn from our mistakes, and see where the criminal justice system is going wrong in evaluating evidence."

Cases analyzed in the study were identified via media searches, communications with organizations involved in miscarriage of justice focused work, searches of legal databases, and searches of the Criminal Cases Review Commission (CCRC) case library. Cases could only be included in the analysis where they were reported with sufficient information to allow inclusion, and so most cases involve relatively serious offenses which are more likely to be reported.

In the cases analyzed in the research there was on average approximately 10 years between the initial conviction in a case and the successful appeal and appellants had spent approximately seven years in prison

prior to their conviction being quashed. As a group, successful appellants spent approximately 1,832 years in prison before their convictions were quashed.

Article available in the *Criminal Law Review*, 2021, Issue 5.

More information: Database Link: [evidencebasedjustice.exeter.ac ...
of-justice-registry/](https://evidencebasedjustice.exeter.ac.uk/justice-registry/)

Provided by University of Exeter

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