

Questions and Answers about the CCRC

What is the CCRC?

The Criminal Cases Review Commission (CCRC) is the organisation set up to look at cases where people, who have already lost their appeal, still believe they have been wrongly convicted of a crime or wrongly sentenced.

If the CCRC finds something wrong with a conviction or a sentence we can send the case back to the appeal court.

The CCRC is **completely independent**. We do not work for the courts, police or the prosecution. We do not work for the people who apply for a review of their cases. We stay independent of all sides so that we can investigate alleged miscarriages of justice impartially.

We can refer a case back to the appeal court if there is some significant new evidence or other significant new issue that might affect the safety of the conviction or sentence.

What does the CCRC do?

- We **can** investigate a criminal conviction or sentence from a Magistrates' Court, the Crown Court, a Youth Court, the Court Martial or the Service Civilian Court.
- Only the appeal courts can overturn a conviction or reduce a sentence. The CCRC's job is to look at cases and send them back to the appeal courts if we think there is good reason to do so. If we send a case for appeal, the court must hear the appeal. **When we send a case for appeal, the court cannot add to the sentence even if they turn down the appeal.**
- **We have special legal powers** to help us investigate cases. We can use these powers to obtain documents that we think are necessary from public and private bodies in England, Wales and Northern Ireland. This includes information which is being held by the police, prosecution and the courts. We can analyse evidence, consider new case law, instruct scientific experts and trace and interview new and old witnesses.
- We are **independent**. It is the CCRC which decides what documents it should obtain and what investigations to undertake.
- We **can** look at old cases. There is no time limit on an application to the CCRC, however for very old cases it can be more difficult as papers

and evidence may have been destroyed.

- We can look at your case even if you are not legally represented. **You do not have to have a legal representative to apply to us** but a solicitor might be able to help.
- We **cannot** look at prevention orders, only the conviction or sentence that it may have arisen from.
- We **cannot** investigate civil matters or matters relating to immigration.

Who can apply to the CCRC?

Anyone can apply to the CCRC if they believe they have been wrongly convicted of a criminal offence or wrongly sentenced, as long as they were convicted in a criminal court in England, Wales or Northern Ireland.

You can ask us to look at your conviction, or your sentence, or both.

It **costs nothing** to apply to us.

When should I apply to the CCRC?

You should apply to the CCRC after you have tried to appeal in the usual way through the courts. You can still try to appeal even if you think you have missed the deadline for appealing.

If you have not appealed to the court there are different forms you need to fill in to start a first appeal. These forms are sometimes attached to the back of this document. If you can't find these forms you can contact the CCRC and we will send these to you.

If you have already lost your appeal but still think you have been wrongly convicted or sentenced, you should apply to the CCRC for a review of your case.

What if I have not appealed?

If you have not appealed in the usual way through the courts, the CCRC will usually write to you to explain that you need to go back and try to appeal in the normal way.

The CCRC accepts very few cases where people apply to us before they have tried to appeal in the normal way. We can only refer cases in the absence of a prior appeal if there are "exceptional circumstances" (very special reasons).

What are "exceptional circumstances"

Exceptional circumstances are very rare. There has to be a good reason why you did not appeal and **cannot appeal now without the CCRC's help**.

There are no automatic exceptional circumstances. We decide if there are exceptional circumstances on the facts of each case.

What is **not** an exceptional circumstance?

Below are some examples of what are **not** exceptional circumstances:

- You forgot to appeal or have missed the deadline. In those situations you can still ask the court for an appeal. This is called appealing “out of time”.
- You received advice from your solicitor or barrister that you have no grounds for appeal. This does not stop you from appealing.
- You have been unable to get a solicitor or barrister to help you appeal. You can apply for an appeal yourself without legal assistance.

Where can I find out about appealing in the normal way?

You will find a lot of useful information in a book called *How to Appeal*. It is published by the charity Justice. You might be able to get a copy in the prison library and it can be found on the internet at www.justice.org.uk/resources.php/274/how-to-appeal. You can also contact the CCRC to ask for an appeal form.

How do I apply to the CCRC?

- If you have lost an appeal and now want to apply to the CCRC, applications need to be made in writing using the CCRC’s application form. The application form is not a test and we have tried to make it as easy as we can. We will post you an application form if you contact us. Our contact details are at the end of this document. You must sign the application form before sending it to us.
- There needs to be **significant new evidence or new legal argument** for the CCRC to be able to refer your case to an appeal court. This needs to be something that has not already been heard by a court before.
- The application form is your chance to tell us everything about what is wrong with your conviction and/or sentence.

What is “significant new evidence or legal argument”?

This means something that was not covered at your trial or your appeal – for example, new evidence not known about at the time, or a new development in science. We cannot look again at things that were known about by the jury, the judge or the magistrates, even if you believe that they made the wrong decision in your case. We need to identify something new that makes your case look very different now.

We cannot help you if you just repeat the same points in your application to us that were made at your trial or appeal. The CCRC needs something new

and important which will make the appeal court think in a different way about your case. You need to tell us everything in your application form which you think is new and could make a difference in your case.

What will you do with my application form?

When we receive your application form, we will write to you about what will happen next. We will then obtain any material that we might need, like the files from the court where you were convicted and from your appeal. We might need to obtain other documents before we can decide whether we can review your case. If we decide that we should begin to review your case, we will write to you to tell you.

We might, however, decide that we cannot review your case, for example:

- If you have an appeal pending.
- If you have not tried to appeal before and there are no special reasons why we should review your case before you have tried to appeal in the normal way. (See above *What if I have not appealed?*)
- If your application does not raise any significant new points that might allow us to send your case for an appeal.

If we decide that such a situation applies in your case, we will write to you to explain our decision.

What will you do with my information?

If you apply to the CCRC we will use the information you give us to help look into your case. We may use it to get hold of material belonging to other organisations. This could be information about you or about any other person or subject if we think it could have an impact on your case.

We can get any material we think we need to investigate a case even if organisations or individuals do not want us to have it. Once we have started looking into a case we will decide what material we want to obtain.

We take great care of the information in our possession. We aim to get only what we need, and to keep the information only for as long as we need to. We are very careful about how and when we share information relating to cases and share it only when it is allowed by the Criminal Appeal Act 1995 and the Data Protection Act 1998.

When we refer a case for appeal, the information relevant to the appeal is usually shared with the applicant, with the appeal court and with the prosecution. When we refer a case we will usually inform any victim involved in the case. We usually issue a short press release identifying the case and explaining the basic reasons that it has been referred. We may also share the applicant's contact details with the Miscarriage of Justice Support Service

which is a charity that offers help to people who have been wrongly convicted.

Who will decide on my case?

Our Commissioners make the decision whether or not to send a case back to the appeal court. Our Commissioners come from a range of professional backgrounds. Many are legally qualified and all have been chosen because of their experience and ability to make important decisions in complicated matters. Commissioners are appointed by The Queen on the advice of the Prime Minister.

How long will it take?

A review can be straightforward and only take a few weeks, or it can be more complicated and take many months.

Will I get Legal Aid ?

A solicitor may be able to get funding under the Legal Aid scheme to help you with an application to the CCRC. You can get advice about finding a lawyer by contacting Community Legal Advice on 0845 345 4345 or going to their website at www.communitylegaladvice.org.uk

How will the CCRC communicate with me about my case?

Most of the time we will communicate with you or your representative in writing. We always contact you (either by post or by email if you have given us an email address) to tell you when we have received your application form. We update you (either by post or email) to tell you about any developments in your case, so it is important that we have the right address for you. Don't forget to tell us if your address changes or you move prisons.

The rules on communicating with the CCRC from prison are set out in Prison Service Order 4400. If you have trouble with reading or writing we will try to find a suitable way of communicating with you. We will also consider translating material into other languages where necessary.

How can I contact the CCRC?

You can phone the CCRC but we like to have things in writing because it means we have a clear record of everything so that we can go back to it when we are thinking about your case. The CCRC contact details are at the end of this document.

Will you visit me?

In most cases we can find out everything we need to in writing, or on the phone, without needing to meet the applicant in person. If we think we need to talk to you face to face we will either arrange a video conference or meeting with you.

What if the CCRC decides not to send my case for another appeal?

- If you think you have not been treated fairly, you can make a **formal complaint** to the CCRC's Customer Service Manager. You can complain up to 3 months after we have closed your case. The Customer Service Manager will look independently at how the CCRC has behaved. The Customer Service Manager cannot review your case again.
- If you think that there is something wrong with the way we made our decision, **you can apply to the Administrative Court for judicial review**. You do not have to make a formal complaint before doing this, but you should be aware that there are time limits in the judicial review processes. We would advise you to seek independent legal advice before pursuing this route.
- If you have some significant new evidence or argument which has not been considered at trial, on appeal or in any earlier applications to the CCRC you can make a **re-application**. You will need to complete a new form to tell us what is new and why it wasn't included in your earlier application.

If the CCRC reviews my case, will that stop my deportation?

There is no automatic right for you to have deportation proceedings suspended because you have applied to the CCRC. If we refer your case for an appeal, then your deportation may be stopped until the appeal is finished. If you are deported after you have applied to the CCRC, we can review your case even if you are in another country as long as you provide us with a contact address or email address.

Where can I find more information about the CCRC and how it works?

There is detailed information about the CCRC in a series of documents called formal memoranda that can be downloaded from the internet by going to www.ccrcc.gov.uk and clicking on "casework". You can also get them by writing to us.

CCRC Contact details

If you would like to contact us or would like to be sent on of our application forms please write to us at:

Criminal Cases Review Commission,
5 St Philip's Place;
Birmingham
B3 2PW

CCRC phone number: 0121 233 1473
CCRC Email address: info@ccrc.gov.uk