

**‘Robbed of Everything’: The Voices of Former Prisoners
Maintaining Innocence though Convicted of Sexual Offences,
and of their Relatives**

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Author Notes

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1: INTRODUCTION

This report focuses on the findings from interviews of people left out of the published Oxford report on the 'The Impact of Being Wrongly Accused of Abuse in Occupations of Trust', 2016

The University of Oxford research report, *'The Impact of Being Wrongly Accused of Abuse in Occupations of Trust'* was published in 2016.¹ It drew public attention to the lasting harms done to individuals and their families, by false (erroneous or fabricated) allegations of sexual and/or physical abuse. The participants reported on in that study were all 'legally innocent': that is, they had not been charged, or they had been acquitted or exonerated.²

The report stimulated discussion in the media, radio and television and was received sympathetically. Daniel Finkelstein observed in *The Times* that the report made 'untenable' the view that 'the impact on the abused child is too grave for us to worry all that much about the suffering of those wrongly accused'. In the House of Lords, during a debate on introducing statutory guidelines relating to the investigation of historical child sex abuse, Lord Lexden noted that, *'The damage that is done if [historical allegations of child sex abuse] are not successfully addressed have been most usefully highlighted in an authoritative recent report produced by three academics and published by the Centre for Criminology at Oxford University... The report leads us to the heart of the matter with which this debate is concerned.'*

Copies of the report were widely distributed to public organisations and safeguarding bodies in the hope of raising awareness and influencing policy. The Police and Crime Commissioner for the Thames Valley Police disseminated it among other PCCs nationally, and made reference to it in his *Police & Crime Plan for the Thames Valley 2017-2021* to make clear the considerable harms that can be done by false accusations of non-recent sexual abuse. The research has been cited by a barrister in the Canadian House of Commons, giving evidence during discussion of a bill to amend legislation relating to sexual assault trials. The report was also drawn upon in the course of journalist research for the BBC's *Victoria Derbyshire Programme*. An article about the research in the *Howard Journal of Crime and Justice* was one of that journal's top downloads in the 12 months following online publication.³ The authors have had a steady stream of people getting in contact since its publication, to say how much the research findings chimed with their own or a relative's experience of being falsely accused. They expressed appreciation that their similar suffering has been addressed by academics. More widely, the research was acknowledged to have stimulated discussion of false allegations and their impact. This, importantly, runs contrary to the repeated claims

¹ The researchers were Carolyn Hoyle, Naomi-Ellen Speechley, Ros Burnett (2016). Available at: www.law.ox.ac.uk/sites/files/oxlaw/the_impact_of_being_wrongly_accused_of_abuse_hoyle_speechley_burnett_final_26_may.pdf

² We refer to them as NCEs (Not Charged, or were Exonerated), while the subjects of the present report are referred to as CMIIs (Convicted and Maintaining Innocence).

³ Burnett, R., Hoyle, C. and Speechley, N-E (2017). As of year-end 2017 this article had received 1533 downloads, generating immediate impact.

that false allegations are rare and relatively harmless compared to the harms of sexual abuse, and general consensus that they are best not mentioned, in case publicity deters victims from reporting abuse.

We mention this overwhelmingly positive engagement with the published research report partly to justify a difficult decision that was made when that research was in progress. Under advice from colleagues at the University of Oxford Centre for Criminology, the authors omitted findings from some of the people interviewed. These related to 13 of the respondents who had been convicted but persistently maintained their innocence ('CMI'), and 7 who were close family members ('FamCMI'). Although the initial data collection sought to include perspectives from these participants, as a means of illustrating the experiences of those who remain wrongfully convicted of sexual abuse, their accounts were left out of the initial analysis and report following discussion with colleagues who were concerned about ethics and wisdom of including people with convictions (who were not recognised as 'legally innocent') in a study of false allegations. The Rule of Law is such that the principle of a presumption of innocence prior to a guilty verdict is counterbalanced by the principle of presumed guilt once a jury has determined that is the case, unless the conviction has been overturned.

There is no doubt that the 2016 report would not have been so well received had it included these missing respondents. It would not have been possible for readers to confidently generalise from the findings about the impact of being falsely accused if the numbers included some who were legally guilty. Many would have been too sceptical even to read the report on seeing that its focus on false allegations included actually-convicted participants. Nevertheless, it was always our intention to produce a separate article on the respondents who had been convicted but had consistently maintained their innocence, and who had been included in the agreed research cohort. The arguments for doing so are rational and professionally ethical.

From a rational perspective, on the basis of having a representative sample of people falsely accused of sexual/child abuse cases, those wrongly convicted of such crimes can be expected to suffer the greatest impact along with their families, given that they almost always get a prison sentence and all that that entails for their daily lives and for their families. Unless we are sure that no-one lies or is mistaken when accusing another of such a crime; unless we are going to deny the existence of miscarriages of justice and the error of some jury decisions; unless no-one gets wrongly imprisoned and then turned down on appeal; then the impact of that 'worst case scenario' must logically be included in a more comprehensive study of the consequences of being wrongly accused.

From an ethical perspective, prior to setting up the research we had attained clearance from the University's research ethics committee to include some participants convicted-but-maintaining-innocence who were still on the journey of appealing against their convictions (e.g. seeking evidence or fresh arguments to reapply to the Criminal Cases Review Commission). The interviews in which they recounted the impact on their lives were re-traumatising for some, but because they had agreed to talk about their experiences they

rightly expected to be included in the report of the study. Having heard their accounts and learned more about the context and the responses of other professionals to their claims of innocence,⁴ we think it is important that their voices should be heard and the implications considered.

We accept and understand that more people would prefer to give complainants the benefit of the doubt, both before and after jury decisions. Research on sex offenders in prison reveals that a very high proportion deny guilt and reveals various motivations for denial.⁵ However, those who deny guilt because they are genuinely innocent are difficult to distinguish from those who are 'deniers' but are actually guilty. The authors recognise of course that some individuals we have spoken to may be guilty or partly guilty. Yet, with knowledge of the very real errors and miscarriages of justice that can (and have) occurred, we are committed to giving a voice to those who were convicted but maintain innocence, and their families, as a severely under-researched, largely ignored or discounted population. Consequently, we are prepared to give them the benefit of the doubt for the purposes of undertaking this research, unless evidence to the contrary emerges.

1.1 Wrongful convictions happen but are not widely recognised

It is important to approach this report with an understanding of the feasibility of wrongful convictions. Miscarriages of justice and wrongful convictions are exceptional. Yet, they have occurred often enough for the criminal justice system to include both a Court of Appeal and a Criminal Cases Review Commission ('CCRC') to help minimise them. A literature review was provided in the Oxford study 2016⁶ to discuss the relevant legal and policy context for understanding how innocent people can become victims of wrongful allegations of abuse. The same socio-political and legal background remains relevant to the present report, as the worst-case scenario for an innocent person who is wrongly accused of sexual offences is, of course, conviction.

With the gross underfunding of the CCRC and its backlog of cases, there is a real cause for concern. Of the 26,772 applications it has reviewed since it started work in April 1997, it has referred just 2.85% cases back to the Court of Appeal.⁷ Its test for doing so is whether it can find a 'real possibility' that the appeal will be allowed by the Court. In order to identify evidence supporting such a possibility, fresh evidence or a new argument must be found, not available at previous trial(s), that could provide reasons for doubting the safety of conviction.⁸ Without this, the CCRC is generally unable to refer the case back for the Court to

⁴ In three of our cases, the participants were granted parole on the first application despite maintaining their innocence. In another case, the participant was convicted abroad in a trial that did not allow him a defence and in a language he did not speak; with no appeal channels open to him.

⁵ Blagden, N. et al. (2014); lewins, A. and Crewe, B. (2015); Levenson, J.S. (2010)

⁶ Hoyle, C., Speechley, N-E. and Burnett, R. (2016); see also Burnett, R., Hoyle, C and Speechley, N-E. (2017) for further discussion of the legal and policy context that could give rise to false allegations.

⁷ CCRC Annual Report 2019-20; CCRC website: <https://ccrc.gov.uk/case-statistics/>

⁸ See Hoyle, C. and Sato, M. (2019) for insight into factors influencing the decision process.

review. In 456 of the cases that the CCRC has referred back to the Court, the appeals have been allowed (i.e., conviction quashed or sentence reduced).⁹ Figures from April 1997 up to April 2019 show that 127 (19%) of the cases that the CCRC referred back to the Court were sexual offences. Of these, 84 (66% of those referred) were quashed or partly quashed and 39 (30% of those referred) upheld.¹⁰ That amounts to a very small percentage of case applications made to the CCRC.

In the United States, a detailed and cumulative record of exonerations is maintained by the National Registry of Exonerations.¹¹ Their analysis shows contributing factors to wrongful convictions broken down by category of offence. Latest figures show that there have been 2705 exonerations in the US since 1989. Of 293 exonerations for child sexual abuse, perjury or false allegations were factors in 85% of cases; and of 339 exonerations for sexual assault, perjury or false allegations were factor in 43% of cases while mistaken identity contributed to 67% of cases.¹² Many exonerations have relied on DNA evidence, which provides ‘incontestable proof that people can be convicted for crimes they did not commit’.¹³ Further analysis found a high number of murder and sexual assault wrongful convictions involved false testimony, but that was only established after DNA evidence revealed the identity of the offenders responsible.¹⁴ There will of course be no probative or exculpatory DNA evidence of wrongful conviction in cases where, in reality, the alleged crime did not take place (as opposed to cases of mistaken identity when a crime is investigated).

There is ample evidence of innocent people being wrongfully accused of sexual offences, and erroneously convicted in some cases. It may be decades later that errors are determined, sometimes as a result of examining DNA evidence that was not available at the time, for example in the case of Stefan Kizsko,¹⁵ or posthumously for the accused when complainants are found out to be liars, as in the case of Carl Beech’s allegations against the late Prime Minister Edward Heath and Home Secretary, Leon Brittan.¹⁶ There are also examples where the errors were identified after the convicted person had been in prison for months or years. Warren Blackwell was imprisoned for rape, and only exonerated after his case was referred by the CCRC.¹⁷ Music teacher Darryl Gee died during his 8 year prison sentence and shortly after losing his second appeal, but was later exonerated after his

⁹ The CCRC’s annual reports and Court’s published data only record numbers of case referrals (counting conviction and sentence combined).

¹⁰ Speechley, N-E. (2020) *Can the Justice System Adequately Rectify Wrongful Convictions for Historical Sexual Abuse?* PhD thesis, University of Manchester

¹¹ The National Registry of Exonerations (NRE) provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence. See:

www.law.umich.edu/special/exoneration/Pages/mission.aspx (checked on 16 Dec 2020)

¹² NRE analysis: % Exoneration by Contributing Factor and Type of Crime, checked on 16 Dec 2020

<http://www.law.umich.edu/special/exoneration/Pages/ExonerationsContribFactorsByCrime.asp>

¹³ Raeder, M.S. (2009)

¹⁴ The Innocence Project (2020), *Exonerate the Innocent* www.innocenceproject.org/exonerate/

¹⁵ Rose, J., Panter, S. and Wilkinson, T. (1997)

¹⁶ The Henriques Report, 2019

¹⁷ See: www.thetimes.co.uk/article/paying-a-terrible-price-for-a-rape-that-never-was-rzwxw2dss92

mother reapplied to the CCRC.¹⁸ David Bryant and Geoff Long each served part of their prison sentences, and were only exonerated after their wives campaigned for further investigation, leading to exculpatory evidence not uncovered by the police.¹⁹ Former headmaster Derrick Cooper successfully appealed against his 20-month sentence for historical physical abuse – but having already served 9 months.²⁰

Despite numerous examples, those in public office seldom acknowledged the existence of innocent people in prison serving custodial sentences. While she was the Director of Public Prosecutions ('DPP'), Alison Saunders appeared to deny that there were innocent people in prison in media interviews about prosecution policy. She later admitted, when asked if some people had been wrongly imprisoned as a result of disclosure failings whilst speaking to the Justice Committee inquiry, that 'some people have been'.²¹

After a review by the Crown Prosecution Service of 3,637 rape and serious sexual assault cases in England and Wales, which identified 47 cases with problematic disclosure issues, the former DPP, Lord Macdonald, acknowledged on ITV News in 2018 the certainty of there being some innocent prisoners.²² The current DPP, Max Hill QC, has since acknowledged that some people have been wrongly charged and, while he claims the numbers are very small, he added that 'every mistake matters'.²³ The Justice Committee inquiry on disclosure found a number of witnesses stated (orally and in writing) their perception of 'a culture within policing that encourages the pursuit of a conviction against a suspect, and does not give enough weight to the investigation of alternatives'.²⁴

1.2 How could an innocent person in a position of care or trust become wrongly convicted for historical abuse?²⁵

Contrary to popular beliefs that no complainant would put themselves through the ordeal of a sexual offence trial if they were not being truthful, there are numerous other reasons why a false allegation might be made, and believed. To a large extent, acknowledgements are only now being made because of some recent prominent errors of justice. Examples include

¹⁸ See: www.independent.co.uk/news/education/education-news/jailed-for-a-crime-he-didn-t-commit-481421.html

¹⁹ Robins, J. (2018), Chapter 7, pp. 203-19

²⁰ Collins, D. (2019)

²¹ House of Commons Justice Committee (2018), p. 4

²² 'Inevitable that people wrongly jailed due to disclosure failures' – ex-DPP, cited on Oxford Mail Online, 5 June 2018. Available at:

www.oxfordmail.co.uk/news/national/16271301.inevitable-people-wrongly-jailed-due-disclosure-failures--ex-dpp/ See also ITV video: <https://twitter.com/i/status/1004120017837940737>

²³ Director of Public Prosecutions Lecture to the Kalisher Trust (Hill 2018)

²⁴ House of Commons Justice Committee (2018), Disclosure of Evidence Report, 17 July 2018, p. 32

²⁵ The concept of 'historical abuse' is defined vaguely, to refer to past offences occurring from one or more years from allegations or charges being brought. The term 'non-recent' is now more commonly used in policy documents, rather than 'historical', but that is equally vague. The NSPCC defines 'non-recent' as 'a year or 70 years ago'. See www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/non-recent-abuse/

the 2018 rape trials featuring evidence disclosure failures, the fiasco of Operation Midland and several other recent sexual abuse cases illustrating that some complainants do weave elaborate lies, and others have distorted memories leading them to misidentify someone as a perpetrator.²⁶

For false allegations of recent abuse, motives of revenge, covering up affairs or retaliation in disputes have been revealed.²⁷ In wrongful historical allegations, factors could include desire for attention, support, clinical help or praise for courage, mistaken memories and perceptions of events,²⁸ or bearing a grudge against someone who punished them when they were a child.²⁹ A combination rather than any single factor is likely to apply. Often the accusers retain anonymity and are not charged because they have mental health issues, but their allegations are found to be false because they have sent items to themselves that have claimed to be from the person they report,³⁰ or because their accounts draw closely on details in fictional cases.³¹ In many false allegation cases, the accusers have a genuine belief in the truth of their claims either because they had mistaken the identity of the individual who had abused them (picked from a photograph or recalled by a mistaken similar name) or had imagined the abuse in their fantasies or had recovered false memories during hypnosis or via other counselling methods.

For some of those in occupations of care and trust, their likelihood of exposure to false allegations may be increased where, for example, they were naively trusting of the people they helped. False allegations could occur in unmonitored situations where there were no witnesses. In the 1960s, 1970s and 1980s social workers, probation officers, teachers and so on would unthinkingly put themselves into positions (such as offering to give a pupil a lift; giving a congratulatory hug, or sharing a changing room with boys after refereeing a football match) which now would be regarded as foolhardy. There was not then the same obsession with safeguarding, and there was more mutual trust.

While the 2002 Home Affairs Select Committee report noted concerns about the ‘potential for compensation to act as an inducement for giving false or exaggerated evidence during investigations of this kind’,³² it has become increasingly off-limits to suggest that

²⁶ As in the case of Laura Hood who imagined that a cab driver had raped her, but evidence proved otherwise. (See: www.bbc.co.uk/news/uk-england-manchester-48770517)

²⁷ Revenge, as in the case of Sandra Danevska (see: www.bbc.co.uk/news/uk-england-london-37202346); covering up affairs, as in the case of Jessica Gore (see: www.kentononline.co.uk/-ashford/news/rape-lies-12002); disputes as in the case of PC Hitesh Lakhani (see www.cps.gov.uk/london-south/news/police-officer-jailed-lying-about-uxbridge-child-sex-assault)

²⁸ See Burnett (ed) (2016), in particular chapters by: French, C. and Ost, J.; Furedi, F; Goodyear-Smith, F; Heberton, B. and Seddon, T.; Hewson, B.; Rose, D.; Smith, M; Villabos, J., Davis, D. and Leo, R.

²⁹ This may have applied in the case of acquitted headteacher, James Bird. See Robinson, M. (2014)

³⁰ The anonymous complainant who accused 5 men of raping her claimed that one had sent her an Amazon package containing twisted wires similar to ones which were tied to her wrists when she was abused. She later admitted she sent the item to herself. See: Palmer, E. (2018)

³¹ Scenes from the film *Vera Drake* and the BBC TV show *Call the Midwife* were drawn on to describe a false claim of an illegal abortion (Palmer, 2018). In another case passages from *Fifty Shades of Grey* matched the complainant’s allegation of incest by her father McCulloch (2016).

³² Home Affairs Select Committee (2002), para 141

'corroboration by numbers' could in some cases conceal a bandwagon effect with the inducement of possible compensation. In 2013, a former prisoner, courageously, publicly admitted that he joined a 'class action' for compensation against a member of staff at a former approved school he had attended, after he and other prisoners read a call from a personal injury solicitor. He later withdrew his claim because he did not think the staff member concerned was guilty and his conscience was troubling him.³³ Other recent cases where a financial motivation for false allegations became evident include the wrongful conviction of Derrick Cooper along with the acquittal of others, all former staff members at Underley Hall School;³⁴ and the revelations of witnesses about lying for compensation at the trial of former football coach, John Queen, which resulted in his acquittal.³⁵

Individual motives and the explanatory factors for individual cases, however, can only be fully understood in the context of developments in the cultural, political and socio-legal background in which cases are investigated, and the criminal justice process which follows.

(i) Investigation and the shift towards presumptive victim status of complainants: Problems for those falsely accused begin at the point of the allegations being made and reported to the police. It is undoubtedly the case that, in the past, victims of sexual abuse were unlikely to be believed in the absence of forensic evidence if they complained about the people who had abused them, especially if the abusers were in positions of power over them and had professional or celebrity status. The complainants were less likely to be believed if they had themselves got records of dishonesty as was frequently the case when care orders were made and they were sent to residential schools. Faced with the recognition of widespread child sexual abuse, formerly covered up and unrecognised, developments in the criminal justice system over the last 30 years have become victim-centred. Numerous procedural and legal changes have been made in order to better protect victims of sexual offences and to improve their prospects of justice. Although the absence of independent evidence in many such cases means that guilty people are sometimes acquitted (false negatives), that lack of evidence and the possibility of convictions without corroboration means that innocent people can be convicted (false positives).

An unintended consequence of developments that make it easier for victims to report abuse (such as lifelong anonymity and advertisements for potential victims to come forward) is that false allegations are more easily made.³⁶ Whereas the unchecked trust that was once given to staff in occupations of trust meant that there were indeed victims of abuse who were in the past disbelieved, the last two decades have seen that bias move in the opposite direction. This has resulted in a policy of calling victims to come forward, and systemically believing complainants (generally now described as victims) rather than the accused parties (generally now described as suspects).

³³ Gunn, B. (2013)

³⁴ Collins, D. (2019) notes that, 'Legal documents seen by this newspaper show that the case was inspired by a group of troubled former pupils, a number of whom had filed civil claims for compensation and stood to gain financially if Cooper was convicted.'

³⁵ Cassidy, R. (2018)

³⁶ See also Hoyle, C., Speechley, N-E and Burnett, R. (2016), p. 10

Difficulties faced by those accused of historical abuse are well-documented: *'Evaluating the reliability of historic or delayed witness testimony is inherently problematic for investigators and fact-finders because of the (usually exclusive) reliance placed upon the complainant's evidence and the vagueness or inconsistency that may accompany genuine historic recall.'*³⁷

Investigators' expectations that the complainants are credible, especially if they go into detail, may limit the lines of inquiry and lead to biased prosecution decisions. As Heaton-Armstrong et al note, *'Investigators and prosecution lawyers need to keep a clear head and a mind uncluttered by bias created by a plausible complainant, remembering the nature of their roles – to be not the complainants' advocates but impartial and unprejudiced professionals.'*³⁸

(ii) Trial difficulties:

If there is no crime scene, no physical evidence and no witnesses, it can be extremely hard to produce any exculpatory evidence. The difficulties faced by the defendant were acknowledged by the 2002 Home Affairs Select Committee inquiry into *The Conduct of Investigations into Past Cases of Abuse in Children's Homes*. Having considered evidence from numerous witnesses, it noted that: *'in contested cases, the defence team will usually face an onerous task. The passage of time since the offence was said to have taken place creates enormous evidential problems. [...] In most trials, the principal evidence is testimonial, with little – if any – medical or other objective evidence to go on. Memories have generally faded, potential witnesses may be dead or untraceable, crucial social services or care home records may have been lost or destroyed and the care home itself may have closed or been demolished.'*³⁹

Matthew Scott, one of the few barristers to write about the neglect of defendants who have been accused of sexual abuse, has set out ways in which victim-focused justice system developments have impacted on the fairness of trials. These include, *'... the discretion of a trial judge to declare a prosecution an "abuse of process" because of the passage of time has almost entirely disappeared; the right to challenge jurors without cause has gone entirely, the mandatory judicial instruction to look for corroboration in sexual cases has been abolished; while the scope of cross-examination of complainants in such cases has been severely restricted; evidence of a defendant's bad character is now commonly allowed; the admissibility of "similar fact" evidence has become easier; hearsay evidence is now permitted much more readily.'*⁴⁰

Other lawyers writing about incremental effect of changes providing a context for false allegations and wrongful convictions, have referred to the absence of a time limit for prosecuting suspects in sexual cases set against the pressure to gain more prosecutions and convictions.⁴¹ They further observe, *'a numbers game, where the greater the quantity of*

³⁷ Radcliffe, P. and Gudjonsson, G. in Radcliffe et al. (2016) Chapter 1 p. 15, para 1.14.

³⁸ Heaton-Armstrong, Enright, Wolchover and Keleher, Chapter 3, p. 42 in Radcliffe, P. et al. (2016).

³⁹ Home Affairs Select Committee (2002), p. 26, para 75.

⁴⁰ Scott, M. (2019); see also Scott, M. (2019b)

⁴¹ Saltrese, C (2015)

*accusers or offences the more difficult it is to challenge and ultimately, this seals the fate of the accused’.*⁴²

(iii) Manifest disadvantage when seeking to appeal:

In contrast to DNA evidence which can provide incontestable proof that people can be convicted for crimes they did not commit,⁴³ there is minimal chance of someone wrongly convicted meeting the CCRC’s ‘real possibility test’ for contesting convictions if the conviction was based on verbal testimony from the complainants in the absence of any forensic evidence that a crime was committed. It comes down to what has been called a ‘credibility contest’. As commented by one CCRC case manager, *‘All sex cases aren’t the same. But... when you are looking at a sex case, [it] does come down to credibility – effectively one person against another.’* The case manager went on to mention, *‘we’ve referred cases on in relation to complainant credibility that the Court of Appeal has not been interested in at all.’*⁴⁴

* * *

The present Report sets out the findings of the hitherto excluded CMI and FamCMI respondents. We regret the long delay considerably.⁴⁵ Nevertheless, the subject continues to be relevant. There have been repeated calls from the IICSA Truth Project,⁴⁶ the NSPCC, and personal injury solicitors for those claiming to be victims of past abuse to come forward. Widespread advertisements offer support for (particularly non-recent) sexual abuse victims, but also encourage claims. Specific helplines and contact details are routinely provided following TV programmes and newspaper articles on the subject to facilitate sexual abuse reporting. The NSPCC invites accounts and statements under the assurance that those giving them ‘will not be questioned or challenged’, stating that the information they provide ‘will not be verified or tested’. These are of course welcome developments in supporting victims and towards prosecuting sex offenders but they also carry the risk of some false allegations being made. In addition, the recent College of Policing report reasserts the policy of referring to complainants as victims.⁴⁷ This latitude, in effect, reverses the presumption of innocence with regard to those accused. The effects of being accused and convicted of sexual offences and/or child abuse are predictably catastrophic. Here, we draw on the accounts of the CMIs and their relatives to chart the aspects of life hit hardest by this experience, and the collateral damage to their families.

⁴² Barlow, M. and Newby, M. (2009)

⁴³ Raeder, M.S. (2009)

⁴⁴ Quoted by Hoyle, C. and Sato, M. (2019) at the opening of Chapter 8, Complainant Credibility in Sexual Offence Cases, p. 141 and on p. 156

⁴⁵ Dr Speechley took time out to undertake and complete her doctorate at the University of Manchester; Dr Burnett was set back by a recurring illness.

⁴⁶ Independent Inquiry into Child Sexual Abuse Truth Project: www.iicsa.org.uk/truth-project

⁴⁷ College of Policing & Operation Hydrant (2020)

2: FINDINGS

The accounts from participants were collected via interviews carried out in person or by phone, by Dr Speechley, and some written material provided by several participants.⁴⁸ Pseudonyms have been used in place of real names, and any identifying details have been edited out or changed slightly to protect their identities. Our analysis of the accounts is structured in the same way as the prior report, which considered the effects of the criminal proceedings in 6 key aspects of life: financial situations and employment, self-concept and reputation, psychological and physical health, significant relationships, beliefs and outlook on life, and coping mechanisms.

The accounts collected pertain to 17 respondents who either gave personal accounts directly to the researchers, or participated in a focus group. 10 of these respondents had been convicted but maintained innocence ('CMI'), and 7 were close family members ('FamCMI'). Of the 7 FamCMI accounts, 4 pertained to convicted persons who did not (or were unable to) give an account themselves (1 was in prison and 3 were deceased). The remaining 3 FamCMI accounts were given by the partner or former partner of the convicted person, who experience the strains of the situation differently. In total, the 17 accounts collected pertain to 13 convicted individuals, who have consistently maintained innocence.

Characteristics and experiences of those convicted:*

Gender:

12 male, 1 female

(Of the 7 family members giving accounts, all were female. 6 of these were partners or former partners of the convicted person, and 1 was a sister.)

Occupation:

9 approved school/CHE staff (incl. social workers, case workers, teachers, principals)

1 teacher in boarding school

1 member of the clergy

1 support worker, school for vulnerable adults

1 founder of an overseas charity

Time between offence(s) and allegations made:

Unknown: 1

0-1 year: 1

1-5 years: 1

5-10 years: 2

10-20 years: 3

20-50 years: 5

* Including 2 deceased and 1 in prison.

⁴⁸ As in the Oxford 2016 Study, FACT members were notified of the study, its aims, methods and strict criteria for inclusion. No incentive to participate was offered. Each participant signed a consent form stating that they are factually innocent of any alleged offences of sexual or physical abuse, have never committed any such offences, have never pleaded guilty or accepted a caution for any such offence, and have never previously been convicted of any such offence.

Efforts to appeal

In the course of writing up these findings, the researchers followed up on participants' efforts to get their conviction quashed. None had succeeded, most were still hopeful though some had not yet applied to the CCRC, and some had stopped trying. To an outsider it may be hard to understand why someone wrongly convicted (and especially of such reviled offences) would not spend every penny they had fighting to clear their name. However, the common barriers that emerged from these follow-ups paint a general picture of the 'lived experience' which in reality means that taking the necessary steps towards appeal is often just not feasible.

First appeals failed due to an inability to identify evidence that could be regarded as 'fresh' under the strict statutory definition. Several did not appeal immediately after conviction, having either been advised against doing so by lawyers due to the unavailability of evidence, possible 'loss of time orders', or no clear grounds on the facts; or failing to lodge appeal grounds in time due to the trauma and adjustment of going to prison. The costs required for legal representation proved another barrier for participants, many of whom had just spent all available funds on legal representation at first trial or could simply not afford to risk further losses having been convicted and consequently unable to find regular income or employment.

Despite CCRC applications not requiring any legal representation or fee, participants were in a position where they felt it would be better to save for a lawyer and find some fresh evidence before applying, as opposed to making an attempt to do so without all the help they could get. Some had sought help from a solicitor and/or Innocence (or other *pro bono* 'Justice Clinic' style) Project, but after years of waiting, little progress had been made, and they received a negative communication about unlikely prospects, and felt they had reached a dead-end. Most had not submitted an application to the CCRC yet because they had been firmly told it is near-impossible for them to succeed (it is well known that very few applications to CCRC result in the conviction being quashed) and they want to make the best of what life is still left for them. Moreover, they anticipated further negative publicity should the case be referred and published in the press, putting their family and themselves at risk of being attacked or ostracised. Others simply stopped trying because they are old or have health problems and could not cope with the upheaval and extreme stress again.

2.1 Effects on financial situations and employment

'The thing was that you think, well it's alright because I'm innocent and you go through that but then, you go to court... my barrister said it'd be thrown out...' (Joshua)

Those who are innocent of all charges do not expect to be convicted.⁴⁹ If this occurs, they are severely ill-prepared for prison. All 9 participants discussing this issue stated that they

⁴⁹ Wilson, J. (2002). See also Grounds, A. (2005)

completely failed to anticipate being convicted.⁵⁰ Several had been told by their lawyers that the charges would probably be dropped, or that they would most likely not be found guilty. Others recalled reporters asking for their story before the verdict came out, in the belief that they would be acquitted. Consequently, they failed to make adequate financial preparation.

Suspension and dismissal

'I haven't worked since I was arrested. They suspended me on pay until I was sentenced at which point I was dismissed for gross misconduct [and sacked when convicted].... My professional reputation was severely threatened even if acquitted because any breath of sexual misbehaviour would be considered incompatible with my role as a child protection social worker.' (Royston)

Unsurprisingly, all those in employment lost their jobs in caring or teaching roles. The accused were typically suspended during police investigation and trial, and dismissed from their employment upon conviction. However, two participants experienced job dismissals prior to the trial outcome, one of whom successfully appealed it. The swift removal of those facing charges from their workplace under ambiguous circumstances meant that several participants were unable to speak to colleagues who were also friends. This prevented them from seeking support or assistance with their defence, if the colleagues were acting as witnesses.⁵¹ For one participant, who had founded an organisation, the result of his conviction meant that many others also lost their jobs without hearing his side of the story.

Legal costs

'Before it happened, I wasn't ready to give up work, but I couldn't have left [my husband, who was accused] so there was absolutely no way I could have continued working. It had quite an impact on us financially, because we are now both on pensions.' (Angela)

'During the appeal process, quite large sums of money were needed for legal fees and members of the family and extended family rallied round and contributed to this. None of them had to be asked and we felt this said much about the esteem in which their father, brother, uncle, or friend was held. The community also helped by holding fundraising evenings. These were much appreciated, as there were so many expenses e.g. transcripts cost £6000, solicitor's fees £2000+ each time. Arthur's employer tried to get a share of his pension but luckily did not succeed.' (Lyn and Marie)

'I've spent my life savings to get an appeal, I've sold my house to get money to go further and I might get an appeal sometime this year, if luck's on my side... but you've great difficulty in getting a barrister or solicitor to take it to court for you afterwards.' (Joshua)

⁵⁰ Note: Not all participants answered all questions or gave information for direct numerical comparison/grouping.

⁵¹ There is a risk of contact being perceived as 'witness interference', which can result in bail being refused, or a further offence (of intimidation or revenge under Section 51 of the Criminal Justice and Public Order Act 1994). Witness interference is also a contempt of court.

There are of course high legal costs, and most participants described financial hardship. Charles described needing to cash in his pension at 52 to pay £30,000 in legal costs. Four participants mentioned receiving some help with legal costs through trade unions, Legal Aid, or the generosity of friends. Bernard commented that, despite assistance from his trade union, *'I have never been able to afford a mortgage. My pension will be considerably lower than it would otherwise have been.'* Most of those convicted of historical abuse are nearing retirement age. Almost all the participants are in this category. Though they therefore had many further years of employment and financial management practice before prison, the flip side of this is that they are commonly faced with the decision (or necessity) to take money from pensions or obtain loans to fund legal costs and appeals.

This was not delimited to those accused, but a burden shared by partners. Camille recalled, *'I was basically working from 8 o'clock in the morning to 9 o'clock at night. I said I would do this for a couple of years to pay the bills but then it became a struggle and I said I've either got to give up my work, or work from home or reduce my hours... I decided that I would take my pension when I was 60 and reduce my hours, which is what I did... obviously having no regular income has been quite worrying.'* Hannah also stated that, *'following the trial I went off sick because at that time I could not deal with a disciplinary hearing. After 6 months I was without any income and had bills and a mortgage to pay ... I struggled by and managed to pay my mortgage and also kept solvent but had no savings left.'*

For the convicted person and their family, facing such sudden demands and major changes to their financial situation is particularly difficult - especially considering their advanced years when prison sentences are served. Of course, those maintaining innocence generally seek to appeal, incurring further legal fees.⁵² Even where a conviction can successfully be established as wrongful, a recent study identified the extremely low likelihood (and amount) of compensation.⁵³

Barriers to finding work post-conviction

'I can't work. I can't get a job because I'm on the sex offenders register for life... I can't go and apply for a job somewhere. I've got to tell them and then no-one is going to employ you. Because there is the Rehabilitation of Offenders Act which says it's illegal to discriminate, unless you are sex offender.' (Matt)

'I am in my late fifties and even if I'd been in a career I'd probably be thinking about retiring, as opposed to starting something new.... I went to get employment, most jobs I can't get because they need a CRB⁵⁴ check and the whole story would come out. And also, because I've had fairly senior jobs over the years, it is quite difficult to convince people that I can stack shelves in Sainsbury's every day... If I get a job I would find it difficult to speak out and fight

⁵² More generally, anyone with savings may have used them all on legal fees for the trial. With the reduced availability of legal aid it is becoming harder for people to cover the legal costs for a good defence. See Ellis, R. and Ames, J. (2020)

⁵³ Hoyle, C. and Tilt, L. (2018). See also Quirk, H. (2020)

⁵⁴ Now DBS (Disclosure and Barring Service)

about what has happened because I would be worried about losing my job. So I don't want to put myself in a position where I get the knockbacks that I've had through all of this as well.' (Graham)

Of the convicted participants not in custody, deceased or retired, 4 stated they were able to find employment since. This has been low-paid, manual, and casual work, or in the case of Charles as a registered carer for his partner who has disabilities. Those remaining stated they could not find employment or have not been able to work for regular income since.

The nature of the convictions means that for the participants here, being on the 'sex offenders register'⁵⁵ is a complete barrier to employment. Notification requirements are typically for life if the prison sentence was 30 months or more.⁵⁶ It is extremely difficult for anyone convicted of this kind of offence to find work following a conviction and prison sentence. Even some of the organisations that welcome applications from ex-prisoners (such as Timpson) will not accept applications from convicted sex offenders. Several participants stated they would not realistically be able to apply for future jobs without the reference from their former employer. In addition, as many of the participants were close to retirement age after prison, the likelihood of them finding similar employment or being taken on in new roles was seen as minimal. Some felt that a further difficulty was presented by them having previously worked in senior roles, which made it difficult or suspicious for them to seek less demanding or menial work.

The impediments to re-employment are not just practical, however. There are also less visible barriers for those contesting their convictions to finding work. Several participants conveyed that they had ruled out the prospect of applying for jobs as this would put themselves in a position where colleagues would ask what they had done previously, why they had left prior employment and so on. After experiencing the destruction of their professional reputation, these participants spoke of a decision to avoid the risk of any further social maltreatment in a new role. Graham, Irene, Matt and Chris all mentioned that explicitly (though this is implicit in all of the accounts). They indicated a need to protect themselves against depression, anxiety and stigma that are triggered by the practicalities of attempts to seek re-employment. The effects of decreased confidence and poor mental health are discussed in more detail in later sections.

Where an individual was accused of abusing someone in his or her professional care, there is a far greater likelihood of unemployment upon release. This was one of our findings in the Oxford study with participants who were never charged or who were exonerated (NCE). Despite the allegations not leading to prosecution or to convictions, the immediate effects of the allegations meant that only two of the 26 participants employed at the time were able to continue working in the same jobs.⁵⁷ When an innocent person has worked a long time in a vocation that involves the care or supervision of others (especially younger or

⁵⁵ The official name is the Violent and Sex Offender Register (ViSOR).

⁵⁶ Since 2012 it has been possible to apply for removal from the register after 15 years.

⁵⁷ Hoyle, C., Speechley, N-E. and Burnett, R. (2016) p. 26

vulnerable people), and then becomes barred from this occupation for life (even if their conviction is overturned), the effect can be highly detrimental. This reality is particularly hard for the CMIs to adjust to on release.

Not only that, but there are further barriers in place preventing them from adequately preparing for future work while in prison. Those convicted for sexual offences and maintaining innocence would have fewer opportunities to take up training and educational courses of value in preparing for future work, especially if they are held in a Vulnerable Prisoner Unit ('VPU'). Known as 'deniers'⁵⁸ within the prison service, they would not be transferred to training prisons intended for sex offenders, which provide a programme of training in a variety of trades and professions. HMP Whatton, for example, has facilities for vocational training as well as educational opportunities and mental health provision.⁵⁹ However Whatton's inhabitants must be willing to attend the Sex Offender Treatment Programme (SOTP)⁶⁰ - 'deniers' would not be accepted for admission. Those who deny guilt when they are already in Whatton would be transferred back to a mainstream prison.

It follows that prisoners convicted for sexual offences persistently maintaining innocence would not be eligible to benefit from the superior education and training provision that specialist sex offender prisons provide, nor from the safer and more pleasant environment. The respondents in the present project have adamantly and consistently denied committing sexual offences.⁶¹ They have not relaxed this standpoint even though it reduced their chances of gaining parole, and even though remaining in a mainstream prison is a more fear-provoking and dangerous environment.

Detriment to partners and families

'A lot of people's attitude is that; you're out of prison, therefore that's it. But it's not with sex offences. We can't change to cheaper car insurance or house insurance policies because of these convictions. Every time we go abroad we have to go and inform the police. And that's hard. He has to psych himself up to go to the police station each time.' (Camille)

'At the time of the allegations I was employed by the local authority as a senior child protection social worker. They disapproved of my support for my husband and subjected me to several difficult meetings in which they challenged that support. After a few months they suspended me saying I was seeking support for my husband, which was totally false. At the investigative meeting they objected to me attending the trial of a work colleague of my husband who had also been falsely accused. Following the trial I went off sick because at

⁵⁸ 'Deniers' include those who are guilty but have various reasons for maintaining innocence. (see Levenson 2010; Blagden et al. (2020). It may be very difficult for those working with deniers to differentiate between these and prisoners who are actually innocent.

⁵⁹ See levins, A. (2014) and levins, A. and Crewe, B. (2015)

⁶⁰ The SOTP is more about desistance from sexual offending than preparation for work, and as such would not be much use for someone who is innocent. Whether guilty or innocent though, levins makes it clear that it is a safer and easier place to be.

⁶¹ One of our respondents, for example, used his own stationery for letter-writing with the word 'INNOCENT' as a watermark across each page.

that time I could not deal with a disciplinary hearing. After 6 months I was without any income and had bills and a mortgage to pay. A year later they approved my early ill-health retirement.’ (Hannah)

The effects described in the previous section on finances, are not confined to those labeled as offenders. With the convicted person not in steady employment, and the prospect of future legal fees to pay for, a huge financial burden is placed on partners, affecting the whole family. Almost all FamCMI participants stated that they had suffered significant financial losses.

To begin with, for those convicted of child or sexual abuse that have children, there may be housing issues when leaving prison. Temporary accommodation is difficult for those required to register as a sex offender to secure (as Royston found). For those whose residence is connected to the job (such as a vicarage or residential school accommodation), finding separate accommodation brings additional costs. Angela describes how, when her partner comes out of prison, they may not be allowed to live together. Even if this was permitted, she would likely have to move out from their church accommodation.

The partner would also need to deal with the administrative matters raised by the return of the convicted person, after a long time in their absence. Over and above the issues that release from prison presents for their relationship (discussed in the ‘relationships’ section below), this could present further financial implications. For some participants, changing insurance or getting mortgages became impracticable. As Camille explained, most insurance companies asked for details of any offences including spent convictions, making it impossible to get a cheaper quote. Arthur transferred his house into his partner’s name for financial protection. Administration of regular bills, bank orders, insurance, property maintenance were all affected.

The most severe aspect for partners of those convicted of sexual offences but maintaining innocence, is the consequences that supporting their partner may have on their own employment. The financial burdens created are doubled where the partner (as sole breadwinner) cannot themselves work. As Irene recounted, some of them are as accused as the person accused, and treated as if they were guilty by association: *‘[The senior manager] came at such speed to suspend me, take my keys off me, shoved me out the side door (I was in the middle of supervising someone), I never got chance to pick up things or say goodbye to anybody. They must have thought I’d disappeared down a hole. So for the whole of 2009 I was suspended, not allowed to speak to any colleagues, went to a disciplinary where it was said that it wasn’t my work that was an issue at all – they’d gone through all of that, it was my personal choice in having a relationship with Vincent. I was dismissed in June 2010, so no reference, no wages, nothing... I don’t have a job. (A) I had no reference, but (B) if you’re me, you can’t go to an employer and share the reason for your dismissal, because all you are then doing is spreading information, when you have got no idea what people will do with it and how they will react to it.’ (Irene)*

In our study, all but one of the FamCMI participants experienced difficulties in the workplace

as a result of the support they gave to their partners, in the firm belief that they were innocent of all charges. At least 3⁶² partners of those convicted left their job or could not work due to stress. A further 2 who also worked in social service roles lost their jobs, dismissed because of the extent they were deemed to be supporting their partners. They too suffered the indignities discussed previously, of being unable to speak to colleague friends about their situation and to obtain references for future employment.

Those who were retired or remained at work were still adversely affected. In particular, they can become reluctant or even scared to give out personal details such as mobile numbers or addresses, or use their married names, to seek potential business. Several mentioned their family names or pictures and addresses being published in the media, which can attract persecution from others in their community (discussed later).

Cumulative effect: fewer people in caring and teaching roles

'I haven't told [an organisation] that [Royston] and I are related because it should be nothing to do with them, I am an upright citizen and I contribute to society'. (Emily)

'[I was] a team manager in the social services, and when we moved to [city] the [county] police service were far more interested in me than in Vincent. So the fact that we are partners meant that I was suspended, disciplined, all my work was checked. There was no fault found in my work, but the letter reads that because of my personal choice in a relationship I made, I can't have a job... If I was going to have impaired judgment as a social worker, because I know someone with a conviction, I'm sure the impaired judgment would have shown itself... I had worked for them for 32 years... I was good at my job, I'd learnt a few skills. I've been trained inside out over more than three decades in social work. All of that now is wasted because I can't do it anymore, I'm banned for no reason.' (Irene)

'I did lots of community and youth work, but now I've stopped volunteering. I feel I was excellent with young people, particularly difficult ones, worked with them for years and cannot give this to society now... even if acquitted, I would not want to work with them now, it would feel wrong. I miss working with them – they made me smile, laugh, and enjoy life... I was stopped from doing all that. And that was a part of me that had been very natural for me. I've done that for years; I'd done it since I was about 18 or 19.' (Chris)

When reflecting on the loss of their job, 9 participants alluded to the loss to society of someone trained and dedicated to working in a caring or teaching profession. None of the participants (nor the partners who lost their jobs) have been able to return to this vocation - 5 stated they would not wish to work with (or were far less willing to help) young or vulnerable people again. A further 2 also said they felt uncomfortable, paranoid or mistrustful of working with young or vulnerable people, if they could ever do so in future.

⁶² Not all information was established about every partner, hence this figure is not expressed as 'of the 7 FamCMI' participants.

A comparable recent study on the impact of unproven allegations on foster carers found that some resigned from fostering, even though that option was still open to them, because they were not prepared to take the risk again. Although none of those interviewed had been de-registered and most continued as foster carers, most had considered resigning and some '*felt they would never be able to foster in the same way again because of the fear of another allegation and what the outcome of this might be*'.⁶³ Given that even people not charged or barred (as in the foster carer study) were left uneasy about continuing in the same line of work that could expose them to further allegations of abuse, it is not surprising that our respondents - who had been convicted, though maintaining innocence - were left unwilling to take up opportunities to do similar work again, even though most of them came from a background of many years (or decades) devoted to caring and teaching professions.

In the face of lost employment and loss of their professional identity, 7 participants dealt with this by keeping busy through voluntary activities to distract themselves from the ordeal, such as helping others in prison. Of these participants, 4 have actively campaigned against wrongful convictions. Such activities are discussed further in the sections on 'Campaigning against false allegations and miscarriages of justice' and 'A fight for survival'. Yet, this unpaid work of course could not remedy their financial situation.

2.2 Effects of the conviction(s) on self-concept and reputation

The devastating, life-changing realization of now being labeled an offender

'Your self-confidence just goes straight away, because you've gone overnight from one planet to another. You've changed worlds. You've gone from a situation where you are well established in a senior position in a respected profession and overnight that's all gone. You are suddenly plunged from being important... to being nothing. At first – the first period of time, a few days, a couple of weeks – you can't believe that it has happened. You still believe that justice is there and that it is going to change. So you are in this state of mind at the beginning where you are thinking, 'this is all a huge mistake, it's only a matter of days and I'm going to be released and we'll get back to normal'. Then, as each day went by I started to realise that wasn't the case... At first there was hope, and then after a while you realise there isn't, and that everything has gone, and that your whole life has been destroyed. And then you start to realise the extent of that destruction.... and realise that it isn't just what is in front of you then, it is going to be the rest of your life moving on.' (Graham)

Every participant described the effects of being convicted as impacting on their self-confidence. For some, the loss of confidence was immediate. Though some felt they were able to retain some self-belief and identity while the investigation and trial occurred, they each claimed to have held a firm belief that no charges would be brought or the case would be dropped. Almost all of the CMI participants described how their confidence greatly

⁶³ Plumridge, G. and Sebba, J. (2016), p. 25 (Note: the participants differ from those in the present study in that none had been charged with offences).

diminished over time, when the realization set in that the case was leading to conviction. Charles described the slow realization sinking in for him, when led to his cell, that his identity was to be stripped away - being dressed the same as hundreds of others. He felt the process was demeaning, especially for someone like him, who had come from a professional and highly educated background. In his words, when handcuffed and led to prison transport he realized he *'was a number'*, and had become trapped and powerless. He described the process as *'psychologically devastating'*. For him and many other participants, from the moment of conviction almost every aspect of their life has been irreversibly affected.

Professional and personal identity overlaps

'Even if they had released me without a conviction, the damage would have been done, the reputation, the story had gone to the press and the internet and everything else, and would be there forevermore. So just the making of the allegation was enough to result in destruction of people's lives.' (Graham)

Employment is integral to the development of self-concept. For those convicted of abuse in the context of their career, they lose much more than their job. Where participants have their sense of self, reputation and identity tied to their social and career achievements (as many people do), any damage to their professional reputation necessitates a huge blow for self-concept. Charles described feeling robbed of 15 or more years of his working life. He was forced to leave a successful career, his social group and standing, and his identity as a successful professional, trading it for prison. Understandably, he described this experience as intensely traumatic.

As noted in the section on Finances and Employment, every convicted participant (and most partners) suffered irreparable damage to their professional reputations as a result of the allegations and convictions. Royston and Graham noted that, even if acquitted or able to overturn the conviction, their professional reputations would remain severely undermined (or 'poisoned'), given their careers in caring and teaching roles. On the whole, these were people who had prided themselves on their career progression, particularly having been trained and working for years or decades in altruistic vocations. Their ruined professional reputations have consequently had adverse effects on what they feel able to contribute to society, as 2.5 sets out below.

A 'broken' life, damaged beyond repair

'My life stopped when I was 47 because that's how old I was when these allegations came out and I don't feel I've lived again since – in fact, I haven't. I haven't lived a life because whatever I was, was that person... I've never felt that same person again, at all. People say to me, 'I wish we could have the real Chris back again.' (Chris)

'You are not the same person and never will be. That person has been destroyed. A new identity is formed.' (Lily)

'My husband spent 8 ½ years in prison. Whilst there he was optimistic and appeared strong. He was released on parole and I realised he was a broken man. He was incredibly angry and mistrustful... [After further allegations surfaced,] his health deteriorated and in February 2015 he died of pneumonia. I know he chose not to live.' (Hannah)

Discussing their lives and futures, several participants conveyed embitterment. For Lily, *'being innocent is meaningless, as you can't live the life you want'*. She dealt with this by taking life one day at a time. Camille stated, *'I was terrified, still now, that the police will turn up at any time, any day, to our house... it's just that constant stress that your life's not your own anymore'*. Joshua echoed this sentiment. Matt (quoted earlier) reflected that he and his partner simply had no more empathy or optimism left.

To be associated with abuse – worse, convicted – is described by participants as a violation of their sense of self, their history and identity. They described feeling that their life had become broken or permanently damaged by the association with the offence(s). The participants made frequent referrals to part of them dying, or there being a 'new' person now that their 'old' self is gone, or that they could not get back to being their former selves.

This effect was sometimes described retrospectively - Angela reported that her partner (in prison at the time of interview) feels that his whole life has been an absolute waste, and that the accusations made him feel dirtied. Despite believing wholly in her partner's innocence, Hannah herself felt that, *'the past has become a nightmare and holds no positive career memories. I have nothing to reminisce about nor do I feel proud of what I achieved. It is very painful and I choose not to think about it'*. This shows how even the partners of a convicted person feel acute damage to their sense of self. However, it was more significantly evidenced (both by those convicted and their partners) post-trial, as each of the three opening quotes above demonstrate.

The theme of participants referring to part of themselves dying, or an 'old' persona being replaced by a new one, seemed to be stronger amongst CMI participants (as opposed to those not convicted, or who successfully appealed).⁶⁴ This could be because of the identity changes that result from being locked away in an institution, which are experienced as more absolute and irretrievable. Through his conceptualization of a 'mortification process', Goffman⁶⁵ highlights the pain and grief associated with being inducted into such an institution, whereby an inmate's former identity is both literally and figuratively stripped away and, in turn, the inmate is forced to take on an identity provided by the institution. This mortification process is clearly evident for those respondents wrongly convicted of sexual offences.⁶⁶ Westervelt and Cook found that participants exonerated after being on death row felt they had lost their 'old' self-identity when entering prison, and could not rebuild it on release.⁶⁷ Jamieson and Grounds similarly documented permanent changes in

⁶⁴ Hoyle, C., Speechley, N-E. and Burnett, R. (2016), p. 31

⁶⁵ Goffman, E. (1961)

⁶⁶ See also Jamieson, R. and Grounds, A. (2005)

⁶⁷ Westervelt, S. and Cook, K. (2010), pp. 268-270

personality in wrongfully convicted and politically motivated prisoners.⁶⁸

However, almost all participants felt their former selves had been corrupted by the allegations, investigation, trial and conviction – not the years spent separated from society. This is because of the sexual nature of the offence and social abhorrence of this. Graham explains this well, reflecting that: *'You've lost all of your confidence, your self-esteem and everything. It's all totally gone because you've been declared a leper. You're a leper to society. And so whilst you've got this hope that you can expose what happened and the people that did it to you, you still know that the damage has been done. I would never be the same as I was before it all happened; I'll never be the same person, I'll never be as confident, or as able to get things done as I used to.'* The loss of positive memories, tainted by the allegations, can disfigure a person's perception of their life achievements and future opportunities. Hannah summarises this by stating that, *'Life can never be the same again, the foundations have been destroyed.'* Arguably here the participants experience the damage as lasting and pervasive - more so than for convictions for other types of offences. Reinventing oneself seems the only option open to those in this double bind to manage it.

Reputational stain and stigma

'Your name's everything. If I could've changed it at the time, I possibly would've done. But it, like, stained my name. It stained my family. It stained everything I'd done.' (Chris)

'Irene [wife] had serious fears of going into the streets in [the city] or going into certain places... I was a kind of ugly signpost that she was walking around with, which says everything that was bad... I'd think to myself that I could cope with the stench - be the stench, because I can live with it: I'd lived with it inside prison and I didn't allow it to crush me. So I said, 'You lean on this old signpost, and we will walk the walk together'. And we did it, and we went into other pleasant pastures as she helped in the improvement of my health, and helped me get back into my pastime, which I introduced her to, which was fell-walking, and mountain climbing. All because this old dog decided - let us keep barking, joyfully, and don't carry the stigma that the public would like you to be dressed up in.' (Vincent)

For those wrongfully convicted, a particular source of anguish is the shame they feel from being associated with the crime. Shame is felt as a result of participants' – and their families' – names becoming muddied, through association with convictions for abuse. Some would argue that a deep sense of shame would be expected from those who are guilty and have been found out for their wrongdoings. Participants in the CMI group and their relatives, as well as those in the Oxford study who were not charged or were exonerated (NCE) both spoke of shame. What they describe, though, is a sense of shame that they could be associated with such crimes in others' minds – not being *ashamed* (i.e. of wrongdoing). The two may be difficult for some to separate.

Chris, for example, expressed feeling utterly ashamed that the accusations and conviction could happen; but that the 'why' was very hard to put into words. Hannah similarly

⁶⁸ Jamieson, R. and Grounds, A. (2005), p. 50

explained that, *'Initially it was so shameful that my husband was charged with such horrific offences. We had both worked with children and all the past work we thought was good was taken away from us. We suddenly had no past.'* Self-concepts and reputations are built not just from how the individual sees themselves, but how others see them (and by how an individual *believes* others see them). This is partly why participants described feeling acute shame when maintaining innocence.⁶⁹

Knowing that their ruined reputation affects others' lives caused participants' self-concept to further diminish. Chris spoke of the burden that his convictions presented to those around him, in not wanting the 'stain' to be picked up by other people. He recalled feeling unable to let a romantic relationship develop, due to the woman in question having children, whom the police would have wanted to place on the 'at risk' register. This shows a clear sense of identity-loss on behalf of the participant, which in turn has adversely affected their self-concept going forward. Bernard, Vincent, Matt and Royston also described feeling responsible for strain and breakdown in relationships with others, which negatively affected their self-confidence and feelings of shame.

Participants more frequently spoke about stigma and shame *brought to their and their families' names*, in the eyes of former loved ones and the workplace, and their *professional reputations* and *community standing* –and how this affected their sense of self. In his quote at the start of this section, Vincent described himself as an 'ugly signpost', casting a flag of shame over his partner. In doing so, he internalizes the shame and stigma into a highly negative self-concept (especially as a burden affecting a partner). This can be cyclic, and lead to worsened self-confidence, pre-empting realized strain on a relationship. However, as his partner also endured shame and stigma by association, they were able to support each other through a shared sense of loss of former identities and reputation.

All of the FamCMI participants who discussed this topic described feeling they had damaged reputations and lost significant self-confidence. Despite never being accused, they sought to establish their own societal value and positive attributes, feeling it had been adversely affected by their partners' convictions.

Permanent character change (i): no longer helping others

'The old me, I never said no to anybody. I'd help anybody that came my way, I ran youth groups, I drove coaches part-time because I enjoyed taking people out to the seaside, I picked up old people in [town] to take them to places they couldn't get to. I used to volunteer to drive for community groups... And then the first thing I find out is that you can't even help old people in case you've got a sinister motive to get to the grandchildren.... It's amazed me how people can think in this very sinister method. So I couldn't do that any longer. So I just stopped volunteering.' (Chris)

'I'm someone who has always helped people. I can remember lots of occasions ... I'd see a

⁶⁹ Westervelt, S. and Cook, K. (2010) also found participants felt acute stigma, afraid of what others think.

woman with a few kids and a car and she was trying to [mimes a struggle] and I'd go over and help. Not anymore... Emotionally I don't know if I'll ever be the same.' (Matt)

Most of the participants described a knock-on effect of the convictions and reputational destruction as causing them to become much less altruistic and willing to help others. This is unsurprising, given the circumstances of being accused by someone where there had previously been a relationship of trust, and the consequent feeling of betrayal by the criminal justice system.⁷⁰ However, the effect was pronounced enough to extend to partners of those convicted. Camille explains that, *'we were always people who would be the first people to help somebody, and now... I don't care. I have no optimism'*.

Participants also frequently expressed statements emphasizing the value they or their partner had contributed to society prior to the allegations. Many discussed the benefit they brought to disadvantaged children or vulnerable adults in their roles. Chris for example, stated that, *'I was very good with kids; I was excellent. And other people have said this to me both at Church and people in the community, that they've deprived the kids in the community of [my help]. I ran an organization with hundreds in it, and I did Duke of Edinburgh work – I was very, very good, and I've worked with the difficult ones'*. This sentiment, one of many similar examples, shows that the participants feel a deep personal loss of their reputation. To go from a socially valued position, to being named as guilty of abuse, foreshadows an identity crisis.

Through doing this, participants were reconnecting with their society-worthy 'old' self, in the face of beliefs they are guilty. Participants felt embittered that, not only did the community lose a person in a valued caring or teaching role in their conviction and removal from society, but they can now not contribute any further help to the community upon release. They may feel that this loss – possibly detrimental to their community - is almost penance for the injustice society created for them. This is not presented as an indicator of innocence – anyone wishing to gain credibility may seek to assert their former value in society and point to its loss when they were removed. However, this clear trend in almost every account, shows participants' need to assert that, at their core, is a once-valued person who contributed to the community, despite being covered by stigma, or 'mud', on the outside. This is a coping mechanism to rebuild damaged self-confidence in the face of a decimated reputation and identity crisis following removal from society.

Permanent character changes (ii): outward strength masking inner suffering

'I call myself the great pretender because I do put on an absolutely brilliant front.' (Chris)

Though many participants describe themselves as fighters, their comments also reveal ambivalence regarding their strength of character and inner turmoil. Almost all participants discussed feelings of anxiety and depression, feeling broken and despondent, but also trying

⁷⁰ It is remarkable that most participants expressed anger and distrust of the criminal justice system, not in relation to their accuser.

to remain strong, being fighters, or putting up barriers in public. Chris shared his feelings of being 'a strong character, I can fight... a tough nut, my feet are well on the ground'. However, he later stated that, '*A lot of it is a front, underneath I'm very, very shaky and very, very weak. Now and again something will raise its head... I'm very fragile inside. Those allegations have done that.*' Lily similarly stated that, '*People see me as level headed strong and well balanced, having common sense. I class myself as weak and inferior.*' When asked about her self-concept, Lily named positive aspects but in a way that revealed inner hurt: '*I am more motivated and interested, enabling me to forget even for a short time*'.

Several more participants presented themselves as having an initially tough exterior, using defensive 'fighting talk' or talking in the second person to distance themselves from giving personal emotional information and thus displaying vulnerabilities. However, answers to more personal questions revealed inconsistencies. This is indicative of them having to keep finding the strength and self-belief not to let their negative emotions take over; and, when feeling despair and fear, having to motivate themselves by remembering when they have been strong and now drawing on those resources again. Overall, there was a strong theme in the participants' accounts of building a defensive or protective veneer as a coping mechanism. The dichotomy between how they try to present to the world and how they feel inside (often broken) is poignant.

Additional pains felt by the CMIs

'Once you've got this conviction behind you, no matter what you say or do, particularly if you try to fight it publicly, people are going to come back and say "Oh, he's a convicted paedophile", and that's the mentality of those people - so you know you have become extremely vulnerable.' (Graham)

As those maintaining innocence, participants described working to maintain their 'true' sense of self and old identity when in prison, so as not to feel corrupted or forced to behave as though guilty of the offence. The subsequent adoption of new identities (or the loss of old ones), discussed in an earlier subsection, is caused by social stigma rather than institutionalisation, and a need to defend and withdraw.

It may be hard at first to imagine any difficulty for people who are innocent to continue asserting this while in prison. However, there are some systemic and psychological pressures to drop the claim. Those maintaining innocence are likely to regularly face a raised eyebrow, or people sarcastically responding, 'Sure, you are!' or 'I bet everyone in prison says they're innocent!', as so famously narrated in the film, *The Shawshank Redemption*. 'Deniers' include guilty people who maintain innocence for their own reasons, as well as people who are *actually* innocent.⁷¹ To prison officers, they may appear no different, and the prison experience of our CMI participants must be all the harder for that.

⁷¹ Blagden et al, (2013, p.1726) note that: 'Throughout this paper "denial" is used to denote offenders who are denying their offence. However, we need to be mindful of the fact that a small minority of deniers may be innocent and wrongly convicted and that there are occasions where miscarriages of justice can occur.'

Several participants recalled being pressured to behave as if they were guilty, which caused problems for them when they did not comply. Royston explained, *'I retain my general self-confidence because I assertively refuse to be bullied (by police, prison staff, hostel providers or, since release, a minority of skeptical neighbours] into behaving as if guilty.'* He believes that the fact he maintained innocence in prison caused officers to victimize him and try to prevent his parole. However, the majority of convicted participants also encountered criminal justice system professionals who communicated that they did *not* believe the participants were guilty, and treated them accordingly.

In terms of sustaining their self-concept and reputation, 5 of the convicted participants expressed attitudes differentiating themselves from others in prison, such as placing great importance on treating people with respect and good manners, not using foul language, receiving lots of mail, remaining optimistic and in control of themselves. Several took on roles that enabled them to build a good reputation, such as acting as a listener, peer mentor, Samaritan or similar positions assisting others. Willingness to help others may be expected from a person seeking to adjust to prison, particularly if they previously worked in a caring or teaching-type profession. However, for someone innocent, volunteering in this capacity is made much more difficult due to the context of being in prison with others convicted of heinous and disreputable offences. On the one hand they are doing something that comes naturally, but on the other hand they have to be non-judgemental against the people who have indeed committed crimes that disgust them. Bernard explained the difficulties of maintaining a sense of self, whilst adjusting to the loss of liberty, made worse by: *'...the attitude towards prisoners convicted of such offences in prison. The problems I had in coming to terms with the offences of those around me and attitudes pertaining to them – the fact that I abhor what I am accused of.'*

To be wrongly accused of any crime is a traumatic experience, but for those who share the strong abhorrence against the abuse of children or vulnerable adults, to be wrongly accused of this takes the injustice to another level, over and above the ruined reputation and undeserved custodial sentence. When discussing how they managed to maintain their sense of identity in this environment, Graham stated, *'I think the thing that kept me going was the fact that you knew you were innocent; I don't know what it would have been like if you knew you were guilty. If the person was guilty presumably they look at things differently. I don't know, maybe they are more philosophical because they expect to get caught or they know what the consequences are. But in my case, I was still in this state where I'm thinking 'Why is nobody picking up on all these things that have happened to me?'. It was so obvious that there was no evidence, there was no statement. So I've got that in my mind, almost as a reason for keeping going.'* Emily, partner of Royston, also stated that her self-concept remained unaffected because of her firm belief in her partner's innocence. *'If I thought he were guilty I'd be mortified... I'd feel dirty, I'd feel angry, I'd feel betrayed, but no – he is innocent, I know he is.'*

Participants' feelings of shame at having been labelled as something repugnant, are juxtaposed with their absolute conviction that they have nothing to be ashamed of (having done no wrong). As deniers, they express no feeling of responsibility or shame for the crime

they are believed to have committed. For anyone innocent and wrongly convicted it would be perfectly correct for them to feel no remorse for something they did not do. But having been found guilty in the eyes of the law and convicted, their denial further aggravates others' perceptions of them as wicked. Maintaining innocence is a position in which they cannot engage in treatment, rehabilitation, or earn the forgiveness that comes with acknowledging wrongdoing. This inability leads to further social withdrawal (later discussed).

2.3 Effects of the conviction(s) on psychological and physical health ⁷²

The nature of the effects on participants' health varied as they went through the process of being investigated, convicted and imprisoned. Participants' responses relate to two periods – immediate effects such as shock and disbelief, and effects that developed over time, such as depression or prison-related health deterioration. What comes across vividly in many of these accounts is a description of emotional responses befitting a sudden life-changing event that puts them into a state of emergency. Some find ways of coping while others go into shock, experiencing alarm and fear, losing control of their everyday normality. Such a traumatic event has inevitable impact on the body's central nervous system and other physical effects, such as loss of sleep, loss of appetite adversely affecting physical health in the short term, and in the long-term if they turn to alcohol or develop an eating disorder. For those who are guilty, similar effects would be expected, certainly for their partner and children. However, for those innocent, the shock will be far greater, and there will be the additional emotions of Kafka-esque bewilderment, anger, and anguish.

Going into shock and shutdown

'It was shock and disbelief initially, believing a terrible mistake had been made. After attending a FACT meeting early on we realised there was no mistake and the accusations were real and would progress to trial. We were both fearful but determined to fight these false allegations.' (Hannah)

'Initially, Arthur felt fine. As he was innocent of these allegations he was convinced it would all come to nothing. Marie [Arthur's wife] believed this too. However, after the first court appearance and when he realised that this was not going to go away, his health was affected and his medication was increased. Emotionally, Arthur was strong and wanted to protect Marie and the family. He had the attitude that he wasn't going to let the false accusers win. At times he was preoccupied with what was happening to him and found it difficult to keep up his normal way of life.' (Lyn, Arthur's sister)

The sudden intrusion of being contacted and arrested by police (not infrequently in the small hours of the morning), and having one's home and belongings searched for evidence of a heinous crime can feel like a violation. Following this, the accused is likely to be

⁷² Participants' health conditions and ailments were self-reported and self-disclosed. Signals and symptoms of mental health problems exhibited during interview or in the answers were also noted, and are mentioned in that capacity where appropriate.

suspended or fired from work, and their partners and children interviewed by authorities who suspect the accused to be an abuser. All participants described an initial state of shock, bewilderment or incredulity.

After initial contact by police or suspension from work, participants described an anxiety-inducing period of knowing something serious was wrong, but not knowing what it was. For example, Angela recalled that, *'we knew something was wrong because he was suspended from his employment without explanation. Then the first allegation was made... we only had the information he'd been given in his interview and he couldn't remember everything that had been said'*. Lily recalled disbelief and feeling enraged, feeling *'unable to comprehend why [the] allegations had been made'*. Joshua described initial shock and numbness, which took a while to go away. Participants frequently stated that they simply could not believe that allegations of abuse had been made against them or their partners, or did not think that there was any possibility they could lead to a criminal trial. Even after the initial arrest and charges, Joshua described being reassured by his lawyer that a conviction was unlikely.

For some participants, this initial disbelief and skepticism over what could happen meant that their health was not adversely affected until later, when the realization sunk in that the allegations were being believed, and they would need to gather evidence to disprove them. Royston commented that, *'I didn't honestly think I would get convicted. I thought it was ridiculous at the time. ... I thought that once they could understand how the place had operated they would see this was implausible. So it didn't obviously affect my health in any way during that first year of waiting.'* Emily too stated that, *'I was in a state of denial, I couldn't believe it was going to happen, that he would be convicted and sent to prison, because he was so obviously innocent, so I don't think it affected me initially.'*

It is understandable how, when faced with a case that features scarce or no 'hard' evidence, a wrongly accused person may not feel panicked. Indeed, even people who are guilty may be confident that their guilt cannot be proven in historical cases. However, those who are innocent are far more likely than those guilty to start off confident that 'the truth will out' – that their innocence will somehow show and that the police will discern the difference between someone who is lying or mistaken and someone telling the truth. This is especially so given the ingrained beliefs that the British criminal justice system is superior and robust, with reliable safeguards against wrongful convictions.⁷³

When this solid belief that 'the truth will out' is shattered and a person perceives the likelihood that they will be wrongfully convicted, the adverse effects are much more acute. This is because, when the possible consequences are confronted as a reality, physical reactions to stress kick in. The individual experiences loss of control over events, and fears for their future and that of their family. Angela describes her husband going through, *'Shock. Disbelief. Incredulity. And fear... For at least two or three weeks he hardly spoke.'* Being

⁷³ A recent large-scale survey of public confidence in the criminal justice system found that 75% agree that CJS treats those who have been accused of a crime as innocent until proven guilty. (Jansson, 2015)

assured that the case would not reach court, or would be thrown out (as two participants mentioned), serves to delay any reactions of panic – but this worsens the accused’s mental state when they find themselves convicted and must adjust immediately to that reality.

Camille recalled that, *‘when Matt was first accused we were both in shock. We were stunned. I struggled to motivate myself but had to motivate Matt. Also this put added pressure on me, which was hard.’* It is not just the accused who feels the effects – their partners are also dealing with shock, overcoming disbelief and possible doubts about their partner’s innocence or deceit (itself an unimaginable mental strain). They too share the trauma of a possible trial – and then conviction – having their worlds turned upside down when it happens. This is discussed in further detail under the section on Relationships below.

The participants explained the difficulties of facing a criminal trial in a state of shock and unpreparedness, on charges of abuse, which are more difficult than ever to fight in the present political context of a determination to increase the reporting and prosecution of sex offenders. Some may argue that those working in positions of care and trust should have foreseen the possibility of allegations of abuse. Yet, those working in such occupations (for example, residential schools for juvenile offenders, where the staff had a specified duty to ‘care and control’) may also have had a professional understanding that allegations made for ulterior motives were not unheard of. In this respect, the hazard could have been identified, but with no real concern that it would develop as far as arrest or trial.

Depression, sorrow, a sense of loss

‘From a mental point of view, it was almost like a slow motion; like when you watch those films where everything goes into slow motion, and you realise that you can’t do anything; you’ve just got to sit there and wait... it’s like being a hostage. You are suddenly captured by someone and you can’t do absolutely anything about it, and you just don’t know what the outcome is going to be. Mentally, you go through all the things: you know, ‘should I commit suicide?’ ... ‘what can I do about it?’ You know, it was just absolutely devastating. From a physical point of view... the trauma that you are suffering from means that you lose your appetite, you lose weight, and so you’ve got all of that.... Even if you were later cleared – and that would help considerably but – you still can’t get rid of that trauma and the way that your life has been changed by it. It’s devastating.’ (Graham)

‘It’s very much like bereavement, but you can’t, you don’t move on. You are actually stuck in it. But I have had in the last few weeks these overwhelming feelings of sadness and loss. Sadness for what we have lost: we’ve lost our whole life. Sadness for what he has lost: this man who was described as ... a wonderful contributor to the community – and has now been totally discredited.’ (Angela)

‘I had a very dark day, before the trial. There’d been lots of dark days. I had my first conference with my barrister and the first thing he said to me was, ‘There are boxes I have to tick. The first is to tell you that if you plead guilty you’d get a lesser sentence. But you are not going to do that are you?’ and I said no, and he said ‘Good. So the next is that if you are

found guilty it will be a sentence in double figures, and it could be an indeterminate sentence where you will stay in prison until such time as they decide that it's safe to release you.' So somebody had just told me that I could be spending the rest of my life in prison. And that's quite a dark day, that's a dark thing to think of.' (Matt)

After initial shock, numbness and incomprehension of the possibility of a conviction, participants described feelings of intense and chronic stress, sorrow and depressive states. Several participants explained how the allegations and convictions had affected their health and wellbeing by comparing it to bereavement. Unlike bereavement or other traumatic events however, for those believing they or their partners have been wrongly convicted, it is very difficult to accept that fate and move on. It is almost impossible to draw a line under being wronged by the State and justice system, in such a way that takes a person's liberty, permanently blighting their reputation and life moving forward. The mental stress, obsessive anger and depression it brings all take a heavy toll on both mental and physical health.

Depression and anxiety were overwhelmingly prevalent in the responses. If not named outright, clear symptoms were alluded to in every account. Lily described the effects on her health as feeling *'demoralized, disillusioned, depressed... loss of interest, appetite, confidence, motivation, concentration, sleep deprivation'*. Others mentioned feeling angry and tense, and suffering deep mistrust of others: fearing that they will find out about the accusations or that other accusations will be made and the process repeats. Participants disclosed the use of counselling, taking anti-depressants, and suicidal thoughts (on their own behalf or concerns for their accused partners). Angela described her husband, who was accused, *'retreating into himself... For at least two or three weeks he hardly spoke. I really was concerned about whether he would harm himself.'* [Interviewer: *Had he suffered from depression previously?*] *No, no. He was in good health previously. He thinks that suicide is wrong and no one has a right to take their life - but I felt that at that time it was a distinct possibility'*.

Sustained stress, anger and anxiety

'When I left prison, I was very, very anxious. I was fearful of walking anywhere. I was very conscious of myself, and in fact I went and got – in fact, we still use them in the winter – we put it down to being SAD [seasonal affective disorder] but it's not really the SAD syndrome that I have... so I use fluoxetine [an antidepressant] during the winter months and probably it spreads into about June now. So that was sort of anxiety, depression' (Chris)

'Every time I go out in public, I fully expect to be physically or verbally abused' (Matt)

'Anger is the only surviving thing... I don't remember a time in my life when this wasn't my life. It is my life when I wake up in the morning, until I go to sleep at night, I will go home tonight and get papers out and work on them [to establish his innocence] until I go to bed, and it's been twenty years. I never, ever, ever stop. [Interviewer: What about sleep?] Oh, if I get 40 mins at a time.' (Toby)

Participants depicted their arrest and their trial as a traumatic experience. Between arrest and trial, participants described the disbelief and numbness in response to the allegations, and stress of privately coping with an uncertain future whilst removing themselves from others. They described stress-related health concerns such as shaking, sleeplessness, panic, paranoia and flashbacks of being arrested. Camille recalls high stress levels caused by keeping the situation secret for the year between allegations and trial, as well as Matt drinking heavily, but trying to keep busy with exercise – until he was charged and the local sports centre barred him, which *'took away [their] supply of oxygen'*. Charles further described being fearful of media coverage, a tarnished reputation, being fired from his prominent public role, and physical attacks on his home.

Criminal trials are a stressful and panic-inducing ordeal – this is underlined by the numerous and extensive measures brought in for witnesses and accusers to mitigate against the trauma and panic that the criminal trial causes them. In contrast, psychological distress experienced by the accused person is overlooked (perhaps due to the possibility of guilt). Consider being the accused person, though, who faces public trial and stands to lose their liberty, and is innocent of what is alleged. Serious health detriments are a clear outcome.

Once convicted the participant is suddenly and publicly removed from their partner, home and community, against their expectations. Depression at becoming convicted and anxiety when facing a long period in prison are well-documented. There are also further health problems associated with incarceration (discussed below). However, the mental anguish at being innocent of what was alleged must make this process even more unbearable.

Upon release, the convicted person must adjust to life back in society labelled as an abuser. This brings additional problems for their (and their partners or families') wellbeing. Initially, 2 participants described difficulty with accommodation, one rejected from hostels and another sleeping on the streets, presenting distinct psychological and physical health risks.

There were 5 participants who felt that their health wasn't affected particularly at first, only noticing effects becoming more obvious at a later date. As Bernard put it, *'Initially, on leaving prison, my problems were more obvious to others than they were to me. At the time I felt just glad to be out. It did take a while to emotionally readjust to the fact that I could not walk back into the lifestyle that I had previously enjoyed.'* This should be understood in the context of societal exclusion. For many, this begins at the time that the accusations become known about and builds up to trial. It is pervasive in prison. However, for others (like Bernard), it may only become apparent upon release. It lasts long after release, perhaps with the most damaging consequences to health. Those with convictions lose their abilities to engage with social activities that would otherwise have contributed to their health and wellbeing. Examples include being banned from sports facilities, church groups, allotments or other community activities, and interacting with young people.

The loss of social interaction as a valued community member carries negative implications for mental health. It is a loss that affects the whole family, the strain of which is multiplied when the accused sees their loved ones suffer in this way, and vice versa. Longer term,

several participants developed a fixation on the case and trial, and how they could clear their names. Though Charles developed many coping strategies and moved forward with his life, becoming occupied with other interests, he admitted to thinking about his case every single day. For others, such as Toby (quoted above), these thoughts are obsessive and their predominant occupation.

It is hard to know whether being stuck in this cognitive loop of preoccupation has caused, or is a result of, depression, anxiety, trauma or stress-related problems (and the associated impaired physical health, loss of sleep and poor self-care). There is also the contributing factor of constantly being barred and excluded from society, and being treated as if a sex offender. Social and mental isolation was a recurrent theme in the participants' accounts, whether as a knock-on effect or self-initiated. The crippling effects this can have on mental health are evident from the accounts of lasting depression, anxiety and resentment given throughout this report.

Prison-related health issues

'It definitely shortened Arthur's life. When he was first imprisoned he wasn't given any medication for about 10 days. This was treatment for high blood pressure and essential to take daily. At this point he was in a poor state health-wise and we believe it had longer-term effects. After 7 years in prison he tried hard to put the experience behind him and this took a while. His sleep patterns were affected, he had bad dreams, would fall out of bed, shout out and generally show unrest. After 3 years at home he died suddenly.' (Lyn & Marie)

'I still don't sleep properly... I spend every night in prison. I dream in prison. Always.' (Matt)

Several participants spoke about the difficulties obtaining medicine, treatment with opticians and dentists or being able to maintain health in prison. Lily stated that her health had deteriorated possibly due to lack of medical care in prison. As well as high blood pressure, Joshua contracted lymphoedema whilst in prison, putting it down to the fact that he trod on a razorblade in the shower. Vincent (who suffered a stroke, glaucoma and age-related ailments) stated, *'The police and prison deliberately deprived me of my prescribed medication that I took in, and it took a very, very long time – when I say a long time, nearly a month [to obtain]... The deprivation of medication etcetera, well naturally it has worsened my eyesight... it's all diminished me. It has been severe damage and impact on my general health and wellbeing, in that physical sense.'* He believes he found out, partly by chance, that the prison tried to deny him access to a hospital appointment, then delayed it for another month.

Charles stated that as a formerly respected professional, for him prison was psychologically devastating. Matt explained this as being 'just a number', and that mental health deterioration was inevitable in an environment where, *'windows are blacked out, non-stop noise 24 hours a day, with artificial light, appalling food and being surrounded by people that would make your skin crawl'*. Vincent stated that he was attacked and threatened with death, in prison, beaten and left bleeding.

Even after release, prison has had a lasting effect on participants' health. Joshua developed apnoea since leaving prison due to the conditions there. Matt and Toby also recounted sleep difficulties. Irene recalled that, *'[My husband] was anaemic shortly after he came out of prison. I think he said he was only living on toast. So we are far more health aware now, to try to compensate for everything that he has been through ...whether it is regularised medicine to maintain whatever sight he has left via vitamin tablets, healthy eating, healthy walks, and whatever we can to keep going'*. Weight and appetite loss were mentioned by 4 other participants. Another participant talked about putting on weight; after feeling deprived of reasonable food [in prison], he overstocks his kitchen cupboards and fridge due to a fear of going hungry. He spoke about developing a bad relationship with food, using it as a crutch or comfort.

Many health concerns reported by participants were as a result of their treatment in prison rather than being wrongfully convicted specifically. It is sometimes difficult to disaggregate the effects of imprisonment from wrongful conviction if it has led to imprisonment. Though not all issues discussed related to being *wrongfully* convicted, the participants describe real suffering caused by the prison environment. As such, the pains of imprisonment should be included, given that they would not have been in prison at all had they not been [wrongly] accused. These effects should be recognized as part of the effects and of what may be unjustly inflicted on the wrongfully convicted and their families.

Long-term health issues and physical symptoms

'I was in shock. My whole body went through, in the police station, a kind of paralysis, and thereafter and throughout I had all sorts of health issues: very severe back pain, very painful stresses of one sort or another, high blood pressure... all sorts of things – and that has followed me through.' (Vincent)

Participants described physical effects that they linked to the trauma, panic, anxiety and depression, and 4 participants recalled shaking, and their blood pressure increasing dramatically. Discussing her husband's health, Angela stated, *'He had a stroke, a minor stroke, attributed to the stress of the allegation... His health has deteriorated tremendously. He has lost a huge amount of weight. He's what I would say now is an old man. And he wasn't; he was in robust health. And I feel that it has aged him. I suppose it's aged me as well... you don't know what the long-term effect will be. He has had two strokes. He's had to go for an MRI scan because they were concerned about his walking. His walking is poor, his balance is poor, and his memory is affected – that is stroke-related. The strokes were caused by stress. And no doubt it will have shortened his life'*. Hannah similarly stated that she viewed her husband's death (after further allegations were made) as his choice not to live.

It is difficult to determine whether some of these health problems were triggered by the accusations and conviction, false or otherwise, or whether they would have happened anyway with older age or pre-existing health conditions. Medically, there is evidence of correlation, and causation is possible. What is clear is that participants have attributed them directly. This itself is evidence of distress to the participants. They perceive their poor health

to be a consequence of the allegations and conviction, which they experience as the root of their burdens – from nausea to suicidal ideation.

Effects on partners' health

'I did get very anxious when the police arrested him and charged him... They wanted to search the house. They could have done it without me being there but I just couldn't bear the thought of the house being searched and me not being there. I remember crying all the way through that. But what really made me angry was when the police interviewed me and tried to get me to say he was guilty. And then they insisted on interviewing my daughter who was then 12. It affected me physically as well as mentally. I wasn't sleeping. I was just trying to hold it together for the kids really'. (Emily)

Partners of those accused shared the stress, panic and worry at what might happen during the period leading to arrest and trial. Angela recalls finding out about the allegations and her husband's arrest as follows, *'I shook for three days. I couldn't stop shaking. Literally could not stop shaking. And then I had, for weeks, several weeks, a terrible pain in the pit of my stomach, which I attribute to the stress of that; and my blood pressure has been monitored for years, and that went absolutely sky high.'* Certainly, shock, anxiety, fear, trauma and stress can all produce physical problems and compromise wellbeing in this way.

Partners also endure a traumatic realization when the worst case scenario – that their partner could be convicted wrongly – becomes a reality. Hannah recalled, *'When the trial was over I had lost weight and developed anxiety attacks. I was angry and frustrated and felt very isolated and helpless as there seemed no way to rectify the atrocities. I felt I had no control'*. Though they are not the ones wrongfully sent to prison, the partners of those convicted are left to struggle not only without their partner, but with the social stigma of their partner being a convicted abuser. This has lasting consequences for mental health beyond the initial physical shock and trauma-like symptoms.

Emily recalled that, *'When [her partner] was convicted I was in pieces, I couldn't go to work for two weeks. I work in [an environment] where people talk about education in prison... and it set me off, I would burst into tears. It did affect how I would work because I just didn't want to talk to people... Yet I have to talk to people, but it was hard. You would constantly have to put on a brave face, you know. Fortunately I had talked about it to people before he was convicted; and people knew, they had watched the headlines.'* Not only are partners left to pick up the pieces at home, but must do so with a stain on their (and their family's) name. In terms of health detriments, this isolates them from others who support their wellbeing. It also leaves them vulnerable to bullying, harassment, and unsavoury actions, and even violent attacks. (Emily for example experienced a smear campaign in the neighbourhood). Negative health implications are clear.

Fighting the conviction (both legally and publically, facing daily social prejudices) can equally consume partners of the accused, which takes its toll on their wellbeing over time. Camille reflected that, *'I'd always slept well, and that varies now, but usually one or other of us are*

up at night. I also used to always jump out of bed on sunny days to welcome the sun into my home. Now each day is just another day in our fight for justice. Each day feels like a year and time moves slowly.' Hannah stated that, *'In terms of myself the past has become a nightmare and holds no positive career memories. I have nothing to reminisce about nor do I feel proud of what I achieved. It is very painful and I choose not to think about it. Completing this questionnaire was like reliving the ordeal.'* It is understandable for a long-term partner to feel this way. The achievements or failures of a long-term partner (more so if they have brought up children together) are reflected onto the partner and their children. Each becomes part of the other's identity and sense of achievement and self-esteem.

2.4 Effects of the conviction(s) on significant relationships

Effects on relationships with a significant other

'As the months waiting for a court date dragged on my relationship with my partner deteriorated. My relationship with her had always been rocky but she was less able to cope with the situation.' (Bernard)

'As a couple we fought the whole thing together.' (Hannah)

'Some of the relatives are as accused as the person accused, and they have to live with the awfulness... It is not just me as a relative who supports [my partner], but it's also [my partner] who supports me, because I'm guilty by association. So in that sense we've both suffered.' (Irene)

A partner's conviction is enough to create strain on any long-term relationship. The partners of those serving custodial sentences experience harm from the conviction differently.⁷⁴ The person convicted and in prison is distanced from negative social reactions in their local community. As well as coping with the financial and social consequences, it is the spouse that has to deal with answering questions and managing contact with others in society. However, when neither partner accepts the validity of that conviction and both maintain the convicted person's innocence, there is obviously a far greater sense of wrongdoing and anger at the injustice. The loyal partners of prisoners maintaining innocence and convicted for sexual offences are likely to face verbal abuse and ostracism. Some of the partners mentioned abusive comments shouted out or written on the wall, and in one case, a brick was thrown through the window.

All participants described difficulties in their marriage or civil partnership in some form or other. Matt spoke of concerns that his partner, who did not cook, would barely eat while he was in prison. Camille, his partner, explained that for her, the hardest thing was that her partner thought that the conviction was his problem, making it difficult for her to assist or share her feelings and fears with others. Matt had to talk to official people about his case all

⁷⁴ Kotova, A. (2015); Condry, R., Kotova, A. and Minson, S. (2016)

day, and so did not want to when home, which meant that Camille could not discuss it with anyone and felt very isolated. She explained that, *'I had nobody to talk to about it. I didn't know what was happening, I had no knowledge of anything that was going on, and I felt very isolated. When Matt went to prison... I didn't have any passwords for any of the utilities – and that was really, really hard, because I then had to learn to do all of that. One of the first things that I had to do was just to put everything in order, in order to cope with my life.'*

Some participants described how the events inevitably affected their relationship, leading to withdrawal and strained communication. Lily stated that the allegations caused stress and tension, and that her partner could not understand why she had been accused. Sadly, his health deteriorated rapidly while she was in prison. Charles for example described the traumatic effect of the allegations and conviction on his partner, who stockpiled medication and had a nervous breakdown, eventually becoming hospitalized for severe mental health problems. When giving his account a year after his release from prison, Charles stated that his partner and himself were still rebuilding their relationship of 16 years. Each of the quotes opening this subsection allude to significant struggles endured by the partners of those accused due to the impact on their relationship.

However, the shared belief in innocence and consequent sense of injustice also worked to bring some couples closer together. Matt reflected that, *'In lots of ways it's probably made us stronger because we closed ranks.'* His partner, Camille, explained that there was no difficulty supporting him despite significant negative repercussions, because, *'We all know him, and we know he would never, could never do the things that he was being charged with, and that makes it easier to support somebody, whereas had there been anything where you doubted somebody, then that would have been hard.'* The concept of a couple 'closing ranks' was echoed in several other accounts. Emily explained that, despite an ailing relationship with her partner, *'When this happened, it was a matter of closing ranks... if nothing else just to say to the children, 'look I do know your father is innocent', because it would be awful for them to think that [he] had done a dreadful thing.'*

Some of the participants' partners worked in similar roles of responsibility and care. Lyn explained that, *'Arthur and Marie were a very strong couple. As Marie had worked in the childcare profession too she understood the type of people the accusers were.'* This would assist partners greatly in understanding how false allegations or a wrongful conviction could occur, and believing that their partner could well be innocent of all charges. Irene too stated that, *'I used to work with Vincent at the training and assessment centre, so I knew the children who had made the allegations... [because of this], I've always taken the view that it was complete rubbish.'* Though not Vincent's partner at the time of the allegations, they have since married. A consequence of this, however, is that where the partner of someone convicted works in a similar area or role, their career is threatened (and with it, finances, social life and sense of self). As discussed in the section on Employment, Irene described her experience that, *'The fact that we are partners meant that I was suspended, disciplined, all my work was checked. There was no fault found in my work, but... because of my personal choice in a relationship I made, I can't have a job.'*

Effects on relationships with children and grandchildren

'The local newspaper never missed a chance to print our address, and that continued three or four years after [the allegation]. The supposed victims went to court for compensation, and this was very heftily reported by the [newspaper]. And again, even though I'd been in prison for 3½ to 4 years by then, they printed our address. [My partner] wrote to them saying 'Why are you punishing us? He's in prison.' ... Because what is the point of them printing our address when I'm not even there and haven't been for 3½ to 4 years?... I remember saying 'I'm here, supposedly for the protection of children. Does my child not matter?' (Royston)

'It's made me is very cautious of things. Although I wasn't accused of anything involving children, I'm on the sex offender register which means I'm also on the child protection register. I don't even look at children if we go anywhere. I don't look at children at all.'
[Partner:] 'That's hard because we have now got a granddaughter.' (Matt)

Understandably, the conviction of a parent for child and/or sexual offences has the capacity to be catastrophic for their relationship with any children in the family. Of those participants who discussed children and grandchildren, several spoke of difficulties seeing their own children. Bernard reflected on the destruction of his relationship with his young daughters, which, unless he was able to prove his innocence, he would never be allowed to re-establish. Even where participants' children are adults for whom there is no restriction to see, they may choose to distance themselves from their convicted parent, which can cause emotional pain. Joshua spoke of one of his children who has not had contact with him since: *'I've written, but it must be down to him now. Many, many times, I've made attempts to see him... I think it's born out of the allegations.'*

Similarly, the conviction of a parent for child or sexual offences creates a barrier for those convicted when seeing their grandchildren. Angela recalled that their grandchildren were interviewed at school, and described the hurt felt by her and her husband at his ban on contact with children, not knowing if he would be allowed to see their grandchildren again. Though not convicted of offences against children, Matt restricted time spent with his grandchildren, fearing social worker visits. Chris also described feeling odd around his young grandson, and unwilling to be helpful to children. Lyn stated that, *'Arthur's imprisonment meant he was separated from his grandchildren. This affected him greatly, he was not allowed to see them, have photographs or drawings from them. One was a small baby when Arthur was convicted, and therefore when he came home he had to work very hard to make a relationship with him. However, he succeeded brilliantly.'*

The meaningfulness of contact with grandchildren and other relatives when protesting innocence is explained by Vincent: *'The weekend before my trial, my second son... gave me one of the greatest joys I could ever have expected. He came to England, not only to see me but for me to have the opportunity of meeting two very young grandchildren. Now should I have died in prison – and seeing men half my age dying in prison – and that was very, very special, and to know that his wife who has a serious heart condition and doesn't like flying – she made that trip.'*

For some of those convicted, there was little lasting damage to the relationship between themselves and their children. Instead, the significant difficulty was in having to inform them of the charge against them (and the consequent anger and mistrust felt on behalf of the children). Matt recalled, *'it was hard, but they instantly said: 'No way'.* His partner Camille added that, *'Our son was angry [about the allegations and prosecution], and he never came to court because he would have been very angry, so he kept himself away. Our daughter came once to the trial, didn't she? And stormed out because of the vulgarity of the questioning.'*

Sadly, the children of those accused can suffer greatly. Royston described this in detail: *'The person most affected was our daughter who was still at school, just coming up to GCSEs. She was getting - I think they call it trolling these days - getting some very nasty messages, obviously from people in the same classroom on some occasions. She got some abuse in the street. But a lot of it was anonymous Facebook messages on their mobile phone, some referring to what they was doing or wearing which could only be from someone in their classroom... So she was getting persecuted that way. So, they left that school and moved to another – bad timing when you are struggling to pass your exams... But it was in the local newspaper and we share the same surname. So there was no hiding place for them... [Name of daughter] ended up on anti-depressants.'* Reflecting on the unfairness of this suffering, Royston commented, *'It's so remote from our son and daughter. They weren't born or even thought of at the time this is supposed to have happened. It was already 24 years on.'*

Recalling the difficulties this presented for him and his partner as parents, Royston explained that, *'Through the trial and, especially after my imprisonment, [my partner] and I were constantly anxious that [our daughter], very depressed, might become suicidal. We could not even discuss our fears by censored phone calls or letters'.* Like many others, his partner was faced with the sole upbringing of their children while he was in prison. This included moving her to a different school to deal with bullying and depression. She [Emily] described this situation as *'very difficult, to put it mildly. There isn't a self-help manual for dealing with this unfortunately.'* Emily voiced the dilemma of raising a child to respect values such as honesty and to trust the integrity of justice whilst dealing with a wrongful conviction, by asking, *'How do we say to kids, 'speak the truth, hold your head up high and you'll be OK!' but then, look what's happened to your Dad?'*

The problems caused and harms felt by children are not limited to the period between arrest, conviction, incarceration and release. They continue to affect the lives of the children of those convicted far beyond this. Lyn recalled that, *'A sad outcome for [Arthur] was that his situation affected the relationship between two of his children and this has continued. This was triggered by one of them [working in in the police service] and another not understanding the position the other was faced with'.* Royston reflected that, *'Even now, our son cannot comfortably invite home friends who have children. And both have a burden of explanation in any new relationship when mutual disclosure is a natural part of developing the relationship'.*

Effects on relationships with other relatives

'My close family have stuck by me – but there's still a lot of anger among them because all this time's just drifted by and nothing's happened at all.' (Joshua)

'I had recently an experience of - a partner of a nephew died – and I found it inconvenient that I had to go to the funeral. I know that sounds awful, but it – this is my life. And if the last 20 years are to mean anything, I have to win... The truth is my family are now an impediment – they get in the way of this. I have a [sibling with a severe medical condition]. I know I could go and look after, but this is more important. I have to win this. And I'm sorry but my [sibling] will have to cope.' (Toby)

Almost all participants were able to cite their family as a source of support, standing by them and believing in their innocence. Some were surprised at how much support they received as some family members fought their corner. Toby found that, *'It actually strengthened certain relationships, for example I haven't been estranged but I... haven't had much contact with my brother for many, many years and he was an absolute brick through all of this.'* However, participants also frequently commented that it was difficult for family members to understand how a wrongful conviction could occur, or to accept that it may not be recognized as such (as with Joshua quoted above). As Hannah noted, *'Close family relationships were supportive but they struggled to understand how this could happen.'* Despite family support, some of those convicted withdraw from extended family, becoming obsessed with researching false allegations and finding information that would help prove their innocence. Toby stated that, *'My family comes a very, very, very, very, very low second. I'm obsessed with winning this. I can't not win this.'* In light of the personal trauma and mental health difficulties experienced by those wrongfully convicted, this is not surprising.

Several participants expressed feelings of guilt or responsibility at the suffering of family members, particularly whilst in prison. Bernard explained that, *'In prison, though you know you are not to blame it does not stop you feeling in some way responsible for the effect of what has happened to you has had on others... I was forced to leave my mother to suffer alone with a terminal illness in a nursing home. I was unable to support my father through the illness that led to his death whilst I was in prison.'* Reflecting on the death of his partner, Chris also felt that, *'I feel I've contributed to it, although they say "don't say that!". But I've known it happen to so many other people. It put a great stress on all of them as well.'* Lily also stated that her partner died whilst in prison. None of the participants dwelt on this in much detail when providing accounts. This can be interpreted as evidence of the highly painful nature of the experience.

In a similar vein, many of the convicted participants described not wanting family members and friends to visit them in prison. Charles stated that no-one visited him in prison at his request, as he felt the visiting process was demeaning, intrusive and unpleasant. Matt explained, *'I didn't want anything from outside inside. And if I'd got an indeterminate sentence, then I probably wouldn't want visitors - that was it. Forget it, I don't exist. I didn't want that burden on people.'* He described fearing for his family's wellbeing, causing him to *'keep up the façade of being OK during prison visits'*. Vincent too stated that, *'I stopped my*

niece from visiting me in prison because I said “you will find it very difficult”– so I had enough emotional and psychological strength to say, “Don’t rush to come. I’m coping”.’

Effects on relationships with friends

‘Many friends died and others had moved on. Those remaining had difficulty understanding why I had been convicted.’ (Lily)

‘Close friends of my husbands remained close and supportive. A close friend of mine (a friend of many years) terminated our friendship.’ (Hannah)

‘I lost one or two friends who’ve since come to me and said, I appreciate because of your fight that you must have been innocent all along.’ (Joshua)

As with family relationships, most participants felt well supported by friends. Angela recalled that friends were supportive through court attendance, letters, visits, and fundraising for a solicitor. Vincent reflected that, *‘We have a very loyal, supportive pair of friends ... they testified in court for me, and still regard us as one of their very best, loyal friends, and they would invite us to come and have the odd break at their home, and they come to see us. Also, parents of a youngster, once a resident, who was in care with our service; it isn’t as though they were staff members, they are just grateful parents who said the service they got from me and the staff at the time is something that they’ll never forget. And you know, these were the things that enabled me to keep my head up on my shoulders.’*

Matt stated, *‘I’m not aware of losing friends through it. In fact, we gained friends’*. He reflected that in relation to some friends, he and his partner had actually gone up in their estimation because of their resilience. Echoing sentiments expressed by other participants, he reflected on the experience that, *‘I didn’t realise until it happened how important I was to some people and what I meant to a lot of people, and a good friend of ours - we were just clearing up after an event and – I will get emotional about it – he called me over at the end and he said “Matt, is that right, your wife said if you go to prison you might not want visitors?” And I said yes. And he said “Well I phoned you the other day and got your answerphone and when I heard your voice I realised how much I’d miss you”... You see, I get emotional, and things like that affect me. There were lots of very affirming things.’*

For other participants, some friendships were lost (as the quotes opening this subsection show). This was at times due to deliberate termination. Predominantly, the loss of friendships was tied to the nature of the conviction and the place of work (where friends overlap with colleagues). Bernard described how one friend had chosen not to see him while the court situation was resolved, because of his professional position. Charles summarised a distinction between *‘long-term friends [who were] supportive [while] acquaintances and work colleagues jumped to conclusions and cut contact.’*

Several participants further describe despondency at being unable to explain their situation and sides of the story to colleagues, who overlap in their social circles as friends. Graham

explained that, *'The role of friends and colleagues is merged [in his former work place] because it is not like a normal job. So all of that went and I lost all my, well the large majority of, respect there had been for me... They effectively turned against me once the allegations were made and once I was in prison – if I was in prison, I must be guilty, sort of principle.'* He did not have a chance to say goodbye. While under investigation, these participants had not been allowed to contact friends who were also colleagues. Contact had not been re-established during or after their prison sentence. As Royston recalls, *'I was immediately cut off from my colleagues in [the place] where I was employed at the time. I was forbidden to have any contact with them. They were my main contacts, my friends although professional friends, and they simply weren't allowed to have any contact with me... to this day I've not spoken to those people.'*

Bernard and Graham talked about the difficulty of maintaining friendships when trying to form a new life. Graham explained that, because his imprisonment led to him becoming homeless, he has not stayed in one place long enough to make close long term friends. Bernard, echoing Lily's experience in the opening quote of this subsection, stated that, *'Since my release from prison I initially continued my friendships with those who used to visit me in prison and with one or two friends [in a similar position] I made in there. Over the years several of these have died and moved away so those relationships have died with them or are not as close as they once were.'* However, Bernard further added, *'I have re-established contact with several old school friends [who my ex-partner did not like], all of whom seem to accept my innocence as taken.'* In addition, *'I have made a new life and with it new friends. The details of my history remain a 'guilty secret'. This is not deliberate. I make no secret of what happened but neither do I broadcast it. This is just how things have developed.'*

Effects on relationships in the context of a community

'Members of the community found out, and I had to face there and then, not only the church turning its back against me and telling me not to come to the service... but there was worse to come. When a piece came out in the local newspapers, I woke up one morning, and two of my great supporters today, woke me up early one Saturday morning and they said "My God, you don't know what was across your front door". And what was across the front door was a great poster about of 3'2, which says "Child abuser", "Rapist" and other unpleasant remarks. They took it off and presented it to me, and... that's what I woke up to.' (Vincent)

Some participants discussed support within their close community. Emily reflected that, *'People who knew [the person convicted] in the neighbourhood – none of them believed it. Those who knew him just couldn't believe it, which is encouraging.'* Chris stated that when police contacted parents of would-be complainants to encourage further claims, the parents turned them away when trying to use this tactic. Lyn and Marie recalled that, *'After seven years in prison, he [Arthur] did lose confidence in himself and was wary about going out by himself. He eventually overcame this and he was welcomed back into his community with open arms. He was never shunned. He was determined to keep his dignity and get his life back on track.'* Although an uncommon outcome in the accounts, this at least is indicative

that, for those claiming that they have been wrongfully convicted, there are sources of support amongst those who believe in their innocence.

Many more of the participants disclosed being shunned by community groups in one form or other, even experiencing violent and threatening episodes. Despite his statement of community support above, Chris reflected that, *'I still appear reasonably confident, but I am not reasonably confident any longer. I did take a big knock. I was a well-known figure in the town.... When I'd left prison, I was very, very anxious; I was fearful of walking anywhere.'* He describes this drip effect over time when leaving prison to reintegrate into the community as being the worst part of his experience. Similarly, Emily commented in relation to her partner who was convicted, that, *'The bad things started happening when he came out of prison.'* She spoke of people in the community getting police involved and banning her husband from certain social spaces, having bricks thrown through the window and damage to their house. Vincent describes one of his experiences as follows, *'Close to midnight my front door was kicked and banged and banged, and I was threatened: "Come out. We're going to do you in." A very frightening situation.'*

Discussing her rejection from the community during her husband's trial, Angela recalls: *'We were told that we were no longer allowed to go to our parish church. We were no longer allowed to worship there. The safeguarding officer for the Diocese came to see us with the parish priest of the parish where we live, and she brought a contract for my husband to sign: he was only allowed to go to one particular church, and he was not allowed to speak to anybody, he had to walk in and walk out and have no contact with anybody, he could go to one service on Sundays and he could go to no other services. And it was really, when you read it, an admission of guilt. He didn't sign it. It's never been signed ... [consequently] I am barred from my own parish church. A friend asked them for pastoral care for me, which they said would be forthcoming. After waiting ten months, they then just sent a newsletter to my husband, which left me just blowing my top. I feel as if I've been driven from the church, and they've turned their back on me.'*

Damaging social responses (actualised or feared) can cause the convicted person and their family to distrust and withdraw from the community. Matt spoke of the effects of this on him: *'[I] feel very vulnerable. I mean I get a bit paranoid... I went out and I said I felt that everyone was looking at me today. And I realised what it was, I was walking round looking everyone in the eyes. I wasn't aware at the time. I just felt that people were looking at me but actually I was looking at everybody. I was challenging them to say something really.... It's made me very cautious of things.'* For Camille, as the wife of someone convicted, the fact that their shared address was printed in the newspaper caused her to fear community retaliation. She stated, *'You don't know if there's going to be a brick come through the window... and we live right on the junction. Every time a vehicle slowed down to turn, I'd be thinking "Oh my God". It was awful.'*

Withdrawal from the community or a wider social circle was a common theme in each account. Hannah stated that her husband left prison incredibly angry and mistrustful – and that she had no wish to become close or involved with anyone who does not know about

their situation. Matt explained that, *'I had two years of being around people [sex offenders in prison] that I would have spat on in the street, I don't want to be around people, don't need to be around people'. Emily, the partner of someone accused, similarly expressed that, 'I just didn't want to talk to people. But I had to talk to people [at work]. I was constantly putting on a brave face.'*

The defense mechanism of putting distance between themselves and others appears as a form of self-preservation for those convicted and their close ones. It is arguable that this stems from fear of social stigma and rejection or harm from the community – depriving them of opportunities for a sense of belonging and being part of a community, which is a significant contributive factor in personal wellbeing.⁷⁵ Almost all participants spoke of a deep mistrust of others (and the justice system), contributing to social withdrawal. Several spoke of an *'us versus them'* mentality, whereby they would avoid integrating with the public to avoid being shunned and stigmatized. However, as Matt's quote above illustrates, the convicted person's perception that everyone is looking at them, judging and talking about them can cause defensiveness, which in turn can perpetuate social division, withdrawal or an *'us versus them'* mentality. Effects on the participants' beliefs and outlook are explored in the next section.

Forming new relationships

'For anyone that we don't know or may meet, it could never be a discussion piece, so in that sense we don't know. So from that point of view, while we have a nucleus of people with whom we are at ease, it is not something that we could talk about to others, so in some senses we reinvent ourselves if we've got to deal with neighbours, etcetera.' (Vincent and Irene)

The decision to remove oneself from social life in order to avoid being stigmatized and harmed makes it difficult to form new relationships. Meeting new people is an inescapable part of life. Chris, Lily, Graham, Marie on behalf of Arthur, and 4 others describe being fearful or anxious about meeting new people or even going to public places. Lily voiced feelings of apprehension when meeting people, as her *'conviction is always lurking in the background'*.

Matt explained that his defence mechanism was to *'tell everyone about it... I feel I'm being dishonest if I don't tell people'*. Discussing the disclosure of his conviction with authorities, he recalled an incident where, *'They dealt with me on the desk in a very loud voice. "Okay, what was the nature of the offence? When was the offence?" So I speak as loudly as they do. I won't be beaten. The first day we pull the duvet over our heads, they've won... Anger makes me strong. The more you make me angry the worse an adversary I am'*. His wife, Camille, added that, *'The easiest thing for us to do is to sit back, not read anything, not interact with anyone about it. But ... we know we can't do that.'*

⁷⁵ See Stewart, K. and Townley, G. (2020)

Participants expressed misery at how fear of entering the public realm obstructed desires and ability to fight the allegations publicly. This forms a new problem for those claiming to be wrongfully convicted: they are unable to avoid negative social repercussions if they choose to publically fight the conviction and allegations, yet, participants choosing to slip into anonymity and social withdrawal cannot then continue to protest loudly. This catch-22 makes it almost impossible for those convicted to publically assert and maintain innocence whilst at the same time putting the ordeal behind them and choosing a quieter life to avoid (at best) social stigma and gossip, and (at worst) threatening, violent altercations. Another barrier to fighting the convictions and campaigning about their case, is that their accusers have lifelong anonymity. Therefore, any writing they do must strictly observe that or they will be breaking that law and also subject to libel.

2.5 Effects of the conviction(s) on beliefs and outlook on life

Faith in the justice system

'The system is not fit for purpose in these kinds of trials. My eyes have been opened towards the police... It's made me research things that I didn't consider before. I've read cases that I didn't know of before, so it has made me very cynical about the police really. The justice system didn't work. I can tell you now, that my lawyer quit the profession because of my case. He was completely disillusioned – he couldn't believe what had happened.' (Chris)

'The criminal court system leaves me feeling empty. Just like the prison and the jury system... I'm satisfied to say that I did not go to a court of justice, I went to a court of injustice that did their own thing, laugh about it, and there it is. I feel rather empty and dead in the water... There are people who I know from inside have long since gone to their eternal rest, half my age. They used to turn up at every FACT conference. What chance have I, with all my aches and pains, to rely on the present justice system... it's a joke.' (Vincent)

Unsurprisingly, all participants discussed a loss or lack of faith in the justice system. This pertained to their experiences at each stage - arrest, trial, and conviction. Marie commented that, *'Arthur's faith in British justice was sorely tried, in fact he lost faith in it totally. He was brought up to believe in it and so felt very let down by the system. He felt that truth and honesty didn't matter. He had no previous knowledge of Criminal Law and did not realise that he needed criminal lawyers, no one tells you any of this and so you only find out when it is too late. He couldn't understand the court experience, felt it was like theatre and his life was being decided by this "game". He felt that the real truth was unimportant.'*

Resources available for the criminal justice processes are inevitably limited, and particularly so in recent years. That of course impacts on the effectiveness of all services contributing to the criminal justice system, including the fairness and legitimacy of policing, prosecution, and trials. With regard to the potential for miscarriages of justice – which can result in some guilty people being acquitted as well as some innocent people being convicted – some

recent reviews have been highly critical.⁷⁶ As Nobles and Schiff note, within criminal trials, truth is traded off against fairness, and both against considerations of cost.⁷⁷

Angela too stated that she was left with the feeling that, in relation to the investigation, the most important thing was to get a conviction, as opposed to testing the veracity and likelihood of the claims. Camille reflected, *'I [did not] think the jury system is the right thing. You either need a professional jury or you should have a lawyer in with the jury who says you cannot do this, you can't convict somebody when there is no evidence. I think it is hugely dangerous.'* Hannah also expressed distrust of jury verdicts. Bernard explained his experience of this as follows; *'I did believe the adversarial system would mean that I would at least be heard. I was wrong! The lawyers took over the case and just seemed to roll over and let the prosecution have it all its own way. They convinced me that the prosecution had to make a strong case and, as there were no facts that could be substantiated, that it would be unable to do this. I believed them - perhaps because I wanted to. They were wrong! In a case like mine, as has been shown time and again since, the burden of proof has been reversed. I no longer have any confidence in its ability to deal with such cases fairly.'*

Discussing the criminal justice system, 6 participants commented on the concept of justice being an illusion that did not apply in reality. Matt stated that, *'I've now seen the British justice system from the inside, and I know it's a complete sham, it's the British Injustice system, there is no justice – the courts give you law, not justice'. [...]* *'If justice is there we will find a way of overturning it, and the police... their faces will be red, heads will roll'*. Angela commented that, for her and her partner, *'We'd never had anything to do with the law, we both believed there was such a thing as justice. But now you realize, that there is no such thing as justice.'* Graham summarized how his perspective had been changed: *'You start off in this world believing there is justice and then when you've gone through this you understand that there isn't. And it's very much politically controlled. And that is the issue that faces everybody who has been falsely accused.'*

It is obvious that those protesting innocence but receiving a guilty verdict would feel an injustice has occurred. But, going beyond their own cases, participants' lost faith in the ability of the system to deliver justice. Some experienced a much more profound shift in their beliefs or outlook. Charles explained that as a result of his experience, prison made him perceive authority figures differently and reassess his attitude to the rule of law. Despite having family members working for the police and prison services, and himself having given evidence in trials for them, Charles described having far less confidence in the police than he used to. Chris also reflected that, *'When I was working with young people, I used to encourage them to be honest if they'd stolen something, or done something wrong, I'd say "we'll go to the police and you'll own up to it". But now I've lost that trust in the police.'* Charles reflected that, after his ordeal, he has since taken up a serious interest in miscarriages of justice, becoming much more of an activist in relation to false allegations. He now perceives others' beliefs that all allegations of abuse must be true as a blinkered world-

⁷⁶ See for example, The Secret Barrister (2018); Robins, J. (2018)

⁷⁷ Nobles, R. and Schiff, D. (2000), p. 4

view. Similar sentiments were echoed in almost all of the participants' accounts.

The disillusionment and loss of trust in the justice system and its agents spread from those convicted to their families and friends, making further interactions constrained. Emily divulged that, *'I can't say I had 100% respect for the police but my faith in them has really plummeted... I find it hard to even look at a police officer without snarling at them.'* Camille recalled more hazardous lasting effects. She stated, *'I can go past the prison, I can go past the court, but I see a policeman, I hear a police car and my stress levels shoot through the ceiling. And I was driving to work one day and a police car went by and I saw red, and I actually had to pull myself back, and I thought this is actually becoming quite dangerous.'* Both reported that their children now also take *'a dim view'* of the police and courts.

Specific incidents damaging participants' beliefs in the integrity of the criminal justice process were pinpointed in 5 of the accounts. Emily stated that, *'What really made me angry was when the police and a social worker interviewed me, and tried to get me to say that [her partner] was guilty. And then, interviewing my daughter who was twelve or thirteen - they lied to me about [whether or not] I could be there'*. Angela commented that, *'I have been told so many different stories by this police officer that I don't believe. I wouldn't believe a word he said.'* Many more participants felt that records and statements had been changed, papers 'lost' or inaccurate information given, and that this was in order to strengthen a prosecution, as a result of them standing up to allegations or kicking up a fuss about how the investigation was handled. Joshua relayed his experience of being offered a deal to plead guilty, and felt that this was a 'ploy'. He recalled that, unusually, he hadn't been given papers from the police, and that the reason given was that they had been lost. He expressed cynicism at how they had all 'conveniently disappeared'. Toby commented that, *'What has always plagued me is that the police said to me, when the tape was off, in interview, that they knew I hadn't done it'*. Referring to his later experience in court when facing trial, he added: *'I was offered a deal just before I went to trial whereby, if I pleaded guilty to some of the physical allegations they guaranteed that I would not go to prison. I told them where to stick their deal and I went to prison for 15 years.'*

Outlook on humankind, society, and human nature

Damaged trust of others was a key theme in the responses. As Hannah explained, *'My whole belief system was destroyed. I no longer trusted anyone. I didn't and still don't want to become close or involved with anyone who doesn't know about our situation.'* Matt added that this situation left him feeling: *'...very vulnerable. I mean I get a bit paranoid... I tell everybody about it, I don't hide it. So every time I go out in the town ... I look everyone in the eyes, I hold my head up and put my shoulders back and I look everyone in the eyes, and if somebody looks away a bit too quick or looks at me too long, you start to wonder...'*

Significantly decreased empathy was also notable. Matt stated, *'I wouldn't help anyone now: if somebody fell down in the street I would step over them. My probation officer said, "Good... it shows you're protecting yourself". I said, "No – it shows you've lost somebody who gave a damn about anybody".'* In a similar vein about having learned the hard way to

curb instinctive generosity and be more self-protective, Charles also commented, *'I wouldn't help anyone anymore'*.

Chris, Charles, Angela and Graham all expressed a deep-seated shaken belief in human nature. This stemmed from the fact that false allegations can and do occur, that juries and justice system personnel make mistakes, and from the societal reactions and vilification that they have endured. Charles stated that he felt that false allegations could be used as a weapon to settle scores, and that humans have a lot of unacknowledged motives. He attributed his shaken belief in human nature to having met people in prison he believed to be innocent. For Graham, *'the big picture of being wrongfully accused of something is unfortunately part of the psychology of human beings - where they almost love to hear somebody has done something even if they haven't'*. Angela stated that, *'Really I couldn't care less what happens to [the accusers], all I want is justice for my husband. I think it is too easy for them to make complaints these days. I had no idea how much compensation these people got. All of these girls had mental health issues [which] are not allowed to be used [in court]. Yes, anybody who has been abused really needs justice. It just sickens me that it is so easy. I feel that we've made it too easy to make false allegations. I think we've got a culture of compensation.'*

This is somewhat in contrast with bewilderment expressed by several participants at how a wrongful conviction could have happened. Emily reflected that, *'If I had to choose one word in all this to describe myself, it's bewildered... at how this happened to Royston, all he's done is try to help people'*. Angela too stated that she felt *'completely baffled as Ernest helped the [accuser's] family so much'*, and stated that the accuser signed up to go on a trip with Ernest after the offence was said to have occurred. Royston describes shock at a reputedly kind prison officer stating that he was quite sure he had never turned a key on an innocent man – which, to Royston, defies belief as juries are demonstrably not infallible.

Believing media reports

Five participants explicitly mentioned skepticism in relation to media reports of abuse scandals and allegations. Hannah explained that, as a result of her husband's ordeal, *'I don't believe the police or media and certainly do not accept jury verdicts as reliable'*. Matt described his and his wife's outlook as one of mistrust: *'I don't trust anybody. Anything we hear about allegations on the news, we don't believe any of it. We automatically take the stance that we don't believe any of it because of what happened to me. I was described as having a [physical description that is visibly inaccurate]. So how can you believe anything?'*. Emily recorded her change in outlook as follows: *'Up to [the allegations], if I'd read something about a sex abuse case in the paper I'd be sort of thinking, oh dirty beasts, at least they're caught and now I read them and think, well actually this sounds like a load of lies'*.

Some participants also indicated that they found media stories of abuse scandals to be an inescapable, painful reminder. Camille explained how there has been no respite from the subject that had wounded them: *'I mean sex offences are always in the news, and that affects you all the time... Sex offences are the worst thing – you're the worst in prison, the*

worst in society. Every one of us has got a wife, mother, daughter, sister, a female relative somewhere.' Whether the story relates to someone found guilty or not, there is a remaining sense of vilification, which coupled with uncorroborated evidence and the deep mistrust and anger at the justice system, serves as a trigger for those who have gone through such an ordeal as a false allegation or wrongful conviction.

Religious faith

Several participants discussed the effect of the allegations and conviction on their religious faith. Lily became a born-again Christian upon her release. Bernard commented that, in relation to attending church, *'Since my release from prison I did initially lapse. Since starting work, and the subsequent change in my lifestyle, I have started attending Mass again.'* Vincent talked about how his church initially let him down by *'turning its face against me and telling me not to come to the service'*. However, after some members objected to the Archdeacon, his church soon reversed their decision to bar him. He asserted that his beliefs remained the same. Marie and Lyn said, of their husband/brother Arthur, that *'He had a strong religious faith which helped him throughout and probably it was strengthened by his experience.'* Angela similarly expressed this sentiment in relation to herself and her partner, who was convicted. However, she stated clearly that they, *'have no faith in the church [as an organizational structure] whatsoever... there is no compassion. [This] is because they are terrified of the smear and the mud sticking.'*

2.6 Coping Mechanisms and Support

Knowledge of innocence and hope of exoneration

'I think the thing that kept me going was the fact that you knew you were innocent; I don't know what it would have been like if you knew you were guilty. If the person was guilty presumably they look at things differently. I don't know, maybe they are more philosophical because they expect to get caught or they know what the consequences are.' (Graham)

The participants did not make light of how difficult their lives had been since the allegations. Bad experiences that they mentioned ranged across being beaten in prison, attacked in their own home, deprived of medication, losing contact with loved family members, innocent relatives being treated as guilty by association, and enduring the demeaning, limiting process of sex offender registration. It is hard to imagine the suffering of someone innocent being convicted and imprisoned, especially for such appalling offences, and the fallout for their families. For those who know they are innocent, this is a source of strength. Participants at times cited the expectation or hope of eventually being exonerated as what was stopping them from falling apart.

A number of professionals and public officials got involved in participants' campaigns and plans to appeal, or supported them in some way. This included MPs and general practitioners. Bernard mentioned that his former colleague arranged for a new solicitor to

prepare a brief for an appeal. Chris said of his MP; *'She's always supported and believed in me'*. He had been well known in his town, and neighbours and community, as well as family and friends had offered support, and he had received hundreds of letters when he was in prison. He thought that the amount of support he had received had been big enough to convince the Parole Board to release him even though he had consistently maintained his innocence and therefore had not attended any prison-based courses for sex offenders. Lyn, sister of Arthur who had died, told us that, *'Support for Arthur started from Day 1. His local MP and her team worked tirelessly for his cause both locally and in Parliament. She visited Arthur and others in the same situation in the prison setting.'* Royston had regular visits from his solicitor on a pro bono basis. With such a degree of support, and knowing somebody was fighting their corner, they were assisted to think positively while incarcerated, retaining some optimism that they could eventually be exonerated. As well as making it easier to cope with imprisonment in some ways, being innocent also brings hope (at first an expectation) of exoneration.

Support and contact from friends and family

'I was very fortunate to have the love and support of friends, family and community. But those people who haven't... I can see how they become suicidal very, very quickly. I've had the same feelings, but I've had the support to help me cope with those feelings.' (Chris)

Most of the CMIs mentioned having family members, friends and acquaintances who conveyed confidence in their innocence, and they made clear how much this meant to them. Royston said he felt *'protected by knowing that all those people who were very important to me were in absolutely no doubt about me'*. In his case a campaign was organised by family and friends to publicise their belief that there had been a miscarriage of justice. Vincent mentioned a couple who testified in court for him and who have stayed in contact as friends during and since his prison sentence: *'They are just grateful parents who said the service they got from me and the staff at the time is something that they will never forget. And you know, these were the things that enabled me to keep my head up on my shoulders'*.

As discussed in the section on Relationships, the CMIs also found solace in the loyalty of people who have remained in contact, or who were witnesses for them and have praised them for the good work they did in their careers. When in prison, their spirits were raised by people in the community writing to them to offer support. Angela explained that Ernest had received visits or letters of support from friends, some church members, and family. As well as making new friends inside, Matt said he had lots of contact, some from unexpected sources: *'people were coming out of the woodwork, people I hadn't seen or heard of for years were contacting me'*. Lyn said that Arthur had, *'...received thousands of pieces of mail (literally) over his years in prison. This helped him enormously to keep a hold on lives outside of prison'*. She also mentioned that people had campaigned on behalf of Arthur: *'Friends and family continued to write to the powers that be in the hope that someone would see the wrong that had been done.'*

Counselling

'Counselling would never enter our heads. How do you go to counselling knowing that the counsellor will believe you are misguided. I have no wish to bare my soul to any such person. The whole nightmare is too private.' (Lyn)

Support is normally made available to those convicted, through the probation service and via advice and counselling services in the community. Our participants varied in the extent to which they had sought out such assistance. Royston decided it was wiser not ask for or accept support while in prison, apart from that provided by his partner, family and solicitor: *'There wasn't really anything that I would have trusted with my worries. Prison is a very hostile environment... There was no-one I could talk to who would maintain confidentiality: that's more than their job's worth.'* Some of the FamCMIs explained that they would have found the situation too painful discuss, or that they would have faced attempts made to dissuade them from believing their loved one.

Support from FACT

'FACT was a lifeline throughout the ordeal and members were supportive throughout. Family were supportive but had less understanding of the situation' (Hannah)

For many, an important source of support both during and following the prison sentence, was FACT, the grassroots organization formed in 1999 to support falsely accused teachers and carers (which has since expanded to include others falsely accused in an occupational context). While in prison, Lily made friends with some FACT members who she was able to contact and seek support from after release. Graham, imprisoned overseas, only contacted FACT later, but received some vital practical support from the charity Prisoners Abroad when he was homeless on release.

Some of the partners were having to adjust to being single parents while their partners were in prison; and so being able to talk freely to others facing the same problems brought them some relief from the stress they were experiencing in trying to hold things together. FamCMIs described FACT as a 'lifeline', providing information and emotional support for relatives, and organising events at which family members could find some mutual support and feel less alone, as well as hear talks from guest speakers. Lyn stated that, *'Throughout I have maintained good relationships with FACT members who have always been at the end of the phone. We have supported each other.... Marie [Arthur's wife] especially appreciated going into a room where everyone understood her situation and knew what she was going through.'* Emily emphasized the importance of empathy that FACT facilitates - *'...you don't have to explain to people how you feel and what you're going through.'*

Others were disappointed with FACT. Whereas in its early years it had been more actively campaigning, with some MPs openly supportive, some participants expressed disappointment that it had in recent years focused on its support and information roles but had ceased to lobby Parliament. Camille felt that just talking to people about their case was getting them nowhere: *'You don't want to have to go over it with somebody else, because*

we'd gone over it so much anyway; what we want is for it to be overturned. That's what we need. So to talk about how we feel about things I don't think that would have helped my stress levels.' Irene and Vincent were disappointed that FACT had not made any inroads towards improving justice for the falsely accused. Irene expressed her frustration, stating, *'There's a reality: people are false accused. There's nothing that brings the issues out into the open... FACT isn't visible... It's just an invisible talk shop. It doesn't campaign; it does nothing in the papers; it doesn't rattle its boxes in the town centres.'* Recalling the time when FACT was first founded when hundreds of people affected by police trawling methods attended its conferences, and it benefited from many donations and had vigorous support from some MPs, Vincent added, *'...there's no-one with a voice in Parliament now that Claire Curtis-Thomas has gone.'*⁷⁸ *FACT is ... you know. FACT is dead.'*

Focusing on new interests and helping others

Developing new interests or picking up on previous interests were among ways in which the respondents had made their lives more bearable. Being busy helped take their minds off their predicament, and helped their self-esteem. Some, where available, took courses in prison that could be useful to them after release, or to learn new skills. Chris took a refresher course on his first trade, to help him to make a living after release given the barrier to him doing youth work. Royston got involved in translating books into braille. Charles joined a 'Convict Criminology' discussion group and assisted the editorial team for 'Inside Time' magazine. Matt, who was a part-time musician, wrote songs while in prison, performing them for others during association time.

Several CMI's took up opportunities to support other prisoners, formally or informally. Vincent, who was himself unwell while in prison, helped older disabled prisoners smarten up for family visits. Charles taught English and maths, and helped other prisoners to write letters. Post-release he took up academic writing concerned with prison reform, earning considerable respect for that. Graham, while in an overseas jail, taught English to non-English speaking prisoners. After release, following a period of recovery, he involved himself in charitable roles while looking for employment. Chris, who from several accounts had spent his life being helpful to others, did not stop in prison. As well as becoming a volunteer in the Samaritans 'Listener' scheme (which aims to prevent suicide and self-harm), he assisted in revising one of the courses for inmates after helping tutors get more inmates to respond. After release, he became involved in further charitable roles.

Campaigning against false allegations and miscarriages of justice

'Do I just forget it, as much as I ever could, and move on with a new life? Do I change my name? Do I try and get a job etc.? Or do I go the other extreme and fight? I can say 'I'm not accepting this, because it's not right'. I chose that I needed to fight it. I thought I can't live

⁷⁸ Claire Curtis-Thomas was MP for Crosby and Formby from 1997-2010 and was Chair of the All Party Parliamentary Group on abuse investigations. Clive Mullins, Edwin Garnier and Lord Campbell-Savours are among other members who spoke in Parliament about the circumstances of investigating alleged historical abuse leading to a category of miscarriages of justice.

with myself long-term if I let these people get away with it – because it wasn't just me who was affected, it wasn't just like revenge because they weren't just doing it to me. It is still happening. There was another case last week. It is still happening all the time.' (Graham)

More than half of our sample had at some stage been active in supporting others in the same boat and trying to raise awareness of miscarriages of justice linked to false allegations of abuse. This was via the work of FACT or other organisations. Bernard said that he simply could not let go, and threw himself into campaigning with FACT and Merseyside Against Injustice. Since Arthur's death, Lyn and Marie were continuing to fight to clear Arthur's name: *'It is hard ... but you must'*. Hannah, whose husband Len had died, spoke about her role in supporting others: *'Since my husband was accused I have worked with the legal people to expose such miscarriages. I collated all the details and developed the database. I am still involved with the persons accused under Operation Pallial supporting and offering practical support.'*⁷⁹

Our sample of CMIs may be biased in reflecting people who felt so passionately about the harms of false (untrue) allegations that they wanted to become involved in campaigning against such injustices or, at least, supporting others in a similar boat. A number of them, together with FamCMIs, had joined FACT either to keep informed through conferences and newsletter or to get actively involved as volunteers. Several of the respondents who took part in this study have continued to devote much of their time to sustaining the professional services of FACT in helping others who have been falsely accused, many cleared but still damaged, along with families. It has become, in effect, a new career albeit unpaid.

Self-care, exercise, hobbies and pastimes, and getting on with normal life

'I deal with things by being busy.' (Emily)

'Talking about the possibility to others, before Royston was convicted, was the best thing we did – so it was not sudden news headlines.' (Emily)

Getting through the prison sentence took a toll on the health of some respondents, as section 3 ('Effects on psychological and physical health') set out. Royston explained that one of his main coping strategies was to run around the prison yard every day during exercise breaks. In doing this he would visualize buildings and other landmarks that he used to pass on his former running routes in his home district to stay strong psychologically. Keeping fit as a coping mechanism was more often mentioned in the post-release context, though. The CMIs and their partners mentioned the importance of better diet and medical care, as well as going for walks and activities such as gardening and socializing with friends.

⁷⁹ Similarly to Hannah in her voluntary work with solicitors, several of the CMIs and their partners seem to have developed strong skills in terms of an eye for even the smallest detail, mistrust of authorities' statements, picking up on excuses, an intimate knowledge of sexual abuse investigations, the criminal justice system and appeals. It occurred to us that with such a potent cocktail of skills they might find a fulfilling role doing this kind of wrongful conviction re-investigation casework role within projects such as Inside Justice, an innocence project or similar law clinic.

After release and still feeling depressed, Lily said that she found meeting up with people was motivating. Others mentioned the importance of attending church in restoring their feelings of wellbeing. Arthur reconnected with old friends and colleagues, meeting up on a regular basis, continued with his church activities and rejoined his old bowling club, all of which helped him to readjust. Carrying on with normal life as far as possible was frequently mentioned as a coping strategy. Vincent and Irene had gradually worked out how best to cope in ways that helped their mental and physical health. Irene explained: *'Having a routine: get up, get out, go for a cup of tea. We kept to a routine every day so that we didn't sit in the dark. We went walking, hiking and to national parks, because it was doing something normal. I needed to feel normal, and be around people doing normal things. That helped, hugely.'*

Getting 'out and about' was not delimited to exercise, though. It has a particular significance for those convicted and their families. Pursuing hobbies, outdoor activities and pastimes, rather than staying indoors away from people, necessitates facing up to people, who might have heard about their case and who might be contemptuous – of the relatives as well as the CMIs. Rising up against the stigmatizing effect applied as much to partners and relatives, especially if there had been local media coverage of the trial and conviction. People in their neighbourhood were sometimes openly hostile. Emily told us how she responded to one such individual who she passed regularly in the street: *'[After his release] someone said to [my partner], 'I don't want to talk to you, you're a pervert' and the next day I bumped into him walking down the road towards me and again I just looked him in the eye with a smile and said good morning, and he looked so uncomfortable... I refuse to be cowed.'*

Another way of easing their situation is to enjoy or appreciate the simple pleasures of life, such as food, drink, leisure and the sense of freedom. Irene reflected: *'I think I feel, apart from the injustice and the anger, life is better. I enjoy the normal things: it's a positive spin-off, we have a good life that we've managed to carve out for ourselves.'* Lyn and Marie recalled Arthur's enjoyment of his *'being able to walk through a door without it being slammed behind you'*. Some participants mentioned that they enjoyed freedom from the pressure of their previous employment. Bernard observed that he now manages his work/life balance better, as menial work involves far less stress.

The disruption of their previous life, and the loss involved, led to a necessary assessment of what they would do next in their lives. It involved a reassessment of values and priorities. Several participants coped by assessing and recognizing their own value. Matt remarked that he didn't realize until it happened, how important he was to some people. Charles identified some ways in which he felt he had become a better person, he became more aware of the needs of people in prison and questioned the importance of material things. He looked back on his prior high-flying career as a 'dog eat dog' world in which he had lost a bit of humanity.

3: DISCUSSION and IMPLICATIONS

'I've looked at other horrors that have taken place, and I've looked at people who have been hurt in different ways, and I haven't found anything that compares with this kind of stigma. When it is a war, it is an external force, it's a real happening. But when it's false – it's that what you can't live with – because you cannot defend it and you cannot explain it, and it has been upheld in a court. You feel betrayed by the whole thing.' (Chris)

'The moment that you've been labelled as this, nobody will come near you. ... Whilst you've got this hope that you can expose what happened and the people that did it to you, you still know that the damage has been done. I would never be the same as I was before it all happened; I'll never be the same person.' (Graham)

Since the publication of the Oxford study (Hoyle, Speechley and Burnett, 2016) many people have contacted the authors either because they personally identified with the experiences described or to express their concern about the injustices arising from false allegations. Readers unfamiliar with this issue commented that they had been shocked to learn of the long-term repercussions for people falsely accused *who had been cleared* (never charged, or had been acquitted), a few even disclosing that the accounts moved them to tears. Further cause for tears however, lies with the small-yet-inevitable number of innocent people who are convicted, sentenced to imprisonment and made subject to sex offender registration.

When compared to the participants in the Oxford study who were not charged, or were exonerated ('NCEs'), the people in this separate study (who were convicted but maintain innocence ('CMIs') and their significant others ('FamCMIs')), suffered consequences on another level of magnitude. Their experiences continued down the track of the criminal justice process, to conviction, years in prison, and, if they didn't die in prison or shortly after release, being policed by the regulations of sex offender registration for the rest of their life.

3.1 All aspects of life were impacted

Like the NCEs, the CMIs and their families went through a traumatic time when the complaints first came to light - and from that time, they were affected negatively in their physical and mental health, finances, employment, relationships, identity, beliefs and outlook. As the Findings section shows, there were many similarities with the findings in the Oxford report on the NCEs. Inevitably though, the effects were more long-term and extreme for the CMIs, facing a prison sentence and doors more firmly and permanently shut against them thereafter. Health effects were dramatic and chronic for some of the CMIs, which they and their partners attributed to the conditions in prison as well as the trauma of being convicted and locked away as a sex offender. Some coped with their fate better than others, maybe reflecting personality differences that applied before the allegations, such as resourcefulness and self-confidence, or maybe because they had a wider social network and a degree of financial security.

Imprisonment, sex offender registration, and exclusion

For CMLs, the most onerous consequences were imprisonment, the burden of sex offender registration, the stigma of being labelled a sex offender, and exclusion from opportunities open to others (whether directly or indirectly). Collectively, this is a great deal of social punishment to endure, *even for those who are guilty*. Yet, guilty offenders can still ‘redeem’ themselves through acceptance of their responsibility and desistance goals to help them make sense of their incarceration and supervision following release.⁸⁰ For those who were innocent all along, a prison sentence and life upon release can be extremely hard to bear. This has been identified in research on former prisoners who were exonerated, such as studies by Grounds,⁸¹ Campbell and Denov,⁸² and Scott.⁸³ The convicted people in our study did not disclose any previous criminal records, and had been employed in professional vocations or voluntary work in positions of varying importance and responsibility. It was a long way for them to fall, and for their relatives (who experience ‘secondary punishment’⁸⁴ as a result of consequences for themselves through each phase of the process). In response to the longevity and layers of punishment and the cumulative damage to their lives, one of the CMLs wryly referred to false allegations as *‘the gift that keeps on giving’*.

Loss, betrayal and rejection

The accounts that participants provided revealed this group to have endured a profound sense of loss. They have gone through periods of great despair when they considered taking their own lives, or when they have not been able to sleep or function and fear they will never recover from the blow and damage to the life they had, and for some, PTSD continues. They talked about loss of trust – in criminal justice and the law, in the government and public services, in society and human nature. Even those who are exonerated cannot get back what they have lost – research shows that they feel ‘robbed’ and ‘betrayed’. The same feelings were strongly conveyed by our respondents. They spoke of being robbed of their livelihood, their income and savings, of friends and colleagues, of their past identity and social standing, working life, and of sound physical and mental health. A sense of betrayal was linked to being shunned or excluded from places that they had previously frequented – notably their church, workplace or voluntary work. On the whole, these CMLs are sad and embittered that a society in which they were once constructive players has removed them from positive roles, and has now barred them from many jobs. They saw everything they had previously done and achieved as now tarnished.

A spoiled identity

The effects were all-enveloping, including a change to their identity. Using participants’ own expressions, they felt *‘wiped out, in every way’*, *‘diminished, as a person’* and that they

⁸⁰ McAlinden, A., Farmer, M. and Maruna, S. (2017)

⁸¹ Grounds, A. (2005)

⁸² Campbell, K. and Denov, M. (2004)

⁸³ Scott, L. (2010)

⁸⁴ Condry, R. and Minson, S. (2020)

would *'never be the same person as before it happened'*. This was in the sense of not being able to return to the life they had before and also because of the stigma and how they would be seen by others who knew of their conviction. To use Erving Goffman's term, they have a *'spoiled identity'*.⁸⁵ For some more than others it also affected how they saw themselves, making them feel a sense of shame even while stressing their innocence. Public shaming can blur into a private feeling of being ashamed.⁸⁶ There is no anonymity for those accused and convicted of sexual offences, and their cases had been widely covered in newspapers, all accessible via Google. As well as the tarnished reputation and diminished life achievements, they felt that their, and their families' names, had been permanently stained.

A fight for survival

Some were broken and seemed unlikely to recover. Indeed, we interviewed bereaved relatives in three cases. Some were soldiering on bravely but evidently fragile, presenting themselves as stronger and coping. As one put it, he felt broken inside but had become good at being a *'great pretender'*. Others managed to steel themselves and were remarkably self-assured, perhaps exemplifying Nietzsche's maxim that *'what does not kill you makes you stronger'*. These were the ones who mentioned being sustained by their self-knowledge that they were innocent, and determined to stand by their own integrity and to psychologically resist the potential demoralising effects of anyone treating them as guilty. Several also showed strength in their decision to continue the *'fight to get justice'* by either working towards a further appeal, or sharing their story of what happened to them, and by assisting others in a similar plight. People in this predicament can never return to their former occupations. If they don't withdraw into isolation and poor health, they are more likely to become warriors for the cause or to find new interests and activities.

3.2 Brushed under the carpet

'There is nothing that brings the issues out in the open. We are totally hidden, no justice. The families suffer just as much as the person accused. [We lack someone] in Parliament to represent the falsely accused. We might as well lie down and die, because we don't exist. It's a hidden cause.' (Irene)

A fundamental source of pain for these convicted people maintaining innocence is knowing that others will presume them guilty, or at best will regard them with suspicion and take due precautions. After being released from custody, they will remain subject to sex offender notification requirements (indefinitely if their sentence was 30 months or longer). Most people will of course see CMIs as guilty because that is what the conviction says, having an implicit trust in the conviction and sentence to be correct. Further, there is societal gratification in seeing sex offenders get their come-uppance. Even open-minded people with some awareness of the criminal justice system's fallibilities are obliged to treat them as

⁸⁵ Goffman, E. (1963)

⁸⁶ Ronson, J. (2015)

guilty because they have been convicted, and to act accordingly. The criminal justice system and all institutions and individuals following safeguarding rules must treat them as a threat to others, even in cases where individuals do not believe they are. Some of the CMIs spoke of prison guards, probation officers, police officers who, on the quiet, had tipped the wink to them being innocent. Yet, this is not something they could publicly acknowledge. Guilty verdicts are sacrosanct. The reverse is the case though when people charged with sexual offences are found 'not guilty' or acquitted. At the end of such trials, judges and police officers will often commend the bravery of the complainants, and media articles reporting 'not guilty' verdicts and acquittals frequently finish with helpline numbers for victims of sexual abuse, while helplines for victims of false allegations are conspicuously absent.

The plight of people who are falsely accused and remain convicted, and their family members, is a 'hidden cause' in the words of a FamCMI (see quote above). Each individual organization bans the convicted person for its own interests (that is, protecting other users, and also protecting itself against litigation). Yet, none of these organizations thinks about how many other options are closed to the accused in making this decision. It is quite simply no-one's job to think how this collective social blacklisting affects the accused (though we have found this happens, to the point where they can become suicidal). It is no-one's job to think about the cumulative effect this has on wellbeing of the accused. They are systematically shut out of their own life.

If we choose to ignore the existence of CMIs, especially in the case of people maintaining innocence who were convicted of the abhorrent offences of child abuse and rape, we risk being blind to the suffering of people who are arguably the greatest victims of the system's fallibilities. That is a cruel fate. They spoke of how hard it is to live with such a stigma especially when they had no way of proving it to be false. Even those convicted of murder have a better chance of regaining trust because they are regarded as capable of being rehabilitated or unlikely to reoffend, in comparison to sex offenders who are seen as intrinsically evil.

3.3 Concluding note to FACT and its members and supporters

The present report is one that is long overdue and owed to the participants, and we hope that it will help to raise awareness of victims of wrongful convictions for sexual abuse. From our findings, we are all too aware that false allegations and convictions for sexual and child abuse result in people being societally excluded. We are therefore acutely aware of the irony in the decision taken to exclude CMIs from the published Oxford report, despite their accounts having been collected for this reason. Although the consequence of this decision facilitated an open-minded reception of the Oxford report in a climate of public concern about hidden prevalence of sexual abuse, it nonetheless must have felt like more salt in the wound of being treated as guilty. We hope the present report offers some reparation.

We are extremely grateful to the participants for sharing details of their distressing experiences and their insights. In the event that any are able to recover evidence and achieve exoneration, we would encourage them to publicise their case. The public only gets to hear about famous people. ‘Everyday’ calamities of the justice system fall under the radar – and it is vital that the wider public become aware of this.

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