

Dear ,

It is now almost 22 years since Frank Wilkinson was found guilty by majority verdict of the murder of Alan Raffle. He has always maintained his innocence, despite the fact that to admit guilt would undoubtedly have made life much easier for him and could well have earned him freedom years ago.

The evidence presented at his trial was entirely circumstantial. Forensic evidence proved only that he had been in recent physical contact with Raffle - a friend with whom he worked regularly. There was no evidence of blood, no evidence that he had ever been in the car that allegedly took Raffle to his death, no evidence that he had any motive for such a murder. The police investigation was slipshod and made questionable use of Frank's co-accused - a man whose behaviour at trial was damning to Frank. This man was himself acquitted at that trial and yet, in March 1988 - just a month after Frank's first appeal failed - he wrote a full confession, currently in the hands of the Criminal Cases Review Commission.

I urge you to be aware of Frank's case and to visit the website. I urge you also to take an interest in the more general point that his case illustrates: our criminal justice system seems unable to cater for prisoners like Frank. The Prison Service, the Probation Service, the Ministry of Justice - all apparently base their "risk management" approach on the fact of a prisoner's guilt; prisoners who are "in denial" of their "index offence" are almost automatically considered high risk unless they "prove" otherwise through completing a series of courses designed to "address their offending behaviour".

What if a prisoner is, in fact, not guilty? It may be commonly accepted that our prisons are full of people who say they didn't do it, but the facts do not seem to bear this out. In her book "Judge For Yourself", L.A. Naylor makes the point that, at the time of writing, the Criminal Cases Review Commission was receiving about 520 eligible applications each year - less than 1 per cent of annual Crown Court convictions. If the courts are getting it right 99 per cent of the time, that is a remarkable success rate.

It is surely unreasonable for a system to behave as if justice does not occasionally miscarry. Bruce Kent has made the point that "Going over tariff while maintaining innocence ought to be a warning signal". When challenged on these points, the criminal justice system will respond that it has to adopt the point of view that any criminal conviction is safe, unless and until proved otherwise. It will point out that there is an established appeal system (i.e. the CCRC and the Court of Appeal) that allows the safety of any conviction to be challenged. It seems to me that there is a certain amount of disingenuousness in this stance.

The current approach to "risk management" and the current working of the appeal system are combining to produce a Catch-22 situation for some prisoners, particularly those who maintain their innocence. On the one hand we have an appeal system that works very slowly, is overburdened and under-resourced and has a record of allowing an unrealistically small number of appeal cases through to the Court of Appeal. Professor Graham Zellick, outgoing chairman of the CCRC, has said of the Court itself, "The Court of Appeal is even more reluctant in 2008 than in the 1990s to quash convictions because they think they are unsafe". On the other hand, we have an "offender management" system that behaves as if no prisoner can be innocent, even if that prisoner is maintaining innocence years after any original tariff has been served.

Frank is now almost 62 and nearly 2 years over an adjusted tariff of 20 years (his original tariff was 17 years). During his time in prison he has gained a BA in Fine Arts and a PhD in English Language and Literature. He has won numerous awards from the Koestler Trust for his writing and art. In 1995, while at HMP Frankland, he was one of the first prisoners to take part in "addressing offending behaviour" work. (I have the certificates he was awarded for two of the three courses he completed.) However, since official records of these courses have gone missing, it is not accepted by the system that there is any proof that he has "addressed his offending behaviour". This seems unjust.

As an outsider to the system, it would seem to me that here is a rehabilitation record of precisely the sort of which the system should be proud. (Let us leave aside the fact that Frank would say most of this was achieved in spite of rather than because of the system!) Instead of which, the system behaves as if there has been no rehabilitation whatsoever and Frank remains Category A after 22 years. Surely something has gone very wrong here?

It is all too easy for such cases to become forgotten and for important decisions about them to be made unobserved and to go unchallenged. Frank has his third Mandatory Lifer Panel hearing in the New Year. He has a Judicial Review of the Secretary of State's last Category A Review next March - you can read the Director of High Security's report, and Frank's observations on it, on the web site. The Criminal Cases Review Commission is processing his second application to have his case looked at again - though progress here is likely to be agonizingly slow. It is important that those we appoint to run our criminal justice system are aware that we are looking over their shoulders and that we are interested in how things are being done in our name. Better decisions are likely as a result.

Frank was once a career criminal. Ironically, his wrongful imprisonment has remade him. Why is he not being actively prepared for his release?

Yours sincerely,