

5166LAW

Innocence Project

Semester 1 - 2006

Academic Organisation:	Griffith Law School
Faculty:	Griffith Law School
Credit point value:	10
Student Contribution Band:	Band 3
Course level:	Undergraduate
Campus/Location/Learning Mode:	Gold Coast / On Campus / In Person
Convenor/s:	Ms Lynne Weathered (Gold Coast)
Enrolment Restrictions:	Restricted: Course must be listed in Program
This document was last updated:	2 February 2006

BRIEF COURSE DESCRIPTION

Griffith University Innocence Project is committed to freeing innocent persons who have been wrongly convicted. By working to correct failures in our criminal justice system, the Project will foster an Australian legal culture that champions the defence of the innocent, and protects the marginalised and oppressed. Through working with law students, the Project will invest in lawyers of the future who uphold the values of truth in justice. Students, acting on instructions from the lawyers, will undertake research and utilise new evidence in an attempt to exonerate persons who have been wrongly convicted or repair other types of injustice within criminal justice system. All professional case-management decisions are the responsibility of the lawyers involved. Students will also work under the supervision of an academic.

Advised Prerequisite: 4031LAW Criminal Procedure and Sentencing, 4032LAW Principles of Criminal Law AND 4022LAW Evidence

NOTE: ENROLMENT IN THIS COURSE IS THROUGH SUCCESSFUL SELECTION IN THE BALLOT PROCESS. Ballot process information can be obtained from the Griffith Law School or Course Convenor.

SECTION A – TEACHING, LEARNING AND ASSESSMENT

COURSE AIMS

Course Aims

Students will undertake activities to assist people who have been wrongly convicted in Queensland and Australia. In addition, students will gain a greater understanding of the strengths and weaknesses of the criminal justice system of this and other jurisdictions.

Students, acting under the supervision of the Director and on instructions from the lawyers, will undertake research, investigate claims of wrongful conviction and utilise new evidence in an attempt to exonerate persons who have been wrongly convicted. All professional case-management decisions are the responsibility of the lawyers involved.

The course will offer students an interdisciplinary perspective on the interaction between science, psychology and criminal law. It provides an international perspective on wrongful conviction.

This course aims to fulfil the mission statement of the Innocence Project.

Innocence Project Mission Statement:

Griffith University Innocence Project is committed to freeing innocent persons who have been wrongly convicted. By working to correct failures in our criminal justice system, the Project will foster an Australian legal culture that champions the defence of the innocent, and protects the marginalised and oppressed. Through working with law students, the Project will invest in lawyers of the future who uphold the values of truth in justice.

LEARNING OUTCOMES

Following completion of this course, students should:

1. Have gained an international overview of some of the causes of wrongful conviction within the criminal justice systems of Australia, the United States, Canada and England
2. More fully understand the operation of the Queensland criminal justice system, in particular the difficulties with the current limited access to information and appeal mechanisms for wrongful conviction applicants
3. Develop the ability to undertake case-file management
4. Have learned to work as a team on a case
5. Appreciate ethical elements of Innocence Project work
6. Have learned to undertake tasks as designated according to Innocence Project processes
7. Appreciate professional responsibility and legal professional privilege
8. Have learned to work under instructions from a practising lawyer.

CONTENT, ORGANISATION AND TEACHING STRATEGIES

Intensive Introduction

This course is conducted at the Gold Coast campus. The course consists of an initial classroom component that will be taught intensively on the Tuesday, Wednesday and Thursday of the week

prior to week one of each semester. *Students must attend all sessions*, which form part of the participation assessment and usually run from 10am – 5.00pm each of these three days.

Allocation to Teams

Students will normally work in teams on cases that are allocated to them as the Project demands. Students will also be required to work on cases individually if appropriate to the demands on the Project. Students will be required to review police reports and trial transcripts, amongst other relevant documents or evidence. Students may have contact with clients. All student work must be undertaken *with the supervision of the Director* and *prepared and completed following instructions from the lawyers* who are ultimately responsible for the applicant's case.

It is anticipated that many cases will require more than one semester of work. (Some cases will take years of investigation.) These cases will then be passed on to the incoming students. The nature of the course means that each case will involve unique issues. Students will need to be prepared to be flexible in allocating time for the course. It is a professional-style course in that students will be given instructions, which they need to carry out much like in a work environment, though the students will have access to the Director for guidance and supervision regarding all their work. Students will also be expected to treat the cases upon which they work in a similar manner to that which they would in a professional legal setting, with confidentiality and privilege requirements attaching to the Project work. The Director will explain these obligations in full during the intensive introductory program.

Weekly Team Meetings

Regular meetings with the Director and/or the lawyers are scheduled for Tuesday evenings, from 5.30pm to approximately 8.30pm. This will be when student teams will meet with the Director and then take instructions regarding the cases upon which students are working. The work undertaken as part of the Innocence Project is highly confidential and legal professional privilege may attach to it. Details of cases must *never* be discussed with anyone other than project members.

Other full group meetings will be called for discussion forums and other lectures including special guest lecturers, as required. These will usually commence at 5.00pm on Tuesdays, prior to the team meetings. It is anticipated that at least twice during the semester, all teams will come together for a full group meeting with the Director to overview and reflect on the work being undertaken, and discuss the cases on which each team is currently working.

There will sometimes also be a set time during which applicants can contact the students in the designated Innocence Project room. Students will have contact with the lawyers through email, telephone and face-to-face meetings, as each case demands. It is anticipated that twice during the semester, the team meetings will follow on from Innocence Project Executive meetings. This will mean that the student meetings start approximately one hour later than usual. All team meetings will form part of the participation assessment.

Investigative Work

Students will be involved in a range of investigative activities. These activities will fall broadly into four categories:

- (i) Analysing relevant documents;
- (ii) Telephone contact with relevant persons;
- (iii) Campus visits by relevant persons; and
- (iv) Field activities, which may include visiting a crime scene, or prison, if appropriate.

All such activities must first have the approval of the Project Director and Project lawyers and students will be accompanied by the Director or lawyers when undertaking field activities.

Of the four areas noted above, the vast majority of student investigative work will fall under (i) analysing relevant documents. Such documents include the police record of interviews, committal, trial and appeal transcripts, witness statements and other relevant documents. This is a major and essential component of

Innocence Project work as it is necessary to have a comprehensive understanding of the facts of the cases and the evidence as presented at trial, prior to seeking access to further information, considering what potential new evidence may be available and seeking to access any such evidence.

The Project has a policy not to contact victims, as we do not wish to impinge on the position of victims of crime.

Types of Cases the Project Accepts

The Griffith University Innocence Project will take on cases where initial investigations support inmates' assertions that they have been wrongfully convicted and where innocence may be established through the use of DNA technology or other new evidence.

Goals:

- Investigate claims of wrongful conviction
- Determine if they have merit and if new evidence of innocence is available
- Obtain release of wrongly convicted inmates.

Types of Cases the Project Does Not Accept

- Where a conviction would be overturned through a technicality rather than innocence
- Cases that are currently on or awaiting trial, or where appeal time limitations have not yet expire
- Cases which rely on any type of defence such as for example, self defence or provocation
- Cases involving fraud or drug convictions
- Any sexual offences where there is an admission of sexual contact.

CONTENT SUMMARY

Students will be given a detailed program prior to the commencement of the intensive week. Topics covered during the week will typically include:

(1) Introduction to the Innocence Project

The aims and objectives of the Innocence Project

- Structure of the Course and Project
- Communication procedures and precedents
- Student responsibilities including:
 - Confidentiality and privilege requirements
 - Preliminary instructions on case file management

(2) Forensic Science

- DNA Profiling: Basic Concepts

(3) Causes of Wrongful Conviction

- Faulty Eyewitness Identification
- Overzealous or Improper Police Investigation or Prosecution
- Informer Evidence
- Tunnel Vision
- Poor Defence Lawyering
- Incorrect Scientific Evidence
- Plea Bargaining
- False Confessions
- Community Pressure for Conviction/Media
- Race/Wrongful Conviction and Indigenous Australians

The clinical component of the course covers the whole semester. Students will be undertaking their case file management activities, investigative activities and research activities relating to case management throughout the semester.

ASSESSMENT

Summary of Assessment

Item	Assessment Task	Length	Weighting	Total Marks	Relevant Learning Outcomes	Due Date and Time
	Individual Innocence project Work Assessment		60%	60	1 - 8	Continuous, final assessment due week 14
	Documentary Case File Management – Group Mark		30%	30	1 - 8	Continuous, final assessment due week 14
	Reflection		10%	10	5, 7, 8	Week 14

Assessment Details

Individual Innocence Project Work Assessment:

60%

Students complete a variety of tasks when undertaking Innocence Project work. For this major piece of the assessment, students will be individually assessed on a continual basis, in the following areas.

- Ability to respond quickly, appropriately and efficiently to applicant, lawyer and Director requests.
- Ability to follow Innocence project guidelines, processes and procedures in all activities undertaken.
- Problem-solving analysis skills, including recognition of evidence and legal issues involved.
- The level of initiative taken with designated tasks.
- Ability to work effectively as a team member.
- Appreciation of legal professional privilege and confidentiality requirements of the Project.
- Advocacy skills and ability to clearly articulate the work undertaken each week in response to case instructions and questions from the lawyers and the Director.

- Advocacy skills in presenting case summaries to the Executive for selection.
- Preparation of letters to applicants following instructions from the lawyers and supervision of the Director.
- Efficient record keeping of all instructions and communications between team members, applicants, lawyers and the Director.
- Thoroughness in the preparations and production of documents as requested by the Director and instructing lawyers each week, including the factual matrix and any other documents and summaries produced.
- Research skills utilised to support case investigation.
- Participation during the intensive classroom component and all regular team meetings. This involves the level of involvement in and the commitment to Innocence Project work, demonstrated by the student over the semester. This includes the number of hours dedicated to the Project work as well as interaction during all group sessions.

Documentary Case File Management:

30%

The actual case files of each of the applicants, which should include all their relevant documents, materials and summaries, factual matrixes and other documents that are prepared and produced by the student teams, must be kept completely up to date and organised for ease of reference by all Innocence Project staff and students. Each relevant case file which has been worked upon during the semester will be reviewed by the Director each week and at the end of the semester.

It is this file or files that will be reviewed and marked at the end of the semester, with the team being awarded a group mark based on that file(s)

The final document that should be prepared and placed at the front of the case file is the case summary. The case summary should be approximately 1500 words in length and include the following information:

Name of applicant

Crime(s) for which applicant was convicted

City and State where incident occurred

Sentence

Scheduled Release Date

The applicant's pleading at trial

Brief Summary of Case

Prosecution Planks

The claimed cause of wrongful conviction

Evidential Issues Involved

Potential New Evidence

Current Status of Case at the conclusion of the semester

The overall documentary case file will be assessed on:

- The production of a complete, well structured and easily assessable case file which incorporates all written work undertaken by the team during the semester
- The inclusion of a clear and concise final case summary or summaries that encompass the major facts and issues of the case as relevant to Innocence Project work undertaken during the semester
- The ease with which different material and documents within the case file can be found
- The quality of the overall file as presented and produced by the students

The case file must be completed by Week 14.

Reflection

10%

Students are required to consider the course information and work they have undertaken during the semester and write a reflection of that. It is suggested that a diary be kept during the course, which will allow for the development of thoughts, ideas and learning to be put to writing. This is designed to be a personal reflection. It can incorporate and ethical or other issues you found yourself confronted with during the course. It should be approximately 500 words in length.

This reflection is due on the Wednesday of week 14.

Return of Assessment Items

Refer to Section B for information.

Notification of Availability of Feedback on Assessment

Students may speak to the Director of the Project at any time during the course, to gain feedback on assessment items. The Director will provide informal feedback on assessment during the semester.

GRADUATE SKILLS

The [Griffith Graduate Statement](#) states the characteristics that the University seeks to engender in its graduates through its degree programs.

Graduate Skills	Taught	Practised	Assessed
Effective communication (written)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Effective communication (oral)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Effective communication (interpersonal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Information literacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Problem solving	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Critical evaluation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Work autonomously	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Work in teams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Creativity and innovation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethical behaviour in social / professional / work environments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Responsible, effective citizenship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TEACHING TEAM

Course Convenor

Convenor Details	Gold Coast
Campus Convenor	Ms Lynne Weathered
Email	L.Weathered@griffith.edu.au
Office Location	G27_3.32

Phone	07 5552 8527
Fax	07 5552 8667
Consultation times	TBA

Additional teaching team members

Adjunct Professor, Chris Nyst, Nyst Lawyers.

Adjunct Lecturer, Jason Murakami, Nyst Lawyers.

COURSE COMMUNICATIONS

All inquiries and requests of a general nature about the course should be made to the Course Convenor/Director.

Enrolment in this course is limited to ten students. Students may apply to be admitted into the Course. Students wishing to enrol in the Innocence Project should apply in writing, on the Innocence Project Application Form, available on the university website or from the Law School Administration offices. Students will be selected on the content and quality of their application. A student's grade point average is not a major factor in student selection. Students need not wish to practise criminal law. The Project is seeking students with a passion for justice and the ability to make a strong commitment to Project work for at least one semester.

Priority will be given to:

Fourth and final year students

Students who have completed or are currently undertaking the following courses: 4031LAW Criminal Procedure and Sentencing; 4032 LAW The Principles of Criminal Law; and 4022LAW Evidence.

It will be necessary to continually check your emails for information regarding the course.

Noticeboards

You are expected to check the noticeboards

For courses that are on-line - You are expected to keep up to date with the course through regular use of blackboard.

TEXTS AND SUPPORTING MATERIALS

Text Books

Barry Scheck, P Neter Neufeld & Jim Dwyer (2001) *Actual Innocence*, Signet Publications.

Recommended Text

The following text is available in the bookshop. A copy has also been placed on reserve in the Gold Coast library.

C Ronald Huff, Arye Rattner & Edward Sagarin (1996) *Convicted But Innocent: Wrongful Conviction and Public Policy*, Sage Publications.

Printed Materials

Student Manual

Students must read the Griffith University Innocence Project Student Manual which includes, amongst other things, the structure of the project, precedent letters and other important information relevant to the efficient running of the course and Project.

Readings

A large selection of reading material is made available to students in the Innocence Project workstation. The material is divided into three categories: (1) Prescribed Reading; (2) Recommended Reading; and (3) Articles of Interest. Each selection is kept in a separate folder in the workstation and each is continually updated. You are not required to purchase these materials. You are required to read the prescribed readings and review or read the material in the other folders. Other reading material will also be made available to students in the innocence project workstation.

Books on Reserve in Library

A selection of other relevant books will be made available on Reserve in Information Services.

SECTION B – ADDITIONAL COURSE INFORMATION

Plagiarism

Griffith Law School takes a very dim view of plagiarism, a practice which seems, alarmingly, to be increasing. Plagiarism can lead to the making of a complaint of academic misconduct to the Chair of Assessment Board (see paragraph 4.4.1). Such a referral may result in the imposition of serious penalties including a fail for the Course or exclusion from the course (see paragraph 4.3). Plagiarism is defined in the Griffith Law School's Assessment Policy as –

4.1.5 Plagiarism is the knowing presentation of the work or property of another person as if it were the student's own.

Some examples of plagiarism listed in paragraph 4.1.5.4 include –

- word for word copying without both appropriate use of quotation marks indicating direct copying as such and the inclusion of a reference identifying the source of the material; or
- closely paraphrasing material without acknowledging the source; or
- submitting work which has been produced by someone else.

It will be the practice of the teaching team to refer all suspected plagiarism to the Chair of Assessment Board. Students are encouraged, if they are uncertain as to their use of source materials, to approach any member of the teaching team to seek clarification.

If you are found to have committed any form of Academic Misconduct this may affect your ability to practice as a lawyer. The Solicitors Admission Board's attitude is as follows:

"Due to the large number of recent applicants disclosing incidents of academic dishonesty such as cheating, plagiarism, etc, during their applications for admission, the Board has resolved that, while it may not oppose the applicant's admission, it will require full disclosure of such incidents to the Court."

(Letter from the Solicitors' Board to the Dean of Law, 24 July 2003, on file with Course Convenor).

This is NOT an undertaking by the Board not to oppose the admission of an applicant who has committed Academic Misconduct.

Extensions and Late Submission of Assessment Items

Requests for extensions for assessment items must be directed to the Course Convenor. The Griffith Law School Assessment Policy sets out the process which must be followed if you need to apply for an extension.

Students who submit assessment items late without prior approval for an extension will be penalised under Section 7 of the Griffith Law School Assessment Policy. The Griffith Law School Assessment Policy can be found at <http://www.gu.edu.au/school/law/> then click on "Undergraduates", then click on "Policies".

Submission and Return of Assessment Items

Assignments are to be lodged with OC&AHS (Off-Campus and Assignment Handling Services, formerly GFLS) by the due date and time at one of the following offices:

Gold Coast – At the Assignment Handling counter, next to the Information Desk on the ground floor of the Library (G10) available while the library is open. During semester, this is:

8am-10pm Monday-Thursday,

8am-6pm Friday and

10am-5pm Saturday and Sunday.

Logan - opposite the Library entrance during hours of 9am – 5pm and next to Student Administration for 24-hour access.

Mt Gravatt- At the Student Administration Centre, with 24 hour access.

Nathan- Level O of the Willett Centre, opposite the Enernet Café, with 24 hour access.

OC&AHS staff are available at all of the above offices between 9am-5pm and are able to supply receipts to students for their assignments.

Once the assignment has been time and date stamped, it will be delivered back to the Griffith Law School for collection by the Course Convenor.

After the assignment has been marked, it will be returned to students at the next available class. For assessment due at the end of teaching, assignments will be posted out to the students.

Non-attendance of Compulsory Classes (Small Groups and Offices)

If you are unable to attend a class with a compulsory attendance requirement for medical reasons, you are required to complete a copy of the pro forma at the back of this course outline, together with a copy of a medical certificate in the format prescribed by the University.

Students at the Nathan campus are required to take the completed form and medical certificate to Ms Wendy Lawton for scrutiny and recording. Students at the Gold Coast campus are required to take the completed form and medical certificate to Ms Alison Brooks for scrutiny and recording. Please note the following:

Medical certificates not in the prescribed University form *will not be accepted*. The certificate can be found at <http://www.gu.edu.au/ua/aa/sta/forms.html>.

To be eligible to excuse non-attendance at small groups or offices, the Medical Practitioner must complete Section B of the certificate and indicate that the student's medical condition would affect either Lectures or Practical Sessions in a manner either moderate or severe.

Students must complete a separate copy of this form for any other courses offered by the Griffith Law School in which they have missed compulsory classes.

The submission of this form does not have *any effect in relation to extensions for assignments* or other assessment items. See above for the procedure for extensions.

GRIFFITH LAW SCHOOL – ABSENCE FROM SMALL GROUP/OFFICE

**PRINT YOUR RESPONSES CLEARLY AND RETURN TO ADMINISTRATION STAFF -
NATHAN (Wendy Lawton) - GOLD COAST (Sue Wilkins/Alison Brooks)**

Student Name: _____

Student Number: _____

Course: _____

Date medical condition began: _____

Date medical condition ended: _____

Did you miss one or more Small Groups in this course? [Tick] Yes No

If yes, state the week numbers you missed: _____

Did you miss one or more Offices in this course? [Tick] Yes No

If yes, state the week numbers you missed: _____

Reason for absence: _____

I certify that I have attached a medical certificate in the form required, that I did suffer from the medical condition described in the medical certificate, and that it did prevent me from attending classes. I certify that I will provide all necessary assistance to Griffith University and its officers for the corroboration of the medical condition referred to.

Student Signature: _____

Notes:

Medical certificates not in the prescribed University form *will not be accepted*.

To be eligible to excuse non-attendance at small groups or offices, the Medical Practitioner must complete Section B of the certificate and indicate that the student's medical condition would affect either Lectures or Practical Sessions in a manner either moderate or severe.

Students must complete one copy of this form for each course offered by the Griffith Law School in which they have missed classes in which attendance is required *within three working days of the end of the medical condition certified*.

STAPLE TO THIS FORM A GRIFFITH UNIVERSITY STUDENT MEDICAL CERTIFICATE (AVAILABLE AT <http://www.griffith.edu.au/ua/aa/sta/forms/>) COMPLETED BY YOUR MEDICAL PRACTITIONER.

SECTION C – KEY UNIVERSITY INFORMATION

ACADEMIC MISCONDUCT

Students must conduct their studies at the University honestly, ethically and in accordance with accepted standards of academic conduct. Any form of academic conduct that is contrary to these standards is academic misconduct, for which the University may penalise a student. Specifically it is academic misconduct for a student to:

present copied, falsified or improperly obtained data as if it were the result of laboratory work, field trips or other investigatory work;

include in the student's individual work material that is the result of significant assistance from another person if that assistance was unacceptable according to the instructions or guidelines for that work;

assist another student in the presentation of that student's individual work in a way that is unacceptable according to the instructions or guidelines for that work;

cheat; (Cheating is dishonest conduct in assessment);

plagiarise (Plagiarism is knowingly presenting the work or property of another person as if it were one's own.)

Visit the University's [Policy on Academic Misconduct](#) for further details.

KEY STUDENT-RELATED POLICIES

All University policy documents are accessible to students via the University's Policy Library website at: www.griffith.edu.au/policylibrary. Links to key policy documents are included below for easy reference:

[Student Charter](#)

[Academic Standing, Progression and Exclusion Policy](#)

[Student Administration Policy](#)

[Policy on Student Grievances and Appeals](#)

[Assessment Policy](#)

[Examinations Timetabling Policy and Procedures](#)

[Academic Calendar](#)

[Guideline on Student E-Mail](#)

[Health and Safety Policy](#)

UNIVERSITY SUPPORT RESOURCES

The University provides many facilities and support services to assist students in their studies. Links to information about University support resources available to students are included below for easy reference:

[Learning Centres](#) - the University provides access to common use computing facilities for educational purposes. For details visit www.griffith.edu.au/cuse

[Learning@Griffith](#) - there is a dedicated website for this course via the Learning@Griffith student portal.

[Student Services](#) facilitate student access to and success at their academic studies. Student Services includes: Careers and Employment Service; Chaplaincy; Counselling Service; Health Service; Student Equity Services (incorporating the Disabilities Service); and the Welfare Office.

[Learning Services](#) within the Division of Information Services provides learning support in three skill areas: computing skills; library skills; and academic skills. The study skills resources on the website include self-help tasks focusing on critical thinking, exam skills, note taking, preparing presentations, referencing, writing, proof reading, and time management.