

Chapter 2

Victims of Miscarriages of Justice

This chapter will examine the contribution of victimology to understanding miscarriage of justice and the extent to which perspectives of victimisation contribute to understanding victims of wrongful conviction. Despite a burgeoning literature within the field of victimology, much of this does not comment on victims of miscarriage of justice as defined by wrongful conviction. The chapter will consider 'victim' definitions and then examine the use of 'victim' and 'survivor' motifs in relation to miscarriage of justice. The purpose here is to understand how those involved in campaigns against miscarriage of justice understand notions of 'Self' and personal identity. Following this the chapter will examine the consequences of victimisation as a precursor to discussing the harms of imprisonment on the wrongfully convicted (Grounds, 2005). This will include an examination of bereavement, grief and loss and the extent to which this discourse contributes to understanding the experiences of victims of miscarriage of justice and those who campaign for them. Many released victims of miscarriage of justice continue to campaign after their release but their ability to do so is frustrated by the negative effects of wrongful imprisonment. The chapter concludes with an examination of those organisations that support prisoners and their families. Many victims of miscarriage of justice are released directly from prison or the CACD. These victims and their campaigning families receive little practical or emotional support leading to increased psychological strain and relational difficulties (Grounds 2004; 2008). The aim of this chapter is to problematize notions of victimhood as they relate to victims of miscarriage of justice and to understand the provenance of findings concerning victimisation and miscarriage of justice presented in Part 2.

Miscarriage of justice discourse often refers to the wrongly convicted as 'victims' of miscarriage of justice (Taylor and Wood, 2004) and that the quashing of a conviction by the CACD as an official acknowledgement that the carriage of justice has been infringed (Nobles and Schiff, 2000). A broader definition of miscarriage of justice which includes 'no action, inaction or questionable actions' by criminal justice agencies (Savage, Poyser and Grieve, 2007: 11) or 'a failure to protect and vindicate the rights of potential or actual victims' (Walker, 2004:36) extends the 'victim' motif to include notions of victimisation felt by the families and friends of the victim of miscarriage of justice whether defined as someone wrongly convicted or as the actual victim of the crime. What is perhaps surprising is that literature from the discipline of victimology appears to neglect the subject of miscarriage of justice and, specifically victims of miscarriage of justice.

The next section will set the scene and consider victim definitions and then examine the use of 'victim' and survivor' in miscarriage of justice discourse.

Victim Definitions

The word victim was originally used in the context of 'sacrifice' (Karmen, 1990) often when the victim was used as a means of placating or worshipping a particular deity. The word has connotations of 'passivity' within some ideologies which has led to philosophical tensions between voluntary groups particularly between Victim Support and the feminist movement (Walklate, 1993). In terms of the word's genealogy the point is made that when 'victim' is gendered it is denoted as female possibly alluding to the fact that most 'sacrificants' were female (Davies, Francis and Greer (2007). It was not until the nineteenth century, however, that definitions emerged that encompassed notions of harm and suffering (Furedi, 1997). The Oxford Dictionary defines a victim as:

A person harmed, injured, or killed as a result of a crime or accident; a person who has come to feel helpless and passive in the face of misfortune.

A more recent statistic, however, suggests that despite the risk of homicide remaining low in the United Kingdom, '...males are more than twice as likely to be a victim of homicide as females' (Home Office Statistical Bulletin, 2011: 15). Spalek (2006) suggests that definitions need to take account of wider historical, social and cultural processes and that simplistic definitions fall short of adequately conceptualising the term. Additionally there are other factors that influence how victimhood is perceived both by the victim and by society. One complication is where a person does not recognise their victim status either because they cannot conceive of their suffering as a form of victimisation (Lamb, 1999) or the case of individuals in religious groups who conceive their own suffering as an opportunity to strengthen their faith and not as a category of victimhood (Spalek, 2002). There will, however, be situations when individuals readily embrace the victim label because they require victim 'status' as a means of acquiring 'justice' or other financial or psychological goals. Definitions of identity and victimhood similarly need to take account of the range of actors who work with, define and support victims and the extent to which the 'miscommunication' (Teuber and Febbrajo, 1992) between such groups might hinder understanding of victimisation and the nature of being a victim. The importance of identity is considered by Rock (2002a: 14) who suggests that the concept is:

A social artefact dependent, at the outset, on an alleged transgression and transgressor and then, directly or indirectly, on an array of witnesses, police, prosecutors, defence counsel, jurors, the mass media and others who may not always deal with the individual case but who will nevertheless shape the larger interpretive environment in which it is lodged.

The definition draws attention to the number of people who might contribute to how victimisation is interpreted within the criminal justice system. Different interpretations of victimhood will similarly reflect contrasting characteristics that are either valued by society or groups within it or to the stigmatisation of a particular label (Burnley, Edmonds, Gaboury and Seymour, 1998).

A broad definition is provided by the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly resolution 40/34 of 29 November 1985 which states that:

“Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power...A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimisation...The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability (Office of the Commissioner for Human Rights, 1985).

The definition attempts to address the concerns of victims as they relate to the criminal law and to abuses of power. An important addition to the definition concerns the notion that victims should have access to justice and fair treatment. The declaration argues that citizens should have access to the mechanisms of justice provided for by national legislation and that this should include mechanisms whereby victims can obtain redress that is ‘expeditious, fair...and accessible’ (1985: 1). The principles adopted by the declaration similarly identify ‘human rights’ as an issue and that victims’ should be provided with assistance throughout the legal process (See Chapter 1). These principles are often cited by campaigns against miscarriage justice who draw attention to breaches in due process and abuse of process when campaigning against wrongful conviction. One weakness of some human rights discourse in relation to human rights might be that it sometimes fails to recognise the victims of more mundane crime whilst prioritising cases that involve abuses of State power.

A number of attempts have been made to examine perspectives within victimology as a means of locating the strands and connections between different classificatory models of the discipline. One purpose of these studies has been to enhance understanding of victimological theory so that the values and assumptions inherent within a particular position are made more explicit. Examination of these traditions similarly highlights the connections between victimology and criminology and how criminal and non-criminal behaviour changes individual lives. A range of typologies have emerged which seek to enhance understanding of victimisation and definitions of victimhood. These victimological perspectives include positivist victimology (focus on the measurement of victimisation and research into why some individuals are more prone to victimisation) (Keat and Urry, 1975; Mawby and Walklate, 1994); radical victimology (less focus on individual and environmental factors and more on the power relations within society that victimize sections of society) (Taylor, Walton and Young, 1975; Sumner, 1990; Muncie, 2003); critical victimology (developed as a response to perceived weaknesses of positivist and radical victimologies) (Mawby and Walklate, 1994); and, feminist perspectives (focuses on the hidden victimization experienced by women) (Dobash and Dobash, 1979; Walklate, 2003; Naffine, 1997; Spalek, 2006). Locating victims of wrongful conviction within a victimological perspectives further helps to understand the function and role of campaign and pressure groups against miscarriage of justice and furthers understanding of victim culpability and 'lifestyle' theories (Hindelang, Gottfredson and Garofalo, 1978) in relation to victims of miscarriage of justice.

'Victims' and 'Survivors'

The issue of whether 'victim' should be preferred to 'survivor' in miscarriage of justice discourse is one that has less to do with semantics and more about the tensions which exist between different ideologies (Walklate, 2007a). For many campaigns against miscarriage of justice, often led by women, the issue is important and resonates in their understanding of 'Self' and personal identity. Feminists' appreciation of the importance of linguistic terms has sometimes meant

that the use of 'victim' has been seen as inappropriate because it suggests notions of passivity and helplessness (Cook and Jones, 2008). Feminism strives to counter these situations by encouraging women to seek empowerment despite their victimisation and to celebrate the lives of those who 'survive' (Buzawa and Buzawa, 2003; Davies, 2007). The preferred term, particularly in cases of domestic violence and rape is that women (the concept can be applied to cases involving men) are 'survivors' because they have resisted their 'oppressive personal and structural locations' (Kemshall and Pritchard, 2000; Shapland, 2009). The process of recovery from trauma through to emotional and psychological healing is a second idea which informs the debate with persons moving from the 'location' of victimhood through to being a survivor (Figley, 1985). Rock (1998: x) researching the creation and development of self-help campaigning groups supporting victims of murder and manslaughter argued that he chose to employ the use of 'survivor' because '...it incurs a smaller risk of ambiguity and confusion than victim...' Walklate (1993) suggests that although the argument is sometimes framed in oppositional terms it is possible to see 'victim' and 'survivor' as denoting different aspects of the experiential journey of the individual (See Chapter 7). In situations where individuals have experienced a traumatic event they might be 'active or passive victims' or 'active or passive survivors' depending on their own path of recovery (Walklate, 2004: 54). A more uncompromising stance is taken by Figley (1985) who suggests that whilst victims and survivors might both have experienced a trauma it is the survivor who has managed to find resolution. The idea is developed with the suggestion that:

While the victim has been immobilized and discouraged by the event, the survivor has overcome the traumatic memories and become mobile. The survivor draws on the experiences of coping with the catastrophe as a source of strength, while the victim remains immobilized (Figley, 1995: 399).

There are, however, problems with this view particularly with the idea that the terms represent two different identities. It is possible for an individual to move between and across the two concepts because of their own experiential journey (Williams, 1999). An individual's emotional stance might be fluid with different

aspects of the trauma reflecting different identifications of the victim/survivor motif (Finkelhor and Yllo, 1985; Howarth and Rock, 2009).

Another criticism of Figley (1995) is that it suggests people are victims or survivors rather than multi-faceted individuals moving between terms depending on their own psychological positioning (Elliot, 2008). One difficulty of this is that it could make victims feel as if they are in some way inferior to others who have been marked as 'survivors' (Kelly, Burton and Regan, 1996). Too rigid an allegiance to any one typology could restrict an individual's understanding of their experience and undermine the fact that victims' employ different coping strategies (Williams, 1999).

Lamb (1999) when considering the role of labelling theory suggests that where the societal preference is for the promotion of strength and independence some labelled 'victim' might reject the designation. Men, in particular, through the influence of stereotypical descriptions of victim discourse sometimes reject the idea of being a victim as the concept does not accord with their preferred understanding of masculinity. Michael O'Brien, whose case became known as the Cardiff Newsagent Three, was finally released on bail following eleven years in prison in 1998 after his conviction for murder was finally quashed in 1999. After the quashing of the conviction he stated that, 'I don't look on myself as a victim of a miscarriage of justice but as a survivor' (Campbell, *The Guardian*, 2008). One issue for O'Brien was that he had actively fought against the criminal justice system and had emerged as a survivor (O'Brien, 2008). For the purposes of this thesis 'victim' of miscarriage of justice is preferred as this is the term used by the majority of pressure groups campaigning against miscarriage of justice.

The impact and harm caused by victimisation can be acute and multifaceted (Shapland, Wilmore and Duff, 1985). Different types of victimisation impact on the psychological, emotional and physical well-being of victims in contrasting ways and these differences can be severe over short periods of time or can last for many years (Dobash and Dobash, 1979; Miller and Porter, 1983; Kelly, 1988; Resick, 1990; Riggs and Kilpatrick, 1990). The behaviour of victims can similarly be influenced

following a trauma as can their financial security through loss of employment which in turn can have ramifications on their sense of well-being and the financial security afforded to dependents (Crawley and Sparks, 2005). Victims of miscarriage of justice experience many of the consequences of victimisation experienced by other victims of crime. The next section will examine consequences of victimisation and then make connections with victims of miscarriage of justice.

The Consequences of Victimisation

Any analysis of the harm caused by victimisation needs to recognise that victims are not one homogenous group and that different people react in contrasting ways to victimisation. This applies equally to the consequences experienced by victims of miscarriage of justice (Goodey, 2005; Savage *et al*, 2007). There is no one response to a trauma and whilst it is possible to discern patterns of behaviour for the purpose of understanding victimisation, it can never be assumed that a particular crime will generate a specific or stereotypical response from a victim (Williams, 1999). Most studies considering the impact of victimisation have focused on serious crime including violence, rape, burglary and sexual abuse and these studies have highlighted a range of consequences including psychological, emotional, physical and financial factors (Wolhuter, Olley and Denham, 2009). Despite generating informative data Walklate (1994) suggests that some findings should be treated with caution because of the difficulty in interpreting victim response. Wortman (1983: 212-213) argues that:

If a man shows little emotional reaction to the death of his infant daughter, does this mean that the death does not represent a crisis for him? Or does this mean that he was extremely upset by her death, but that he has managed to get his emotions under control? Alternatively, does the absence of emotion suggest that the man is really upset, but 'denying' the impact of the crisis? Or, is he experiencing distress but unwilling or unable to admit this because he feels that displays of distress are inappropriate or indicative of poor adjustment?

A related issue raised by Wortman (1983) is that different victim responses might elicit contrasting reactions from those people around them. Anger and bitterness from the victim can sometimes generate negative responses from friends and family and this in turn might influence the victim's emotional recovery. Walklate (1994) points out that societal attitudes to crying might similarly impact on victims' response to victimisation with crying deemed more 'acceptable' in some cultures and for women more so than men. Charman and Savage (2009: 8) consider the issue of 'differential grieving' in relation to campaigns against miscarriage of justice. Many families campaigning for a victim of miscarriage of justice are secondary victims and as such experience many of the feelings associated with loss, bereavement and grieving. In relation to how women and men grieve, differences in gender can affect 'differential responses to loss' (Charman and Savage, 2009: 9).

A notable longitudinal study by Shapland, Wilmore and Duff (1985) examined 276 victims of violent crime including crimes of physical assault, sexual assault including rape, and robbery where the crime involved an obvious individual. The research took place in Coventry and Northampton with each city having a magistrates' court with some cases being referred to the Crown Court. The effects of victimisation were divided into psychological effects (including anxiety and depression); physical effects (including headaches, pain and disfigurement); and, financial loss and need (loss of money, earnings or medical expenses, losing time off work). Many of these effects impact on the lives of family members supporting victims of miscarriage of justice (Jamieson and Grounds, 2005; Charman and Savage, 2009). It was clear from their study (Shapland *et al*, 1985) that a high proportion of victims continued to suffer the consequences of their victimisation. In particular psychological, social and physical victimisation continued over time whilst the effects of financial loss appeared less acute. There were differences between the effects of particular crimes with some physical assaults leading to less overall suffering. The study found that sexual assaults had 'the highest level of effects...and the greatest tendency for the effects to persist' (Shapland *et al*, 1985: 101) and that victims of sexual assault were more likely to identify psychological harm. During interviews with victims conducted two years after the offence 91 per cent stated that they were still

suffering the effects of their victimisation. The study similarly found that physical, social and emotional effects were often interrelated and that:

A majority of victims suffered some kind of emotional effect, which often led to changes in their behaviour and social lives. These were usually long-lasting (remaining over periods of months or even years) and commonly took the form of nervousness, anxiety and worry, particularly when alone in the house (Shapland *et al*, 1985: 106).

In addition to the suffering experienced by victims of crime there has been a growing awareness that some victims might experience *secondary victimization* through involvement with the procedures and processes of the criminal justice system leading to what Dunn (2007: 267) refers to as 're-victimisation'. This might involve the emotional impact of giving evidence in court (Rock, 1998; Dunn and Shephard, 2006), insensitive questioning by the police (Zedner, 2002) or the adversarial system which by focussing solely on the prosecution and defence might undermine the needs of victims (Dignan, 2005). The adversarial system similarly involves cross-examination which is considered one of the most significant forms of secondary victimization, particularly in rape trials (Soothill and Soothill, 1993). The experience of cross-examination has led to some victims choosing to avoid involvement in the criminal process which in turn can lead to miscarriage of justice through crimes being unreported (Cretney and Davies, 1997). The issue of secondary victimisation is significant in relation to victims of miscarriage of justice and specifically in regard to family members who campaign for the appellant. Savage, Poyser and Grieve (2007: 32) comment that:

Once a miscarriage of justice is alleged to have occurred, victimisation can relate to the experiences of those seeking to redress the injustice in terms of the reluctance of those in authority to respond adequately to the challenge.

This theme is further examined by Grounds (2004, 2005) who suggests that most family members campaigning and supporting a victim of miscarriage of justice who have been wrongfully imprisoned suffer from many symptoms associated with post-traumatic stress disorder. Rock (1998: 40) examining self help groups

supporting those suffering bereavement after violent death similarly uses the language of post-traumatic stress disorder to describe the impact of their situation arguing that the bereaved can feel '...numb, shocked, anxious, enervated, breathless...they may have impaired memory, palpitations, headaches, panic attacks...nightmares, hallucinations and wild imaginings'. The relatives of serious offenders can similarly suffer when a family member is charged and convicted of a serious offence. Howarth and Rock (2000: 70) suggest that the two sets of 'victims' (the bereaved 'survivors' and the relatives of offenders) share characteristics of suffering:

Both have lost control. Both point to catastrophically invasive knowledge that is impossible to absorb, accept or integrate. Both point to disintegration of meaning; to feelings of oppression, vulnerability, guilt, stigma, and isolation; and to a profound sense of bereavement or loss.

Many of these feelings resonate in the experiences of victims of miscarriage of justice and their families. These will be examined later in the chapter. The next section will explore the impact of victimisation where the victimisation concerns the death of a spouse or child. The purpose here is to examine relevant literature and to make connections with victims of miscarriage of justice. As will be demonstrated later in the study this is an important dimension of victim category.

Secondary Victims: Death of a Spouse or Child

The trauma experienced by people over the *death of a spouse or child* is particularly acute with survivors often sharing that '...in a single instant, their lives were fundamentally changed' (Wortman, Battle and Lemkau, 1997: 109). Rock (1998: 30) similarly comments on bereavement after homicide and comments particularly in relation to the homicide of children that it is 'especially disturbing' and that '...it is a mode of bereavement probably quite unlike the 'normal' grieving process'. This level of secondary victimisation is often severe with the survivor feeling confused, emotionally damaged and helpless (Rando, 1993). In cases where the death is the

responsibility of someone, feelings of anger and rage are sometimes directed against the perpetrator (Rock, 1998). These feelings of intense anger sometimes last for long periods which in turn drain the survivor emotionally (Parkes, 1993). A consequence of the severity of this experience is that survivors often suffer from Post-Traumatic Stress Disorder (PTSD) which is regarded as 'the most common and severe type of post-trauma mental health problem that can occur' (Freedy and Donkervolt, 1995: 9). The survivor will sometimes experience flashbacks, feelings of detachment, nightmares, insomnia and irritability (Freedy and Hobfoll, 1995; Rock, 1998). After the event the survivor might use avoidance techniques whereby reminders of the trauma (places, people, sounds and smells) are evaded (Freedy and Donkervolt, 1995). The condition can lead to the survivor becoming emotionally incapacitated through the development of negative personality traits such as impulsivity, suspiciousness, lethargy and feelings of hopelessness (Wortman, Battle and Lemkau, 1997). Personal relationships often come under pressure through deterioration in communication, intimacy and sexual function leading to estrangement (Amick-McMullan, Kilpatrick, Veronen and Smith, 1989). The consequences are often so extreme that Wortman, Battle and Lemkau (1997: 109) question whether survivors 'ever fully recover'. Many survivors are not able to cope that their loved one has gone whilst they continue to live. This, for some, generates feelings of guilt, despair and restlessness and in some cases can lead to physical illness (Lepore, Silver, Wortman and Wayment, 1996). The survivor will experience annual reminders of the deceased such as anniversaries and birthdays or other events that trigger shared memories. These often kindle a desire for the presence of the deceased (Rando, 1993; Rock, 1998) and the continuation of the trauma through 'the survivor's life cycle' (Herman, 1992: 211). One aspect of the survivor's ability to recover is the nature of the support they receive. The quality of support, however, might not always be appropriate or beneficial. Where care professionals or others offering support interpret the survivor's reactions to the trauma as a weakness or flaw in their character then the quality of the support will be undermined. The survivor might similarly adopt such a view of their own response to the trauma believing that they should be coping better. The focus, however, should be on the psychological harm caused by the trauma itself and not

on the personal characteristics of the survivor (Wortman, Battle and Lemkau, 1997). In relation to miscarriage of justice the challenges of campaigning against wrongful conviction when the victim and appellant stem from the same family are exacerbated by the depth of trauma experienced by the appellant and other family members (Charman and Savage, 2009). During the early stages of the campaign the appellant and other secondary victims are inevitably coming to terms with their loss. At a time when the family are grieving the death of a family member and coping with bereavement they then have to negotiate their way through the criminal justice system and brace themselves to fight the conviction.

The focus of this thesis is miscarriage of justice and specifically the people who campaign against wrongful conviction. Many victims of miscarriage of justice involved in this study have been wrongfully imprisoned, often for periods of between seven and twenty years before their release by the CACD. The harms caused by their wrongful imprisonment has impacted on their dealings and relationships with family and friends whilst campaigning for them and afterwards following release from prison. The next section will explore the negative effects of wrongful imprisonment and how these might adversely affect the ability of activists to campaign.

The Negative Effects of Imprisonment on the Wrongfully Convicted

Research on the psychological effects of wrongful conviction and imprisonment is limited although notable research has been conducted by Simon (1993) and Grounds (2003, 2004, 2005). Grounds began research into this area following assessments with four members of the Birmingham Six and one member of the Guildford Four (See Chapter 1). Since then he has taken referrals from the Miscarriage of Justice Support Service (MJSS) in order to advise victims of wrongful conviction on issues of support, counselling and compensation following release from the Court of Appeal. The function and work of the MJSS will be examined later in the chapter.

The first assessments made by Ground's were of eighteen men of whom fifteen had been wrongly convicted of murder. Most of the men had served in excess of eleven years and all but four had been out of prison for more than two years (Grounds, 2004). The clinical findings of the report found that most of the men experienced 'enduring personality change', 'post-traumatic stress disorder' including panic attacks, moodiness, irritability, paranoia and depression (p. 169). During their prison years some had been assaulted and deprived of sleep whilst in police custody and all had experienced feelings of isolation whilst they protested their innocence. Many expressed the view that their lives in prison were dominated by their legal case and with campaigning against their convictions (Grounds, 2008). During the clinical assessments it became apparent that many of the men were continuing to find it difficult to adjust to life following release. Life-sentenced prisoners who have progressed through the system are eventually re-categorised to open conditions and provided with town and home visits as preparation for release. These men, however, were taken to the CACD and following the quashing of their conviction were released with little or no money and were unprepared for life following release (Grounds and Jamieson, 2003). Difficulties included coping with ordinary practical skills such as crossing the road, using cash-points, budgeting with money and buying items from shops (Grounds, 2004: 171). The men had difficulty with issues of *adaptation* in their new environments. From living in ordered and predictable settings the men had problems adapting to home life and with living with family members. At a psychological level the men had coped with their prison suffering by 'blocking off painful feelings' and isolating themselves from the prison regime. Although back with their families they continued to adopt the same strategies of 'withdrawal, self-isolation and uncommunicativeness' (p. 171). This often had the effect of creating tension and upset in the home as family members of victims of miscarriage of justice struggled to understand their behaviour (Jamieson and Grounds, 2005: 45). For some victims of miscarriage of justice and their families simply coping with everyday experiences and adapting to life post-release is traumatic and places a strain on key relationships. For many of these victims, some of whom continue to campaign against criminal justice agencies, the strain of coping with life post-release means that their ability to campaign against

miscarriage of justice is often frustrated (Grounds, 2008). All the men interviewed stated that they had difficulty with family and *close relationships*. Some reflected that the emotional intimacy they had known had been lost leading to feelings of estrangement. One factor complicating the relationship was that the men had withheld their true feelings and concerns from their families in order to protect them from further worry (Jamieson and Grounds, 2005). A consequence of this was that their knowledge of what each had gone through during the prison years was distorted leading some prisoners to remark that 'they had become strangers to each other' (Grounds, 2004: 173). For some men this meant separation from wives and partners. A related effect concerned what some referred to as 'lost time'. The men had become 'dislocated in time' and often thought of themselves psychologically as feeling the age they were at the time of their conviction. This created problems when mixing with peers who had progressed to 'different stages of life' (p. 172). A distressing consequence of lost time was the effect prison had on the relationship of prisoners with their children. For some wrongfully imprisoned and other prisoners, the distress of being separated from their children was the hardest aspect of imprisonment. On their release, some men had difficulty rebuilding their relationships and for some children their father had become a stranger (Grounds, 2004: 174; 2008).

Grounds (2004, 2005) argues that the findings on personality deterioration were not anticipated as other research on long-term imprisonment (Walker, 1987; Zamble and Porporino, 1988) gave no indication that such a condition was likely (Grounds, 2004: 174). A criticism of earlier studies is that they have failed to take account of individual and situational factors concerning how prisoners cope with incarceration (Jamieson and Grounds, 2002; Grounds, 2004). A second observation is that there have been few longitudinal studies that have examined the long-term effects of imprisonment and subsequent adjustment following release. Most studies have collected data whilst the prisoner is still in custody and have therefore not been able to explore any post-release psychological deterioration or mental suffering (Grounds, 2005). A third point raised by Grounds (2004: 175) is that whilst the 'clinical syndromes and adjustment problems' might not feature in prison

effects literature it does resonate in the psychiatric literature on the effects of war on veterans. A key tenet of his argument is that the problems of personality disorder are rooted in the fact that the people he interviewed were victims of miscarriage of justice and had experienced long-term imprisonment (Grounds, 2008). There is evidence that the suffering of the wrongfully convicted and their ability to adjust following release is exacerbated by their '...sense of injustice that they have been imprisoned for something they did not do' (Grounds, 2008). The desire on the part of victims of miscarriage of justice to 'prove their innocence' led them to focus wholly on their cases and evidential matters and to cut themselves off emotionally from partners and family (Grounds, 2008). This factor was to have serious consequences on the relationships of some victims of miscarriage of justice and lead campaigners in this study particularly where the appellant's spouse or partner took the lead campaigning role. Some actual or alleged victims of miscarriage of justice continued to campaign and appeared unable or unwilling to cease campaigning against conviction or against other matters associated with their case, despite their release from prison. Their concern with the case and evidential matters appeared to undermine their relationship leading some victims of miscarriage of justice to become estranged from their campaign team (Grounds, 2008). Other notable research that has examined life in public institutions, including prisons, suggests that notions of identity can be 'spoiled' leading to inmate behaviour that seeks to compensate or adjust to feelings of alienation (Goffman, 1991). When the life of inmates is 'cut to the bone' (Goffman, 1961: 305) through institutional restrictions the individual might then need to make sense of their life through 'secondary adjustment' (engaging in activities that permit the inmate to forget or redefine their environment) and 'overdeterminism' (which suggests that some individuals will pursue activities against the regime whose benefit to the individual is beyond the intrinsic value of the supposed gain) (Goffman, 1997a: 85-86). In these situations the individual might engage in behaviour and undertakings which seek to demonstrate '...that he has some self-hood and personal autonomy beyond the grasp of the organization' (Goffman, 1997a: 87). The struggle of some incarcerated prisoners to cope with life following conviction cannot be dissociated from notions of 'stigmatization' and spoiled identity understood as perceived

'blemishes in individual character' (Goffman, 1997: 73). The response of the mass media to a serious crime and to the conviction of the 'offender' can lead to persons wrongfully convicted being mythologised and presented as some type of 'other' leading to stigmatization (Jewkes, 2004). In these cases personal identity might be disrupted leading to post-traumatic stress disorder and the pursuance of lifestyles, both in prison and post-release, that seeks to redefine and mend notions of spoiled identity (Goffman, 1997; Grounds, 2004).

Many victims of wrongful conviction learn to distrust people whilst imprisoned and disclose little about their private world (Grounds, 2004). This reaction only adds to the suffering felt by families during the prison years and following release (Grounds, 2008). The effects of long-term imprisonment on families have received attention (Light, 1992; Braman, 2002; Codd, 2008), similarly the impact on wives (Peelo, Stewart, Stewart and Prior, 1991; Bandele, 1999), and on children (Shaw, 1987; Davies, 1992; Boswell and Wedge, 2001; Berstein, 2005), mothers in prison (Baunach, 1985; Caddle and Crisp, 1997; Golden, 2005) and the difficulties encountered following release (Maruna, 2001; Parke and Clarke-Stewart, 2003; Petersilia, 2003; Niven and Stewart, 2005; Codd, 2007). The literature suggests that the families of the imprisoned experience similar consequences as secondary victims of miscarriage of justice. Data from Action for Prisoners' Families found that 45 per cent of prisoners lost contact with their families whilst in prison and 22 per cent of married prisoners divorce or separate (Salmon, 2007). Many marital relationships were found to be under stress not only because of reactions to the offence but because of issues of separation and other associated difficulties (Lowenstein, 1984; Codd, 2002). The financial consequence of imprisonment has been well documented (Davies, 1992; Smith, Grimshaw, Romeo and Knapp, 2007) particularly when the family loses its main income although for some families of recidivist prisoners their financial situation sometimes improves (Morris, 1965). Feelings of stigma associated with conviction and imprisonment are difficult to assess (Codd, 1998) although Goffman (1963) has examined the stress caused to families whilst attempting to prevent other family members or neighbours from finding out. Other research suggests that stigmatisation and hostility is more

dependent on the community from which the prisoner and family live. Prison numbers have increased to such a level that for some communities, imprisonment has become more commonplace (Kotarba, 1979; Fishman, 1990). Some offences, however, by nature of their seriousness, engender extreme hostility from the local community. For those alleged victims of miscarriage of justice convicted of murder or serious sexual offences, their families often experience hostility from neighbours encouraging victims of miscarriage of justice to seek solace within alternative communities, including the miscarriage of justice community (See Chapter 5).

At a recent demonstration in London on 9 October 2010 organised by activists campaigning against miscarriage of justice, a significant number of children attended the march from Trafalgar Square to Parliament protesting against a parent's wrongful conviction (See Chapter 7). The effects, however, of imprisonment generally on children are difficult to assess as it involves examination of related features that include involvement with the criminal justice process and imprisonment with poverty and social exclusion (Travis and Waul, 2003). Similarly, the experiences of individual children suggest that a range of viewpoints needs to be considered (Boswell, 2002). Despite the difficulties posed in assessing the negative effects of imprisonment on children certain characteristics suggest that the imprisonment of a parent feels like 'bereavement' with children exhibiting behaviours and emotions linked to the processes of grieving (van Nijnatten, 1998). Other psychological consequences include anxiety, withdrawal and depression, low self-esteem and behavioural problems (Johnston, 1995; Jose-Kamptner, 1995; Eddy and Reid, 2003). Some children blame themselves particularly if they are not present when the parent is first arrested (Mazza, 2002). Alternatively children sometimes suffer from the consequences of being present at the parent's arrest leading to feelings of shock, stress, confusion and instability (Nijnatten, 1998). Whilst it is difficult to assess the level of suffering felt by children research suggests that the experience of parental imprisonment does generate negative consequences. Boswell and Wedge (2001) suggest that:

It is clearly difficult to put children's responses into neat categories. They differ in age, sex, family, school and life experiences and developmental stages. Some are

old enough to have formed judgements of their fathers' behaviour and are dealing with the accompanying tensions, while younger children remain preoccupied with the emotions they feel for their absent parent. It nevertheless remains apparent that none of them is untouched by the loss of their father to imprisonment. All would prefer not to be in the situation in which they find themselves (Boswell and Wedge, 2001: 79).

The research indicates that the children and families of imprisoned parents and partners experience a range of diverse and negative consequences and that these are similarly experienced by the families and children of the wrongfully imprisoned. Whilst many of the negative consequences of long-term imprisonment are experienced by the rightly and wrongfully convicted alike, the victim of miscarriage of justice and their family appear to suffer the pains of injustice leading to 'chronic feelings of bitterness' and 'unresolved feelings of loss' (Grounds, 2004: 170).

The analysis of literature associated with grieving, loss and bereavement similarly resonates in the work of Charman and Savage (2009) who identified contrasting processes of coping with loss and the issue of differential grieving to understand the resilience of women involved in campaigns for justice. It is worth summarizing their position. The focus of their research was justice campaigns and the 'special' role played by female family members. Drawing on a variety of sources concerning gendered differential grieving (Charman and Savage, cite Parkes, 1996; Schwab, 1996; Gilbert, 1997; Archer, 1999; Martin and Doka, 2000), research suggests that mothers often feel greater levels of grieving intensity than their male partners. The differential response of men, however, is not that they suffer less from the loss but that their response is often 'more private and internalized' (Charman and Savage, 2009: 9; Wortman, 1983). In terms of the reactions of men and women to the death of a child, Wortman, Battle and Lemkau (1997) suggest that marriages sometimes become strained because men and women 'often grieve differently' (p. 122). Men are often socialised into refraining from shows of emotion brought on by painful feelings. As a coping mechanism men often prefer to stay busy and cope with family distress by spending more time at work (Riches and Dawson, 1996). Women on the other hand tend to be more expressive and often find solace in talking about the

tragedy (Wortman, Battle and Lemkau, 1997: 122). The complication for the marriage is if the woman interprets her partner's lack of expression and desire to engage in work related tasks as indifference towards the tragedy. This is consistent with Charman and Savage (2009: 9) who cite Martin and Doka (2000) findings of the 'intuitive' griever (focusing on the vocalising of emotion and feeling) and 'instrumental' griever (with its emphasis on problem-solving rather than sharing emotional placement and feelings). This literature suggests that gender role socialisation not only impacts on notions of societal expectation regarding how women and men should react to tragedy but similarly influences the coping strategies adopted by the two sexes. Women, rather than finding consolation through work related activities often engage in 'personal investigation into the circumstances relating to the loss' (Charman and Savage, 2009: 9) or through a 'search for meaning' (p. 10). For many victims of miscarriage of justice and their families struggling with the aftermath of wrongful imprisonment what is often required is an acknowledgement by the agencies of the State that the 'miscarriage' is innocent (Campbell and Denov, 2004; Grounds, 2004). The CACD, however, rarely provides apologies or uses the discourse of innocence; rather, convictions are either 'safe' or 'unsafe'. In terms of Charman and Savage's (2009) 'search for meaning' many families caught in the cycle of campaigning against miscarriage of justice might feel that their anger and frustration towards the agencies responsible for the miscarriage remains unresolved whilst the criminal justice system refuses to acknowledge its error in pursuing the prosecution (Chamberlain-Creighton, 1990; Savage, 2007a; O'Brien, 2008). The negative consequences of miscarriage of justice and particularly on those who have experienced long-term wrongful imprisonment are severe both on the victim of miscarriage and their family. The next section will explore the support available to survivors of miscarriage of justice and particularly the support offered by the Miscarriage of Justice Support Service (MJSS).

Support for Prisoners and their Families

Support for prisoners' and families following release from long-term imprisonment are limited. Much of the support, emotional and financial, comes from friends and other family members who rally round to help the prisoner and family recover from what might have been a period of sustained difficulty and stress (Codd, 2008). This situation, however, assumes that the prisoner and family continue to have the support of the extended family and friends. In cases where the offence involves a family member or where the offence is particularly heinous, support might be more limited (Condry, 2007). The probation service used to have an important role in supporting the families of prisoners (Morris, 1965) but changes in penal policy and in the job descriptions of probation officers has seen the focus of their role and responsibilities being on the management of offenders (Mills and Codd, 2007, 2008). In addition to support provided by family and friends a number of self-help groups make valuable contributions, including organisations operating under the aegis of the church or other religious groups. Some of these voluntary groups work in partnership with official agencies and from small beginnings are now able to employ staff (Codd, 2008). The Partners of Prisoners (POPS) is a Manchester-based group which works in partnership with the prison service to provide support for families on a range of issues including children's visits. The national organisation Action for Prisoners' Families (APF) provides a campaigning voice and also provides support for families during the custodial sentence. The support available might be regarded as being inadequate but the situation for victims of miscarriage of justice and their families is even more limited. The difficulties often begin the moment the conviction is quashed. Jamieson and Grounds (2005: 36) argue that unlike other released long-term prisoners the men in their sample:

Were released suddenly and without even the limited preparation and supervision from statutory services that are normally provided for long-term prisoners. After being in prison for years they were typically taken to the Appeal Court, the decision was given and they were released with a small amount of money and a bag of possessions to their waiting families and the media.

Sentence-planning by the prison service means that a prisoner's sentence, release and through-care are managed through inter-agency and inter-professional collaboration. Sentence progression leading to town and home visits and eventually to open conditions prepares the prisoner for the psychological and emotional consequences of release and similarly enables the partners and families of prisoners to prepare for the home coming. The victim of miscarriage of justice often receives little or no support from any official agency.

The Miscarriage of Justice Organisation (MOJO) attempts to support a small number of released victims of miscarriage of justice but resource limitations mean that the needs of the vast majority of released prisoners are overlooked because the organisation has neither the staff, finances or other resources necessary to provide such a service (See Chapter 7). MOJO currently seeks to establish a retreat for released victims of miscarriage of justice 'to help depressurise victims and prepare them for their return to...society (MOJO, 2009). Despite a well published campaign the organisation continues to experience resource limitations which thwart the organisation's plans. In order to meet the needs of released and acknowledged victims of wrongful conviction, the Miscarriages of Justice Support Service was set up in 2005 under the auspices of the Royal Courts of Justice Advice Bureau (MJSS, 2009). The organisation helps released prisoners and families before and after release with contact usually being made following a referral by the Criminal Cases Review Commission (Banks, 2008). If the appeal is successful a prisoner can apply for specialist advice concerning a range of needs including help with accommodation; National insurance credits; registering with a G.P; and, accessing health care and counselling (INNOCENT, 2009). An important role of the organisation is in supporting victims of miscarriage of justice and their families through the psychological and emotional trauma of wrongful imprisonment (Banks, 2008). 'Clients' are often referred to a clinical specialist who interviews the client and then makes recommendations regarding specific psychiatric intervention or long-term counselling to help them cope with the after effects of wrongful imprisonment.

Conclusion

This chapter has sought to examine themes which inform developments within victimology as they relate to miscarriages of justice. Whilst there is limited material on miscarriage of justice as defined by 'no action, inaction or questionable actions' (Savage, Poyser and Grieve, 2007: 11) in relation to the activities of criminal justice agencies, there is a dearth of literature within the discipline that examines victimology and wrongful conviction. This chapter began by considering victim definitions before examining the use of different terms in relation to 'victimhood' and the choices individuals make when using the 'victim' or 'survivor' motif. In relation to this study 'victim' will be used throughout because it is the preferred term used by most campaign groups against miscarriage of justice. Following this the chapter examined the consequences of victimisation generally and showed that there is never one specific or stereotypical response to a crime. Within the field of victimisation the chapter examined notions of secondary victimisation whereby individuals experience some of the consequences of being involved in serious crime and with the criminal justice system. Whilst many alleged victims of miscarriage of justice face wrongful imprisonment, their families and those who campaign for them become secondary victims and share some of the trauma associated with wrongful conviction. The chapter concluded with an examination of the harms of wrongful imprisonment experienced by victims of miscarriage of justice and their families. Many alleged and actual victims of wrongful imprisonment suffer from symptoms associated with post-traumatic stress disorder and this can impact on their ability to adapt to life when they return to their families. In relation to campaigns against miscarriage of justice, many victims continue to campaign post-release despite suffering psychologically and emotionally from the results of wrongful conviction and imprisonment. The trauma of coping with life post-release similarly affects the families of victims of miscarriage of justice. Despite the challenges of coping with release, the support mechanisms available for victims of miscarriage of justice and their families following the quashing of the conviction are limited.

For many participants involved in this study, as will be seen later, one of the first decisions following a conviction was to form a campaign group against wrongful conviction and imprisonment. It is to the subject of campaign and pressure groups we now turn.