



Press Release

“Not guilty” can still mean trouble

Tübingen criminologists analyze causes and effects of acquittals following pre-trial custody; research may lead to legal reform

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Acquittal is the big unknown factor in the criminal justice system. Every year in Germany, some 27,000 people are declared “not guilty” at the end of their trial. Yet the reasons why people go through a criminal case ending in acquittal – and the consequences they suffer as a result – had hardly been examined to date.

Tübingen’s Institute of Criminology has broken new ground in this field, analyzing a cross-section of all acquittals following pre-trial custody over one year. The German Research Foundation is sponsoring this empirical analysis with a total of €250,000 over two years.

Only around three percent of all criminal proceedings end in acquittal, yet with about 27,000 in Germany annually, the number of people affected is large – and 300 of those are held in custody before their trial. Aside from the personal suffering and possible stigma, the researchers asked whether this was not a waste of the justice system’s resources. The director of the Institute of Criminology, Professor Jörg Kinzig, said the matter had been largely neglected in Criminology.

Tübingen criminologists now aim to examine the differences between trials ending in acquittal and those ending in a guilty verdict or with the case being dismissed. Under German criminal law, prosecutors only bring charges against a suspect on the assumption that the person charged is likely to be found guilty. The defendant is innocent until proven guilty, but courts will only admit a case when they too consider a conviction likely.

Professor Kinzig and his team plan to investigate why and how acquittals come about, using methods including interviews with judges, prosecutors and defense counsels. This basic research is expected to show up deficits and the potential for reform of the current system.

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