

Parole Board Member's Blog – September 2021

You don't know what you don't know. Parole Board members face that issue in every case they review. Our job is to consider risk and whether a prisoner needs to stay in prison for the protection of the public, or whether they can be released safely after serving the minimum term set by a judge. So, the question is about future risk, and whether someone is likely to present a risk of serious harm after they are released. How can you predict the future? Every case that comes before the Parole Board starts with a review of the papers. This is the evidence presented by the Secretary of State for Justice and includes hundreds of pages of information from the entirety of the offender's time in prison. The papers also include any statements victims of the prisoner want the Parole Board to consider and any evidence or comment that a prisoner or their solicitor would like the Parole Board to see.

So, on the initial evidence, we only know what we are told. We still don't know what we don't know. But you need to know what you don't know and that is why members are trained to explore and discover, as far as they can, the unknowns about a prisoner. The evidence presented in the papers may lead to questions that need to be asked. Members can direct that further evidence is produced or that specialist assessments are completed. For example, in a case I reviewed, the sentencing judge spoke about a diary that the prisoner had kept at the time of his offending. The judge had seen it, he made comment about it, but there was little else about it in the written evidence. I directed that the diary be produced. It was copied from the court archives and provided for the Parole Board. It offered a lot of information that was relevant to the consideration of risk.

The analysis of written evidence at the initial paper stage of a prisoner's review is done with great care and often leads to questions and the need for further information. The scrutiny of the material and the production of further evidence helps in the assessment of risk. So, in that early stage of the process, we are starting to find out what we don't know.

As well as finding information from the past, we also explore the present. Reports about custodial behaviour and courses that have been completed will help in the understanding of current risk, but we can delve deeper where we need to. For example, in a case where a prisoner presented a risk in relationships, I directed that transcripts of his telephone calls from prison were produced. The review of that evidence established that what he was telling some people was very different to the conversations he was having with his partner. There was a risk that needed further examination and members of the Parole Board can consider these things and can test all of the evidence by questioning witnesses, including a prisoner, at an oral hearing.

If further issues arise during an oral hearing and throughout the process members can and do continue with questions, including whether there remains a need for further evidence. So now maybe, we are starting to know more about

what we didn't know.

But can you predict the future? The offences committed by prisoners who come before the Parole Board are some of the most serious crimes in the country. The consequences of making a wrong decision are severe, so we need to be confident in the decisions that we make. Understanding the past and the present allows members to better define what the behaviours or circumstances might be in a prisoner's life that would present a risk to the public if release were to be directed. We want to be sure that all areas of risk have been properly identified, that, where necessary, appropriate treatment or courses have been completed in custody, and that potential problems in the future can be spotted by those managing an offender in the community.

We will look at how well a prisoner might be likely to manage themselves safely and how effective the proposals from Probation will be in monitoring and managing risk. The Parole Board will also approve or revise proposed licence conditions. For example, in a case I reviewed, there was a concern about how well the prisoner might comply with some of the restrictions of his licence. Failing to comply would not create an imminent risk but people would need to know if his resolve to do well was failing. The addition of GPS tracking and a requirement to present himself twice a day to his designated accommodation ensured that Probation could keep a careful check on his progress. He was released safely and completed his licence without issue.

The more ways there are to spot warning signs, the greater the likelihood that action can be taken to return a prisoner to custody before there is any imminent risk to the public. The number of prisoners released by the Parole Board who go on to commit a serious further offence is less than 1% of the number actually released. By exploring and delving into what we don't know, panel members are better placed to assess and consider risk.