

# F.A.C.T.

## PAROLE MATTERS

“The aim of this document is to address some of the questions you might have about the Parole Process.”

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## SECTION ONE

### Overview

## Introduction

The Parole Board is an independent body. Its task is to determine which prisoners may be safely released into the community under the supervision of a probation officer.

Decisions whether to grant parole are normally decided at either a 'paper hearing' by three Parole Board members or, in defined circumstances, at an oral hearing.

The decision to grant parole enables a prisoner to be released from prison subject to conditions such as residence, being of good behaviour, and regular reporting to the authorities applying for a stated period of time. Parole is only granted to prisoners serving sentences of more than four years. It is not automatic and is dependant upon a risk assessment.

### Eligibility for Parole

Depending on the circumstances a person may be eligible to be released on parole after they have served one third or one half of their sentence. This is referred to as the *Parole Eligibility Date*. Persons considered to pose an unacceptable risk may be refused parole.

Once a person is eligible to be considered for release on parole they will be subject to an annual review up to the two thirds point of their sentence when, normally, they would be released.

### The Parole Review Process

The Parole Review process begins 26 weeks before the first *parole eligibility date* (see Section Two), and thereafter at yearly intervals. The time-table starts with the prisoner applying for parole on the prescribed form.

The prisoner is entitled to opt out of the process if he/she wishes.

The prison holding the prisoner is responsible for preparing the parole dossier. In order to avoid disrupting the parole process, prisoners whose parole process is underway should not be transferred to another prison before the dossier is completed unless there are exceptional

circumstances such as when a move is required on the grounds of security, good order or discipline, health or compassionate reasons, or to avoid overcrowding.

### The Dossier

The parole dossier is a formidable document. It is the responsibility of the parole clerk to collate the reports from prison staff and outside agencies. These will include a *parole assessment report* from the home supervising probation officer.

The dossier should be compiled with a view to open reporting. The prisoner must be given access to the contents of the dossier before it is sent to the Parole Board, subject to any restrictions being necessary on the grounds:-

- of national security
- of the prevention of disorder or crime
- of a need to protect third parties who might be at risk from its disclosure
- that disclosure might impair the physical or mental health of the prisoner
- the source of information is a victim, and disclosure without their consent would be a breach of confidence.

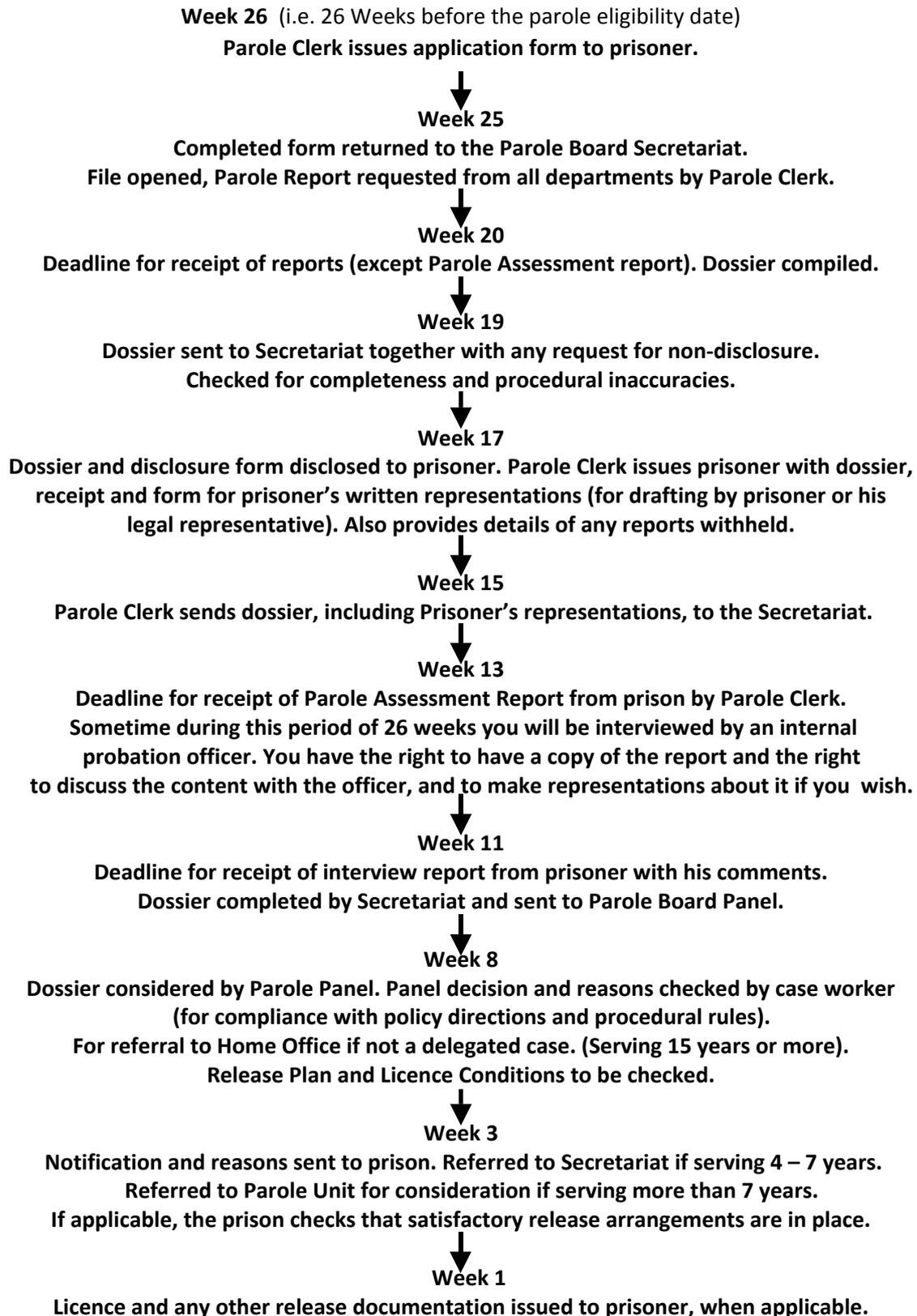
Any decision to withhold access to information must be taken by the prison governor or by a nominated senior officer. The prison governor must consider whether or not non-disclosable information can be re-written so as to avoid it not being disclosed.

The prisoner is also entitled to make representations regarding the contents of the reports, and to submit reports on his/her own behalf.

In certain circumstances they may also be allowed to provide an expert report (e.g. psychologist) to challenge any evidence contained in the dossier.

The prisoner is not usually provided with a copy of the dossier, but copies can normally be obtained by the prisoner or their legal representative on payment of an administrative charge.

## **THE PAROLE TIMETABLE**



*It should be noted that the timetable set out above is not always strictly adhered to.*

## SECTION THREE

### Prison Parole Assessment Form

## A Typical Prison Parole Assessment Form

This assessment should cover the period that the prisoner has been in Prison Service custody for this sentence, or update a previous assessment written for this sentence. (See Section Four for details of other information which should be included in the dossier and referred to where appropriate.)

### Time Scale

The period this assessment covers is from ..... to .....

### Prison Behaviour

- 1 What is the prisoner's attitude toward staff – has he/she accepted and co-operated with authority?
- 2 How does the prisoner relate to other prisoners?
- 3 Number of offences against prison discipline occasioning punishment by the Governor (including during time spent on remand where appropriate).
- 4 Number of occasions where Additional Days have been awarded.
- 5 Total Additional Days awarded.
- 6 Number of offences committed in custody dealt with by the courts.
- 7 Number and length of additional custodial sentences awarded by the courts for the offences committed in custody.
- 8 Brief description of the most serious offences committed in custody (e.g. those involving violence, drugs or absconding). At what point in the sentence they were committed? Indicate any patterns or possible causes of behaviour.
- 9 If the prisoner has been granted any form of temporary release, give details i.e. when and/or for what purpose, and did the prisoner comply with the conditions and return on time?.

### Domestic Circumstances

- 10 What is the prisoner's present matrimonial status?
- 11 What is the prisoner's relationship with members of his or her family (including efforts to strengthen relationships where appropriate)?
- 12 What ties, if any, does the prisoner have with persons outside the family circle?
- 13 Have any current or potential welfare problems been identified?

### Employment, Training, Education and Other Activities

- 14 Please give details and duration of work on which the prisoner has been employed during this sentence. How has the prisoner worked during his or her time in custody (e.g. work, effort and degree of supervision necessary)?
- 15 What are the prisoner's stated plans for employment on release? Is this linked with what he has done during his sentence?
- 16 What classes, courses, vocational training or private study (including use of the library) have been undertaken during the period of this report? What has been achieved?

- 17 Does the prisoner use time in class or training courses to the best advantage? What is the prisoner's general conduct in class?
- 18 What is the prisoner likely to make of the educational/training skills acquired in prison upon release?
- 19 Taking into account available facilities, what are the prisoner's main leisure and physical education activities and interests (in association or in cell)?
- 20 Have there been any opportunities for the prisoner to be involved in community activities (outside or inside prison)? If so, what has been achieved?
- 21 Has the prisoner attempted to use his time in prison constructively?

### **Offending Behaviour**

- 22 Does the prisoner accept responsibility for the offence?
- 23 What explanation is given by the prisoner of the reasons for criminal behaviour?
- 24 What is the prisoner's attitude toward the victim, if any, of his or her offence?
- 25 What course of programmes is appropriate to tackle the prisoner's offending behaviour? Please give details of any courses of programmes that have been available (e.g. alcohol, drugs, sex offender course).
- 26 Which courses or programmes has the prisoner attended; what degree of participation has he or she made, and how much benefit has been derived from them?
- 27 Has it been established that such courses or programmes identified in question 26 will be available on release?
- 28 Does the prisoner intend to continue with such courses or programmes, or undertake those identified as necessary but not available in prison?

### **Release**

- 29 What, in your view, is the likelihood of the prisoner co-operating with supervision while on licence and avoid re-offending before the sentence fully expires?
- 30 What do you consider to be the possible effect of a continued stay in custody?
- 31 Where does the prisoner state he or she would live if granted parole? (Give address and brief details about type of accommodation).
- 32 Please give any other relevant information you feel the Parole Board should have when reaching a decision.

Report Completed by Prison Officer

**Signed:** \_\_\_\_\_  
**Grade :** \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

Countersigned by Governor (level 5 or above)

**Signed:** \_\_\_\_\_  
**Grade:** \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

#### **Advice from F.A.C.T.**

*Questions 23 – 29 inclusive, under 'Offending Behaviour', are potentially prejudicial to any person who maintains their innocence. Caution should be exercised when answering these questions as the answers given will carry considerable weight with the Parole Board.*

*Always remember you are entitled to make comment or observations on any aspect of all reports.*

## SECTION FOUR

### The Parole Dossier - Contents

# The Parole Dossier - Contents

(The Parole Dossier must include the following (if applicable).

See Prison Service Order 6000, Chapter 5, Appendix F).

## Contents

## Source

1	Front Cover Sheet and Index	Parole Clerk
2	Summary of offences from one or all of:	Release and Recall Section (RSS)
	i    Police Report	
	ii   Pre-Sentence report	
	iii  Pre-Sentence Psychiatric Report	
	iv   Court Transcript of Sentencing Remarks	
3	Court Papers (if the offender has appealed the appeal papers must be included)	Sentencing Court/Court of Appeal
4	Court transcript of sentencing remarks	Prison/Release and Recall Section
5	List of previous convictions	Police/Court/Probation
6	Pre-Sentence medical, psychological or psychiatric reports (if applicable)	Probation/Healthcare/Psychologist
7	Copy of previous parole dossier (if applicable)	Parole Clerk
8	Copy of previous parole refusal (if applicable)	Parole Clerk
9	Sentence Planning and OASys Documents	Prison/Probation
10	Adjudications and ADA's (if applicable)	Prison
11	Prison Parole Assessment	Prison
12	Seconded Probation Officer's Report	Seconded Probation Officer
13	Report(s) on offence related work (if any)	Prison
14	Prison Medical/Psychiatric/Psychological Reports	Prison/Professional
15	Post Sentencing Psychology Report (if any)	Prison Psychology
16	Category 'A' review Report (if applicable)	Category 'A' Clerk
17	Security Report	Security Manager
18	Victim Personal Statement (if provided)	Field Probation Officer/Police
19	Parole Assessment Report	Field Probation Officer
20	Prisoners Disclosure Form/Representations	Prison
21	Parole Board Member interview report (if applicable)	Parole Board Member
22	Disclosure Form/Representations	Prisoner/Legal Representative

**The dossier may also contain other relevant information such as pre-sentence reports, Prison Chaplain's reports, job offers and letters of support from family and friends.**

## **ISSUES TO CONSIDER**

### **Parole Template**

Any person (in England and Wales) making an application for parole is entitled to advice and assistance from a solicitor specialising in prison law, funded by legal aid. If you are granted an oral hearing you may also be entitled to legal advocacy.

You should always keep in mind that both the Prison and Probation staff, and the Parole Board, are required to work on the basis that you have been rightly convicted and are indeed guilty of the offence(s) which led to your imprisonment.

Always keep in mind that the Parole Board's primary consideration is to assess the amount of risk that the applicant is thought to present, and that they are entirely dependent on the information made available to them. It is therefore essential that you address the issues of risk in your application, and that you examine all of the reports included in your parole dossier.

The dossier is created and co-ordinated by the relevant prison clerk and is submitted to the Parole Board as an accurate account of offences and convictions of the parolee. This document will also contain the reports from the various Prison Authorities including the Prison Probation Officer and the external (home area) Probation Officer. Their report is one which weighs heavily on the Parole Board's decision. From experience, it is also the document most likely to contain errors or inaccuracies.

Your copy of each document contained in this dossier must be thoroughly examined to ensure that it is presented to the Board as an accurate account of the events surrounding the individual's circumstances. Significant errors should be identified and corrected. It is important that you comment on the absence of positive reports from the work place, education, courses, certificates gained, and the use of prison time, e.g. working with, and also of assisting, other prisoners.

Watch out for references in the dossier to allegations that:-

- a were not proceeded with or were halted
- b were never presented to the CPS by the police
- c were rejected by the CPS
- d resulted in not guilty decisions
- e were thrown out of court for 'abuse of process'

**Allegations which were presented against you previously, which resulted in not guilty findings or were not proceeded with, cannot be used in the Parole Board's Dossier.** If you discover such references ask for them to be removed.

In some instances, reports may contain derogatory or erroneous comments based on inaccurate court reports. You are entitled to see all reports in your dossier and, if you disagree with any points raised in these reports, you should make written submissions to correct them. If necessary, you can also make a formal complaint about any inaccurate statement through the request/complaints system.

The completed dossier is bound to include contributions which do not necessarily present your case in a positive light. It is therefore very important that you examine the basis for any negative comment. You should challenge these if the remarks are based on inaccurate data misinformation, or on a personal viewpoint which is contradicted in other contributions.

It will help if you always keep available a pen/pencil and paper handy, so that you can take contemporaneous notes of any interviews you are required to attend. (It is not unknown to be summoned to meetings without prior warning!)

Such notes are necessary for two reasons: firstly in order to serve as an aide-memoire at a later date: and secondly, in order that you may have a record of the discussion should a subsequent report differ from that which was discussed during the interview. If the person who is conducting the interview objects to you taking notes, explain that you will be able to give your solicitor a more

## SECTION FIVE

### Issues to Consider

accurate account if you take notes at the time of the discussion. You do not have to concede this point as there is no viable reason for refusal. However, in any situation, it is always preferable to use diplomacy rather than to be confrontational.

### Who Contributes To Your Dossier

Parole dossiers include a considerable amount of information obtained from a variety of sources (see Section Four). In addition to the Prison Assessment documents submitted by your Personal Officer, (s)he may also interview you and submit a report. This will be an opportunity for you to highlight positive aspects of your current situation, including any work you have undertaken whilst in prison, for the benefit of others.

The prison (or seconded) probation officer will also interview you and submit a report which should contain details regarding your activities during your period in prison to date. This report will also contain a recommendation to the parole board regarding your possible release on licence. This report may include commentary on the sentence plan and your response to it. Make sure that sufficient attention is given to the section on sentence plan as the Parole Board are unlikely to release someone if an incomplete or unrealistic plan is in place.

The Probation Officer's report should also contain all the positive aspects of your period in prison and, although it may be generally supportive, it may not necessarily recommend your release on parole. If the final report from this or any other source does not accord with your notes of interviews, you should make your own representations, or inform your legal advisor of the discrepancies.

The home probation officer's report will tend to concentrate on issues relating to your home, family and community circumstances. This report is usually constructed from information taken from Court/Police/Social Service files, and they do not always visit the home environment. It is now also becoming a fairly regular occurrence for the probation officer not to visit the prisoner but to speak to them over a conference telephone link.

Their report may contain comments to the effect that your return to your home area is not welcome by the community, or that you are too high a risk to be considered for parole. If this is so you should question the report writer, asking what evidence they have to support their opinion. (See Section on Risk Assessment and Courses).

The social service's report is likely to be similar in content to that of the home probation officer's report and the same strictures apply. Both of these reports may incorporate a 'victim impact statement' but the Parole Board need not pay much or any heed to what alleged victims might say regarding the possibility of your being allowed to return to live in close proximity, nor can they influence the decision to allow parole.

The police will have the opportunity to comment on any possible previous convictions which they consider are, or may be, pertinent. If you have reason to doubt the accuracy of their report you should object most strenuously.

### Maintaining One's Innocence

Maintaining one's innocence presents problems for the Parole Board and for the prisoner. The Parole Board are legally obliged to assume the prisoner's guilt of the offence(s) for which they have been convicted. However, the Parole Board's first duty is to assess the risk to the public that the prisoner might commit further offences if paroled. This means that it is unlawful for the Board to deny a recommendation for parole *on the ground alone* that the prisoner continues to deny his/her guilt.

Many prisoners are wrongly told that constantly maintaining their innocence debars them from obtaining parole, as the two quotations below indicate:

***"It would be quite wrong for the Parole Board to treat denial of guilt as ruling out the granting of Parole".***

*Lord Bingham R v Parole Board ex parte Oysten (2000)*

***"It would be unlawful for the [Parole] Board to refuse Parole solely on that basis".***

Christine Glen, (Parole Board Head Office)  
in a letter to Claire Curtis Thomas MP, April 2002

***“It is not the case that prisoners who refuse to do the programme (SOTP) and who maintain their innocence will be denied parole and have limited privileges. The prospect of Parole may be an incentive to do the programme, but failure or refusal to do it need not be fatal to an application”.***

Beverly Hughes (Parliamentary Under Secretary of State at the Home Office) in a letter to Claire Curtis Thomas MP, dated 13<sup>th</sup> February 2002

Where a prisoner maintains his/her innocence and has been convicted of multiple offences establishing risk is more difficult. This is particularly true in cases involving historic allegations.

It is essential that prisoners who maintain their innocence confront the issue of risk in the parole dossier in their own submission, and do everything they can to convince the Parole Board that they pose no risk of re-offending.

It is very difficult, but not impossible, to find suitable responses to questions directed at your supposed offending, whilst at the same time maintaining your innocence and retaining your dignity and integrity.

For example, with regard to the question regarding what you would do if you again found yourself in the situation which led to your conviction, you could, if true, reply in the following manner and still maintain your innocence:

*“I would ensure that I was never in such a situation again by ... ”. (Give examples)*

*“I would never work with children again as I no longer trust them to tell the truth”.*

*“I would certainly ensure that I was never alone in the company of any child in the future by ....”.* (Give examples)

*“Imprisonment has been a very painful and upsetting experience and I would not wish to place myself in any situation which might give rise to complaint”.*

## **Courses and their Implications**

The Prison and Probation service provide a wide range of ‘treatment’ courses which are made available throughout the Prison Service; the most frequently quoted being the Sex Offenders Treatment Programme (SOTP), and the Enhanced Thinking Skills (ETS). These courses are referred to as being accredited by the prison service. The advantage of this “accreditation” is that if you take a course in one prison, you should not be required to take it again if you are moved to another prison.

There are a number of factors relating to courses which you should take into consideration when completing your application document.

There is a very real risk of a Catch 22 situation arising from reports which indicate risk to the Parole Board. As a prisoner maintaining innocence you are not, according to the Prison Psychology Department, eligible for the SOTP course. The way your ineligibility is perceived, however, can have a critical bearing on the Parole Board’s decision, especially if the reports they read often contain such statements as, “has failed to address his offending”, or “has refused to undertake offence related courses”. There are two separate means which can be adopted to negate such statements.

Firstly, you can request a written assurance that if you do the course you will still be deemed to be innocent of any offending, and will *only* be given hypothetical situations to discuss. Subject to receiving such an assurance, you agree to do the course.

Secondly, you can write to the Prison Psychology Department requesting that you should be allowed to do the course, but adding the caveat that you are not prepared to join in any discussion group or conversation which may be interpreted as a tacit acceptance of guilt. Again, you should request written confirmation of those terms. Whilst you will probably be assessed as being unsuitable for the course, you will quite legitimately be able to state that you were prepared to undertake the course but have been refused.

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### Issues to Consider

Prisoners who maintain their innocence are able to attend other courses without compromising their position. These courses such as the ETS (Enhanced Thinking Skills) are said to reduce offending and are often referred to as non-offence specific, cognitive skills programmes.

The primary aim of the ETS course is to improve specific thinking and social skills.

These courses are referred to as “treatment orientated”, but it is doubtful whether groups discussing antisocial conduct, can be legitimately referred to as treatment. However, irrespective of whether they are regarded as treatment or as remedial or corrective measures, there is doubt regarding their efficacy. Research carried out by Messrs. HOOD, SHUTE et al [2000] has clearly identified that such courses do not reduce offending to any effective level.

There is also research evidence in the *Home Office Publication Findings 114, 161, 164, 205, 206, 226* that the ETS course has no proven treatment effect on risk.

The decision whether or not to participate in an ETS course is a personal one. It would, however, be wise to consider other courses, for example an Anger Management Course, (it is reasonable for an innocent man in prison for crimes he did not commit to feel angry), or other such courses which show you are prepared to address aspects of risk which the parole board are interested in.

The issue of courses and maintaining innocence was considered by Mr Justice Jackson sitting at the Royal Courts of Justice in 2002; Mr Sharman V Secretary of State Case No CO/1181/2002. He said *"I have come to the conclusion that when one looks at all the factors in this case, it is arguable that the Parole Board has fallen into a legal error because they, and the persons advising them, have focused too excessively upon the risks arising from the denial of guilt"*.

### **Risk Assessment - Observations on Prison and Probation Department's Calculation of Risk**

What do the prison service mean by Risk Assess-

ment? Risk is probably the most important factor of the assessment process. Risk Assessment involves calculating the frequency or likelihood of re-offending, and the impact it might have on potential victims. The aim therefore is not just to predict whether a person will offend but also to determine the types of offences that might be committed.

There are basically two approaches to the assessment of risk. Actuarial and Clinical.

Actuarial risk is based upon statistical probability that people will re-offend. The factors used to make such an assessment are usually referred to as *static risk factors*. They are called static because they refer to features which are not expected to change such as:

- Date of birth
- Previous convictions
- Current conviction (often referred to as the index offence)
- Employment history
- Relationship history

Clinical risk is a far more subjective method of assessing risk based on the traditional medical diagnostic model and ‘professional opinion’. Clinical assessment is primarily concerned with dynamic risk factors; that is factors which, without treatment, are vulnerable to change over a period of time. This model is now the preferred Risk Assessment model employed with the OASys (Joint Prison/Probation Service Offender Assessment System) used by the prison service and the National Offenders Management Service (NOMS). The model involves consideration of:

- Employment
- Drug and alcohol misuse
- Education
- Social networks
- Criminal associations
- Poor emotional control
- Mental health issues

When assessing sex offenders the criteria is widened to consider evidence of:

- Impaired relationships
- Lack of victim empathy
- Cognitive Distortions e.g. inability to distinguish between cause and effect
- Rationalisation for offending
- Sexual fantasy and deviant sexual behaviour
- Absence of control mechanisms

### **Research Messages**

1 Findings in a study by HOOD, SHUTE [2002] et al are briefly as follows:

As many as 66% of those maintaining innocence were identified by at least one member of the Parole Board as being of high risk - but only 50% of those who did not maintain their innocence were considered to be high risk. However, of their sample, only one considered high risk, in the group who maintained innocence, was reconvicted of a sexual offence; while all but one of the group, who did not maintain innocence, were subsequently reconvicted.

2 Home Office Findings 138 examines the instruments used by Probation Officers to assess risk of offending, and this study also clearly indicates that Parole Board Members greatly overestimate the re-conviction risk of prisoners who claim their innocence. The Parole Board, in making their assessments, are dependent on information supplied by the Prison and Probation departments, but it would appear that, as a result of those reports, members of the Parole Board are often significantly incorrect when determining the risk factor in sex offenders.

3 Available research evidence shows that ETS and SOTP courses have no proven treatment effect on risk. The Parole Board will ultimately focus on Risk and Risk Assessment and will always err on the side of caution. **You** have to prove to the Board, using the research that is

available, that those who have assessed your risk as too high for Parole have got it wrong.

4 In 1998-99, prisoners who were considered to be “deniers” were rarely granted parole. In 2002 the figure stood at 21%, whereas the proportion of “non-deniers” (those who admitted their guilt) was far greater. Yet the figures in one study inform us that only 2% of “deniers” re-offend whilst 17% of “non-deniers” (e.g. those who have done prison courses to reduce their risk of offending) do actually re-offend. Both groups were supervised over a period of 6 years.

5 Another study of the re-offending of sex offenders by the LUCY FAITHFUL FOUNDATION, (a government supported study group), researched over a period of 21 years. The population of the study consisted of all the male sex offenders in England and Wales who were released from prison in 1979. It was found that 25% of men who had been convicted of sex offences re-offended within a period of 21 years (the period of the study), whilst the majority re-offended within 10 years.

6 Home Office Findings 205 records a study of offender treatment programmes by FRIENDSHIP, MANN and BEACH. The two year rates of sexual re-conviction were low in both the treatment and a comparison group, although the rate was higher for high risk offenders, but **there were no significant differences.**

7 The most important element in both of these studies is that many of the men now serving prison sentences for alleged sexual abuse were the subject of allegations of sexual abuse some 10-20-30 years previously (in some instances even longer periods). If one accepts the research data, especially that of the Lucy Faithful Foundation which was carried out over a long period of time, there is clear indication that if re-offending occurs it is primarily within a relatively short time! There is a substantial body of other research with

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### Research Messages

findings which support the two examples given above. (See other research listed.)

- 8 Risk measured by the Matrix 2000 predicts a 20 year period, even though people are not normally placed on probation for 20 years. It might be more appropriate if risk measurement was based on and applied to the period of parole and sentence. The Home Office has admitted that the Matrix 2000 elevates the perceived risk of anyone over the age of forty. Age itself, however, does have an effect on risk, but it is the converse of the Home Office assessment. Whilst it should be obvious that the older a person gets, the less risk they present, the supervising authorities still proceed as though they pose the same risks.
- 9 There is a considerable body of research which clearly and unambiguously points to people **who are known to be sex offenders** re-offending within a relatively short period of time following previous convictions. This poses a question which has never been addressed by the Police, the CPS, the Courts, Probation Service, the Child Protection organisations or any other Body who have been or are still concerned with so called Historical Abuse of Children Cases.

“If the evidence available from research clearly shows that sex offenders repeatedly re-offend within a short time and in whatever circumstances they occupy, why have all these men who have allegedly sexually abused children, sometimes in a horrific manner, some 20 or 30 years ago, not had other previous, or subsequent, allegations made against them?”

These men have most often worked in a variety of children’s establishments over a period of many years, yet the prosecution would claim that they have offended in only one establishment over a short period of time. Such a pattern is totally at variance with the collective wisdom of all available research.

**The usual reply to this question is, “They have offended but just haven’t been caught”.**

Such a response is no longer acceptable, nor is it credible. In this age of trawling and universal awareness of the vast sums of compensation being made available to those who allege assault, any person claiming to have been assaulted would be readily aware of the advantages inherent in making such a complaint. It should be emphasised in your document that you acknowledge that it would be unlawful for you to return to work in a similar environment to that from which the allegations against you arose, and that in any event you have no wish to work in any capacity with children or vulnerable adults.

#### **Victim Empathy**

The Parole Board and Probation Departments frequently look for an element of “victim empathy” in order to determine if the applicant has any insight into their offending behaviour, and its impact on the “victims” of their alleged offending.

You can then expand your knowledge and personal experience of dealing with the disadvantaged into a general understanding of the wider aspects of being a victim.

There is also research evidence in 1998 and 2004 that actually shows that an ability to empathise with victims has no relationship to offending behaviour.

Should you be told you are a high risk because you have not done a victim awareness course or are lacking in empathy, you should ask what evidence there is to support this statement.

An awareness of the points covered in this particular section of Parole Information will provide you with the means to question the manner and the system adopted in formulating your risk assessment.

Invariably, an officer will write a report which is generally supportive of you. However, the final sentence in these reports invariably claims that the risk is too high to recommend parole. Such statements should be vigorously contested. If you believe that you might be, or have been, assessed as high risk you should consider obtaining legal representation.

## **Constructing Your Application for the Parole Board - some helpful notes.**

If you have lodged an application for an Appeal, (including CCRC application), you should state quite clearly, in all documents and conversations, that you are an appellant, and are innocent.

When preparing your own documents for the Parole Board, gather as much written supporting material as possible from your friends, family, professional colleagues, and any other sources to support your application.

A balance may need to be struck against on the one hand having dozens of letters of support and, on the other hand of having none. Having too many makes you vulnerable to the suggestion that the writers are complicit in your denial (and therefore you pose an *increased* risk), and having too few makes you vulnerable to the idea that you are without family and personal support.

Try to include letters from neighbours indicating that they are sympathetic to your situation, and that they will be supportive of you, and have no concerns regarding you returning to the area etc.

Should the home area probation report contain the statement that you are not welcome to return to your home area, these will help to contradict the comment and will allow you to show that such a statement is inaccurate.

It might be helpful if your supporters start off their letters by saying they understand that you have been found guilty in a court of law, and that Probation and the Parole Board must operate on that basis, and assess the risk you pose as a 'guilty' person. Having made this clear there is no reason why they cannot say that they believe in your innocence.

Write your own submission and representations to the Parole Board.

Clearly establish your previous good conduct and your qualifications emphasising, if true, that you have never previously committed an offence, been charged with an offence, nor appeared before a Court for a criminal offence.

Refer positively to your employment history prior to your conviction.

Emphasise that various research documents refer to sexual offenders as being habitual. If the allegations against you, however, are historical and refer to a single establishment over a strictly limited time scale, indicate that your 'offence history' does not fit the predatory pattern of behaviour expected of a paedophile, and also contradicts the Home Office's views on what constitutes paedophilia.

You might wish to stress that you pleaded not guilty to the Court; have steadfastly stated your innocence at every opportunity; that you are not 'in denial', but that you are a 'prisoner maintaining your innocence'.

It will also be helpful if you make a 'path analysis' for yourself. You will need to do this on the basis that you will be successful in your application: i.e. you have a home to go to where you are welcome; but if you are required to live in a hostel for a short period you are prepared to do so; you also accept any requirements the Parole Board may wish to attach to your licence; you have employment or you are intending to retire; whatever is appropriate to your future.

In short, do as the old song says, 'accentuate the positive, eliminate the negative'. Emphasise your virtues and achievements, but if you do have a skeleton in the cupboard it is better for you to acknowledge it and put it into context, rather than have someone else mention it and put you on the defensive.

When developing your dossier remember that you should use all positive factors throughout your life. Present your past in the most positive vein. If necessary include all records, certificates and testimonials you may have gathered prior to prison, or whilst in prison. These can include any courses you have undertaken, first aid, educational merits, help given to other prisoners, if you are a peer partner or listener etc. You should emphasise how you have used your time usefully whilst in prison.

## SECTION EIGHT

### Word Games

It is important when reading reports not only to read what appears on each line but also to read what appears *between* the lines.

Professionals have a habit of using jargon or misleading terminology to impress, and to maintain a power differential over their clients.

We have all come across phrases that say one thing but mean something entirely different - politicians are expert at it!

Words can also be used to cover up actions, or professional judgements, which otherwise might be regarded as improper - or indeed illegal.

For example an alternative way of saying , "The prisoner has not attended any courses."

**"The prisoner has not used his time constructively."**

**"The prisoner has not addressed his offending behaviour."**

**"The prisoner's risk of re-offending has not been reduced."**

**"The prisoner has not attended any courses in order to reduce risk."**

The reality being that the prisoner was ineligible to attend the courses or was refused.

Similarly an alternative ways of saying, "The prisoner has maintained his innocence throughout."

**"Prisoner sees him/herself as a victim."**

**"Prisoner shows no remorse."**

**"Prisoner shows no empathy for his victim."**

**"Prisoner shows a lack of insight into the effects of his offending behaviour on the victim."**

The concept of there being a victim in case where people are falsely accused and are factually innocent is erroneous.

Likewise, consider the alternative way of saying, "Other people [wrongly] think that (s)he is innocent."

**"Friends/relations/partner support him in his denial, thus there is a high risk."**

The fact that others also believe in the innocence of the prisoner in no way proves high risk. One must question any correlation between 'high risk' and independent support.

Be constantly aware of the above, and similar subtle innuendoes, which may be contained in any report about you and may be based on nothing more than personal prejudice and opinion.

Similarly the following is often written:

**"The prisoner has steadfastly maintained his innocence throughout."**

The underlying message here is that the person is guilty and that there has been no lowering of risk throughout their stay. What these statements do, however, is establish an agenda which you need to confront. You can turn them to positive advantage by concentrating on the implied message and by dealing positively with the issue they raise. There is a lot you can do to show that you understand the prison's dilemma, and that you are not a risk. One way to do this is think about how, in the future, you will avoid the risk of being falsely accused. Most of the strategies you think of will also help establish that your are less of a risk than you were when you entered prison.

### The Decline of British Justice

Compare the following two quotes:

"It is better that ten guilty persons escape than one innocent suffer."

Sir William Blackstone (1723 – 1780)  
in his commentary on the laws of England.

"It may be better that innocent people should serve life sentences than that the law should be seen to make gross errors."

Lord Justice Denning

## **Summary of Key Points**

- 1 Plan for your parole application in good time, and well before Week 26.
- 2 Always keep in mind that the Prison and the Parole Board have to process your application on the basis that you have been rightly convicted and that you are guilty of the offence which has resulted in your imprisonment. This does not mean that you cannot assert your innocence.
- 3 Read all documents in your parole dossier (reports, assessments, home visit comments etc) with great care and report any significant inaccuracies to the appropriate person/authority, or to your legal representative. Challenge negative assumptions and ask, what is the evidence to back them up?
- 4 You should ask to have all erroneous statements corrected, and make reference to such errors in your own documentation.
- 5 Always check for errors of fact, omissions, or contradictions in statements and reports of interviews or meetings by comparing them with your own contemporaneous notes. Particular care should be taken to check dates, ages, locations, statistics or whatever else that is mentioned in any of the above. It is not uncommon to find reference to “allegations made by boys”. Historic allegations, by their very nature, are made by **men**.
- 6 Make certain that you present as much favourable information as possible in reply to the Parole Board’s dossier, particularly in so far as it addresses the issue of risk.
- 7 Ensure that you include any information that you possess, or can obtain, which rebuts any negative item in the reports to be included in Parole Board’s dossier.
- 8 Include details of your short, medium and long term plans, stating where you would like to live and why.
- 9 Indicate how you intend support yourself and your family in the future.
- 10 Indicate how imprisonment has impacted upon you personally and how it will help you avoid the risk of being falsely accused in the future.
- 11 Use available research findings to bolster your case and to counteract any flawed reasoning which appears in the dossier.
- 12 There is a presumption of open disclosure. This means (with some exceptions) that you have an entitlement to see all that is written about you, prior to their submission to the Parole Board. If difficulties arise you may have an entitlement under the Freedom of Information Act 2000 and Data Protection Act 1998 to receive a copy of any report or document (including sentence plans) which have not been disclosed to you, or your legal representative. You are also entitled to a copy of the Parole Board’s decision, giving any specific terms attached to your licence, or the reasons why your application has been turned down.

## NOTES

This is one of a series of documents produced by F.A.C.T. (Falsely Accused Carers and Teachers)  
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