

Parole Board Hearings Webinar



DGLE^{AL}

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Presenter

Christian Weaver | Barrister | Garden Court North Chambers



Before we get in to this...

- A lot packed in to seminar
- Make notes
- Pause the video

- Something for everyone

Agenda

How to approach the representation of an individual at their Parole Board hearing

- Case preparation
- Client conference (pre-hearing)
- Hearing
- Client conference (post-hearing)

• Ways to continually develop



PHILOSOPHIES

- ❁ **PHILOSOPHY 1:** Everybody is busy, underfunded and under-resourced. It is your duty to fill in the gaps.
- ❁ **PHILOSOPHY 2:** Hostility is unhelpful
- ❁ **PHILOSOPHY 3:** You are your client's enabler. It is your role to enable your client to properly present their case to the Parole Board.

Philosophy 1: Everybody is busy, underfunded and under-resourced. It is your duty to fill in the gaps.

- You can't 'pass the buck' in Parole Board hearings
 - Conduct an 'Initial review'? (30 mins)
 - Have directions been complied with?
 - Anything additional we need to clarify with client?
 - Are POM/COM supporting release (brain can start mulling it over)
 - Get 'theme' in your head of case
 - Is an important additional witness required – i.e for prison intelligence matters
 - Does client have any vulnerabilities? Is a particular hearing type better than another?

Philosophy 2: Hostility is unhelpful.

- Legal face of your client
- Positive engagement with COM / POM

Philosophy 3: You are your client's enabler. It is your role to enable your client to properly present their case to the Parole Board.

- You have attendance notes from previous times they have been represented
- You have a greater awareness of the current affairs going on in society now
- You have access to the internet

CASE PREPARATION

- Ensure most recent dossier ('initial review' step should have dealt with this)
- Print off whole dossier
- Adobe DC great app to install
- Devise chronology (next slide)

Case preparation: Chronology

- DOB
- Offences
- Date of sentence, release and any recall dates
- Dates of moves from one prison to another
- Dates of changes in COM/POM (as far as possible)

2014

June

22 – XX

2017

April

13 - XX

22 – XX

Sept

12 – XX

2020

Feb

21st – XX

April

2nd – XX

Case preparation: 'Raw Notes'

- Do the risk scores make sense?
 - How long have the COM/POM known you client? (chronology helpful)
 - Do COM/POM support release?
 - Certificates and course – what do they show?
 - Solicitor reps – make use of them!
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- Most importantly – what's the theme of the hearing appearing to be?
 - *"Parole Board – you should listen to his COM/POM who have both known the client for a number of years and both recommend release"*
 - *"There is literally no further step the individual could have taken to show that his detention is no longer necessary for the protection of the public"*

CLIENT CONFERENCE (PRE-HEARING)

- Put client at ease
- Ascertain what exactly the client wants
- Manage expectations
- Be human – it's their **parole board hearing**
 - Straighten up their jacket
 - Assure client this isn't a type of ambush – he can say 'thank you' to the Parole Board
- Encourage to relax

Hearing: Be a confident presence

- Starting well can give you momentum
 - Confirm what the application is for
 - Know how many pages are in your dossier
 - Order of witnesses – have an opinion
- Know key dates in case Parole Board value clarification

Hearing: Questioning – general principles

- Do you need to ask any questions at all?
- If you do, but don't know how – address it in chapters:
 - Chapter 1 – Showing client in a positive light
 - Chapter 2 – Addressing the seemingly negative things
 - Chapter 3 – Hopes for the future

Hearing: Questioning – general principles

- Have the **theme** in your mind and trace back.

- If for example theme is:

- “Parole Board – you should listen to his COM/POM who have both known the client for a number of years and both recommend release”*

- *When asking questions to, say the COM – incorporate language such as “as the POM says on page XXX of the dossier; Mr X is XXX , is this reflective of your experience?”*

- *Perhaps a question to your client is “So your COM supports release – what steps will you take to maintain a good relationship with her if you are released”.*



Ask witnesses questions that make them state the obvious

Hearing: Questioning – unhelpful medical / prison psychology report

• Difficulties

• Practical steps:

- Discrepancies?
- Side effects of medication?
- Google search the main issue – be brave!
- Common sense

Hearing: Questioning your client

• Humanise your client

- Put hypothetical scenarios to client
- Get them speaking about their plans for the future

• Things to ask in conference to humanise your client:

- How did you find Covid-19?
- How did the smoking ban in prisons affect you?
- What's the back story to a negative C-Nomis entry?

PSIs and Parole Board Rules

Prison Service Instructions (PSIs)

- Find things that keep cropping up and find the relevant PSI for that
- Example– adjudications – see if the POM did as they were supposed to. If they did not - may add credibility to your client's argument

Parole Board Rules

- Rule 24 – Parole Board must avoid formality during the hearing

Hearing: Closing submissions

- Put the words the Parole Board said at the start of the hearing back to them. So: the test is that: “it is no longer necessary for the protection of the public that Mr X be confined”
- Start on high - lock into the Panel’s memory the positive things that have been said in the hearing by the client + other witnesses
- Address concerns the Parole Board may have, and, if it is the case, why they need to be deemed an issue
- Mention root cause of the issue and how it has been addressed. Common sense / human input
- Conclude – for these reasons, it is submitted that the test for release is met...

Client conference (post-hearing)

- Be a human, not a lawyer. Relax!
- Their inner-child will come out, wanting to know how it went. Let them know.
- Assure them that there was nothing more they could have done, if that was the case.
- Advise them that they will hear back within 14 days

Remaining 'on the ball' and continually improving

The all-important Word document

- Word document of definitions and abbreviations: courses, prison terms, medications
- Each time a client tells you what they got out of a course – note it – their articulation of what they got out of the course may help another client you have

The all-important Excel document

- Excel Document of Parole Board you were appearing before. All Board's have slightly different personalities – you can tailor your submissions accordingly and also better advise your client before the panel.

Remaining 'on the ball' and continually improving (continued)

• The all-important Attendance Note

- In cases where the decision really can go either way; Parole Board will often ask the COM to provide further updates prior to a decision being made, and then the legal representative will have a chance to respond to these.

Thanks for watching!

David Gilmore | Director

M: 07779 713 886

T: 01509 214 999

E: david@dglegal.co.uk

