

[2023] PBPH 17**Application for a Public Hearing in the case of
Mr Thomas John Park****Outcome:** The application for a public hearing has been granted.**Background Information**

1. The Parole Board is an independent body which acts as a court when deciding whether prisoners in England and Wales are safe to be released, or not, and makes recommendations to the Secretary of State on a prisoner's suitability for open conditions if the release test has not been met. Prisoners are referred to the Parole Board only after they have served the minimum period for punishment set by the sentencing judge ('the tariff'). When considering a case, the Parole Board's role is to consider whether a prisoner's risk can be safely managed in the community. This is the test set out in the relevant legislation. The Parole Board will not direct release of a prisoner unless it is satisfied that their risk can be managed. Public protection is always the Parole Board's primary concern.
2. If the Parole Board decides that a prisoner's risk cannot be safely managed in the community, the Secretary of State will automatically refer the prisoner back to the Parole Board for another consideration of their risk in due course.
3. Parole Board hearings are usually held in private, however, where it is in the interests of justice, the Chair of the Parole Board can direct that a hearing be held in public. The Parole Board has Guidance on the Criteria for Public Hearings for the Chair to consider when making a decision ([Applying for a Parole review to be public - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/parole-board-guidance-on-the-criteria-for-public-hearings)).
4. The definition in the Victims' Code of a victim is *'a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; a close relative (or a nominated family spokesperson)*



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of a person whose death was directly caused by a criminal offence'. A victim may also be someone who has opted into the Victim Contact Service which is run by the Probation Service. A victim, as well as the parties and members of the public, may ask for a public hearing. Before deciding whether the application meets the interest of justice test, the Chair asks for representations from the parties to the case – namely the Secretary of State and the prisoner, usually through their legal representative. The Chair will also ask the Secretary of State to find out the views of any victims involved with the case. The Secretary of State will usually seek the views of victims who are signed up to the Victim Contact Service. In some circumstances the Secretary of State may choose to seek the views of victims who have not opted into Victim Contact Service or are not eligible for the service for technical reasons. This is a matter for the Secretary of State. The Parole Board does not generally have direct contact with victims.

5. A test in the South-West of England is currently being conducted by the Ministry of Justice on victims automatically having the right to attend private hearings. The expectation is that this will be rolled out across England and Wales during 2024. Victims attending a private hearing have to agree to maintain the privacy of that hearing. Different rules apply to public hearings.
6. Each year the Parole Board is asked by the Ministry of Justice to review the risk of approximately 900 prisoners with a conviction for murder and approximately 900 prisoners with a conviction for rape. Each prisoner referred to the Parole Board has caused immense pain to the victims or their family and loved ones. The Parole Board tries as best it can to take this into account, but it must decide any referral according to the test set out in law which is focussed on risk.

Background to the case

7. Mr Park is serving two mandatory life sentences which were imposed on 19 November 1999 for two counts of murder following a trial. The sentencing judge set a tariff of 25 years less time spent on remand. Mr Park's tariff expires in December 2023.
8. The circumstances of Mr Park's crimes were that he murdered his partner and her very young daughter. Mr Park also received a concurrent determinate sentence for three years for the indecent assault of the child several days before the murders. In his report to the Home Secretary, the trial judge said that Mr Park hid the body of one of the victims in waste ground and hid the body of the other victim in the house where Mr Park had been living with the victims. In the same report, the trial judge said that before Mr Park was apprehended, he stole domestic goods from

the house of the victims as well as collecting the victims' benefits to which he was not entitled.

9. Mr Park's case was referred to the Parole Board in March 2023. This is Mr Park's second review. The first pre-tariff review was considered by the Parole Board at an oral hearing in June 2021. That panel reviewed detailed evidence and declined to recommend a progressive move to open prison conditions.
10. This referral was considered by a member of the Parole Board on 18 July 2023 and the matter was directed to an oral hearing, to consider evidence before making a final decision. This oral hearing has not yet been listed.
11. Mr Park was 24 years old at the time of the offences. He is now 49 years old.

Details of the Application and Representations

12. On 6 July 2023, the Parole Board received an application for Mr Park's oral hearing to be held in public. In summary, the reasons given for the application for a public hearing were:
 - a. Transparency is vital to building public confidence in the parole system, particularly for the most serious offenders.
 - b. There is a public interest in the public being able to see how the Parole Board determines lifers and child murder cases. The only objectors would be the perpetrator. Given the current campaigns on the safety of women and girls, transparency in this case is in the public interest.
 - c. Mr Park has shown no remorse and did not admit his crimes, thus not allowing closure for the victims. He has only served 25 years. The public expects life to mean life.
 - d. There are special features to this case in that it was a double murder involving a young mother trying to defend herself and her young daughter. It also involved sexual abuse of a young child, concealing bodies, robbery, returning to the scene of the crime and lying to the police.
 - e. There is no significant evidence that needs to be held in private. Mr Park chose to ask for a trial, which led to lots of private information being revealed at that stage. He should therefore have nothing to hide now.
 - f. Mr Park has no Article 2 rights (the right to life). He forfeited this when he murdered two victims. Mr Park has no Article 8 rights (the right to privacy) as he demanded a public trial. No information has ever been produced to suggest that Mr Park is not of sound mind.
 - g. A detailed summary would not be sufficient given the disturbing nature of the crimes. A public hearing in this case is warranted in the interests of justice.

13. On 29 August 2023 the Parole Board asked for representations from the parties to the case, namely the Secretary of State for Justice and Mr Park. A number of extension requests made on behalf of the Secretary of State were granted, most recently until 27 October 2023.
14. In summary, the representations made on behalf of the Secretary of State (dated 27 October 2023) were:
 - a. The Secretary of State supports the application for a public hearing.
 - b. Increased transparency is vital to building public confidence in the parole system, particularly for the most serious offenders.
 - c. Should a public hearing be granted, the victims will be provided with the appropriate support.
 - d. The Secretary of State asks that proper weight be given to the reasons for the application.
 - e. Should a public hearing be granted, the Secretary of State requests that witnesses be identified by their job title rather than their name.
15. In summary, the representations received on behalf of Mr Park (dated 25 October 2023) were:
 - a. Mr Park does not support the application.
 - b. The Parole Board's Guidance for Public Hearings (dated October 2022) is quoted extensively in the representations including that the normal position is that hearings are held in private and that there must be good reasons to depart from this.
 - c. Mr Park's anxiety has increased, merely at the prospect of a public hearing. This could impact on his ability to give best evidence.
 - d. Mr Park has support in the community. The support that he receives would be discussed at the hearing. This could adversely impact on his supporters or jeopardise his support.
 - e. One of the victims has spoken to the local press. This may have impacted on Mr Park's progression. It did result in Mr Park receiving verbal abuse and feeling under threat in custody.
 - f. There have been petitions set up against Mr Park's progression or release. Mr Park has genuine concerns for his safety.
 - g. A victim has made threatening statements about Mr Park.
 - h. Should the hearing be held in public, a recording might be made or a photograph of Mr Park might be taken.
 - i. Should the victims choose to read a victim statement at the oral hearing, Mr Park would not want to be present due to his fears.
 - j. The professional witnesses could be negatively impacted by a public hearing and this could affect their evidence. It would not be appropriate for their names or places of work to be made public.

16. I have not consulted with the Panel Chair as the case has not yet been listed and therefore a Panel Chair has not yet been assigned to the case.

Reasons for the Decision

17. I have considered all the information in the application and the representations. I have also taken account of the Parole Board's *Guidance on the Criteria for Public Hearings*.
18. The normal position is that parole hearings will remain in private. This is because it is of paramount importance that witnesses are able to give their best evidence. Furthermore, evidence can relate to highly personal matters including health and evidence that may be distressing to victims. There must therefore be good reasons to depart from the general rule. However, where there are good reasons to depart from the general rule, adjustment can be made to ensure that a public hearing is fair.
19. It should be clear that I would not grant an application to have a hearing in public in circumstances where I thought that a public hearing would impact on the fairness of the hearing.
20. I note that, should a hearing be held in public, it is always open to the Panel Chair to use their case management powers to manage the hearing and to suspend a hearing if they feel that the proceedings are becoming unfair.
21. I note the high bar that has been set for a public hearing to be in the interests of justice and I have decided that this high bar is met in this case. My reasons are as follows:
- a. Mr Park has been convicted for serious offences, namely the murder of an adult and a young child. Mr Park has also been convicted of indecent assault against the young child. The seriousness of the crime raises the potential for the interests of justice to require a public hearing.
 - b. The case has complex features including a sexual element to the crime and denial at the point of trial. There is a public interest in increasing understanding of how the Parole Board deals with such issues, which can properly be taken into account when considering the interests of justice.
 - c. The victims wish to attend a public hearing rather than a private hearing. Although the victims might have been given permission to attend a private hearing, their support for a public hearing is relevant and can also be taken into account.
 - d. The Secretary of State has provided assurances that appropriate support will be provided for the victims, if the hearing were to be held in public.

- e. Although some parts of the hearing will need to be in private, a sufficient part of the hearing can be heard in public to allow for a deeper understanding of the parole process.
 - f. Arrangements can be made to protect the identity of witnesses.
 - g. Arrangements can also be made to ensure that no unauthorised recordings or photographs of the prisoner can be made during the hearing.
 - h. No medical evidence has been provided to suggest that Mr Park could not give evidence or that his evidence would be severely impacted, should the hearing be held in public. In any event, the Panel Chair has extensive case management powers to enable the relevant parts of the evidence to be taken in private.
 - i. No compelling evidence has been provided to suggest that the risk to Mr Park would be increased by holding a hearing in public.
22. I have carefully considered Mr Park's representations and I have concluded that the interests of justice outweigh the points raised on Mr Park's behalf.
23. I therefore grant the application for the hearing to be held in public.
24. I note that Mr Park does not wish to be present if a victim statement is read by the victims. This can be managed within a public hearing.
25. I also note that Mr Park is concerned that details of his community support may be revealed. Again this can be managed in a public hearing through appropriate parts of the hearing being held in private. This will be a matter for the Panel Chair to determine.
26. It should be noted that in certain circumstances a future panel may decide that this referral can be appropriately concluded on the papers. My decision to grant this application for the oral hearing to be held in public does not rule out this possibility.
27. The next step is that the Panel Chair, once assigned to the case, will hold a preliminary hearing to deal with any practical matters associated with this hearing.
28. This matter will only revert back to me if there is any fresh information which represents a significant change in the relevant circumstances.

Caroline Corby

The Chair of the Parole Board for England and Wales

30 November 2023