

[2023] PBPH 19

**Application for a Public Hearing in the case of
Mr Carmarni Crawford**

Outcome: A public hearing has not been granted, however, if the Applicant wishes, the Parole Board will explore whether it may be possible to support the victim observing the hearing, subject to conditions, if appropriate arrangements can be made.

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) 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 Crawford is serving an extended sentence of 12 years in custody with a six year licence for an offence of rape, cause to administer poison/noxious substance with the intent to injure/aggrieve/annoy, false imprisonment and actual bodily harm. The sentence was imposed on 28 August 2015. Mr Crawford's conditional release date is in May 2027 and the sentence expiry date is in April 2033. Mr Crawford's parole eligibility date was 8 May 2023.
8. Mr Crawford has an offending history which dates back to 2007. His record includes acquisitive offences, assault, drugs and possession of a knife.

9. This referral was considered by a member of the Parole Board on 17 February 2023 and the matter was directed to an oral hearing, to consider evidence before making a final decision.
10. This is Mr Crawford's first review by the Parole Board.
11. The oral hearing has been listed for 7 February 2023.
12. Mr Crawford is now 31 years old.

Details of the Application and Representations

13. The Parole Board received an application for Mr Crawford's oral hearing to be held in public on 14 November 2023. In summary, the reasons given for the application for a public hearing were:
 - a. The Applicant does not believe that Mr Crawford has changed and he therefore remains a danger to society.
 - b. The hearing should be in public so that the public can be made aware of the offender in order to protect themselves.
14. On 14 November 2023 the Parole Board asked for representations from the parties to the case, namely the Secretary of State for Justice and Mr Crawford. An extension request made on behalf of the Secretary of State was granted until 5 December 2023.
15. In summary, the representations made on behalf of the Secretary of State (dated 6 December 2023) were:
 - a. Increased transparency is vital to building public confidence in the parole system, particularly for the most serious offenders.
 - b. The Secretary of State has studied the reasons for the application. Should a public hearing be granted, the victim will be provided with support.
 - c. The Secretary of State asks that proper weight be given to the reasons for the application. Should a public hearing be granted, the Secretary of State asks that consideration be given to the requirement for any additional measures given Mr Crawford's health condition.
 - d. Should a public hearing be granted, the Secretary of State requests that witnesses be identified by their job title rather than their name.
16. Mr Crawford is currently unrepresented. Mr Crawford was asked to provide representations, but none have been forthcoming.
17. I have also consulted with the Panel Chair as the Panel Chair is most familiar with the details of the case and therefore best placed to assess: (i) if a public hearing would cause a victim or prisoner undue distress or prevent best evidence being



given by witnesses; (ii) if it could adversely affect a prisoner's ability to safely resettle in the community; or (iii) if it could compromise the panel's ability to assess risk.

18. The Panel Chair made some observations including:
- a. The Panel Chair does not support the application for a public hearing.
 - b. There are no special features that set this case apart from other cases.
 - c. A summary can be provided.

Reasons for the Decision

19. 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*.
20. 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.
21. 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.
22. 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.
23. 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 not met in this case. My reasons are as follows:
- a. I have the deepest sympathy for the victim and I cannot imagine the devastating effects that these offences have had on them. However, although this case of rape and other offences is very distressing, there are no particular features which set it apart from other sexual offending cases which would aid the public's understanding of the parole system and justify departing from the normal position that all parole hearings be held in private.
 - b. Mr Crawford has a health condition. A public hearing could impact on his ability to give best evidence.

- c. A summary would provide sufficient information to the public for the reasons for the decision made at Mr Crawford's oral hearing. This would satisfy the requirements of transparency without prejudicing the effectiveness of the hearing.

24. I therefore have not granted the application for the hearing to be held in public.

Victim attendance at a private hearing

25. It may be that the victim may wish to attend Mr Crawford's private oral hearing. The Parole Board is willing to explore the feasibility of supporting the victim to observe the private parole hearing subject to conditions and proper support being in place. The victim is invited to contact the Parole Board to discuss the potential arrangements and support that may be needed: CEO@paroleboard.gov.uk.
26. It is ultimately for the Panel Chair to make the final decision on attendance at a private hearing and being satisfied that appropriate arrangements can be made.
27. If permission is granted by the Panel Chair for the victim to attend the private hearing, I note that some parts of the hearing may need to take place without the presence of the victim. The Panel Chair has extensive case management powers to enable the relevant parts of the evidence to be taken without the presence of the victim and is best placed to make the decision on how these powers should be used in Mr Crawford's case should the Panel Chair grant permission.
28. If permission is granted, the Panel Chair may also need to hold a preliminary hearing to deal with any practical matters associated with this hearing.
29. 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

20 December 2023