

[2024] PBPH 2

**Application for a Public Hearing in the case of
Mr Allan Grimson**

Outcome: The application for a public hearing has not been granted. However, if the victims wish, the Parole Board will explore whether it may be possible to support the victims observing the private 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/publications/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. In 2001, Mr Grimson was convicted of two murders. Mr Grimson was given two concurrent life sentences with a minimum term of 22 years. The circumstances of the offences were that Mr Grimson met his first victim in a nightclub on 12/13 December 1997. He invited the first victim home, where he sexually assaulted the victim and then murdered him. Mr Grimson met his second victim a year later on 12/13 December 1998. Again he invited the victim to his home, sexually assaulted him and then murdered him. Mr Grimson was in the Navy, as were the two victims. Both victims were around 20 years younger than Mr Grimson and were known to him. In both cases the bodies of the victims were left by Mr Grimson at the side of

a road. The sentencing judge described Mr Grimson as being '*a highly dangerous serial killer who killed two young men in horrifying and appalling circumstances*'.

8. Mr Grimson was 38 at the time of the first offence and 39 at the time of the second offence.
9. Mr Grimson's tariff expired on 20 December 2021.
10. Mr Grimson's first parole review was on 23 November 2020 when a recommendation was made that he should progress to open conditions. This recommendation was not accepted by the Secretary of State.
11. Mr Grimson's second referral was considered by a member of the Parole Board on 18 August 2021 and the matter was directed to an oral hearing, to consider evidence before making a final decision. On 15 November 2022, this oral hearing was adjourned to allow further investigations into a separate matter.
12. The adjourned oral hearing has been re-listed for 15 February 2024.
13. Mr Grimson is now 64 years old.

Details of the Application and Representations

14. On 23 November 2023, the Parole Board received an application for Mr Grimson's oral hearing to be held in public. In summary, the reasons given for the application for a public hearing were:
 - a. Media have been covering this case for many years, including the investigation into the disappearance of a young sailor in the Navy in Gibraltar on 12/13 December 1986, where Mr Grimson is said to be the sole suspect.
 - b. Media have been in contact with some of the victims and have gained their confidence.
 - c. The government has sought to introduce transparency and improve the role and experience of victims.
 - d. Mr Grimson has committed very serious offences and there is therefore an important public interest in the parole hearing being in public.
 - e. Mr Grimson had no reason to kill his victims other than for his own sexual and sadistic pleasure. This therefore sets these crimes apart from other murder convictions and demonstrates the serious nature of the offences.
 - f. There would be significant public concern at the potential release of Mr Grimson, given the nature of his crimes.
 - g. Mr Grimson may have killed or sexually assaulted others.

- h. Mr Grimson has not demonstrated remorse nor has he cooperated with other investigations. Given the nature of his crimes, there is public concern that he will reoffend.
 - i. Mr Grimson is a high profile, convicted murderer with a history of sexual offending. The reasons to introduce public hearings are applicable to this case.
 - j. It is in the public interest that this case be held in public.
15. On 1 December 2023 the Parole Board asked for representations from the parties to the case, namely the Secretary of State for Justice and Mr Grimson. Two extension requests were made on behalf of the Secretary of State and one was made by Mr Grimson's representative. Extensions were granted until 9 January 2024.
16. In summary, the representations made on behalf of the Secretary of State (dated 9 January 2024) 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 given in the application for a public hearing and asks that proper weight be attached to the reasons.
 - c. Should a public hearing be granted, appropriate arrangements will be made to support those victims who are engaged in the Victim Contact Scheme. Not all victims are engaged in the scheme.
 - d. Should a public hearing be granted, the Secretary of State asks that I consider whether to impose certain measures needed to protect Mr Grimson's mental health, as concerns have been raised in relation to his ability to answer questions openly and the impact on his levels of anxiety.
 - e. Should a public hearing be granted, the Secretary of State requests that witnesses be identified by their job title rather than their name so that they are able to set out their professional opinions and answer questions openly and fully.
17. In summary, the representations made on behalf of Mr Grimson (dated 9 January 2024) were:
- a. Mr Grimson opposes the application for his hearing to be heard in public.
 - b. It is not in the interests of justice for Mr Grimson's hearing to be held in public.
 - c. Given the nature of Mr Grimson's crimes, a public hearing and the associated media attention would raise the risk of serious physical and psychological harm to Mr Grimson.
 - d. Mr Grimson receives support from the community. His support may be put at risk of harm.
 - e. Mr Grimson's representative and professional witnesses could be at risk of harm if the hearing is held in public. A direction of anonymity would not



provide adequate protection. A witness has indicated that they may decide not to give evidence if the case is in public.

- f. The default position is for hearings to be in private and there are reasons not to depart from this general rule.
- g. The dossier contains confidential and private information. The protection and proper handling of this information is crucial to maintaining Mr Grimson's security and privacy in accordance with the provisions of Article 8 of the European Convention on Human Rights and common law.
- h. If any of the victims wish to observe the hearing, provision could be made for victims to attend a private hearing.

18. Before I had determined this case and issued my decision to the parties, the Secretary of State made further representations on 23 January 2024. Although these representations were made out of time, I decided to consider these representations as they pertained to new and relevant material which was not previously available to the Secretary of State. In summary, these new representations were made by Hampshire Police Constabulary via the Secretary of State and were:

- a. There is a live case against Mr Grimson.
- b. This case is materially relevant to the decision of the Parole Board.
- c. Information will be provided to the Parole Board which may be subsequently tested and so the details should be kept as closed as possible.
- d. If the Parole Board were to make any findings of fact in public, it would prejudice any subsequent hearing.
- e. If there are any significant findings, the police will need time to process the information.
- f. Public disclosure on findings would be inappropriate when a trial has not taken place.

19. I have also consulted with the Panel Chair as the Panel Chair is most familiar with the details of the case and therefore is 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 resettlement in the community; or (iii) if it could compromise the panel's ability to assess risk. This consultation with the Panel Chair took place before I received the further representations from the Secretary of State.

20. The Panel Chair made some observations including:

- a. Given the brutal nature of the offences, the case could be very distressing to anyone connected with the victims.
- b. The case generates interest and the police continue to receive information from the public connected with disappearances in Hampshire. A public hearing may generate increased communication.



- c. The panel has no specific representations on whether the hearing should be in public or not.

Reasons for the Decision

21. 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*.
22. 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.
23. 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.
24. 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.
25. 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. Mr Grimson has been convicted of very serious offences, namely the murder of two men. The seriousness of the crime raises the potential for the interests of justice to require a public hearing. However, as set out at paragraph 18, Mr Grimson is currently under police investigation for a separate matter and a public hearing could prejudice the outcome of that investigation.
 - b. Matters relating to the ongoing police investigation are likely to be critical to the Panel's decision. It would not be in the interests of justice for this material to be heard in public. In circumstances where evidence which is likely to be critical to the Panel's decision cannot be heard in public, it is difficult to see how a public hearing would aid transparency or public understanding of the parole system or the decision in this case.
 - c. A summary would provide sufficient information to the public for the reasons for the decision made at Mr Grimson's oral hearing. This would satisfy the

requirements of transparency without prejudicing the ongoing police investigation.

26. It follows that whereas I have deep sympathy for Mr Grimson's victims, I do not grant the application for the hearing to be held in public.
27. The Parole Board is willing to explore the feasibility of supporting the victims to observe the private parole hearing subject to conditions and proper support being in place. The victims are invited to contact the Parole Board to discuss the potential arrangement and support that may be needed by emailing CEO@paroleboard.gov.uk.
28. 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.
29. If permission is granted by the Panel Chair for any of the victims to observe the private hearing, I note that some parts of the hearing may need to take place without the presence of the observers. The Panel Chair has extensive case management powers to enable the relevant parts of the evidence to be taken without the presence of the observers and is best placed to make the decisions on how these powers should be used in Mr Grimson's case should the Panel Chair grant permission.
30. 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.
31. 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
31 January 2024