

Parole Board Decision Summary

the
Parole
Board

working with others
to protect the public

Name: Nicholas Bidar

Decision: No direction for release on parole licence and no recommendation for transfer to an open prison.

INTRODUCTION

As required by law, Mr Bidar's case was referred to the Parole Board by the Secretary of State for Justice to determine whether he could be safely released on parole licence. If not, the panel should consider whether transfer to open conditions could be recommended.

The panel could only direct release if it was satisfied that it was no longer necessary for the protection of the public that Mr Bidar remained confined in prison.

If the panel did not find that Mr Bidar could be released, it should consider his suitability for transfer to open conditions. To do so, the panel must review the extent to which he has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm, given that a prisoner in open prison may be unsupervised in the community and taking temporary releases under licence. The prisoner must also be assessed as presenting a low risk of abscond.

The case was considered at an oral hearing which took place over two days on 18 March 2024 and 19 March 2024. The hearing on 18 March 2024 took place in person at the prison where Mr Bidar was being held, and was heard in public. This followed a change in the Parole Board rules and a successful application from Mr Bidar for his case to be heard in public. The hearing on 19 March 2024 took place via a video link and was not heard in public so that sensitive matters could be discussed. Mr Bidar indicated through his legal representative that he hoped to be released as a result of the Parole Board review. If the panel was not minded to direct his release, he asked that a recommendation be made that he should be moved to an open prison.

In reaching its decision, the panel considered the contents of Mr Bidar's dossier, prepared by the Secretary of State. At the hearing, the panel took oral evidence from Mr Bidar's probation officer based in the community, the official supervising his case in prison, a senior prison officer, a psychologist employed by the prison service and a psychologist commissioned by Mr Bidar's legal representative. Mr Bidar also gave evidence to the panel. The Secretary of State was not represented by an advocate at the hearing, did not file any written representations and confirmed that he would not be offering a view about whether Mr Bidar should be released.

The panel did not have the benefit of a victim personal statement but appreciated there was continuing engagement with the victim liaison scheme.



SENTENCE DETAILS

On 3 July 2009, Mr Bidar received a sentence of imprisonment for public protection following his conviction for two offences of robbery and an offence of using a firearm to resist arrest. The sentencing court determined that he should serve a minimum of eight years before his release could be considered by the Parole Board. Mr Bidar completed that minimum term on 3 July 2017. He was 20 years old at the time he was sentenced and was aged 36 when his case was reviewed.

Since sentencing for the index offences, Mr Bidar committed further offences. On 8 August 2012, he was sentenced to three years and eight months in custody following his conviction for escape, attempted robbery and five offences of violence. He had been on trial for assaults against prison staff and escaped from court.

This was Mr Bidar's third review by the Parole Board following the end of his minimum term. The Parole Board's regular reviews have meant that Mr Bidar has so far spent an additional six years in prison for the protection of the public.

RISK ASSESSMENT

Having considered the index offences, relevant patterns of previous offending and the other evidence before it, the panel listed as risk factors those influences which made it more likely that Mr Bidar would reoffend. He told the panel that he had been young and immature and had made poor choices of friends at the time of his offending.

When he offended, Mr Bidar's risk factors had included his way of life, choice of friends, lack of stable accommodation, his relationships, his use of drugs and his poor decision making. The panel noted that he had demonstrated poor compliance because he had committed the index offences not long after his release from prison and while still being subject to licence. It considered his alcohol misuse, difficulties in managing extreme emotions and his impulsive behaviour to be further areas of risk.

Evidence was presented at the hearing regarding Mr Bidar's progress and custodial conduct during this sentence. He had undertaken accredited programmes to address his use of violence and his decision making. Mr Bidar had also engaged with courses to explore his attitude towards drugs and alcohol. In 2022, for two months, Mr Bidar engaged with a regime designed by psychologists to help people explore a wide range of problems. He was subsequently deselected from that regime.

Mr Bidar has spent much of his time in high security category A conditions. A prisoner's category status is reviewed by the prison service, and Mr Bidar remained a category A prisoner at the time of the panel's review. He has struggled with this, and has developed a sense of hopelessness. The panel noted reports of negative behaviour in prison, including misuse of alcohol, threatening and abusive behaviour, and sexualised or inappropriate comments to female prison staff.



The panel explored the concerns about prison behaviour with Mr Bidar and with the witnesses at the oral hearing. It was not persuaded that his sexualised comments evidenced concerns about him thinking about sex a lot or that he presented a sexual risk towards others. The panel considered this behaviour to evidence poor thinking, immaturity and a lack of understanding about boundaries in professional relationships.

Mr Bidar considered the reports about his behaviour to be 'blips' and to not be relevant to risk. The panel considered these matters to be relevant to risk because they evidenced concerns about emotional management and poor coping skills. The senior officer at the prison who had known Mr Bidar for a long time said that Mr Bidar let himself down when he drank alcohol in prison, evidencing poor behaviour.

Mr Bidar relies on the fact that he has not been physically violent in prison for several years. The panel accepted that this was true, however, it could not be sure whether this was as a result of Mr Bidar's own actions or because of the controlled environment of a highly restrictive category A prison.

The panel was told that the current sentence plan was for Mr Bidar to return to the regime supported by psychologists to help him reflect on and improve his behaviour. The panel considered this plan to be unrealistic because although Mr Bidar would be in a supportive environment, he would still feel a sense of hopelessness by being a category A prisoner. The panel determined that Mr Bidar would face challenges in maintaining his motivation and any sense of hope for the future. It considered that he needed to have hope of a life outside prison.

There were different views expressed by witnesses at the hearing, with some support for release, some support for a move to an open prison and some belief that Mr Bidar should continue with his sentence plan in a closed prison.

The panel examined the release plan provided by Mr Bidar's probation officer and weighed its proposals against assessed risks. The plan included a requirement to reside in designated accommodation as well as strict limitations on Mr Bidar's contacts, movements and activities. The panel concluded this plan was not robust enough to manage Mr Bidar in the community at this stage because it would be largely reliant on the control and monitoring from Probation. The panel noted the concerns about Mr Bidar's use of threats, aggression, alcohol use and poor compliance in prison and that he was yet to evidence effective use of skills to manage himself safely in a closed prison.

DECISION

After considering the circumstances of his offending, the progress made while in custody and the evidence presented at the hearing, the panel was not satisfied that release at this point would be safe for the protection of the public.

Nor did the panel recommend to the Secretary of State that Mr Bidar should be transferred to an open prison. The panel could not be satisfied that his risk of absconding from an open prison would be low or that Mr Bidar's risk to the public had reduced to a level that would be compatible with a place in an open prison.



In his referral to the Parole Board, the Secretary of State asked the panel not to make comment on or make any recommendation about:

i) the security classification of the closed prison in which the prisoner may be detained

ii) any specific treatment needs or offending behaviour work required

iii) the date of the next review.

The panel considered that it would be essential to provide detailed observations and recommendations to the Secretary of State and his officials about Mr Bidar's case. It determined that to not do so would create a risk of Mr Bidar moving backwards and his level of risk increasing.

The panel considered that Mr Bidar's category A status is now interfering with his potential to bring about and sustain change in the longer term. The panel recommended that immediate action be taken. It noted that categorisation is not a matter for the Parole Board but considered that Mr Bidar faced an unusual situation where much of his IPP sentence has seen him remain as a category A prisoner.

The panel recommended urgent steps be taken to establish an achievable pathway towards re-categorisation, that regular reviews should take place where possible to help facilitate this, that if Mr Bidar is able to secure a reduction in categorisation that he should be moved to a lower security prison where he can then continue with his sentence plan.

The panel also recommended that the Secretary of State should consider setting the next review of his case by the Parole Board at twelve months. If the Secretary of State agrees with that recommendation, Mr Bidar will be eligible for another parole review at that point.

