



HM Prison &
Probation Service

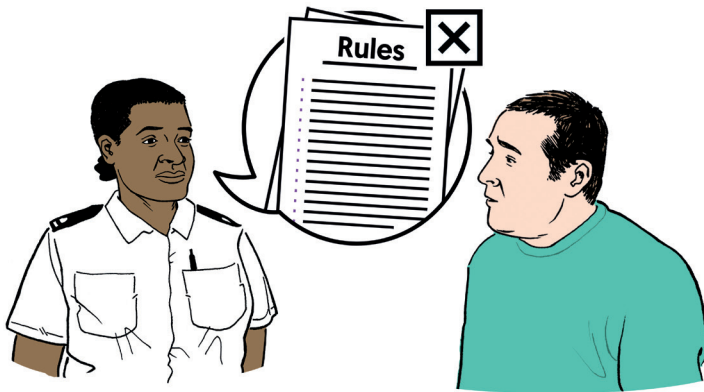
DIS2

Prisoner adjudication information and prisoner's statement

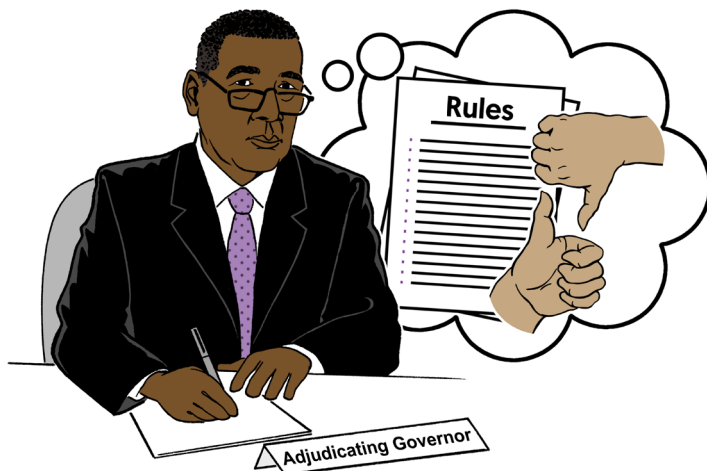


easy read

What is an adjudication



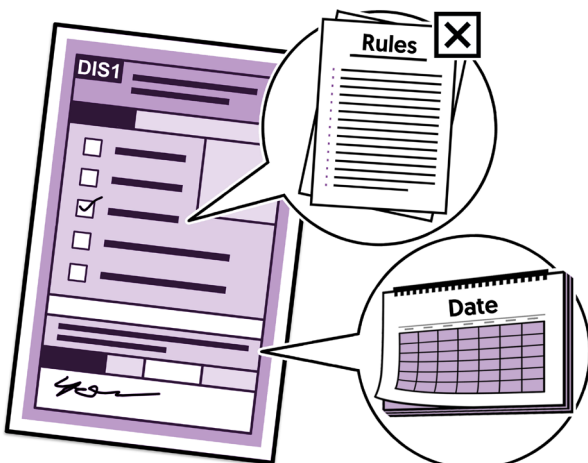
If a prison officer or another member of prison staff thinks you have broken a prison rule it might be decided by an **adjudication**.



An **adjudication** is a legal hearing, like a trial. An **adjudicating Governor** will decide if you have broken a prison rule and what the punishment is for breaking the rule.



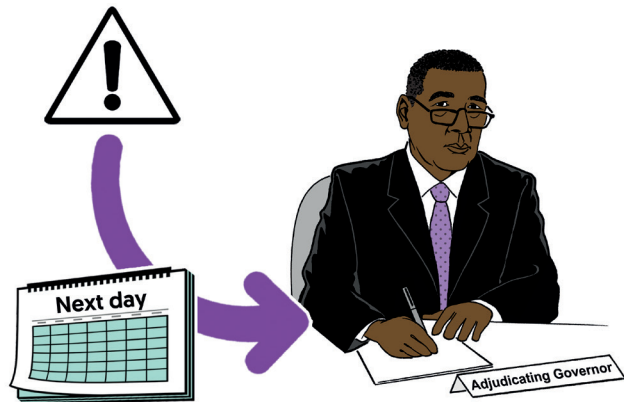
The officer who thinks you have broken a rule is called the **reporting officer**. They fill out a form called **DIS1**.



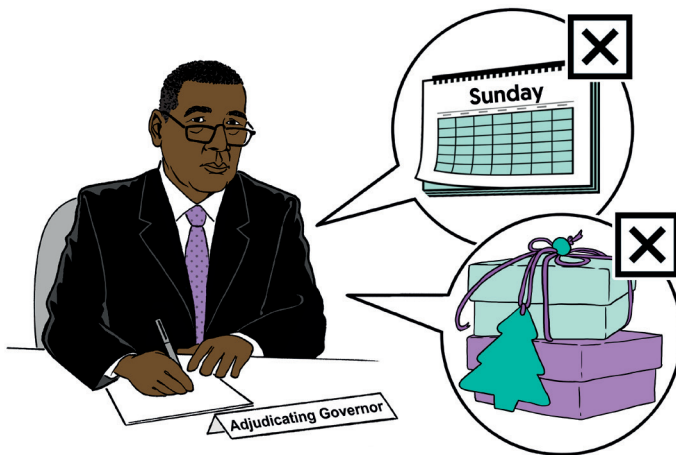
The form should say what rule they think you have broken and what happened and when the hearing will be.



They should charge you within 2 days of them finding out about the broken rule.



The hearing should happen the day after you have been charged.

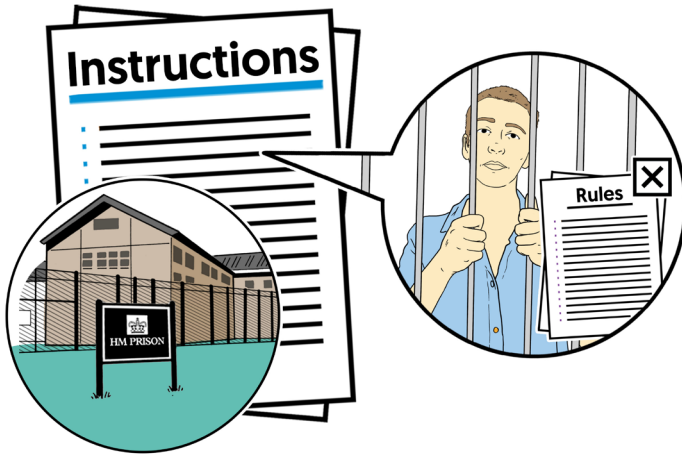


Unless the next day is a Sunday or a holiday.

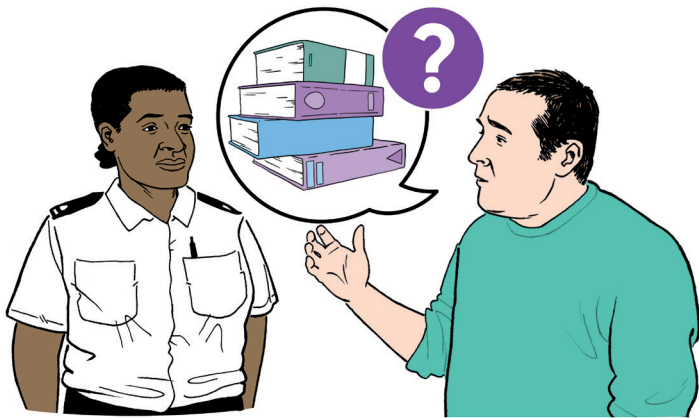
Reading for adjudications



You should be able to look at the **prison discipline policy** and other information to help defend yourself. You can look at these in the **Prisoner Discipline Procedures** (PSI 05/2018).



The **prison discipline policy** is a set of instructions that the prison has to follow. They are about what to do when a prisoner breaks the prison rules.



You can find the policy and other information in the library, or you can ask for them.

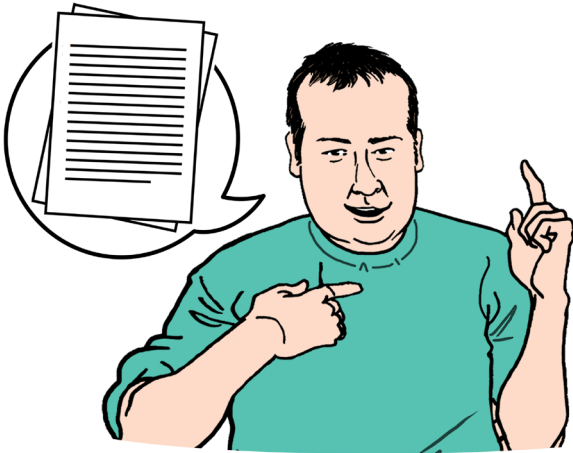


You may need help to read them, they might not be in easy read.



You should be allowed at least 2 hours before the hearing to look at the policy and other information.

Your Statement



You can write about what happened in your own words.

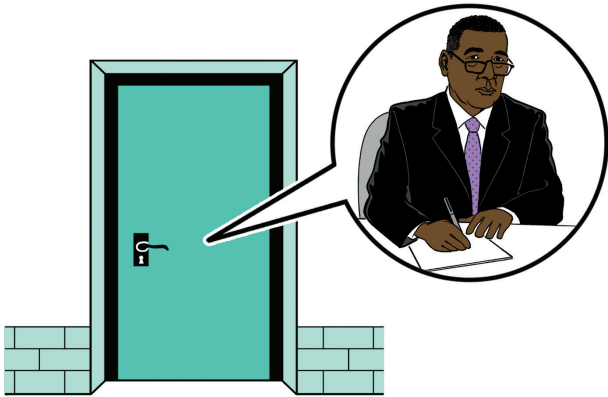


If you want to do this there is a space to write at the end of this document.

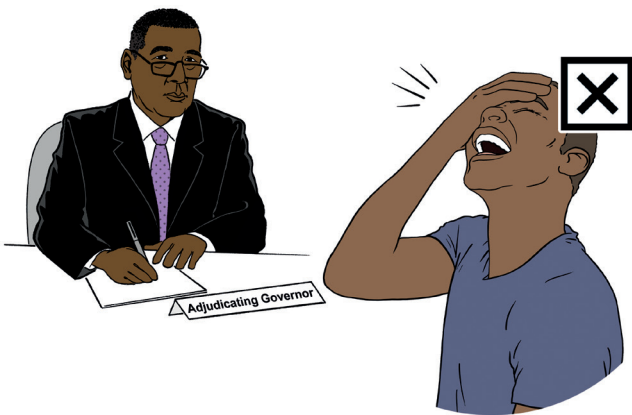


You will be allowed to read this out at the hearing and explain for yourself what happened.

What happens at an adjudication



The hearing will happen in a private room.



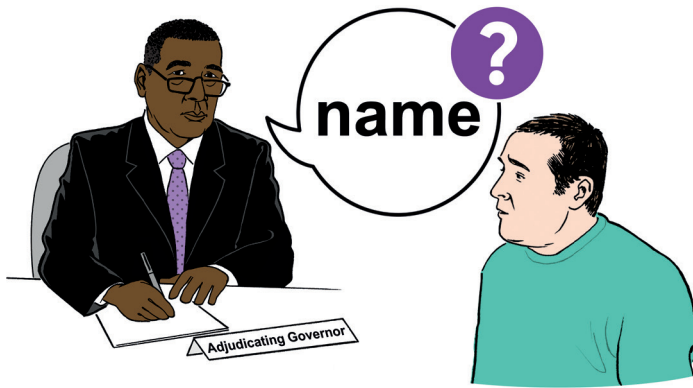
The hearings are important events that must be taken seriously by everyone involved.



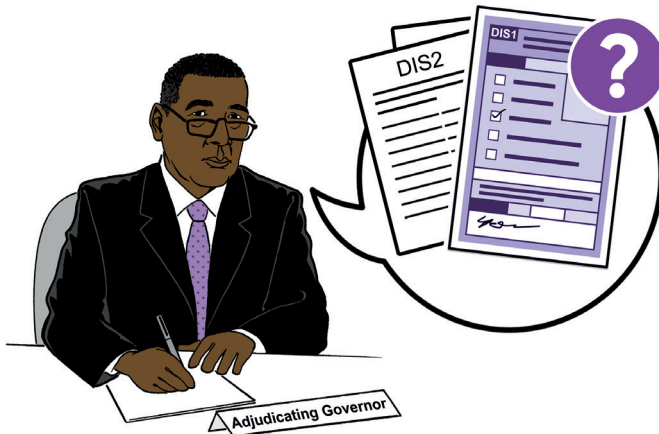
The adjudicating Governor must treat you fairly.



You can take notes if it will help you.



The adjudicating Governor will start the hearing by asking your name and for other information about you.

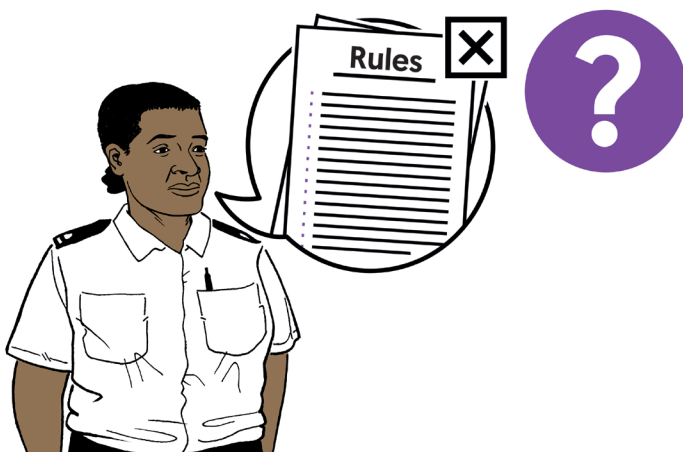


They will also check that you were given the form that the reporting officer wrote and other information explaining what was going to happen, like the **DIS2** form.



You will be asked:

➔ if you understand what an adjudication is

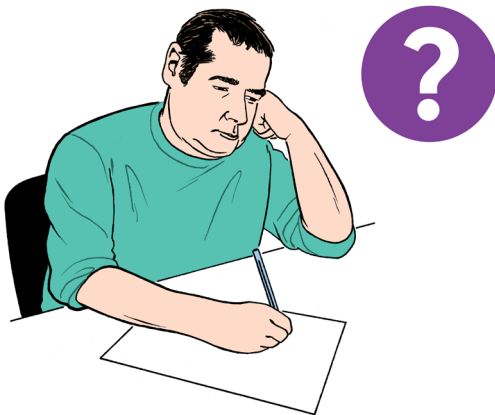


➔ if you understand the **charge** against you

This is the rule the prison thinks you have broken.



➔ if you have had enough time to prepare for the hearing



➔ if you have written what happened in your own words. You don't have to do this but you can if you want to.



You will be given help if you have problems understanding the hearing, or problems telling your side of the story because of a disability.

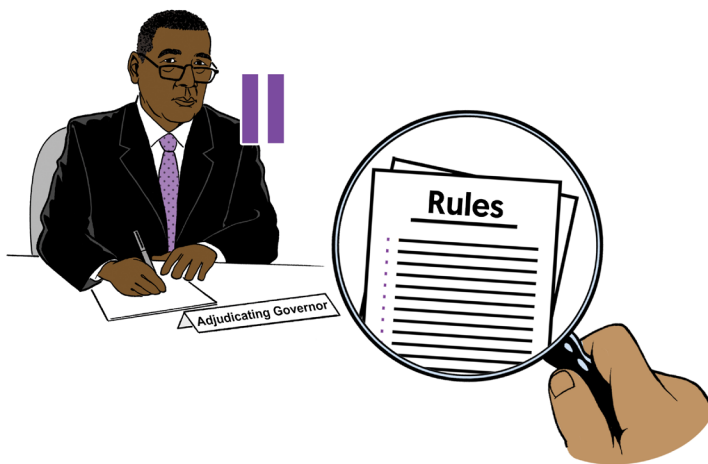


You can also get help if you do not understand English very well.

The Police



If the adjudicating Governor thinks that the charge against you is a very serious crime it will be sent to the police to investigate.



If this happens the hearing will be paused until the police have finished investigating.

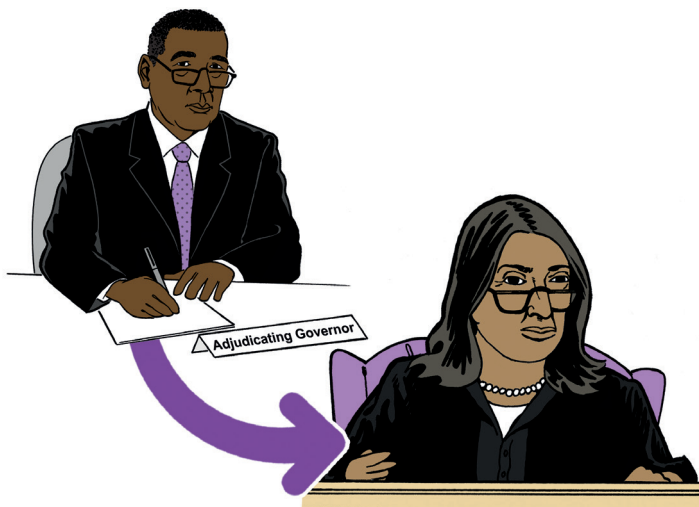


You will be told if the police are investigating your charge.

The Independent Adjudicator



An **Independent Adjudicator** is a judge that can add extra days in prison as a punishment.

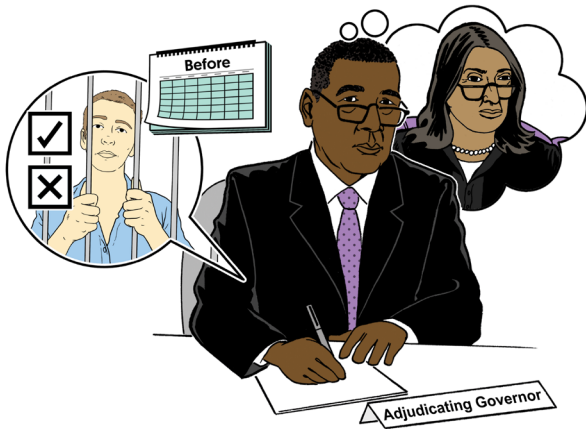


The adjudicating Governor may decide to send your case to an Independent Adjudicator if it is too serious for them to deal with.

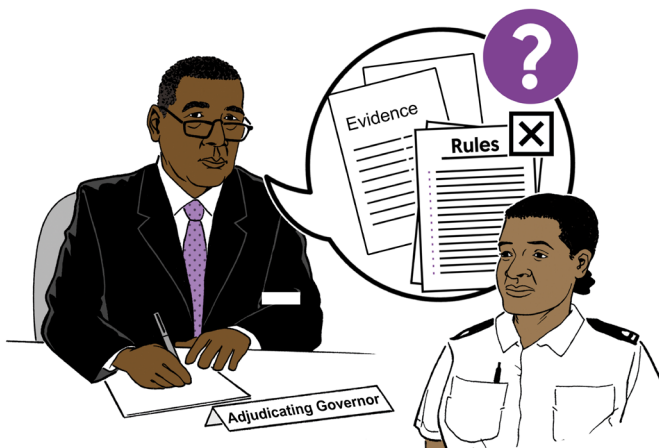


If your case is sent to an Independent Adjudicator, they will start the hearing again from the beginning. This is called **de novo**.

The Hearing



The adjudicating Governor can decide to send your case to an Independent Adjudicator any time before deciding your punishment.



The adjudicating Governor will ask the reporting officer to read out their evidence and to say what they think happened.



You can ask questions about what the reporting officer says happened and their evidence.



If the reporting officer can not come to the hearing another officer can read out their evidence.



However, if you want to ask the reporting officer questions the hearing will be paused until they can answer them.



The reporting officer can ask witnesses to say if they saw you break the rules.



They can also give evidence, like drug test results or if they have found items in your belongings that you are not supposed to have.

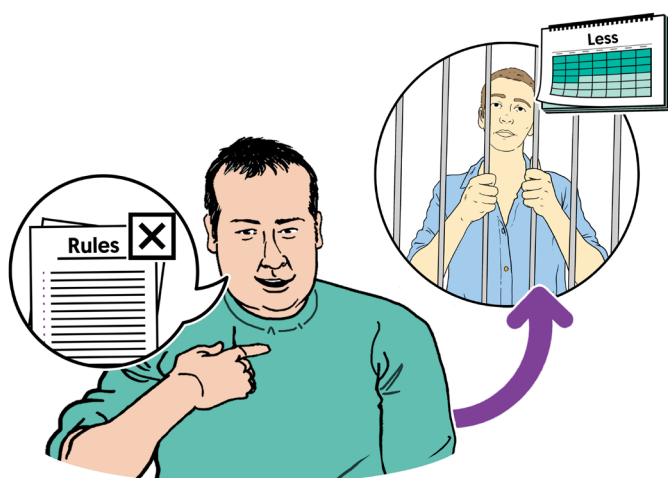


You will be able to explain what happened and give your side of the story.

Pleading guilty or not guilty



You will be asked if you plead guilty or not guilty to the charge. This means if you say that you did break the rules or not.



If you are guilty and say you are, you may be punished less.

Witnesses



You will be asked if you want to ask any witnesses to say what they saw and what evidence they will give.



If the adjudicating Governor thinks that your witness does not have any new evidence, they will not ask them to speak.



This could be if you have two witnesses that will say the same thing. Only one of them will be asked to speak.

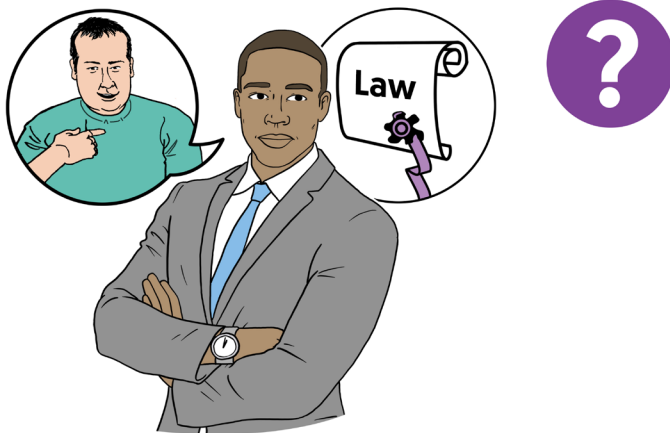


You, the reporting officer, and the adjudicating Governor can ask the witness questions.

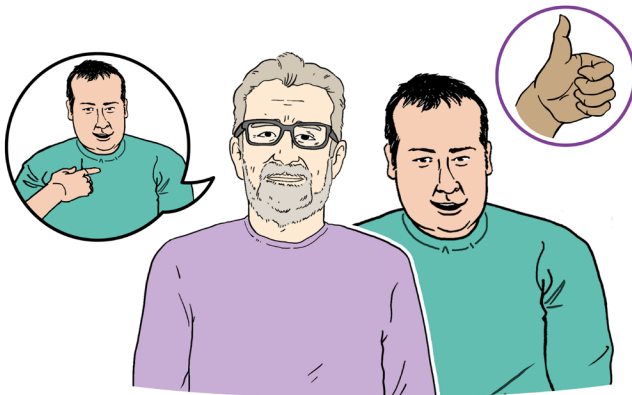


Prison staff and other officers may also be asked to give evidence.

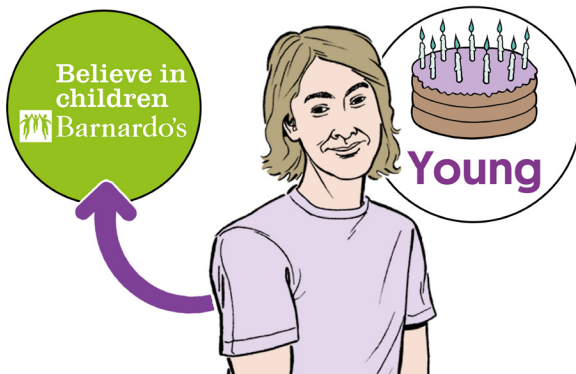
Legal advice and legal representation



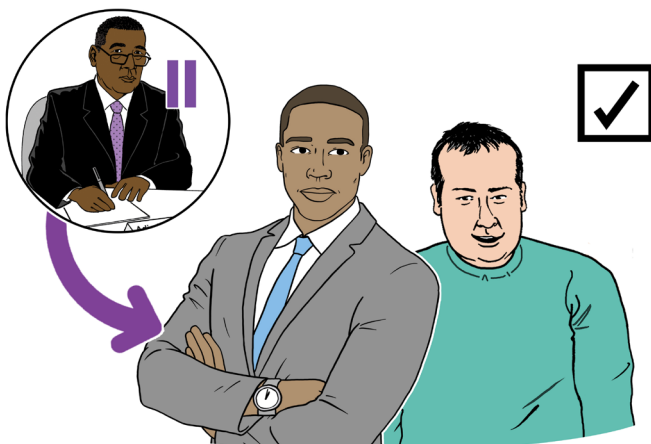
You will be asked if you want legal advice or **legal representation**. This is when a lawyer speaks for you.



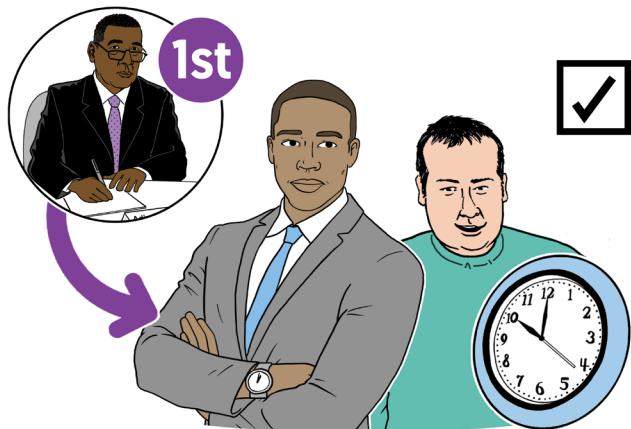
You can also ask a friend to help you, like another prisoner. This is called a **McKenzie friend**.



If you are a young offender, you can ask for help from an advocacy service like Barnardo's.



If you want legal advice the hearing might be paused until you can get it.



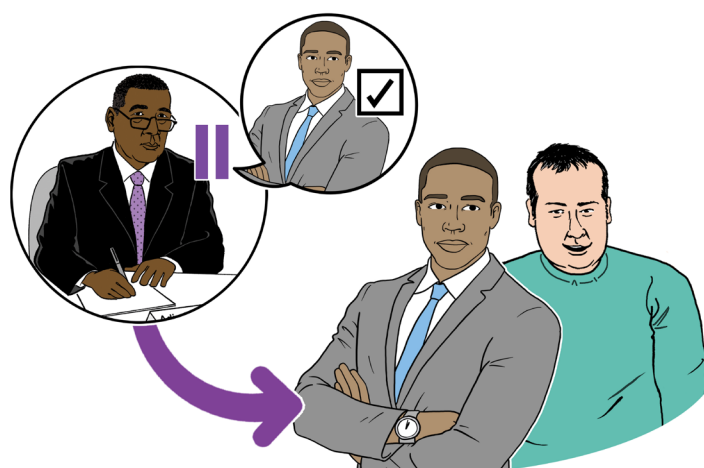
If this is the first hearing, the adjudicating governor should give you time to get legal advice if you have not done already.



If you want legal representation the adjudicating Governor will read guidance and decide if it is allowed.



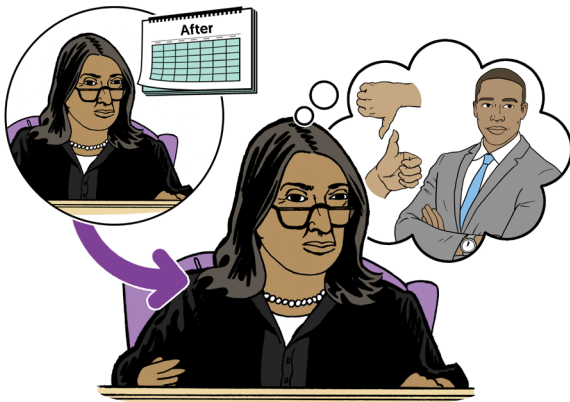
Legal representation is not normally allowed in hearings with an adjudicating Governor.



If you can have legal representation, the hearing will be paused until you have got it.

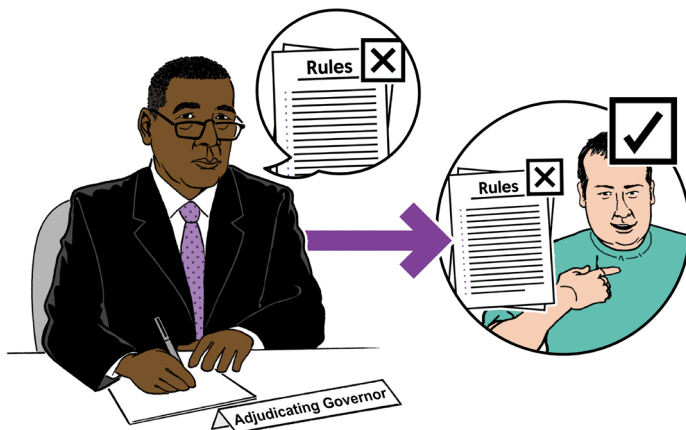


You will always be allowed to have legal representation if your hearing is with an Independent Adjudicator as long as you ask for it before your hearing or during your first hearing.

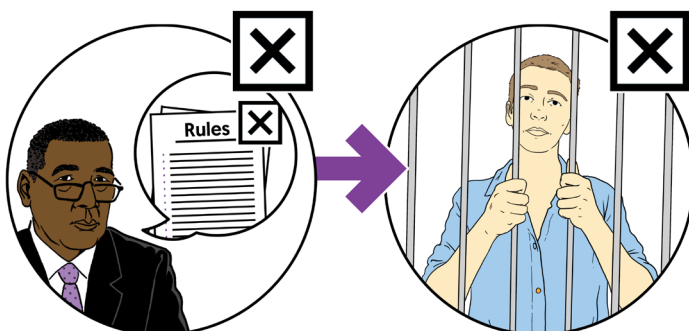


If you ask for legal representation after the first hearing, the Judge will decide if it is allowed.

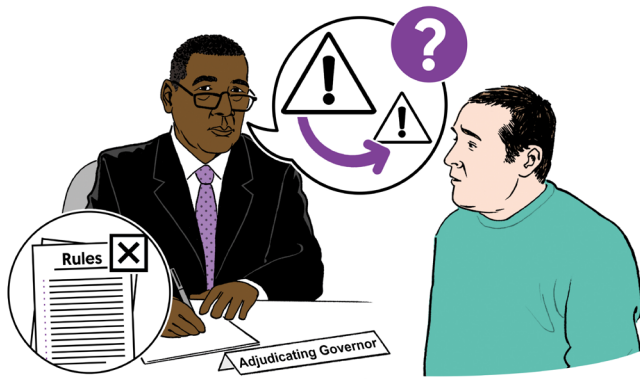
Verdict



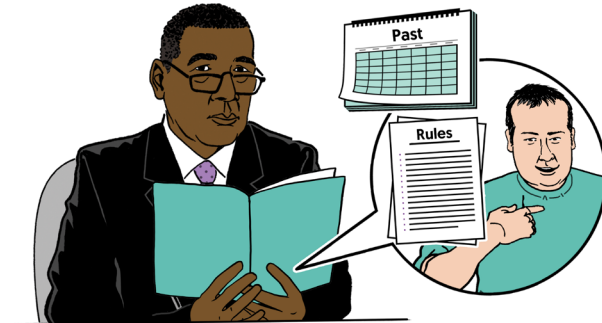
The charge must be proved **beyond reasonable doubt** to find you guilty. This means that the adjudicator must be sure that you broke the rules



If the adjudicator is not sure that you did break the rules, your charge will be dropped, and you will not be punished.

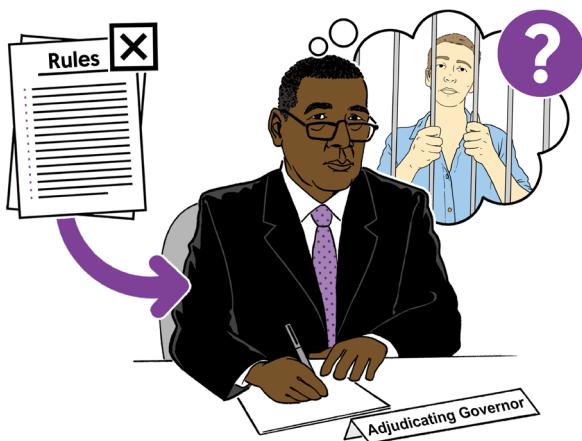


If the adjudicator is sure that you did break the rules, you will be found guilty and you will be asked if you have any reasons to have a smaller punishment.



The adjudicating Governor will also hear reports on your past behaviour and any times you might have broken the rules before.

Punishments



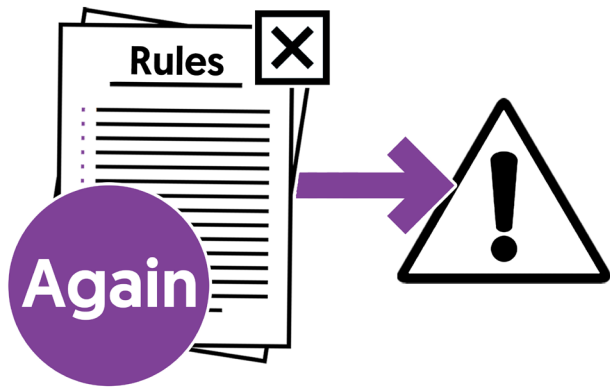
The adjudicating Governor will decide your punishment for breaking the rules.

The punishment can be things like:

➤ Loss of privileges

This means that you will not be allowed to do some of the things you used to, like using the canteen service.





Caution

This means you have been warned about your actions. You will be in more trouble if you break the rules again.



Cellular confinement

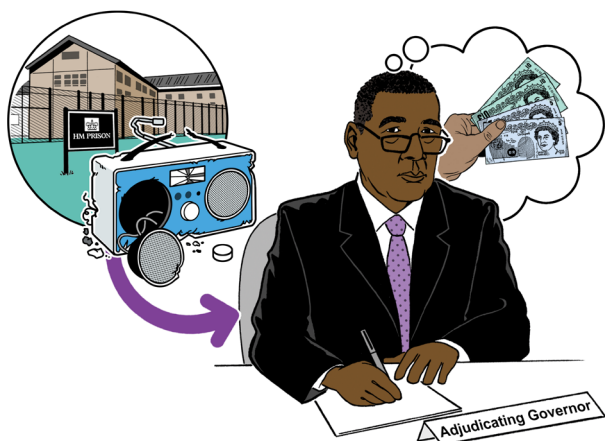
This is when you are not allowed to spend time with others. But you will still be allowed to write to people, go on visits, exercise, shower and go to religious services.



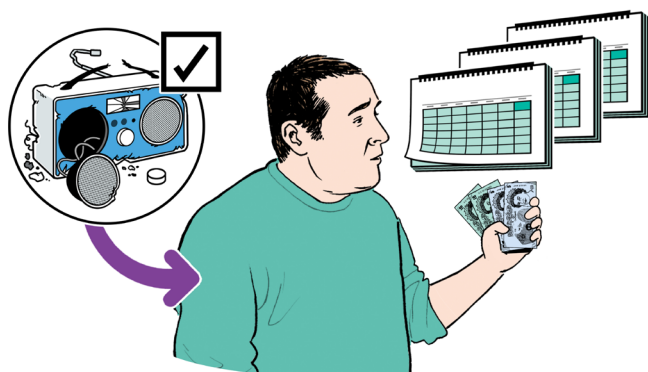
But you will not be able to do these things if your behaviour would mean it is not safe to remove you from your cell.



Before you are given this punishment, the adjudicating Governor will ask medical staff if it is safe for you.

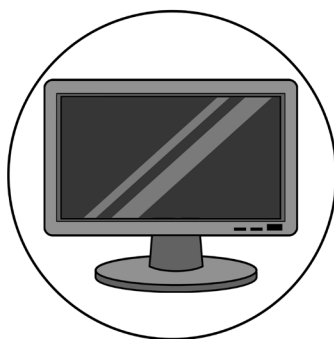


The adjudicating Governor will also decide if you have to pay for anything you broke that belongs to the prison.



If you do have to pay, you will need to start paying this back in parts straight away.

Independent Adjudicator hearings



Your Independent Adjudication hearing will be done in person or **virtually**. This means you will talk over video.



Your hearing with an Independent Adjudicator might not take place in person.



This means that they will take part in the hearing over a video call on a computer or other device.



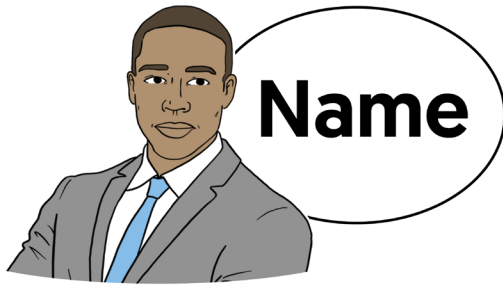
You will still go to the hearing room like normal.



Before the hearing you will be given a form. This will tell you when your hearing is.



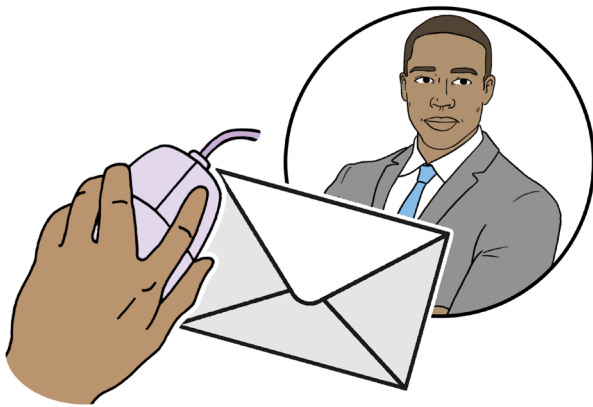
If you want a legal representative at your virtual hearing you will need to fill out these details on your form:



➔ their name



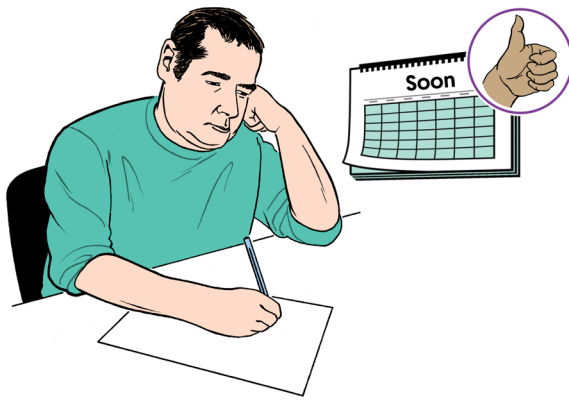
➔ the name of their legal firm



➔ their email address.



Your legal representative will also take part in the hearing over a video call on a computer or other device.



You should fill in the form as soon as possible so there is time to contact your legal representative.



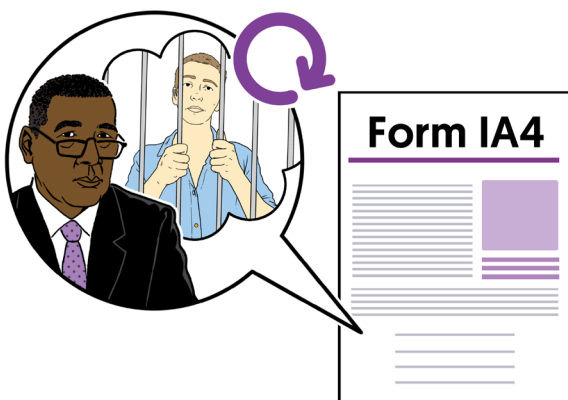
You will have the chance to talk to your legal representative over the phone before the hearing.

How to ask for a review of your adjudication

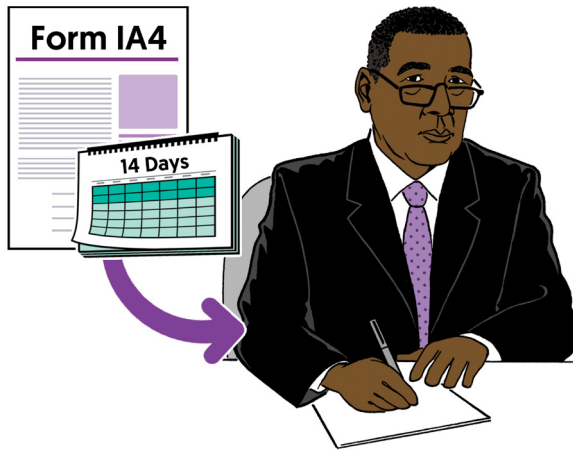


If your adjudication was with an Independent Adjudicator

You can not ask for a review of the decision that you are guilty.



If you or your legal representative wants to apply for a review of the punishment you must complete the form IA4.



Form IA4 must be filled in and sent to the Governor within 14 days of the end of your adjudication.



If your adjudication was with a Governor or Director

If you are not happy with how your hearing went you can:



- ask for a review of the findings or any punishments you have been given by filling in form **DIS8**. You can ask for this form from an officer



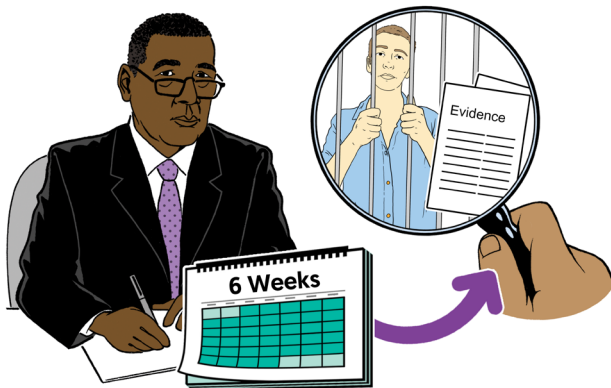
- talk to your solicitor for advice

If a solicitor, MP or special interest group helps you with the review it will go through the same steps as normal.



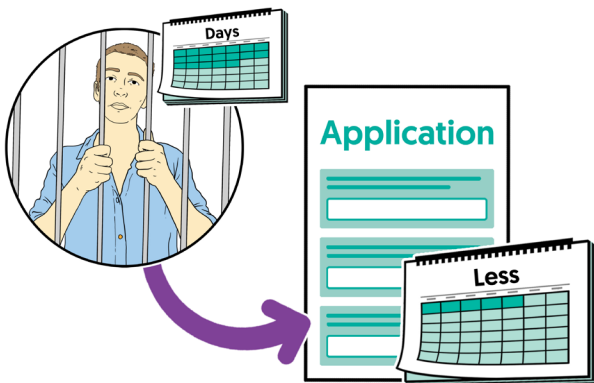
Write to the **Prisons and Probation Ombudsman** after your hearing has been reviewed

A **Prisons and Probation Ombudsman** is a person who does independent reviews.

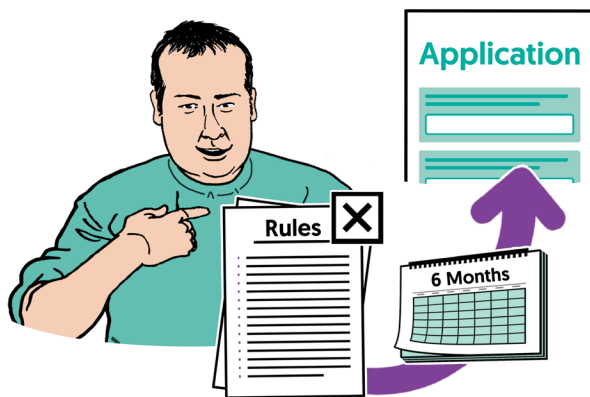


You must ask for your review within 6 weeks of your hearing.

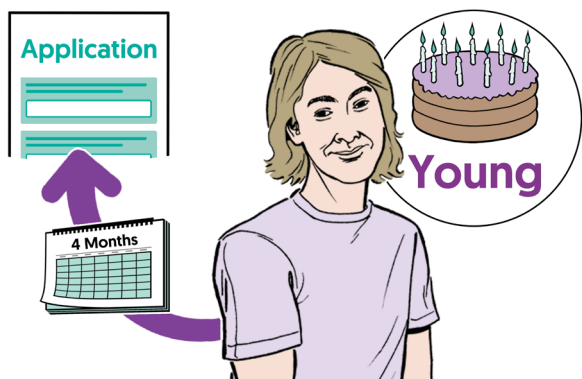
Additional Days



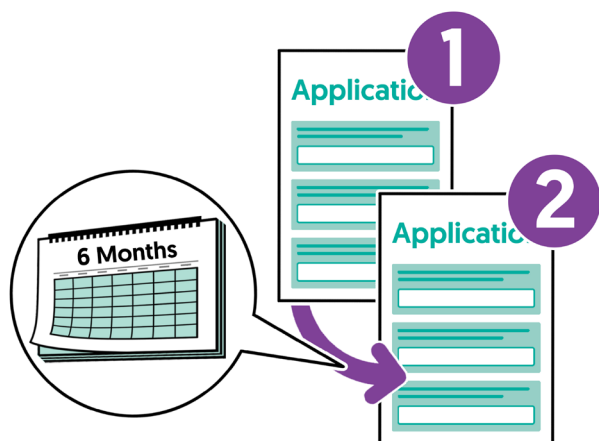
If you have been punished by having more days in prison, you can apply to have some of them removed.



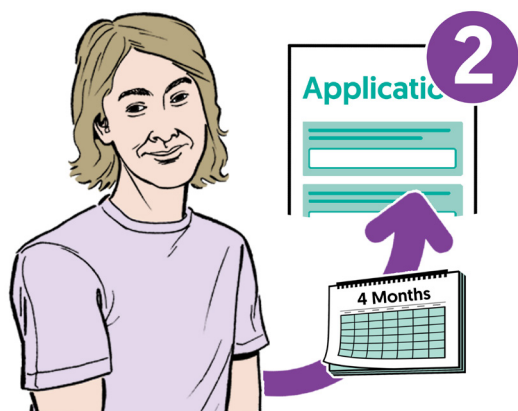
You can apply for this 6 months after the date you broke the rules.



If you are a young offender, you can apply 4 months after the date you broke the rules.



You may be able to apply for a second time 6 months after you first applied.



Or if you are a young offender, you may be able to apply for a second time 4 months after you first applied.



Ask for form **DIS 9** to apply. You may need help to apply, it may not be accessible.

Prisoner Statement

If you want to write about what happened in your own words, please write it here.
You can ask for more paper if you need it.

Signed

Date

Prisoner Statement

If you have filled the page before you can write more here.

Signed

Date

Prisoner Statement

If you have filled the page before you can write more here.

Signed

Date

Prisoner Statement

If you have filled the page before you can write more here.

Signed

Date



HM Prison &
Probation Service



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