

**[2024] PBPH 12****Application for a Public Hearing in the case of  
Colin Hill**

**Preliminary matter:** Since his conviction in 1987, Colin Hill has changed his name. His motivation for the name change is to protect his identity and for personal safety reasons. A name change can sometimes be beneficial to the agencies tasked with managing a prisoner. In this decision I will therefore use the name, Mr Hill.

**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 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/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 having the right to apply to observe 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 Hill is serving two concurrent mandatory life sentences for the offences of murder and rape. The period of punishment (the tariff) was set by the sentencing judge at 18 years minus the time spent on remand.
8. The circumstances of the offences were that Mr Hill took the daughter of a friend out for a drink. Afterwards he drove her to his house where he raped her twice. Mr Hill then took her to a secluded spot where he raped her again before brutally killing her.
9. Whilst in prison for the index offence, Mr Hill was charged with historic offences of rape, assault occasioning actual bodily harm and false imprisonment. These offences were committed before the index offence. Mr Hill pleaded guilty to these charges in 2020 and received a concurrent determinate sentence of seven years.



10. Mr Hill was released from custody in August 2018 and was recalled in November 2019 after failing to disclose to the Probation Service a new relationship with a vulnerable woman.
11. Mr Hill's case was referred by the Secretary of State to the Parole Board on 26 October 2023. This referral was considered by a member of the Parole Board on 25 January 2024. The matter was directed to an oral hearing, to consider evidence before making a final decision.
12. A date for the oral hearing has not yet been set. This will be Mr Hill's eighth review by the Parole Board since his recall to custody in 2019.
13. Mr Hill was 29 years old at the time that he was sentenced. He is now 65 years old.

### **Details of the Application and Representations**

14. On 16 May 2024, the Parole Board received an application for Mr Hill's oral hearing to be held in public. In summary, the reasons given for the application for a public hearing were:
  - a. The impact of Mr Hill's crimes has been devastating and is exacerbated by each parole hearing.
  - b. The applicant would like to keep the voice of the victim alive.
  - c. If Mr Hill is released again he will reoffend. He breached his licence conditions last time he was released.
  - d. Whilst in prison, Mr Hill was charged with other historic crimes.
  - e. Mr Hill will never be rehabilitated and will always pose a risk to the public. If he is released, the public have a right to know that he is amongst them.
  - f. The case is high profile.
  - g. Mr Hill pleaded not guilty even though the evidence against him was overwhelming.
  - h. Mr Hill has never shown any remorse.
  - i. It is not right that Mr Hill has been allowed to change his name. The public has a right to know his true identity.
15. On 17 May 2024 the Parole Board asked for representations from the parties to the case, namely the Secretary of State for Justice and Mr Hill. Two extension requests were made on behalf of the Secretary of State and were granted, the last of which to 12 June 2024.



16. In summary, the representations made on behalf of the Secretary of State (dated 12 June 2024) were:
- a. Increased transparency is vital to building public confidence in the parole system, particularly where the Parole Board is reviewing the case of an offender convicted of very serious offences.
  - b. The Secretary of State has studied the reasons given and consulted HMPPS staff who will appear as witnesses and who are responsible for providing the Panel with assessments of Mr Hill's current risk.
  - c. The Secretary of State supports this application and asks that proper weight be given to the reasons given for the application. While the Secretary of State acknowledges that Mr Hill has mental health issues, the Parole Board can take measures to address those issues.
  - d. The Secretary of State asks that if a public hearing is granted, witnesses are known by their job title rather than by their full name.
17. Representations made on behalf of Mr Hill (dated June 2024) have been received. In summary the representations were:
- a. Mr Hill does not support the application for a public hearing.
  - b. The application suggests that the public has a right to know Mr Hill's new name. There is no such right and it would serve no public or risk management purpose.
  - c. The victims of these offences are entitled to lifetime anonymity. Some aspects of the hearing would therefore need to be withheld as well as discussing any release plans. As the public would likely be prevented from hearing the 'full' case, this might lead to ill-informed speculation and would therefore not add to the public's confidence.
  - d. Mr Hill would not be able to give his best evidence in public, given the very sensitive and personal nature of the likely questioning. This may in turn impact on the Panel's ability to assess Mr Hill's risk.
  - e. There are no special features to this case. Although Mr Hill's offending was reported in the media at the time of the convictions, it is not currently high profile.
  - f. It is said that Mr Hill has shown no remorse for his offending. However, this is not a reason for a prisoner's hearing to be made public. In any event, Mr Hill has made progress on remorse and victim empathy.
  - g. It is said that a public hearing will keep the victim's memory alive. Whilst Mr Hill has every sympathy for the victims, this is not an appropriate role for a public hearing.
  - h. If the victims wish to attend a private hearing, this is unlikely to be opposed by Mr Hill.
  - i. The default position is that oral hearings are held in private. There is not sufficient justification for this matter to be heard in public.



18. A date for the oral hearing has not yet been set and therefore a Panel Chair has not yet been appointed.

### 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. The victims in this case have my deepest sympathies.
24. I note that a high bar 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. Although this case of murder and rape is distressing, there are no special features of this particular case which set it apart from other cases and which may therefore add to the proper public understanding of the parole system.
  - b. There is a significant amount of evidence in this case which will need to be heard in private, particularly on matters relating to mental health, a third party and the Risk Management Plan. It is difficult to see how public understanding of the decision can be achieved in these circumstances.
  - c. Any benefit to the applicant of attending the hearing can be achieved in alternate ways, as covered below.
  - d. A summary should provide sufficient information to both the victims and the public about the reasons for the decision made at Mr Hill's oral hearing. This should satisfy the requirements of transparency.



25. I therefore have not granted the application for the hearing to be held in public.
26. It may be that the victims in this case may wish to observe the private oral hearing. Should this be of interest to the victims, the Parole Board is willing to explore the feasibility of supporting the victims to observe the private hearing subject to conditions and proper support being in place. The victims are invited to contact the Parole Board to discuss the potential arrangements and support that may be needed by emailing [CEO@ParoleBoard.gov.uk](mailto:CEO@ParoleBoard.gov.uk).
27. 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.
28. If the victims do wish to attend and 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 victim or victims. 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 or victims and is best placed to make the decisions on how these powers should be used in Mr Hill's case, should the Panel Chair grant permission.
29. If permission is sought and granted, the Panel Chair may also need to hold a preliminary hearing to deal with any practical matters associated with this hearing.
30. 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**

**2 July 2024**

