Name of establishment Prison number

Prisoner’s full name

## Section 1 – Prepare for hearing

### Outline of alleged offence

The prisoner has been charged with

Prison rule 51

YOI rule 55

Contrary to

Paragraph

Yes

No

Can added days be added as a punishment?

Prisoners **not** eligible for added days are those on:

• a licence recall who’ll be serving until their sentence expiry date

• an indeterminate sentence for public protection (IPP)

• a detention and training order (DTO (YO))

• a sentence expiry date (SED)

(See the Adjudications Policy Framework in paragraphs 6.61 to 6.65. There are instances where it might still be necessary to refer these prisoners to IA – see the Adjudications Policy Framework in paragraphs 6.59 and 6.160 to 6.162).

Latest date the case can be heard by the independent adjudicator, if applicable

(DD/MM/YYYY)

No

Yes

Is the prisoner on an open Assessment, Care in Custody and Teamwork

(ACCT) or were they on an ACCT that closed within 3 months before the

charge?

No

Yes

Was the charge laid within 48 hours of discovery of the alleged offence?

Was the first hearing started on the day following the charge (unless it

Yes

No

was a Sunday or public holiday)?

No

Yes

Is the prisoner fit to proceed with the hearing?

If No, seek further advice from Healthcare. Record their advice and any decision taken.

### Referral to the police (to be completed by governor or director only)

No

Yes

Is the charge being referred to the police?

(See the Crime in Prison Referral Agreement and

the Adjudications Policy Framework in paragraphs 6.52 to 6.57)

If it’s considered serious enough to be referred to the police, adjourn and record the reason here. **Do not take a plea**. Attach prison community impact assessment. Do not refer to the independent adjudicator at this stage but wait for the police decision and record it in ‘Police decision’.

Reasons for referral to the police

Date referred (DD/MM/YYYY)

Police decision

Date of decision (DD/MM/YYYY)

### Referral to the independent adjudicator (to be completed by governor or director only)

If it’s not referred to police, or the police confirm that no prosecution is to take place, consider whether the charge is serious enough to refer to the independent adjudicator (IA) (see the Adjudications Policy Framework paragraphs 6.58 to 6.66). Only determinate sentence prisoners and licence recalls still within their sentence expiry date can receive added days.

If it’s referred to the IA, adjourn and record reasons in the record of hearing (for example, why this is considered serious enough to be referred). Attach any relevant documents, including prison community impact assessment, damage impact assessment, statements and evidence. Arrange for the IA to hear the charge(s) within 28 days of referral. Otherwise, the case will be dismissed.

In some cases, it may become apparent at a later stage (for example, after the first hearing) that a referral to the IA is the most appropriate course of action. You may do this at any point up to the imposition of punishment. See the Adjudications Policy Framework paragraphs 6.58 to 6.66 for further guidance.

If it’s not referred, proceed with the rest of the hearing.

## Section 2 – Details of hearing

There is space for 4 hearings to be recorded on this form. If there are more, record the following details in the ‘Record of hearing’ box.

If the prisoner refuses to attend, ask for the accused to be kept informed of proceedings at key points during the hearing. If you decide not to do this, record the reasons in the ‘Record of hearing’ box.

If you refuse to allow the prisoner to attend, record the decision and reasons in the ‘Record of hearing’ box, saying why it was just and fair in the circumstances (see the Adjudications Policy Framework paragraphs 6.32 to 6.35).

### First hearing

Date (DD/MM/YYYY) Start time (24-hour clock)

No

Yes

Is the prisoner attending the hearing?

If No, give reasons why the prisoner did not attend

Yes

No

If No, has a refusal to attend form been completed and included

with the paperwork for the hearing?

Yes

No

Does the prisoner understand the charge?

If No, offer the prisoner a further explanation of the charge and record the details

Yes

No

Has the prisoner been charged under prison rule 51 (17 or 17A) or

YOI rule 55 (18 or 19)?

If Yes, please explain they may be required to pay compensation for the damage caused. If they are found guilty, compensation will be recovered from their account.

Yes

No

Is an assessment of the cost of the damage attached?

No

Yes

Does the prisoner need help?

Interpreter

Disability aid

If Yes, what type of help is needed?

Other (specify)

No

Yes

Does the prisoner have any questions at this stage?

If Yes, record the details

No

Yes

Did the prisoner receive the DIS 1/2 ‘Notice of being placed on report’

at least 2 hours before the start of this adjudication hearing?

If No, record the reason

#### Prisoner’s preparation for the hearing

No

Yes

Did the prisoner have enough time to prepare for the hearing?

Did the prisoner prepare a written statement? (Read it out when

No

Yes

the prisoner gives evidence or at the mitigation stage).

#### Witnesses asked to the hearing

No

Yes

Does the prisoner wish to call any witnesses?

If Yes, list the witness(es)

Say why any witnesses were accepted or refused

#### Legal advice and preparation of a defence

Before proceeding further, has the prisoner asked for legal help, such as:

No

Yes

Advice

Yes

No

Representation at the hearing

A McKenzie friend

No

Yes

Other (please specify)

If legal representation or a McKenzie friend is requested, the governor/director should consider this under Tarrant criteria and record whether this is granted in the ‘Reasons for your decision’ box.

Tick the appropriate box(es).

No

Yes

The seriousness of the charge and of the potential penalty

No

Yes

Where any points of law are likely to arise

The capacity of a particular prisoner to present their own case

No

Yes

Procedural difficulties

No

Yes

The need for reasonable speed

No

Yes

The need for fairness

No

Yes

Anything else the prisoner raises

No

Yes

Reasons for your decision

#### Independent adjudicator only

No

Yes

Has the prisoner had time to arrange legal representation?

Record the name and status of any legal representative

#### The accused’s plea

Not guilty

Guilty

How does the prisoner plead to the charge?

### Second hearing

Date (DD/MM/YYYY) Start time (24-hour clock)

No

Yes

Is the prisoner attending the hearing?

If No, give reasons why the prisoner did not attend

Yes

No

If No, has a refusal to attend form been completed and included

with the paperwork for the hearing?

Yes

No

Does the prisoner understand the charge?

If No, offer the prisoner a further explanation of the charge and record the details

Yes

No

Does the prisoner need help?

Interpreter

Disability aid

If Yes, what type of help is needed?

Other (specify)

No

Yes

Does the prisoner have any questions at this stage?

If Yes, record the details

No

Yes

Did the prisoner receive the DIS 1/2 ‘Notice of being placed on report’

at least 2 hours before the start of this adjudication hearing?

If No, record the reason

#### Prisoner’s preparation for the hearing

No

Yes

Did the prisoner have enough time to prepare for the hearing?

Did the prisoner prepare a written statement? (Read it out when

No

Yes

the prisoner gives evidence or at the mitigation stage).

#### Witnesses asked to the hearing

No

Yes

Does the prisoner wish to call any witnesses?

If Yes, list the witness(es)

Say why any witnesses were accepted or refused

#### The accused’s plea

Guilty

Not guilty

How does the prisoner plead to the charge?

### Third hearing

Date (DD/MM/YYYY) Start time (24-hour clock)

No

Yes

Is the prisoner attending the hearing?

If No, give reasons why the prisoner did not attend

Yes

No

If No, has a refusal to attend form been completed and included

with the paperwork for the hearing?

Yes

No

Does the prisoner understand the charge?

If No, offer the prisoner a further explanation of the charge and record the details

Yes

No

Does the prisoner need help?

Interpreter

Disability aid

If Yes, what type of help is needed?

Other (specify)

No

Yes

Does the prisoner have any questions at this stage?

If Yes, record the details

No

Yes

Did the prisoner receive the DIS 1/2 ‘Notice of being placed on report’

at least 2 hours before the start of this adjudication hearing?

If No, record the reason

#### Prisoner’s preparation for the hearing

No

Yes

Did the prisoner have enough time to prepare for the hearing?

Did the prisoner prepare a written statement? (Read it out when

No

Yes

the prisoner gives evidence or at the mitigation stage).

#### Witnesses asked to the hearing

No

Yes

Does the prisoner wish to call any witnesses?

If Yes, list the witness(es)

Say why any witnesses were accepted or refused

#### The accused’s plea

Guilty

Not guilty

How does the prisoner plead to the charge?

### Fourth hearing

Date (DD/MM/YYYY) Start time (24-hour clock)

No

Yes

Is the prisoner attending the hearing?

If No, give reasons why the prisoner did not attend

Yes

No

If No, has a refusal to attend form been completed and included

with the paperwork for the hearing?

Yes

No

Does the prisoner understand the charge?

If No, offer the prisoner a further explanation of the charge and record the details

Yes

No

Does the prisoner need help?

Interpreter

Disability aid

If Yes, what type of help is needed?

Other (specify)

No

Yes

Does the prisoner have any questions at this stage?

If Yes, record the details

No

Yes

Did the prisoner receive the DIS 1/2 ‘Notice of being placed on report’

at least 2 hours before the start of this adjudication hearing?

If No, record the reason

#### Prisoner’s preparation for the hearing

No

Yes

Did the prisoner have enough time to prepare for the hearing?

Did the prisoner prepare a written statement? (Read it out when

No

Yes

the prisoner gives evidence or at the mitigation stage).

#### Witnesses asked to the hearing

No

Yes

Does the prisoner wish to call any witnesses?

If Yes, list the witness(es)

Say why any witnesses were accepted or refused

#### The accused’s plea

Guilty

Not guilty

How does the prisoner plead to the charge?

## Section 3 – Record of hearing

Record:

* reasons for IA referral, if relevant
* all evidence given, including physical evidence, such as CCTV and body-worn video camera evidence
* any damage impact assessments
* reasons for decisions made during the course of the hearing, like adjournments
* reasons for finding the charge proved or not
* any other relevant points

## Section 4 – Finding

Charge proved beyond reasonable doubt

Charge dismissed due to ‘not guilty’ finding

Charge ‘not proceeded with’ for any other reason

If charge ‘not proceeded with’, give reasons why (see the Adjudications Policy Framework, paragraph 4.48)

Prisoner informed of outcome (DD/MM/YYYY)

### To be completed if the charge is proved beyond reasonable doubt

#### Mitigation

Ask the prisoner if there are reasons why a lesser punishment than normal should be given for this offence, which have not been mentioned before.

No

Yes

Does the prisoner wish to mention any reasons?

If Yes, record any mitigating evidence

Does the prisoner wish to call any witnesses to support their reasons?

No

Yes

If Yes, enter their names

#### Adjudication report

Read out the DIS 5 ‘Adjudication history for current sentence’.

Does the prisoner wish to comment on this report, or do

No

Yes

they have any questions this wish to ask about it?

If Yes, enter their comments and/or questions.

#### Conduct report

Read out the DIS 6 ‘Conduct report’ on the prisoner’s behaviour during their current sentence.

Any safer custody terms must be entered on the prisoner’s record and Digital Prison Services (DPS), and appropriate action must be taken.

No

Does the prisoner wish to comment on this report, or do they

Yes

have any questions they wish to ask about it?

If Yes, enter their comments and/or questions.

### Punishment

#### Punishment guidelines

Take account of the Adjudications Policy Framework paragraph 6.132, including whether the prisoner is on an open ACCT or had an ACCT closed within 3 months of the charge being laid.

If so, consider whether there are any risk factors that should be considered when imposing a punishment. Record any relevant points.

#### Recovery for damages to the prison or prison property

If relevant, record details of any non-punitive compensation requirement for recovery of money for damage to the prisoner or property. Take account of the Adjudications Policy Framework, paragraphs 6.118 to 6.125 and 6.132.

#### For governor/director only

Consider whether additional days may be an appropriate punishment, and if so, refer the case to the independent adjudicator.

#### Cellular confinement

If considering cellular confinement (CC), confirm an Initial Segregation Health Screen (ISHS) recording fitness for this punishment has been completed, before a decision on punishment is made, and take the recommendation into account.

If the ISHS has not be completed, adjourn and ensure it’s completed within 2 hours of the hearing being completed. Record the outcome of the assessment. **Attach the ISHS to this record.**

If imposing suspended cellular confinement, ensure a further ISHS is completed before any punishment is activated.

#### Punishment decision

### Announce the punishment

No

Yes

Have you explained the punishment and/or non punitive compensation

requirement (damages)?

No

Yes

Have you explained the review process to the prisoner and, where

applicable, how to apply for restoration of added days imposed? Also

confirm you’ve given the prisoner a completed DIS 7 ‘Adjudication result’

and told them they can ask a member of staff for help in understanding it.

It’s important that a record of the finding, punishment and any non-punitive

No

Yes

compensation requirement is recorded on DPS and the prisoner’s record,

and that this is retained in line with data retention guidelines. Have

you directed a member of staff to do this?

The finding and punishment, if any, must be entered on the prisoner’s core record and DPS.

Signature of governor/adjudicator Name (BLOCK CAPITALS)

Date (DD/MM/YYYY)