
SAFARI

Supporting All Falsely Accused with Reference Information

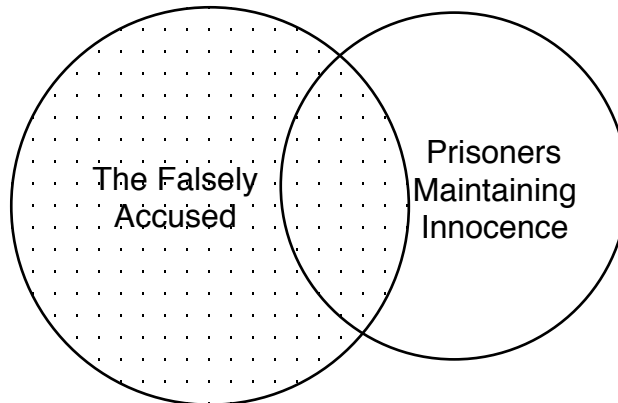
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To Whom It May Concern Re: Parole for Those Maintaining Innocence

On 2nd February 2005 Jo Dobry of the Parole Board requested SAFARI's help in developing a new communications strategy for the Parole Board. The following are extracts from our response to that request, which we feel are important for Board Members considering requests for parole from those maintaining their innocence.

There are many falsely accused people who are not currently "Prisoners Maintaining Innocence." There are many who have never been charged, let alone tried and convicted - but whose lives have still been ruined. There are also prisoners currently 'maintaining innocence' who are not falsely accused. The two sets (falsely accused and prisoners maintaining innocence) overlap. We support those who fall into the set of 'falsely accused.' SAFARI is *not* a support group for the guilty who protest their innocence, although we do appreciate that some people receiving the newsletter may fall into this category. (That having been said, even the guilty can support the *cause* of the falsely accused.) We feel it is important in our own "Communications Strategy" to make this point quite clear. The following diagram makes, we hope, for clarification.



We would recommend that anyone who is in doubt about our position should visit our website, with particular reference to the section headed "A Matter of Principle." We make it abundantly clear there that people *should* admit what they *have* done, attend any and every course for which they are genuinely eligible, and, *above all, be honourable in all their dealings.*

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Our belief for the priorities of decisions on release on parole is that these decisions should be based on *real life* risk, and not on popular *misconceptions* of risk. A second priority is that the Parole Board should be seen to be just and fair; this cannot be achieved in the presence of a stream of unjust decisions.

The Board recognises that the quality of their decisions is based heavily on information and risk assessment from other sources. We know from letters we receive from SAFARI members that much of the information passed to the Board is erroneous and often based on the report writer's *opinion* which is, itself, made on the assumption that the applicant is 'in denial' and therefore automatically a high risk.

We'd like to express concern, here, too, about the over-use and inaccurate use of the phrase 'in denial'. "Denial" is a psychological problem, where somebody is suffering from something, or has done something, which they do not themselves believe they are suffering from or have done. It is an inability to comprehend and therefore accept something that exists. It is therefore a delusional state. It does NOT mean "someone who knows they are guilty but won't say so," but it is consistently used by the inexpert and uneducated, right across the Social Work and "justice" systems, to mean precisely that. Prison staff, probation staff, Parole decision-makers and social workers are no more qualified to make a diagnosis of 'denial' than they are to make a diagnosis of leukaemia.

There is also the problem that some report writers themselves feel that people 'in denial' should not get parole, and so they tailor their reports to increase the chances of a parole refusal. We are aware that prisoners are given the opportunity to respond to the reports made but prisoners often feel (with good reason) that their input is almost completely ignored.

We feel it is important that, when making a decision, the Parole Board not only take the prisoners' views into account but is seen to be doing so. Far too often it is the case that a report writer makes an erroneous comment (i.e. "he refused to go on any offence-related course,") the prisoner corrects it by stating "I asked to go on any courses available to me but was told I was not allowed to do so as I maintained my innocence," and yet the Parole decision states "he has not taken any offence-related courses so it is virtually impossible to see whether his risk or re-offending has been lowered." While the Parole Board's comment may be *accurate*, it gives the impression that the prisoner's comments have been ignored. The simple solution is to refer to BOTH comments and at least *recognise* that failure to attend the course was not the prisoners' fault.

SAFARI appreciates that the Parole Board has to rely on the reports of others, prisoners at the rough edge of the deal see this attitude of "we have to act on the recommendations of others" as being simply a "get-out clause" to avoid responsibility. In order for it to be clearly seen that this was not the case, it will be necessary for the Parole Board to ensure they only take negative comments from report-writers into account *when those negative comments are backed-up*. If the report writer states that a prisoner "has not used his/her time constructively" when what they actually meant was "hasn't attended courses which they weren't eligible for in any event", then it is unfair for the prisoner to be seen by the Parole Board in this light.

The Board should insist from report writers on specific, definitive comments and to disallow vague ones. At present, vague accusations of "having done nothing constructive" are viewed as negative comments (and generally intended by the report writer to be interpreted in precisely that way) when they may quite simply reflect the fact that there was nothing the inmate *could* do. To make a vague comment of this kind specific, definitive and acceptable, the report-writer would have to accompany it with a list of things which the inmate *could* have done whilst still maintaining their innocence but refused to do. In the absence of this list, a comment should be attached to it stating that the report-writer's claims are unsubstantiated and that said claims are *not* to be taken into account.

Remember, when someone (and *especially* someone who was innocent in the first place) fails to achieve parole, it *feels* to them like a second sentence based on yet *another* false allegation; this time the false allegation being made by prison staff. SAFARI appreciates that it is *not* a second sentence, but the fact remains that the victim was again falsely accused and again suffered from that fresh false accusation.

In addition to this, some report writers are becoming very expert at finding numerous different ways of saying that the prisoner maintains their innocence, in the certain knowledge that *each* of those comments will be used as a "negative mark" against them. In order again for the Parole Board not to carry the blame for this, you need to be actively seen to be viewing these comments for precisely what they are, and counting them not as individual black marks, but collectively as only one.

Typical comments include (please note that the masculine includes the feminine in all these comments):

- "Prisoner has not used his time constructively" (i.e. has not attended a course for which he was not eligible *because he maintains his innocence*)
- "Prisoner sees himself as a victim" (*because he maintains his innocence* and so logically is a 'victim of the system')
- "Prisoner shows no remorse" (*because he maintains his innocence* so there is no offence to show remorse for)
- "Prisoner shows no empathy for his victim" (*because he maintains his innocence* so he had no victim)
- "Prisoner has not addressed his offending behaviour" (*because he maintains his innocence*)
- "Prisoner shows a lack of insight into the effects of his offending behaviour on the victim" (*because he maintains his innocence* so he had no victim)
- "Friends/relations/partner supports him in his denial thus there is a high risk" (*other people think he's innocent, too*)
- "Prisoner's risk of re-offending has not been reduced" (*because he maintains his innocence, could therefore not do courses, and maintains he was no risk to begin with - so how can he reduce it?*)

The nature of the index offences (which was already used in sentencing in the first place and the prisoner can do nothing about) is used against him again. The nature of the index offence, including (of course) the nature of any relationship between accuser and accused, has *already* been taken into account in deciding the severity of the sentence. It should not, at a Parole hearing, be taken into account again as if it had not already been included in the original formula. To do so would mean that the Parole Board, by insisting on two-thirds of the more severe sentence instead of half, would in effect be applying an additional punitive measure not intended by the sentencing judge.

Comments made by the judge at sentencing (which again he can do absolutely nothing to change) are used against him.

His attempts to get incorrect data on his record corrected are reported as "Prisoner is manipulative / litigious" (particularly if there has been an initial refusal to correct the data and the prisoner has drawn the authority's attention to the rules which are supposed to protect him).

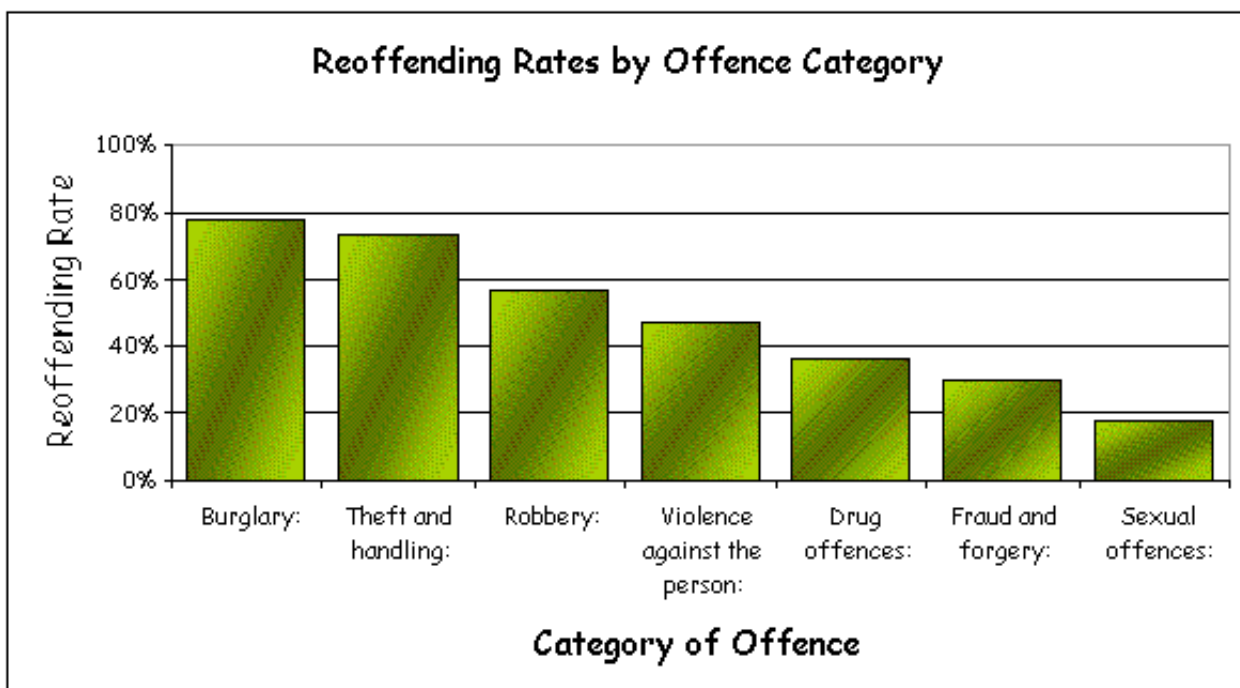
Again, any allegation of "manipulative" behaviour should be backed up by ALL the evidence of said behaviour, and if the prisoner was shown to have been in the right a comment should be attached to it stating that the report-writer's claims are erroneous, possibly intentionally malicious, and that said claims are *not* to be taken into account.

In addition to this, "positive" reports - even glowing ones - are turned around at the last minute and transformed into negatives. For example, a Parole Board Document quotes the following "He has, however, completed the Enhanced Thinking Skills Programme" (*the ONLY programme made available to the prisoner*) "and has received a positive report, the course tutors commenting on his new and improved skills that *he needs to use to examine his offending.*"

While SAFARI members accept that the Parole Board *does* award Parole to *some* of those maintaining their innocence (this acceptance has been helped greatly by the availability of the monthly 'denial' statistics supplied to us by Terry McCarthy) it is clear that there is still a bias against alleged sexual offenders. The monthly figures clearly show that in almost all cases of those maintaining their innocence, alleged sex offenders achieve parole far less often (percentage-wise) than those convicted for non-sex-related crimes.

It appears even worse when alleged indecent assaulters are compared with alleged violent offenders. Over the period, 50% in denial of violence achieved parole, compared to the 24.47% of indecent assaulters. Why are indecent assaulters viewed as twice as risky as the violent? We understand that the Parole Board shall "take into account that a risk of *violent or sexual* offending is more serious than a risk of other types of offending." (Directions relating to the release of determinate sentence prisoners, 01/05/04, 2 (a) (viii)) But hasn't the sentencing judge already taken this view into account? And why then the discrepancy between the violent and the sexual? Nowhere does it say that you shall view the sexual offenders as *more* of a risk than the violent.

Statistics provided by the Social Exclusion Unit give re-offending rates within two years of release as follows:



With regard to those convicted of sex offences, what the Parole Board need to be able to do is find the 82% who are *not* going to re-offend, and release them on Parole. This would have a beneficial impact on the stress of a large prison population. It would be interesting to look at the percentage of those specifically maintaining innocence who do not re-offend. If 82% over-all are not going to re-offend (and therefore present no risk on release), then *at least* 82% of those maintaining their innocence should be being released.

There is an almost universally accepted myth that *most* sex offenders re-offend and get progressively worse. (There used to be a similar belief in the earth being flat!) It is quoted over and over again on television and in the press; police officers take it for granted; prison officers seem to have complete faith in it; many probation officers accept it as gospel when making pre-sentence reports. One can't help wondering whether many of those making Parole decisions are basing their decisions on this totally erroneous belief and not on verifiable facts.

In respect of sex offenders, Parole decision-makers appear to be frightened of "sailing off the edge." This needs to change, and the Parole Board could be instrumental in correcting this universal myth by providing the true story to the media.

"It is unlawful for the Board to refuse parole simply on the grounds of denial or anything that follows from that."

Quite frankly, hardly anyone (including SAFARI) believes the Board follows this rule. We know of numerous cases where parole was refused SOLELY "on the grounds of denial or anything *that follows from that.*" For example, (a) he denies committing the offence, (b) he does not have victim empathy, (c) he did not attend the SOTP, (d) he does not appreciate the seriousness of his crime, (e) he has not done anything in prison to reduce his risk, etc. We have already covered all these different descriptions of someone maintaining their innocence earlier in this response. Until this issue is addressed, nobody is going to believe that this law is being taken seriously.

The following is a very brief extract from SAFARI's Working Paper: Summing Up the Problem (which deals with the problems encountered by those who are the victims of false abuse allegations).

"If they had been violent, drug-addicted, or had alcohol problems, they might have got Parole - but the 'model citizen' has little chance of it!"

This reflects the simple fact that for such people, there is *nothing they can do* to lower their 'perceived risk'. An innocent (but angry) man can still take an anger management course to lower his risk. A drug-taker who was not guilty of supplying drugs to others can still take a drugs course to lower his risk. Someone who was innocent but an alcoholic can go on an alcohol-related course. The illiterate and innumerate can 'improve themselves' through education. But an intelligent educated person with few (or no) vices can't. In addition to this, it is the intelligent and educated prisoners who are most likely to challenge rule-breaking, and denial of their rights, and so be labelled "manipulative", "uncooperative", "won't submit to authority," "unable to accept decisions," etc. The Parole Board is going to find it very hard to communicate the idea that the decisions made on these people are in any way fair. The Parole Board will need to accept that *some* Prison Staff feel threatened and resentful towards inmates who are more intelligent or better-educated than they themselves are, and (in a perverse kind of "reverse snobbery") see them as "needing to be taken down a peg or two," and tailor their reports accordingly.

As a group supporting those who have been falsely accused, SAFARI would ask you to bear these points in mind when considering your Parole decisions.