

Prepare for and record an adjudication hearing

Name of establishment

Prison number

Prisoner's full name

Section 1 - Prepare for hearing

Outline of alleged offence

The prisoner has been charged with

Contrary to Prison rule 51 YOI rule 55

Paragraph

Can added days be considered as a punishment?

 Yes NoPrisoners **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 PSI 05/2018 – Annex A Paragraphs 2.28-2.32. There are instances where it might still be necessary to refer these prisoners to IA - see PSI 05/2018 – Annex A Paragraphs 2.29 and 2.72-2.75.)

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

(DD/MM/YYYY)

 / /

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?

 Yes No

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

 Yes No

Was the first hearing started on the day following the charge (unless it was a Sunday or public holiday)?

 Yes No

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Is the prisoner fit to proceed with the hearing?

Yes

No

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)

Is this charge being referred to the police?

Yes

No

(See Crime in Prison Referral Agreement and PSI 05/2018 – Annex A Paragraphs 2.23 - 2.27.)

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)

 / /

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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 PSI 05/2018 – Annex A paragraphs 2.28 – 2.34.) 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 below (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 PSI 05/2018 – Prisoner Discipline Procedures sections 2.28-2.34 for further guidance.

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

Reasons for referral

Date referred (DD/MM/YYYY)

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Legal advice and preparation of a defence

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

Advice	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Representation at the hearing	<input type="checkbox"/> Yes	<input type="checkbox"/> No
A McKenzie friend	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Other (please specify)

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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).

- | | |
|---|--------------------------|
| The seriousness of the charge and of the potential penalty | <input type="checkbox"/> |
| Where any points of law are likely to arise | <input type="checkbox"/> |
| The capacity of a particular prisoner to present their own case | <input type="checkbox"/> |
| Procedural difficulties | <input type="checkbox"/> |
| The need for reasonable speed | <input type="checkbox"/> |
| The need for fairness | <input type="checkbox"/> |
| Anything else the prisoner raises | <input type="checkbox"/> |

Reasons for your decision

Independent adjudicator only

Has the prisoner had time to arrange legal representation? Yes No

Record name and status of any legal representative

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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 PSI 05/2018 Annex A Paras 2.3 and 2.4.)

First hearing

Date (DD/MM/YYYY)

 / /

Start time

 :

Is the prisoner attending the hearing?

Yes No

If No, give reasons why the prisoner did not attend.

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?

Yes No

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

Has the prisoner been charged under prison rule 51 (17 or 17A) or YOI Rule 55 (18 or 19)?

Yes No

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.

Is an assessment of the cost of the damage attached?

Yes No

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Does the prisoner need help?

Yes No

If Yes, what type of help is needed?

Interpreter Disability aid

Other (specify) _____

Does the prisoner have any questions at this stage?

Yes No

If Yes, record the details.

Did the prisoner receive the DIS1/2 'Notice of being placed on report' Yes No
at least 2 hours before the start of this adjudication hearing?

If No, record the reason.

Prisoner's preparation for the hearing

Did the prisoner have enough time to prepare for this hearing? Yes No

Did the prisoner prepare a written statement? (Read it out when the
prisoner gives evidence or at the mitigation stage.) Yes No

Witnesses asked to the hearing

Does the prisoner wish to call any witnesses? Yes No

If Yes, list the witness(es).

Say why any witnesses were accepted or refused.

The accused's plea

How does the prisoner plead to the charge? Guilty Not guilty

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Second hearing

Date (DD/MM/YYYY)

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Start time

 :

Is the prisoner attending the hearing?

Yes No

If No, give reasons why the prisoner did not attend.

Does the prisoner understand the charge?

Yes No

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

Does the prisoner need help?

Yes No

If Yes, what type of help is needed?

Interpreter Disability aid

Other (specify) _____

Does the prisoner have any questions at this stage?

Yes No

If Yes, record the details.

Prepare for and record an adjudication hearing

Did the prisoner receive the DIS1/2 'Notice of being placed on report' Yes No
at least 2 hours before the start of this adjudication hearing?

If No, record the reason.

Prisoner's preparation for the hearing

Did the prisoner have enough time to prepare for this hearing? Yes No

Did the prisoner prepare a written statement? (Read it out when the prisoner gives evidence or at the mitigation stage.) Yes No

Witnesses asked to the hearing

Does the prisoner wish to call any witnesses? Yes No

If Yes, list the witness(es).

Say why any witnesses were accepted or refused.

The accused's plea

How does the prisoner plead to the charge? Guilty Not guilty

Prepare for and record an adjudication hearing

Third hearing

Date (DD/MM/YYYY)

 / /

Start time

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Is the prisoner attending the hearing?

Yes No

If No, give reasons why the prisoner did not attend.

Does the prisoner understand the charge?

Yes No

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

Does the prisoner need help?

Yes No

If Yes, what type of help is needed?

Interpreter Disability aid

Other (specify) _____

Does the prisoner have any questions at this stage?

Yes No

If Yes, record the details.

Prepare for and record an adjudication hearing

Did the prisoner receive the DIS1/2 'Notice of being placed on report' Yes No
at least 2 hours before the start of this adjudication hearing?

If No, record the reason.

Prisoner's preparation for the hearing

Did the prisoner have enough time to prepare for this hearing? Yes No

Did the prisoner prepare a written statement? (Read it out when the prisoner gives evidence or at the mitigation stage.) Yes No

Witnesses asked to the hearing

Does the prisoner wish to call any witnesses? Yes No

If Yes, list the witness(es).

Say why any witnesses were accepted or refused.

The accused's plea

How does the prisoner plead to the charge? Guilty Not guilty

Prepare for and record an adjudication hearing

Fourth hearing

Date (DD/MM/YYYY)

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Start time

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Is the prisoner attending the hearing?

Yes No

If No, give reasons why the prisoner did not attend.

Does the prisoner understand the charge?

Yes No

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

Does the prisoner need help?

Yes No

If Yes, what type of help is needed?

Interpreter Disability aid

Other (specify) _____

Does the prisoner have any questions at this stage?

Yes No

If Yes, record the details.

Prepare for and record an adjudication hearing

Did the prisoner receive the DIS1/2 'Notice of being placed on report' Yes No
at least 2 hours before the start of this adjudication hearing?

If No, record the reason.

Prisoner's preparation for the hearing

Did the prisoner have enough time to prepare for this hearing? Yes No

Did the prisoner prepare a written statement? (Read it out when the prisoner gives evidence or at the mitigation stage.) Yes No

Witnesses asked to the hearing

Does the prisoner wish to call any witnesses? Yes No

If Yes, list the witness(es).

Say why any witnesses were accepted or refused.

The accused's plea

How does the prisoner plead to the charge? Guilty Not guilty

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Section 3 - Record of hearing

Record:

- 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, such as adjournments
- reasons for finding the charge proved or not
- any other relevant points.

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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 PSI 05/2018 – Annex A paragraph 2.56).

Prisoner informed of outcome (DD/MM/YYYY)

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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.

Does the prisoner wish to mention any reasons?

- Yes No

If Yes, record any mitigating evidence.

Does the prisoner wish to call any witnesses to support their reasons? Yes No

If Yes, enter their names.

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Adjudication report

Read out the DIS5 ‘Sentence and adjudication history’.

Does the prisoner wish to comment on this report, or do they have any Yes No questions they wish to ask about it?

If Yes, enter their comments and/or questions.

Conduct report

Read out the DIS6 ‘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.

Does the prisoner wish to comment on this report, or do they have any Yes No questions they wish to ask about it?

If Yes, enter their comments and/or questions.

Punishment

Punishment guidelines

Take account of PSI 05/2018 Annex A para 2.64 and Annex C, 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 of money 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 prison or prison property. Take account of PSI 05/2018 Annex A para 2.64 and Annex C.

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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 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 been completed, adjourn and ensure it's 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 outcome

Have you explained the punishment and/or non-punitive compensation requirement (damages)? Yes No

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 DIS7 'Adjudication result' and told them they can ask a member of staff for help in understanding it. Yes No

It's important that a record of the finding, punishment and any non-punitive compensation requirement is recorded on DPS and on the prisoner's core record, and that this paperwork is retained in line with data retention guidelines. Have you directed a member of staff to do this? Yes No

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)

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