

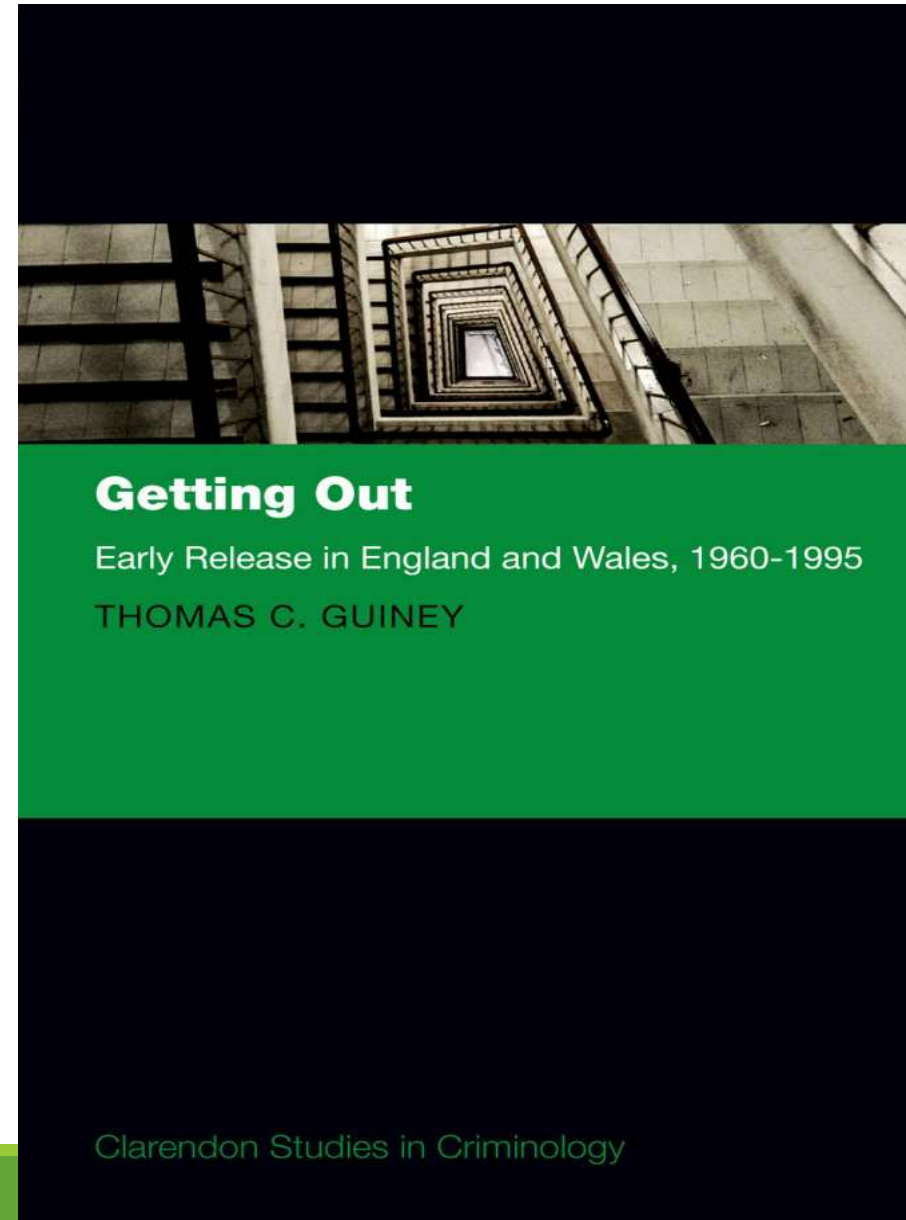


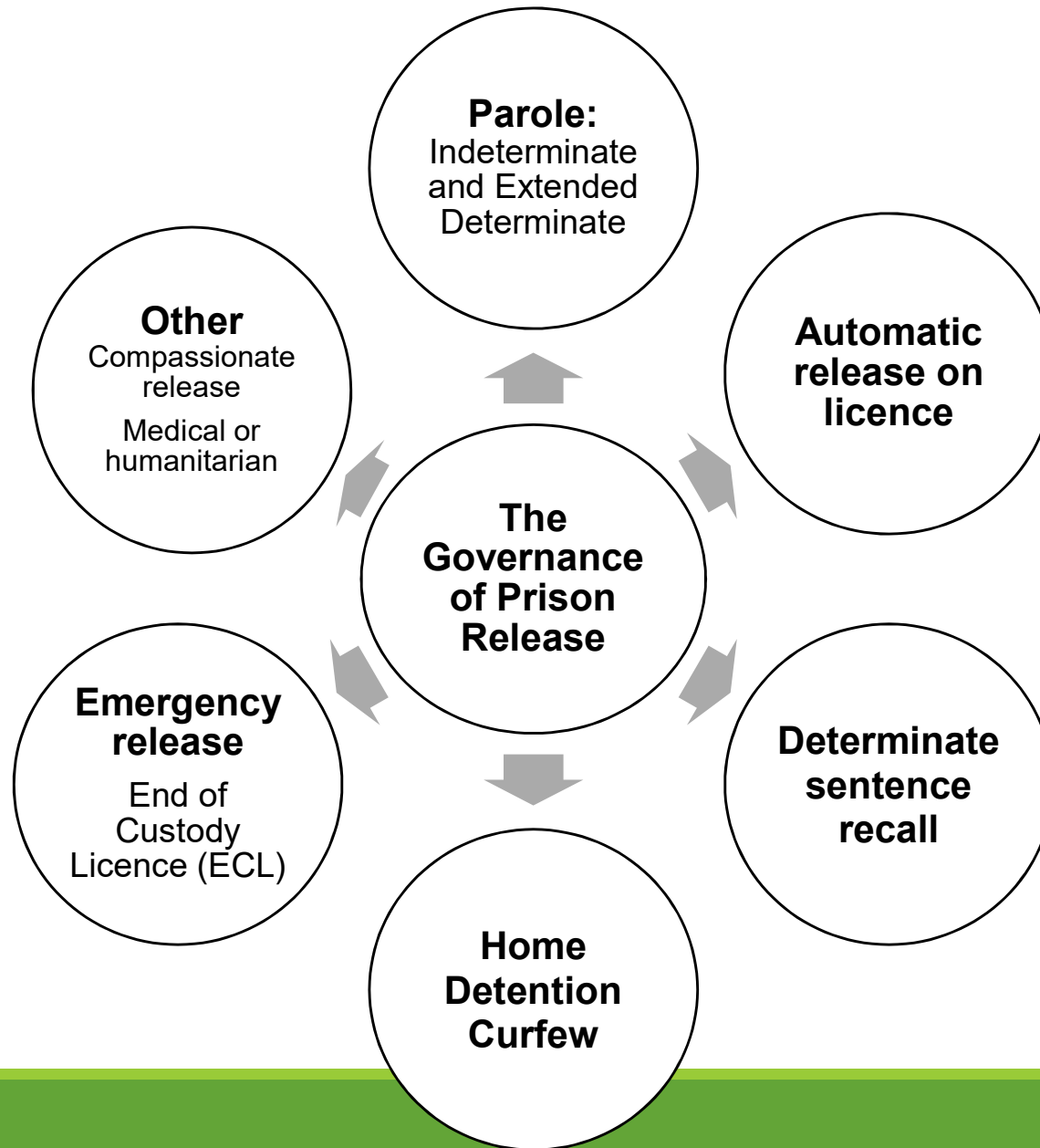
Parole: Changes and Challenges

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- Extensive use of The National Archives
- Special collections at Churchill College Cambridge, British Library, and LSE...
- Personal papers of retired public servants...
- Freedom of Information Act - Home Office, Ministry of Justice, and Parole Board...
- In-depth interviews with key decision-makers:
 - Civil Servants,
 - Parliamentarians,
 - The Judiciary
 - Chief Probation Officers
 - Prison Governors...



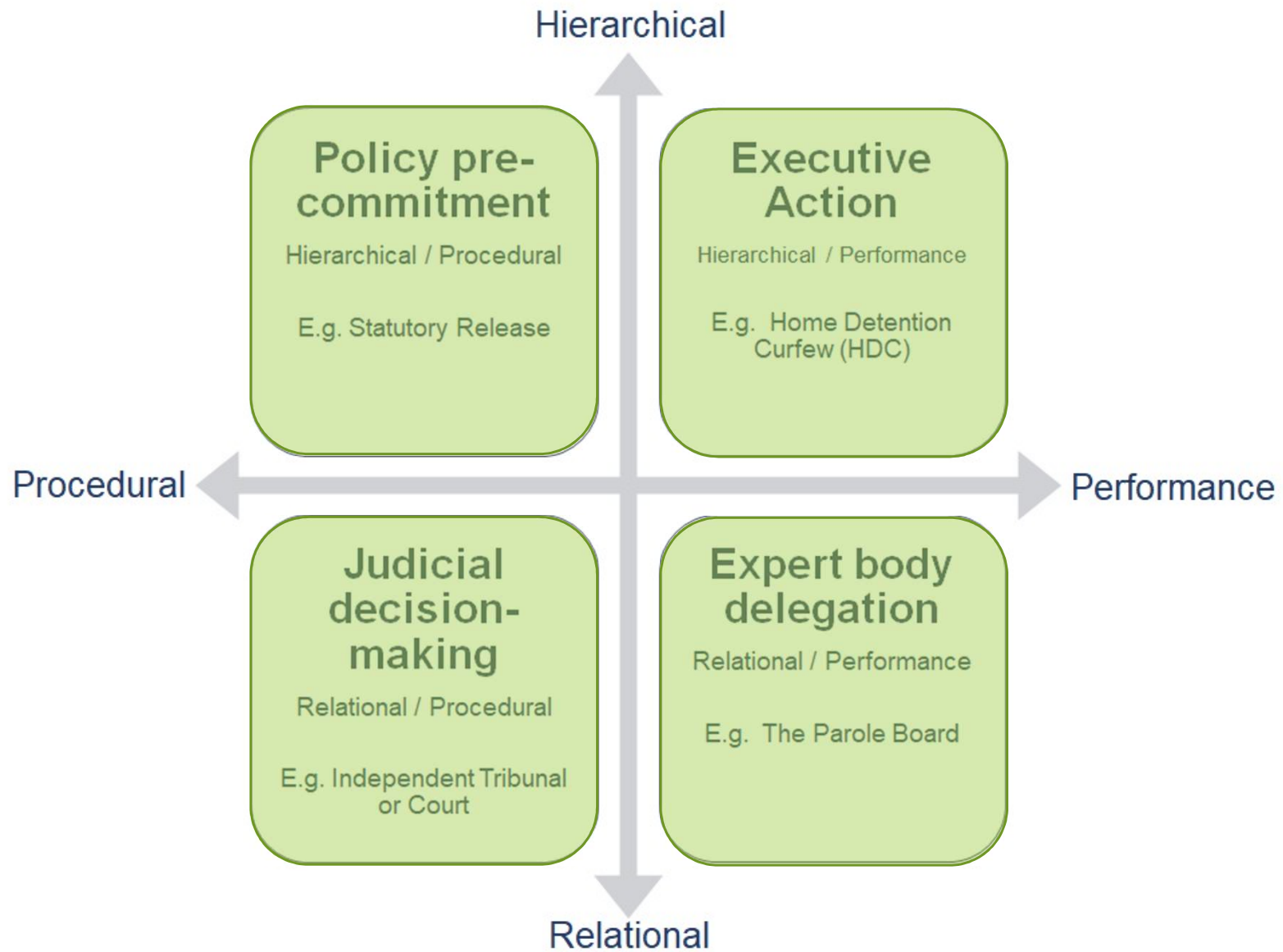


1. Authority: How does the state exercise political power..?

- Hierarchical: a top down view of political authority based upon 'command and control' logics, unity of purpose and clear lines of accountability...
- Relational: political authority is negotiated within and between policy networks characterised by (1) Interdependence (2) Coordination (3) Pluralism (Rhodes 1997)

2. Legitimacy: How does the state justify the exercise of political power..?

- Procedural: in liberal democratic systems government action is justified by compliance with socially acceptable processes and the 'rules of the game'. (van Kersbergen and van Waarden 2004)
- Performance: *"Democracy would be an empty ritual if the political choices of governments were not able to achieve a high degree of effectiveness in achieving the goals, and avoiding the dangers, that citizens collectively care about"*. (Scharpf 1997: 19)
- Output orientated logics have become more influential with the New Public Management..?

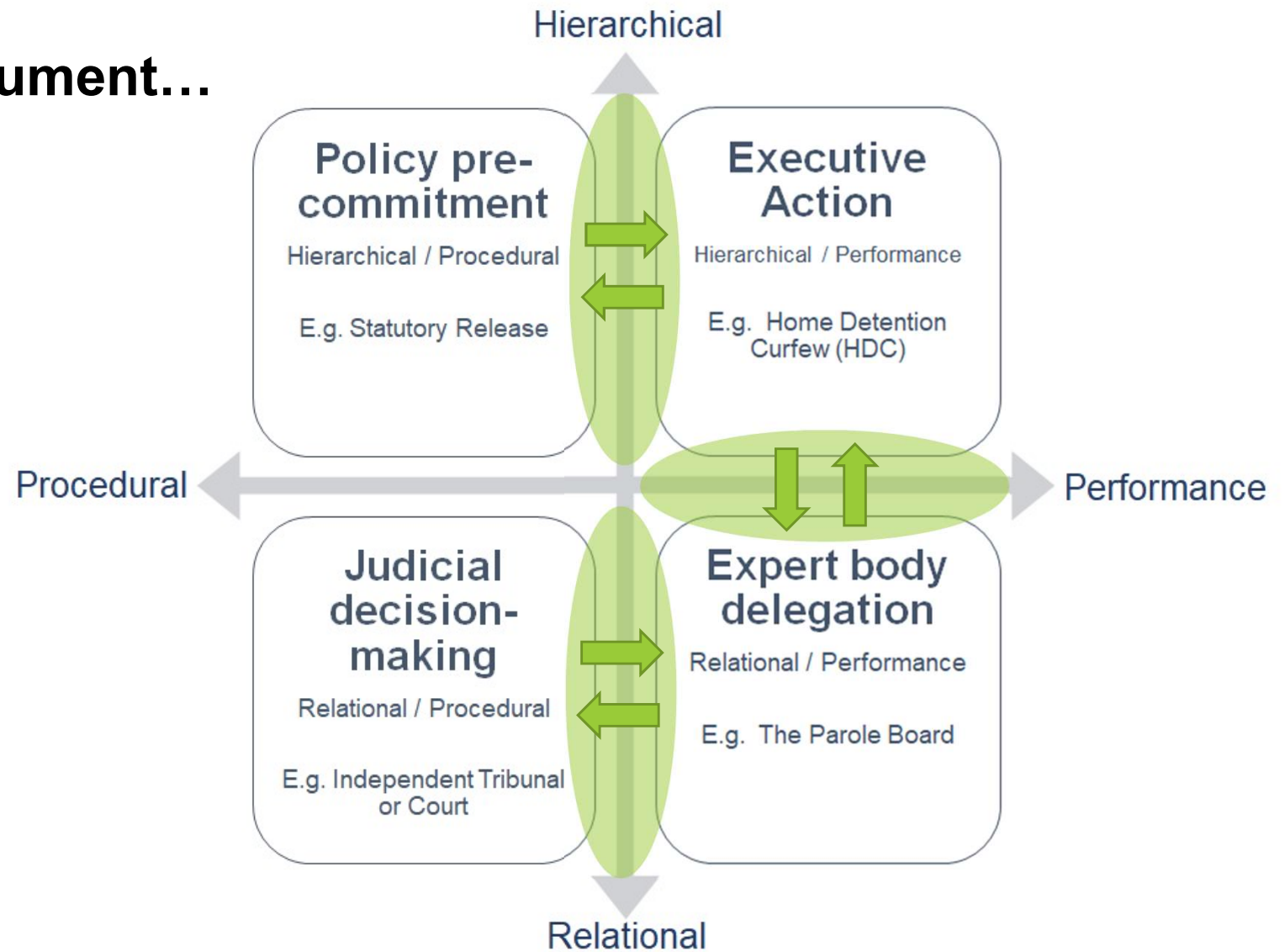


The historical argument...

- A strong policy preference for 'executive action' as the starting point for prison release governance...
- The new realities of late modern crime control have provoked a series of policy adaptations (Bottoms 1995; Garland 1995):
 - The volume and complexity of crime caseloads
 - Human rights jurisprudence and developments in common law
 - Managerialism – cost, performance, efficiency
 - Low levels of public trust and decreasing deference towards authority
 - Penal populism and the politics of law & order
- **But... these compromises have often been conditional and qualified...**
E.g. the creation of the Parole Board for England and Wales in 1967

'everything turns on the way in which the discretion is exercised, (and if we were to have an independent parole board deciding who should be licensed, you would largely lose control of the way in which the power is used)' (TNA: HO 291/1246).

The political argument...



1. Automatic v Discretionary release...

- Influence of a longstanding bifurcated penal strategy (Bottoms 1978; Guiney 2019)
- (1) Johnson's critique of automatic release for 'violent' offenders during the Conservative Leadership contest (2) the release of 'terrorist' offenders following the events at London Bridge and Streatham.

2. Executive interference in the work of the Parole Board...

- Eryl Hall Williams (1975) - release on parole is a privilege not a right
- *R v. Brooke* [2008], Court of Appeal found that the Parole Board was not sufficiently independent from the Secretary of State to discharge its responsibilities in accordance with the rule of law
- The Worboys case (2018) and the 'forced resignation' of Nick Hardwick draws attention to the independence of the Parole Board and continuing influence of the Ministry of Justice.

3. Re-constituting the Parole Board as an independent tribunal...

- Padfield - "*the Parole Board should be removed from Home Office "sponsorship" and become a truly independent court or tribunal*" (2006: 3)
- The Prison Reform Trust have called upon the government to "*reconstitute the Parole Board as a two-tier legal tribunal under the auspices of Her Majesty's Courts and Tribunal Service*" (2018: 1)

Thank you for listening...

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