

Naughton, M. (2005) “The emergence of PPMI: Progressing Prisoners Maintaining Innocence” The Life Line: By lifers for Lifers at HMP Garth”. August/September.

The ‘parole deal’ was conceived to describe the situation whereby innocent life sentenced prisoners must admit their guilt to crimes that they have not committed in the hope of progressing through the various stages of the prison system to achieve their release. It first entered public consciousness when *Stephen Downing* was successful in appeal against his conviction for the murder of *Wendy Sewell* in January 2002. *Downing* had served 27 years in prison maintaining his innocence until he was able to overturn his conviction. At the time, though, it was widely reported that if he had acknowledged guilt, confronted his offending behaviour and, thus, demonstrated a reduced risk of re-offending, he would, more than likely, have served around 12 years. It was, also, reported that during his wrongful imprisonment he was deprived of better jobs, training opportunities and parole consideration to put pressure on him to admit his guilt on the basis that he was – in the words of the Home Office - IDOM, ‘in denial of murder’. The possibility that he had no offending behaviour to confront and that he presented no risk of re-offending as he was innocent of the crime is not one that is even considered by the various agencies which together comprise the penal and post-penal regimes because they are ‘not allowed to go behind the conviction, nor the decisions of the courts’.

Quick on the heels of *Downing*, *Robert Brown*’s conviction for the murder of *Annie Walsh* was overturned by the Court of Appeal (Criminal Division) in November 2002. He had served 25 years in prison for a crime that he has always maintained he did not commit. Like *Downing*, *Brown* was estimated to have served over double the time in prison that he would have been likely to serve had he acknowledged his guilt for the murder and confronted his offending behaviour while he was in prison to show his remorse and a reduced risk of re-offending.

Like *Downing*, *Brown* was also regarded by the various agents in the agencies charged with the management and treatment of life prisoners – prison probation, prison and parole staff - as ‘in denial’ of his crimes. This highlighted a significant barrier for life sentenced prisoners maintaining their innocence: they are required to cooperate with their sentence plans and undertake offence related coursework as a means of progressing through the various stages of imprisonment to possible release. At the same time, it led those acting on behalf of prisoners maintaining their innocence – prison and criminal appeal lawyers, high profile miscarriage of justice victims, campaigning organisations and victim support groups – to claim that *Downing* and *Brown* were the ‘tip of the iceberg’ and that there were many more prisoners who were victims of a miscarriage of justice and had served decades in prison for crimes that they had not, in fact, committed.

Claims were made to support the idea that the parole deal was more widespread than some prisoners had been maintaining innocence for 35 and 40 years, who may never fulfil the required criteria to overturn their convictions. It was claimed that there was an over-reliance on prison psychology and on cognitive behavioural psychology programmes imported from the United States and Canada as the primary indicator of reduced risk of re-offending and that innocent victims of wrongful convictions should not be expected to undertake offence related work for offences that they have not committed as this was, in effect, an admission of guilt. It was pointed out that the history of miscarriages of justice demonstrates that no human system can be perfect and, therefore, logically speaking, at least *some* prisoners maintaining innocence may, in fact, be innocent; moreover, that mistakes in expert testimony mean that innocent men and women are even being convicted of murder and given life sentences when no crime has been committed, for example ‘cot death’ cases. It was argued that this must be taken into

account when reviewing life sentenced prisoners maintaining innocence and alternative methods for assessing reduced risk must be considered.

The term the 'parole deal' was coined, then, to highlight a classic catch-22 that confronts life sentenced prisoners maintaining innocence: confront your offending behaviour, even if you have no offending behaviour to confront, and you may be recommended for release by the Parole Board. The other option is to remain in prison protesting innocence decades past tariff with the faint hope of overturning your conviction in the appeal courts.

In reaction to the public pressure of *Downing's* successful appeal, the Parole Board responded by appointing its first ever 'communications officer' to fend off negative publicity of the Board's role in such matters. They even went on the offensive and argued, not only that cases like *Downing* and *Brown* were nothing to do with them, that claims of a 'parole deal' were 'untrue' and that the idea that unless a prisoner admits and expresses remorse for the crime that they have been sentenced for, they will not get parole was a 'myth'.

Moreover, the Parole Board acknowledged that it would be unlawful to refuse parole solely on the grounds of denial of guilt or not being able to take part in offending behaviour programmes which focus on the crime committed. In the same breath, however, they stated that despite this:

'The Board is bound to take account not only of the offence, and the circumstances in which it was committed, but the circumstances and behaviour of the individual prisoner before and during the sentence'.

This entirely undermines any notion that the Parole Board takes seriously the existence of innocent prisoners. It gives hope to prisoners maintaining innocence that they have an equal chance in law of achieving freedom with prisoners who were guilty of the offences for which

they were convicted. It, then, demolishes that hope by insisting that they must take account not only of the offence for which they were wrongly convicted but, also, their behaviour during their sentence.

Most recently, in May 2005, supporters of alleged victims of miscarriages of justice cited the case of *Paul Blackburn* as evidence that parole deal continues to discriminate against prisoners maintaining innocence, resulting in increased time in prison as well as the accompanying problems of non-compliance with the dictates of sentence plans and offence related course-work. *Blackburn* was also labelled as a ‘denier’. He served 25 years following a conviction for attempted murder. Had he admitted his ‘crime’, he, too, would have served around half of the sentence he served.

This only fanned the flames of concern for those caught up in the catch-22 of the parole deal among groups and organisations which support and campaign on behalf of prisoners maintaining innocence. Perhaps most significantly, an alliance was formed under the banner of Progressing Prisoners Maintaining Innocence (PPMI) in February 2004, comprised of prison chaplains and visitors, support groups, campaigning organisations, prison lawyers, investigative journalists and academics, to try to progress innocent life-sentenced prisoners through the prison system to, possible, release – possible release because there is no certainty that life-sentenced prisoners will ever be released if they do not meet the criteria of the Parole Board.

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