INFORMATION SHEET 21
PRISONER ADJUDICATION PROCEDURES

1. You will receive this Information Sheet together with Form 1127 which informs you of the charge(s) against you. You should receive this Information Sheet and Form 1127 at least 2 hours before the adjudication.

2. You may request to see a copy of all statements to be submitted in evidence and be informed of the names of any witnesses to the incident in advance of the hearing. You may also request to interview any witnesses named. This request must be made to staff when you are issued with your charge(s). The adjudicator will consider your request.

3. You may, if you wish, seek to consult with a Solicitor before the adjudication. If you are not able to consult your Solicitor before the hearing the Adjudicator will decide if it necessary for the hearing to be adjourned to allow you to do so. If an adjournment is granted a date for the resumption of the hearing will be set. If you have not asked for or received advice by the time the adjudication is reconvened it may proceed. If you do not know of a Solicitor who will act for you, a list of Solicitors will be made available to you on request.

The Adjudication.

4. The procedure at the adjudication is as follows. If at any stage of the proceedings you do not understand what is happening you should say so.

5. To open the adjudication the Adjudicator will:-

a. Ask if you have received Form 1127 and this information sheet and if you understand the adjudication procedures;

b. Read out the charge and ask if you understand it – if the charge differs from that on Form 1127, or you are in any doubt about the charge you should say so;

c. Ask if you have had sufficient time to prepare an answer to the charge – if you consider you need more time you should state your reasons so that the possibility of an adjournment may be considered;

d. Ask if you would like the question of legal representation or other assistance to be considered (Advocacy or McKenzie friend) – you will have to state the reasons for requesting legal representation or assistance and the decision on whether to grant your request will lie with the Adjudicator;

e. Ask, on each charge separately, whether you plead guilty or not guilty – if you make no plea, you will be treated as having pleaded not guilty;

f. Ask if you wish to call witnesses.
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6. The Reporting Officer will give his/her evidence and you will then have the opportunity to question the Officer on his/her statement.

7. If there are any witnesses in support of the charge(s) against you, they will give their evidence and you will be allowed to question them. If you do not feel able to adequately put your question to a witness, explain your point to the Adjudicator who may assist you by asking questions on your behalf.

8. If you have pleaded guilty, you may make a verbal statement including any factors you wish to be taken into consideration by the adjudicator in reaching a finding.

9. If you have pleaded not guilty, you may now make your defence to the charge(s) laid. Any written statement you have made can be read, and you can comment on the evidence given. You may also ask to call witnesses. You will need to tell the Adjudicator what you think their evidence will prove, and they will be called where the Adjudicator is satisfied that their evidence will assist in establishing exactly what happened. You will be able to question the witnesses on their evidence or any relevant matter, and they may also be questioned by others present including the Reporting Officer.

10. After your witnesses (if any) have been heard, you may make a further statement if you wish.

11. The Adjudicator may adjourn the adjudication at any stage of the proceedings where s/he finds it necessary and the reason for any adjournment will be explained to you.

12. If, after hearing the evidence, he/she is satisfied that a lesser alternative charge would be more appropriate, s/he may substitute that for the original charge. If this happens, you will be given the opportunity to respond to the new charge.

13. Having heard all the evidence, the Adjudicator will announce the findings on each charge.

14. If you are found guilty, the Adjudicator will ask you if there is anything you wish to say in support of a request for leniency before any punishment is imposed. You may also ask to call someone, readily available, who may make comments for you.

15. The Adjudicator may ask for a report on your conduct in custody to be given, and you will be able to ask questions in connection with that report.

16. The Adjudicator will then announce the award(s) for any offence(s) proved. If you do not understand how you will be affected by the award(s), you should ask for it to be explained to you.

17. If you feel that you have not had a fair hearing or, you have a complaint about the manner in which the adjudication was managed, you may submit a petition form 18 AD to the Secretary of State. You may submit a complaint through your legal adviser. To lodge your complaint, your legal adviser must write to the Governor citing the details as soon as possible after the hearing. You may submit your complaint using the Internal Complaints procedure. If you are not satisfied with the response during the internal process, you may, on exhaustion of the internal process, elevate your complaint to the Prisoner Ombudsman for investigation. Under Review

Operational Policy & Co-ordination Branch

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18. If you do not understand any of the points made in this information sheet, or need any other information about the conduct of the hearing, you should ask a member of Prison Staff to assist you.

19. It is in your interests to attend the adjudication. However, you should be aware that if you refuse to attend the adjudication it may still take place in your absence. Once a finding has been made, you will be given the opportunity to attend to make a plea in mitigation. If you still refuse to attend, you will be informed of the result of the hearing.

**CRIMINAL PROSECUTION**

Where an alleged offence against Prison Discipline may constitute an offence in Criminal Law, the Governor may decide to refer the charge(s) against a Prisoner to the Police for investigation, with a view to considering Criminal Prosecution. In such cases, Disciplinary Proceedings may be adjourned pending the outcome of the police investigation.