

ORAL HEARING DECISION

27 October 2025

Date of hearing:	03/10/2025		
Prisoner full name:	Colin Pitchfork		
Date of birth		Age:	65 years
Prison number:			
Prison:			
Review number:	1st on this recall		

DECISION

Decision:	No direction for release and no recommendation for open conditions
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CONTEXT AND LEGAL FRAMEWORK

Type of case:	Lifer recall
Secretary of State referral:	Release or Open
Outcome sought:	Release
Test:	Parole Board panels must consider and apply the codified public protection test as set out in the annex below when making a decision about release. The Board must not give a direction for release unless the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined [in prison]. If release is not directed, panels are to consider if a recommendation for transfer to open conditions can be made in line with the Secretary of State's directions to the Parole Board as set out in the annex below.



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Reconsideration:	This case is eligible for reconsideration.
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INDEX OFFENCE(S) AND SENTENCE INFORMATION

Index offence(s):	Two offences of murder, two offences of rape, two offences of indecent assault, and one offence of perverting the course of justice		
Sentence(s):	Life imprisonment for the two offences of murder with a minimum term to serve of 28 years and concurrent terms for rapes and perverting the course of justice		
Date of sentence:	22/01/1988	Age when sentenced:	27 years
Tariff expiry date:	21/09/2015		

RECALL DATES

Recall no.	Date of release	Released by	Date of licence revocation	Date returned to custody
1	01/09/2021	Parole Board (after hearing)	19/11/2021	19/11/2021

ORAL HEARING ATTENDEES

Panel:	HH Peter Rook KC	Judicial Chair	R
Panel:	Simon Ash	Independent	R
Panel:	Dr Rebecca Milner	Psychologist	R
Witnesses:	[redacted]	Polygraph expert	R
	[redacted]	Head of Safety and Equality, HMP [redacted]	R
	[redacted]	Detective Sergeant [redacted] Constabulary	R
	[redacted]	Former Prison Offender Manager (Former POM)	R
	[redacted]	AP Manager	R

	[redacted]	Prison Offender Manager (POM)	R
	[redacted]	Forensic Psychologist	R
	[redacted]	Community Offender Manager (COM)	V
	Victoria Ailes	Secretary of State Counsel	R
	Calum Baxter	Secretary of State Representative	R
Legal rep:	Paul Harris	Counsel for Mr Pitchfork	R
Observers:	Victim	Victim Observation	V
	Victim	Victim Observation	V
	[redacted]	Victim Representative	V
	[redacted]	Victim Representative	V
	Alberto Costa MP	MP for South Leicestershire	V
	Rachel Hughes	Trainee Counsel for Secretary of State	V

Was the Secretary of State represented by an advocate	Yes
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T – Telephone V – Video R – in hearing room in prison (with prisoner)

VICTIM INFORMATION

Victim statement provided?	Yes
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Statement 1:

How was it presented?	Read by someone other than the victim at the hearing
Presented by:	[The Victim Liaison Officer] read the victim personal statements of [victims] at the hearing

DOSSIER SUMMARY

Number of pages in dossier:	2026
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Non-disclosure:	Yes, gist disclosed
Additional papers at the hearing:	No
Additional papers after the hearing:	Yes
Details:	Adjournment notice (p.2027), closing submissions on behalf of Mr Pitchfork (p.2030) and closing submissions on behalf of the Secretary of State (p.2036) taking the dossier to 2045 pages.

Any other information

- a. [Personal information redacted]
- b. On 22nd January 1988, when Mr Pitchfork was 27, he was sentenced to mandatory life sentences for the murder of 2 young women. He also received concurrent determinate 10-year custodial sentences for 2 counts of rape, 3 concurrent determinate 3 year sentences for 2 counts of indecent assault, and one count of perverting the course of justice. These offences were committed between 1979 and 1987.
- c. The Home Secretary originally set the minimum tariff to be served for punishment at 30 years. In 2009, this was reduced by the Court of Appeal to 27 years and 242 days as result of what the court described as Mr Pitchfork's "exceptional progress in custody."
- d. Mr Pitchfork became eligible for consideration for release or potential transfer to open conditions in September 2015. He was moved to open conditions in August 2016 and resided in such conditions for 5 years.
- e. He was twice refused parole. However, in May 2021 a panel of the Parole Board determined that he had met the statutory test for release. The panel directed an extensive set of licence conditions including GPS tracking, polygraph testing and direction that he resides in an approved premises (AP).
- f. In June 2021 the Secretary of State applied for reconsideration of the release decision. The application was not successful. Mr Pitchfork was released on 1st September 2021 and was recalled to custody on 19th November 2021 on the basis that he had breached his licence conditions.
- g. Following Mr Pitchfork's recall, the Secretary of State referred the case back to the Parole Board in December 2021 to consider whether he was suitable for release and, if not, whether he was ready to be moved back to open prison conditions. The Parole Board review was delayed due to an investigation into other historic matters.

- h. On 19th and 20th April and 15th May 2023 Mr Pitchfork's 4th review was held. The Panel concluded that Mr Pitchfork did meet the statutory test for release subject to licence conditions. The decision was subject to a successful application for reconsideration by the Secretary of State.
- i. The case was re-heard on 2nd and 3rd October and 6th November 2023. The panel determined that Mr Pitchfork did not meet the statutory test for release. The panel did not make a recommendation for Mr Pitchfork to be transferred to open conditions.
- j. In February 2024 a judicial member of the Parole Board determined that the panel's decision was "irrational" as it had failed to take into account a material consideration namely a professional witness' recommendation in reaching its decision for release. The judicial member directed that there should be a re-hearing by a fresh new panel which would examine all the fresh evidence.
- k. The hearing was provisionally listed for 8th July 2024. The case was adjourned following legal argument as to whether the case should be heard in public. Further adjournments occurred so that certain fresh allegations into recent events in custody could be properly investigated.
- l. In November 2024 an application for a further adjournment was made on behalf of Mr Pitchfork by his counsel Mr Harris so that he could apply for judicial review of 2 non-disclosure decisions.
- m. The application for judicial review was refused by Mr Justice Chamberlain after an oral hearing. The case was re-listed to be heard on 28 March 2025 and 15th and 16th May 2025.
- n. It was decided that there were 2 issues of fact to be determined following the principles in *Pearce* [2023] UKSC 13 and the Parole Board's guidance before hearing the evidence in respect of current assessments of Mr Pitchfork's risk.
- o. On 28th March 2025 the Panel heard evidence at [the prison] to resolve the issue as to whether Mr Pitchfork used counter-measures during polygraph testing. A ruling was provided in April 2025 which forms part of this decision (p.1945).
- p. The Panel then proceeded to hear evidence in respect of allegations by Witness A on 28th March and 15th May. A ruling was provided on 16th May which again forms part of this decision (p.1978).
- q. The Panel was unable to conclude the case on 16th May because there was insufficient time to complete the evidence. A further date was set for July.
- r. The case could not proceed on that day as a member of the panel had suffered a bereavement in respect of a close member of their family. A date was set for 3rd October 2025 in order to complete the evidence.
- s. The hearings on 28th March and 15th and 16th May were held face-to-face at [the prison] and the hearing on 3rd October 2025 was conducted via a video link.

REASONS

1. Analysis of Offending Behaviour (The Past)

1.1. Mr Pitchfork committed grave crimes of escalating severity between early 1979 and mid-June 1986. During that period in 1982 and 1986 he raped and murdered two 15-year-old girls. Both were complete strangers to him and were raped and killed as they were walking on their own in areas where there were unlikely to be other people. The prosecution described these murders as sadistic attacks.

1.2. There was a well-entrenched pattern of sexual offending over many years. Mr Pitchfork began engaging in acts of indecent exposure at the age of 11 long before the murders although his first conviction for indecent exposure was not until the age of 17 when he was fined. At the age of 18 he was placed on 2 years' probation following a further conviction for indecent exposure and 2 years later he received a similar disposal for 2 further offences.

1.3. During his youth Mr Pitchfork became preoccupied with indecent exposure. He admitted to us that he had done it on multiple occasions as detection had been limited. In the past he has estimated having exposed himself over 1000 times. He planned these incidents carefully to avoid detection selecting female victims between the ages of 14 and 16, old enough to understand the significance of his behaviour and young enough not simply to ignore him.

1.4. Mr Pitchfork's pre-occupation with indecent exposure eventually led to the development of fantasies for non-consensual and coercive sexual contact and by the age of 19 he had committed his first indecent assault. Mr Pitchfork has stated that he had begun to fantasise about raping the victims of his exposure offences long before he committed a contact sexual offence.

1.5. Mr Pitchfork committed the indecent assault upon a 16-year-old girl. He apprehended her putting his arm around her neck. He told her not to scream or he would kill her and he pushed his hand beneath her pants before running off. In evidence, Mr Pitchfork told us that he was driving home from work when he saw a girl on the edge of a residential area. He thought he would "flash" at her. He saw no one around and thought he could do anything he wanted to do. He stated that it was opportunity that took him from indecent exposure to indecent assault.

1.6. In respect of the indecent assault in 1985, he grabbed a 15-year-old girl from behind, pushed a screwdriver into the side of her neck and told her to stop screaming or he would kill her. He then raped her orally (although at that time it could only be charged as indecent assault).

1.7. The first murder took place in November 1983. It occurred when Mr Pitchfork was looking after his 3-month-old baby who he had in a carrycot in his car and had "an hour to spare". He explained the escalation in his violence was due to the fact that he felt controlled by his wife as she had discovered his affair, and

he was motivated by anger and a motive to hurt. He was driving in a deserted area where he came across his victim. He approached her, pushed her over before raping her and killing her through strangulation.

1.8. The second murder took place in July 1986. This rape and murder were particularly violent and probably included buggery. Mr Pitchfork told the psychiatrist who subsequently examined him that he believed that it was the fact that his victim had fought with him that resulted in him killing and raping her whilst she was unconscious and dying. Mr. Pitchfork encountered the victim in a deserted area, raped her before strangling her to death and concealing her body, which was not discovered for two months. He has stated that he decided to expose himself to her but then he experienced an excessive level of rage and a desire to hurt someone and "make someone pay".

1.9. An offence of kidnapping alleged to have been committed in June 1987 was left 'on the file' when Mr Pitchfork was sentenced. It was alleged that Mr Pitchfork had picked up a young girl who was hitching a lift and drove her in a different direction to where she wanted to go asking for a kiss. He then took her back to where she wanted to be.

1.10. Mr. Pitchfork made sophisticated attempts to evade detection by Police. Following this murder the Leicester Police launched a major investigation including the taking of blood and saliva samples from males of Mr. Pitchfork's age in the neighbourhood in which he lived. Mr. Pitchfork was asked on a number of occasions to co-operate in the enquiry to eliminate suspects and became alarmed. Mr. Pitchfork paid money to a work colleague who falsely represented him at the centre where samples were taken. Mr. Pitchfork substituted the man's photograph onto his own passport in a way that does not reveal any tampering. The man learnt to practice Mr. Pitchfork's signature and later gave a blood and saliva sample to the police pretending he was Mr. Pitchfork.

1.11. There is clear evidence of sexual deviance and violent ideation in Mr Pitchfork's offending history. At the time of his sentencing in January 1988, a [Broadmoor Psychiatrist] who examined Mr Pitchfork concluded that Mr Pitchfork had a personality disorder of a psychopathic type accompanied by serious psychosexual pathology and would obviously continue to be an extremely dangerous individual whilst the psychopathology continued.

1.12. According to past assessments, the motivations for Mr Pitchfork's offences include sexual gratification and the "buzz" he achieved by sexually assaulting his victims. He has admitted that he had fantasised about raping his exposure victims for some time prior to committing his first contact sexual offence.

1.13. It is recorded in the OASys assessments that he has described the level of violence he exhibited following the sexual assaults, as pent up rage which "exploded". The offences were underpinned by his feelings of inadequacy and desire to "pay back" and gain revenge on the women who he perceived to have controlled and dominated him causing him to feel inferior. In doing so he transferred his rage towards young women who were strangers to him and became victims of his offending.

1.14. On Mr. Pitchfork's account, the offences were each triggered by periods of acute emotional stress which caused him to feel anger. He held harmful beliefs which justified his actions. This appears to have enabled him to overcome his internal barriers by committing contact sexual offences in order to "make someone pay" for how he perceived the females in his life had treated him by sexually assaulting, raping and murdering innocent females. His offending demonstrates poor emotional control and high levels of sexual preoccupation and entitlement and a capacity for arousal to rape.

1.15. The panel explored Mr Pitchfork's offending trajectory. He described it as being a response to his treatment by significant women in his life primarily his mother, being compared to and competing with his sister and more latterly responding to the close monitoring by his wife. It started with indecent exposure from around the age of 10 following early onset puberty and continuing at varying frequencies into adulthood until he was imprisoned. Initially he fantasised that it was a way to get a girlfriend. He viewed it as an activity he could do but his sister could not. Later when able to drive he could choose locations more widely and viewed it as a 'game' avoiding the police. It is a concern that despite completing a significant amount of work he was unable to explain and understand how he made the significant shift from offences of indecent exposure to contact sexual offending and ultimately committing two murders. He demonstrated a degree of insight identifying the key components of his offending to be the combination of rumination/grievance thinking, anger and the opportunity to offend. This is relevant to the current matters under consideration by the panel and to future risk management.

1.16. It is also relevant that Mr Pitchfork continued to commit sexual offences throughout his marriage (May 1981) and whilst engaged in extra marital affairs. It follows that relationships did not provide protection at that time. He also continued to engage in sexual offending despite attending regular appointments with a probation officer when he was convicted of indecent exposure offences during the 1980's, withholding information about the escalating frequency and nature of his offending.

1.17. Mr Pitchfork was sentenced on 22nd January 1988 to life imprisonment for the 2 murders of Lynda Mann and Dawn Ashworth. In 1994 the Secretary of State set the tariff at 30 years. In August 2008 the High Court set the minimum sentence at 30 years. However, this was reduced by the Court of Appeal in May 2009 to 28 years to reflect what was described as exceptional progress made in prison. The Court of Appeal stated:

"The Appellant's progress goes far beyond good behaviour and positive response to his custodial sentence but reflects very creditable assistance to disable individuals outside the prison system. On the evidence before us, he has sought to address the reasons behind the commission of these offences, he has achieved a high standard of education to degree level. In 20 years in custody he has never been placed on report and he is trusted to help with the well-being of fellow inmates. Beyond all that he has made himself a specialist

in the transcript of printed music into Braille, thus using the opportunities he has taken to educate himself in prison, to the benefit of others. This is an intensely specialised skill, and his work is used throughout the country and internationally with the support of the RNIB. In summary he is performing a useful and outstanding service for so many."

1.18. There can be no doubt that these crimes devastated the lives of the relatives and friends of the victims. They have had to endure the loss of their loved ones who died in such a horrific way. We have had the benefit of hearing personal statements from the victims' families. It is wholly understandable the deep impact of these crimes continues today many years after the offences.

2. Analysis of Evidence of Change (The Present)

2.1. Mr Pitchfork spent approximately 24 years located in the High Security Estate followed by a substantial period within Category C training prisons. Throughout this time, he is said to have demonstrated consistently excellent behaviour.

2.2. During those years in prison Mr Pitchfork undertook many courses that had been designed to reduce his risk to the public. In particular, he completed the following offending behaviour interventions: Anger management, one to one work with a probation officer, Relapse Prevention Course, Core Sex Offender Treatment Programme, Rolling Sex Offender Treatment Programme, Extended Sex Offender Treatment Programme, Healthy Sexual Functioning Programme and Better Lives Booster Programme.

2.3. Mr Pitchfork had been assessed as presenting a high dynamic risk in relation to sexual offending. In 2013 it was concluded that he had engaged in treatment of sufficient intensity to target his high level of dynamic risk. The treatment undertaken was considered to be of sufficient breadth to address each of the risk factors that had been identified. Treatment was Accredited and cognitive behavioural in nature. There has been no intervention to explore problematic personality traits and their impact on risk.

2.4. In July 2015 [a forensic psychologist] completed a psychological assessment. She reports to the panel at the time that Mr. Pitchfork's previous psychopathy associated with his index offences no longer continued, having changed as a result of many courses and treatments which Mr. Pitchfork had undergone in prison. All the professionals who gave evidence to the panel recommended transfer to open conditions. She observed in her report:

"He demonstrates low levels of psychopathy in comparison to the normative sample of English male offenders. Historical problems relating to pathologically callous/ lack of empathy and lack of remorse are evident at the time of his offending but are mostly absent across time and context since his incarceration in 1988. While overall levels of psychopathy are not considered to be raised, he has presented with some psychopathic traits that should be monitored by those working with him due to the possibility that they could impact upon the quality of his engagement with supervision and the nature of his risk."

She commented that the re-emergence of personality traits would increase risk and would be most likely if he were to experience grievance thinking.

2.5. She observed in her report that Mr Pitchfork had made good use of the educational and vocational opportunities available to him whilst in custody. When not engaging in offending behaviour interventions, he had been consistently employed or working towards acquiring further qualifications including setting up and developing Braille services at the prison and working as a listener for 14 years. He received praise from staff for his commitment and enthusiasm for his role as a Disability Orderly. He was described as a compliant prisoner who generally adheres to the rules and regulations within the prison environment.

2.6. In August 2016 Mr Pitchfork was transferred to open conditions at HMP [redacted] following a recommendation of a parole board panel. He spent just over 5 years in open conditions (August 2016 to September 2021.) During his time in open conditions, he took part in many Releases on Temporary Licence (ROTLs) without incident. Furthermore, he had spent the vast majority of his sentence on the enhanced level of the IEP scheme and does not appear to have incurred any adjudications or IEP warnings. However, whilst there were no behavioural concerns which led to sanctions, in 2018/19, unknown to Mr Pitchfork, his calls were monitored during which he displayed negative attitudes towards the Probation Service, calling his then COM, "stupid, lying and narcissistic". In 2020, concerns were again raised about his negative attitudes towards Probation and deceptive behaviour when he gave a shop assistant chocolates and told her he was married.

2.7. On 25 May 2021 a Panel directed Mr. Pitchfork's release. There was support for his release from professionals including a [Senior Prison Forensic Psychologist] who assessed risk as not imminent and took the view that further offending behaviour work was not required, although she accepted that it was possible that increase in risk could go undetected and he would require stringent monitoring if released. When released on licence, Mr Pitchfork had served 33 years and 11 months in prison. On 19th November 2021 Mr. Pitchfork's licence was revoked, and he was recalled to prison.

2.8. Following the revocation of his licence, Mr Pitchfork was moved to HMP [redacted]. In evidence he was described by the [Head of Quality and Safety] at [that prison], as being a mature intelligent model prisoner. Mr. Pitchfork reported that he was keeping busy doing artwork, going to the gym, working as an Insider and studying German.

2.9. [Name redacted] was Mr Pitchfork's Prison Offender Manager (POM) from the time of his recall until the time he moved to [the prison where he is currently held]. His view was that Mr Pitchfork had mastered "jailcraft". He was a typical lifer who was not pushing boundaries with no sense of entitlements. He was given the role of an Insider (Insiders provide peer support to other prisoners) which was appropriate given his history of acts of apparent altruism (including his work on Braille).

2.10. The [POM] described in evidence how Mr. Pitchfork was very frustrated at his recall and indulged in grievance thinking. The [POM] was aware that there were issues between Mr. Pitchfork and his [COM], mostly on Mr. Pitchfork's side. However, the POM felt that Mr. Pitchfork's relationship with the [COM] was improving, and that Mr. Pitchfork's insight might be improving until Security incident reports started to be submitted regarding his behaviour.

2.11. However, during 2024 there were increasing concerns about Mr. Pitchfork breaching Prison Rules (by providing items to other prisoners) and there was intelligence about the grooming of younger prisoners and a sexual assault allegation [details redacted]. It is clear from the evidence that Mr. Pitchfork was spending a considerable amount of his own money on items for younger prisoners which placed him in breach of prison rules. He was also in a position of power because he was well paid as an Insider and in addition, he regularly received additional funds sent to him by his partner. This meant he was wealthy compared to most other prisoners. Mr. Pitchfork had not disclosed a letter (written in another language to a convicted much younger sexual offender) which the [POM] would have expected, and which raised questions for professionals.

2.12. These factors raised questions about the suitability of Mr Pitchfork's role as an Insider as it was considered that there was a likelihood that his employment as an Insider provided him with an opportunity to avoid detection for any rule breaking behaviour. On 13th June 2024 the Prison Employment Board reviewed Mr Pitchfork's situation and concluded that he must be removed from this position from 14th June because of a potential breach of trust.

2.13. On 25th November 2024 Mr. Pitchfork was transferred to [another prison.] [Redacted] has been Mr. Pitchfork's POM since his move to [the other prison] notes that Mr. Pitchfork's behaviour has generally been good.

2.14. On 15th May 2025 this panel gave a ruling on the allegations made by Witness A (dossier page.1978). We are satisfied on a balance of probabilities that in 2024 Mr. Pitchfork (i) deliberately groomed Witness A, a young fellow prisoner in Mr. Pitchfork's cell [details redacted] (His motivation in befriending him and providing him with assistance and canteen items was sexual.) (ii) he repeatedly touched or attempted to touch Witness A's upper thigh over his clothing and (iii) continued to do so even though Witness A had made it clear that the advances were not welcome. It follows that it is clear that the touching was non-consensual, and Mr. Pitchfork did not reasonably believe it was consensual.

3.Reasons for Recall

3.1 Mr. Pitchfork was released on 1st September 2021. He was taken to an approved premises (AP) where he had overnight leaves before his release. Upon initial release Mr. Pitchfork indicated some motivation to comply with his conditions and make constructive efforts towards his resettlement in the community. He told us that he found the experience more difficult than when he was on ROTL's and at times it was "like driving through a fog".

3.2. Mr Pitchfork was issued with 2 compliance letters following his release:

(i) The first letter was given to him on 27th October 2021 following an incident on the 14th October 2021 when he had disclosed that he had approached a female within the vicinity of the probation office who was unknown to him and without any reasonable explanation.

(ii) The second letter was issued by National Security Division (NSD) following a supervision appointment on 5th November 2021 during which he displayed unacceptable behaviour by shouting at his [COM] to the extent [the AP manager] had to intervene and check the [COM] was OK, as the manager could hear him from her office.

3.3. On 19th November 2021 Mr Pitchfork's licence was revoked by the Secretary of State and he was recalled to prison. The recall details are:

"Since Mr. Pitchfork's release from custody, the Probation Service has recorded incidents which form a pattern of concerning behaviour. The behaviour indicates a pattern of increasing risk, paralleling the risks present at the time of the index offences.

Evidence of approaching young females or frequenting places they are likely to go. Mr. Pitchfork disclosed approaching and engaging a female stranger with no apparent justification to do so.

Engaging in 'aimless walking' (a behaviour which was a precursor to his offences). Mr. Pitchfork has spent time in forest/ park areas, on occasion wearing a high vis jacket and claiming to litter pick.

Argumentative or 'entitled behaviour' towards professionals. Mr. Pitchfork had been confrontational and aggressive towards his probation practitioner.

Being evasive and sharing limited information with professionals.

The results of the most recent polygraph examination have reported that it is suspected that Mr. Pitchfork has used [details redacted] as "counter-measures" to [influence] the test."

3.4. We must decide whether on the basis of all the evidence the decision to recall was justified. Whilst the Secretary of State maintains that recall was justified, this is contested by Mr Pitchfork. Mr Paul Harris, on his behalf, submits that it was not justified. He invites us not only to consider his written submissions, but also those of Fiona Elder of Counsel (dossier page.1095 – 1104) which were prepared for the 2023 hearing which would have considered the same issue. Ms Elder concluded her submissions on recall by contending that "individually or cumulatively the properly admissible stated reasons do not support or justify Mr Pitchfork's recall".

3.5 It has since transpired that the licence condition requiring Mr. Pitchfork to undertake polygraph testing was not a lawful requirement. It follows that the Secretary of State cannot rely on a breach of that condition to support his decision to recall. However, he still relies on the allegation that a deliberate attempt was made to falsify the result on the basis that it had amounted to failing to be of

good behaviour. The Panel heard evidence in respect of the polygraph test issue on Friday 28th March 2025 and made a finding of fact. (dossier page.1945).

3.6. On the issue of recall, The Panel also heard evidence from [the AP manager] and read reports by Mr Pitchfork's [COM] during the period Mr. Pitchfork was released on licence and when his licence was revoked. (dossier page.540/page.748). The panel also heard evidence from [his current POM], and Mr. Pitchfork himself. In the light of [his then COM] being unwell and unfit to give evidence, we never had the benefit of seeing her being questioned by counsel. We make allowance for that. We did, however, see [the AP Manager] who we found to be a reliable and fair witness. We propose to examine each of the allegations considering them individually and cumulatively.

Evidence of Approaching young females or frequenting places that are likely to go. Mr. Pitchfork approaching and engaging a female stranger with no apparent justification to do so.

3.7. This is based on the answer given by Mr. Pitchfork when asked by the polygraph examiner whether he had talked to any lone females. He stated that he had just talked to a woman in the carpark where he had been when there was a break in the polygraph testing. She was looking at the boats and he had told her where she could get a better view. She was alone and had become separated from her group. Mr. Pitchfork accepted that there was no need for him to make this passing comment. We do, however, bear in mind that this statement was only made after prompting by the polygraph examiner. Furthermore, it appears to have been a relatively minor incident as (on the face of it) it was in the context of giving directions.

3.8. This behaviour did not reach the stage of the being a breach of condition 24 (remaining in the company of a lone female etc). It was a single incident. Nor did it, on its own increase Mr. Pitchfork's risk. However, it did demonstrate a complacency towards his licence conditions which is a concern particularly in the context of him claiming that he was regularly pursued by the media and had no idea to whom he was talking. It is some limited evidence of a lack awareness of a risky situation and a failure to use appropriate risk management strategies.

Engaging in "aimless" walking (a behaviour which was a precursor to your offences),

You have spent time in forest/park areas, on occasion wearing a high viz jacket and claiming to litter pick.

3.9. Mr. Pitchfork was allowed to leave the hostel. He was on a GPS tag and subject to trail monitoring so his movements would have been known to police and probation. The GPS tag evidence and police analysis of it does not support the suggestions of "aimless walking". From the evidence it is not possible to conclude that he was paralleling previous "mapping" behaviours. At no time did Mr. Pitchfork enter or attempt to enter any area forbidden to him. There was no condition preventing him from going on bike rides and going to [a forest].

3.10 Furthermore, it is not now suggested that litter picking represented a new interest. Mr. Pitchfork's interest in litter picking was known to [the AP Manager] and the [COM]. [The AP manager] was not comfortable with Mr. Pitchfork's choice of areas to litter pick believing he could have done it in more heavily populated areas nearer the AP. She felt [a forest] was secluded and frequented by lone female runners and dog walkers who presented opportunities for reoffending. However, Mr. Pitchfork stated that he would not go litter picking around the AP as it would attract media attention. Whilst he was going to isolated areas which [the AP manager] felt was putting himself at risk unnecessarily, it is correct that his licence conditions did not prevent him from going to these areas

3.11. Mr Pitchfork admitted having a high viz cycle jacket to wear whilst he was cycling. He denies wearing it for any other purpose and certainly not to purport to be an authority figure. This is plausible and seems to be accepted.

3.12. Whilst we understand the [AP Manager's] concerns, it is difficult to substantiate the allegation of 'aimless walking.' In our view this ground for recall does not stand close scrutiny.

'Argumentative' or 'entitled' behaviour towards professionals. Mr. Pitchfork was confrontational and aggressive towards Probation Practitioner.

Being evasive and sharing limited information with the Professionals.

3.13. On the 5th November 2021 Mr Pitchfork had a supervision appointment to see [his COM]. She states that he displayed unacceptable behaviour by shouting at her to the extent that the AP manger had to intervene.

3.14. Mr. Pitchfork stated in evidence that she was almost an hour late and he had found her very disrespectful. She had told him that she did not know he was waiting. He had become, in his words, very animated as she knew where he was. He explained that this episode was just a matter of raising his voice and no more than being animated and frustrated. It was not the first time his COM had been late for a meeting.

3.15. However, [the COM's] allegation is supported by [the AP manager] who overheard the shouting from her office and came to check that [the COM] was OK. She firmly rejected the suggestion that it was just animation and was categorical that it was shouting and Mr Pitchfork was aggressive. She accepted Mr Pitchfork's relationship with [the COM] was "functional" and "not the best."

3.16. We are satisfied on a balance of probabilities that Mr. Pitchfork did shout, and his conduct was confrontational. It may be that Mr. Pitchfork had had a stressful day and was finding being in the AP after release more difficult than a ROTL. We also accept that Mr. Pitchfork had found it difficult to build a rapport with [the COM]. The fact that it was not the first time [the COM] had been late may have fuelled his rumination and frustration. Nevertheless, the conduct on 5th November was wholly at odds with working with and complying with his COM. Mr. Pitchfork told us that he had a personality clash with his COM and found it difficult to get along with her. He accepts he could have done more to have a better

working relationship. A respectful professional working relationship between Mr. Pitchfork and his COM is crucial to his risk management.

3.17. [The AP manager] gave evidence about some difficulties that arose during Mr. Pitchfork's stay at the Approved Premises. She stated that she expected an element of challenging when someone re-settles in the community. However, in our view, Mr. Pitchfork must take some responsibility for ensuring the relationship with his COM worked. This episode indicated evidence of rumination and a failure of internal controls to appropriately manage his negative thinking and emotions. Given the importance of a good working relationship with a Community Offender Manager, this was a legitimate significant concern.

3.18. We note that he also had a poor relationship with his key worker and other hostel staff who were according to the [AP manager] "not complimentary". We also note that Mr. Pitchfork told us he had good relationships with his other COM's, there is past evidence in 2018 and 2019 when PIN monitoring identified him being derogatory about his then COM (dossier page.23). This suggests that Mr. Pitchfork had a general difficulty in forming a respectful working relationship with those responsible for managing him. There is a continuing theme of problems with supervision and not liking to be controlled by others. When asked whether his "I expect what I want schema" had been triggered by the incident with his COM, Mr. Pitchfork replied he was "on the edge of it". To the extent it was triggered, it is problematic because it has the potential to fuel grievance thinking and rumination which was a cause of the manifestation of his anger in his index offending.

3.19. [The AP manager] acknowledged that she would expect an element of challenging issues to arise when someone re-settles in the community. In late September an issue arose when Mr. Pitchfork appeared to be "pushing boundaries" and came across as "entitled". He complained about his room but failed to understand the safety concerns behind why it had been allocated. He was also not accepting when told not to use the AP garden at certain times. He could present as rude and dismissive and not pay attention at meetings. Mr. Pitchfork was frustrated with the licence conditions. [The AP manager] referred to a letter she received from him in which she thought Mr. Pitchfork was trying to split staff.

3.20. We take into account the difficulties that Mr. Pitchfork told us he had encountered when he was at the Approved Premises. We accept that he was struggling to cope with the restrictions placed upon him. He said that he "needed to negotiate" regarding his dissatisfaction with his room. It has been said that he expects relationships to be equal but clearly that cannot be the case in a supervisory situation where he needs to respond to directions from professionals. The media attention had undoubtedly caused him stress and anxiety. However, it is clear that his emotional responses were not always proportionate to the situation, and he appeared to lack internal controls around appropriately managing negative emotions and unhelpful thinking.

3.21. We have concluded that the confrontation with [the COM] was not an isolated incident. Mr. Pitchfork is ill at ease with people exercising authority over him and, according to [the AP manager] when it came to asking for curfew times

to be changed, and discussion about the room and the AP garden, he would not cope with being told "no". We accept on a balance of probabilities that there were these episodes of entitled behaviour as set out by [the AP manager.] This is evidence of live unhelpful thinking relating to his entitlement schema and evidence of his grandiose personality traits. Whilst [the AP manager] does not appear to have considered this conduct as affecting risk and she considered his risk was still manageable at the time of his recall, when we look at this conduct together with other evidence, we do note that this does parallel aspects of the circumstances that led to the index offending.

The result of most recent polygraph examination have reported that it suspected that Mr Pitchfork used [details redacted] "counter-measures" to [influence] the test.

3.22. Considerable time was taken at the hearing exploring this issue leading to the Panel's finding of fact that Mr. Pitchfork deliberately [details redacted] as a counter measure [further details redacted]. We accept, as the expert in the field of polygraph testing, has observed, it does not necessarily follow that the counter measures were taken so as to conceal the truth. We note Mr. Pitchfork cannot now be retested. However, it remains concerning that he should embark on conduct designed to deceive particularly when considered with Mr. Pitchfork's history of sophisticated steps in an attempt to pervert the course of justice and habitual deceptions, successfully presenting as a caring husband and father throughout his offending behaviour.

3.23. We have considered alternative explanations which do not necessarily amount to dishonest conduct. [The psychologist] raised the possibility that he might have been trying to regain control from those in authority who he feels were running his life. However, if that explanation were to be right, it is evidence of anti-authority attitudes / resistance to supervision and a triggering of his 'needing to be in control schema' which was evident in his index offences.

3.24. In our view this was manipulative and deceitful behaviour possibly mirroring the unhelpful personality traits which under lie Mr. Pitchfork's sexual offending, where he compartmentalised his behaviour and lived a double life for many years.

4. Conclusion on recall

4.1. We have to consider whether recall was justified on the evidence. The AP manager, who was also not involved in the decision, was surprised at the speed of recall. We also note that Mr Pitchfork's [COM] was not involved in the decision which was made at a higher level.

4.2. In her Part C report (dossier page.540), [the COM] concluded that Mr Pitchfork only had limited insight into the behaviour that led to his recall, and specific risk factors such as limited self-awareness, evasive attitudes, lack of transparency, as well as anti-authority attitudes, grievance thinking, rumination and deceptive behaviours remained active (see dossier page.541). She assessed that his rumination had increased in that Mr Pitchfork held her responsible for his perceived lack of progress. His grievance thinking is likely to increase when his

demands are not met and when he is feeling that he is losing control. There was a clear pattern of this escalation during his time on licence. There were indications of superiority and grandiosity and entitlement.

4.3. In our view it would be perfectly reasonable to give Mr Pitchfork very little leeway given the history and nature of his offending and the consequences of any similar re-offending. Similarly, it would have been reasonable to consider each matter that was of concern in relation to Mr Pitchfork's conduct cumulatively provided there was some evidential basis for that matter. However, if there was no evidential basis for a particular matter, it should be discounted.

4.4. We note that [the Registered Forensic Psychologist], in his recent psychological risk assessment completed since recall identified the need for further work around his emotional management and personality traits/ schemas (p.1779). However, [the Registered Forensic Psychologist], confirmed in evidence that he did not believe there was sufficient evidence in relation to any of these matters of a raised risk to warrant recall.

4.5. In contrast, [the present COM] stated that the decision related to concerns about a combination of factors as a result of information known at the time and discussions amongst professionals. She stated that, had she been involved at the time, she would have made a recommendation for recall.

4.6. Mr Harris reminds us that both the first panel to consider Mr Pitchfork's release post-recall, which ordered his re-release, and the second panel which reconsidered his case at the request of the Secretary of State and decided he should not be released, found that the original recall was not justified. It is our duty, however, to consider the evidence afresh.

4.7. Whilst we do not consider that this was strong case for recall, we are satisfied it was justified on the basis of the combination of 3 matters: the confrontation with [the COM], the entitled behaviour towards staff and the counter-measures Mr. Pitchfork adopted during the polygraph testing. In particular there was evidence of re-emergence of unhelpful personality traits (grandiosity, entitlement and deception) triggered by the stress of release, live grievance schema linked to his poor relationship with his COM and a clear lack of insight into these. It was reasonable to conclude that these had not been properly addressed.

4.8. Taken together these matters indicated active risk factors including rumination, anti-authority attitudes, resistance to supervision, apparent grievance thinking and entitlement, deception/ manipulation, limited transparency, and limited use of appropriate internal controls to manage stressful situations. They also indicated the re-emergence of problematic schemas and personality traits that have not been properly addressed.

4.9. Considering the evidence in the round, we are satisfied on a balance of probabilities that recall was justified. Given Mr Pitchfork's history, the decision was within the bounds of what would have been reasonable and proportionate.

4.10. The fact that we make this finding does not necessarily mean that in October 2025 Mr Pitchfork does not meet the test for release; we must look at the evidence relevant to the assessment of his current risk.

5. Analysis of the Manageability of Risk (The Future)

5.1. CURRENT RISKS: In her report dated 24 February 2025 [the current COM] assesses Mr. Pitchfork's risk of serious harm to the public to be high, low to known adults, high to children, medium to prisoners and low to staff. For reasons we set out below, we consider these assessments are an accurate assessment of Mr. Pitchfork's current risk.

5.2. In the most recent OASys assessment (dossier page.1411), it is stated that Mr Pitchfork represents a high risk of serious harm to children. Lone females between the ages of 12 and 19 are assessed as being most at risk of physical and sexual harm from him. Other relevant risk assessments are the risk of further contact sexual offending (OSP/C): high, and the risk of offending involving indecent images of children (OSP/1): Low. OGRS3 probability of proven reoffending: Low. OGP probability of non-violent re-offending: Low. OVP probability of proven violent type reoffending: Low.

5.3. Mr Pitchfork is considered a high risk of serious harm to the public on the basis that there is an indiscriminate risk to stranger females of indecent exposure, indecent assault, attempted kidnap, rape and potentially murder based on his past record of offending. This is said to be likely to apply to lone females in a remote location. There could be a potential risk towards future partners who are unaware of his offending background.

5.4. The medium risk towards younger vulnerable prisoners is based on the Witness A allegation. The nature of the risk is thought likely to be Mr. Pitchfork breaching a position of trust and exhibiting grooming or sexualised behaviour towards others. The risk of potentially sexual harm or emotional harm would be as a result of coercive behaviour.

5.5. Mr. Pitchfork's risk escalates when he is experiencing life stressors and difficulties or a breakdown in a relationship which feed grievance thinking towards females.

5.6. Within the community professionals observed rumination, anti-authority attitudes, grievance thinking with traits such as manipulation likely to re- surface. There has been limited transparency and some rule breaking. At times, there is evidence of Mr Pitchfork lacking the necessary internal controls to appropriately and safely manage his behaviour.

5.7. We accept that the following factors can increase Mr Pitchfork's risk – grievance thinking, sexual preoccupation, wanting to be in control relating to his feelings of entitlement (including sexual entitlement), anti-authority attitudes, deception and lack of emotional management and transparency. [The psychologist] identified failure to recognise concerning situations as a significant

risk factor. In evidence, Mr Pitchfork identified his risk factors as “bottling things up, allowing issues to grow, not addressing things, anger and rumination, allowing matters to escalate” and when prompted, “sexual preoccupation”.

5.8. Protective factors include Mr Pitchfork’s relationship with his partner [name redacted]. There has been consistent contact between them over a long period. The relationship appears stable and there are no immediate concerns. Mr Pitchfork explained to us that they intend to proceed slowly when he is released. We accept that this has the potential to be a substantial protective factor although it will require monitoring as the relationship has not been fully tested in the community and has mostly developed whilst Mr Pitchfork has been in custody. There was also previous concern that [she] was condoning of his anti-authority attitudes towards Probation. It remains unclear how this relationship will progress and be maintained given that [she] lives abroad.

5.9. Other protective factors include Mr Pitchfork’s age, his constructive engagement with psychological intervention and any other treatment to address his risk factors, consolidating learning, purposeful activity, licence conditions that include restrictive measures for close monitoring of his risk factors.

Risk Management Plan

5.10. If released, Mr. Pitchfork will be required to reside at a Probation AP for a minimum period of 12 months with enhanced supervision. A PIPE AP is planned. He will be managed at MAPPA level 3. This is considered important for the effective management of risk in the community. It will enable monitoring and proportionate restrictions through regular reporting times and a curfew as well as liaison between AP staff and the COM to identify any concerns about behaviour. An AP is also considered appropriate to manage any risks from a member of the public. A minimum period of 3 months will be required to find a suitable placement. It is important that Mr. Pitchfork’s whereabouts are not identified.

5.11. [The COM], would complete one to one work on sexual thoughts and general self-management. A psychologist would provide psychological support to encourage resettlement.

5.12. The proposed licence conditions are set at page.1514 of the dossier. They include the installation of an electronic GPS tag and trail monitoring. Whilst the licence conditions relevant to monitoring and control are robust, as a matter of law there can be no polygraph condition. The extra layer of assurance of polygraph is not available in this case and would be covered by transparency during supervision. We were asked to consider whether the condition 6 (dossier page.1516) was necessary and proportionate. It purports to prevent Mr. Pitchfork entering any international port, airport, maritime or river marina or international transport hubs. The rationale is said to be its relevance to Mr. Pitchfork’s ability to abscond. Given the other licence conditions and Mr. Pitchfork’s assessment as not being an abscond risk, we do not consider it necessary.

5.13. On any view that is a very robust risk management plan with stringent conditions. Mr. Pitchfork told us that, after his last experience on licence, he would approach his time in an AP with care and would be compliant.

Current view of Professionals

5.14. All the professionals concerned with the management of Mr. Pitchfork's case opposed his release. This view is shared by both his present and immediate past Community Offender Managers and by his present and immediate past Prison Offender Managers. They also do not support recommendation to move to open conditions. Furthermore, [the Registered Psychologist] who has worked with Mr. Pitchfork over a number of years, is no longer recommending release.

5.15. [The current COM] worked alongside [the previous COM] from May 2024 and then took over as Mr Pitchfork's current Community Offender Manager from December 2024. She conceded that she may have had only one meeting with Mr Pitchfork since she became his Community Offender Manager and we have taken that into account. She has provided an update report dated 12th June 2025 following the Panel's finding of fact in respect of the Witness A allegations (dossier page.2008).

5.16. [The current COM's] professional opinion remains that Mr Pitchfork is unmanageable in the community at this time. She takes the view that if Mr Pitchfork were to be released at this time, the risk management plan would be wholly reliant on external controls. The absence of strong internal controls is demonstrated by his recent breaking of prison rules.

5.17.[The current COM] also questions whether Mr. Pitchfork has a clear understanding of his own risk factors. She feels that he does not recognise any problematic personality traits nor identifies triggers. He is not able to accept his anger. She states that she cannot manage his risk sufficiently without a transparent working relationship and she is not confident that Mr. Pitchfork would inform the staff of escalating risk or would recognise the importance of his Community Offender Manager in relation to managing risk.

5.18. The finding in relation to Witness A means that there is a potentially unexplored area of risk in respect of males. [The current COM] expresses concern that within the context of the AP, there may be risks to other male residents who could be considered vulnerable. Rule breaking is far easier to detect, monitor and control within the prison environment. The seriousness of non-compliance if released could range from low level to significant.

5.19. However, it is likely given Mr. Pitchfork's schemas, that his low-level non-compliance has a realistic likelihood of escalating into more serious non-compliance if undetected. Mr Pitchfork's prison rule breaking confirms concerns around his anti-authority attitudes and willingness to push boundaries. There is a concern that he may seek opportunities and deploy strategies to breach conditions without being detected and will adopt evasive attitudes. Any future risk management plan will be less robust without polygraph testing. Mr. Pitchfork cannot be relied upon in respect of compliance.

5.20. Lately there has been an absence of progression with interventions. Mr Pitchfork maintains that he is not sexually attracted to men. Whilst sexual attraction to men is not a risk factor in itself, it is Mr Pitchfork's unwanted sexualised behaviour towards vulnerable males that will need to be addressed. His stance over his sexual interests is not a barrier to him engaging in further risk reduction work in order to develop and review internal strategies as previous work he has completed was a significant time ago. [His current POM] believes Mr Pitchfork needs to review his emotional management and communication strategies in order to appropriately challenge risky thoughts and consolidate his learning. She feels he needs to undertake further work to focus on long term internal commitment or strategies to sustain motivation to engage with Probation.

5.21. Mr Pitchfork's previous Community Offender Manager until December 2024, who we stress we did not hear give evidence as she was unfit to attend the hearing, consistently took a similar view that any future release will rely solely on external strategies to manage his risk unless he is able to engage in a more meaningful way (Report June 2024 dossier page.1393). There is an absence of internal risk management strategies. External monitoring and control would not be sufficiently reliable. Mr Pitchfork continued to have grievance thinking towards her and struggled to maintain a working relationship with those responsible for managing his risk. The working relationship was critical to his risk management plan.

5.22. [The previous COM] refers to evidence of him breaking the rules, which in turn, raises concerns about his attitudes towards authority. She identifies anti-authority attitudes as an active risk factor which have been a long-standing theme in all risk assessments over a number of years linked both to re-offending and risk of serious harm. If Mr. Pitchfork were to engage in paralleling behaviours in the community, this would significantly undermine the risk management plan. Engagement with licence conditions would be critical to managing his risk and she was concerned that he may seek opportunities and deploy strategies to breach licence conditions without being detected. As we have not seen [the previous COM] give evidence, we have borne this in mind when considering how much weight to give it.

5.23. Mr Pitchfork's [current POM] notes that his behaviour has generally been good. However, she feels that Mr Pitchfork now needs further core risk reduction work which is not available in the open estate. Given the apparent new area of risk, the professionals need to understand that risk before looking at open. She does not understand how Mr Pitchfork can manage his risk at the moment and feels he should do more work on rumination and grievance thinking. A failure to accept Witness A's allegation is not necessarily a bar to progression.

5.24. Mr Pitchfork's Prison Offender Manager (POM) from the time of his recall until the time he moved to HMP [redacted] has consistently supported Mr Pitchfork's release. However, [the POM] became concerned in 2024 that Mr Pitchfork was not being open with him over such matters as his substantial canteen purchases destined for other prisoners in breach of prison rules and his

foreign language letter communications with the much younger prisoner after release. He gave evidence that in the light of his concerns about Mr Pitchfork's behaviours, he no longer recommends release. He takes the view that his risks are not fully understood and that does have implications for risk. Whilst recognising that Mr Pitchfork does not represent an abscond risk as he has been in open before, his current risks cannot remain unexplained before going into open.

5.25. [The Registered Forensic Psychologist] has written four reports on Mr Pitchfork dating from 7th November 2022 until his most recent in June 2025 written following the Panel's decision in respect of Witness A. When beginning his evidence on 16th May 2025 he had felt unable to give a professional opinion regarding the manageability of Mr Pitchfork's risk or a recommendation regarding progression. He had only recently received the Panel's decision on the Witness A allegations (dossier page.1978). Following the adjournment [he] has had a further opportunity to consider the Panel's findings and to complete a review of his own assessment of the risk of sexual violence (p.2006).

5.26. [The Registered Forensic Psychologist] has now formed the view that Mr. Pitchfork's risk of further violence is moderate rather than his previous assessment of low and he is no longer recommending progression into the community. He felt that there was a need to exercise more caution than he had previously recommended. Whilst there remain a number of indicators that risk can be managed within the community, the panel's findings (particularly regarding Witness A) suggest that this is not currently the case. Earlier [his] consistent assessment of Mr. Pitchfork's risk of future sexual violence was low due to his positive engagement throughout his extensive custodial sentence (including with a range of treatment), the presence of protective factors and an absence of clear recent/ current risk. Whilst Mr. Pitchfork's response to supervision whilst on licence indicated clear areas for further exploration and development, he believed his risk was manageable in the community whilst the work occurred.

5.27. In his update dated 11th June [the Registered Forensic psychologist] indicated that he now takes the view that the Panel's findings (i) indicate a greater level of sexual thinking and behaviour than Mr Pitchfork has disclosed (ii) raises concerns about his broader level of transparency with those supervising him and whether this would continue on licence and (iii) it is possible that these findings indicate a higher current level of problematic personality traits which feed into sexual entitlement. In evidence the Registered Forensic psychologist expanded upon further continuing problematic personality traits – deception/ manipulation, and grievance thinking. Regardless of setting it will be important for these behaviours to be explored and addressed with Mr Pitchfork, and strategies and plans put in place to mitigate risk. He accepted that the Witness A allegations might show deficits in self- control and empathy. Whilst work could be available in any setting, he did not think it should occur in open conditions because of the reduction of controls in open. The work needs to be individualised/ bespoke and focus on understanding of problematic personality traits, unhelpful schemas and his unwanted sexualised behaviour towards vulnerable males.

6. Conclusion

6.1. We have to consider whether to release Mr. Pitchfork and, if not, whether to make a recommendation that he be transferred to open conditions. In line with Section 58 of the Victims and Prisoners Act 2024, which came in to force on 3rd February 2025, the panel applied the codified public protection test for release when determining whether the panel is satisfied that it is no longer necessary for the protection of the public for Mr. Pitchfork to be confined. We note that Mr. Pitchfork's tariff expiry date was over 10 years ago and have given this matter anxious consideration.

6.2. We are grateful to both counsel for their written open and closing submissions (dossier pages.1910, 2026, 1927 and 2030).

6.3. *Submissions on behalf of Mr. Pitchfork*- Mr Pitchfork's case is that it is now not far short of 4 years since his recall. It is submitted that the Panel's focus should be on matters which have occurred or are alleged since the decision to release Mr Pitchfork on licence in 2021. Mr Pitchfork relies on his period in open conditions (5 years) with extensive ROTL's which passed without concerns. He claims he was starting to settle at the time of his recall. He has learnt about his offending and what led to his offending and understands his risks. He is now a completely different person and will never go back to offending. He does not feel that any conventional employment is realistic when released due to the nature of his offending, the media interest and his physical health.

6.4. Whilst it is accepted that in the light of our findings of fact, some further investigation of Mr Pitchfork's sexual thinking is appropriate, it is submitted that there is no need for this to be done in closed conditions, bearing in mind his 5 successful years in open conditions, and the fact that he has already served almost 4 years' further imprisonment in closed conditions as a result of his recall in November 2021.

6.5. It is contended that the risk management plan is sufficiently robust with a year in an Approved Premise which will enable enhanced monitoring and proportionate restrictions (see dossier pages.1887-1991). There has been no disagreement in later reports with the conclusion of [a Senior Forensic psychologist] in 2020 that the risk of further offending was not imminent. He is realistic about the requirement that he will have to reside at an AP and is adamant that he will be compliant with licence conditions stating he is now more aware of what is required of him.

6.6. *Submissions on behalf of the Secretary of State* - Ms Victoria Ailes, on behalf of the Secretary of State, submits that Mr Pitchfork does not meet the test for release as the risk he poses is too high.

- (i) There is a new and significant area of unexplored risk arising from the Panel's finding in connection with Mr. Pitchfork's unwanted sexual touching of a young male (Witness A).

- (ii) None of the professional witnesses now support release in the light of the Panel's findings, recognising that further work is needed to address that risk.
- (iii) The findings in respect of the Witness A allegation and the use of counter-measures support the view that Mr. Pitchfork has not been frank and open with professionals and are consistent with deliberate, cynical manipulation or lying to those responsible for managing his risk. This reinforces the serious concerns which professionals feel about his openness.
- (iv) Any release plan is weakened by the fact that a polygraph testing condition cannot be legally imposed. The 2021 Panel placed great reliance upon that condition.
- (v) There are now concerns over and above those the Secretary of State had at the time of recall.

6.7. We have considered the competing arguments with care. In particular, we have looked at all the evidence and acknowledge the progress made by Mr Pitchfork in prison before his release on licence in 2021.

6.8. Firstly, we have concluded that Mr. Pitchfork continues to only have limited internal controls and has poor insight into his risky thinking and behaviour. Certain personality traits (some which re-emerged during Mr. Pitchfork's period on licence such as his sense of entitlement and grandiosity, his anti-authority attitudes and lack of transparency) remain.

6.9. We note that these traits and related behaviours became apparent when the restraints of prison confinement were removed. They have the potential to undermine external controls including importantly his relationship with his COM. His conduct towards staff reveals a tendency to ruminate before venting his aggression. Furthermore, in the light of his history of deception and lack of transparency, warning signs of increasing risk may not always be apparent.

6.10. Secondly, a new previously unidentified risk has been observed in relation to sexually exploiting young men by grooming. This is a new dimension of risk which has not yet been properly explored or addressed. On the face of the evidence, the nature, extent and implications of the risk need to be evaluated.

6.11. It follows we disagree with Mr Harris' submission that our finding of fact in respect of Witness A has limited relevance to the assessment of Mr Pitchfork's current risk. Mr. Pitchfork showed no empathy and persisted notwithstanding Witness A making it clear that the advances were unwelcome. Given the persistence of the conduct and Witness A's reaction, it is clear that this conduct was not consensual. Nor is it conceivable in the circumstance that Mr. Pitchfork had a reasonable belief that Witness A was consenting. This reinforces the view that Mr. Pitchfork is currently lacking sufficient internal controls and is not being transparent about his conduct. It is also very likely that he has a level of sexual thinking that he has not disclosed and is not well understood. Whilst it is fair to say that Mr. Pitchfork has shown signs of altruism in his work on Braille and his

role as an Insider, [details redacted] he was also either using it as cover in respect of using his financial leverage to facilitate grooming of a young vulnerable prisoner or it was not his sole motivation.

6.12. It follows that in our view the relevance of the Witness A allegation is not confined to being open and transparent about any same-sex attraction. It relates to non-consensual sexual activity and more broadly to his sexual pre-occupation. Furthermore, our findings in relation to Witness A reveal that even in the prison environment where it might be thought such conduct might be easier to monitor, Mr. Pitchfork demonstrated little use of any internal controls.

6.13. Notwithstanding all the earlier work Mr. Pitchfork has undertaken, there is a consensus amongst the professionals that Mr. Pitchfork needs to undertake further work (i) to address his insight into his problematic personality traits, refresh his learning around his unhelpful schemas, and consolidate risk management strategies (ii) to deal with any new risk that is assessed to exist following Mr. Pitchfork's conduct with Witness A. Substantial time has elapsed since he last completed any work around his sexual offending/ sexual interest. Denial of the allegations is not a bar to completing the work which will need to be tailored to his specific needs.

6.14. We note that there is no support for Mr. Pitchfork's release amongst the professionals who have current responsibility for him or those who had responsibility for him whilst he was at HMP [redacted] following the revocation of his licence. We have factored in the limited contact time [his current COM] has had with Mr Pitchfork and the fact that we have not had the opportunity to test the oral evidence of [his previous COM]. However, this does not undermine the broad consensus of the views of the professionals.

6.15. For these reasons we have set out, we are satisfied that Mr. Pitchfork does not currently meet the test for release. His level of risk has not reduced to a level that can be safely managed in the community at present. The risk management plan, however robust it may be, is not sufficient to contain this risk. We are not satisfied that there is no more than a minimal risk of him committing a further offence that would cause serious harm. It therefore continues to be necessary for the protection of the public that he remains confined. Consequently, his release is not directed.

6.16. We come to the issue as to whether we should recommend that Mr. Pitchfork should be transferred to open conditions. It is agreed that Mr Pitchfork does not represent a risk of absconding given the successful history of his ROTL's when he was in open for 5 years and his period on licence.

6.17 We have considered whether Mr. Pitchfork could undertake any necessary work in open. This is not a realistic possibility given (i) the lack of adequate internal controls as set out above and (ii) the unknown nature of the present risk.

6.18. We have concluded that it is now clear that Mr. Pitchfork has not made sufficient progress in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where the prisoner in open

conditions maybe in the community, unsupervised under licensed temporary release).

6.19. A future panel considering Mr Pitchfork's case is likely to want to see evidence of the following:

- (i) The outcome of the exploration of the potential new area of risk identified by this panel and detail of further intervention work completed;
- (ii) Interventions to address the understanding of problematic personality traits;
- (iii) The consistent application of skills and demonstration of improved internal controls and schema management;
- (iv) Greater openness and transparency with professionals including about his sexual thinking and sexual pre-occupation;
- (v) The development of a respectful professional working relationship with his COM;

Annex A

The Codified Public Protection Test

The codified public protection test (called a "public protection decision"), set out in section 28ZE of the Crime (Sentences) Act 1997 and section 237A of the Criminal Justice Act 2003, reads as follows:

A "public protection decision", in relation to a prisoner, is a decision as to whether the decision-maker is satisfied that it is [not necessary, or no longer necessary,] for the protection of the public that the prisoner should be confined.

The decision-maker must not be so satisfied unless the decision-maker considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm.

In making that assessment, the decision-maker must consider the risk that the prisoner would engage in conduct which would (or, if carried out in any particular part of the United Kingdom, would) constitute an offence specified in [Schedule 18B to the Criminal Justice Act 2003].

When making a public protection decision about a prisoner, the following matters must be taken into account by the decision-maker—

- (a) the nature and seriousness of the offence in respect of which the relevant sentence was imposed;*
- (b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted;*
- (c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence);*
- (d) the risk that the prisoner would commit a further offence (whether or not specified in [Schedule 18B to the Criminal Justice Act 2003]) if no longer confined;*
- (e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions;*

(f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence;

(g) any submissions made by or on behalf of the prisoner or the Secretary of State (whether or not on a matter mentioned [above]).

When making a public protection decision about a prisoner, the decision-maker must in particular have regard to the protection of any victim of the prisoner.

For the purposes of [this test]:

a "victim" of a prisoner is a person who meets the definition of victim in section 1 of the Victims and Prisoners Act 2024 by reference to the conduct which constituted the offence for which the relevant sentence was imposed.

..."relevant sentence" means the sentence in respect of which the public protection decision is made.

This [test] does not limit the matters which the decision-maker must or may take into account when making a public protection decision.

Secretary of State's Directions to the Parole Board 1 August 2023

Transfer of indeterminate sentence prisoners (ISPs) to open conditions

Directions

1. Before recommending the transfer of an ISP to open conditions, the Parole Board must consider:-

i. all information before it, including any written or oral evidence obtained by the Board;

ii. whether the following criteria are met:

- the prisoner has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where the prisoner in open conditions may be in the community, unsupervised under licensed temporary release); and*
- the prisoner is assessed as presenting a low risk of abscond.*

2. *The Parole Board must recommend a move to open conditions only where it is satisfied that the two criteria (as described at 1(ii)) are met.*

TACT Prisoners

3. *There is a presumption that a prisoner serving an indeterminate sentence for a specified terror or terror connected offence will be unsuitable for open conditions unless exceptional circumstances can be evidenced. Where the Secretary of State considers that exceptional circumstances may apply, the Parole Board will be invited to consider whether the ISP is suitable for a transfer to open conditions.*
4. *Before recommending that an ISP (as described at 3) be transferred to open conditions, the Parole Board must be satisfied that the exceptional circumstances have been evidenced, that the two criteria (as described at 1(ii)) are met.*

Foreign National Prisoners

5. *Pursuant to Prison Rules, an ISP who has been served with a deportation order and who has exhausted all their in country appeal rights is not eligible to be considered for open conditions. An ISP who is liable for deportation, but has not exhausted appeal rights may still be considered for transfer to open conditions.*
6. *Before recommending that a foreign national ISP (as described at 5) be transferred to open conditions, the Parole Board must be satisfied that the ISP presents as a very low risk of abscond, that the first criterion (as described at 1(ii)) is met.*

Information Sheet

The decision in this case has now been issued.

Reconsideration

This case is eligible for Reconsideration under Rule 28 of the Parole Board Rules 2019 (as amended). This means that the decision about release or a licence termination (where applicable) is provisional at this stage.

If a party wishes for this case to be reconsidered, then they must make an application setting out the basis on which they say the decision is 'irrational', 'procedurally unfair' and/or there has been an 'error of law'. Further guidance and an application form for prisoners (form CPD2) is provided on the Parole Board section of the Gov.uk Website.

[Routes of challenge - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Under Rule 28 the time allowed for an application is 21 days from the date it is sent to the parties. Any application made after the 21-day time limit will not be accepted by the Parole Board. However, under Rule 9 of the Parole Board Rules 2019 (as amended), the time limit may be reduced or extended by the panel chair or a duty member where it is necessary to do so for the effective management of the case, in the interests of justice or for any such purpose as the panel chair or duty member considers appropriate. Any request for an extension or reduction must also be made before the 21-day time limit expires.

If an application for reconsideration is not received within the 21 days (or any altered time limit), then the decision becomes final.

If an application is received, the party which has not made the application will have 7 days to submit their own representations, unless varied under Rule 9 by a panel chair or duty member. The application is then sent to the decision maker for consideration.

When a decision is made on any reconsideration application, both parties will be notified of the outcome. If reconsideration is directed, the decision will set out what happens next. If the application is rejected, the decision will then become final.

Setting Aside

This case is eligible for Setting Aside under Rule 28A of the Parole Board Rules 2019 (as amended). Applications can be made to set aside a decision about release once the decision has become final.

Further guidance and an application form for prisoners is provided on the Parole Board section of the Gov.uk Website.

[Routes of challenge - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/routes-of-challenge)

Setting aside Parole Board decisions to release

A decision *to release* may be set aside prior to the release of the prisoner, but not once the prisoner has been released into the community.

The Parole Board has the power to set aside a release decision, where the case meets one or more of the following criteria:

- There has been an error of law or fact and the decision would not have been made were it not for the error.
- Where a direction has been given by the Parole Board for the release of a prisoner that the Parole Board determines it would not have given if:
 - i. information that was available but was not provided to the Parole Board when they made their decision; or
 - ii. there has been a change in circumstances relating to the prisoner that occurred after the decision was made.

Setting aside Parole Board decisions not to release

The Parole Board has the power to set aside the decision *not to release* where the case meets the following criteria:

- There has been an error of law or fact and the decision would not have been made were it not for the error.

For decisions not to release, the legislation does not allow for the final decision to be set aside based on the other two criteria set out at points i and ii (above).

Time Limits

The time limits for making an application to set aside are as follows:

- An application to set aside final decisions about release, on the basis that there has been an error of law or fact (release/no release decisions), the time limit to make an application is 21 days from the date the decision becomes final;
- An application to set aside a decision about release on the basis that new information has come to light or circumstances have changed (release decisions only), the time limit to make an application is any time from the date the decision became final up until release takes place.

Any application to set aside a decision about release on the basis that there has been an error of law or fact which is made after the 21-day time limit, will not be accepted by the Parole Board. However, under Rule 9 of the Parole Board Rules 2019 (as amended), the time limit may be reduced or extended by the panel chair or a duty member where it is necessary to do so for the effective management of the case, in the interests of justice or for any such purpose as the panel chair or duty member considers appropriate. Any request for an extension or reduction must also be made before the 21-day time limit expires.

If an application is received, the party which has not made the application will have 7 days to submit their own representations, unless varied under Rule 9 by a panel chair or duty member. The application is then sent to the decision maker for consideration.

When a decision is made on any set aside application, both parties will be notified of the outcome. If the application is granted, the decision will set out what happens next. If the application is rejected, the decision remains final.