

Confidential Filing

HOME
AFFAIRS

Perote position of Myra Hindley
+ Ian Brady.

FEBRUARY 1985

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
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CONFIDENTIAL

E. R.

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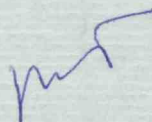
PRIME MINISTER

MYRA HINDLEY

Myra Hindley's visit to the Moors today went off without a hitch, i.e. the press did not find out in time, and were thus unable to make a circus of it. I understand that she will admit to various extra offences - but the police have not yet decided when to announce this.



P. A. Bearpark



24 March 1987

CONFIDENTIAL

PRIME MINISTER

The Home Secretary has agreed that Myra Hindley should leave prison at 2200 hours tonight and spend tomorrow looking on the moors for possible sites where remains of her victims may be found. The operation is a covert one and will be cancelled if the press find out about it.

mf

pd

P. A. BEARPARK

23 March 1987

cc: Press Office



10 DOWNING STREET

From the Private Secretary

27 November 1985

IAN BRADY

The Prime Minister has seen the Home Secretary's minute of 25 November. She has noted his proposal to direct Ian Brady's removal from Gartree Prison to Park Lane Hospital under Section 47 of the Mental Health Act 1983.

The Prime Minister has commented on the importance of making doubly sure that Mr. Brady cannot escape, if necessary by the provision of extra security.

I am copying this letter to Joan MacNaughton (Lord President's Office), Andrew Lansley (Chancellor of the Duchy of Lancaster's Office) and Tony Laurance (Department of Health and Social Security).

Mark Addison

Stephen Boys Smith, Esq.,
Home Office.

82W

Prime Minister



IAN BRADY

Prime Minister ①

Content that Ian Brady should be moved to Park Lane Hospital? And that the H/Sec should approve this using the draft reply attached?
MHA 26/11

I should let you know that after long and careful examination of the medical evidence and of other factors I propose shortly to direct Ian Brady's removal from Gartree Prison to Park Lane Hospital under section 47 of the Mental Health Act 1983.

Brady (one of the "Moors murderers") has developed paranoid psychosis while in prison. He is convinced that the Home Office, and the Government in general, are persecuting him. His symptoms include auditory, olfactory and somatic hallucinations, and the nature of his delusions makes it impossible to treat him satisfactorily in prison. His poor mental health, when added to his tendency to go on hunger strike at earlier periods of his imprisonment, have also resulted in a serious weight loss.

The Medical Directors of both Broadmoor and Park Lane Hospitals have seen Brady. They concur in the diagnosis and in the view that Brady requires to be transferred to a special hospital. Because Brady's paranoia encompasses Broadmoor it would be much more difficult to treat his mental illness and to contain him safely if he were sent there. Both Medical Directors are firmly of the view that he should be transferred to Park Lane. Having examined the matter carefully, I am satisfied that no other course is open to me. Park Lane is in fact more secure than Broadmoor.

As one doctor has put it to me, this is a bad man, who is now also a sick man. His crimes do not entitle us to deny him medical treatment. If the treatment is successful, he will still be a bad man guilty of a terrible crime and will need to stay in prison.

At this stage, there is no means of knowing how long Brady will have to remain in hospital but the Department of Health and Social Security have given a written assurance that the Home Office will be notified if and when Brady's psychosis has responded to treatment so that he can be remitted back to prison to continue his sentence.

/The transfer will

E.R.

The transfer will inevitably attract some media attention (although that of Sutcliffe nearly two years ago created relatively little stir). We shall make every effort to counter any suggestion that the transfer is a step on the road to release. It is not. His release remains entirely at my discretion, subject to the consent of the Parole Board. My predecessor announced in May that his case would not be reviewed for another ten years and that remains the position. We shall also be emphasising that Park Lane has physical security up to the best prison standards: no-one has ever escaped from the hospital.

I propose to announce the move, once it has taken place, by way of a Reply to an Arranged Question on the lines of the attached draft. I am at present planning to move Brady at the end of next week (probably late on Thursday 5 December).

I am sending copies of this minute to Willie Whitelaw, Norman Tebbit and Norman Fowler.

Douglas Hurd.

25th November 1985

E.R.

DRAFT PARLIAMENTARY WRITTEN ANSWER (TO BE ARRANGED)

To ask the Secretary of State for the Home Department, what further reports he has received on the mental condition of Ian Brady and if he will make a statement.

DRAFT REPLY

I have received recent reports from which I am satisfied that Brady's mental condition has seriously deteriorated and that he is now suffering from paranoid psychosis. The reports indicate that he requires treatment which can suitably be given only in hospital.

I have accordingly used my powers under section 47 of the Mental Health Act 1983 to direct Brady's removal (today) (yesterday) to Park Lane Hospital, a special hospital under the control of the Department of Health and Social Security which treats patients with a record of dangerous behaviour under conditions of high security.

Brady's sentence of life imprisonment is in no way affected by his transfer to Park Lane Hospital. If and when his mental health improves he can expect to be sent back to prison to continue serving that sentence.

SUBJECT
cc Master.

10 DOWNING STREET

From the Private Secretary

27 February 1985

The Home Secretary met the Prime Minister today to discuss the cases of Myra Hindley and Ian Brady following his minute of 25 February.

The Prime Minister said that she would be concerned if the fact that these cases were to go through the procedure outlined in the Home Secretary's minute were to be interpreted as an indication that either Hindley or Brady would be released at some identifiable moment in the future. The public revulsion, which she shared, at the crimes in which Hindley and Brady had been involved had not diminished with the passage of time. The Home Secretary said that no inference about release dates in these cases could be drawn from the announcement which he proposed to make about a reference of the cases to the formal review machinery. The Government was required to apply formal procedures to each case without pre-judging the outcome: there was no question, however, but that all those considering the case would be fully aware of the nature of the crimes and the continuing public perception.

The Prime Minister said that she agreed with the Home Secretary that the procedure for review of the cases should be initiated as he had proposed in his minute. If challenged in Parliament she would make it clear that it was right to apply the proper procedure to every case but that she and the Home Secretary were fully aware of, and shared, the public revulsion at the crimes committed by Hindley and Brady.

In view of this I should be grateful if you could arrange for the draft Question attached to the Home Secretary's minute to be tabled as proposed and for appropriate briefing for Prime Minister's Questions to be provided subsequently.

TIMOTHY FLESHER

Mrs. Christine Heald,
Home Office.

I think the sentences
you are proposing
are too short, I do
not think that either
of these prisoners
Prime Minister should ever



be released from custody
MYRA HINDLEY AND IAN BRADY: THE "MOORS MURDERERS"

Their crime was the most hideous
& cruel in modern times. ^{no}
You will have seen recent press reports speculating on the
outcome of my consideration of whether these two life sentence
cases should be referred to the Parole Board machinery for review.
I thought you would wish to know my decision, and the reasons
for it, before an announcement is made.

Prime Minister.

CEBI. V
CLAD

The Home Secretary
considers that the period
during which the cases are
going through the machinery has
been cut to an absolute
minimum. Agree to this. ^{Parliament}
Q+A (Flassco)

Dr
25/2

The release of life sentence prisoners is at my discretion, but
I can only release a prisoner if there has been a favourable
recommendation from the Parole Board (who advise essentially
on public risk) and I have to consult the judiciary (who advise
on the period of custody necessary to satisfy considerations of
retribution and deterrence - "the tariff"). I am not bound,
however, by a Parole Board recommendation.

Life sentence prisoners have no statutory right to have their
release prospects reviewed. I explained to the House in a
statement on 30 November 1983 (copy attached) how I would set
the dates of reviews, taking account of the statutory roles
of the Board and the judiciary. But in respect of those life
sentence prisoners who will undoubtedly serve very long periods
in custody, even natural life, I have decided as a matter of
policy that the first formal review should be set after 17 years
in custody (or at or close to the date when the case would have

been considered under the previous arrangements, if this is later), even though this may be more than three years before the earliest date when the prisoner could be released on the basis of the tariff. Under the previous arrangements Brady and Hindley would have been considered in January this year and I have decided to set in train their first formal reviews now, after nineteen and a quarter years in custody.

The key point is that the formal machinery is being followed in these cases exactly as in all others, and no assumptions whatsoever can be made as a result about the probable date of release.

X | Life sentence prisoners are told that a review normally takes at least six months, but these two cases will be expedited and I would hope to receive the Parole Board's recommendations in mid-May. In the light of all the circumstances of these cases I think it very likely that the recommendations will be acceptable; possibly that further reviews should take place in three or five years' time. At present I have in mind a tariff of 30 years for Hindley and 40 years for Brady, implying that after 1992 and 2002 respectively the question of release (in 1995 and 2005 at the earliest) will be determined on risk grounds rather than on grounds of retribution and deterrence. I do not intend to announce this publicly and must keep options open, but, in accordance with usual practice, the Parole Board will be told in confidence of my views.

Mr Minister:

X | The reason why the process takes this long is that it takes in local review committees as well as the Parole Board.

TV 28/2.

E. R.

... I attach the text of a Parliamentary Question and Answer which I intend to have put down tomorrow, 26 February, for answer on Thursday, 28 February. The Question is in general terms and will be tabled by Michael Mates as a follow-up to his Question on 30 November 1983. I will inform Frank Longford, Fergus Montgomery and Tom Pendry of my decision just before the Answer is handed in.

L. B.

25 February 1985

DRAFT PARLIAMENTARY WRITTEN QUESTION AND ANSWER

To ask the Secretary of State for the Home Department, if he will make a statement on his policy on referring to the Parole Board the cases of life sentence prisoners who have already spent long periods in custody.

DRAFT ANSWER

On 30 November 1983 I informed the House of my policy on life sentence prisoners (WA Cols 513 to 515). The first stage in the formal review by the Parole Board machinery is the reference of the case to the Local Review Committee (LRC) at the prison at which the life sentence prisoner is held. The date of this first formal review is normally set for three years before the expiry of the period thought necessary to meet the requirements of retribution and deterrence which I decide after consultation with the judiciary. When this period is longer than twenty years, however, I have decided that the date of the first formal review should nonetheless still be set after seventeen years in custody or at, or close to, the date when the case would again have been considered by the now disbanded joint Parole Board/Home Office Committee. Both the prison staff and the prisoner are, however, informed that reviews set in these special circumstances do not in any way imply that twenty years has been set as the period necessary to meet the requirements of retribution and deterrence.

In accordance with this policy, I am asking the LRCs at the prisons in which Ian Brady and Myra Hindley are detained to consider their cases as soon as possible and for the Parole Board subsequently to make their recommendations to me. The review of these cases does not mean either that the periods of detention necessary to meet the requirements of retribution and deterrence have been completed or are near completion; or that the Parole Board will recommend the release of either prisoner; or that I would necessarily accept such a recommendation if it were made.

renewed projects under circular 24, under the traditional urban programme, is not at a lower level in real terms than for new projects and renewals under circular 23.

Sir George Young: I expect details of the distribution between the different categories of urban programme expenditure to be announced within the next few weeks.

Ms. Harman asked the Secretary of State for the Environment what representations he has received in the last six weeks from organisations and individuals concerned about the Government's proposals on future funding under the urban programme.

Sir George Young: The Department has received about 30 letters in similar terms, most of them as a result of the efforts of the Southwark council of voluntary services. They comment on the false speculation in the *Financial Times* of 19 September that the urban programme was about to be halved.

Housing Starts

Mr. Freeson asked the Secretary of State for the Environment how many new housing starts there have been in the London borough of Brent in each of the past five years.

Sir George Young: The total numbers of dwellings started in Brent in the five years 1978 to 1982 were 425, 111, 378, 184 and 335, respectively.

HOME DEPARTMENT

Parole Policy

Mr. Mates asked the Secretary of State for the Home Department if he will make a further statement on his proposals to restrict the release on parole of violent offenders and drug traffickers and on the release of life sentence prisoners.

Mr. Brittan: On 4 August 1975, the right hon. Member for Glasgow, Hillhead (Mr. Jenkins) as Home Secretary, made a statement about the ways in which he proposed to exercise the discretion given him in the Criminal Justice Act 1967 with regard to the release of prisoners on parole. That statement was made after consulting the Parole Board and agreeing with it new guidelines for parole selection.

Since then the numbers of prisoners released on parole licence have steadily increased, and in 1982, of all prisoners released from sentences which qualified them for parole consideration, 66.3 per cent. had been granted parole. I do not propose to exercise my discretion in ways which will significantly affect this trend since it accords with my broad strategy for dealing with crime and offenders.

I must, however, take account of the general public concern about the increase in violent crime and the growing criticism of the gap between the length of sentences passed and the length of sentences actually served in certain cases. I have therefore decided to use my discretion to ensure that prisoners serving sentences of over five years for offences of violence or drug trafficking will be granted parole only when release under supervision for a few months before the end of a sentence is likely to reduce the long-term risk to the public, or in circumstances which are genuinely exceptional. The offences concerned

are those where the Secretary of State may not order the early release of prisoners under section 32 of the Criminal Justice Act 1982 and are set out in schedule 1 to that Act. In 1982 about 240 prisoners sentenced for these offences were recommended for parole before their final review. In future, there will have to be the most compelling reasons before I would agree to parole being granted in such cases.

I have consulted the Parole Board about how this objective might best be achieved in a way that ensures that the crucial role of the board in the parole scheme is maintained. The Parole Board expressed a wish to continue to see all of the cases that are currently scrutinised by the board, following the initial review by the local review committees, in order to give full consideration to the circumstances of each individual prisoner. Accordingly, I have agreed that the present practice should continue on the understanding that the reviews will take account of the policy contained in this statement. Under the statute the acceptance or rejection of a Parole Board recommendation is, of course, a matter for me.

I am asking the Parole Board to implement this new policy with immediate effect. This statement will be issued to local review committees for their guidance. The board intends to publish the text in its next annual report as an addition to the detailed "Criteria for Selection for Parole", in which there will also be some minor consequential amendments.

Life Sentence Prisoners

The release of life sentence prisoners is at the discretion of the Home Secretary, subject to a favourable recommendation by the Parole Board and to consultation with the Lord Chief Justice and, if he is available, the trial judge. Taking account again of the public concern about violent crime, in future I intend to exercise my discretion so that murderers of police or prison officers, terrorist murderers, sexual or sadistic murderers of children and murderers by firearm in the course of robbery can normally expect to serve at least 20 years in custody; and there will be cases where the gravity of the offence requires a still longer period. Other murders, outside these categories, may merit no less punishment to mark the seriousness of the offence.

At present I look to the judiciary for advice on the time to be served to satisfy the requirements of retribution and deterrence and to the Parole Board for advice on risk. I shall continue to do so.

The joint Parole Board Home Office committee was established in 1973 to give initial consideration, usually after a life sentence prisoner had been detained for about three years in custody, to the date for the first formal consideration of the case by the Parole Board machinery. The Lord Chief Justice has agreed with me that this is the appropriate time to obtain an initial judicial view on the requirements of retribution and deterrence. In future, therefore, I shall decide the date of the first reference of a case to a local review committee following the initial consultation with the judiciary. The joint committee has therefore been disbanded.

The first local review committee review will normally take place three years before the expiry of the period necessary to meet the requirements of retribution and deterrence. This would give sufficient time for preparation for release if the Parole Board recommended it, having considered risk. The judiciary will also be consulted when

release is an actual possibility to meet fully the requirements of section 61 of the Criminal Justice Act 1967.

These new procedures will separate consideration of the requirements of retribution and deterrence from consideration of risk to the public, which always has been, and will continue to be, the pre-eminent factor determining release. ~~They will continue to be the pre-eminent factor determining release.~~ They will enable the prison and other staff responsible for considering and reporting on life sentence cases, the local review committees and the Parole Board, to concentrate on risk. The judiciary will properly advise on retribution and deterrence. But the ultimate discretion whether to release will remain with me.

Life sentence prisoners who already have a provisional date of release are unaffected by these new arrangements. Those who have reached the stage of being held in an open prison are similarly unaffected, because the four prisoners whose release in the relatively near future would not have accorded with my view of the gravity of their offences have already been returned to closed prisons. Life sentence prisoners whose cases the joint committee had asked to consider again will, at the time fixed for that consideration have a date fixed for their first local review committee review after consultation with the judiciary as I have outlined. Those who have a date for review by the local review committee already fixed will be reviewed as arranged, but the judiciary will be consulted on retribution and deterrence before the case is referred to the Parole Board.

When a date for a first, or subsequent, formal review is set for several years ahead, the Home Office will review the case on the basis of reports of the kind now prepared for formal reviews, at regular, and in any event not longer than three-year, intervals. Moreover, governors will be told to report at once any exceptional development requiring action. These procedures will ensure that I can consider any special circumstances or exceptional progress which might justify changing the review date. But except where a prisoner has committed an offence for which he has received a further custodial sentence, first formal review date will not be put back. In any event, Ministers will review every case when a life sentence prisoner has been detained for 10 years.

Sentencing Policy and Parole

Mr. Stephen Ross asked the Secretary of State for the Home Department what representations he has received since 11 October 1983 on the questions of longer sentences and withdrawal of parole.

Mr. Hurd: We have received some 99 letters of a general nature on the proposals made on 11 October. Of these, 58—including one from an hon. Member—have expressed approval of the proposals and 29 have suggested that they are too lenient. We have also received 64 representations about the effect of the proposals on individual prisoners.

Refugees (Asylum)

Mr. Pavitt asked the Secretary of State for the Home Department what arrangements are made for the deportation of asylum seekers who are refused refugee status; and if he will publish in the *Official Report* a table

showing the number of such persons, their country or origin and the destination to which they were deported for each of the last five years.

Mr. Waddington: People whose applications for asylum are refused may nevertheless be allowed to remain in this country exceptionally or may leave voluntarily. There are no special arrangements for deportation of such people. Cases are considered in the normal way under paragraphs 148 to 171 of the Immigration Rules, which provide in certain circumstances for deportation to a country other than that of which the person is a national. Deportations of such people are not recorded separately and the information requested could be obtained only at disproportionate cost.

Mr. Pavitt asked the Secretary of State for the Home Department how many asylum seekers were given refugee status and domicile; how many were rejected in the last year; and if he will make a statement.

Mr. Waddington: During the 12 months to 30 June 1983, 1,498 persons were granted refugee status, 617 others were granted asylum and 1,723 applications were refused.

Live Animals (Experiments)

Mr. Coombs asked the Secretary of State for the Home Department if he will list those interested organisations from which he has had responses on the White Paper, "Scientific Procedures on Living Animals", and when he expects to introduce legislation arising from it.

Mr. Pendry asked the Secretary of State for the Home Department when he plans to introduce legislation to replace the Cruelty to Animals Act 1876.

Mr. Mellor: The major organisations which have submitted comments on the White Paper are as follows. In some cases responses have come from more than one department of the same place. Legislation will be introduced as soon as parliamentary time permits.

UNIVERSITIES

Committee of Vice Chancellors and Principals of the Universities of the United Kingdom
Aberdeen University
Birmingham University
Cambridge University
Glasgow University
Liverpool University
London University

Guy's Hospital Medical School
Hammersmith Hospital
Royal Postgraduate Medical School
Imperial College of Science and Technology
Middlesex Hospital Medical School
Royal Veterinary College
St. Mary's Hospital Medical School
Newcastle upon Tyne University
Surrey University

SCIENTIFIC AND PROFESSIONAL SOCIETIES

Association of Veterinary Anaesthetists
Biochemical Society
Biological Council
British Laboratory Animals Veterinary Association
British Psychological Society
British Toxicology Society
British Veterinary Association
Institute of Biology
Laboratory Animals' Science Association
Mammal Society
Pharmaceutical Society of Great Britain
Physiological Society

BF // CF
nb -
note
on Hindley
coming in
Monday.

PRIME MINISTER

The procedure will give us a little
difficulty because of the time factor -
3 months. Surely as it is all a

change in this case it can be shortened to
a single meeting of the
Myra Hindley
revisiting parole committee?

I have enquired of the Home Office the current
position. It is this. When the Home Secretary announced
that certain particularly notorious murderers would serve at
least 20 years he instituted at the same time a review at 17
years which had the purpose of deciding whether:

- i) the person concerned was likely to be
released after a minimum of 20 years, in which
case the period between 17 and 20 years could be
used for the full parole procedures to be gone
through; or
- ii) the person concerned was unlikely to be
released after 20 years in which case this could
be made clear, together with an indication of when
the case was likely next to be considered.

This procedure is now in operation and is well known
amongst those interested in such matters e.g. Lord Longford.
The procedure was also applied to those who had already
served more than 17 years. It was in this category that
Hindley and Brady fell. The procedure has already been
applied to a number of notorious killers including the
Shepherds Bush police murderers, one of whom is expected
never to be released. The choice facing the Home Secretary
now is whether or not to apply this pre-review procedure to
Hindley and Brady. The case for doing so is as follows:

There is no prospect whatsoever that Hindley and
Brady will be released. Lord Windlesham has
already indicated that the Parole Board will not
recommend that they go through the full parole

process and the Home Secretary in any event has no intention of authorising their release. It would be inconsistent with the policy operated by the Home Secretary and applied to equally bad cases not to apply the procedure to Hindley and Brady and would attract criticism from the penal lobby. Moreover, Lord Windlesham has indicated that he would expect there to be no exceptions to the procedure. Finally, to apply the procedure to Hindley and Brady would enable the Home Secretary, at the end of the process, to announce that he did not propose to have the cases considered for a further lengthy period, thereby putting an end to speculation for that period.

The case against applying the procedure to Hindley and Brady is as follows:

The outcome of the process is not in doubt but if that is so why cannot the Home Secretary announce it now rather than go through a process of which everybody knows the result. It will take three months during which time there will no doubt be a massive press campaign. The final decision by the Home Secretary will then look as if it has been prompted by that press campaign. ^{So,} in order to satisfy the demands of consistency and to appease Lord ^{Longford} ~~Windlesham~~ and the sensibilities of the Parole Board, we should look as if we have been forced into a decision which we were going to take anyway.

The Home Secretary is inclined to the first of these courses. I suspect that having established this procedure he does not want to abrogate it simply because of a few weeks bad publicity. Moreover, any Home Secretary attaches considerable importance to the advice of the Parole Board

and he would want to think very carefully before taking a decision which looked as if he did not trust them. We have asked the Home Secretary to minute you about his decision and to have a word with you before any announcement.

Are you content with these arrangements?

TF

19 February 1985

Grey Scale #13



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