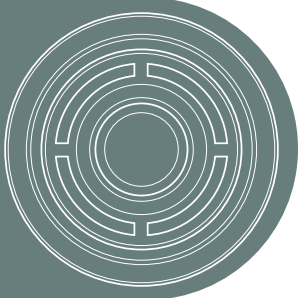




AN INSPECTION OF
PRE-RELEASE TESTING
ARRANGEMENTS WITHIN
THE NORTHERN IRELAND
PRISON SERVICE

October 2019





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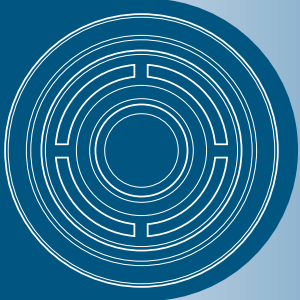
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List of abbreviations

ATR	Accompanied Temporary Release
CJI	Criminal Justice Inspection Northern Ireland
CTR	Compassionate Temporary Release
DCS	Determinate Custodial Sentence
DoJ	Department of Justice
ECHR	European Convention on Human Rights
ECS	Extended Custodial Sentence
ICS	Indeterminate Custodial Sentence
NIPS	Northern Ireland Prison Service
OBP(s)	Offending Behaviour Programme(s)
PBNI	Probation Board for Northern Ireland
PPANI	Public Protection Arrangements Northern Ireland
PRISM	Prisoner Record and Information System (IT System within NIPS)
PRT	Pre-Release Testing
PRVIS	Prisoner Release Victim Information Scheme
RoSH	Risk of Serious Harm
SRoSH	Serious Risk of Serious Harm
TED	Tariff Expiry Date
UTR	Unaccompanied Temporary Release
VCSE	Voluntary, Community and Social Enterprise Sector (also known as the Third Sector)
VSNI	Victim Support Northern Ireland



Chief Inspector's Foreword

In December 2018 Criminal Justice Inspection Northern Ireland (CJI) was invited by the Department of Justice (DoJ) Permanent Secretary to review the Northern Ireland Prison Service's (NIPS's) arrangements for testing prisoners before release. The request followed critical reaction in October 2018 after a prisoner absconded while subject to Pre-Release Testing (PRT); and others were photographed during an escorted activity outing. Although none of these prisoners were charged with reoffending, and no victims encountered them, public confidence in the prison system was challenged.

The NIPS has two key roles: to keep people in a safe, decent and secure environment; and to help reduce their risk of reoffending. Temporary release forms an important part of the risk reduction process and provides important information to help the Parole Commissioners for Northern Ireland in reaching their decisions.

The sentencing system in Northern Ireland means that every prisoner can expect to be released at some stage. Temporary release provides an opportunity to re-establish relationships with their family, and organise work and housing.

More than 4,000 people enter and leave prisons in Northern Ireland each year. Only a minority of them require PRT. However it is important that the minority who have been convicted of the most serious crimes and been incarcerated for a long time, be tested in conditions similar to those they will face in the community.

Testing by definition can never be completely risk-free. Unsupervised access to the community is a significant step since it discards the security of prison and there is much at stake for the public and prisoners. The public have a right to expect that it is administered as safely as possible and that the robustness of the process, competence of staff and resources involved, are commensurate with best practice.



This inspection addresses those issues. It concludes that the NIPS needs to regularise its external activity schemes for prisoners, but was otherwise fulfilling its duty appropriately in all other aspects of PRT.

This inspection was conducted by Tom McGonigle. My sincere thanks to all who supported this work.

Brendan McGuigan CBE
Chief Inspector of Criminal Justice
in Northern Ireland

October 2019

Criminal Justice Inspection
Northern Ireland
a better justice system for all





Executive summary

Previous inspections by CJI have consistently found the NIPS Pre-Release Testing (PRT) process was working well. The NIPS' partners, particularly the Probation Board for Northern Ireland (PBNI) and the Parole Commissioners for Northern Ireland, were strongly supportive of its benefits and found it provided the best means of safely reintegrating prisoners into the community. There was unanimity that prisoners who were not subject to PRT were more difficult to manage and much more likely to need recall to prison. This had obvious ramifications for public safety.

While public interest understandably tended to focus on high profile, life sentence prisoners, research shows they posed less risk of reoffending than other prisoners.

Although 'failures' during PRT may attract criticism, they also demonstrate that the process is working properly, by identifying those who are not yet safe to release.

A 2018 Judicial Review provided informative data: *During the past four years (2014-18), 36 lifers had been released from Burren House, two of whom had been recalled. In the same period, 20 lifers had been released from closed conditions and 12 had been recalled.*¹ The clear message

was that those who were tested in advance of release were much less likely to fail once granted their licence. This finding was confirmed in a CJI inspection in May 2018.²

There was very little reoffending by prisoners who 'failed' during PRT, even when they absconded. Their misconduct usually entailed breaches of alcohol bans, inappropriate relationships or curfew breaches. Such behaviour reflected rash decisions by people who were struggling to adapt after years in secure custody, and who had been unstable before going into prison. Levels of suspension from PRT schemes indicated the NIPS usually took swift action as soon as warning signs emerged.

1 Hegarty N v Department of Justice and the Parole Commissioners for Northern Ireland, 13 February 2018 available at <http://www.bailii.org/nie/cases/NIHC/QB/2018/20.html>

2 *An inspection of Resettlement in the Northern Ireland Prison Service*, CJI, May 2018, para 3.102: Available at <http://www.cjini.org/TheInspections/Inspection-Reports/2018/April-June/Resettlement>



Staff selection and training were good and there was substantial collaboration between the agencies. Significant resources were deployed by the NIPS and the PBNi in support of the PRT process.

The NIPS pre-release facility - Burren House - was functioning well and providing an important public service at the time of this inspection. Some areas for improvement were noted. In particular, it required closer managerial interest and its role needed wider promotion with the public.

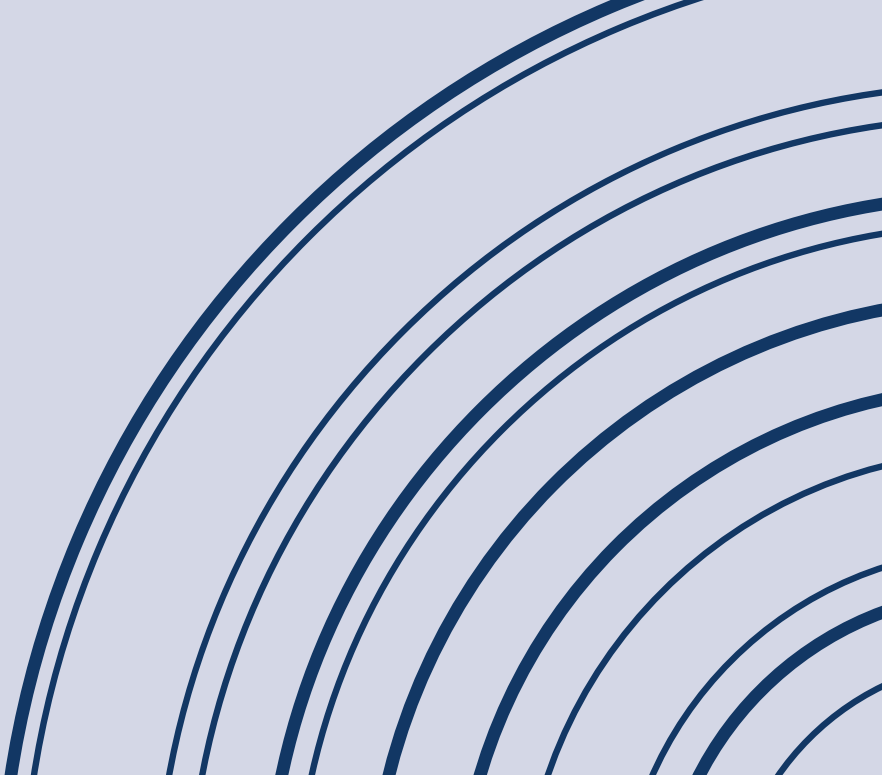
In addition to PRT this inspection also considered the broader range of temporary releases that were available to prisoners in NIPS custody. They included Home Leave, Christmas Home Leave, Resettlement Leave, Compassionate Temporary Release, town visits and external activity schemes. The totality of these schemes constituted a system that provided good opportunities for prisoners to retain family and community ties.

Policy documents were available to demonstrate the background and operating processes for most of the temporary release schemes. Risk assessments were central to decisions and approval rates were generally high.

The schemes had evolved over the years and there were minor differences in their application between prisons. These were generally acceptable given the different populations that each establishment held. However, it would be timely for the NIPS to conduct a fundamental review of all their Home Leave schemes, in order to avoid overlaps and ensure they are being applied with consistency.

The main concern that arose in this inspection was external activity schemes. They did not have an explicit or consistent rationale and were delivered under the wide discretionary powers contained in Rule 27 of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995. It was reported that this approach had not yet proven wrong and several prisoners benefitted in terms of health and social opportunities. However examples were provided where prisoners who did not meet local NIPS criteria had been permitted temporary absence from prison. The NIPS accepted mistakes had been made and had taken steps to address this. It also needs to better explain - to its own staff, partner agencies, victims and prisoners - what it is trying to achieve with external activity schemes.

Otherwise the findings of this inspection are consistent with recent findings: PRT was functioning well and is an essential process for public safety. We make two strategic recommendations and four operational recommendations for improvement. Implementation of accepted recommendations will be assessed in future CJI prison inspections.



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