

The management of life and indeterminate sentence prisoners in Northern Ireland

July 2012

Criminal Justice Inspection
Northern Ireland
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List of abbreviations

CJI	Criminal Justice Inspection Northern Ireland
CJO	Criminal Justice (Northern Ireland) Order 2008
DCS	Determinate Custodial Sentence
DoJ	Department of Justice
ECS	Extended Custodial Sentence
ICS	Indeterminate Custodial Sentence
IPP	Indeterminate Sentence for Public Protection
LMU	Lifer Management Unit
LSO	Life Sentences (Northern Ireland) Order 2001
LSU	Life Sentence Unit (of the Department of Justice)
NICTS	Northern Ireland Courts and Tribunals Service
NIPS	Northern Ireland Prison Service
OBPs	Offending Behaviour Programmes
OMU	Offender Management Unit
PAU	Prisoner Assessment Unit
PBNI	Probation Board for Northern Ireland
PCNI	Parole Commissioners for Northern Ireland
PPANI	Public Protection Arrangements Northern Ireland
PRISM	Prisoner Record Information System
PREPS	Progressive Regimes and Earned Privileges Scheme
PRVIS	Northern Ireland Prison Service Victim Information Scheme
SEE	Strategic, Efficiency and Effectiveness Programme (in NIPS)
SEHSCT	South Eastern Health and Social Care Trust
SOTP	Sex Offender Treatment Programme
TED	Tariff Expiry Date
TRO	Terrorist Related Offender
VCS	Voluntary and Community Sector
VLO	Probation Board for Northern Ireland Victim Liaison Officer
YOC	Young Offenders Centre



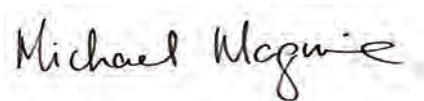
Chief Inspector's Foreword

The thorough management, assessment and testing of life sentence prisoners before they can be considered for release is critical for public protection and public confidence in the criminal justice system. They have been convicted of the most serious crimes and it is important that the protection of the public is at the forefront when decisions are being made prior to and on their release. This inspection examined progress in implementing the recommendations of the Criminal Justice Inspection Northern Ireland (CJI) 2009 inspection of how life sentence prisoners are prepared for release.

Inspectors found that the management, testing and assessment of life sentence prisoners had improved across a number of areas. The legislative basis for managing indeterminate sentences had been informed by the problems experienced in England and Wales. The Northern Ireland Prison Service (NIPS) had improved arrangements for indeterminate sentence prisoners to progress within the prison system. Conditions for prisoners had improved at Maghaberry Prison with the establishment of a dedicated 'lifer' house and life licensees were being carefully supervised in the community by the probation service. Overall, we felt that indeterminate sentence prisoners were being well managed both in prison and in the community.

The inspection report did find a number of areas for improvement. In particular, the NIPS Prisoner Assessment Unit (PAU) had serious problems and needed fundamental redesign. This report makes the strategic recommendation that the NIPS should develop a new pre-release scheme as a matter of urgency. The prison service and the probation service should consult closely with the voluntary and community sector who have experience in running offender hostels when designing the new scheme and facility. In addition, it was once again disappointing to highlight problems with current methods of delivering psychology services within the NIPS. There were not enough psychologists to undertake all the forensic assessments. The report recommends that the probation and the prison services should collaborate to establish a more integrated psychology service that will better meet the needs of each organisation. This is entirely possible in a small jurisdiction such as Northern Ireland with single prison, probation and parole organisations.

The inspection was undertaken by Tom McGonigle of CJI. My thanks to all those who participated in the inspection process.



Dr Michael Maguire
Chief Inspector of Criminal Justice in Northern Ireland
July 2012

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Executive Summary

The management of life sentence prisoners is essential for public protection and public confidence in the criminal justice system. It is important that life sentence prisoners are subject to thorough assessment and testing before they can be considered for release as they have been convicted of the most serious offences. This inspection examined progress in implementing the recommendations of Criminal Justice Inspection Northern Ireland's 2009 review¹ of how life prisoners were prepared for release. We also assessed the Probation Board for Northern Ireland's (PBNI) supervision of released life prisoners in the community.

The 2009 CJI review made a total of 18 recommendations: 13 for the Northern Ireland Prison Service (NIPS) and five for the Parole Commissioners for Northern Ireland (PCNI). There were no recommendations for the PBNI.

This inspection does not revisit matters that were addressed in CJI's recent report on corporate governance in the Parole Commissioners.² It does however, deal with the administration of the PCNI's business and their operational engagement with other agencies.

On this occasion Inspectors found strengths in a number of important areas. They were as follows:

- the legislative basis for managing indeterminate sentenced prisoners in Northern Ireland was good, and had been informed by serious pitfalls that arose in England and Wales. The PBNI and the PCNI had comprehensive rules and standards to guide Probation Officers and Parole Commissioners in the detail of their work;
- the NIPS had improved their response across a number of areas, including:
 - the NIPS arrangements for indeterminate sentence prisoners to progress and regress within the prison system were more systematic and transparent than in 2008; and
 - a dedicated lifer house at Maghaberry Prison was providing a better environment for many of the prisoners held there;
- the Parole Commissioners administration and operational level contact with criminal justice agencies was much improved. This was leading to better case management; and
- life licensees were being carefully supervised in the community by the PBNI.

¹ A review of transition to community arrangements for life sentence prisoners in Northern Ireland, CJI, April 2009.

² Governance inspection of the Parole Commissioners for Northern Ireland, CJI, September 2011.



The inspection report did find a number of areas for improvement:

- the NIPS Prisoner Assessment Unit (PAU) had serious problems and needed fundamental re-design. No effective action had been taken in respect of previous NIPS internal reviews or inspection recommendations into the PAU, and it was suspended in April 2011 when things reached crisis point. A pre-release scheme based at a step-down facility is a very important element of preparing life prisoners for release and continuing suspension of the PAU was a major problem;
- current methods of delivering psychology services within the NIPS were not greatly valued. There were not enough psychologists to undertake all the forensic assessments, and while Offending Behaviour Programme (OBP) delivery had improved, external substitution was required and was proving costly;
- there was scope to further develop prison lifer regimes, for example, for staff to actively engage with lifers at an earlier stage in their sentence, to better identify and respond to the needs of potential lifers, and to transfer more lifers to Magilligan Prison; and
- the PBNI needed better access to victims' relatives in order to offer a valuable service.

This report makes a total of 14 recommendations. The three main strategic recommendations are for the NIPS and others to urgently establish a new step-down facility for lifers; to re-configure the respective roles of the PBNI and the NIPS psychology; and to improve delivery of OBPs in the prisons. If properly implemented these should significantly enhance the quality of risk management and prisoner resettlement, while also delivering financial savings.

While there were areas in which operational practice can be significantly improved, CJI's overall conclusion is that indeterminate sentence prisoners were being well-managed in Northern Ireland, both in prison and while under supervision in the community. The improvements we recommend should be quite manageable in a small jurisdiction which has singular prison, probation and parole organisations.





Recommendations

Strategic recommendations

- The NIPS and the PBNI should collaborate to establish a more integrated psychology service that will better meet the needs of each organisation by December 2013. In doing so they should consult with other criminal justice agencies to assess the possibility of extending their collaboration (paragraph 3.23).
- The NIPS and the PBNI should extend their current service level agreements to pilot the Probation Board's delivery of OBPs in custody during 2013-14 (paragraph 3.34).
- The NIPS should develop a new pre-release scheme as a matter of urgency. The scheme should be based at a new step-down facility and should implement the recommendations from the NIPS October 2011 PAU review; the principles and operational considerations in paragraph 4.22 of this report should also be taken into account in its design; and the NIPS and the PBNI should consult closely with voluntary and community sector (VCS) organisations who have experience in running offender hostels, when designing the new scheme and facility (paragraph 4.23).

Operational recommendations

- The NIPS should ensure that Prison Officers who work with life prisoners receive appropriate training which is maintained up-to-date. Training should emphasise the benefits of motivational interviewing with life prisoners at an early stage in their sentence (paragraph 2.9).
- The pilot transfer of life prisoners to Magilligan Prison should be evaluated. Subject to the evaluation outcome, criteria for transfer should be clarified and the scheme extended to other appropriate cases (paragraph 3.8).
- The NIPS should implement a formal process for identifying all potential life prisoners to ensure they are supported in coping at an early stage after they are remanded in custody (paragraph 3.17).
- Unless there are good reasons to do otherwise, lifer OBPs should be completed by the three-year pre-Tariff Expiry Date (TED); and relapse prevention and booster work should be undertaken up to the point of actual tariff expiry (paragraph 3.35).
- The Parole Commissioners, the PBNI and the NIPS should review their inter-agency and internal communication processes to ensure all relevant issues about lifer work are addressed and outcomes are communicated to relevant staff at every level (paragraph 3.49).



- The PBNI should allocate a community Probation Officer at six months pre-TED on a pilot basis for eligible life prisoners; then assess the pilot to plan ahead (paragraph 3.51).
- The NIPS should ensure consistency between the prisons in identifying OBP waiting lists, referral, commencement and completion rates (paragraph 3.52).
- The NIPS should develop its lifer database to distinguish suspensions from the PAU and recalls from life licence by licensee status and length of stay in custody (paragraph 3.53).
- Maghaberry management should further develop its regime for life prisoners to ensure progression is not offset by loss of other privileges (paragraph 5.7).
- Annual lifer reviews should become more meaningful and individualised, and actively reviewed at least twice during the year by the prisoner and a keyworker (paragraph 5.9).
- The PBNI should document the volume and impacts of their difficulties in contacting victims, and share the findings with the PSNI; and that the PSNI should provide adequate resources to ensure victim information is provided to the Probation Board in a timely way (paragraph 5.34).





Section



Inspection Report



CHAPTER 1:

Introduction and background



1.1 Careful management of life sentence prisoners is essential for public protection and public confidence in the criminal justice system. It is appropriate that they are subject to thorough assessment and testing before they can be considered for release as they have been convicted of the most serious offences. This inspection is a follow-up of the 2009 CJI report *'A review of the transition to community arrangements for life sentence prisoners in Northern Ireland'*.

1.2 The 2009 CJI report found that Northern Ireland had an independent and thorough approach to preparing life prisoners for release, there was an improving focus on victims' needs and agencies were working well together. However, the rate of lifers being suspended from community testing outweighed the number being licensed, and this was causing difficulties for the NIPS. There were several pressures including administrative demands, psychology inadequacies, unclear criteria for prisoners to progress through the lifer system, insufficient OBPs, inadequate standards and staff training. Inspectors found the oral hearing process was legalistic and protracted; and there was an imbalance, with too much effort invested in risk assessment, and not enough in risk management and community testing of lifers.

1.3 The NIPS accepted two recommendations of our 2009 report in full, and 11 in principle. The PCNI set out actions to be undertaken in response to the recommendations that related to them. The NIPS published an initial action plan to address their recommendations, and updated the action plan in May 2010.

Overview of life sentence prisoners in Northern Ireland

1.4 There are two main categories of life sentence prisoners in Northern Ireland. Indeterminate sentence prisoners comprise those who received mandatory and discretionary life sentences, and indeterminate custodial sentences (ICS). The differences between these sentences depends on the offence they committed and the legislation under which they were sentenced. However the important common feature of each indeterminate sentence is that the prisoners do not know when they will be released. For ease of reference the term 'life prisoner' or abbreviation 'lifer' are used in this report to describe all indeterminate sentenced prisoners.

1.5 A total of 95% of life prisoners are sentenced under the Life Sentences (Northern Ireland) Order (LSO), which was most recently updated in 2001. The



Criminal Justice (Northern Ireland) Order 2008 (CJO) introduced the new sentences and measures, including ICS for public protection. The first ICS was introduced in September 2010, and by September 2011 a total of 10 had been imposed. The LSO and the CJO both required the Department of Justice (DoJ) to refer relevant cases to the Parole Commissioners for Northern Ireland to make decisions on release, recall and re-release of life and ICS prisoners.

1.6 Life prisoners in Northern Ireland could all expect to remain in custody at least until their tariff had expired. The tariff was the minimum period the sentencing court stipulated they should serve in custody before being considered for release by the Parole Commissioners. Most lifers began sentence in a maximum security environment as Category A prisoners at Maghaberry Prison, and would spend the rest of their sentence there. They would be expected to progress to less restrictive regimes during sentence, and ultimately to Category D status as they neared their Tariff Expiry Date (TED). Women lifers were held at Hydebank Wood Women's Prison and young offenders usually commenced their sentence in Hydebank Wood Young Offenders Centre (YOC).

1.7 As the TED approached the process of testing lifers in the community would begin. Ultimately if the Parole Commissioners were satisfied with progress, they would be granted their life licence. Once a life licence was granted the PBNI would assume responsibility for supervising the

licensee in the community. Even if probation supervision was eventually suspended, the prisoner would remain eligible for recall to prison for the rest of their natural life if they re-offended or if any concerns arose about the risks they posed. A large group of lifers who had been sent to prison as a result of their involvement in the Troubles were unsupervised since being released.

1.8 The CJO successfully avoided the major difficulties that had accompanied the introduction of similar sentences in England and Wales some five years earlier. There, the legislation that provided for Indeterminate Sentences for Public Protection (IPP) caused huge net-widening and the population of indeterminate sentence prisoners doubled to over 11,000. There were serious ongoing difficulties in managing these sentences: it was proving impossible to fully assess IPP prisoners and deliver OBPs before prisoners reached their tariffs, which were relatively short in comparison to life prisoners; and there was a serious knock-on effect for lifers because they were a lesser priority for OBPs and other interventions that were essential to prove they could be considered for release. Northern Ireland learned from this experience and applied a range of measures which helped ensure much better targeting of the new ICS here.

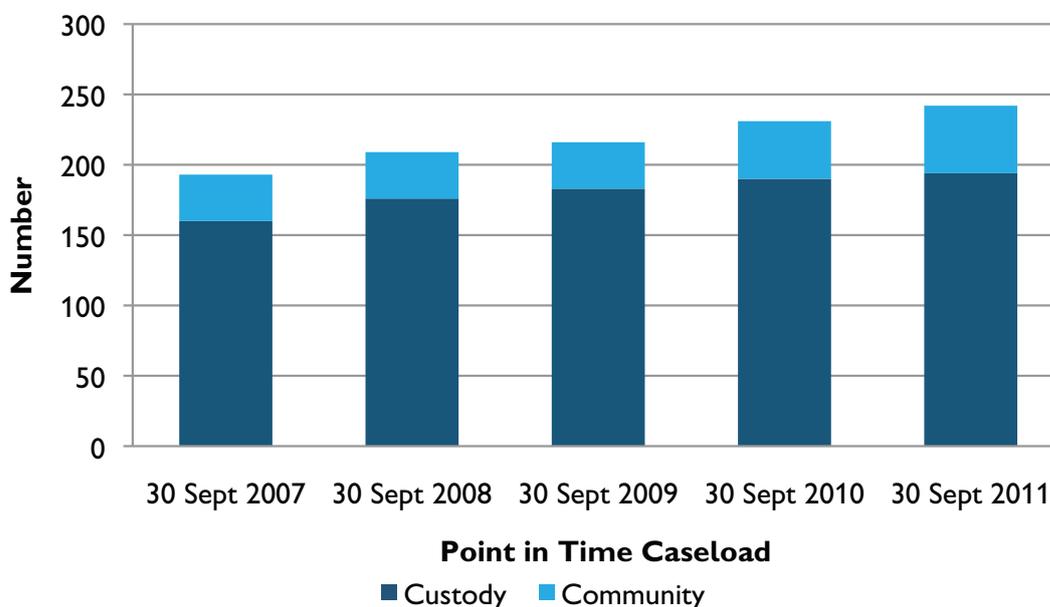
1.9 On 30 September 2011, there were 197 indeterminate sentence prisoners in custody in Northern Ireland (approximately 12% of the total prison population), and 48 on supervised licences in the community. Their numbers had increased by 25% over



the last four years and the vast majority had been sentenced for murder. Of the indeterminate sentence prisoners in custody:

- six were females;
- four were foreign nationals;
- 17 had transferred into NIPS custody from prisons in England;
- 20 had previously been released on unsupervised life licence under the Belfast Agreement and were recalled due to reconviction or concern about their conduct;
- 10 were serving ICS;
- 13 were discretionary life prisoners, i.e. they were sentenced for offences that did not automatically attract life sentences;
- the average age was 40 (men - 39; women - 45);
- their overall average tariff was 15.3 years, with a range of one day – 35 years;
- 20 (10%) were still in prison after their tariff had expired. The average was six years beyond tariff, and the range was between four months – 21 years;
- 28 were due to reach their TED by 2015; and
- the length of tariffs was increasing: comparison between five-year periods (2001-05 and 2006-11) showed a 9% increase in the average length of tariffs imposed on indeterminate sentence prisoners, from 14.4 years to 15.7 years.

Table 1: Life sentence/licence cases 2007-11 (Source - PBNI)





CHAPTER 2:

Governance and overview of provision



2.1 The strategic goal of the NIPS is *'improving public safety by managing the risk of re-offending, through the management and rehabilitation of offenders in custody.'*³ Thus in addition to holding life prisoners securely and safely in custody, the NIPS aimed to provide opportunities for rehabilitation by addressing attitudes and behaviour that contributed to their crimes. Since the last inspection, the NIPS had improved lifer accommodation and its procedures for managing them in custody by amalgamating the Lifer Management Unit (LMU) with the Offender Management Unit (OMU) at Maghaberry Prison in February 2012. In October 2011 the Prison Review Team had made 40 recommendations to improve the NIPS functioning, including a significant recommendation for it to work with the PBNI and voluntary organisations to develop new step-down accommodation for long-term prisoners.

Inter-agency collaboration and leadership

2.2 Collaboration between the PBNI and the NIPS to manage life prisoners was good, while the PCNI had been working more closely with operational agencies since 2008. They were now more

confident in engaging at a strategic level, without feeling their independence would be compromised. There were bi-annual meetings between the PBNI and the NIPS Senior Management Teams about aspects of joint working and to review their service level agreements; and the Parole Commissioners held quarterly meetings with the Probation Board's Senior Managers.

2.3 The Parole Commissioners had established a User Group which was meeting quarterly since January 2010. Minutes showed there were an average 11 attendees including representatives from the PBNI, the LMU, the Life Sentence Unit (LSU) of the DoJ, Psychologists and prisoners' legal representatives. The agenda was wide ranging and relevant, and the minutes indicated this was a useful forum for those who attended.

2.4 There had been other developments in the infrastructure and organisation of the Parole Commissioners office since the last inspection which included:

- a move into new, more suitable premises in 2010;
- dedicated facilities were now available at each prison for Commissioners' hearings;

³ NIPS Corporate and Business Plan 2011-15.



- an elected Advisory Committee of six Commissioners plus the Chief and Deputy Chief Commissioner was appointed and meeting quarterly;
- a Deputy Chief Commissioner had been appointed; and
- a number of work streams had been identified to facilitate Commissioner business improvement.

2.5 The Doj was planning to hand over sponsorship of some PCNI functions to the Northern Ireland Courts and Tribunals Service (NICTS) at a future date. This was in keeping with the main recommendation of CJI's corporate governance inspection, and Inspectors will be revisiting this topic to ensure that both the letter and spirit of the recommendation are implemented. Most of the current Commissioners' terms of office are due to expire in September 2012 - this will be a challenging timescale within which to recruit, vet and train new Commissioners.

2.6 The complement of Parole Commissioners had reduced during 2011 as eight (including six legally-qualified Commissioners) retired or resigned, and only three new Commissioners had joined. This could cause complications as panels had to include a balance of legal, psychiatrist/psychologist and other members. However it was currently sustainable with a total of 33 Commissioners available in March 2012. A call-off list had been introduced within the PCNI, which represented administrative improvement as it was enabling commitments to be fulfilled while providing equal opportunity of work for all Commissioners.

Deployment of staff

2.7 The NIPS amalgamated its LMU with the Maghaberry OMU in September 2011. This was a sensible move to integrate personnel who were performing similar functions, with the aim of sharing case management and report writing among both groups of staff, and each should benefit from the other's experience.

2.8 Some designated NIPS Lifer Officers told Inspectors they had received special training in 2009. However they felt the training was inadequate, and although willing to fulfill the lifer role, reported they had no support in doing so. They did not write annual reports on their lifers and they had no instruction in lifer legislation or Parole Commissioners processes, nor in helping prisoners and their families cope with indeterminate sentences.

2.9 It was therefore encouraging that a Senior Officer at Maghaberry had, on his own initiative, begun to deliver lifer training towards the end of 2011. This was helpful, especially as a proposed 'liaison officer' scheme - the latest initiative to introduce case management responsibilities for staff - was stalled pending implementation of the NIPS Strategic, Efficiency and Effectiveness (SEE) Programme. The LMU would prefer trained staff working with life prisoners to remain in post for a minimum of five years, though the NIPS culture and staff deployment practice mitigated heavily against such stability. **We recommend the NIPS should ensure that Prison Officers who work with life prisoners receive appropriate training which is maintained up-to-date. Training**

should emphasise the benefits of motivational interviewing with life prisoners at an early stage in their sentence.

2.10 The NIPS position in this respect was no worse than in England and Wales. Her Majesty's Chief Inspector of Prisons Annual Report 2010-11 said:

'In most establishments lifers no longer received any specialist services. In many prisons we found that specialist lifer teams had been disbanded, although life-sentenced prisoners were usually allocated to the most skilled and experienced offender supervisors. Similarly support structures such as lifer groups and lifer days were being withdrawn. These structures were a useful means of communicating with a group of prisoners serving lengthy sentences, keeping them informed of developments that affected their lives and maintaining community ties...'

However the NIPS' smaller scale and stronger funding base - it had only three prisons and the cost per prisoner place was more than twice the cost in England and Wales - generates a justifiable expectation of better outcomes.

2.11 The PBNI was entering a new phase in lifer management at the time of this inspection. They responded to the increasing volume of work by appointing an additional Area Manager. There was now a Manager in the community (five days per week) and another in prisons (three days per week). This represented a net increase of 0.6 whole-time equivalent managerial posts in recognition of the need for specialist management in a high profile aspect of their role.

2.12 The new PBNI management arrangements recognise that the numbers were too big for a single Manager as some 58 Probation Officers were involved in supervising life licenses. There were on average three lifer releases per annum in Northern Ireland between 2000-08, that rose to an average of 12 releases during 2009-11. By comparison 330 lifers were granted their licence in England and Wales during the same period. It was noteworthy that Probation Officer availability for life prisoner management in Northern Ireland had been very consistent: only one had left this area of work since 2006, and that was on promotion.

2.13 Total costs of lifer work by the statutory criminal justice agencies came to around £12,000,000. The NIPS estimated they spent £10.5 million (7.6% of 2011-12 expenditure of £138 million) annually on lifer management. The PBNI spent £623,259 (3.1% of their total expenditure) on lifer work and estimated this involved a total of 11.03 whole time equivalent staff and Managers. The Parole Commissioners expenditure on lifer work during 2010-11 was £452,000 (51 lifer cases completed out of a total of 150 cases, with an annual expenditure of £1.33 million). These figures reflect significant investment, and do not take account of other substantial contributions to lifer management and support, such as hostel providers, mental health services and Public Protection Arrangements Northern Ireland (PPANI).



CHAPTER 3:

Service delivery - managing life prisoners in custody



- 3.1 The NIPS - specifically the LMU and PAU staff - took the lead in managing lifers in prison. The LMU staff had high levels of interaction with individual prisoners, knew most of them well and were clearly committed to the work. They arranged and oversaw work placements, wrote reports for prisoners' reviews and hearings, and were in effect fulfilling a personal caseworker function. Over 80% of lifers were held at Maghaberry Prison, where they represented 45% of the sentenced population. A small number of men were held at Magilligan Prison, while the women and young male lifers were at Hydebank Wood.
- 3.2 Previous inspection reports recommended that the NIPS should ensure its regimes, environments and opportunities were appropriate to the stages that life prisoners moved through towards resettlement in the community. While the small NIPS estate had inherent limitations, the model for managing male lifers had become clearer and more progressive since the last inspection. They could now progress from Category A maximum security conditions in the main Maghaberry Prison to a specialist Category B lifer unit in Braid House, which was also on the Maghaberry site. From there they could move as Category C or Category D prisoners to the adjacent Wilson House where they were allowed to self-cater and work outside the prison walls. The final step in their custodial phase was to progress to the pre-release scheme which was based at the PAU in Belfast. This aimed to test their risks prior to possible release on supervised licence in the community.
- 3.3 When we last inspected, the NIPS was holding competitions for life prisoners to progress to Wilson House. This was inappropriate and we recommended removal of the competitive element as prisoners should progress on the basis of merit and risk assessment, the stage they had reached in their sentence and conformity with prison rules. The NIPS had fulfilled this recommendation and removed the competitive element, and for those who failed to comply, regression was now individually tailored depending on the severity of their misdemeanours rather than automatic return to Category A closed conditions.
- 3.4 Each progressive move was subject to prisoners' fulfilment of published criteria. Notices to prisoners set out the criteria for progression and regression, and flowcharts were attached. Inter alia these explained that:



*'All decisions to regress prisoners from the PAU or from Wilson House should be based on a clear increase in risk factors indicating that the allocation is no longer appropriate and prisoners should be given full reasons for the decisions.'*⁴ Criteria for Wilson House in January 2011 explained that the LMU made decisions based on progression reports by agencies and satisfaction of eligibility criteria.

- 3.5 Braid House was newly-opened in 2010 as a dedicated lifer management facility. It had capacity for 200 prisoners and provided a brighter and more spacious environment than the main prison, better suited to people who would be spending a long time in custody. However the pressure of steadily increasing numbers throughout the prison system meant that a wing in Braid House had to be given over to short-term prisoners in July 2011.
- 3.6 Some life prisoners had spent time in Braid House but subsequently requested a return to the main prison because they found its regime too limiting. 'Freeflow' movement within Braid House and within its grounds was not possible, and access to education and work opportunities was more limited than in the main prison. Freeflow had previously been available at Maghaberry Prison, and was reintroduced in Summer of 2011. It simply meant that prisoners could walk unescorted within the prison grounds to visits, work and education, allowing a small measure of liberty to people who otherwise spent a lot of time locked up.
- 3.7 The women life prisoners spent their entire sentences in the claustrophobic environment of Ash House at Hydebank

Wood Prison. Their only opportunity to progress was to a different landing within Ash House. There was no step-down facility for them and they shared the Hydebank site and facilities with 150 young male offenders which was a highly unsuitable arrangement.

- 3.8 In keeping with previous recommendations, some male life prisoners had been transferred to Magilligan Prison - six were there when we conducted this inspection. This was defined as a pilot project, though it was unclear whether the pilot had been concluded or evaluated. It allowed the prisoners to benefit from the more progressive regime at Magilligan and in some cases, also to be held nearer their families. The NIPS expected them to return to Maghaberry Prison to undertake OBPs later in sentence, and the pilot was felt to be working well. **We recommend the pilot transfer of life prisoners to Magilligan Prison should be evaluated. Subject to the evaluation outcome, criteria for transfer should be clarified and the scheme extended to other appropriate cases.**
- 3.9 Considerable effort was invested by the NIPS in maintaining prisoners' family links, and life prisoners in Braid House particularly valued the longer and more tranquil visits that were available there, in contrast to visits in the main prison which were often noisy and frequently disrupted. A 2011 Halloween Family Day for lifers was appreciated by prisoners, though it was the first to be held in over two years. Inspectors heard several examples from prisoners of the NIPS applying a considerate approach to helping them cope with separation from

⁴ Notice to Prisoners, HMP Maghaberry, Issue 59/09, November 2009.



family, especially at times of significance or stress. We also heard dissent from other prisoners when officials strayed from policy in an area such as awarding Compassionate Home Leave - albeit for perfectly humane and compassionate reasons - if they felt they did not benefit from the same level of discretion.

Security status and regime levels

3.10 Security status and regime level were important determinants of prisoners' lifestyles. In this respect, the NIPS had made progress by undertaking bi-monthly reviews which were starting to reduce unnecessarily high levels of security. In October 2011 the security classifications of lifers at Maghaberry Prison were:

- Category A – 20;
- Category B – 50;
- Category C – 89; and
- Category D – 25.

3.11 Decisions about reclassification were subject to individual risk assessment. A significant benefit of achieving Category C and D status was that prisoners at Maghaberry could be allowed freeflow status. Category A and B prisoners still required staff escorts, which frequently caused excessive and frustrating delays when staff were unavailable. This had previously been available at Maghaberry Prison but was suspended several years ago. Freeflow was also in operation at Magilligan Prison, but not for the women or young male prisoners at Hydebank Wood.

3.12 While LMU staff reported resistance on security grounds when trying to provide new opportunities for life prisoners, there had been some encouraging

progress. Six Category D lifers who were not yet on the pre-release scheme were able to cut grass and tidy litter outside Maghaberry Prison walls, and a small number were allowed to do a weekly shop for Wilson House self-catering. Life prisoners also worked in positions of trust in visitor centres, and a lifer delivered internal mail in Wilson and Braid Houses. These types of initiative are to be commended, and Inspectors would encourage further such creativity by Prison Managers.

3.13 Regime status was also significant for prisoners. The Progressive Regimes and Earned Privileges Scheme (PREPS) was based on conduct and compliance with sentence plans. The PREPS influenced matters such as prisoners' weekly income, access to the gym and the amount of time allowed for evening association. In October 2011 all the female life prisoners had Enhanced status. Maghaberry life prisoners' regime levels were:

- Basic – 0;
- Standard – 20; and
- Enhanced -164.

The high number of lifers with Enhanced status reflected the desire of many to serve their sentence as easily as possible, recognising that they were going to be in prison for a very long time.

Standards and guidance

3.14 An external consultant had been commissioned to develop lifer standards for the NIPS in 2009, but these were then rejected because they were considered too complicated. Inspectors had concerns about the limited scope



of the existing NIPS standards for lifer management and operation of the PAU when we last reported, and recommended they should be *'evaluated after a short pilot period and developed to incorporate greater clarity and detail.'* This had not been done by December 2011, nor was any internal audit conducted to assess how well the standards were working. The NIPS nonetheless believed their lifer standards were fit for purpose. We discuss these standards further and make a strategic recommendation in Chapter 4.

- 3.15 The PBNi worked to a detailed set of standards which prescribed minimum expectations for lifer management, both in custody and in the community. All staff who worked with life prisoners were trained in these standards, and training was also offered to NIPS personnel. The PBNi standards were significantly re-designed in 2011, and were due to be fully implemented by April 2012.
- 3.16 The Parole Commissioners Rules (Northern Ireland) 2009 were being updated during this inspection. It was intended that the draft rules would be subject to Northern Ireland Assembly procedures, including consultation with the Committee for Justice in due course. The PCNI had also consolidated their Guidance for Commissioners in November 2011. This guidance was clear and detailed, and took account of the statutory framework within which the Commissioners operated, internal policies that had been put in place and relevant case law. The guidance had been used to form a comprehensive Commissioners handbook.

Potential life prisoners

- 3.17 There were around 40 'potential' life prisoners (normally defined as prisoners who were remanded in custody for murder and attempted murder, although other offences such as rape and arson could also attract indeterminate sentences) in NIPS custody in November 2011. They were a vulnerable group because of the magnitude of their alleged offence and uncertainty attached to their situation. Inspectors were told that a basic assessment was completed by a Prison Officer when they arrived in prison, and they were allocated to a Probation Officer. PBNi work with such prisoners also included committal interviews and referrals to family links. Otherwise they were treated as ordinary remand prisoners unless their circumstances required special attention. None of the sentenced life prisoners with whom we spoke could recall any specific engagement while they were on remand to support them in anticipation of the sentence they faced. **We recommend the NIPS should implement a formal process for identifying all potential life prisoners to ensure they are supported in coping at an early stage after they are remanded in custody.**

Psychology services in prison

- 3.18 There were different levels of demand for psychology services in each of Northern Ireland's criminal justice agencies and there were disparities between the terms, conditions and remuneration of psychologists in the NIPS, the PBNi and the Youth Justice Agency. A joint paper – *'The need for the*



development of forensic psychologists in Northern Ireland' - was submitted to the Criminal Justice Board in September 2011 with recommendations outlining a preferred option for recruiting, training and retaining chartered forensic psychologists to work across the system. The Board agreed its recommendations, including one that *'the Department of Justice should undertake a review of responsibilities, salaries and conditions of employment to ensure equality and parity with qualified forensic colleagues both locally and nationally.'* Some work had begun on this, though progress was limited.

3.19 The NIPS had to provide psychology assessments for Parole Commissioners hearings, not only in respect of lifers, but also for prisoners serving the new Extended Custodial Sentences (ECS) and Indeterminate Custodial Sentences (ICS), as well as for the growing number of recalled prisoners. Seventy-five reports were completed during March 2011 – March 2012. Due to a longstanding shortage of psychologists and slow progress on recruitment since 2006, the NIPS had begun to contract in psychology services. This contract was funded from the savings on vacant NIPS psychology posts. Risk assessment and report preparation for the Parole Commissioners cost £88,000 during 2010-11, and by December 2011 there was a budget of £250,000 per annum for external psychology services. The contract had enabled the NIPS to cope with increased demand for assessments, but the system was inefficient insofar as the consultant psychologists had no opportunity to develop professional working relationships with prisoners.

3.20 The NIPS also procured external services to make up the shortfall of qualified and experienced forensic psychologists to provide treatment management and clinical oversight, and to undertake individual counselling with prisoners. The costs of this provision were estimated at £75,000 during 2010-11 and it was anticipated would increase in the future.

3.21 There was further fragmentation of psychology services because NIPS psychologists were not integrated with prison healthcare departments. Clinical therapeutic (as opposed to forensic) inputs were the responsibility of the South Eastern Health and Social Care Trust (SEHSCT). A more joined-up approach was needed to respond to the treatment needs of life prisoners as well as completing their risk assessments.

3.22 While the small lifer population at Hydebank Wood and Magilligan Prisons were well catered for in terms of individual psychology support, the much larger numbers of adult male lifers at Maghaberry Prison meant the situation there was more pressurised. Twenty-nine Maghaberry lifers were engaging individually with psychologists at the time of this inspection, and 33 had individual offence-focussed work outstanding. Psychologists at Maghaberry, supplemented by external contractors, aimed to deliver 20 sessions of one-to-one work each week. This work was frequently directed by the Parole Commissioners and was resource-intensive as it might continue for years.



3.23 Quite apart from the financial costs and inefficiencies of contracting out psychology interventions and report-writing, it was readily apparent to Inspectors that the NIPS lacked confidence in its current methods of delivering psychology services. The Prison Review Team addressed this issue by saying *'The prisons-probation partnership in Northern Ireland can and should develop much further.... In a small jurisdiction it would seem to be worth examining whether both services could share their forensic and clinical psychology services.'*⁵ We concur and **we recommend that the NIPS and the PBNI should collaborate to establish a more integrated psychology service that will better meet the needs of each organisation by December 2013. In doing so they should consult with other criminal justice agencies to assess the possibility of extending their collaboration.**

Offending Behaviour Programmes (OBPs)

3.24 OBPs were a key component of life prisoners' sentence plans designed to address issues that contributed to criminal behaviour. Delivery of such programmes was mainly the responsibility of psychology departments, with input from Prison Officers and Probation Officers. Inspectors have previously commented on deficiencies in OBP delivery and made recommendations for improvement.⁶ When CJI last reported on lifer management in April 2009 we made two recommendations to improve their delivery. These recommendations

were that:

'The NIPS should strengthen its Offending Behaviour Programme delivery structure to manage the needs of all prisoners and develop an effective OBP database; and the NIPS should provide a programme to address the offending behaviour of men who have murdered their partners.'

3.25 Both recommendations were 'accepted in principle, subject to resource constraints.' The NIPS action plan expected the appointment of 20 Psychology Assistants would help; and they undertook to research a domestic violence programme and implement a new pilot process to manage referrals from October 2009.

3.26 Considerable efforts were made because in addition to lifers, prisoners serving new ECS and ICS had a pressing need to demonstrate progress in reducing their risks by completing OBPs. Their numbers had increased by 50% since January 2010, their sentences were mostly shorter than lifers and tighter deadlines applied to meet Parole Commissioners' timescales.

3.27 A 'Management of Referrals to Interventions' NIPS policy was implemented in October 2009. The policy set out responsibilities of each discipline involved in programme delivery and allocated timescales. Prisoner involvement was emphasised, an Interventions Panel was to be convened monthly to discuss referrals and allocate places, and a Joint Programmes Steering Group was established to manage and monitor programme planning and delivery.

⁵ Review of the Northern Ireland Prison Service, Prison Review Team, October 2011, Page 58.

⁶ Most recently in 'An inspection of prisoner resettlement by the NIPS,' CJI, October 2011.



3.28 Recruitment of Psychology Assistants took place, but there was rapid attrition due to more attractive opportunities elsewhere. By December 2011 only 14 Psychology Assistants remained in post out of the original complement of 20; and nine qualified Psychologists had left to join health and education employers.

3.29 Lifers were prioritised for programmes and no Judicial Reviews had been taken by any NIPS prisoners due to failure to provide an OBP; and the small numbers at Magilligan and Hydebank Wood were manageable in terms of programme delivery. An adapted Enhanced Thinking Skills Programme and an Alcohol-Related Violence Programme had been introduced at Hydebank Wood. While the Maghaberry Governor had concluded in March 2011 that delivery of OBPs was going to be problematic because there were not enough Psychologists available, Inspectors were told that OBP delivery there had improved by March 2012 and was better than in other United Kingdom jurisdictions. There were however increasing pressures due to the needs of ECS and ICS prisoners, along with a growing number of recalled prisoners, and the NIPS Psychologists wanted service level agreements amended to require greater support from colleague agencies in delivering programmes.

3.30 Participation rates for the main OBPs at Maghaberry Prison during 2011-12 were as follows:

- Enhanced Thinking Skills Programme - 14 lifers participated during 2011-12.
- The Cognitive Self-Change Programme – four lifers were currently engaged and another 35

were on the waiting list. Their TEDs were sufficiently far ahead to indicate that immediate needs were being met.

- Low numbers of eligible prisoners meant a core Sex Offender Treatment Programme was not projected as being necessary until 2013-14. In the meantime this work was being undertaken on an individual basis.
- Alcohol-Related Violence Programme - three lifers were currently involved in this programme and there were another 22 on the waiting list.
- A programme was required for women lifers who had murdered their partners, and the NIPS had aimed to have a domestic violence programme sourced by the end of 2010. They agreed with the PBNI that the same programme should be delivered in prison and in the community, but consensus could not be achieved about an appropriate programme. By March 2012 there were 40 life prisoners - including 13 with tariffs which were due to expire by 2015 - identified as needing such a programme. Consequently the resource-intensive option of one-to-one work with Psychologists was the only option to provide for several of these prisoners.

3.31 The PBNI had begun to deliver the Integrated Domestic Abuse Programme in the community and was able to include a small number of lifers who were directed to attend by the Parole Commissioners and qualified for day release. This was of limited benefit as the majority were ineligible for day release, and in any event, it was logistically difficult to get them to and from programme locations.





3.32 Despite prioritisation of lifers and recent progress, the longstanding logistical difficulties and professional disagreements about programme suitability suggest there would be merit in testing a different approach to OBP delivery within Northern Ireland's prisons. The Prison Review Team specifically said it would be helpful to involve the PBNI in delivering OBPs in the prisons. The Team said '*... community based probation staff could do more work inside prisons in offending behaviour work, where some have particular expertise that prisons desperately need...*'⁷

3.33 The PBNI's Regional Programmes Team was experienced in delivering OBPs in five community locations throughout Northern Ireland. The Team comprised staff who delivered programmes and also had its own qualified trainers. They delivered a suite of accredited programmes for sexual and violent offenders on a continuous basis, and in several cases were delivering programmes that had not been completed in custody.

3.34 If the PBNI were to designate the prisons as a sixth site for the purposes of delivering OBPs, then the NIPS could re-deploy its Psychologists to concentrate on forensic assessment and report writing, researching, developing and evaluating programmes. The financial savings which would accrue - outlined in Paragraphs 3.19 and 3.20 - could be used to fund the additional PBNI involvement in delivering programmes in prisons. **We recommend that the NIPS and the PBNI should extend their current service level agreements to pilot**

the Probation Board's delivery of OBPs in custody during 2013-14.

3.35 There was no obvious reason why a more systematic approach could not be applied to delivering OBPs for lifers specifically, when nearly all were serving lengthy and predictable periods of time in custody before being considered for release. It was suggested to Inspectors that earlier completion of OBPs would represent more structured use of life prisoners' time, allowing follow-up and relapse prevention work to be undertaken before their tariffs expired. The approach might well vary according to individual circumstances, but in principle this was a sensible suggestion and **we recommend that, unless there are good reasons to do otherwise, lifer OBPs should be completed by the three-year pre-Tariff Expiry Date (TED); and relapse prevention and booster work should be undertaken up to the point of actual tariff expiry.**

Probation services in prison

3.36 Probation Officers' work with lifers in prison was driven by PBNI/NIPS service level agreements. These specified the requirements of the Probation Board, which included risk assessment and risk management of prisoners, including lifers. Core functions of Probation Officers included contributing to multi-disciplinary sentence planning, risk assessment and risk reduction work, working with lifers during the pre-release testing phase and preparing reports for PCNI hearings.

⁷ Review of the Northern Ireland Prison Service, Prison Review Team, Page 58, October 2011.



3.37 Maghaberry Probation Officers held an average 18 life prisoner cases each, in addition to their other responsibilities. Although Probation Officers were not continuously involved with every life prisoner, their case management approach was beneficial in the prison setting as it provided consistency and familiarity throughout the course of a sentence.

3.38 In recent years nearly all sentenced life prisoners had a probation report prepared for the sentencing court. This had been a useful development as the reports provided criminal record analysis, detailed family and community ties and other information that aided understanding of the prisoner and his/her ability to cope with an indeterminate sentence.

Information for the Parole Commissioners

3.39 Things accelerated for lifers when they reached the three year pre-TED, which was when the Parole Commissioners conducted their first review. The Parole Commissioners were responsible for deciding whether it was safe to release life prisoners and ICS prisoners when their tariffs had expired; once released whether any of them should be recalled; and after recall for making recommendations concerning further release. The Commissioners also had jurisdiction to make recommendations to the DoJ in relation to insertion, variation or cancellation of licence conditions.

3.40 The LMU compiled a dossier for each three year pre-TED review. The dossiers included detailed reports from

Governors, Probation Officers and Psychologists, plus other material such as depositions, home leave reports, tariff ruling, index offence details, offending programme outcomes and education feedback.

3.41 Following submission of the dossier, a Commissioner would interview the prisoner and prepare a report for a reviewing Commissioner. The reviewing Commissioner would consider the dossier and the interviewing Commissioner's report and recommend work to be undertaken by the prisoner before actual tariff expiry. This was more efficient than the previous practice of holding a two person panel.

3.42 Six months prior to actual tariff expiry, the LMU would again refer the case to the Commissioners, and a single Commissioner would consider the dossier and the pre-tariff review along with updated reports. On the basis of these, they would make a provisional direction on whether a prisoner had reduced his risk sufficiently to be released. If the provisional direction was for release, the matter would automatically be referred to a panel of three Commissioners. If the provisional direction was not for release, then this would become the final decision of the Commissioners after two weeks of the prisoner receiving the provisional direction, unless the prisoner requested an oral hearing. If there were matters which could not be decided without the benefit of oral evidence, or if there was a point of law which required an oral hearing, the single Commissioner could direct that the case be referred to a panel for consideration.





3.43 Prisoners were entitled to appear before a panel and to be legally represented. Witnesses - such as LMU personnel, Probation Officers and Psychologists - could appear if required, subject to agreement of all parties. The Commissioners function was to address two questions:

- What risk would the prisoner pose to the public safety if released on licence?
- If the prisoner were to be released, would it be possible to manage that risk in order to reduce its significance?

3.44 In order to take these decisions, the Commissioners required substantial documentary evidence, and at the time of last inspection their requirements were placing considerable pressure on the LMU and, to a lesser extent the PBNI. Improved working practices and closer contact at operational level between the NIPS and the Parole Commissioners meant dossier preparation had been streamlined, and overlap of reports and data reduced. While numbers of prisoners sentenced under CJO legislation were lower than predicted, the overall workload had increased significantly, mainly due to Determinate Custodial Sentences (DCS) recall cases; and there were still administrative pressures generated by annual lifer reviews.

3.45 Progress in the administrative processes of both the Parole Commissioners and the NIPS was apparent in several other ways including:

- two boardrooms had been made available for Parole Commissioners use at Maghaberry, effectively

doubling the number of hearings that could take place each day;

- the NIPS was providing information about future referrals to the PCNI. At 21 September 2011 there were 47 lifer cases due for hearings before March 2013: 15 three-year pre-TED referrals; 13 six-month referrals; and 19 re-referrals;
- all completed dossiers were now being forwarded to Commissioners electronically;
- case management by the PCNI Secretariat had become more sophisticated and detailed management notes were maintained on each case; and
- regular monitoring of case allocation to Commissioners had been introduced.

3.46 Comparison with England and Wales was favourable in respect of parole administration, though this may be reasonably expected as Northern Ireland costs per referral were three times more expensive. Her Majesty's Chief Inspector of Prisons for England and Wales Annual Report 2010-11 stated:

'Because their progress depends on the decision of the Parole Board, the timeliness of the preparation of reports and hearings convened is crucial to this group. In most prisons reports were submitted on time but the Parole Board was often not able to arrange hearings to schedule, which was unjust and a particular frustration to prisoners...IPP prisoners were particularly concerned as this invariably meant prolonged stays in custody beyond their initial tariff or minimum term. Many prisoners we spoke to held particular grievances that they were not being treated fairly.'



3.47 Despite the progress, there were still operational matters that needed attention, such as release plans for life prisoners. On the one hand the Parole Commissioners expected detailed plans to be prepared for their hearings, but it was difficult for Probation Officers to make firm arrangements when a prisoner might not be released. Not only could their work be nugatory, but valuable hostel and employment places could be lost to others who were in a position to use them. There had also been some difficulties involving the recall process, and there were different views about the most appropriate timing to submit reports to the Commissioners. Continued efforts need to be made by everyone involved to address these types of operational issues.

Parole hearings

3.48 Case law emphasised the Parole Commissioners should offer life prisoners an oral hearing and should apply an adversarial approach, and the PCNI Rules gave considerable discretion to the panel as to how to conduct their hearings. Although the Rules said Commissioners should ‘... seek to avoid formality in the proceedings,’ officials suggested that, as when we last inspected, the hearings were still legalistic and often stressful events. User Group minutes indicated that IPP hearings in England were considered by some to be much less formal than Northern Ireland hearings, though they outlined contrary views that hearings had to be formal to be taken seriously, and that they ‘are not case conferences.’

3.49 These were matters where it appeared that clearer communication could considerably improve things. Various fora - Users Group and bilateral Senior Management meetings, as well as joint training events – were now in place to maintain good communication between the organisations involved in lifer work. However operational staff reported that the deliberations and conclusions of these fora were not always reaching them. **We recommend the Parole Commissioners, the PBNI and the NIPS should review their inter-agency and internal communication processes to ensure all relevant issues about lifer work are addressed and outcomes are communicated to relevant staff at every level.**

3.50 The pressures of servicing Parole Commissioners’ requirements also showed in other ways. Inspectors heard that LMU personnel continued to experience pressures which were expressed in a 2007 case review. The review found their handling of the case was unduly weighted towards progressing the prisoners’ release on licence, notwithstanding evidence suggesting the contrary because ‘...staff fear they are seen to have failed if the prisoner has not reduced his risk.’

3.51 Prison Probation Officers said there were delays in the allocation of community Probation Officers in a small number of life prisoners’ cases, which meant they had to supervise them in the community after licences were granted. This problem was partly due to the Probation Board’s difficulty in allocating cases before a release date was confirmed. However early introduction



of a community Probation Officer to lifer cases could be helpful, especially when the community Officer attended Commissioners' hearings to outline plans for supervision. **We recommend the PBNI should allocate a community Probation Officer at six months pre-TED on a pilot basis for eligible life prisoners, then assess the pilot to plan ahead.**

Management information

- 3.52 The NIPS Prisoner Record Information System (PRISM) had been significantly revamped during 2011 and was generating useful data to assist lifer management. Better information requirements had been identified and improved data was beginning to be generated, for example, in relation to OBP waiting lists, referrals, commencements and completions. However the quality of information in respect of lifers differed between the three Northern Ireland prisons, and the available information was not leading to meaningful improvement in delivery of OBPs. **We recommend the NIPS should ensure consistency between the prisons in identifying OBP waiting lists, referral, commencement and completion rates.**
- 3.53 The NIPS did not collate or analyse data in relation to suspensions from the PAU, whether recalled lifers had been supervised in the community or the duration of their stays in custody when recalled. This meant it was not possible to compare recalls by supervision status, or periods served in custody for technical breaches as opposed to actual re-offending. **We recommend the NIPS should develop its lifer database to distinguish suspensions**

from the PAU and recalls from life licence by licensee status and length of stay in custody.

- 3.54 The Parole Commissioners had significantly improved their internal workflow projections and case management data; and closer liaison with the NIPS was assisting them to forecast cases that would come through for decisions and adhere to time limits, even in complex matters. The PBNI management information in relation to lifer management was up-to-date, detailed and accurate.

CHAPTER 4:

Service delivery - managing the transition of life prisoners back into the community



Phased release of life prisoners

4.1 Phased release of life prisoners usually began with periods of Accompanied Temporary Release and Unaccompanied Temporary Release. These and Compassionate Temporary Release were privileges rather than entitlements, and were subject to the prisoner meeting criteria that included sufficient time served and having a satisfactory risk assessment. There was inter-agency consultation about temporary releases, though in reality it was mainly the NIPS and the PBNi who influenced the decisions, which were always ratified by a Prison Governor.

4.2 Temporary releases were designed to be purposeful, even if only to verify that the prisoner could return to custody in time without having infringed any of the conditions attached to his release. They could also provide positive community and societal familiarisation, and strengthen family links.

The Prisoner Assessment Unit (PAU)

4.3 It is in the public interest that life prisoners are prepared for freedom before being released from closed institutions. Providing unsupervised access to the community is a significant

step since it discards all the security of prison, and there is much at stake for the public and prisoners.

4.4 Phased return to the community is often done in open prisons. Northern Ireland does not have an open prison. Instead the NIPS transferred lifers at any stage from 15 months pre-tariff expiry to a pre-release scheme that was based at the PAU, an annex of the former Crumlin Road prison. It was managed as a satellite of Maghaberry Prison, had a more relaxed regime, and was ideally located on the margin of Belfast city centre.

4.5 The pre-release scheme consisted of three phases to incrementally increase levels of trust and testing in the community:

- prisoners on Phase One were full-time residents in the PAU. During this time - which was for a minimum of one month - they were 'taught basic life skills;'
- during Phase Two, prisoners resided in the PAU and attended work placements between Monday to Friday, with permission to reside in a hostel or an approved home address at weekends; and
- Phase Three prisoners were



permitted to reside and work full-time in the community, but were also required to return to the PAU for drug and alcohol testing.

- 4.6 The pre-release scheme could accommodate a maximum of 25 prisoners. It did not run at full capacity, but by 2011 nearly all its residents were lifers. This was an improvement from the last inspection when there was considerable difficulty in getting prisoners transferred to the PAU, and only 30% of the population were life prisoners.
- 4.7 There were 17 releases on supervised life licence during 2010. Since the last inspection, 10 life prisoners had been suspended from the pre-release scheme. Suspensions were mainly for failing or refusing alcohol and drugs tests, inappropriate relationships or going absent without leave. One prisoner had received a suspended sentence for theft and a second was imprisoned in the Republic of Ireland for theft committed while absent without leave.
- 4.8 Although the pre-release model was largely appropriate, there were longstanding and well-documented problems with its implementation. A 2007 internal NIPS review led to a limited amount of progress. The review stated: *'Arrangements for prisoners transferring to the PAU will henceforth include a one day orientation visit, multi-disciplinary visit prior to transfer, monthly multi-disciplinary meetings on prisoners with particular risks/quarterly on others, weekly diary sheets...'*
- 4.9 A December 2009 NIPS review of reasons for life prisoners being

suspended from the pre-release scheme, and another internal review in 2010 made additional recommendations for improvement. The April 2009 CJI lifer inspection, and July 2009 joint inspection by CJI and Her Majesty's Inspectorate of Prisons, reporting on Maghaberry Prison, also identified concerns. These included inappropriate staff deployment, inadequate staff training, life prisoners not receiving help they needed, apparently arbitrary suspensions and some prisoners finding the pre-release scheme stressful because they experienced hostile scrutiny from certain staff. All of these inspections and reviews made recommendations to improve the pre-release scheme.

Suspension of the PAU

- 4.10 In April 2011 serious concerns emerged about the conduct of some staff and prisoners at the PAU. A decision was taken immediately by the NIPS to temporarily suspend the pre-release scheme that was based there to facilitate a review, and the staff and prisoners were returned to Maghaberry Prison. Very few of the 21 prisoners were alleged to have been involved in misconduct and they felt aggrieved because the NIPS was subjecting them to collective punishment.
- 4.11 The NIPS completed a detailed review of the Unit in October 2011. It addressed its role and function as a semi-open step-down facility, including selection arrangements and criteria for progression and regression, risk management arrangements, mental health and addictions support for prisoners, the role of the NIPS staff, the PBNI and third sector providers.



4.12 The review identified many deficiencies including:

- **Poor governance**

The Unit operated without a clearly-defined business plan or specific aims and objectives. It had no direct link to Maghaberry's business plan, and there was little reference to the pre-release scheme in the NIPS corporate and business plans. There was no Governor based at the Unit. Instead it was managed remotely, visited frequently but irregularly by Senior Managers, while the operational Senior Officer was often absent on business. There was no relief system in place if Managers were off; nor was there a system for evening, night or weekend visits by Managers.

- **Inadequate management processes**

There were no daily briefings or staff meetings, and although the PRISM system was available, it was not used to record data and log information. An 'accommodation budget' existed for Phase Three prisoners, but there were no criteria for its expenditure, nor any analysis of how it had been used to resettle prisoners.

There were difficulties in the management of individual prisoners because they were the responsibility of different LMU Governors. Individual Governors took decisions about 'their' prisoners but did not always communicate clearly with their colleagues. This led to inconsistency and perceptions of favouritism or differential treatment among prisoners in respect of matters such as conditions of hostel residence and temporary release.

There was very poor monitoring of prisoners at the most vulnerable times - weekends and evenings. The practice of discharging prisoners from the PAU on a Friday morning until Monday evening was questionable. Peer support in the community was meant to be used during Phase Two, but it was patently not a routine practice, and was only invoked when things went wrong.

- **Staffing issues**

Although the Review Team were content that the PAU standards were adequate, it noted that staff were not familiar with their content or requirements. There was no evidence that the standards were used as a baseline for performance measurement or that they were audited.

Varying methods existed for selecting staff to work in the PAU. There was a complete lack of consistency in training and induction of Managers and staff, and little evidence of staff rotation. The staff had appropriate job descriptions but most were unaware of their existence.

Staff did not adhere to the prescribed working schedule and the system was found to be more about facilitating their needs than focussing on prisoners' needs. Night Custody Officers were left in sole charge of prisoners at night, despite this being in direct contravention of their terms and conditions of service. They did not participate in risk assessments nor prepare reports, and they were reported to be insufficiently experienced and vulnerable.

- **Problems with security**

There was limited CCTV coverage within the PAU, though frequent and





thorough searches were undertaken and prisoners' mobile phones were regularly submitted for analysis. Workplace and hostel visits were frequent and unpredictable, but there was no evidence that their findings contributed to the risk management process.

- 4.13 The review repeated findings and recommendations of previous internal NIPS reports and external inspections that were never taken forward. It concluded that many of its findings derived from *'inherited custom and practice, lack of a clearly defined role and function for the PAU, remote management and a well-intended desire to progress prisoners through phased release programmes...'* In total it made 51 recommendations.
- 4.14 Suspension of the pre-release scheme caused considerable logistical problems: opportunities for testing prisoners were much more difficult from Maghaberry's rural location, which was nowhere near as suitable as a community location in Belfast. Lack of public transport meant that vehicles were required for them to go anywhere. Unlike the PAU, there was no opportunity to assess reliability and quality of interaction within a local community in such routine matters as shopping, getting to and from work independently or attending appointments. Search procedures, phone calls and visits were all applied as normal in the maximum security environment of Maghaberry, which was a retrograde step for prisoners who were meant to be acclimatising to reduced security requirements.
- 4.15 Prison Managers worked hard to alleviate the difficulties, but Inspectors

heard of prisoners arriving late from Maghaberry for work placements, or not getting to work at all due to transport difficulties. Meanwhile other eligible prisoners were backing up in the system and by February 2012 there was no clear indication of when new step-down provision would recommence.

Developing a new model for transition of prisoners into the community

- 4.16 The Prison Review Team had recommended in October 2011 that *'funding should be found, in partnership with probation and voluntary and community organisations, for halfway house and step-down accommodation to manage long-sentenced prisoners return into the community and provide supported accommodation for those with mental health and substance use issues.'*⁸ Everyone was keen that a new step-down facility for lifers should commence operation as soon as possible, and options had been appraised by the NIPS in consultation with the PBNI. The preferred model envisaged joint governance based on shared responsibility between the two organisations, possibly with an increased role for voluntary sector organisations. The NIPS wanted to apply PBNI's skills of managing offenders in the community and they recognised the value of adapting Probation Board standards to the step-down setting. When life prisoners transferred there, NIPS staff would maintain overall responsibility as they were still serving prisoners. They would retain responsibility for custodial and residential provision, while the PBNI would manage reintegration and community involvement, including programme delivery.

⁸ Recommendation 7, Final Report of the Northern Ireland Prison Service, Prison Review Team, 24 October 2011.



- 4.17 Recent experience of the NIPS and the PBNI working together in the OMUs should help in the new facility, while the PBNI had also gained useful experience of co-working with the Police Service in the Public Protection Arrangements Northern Ireland (PPANI). The NIPS had become more familiar with case management processes since the OMUs were established, and OMU manuals, protocols and procedures were already in place that could serve as a basis for the new step-down facility.
- 4.18 The NIPS Estate Strategy envisaged the new step-down facility could accommodate female prisoners as well as prisoners who had repeatedly failed in their efforts to be safely licensed. It might also incorporate a facility for personality-disordered offenders because - unlike elsewhere in the United Kingdom - they were not eligible for treatment under the Northern Ireland Mental Health Order.
- 4.19 It was clear from the NIPS review that their step-down facility needed a fundamental re-think. Detailed planning must be undertaken before it opens, and the Parole Commissioners and other relevant agencies should be closely consulted. The NIPS Strategic Efficiency and Effectiveness (SEE) Programme will be an important influence as it is expected to reduce overall staff numbers significantly during 2012, while it will also provide an opportunity to recruit some new staff.
- 4.20 Schemes of conditional liberty for life prisoners will always operate in a highly politicised context because they evoke concerns about public safety, as evidenced by the Scottish experience. Despite a low level of absconds, the Scottish Prison Service open prison population declined steadily since 2007 after two absconders committed grave offences, and in early 2010 it stood at just above half the maximum capacity of 425.
- 4.21 Despite significant problems with the ways in which the Prison Service has managed the transition of prisoners back into the community, there are also significant areas of good practice to build upon from PBNIs supervision and the voluntary sector hostel experience. In moving forward, and in building on the work of the Prison Review Team, Inspectors believe there is an opportunity to develop a new approach to managing lifers' transition to the community. This would involve the development of a strong partnership arrangement between the Prison Service, the Probation Service and the voluntary sector.
- 4.22 There are several important principles and operational considerations that should be incorporated in the ethos and practice of a new model of service delivery:
- ***There must be clarity about its purpose and processes***
- The primary emphasis should be on resettlement rather than on security and custody. For prisoners on Phase Three a different template such as a hostel model may be more appropriate. In any event the new model should have a proper 'open' component. The new facility must not be used to assist population management if the overall NIPS population increases. If it is to achieve its purpose then unsuitable life prisoners or short-term prisoners



should not be sent there simply to maximise bed space utilisation.

- ***Governance arrangements require development***

Overall responsibility for prisoners before they are licensed should remain with the NIPS, and they become the responsibility of probation after a life license has been granted. At the same time the legal responsibilities of both organisations should not be an inhibitor to developing a partnership approach to managing prisoners. Strong governance arrangements and a regular on-site management presence must be in place.

- ***There should be improvements in risk management***

For example:

- it should be made clear that life prisoners are not automatically entitled to progress to the step-down facility. Progress should be determined by levels of risk presented rather than length of time served or compliance in closed conditions. Pressures to progress prisoners through the system must not outweigh the assessed risks, and compliant behaviour in a closed prison should not be overvalued as an indicator of suitability for progressing to less secure conditions. Systems for determining levels of security that need to be applied within prison are not sufficiently sophisticated or appropriate to deal adequately with public protection issues in the community. Those who are assessed as 'low risk' within prison still need a separate assessment to determine their risk level in the step-down environment;

- risk management should be accorded higher priority than risk assessment in the new facility. Much of the assessment ought to have been completed while the prisoner was in custody. The pre-release scheme must take close account of, and contribute to risk assessment, but the priority should be to test risks in conditions of semi-liberty;
- preparation for transfer should address the increased personal responsibilities which attach to greater freedoms, and the cultural and environmental challenges that face those ending long sentences. It might be useful to require successful completion of a pre-transfer programme in secure conditions as a prerequisite to commencing the pre-release scheme; and
- a new approach should prepare life prisoners for the lifestyle restrictions that probation supervision will entail after their licence has been granted. There should be regular formal liaison with the police service as they have an interest in these prisoners and can assist in monitoring them.

- ***Staffing requires further development***

Staff roles need to be based on work that is compatible with each agencies remit and values. Opportunities for improvement include:

- the personnel should be pro-active, flexible, professionally-trained and accountable managers and practitioners who will deliver purposeful risk management and assessment in a supportive manner;
- a broad, gender-balanced staff mix should be provided. The core group should comprise Prison Officers and

Probation Officers. Others might include Occupational Therapists, Forensic practitioners and Psychologists; and

- staff need to conduct announced and unannounced home visits, spot checks at workplaces and regular weekend monitoring of prisoners who are on temporary release, in particular those with identified addiction problems.

- ***The views of service users should be taken into account***

The views of service users should be taken into account in designing the new facility. Prisoners suggested that one year was the optimal length of time to spend in transition. Several reported boredom and said momentum could wane the longer they remained on the pre-release scheme. They noted that personal development opportunities were not always maximised. As such consideration should be given to delivering OBPs in the step-down facility, and targets should be set to generate more sustainable jobs and placements beyond the charity sector. Prisoners said that home leave was one of the major incentives of semi-open conditions, even for those who had lost family ties.

- 4.23 The NIPS and its partners should also consider some wider implications that may arise when designing their new pre-release scheme. If a large facility (60 beds was mooted) is developed, this could considerably ease pressure on offender hostels. While this would be positive for bail applicants for whom there was seldom space in hostels, the dynamics of hostels' residents groups would change considerably and there could also be financial implications for

the VCS organisations that run the six offender hostels in Northern Ireland. Given these implications, as well as the VCS experience in providing supported accommodation for serious offenders, and taking the Prison Review Team's Recommendation 7 into account, **we recommend that the NIPS should develop a new pre-release scheme as a matter of urgency. The scheme should be based at a new step-down facility and should implement the recommendations from the NIPS October 2011 PAU review; the principles and operational considerations in paragraph 4.22 of this report should also be taken into account in its design; and the NIPS and the PBNI should consult closely with voluntary and community sector (VCS) organisations who have experience in running offender hostels, when designing the new scheme and facility.**

- 4.24 Pending the re-opening of a step-down community facility, there needs to be better interim arrangements for eligible prisoners. This could include extending the Magilligan Prison lifer pilot. Magilligan would be able to manage additional life prisoners and it provides a better regime than Maghaberry. Some life prisoners who have repeatedly failed at pre-release stage might also benefit from being at Magilligan, and visiting may be easier for families who live in the north-west.

The role of the voluntary sector

- 4.25 Management of life prisoners was challenging. Some had complex and unresolved needs, such as mental health problems and addictions, and many also



had high media profiles and could evoke negative community reaction. The Northern Ireland criminal justice organisations therefore used all available resources in this area of their work.

4.26 Voluntary sector organisations had long made an important contribution in supporting the NIPS and the PBNI's preparation of life prisoners for release, and in their supervision after being licensed. Volunteer mentors, mental health charities, addiction services, job training providers, drama companies and others provided valuable support to prisoners during sentence and while making the transition to community life. This had the benefit of normalising things by providing services that were not directly linked to the criminal justice world.

4.27 The six offender hostels in Northern Ireland were all managed by VCS organisations. They played a significant role in community testing of life prisoners, combining supervised accommodation and other practical help, with restrictions such as curfews and alcohol testing to help manage the risks. CJI's *'Inspection of PBNI approved premises'* (July 2008) provides further information on this important aspect of resettlement practice.

4.28 There was an increasing reliance on hostels to help resettle life prisoners, and this had increased since the PAU was suspended in April 2011. In December 2011 there were eight life prisoners occupying hostel beds (12% of availability) and another six had applications pending. Demand outstripped supply, which led to the practice of hotbedding, with several prisoners taking turns to use the same

hostel room at different times of the week. This was unpopular. A shortage of hostel places at Christmas 2010 meant that some life prisoners were unable to be temporarily released, even though they were deemed safe to be in a hostel and had been out for previous Christmas leave periods.

4.29 The NIPS paid £40 per night for lifers' hostel accommodation up to the point when they were licensed. This was an essential arrangement since they were ineligible for housing benefit due to still technically being serving prisoners. It could take several weeks for housing benefit applications to be processed, and hostels incurred a financial loss if residents did not obtain the benefit before leaving. However the main pressure on hostels came from media interest in some of their lifer residents. It could be distinctly uncomfortable for everyone who lived or worked in a hostel when a resident was being photographed and identified in newspapers, television and radio.

4.30 It was difficult to acquire employment and training opportunities for life prisoners and the NIPS was heavily dependent on charities such as Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), Extern and Barnardos. These organisations offered worthwhile occupation and responsible monitoring, though the places were often time-limited and had to be terminated once a life prisoner was granted their licence.

Supervision of life licensees in the community

4.31 The LSO and the CJO provided the legislative basis for indeterminate



sentence prisoners to be released into the community on licence. These licences contained conditions which were designed to control behaviour and thus protect the public from serious harm, as well as promoting rehabilitation of the offender. The DoJ was responsible for setting licence conditions, and where appropriate recalling offenders to prison for breaching the terms of their licences.

4.32 In October 2011 the PBNI was supervising 48 life licences in the community - 17 more than when we last inspected. Twenty-three were being supervised in Greater Belfast, 14 in rural areas and 11 were supervised by specialist teams. Between 2000-08 an average of three life prisoners were being licensed each year. This rose to an average of 12 per year between 2009-11; and there is potential for up to 70 releases by 2015. These numbers will be partially offset by discontinued supervision of some life licences, but there will still be an overall net increase as discontinuations are unlikely to keep pace with the potential increase in licences.

4.33 A community Probation Officer assumed responsibility for supervising the case once a life licence was granted. The nature of supervision would be determined by licence conditions and by PBNI standards which prescribed minimum requirements for supervision. The standards stipulated weekly contact at the outset, as well as planned and unannounced home visits. Appropriate disclosure would be made to employers, landlords and significant others; and absence from normal place of residence or travel outside Northern Ireland had to be approved by the supervisor.

4.34 All the community Probation Officers with whom Inspectors met reported that they received close support from the PBNI's specialist lifer manager and psychology department. Probation Officers suggested the standards to which they operated were useful in providing a framework for their practice, though they felt key performance measures and risk assessment methods were not always synchronised with the standards. They also considered that bi-annual, rather than quarterly risk assessments and reporting to the LSU would suffice.

4.35 The vast majority of the 48 life licensees in the community were doing well at the time of this inspection. However Probation Officers were constantly surprised at how quickly after release some licensees failed to comply when there was so much at stake for them. Their overall experience was that very few licensed lifers had a straightforward transition from secure custody through the various pre-release stages to ultimate discharge of the supervision requirement.

4.36 Attention to detail was a hallmark of the PBNI's practice in this area of work, and Probation Officers were expected to apply a very thorough approach to management of life licensees. There were important decisions to be taken about complex issues, and each Probation Officer had a designated backup who would cover during leave periods and offer an alternative perspective at other times. PBNI's ability to manage any new risks safely in community was constantly under review as escalation of risk could lead to the licensee being promptly recalled to prison.





4.37 Formal annual reviews were undertaken to agree frequency of contact and identify any additional conditions necessary for the management of the case. They were chaired by a PBNI Assistant Director. Inspectors observed five annual reviews. Each case had a robust and meaningful management plan. A range of relevant practitioners attended the reviews, written reports were available and the supervisee was centrally involved. The supervisees saw the reports that were written about them and knew their risk scores and the significance attached to them.

4.38 The focus was on managing risk by addressing areas of need. Progress was commended and clear plans were set for the incoming year. The tone of the reviews was formal but supportive. It was apparent that supervisor/supervisee relationships were for the long-term as life licenses lasted much longer than the majority of other orders supervised by the PBNI. The professional relationships between supervisors and life licensees were often challenging and Probation Officers had to be resilient to keep them on track.

4.39 Discontinuation of supervision could be considered if the licensee demonstrated sustained stability in the community for at least four years. Applications had to be approved by the Parole Commissioners and by the Minister of Justice. Three applications to discontinue life supervision were made during 2011.

4.40 Inspectors saw two applications which were made after licensees had spent ten years and six years respectively under supervision in the community.

The applications consisted of detailed reports that evidenced reduced risk and positive responses to supervision since release. Even after applications to discontinue supervision were granted, the life licence remained in place with the possibility of recall to prison for the remainder of the offenders natural life.

4.41 The PBNI took their responsibility very seriously and features of good practice included:

- **Psychology** – Northern Ireland was thought to be the only United Kingdom jurisdiction that provided a community psychology service to assist in the management of life licensees. The PBNI's Head of Psychology Services and Interventions and four Psychologists helped manage the risks they carried in supervising life licensees in the community. Their psychology department was actively engaged with all supervised lifers and worked closely with the Lifer Managers and supervising Probation Officers.
- **Out-of-hours cover** – Since 2009 out-of-hours management support for life licensee issues received specific focus within the Probation Board's routine on-call response.
- **Training** – Specialist training days were organised for life licence supervisors. These were sometimes shared with NIPS personnel, and Probation Officers reported they were helpful and supportive events.
- **File recording** – Inspectors viewed eight files which comprised both electronic and hard copy material. The lifer manager also held a shadow version of



the file. The files that Inspectors viewed contained detailed, up-to-date risk of serious harm assessments, offender feedback, LSU progress reports, written warnings, annual reviews (13 in the longest supervised case) and ongoing contact sheets. There was evidence of several statutory agencies and VCS organisations actively involved in supporting the PBNI in their management of the licensee. These included Social Services, the Northern Ireland Housing Executive, Northlands, NIACRO, Extern and Opportunity Youth.

current licensees were required to abstain entirely from alcohol and/or drugs, and a further 30% were required to address alcohol/drugs issues.

- **Recall reviews** – Since the last inspection seven licensed lifers had been recalled, four due to concerns about heightened risk and three due to minor further offending. The PBNI had undertaken four reviews to elicit any learning points that might emerge.

4.42 Community Probation Officers faced several cognitive and practical challenges which made this area of work especially complex. They had to address the impact of institutionalisation, grievance thinking, lack of trust and resistance to their intrusion and disclosure to licensees' relatives and friends. The PBNI were clearly viewed by life prisoners as the agency which led on their risk assessment and management, both in custody and in the community. They were seen as the main enforcers of their licence, which could militate against working relationships.

4.43 Whereas there were formerly an average three conditions on life licenses, some now contained up to 11 conditions, which was considerably more demanding for Probation Officers to oversee. A total of 20% percent of





CHAPTER 5:

Assessment of outcomes



Outcomes for life prisoners

- 5.1 Good outcomes for prisoners are important because they mean that risks are reduced, and therefore re-offending is less likely. Life prisoners shared the same frustrations as most other prisoners in Northern Ireland. These have been well-documented in previous inspection reports, and included over-emphasis on security, lengthy periods of lockup, poor quality education and healthcare, boredom and an unpredictable regime. Life prisoners also had to deal with uncertainty about their release and watching other prisoners come and go while they remained in custody.
- 5.2 The main location for life prisoners was Maghaberry Prison. It was holding 184 lifers in November 2011. Of these, 117 had progressed to Braid House or Wilson House, and the remainder were in the main prison. Four life prisoners were in Hydebank Wood YOC and six in the Women's Prison, Ash House.
- 5.3 Life prisoners in the main Maghaberry Prison were generally more negative about their regime than those who had progressed through the system. Most of those in the main prison were there because they did not yet meet the criteria to transfer to Braid House or
- needed to be kept apart from other prisoners.
- 5.4 The limited opportunities for women life prisoners to progress heightened their sense of confinement and exacerbated the normal tensions of imprisonment. Their best prospect was to progress to Ash 4 and 5 landings in Hydebank Wood. Although calmer and allowing a greater measure of self-regulation than elsewhere in the women's prison, these landings were shared with just a small number of other women, and could be very claustrophobic.
- 5.5 Longer serving life prisoners identified steady improvement since a structured lifer system was introduced in Northern Ireland in 2001. Several who had custodial experience in England and the Republic of Ireland were able to compare; they said there was more pro-active lifer management in English prisons, and that life prisoners there were kept busier. Maghaberry however was reported to offer better visits and enhanced opportunities for family contact. Inter-prison visits with relatives were more manageable in Northern Ireland. Food, tuck shop and staff/prisoner relationships were all reported as more relaxed than in the Republic of Ireland. Foreign national



prisoners who could not receive visits said they appreciated free weekly phone calls home.

5.6 Many life prisoners sought the more tranquil environment of Braid and Wilson Houses in Maghaberry. They also provided much better visits (two hours duration and quieter than the main prison), extra gym sessions and more relaxed interaction with staff. The 37 life prisoners held in Wilson House could cater for themselves, had later lockup times and unaccompanied access within the prison walls. Some staff told Inspectors they viewed Wilson House as a community of which they were part, though this was variable and staff rotation meant their positive demeanour was not consistent.

5.7 A few life prisoners had asked to move back from Braid House because they felt it offered less work opportunities, only a small exercise yard and no free movement within the grounds. At least in the main prison they were able to walk to and from education and visits, and apart from better visits, Braid House felt too confined for them. This contradicted the ethos of progression, and while recognising the various population and other pressures that exist, **we recommend Maghaberry management should further develop its regime for life prisoners to ensure progression is not offset by loss of other privileges.**

5.8 By 2011 all lifers had received a tariff. Some had entered prison before tariffs were applied to life sentences, and had to adapt to the tariff lengths that were retrospectively awarded in their cases. Many of the life prisoners who were over tariff had a history of difficult

conduct in prison or had failed at the PAU. These failings often reflected social inadequacies that were evident before they entered prison. Some had a sexual element to their index offences, and sex offenders were also the majority of the discretionary lifers.

Prisoner A had a 25-year tariff and had served 30 years to date. He knew that his demeanour and previous conduct caused concern, but was frustrated at being brought back to Maghaberry from the PAU in April 2011. Prisoner A said “That was unfair as I did nothing wrong, and am still in Maghaberry.” He was spending weekends in a hostel and attended Extern Recycling during the week, though was unsure what the longer term future held for his prospects of being licensed.

Prisoner B had a 20-year tariff and served 21 years so far. He had taken 10 years to settle in prison. He said this was “...entirely my own fault... fighting, liked my drugs, deceit...” However, over the past 18 months he had progressed to receiving Accompanied Temporary Releases. He had completed all the required programmes, and was disappointed that his risk levels had not reduced significantly. He appreciated the increased levels of freedom and trust in Wilson House, but did not expect significant developments towards being licensed in the near future.

5.9 Since 2006 the NIPS had a corporate target that every life prisoner should have a sentence plan, which would be reviewed annually. The plans and reviews afforded an opportunity to formally assess progress and determine the way ahead. The NIPS was trying to



engage lifers in the process and the target was invariably met each year. Many of the prisoners, however said their sentence plans and annual reviews were of limited value and:

“...fairly irrelevant. They only confirm the things you are doing anyway, like staying drugs free, remain Enhanced, studying etc... I have plenty of personal goals – education, work, training, but this system frustrates their achievement.”

Inspectors commend the practice of holding annual reviews, though many were bland and similar. **We recommend that annual lifer reviews should become more meaningful and individualised, and actively reviewed at least twice during the year by the prisoner and a keyworker.**

Prison staff views

- 5.10 NIPS Officers told Inspectors that, while many lifers had difficulty in coming to terms with their sentence at the outset, they usually settled down and were easier to manage than other prisoners. Staff recognised prisoners’ frustrations and were often sympathetic, but felt powerless to change things. A Prison Officer said *“Braid is a good facility, but it is in the wrong place – it should be nearer facilities such as education, healthcare and workshops.”*
- 5.11 LMU staff suggested they were cautious but progressive in managing life prisoners. They were always seeking offers of assistance from external organisations, and had recently obtained help from an organisation that was proving valuable, free mentoring support for isolated lifers. There had been no

judicial reviews since 2007 by life prisoners who were refused Christmas home leave, which staff felt was attributable to having continuously refined their criteria and provided greater clarity around eligibility.

Suspensions from the pre-release scheme

- 5.12 Most life prisoners said they had received adequate preparation for moving to the pre-release scheme, and those who had been suspended because of misconduct knew the reasons for being returned to prison. Several said they had simply been unable to comply with the stringent conditions. However some contested the basis of their suspension and suggested that certain PAU personnel made life difficult, rather than assisted them to cope with the stresses of re-adjusting to community life.
- 5.13 In keeping with a former inspection recommendation, a more individualised response was now being applied by the NIPS to prisoners who were suspended from the pre-release scheme. The case of two who failed drugs tests during this inspection provided an example. Whereas in the past they would have been automatically demoted in regime level and regressed to the main prison, these prisoners were only moved back to Braid House. They were referred to a drugs programme and allowed to maintain their Accompanied Temporary Releases, subject to individual assessment. They received written notification of the decision to regress them, and had an opportunity to respond to the charges at a case conference.



5.14 A December 2009 NIPS review of seven life prisoners who were suspended from the pre-release scheme found they had:

- an average of 22 temporary releases each prior to being suspended;
- an average of four breaches each. The range was two - eight breaches;
- reasons for suspension included threatening behaviour, unauthorised use of a motor vehicle or a mobile phone, going absent without permission, forming inappropriate relationships and substance misuse;
- five of the seven had transferred into the NIPS custody, mostly from England;
- consumption of alcohol was a significant factor in their suspension;
- most had significant criminal histories before they were sentenced to life imprisonment;
- they had completed an average of three offending programmes each, but some had not completed all the relevant programmes before transferring to the pre-release scheme, and unavailability of OBPs on the pre-release scheme was identified as a limitation;
- personal social deficits combined with extended periods of imprisonment made it difficult for some prisoners to maintain support networks and develop appropriate relationships; and
- lack of gender balance in the PAU workforce (there was only one female Officer) limited the opportunity for prisoners to demonstrate appropriate, pro-social male/female relationships.

A life prisoner went absent from his pre-release scheme without permission on five occasions between March 2002 - December 2009. He absconded from Unaccompanied Temporary Releases, his hostel and work placements. He was recognised as a very poor copier and his periods of absence ranged from hours to 11 days. He re-offended by committing theft and car theft on two occasions.

Case conference minutes showed repeated attempts by prison staff, Probation Officers and the Parole Commissioners to engage him. Careful attention was paid to the risks he might pose, there were regular review meetings and Parole Commissioner hearings. The prisoner was offered an opportunity to make written representations and to attend in person. At October 2011 he remained in prison.

5.15 A small number of life prisoners had been suspended on more than one occasion from the pre-release stages, and the NIPS and others struggled to balance their resettlement needs against managing the risks they might pose to the public. Individual programmes had been designed for these prisoners with the aim of providing socialisation opportunities, rather than necessarily as a precursor to release. They were usually resource intensive cases which significantly challenged the best efforts of all the agencies.

Terrorist Related Offenders (TROs)

5.16 Under the terms of the Belfast Agreement, the Northern Ireland (Sentences) Act was introduced in July 1998. Prisoners convicted of scheduled



offences and attracting a sentence of five years or more became eligible to apply for early release to the Independent Sentence Review Commissioners. None of these prisoners were subject to supervision by the PBNi. Between 1998-2010 there were 149 lifers released under the terms of the Northern Ireland (Sentences) Act. Around 20 of them were back in custody in November 2011.⁹ It was difficult for the agencies to determine how best to manage the risks they posed since their motivation was not 'ordinary' criminal conduct that might be susceptible to psychology or probation risk assessment and risk management methodologies.

- 5.17 A working group comprising the DoJ, the NIPS, the PBNi and the Police Service of Northern Ireland had been established to address the issues involved in all cases where sentenced prisoners were considered to be terrorist-related. It was generally accepted that community supervision by the PBNi was neither appropriate nor viable in these cases. The Probation Board's longstanding practice has been that any TROs who committed a new non-terrorist offence would be assessed and managed in respect of the new matter. The position in March 2012 was that working arrangements had been agreed whereby assessment and case management would address the 'ordinary' offending of these prisoners, but not their motivation regarding the original offence.

Community supervision

- 5.18 Inspectors spoke with four licensed life prisoners who had been subject to PBNi supervision for periods of between seven months - 17 years. All had resisted supervision to varying degrees, especially at the initial stages of their licence. Many held negative views and grievances towards officialdom, and they struggled with the shift in the PBNi's role over the past decade, from a primarily welfare focus to risk management and enforcement. They resented the levels of intrusion that accompanied supervision, such as disclosure about their offences to new partners, employers and landlords. However all said that probation treated them fairly over the longer-term, and that their views were heard, even if not accepted.
- 5.19 The licensees knew their current risk scores and were able to read reports that were written about them. They provided examples of constructive and restrictive interventions that were applied to meet their risks and needs. These included accommodation, employment and training programmes, addictions treatment, art therapy, constructive recreation, and controls such as breathalyser and drugs tests, curfews and diary monitoring. They said their Probation Officer was usually closely involved when crises arose in their lives, especially if there was any hint that their risk levels might increase.

⁹ Digest of Information on the Northern Ireland criminal justice system, DoJ Statistics and Research Branch, Autumn 2011.



5.20 The supervisees felt their preparation for release had been carefully managed, beginning with Accompanied and Unaccompanied Temporary Releases. In some cases the NIPS had paid a key deposit and one months rent to help them obtain suitable accommodation. They found changes of community Probation Officer were irritating, but reported that new Officers were usually well-briefed before taking over supervision.

5.21 Most life licensees preferred to distance themselves from the criminal justice system in their attempts to resume a normal life. It was more difficult for them to access services such as addictions support in the community, as there was constant demand and they had no special claim on these services. Nor was it easy for some to maintain a low profile, and the PBNI had to arrange emergency accommodation when negative publicity threatened some licensees' safety.

Recalls from life licence and licence cancellations

5.22 Recall to prison was always a possibility for released lifers, not only upon reconviction for committing fresh offences, but also in response to a heightened risk that was assessed as unsafe to manage in the community - which was sometimes a consequence of failure to comply with licence conditions. For lifers recall was normally processed via the NIPS LSU, and in exceptional cases could be expedited in an emergency via the NIPS Offender Recall Unit. In either

circumstance, the Parole Commissioners were asked to rule on appropriateness of the decision to recall.

5.23 Between 2007 - November 2010 the PBNI had no reported convictions of serious further offending by those subject to licence conditions.¹⁰ Seven supervised licensees had been recalled since the last inspection.

5.24 Since December 2001 a total of 41 life sentence prisoners had been recalled to prison, 28 of these had been prosecuted for a further offence. Records also indicate that at least 14 other life licensees had received letters warning them about their behaviour; but none of the offences suggested that risk to the public had increased to a level to justify recall.¹¹

5.25 The number of life licensees under supervision in England and Wales rose from 1,350 in 2004-05 to 1,763 in 2010-11. Parole Board figures for 2010-11 show that 111 (6.3%) prisoners on life licence were recalled during the year, a rise from the 5% in 2009-10. The main reasons for recall were deterioration in behaviour (69) and further charges (28).¹²

Outcomes for victims

5.26 The criminal justice agencies were working to improve services for life prisoners' victims and their relatives in order to help them manage feelings about traumatic incidents, receive accurate factual information and have their needs properly considered. Understanding the victim's perspective

10 PBNI Disclosure Log Freedom of Information (Fol) request 02324, 9 December 2010.

11 Northern Ireland Assembly Hansard, Friday 23 December 2011.

12 Parole Board for England and Wales, Annual Report and Accounts 2010 -11.



could also inform case management of the offender while in prison and after being licensed.

- 5.27 Relatives could register with the PBNI Victim Information Scheme and the Prison Service Victim Information Scheme (PRVIS) to receive information about sentences imposed in respect of offences that affected them. There had been some progress since the last lifer inspection: in November 2009 the PBNI Victims Unit had begun offering reports that outlined relatives' views to the Parole Commissioners when lifers' three-year pre-TED hearings were being conducted. This was an addition to its existing role of offering information to relatives when a licensed life prisoner was being supervised in the community. Another positive development was that, whereas relatives who registered with the prison scheme were formerly dealt with by both the LSU and the LMU, they now had to engage only with the PRVIS.
- 5.28 While there was good information sharing between the NIPS and PBNI Victim Information Schemes, they operated in very different ways: PBNI Victim Liaison Officers (VLOs) held face-to-face meetings with families, but the PRVIS had little direct contact with relatives and mainly provided a leaflet information scheme that was supplemented by phone contact.
- 5.29 Families could make their own representations to the Parole Commissioners via the PRVIS. Victim Support Northern Ireland might assist in this process but it was otherwise unstructured. PBNI reports were compiled by VLOs who worked in pairs

and visited family homes, often meeting large groups of extended family members. Their experience has been that these meetings could be powerful and significant events, perhaps the first opportunity ever for participants to articulate their views about the death of a loved one. Emotions had to be carefully handled, particularly if relatives were coping with the shock of learning a prisoner was being considered for release. This information might only be made known to them by a letter from the NIPS or PBNI's Victim Information Schemes.

- 5.30 The PBNI explained that relatives could identify risk management issues which may not otherwise be apparent. As these issues might impact directly on management of the life prisoner, they would be shared with supervising Officers. The PBNI was responsive to views which could inform the OBPs that life prisoners had to undertake and their licence conditions; and life prisoners who were being supervised in the community had been removed to different accommodation on the basis of relatives' representations.
- 5.31 VLOs would share a draft report with the victim's relatives, and a prison Probation Officer would discuss it with the prisoner who had a right to comment upon the contents. VLOs would explain life licence requirements and the controls that would be applied. Feedback indicated that relatives who were in contact with the PBNI valued the service and said it helped that they were able to engage with statutory representatives of the criminal justice system.



5.32 Probation reports were based on the Parole Commissioners Rules. The current (2009) Rules were considered to be an improvement on the previous version in that they specified 'victim attitude' should be separately considered from 'community attitude'. By November 2011 there had been 27 requests for reports. A of total 17% had been submitted and the PBNI expected this work to increase in line with the growing numbers of lifers being sentenced and approaching tariff.

5.33 Not all relatives were registered with a Victim Information Scheme, some due to unawareness as their involvement with the criminal justice system pre-dated commencement of the schemes; and others because they consciously elected not to participate. Relatives' levels of awareness of the Information Schemes was expected to increase over time as nearly all newly-sentenced life prisoners now had pre-sentence reports prepared by the PBNI, and further advertisement should also raise the profile.

5.34 The LMU was helpful in providing information and contacts to the PBNI, but did not always have the necessary information. There were hurdles in obtaining contact details as data protection principles dictated that relatives had to be contacted via the police. Although a protocol existed between probation and the police for this purpose, it was not working properly due to police resourcing difficulties that arose in June 2011. The upshot was that the Probation Board was having problems in tracing relatives to offer their service. The PBNI are a statutory agency with a proven record

of delivering valued assistance in this highly-sensitive area, and it seems appropriate that they should be enabled to directly access victims' relatives to offer a service. Establishment of Witness Care Units may assist in this respect, but in the meantime **Inspectors recommend that the PBNI should document the volume and impacts of their difficulties in contacting victims, and share the findings with the PSNI; and that the PSNI should provide adequate resources to ensure victim information is provided to the Probation Board in a timely way.**

5.35 CJI's 'Care and treatment of victims and witnesses in the criminal justice system in Northern Ireland' inspection report (published December 2011) assessed the Victim Information Schemes currently in operation. It recommended their amalgamation under the auspices of the PBNI. The purpose of this is to ensure that personal contact will be offered by trained staff in all cases that register to receive information; and also to provide a central point for all post-conviction information so that confusion amongst victims will be minimised.

Outcomes for public protection

5.36 The ultimate aim of lifer management processes was to ensure the public was protected against any risks that released prisoners - who had committed the most serious offences - might pose. In order to further this aim the last CJI lifer inspection recommended 'The NIPS should establish close formal liaison with the Public Protection Team.' This recommendation was accepted in



principle and an Instruction to Governors issued by December 2009 clarifying NIPS responsibilities.

5.37 CJI reported on Public Protection Arrangements Northern Ireland (PPANI) in June 2011¹³ and said:

'The Northern Ireland Prison Service (NIPS) was better engaged with the PPANI than in the past, but needed to further increase its commitment, for example to interagency training and by increasing the offending behaviour programmes provided in prisons. Governors were now designated to attend LAPP Panels, and NIPS Instruction to Governors 22/09 – NIPS Internal Public Protection Arrangements provided a detailed outline of responsibilities for both NIPS and seconded PBNI staff who worked in the prisons. As was the case when we conducted previous public protection inspections, the NIPS still depended heavily on seconded PBNI personnel to ensure their responsibilities were properly fulfilled... There was a mismatch between the NIPS' expectations of the PPANI and what could actually be provided.'

5.38 Some useful work had however been undertaken since 2009. Whereas the NIPS had wanted Local Area Public Protection Panels to assess life prisoners who were going on eight hour Unaccompanied Temporary Releases, it was agreed in January 2010 that they would only be referred once the NIPS internal assessment considered the risks were sufficiently reduced to allow overnight testing. Otherwise the NIPS own controls would provide a sufficiently defensible position for decisions about Unaccompanied Temporary Releases. It took some

time to achieve this agreement, but once in place it clarified the NIPS-PPANI relationship and the new arrangements were considered to be functioning effectively in respect of lifers.

¹³ An inspection of Public Protection Arrangements Northern Ireland, CJI, 13 June 2011.









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