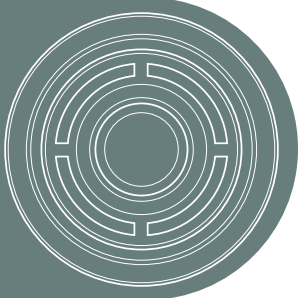




AN INSPECTION OF  
PRE-RELEASE TESTING  
ARRANGEMENTS WITHIN  
THE NORTHERN IRELAND  
PRISON SERVICE

October 2019





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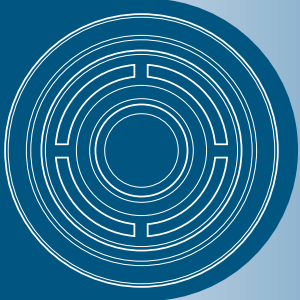
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## List of abbreviations

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



# Chief Inspector's Foreword

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

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

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

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

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



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

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

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**Brendan McGuigan CBE**  
**Chief Inspector of Criminal Justice**  
**in Northern Ireland**

October 2019

Criminal Justice Inspection  
Northern Ireland  
*a better justice system for all*





# Executive summary

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

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

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

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

was that those who were tested in advance of release were much less likely to fail once granted their licence. This finding was confirmed in a CJI inspection in May 2018.<sup>2</sup>

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

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

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



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

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

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

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

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

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

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





# Recommendations

## Strategic recommendations

**1** The Northern Ireland Prison Service (NIPS) should review the totality of its Pre-Release Testing (PRT) and Home Leave Schemes. This review should aim to establish consistency between establishments, taking account of best practice in other jurisdictions. It should also determine whether it is necessary to continue to offer Resettlement Leave; and it should ensure greater accuracy of data that is collated about the various Home Leave schemes and it should ensure the data is analysed e.g. in relation to the disparate success levels between CTR and other applications. (*paragraph 3.34*).

**2** The NIPS should publish a rationale and operating procedures for External Activity schemes in a policy document. That policy should explain the criteria for prisoners to participate in External Activity schemes and the extent to which governors' discretion may apply. It should also reflect the importance of notifying registered victims when individual prisoners are given approval to participate in External Activity schemes (*paragraph 3.48*).

## Operational recommendations


**1** The NIPS should explore the feasibility of using electronic monitoring on a trial basis to support PRT and other forms of temporary release from prisons (*paragraph 2.21*).

**2** The NIPS should work with the Probation Board for Northern Ireland (PBNI) and Victim Support Northern Ireland to develop a plan that actively promotes the Prisoner Release Victim Information Scheme (PRVIS) in order to maximise uptake (*paragraph 4.12*).

**3** The NIPS should normalise routines for other prisoners as soon as possible when a prisoner breaches their individual PRT conditions. It should also clearly advise prisoners who are becoming involved in PRT about the possible consequences for everyone when one prisoner breaks the rules (*paragraph 4.35*).

**4** The NIPS should strengthen its Burren House operation by:

- developing an outreach programme that promotes public understanding of the PRT work at Burren House and other facilities (*paragraph 4.24*);
- sharing Burren House audits with the NIPS Director of Rehabilitation and with relevant PBNI managers (*paragraph 4.38*); and
- ensuring more regular managerial oversight by Maghaberry Prison management and NIPS HQ (*paragraph 4.41*).



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