



Parole Commissioners
for Northern Ireland

ANNUAL REPORT
2016-2017



Parole Commissioners for Northern Ireland
Annual Report 2016/17
Report for the year end 31 March 2017

Laid before the Northern Ireland Assembly pursuant to Paragraph 7(2) of Schedule 4 to the Criminal Justice (Northern Ireland) Order 2008. Amended by the NI Act 1998 (Devolution of Policing and Justice Functions) Order 2010.

on 11 July 2017



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ISBN: 978-1-911003-76-2

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Contents

| | |
|--|----|
| Background | 6 |
| Criminal Justice (Northern Ireland) Order 2008 | 6 |
| Current Legislation | 6 |
| Introduction | 8 |
| Workload | 8 |
| Protected Information Cases | 9 |
| Key Statistics | 10 |
| Quality Issues | 14 |
| Parole Commissioner Rules | 14 |
| Stakeholder Engagement | 14 |
| Commissioners | 15 |
| Secretariat | 15 |
| Governance | 15 |
| Judicial Challenges and Reviews | 16 |
| Going Forward | 16 |
| Resources | 17 |
| Appendix A – Commissioners’ Profiles | 18 |
| Appendix B - Commissioners’ Remuneration | 23 |

Background

The appointment of the Life Sentence Review Commissioners (LSRC) was the result of a review of Northern Ireland prisons legislation conducted by the Government in anticipation of the coming into effect, in October 2000, of the provisions of the Human Rights Act 1998. An important aspect of that work was to review the arrangements then in place for the consideration of the suitability for release of prisoners who had been sentenced to life imprisonment. The review considered the three types of life sentence: mandatory life sentences (for murder), discretionary life sentences (for other serious violent offences) and juvenile offenders sentenced to detention in circumstances that would, for an adult, have merited either a mandatory or a discretionary life sentence.

The review concluded that the existing procedures for discretionary life sentence prisoners and those sentenced to detention at the Secretary of State's pleasure could be deemed inconsistent with the requirements of the European Convention on Human Rights. This was based on advice on the suitability of the prisoner for release being given to the then Secretary of State by the Life Sentence Review Board, a non-statutory body consisting largely of senior officials of the Northern Ireland Office. It was considered that compliance with the European Convention on Human Rights would require that, once the punitive element of the sentence had been completed, each prisoner should have his or her case reviewed periodically by a judicial body. To have judicial character, the body would need to be independent of the executive (and of the parties concerned); impartial; and able to give a legally binding direction regarding the prisoner's release.

In March 2000, the report of the Review of the Criminal Justice System in Northern Ireland endorsed this conclusion and further recommended that an independent body should make decisions on the release of all life sentence prisoners.

The Government accepted this recommendation and brought forward legislation that required all life sentence prisoners to have the punitive element of their sentence judicially determined and their suitability for release independently assessed and directed at the appropriate time by an independent body of judicial character. The legislation in question was the Life Sentences (Northern Ireland) Order 2001 (2001 Order) and the Life Sentence Review Commissioners' Rules 2001 (2001 Rules). The Order was approved by, and the Rules laid before Parliament in July 2001 and both came into force on 8 October 2001.

The Criminal Justice Act 2003 made a number of significant changes to the sentencing framework for England and Wales. As a result it was felt that Northern Ireland should

have its own review. In March 2005 the Northern Ireland Office published a consultation paper on the sentencing framework in Northern Ireland which considered new measures to enhance public protection. The exercise was largely informed by provisions contained in the Criminal Justice Act 2003, particularly the introduction of indeterminate and extended public protection sentences for dangerous sexual and violent offenders.

Ministers concluded that the sentencing framework should be revised and that legislation should be brought forward to provide for the introduction of indeterminate and extended sentences for dangerous sexual and violent offenders allowing individuals posing a risk of serious harm to be detained indefinitely or to the end of their extended sentences.

Criminal Justice (Northern Ireland) Order 2008

The relevant legislative provisions are contained in the Criminal Justice (Northern Ireland) Order 2008 (2008 Order). Among other things it provided that the Life Sentence Review Commissioners be renamed the Parole Commissioners for Northern Ireland and that the responsibilities of the Commissioners be extended to include decisions as to the release and recall of prisoners sentenced to indeterminate and extended custodial sentences and the recall of prisoners who receive other determinate sentences.

The Parole Commissioners' Rules (Northern Ireland) 2009 (2009 Rules) came into operation on 1 April 2009. These Rules replaced the Life Sentence Review Commissioners' Rules 2001 and apply to both the 2001 Order and the 2008 Order.

Current Legislation

The work of the Parole Commissioners for Northern Ireland is governed by two 'Orders' and one set of 'Rules' - The Criminal Justice (Northern Ireland) Order 2008¹, the Life Sentences (Northern Ireland) Order 2001 and the Parole Commissioners' Rules (Northern Ireland) 2009.

The principal provisions of the Life Sentences (Northern Ireland) 2001 Order provide for:

- the setting by the court of a relevant period, or 'tariff', as the period of the sentence to be served to satisfy retribution and deterrence before review for release;

¹ The NI Act 1998 (Devolution of Policing and Justice Functions) Order 2010, provides for the continuing role of the Secretary of State in cases where national security is involved.

- the power of the Commissioners to direct a prisoner's release on licence if continued detention is not required for the protection of the public;
- the attachment by the Department of Justice of conditions to the release licence, in accordance with recommendations of the Commissioners;
- the revocation by the Department of Justice of the licence of a released prisoner and the latter's recall to prison;
- the consideration by the Commissioners of such recalls and their power to direct the release of recalled prisoners; and
- the arrangements for setting of tariffs for prisoners already serving life sentences.

The principal provisions of the Criminal Justice (Northern Ireland) Order 2008 provide for:

- the appointment of Commissioners;
- the Commissioners to advise the Department of Justice with respect to any matter connected with the release or recall of prisoners referred to them;
- the renaming of the LSRC as the Parole Commissioners for Northern Ireland (PCNI);
- the appointment of Parole Commissioners to include a Chief Commissioner and, if necessary, the appointment of a deputy Chief Commissioner;
- the introduction of public protection sentences for violent and/or sexual offenders based on an assessment of dangerousness;
- the necessity for all public protection sentence prisoners to be referred to the Commissioners to assess suitability for release;
- the imposition of licence conditions on persons who have been sentenced to a public protection sentence or a determinate sentence of 12 months or more;
- the revocation by the Department of Justice of the licence of a released prisoner and recall to prison, if so recommended by Parole Commissioners; and
- the consideration by the Commissioners of such recalls and their power to direct release.

The Rules set out in detail the procedures that apply to life and public protection sentenced prisoners where the Department of Justice (or Secretary of State in matters of national security) refers a prisoner's case to the Commissioners regarding his release or recall. Currently there are no Rules governing the recall and re-release of determinate custodial sentenced (DCS) prisoners, however;

as far as is practicable, the Rules will be applied. They provide, in particular, for:

- the exercise by the deputy Chief Commissioner of such powers and functions as may be delegated by the Chief Commissioner and for a deputy Chief Commissioner to act on the Chief Commissioner's behalf if he/she is unavailable;
- the appointment by the Chief Commissioner of a single Commissioner to consider a case initially and provide a provisional direction/direction on release;
- the appointment by the Chief Commissioner of a panel of Commissioners to consider those cases where release has been directed or, in the case where a prisoner is not to be released, the prisoner has requested an oral hearing of his case (wherever practical, one panel member should be legally qualified and another a psychiatrist or psychologist);
- the representation of the prisoner and the Department of Justice;
- the appointment by the Commissioners of a representative to act on behalf of the prisoner or for a single Commissioner to carry out an interview, with the prisoner's consent where he/she does not appoint one him/herself;
- the submission of information and reports by the Department of Justice and of representations and documentary evidence by the prisoner;
- the making of directions and the holding of oral hearings to consider the prisoner's case and the procedure for such hearings (including the granting/refusal of the attendance of witnesses and observers);
- the time limits within which notifications and responses must be made;
- the distribution of directions by the single Commissioner and/or panel chairman and the consideration of appeals against such directions by the Chief Commissioner; and
- the withholding, in specified circumstances, of particular items of evidence from the prisoner; or the prisoner and his representative and in the latter event, the appointment by the Attorney General of a Special Advocate to represent the prisoner's interests.

Introduction

This year has been a more settled year for the Commissioners. Workload has again remained relatively stable in terms of cases referred to us. There has however been a large increase in the number of oral hearings which are expensive and resource intensive. I stated in last year's report that I was concerned that our information requirements were not being met especially at hearings and the impact this could have in terms of delay, additional adjournments and our ability to deal properly with prisoners' cases. This remains a live issue which I will discuss in greater detail below.

Workload and Key Statistics

This year new referrals have remained largely static with an increase of one case on the previous year. However there has been an increase in the number of withdrawals which has had the net effect of reducing the overall cases to be considered by seven cases on the same period last year. Referrals across all types of cases have seen only minimal variances.

In total 145 cases were completed at the single Commissioner stage, a slight increase of four cases against the 2015/16 figures.

In DCS recall reviews 52% were completed at the single Commissioner stage. This is a reduction on last year's figure and should be seen in the context of a substantial increase in cases being referred to panel (up 125% or 18 cases) and requests for oral hearings (an increase of 57%). Commissioners considered that in approximately half of the cases referred to panel there was insufficient information in regard to risk issues, ability to comply with supervision and progression in rehabilitative measures to make a decision. In 12 cases there were disputes of fact that the single Commissioners believed could not be resolved on paper and required further oral evidence.

The overall number of cases referred to panel amounted to 67, a 43% increase on the previous year. In 49 cases (excluding DCS recall reviews discussed above), the cases were referred to panel on the basis there was insufficient information provided in regard to progress, risks or manageability in the community.

For the third year in a row the overall case completion figure has increased showing an upturn on output of almost 9%, or 51 cases.

Commissioners conducted 272 panel hearings, a not insignificant increase of 16% on the previous year. Hearings increased in all areas with the exception of life sentenced recalled prisoners and recalled ECS prisoners. A total of 28 cases required more than one hearing due to adjournments for issues such as progression of the offender, a need to hear from a witness or the requirement of additional information.

There has been a small increase in the number of recalls requested. An additional two requests were received this year in relation to life sentenced prisoners, ten in relation to DCS prisoners and a decrease of eight in ECS prisoners. Overall six requests to recall were not recommended. A further four recalls recommended to the Department of Justice were not accepted and the prisoner was not recalled. There has also been an increase in the release of prisoners with 32 more prisoners being released against last year's figure. The most notable increase has been seen in the release of DCS prisoners.

Overall 884 provisional directions/directions, single Commissioner decisions, panel decisions, pre-tariff recommendations, licence consultations/variation/cancellation recommendations and recall recommendations have been issued representing an overall increase of 11% against the previous year.

Protected Information Cases

By their very nature, these types of cases are complex and fall outside the normal timetables set out in the Parole Commissioners' Rules 2009. The timetable can become unavoidably protracted. Once the Commissioners have been advised of the existence of such material and a gist has been provided, the single Commissioner will refer the matter to a panel as soon as is practicable in order to have the process of the appointment of a Special Advocate advanced and a timetable set. The panel must carefully consider all the information put to them and hear any arguments in regard to disclosure. This necessitates a procedure of direction hearings, exculpatory reviews and open and closed hearings before a decision can be made.

This year Commissioners have completed two protected information cases and are currently considering a further two. The information is ordinarily, but not always, concerned with national security issues. In these circumstances the Commissioners are required to review the gist of the information certified by the Secretary of State and consider whether there is sufficient specificity to allow the prisoner to make representations. The Special Advocate will act in the interests of the prisoner in regard to the protected information. He/she may only directly correspond with the prisoner before he/she views the information and thereafter, only with the permission of the panel.

The panel will make their decision based on the statutory test of whether the prisoner poses a risk of harm/serious harm and consider whether that risk can be safely managed in the community.

Key Statistics

New Referrals

| Article | 2014/15 | 2015/16 | 2016/17 |
|------------------|------------|------------|------------|
| 6 | 42 | 46 | 52 |
| 7(2) | 0 | 0 | 0 |
| 8(3) | 5 | 8 | 4 |
| 9(1) | 5 | 2 | 4 |
| 9(4) | 4 | 3 | 3 |
| 18 | 99 | 110 | 110 |
| 24(5) | 38 | 32 | 37 |
| 28(2)(a) ECS/ICS | 32 | 36 | 28 |
| 28(2)(a) DCS | 158 | 160 | 169 |
| 28(4) ECS/ICS | 25 | 39 | 25 |
| 28(4) DCS | 151 | 153 | 156 |
| 29(6) | 39 | 42 | 47 |
| 46(3) | 20 | 10 | 7 |
| | | | |
| Total | 618 | 641 | 642 |

Cases Withdrawn/no jurisdiction

| Article | 2014/15 | 2015/16 | 2016/17 |
|------------------|----------|----------|-----------|
| 6 | 0 | 0 | 1 |
| 7(2) | 0 | 0 | 0 |
| 8(3) | 0 | 0 | 0 |
| 9(1) | 0 | 0 | 0 |
| 9(4) | 0 | 0 | 0 |
| 18 | 4 | 0 | 3 |
| 24(5) | 0 | 0 | 3 |
| 28(2)(a) ECS/ICS | 0 | 0 | 0 |
| 28(2)(a) DCS | 0 | 1 | 0 |
| 28(4) ECS/ICS | 0 | 0 | 1 |
| 28(4) DCS | 1 | 0 | 2 |
| 29(6) | 1 | 2 | 1 |
| 46(3) | 2 | 0 | 0 |
| | | | |
| Total | 8 | 3 | 11 |

Cases Completed

| Article | 2014/15 | 2015/16 | 2016/17 | C/F |
|------------------|------------|------------|------------|------------|
| 6 | 40 | 44 | 51 | 34 |
| 7(2) | 0 | 0 | 0 | 0 |
| 8(3) | 5 | 8 | 4 | 0 |
| 9(1) | 5 | 2 | 4 | 0 |
| 9(4) | 2 | 4 | 3 | 2 |
| 18 | 107 | 93 | 101 | 70 |
| 24(5) | 36 | 33 | 34 | 1 |
| 28(2)(a) ECS/ICS | 32 | 36 | 28 | 0 |
| 28(2)(a) DCS | 158 | 160 | 168 | 1 |
| 28(4) ECS/ICS | 18 | 37 | 30 | 8 |
| 28(4) DCS | 167 | 129 | 162 | 49 |
| 29(6) | 37 | 36 | 44 | 15 |
| 46(3) | 22 | 8 | 12 | 1 |
| | | | | |
| Total | 629 | 590 | 641 | 181 |

Cases completed at single Commissioner

| Article | 2014/15 | 2015/16 | 2016/17 |
|---------------|------------|------------|------------|
| 6 | 8 | 9 | 12 |
| 9(4) | 0 | 0 | 0 |
| 18 | 19 | 19 | 14 |
| 28(4) ECS/ICS | 5 | 6 | 3 |
| 28(4) DCS | 108 | 85 | 91 |
| 29(6) | 24 | 22 | 25 |
| | | | |
| Total | 164 | 141 | 145 |

Cases referred to panel

| Article | 2014/15 | 2015/16 | 2016/17 |
|---------------|-----------|-----------|-----------|
| 6 | 8 | 9 | 7 |
| 9(4) | 1 | 1 | 2 |
| 18 | 13 | 18 | 26 |
| 28(4) ECS/ICS | 2 | 7 | 6 |
| 28(4) DCS | 8 | 8 | 18 |
| 29(6) | 3 | 4 | 8 |
| | | | |
| Total | 35 | 47 | 67 |

Oral Hearing Requests

| Article | 2014/15 | | 2015/16 | | 2016/17 | | C/F |
|--------------|----------|-----------|----------|-----------|----------|-----------|----------|
| | Refused | Granted | Refused | Granted | Refused | Granted | |
| 28(4) DCS | 1 | 48 | 2 | 38 | 0** | 52 | 2 |
| 29(6) | 1 | 13 | 0 | 9* | 1 | 10 | 0 |
| Total | 2 | 61 | 2 | 47 | 1 | 62 | 2 |

* Revision to last year's figure

** 2 oral hearings were refused and subsequently granted by way of appeal to the Chief Commissioner

Panel Hearings

| Article | 2014/15 | 2015/16 | 2016/17 |
|---------------|------------|------------|------------|
| 6 | 35 | 42 | 53 |
| 9(4) | 6 | 9 | 2 |
| 18 | 85 | 79 | 94 |
| 28(4) ECS/ICS | 15 | 39 | 27 |
| 28(4) DCS | 56 | 52 | 76 |
| 29(6) | 16 | 14 | 20 |
| Total | 213 | 235 | 272 |

Release Decisions

| Article | 2014/15 | 2015/16 | 2016/17 |
|---------------|-----------|-----------|------------|
| 6 | 13 | 11 | 14 |
| 9(4) | 0 | 0 | 1 |
| 18 | 25 | 17 | 19 |
| 28(4) ECS/ICS | 9 | 12 | 10 |
| 28(4) DCS | 46 | 18 | 47 |
| 29(6) | 6 | 15 | 14 |
| Total | 99 | 73 | 105 |

No recommendations for further review

| Article | 2014/15 | 2015/16 | 2016/17 |
|---------------|------------|------------|------------|
| 6 | 0 | 0 | 0 |
| 9(4) | 0 | 0 | 0 |
| 18 | 25 | 16 | 22 |
| 28(4) ECS/ICS | 2 | 9 | 1 |
| 28(4) DCS | 87 | 79 | 79 |
| 29(6) | 14 | 13 | 17 |
| Total | 128 | 117 | 119 |

Recalls

| Article | 2014/15 | | 2015/16 | | 2016/17 | | C/F |
|------------------|------------|--------------|------------|--------------|------------|--------------|----------|
| | Recall | Not recalled | Recall | Not recalled | Recall | Not recalled | |
| 9(1) | 5 | 0 | 2 | 0 | 4 | 0 | 0 |
| 28(2)(a) ECS/ICS | 30 | 2 | 34 | 2 | 27 | 1 | 0 |
| 28(2)(a) DCS | 153 | 5 | 153 | 6 | 163 | 5 | 1 |
| Total | 188 | 7 | 189 | 8 | 194 | 6 | 1 |

Licence Conditions - Recommendations

| Article | | 2014/15 | 2015/16 | 2016/17 |
|--------------|-------------------------|-----------|-----------|-----------|
| 8(3) | Condition(s) cancelled | 4 | 6 | 3 |
| | Condition(s) varied | 1 | 2 | 0 |
| | Condition(s) not varied | 0 | 0 | 1 |
| 24(5) | Consultation | 21 | 18 | 15 |
| | Condition(s) varied | 14 | 11 | 18 |
| | Condition(s) inserted | 3 | 4 | 1 |
| Total | | 43 | 41 | 38 |

Quality Issues

Last year, I reported as follows:

“Commissioners now have to deal with many cases, mainly the more serious lifer cases or prisoners serving public protection sentences, without either a representative from the Department of Justice or a written submission about whether the prisoner is suitable for release. Even more worrying is the fact that fewer witnesses are attending hearings to assist us with their knowledge and expertise. It is not unusual for an oral hearing to be convened with no-one present for the Department and the prisoner and his representative being the only attendees at the hearing. This means that the Commissioners cannot know of any recent developments in the case and have only a one dimensional view presented to them. My colleagues and I are deeply concerned about this development and fear that it strikes at the heart of our role as independent decision-makers. We appreciate that the fiscal climate has meant that agencies such as prison and probation have had to make economies but we are of the view that there is a real future risk which may result in Commissioners making decisions on inadequate information which could put the public at risk.”

Sadly, there has been little change and we continue to have many hearings without either a Departmental representative or witness present. This has caused real problems on the day as the panel is usually not able to receive up to date information about the case. This year, the Head of Operational Development conducted an in-depth study of 20 hearings and prepared a comprehensive report that includes a number of recommendations to try to improve the position. A number of legal representatives and prisoners were also interviewed as part of this process and their views have been included. Some of these recommendations rightly refer to Commissioners' practice; others relate to that of the parties. We have started to address the recommendations and will be working with our stakeholders to try to implement change. I am most grateful to the author of the report and the small group of Commissioners working with her to take this forward. We are planning to continue to monitor adjournments and case movements going forward to build on the evidence gathered during the study and remain informed of potential issues. I am of course mindful that resources remain a real problem but it is right that we try to focus what we have in a way that will best safeguard public protection.

Parole Commissioners' Rules

Last year the Department confirmed its latest plans to review the Parole Commissioners Rules and this is an area I had hoped would have progressed further. The last similar exercise was completed in 2013, when the agreed amendments were not implemented due to the legislative timetable. The present review began with a call for representations from stakeholders to be provided by April 2016, with the overall timetable suggesting new Rules would be in place by April 2017. This always seemed challenging and the deadline changed to autumn 2017 in the course of the year. Disappointingly, the stakeholder responses were not collated and shared until the end of March 2017 with a new deadline of April 2018 for implementation of any revised Rules.

I believe that wholesale changes to the present Rules are unnecessary and misconceived in the absence of evidence that a more fundamental change is merited or required. While the Rules remain the responsibility of the Department, I am keen to have amendments which would enable the Commissioners to work more efficiently and effectively such as flexibility in the number of Commissioners on a panel. I would suggest that (if there is to be a wholesale review) the key question should be whether the process (especially at oral hearings) should be adversarial or inquisitorial in nature and appropriate changes would flow from that. A recent case in the High Court gave a helpful analysis of the differences between the Rules in England and Wales and those in Northern Ireland and concluded that the former were based on an inquisitorial system unlike our own.

Progress on the Rules review during the forthcoming year will be an important issue if the Commissioners are to retain confidence in the exercise and overall timetable.

Stakeholder Engagement

We have continued to have productive relationships with our stakeholders with a range of regular meetings. I met with the Chair and Chief Executive of the Parole Board for England and Wales which gave us the chance to look at issues of common concern. They also generously shared some research information on risk issues.

I am pleased to report that the User Group met again this year in February after a difficult last year when a number of meetings were cancelled due to low attendance. I am most grateful to its Chair, Anne Fenton, who has now succeeded

in having these meetings qualify for Continuous Professional Development (CPD) points for the legal profession. I hope that this will encourage more practitioners to attend. I know that Commissioners very much value the opportunity to hear and respond to stakeholder issues and the User Group is the best way to receive this feedback.

I was again invited to give a presentation to the Belfast Solicitors Association and the Head of Operational Delivery and I enjoyed explaining the work of the Commissioners and how solicitors could best assist their clients at the event. We also gave a presentation in the Bar Library to newly qualified barristers which was well attended and very useful.

I hosted a seminar for a leading Canadian academic and expert in parole and probation, Robert Brown. He masterminded an international study of recalls some years ago and was interested in how we managed this process in Northern Ireland. Again, resource constraints have prevented me accepting an invitation from him to speak at a conference of the American Parole and Probation Association in New York later this year as well as the Association of Paroling Authorities International. I remain a member of the latter association's Training Committee where our meetings are conducted by video-conference or on paper. I have recently accepted an invitation to be a member of the Training and Development Committee of the International Corrections and Probation Association. I have also been asked to consider making a presentation at this organisation's conference later this year and am hoping to do so jointly with a senior representative from the Northern Ireland Probation Board. These international groups provide a good opportunity to remain up to date in relevant research in our field.

Commissioners

This has been a settled year; however, due to forthcoming retirements the PCNI will be losing several experienced Commissioners over the next few years. As a result the Department of Justice carried out a recruitment competition, during this reporting year, to appoint five additional Commissioners to ensure that we continue to have sufficient people in place to manage our demanding caseload. The competition was completed in December and five Commissioners are due to be appointed by May 2017. Two Commissioners retired during the period of this report, Justice Tracy Doherty and Judge Tom Burgess. Both

Commissioners made a magnificent contribution to the work of the Parole Commissioners. I would like to take this opportunity to express my thanks for their support and dedication throughout their time in Office. They will be missed by all.

I continue to be grateful for the excellent work done by Commissioners and for their continued support and comradeship.

Secretariat

On behalf of the Commissioners, I would like to express gratitude and appreciation for all the considerable efforts of our Secretariat staff, ably led by Mark Radcliffe. There have been a number of changes in personnel over the year but our staff continue to support Commissioners ably and cheerfully.

Governance

Last year, I reported on the much improved relationships with our sponsors, the Courts and Tribunals Service. I am delighted to say that this relationship has continued to be positive. We did review the Memorandum of Understanding and considered that it remained fit for purpose. We also considered that there was no need for this document to be reviewed annually which is a good indicator of the effectiveness of the present governance arrangements. I would like to express my thanks to Ronnie Armour who, as Chief Executive of the Courts and Tribunals Service, took a real interest in the work of the Commissioners and established a Steering Group which he chaired in order to co-ordinate all aspects of our work with colleagues in the Department of Justice. I congratulate him on his promotion and look forward to working with him in his new role as Director of Reducing Offending and Head of the Prison Service. I am pleased that the new Acting Chief Executive of the Courts and Tribunals Service and his staff continue to demonstrate appropriate support and an understanding of the independence of our role.

The pressure on resources across the Department and the need to prioritise a recruitment exercise for new Commissioners meant that I agreed we would not be pushing for immediate action to be included in Schedule 1 as judicial officers. I have instead asked for work to commence on what would be involved in making this change so that we can best analyse the costs and benefits.

Judicial Challenges/Reviews

There has been a substantial rise in challenges this year:

In total 18 pre-action letters were received, nine of which were settled without further recourse to the court. Three pre-action challenges were brought against procedural directions given by the Commissioner(s) dealing with the case at the time.

A further five cases were challenged on the basis of assumed omissions from decisions regarding specific considerations. These were disputed by the Commissioners on the basis that the legislation had been adhered to fully and there was no statutory power to revisit decisions once issued in life, ICS and ECS cases. No further challenges were brought against these cases.

In total five matters were considered at the leave to apply for Judicial Review stage with leave refused in two cases and a further two cases were dismissed. One case proceeded to a full hearing and was successfully defended.

Going Forward

Contributing to the development of an appropriate set of Rules will be a key priority this coming year, together with working with our stakeholders to attempt to improve the parole process within existing resources. It is vital that we have all available information in every case so that we can make our decisions and continue to protect the public as well as to consider rehabilitation issues. I have always been impressed by the goodwill and genuine attempts to assist among our partner agencies. We have worked together well in the past to make improvements, most notably on the recall process and I am optimistic that we can address at least some of the issues around oral hearings that are causing concern.

Resources

Financial Summary

For most of the year covered by this report, the Commissioners have been supported and advised by a Secretariat comprising of 16 staff.

The Commissioners' Secretariat are based on the 1st floor Mezzanine in Laganside Court, Oxford Street Belfast.

Expenditure incurred by the Department of Justice in providing for the work of the Commissioners in the year ending 31 March 2017 is detailed below:

| | 2012/13 (£000) | 2013/14 (£000) | 2014/15 (£000) | 2015/16 (£000) | 2016/17 (£000) |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|
| Commissioners' Remuneration | 689 | 896 | 927 | 836 | 945 |
| Commissioners' Travel, Accommodation and Expenses | 37 | 65 | 76 | 74 | 63 |
| Legal Costs | 86 | 105 | 22 | 29 | 50 |
| Premises | 188 | 137 | 187 | 120 | 103 |
| General Administration | 72 | 111 | 91 | 80 | 84 |
| Staff Salaries | 431 | 551 | 530 | 499 | 487 |
| | | | | | |
| Total Expenditure | 1,503 | 1,865 | 1,833 | 1,638 | 1,732 |

APPENDIX A

Commissioners' Profiles

Chief Commissioner

Ms Christine Glenn qualified as a barrister in 1980. She was the Justices' Chief Executive in the Inner London Magistrates' Courts Service until 2001 and Chief Executive of the Parole Board for England and Wales from 2001 until March 2009. She sat as a judge in the First Tier Tribunal, dealing with asylum and immigration cases. She served as a member of the Thames Valley Courts Board from its inception until 2010. She also worked as a consultant on parole and criminal justice, including advising governments and training parole boards in Cyprus, the Cayman Islands, Montserrat, Anguilla, and the British Virgin Islands. She has worked as a Visiting Expert at the United Nations And Far East Institute in Japan and has also presented on parole and its impact on reducing prison overcrowding at the United Nations Congress on Crime in Brazil 2010. She is a member of the Association of Paroling Authorities International Training and Development Committee, representing the international division.

Commissioners from a Legal Background

Justice Teresa Doherty CBE was a barrister. She was formerly a member of the Lord Chancellor's Advisory Committee of JP's, and a part-time Chairperson of the Social Security Appeals Tribunal. She also held the positions of Principal Magistrate and Judge of the National and Supreme Courts of Papua New Guinea and of the Court of Appeal and High Court of Sierra Leone. In January 2005 she was appointed by the United Nations as a judge of the 2nd trial chamber of the Special Court for Sierra Leone (the international war crimes tribunal for Sierra Leone) and to the Residual Special Court of Sierra Leone in 2013. She is a Visiting Professor at the University of Ulster and Adjunct Professor at University of Cork.

Mrs Anne Fenton MBE has been a qualified solicitor since 1978. She was Director of the Institute of Professional Legal Studies at Queen's University, Belfast from 1998 to 2013. She is currently a part-time legal member of the Mental Health Review Tribunal and has previously held appointments as part-time Chairperson to both the Child Support and Disability Appeal Tribunals. In January 2014 she was appointed Under-Treasurer of the Inn of Court of Northern Ireland.

Ms Clodach McGrory practiced at the Bar in Northern Ireland from 1990 to 1995 and subsequently worked at the Law Centre (NI). She was a member of the Standing Advisory Commission on Human Rights from 1998 to 1999 and served a term of office on the Irish Human Rights

Commission from December 2000 until August 2006. She was a member of the Prison Review Team which was appointed by the Minister of Justice in June 2011 to conduct a comprehensive review of the Northern Ireland Prison Service and reported in October 2012. She is currently a part-time Chairperson of Social Security Appeal Tribunals and has been a Life Sentence Review Commissioner/Parole Commissioner since 2001. Ms McGrory was appointed Chairperson of the Sentence Review Commissioners on the 21 January 2013.

Professor John Jackson is a professor of Law at the University of Nottingham and a qualified barrister. He was previously Dean of the School of Law at University College Dublin and has taught at several other universities including Queen's University Belfast, the University of Sheffield, the City University, London and University College Cardiff. He has held visiting professorships at Hastings College of the Law, University of California and the Faculty of Law, University of New South Wales and was a Fernand Braudel Senior Fellow at the European University Institute in 2007 – 2008. From 1998 to 2000 he was an Independent Assessor for the Northern Ireland Criminal Justice Review and he has been a Sentence Review Commissioner since 2012.

Mr Paul Mageean qualified as a solicitor in 1991 and was originally in private practice. In 1995 he joined the Committee on the Administration of Justice as their Legal Officer during which time he successfully brought a number of cases to the European Court of Human Rights. He was Head of the Criminal Justice Secretariat of the Court Service from 2004, and joined the Criminal Justice Inspection Northern Ireland in 2005. He was the Director of the Graduate School for Professional Legal Education at the University of Ulster from 2008 until his appointment in September 2013 as Director of the Institute of Professional Legal Studies at Queen's University Belfast.

Mr Jeremy Mills qualified as a solicitor in 1990. He spent 15 years with a firm of corporate solicitors in Belfast and was a partner for 10 years. Between 2007 and 2012 Jeremy served as a part time Legal Chairman of the Northern Ireland Valuation Tribunal. From 2008 to 2012 he was also a member of the Department of Agriculture and Rural Development's Independent Review of Decisions Panel. He joined the Board of Bryson Charitable Group in 2008 as a non-executive Director. In 2009 he was appointed to Transport NI's panel of independent Public Inquiry Inspectors. He is also a non-executive Director of the Odyssey Trust Company.

Ms Anne Grimes qualified as a solicitor in 1990. She worked at Law Centre (NI) for 12 years. She was appointed as an Immigration Judge of the First-tier Tribunal in 2002 and also as a Deputy Judge of the Upper Tribunal in 2010. In 2007 she was appointed a part time Legal Chairman of the Northern Ireland Valuation Tribunal. She is also a Sentence Review Commissioner.

Judge Tom Burgess CBE was educated at Queen's University, Belfast. He was admitted as a solicitor in 1968 and was appointed President of the Law Society in 1987. He was leader of the UK Delegation to the European Bar from 1989 -1992. He was appointed as a Deputy County Court Judge in 1988 and sworn in as a County Court Judge in 1992. Judge Burgess was Recorder of Londonderry from 1995 until 2003. Judge Burgess was appointed as Recorder of Belfast in March 2005. He was appointed as the Presiding judge on 3 April 2006. He retired in September 2012 and appointed Deputy High Court Judge in November 2012.

Mr John F Gibbons qualified as a solicitor in 1991, and runs his own law firm, which he established in 1995. He was originally appointed a member of the Solicitors Disciplinary Tribunal in 2009 and was reappointed for a third term, in 2015. He was a trustee board member and treasurer of Citizens Advice, Belfast, between 2008 and 2014. In 2010 he was appointed a legal chairman of the Department of Agriculture and Rural Development's Independent Appeals panel and in 2012 he was appointed legal chair to the Pharmaceutical Society for Northern Ireland's Fitness to Practice scrutiny committee. He was sworn in as a Legal Member of the Mental Health Review Tribunal for Northern Ireland, in January 2015.

Ms Maura Hutchinson qualified as a solicitor in 1996 and worked for a number of years in a City of London legal practice. She set up and managed a grant-giving programme (Awards for All) in the charity and voluntary sector in Northern Ireland and was a solicitor at Law Centre (NI) until 2010. Maura has been a part-time judge of the First Tier Tribunal - Immigration and Asylum Chamber since 2006 and was appointed as a deputy judge of the Upper Tribunal, Immigration and Asylum Chamber in 2015. She was appointed as an Adjudicator of the Traffic Penalty Tribunal Northern Ireland in 2006. Maura was appointed as a part-time Chairperson of the Social Security Appeal Tribunals in 2014 and as a part-time legal member of the Mental Health Review Tribunal in 2015. Until 2015 she acted as a lay member for the Northern Ireland Medical and Dental Training Agency.

Mrs Marian Killen was admitted as a solicitor in 1978 and took up her current post as Assistant Crown Solicitor in 2007. She sits as a Deputy District Judge (civil) in the County Court and a Deputy Master in the High Court. She is a member of the Law Society's Contentious Business Committee, the Chancery Liaison Committee and the Queen's Bench Liaison Committee. She has also trained as a Mediator and is a Solicitor Advocate.

Mr James Scholes qualified as a barrister in 1973. He was appointed Deputy Director of Public Prosecutions in 2008 and served as Acting Director of Public Prosecutions from 2009 to 2011. He was appointed a Civil Service Commissioner in 2012 and he currently serves on the Board of Chest Heart and Stroke.

Mr Niall Small qualified as a Solicitor in 1992. He worked in private practice for 10 years before becoming a founding partner in the firm of Small & Marken Solicitors in Antrim. He has been reappointed to the Guardian A'd Litem Solicitor Panel in Northern Ireland and has recently been appointed as a legal chair of the HSCB Disciplinary Committee for Dental, Optometry and Pharmaceutical services. He is a trained mediator and has qualified as a Solicitor Advocate. He has held several positions with a number of voluntary organisations throughout Northern Ireland.

Mr Timothy Thorne qualified as a barrister in 1987. He practiced mainly in the fields of criminal defence and prosecution. He is a Deputy (part-time) Judge Advocate sitting in Courts Martial and a part-time judge in the First Tier Tribunal, dealing with asylum and immigration cases. He was also a Deputy Chairperson of the National Health Service Tribunal and a consultant trainer to the Inns of Court School of Law in London. He is also presently a non-Executive Director of a legal training company.

Commissioners from a Psychiatry and Psychology Background

Dr Adrian Grounds was a University Senior Lecturer in forensic psychiatry at the Institute of Criminology, University of Cambridge, and an honorary consultant forensic psychiatrist in the Cambridgeshire and Peterborough NHS Foundation Trust, until retiring in 2010. He is now an honorary research fellow at the Institute of Criminology, and a medical member of the First Tier Tribunal (Mental Health) in England. He has also been a Sentence Review Commissioner since 1998.

Professor Peter Hepper is a Professor of Psychology and is currently the Head of School of Psychology at the Queen's University of Belfast. He has previously served as: Director of Research, School of Psychology, Queen's University Belfast; Chair of the Irish Football Association Appeals Committee, Non-Executive Director Ulster Hospitals Trust. He is a Chartered Psychologist and a Fellow of the British Psychological Society and has been Visiting Professor at Kyushu University, Japan, University New South Wales, Australia, Vanderbilt University, USA. Professor Hepper is a qualified hostage negotiator and forensic interviewer of children. He is trained in linguistic threat analysis and behavioural indicators of violence and violent attacks.

Dr Damien McCullagh is a Consultant Clinical & Forensic Psychologist within the Mental Health and Learning Disability Directorate of the Southern Trust (2000-present). He is a Chartered member of the British Psychological Society. He has previously worked as a Principal Psychologist with the Northern Ireland Prison Service where he had primary responsibility for providing psychological risk assessments on Life Sentence Prisoners to the Life Sentence Review Board (1997-2000). He previously held posts in Adult and Child Psychology Services in the Republic of Ireland and with Sperrin Lakeland Health and Social Services in Omagh (1989-1997). Dr McCullagh is an Honorary Lecturer in Forensic Risk Assessment at Queen's University, Belfast. He is also an Association of Chief Police Officers (ACPO) accredited Behavioural Investigative Advisor. He has previously been the Chairman of the Board of Governors of Drumragh Integrated College in Omagh from 1995-2005.

Dr Micaela Greenwood is an independent business psychologist and management consultant. Her previous positions include Principal Occupational Psychologist at the Police Service of Northern Ireland and Associate Director of the MSc in Occupational Psychology at Queen's University of Belfast. Micaela was appointed as a Sentence Review Commissioner in 2015.

Mrs Deborah McQueirns is an independent Registered and Chartered Forensic Psychologist, Chartered Scientist and Associate Fellow of the British Psychological Society (BPS). Her previous positions include Principal Forensic Psychologist in female and high secure prisons, Consultant Psychologist in private healthcare specialising in forensic learning disability and acquired brain injury and specialist forensic psychologist in forensic mental health. She is

currently working as a consultant psychologist in the High Secure Estate in England, as an independent trainer and a practitioner psychologist. Her particular areas of expertise are in personality, disorder and forensic learning disability and mental health. Mrs McQueirns is also currently undertaking a PhD in narrative identity and agency in older male prisoners at the University of Portsmouth. She is also active in various roles within the BPS Division of Forensic Psychology and is the editor of book reviews for Forensic Update.

Mr Emmet Murray is a Health and Care Professions Council registered and British Psychology Society Chartered Forensic Clinical Psychologist currently working in the area of Adult Mental Health and Child Protection. He was previously a Principal Psychologist with the Northern Ireland Prison Service and is currently an Expert Advisor with the National Policing Improvement Agency.

Dr Shelagh-Mary Rea is a Consultant Psychiatrist with specialist status in General Adult Psychiatry and Old Age Psychiatry. She has practiced as a Consultant in Old Age Psychiatry for twenty-four years in the Northern Sector of the Western Health and Social Care Trust areas until her retirement in 2010. She is a Fellow of the Royal College of Psychiatrists and currently works as a medical member of the Regulation and Quality Improvement Authority.

Ms Claire Hunt is a Registered Psychologist, Chartered Forensic Psychologist and an associate fellow of the British Psychological Society. She has worked as a Forensic Psychologist for 22 years. She is a psychologist member of the Parole Board for England and Wales and she also works part-time in mental health services, as a Consultant Psychologist. Ms Hunt has been working as an expert witness in criminal and family proceedings for 13 years and regularly attends court to provide expert testimony. Previously she worked in HM Prison Service for 11 years, working with high risk offenders, both male and female.

Mrs Siobhan Keating is a Registered Psychologist (HCPC) and Chartered Forensic and Clinical Psychologist (BPS). She currently works as a Consultant Psychologist in Belfast Health & Social Care Trust in the forensic learning disability service. Previously she was a Principal Psychologist with the Northern Ireland Prison Service and a Senior Occupational Psychologist with the Dept. of Employment (NW England). She is a Chartered Scientist and an Associate Fellow of the British Psychological Society.

Commissioners from Relevant Backgrounds

Mr Nigel Stone was Senior Lecturer in Criminology and Criminal Justice at the University of East Anglia (UEA) and is now a Visiting Fellow there. Until 1997 he also served in the Probation Service for 25 years, holding a joint appointment as Probation Officer and Head of Home Office sponsored training programmes for probation students at UEA. He was a criminologist member of the Parole Board for England and Wales 1997-2007 and was reappointed to the Board in 2010.

Mr Stephen Murphy CBE is a former Director General of the National Probation Service for England and Wales, prior to which he was Chief Probation Officer first in Hampshire and the Isle of Wight and then in Northumbria. He is a member of the Parole Board for England and Wales on which he also served from 1995 to 2005.

Mrs Elaine Peel is currently a Company Director. She was formerly an Assistant Chief Probation Officer with 24 years' experience of working with offenders. During her time with the Probation Board for Northern Ireland she was instrumental in setting up a wide range of multi-agency services for prisoners and their families and the implementation of the first programmes to deal with domestic violence in Northern Ireland. She was a Director of the National Community Justice Training Organisation.

Mrs Alexandra Delimata is a self-employed consultant who works primarily with community groups, enterprises and small businesses in North West Ireland. Until 2004, she was Corporate Secretary of The Travel Partnership Corporation, an international consortium of travel associations. Prior to relocating to Ireland in 2001, she was Assistant Director, Corporate Development, for the International Air Transport Association (IATA) in Geneva.

Mrs Ruth Laird CBE is a human resource professional with particular experience in organisational development, equality and diversity in the public, private and voluntary sectors. She was formerly Director of the National Trust NI, Head of Personnel for BBC (NI) and a Fair Employment Commissioner. Ruth has held appointments as a NI Judicial Appointments Commissioner; Civil Service Commissioner; a non-executive Director of both the Northern Ireland Prison Service and the Regulation and Quality Improvement Authority; a Board member of Business in the Community and National Trustee of Barnardo's. She is currently an

Independent Assessor for Public Appointments, a member of the Civil Legal Services Appeal Panels and a member of the Council of Ulster University. On 29 October 2015 she was appointed as a member of the Mental Health Review Tribunal. Ruth was made a CBE in the 2012 Queen's Birthday Honours List for public and voluntary services in Northern Ireland.

Ms Mollie Weatheritt was a member of the Parole Board for England and Wales from 1998 to 2008, where she served as the Board's Director of Quality and Standards. She has a background in research on criminal justice, focussing on policing. She is currently a member of the Conduct and Competence Committee of the Nursing and Midwifery Council and of the Investigating, Health and Conduct and Competence Committees of the Health and Care Professions Council. She has been a member of the Independent Monitoring Board for HMP Pentonville since 2010.

Dr Duncan Morrow is an academic in the University of Ulster currently developing engagement with communities and stakeholders as part of the University's Greater Belfast Development. Until 2011 he was Chief Executive of the Community Relations Council (CRC) and has taken an active role in peace building and the legacy of violence in the past. Dr Morrow is also a Sentence Review Commissioner for Northern Ireland. Currently, he is chair of the Scottish Government Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion.

Dr Patrick McGrath retired in 2002 from the NHS after 30 years' service as a General Practitioner and now continues in regular clinical practice as a Forensic Physician. He formerly taught Medical Ethics and Law at the University of Ulster as a visiting Professor until retirement from that position in 2015. In 2006 Dr McGrath was elected a Foundation Fellow of the Faculty of Forensic and Legal Medicine of the Royal College of Physicians.

Miss Linda McHugh is a Management Consultant and former Vice-Chair of Community Housing Association. She is a Board Member of a number of voluntary sector organisations and a member of the Audit Committee of the Law Society. She was an Independent Member of the Parole Board for England and Wales from 2002 until 2009 and was a non-executive member of its Management Board and Chairman of its Audit and Risk Management Committee.

Mrs Elsbeth Rea OBE is a retired social worker. She has worked as both a Senior Probation Officer with the Probation Board for Northern Ireland, as a lecturer in Social Work at Queen's University Belfast and for various social work and social care bodies and agencies on a sessional basis. She is currently a Lay Magistrate and a Lay Member of the Bar Disciplinary Committee. She has held public appointments with the Northern Ireland Committee of Ofqual, the Ulster Community and Hospitals Trust, the Police Authority for Northern Ireland and the Eastern Health and Social Services Council.

Mrs Debbie Hill is a barrister (non-practising). She began career in Youth Justice before working in the Probation Service as a District Manager responsible for courts and as the District Sex Offender Specialist. She re-trained as a barrister. She is currently an independent member of the Parole Board for England and Wales, a lay member of the Criminal Injuries Compensation Board and the Mental Health Review Tribunal for Wales. Mrs Hill is currently sitting as a Chair for the General Chiropractic Council fitness to practice Panels and is also a lay member/Chair for the MPTS fitness to practice hearings.

Ms Mary Barnish is a former senior probation officer who worked for London Probation for 35 years. Her management roles have included the family courts service, programmes for women offenders, victims unit, and a public protection unit responsible for the assessment and supervision of high risk offenders. From 2002 -2005 she was seconded to HM Inspectorate of Probation for England & Wales, auditing accredited programmes and conducting effective supervision inspections, including a thematic inspection on domestic violence. More recently she was a member of London Probation's Inspection and Standards unit where her responsibilities included HR and complaints investigations and conducting serious case reviews.

APPENDIX B

Commissioners' Remuneration

| Remuneration Band* | Number of Commissioners |
|--------------------|-------------------------|
| £0.00 - £5,000 | 3 |
| £5,001 - £10,000 | 1 |
| £10,001 - £15,000 | 7 |
| £15,001 - £20,000 | 7 |
| £20,001 - £25,000 | 6 |
| £25,001 - £30,000 | 4 |
| £30,001 - £35,000 | 5 |
| £35,001 - £40,000 | 1 |
| £40,001 - £45,000 | 4 |
| £45,001 - £50,000 | 1 |
| £50,001 - £55,000 | 1 |

*These figures include Employers' National Insurance contributions.

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ISBN 978-1-911003-76-2



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