



June 2021

Providing a Summary of PCNI Decisions

Following amendments to the Parole Commissioners' Rules (Northern Ireland) 2009, Rule 22A now requires the Parole Commissioners to provide to a registered¹ victim or other person a summary of the reasons for certain decisions taken by the Parole Commissioners. This can be a summary of a decision taken by a single Commissioner not to release a prisoner which has become final by virtue of the prisoner not requesting a Panel hearing, or a decision by a Panel to release or not to release. The summary will be a succinct explanation of how the decision was reached based on the facts of the particular case.

Although the PCNI Rules do not strictly apply to determinate sentence cases, the Parole Commissioners have always processed such cases, as far as practicable, in accordance with the Rules. We will therefore deal with requests for summaries of such cases as if Rule 22A applied to them. This means we will accept requests for summaries in DCS cases of single Commissioner decisions which become final or Panel decisions.

Summaries will not be produced if the request is made more than 6 months after the decision has been taken.

Names of those involved in the proceedings before the Parole Commissioners, apart from the prisoner's name, will not be disclosed in the summary. However, the Parole Commissioners will use their discretion with regards to any new identity taken on by the prisoner as part of their rehabilitation and release. Such identities may not be disclosed.

In all summaries provided, the Parole Commissioners will not disclose information which breaches any person's rights as protected by the Human Rights Act or applicable data protection or GDPR legislation.

The new Rules require the Parole Commissioners to provide a summary when requested unless there are exceptional circumstances. The phrase "exceptional circumstances" is not defined in Rule 22A. The Commissioners understand that exceptional does not mean unique or unusual. Some of the factors which may be considered by the Commissioners to justify the refusal to provide a summary are if doing so might:

¹ Registered victim means a victim who is registered or entitled to receive information under the Prisoner Release Victim Information (Northern Ireland) Scheme 2003; the Probation Board for Northern Ireland Victim Information Scheme 2005; or the Victims of Mentally Disordered Offenders Information (Northern Ireland) Scheme 2008.



Parole Commissioners for Northern Ireland

- Has a significant adverse impact on the successful rehabilitation or progress towards rehabilitation of any offender;
- Place the safety of any person/s in jeopardy, through threats or other harmful behaviour;
- Pertain to a young offender - under the age of 18;
- Pertain to any offender released from a secure Mental Health Unit;
- Breach any outstanding court orders;
- Relate to any ongoing investigations;
- Threaten national security.

The Parole Commissioners will notify the requestor where any summary is deemed not to be disclosable.

In the event that a request for a summary is made, representations will be invited from the prisoner and/or their representative and the Department of Justice.

Provision

Any registered victim may request a summary of a decision either through the scheme with which they are registered or directly from the Parole Commissioners. If they are requesting directly they should provide as much identifying information as possible about the prisoner as well as their own name, contact details and details of the scheme they are registered with.

Any member of the public may request a summary by providing as much identifying information about the prisoner as possible as well as their own name, contact details and reason(s) for their request.

Summaries will be sent to the requestor via the email or postal address they provide at the time of the request. All summaries should be obtained by submission of a request to referrals@parolecomni.org.uk.

Summaries will be provided as soon as practicable and generally within 28 days of the request being made.