

**MINUTES OF THE PLENARY MEETING OF THE LIFE SENTENCE REVIEW
COMMISSIONERS HELD ON THURSDAY 10 MARCH 2005**

Commissioners: Mr Peter Smith QC Dr Patrick McGrath
 Mr Thomas Craig Ms Clodach McGrory
 Dr Ruth Elliott Dr Duncan Morrow
 Mrs Anne Fenton Mr Stephen Murphy
 Dr Ronald Galloway Mrs Elaine Peel
 Mr Brian Garrett Mrs Elsbeth Rea
 Dr Adrian Grounds Judge Derek Rodgers
 Prof Peter Hepper Prof Andrew Sanders
 Prof John Jackson Dr Oliver Shanks
 Mr John Leckey Mr Nigel Stone
 Dr Damien McCullagh Prof Herbert Wallace

Secretariat: Mr Brian McCready Mrs Sheena McKittrick

Apologies: Ms Teresa Doherty Mr Donal McFerran
 Mrs Mary Gilpin

1. The minutes of the previous meeting were confirmed.
2. Commissioners heard that the list of standard licence conditions had been sent to both PBNI, who had already responded positively, and to the Prison Service, but as yet they had not responded.
3. Commissioners heard that the Secretary had written to the Chair of the Board of Visitors (BOV) at all the prison establishments. As a result, the Chairman had been invited to speak at HMP Maghaberry BOV and had been very well received. As yet there had been no response from HMP Magilligan, but the BOV at YOC Hydebank Wood had been very interested and are expected to issue an invite to their next meeting.
4. Commissioners heard about a recent case in which all the authorities said the prisoner was ready for release, but as the panel was not so satisfied they had directed against his release on licence. Shortly afterwards, while out on temporary release, he was arrested on a serious charge. This raised questions about the standard of the risk assessments currently carried out by the Prison Service. The prisoner's current case had been stayed pending the outcome of any criminal proceedings. The Prison Service had failed to notify Commissioners of the above event and of a similarly significant development in another recent case. The Chairman would be taking the matter up with the Director General of the Prison Service.
5. Commissioners were asked to complete a "customer" satisfaction survey in respect of the work of the Secretariat. The survey was intended to assess their opinions of the service provided by the Secretariat, as part of the continuing process of improvement. The Chairman indicated that he fully supported the survey and hoped that Commissioners would complete it constructively.
6. Commissioners were told that following the Resettlement sub-group's recent meeting with PBNI, the draft protocol already distributed would be redrafted and circulated after being cleared with PBNI.
7. Commissioners heard that while PBNI have no problem with a licence condition relating to paramilitary activity, their main concern was ensuring everyone, particularly

the prisoner knew it was not their responsibility to supervise it. Monitoring compliance with that condition would be a matter for the police.

8. Commissioners were also briefed on a case referred for advice on releasing a critically ill prisoner on compassionate grounds. The Prison Service's main concern was that he needed outside treatment however not much effort had been made to assess the risk he posed or how it would be managed once he was out. In such cases, the Commissioners cannot recommend on the basis of compassion - their role is to consider and advise in respect of the risk to the public. The case had now been satisfactorily resolved and the Chairman would now develop the policy for agreement by Commissioners and write to the Prison Service to make suggestions for the practical handling of any future referrals of this type.
9. The Chairman said his only concern in the paper produced by the Pre-tariff Review sub-group was the problem of whether to proceed with the interview knowing that some documents were missing from the Prison Service dossier. However, as the interviewing Commissioners pointed out, waiting for these would not necessarily be of any help to them in their task. After discussion, it was agreed that the decision was best left to the judgement of the interviewing Commissioner after they had considered the omissions in relation to the statement of the purpose of the interview. If they did proceed, their report must clearly state what was missing.
10. Commissioners heard that there were now two cases in which information had been certified as confidential and not for disclosure to the prisoner or his representative. The Legal sub-group had met the previous evening and suggested a policy for such cases which, subject to a few minor amendments, Commissioners agreed should be adopted.
11. The Prison Service had asked if Commissioners would accept a reduced level of service in the cases of "separated" prisoners, because of the problems caused by separation. They had been told that while Commissioners would not accept it, they would deal with it. They would need to be given reasons why there were omissions and shortfalls and what had been done to try to provide them. This had actually happened in the only separated prisoner case currently in the caseload.
12. Commissioners heard that a meeting would be set up with Prison Service Psychological Services to address concerns in the quality of some psychology reports that had been produced.
13. There being no further business, the meeting closed having settled the date of the next plenary as Thursday 16 June 2005.

Secretariat

14 March 2005

MINUTES OF THE PLENARY MEETING OF THE LIFE SENTENCE REVIEW COMMISSIONERS HELD ON THURSDAY 16 JUNE 2005

Commissioners:

Mr Peter Smith QC
Mr Thomas Craig
Dr Ruth Elliott
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Mr Brian Garrett
Mrs Mary Gilpin

Dr Damien McCullagh
Dr Patrick McGrath
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Secretariat:

Mrs Sheena McKittrick

Apologies:

Ms Teresa Doherty
Dr Adrian Grounds
Prof John Jackson
Mr John Leckey
Mr Donal McFerran

Dr Duncan Morrow
Mr Stephen Murphy
Mrs Elsbeth Rea
Judge Derek Rodgers

1. The minutes of the previous meeting were confirmed subject to two minor amendments.
2. Commissioners heard that the list of standard licence conditions would soon be included in the Prisoner's Guide. Although the Parole Board in England and Wales had adopted a new "good behaviour" condition, Commissioners considered that there was no reason to change from the "good behaviour" condition they currently use.
3. The Secretariat customer survey showed there were areas in which the Secretariat were not as efficient as they could be, which they would strive to remedy, but overall the Commissioners were happy with the service provided.
4. Following a discussion about the transmission of documents, it was agreed that in future caseworkers should consult panel chairs on the dissemination of correspondence and also contact panel members to ascertain how they want to take possession of sensitive material.
5. Email security was also discussed and it was suggested that all documents sent by email could be "password-protected" or anonymised by the use of prison numbers instead of names. A system that involved logging into a secure central server on which documents were stored would also be investigated.
6. The Chairman said that while the Commissioners were sympathetic to the difficulties faced by PBNI in respect of providing reports on separated prisoners, no allowances should be made. If the Commissioners did not get the best risk assessment that PBNI could provide it would be reported to the Secretary of State as a matter of protest. PBNI had indicated it was content with the Commissioners' proposed condition in respect of paramilitary activity but that the protocol with the Commissioners on Community Resettlement Plans had yet to be agreed. Commissioners thought this had already been settled so a further meeting would be arranged to clarify this and any other outstanding issues.
7. Commissioners were told that the Prison Service was now attempting to provide all the necessary information on separated prisoners. It had originally been indicated that psychology reports would not be produced in these cases but this had now changed. Another major problem was the limited number of programmes available to prisoners in separated accommodation and Commissioners conceded that if a recommended course could not be provided there was not much they could do. Commissioners discussed whether being in separated accommodation suggested an ongoing association with paramilitaries, as would previously have been the case in HMP Maze but decided this should not be assumed and should be explored with the prisoner at the hearing.
8. The Chairman told Commissioners that he had recently met with Mr Robin Masefield, the new Director-General of the Prison Service and the meeting had been useful and encouraging. They had discussed many general issues and it appeared that Mr Masefield's objectives were the same as those of the Commissioners.

9. Commissioners heard that the Chairman had set up a working group to respond to a consultation letter from the Prison Service in respect of Lifer Regimes. They had been asked to comment on the adequacy of the systems and processes currently in place in relation to the needs of both life sentence prisoners and the Commissioners. As Commissioners were happy to support the findings of the group, they would send their official response to the Prison Service following final approval by the Chairman. Commissioners were not precluded from making an individual response if they wished.

10. A Legal Workshop had been set up to look at the Commissioners' policies in light of current jurisprudence and had concluded that the policies held up well and some had been validated by recent jurisprudence. A recent English judgement on non-disclosure of information to prisoners was particularly appropriate as the current caseload included cases in which the Secretary of State had submitted information certified as confidential. The judgement said that the use of such certification had to be proportionate and appropriate, and the Commissioners' policy on "confidential information" addressed those very issues. The Legal Group would convene in the autumn to discuss this issue further.

11. Commissioners heard that their Annual Report for 2005 had gone for printing and would be laid before Parliament on Thursday 14 July.

12. The Chairman told Commissioners that notes on the current caseload showed the problems which panels had encountered and that the theoretical processing of a case in six months very rarely happened in practice.

13. The Commissioners who had visited HMYOC Hydebank the previous day said they had been interested in what they had seen and heard in relation to the physical conditions of the establishment and the regimes for the young offenders and women held there. They had been briefed on the population and the number of potential referrals to the Commissioners within it. All Commissioners were very concerned to hear that on reaching the upper age limit, the young offenders were transferred from this low category supportive establishment to be housed alongside the general adult male population of a high-security prison. This reinforced the need for a medium category or open prison and the Working Group agreed to also address this matter in their response to the Lifer Review.

14. It was agreed that the tabled response to the consultation on the revision of Article 9 of the Life Sentences Order should represent the Commissioners' collective response. Commissioners were also told that a full revision of the Rules would be carried out in due course.

15. Commissioners discussed the suggestion that the time taken to conclude cases was getting longer partly because of solicitors attempting to do a deal with the Prison Service in advance of an oral hearing and partly due to poor case preparation by the Prison Service. The Chairman undertook to address both matters with the relevant Governor.

16. Commissioners heard about a recent Parole Board case in which an assessment on home circumstances of a lifer who was a Pakistani national being repatriated on his release was needed and discussed the implications this held for them. Well-established reciprocal working arrangements are already in place with the Irish Republic, but with a number of other foreign nationals currently on remand, potential difficulties could arise.

17. The Chairman told Commissioners that the presentation on the review of Criminal Justice law scheduled for the afternoon had been postponed until later in the year, preferably to take place following the next plenary.

18. Commissioners agreed that it would be useful to hear from a representative of Criminal Justice Inspection Northern Ireland (CJINI) following the recent inspection of MASRAM (Multi-Agency Sex offenders Risk Assessment and Management). The Secretariat would take steps to arrange for this also to take place following the next plenary if possible.

19. The date of the next plenary was confirmed as Thursday 8 December.

Secretariat

22 June 2005