



# Parole in Northern Ireland

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## What I'll cover

- Parole Commissioners – who we are
- What we do – types of sentence we cover and legal tests
- Present workloads
- How we operate
- The Positive
- Things to improve/develop
- Prisoner and victim involvement
- Appeals
- Compassionate parole, remission and tariffs

## Parole Commissioners – who we are

- 3 groups of Commissioners
- Legally qualified – chair hearings as well as acting as single Commissioners
- Psychologist/psychiatrists
- “Third group” – vast range of experience – police, probation, criminologist, business
- Other than chairing – fees same for all



## What we do – types of sentence

- Involved in cases where sentence over 12 months – i.e. not “Standard Sentence” cases
- Relevant sentences – life, indeterminate custodial sentence (ICS), extended custodial sentence (ECS) and determinate custodial sentence (DCS)
- Consider both release on licence and recall to custody



## What we do 2 - tests



- Lifer/ICS/ECS – test for release – not satisfied that it is no longer necessary to protect the public from serious harm – life and limb test
- DCS – test - no longer necessary for the protection of the public that he or she should be confined. This requires the Commissioners to determine whether there is evidence that proves on the balance of probabilities a fact or facts indicating that the risk of the prisoner causing harm to the public has increased significantly (i.e. more than minimally) since the date of his/her release on licence and that it cannot be safely managed in the community.

## Present workloads



- Increasing – 729% increase since the intro of the CJO (09/10 being the base year [59 cases] to end of 12/13 [489 cases])
- Still going up – 32% in first 6 months of current year
- Main increase DCS recalls – new sentence under 2008 Criminal Justice Order
- Very recent Supreme Court decision likely to mean oral hearings will go up (Reilly)

## Workloads



- \* Figures to end of September 2013

	2010-11	2011-12	2012-13	2013-14
6	28	30	41	17
8(3)	5	6	10	3
9(1)	5	4	4	0
9(4)	12	22	10	0
18	22	50	53	41
18(5)	0	3	3	2
24(5)	1	6	15	5
28(2)(a)	46	95	188	103
28(4)	35	77	140	94
29(6)	0	11	13	10
46(3)	15	15	12	8
	169	319	489	283*

## How we operate



- Cases first considered on papers by single Commissioner
- Lifer/ICS/ECS cases – no release on papers – will always be panel hearing unless single Commissioner's provisional decision not to release accepted by prisoner
- DCS – prisoner can ask for oral hearing if disagrees with single Commissioner but must give reasons – considered by legally qualified Commissioner
- Pre-tariff cases – interview by one Commissioner and recommendations by another
- Role includes assessment of risk to public and considering rehabilitation of prisoner

## Safeguards



- Our 4 "pillars" of justice
- Robust and rigorous selection process
- Intensive training and mentoring
- Quality control mechanisms
- Review process

## The Positive



- Quality and commitment of Commissioners and our staff
- Independence in decision making
- Human Rights compliant
- Deal with cases without delay – quality of decisions
- Performance of whole system especially probation and prisons
- Good feedback loops

## The less positive



- Not a body corporate – and Commissioners operate largely as individuals so don't meet often as a group
- Case management system – limited access to statistics
- Undeveloped research base
- Recall process
- Protected information cases
- Impact (as yet unknown) of Reilly case

## Prisoner and Victim Involvement

- Prisoners involved at each stage of process – information supplied at every stage
- Legal aid available
- Process has clear timetable
- Commissioners published Prisoner Guide
- Victims supported through Probation – may make written impact statement



## Appeal procedures



- Single Commissioner decisions provisional – can be reviewed through panel or Chief Commissioner
- Appeals by judicial review to High Court and beyond
- Judicial review process useful – gives guidance

## Compassionate parole, remission and tariffs

- Compassionate release – referred by Minister – must be exceptional circumstances
- Remission of sentence – dealt with by separate body – not a matter for Commissioners
- Tariff – set by court and reviewed by Lord Chief Justice



## Web Links



- The Criminal Justice (Northern Ireland) Order 2008  
[www.legislation.gov.uk/nisi/2008/1216](http://www.legislation.gov.uk/nisi/2008/1216)
- The Life Sentences (Northern Ireland) Order 2001  
[www.legislation.gov.uk/nisi/2001/2564](http://www.legislation.gov.uk/nisi/2001/2564)
- The Parole Commissioners' (Northern Ireland) Rules 2009  
[www.legislation.gov.uk/nisr/2009/82](http://www.legislation.gov.uk/nisr/2009/82)
- The Criminal Justice (Sentencing)(Licence Conditions)(Northern Ireland) Rules 2009  
[www.legislation.gov.uk/nisr/2009/81](http://www.legislation.gov.uk/nisr/2009/81)