



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 22 OCTOBER 2014
Room 21, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Tom Elliott MLA
Mr Paul Frew MLA
Mr Chris Hazzard MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Miss Marianne Doherty (Clerical Officer)
Miss Anna McDaid (Assembly Bursary Student)

Apologies: Mr Edwin Poots MLA

The meeting commenced at 2.09 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 15 October 2014

The Committee approved the draft minutes of the meeting held on 15 October 2014.

3. Matters Arising

None.

2.10 p.m. Mr Paul Frew joined the meeting.

4. Update on Delivery of the Prison Reform Programme and the Management of Drugs Misuse in Northern Ireland Prisons

Ms Sue McAllister, Director General, Mr Mark Adam, Director of Human Resources and Corporate Services, Mr Paul Cawkwell, Director of Offender Policy and Operations and Mr Brian McCaughey, Director of Rehabilitation, Northern Ireland Prison Service joined the meeting at 2.10 p.m.

The Committee noted a Report of a Joint Inspection by Criminal Justice Inspection Northern Ireland and the Regulation and Quality Improvement Authority into the safety of prisoners held by the NI Prison Service which was published on 22 October 2014.

Ms McAllister outlined the current position in relation to the delivery of the Prison Reform Programme, the approach to the management of drugs misuse within prisons and the challenges faced, and responded to issues raised during the briefing by the Prison Officers' Association at the Committee meeting on 15 October 2014.

2.26 p.m. Mr Tom Elliott joined the meeting.

2.40 p.m. Mr Patsy McGlone joined the meeting.

A detailed question and answer session followed covering issues including: target staffing levels; whether the model in place is a safe staffing model; the requirement for further recruitment of prison officers; the criteria for assessing when recruitment is needed; staff turnover including the number of new recruits leaving the service and the reasons; how much of the staff turnover is at custody officer grade; review of the recruitment process; the number of officers who are on sick leave as a result of an assault within the prison; application of the sickness policy in relation to staff who have been assaulted; how assaults are defined and categorised; an explanation for the increase in assaults over the past five years; figures for prisoner on prisoner assaults; whether there had been an increase in the severity of assaults that take place; how incidents of violence are recorded; the senior management response to the POA call for prison officers to be routinely armed with pepper spray; NIPS policy with regard to the use of pepper spray; contingency arrangements for the handling of major incidents in prisons; progress on the implementation of the PRT recommendations and independent assessment of this; progress regarding the new custodial facility for women; progress in relation to the application for use of x-ray body scanning equipment; examples of good practice to be gleaned from operations in Magilligan; whether the assessment of prisoners to move to Magilligan is quick enough and robust; progress on the secure college facility at Hydebank Wood; relationships between prison management and prisoners in Roe House; appraisal of newly recruited staff; whether there is a disconnect between the management in Maghaberry and NIPS senior management; the experience of NIPS senior management in dealing with prisoners who have committed terrorist related offences; the design standards used for new facilities such as the visitors facility for separated prisoners in Maghaberry; the independent assessment Report commissioned by the Minister of Justice, and the recommendations; whether the reduction in staff numbers had led to greater lock up times and the delivery of a reduced regime; the prevalence of drugs in prisons in comparison to wider society; the percentage of the prisoner population that misuses drugs; the outcome of the police pilot project in the visitors' centre in Maghaberry; how prisoners are drug tested; how prisoner overcrowding is being addressed;

3.30 p.m. Mr Tom Elliott left the meeting.

the number of prisoners suffering from mental health problems; examples of best practice in Europe and New Zealand; health care provision within prisons; and how the quality of health care provision is measured.

The officials agreed to provide the Committee with information on a range of issues.

3.47 p.m. Mr Paul Frew left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the Northern Ireland Prison Service officials for their attendance and they left the meeting.

3.51 p.m. Mr Raymond McCartney left the meeting.

5. Draft Statutory Rule The Justice (Northern Ireland) Act 2002 (Amendment of section 46 (1)) Order (Northern Ireland) 2014

The Committee considered proposals by the Department of Justice to make a Statutory Rule to update the list of organisations at section 46 (1) of the Justice (Northern Ireland) Act 2002 that Criminal Justice Inspection Northern Ireland has the power to inspect.

Agreed: The Committee for Justice considered draft Statutory Rule The Justice (Northern Ireland) Act 2002 (Amendment of section 46 (1)) Order (Northern Ireland) 2014 and recommended that it be affirmed by the Assembly.

6. SL1 The Civil Legal Services (Costs) Regulations (Northern Ireland) 2015 and The Civil Legal Services (Cost Protection) Regulations (Northern Ireland) 2015

The Committee considered proposals by the Department of Justice for two Statutory Rules under powers conferred by the Access to Justice (Northern Ireland) Order 2003 to make provision for costs to be awarded to parties at the end of a civil case in which legal aid has been a feature and make provision for the circumstances in which cost protection will, and will not apply, in civil cases in which legal aid has been a feature.

Agreed: The Committee agreed that it was content with the proposed Statutory Rules.

7. SL1 The Attorney General for Northern Ireland's Human Rights Guidance for the Northern Ireland Courts and Tribunals Service in relation to Support for Victims and Witnesses

The Committee considered a proposed Statutory Rule to bring into operation Human Rights Guidance by the Attorney General for Northern Ireland for the Northern Ireland Courts and Tribunals Service on the exercise of its functions in relation to Support for Victims and Witnesses.

Agreed: The Committee agreed that it was content with the proposed Statutory Rule.

8. Legal Aid Reform – Consultation on the Use of Expert Witnesses Appearing in the Courts in Northern Ireland

The Committee noted information provided by the Department of Justice on a proposed consultation on the deployment and remuneration arrangements for expert witnesses in the justice system in Northern Ireland who are funded from the legal aid budget.

Agreed: The Committee agreed that it was content for the consultation to take place and would consider the issue further when the results of the consultation are available.

3.55 p.m. Mr Ramond McCartney joined the meeting.

9. Consultation on the Police Pensions (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2014

The Committee noted information provided by the Department of Justice on a limited, targeted consultation on the Police Pensions (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2014.

10. Research Report on Prostitution in Northern Ireland commissioned by the Department of Justice

The Committee noted a Research Report into Prostitution in Northern Ireland carried out by Queen's University Belfast and commissioned by the Department of Justice.

11. Correspondence

- i. The Committee noted a copy of a response from the Minister of Justice to the British Association for Shooting and Conservation in relation to an inspection of Fernvale Country Sports.
- ii. The Committee noted correspondence from the Department of Justice regarding a written Ministerial Statement on the publication of a statement by the Interdepartmental Ministerial Group on Modern Slavery.
- iii. The Committee considered correspondence from the Committee for Finance and Personnel providing a copy of a briefing from officials from the Department of Finance and Personnel on Departmental Savings Plans.

Agreed: The Committee agreed to request information from the Department of Justice in relation to the shortfall in savings for 2013/14 and the expected shortfall in 2014/15 and the potential impact.

- iv. The Committee noted a copy of correspondence from the Committee for Health, Social Services and Public Safety to the Department of Justice seeking clarification of the PSNI's powers in relation to the seizure of legal highs from young people.
- v. The Committee noted the Report of the Prisoner Ombudsman on the investigation into the circumstances surrounding the death of 'Mr G' who died while on Rule 27 Temporary Release from Maghaberry Prison.
- vi. The Committee noted further correspondence from Mr McHugh in relation to his complaints of obstruction by the justice system.
- vii. The Committee noted correspondence from the Department of Justice providing a copy of the revised minimum criteria to be applied by the Policing Board when appointing the Chief Constable of the Police Service of Northern Ireland.

12. Chairman's Business

None.

13. Any Other Business

- i. The Minister of Justice's decision to close the Northern Ireland Law Commission was raised.

Agreed: The Committee agreed to request clarification of the rationale for the Minister's decision and the potential implications.

4.02 p.m. Mr Paul Frew joined the meeting.

- ii. The Committee discussed a proposal to undertake a visit to one of the prisons in Northern Ireland.

Agreed: The Committee agreed to include a visit to H.M. Prison Maghaberry in the Forward Work Programme and consider a possible agenda for the visit in due course.

14. Date and Time of next meeting

The next meeting will take place on Wednesday 5 November 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 4.03 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice