



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 28 JANUARY 2016
Room 30, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Ms Karen Jardine (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)

Apologies: Mr Danny Kennedy MLA
Mr Patsy McGlone MLA
Ms Bronwyn McGahan MLA

The meeting commenced at 2.17 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 14 January 2016

The Committee agreed the minutes of the meeting held on 14 January 2016.

3. Matters Arising

- i. The Committee discussed an informal briefing on the Department of Justice 2016-17 budget that had taken place prior to the Committee meeting.

Agreed: The Committee agreed to forward the research paper on the budget to the Department of Justice and request a response to the questions highlighted in it.

- ii. The Committee noted its Forward Work Programme for February and March 2016 and that an oral briefing would be scheduled when the CJINI Summary Report of its Follow-Up Inspection of Maghaberry Prison is available.
- iii. The Committee considered a draft programme for the proposed visit to the Glasgow Drug Court.

Agreed: The Committee agreed the programme for the visit.

- iv. The Chairman updated Members on the Committee visit to Red Hook and indicated that papers relating to the visit were available in the Committee Office.

The Chairman also advised Members that a report on the Committee's work in relation to justice innovation was being prepared for consideration.

4. CJINI Second Report on the Monitoring of the Implementation of the Youth Justice Review – Oral Evidence from Criminal Justice Inspection NI

Mr James Corrigan, Deputy Chief Inspector, Ms Rachel Lindsay, Inspector and Mr David MacAnulty, Inspector, Criminal Justice Inspection NI, joined the meeting at 2.24 p.m.

Mr Corrigan outlined the key findings of the Second Report on the Monitoring of the Implementation of the Youth Justice Review (YJR).

A detailed question and answer session followed covering issues including: the recommendations in the YJR that CJINI referred to as unrealistic in expecting the delivery of both the spirit and the letter of what was intended; whether it was appropriate for the Youth Justice Agency and youth justice in general to be aligned with the NI Prison Service; whether responsibility for youth justice should move to the Department of Health, Social Services and Public Safety or the Department of Education; the possible implications of a lack of legal representation for young people in the Youth Engagement Clinics (YECs); whether there is sufficient legal advice available to young people and the reasons for the lack of representation at YECs; CJINI views of Youth Engagement Clinics; who is responsible for delivery of the YJR implementation plan; why the implementation of the YJR recommendations have become less of a priority for the Department of Justice; the recommendations where there is a lack of consensus on the way forward; the reasons for the delay in the Department progressing statutory time limits in the youth courts; whether there should have been greater strategic oversight by the Department in relation to the implementation of the Review recommendations; inspections of the Juvenile Justice Centre by CJINI; the importance of education provision for young people detained in the Juvenile Justice Centre; and the likely impact of the reduction in staff numbers in the Juvenile Justice Centre and the Youth Justice Agency as a result of the Voluntary Exit Scheme..

The briefing was recorded by Hansard.

The Chairman thanked the CJINI officials for their attendance and they left the meeting.

5. CJINI Second Report on the Monitoring of the Implementation of the Youth Justice Review – Oral Evidence from DoJ officials

Mr Declan McGeown, Chief Executive, Ms Mary Aughey, Director of Justice Services and Mr Paul McStravick, Deputy Director of Custodial Services, Youth Justice Agency and Ms Kiera Lloyd, Reducing Offending Policy Unit, Department of Justice, joined the meeting at 2.56 p.m.

Mr McGeown outlined the Department's position regarding the findings of the CJINI Second Report on the Monitoring of the Implementation of the Youth Justice Review.

A detailed question and answer session followed covering issues including: why the YJR was no longer a standing item at Criminal Justice Board meetings by April 2015 and whether this was premature; why the Youth Justice Policy team was no longer in existence; why the role of the Criminal Justice Officer in the DHSSPS was ended; the role of the independent board member who had assumed the responsibilities of the Criminal Justice Officer; how to reverse the loss of momentum identified by CJINI in implementing the Youth Justice Review recommendations; who has overall responsibility for the implementation of the Youth Justice Review recommendations; the view expressed by some voluntary and community organisations that the Department's engagement with them on the on-going scoping study has been limited; why the YJA is now aligned with the NI Prison Service; the need to ensure the youth justice system is separate and distinct from the adult criminal justice system; the impact of budget cuts to the operations of the Youth Justice Agency; how to ensure a child centred ethos is maintained in youth justice; why a further scoping study was considered necessary and who made the decision to carry one out; whether there is an implementation plan in relation to the YJR recommendations that remain outstanding and clear oversight and monitoring arrangements; the timetable for the Department's consideration of bail conditions as they apply to children and whether it accepted this needs to be addressed urgently; the timescale for the introduction of statutory time limits in the youth courts as recommended by the Review and the reasons for the delay by the Department in progressing this issue; current staffing levels at the Juvenile Justice Centre and the impact of the reductions; staff sickness levels in the YJA; whether the child centred ethos is impacted by the staffing levels; and education provision in the Juvenile Justice Centre.

3.16 p.m. Mr Alban Maginness left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

6. CJINI Report of an Unannounced Inspection of Maghaberry Prison in May 2015 – Oral Evidence from Members of the Independent Monitoring Board Maghaberry Prison

Mr Patrick McGonagle, Chairperson and Ms Margaret McCauley, Deputy Chairperson, Independent Monitoring Board, HM Prison Maghaberry joined the meeting at 3.40 p.m.

Mr McGonagle and Ms McCauley outlined the issues the Independent Monitoring Board (IMB) wished to highlight in relation to Maghaberry Prison and the CJINI Report of an Unannounced Inspection in May 2015.

A detailed question and answer session followed covering issues including: staffing numbers and staff shortages; staffing levels when supervising prisoners and the role expected of female officers; the lack of experienced staff available following the exit packages; the timeline for recruitment by Prison Service Headquarters and the reasons for the delays; the scale of the drugs problem in Maghaberry prison and whether the IMB had observed any improvement or whether the situation was getting worse; the responses from senior management in Prison Service Headquarters when issues, including safety issues, were raised by the IMB and whether they took the issues seriously; examples of landings operating with minimal staffing levels and the impact of this; whether the IMB had observed any improvements since the change of Governor; why the new Governor had got additional staff immediately he was appointed when the previous Governor was refused additional staff; the level of staff sick absence and whether this had improved recently; the reasons for staff sick absence levels; the timeline of events during the fire at Erne House; concerns by the IMB Chairman that the fire was reported as a minor incident and his expectation that there would have been an inquiry into it at the time; the role of the IMB and the reasons why it does not believe it is taken seriously by NIPS senior management; the relationship between the IMB and the prison governor; whether the IMB had meet with the inspectors during the inspection of Maghaberry Prison; the level of prisoner on prisoner assaults; the reasons for the large increase since 2011; what effect the introduction of a 'core day' will have on the prisoner regime; why the Prison Service had contacted the Chairman before he appeared at the Committee; who has responsibility for contacting IMB members in relation to major incidents and the frequency with which they are advised; the high levels of incidences of self-harm by prisoners; the purpose of the IMB annual report and why the Director General no longer responds to the IMB on the recommendations in it; how the problems identified by the inspection report predated the previous Governor's tenure; why the previous Governor was not provided with the necessary resources; why overtime was only made available to cover staff shortages and not to cover sick absences or bed watches; issues regarding the provision of healthcare; the level of intimidation of prison officers by prisoners; the number of lockdowns or landings on restricted regime and the reasons for this; the morale of staff in Maghaberry prison; the provision of purposeful activities for prisoners; and issues regarding the Care and Supervision Unit.

4.25 p.m. Mr Stewart Dickson left the meeting.

The briefing was recorded by Hansard.

The IMB members agreed to provide the minutes of their monthly meetings referred to during the oral evidence session.

The Chairman thanked the IMB Members for their attendance and they left the meeting.

Agreed: The Committee agreed that a timeline of the evidence received on the key issues raised in relation to Maghaberry prison should be prepared by Committee staff.

Agreed: The Committee agreed to write to the Department of Justice for clarification of a number of issues raised during the oral evidence session.

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

7. Draft SR The Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016

The Committee considered Draft Statutory Rule The Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016 which will allow the courts in Northern Ireland to make Slavery and Trafficking Prevention Orders in respect of individuals who have been convicted of slavery or human trafficking offences in other jurisdictions within the UK and provide the courts with the power to enforce breaches, in this jurisdiction, of equivalent or similar orders which have been made by the courts in other jurisdictions within the UK.

Agreed: The Committee considered Draft Statutory Rule The Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016 and recommended that it be affirmed by the Assembly.

8. Draft SR The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016

The Committee considered Draft Statutory Rule The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 which will bring into operation the Code which provides guidance to constables and accredited financial investigators on the operation of the powers to search for cash where there are reasonable grounds for suspecting that it is recoverable property or it is intended for use in unlawful conduct.

Agreed: The Committee considered Draft Statutory Rule The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 and recommended that it be affirmed by the Assembly.

9. Draft SR The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016

The Committee considered Draft Statutory Rule The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016 which will bring into operation the Code which provides guidance on the exercise of the investigation powers under Part 8 of POCA for confiscation investigations, detained cash investigations and money laundering investigations.

Agreed: The Committee considered Draft Statutory Rule The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016 and recommended that it be affirmed by the Assembly.

10. Draft SR The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016

The Committee considered Draft Statutory Rule The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016 which will bring into operation the Code which provides guidance to constables and accredited financial investigators about exercising the powers to search and seize and detain property and details the approval, recording and reporting requirements.

Agreed: The Committee considered Draft Statutory Rule The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2016 and recommended that it be affirmed by the Assembly.

11. Review of the Level of Statutory Bereavement Damages in Northern Ireland – Results of the Consultation and Proposed Way Forward

The Committee considered information provided by the Department of Justice on the results of its consultation on a Review of the Level of Statutory Bereavement Damages in Northern Ireland and its proposed way forward.

Agreed: The Committee agreed that it was content with the Department's proposal to increase the level of bereavement damages in line with inflation and to adjust it every three years.

12. Code of Practice on Exercise of Maritime Powers under the Modern Slavery Act 2015 – Results of the Consultation and Proposed Way Forward

The Committee noted a draft Code of Practice for Northern Ireland on the exercise of maritime powers under the Modern Slavery Act 2015 provided by the Department of Justice.

13. Proposed Consultation on a New Offence of Domestic Abuse and a Domestic Violence Disclosure Scheme

The Committee considered information provided by the Department of Justice on a proposed consultation on a new offence of Domestic Abuse and a Domestic Violence Disclosure Scheme and the results of its initial equality screening of the policies.

Agreed: The Committee agreed that it was content for the consultation on a new offence of Domestic Abuse and a Domestic Violence Disclosure Scheme to take place and to consider the matter further when the results are available.

14. Correspondence

- i. The Committee noted correspondence from the Department of Justice in relation to a proposed extension of the UK Biometric Commissioner's Remit to Northern Ireland.
- ii. The Committee noted correspondence from the Department of Justice in relation to the date of an oral statement to the Assembly by the Minister of Justice on the Rationalisation of the Court Estate.
- iii. The Committee noted an initial response from the Department of Justice on the implications of a recent High Court Ruling in relation to Abortion Law in Northern Ireland and a further update provided just prior to the meeting.
- iv. The Committee noted a copy of a response from the Minister of Justice to an individual regarding a proposal for a crime prevention app.
- v. The Committee noted correspondence from the Department of Justice providing a further update on AccessNI and PSNI performance in relation to enhanced checks and welcomed the reduction in the backlog.
- vi. The Committee noted a response from the Department of Justice providing the further information requested in respect of criminal damage claims following the oral evidence session on 10 December 2015.
- vii. The Committee noted correspondence from the Committee for Finance and Personnel providing copies of briefing papers on the Public Sector Voluntary Exit Schemes.
- viii. The Committee considered a copy of correspondence from the Committee for Regional Development to the Minister for Justice and the Permanent Secretary of the Department of Justice requesting information on schemes to alleviate flooding and stormwater currently used by the Department of Justice.

Agreed: The Committee agreed to request a copy of the Department's response to the Committee for Regional Development.

- ix. The Committee noted further correspondence from a Mr Quinn regarding the extent of the backlog of cases in the Crown Courts and the lack of engagement by the Department of Justice.
- x. The Committee noted an invitation from the Attorney General for Northern Ireland to a seminar on 11 February 2016 on 'Effective Responses to Anti-Social Behaviour: A discussion of current law and practice'.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend the event.

- xi. The Committee noted an invitation from the Police Federation for Northern Ireland to the official launch of 'WeAreYou' on 1 March 2016 in Parliament Buildings.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend the event.

- xii. The Committee noted the Northern Ireland Courts and Tribunals Service Trust Statement 2014/2015 which had been laid in the Business Office.
- xiii. The Committee noted a copy of the Criminal Justice Inspection Northern Ireland Corporate and Business Plan 2015-16.
- xiv. The Committee noted the Funds in Court in Northern Ireland – Statement of Accounts for the Year Ended 31 March 2015 which had been laid in the Business Office.

15. Chairman's Business

None.

16. Any Other Business

None.

17. Date and Time of next meeting

The next Committee meeting will take place on Thursday 4 February 2016 at 3.00 p.m. in Room 30, Parliament Buildings and will be preceded by a Justice Innovation Seminar with the Attorney General for Northern Ireland at 1.30 p.m. in the Senate Chamber.

The meeting was adjourned at 5.22 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice