



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 4 FEBRUARY 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 Danny Kennedy MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA
Ms Bronwyn McGahan 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: None

The meeting commenced at 3.00 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 28 January 2016

The Committee agreed the minutes of the meeting held on 28 January 2016.

3. Matters Arising

- i. The Chairman advised Members that, in response to the Committee's request for copies of the NIPS Director of Operations monthly visit reports for Maghaberry Prison following the oral evidence session with representatives of the Prison Governors' Association on 14 January 2015, the Department of Justice had indicated

that it would be necessary to redact parts of the reports before providing them to the Committee as they contained security information and also to address data protection issues. The Prison Service had however offered to provide access to unredacted versions of the reports to the Chairman and Deputy Chairman to enable them to verify that nothing of relevance to the issues the Committee is considering in relation to HM Prison Maghaberry had been removed before providing the redacted copies to the Committee if that would be useful.

Agreed: The Committee agreed that the Chairman and Deputy Chairman should view the unredacted reports on behalf of the Committee.

- ii. The Chairman advised the Committee that the Chief Constable would be attending the meeting on 25 February to discuss the PSNI budget.

Agreed: The Committee agreed that it would be helpful if Members advised the Clerk of any other issues they wished to highlight to the Chief Constable that they intended to raise at the briefing.

3.03 p.m. Mr Stewart Dickson and Mr Raymond McCartney joined the meeting.

4. Implications for the Department of Justice and Funding Allocations arising from the ‘A Fresh Start – The Stormont Agreement and Implementation Plan’

The Minister of Justice, Mr David Ford MLA, Mr Simon Rogers, Deputy Director, Protection and Organised Crime Division and Ms Karen Pearson, Deputy Director, Criminal Justice Division, Department of Justice, joined the meeting at 3.03 p.m.

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

The Minister of Justice outlined the implications and funding allocations relevant to the Department of Justice arising from the ‘A Fresh Start – The Stormont Agreement and Implementation Plan’.

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

3.16 p.m. Ms Bronwyn McGahan joined the meeting.

A detailed question and answer session followed covering issues including: who will carry out the Review of the operation of the Joint Agency Cross Jurisdictional Task Force in twelve months’ time; what measures or targets the Review will assess the Task Force against; what specific targets have been set for the Task Force in relation to number of arrests made, charges and prosecutions; how the success of the Task Force will be determined; what alternative delivery models and structural reform are being considered for the Department of Justice by the Executive; what consideration of specific reforms for the justice system based on innovative systems in other jurisdictions are under consideration; whether the Minister will endorse the use of early intervention and problem solving courts; what consideration had been given to shared services with the PSNI to reduce costs; how the funding allocated to interface work would be used; the extent of cross border cooperation in relation to organised crime and drug smuggling; the work of the Organised Crime Task Force; the lack of arrests and prosecutions in relation to fuel laundering and tobacco and alcohol smuggling; paramilitary involvement in illegal operations; what qualitative changes the Task Force can make; whether there were

gaps in cooperation between the agencies on both sides of the border and whether the Task Force should have been in place earlier; the scrutiny and accountability arrangements; whether there is a role for the North South Ministerial Council; who has responsibility to ensure other Agencies co-operate with the Task Force; resource implications in relation to legacy inquests and whether the Department of Justice has the necessary funds; the impact on the Department if additional resources are not provided for legacy inquests; ownership of assets seized in relation to illegal cross border operations; the role and terms of reference for the three person panel to make recommendations for a strategy to disband paramilitaries; the impact of budgetary constraints; the relationship and lines of responsibility between the Department of Justice and the NIO; and the need to tackle low level paramilitary activity as well as organised crime.

The briefing was recorded by Hansard.

The Chairman thanked the Minister and officials for their attendance and Mr Rogers and Ms Pearson left the meeting.

5. Department of Justice Budget 2016/17 and Funding Issues raised by NIACRO/EXTERN

The Minister of Justice, Mr David Ford MLA was joined by Mr Glyn Capper, Deputy Director, Finance, Department of Justice at 3.55 p.m.

The Minister of Justice briefly addressed the 2016-17 Department of Justice budget position and the funding issues raised by NIACRO and Extern.

A detailed question and answer session followed covering issues including: the purpose of the funding provided to NIACRO and Extern and what services are delivered on behalf of the Department by these organisations; whether the Department accepts that NIACRO and Extern are essential to the delivery of core services with high risk offenders; whether these organisations can be expected to deliver the same services with reduced funding; the rationale for the proposed funding reductions; whether a 'value for money' assessment of the services provided by NIACRO and Extern and other community and voluntary sector organisations had been carried out; whether the services provided by NIACRO and Extern have been assessed as providing value for money; what assessment of the impact that the reduction of funding will have on community safety had been made; whether equality screening was carried out in relation to the impact of the reduction in funding; what the Department can do to support businesses who employ ex-offenders; the total funding allocation to the community and voluntary sector from the Department of Justice budget; the total funding provided to the PCSPs; the rehabilitation of high risk offenders; whether the Department has evaluated the reduction in risk as a result of interventions with high risk offenders by these organisations; the role of NIACRO and Extern in assisting to reduce reoffending rates; further anticipated cuts to the budgets of NIACRO and Extern; the impact of budget cuts to Forensic Science and the possibility of staff reductions; reduced staffing levels at the Youth Justice Agency as a result of the Voluntary Exit Scheme; whether the Department intends to cease all core funding to NIACRO and Extern and only fund particular projects; the impact of stopping core funding on the ability of those organisations to access other types of funding; the importance of measuring the impact that funding

reductions in one area will have on other areas; whether Assets Recovery money could be ring-fenced to fund the work of NIACRO and Extern; and issues with the provision of services from Maghaberry Visitors Centre since the contract was recently awarded.

Mr Capper agreed to provide further information on a number of the items discussed.

The briefing was recorded by Hansard.

The Chairman thanked the Minister of Justice and Mr Capper for their attendance and they left the meeting.

4.25 p.m. Mr Sammy Douglas left the meeting.

The Chairman advised Members that Mr Patsy McGlone MLA was moving off the Justice Committee and this was his last meeting. The Chairman and other Members thanked Mr McGlone for his contribution to the work of the Committee.

4.44 p.m. Mr Patsy McGlone left the meeting.

6. Prison Review Oversight Group Third Annual Report March 2015 on the Implementation of the Prison Review Recommendations

Ms Patricia Gordon, Ms Monica McWilliams, and Mr Brendan McGuigan, Independent Members of the Prison Review Oversight Group, joined the meeting at 4.45 p.m.

4.50 p.m. Mr Sammy Douglas joined the meeting.

Ms McWilliams outlined the current position and a range of issues relating to the implementation of the Prison Review Recommendations.

A detailed question and answer session followed covering issues including: progress on delivering effective community sentences as alternatives to custodial sentences; the inappropriateness of custodial sentences for fine defaulters; measures to divert children from the justice system and whether these could also be implemented for some adult offences; the reasons for the lack of progress by the NI Prison Service in delivering leadership and management training in accordance with recommendation 26; mental health service provision for prisoners; the lack of provision of purposeful activity across the three prisons; whether sentenced prisoners have access to Open University courses; the state of the prison estate; the importance of the establishment of the core day in Maghaberry Prison; the handover of the oversight role; whether there is a future role for the Prison Review Oversight Group; whether there is a need for increased external provision of training for prison officers; assessing the delivery of the reform process and whether the reforms are now robust and enduring; the commitment of NIPS management to progress the reform; education provision in Hydebank Wood and the development of the Secure College concept; the requirement for a new women's facility and the likelihood of this being delivered; the success of the 'Inspire Project'; the contribution of the community and voluntary sector to the justice system and the work of prisons; whether the Prison Reform programme had had a positive or negative impact on Maghaberry Prison; the impact of staffing shortages within Maghaberry prison and the recent transfer of staff from the other prisons; whether prisoners were spending more time out of their cells in Maghaberry prison over the past few months; the level of staff sick absence in Maghaberry prison; the delay in the recruitment of new prison officers and whether the Oversight Group had raised its concerns with the Prison Service; whether the salary offered to new recruits is adequate to retain staff; the role of the RQIA in relation to monitoring healthcare provision in prisons; whether RQIA recommendations were

being implemented; assessment of healthcare delivery by the South Eastern Health and Social Care Trust in prisons; difficulties in recruiting and maintaining healthcare staff in prisons; assessment of staff morale within the prison service; and the different impact the Prison Reform programme had had on each of the prisons.

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

5.55 p.m. Ms Bronwyn McGahan left the meeting.

6.02 p.m. Mr Edwin Poots left the meeting.

The briefing was recorded by Hansard.

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

6.16 p.m. Mr Seán Lynch left the meeting.

7. Legislative Consent Motion on Northern Ireland Provisions in the Criminal Cases Review Commission (Information) Bill – Consideration of Committee Position

The Committee considered the Legislative Consent Memorandum outlining the provisions of the Criminal Cases Review Commission (Information) Bill that would extend the powers of the Criminal Cases Review Commission to enable it to obtain documents from private organisations and individuals in Northern Ireland, subject to judicial safeguards, and the draft motion to be brought forward by the Minister of Justice.

Agreed: The Committee agreed that it was content to support the Legislative Consent Motion.

The Chairman advised the Committee that a draft report reflecting its views would be prepared for consideration at the meeting on 18 February 2016.

6.18 p.m. Mr Seán Lynch joined the meeting.

8. SR 2016/1 – The Human Trafficking and Exploitation (Slavery and Trafficking Prevention Orders) (Notification Requirements) Regulations (Northern Ireland) 2016

The Committee considered Statutory Rule 2016/1 The Human Trafficking and Exploitation (Slavery and Prevention Orders) (Notification Requirements) Regulations (Northern Ireland) 2016 which will enhance the basic notification regime that offenders who are subject to a Slavery and Trafficking Prevention Order must comply with.

Agreed: The Committee considered Statutory Rule 2016/1 The Human Trafficking and Exploitation (Slavery and Prevention Orders) (Notification Requirements) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

9. SL1 – The Criminal Justice Act 1988 (Review of Sentencing) Order (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the Criminal Justice Act 1988 (Review of Sentencing) Order (Northern Ireland) 2016 to add a range of offences to the Unduly Lenient Sentences Scheme to

enable them to be referred by the Director of Public Prosecutions to the Court of Appeal if he believes the sentence imposed appears to be unduly lenient.

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

10. SL1 – The Draft Mental Health Review Tribunal (Amendment) Rules (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the Mental Health Review Tribunal (Northern Ireland) Rules 1986 to give the Tribunal the discretion to abridge time limits for all proceedings.

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

11. SL1 - The Proceeds of Crime Act 2002 (Application of the Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to apply certain provisions of the Police and Criminal Evidence (NI) Order 1989 to search and seizure warrants obtained in Northern Ireland under section 352 of POCA for the purposes of a confiscation investigation, a money laundering investigation or a detained cash investigation, and the powers of seizure under those warrants.

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

12. Correspondence

- i. The Committee noted correspondence from the Department of Justice in relation to arrangements for the Commencement of the Coroners and Justice Act 2009 – Section 49(2) to augment the power of Coroners to require the attendance of witnesses and the production of documents.
- ii. The Committee noted correspondence from the Department of Justice advising of the publication of National Statistics Bulletin 1/2016 ‘Perceptions of Crime: Findings from the 2014/15 Northern Ireland Crime Survey’.
- iii. The Committee noted correspondence from the Department of Justice providing information on the Departmental Spring Supplementary Estimate 2015-16 and Vote on Account 2016-17 and correspondence from the Committee for Finance and Personnel providing a briefing paper from the Department of Finance and Personnel setting out the reconciliation between the Main Estimates and the Spring Supplementary Estimates for each department.
- iv. The Committee noted a response from the Department of Justice in relation to the Committee’s request for further information on any discussions it had had in relation to UK Participation in the Prüm Decisions.
- v. The Committee noted correspondence from the Assembly Research and Information Service in relation to an Explanatory Memorandum on European Justice and Home Affairs Matters: Proposal for a Directive of the European Parliament and of the

Agreed: The Committee agreed to request further information from the Department of Justice regarding what discussions the Department has had with the UK Government on the issue and the preparation of the Explanatory Memorandum.

- vi. The Committee noted Issue 01/2016 of EU Matters provided by the Assembly EU Affairs Manager.
- vii. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister in relation to the Departments Bill and the draft Transfer of Functions Order.
- viii. The Committee considered correspondence from the Committee for the Office of the First Minister and Deputy First Minister requesting an update on any recent scrutiny the Justice Committee had undertaken in respect of good relations and T:BUC.

Agreed: The Committee agreed to advise the OFMDFM Committee that it had received a written update from the Department of Justice on work being undertaken in relation to interface areas and that an oral briefing on this work would be scheduled before the end of the mandate if time permitted.

- ix. The Committee noted the Investment Strategy for Northern Ireland Procurement Activity Report for the Department of Justice capital projects for January 2016.
- x. The Committee noted correspondence from the Public Prosecution Service providing information on the progress of its Transformation Programme.

13. Chairman's Business

The Chairman reminded Members that the Consideration Stage of the Justice No. 2 Bill would take place on Wednesday 10 February 2016 and that information on the Committee's position in relation to the selected amendments would be available from the Clerk.

The Committee noted the purpose of and rationale for a number of amendments being brought forward by individual Members.

14. Any Other Business

The Minister of Justice's intention to make an oral statement to the Assembly on 8 February 2016 on the Rationalisation of the Court Estate was raised and some Members requested that the Committee consider this matter again.

Agreed: The Committee noted that Members' concerns regarding the proposals to rationalise the Court Estate had been raised with the Minister and agreed that a further briefing on the matter would be scheduled if time permitted before the end of the mandate.

15. Date and Time of next meeting

The next Committee meeting will take place on Thursday 18 February 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 6.28 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice