

Written Ministerial Statement

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Department of Justice

COVID-19 – TEMPORARY RELEASE OF CERTAIN TYPES OF PRISONERS WHO HAVE 3 MONTHS OR LESS REMAINING TO SERVE

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Mrs Long (The Minister of Justice): First of all I apologise to Members that it has not been possible to fully adhere to the timescales as set out in the Northern Ireland Assembly Plenary Procedures, Conventions, Rulings and Practice document but I trust you will appreciate the challenging circumstances that we are all operating in at present, the need to be responsive to a fast moving and ever changing situation and take timely decisions in our efforts to mitigate the impact of COVID19.

The developing public health emergency caused by the worldwide coronavirus (COVID19) pandemic is causing us to consider measures that only a few weeks ago would have been unthinkable. One such measure is the temporary early release of some sentenced prisoners.

Over the past few weeks the Northern Ireland Prison Service (NIPS) has been taking a series of incremental steps, including the suspension of visits, aimed at gradually closing down the prison estate to non-essential personnel and limiting movement within each prison. However, in anticipation of the time when we have a confirmed case among our prisoner population and our staffing levels, which are already under strain, come under further pressure, I now consider it necessary to release some prisoners early.

In doing so I recognise that to release a prisoner before he or she has completed their full sentence is a significant decision which should only be taken when there is no alternative. Such a move is contrary to the ethos of the justice system and will cause distress to victims and their families. However, in the context of the pandemic we are facing, and to ensure as far as possible the safety and wellbeing of staff and those in our care, it is I believe an appropriate and reasonable step.

Prisoner Population:

The Northern Ireland Prison Service today has 1,521 Individuals in our care, 1,050 of whom have been sentenced and 471 of whom are on remand. 1,367 are adult males, 75 are females and 79 are young men at Hydebank Wood. The overall figure represents an increase of 78 prisoners on this day last year.

If we are to manage the rapidly developing crisis we are facing, it is vital that we begin now to take steps to reduce our prisoner population. Pressure on staffing levels and the impact of confirmed cases within our prisons when that happens will have a detrimental impact on the level of regime we can deliver. This will present considerable risks for the Prison Service to manage and will have a significant impact on the people in our care.

In seeking to reduce the prisoner population I am mindful of the importance of ensuring the Prison Service is best placed to follow Public Health guidance in order to safeguard the health and wellbeing of both staff and prisoners. Reducing the prisoner population, in a proportionate way that ensures public safety, is I believe a reasonable step.

In reaching my decision I am also conscious that 32% of our current population have mental health issues, 50% have addiction issues, and 55% have a history of self-harm. The processes we put in place to reduce suicide and self-harm are based on a person centred approach and have over the

past year delivered very impressive results. In the type of environment we are now describing NIPS and the South Eastern Trust staff will have limited one to one contact with individuals and a person centred approach will be very challenging to deliver. Consequently, having fewer prisoners will help us to focus limited resources on those most in need.

I am also mindful that a smaller prisoner population will allow us to reduce doubling up, that is the number of individuals who are sharing cells. Currently, because of the increase in our population, we have been required to make greater use of the doubling up facility. In the context of the developing pandemic it is contrary to best practice health advice. Reducing the level of doubling up is a practical step I believe we must take in the fight against the spread of the virus within the prison estate. We could of course open empty accommodation Blocks at Maghaberry, but we would need additional staff to operate them and with the staffing pressures we anticipate this is simply not an option for us.

Powers to Release Prisoners on a Temporary Basis:

Turning to the actions I plan to take, the Department of Justice has a discretionary power to release certain prisoners temporarily for any period or periods and subject to any conditions. This power is exercised by the Northern Ireland Prison Service on behalf of the Department. This rule applies to prisoners other than those remanded in custody by any court; those committed to custody for trial; or those committed to be sentenced or otherwise dealt with before or by the Crown Court.

It is my intention to give approval for the Prison Service to use this discretionary power to release, on a temporary basis, and after applying a number of offence related exclusions those prisoners who are due to be released automatically during the next three months, i.e. between now and 30 June.

While each individual will be assessed against the criteria outlined below, the Prison Service anticipate the release of fewer than 200 individuals. These individuals will be subject to a number of NIPS applied conditions including a curfew, a requirement to follow all Public Health Agency guidance during the current emergency period, a ban on victim contact, an alcohol ban and a ban on having any engagement with the media. It is important to note that prisoners released under Rule 27 may be recalled to prison at any time whether release conditions have been broken or not.

Detail of Temporary Release Scheme:

I am conscious that where possible we must ensure the general public has maximum confidence in actions undertaken by the Prison Service. Therefore I am limiting those who can be released temporarily for the purpose outlined above by excluding certain sentence types, certain offences and certain prisoners from being considered. I consider this to be a measured and proportionate response to the current unprecedented pandemic created by coronavirus (Covid-19).

On this basis the following will be excluded:

- (i) a prisoner serving an extended custodial sentence, an indeterminate custodial sentence or a life sentence;
- (ii) a prisoner serving a sentence under a hospital order or transfer direction within the meaning of the Mental Health (Northern Ireland) Order 1986 (NI 4);
- (iii) a sentence that engages the notification requirements of Part 2 of the Sexual Offences Act 2003;
- (iv) a prisoner who is liable to removal from the United Kingdom at sentence completion point;
- (v) a prisoner who has been recalled from licence during their current sentence;
- (vi) a prisoner on a restricted transfer from another jurisdiction;
- (vii) a prisoner subject to management under public protection arrangements or judged to present a Risk of Serious Harm (ROSH); and
- (viii) a prisoner serving a sentence for an offence:

- involving homicide or manslaughter – (including any offence which has contributed to or led to the death of an individual or individuals);
- connected or related to terrorism;
- involving the use or possession of explosives;
- involving the possession or use of a firearm or the use of an offensive weapon;
- involving domestic violence or cruelty; or
- perpetrated on the grounds of race, religion or sexual orientation.

Finally, and in order to ensure that a prisoner released temporarily has adequate support in the community and/or does not present a danger to themselves or others, a prisoner will only be released if NIPS is satisfied that:

- (i) they have immediate access to accommodation in the community; and
- (ii) they are not being managed under NIPS's Supporting People at Risk (SPAR) Evolution programme at the time they are temporarily released.

I do not believe the Prison Service should release a prisoner if there are reasonable grounds for believing they would, upon that release, be likely to present as homeless; or present a risk to their own wellbeing; or breach any other aspect of Public Health Agency guidance during their period of temporary release.

Where a qualifying prisoner has a victim who is registered with the Prisoner Release Victim Information Scheme the same details will be provided to them that they would expect at any other time of temporary release and at final discharge i.e. month of release and conditions of release. In these cases temporary release will be explained in the context of the ongoing public health emergency.

I plan to keep this scheme under constant review. It will be closed when the current public health emergency is declared at an end by the United Kingdom Government and the Northern Ireland Executive. However, if conditions dictate I will continue this scheme on a month-by-month basis from the end of April. This means that we will look at releasing temporarily those qualifying prisoners who are due to be released during the month of July at the beginning of May.

Conclusion:

The challenges over the coming days will be great and in closing it is right that I pay tribute to the staff of the Northern Ireland Prison Service who on our behalf are providing a vital public service in the most difficult of circumstances. The work of prison staff is seldom seen but it should never be underestimated.