



Isle of Man
Government

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Department of Home Affairs

**REPORT ON THE IMPLEMENTATION OF
THE RECOMMENDATIONS FROM
THE PUBLIC INQUIRY INTO THE PAROLE SYSTEM**

October 2018 Updated February 2019

Report on the implementation of the Recommendations from the Public Inquiry into the Parole System.

In early 2017 Mr Geoffrey Karran, MBE, TH, produced an independent Report for Tynwald in respect of the Parole System.

The report contained 26 recommendations. The Inquiry took place after the tragic events that led to the death of Mrs Gwen Valentine and as a result the Department had already been looking at practice and procedures and acted upon some of the identified issues prior to receipt of the final report.

This document provides a RAG Report which identifies what actions have been completed and how they have been implemented and those that are in the process of being addressed and finally those which have not yet been addressed.

The progress reports that 19 are green, 5 are amber and 2 are red (2 of which are not being pursued one of which will continue to be monitored).

| | RECOMMENDATION | RESPONSE AND RATING | COMMENTS |
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| 1 | Amend the Custody Rules over the provision of the membership of the Committee. It was suggested that "a person with experience of the Probation Service would be a valuable member as would a former detainee within the Prison." | The Department takes the view that whilst experience may be valuable this in itself is not sufficiently important to specify in possible applicants unlike the requirement to have a legally qualified committee member. As a result the Department has decided not to pursue this element of the recommendation. | Not being pursued. |
| 2 | Provide training to the members of the Committee. | Initial research was undertaken with a number of similar jurisdictions the most fruitful contact was made with the Parole Commissioners in Northern Ireland. However due to the differences in practices here and elsewhere discussions took place with experienced members of the current committee to provide training to the new recruits and existing Members. The training has been agreed and funded by the Department and is currently taking place and is 50% completed. | The Department, in conjunction with the Parole Committee have put in place a comprehensive training programme. This includes an induction plan and also updating of training for existing members. The training will be ongoing and will take account of any new developments or experiences from cases reviewed. |
| 3 | Provide Rules and Guidance Notes in the form of secondary legislation setting out the objectives of the Committee and key factors and guidance principles to be considered and weighed when decisions for parole are made. | Following review of this recommendation, it is the Department's view that the necessary guidance can be provided in a form other than secondary legislation, which can be quicker to produce and easier to amend if necessary and allow for future improvement. | Discussions between the Department and the Parole Committee and the Attorney General's Chambers continue with regard to the necessary policies, guidance and principles. |
| 4 | The Committee to be able to obtain legal advice whenever it is required. | Discussions have taken place between Department and the Attorney General's Chambers. Chambers have confirmed that they will provide legal advice to the Parole Committee. | A number of matters have been resolved with the assistance of advice from AGC. |

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| 5 | The Committee to have the benefit of an indemnity from the Isle of Man Government to cover legal claims being made against it. | Treasury have confirmed that the Parole Committee is covered by the current Officials Indemnity policy and the Committee has been made aware. | |
| 6 | To consider whether it is prudent to adopt under the principles of the ECHR that all parole decisions should be made by the Committee and not the Department. | This matter has now been considered by the Minister and it has been decided that the Parole Committee will continue to make recommendations to the Department, and the ultimate decision for release on Parole will remain with the Minister. | This matter will not be pursued at this time but will continue to be monitored re any ECHR future compliance issues or legal rulings that question the human rights compatibility of the current process. |
| 7 | All documents and information received by the Committee for the purposes of a parole application and for a recall shall be disclosed to the particular Applicant involved in the process. | This recommendation has been implemented. | Subject to certain restricted information such as national security, crime prevention and witness protection. |
| 8 | A statement from the victim or victims of the crime for which the Applicant for parole is in prison to be included in the Dossier, if they wish to make such a statement. | <p>The key role of the Victim in the Criminal Justice Services processes is accepted. This would provide for a Victim Liaison Officer in Probation to facilitate the taking of statements subject to the funding being provided.</p> <p>This role does not currently exist and was assessed as part of the work on establishing a Victim's Code of Practice by the Prison and Probation Service alongside other Criminal Justice service professionals.</p> <p>The Victim Liaison Officer role was not submitted as a bid for 2019/20. However, a short term solution is being worked up to provide an alternative means to deliver this important service in 2019/20 in advance of a case being submitted in the next budget round for a full time VLO.</p> <p>Any participation would be on a voluntary basis and there will be a real need to manage expectations as the information relating to the victim is only one aspect of a multi-facetted assessment when deciding whether or not an offender is</p> | <p>The Criminal Justice Board and the Department have recently published a Victims Code. As part of the publicity around the publication of this report the Victims Code is also being brought to the public's attention to raise its profile.</p> <p>The Parole Committee are also working with Probation to ensure that views of the victim are taken into account and included within the Parole Dossier where appropriate.</p> |

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| | | <p>released early.</p> <p>The Victims Code has now been published accepting that this document will develop further as it is actively utilised.</p> <p>The Code can be found at:- https://www.gov.im/media/1364203/iom-code-of-practice-for-victims-and-witnesses-2312019.pdf</p> | |
| 9 | <p>The principles of MAPPAs should be enshrined into primary legislation with proper Guidance Notes adopted by the Department as to the practices and procedures of all those involved in the MAPPAs process.</p> | <p>Whilst they have not yet been enshrined in legislation the MAPPAs have been reviewed by the Prison and Probation service and the Police.</p> | <p>It is proposed that the rules and regulations regarding the operating rules of the Multi Agency Public Protection Arrangements and its governance will come under the authority of the Criminal Justice Board once it is established on a Statutory basis.</p> <p>Consideration will be given, as part of requiring attendance at meetings on a Statutory basis, to providing powers to regulate the MAPPAs processes.</p> |
| 10 | <p>If legally possible the Minutes of any MAPPAs meeting relating to a particular applicant for parole should be included in the Dossier. Alternatively, if it is found that for legal reasons this cannot be achieved, then a summary of the MAPPAs meeting in relation to that individual should be included in the Dossier.</p> | <p>MAPPAs have been reviewed and improved executive summaries are provided to the Parole Committee where appropriate for their hearings. The minutes cannot be provided in full for legal reasons including protecting third party information.</p> | <p>Following discussions between the Department and the Probation Service, it has been agreed that where applicable, an Executive Summary of MAPPAs meetings will be provided as part of the Parole Dossier for the Parole Committee to include in its</p> |

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| | | | deliberations. |
| 11 | Each of the Authorities involved in the MAPPA process should send representatives to every MAPPA meeting. | Attendance has improved and is approaching an acceptable level. The provisions for requiring attendance as a Statutory requirement are to be progressed in a future Sentencing Bill. | This matter continues to be monitored by the Prison and Probation Service |
| 12 | A Custody Release Plan (incorporating a MAPPA Risk Management Plan in the case of Applicants assessed as being on Level 2 or 3) must be prepared and in place prior to the release on licence of that Applicant. Such plan should be disclosed to the Applicant and the Committee to assist in its deliberations. | <p>Arrangements are in place for the completion of a Resettlement Release Plan in all cases before release. With the changes in the timing of parole considerations there is also an opportunity to call a MAPPA if deemed necessary.</p> <p>Parole hearings are now conducted three months earlier than previously, so that time is given for further action etc in relation to any issues that arise or are identified. Also if behaviour issues occur up to the day of release the licence can now be revoked.</p> <p>The resettlement release plan is not mandatory because there may be circumstances where a full release plan is not feasible where this is the case the circumstances that have dictated that a full plan has not been provided will be documented and the Parole Committee will be aware. It should, however, be made clear a release plan will always be in place but there may be circumstances when elements of the plan cannot be resolved before release.</p> | |
| 13 | If any contact is made with a Police Officer regarding a person released on Licence during the period of that licence, or any reference is made to a Police Officer regarding that person, a report should be submitted immediately to the Supervising Probation Officer, the Committee, the Department (and the MAPPA Committee if appropriate). | The Police are already informed of every offender released on licence and will seek advice from the duty probation officer (24 hour cover) if they have contact with a person on licence. | With the introduction of a Duty Probation Officer there is close working between the two organisations to ensure the safety of the community. This is working well. |

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| 14 | The Department to keep actual records of all prisoners released on licence or otherwise with details of their re-offending and this information should be available to the Committee and all Probation Officers. | Isle of Man Prison and Probation Service already record this information in relation to all offenders on a licence. | |
| 15 | The Committee should be consulted by the Department or any other Government Department intending to submit a Bill, Regulation or Rule that affects the parole system, and the Committee should also be represented on any group whose mandate is to consider the question of parole. | The Parole Committee is routinely included in consultation processes. | |
| 16 | The case for the Prosecution and the remarks of the Deemster sentencing the Detainee to the term in respect of which he is then applying for parole should be contained within the Dossier. | Following discussion with the Prosecutions Division of the Attorney General's Chambers, it was agreed that the sentencing remarks of the Deemster would be more valuable than the Prosecution case because the Parole Committee would hear from the Deemster who heard the evidence what level of risk they considered the Defendant posed. The case for the Prosecution is a very wide ambiguous statement and the Prosecution's case may well be completely different by the time the trial ends with the seriousness shifted either way. Therefore providing it to the Parole Committee may even be misleading. | -Discussions in place regarding access to historic sentencing remarks and agreement for all future requirements as part of parole dossier. |
| 17 | If the present system is maintained and reports are to be made by inexperienced Prison and Probation Officers, no report should be filed by an Officer who has not been qualified and serving for at least 3 years before investigating and preparing his/her report, unless that report is countersigned by a Superior Officer holding those | Should an inexperienced Probation Officer, as defined in the recommendation, complete the report it will be counter signed by a Senior Officer. | |

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| | <p>qualifications. In addition Probation Officers should make proper research into facts supporting their recommendations. I appreciate that certain recommendations contained herein may not need to be implemented if the change made by the Prison and Probation Service referred to in Chapter 9 Paragraph 9 continues to operate. (The system has been amended such that a single report from the Probation Services is supplied which contains all relevant service information about the offender).</p> | | |
| 18 | <p>Any Prison or Probation Officer submitting information or a report to be contained within a Dossier being prepared for a parole application to be given, in advance of preparing his/her submission, access to all records and information on the detainee applying for parole including the PIMS report and all adjudications against the individual concerned.</p> | <p>Everybody in the Prison and Probation Service has had access to PIMS since August 2014.</p> | |
| 19 | <p>Any report or reports by Probation Officers to be submitted in a Dossier to the Committee for the purposes of a parole application should be reviewed by the Governor or Deputy Governor of the Prison, and a recommendation made by that person.</p> | <p>The Deputy Governor signs off all parole dossiers.</p> <p>Probation Officers are required to undertake supervision sessions regularly. All reports are reviewed under supervision and a recommendation is included in the Probation Service Report which is considered by the Parole Committee.</p> | |
| 20 | <p>The clear meaning and effect of any condition imposed in a licence for parole must be known to all involved in the parole process, and fully explained</p> | <p>A full review of all licence conditions has been carried out and will be issued to staff and offenders. The Department has embarked on clarification and re writing Licence contracts that will specify exactly what the imposed licence condition</p> | <p>The proposed conditions have been sent to the Attorney General's chambers for consultation.</p> |

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| | to the Detainee before his release, and to the person or persons living where the Detainee is to reside. | <p>means. The wording of the current conditions is enshrined in legislation but the interpretation of them is informed specifically by the risk assessed in each case.</p> <p>In addition a further piece of work has commenced which will result in the parolee receiving a written explanation in plain language about what the condition requires them to do and what to avoid and the consequences of them failing to meet these expectations.</p> <p>The process for issuing the plain language explanation will be considered after the above work is concluded re licence conditions.</p> | |
| 21 | A CP4 Custody Planning Meeting should take place before release, or if not possible then as soon as possible after release and in any event within seven days of the release of a person on licence, to review licence conditions and plan a probation regime. | <p>Arrangements are in place for the completion of a Resettlement Release Plan in all cases before release. The reasons why this cannot be mandatory is explained in 12 above.</p> <p>Changes in the timing of parole considerations will allow for the calling of MAPPA if deemed necessary. Consideration of Parole takes place three months earlier therefore there is adequate time for additional meetings and consideration to take place as may be required or identified.</p> | A release date is only set now after consultation with the resettlement team and if necessary, release may be delayed until the prisoner is considered ready for release. |
| 22 | A formal risk assessment to be carried out on any person seeking parole at the time of the application being made and such assessment should be included within the Dossier prepared on that person. | A formal Risk Assessment is carried out on any person seeking parole at the time of the application and is included in the parole dossier. | |
| 23 | Six months good behaviour prior to consideration of a parole application should not be the benchmark for adjudicating rehabilitation. Conduct throughout the sentence should be considered and credit given to the Applicant for parole if showing a marked improvement in behaviour, | This was agreed. The benchmark is no longer used. | |

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| | willingness to cooperate, acceptance of the authority of prison and probation officers and participation in intervention hubs. (Whether or not intervention hubs are to be introduced the offender's participation in interventions will be included in all assessments. | | |
| 24 | To award three months of freedom on licence, merely because it is close to the automatic release date, should not be a major factor for the granting of parole to be included in the Guidance Rules. | <p>The decision to release early or not is based on a myriad of different assessments and considerations. Award of three months of freedom on licence, merely because it is close to the automatic release date does not feature in Probation reports.</p> <p>The recommendation will focus on the likelihood of re-offending. The fact that an offender is coming to the end of his/her prison term is irrelevant and will not be included in the Probation report apart from on those occasions where an early release may be desirable to facilitate something else i.e. commencement on a training course or to take up employment. Where the timing of release is of particular significance then this will be included in the information presented to the Parole Committee.</p> | |
| 25 | The Prison and Probation Service should have an Officer on call twenty four hours per day, seven days per week, to accept a report from a Police Officer or someone else regarding conduct which could amount to a breach of parole conditions. | Arrangements are now in place for Duty Probation Officer. | |
| 26 | The Police should be given power to detain a person who is found to have broken a parole licence condition or is suspected of so doing. | It is the view of the Prison & Probation Service that, as we have agreed' the Police should report possible breaches of licence conditions to the Prison & Probation Service (see 25 above), The Prison & Probation Service are best placed to consider making a decision on | |

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| | | <p>breach.</p> <p>In the event an individual is found to be suspected of committing an offence whilst on licence, or of a potential breach of their licence conditions, by a police officer the officer now immediately contacts the duty probation officer (24 hour cover) and seeks advice as to whether they had breached their licence conditions. The individual is instructed by the police officer to remain with them until advice has been received from probation as to what action to take.</p> <p>Consideration is being given to empowering Probation Officers to issue an immediate arrest warrant where a decision is made to recall for any breach of licence conditions whether the breach itself is a criminal offence or not. This will allow for the immediate detention whilst the recall papers are prepared and signed and avoid the potential of offences being committed.</p> | <p>It is intended that the power of arrest can be included in the Sentencing Bill.</p> |
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