



**PAROLE COMMITTEE  
ANNUAL  
REPORT 2022-23**

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## Foreword

Protecting the public is, and always will be, our top priority.

As such the Parole Committee has a vital role to play, assessing whether prisoners can be safely released into the community under supervision.

We act as a statutory committee within the Isle of Man criminal justice system, making impartial recommendations and, in certain circumstances, directions to the Minister for Justice and Home Affairs.

The reporting year has seen our caseloads increase, not only in number but also in complexity. I am therefore pleased to report that the year has been distinguished by a strengthened collaboration between the Parole Committee and the Department of Home Affairs. Similarly, the Isle of Man Prison and Probation Service now provides more robust and detailed reports, which has been welcomed by the Committee when making their deliberations and has led to a reduction in the number of cases having to be deferred.

Looking to the future we recognise there will be new challenges and caseloads increasing, not only parole applications, but also licence conditions amendments, recalls to custody and requests for oral hearings. In support of which we will continue to develop our training and recruitment programme.

I should also like to put on record my gratitude to our parole clerk and to my fellow Committee members for their support, dedication and unfailing willingness to make themselves available, often at very short notice, to ensure we continue to provide an equitable and efficient service to prisoners and the public.

**Caroline Johnson, Chair**

**Stephen Ritch, Deputy Chair**



## The Parole Committee's role

Predominantly we deal with the early release of long-term detainees. Long-term detainees are those sentenced by a court to more than four years' imprisonment.

Legislation requires that prison sentences consist of four elements:

1. A period to be spent in prison. This is one-half of the sentence awarded.
2. A discretionary period where, if decided by the Minister for Justice and Home Affairs ('The Minister'), the prisoner may serve part of the sentence in the community. They must be supervised by and obey the instructions of a supervising probation officer and adhere to all of the licence conditions imposed by the Department. This period runs from half of the sentence awarded to two-thirds of the sentence. It is described as the Parole Eligibility Date or PED.
3. A period where the prisoner has to be released into the community on licence. They must be supervised by and obey the instructions of a supervising probation officer and adhere to all of the licence conditions imposed by the Department. This period runs from two-thirds of the sentence awarded to three-quarters of the sentence. This is described as the Non-Parole Release Date or NPRD.
4. From three-quarters of the sentence up to the end of the sentence, the prisoner must be released without licence conditions or supervision, but if they offend again a court may require them to serve in prison any part of the original sentence they did not serve. This is described as the Sentence Expiry Date or SED.

Some prisoners have extended licence terms imposed on them by the courts. This extends the period for which they must remain on licence and be bound by the conditions of that licence.


## Who we are

The Isle of Man Parole Committee is set up by statute to advise the Department and to make recommendations to the Department about the early release on licence of long-term prisoners.

We are a statutory Committee within the Isle of Man Criminal Justice System. We advise the Department and consider requests for parole from long term prisoners under a discretionary conditional release licence and make recommendations to the Department.

The Parole Committee considers the information provided to it and advises the Department of Home Affairs ('the Department') with respect to s23, Custody Act 1995:

- (a) the release and recall under Schedule 2, Custody Act 1995, of persons whose cases are referred to it by the Department
- (b) where such persons are released on licence, the conditions of such licences and the variation and cancellation of such conditions



(c) any other matter so referred which is connected with the release or recall of persons to whom Schedule 2 applies

## Victims

We are deeply conscious of how much our decisions have a significant impact on victims. We fully support measures that ensure those victims who wish to engage with the parole process are treated with humanity and respect. To this end we have expressed an ambition to strengthen our engagement with Victim Support.

## Transparency

The impact of our work can be far reaching. Given how much our decisions matter to prisoners, their families, victims and the public, we recognise that our decisions can sometimes be subject to scrutiny and that there is significant interest in our work.

When making our recommendations, we are directed by the Minister to consider, in order of priority four fundamental principles agreed with the Department. In order of priority, they are:

- 1.The risk to the public that early release would present;
- 2.The risk of further offending;
- 3.If early release would contribute to rehabilitation and reintegration into the community and;
- 4.What conditions could be attached to a licence to assist with reintegration of the offender into the community and reduce risks identified upon early release

When applying these principles, our priority will always be public safety.

We take great care when making our decisions, but despite our very best efforts, our decisions cannot be risk free.

## Directions

Our role is to determine whether prisoners referred to us by the Department continue to pose a risk to the public that can only be managed in a custodial setting or whether they are suitable for early release on licence (parole).

Following legal advice from the Attorney General's Chambers at a meeting with the Committee and the Department in June, 2022 the four principles we apply were approved in July 2022. These provide clear direction to the Committee, reflect the aims of the Department, bring transparency to the decision-making process and serve to promote public confidence in the Isle of Man Prison and Probation Service.



## Framework document

The Committee has collaborated with the Department to determine and approve the content of a framework document.

The document sets out the broad framework within which the Committee will operate, and articulates the parole process as interpreted and applied by both bodies. It also recognises the Committee's independent status in relation to its decision-making function.

The document brings clarity to the Committee's responsibilities and its powers as contained in the Custody Act 1995.

The Committee and the Department have agreed that the framework should be reviewed every two years. The document may, however, be reviewed at any other time and the Department will manage the provision of amendments, which will be agreed with the Committee.

The framework document (and any subsequent amendments thereto) can be viewed on the DHA's website.

## Our work

Our prime responsibilities are:

- Determining whether it is no longer necessary for the protection of the public that the prisoner be detained in custody;
- Considering and reviewing recall requests of prisoners subject to licensed supervision; Considering licence condition amendments; (Although the Committee must be consulted on the decision, it is not the decision-maker);
- Promoting the independence of, and public confidence in, the work of the Parole Committee.

## Parole applications


The decision to grant early release is the Department's, and the Department is not obliged to accept a recommendation from the Committee for release.

When the Committee recommends release, it is not binding on the Department, which will consider the recommendation and information and reasons provided before making a final decision. The reasons for the decision will be recorded and shared with the Committee.

The Department may not, however, grant early release if the Committee does not recommend release. The Committee will provide its reasons for the decision to the Department. The offender may submit a further application for re-consideration.

There may also be occasions when we may be asked to make decisions about prisoners the Department wishes to recall to custody for breaching their licence or who have already been recalled.

In matters of a discretionary life detainee (which is a life detainee whose sentence was imposed for an offence the sentence for which is not fixed by law). Para 4(4), Schedule 2 states that the Committee may DIRECT that detainee's release, and thereupon the Department shall release the detainee on licence.



During the reporting year we conducted applications for parole solely at paper hearings.

- We received 33 applications for parole;
- Two applicants were prisoners serving life sentences;
- We recommended the early release of 18 prisoners;
- We directed that eight prisoners continue to be detained in custody; We made
- seven deferrals, pending further supporting evidence.

## **Oral hearings**

No requests for oral hearings were received during the reporting year.

The purpose of an oral hearing is not to re-try the prisoner, but to assist the Committee in its decision making. An oral hearing upholds the principles of fairness to the prisoner and provides an opportunity for the Committee to hear from the prisoner or his/her representative in person and from the Probation Service before arriving at its decision.

## **Interviewing prisoners**

During the reporting year a Parole Committee sub-committee conducted one prisoner interview.


The Custody Act 1995 provides for the Committee to conduct an 'informal' interview with a prisoner prior to making its recommendation. The interview process is of particular value in more complex cases and provides an opportunity to clarify information contained in the dossier, to look for evidence of change and hear from the prisoner why they believe they should be released on parole.

## **Recalls**

Recalls contribute to the committee's caseload. We recognise that recalling a prisoner to custody should always be a last resort and the importance to support a prisoner's reintegration into the community. Public safety will, however, always be our first priority. During the reporting year we considered one recall application. The matter was originally deferred, pending further information. On receipt of further evidence, we recommended recall. The recall was subsequently reviewed and the decision made to re-release the offender.

## **Licence conditions**

The aims of the licence period are to protect the public, to prevent re-offending and to secure the successful re-integration of the Offender into the community. Licence conditions should be preventative as opposed to punitive and must be proportionate, reasonable and necessary.



During the reporting year we reviewed and provided feedback to the Department regarding the latter's updated standard and additional licence conditions.

Licence conditions, (such as good behaviour, submitting to drug testing, restricted/no contact with certain individuals, restricted access to certain areas, etc.) are imposed on an offender once they are released under supervision from prison on parole.

The Committee must be consulted by the Department when the latter proposes to vary, cancel or add a condition to a licence. Although the Committee must be consulted on the decision, it is not the decision-maker.

## Compassionate release

The Department may at any time release a detainee on licence if satisfied that exceptional circumstances exist which justify release on compassionate grounds [para 7(1) of the Custody Act 1995].

During the reporting year we considered and were content to recommend release on compassionate grounds of one prisoner with a life-limiting condition requiring palliative care.

## Membership and tenure

There are currently eight Committee members. The maximum number permitted is nine.

The members of the parole committee come from diverse backgrounds to bring an outside and independent perspective to the decision-making process. They are selected and appointed by the Minister, initially for a period of three years, and their tenure is a matter of the Minister's discretion.

In March 2022 the previous parole chair retired after serving in the role for a considerable number of years. The Committee wishes to place on record its sincere thanks to the retiring chair for their wise counsel, extensive knowledge, guidance and advice that have helped the Committee to navigate the complexities of the criminal justice system and strengthen its decision-making responsibilities.

At the beginning of the reporting year a new chair and two deputy chairs were appointed.

With two senior members due to retire at the end of 2023, a recruitment programme to enhance capacity, manage increased operational demands and strengthen succession planning, has seen the appointment of four new members.

## Technology

We depend on reliable, secure technology in order to carry out our duties in an efficient and timely manner. While, in the main, members' Isle of Man Government-issued devices function satisfactorily, performance issues do occasionally arise.

We are therefore grateful to Government Technical Services (GTS) for their regular support and guidance. We were also pleased to meet representatives from the GTS customer experience team who briefed members on the division's future project development and procurement programmes.





## Committee's response to HM Chief Inspector of Prisons report on announced inspection of Isle of Man Prison

The Committee welcomed the inspection of the Isle of Man Prison conducted by HM Inspectorate of Prisons (HMI) which took place from March 6 to March 9 2023.

While the report highlighted a number of concerns which resonated with the Committee, it also highlighted positive practices. Crucially, the report has served to inform action plans and policy reviews. We therefore fully support the Department of Home Affairs' commitment to review processes and bring about procedural and cultural change.

We were also pleased to note that the Department of Home Affairs has requested that HMI return in 2024 to assess progress on matters highlighted in this current report.

We would hope to comment further in our 2023-2024 Annual Report but, meantime, look forward to further engagement and regular dialogue with the Prison and Probation Service regarding progress in a number of areas, principally:

- Assessment and management of risk;
- Offence-focused interventions and rehabilitation models; Meaningful and realistic education programmes; Post-release statistical data.
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(HM Chief Inspector of Prisons report and the Department of Home Affairs response can be viewed [here](#).)

## Training

The Department arranged training for Committee members in the following areas:


-The prisoner's parole 'journey';

- LS/CMI (Level of Service/Case Management Inventory) training;
- Chair training – for Chair and Deputy Chairs;
- Attorney General's Chambers – Guidance on Oral Hearings.

Mandatory online eLearn Vannin courses:

- GDPR Basic Awareness;
- Cyber Basics: An introduction to Cyber Security;
- Anti-Bribery Policy Training;
- Electronic Communications and Social Media Awareness;
- Freedom of Information Act 2015 for Isle of Man; Adult
- Safeguarding Level 1; Financial Regulations.
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We will continue to work with the Department to identify what additional capacity building training could benefit members.



We are also always open to and welcome presentations from criminal justice, forensic psychology, healthcare, education, victim support and other agency professionals. Expertise from such specialists and academics will serve to strengthen our knowledge and understanding, help us to navigate the complexities of parole applications and fulfil our duty to protect the public.

## **Parole: A privilege that must be earned**