

TERMS OF REFERENCE FOR INDEPENDENT REVIEW OF CIRCUMSTANCES RELATING TO THE RELEASE OF A PRISONER UNDER THE COMPASSIONATE TEMPORARY RELEASE SCHEME

Purpose

The Department of Justice is commissioning an independent review of the circumstances surrounding the handling of a recent application for compassionate temporary release (CTR) by a prisoner in Maghaberry prison.

The purpose of the review is to:

- provide an independent and objective assessment of the handling and outworkings of the CTR application;
- establish the relevant facts and chronology;
- consider whether the actions and decisions taken were reasonable and consistent with the relevant legal, policy and procedural framework; and,
- identify any learning or improvements that may be required.

Scope

The review will encompass:

- establishing the key facts and chronology relating to the handling and outworkings of the CTR application from the initial request made by the prisoner through to the prisoner absconding;
- examining the key decisions and actions taken, including the information and support available to those making decisions and any relevant advice sought or received by individuals involved in the decision-making processes;
- considering how the CTR application, and its outworkings, was handled by staff in the Northern Ireland Prison Service (NIPS) in accordance with relevant policies, procedures and legislation;
- considering the events following release of the individual on CTR and the prisoner absconding and subsequent arrest, including the arrangements in place for identification of chaperones;
- considering the communications and governance arrangements within and between NIPS, legal advisers and the DoJ in relation to the judicial review

action and any other relevant aspects, including the extent and timing of briefing provided to the Minister to inform updates to the Assembly;

- considering the appropriateness of arrangements for handling of urgent CTR applications, including the response to the legal challenge by the applicant;
- examining the arrangements for communications with victims, in particular with the Kelly family, and how those arrangements operate outside normal working hours; and
- making recommendations, where appropriate, for improvement and administration of handling CTR applications of a similar nature in the future.

The purpose of the review is to identify the facts of what happened and make recommendations for improvement accordingly; it is not to seek to apportion blame to any of the parties involved in the decision-making process. The review can not investigate any judicial matters which are a matter for the Court and independent judiciary.

Outputs

The review will be conducted by Phil Copple CB, formerly Director General Operations, HM Prison and Probation Service. He will have direct access for support on consideration of relevant legal issues to Senior Crown Counsel. The Commissioner Designate for Victims and Witnesses of Crime has confirmed that the Reviewer can seek support from her so as to ensure that issues are considered from the perspective of victims.

Access to Staff

For the purposes of the investigation the Reviewer will be facilitated in engaging with relevant staff in NIPS, DoJ or legal advisers as required, as well as access to all documentation.