



Department of  
**Justice**  
An Roinn Dí agus Cirt  
Mánnystrie O tha Laa  
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7 February 2022

**REFERENCE: FOI\22\5**

Dear Sir,

Thank you for your request for information dated 10<sup>th</sup> January 2022 and detailed below.

*1/ How many Bush & Roe T.P.M.Os & T.R.Os are currently engaging with PBNI or a MARA Supervisor from England/other?*

*2/ How many have been given parole? & released from prison? while not engaging with PBNI& MARA supervisors?*

*3/ How many N.I. T.P.M.Os & T.R.Os (imprisoned & released) are engaging with PBNI& MARA? in N.Ireland?*

*4/ Have T.P.M.Os and T.R.Os been punished for not engaging with PBNI& MARA? in N.Ireland?*

*5/ Is Engagement with PBNI & MARA voluntary? or Mandatory? for N.I. prisoners classified as T.P.M.O or T.R.O? or those for N.I. prisoners already released? Under that classification?*

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold recorded information falling in scope of your request, and you have the right to receive this recorded information subject to cost limit or exemption.



Some of the information you have requested is covered by the following sections of the Freedom of Information Act 2000:

- Section 22(1) (intended for future publication)
- Section 38: Health & Safety

In respect of parts 1 and 2 of your request, disclosure of this information may facilitate the identification of individuals in the custody or in the community and inadvertently place them at risk. Accordingly, this information has been withheld.

Additionally, please note (in respect of Part 2 of your request), that releases from custody will occur at a fixed point in a sentence, or following a decision in respect of parole. No specific information is held on whether engagement or non-engagement with MARA Supervising Officers is a determinative factor for the Parole Commissioners'.

With respect to Part 3, information relating to the number of TROs being managed within the Multi-Agency Review Arrangements is intended for future publication. This is in line with Ministerial Guidance published under Article 50 of the Criminal Justice (NI) Order 2008. Accordingly, this information has been withheld.

### **Qualified Exemptions**

The exemption provisions of section 22(1) and s38 (1) confers a qualified exemption to our duty under section 1(1)(b) of the Act – to release the information requested. Information covered by qualified exemptions can only be withheld where the public interest falls in favour of applying the exemptions.

We have provided details of our Public Interest Test considerations in **Annex A** to this letter.

### **Response to parts 4 and 5 of request**

It is considered that parts 4 and 5 of your request fall outside the scope for a response under Freedom of Information, however the Department can advise that those TROs who are subject to supervision on licence upon release from custody are required to



comply with a range of licence conditions including attending appointments and communicating with MARA Supervising Officers. Should any individual fail to adhere to licence conditions, supervising officers may consider a range of actions to protect the public, prevent re-offending and support the rehabilitation of the offender. These actions are not considered punitive but part of a series of public protection measures.

Please note that this response relates to Terrorist Risk Offenders (TROs) and the Department of Justice's Multi-Agency Review Arrangements (MARA). Following classification, the Department will assign MARA Supervising Officers to TRO cases; TROs are not subject to licence supervision by PBNI. I can further advise that the Department does not use the TPMO acronym.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above. If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask the Commissioner to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Yours sincerely

**Records & Information Manager**



## 22(1) (Information intended for future publication)

### In favour of release:

- There is a presumption of general public interest in transparency and openness in how Government works.

### In favour of non disclosure:

- Early disclosure prevents Government from dealing with the necessary preparation, administration and context of publication.

### Conclusion

Government is permitted to plan and manage activity as part of the effective conduct of public affairs, including where a decision has been made in principle to publish information. The Department has a clear view to publication of the exempted documents but considers that immediate disclosure of the documents would impede necessary preparations, both administrative and contextual. We are satisfied that it is in the public interest to withhold these documents at this time.

## Section 38 – Health and Safety Public Interest Test

### In favour of release:

There is a general public interest in transparency and openness in how Government works. The public may believe they have a right to know how this cadre of offender (TRO) are being managed in prison custody or in the community, in particular information relating to specific individuals.

### In favour of non-disclosure:



Some individuals currently serving prison sentences, particularly those in separated accommodation such as Bush or Roe, might or might be likely to be exposed to increased risk should details of any engagement with criminal justice authorities be made public. This risk could be increased due to the close proximity to other prisoners in custody and in some cases, those specific prisoners may not have disclosed to cellmates or associates how or if they engage with criminal justice authorities or other work to reduce their risk of reoffending. This risk may also apply to individual TROs who have been released from prison. There is obviously a strong public interest in avoiding harm to individuals and an duty of care in respect of managing individuals in custody and the community.

#### Conclusion:

We have concluded that the public interest in retaining this which falls within the criteria described above for s38 outweighs the public interest in release.

