PBNI believes that the prison estate should reflect the rapidly changing circumstances in Northern Ireland, including

1) the need to protect society from the most dangerous offenders;
2) the benefits of the management of more offenders in the community;
3) the need for a half-way house provision for offenders posing significant but manageable risk to the community;
4) the requirement to address the needs of women prisoners in a more appropriate way; and
5) reducing the number of remand prisoners through greater bail provision coupled with the management of those individuals whilst on bail in the community.

1. INTRODUCTION

1.1 Probation Board for Northern Ireland (PBN) was established in 1982 and is a non-departmental public body whose aim is to help reduce crime and the harm it does. The Board is responsible for the assessment and management of the risk posed by offenders with the objective of protecting the public by reducing re-offending.

1.2 The Board employs in excess of 300 staff who write 6,500 reports a year for sentencing courts and supervise 4,000 offenders in the community. The Board’s budget is £15.18m.
1.3 The Probation Board (Northern Ireland) 1982 Order allows PBNI to “provide such probation officers and other staff, as the Secretary of State considers necessary, to perform social welfare duties in prisons and young offender centres.” Article 4(1)(c).

1.4 PBNI has service level agreements with the Northern Ireland Prison Service (NIPS) for PBNI staff to provide services to prisoners in all prison establishments in Northern Ireland. Staff from both organisations work jointly to provide programmes for prisoners to address offending behaviour.

1.5 In addition PBNI is a signatory to the NIPS Resettlement Strategy and a lead agency in the implementation plan for 2005-07, which was developed out of a recommendation in the Criminal Justice Review.

2. USE OF PRISONS IN NORTHERN IRELAND

2.1 The Northern Ireland prison population, at 84 per 100,000 population, is the lowest in the UK. The comparative figure for England and Wales is 148 per 100,000, and for Scotland 139 per 100,000. In the Republic of Ireland, the rate is 72 per 100,000 (International Centre for Prison Studies October 2006 ). The prison population in Northern Ireland is distinctive in that there is a high level of remand prisoners – 38%- and low numbers of female prisoners - currently around 40, of which half or more may be on remand. Life licence numbers as a proportion of sentences are high. Of the current prison population of 1450, approximately 60% will be compulsorily supervised on release by the Probation Board, being subject to Custody Probation Orders or various licences. All of these offenders will have been sentenced to twelve months or more, and will be
2.2 Of the remaining 40%, most will have been sentenced to shorter sentences of under twelve months, and will not be supervised on release. 2005 figures indicate that of those serving sentences in this category, 75% had been convicted of non-violent offences (by definition less serious offences) and of those, over 60%, although sentenced to six months or less, actually served three months or less in prison.

2.3 The Lord Chief Justice of England and Wales, Lord Phillips, has said that it is his professional duty to see that offenders are not sent to prison unless their offending is so serious that no alternative sentence is appropriate (speech to the Centre of Criminology, Oxford University, 10 May 2006). It is PBNI’s belief that there are alternative sentences for less serious offenders that can be more productive in outcome, not least in relation to reconviction rates. Reconviction rates are already significantly lower in Northern Ireland than in other UK jurisdictions. For a prison sentence, the reconviction rate is 51% within two years, compared to an alternative sentence such as community service, where the reconviction rate within two years is 35%. Greater use of such alternative sentences, combined with the lower reconviction rates associated with supervision in the community, could mean both a reduction in required prison places in the future and significantly reduced costs.

2.4 Within the Northern Ireland context, crime rates have fallen – a net 14% fall since 2002/03. If this continues, it would be expected to contribute to a reduced requirement for prison places. A main proposal of the sentencing framework review is that practically all offenders will be compulsorily supervised on
release from prison. The reconviction rates of the current sentencing framework equivalent (the custody probation order) of 36% is a positive outcome of what has been a unique and successful disposal in Northern Ireland, and has influenced the development of proposals to extend compulsory post release supervision proposed in the new sentencing framework. While under a new sentencing framework there are likely to be some prisoners in prison for longer, the reduction in required prison places by virtue of increased community supervision, the possibility of early release with electronic monitoring, and planned measures to reduce numbers held on remand by increasing bail provision in the community should be tangible. The growth in the prison population in recent years in Northern Ireland is mainly attributable to the growth in remands, rather than growth in numbers of sentenced prisoners

3. **PRISON ESTATE**

3.1 Prisons are used to protect the public and to reduce re-offending. Clearly the removal of an offender from the community achieves this in the short term. However, the productive use of the time in prison is crucial for the ongoing resettlement and post-custody supervision designed to achieve longer term public protection through reducing the risk of re-offending when the offender returns to the community.

3.2 The prison estate must be able to support this resettlement process and the existing estate appears limited. The very fact that increasingly two prisoners are having to share a single cell is very damaging.
3.3 Northern Ireland needs a high security prison and Maghaberry meets this. However, there are too many prisoners held there who are not high security for lack of places in the training prison.

3.4 It is inappropriate for women prisoners to share the same site with young male prisoners. The Hydebank estates does, however, seem appropriate and adequate for young male prisoners.

3.5 A low security training prison is required for the successful resettlement of offenders. Magilligan prison’s location is not ideal and many buildings on the site are not fit for purpose. However, the workshops, the Programme Delivery Unit and the progressive regime of Foyle View provide good models for future development.

4. RESETTLEMENT

4.1 The Resettlement Strategy implementation plan agreed by NIPS and PBNI seeks to address the needs of offenders post release (e.g. accommodation/employment) as well as activities to address prisoners’ needs whilst in custody. It is in addressing the needs of prisoners, whilst in custody, that PBNI would support the continued work of NIPS towards each prisoner having a personal officer, a personal resettlement plan and to establish a prison structure, which reflects the working day outside. It is important that the new structure and regime these changes will bring, supports individual prisoner resettlement plans around health, education and training but also for prisoners to engage with different types of programmes, including sex offender programmes, programmes to address anger management, cognitive
4.2 As a consequence of the new proposals for sentencing, the highest risk offenders are likely, in future, to be subject to indeterminate sentences, with release being conditional upon evidence of reduction in risk. Prisons will be required to have available and accessible a range of programmes to address offending behaviour, so that prisoners can, through participation and positive and meaningful engagement in relevant programmes, demonstrate suitability for release. It is therefore crucial that operational aspects such as resettlement are not subject to curtailment as a consequence of resource constraints, particularly in the much improved security situation in Northern Ireland.

4.3 From a resettlement perspective, the importance of social contacts and retention of family links is also important to prisoners. NIPS and PBNI have formed a partnership with a voluntary provider, whom PBNI funds to deliver this service.

5. MENTAL HEALTH AND OFFENDING

5.1 We feel that the recent passing of lead responsibility for health services in prisons in Northern Ireland to the health service is a positive step. However, this does not address the fact that there are significant numbers of prisoners in Northern Ireland with mental health problems, some of whom may be imprisoned because of lack of availability of acceptable, alternative means of managing such individuals.

5.2 We are particularly concerned about those at the top end of the seriousness scale, who have not been diagnosed as having a defined “treatable” mental
illness, but whose behaviour represents a danger to themselves or to others. For those who are being released under the current sentencing framework and who are subject to orders or licences requiring supervision, residence in approved accommodation is, more often than not, an essential aspect of ensuring public protection in the management of the most serious offenders post release.

5.3 We do not underestimate the skills required in managing such offenders in the community, and recognise the need both for highly skilled staff and appropriate accommodation. PBNI and NIPS are currently considering the idea of a halfway house, which would represent release from prison to a more open, but still secure, environment, possibly sited in the prison estate, to accommodate the small number of the most serious offenders on release as a means of ensuring both public protection and appropriate resettlement of the prisoner.

5.4 It is planned that the management of high risk sexual and violent offenders through an existing multi-agency approach (MASRAM, similar to MAPPA in England and Wales) will be placed on a statutory footing within the next one to two years, and a public protection team structure will manage those offenders posing the highest risk. PBNI, along with NIPS, the police and social services are partners in this structure.

6. WOMEN OFFENDERS

6.1 The recent Home Office report by Baroness Corston on women in the criminal justice system recognises the need for a distinct approach to women offenders, rather than treating them the same as men. We agree with her view that “we must find better ways to keep out of prison those women who pose no threat to society and to improve the prison experience for those who do”. While the numbers of
purpose’ provision for women prisoners.

6.2 An initiative to improve the provision of post release services for women offenders (including accommodation and supervision in the community), through the development of a centre for women offenders, is being taken forward by PBNI and NIPS.

7. COSTS

7.1 For those offenders who could be effectively dealt with by an alternative sentence, prison is a high cost option in the criminal justice system in Northern Ireland. The cost of approximately £86000 per prisoner place is significantly higher than in G.B.. Reduction in the remand population is essential to ensure that fewer rather than more prison places are to be required in the future, as well as an ethos that imprisonment is reserved for those for whom there is no community alternative.