



Reference: PR/1107
24.12.76

OFFICIAL NO 9476

To All Prisons

The Governor
HM Prison Belfast/Maze/Magilligan/Armagh

Enclosed is a circular which deals with the classification of special category prisoners. It is provided for the purpose of giving guidance on classification problems particularly those involving persons who have committed offences both before and after 1 March 1976.

The circular is confidential and should be retained by you. You should issue any necessary instructions, based on the circular, for the purpose of informing those of your staff who are concerned with the allocation of prisoners.

A.R. Wright

17th December 1976

(4) The offence(s) was/were committed with the gift distribution and... carried out on behalf of the organization...

(5) and (4) above, as regards those inmates held in... shall continue to be retained in writing from the Superintendent, HMC Special Branch, Castlebarrow, Belfast, as well as any prisoner charged with an offence committed before 1 March 1976 is transferred for trial.

2. Applications for special category status his or her application should be referred to Treatment of Offenders Branch (1), Northern Ireland Office, Dundonald House, for decision, by telephone if necessary. Details as follows must always be given at the time of referral:-

- (a) the date or dates in which the offences were committed,
- (b) the sentence or sentences imposed,
- (c) the nature of the offence or offences, if known,
- (d) the information supplied by the police in respect of 2(5) and (4) above and any information obtained from prison records (including past records),
- (e) staff involved of the prisoners' associations within the prison, and
- (f) the grounds on which the prisoner is being held for special category status.

3. When any application for special category status is approved a note should be made on the prisoner's file regarding the approval and the date. It was given. The prisoner's full classification is to be shown with Standing Order 100 (see notes attached to Circular No. 5 of 1976 (Special Category Prisons)) should also be recorded on his or her file.

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Reference: PI.11371
PI.172/76

CIRCULAR NO 68/76

To all Prison Governors

CLASSIFICATION OF PRISONERS - SPECIAL CATEGORY

1. This circular which applies with immediate effect revises the instructions under which persons on conviction are classified as Special Category prisoners.

2. The following conditions must be fully satisfied before any prisoner can be considered to be eligible for Special Category classification:-

- (1) He/She must apply in writing to the Governor of his/her establishment (a board paper may be used for this purpose).
- (2) He/She must be serving a sentence of 9 months' imprisonment or over for an offence which was committed or offences which were all committed prior to 1.3.76.
- (3) He/She must be, or have been, a member of, or have been closely associated with, a militant or subversive organisation (ie OIRA, PIRA, IRSP/PLA, UDA, UVF, UFF, RHC, etc).
- (4) The offence(s) must have been connected with the civil disturbances and, as far as can be ascertained, carried out on behalf of the organisation to which he/she is associated.

3. Information in respect of (3) and (4) above, as regards those inmates held in custody before trial, should continue to be obtained in writing from the Superintendent, RUC Special Branch, Castlereagh, Belfast, as soon as any prisoner charged with an offence committed before 1 March 1976 is committed for trial.

4. When a prisoner applies for special category status his or her application should be referred to Treatment of Offenders Branch (1), Northern Ireland Office, Dundonald House, for decision, by telephone if necessary. Details as follows must always be given at the time of referral:-

- (a) the date or dates on which the offences were committed,
- (b) the sentence or sentences imposed,
- (c) the nature of the offence or offences, if known,
- (d) the information supplied by the police in respect of 2(3) and (4) above and any information obtained from prison records (including past records),
- (e) staff knowledge of the prisoners' associations within the prison, and
- (f) the grounds on which the prisoner is basing his claim for special category status.

5. When any application for special category status is approved a note should be made on the prisoner's file recording the approval and the date it was given. The prisoner's full classification in accordance with Standing Order 1D6 (see notes annexed to Circular No 89/75 - eg, LTO Special Category PIRA) should also be recorded on his or her file and the entry signed and dated.

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6. No prisoner should be allocated to Special Category accommodation unless the Governor is completely satisfied that Treatment of Offenders Branch (1) has approved his/her classification as a special category prisoner. If there is any element of doubt confirmation should be obtained from the Branch before any action is taken as regards placement.

7. During the period of the phasing out of special category status a number of classification problems will arise in certain cases. These cases will concern prisoners who have committed offences connected with the civil disturbances both before and after 1.3.76 (referred to as straddlers). The policy in relation to the classification of such cases is set out in Annex A to this circular for the information of Governors. Extreme care should be taken to ensure that all cases of this nature are identified on committal under sentence and the correct classification made. In any case where a Governor is in doubt he should seek clarification from Headquarters before allocating a prisoner to any particular category. When a special category prisoner commits a criminal offence during the currency of his sentence or while at large after 1.3.76 (eg escapes or attempts to escape, fails to return from home leave, commits a serious assault on a prisoner or a member of staff, commits an offence while on home leave, etc) the case should be referred to Headquarters for decision on classification.

8. All requests for reclassification from special category should continue to be referred to the Department together with a full report of the background to the application and a recommendation as to the advisability of approval.

9. All previous instructions regarding the classification of special category prisoners are hereby cancelled.

10. Governors should ensure that the contents of this circular are not communicated to prisoners.

AMH

9 December 1976

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ENDING OF SPECIAL CATEGORY STATUS

POLICY RELATING TO OFFENDERS WHO HAVE COMMITTED OFFENCES BOTH BEFORE AND AFTER 1.3.76

The policy in relation to such offenders who otherwise satisfy the criteria of eligibility for Special Category status is as follows:-

1. Persons who are convicted simultaneously of both pre-1.3.76 and post 1.3.76 offences and who receive sentences of imprisonment for each offence will be ineligible for Special Category status.
2. Persons convicted of a continuing offence over a period which includes 1.3.76 (eg membership of an unlawful organisation between say 1.11.75 and 17.3.76) are considered to have committed a post 1.3.76 offence and are ineligible for Special Category status.
3. Persons convicted on separate dates of a post 1.3.76 offence and subsequently of a pre-1.3.76 offence will not be eligible for the grant of Special Category status.
4. Persons convicted solely of a pre-1.3.76 offence (or offences) who have been granted Special Category status and who subsequently are produced and convicted of a post 1.3.76 offence(s) committed prior to entering prison will be permitted to remain in Special Category.

It is recognised that cases may arise which are not fully covered above. If such cases should occur Governors should seek guidance from Headquarters immediately.