
THE PAROLE BOARD ANNUAL REPORT
2011

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Chairman's Foreword

I was appointed Chairman of the Parole Board in July 2011 and since then the Board has been reviewing its administrative structures in order to provide an efficient and effective service at all times. It is hoped that this will mean that all prisoners will be reviewed promptly and that the Board will take initiatives to encourage all prisoners to participate in the Parole process.

In this regard, during 2011, 65 prisoners were invited to participate in the Parole Board process, but 20 (almost 30%) of these prisoners declined. This is the highest percentage ever. Of these 20, 19 prisoners were serving fixed term sentences and only 1 was serving a life sentence. The Board's total caseload for 2011 was 205.

The Board, therefore, has to try and incentivise fixed term prisoners to participate in the Parole process. During the next year the Board hopes to develop an information and education programme and make many more presentations to prisoners on the benefits of engaging with the Parole Board.

Last July, The Minister, Alan Shatter T.D, said that he was *"examining the possibility of allowing the Board to consider granting parole to those who are sentenced to terms of 5 years or more, with the possibility of its requiring those granted parole to undertake community service for a period following their release"*. I welcome these sentiments.

In relation to sex offenders, I want to congratulate the Psychologists within the Irish Prison Service for introducing the 'Building Better Lives Programme', a therapeutic programme for men who acknowledge that they have committed a sexual offence and who have a desire to build a better life for themselves. However, there have to be more incentives for these prisoners to participate in this programme. In addition, as the Inspector of Prisons, Judge Michael Reilly has stated:

“Consideration should be given to extending this programme into the community in order that those prisoners who have participated in all modules of the programme receive ongoing assistance”.

In relation to life sentence prisoners, there is also a challenge for the Board to incentivise these prisoners to participate in a meaningful way, in all the necessary rehabilitation courses, where possible, when these prisoners may not be released until many years later. Perhaps, certain incentives could apply, where these prisoners serve their sentences in a cooperative and well behaved manner. For example, one incentive could include the prospect of moving to a less secure location, including an open prison.

I would also like to formally congratulate the Irish Prison Service on its three year strategic plan 2012-2015 which I fully support. In particular, I welcome the initiative to extend the pilot Community Return Programme whereby certain offenders will be offered early temporary release in return for community service.

I am also pleased that a community integrated plan will be developed, 9 months prior to the release of certain prisoners back into the community. In addition, I hope that the Parole Board can increase the number of long term and life sentence prisoners being reviewed on an annual basis, in appropriate cases, as suggested in the strategic plan.

The Board is mindful of the needs of victims of crime and is conscious that the Irish Prison Service provides a Victim Liaison Service to keep victims of crime informed of significant developments in the sentence management of certain offenders. Any victims or their relatives, once they have opted to avail of this scheme, will be informed as a matter of course in advance of the Board’s review of the case. The victims are given an opportunity to make a submission to the Board. The Board, as it has acknowledged on a number of occasions, will take into consideration the views of the victims and the impact on their lives prior to making any recommendations.

Before every Board meeting, Board members have to read a few hundred pages of reports and background information on the prisoners being reviewed. All of this information is provided by the Irish Prison Service, Governors of prisons, medical personnel, psychologists, probation officers, the Gardai, prison review committees and other service providers and prison chaplains from time to time. Our Board could not function without this huge amount of professional assistance, which the Board members greatly appreciate and value.

Recently, the head of the Secretariat, Feargal MacSuibhne, was transferred to other duties in the Department of Justice and Equality. I would like to thank Feargal, most sincerely, for the huge effort and commitment he gave to the work of the Board for well over three years.

Una Costello has recently been appointed Head of the Secretariat. On behalf of the Board, I warmly welcome her to her new role and wish her every success.

An esteemed Board Member, Patrick Crummey, died on April 26th last. On behalf of the Board I would like to pass on my sincere condolences to his wife Breda and family. He was a greatly valued and respected Board member.

Finally, I want to thank my fellow Board members for their huge commitment and conscientious participation in the work of the Board at all times. I also want to thank the members of the Secretariat for their trojan work during the year. Their work is of immense importance to both the prison community and the wider community.

John Costello
Chairman

10 July, 2012

INTRODUCTION

The Parole Board was established by the Minister for Justice, Equality and Law Reform to review the cases of prisoners with longer term sentences and to provide advice in relation to the administration of those sentences. The Board commenced its operations in 2001. This is the Tenth Annual Report of the Parole Board and it relates to the Board's activities in 2011.

January 2011 saw the sad and unexpected passing of our esteemed Chairman, Dr Gordon Holmes. Dr Holmes had chaired the Board since its establishment in 2001 and his experience, influence and wisdom was invaluable. In July the Board welcomed Mr John Costello as the new Chairman and was grateful to Mr Frank McCarthy for having acted as Chairman in the interim.

As a general principle, it is only the cases of prisoners who are serving sentences of eight years or more that are reviewed by the Parole Board and these must first be referred to the Board by the Minister for Justice and Equality. In the normal course, the Board will review cases of prisoners sentenced to 8 years imprisonment or more, but less than 14 years, once half of that sentence has been served. In cases of prisoners sentenced to 14 years or more or to a life sentence the board will review the case after 7 years have been served.

The Board provides advice to the Minister by way of recommendations. When formulating its recommendations, the Board's paramount concern is the potential risk to members of the community which the release of a life sentence prisoner or the early release of a determinate sentence prisoner could pose. The main factors taken into account in each individual case are:

- nature and gravity of the offence
- sentence being served and any recommendations made by the Judge
- period of the sentence served at the time of the review

- threat to safety of members of the community from release
- risk of further offences being committed while on temporary release
- risk of the prisoner failing to return to custody from any period of temporary release
- conduct while in custody
- extent of engagement with the therapeutic services and
- likelihood of period of temporary release enhancing reintegration

The cases of 65 prisoners were referred to the Board for review during the 2011 and all were invited to participate in the process. 45 prisoners accepted the invitation while 20 declined. The total caseload for 2011 was 205 – i.e. a combination of new cases and cases at second or subsequent review stage. Significant progress was achieved during the year in bringing older cases to a conclusion. Second or subsequent reviews generally take place on an annual basis in the case of prisoners serving less than 10 years and normally within 2/3 years in other cases. However, fourth, fifth and subsequent reviews may take place on an annual basis in appropriate cases.

During 2011, the Parole Board convened on 11 occasions and reviewed 89 cases. 88 recommendations were submitted to the Minister and the recommendation on one case was deferred until 2012. All prisoners whose cases are being reviewed for the first time are interviewed by two Members of the Board. An interview is not always necessary for prisoners whose cases are being considered for a second or subsequent review but the Board will sometimes consider an interview to be in the prisoner's interests. During 2011, 49 prisoners whose cases were being reviewed by the Board for the first time were interviewed by Members of the Board. A further 17 were interviewed as part of a second or subsequent review of their case. It is worth noting that the number of interviews conducted by Board Members during the course of 2011 increased by some 12% on 2010. A total of 66 interviews were

conducted by Board Members during the year – the highest number since the establishment of the Board.

Recommendations were sent to the Minister for Justice and Equality in 88 of the cases reviewed. The recommendation in one case was deferred pending further enquiries. There was no decision by the Minister in one case because the prisoner was released on remission prior to completion of the process. The recommendations in 85 cases were accepted in full by the Minister and there were no recommendations that were not accepted. One case was accepted conditionally or in part by the Minister. At the end of the year there was one decision still pending. However, due to developments on the case in early 2012 it was decided to put the recommendation on hold until the end of 2012.

During the year, staff of the Secretariat continued to make presentations to, and meet with, groups of prisoners with a view to supporting the work of the Probation and Psychology Services and in an effort to provide factual information about the Board's review process, directly to the prisoners involved.

The Parole Board would like to acknowledge that it would not be able to fulfil its function without the high level of cooperation from the Irish Prison Service, the Probation Service, the Prison Psychology Service and the Department of Justice and Equality. In addition the Board is assisted in individual cases by other agencies and by Prison Chaplains. The Board greatly appreciate the assistance of all these services provided.

MEMBERSHIP OF THE PAROLE BOARD

Dr. Gordon Holmes R.I.P.	Chairman (to January 2011)
Mr John Costello	Chairman (from July 2011)
Mr Gerry McDonagh	Dept. of Justice and Equality
Mr. Willie Connolly	Irish Prison Service (to February, 2012)
Mr. Michael Donnellan	Probation Service (to November 2011)
Mr. Pat Crummey R.I.P.	Community Representative (to April 2012)
Mr. Frank McCarthy	Community Representative
Mr. Shane McCarthy	Community Representative
Dr. Michael Mulcahy	Consultant Psychiatrist
Mr. Tim O'Donoghue	Community Representative
Mr. Eamon Nolan	Community Representative
Ms Ciairín De Buis	Community Representative (from July 2011)
Mr Brendan Watters	Community Representative

ALTERNATE BOARD MEMBERS

Mr. Gerry McNally	Probation Service
Mr. Brian Murphy	Irish Prison Service

STAFF OF THE SECRETARIAT

Mr. Feargal MacSuibhne	Assistant Principal Officer
Ms Josephine Lawless	Higher Executive Officer
Mr. Michael Grange	Executive Officer
Ms. Sarah Howard	Clerical Officer
Ms. Lisa Fogarty	Clerical Officer

Appendix A (i)

Cases Referred to the Board - 2011		
	Number of Cases	%
Cases Referred to the Board for Review	65	100
Invitation to Participate Accepted	45	69.24
Invitation to Participate Declined	10	15.38
Invitation to Participate not Determined*	10	15.38

Appendix A (ii)

Cases Referred - Yearly Comparison					
	2007	2008	2009	2010	2011
Cases Referred to the Board for Review	74	66	83	66	65
Invitation to Participate Accepted	40	52	64	48	45
Invitation to Participate Declined	3	8	10	16	10
Invitation to Participate not Determined	33	34	9	2	10

Appendix B (i)

2011 Caseload		
	Number of Cases	%
Cases Referred to the Board for Review	65	36.09
Cases Carried Over*	140	63.91
Total Caseload	205	100

*Refers to cases at various stages

Appendix B (ii)

Total Caseload - Yearly Comparison

	2007	2008	2009	2010	2011
Cases Referred to the Board for Review	74	66	83	66	65
Cases Carried Over	152	146	147	195	140
Total	226	212	230	261	205

Appendix C (i)

Prisoner Interviews 2011		
Institution	Number of Prisoners	%
Arbour Hill	9	13.6
Castlerea	6	9.1
Cork Prison	2	3.0
Dochas Centre	1	1.5
Limerick Prison	4	6.1
Loughan House	0	0.0
Midlands Prison	11	16.7
Mountjoy Prison	12	18.2
Portlaoise Prison	5	7.6
Shelton Abbey	1	1.5
The Training Unit	3	4.5
Wheatfield	12	18.2
Total	66	100

Appendix C (ii)

Prisoner Interviews - Yearly Comparison					
Institution	Number of Prisoners				
	2007	2008	2009	2010	2011
Arbour Hill	5	5	13	7	9
Castlerea	1	3	5	10	6
Cork Prison	0	1	1	2	2
Dochas Centre	0	0	1	2	1
Limerick Prison	5	2	2	1	4
Loughan House	0	0	0	1	0
Midlands Prison	9	8	12	8	11
Mountjoy Prison	6	6	3	4	12
Portlaoise Prison	5	1	1	4	5
Shelton Abbey	0	1	2	3	1
The Training Unit	4	2	7	4	3
Wheatfield	2	4	11	12	12
Total	37	33	58	58*	66

* 1 Prisoner interviewed twice - i.e. total number in interviews

Appendix D (i)

Offence Analysis of Cases in Which an Invitation to Participate was Accepted in 2011

Offence	Number of Prisoners	%
Murder	19	43.0
Manslaughter*	1	2.0
Sex Offences	11	25.0
Other Offences Against the Person	1	2.0
Drug Offences**	5	11.0
Robbery/Larceny	3	6.0
Burglary/Aggravated Burgalry	0	0.0
False Imprisonment*	1	2.0
Other Offences	4	9.0
Total	45	100

Appendix D (ii)

Offence Analysis of Cases - Yearly Comparison

Offence	Number of Prisoner				
	2007	2008	2009	2010	2011
Murder	16	24	23	20	19
Manslaughter	5	6	2	3	1
Sex Offences	7	7	13	9	11
Other Against the Person	3	0	0	3	1
Durg Offences	4	3	10	1	5
Robbery/Larceny	4	7	5	5	3
Burglary/Aggravated Burgalry	0	2	1	3	0
False Imprisonment	0	0	1	1	1
Other Offences	1	3	9	3	4
Total	40	52	64	48	45

Appendix E (i)

Sentence Length Analysis of Cases in Which an Invitation to Participate was Accepted in 2011

Sentence Length	Number of Prisoners	%
8 Years	9	20.00
8 <= 10 Years*	9	20.00
10 <= 12 Years	1	2.22
12 <= 14 Years	1	2.22
14 <= 16 Years	4	8.88
16 <= 18 Years	0	0.00
18 Years or More	1	2.22
Life	20	44.46
Total	45	100

Appendix E(ii)

Sentence Length Analysis - Yearly Comparison

Sentence Length	Number of Prisoners				
	2007	2008	2009	2010	2011
8 Years	7	13	11	14	9
8 <= 10 Years	8	6	19	9	9
10 <= 12 Years	3	4	1	1	1
12 <= 14 Years	2	1	1	0	1
14 <= 16 Years	3	1	2	1	4
16 <= 18 Years	1	1	0	0	0
18 Years or More	0	4	5	0	1
Life	16	22	25	23	20
Total	40	52	64	48	45

Appendix F (i)

Recommendations made to the Minister for Justice and Law Reform - 2011		
	Number	%
Recommendations Accepted in Full	85	96.58
Recommendations Accepted Conditionally or in Part	1	1.14
Recommendations Not Accepted	0	0
Recommendation Deferred*	1	0
Released on Remission Prior to Decision	1	1.14
Ministerial Decisions Pending	1	1.14
Total	88	100

*Case reviewed in 2011 but recommendation deferred until 2012

Appendix F (ii)

Recommendations Made to the Minister for Justice					
Yearly Comparison					
	2007	2008	2009	2010	2011
Recommendations Accepted in Full	66	62	77	72	85
Recommendations Accepted Conditionally or in Part	4	0	5	4	1
Recommendations Not Accepted	1	2	3	1	0
Recommendations Noted	0	0	0	1	0
Recommendations Deferred *	0	0	0	0	1*
Released on Remission Prior to Decision	0	3	1	1	1
Ministerial Decisions Pending	2	0	2	0	1
Total	73	67	88	79	88

*1 Case reviewed in 2011 but Recommendation to Minister deferred until 2012