



The Parole Board

ANNUAL REPORT 2013



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Chairman's Foreword

Introduction

Having acted as Chairman of the Parole Board for nearly three years I believe it is useful to highlight the achievements of the Board and the Secretariat during that time. During this time the priority of the Board has been to ensure that the vast majority of prisoners have their parole review within six months of their eligibility date. Substantial improvements have been made towards this aim in the last year or so.

Training of Board Members

There is no formal training for Board Members. However, over the last number of years, different guest speakers have been addressing the Board on matters relating to the parole process. We plan to organise a training day for Board Members in the autumn of 2014.

Visits to Prisons

In 2013, the Board held a number of meetings in Prisons and we also spoke to prisoners in four different prisons about the parole process. Our objective is to incentivise prisoners to participate in a meaningful way in all the rehabilitation programmes, where possible from the time they first arrive in prison. In addition, we inform prisoners that the Parole Board can only give favourable reviews where prisoners have served their punishment and have improved themselves by participating in recommended courses such as addiction, anger management and sex offender programmes, other group and individual rehabilitation programmes, as well as courses for life sentence prisoners. In addition, the Probation Service or Psychology Service must generally indicate that a prisoner has reduced their risk of reoffending before the Board would usually recommend periods of temporary release or time in an open prison prior to possible release into the community. Finally, on our visits, some prisoners have informed us that they have commenced no therapeutic work before their first Parole Review after seven years in prison. Others have problems getting access to such services at appropriate times. I believe improvements are being made to deal with these issues.

Information Booklet for Prisoners

The Board published this information booklet, which is on the Department of Justice and Equality’s website, in October 2013. The booklet highlights that the Board can offer practical advice and support to assist prisoners in coping with their sentences, in preparation for release.

Inaugural Conference of Parole Board in October 2013

At this Conference in Dublin, there were international speakers from Canada, Finland, Scotland and Northern Ireland speaking on parole. The speakers highlighted how parole operated in their jurisdictions. Minister Shatter, in his speech at the Conference, indicated that we in Ireland could learn about best parole practice from other jurisdictions. The Minister indicated that legislation placing the Parole Board on a statutory footing, with full independence from the Minister, as recommended by the joint Oireachtas Committee on Justice, Equality and Defence in March 2013, will probably be drafted in 2015. I welcome this proposed development.

Three year statistics relating to parole reviews of prisoners

I thought it would be very useful and informative to give some background statistics involving cases during my tenure on the board to date.

From 2011 – 2013, inclusive, the Board conducted 273 file reviews involving 255 separate offenders. 172 of these offenders were serving a mandatory life sentence, following a conviction for murder. In 9 cases a discretionary life sentence was imposed. In 74 cases a determinate sentence was imposed. The break down of offences committed was as follows:

4	Assault
3	Attempted Murder
12	Drug Offences
16	Robbery / Larceny
10	Manslaughter
29	Sexual Offences
172	Murder
9	Other Offences



Murder Convictions

Of the 172 reviews involving a mandatory life sentence for murder, 42 offenders pleaded guilty at trial, while 130 pleaded not guilty. This is a rate of guilty pleas of approximately 24%. However, by contrast, in the other 83 cases we reviewed where sentencing was at the discretion of the Court, the rate of guilty pleas was 82% (68 out of 83 pleading guilty). It should also be noted that the vast majority of offenders readily accept their guilt when placed in custody and only 16 of the 255 offenders that were reviewed in this three year period have not accepted responsibility for the crime of which they were convicted, to the Therapeutic Services in prison.

General Comments

The average age of the offenders at the date of their offending who appeared before us in this period was 29.8, ranging in age from minors to mid 50's.

Sadly, drink and drugs was a feature in 189 out of the 255 cases, being either people who were addicted or involved in ongoing problematic substance misuse at the time of committing the offence, or people who were under the influence of an intoxicant when they committed their crime. In 121 of the 255 cases childhood abuse was cited by the offender in the course of their interaction with the Therapeutic Services.

Conduct

The average number of prison disciplinary reports (P19s) incurred by the offenders who appeared before us was 10.28 – ranging from 62 offenders who had incurred no P19's in the course of their sentence to one offender who had 112. The range of previous convictions was similarly broad with 57 offenders having no prior conviction and one offender having 98 previous convictions. The average number of convictions was 14.11. The offenders had, on average 11.54 years served in custody.

Ten offenders had previously been released and recalled to prison; whilst 29 of the offenders had their sentence imposed in a foreign jurisdiction and had been repatriated to serve the remainder of it in Ireland.

Representations were received from victims in 30 cases and in 9 instances the representations were positive to the offender.

However, in this period media intrusion remained a problem with some disrupting the sentence management plan of about 14 offenders.

I am very grateful to my Board Colleague Shane McCarthy who compiled all this statistical information.

Victims and their Families

As mentioned, quite often the Board receives letters from victims and/or their families before we review a specific prisoner. On many occasions these letters reveal enormous pain and suffering caused to victims. If the case involves a murder, many family members are still experiencing severe trauma and mental health problems many years after the death of their loved one. These letters are seriously considered by the Board members before reaching a decision.

Conclusion

Parole is not just for the benefit of prisoners but it is also for the benefit of society as we seek to rehabilitate and re-integrate, where we can, prisoners into our communities. Before prisoners are granted parole, their eventual release has to be properly planned. That would probably involve the use of open prisons, a day release regime and community support services to minimise recidivism and self harm. However, it is important to emphasise, that public safety is of paramount importance and is the key factor when the Board is reviewing a case.



The work of the Board could not be undertaken without the substantial assistance provided by the Irish Prison Service, Governors of Prisons, Medical Personnel, Psychologists, Probation Officers, the Gardaí, Prison Review Committees, Prison Chaplains as well as other Government Departments and agencies and service providers, including a range of community and voluntary organisations. I want to formally recognise and convey my sincere thanks to all the service providers for the enormous assistance they give to the Board.

Finally, I want to thank my fellow board members for their hard work and participation as members of the Parole Board. I also want to thank the members of the secretariat for their huge contribution during the year. I believe the work of the Parole Board is a valuable role which is of benefit to both the prison community and the public at large.

John Costello

Chairman of the Parole Board

September 2014

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 twelfth Annual Report of the Parole Board and it relates to the Board's activities in 2013.

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



2013 in Review

The cases of 68 prisoners were referred to the Board for review during 2013 and all were invited to participate in the process. 47 prisoners accepted the invitation while 13 declined and 8 invitations to participate were not determined. The total caseload for 2013 was 329 – 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 two to three years in other cases. However, fourth, fifth and subsequent reviews may take place on an annual basis in appropriate cases.

During 2013, the Parole Board convened on 12 occasions and reviewed 96 cases (the Board deferred a Recommendation in one case). 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 2013, 36 prisoners whose cases were being reviewed by the Board for the first time were interviewed by Members of the Board. A further 59 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 2013 increased by 30% on 2012. A total of 95 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 95 of the cases reviewed. The recommendations in 75 cases were accepted in full by the Minister. Nine cases were accepted conditionally or in part by the Minister. At the end of the year there were *11 decisions still pending.

* At time of publishing there were no Ministerial Decisions pending for 2013.

In order to raise awareness about the Parole Board process, the Chairman and Members of the Board made presentations to prisoners in four prisons. The purpose of the presentations was to assist the prisoners in their understanding of the Parole Board process. At the end of the presentations the prisoners were invited to give feedback on their perceptions of the Parole Board process and were encouraged to participate in a Questions and Answers session. The Board welcomed the engagement and constructive feedback provided to them by the prisoners during the presentations. During 2014, it is the intention of the Board to continue with its programme of presentations to prisoners throughout the remaining prisons across the country. The Board proposes to make these presentations on an ongoing basis that will take place every two years.

The Parole Board would like to acknowledge that it would not be able to fulfill 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 appreciates the assistance of all these services provided.

Financial Information

The Parole Board was allocated a budget of €338,000 for 2013 with actual expenditure of €321,000 in the year. Pay accounted for approximately 71% of the Board's expenditure. The other most significant area of expenditure was Board Members fees which accounted for 20% of the overall budget.

The Chairman is paid a fee of €11,970 per annum. In addition to an annual fee of €7,695, members are paid a per diem fee of €149.75 per prison visit for conducting prisoner interviews. Fees are not paid to ex-officio members. Travel and subsistence payments are made in accordance with Civil Service Guidelines.



Membership of the Parole Board

Mr John Costello	Chairman - Solicitor
Mr Willie Connolly	Retired, Irish Prison Service (IPS)
Ms Ciairín de Buis	Director, Start Strong
Mr Mick Duff	Coordinator of the St. Aengus Drug Treatment and Rehabilitation Project (from January 2013)
Mr Vivian Geiran	Director, Probation Service
Mr Ray Kavanagh	Retired National School Teacher (from January 2013)
Mr Gerry McDonagh	Department of Justice and Equality
Mr Shane McCarthy	Solicitor
Ms Nora McGarry	Psychotherapist / Counsellor
Dr Michael Mulcahy	Consultant Psychiatrist
Mr Brian Murphy	Director of Operations, IPS
Mr Eamon Nolan	Retired Public Servant (to November 2013)
Mr Eddie Rock	Retired Assistant Commissioner, An Garda Síochána
Mr Brendan Watters	Youth Federation Board Member (to October 2013)

Alternative Members

Mr Brian Dack	Probation Service
Mr Martin Smyth	Irish Prison Service

Appendix A (i)

Cases Referred to the Board - 2013

	Number of Cases	%
Cases Referred to the Board for Review	68	100
Invitation to Participate Accepted	47	69.12
Invitation to Participate Declined	13	19.12
Invitation to Participate not Determined	8	11.76

Appendix A (ii)

Cases Referred - Yearly Comparison

	2009	2010	2011	2012	2013
Cases Referred to the Board for Review	83	66	65	66	68
Invitation to Participate Accepted	64	48	45	44	47
Invitation to Participate Declined	10	16	10	17	13
Invitation to Participate not Determined	9	2	10	5	8



Appendix B (i)

2013 Caseload

	Number of Cases	%
Cases Referred to the Board for Review	68	20.67
Cases Carried Over*	261	79.33
Total Caseload	329	100
<i>*Refers to cases at various stages</i>		

Appendix B (ii)

Total Caseload - Yearly Comparison

	2009	2010	2011	2012	2013
Cases Referred to the Board for Review	83	66	65	66	68
Cases Carried Over	147	195	140	202	261
Total	230	261	205	268	329

Appendix C (i)

Prisoner Interviews 2013

Institution	Number of Prisoners	%
Arbour Hill	21	22.1
Castlerea	15	15.8
Cork Prison	1	1.1
Dochas Centre	2	2.1
Limerick Prison	2	2.1
Loughan House	0	0.0
Midlands Prison	18	18.9
Mountjoy Prison	6	6.3
Portlaoise Prison	6	6.3
Shelton Abbey	4	4.2
The Training Unit	14	14.7
Wheatfield	6	6.3
Total	95	100



Appendix C (ii)

Prisoner Interviews - Yearly Comparison

Institution	Number of Prisoners				
	2009	2010	2011	2012	2013
Arbour Hill	13	7	9	21	21
Castlerea	5	10	6	6	15
Cork Prison	1	2	2	1	1
Dochas Centre	1	2	1	2	2
Limerick Prison	2	1	4	1	2
Loughan House	0	1	0	0	0
Midlands Prison	12	8	11	15	18
Mountjoy Prison	3	4	12	6	6
Portlaoise Prison	1	4	5	2	6
Shelton Abbey	2	3	1	0	4
The Training Unit	7	4	3	5	14
Wheatfield	11	12	12	14	6
Total	58	58*	66	73	95
<i>* 1 Prisoner interviewed twice - i.e. total number of interviews 59</i>					

Appendix D (i)

Offence analysis of cases in which an invitation to participate was accepted in 2013

Offence	Number of Prisoners	%
Murder	13	27.7
Manslaughter	7	14.9
Sex Offences	9	19.1
Other Offences Against the Person	5	10.6
Drug Offences	3	6.4
Robbery/Larceny	3	6.4
Burglary/Aggravated Burglary	2	4.3
False Imprisonment	1	2.1
Other Offences	4	8.5
Total	47	100

Appendix D (ii)

Offence analysis of cases - Yearly Comparison

Offence	Number of Prisoners				
	2009	2010	2011	2012	2013
Murder	23	20	19	17	13
Manslaughter	2	3	1	2	7
Sex Offences	13	9	11	13	9
Other Offences Against the Person	0	3	1	4	5
Drug Offences	10	1	5	3	3
Robbery/Larceny	5	5	3	1	3
Burglary/Aggravated Burglary	1	3	0	1	2
False Imprisonment	1	1	1	2	1
Other Offences	9	3	4	1	4
Total	64	48	45	44	47



Appendix E (i)

Sentence length analysis of cases in which an invitation to participate was accepted in 2013

Sentence Length	Number of Prisoners	%
8 Years	9	19.15
8 Years but less than 10 Years	14	29.79
10 Years but less than 12 Years	5	10.64
12 Years but less than 14 Years	0	0.00
14 Years but less than 16 Years	4	8.51
16 Years but less than 18 Years	0	0.00
18 Years or More	1	2.13
Life	14	29.79
Total	47	100

Appendix E (ii)

Sentence length analysis - Yearly Comparison

Sentence Length	Number of Prisoners				
	2009	2010	2011	2012	2013
8 Years	11	14	9	9	9
8 Years but less than 10 Years	19	9	9	9	14
10 Years but less than 12 Years	1	1	1	6	5
12 Years but less than 14 Years	1	0	1	1	0
14 Years but less than 16 Years	2	1	4	1	4
16 Years but less than 18 Years	0	0	0	0	0
18 Years or More	5	0	1	1	1
Life	25	23	20	17	14
Total	64	48	45	44	47

Appendix F (i)

Recommendations made to the Minister for Justice and Equality - 2013

	Number	%
Recommendations Accepted in Full	75	78.95
Recommendations Accepted Conditionally or in Part	9	9.47
Recommendations Not Accepted	0	0.00
Recommendations Noted	0	0.00
Recommendation Deferred	1*	0.00
Released on Remission Prior to Decision	0	0.00
Ministerial Decisions Pending	11**	11.58
Total	95	100
<i>* Case reviewed in 2013 but Recommendation deferred pending further information</i>		
<i>** At time of publishing there were no Ministerial Decisions pending for 2013</i>		

Appendix F (ii)

Recommendations made to the Minister for Justice and Equality - Yearly Comparison

	2009	2010	2011	2012	2013
Recommendations Accepted in Full	77	72	85	57	75
Recommendations Accepted Conditionally or in Part	5	4	1	5	9
Recommendations Not Accepted	3	1	0	2	0
Recommendations Noted	0	1	0	0	0
Recommendations Deferred	0	0	1*	0	1**
Released on Remission Prior to Decision	1	1	1	0	0
Ministerial Decisions Pending	2	0	1	27	11***
Total	88	79	89	91	95
<i>* 1 Case reviewed in 2011 but Recommendation deferred until 2012</i>					
<i>** Case reviewed in 2013 but Recommendation deferred pending further information</i>					
<i>*** At time of publishing there were no Ministerial Decisions pending for 2013</i>					