

THE PAROLE BOARD ANNUAL REPORT 2015



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Chairman's Foreword

Introduction

One of the important initiatives in recent years has been meetings between Board members and life sentenced prisoners in all of the 14 prisons. At these meetings we encourage the prisoners to engage in all the relevant educational, therapeutic and addiction courses available to them while in prison.

Visit to Mountjoy Prison

In May 2015 we brought an ex-offender with us on a visit to Mountjoy Prison.

In prison, this person had advised other prisoners in dealing with Probation Officers and support services and helped them reconnect with their families. 9 years into his sentence he was asked to continue this work with a charity providing this service. Subsequently he was allowed out every day to work in the charity and returned to Mountjoy every night.

In 2013, the Parole Board recommended him for temporary release. The then Minister Alan Shatter TD agreed and he was released. He is now full time involved in a charity helping ex-offenders.

At our meeting with a group of about 25 prisoners in Mountjoy prison in May 2015, this person spoke at length about how he transformed his life. Hopefully, this group of prisoners will be inspired to follow his example. He is living proof of how parole (commonly called "reviewable temporary release") can be beneficial for both offenders and society as a whole.

Parole Board Bill 2016

On the 15th June 2016, Jim O'Callaghan TD introduced a Private Members Bill - The Parole Bill 2016 - which aims to establish the Parole Board on a statutory basis. I welcome Minister Fitzgerald's comments that the Bill "is certainly consistent in principle with longstanding Government policy and will not be opposed".

From my experience as Chairman of the Parole Board I would suggest the following improvements which should be made before the legislation is implemented: -

1. The Parole Board should be adequately resourced in terms of personnel and technology;
2. All relevant sentencing comments of Judges should be made available to the Board;
3. All relevant medical records and reports should always be made available, when necessary, from both the Prison Service and the Central Mental Hospital;
4. Training should be mandatory for all Board members;
5. All offenders must have the opportunity to avail of any necessary services or programmes to aid their rehabilitation and reintegration. This policy was recommended by the Penal Policy Review Group Report of July 2014. This policy should be incorporated in any new legislation, subject to financial resources.

Prisoners with Mental Health issues

At a Board Meeting earlier this year, the Board reviewed the cases of three life sentenced prisoners who have each been in prison for over 17 years. In all three cases, the Board was of the view that the individuals concerned should be recommended for temporary release. However, two of the prisoners had serious psychiatric problems and the other prisoner had an intellectual disability. It was not possible to recommend them for temporary release because the essential community supports were not available. As hundreds of prisoners have serious psychiatric or intellectual disability problems, this is going to become a more regular occurrence. Indeed, Professor of Psychiatry, Brendan Kelly, in a letter in 2016 to the Irish Times stated that “prisons are toxic for the mentally ill”.

Victims and their families

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 after the death of their loved one. These letters are seriously considered by the Board members before deciding on a recommendation.

Conclusion

Generally, a prisoner is not recommended for temporary release unless the Board believes he/she has served his/her punishment, has availed of all the educational, rehabilitative, addiction and therapeutic services in prison, and is assessed as low risk of reoffending. Parole is not just for the benefit of prisoners but it is also to the benefit of society as we seek to rehabilitate and reintegrate, where we can, prisoners into their communities. Before prisoners are granted parole, their eventual release has to be properly planned. That will 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. We never recommend parole unless we are satisfied that the offender is most unlikely to reoffend. It is also essential that any offender paroled, receives all the necessary community support to help him/her reintegrate into society.

I would like to convey my sincere thanks to all the Board members who take their roles very seriously. I would also like to thank the Parole Board Secretariat for their hard work and commitment over the last year.

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.

John Costello

Chairman of the Parole Board

July, 2016

Introduction

The Parole Board was established by the Minister for Justice, Equality and Law Reform to review the cases of prisoners with long term sentences and to provide advice in relation to the administration of those sentences. The Board commenced its operations in 2001. This is the fourteenth Annual Report of the Parole Board and it relates to the Board's activities in 2015.

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.

2015 in Review

The cases of 76 prisoners were referred to the Board for review during 2015 and all were invited to participate in the process. 42 prisoners accepted the invitation while 34 prisoners declined. Of those 34 prisoners, 32 were on fixed term sentences and automatically entitled to 25% remission. This may explain why they did not engage with the Parole Board.

The total caseload for 2015 was 352 – 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 2015, the Parole Board convened on 11 occasions and reviewed 97 cases, which is the highest number since the establishment of the Board. Recommendations were sent to the Minister for Justice and Equality in 89 of the cases reviewed. The recommendations in 88 cases were accepted in full by the Minister. One case was

accepted conditionally or in part by the Minister. At the end of the year there were no decisions pending. The cases of four prisoners were deferred due to a requirement for further information (two prisoners had their cases deferred twice). The Board decided to withdraw one case as the prisoner was not co-operating and will invite the prisoner to participate again in 2017. One case was postponed due to pending legal issues. During 2015, 40 prisoners whose cases were being reviewed by the Board for the first time were interviewed by Members of the Board. A further 55 were interviewed as part of a second or subsequent review of their 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. It is worth noting that the number of interviews conducted by Board Members during 2015 was 94, an increase of 22% on 2014.

In order to raise awareness about the Parole Board process, the Chairman and Members of the Board made presentations to prisoners in three prisons. The purpose of these 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. 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 which 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, An Garda Síochána 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.

Financial Information

The Parole Board was allocated a budget of €341,000 for 2015 with actual expenditure of €318,000 in the year. Pay accounted for approximately 75% of the Board's expenditure. The other most significant area of expenditure was Board Members fees which accounted for 18% 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 Noel Dowling	Department of Justice and Equality (from August 2015)
Mr Mick Duff	Coordinator of the St. Aengus Drug Treatment and Rehabilitation Project
Mr Vivian Geiran	Director, Probation Service
Mr Ray Kavanagh	Retired National School Teacher
Mr Gerry McDonagh	Department of Justice and Equality (to June 2015)
Mr Shane McCarthy	Solicitor
Ms Nora McGarry	Psychotherapist / Counsellor
Dr Michael Mulcahy	Consultant Psychiatrist
Mr Martin Smyth	Director of Operations, IPS
Mr Eddie Rock	Retired Assistant Commissioner, An Garda Síochána

Alternative Members

Mr Brian Dack Probation Service

Mr Mark Wilson Irish Prison Service (from September 2015)

Appendix A (i)		
Cases Referred to the Board - 2015		
	Number of Cases	%
Cases Referred to the Board for Review	76	100%
Invitation to Participate Accepted	42	55%
Invitation to Participate Declined	34	45%
Invitation to Participate not responded to	0	0%

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Appendix A (ii)					
Cases Referred - Yearly Comparison					
	2011	2012	2013	2014	2015
Cases Referred to the Board for Review	65	66	68	73	76
Invitation to Participate Accepted	45	44	47	36	42
Invitation to Participate Declined	10	17	13	8	34
Invitation to Participate not responded to	10	5	8	29	0

Appendix B (i)		
2015 Caseload		
	Number of Cases	%
Cases Referred to the Board for Review	76	22%
Cases Carried Over*	276	78%
Total Caseload	352	100%

*Refers to cases at various stages

Appendix B (ii)					
Total Caseload - Yearly Comparison					
	2011	2012	2013	2014	2015
Cases Referred to the Board for Review	65	66	68	73	76
Cases Carried Over	140	202	261	266	276
Total	205	268	329	339	352

Appendix C (i)		
Prisoner Interviews 2015		
Institution	Number of Prisoners	%
Arbour Hill	21	22%
Castlerea	8	9%
Cork Prison	1	1%
Dochas Centre	3	3%
Limerick Prison	7	7%
Loughan House	3	3%
Midlands Prison	20	22%
Mountjoy Prison	5	5%
Portlaoise Prison	1	1%
Shelton Abbey	1	1%
The Training Unit	10	11%
Wheatfield	14	15%
Total	94	100%

Appendix C (ii)					
Prisoner Interviews - Yearly Comparison					
Institution	Number of Prisoners				
	2011	2012	2013	2014	2015
Arbour Hill	9	21	21	15	21
Castlereagh	6	6	15	7	8
Cork Prison	2	1	1	3	1
Dochas Centre	1	2	2	4	3
Limerick Prison	4	1	2	1	7
Loughan House	0	0	0	5	3
Midlands Prison	11	15	18	21	20
Mountjoy Prison	12	6	6	4	5
Portlaoise Prison	5	2	6	1	1
Shelton Abbey	1	0	4	1	1
The Training Unit	3	5	14	4	10
Wheatfield	12	14	6	11	14
Total	66	73	95	77	94

Appendix D (i)		
Offence Analysis of Cases in which an invitation to participate was accepted in 2015		
Offence	Number of Prisoners	%
Murder	19	45%
Manslaughter	1	2%
Sex Offences	8	19%
Other Offences Against the Person	2	5%
Drug Offences	2	5%
Robbery/ Larceny	3	7%
Burglary/Aggravated Burglary	4	10%
False Imprisonment	0	0%
Other Offences	3	7%
Total	42	100%

Appendix D (ii)					
Offence Analysis of Cases - Yearly Comparison					
Number of Prisoners					
Offence	2011	2012	2013	2014	2015
Murder	19	17	13	17	19
Manslaughter	1	2	7	0	1
Sex Offences	11	13	9	7	8
Other Against the Person	1	4	5	2	2
Drug Offences	5	3	3	1	2
Robbery/Larceny	3	1	3	3	3
Burglary/Aggravated Burglary	0	1	2	4	4
False Imprisonment	1	2	1	0	0
Other Offences	4	1	4	2	3
Total	45	44	47	36	42

Appendix E (i)		
Sentence Length Analysis of cases in which an invitation to participate was accepted in 2015		
Sentence Length	Number of Prisoners	%
8 Years	6	14%
8 Years but less than 10 Years	5	12%
10 Years but less than 12 Years	5	12%
12 Years but less than 14 Years	1	2%
14 Years but less than 16 Years	4	10%
16 Years but less than 18 Years	0	0%
18 Years or More	1	2%
Life	20	48%
Total	42	100%

Appendix E(ii)					
Sentence Length Analysis - yearly comparison					
Number of prisoners					
Sentence Length	2011	2012	2013	2014	2015
8 Years	9	9	9	5	6
8 Years but less than 10 Years	9	9	14	5	5
10 Years but less than 12 Years	1	6	5	3	5
12 Years but less than 14 Years	1	1	0	1	1
14 Years but less than 16 Years	4	1	4	3	4
16 Years but less than 18 Years	0	0	0	0	0
18 Years or More	1	1	1	1	1
Life	20	17	14	18	20
Total	45	44	47	36	42

Appendix F (i)		
Recommendations made to the Minister for Justice and Equality - 2015		
	Number	%
Recommendations Accepted in Full	88	91%
Recommendations Accepted Conditionally or in Part	1	1%
Recommendations Not Accepted	0	0%
Recommendation Deferred	8**	8%
Ministerial Decisions Pending	0	0%
Total	97	100%

** The cases of four prisoners were deferred due to a requirement for further information (two prisoners had their cases deferred twice). The Board decided to withdraw one case as the prisoner was not co-operating and will invite the prisoner to participate again in 2017. One case was postponed due to pending legal issues.

Appendix F (ii)					
Recommendations Made to the Minister for Justice and Equality					
Yearly Comparison					
	2011	2012	2013	2014	2015
Recommendations Accepted in Full	85	57	75	82	88
Recommendations Accepted Conditionally or in Part	1	5	9	4	1
Recommendations Not Accepted	0	2	0	0	0
Recommendations Noted	0	0	0	0	0
Recommendations Deferred	1	0	1	5*	8**
Released on Remission Prior to Decision	1	0	0	0	0
Ministerial Decisions Pending	1	27	11	0	0
Total	89	91	95	91	97

* The Board deferred its recommendation in two cases pending further information. A further two cases were reviewed twice in 2014 and subsequently recommendations made. One other case was Judicially Reviewed which precluded the Board from issuing a recommendation to the Minister.

** The cases of four prisoners were deferred due to a requirement for further information (two prisoners had their cases deferred twice). The Board decided to withdraw one case as the prisoner was not co-operating and will invite the prisoner to participate again in 2017. One case was postponed due to pending legal issues.