



An Bord Parúil
The Parole Board

The Parole Board **Annual Report** **2018**

The Parole Board
6/7 Hanover Street East
Dublin 2, D02 W320

Tel: (01) 474 8767

Email: info@paroleboard.gov.ie

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Chairman's Foreword

Introduction:

As I write this Foreword, the Parole Bill 2016 has been passed by both Dáil Éireann and Seanad Éireann. I congratulate both Jim O'Callaghan TD for introducing the initial Bill and Minister Charles Flanagan for helping to finalise the legislation in joint co-operation with each other.

I welcome the long overdue legislation which provides that the Board, consisting of 12/15 members, will be independent of the Minister for Justice and will be the body solely responsible for making a Parole Order or refusing parole. It will also be able to make a Parole Order subject to conditions and to continue to make sentence management recommendations for the prisoner, which I also welcome. The legislation will, initially, only apply to life-sentenced prisoners who have served 12 years of that sentence. However, the eligibility for parole may be extended to other categories of prisoners by regulations. It is worth noting however, that at present a life sentenced prisoner is entitled to the first parole review after 7 years, but no such prisoner has ever been granted parole after this first review.

I am also pleased that both the prisoners and members of victims' families can avail of legal representation, funded by Legal Aid, if they are making written or oral submissions at a parole review. As at January 31st 2019 there were 348 life sentenced prisoners in custody. Of these only 291 have served over five years in prison and 111 have served over 15 years. Initially, therefore, the caseload of the Parole Board will reduce dramatically which should result in greater efficiencies.

The Greek word "metanoia" means "a change of heart and mind". Over the last two years, 21 life-sentenced prisoners who have genuinely transformed themselves with

a “metanoia”, were released after many years of rehabilitation work in prison. This was achieved with the dedicated support of psychologists, addiction counsellors, probation officers, teachers and other prison staff. The Parole Board acknowledges the huge role played by these key professionals and thanks them sincerely for this largely unrecognised work. It should be emphasised that a risk assessment report on the likelihood of a prisoner reoffending is always received by the Parole Board from a psychologist or a probation officer when parole is being considered. Prisoners can only be recommended for parole if he/she is deemed to have a manageable risk not to reoffend, with the appropriate statutory support agencies and voluntary organisations in the community. The average time served in custody by a life-sentenced prisoner released between 2016 to 2018 varied between 18 and 22 years as highlighted later in this report.

The “Sentence Management of People Serving Life Sentences” report by the Prison Service highlighted the continuing delays in holding parole reviews. Many of these delays arise because the Parole Board is waiting for reports from psychology, probation and other services. It may not be possible to adhere to acceptable timelines when a review cannot occur until all necessary reports are received. One of the main reasons for delays appears to be a lack of proper resources in the prisons and across the various services. The Parole Board is cognisant that there are many demands on the service providers so a monthly reminder is issued by its secretariat. When deemed necessary, individual requests for outstanding reports are issued. There can be additional delays waiting for reports from prison governors, An Garda Síochána and the Prison Review Committee. When independent psychiatric reports are requested this adds to the time required to conclude the review process. As I stated in our annual report last year these delays are not acceptable.

The mental health of prisoners has been a major concern of mine as stated in previous annual reports. In 2000, the Department of Justice published a report on

learning disability among prisoners. Results showed that about 30% of the prison population had an IQ of below 70. After nearly 20 years, this report should be updated. Another major concern of the Board is the serious abuse of drugs and alcohol by many prisoners. A huge number of life sentence prisoners commenced taking drugs and/or alcohol as young teenagers. Figures provided by the Probation Service detail that 89% of offenders under the supervision of the Probation Service have had or currently have an addiction to alcohol and/or drugs.

There has been much media coverage about increasing the rights of victims and families in the parole process. The proposed new legislation will make improvements in this area, which is to be welcomed. The Parole Board is always cognisant of views expressed by victims and families. As stated previously, many family members are still experiencing severe trauma and mental health problems for many years after the death of a loved one. I believe such family members should be afforded free counselling services as many prisoners can avail of these services in the prison.

The Parole Board would like to acknowledge that it would not be able to fulfil its function without the high level of co-operation from the Irish Prison Service, the Probation Service, the Prison Psychology Service, An Garda Síochána and the Department of Justice and Equality. In addition, in individual cases other agencies and chaplains provide assistance. We greatly appreciate all of their contributions.

On a personal note, I would like to thank my fellow board members and the secretariat of the Parole Board for their dedicated and hard work over the last year, which is much appreciated.

John Costello

12 July 2019

The year in review

The Parole Board was established to review the cases of prisoners with long-term sentences and to provide advice in relation to the administration of those sentences. It commenced operations in 2001 and this is its seventeenth Annual Report. Its membership is shown in Appendix 1.

As a general principle, it is only the cases of prisoners who are serving determinate sentences of at least eight years, or life sentences, that are reviewed, and these must first be referred to the Parole Board by the Minister for Justice and Equality. In the normal course, the Parole Board aims to review cases of prisoners sentenced to between 8 and 14 years' imprisonment once half of that sentence has been served. For those sentenced to 14 years or more, or to a life sentence, the case is reviewed after seven years have been served.

Caseload

A total of 63 prisoners were referred to the Parole Board for review during 2018. All were invited to participate in the process (see Table 1). Overall, 41 accepted the invitation while four declined and 18 invitations had not been responded to at the time of this report being prepared. Of the four who declined, three were serving determinate sentences and of the 18 who did not respond to the invitation to participate, 15 were serving determinate sentences. Prisoners on determinate sentences are automatically entitled to 25 per cent remission and can apply for 33 per cent remission. This may explain why some of them choose not to engage with the Parole Board (see Table 2 and Appendix 2). A breakdown of the kinds of cases dealt with is given in Table 3 and the trend is shown in Appendix 3.

Table 1
Cases referred to Parole Board

	Life sentences	Determinate sentences	Total
Cases referred for review	29	34	63
Invitation accepted	25	16	41
Invitation declined	1	3	4
No response	3	15	18

Table 2
Referrals by sentence length

	Accepted	Eligible	% accepted
8 yrs	4	6	66%
8 years to < 10 yrs	2	10	20%
10 yrs to < 12 yrs	5	8	63%
12 yrs to < 14 yrs	4	7	57%
14 yrs to < 16 yrs	0	1	0%
16 yrs to < 18 yrs	0	1	0%
18 yrs +	1	1	100%
Life	25	29	86%
Total	41	63	65%

Table 3
Offence analysis of referred cases

	Accepted	Declined / no response	Total
Murder	23	4	27
Manslaughter	3	3	6
Sex offences	6	6	12
Other offences			
against person	0	6	6
Drug offences	0	0	0
Robbery/ larceny	4	0	4
Burglary/			
aggravated burglary	1	2	3
False imprisonment	1	1	2
Other	3	0	3
Total	41	22	63

The trend in recent years is for a slight reduction in the number of cases referred to the Parole Board but a slight increase in prisoner participation (see Appendix 4).

The total caseload on hand at the beginning of 2018 was 343, including both new cases and those at second or subsequent review stage. This is a down a little on the previous year (see Appendix 5). Second or subsequent reviews generally take place on an annual basis in the case of prisoners serving less than 10 years and within two or three years in other cases. However, fourth, fifth and subsequent reviews may take place on an annual basis in appropriate cases. Table 4 shows active cases according to sentence length at year-end.

Table 4
Cases by sentence length at 31 December 2018

	Total	%
8 yrs	15	4.8%
8yrs to < 10 yrs	6	1.9%
10 yrs to < 12 yrs	8	2.5%
12 yrs to < 14 yrs	4	1.2%
14 yrs to < 16 yrs	4	1.2%
16 yrs to < 18 yrs	1	0.3%
18 yrs +	6	1.8%
Life sentence	268	85.9%
Total	312	

During 2018, the Parole Board convened on 11 occasions and reviewed 122 cases, comprising 45 first reviews and 77 prisoners who were reviewed on a second or subsequent occasion.

An interview is not always necessary for prisoners whose cases are being considered on a second or subsequent occasion but the Parole Board will often consider an interview to be in the prisoner's interests and one will always be conducted, in the interests of public protection, when sentence administration is at an advanced stage.

In order to raise awareness about the Parole Board, the chairman and members make presentations in prisons. The purpose of these presentations is to assist prisoners in their understanding of the process and to motivate them to engage in the active management of their sentences. At the end of the presentations, prisoners are invited to give feedback and encouraged to participate in a discussion. The Parole Board

welcomes the engagement and constructive feedback provided to them by the prisoners during these presentations. It is the intention of the Parole Board to continue with its programme of presentations in prisons across the country with the aim of visiting each prison every two years.

Process

When a prisoner accepts an invitation to participate in the review process, the Parole Board requests reports from the relevant services (psychology, probation, An Garda Síochána, prison governor, Prison Review Committee). When all reports are received they are compiled into a dossier which is made available to the prisoner.

Arrangements are then made for two members of the Parole Board to interview the prisoner in private with a member of the executive attending to take contemporaneous notes. During the first interview aspects of the offence are covered along with a general discussion on how the prisoner is getting along in their sentence. Second and subsequent interviews focus on sentence management and engagement with the services. This arrangement appears to work well and positive feedback has been provided by prisoners during meetings which have been conducted by the Chairman of the Parole Board at different prisons.

After the interview, a copy of the report is sent to the prisoner who is entitled to forward any observations to the secretariat via the prison's Parole Liaison Officer for discussion at the review meeting and inclusion in the dossier. The two Parole Board members who conducted the interview report to a meeting of the full Parole Board which comes to a determination as to the recommendations which are thereafter made to the Minister for Justice and Equality.

Recommendations

The Parole Board meets once a month to review cases and make recommendations to the Minister for Justice and Equality. When the Minister makes his or her decision this is sent directly to the prisoner and copied to the Parole Board. The Parole Board's role is advisory and the Minister is not bound by its recommendations. Each case is reviewed on its own merits and the time taken to complete the actual process varies accordingly. The process is summarized in the following flow chart.



The Parole Board makes a variety of recommendations including, but not limited to: working with therapeutic services, education, work training, resocialisation, step down to a less secure custodial environment, family visits at a neutral venue, transfer to an open centre, and reviewable temporary release (i.e., release on licence for the remainder of the individual’s life). The factors that the Parole Board consider include: the nature and seriousness of the offence, the sentence being served and any recommendations from the court that imposed the sentence, how much of the sentence has been served at the time of the review, previous convictions, conduct in prison, engagement with therapeutic services, any written representations made by victims, the level of risk to the safety and security of the public should a prisoner be released, and the prospects of successful resettlement. The kinds of recommendations made in 2018 are shown in Table 5. In some cases several recommendations are made.

Table 5
Parole Board recommendations in 2018

	Number
Reviewable Temporary Release	7
Step down to a less secure environment	11
Transfer to an open centre	20
Family visits at a neutral venue	20
TR for education, work training	21
TR for resocialization	51
Work with therapeutic services	94

Recommendations were sent to the Minister for Justice and Equality in 111 of the cases reviewed. The Minister accepted the recommendations in 92 cases in full. The Minister accepted one case conditionally or in part. At the end of the year there were 18

decisions pending. This is in line with the acceptance rate in previous years (see Appendix 6).

Time served

In 2018 the average time served in custody prior to release by a life sentenced prisoner was 17.5 years (ranging from 14 to 22 years). This compares with 18 years in 2017 (range: 13 to 29 years). The trend since the Parole Board's inception in 2001 is set out in Appendix 7 which shows that, while the first review takes place after seven years, release is generally some way off at this stage.

Currently, tariffs imposed outside this jurisdiction have no bearing on considerations by the Parole Board in reviewing cases.

Under current legislative provisions, the Minister for Justice and Equality is precluded from granting temporary release to a life sentence prisoner for the purpose of deportation. Persons in receipt of life sentences who are granted temporary release are regarded in law as still serving that life sentence and are required to be and remain amenable to supervision and recall by the Minister during the currency of their temporary release.

Table 6 gives a snapshot of time served for life sentence prisoners currently in custody, not all of whom have yet been referred to the Parole Board for consideration.

Table 6

Life sentence prisoners: time served at 31 January 2019

40 years+	1
35 to < 40 years	7
30 to < 35 years	9
25 to < 30 years	9
20 to < 25 years	19
15 to < 20 years	66
10 to < 15 years	92
5 to < 10 years	88
1 to < 5 years	52
Less than 1 year	5
Total	348

Recalls

Life sentence prisoners who are granted temporary release are regarded in law as still serving that sentence and are liable to recall at any time.

Two released prisoners were returned to custody during 2018, one at his own request in the context of possible public safety concerns and the other following a charge of assault. This is in line with the recent trend; most years just one life sentence prisoner is recalled (see Appendix 8).

Delays

Of 122 cases reviewed during 2018, one case was dealt with ahead of schedule and 121 cases were reviewed after their review date.

Acknowledgments

The Parole Board would like to acknowledge that it would not be able to fulfill its function without the dedication of the small number of staff who work in its secretariat. The statistical information presented in Table 6 and Appendices 7 and 8 were prepared by the Irish Prison Service.

Appendices

Appendix 1

Parole Board Membership

	Date appointed
John Costello	July, 2011
Chairman. Solicitor, former President of the Law Society of Ireland, and graduate of the LLM in Criminology and Criminal Justice programme at University College Dublin.	
Willie Connolly	July, 2012
Retired Director of Operations, Irish Prison Service.	
Noel Dowling	August, 2015
Principal Officer, Department of Justice and Equality.	
Vivian Geiran	August, 2012
Director, Probation Service.	
Paul Mageean	July, 2017
Solicitor with a background in criminal law and human rights. In addition to this role on the Board, he sits as a member of the Policing Authority and is a Parole Commissioner in Northern Ireland where he also sits on the Human Rights Commission.	
Laura Mannion	July, 2017
Consultant Psychiatrist and former Executive Clinical Director/ Clinical Director HSE, Senior Lecturer NUIG, Coordinator / Mentor National Higher Training Programme College of Psychiatrists of Ireland.	

Shane McCarthy

July, 2009

Solicitor with extensive experience in the areas of procedural and regulatory law. Current chair of the Law Society Human Rights and Equality Committee and also serves on the Law Society's Criminal Law Committee.

Nora McGarry

July, 2012

Psychotherapist / Counsellor.

Ian O'Donnell

July, 2017

Professor of Criminology at University College Dublin. Formerly Director of UCD Institute of Criminology, Director of Irish Penal Reform Trust, and Research Officer at the Oxford University Centre for Criminological Research.

Eddie Rock

July, 2012

Retired Assistant Commissioner, An Garda Síochána.

Martin Smyth

April, 2015

Director of Operations, Irish Prison Service.

Pat Sullivan

July, 2017

Retired Chief Superintendent, An Garda Síochána.

Alternate Members

Brian Dack

January, 2013

Assistant Director, Probation Service.

Mark Wilson

September, 2015

Deputy Director of Operations, Irish Prison Service (to November 2018).

Paul Mannering

November, 2018

Deputy Director of Operations, Irish Prison Service (from November 2018).

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 of €149.75 per prison visit for Parole Board related business. Fees are not paid to ex-officio members (i.e. Director of Probation Service, Operations Director of Irish Prison Service, and Principal Officer, Department of Justice and Equality). Travel and subsistence payments are made in accordance with Civil Service Guidelines.

Appendix 2

Sentence length analysis: 2014 to 2018

	2014	2015	2016	2017	2018
8 years	5	6	11	10	4
8 yrs to < 10 yrs	5	5	7	8	2
10 yrs to < 12 yrs	3	5	4	4	5
12 yrs to < 14 yrs	1	1	4	5	4
14 yrs to < 16 yrs	3	4	1	1	0
16 yrs to < 18 yrs	0	0	0	0	0
18 yrs +	1	1	0	0	1
Life	18	20	16	20	25
Total	36	42	43	48	41

Appendix 3

Offence analysis: 2014 to 2018

	2014	2015	2016	2017	2018
Murder	17	19	16	20	23
Manslaughter	0	1	4	5	3
Sex offences	7	8	11	11	6
Other against person 2	2	3	3	0	
Drug offences	1	2	1	1	0
Robbery/larceny	3	3	3	3	4
Burglary/ aggravated burglary	4	4	2	2	1
False imprisonment	0	0	0	0	1
Other	2	3	3	3	3
Total	36	42	43	48	41

Appendix 4

Cases referred: 2014 to 2018

	2014	2015	2016	2017	2018
Referred for review	73	76	64	66	63
Invitation accepted	36	42	43	48	41
Invitation declined	8	34	5	3	4
No response	29	0	16	15	18

Appendix 5

Total Caseload: 2014 to 2018

	2014	2015	2016	2017	2018
Referred for review	73	76	64	66	63
Carried over	266	276	280	294	280
Total	339	352	344	360	343

Appendix 6

Recommendations to Minister for Justice and Equality: 2014 to 2018

	2014	2015	2016	2017	2018
Accepted in full	82	88	89	102	92
Accepted in part	4	1	6	3	1
Not accepted	0	0	1	0	0
Total	86	89	96	105	93

Appendix 7


Average time life sentenced prisoners spent in custody: 2001 to 2018

	Number released	Average (mean) years in custody before release
2001	5	15
2002	3	11
2003	1	14
2004	1	19.5
2005	2	14.5
2006	0	n/a
2007	6	15.5
2008	2	15.5
2009	5	17.5
2010	6	18.25
2011	5	20
2012	4	22
2013	4	17.5
2014	4	20
2015	6	17.5
2016	7	22
2017	10	18
2018	11	18

Appendix 8

Number of life sentenced prisoners recalled: 2001 to 2018

2001	1
2002	1
2003	0
2004	1
2005	1
2006	1
2007	0
2008	3
2009	1
2010	1
2011	1
2012	1
2013	1
2014	1
2015	1
2016	4
2017	5
2018	2



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