



An Bord Parúil
The Parole Board

The Parole Board Annual Report

2019

The Parole Board
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Chairman's Foreword

Introduction:

Firstly, I want to recognise the worldwide trauma caused by COVID-19 and to acknowledge the huge sacrifices and health risks for people caring for patients with COVID-19. Our society owes a huge debt of gratitude to these carers.

Secondly, I want to congratulate the Irish Prison Service and all relevant agencies in the prisons for keeping the prison population almost 100% free of COVID-19.

I also want to congratulate the new Minister for Justice, Helen McEntee T.D. on her recent appointment. I wish her every success with the enormous challenges facing her and our country at present.

Prisoners and parole in 2019:

In 2019, 17 life sentenced prisoners were recommended for parole by the Board, which the Minister agreed with. The average time served in custody by a life sentence prisoner released in 2019 was about 20 years.

Parole Act 2019:

At the end of June this year, I gave the Minister a memorandum outlining the key challenges for the Parole Board when the Parole Act 2019 comes into operation.

The following are some of the issues I highlighted:

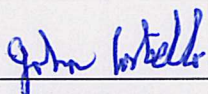
- A. Delays: It is essential for the new Board to reduce and, if possible, eliminate delays in holding parole reviews. These delays were highlighted by a Prison Service report in 2017. I believe it will be essential for the new Parole Board to have the authority to obtain the necessary reports from the relevant agencies in a timely manner;
- B. Sentence management recommendations: Where a prisoner is refused parole I believe it is essential for the new Board to continue to highlight the necessary rehabilitation work to be undertaken by a prisoner before the next parole review;
- C. Visits to prisons: Depending on COVID-19 restrictions, the new Board should continue to visit life sentenced prisoners to incentivise rehabilitation work by these persons;
- D. Parole Liaison Officers (PLOs): Every prison should have a PLO to help prepare prisoners for their parole hearing;

- E. Training for Board members: It is essential that the new Board members receive appropriate training for their role;
- F. Victims' families: It would be important that the new Parole Board issues guidelines regarding the participation of victims' families in the parole process under the new Parole Act 2019.

Conclusion:

Despite challenges, I believe many prisoners are being transformed in prison by the rehabilitation work carried out by them despite many challenges which they might have, including addiction to drugs or alcohol. I believe the Parole Board provides an invaluable service to both prisoners and to the community in general and I wish to thank all my fellow Board members and members of the Secretariat whom I have worked with over the last number of years and for their dedicated and hard work. It is a privilege and an honour to work with such colleagues.

Finally, I want to acknowledge that the Parole Board 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, 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.



John Costello

September 2020

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 eighteenth 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 71 prisoners were referred to the Parole Board for review during 2019. All were invited to participate in the process (see Table 1). Overall, 59 accepted the invitation while six declined and six invitations had not been responded to at the time of this report being prepared. Of the six who declined, all are serving determinate sentences and of the six who did not respond to the invitation to participate, 5 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	27	44	71
Invitation accepted	26	33	59
Invitation declined	0	6	6
No response	1	5	6

Table 2
Referrals by sentence length

	Accepted	Eligible	% accepted
8 yrs	11	13	85%
8 years to < 10 yrs	9	11	82%
10 yrs to < 12 yrs	4	6	67%
12 yrs to < 14 yrs	4	6	67%
14 yrs to < 16 yrs	3	5	60%
16 yrs to < 18 yrs	2	2	100%
18 yrs +	0	1	0%
Life	26	27	96%
Total	59	71	83%

Table 3
Offence analysis of referred cases

	Accepted	Declined / no response	Total
Murder	26	1	27
Manslaughter	6	1	7
Sex offences	7	7	14
Other offences			
against person	7	0	7
Drug offences	0	0	0
Robbery/ larceny	2	1	3
Burglary/			
aggravated burglary	4	0	4
False imprisonment	1	0	1
Other	6	2	8
Total	59	12	71

The trend in recent years can be seen in Appendix 4.

The total caseload on hand at the beginning of 2019 was 382, including both new cases and those at second or subsequent review stage. This is up on the previous year and the highest in five years (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 2019

	Total	%
8 yrs	17	4.8%
8yrs to < 10 yrs	7	2%
10 yrs to < 12 yrs	10	2.9%
12 yrs to < 14 yrs	14	4%
14 yrs to < 16 yrs	7	2%
16 yrs to < 18 yrs	7	2%
18 yrs +	10	2.9%
Life sentence	278	79.4%
Total	350	

During 2019, the Parole Board convened on 11 occasions and reviewed 117 cases, comprising 32 first reviews and 85 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

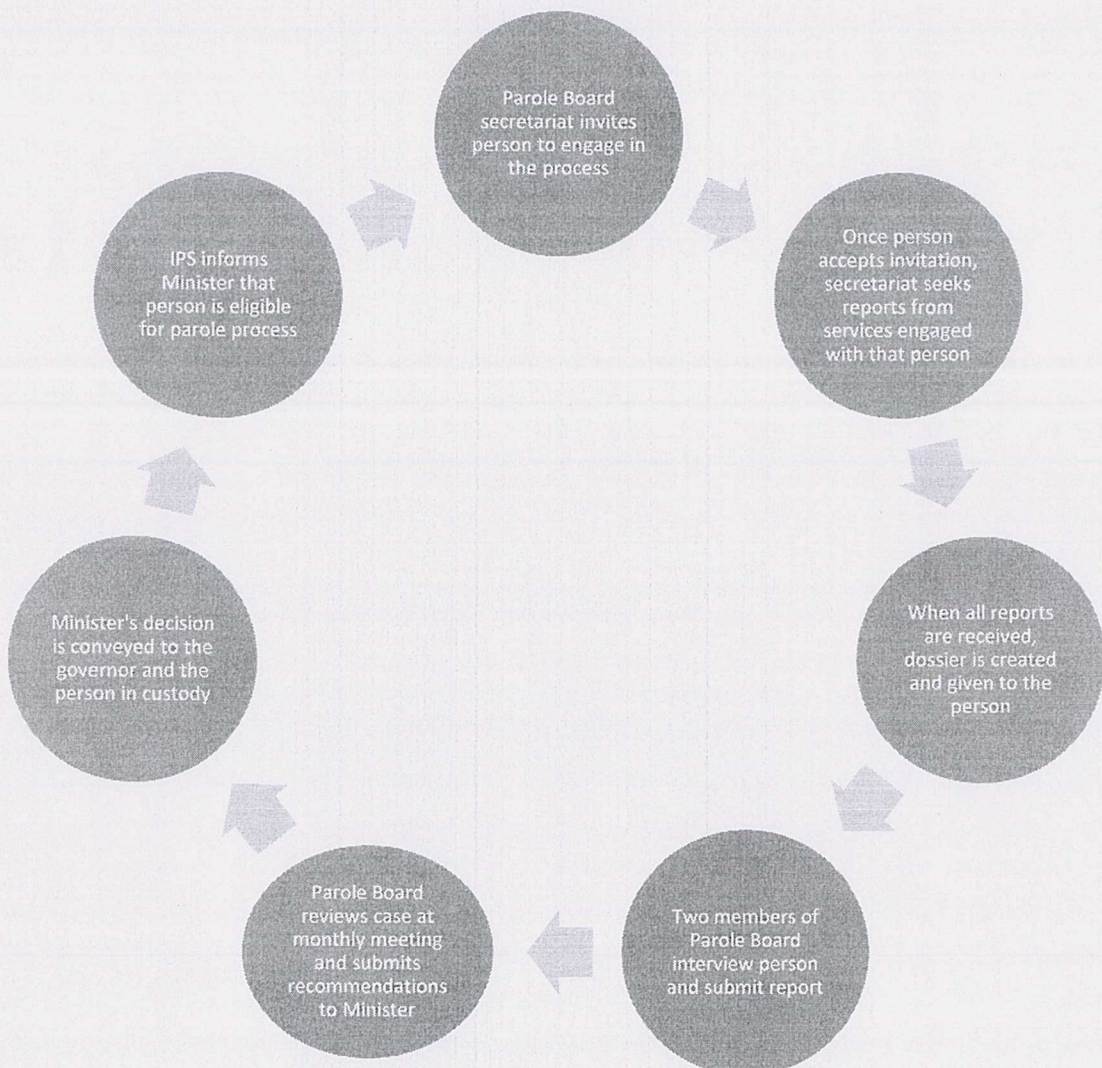
When a prisoner accepts an invitation to participate in the review process, the Parole Board requests reports from the relevant services (psychology, probation, An Garda Síochána, prison governor, Prison Review Committee). When all reports are received they are compiled into a dossier which is made available 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 - 2019

	2019
Reviewable Temporary Release	17
Step down to a less secure environment	10
Transfer to an open centre	15
Family visits at a neutral venue	24
TR for education, work training	26
TR for resocialisation	20
Work with therapeutic services	67
Section 39's under Prisons Act 2007	15

Recommendations were sent to the Minister for Justice and Equality in 104 of the cases reviewed. The Minister accepted the recommendations in 69 cases in full. The Minister accepted 11 cases conditionally or in part. At the end of the year there were 24 decisions pending. This is in line with the acceptance rate in previous years (see Appendix 6).

Time served

In 2019 the average time served in custody prior to release by a life sentenced prisoner was 20 years (ranging from 14 to 28 years). This compares with 17.5 years in 2018 (range: 14 to 22 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 30 June 2020

40 years+	2
35 to < 40 years	9
30 to < 35 years	6
25 to < 30 years	7
20 to < 25 years	26
15 to < 20 years	73
12 to < 15 years	63
10 to < 12 years	40
5 to < 10 years	84
1 to < 5 years	43
Less than 1 year	2
Total	355

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 2019. One for breaching the conditions of their Temporary Release, alcohol related and one due to his threatening behaviour at his supported accommodation. This is in line with the recent trend (see Appendix 8).

Delays

Of 117 cases reviewed during 2019, no cases were dealt with ahead of schedule. 5 cases were dealt with within 3 months of their review date, 15 cases were dealt with within 6 months of review date and the remaining 97 cases were reviewed more than 6 months 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.	
Brendan Eiffe	October, 2019
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 the Chief Parole Commissioner in Northern Ireland.	
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.

Una Doyle

September, 2019

Deputy Director, Probation Service.

Paul Mannering

November, 2018

Deputy Director of Operations, Irish Prison Service.

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: 2015 to 2019

	2015	2016	2017	2018	2019
8 years	6	11	10	4	11
8 yrs to < 10 yrs	5	7	8	2	9
10 yrs to < 12 yrs	5	4	4	5	4
12 yrs to < 14 yrs	1	4	5	4	4
14 yrs to < 16 yrs	4	1	1	0	3
16 yrs to < 18 yrs	0	0	0	0	2
18 yrs +	1	0	0	1	0
Life	20	16	20	25	26
Total	42	43	48	41	59

Appendix 3

Offence analysis: 2015 to 2019

	2015	2016	2017	2018	2019
Murder	19	16	20	23	26
Manslaughter	1	4	5	3	6
Sex offences	8	11	11	6	7
Other against person	2	3	3	0	7
Drug offences	2	1	1	0	0
Robbery/larceny	3	3	3	4	2
Burglary/ aggravated burglary	4	2	2	1	4
False imprisonment	0	0	0	1	1
Other	3	3	3	3	6
Total	42	43	48	41	59

Appendix 4

Cases referred: 2014 to 2019

	2014	2015	2016	2017	2018	2019
Referred for review	73	76	64	66	63	71
Invitation accepted	36	42	43	48	41	59
Invitation declined	8	34	5	3	4	6
No response	29	0	16	15	18	6

Appendix 5

Total Caseload: 2014 to 2019

	2014	2015	2016	2017	2018	2019
Referred for review	73	76	64	66	63	71
Carried over	266	276	280	294	280	311
Total	339	352	344	360	343	382

Appendix 6

Recommendations to Minister for Justice and Equality: 2015 to 2019

	2015	2016	2017	2018	2019
Accepted in full	88	89	102	92	69
Accepted in part	1	6	3	1	11
Not accepted	0	1	0	0	0
Total	89	96	105	93	80

Appendix 7

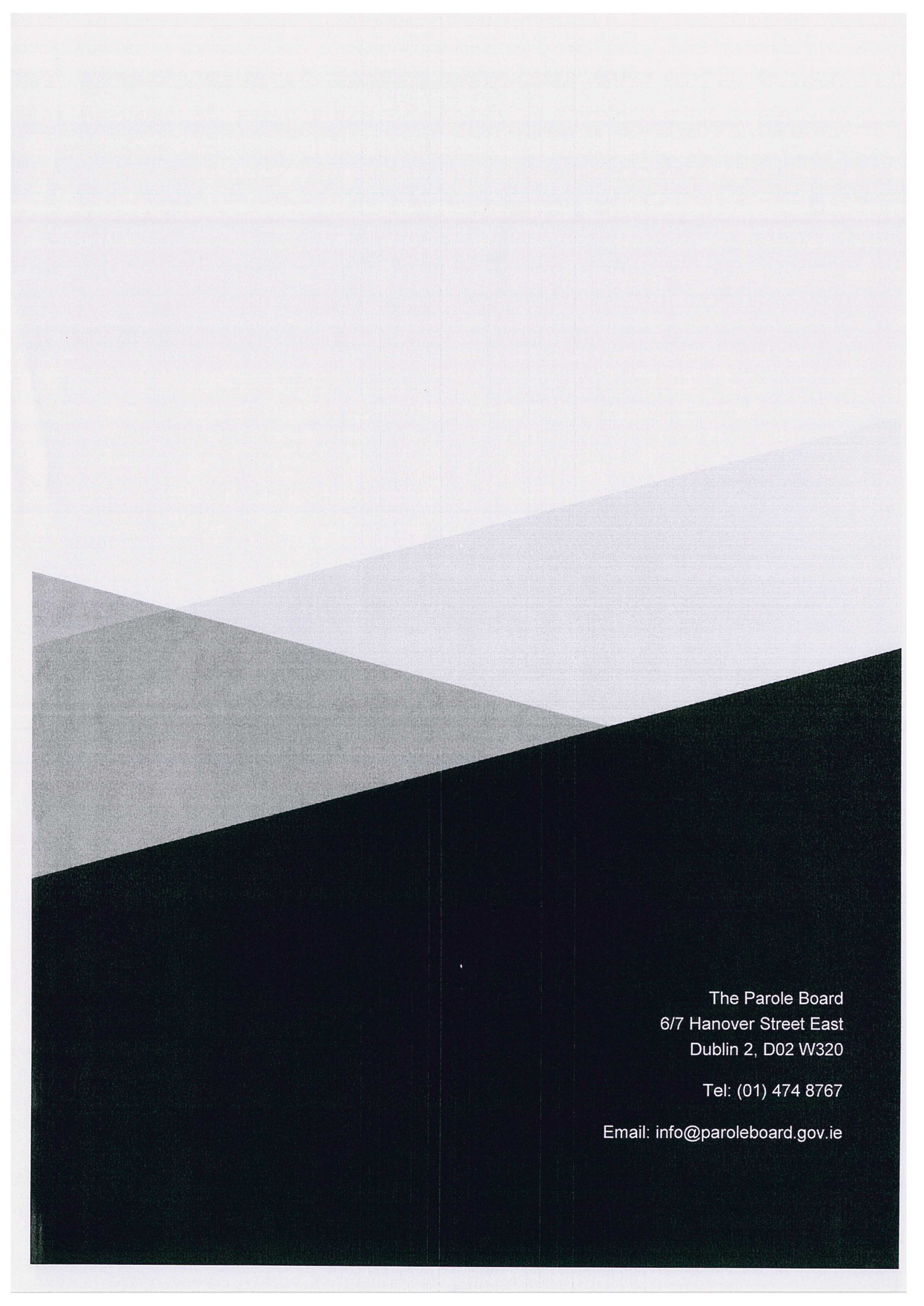
Average time life sentenced prisoners spent in custody: 2001 to 2019

	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
2019	11	20

Appendix 8

Number of life sentenced prisoners recalled: 2001 to 2019

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
2019	2



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