



An Bord Parúil
The Parole Board

The Parole Board **Annual Report** 2020

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Contents

1. Chairman's foreword
2. The year in review

Tables

- 1 Cases referred to Parole Board
- 2 Referrals by sentence length
- 3 Offence analysis of referred cases
- 4 Cases by sentence length
- 5 Parole Board recommendations
- 6 Life sentence prisoners: time served on 31 January 2021

Appendices

- 1 Membership of Parole Board
- 2 Sentence length analysis: 2016 to 2020
- 3 Offence analysis: 2016 to 2020
- 4 Cases referred: 2016 to 2020
- 5 Total caseload: 2016 to 2020
- 6 Recommendations to Minister for Justice: 2016 to 2020
- 7 Average time life sentenced prisoners spent in custody: 2001 to 2020
- 8 Number of life sentenced prisoners recalled: 2001 to 2020

Chairman's Foreword

Introduction:

Firstly, I want to congratulate the Irish Prison Service and all relevant agencies in the prisons for their success in substantially reducing the impact of COVID 19 in prisons. I also want to thank the Irish Prison Service for facilitating Prisoner Interviews during COVID 19.

Secondly, I want to congratulate Minister McEntee in announcing the establishment of the new Statutory Parole Board which will commence in July this year.

Thirdly, I want to say how honoured I have been to Chair the Parole Board for nearly 10 years. I feel privileged to have met and worked with inspiring people on the Board, in the Secretariat, in all the agencies serving the prison population, among the prisoners themselves, and among members of victim's families.

Prisoners and parole in 2020:

In 2020, 14 life sentenced prisoners were recommended for parole. The average time served in custody by a life sentence prisoner released in 2020 was about 21.5 years.

Parole Board Initiatives over the last few years: Examples are as follows:

1. Visits to prisons: Board Members met with relevant groups of prisoners regularly in all the prisons to discuss the parole process and to encourage them to undertake the relevant rehabilitation work.
2. Parole Liaison Officers: Board Members and staff interacted regularly with newly appointed officials to deal with various practical issues which arise with prisoners in the parole process.
3. Training for Board Members: There is ongoing training of Board Members from time to time. Many specialists from the various agencies gave presentations at Board Meetings which were extremely helpful.
4. Parole Conferences: Two parole conferences were held in Dublin with international specialists to discuss mutual areas of interest

Delays in Parole Review Hearings:

Unfortunately, delays have been endemic in the parole process. Details are furnished in this report. This has been the paramount concern of mine over the years. The main reason for such delays arises when the completion of essential reports from the various agencies is delayed. There are many complex and varied reasons for this, such as:

- a) The prisoner had not completed the essential rehabilitation work in time for the review
- b) The prisoner did not wish to complete the work or could not complete it for health reasons.
- c) The prisoner or the relevant professional was moved to another prison.
- d) Arranging specialist reports from psychiatrists or other mental health experts who are not part of the prison service.
- e) Unforeseen problems in receiving written reports or minutes of meetings in a timely fashion.
- f) Not being able to complete one to one therapeutic work because of COVID 19.
- g) Delays in having suitable interviews with prisoners because of COVID 19.
- h) Prisoners with serious mental health issues or other serious health problems.
- i) Lack of resources.

Commencement of new Statutory Parole Board:

I warmly welcome this development and the nomination of Judge Michael White as the Chair Elect of this Board which is expected to commence in July this year.

I welcome the fact that the new Board will be independent of the Minister and that victims' families will have more formal participation in the parole process.

Mental Health of Prisoners:

The former Director of the Irish Prison Service, Michael Donnellan, confirmed in 2017 that approximately 70% of prisoners in custody had some mental health issue affecting them. I agree with Minister McEntee when she said, in 2016, that sending people with mental health issues to prison is unacceptable and tackling this must be a key priority for government. I welcome the recent appointment of a taskforce on mental health to examine this issue.

Sadly, drink and drugs are a feature in the vast majority of the cases which we review. Offenders who were addicted were involved in ongoing problematic substance misuse at the time of committing the offence and many were also under the influence of an intoxicant when they committed their crime. In about 50% of the cases that we reviewed, childhood abuse was cited by the offender in the course of their interaction with the therapeutic services.

Conclusion:

Despite challenges, I believe many prisoners are being transformed in prison by their rehabilitation work carried out by them, and despite many issues 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 for their dedicated and hard work. It has been a privilege and honour to have worked with such colleagues.

John Costello
Chairman of the Parole Board
May 2021

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 nineteenth 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. 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 75 prisoners were referred to the Parole Board for review during 2020. All were invited to participate in the process (see Table 1). Overall, 47 accepted the invitation while 14 declined and 14 invitations had not been responded to at the time of this report being prepared. Of the 14 who declined, 11 are serving determinate sentences and of the 14 who did not respond to the invitation to participate, 13 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	21	54	75
Invitation accepted	19	28	47
Invitation declined	1	13	14
No response	1	13	14

Table 2
Referrals by sentence length

	Accepted	Eligible	% accepted
8 yrs	5	15	33%
8 years to < 10 yrs	8	14	57%
10 yrs to < 12 yrs	3	9	33%
12 yrs to < 14 yrs	6	10	60%
14 yrs to < 16 yrs	3	3	100%
16 yrs to < 18 yrs	1	1	100%
18 yrs +	2	2	100%
Life	19	21	90%
Total	47	75	63%

Table 3
Offence analysis of referred cases

	Accepted	Declined / no response	Total
Murder	17	2	19
Manslaughter	2	2	4
Sex offences	12	10	22
Other offences			
against person	5	3	8
Drug offences	0	1	1
Robbery/ larceny	2	2	4
Burglary/			
aggravated burglary	6	2	8
False imprisonment	1	1	2
Other	2	5	7
Total	47	28	75

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

The total caseload on hand at the beginning of 2020 was 424, including both new cases and those at second or subsequent review stage. This is up on the previous year and the highest in seven 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 2020

	Total	%
8 yrs	19	5.3%
8yrs to < 10 yrs	17	4.7%
10 yrs to < 12 yrs	15	4.2%
12 yrs to < 14 yrs	17	4.7%
14 yrs to < 16 yrs	6	1.7%
16 yrs to < 18 yrs	5	1.4%
18 yrs +	4	1.1%
Life sentence	276	76.9%
Total	359	

At the beginning of the year, on 1 January 2020, the active cases on hand were 424. Table 4 shows the active cases on hand at the close of the year, on 31 December 2020, which was 359. The difference in figures (65 cases) represents cases that were either; reviewed and given a subsequent review date in the future (not in 2020), cases that were completed and the Minister has directed that the Parole Board do not have to review their cases again, cases that have withdrawn from the parole process, cases that deferred their reviews to a date in the future (not 2020) in order to complete a body of therapeutic work, cases where the person in custody had a remission date set by the court and was released and in some cases where a person in custody may have died.

During 2020, the Parole Board convened on 11 occasions and reviewed 112 cases, comprising 24 first reviews and 88 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. During 2020, due to COVID-19 restrictions it was not possible to continue with this programme visits as planned.

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.

Recommendations

The Parole Board meets once a month to review cases and make recommendations to the Minister for Justice. When the Minister makes 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 2020 are shown in Table 5. In some cases several recommendations are made.

Table 5
Parole Board recommendations in 2018 - 2020

	2018	2019	2020
Reviewable Temporary Release	7	17	14
Step down to a less secure environment	11	10	16
Transfer to an open centre	20	15	25
Family visits at a neutral venue	20	24	0* (now Section 39's)
TR for education, work training	21	26	29
TR for resocialisation	51	20	30
Work with therapeutic services	94	67	93
Section 39's under Prisons Act 2007	-	15	43

Recommendations were sent to the Minister for Justice in 100 of the cases reviewed. The Minister accepted the recommendations in 68 cases in full. The Minister accepted 29 cases conditionally or in part and did not agree with the recommendations in 3 cases. The trend with previous years can be seen in Appendix 6. The increase in partial decisions is due to the fact that recommendations are increasingly more detailed, explicit and complex in nature, including phased reintegration plans that often span 12-24 months in length. The Minister may partially agree with the first part of the reintegration / progression plan that spans the first 6 or 12 months and require progress reports before finalising the latter stages of the plans.

Time served

In 2020 the average time served in custody prior to release by a life sentenced prisoner was 21.5 years (ranging from 15 to 37 years). This compares with 20 years in 2019 (ranging from 14 to 28 years) and 17.5 years in 2018 (ranging from 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.

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 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 December
2020

40 years+	2
35 to < 40 years	6
30 to < 35 years	7
25 to < 30 years	9
20 to < 25 years	31
15 to < 20 years	77
12 to < 15 years	54
10 to < 12 years	40
5 to < 10 years	85
1 to < 5 years	47
Less than 1 year	2
Total	360

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.

One released prisoner was returned to custody during 2020, for breaching the conditions of their Temporary Release, by misusing drugs. The trend in recent years can be seen in Appendix 8.

Delays

Of 112 cases reviewed during 2020, no cases were dealt with ahead of schedule. No cases were dealt with within 3 months of their review date, 14 cases were dealt with

within 6 months of review date and the remaining 98 cases were reviewed more than 6 months after their review date. No cases were delayed beyond 33 months. Details are in Table 7 below.

Table 7
Delays with reviews

	>6 months	>12months	>24 months
1 st Reviews	9	13	1
2 nd Reviews	4	8	1
3 rd Reviews	13	2	0
4 th Reviews	5	14	1
5 th Reviews	4	2	1
6 th Reviews	3	5	1
7 th Reviews	3	3	0
8 th Reviews	0	4	0
9 th Reviews	0	0	0
10 th Reviews	1	0	0

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.	
Brendan Eiffe	October, 2019
Principal Officer, Department of Justice.	
Mark Wilson	June, 2020
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

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). Travel and subsistence payments are made in accordance with Civil Service Guidelines.

Appendix 2

Sentence length analysis: 2016 to 2020

	2016	2017	2018	2019	2020
8 years	11	10	4	11	5
8 yrs to < 10 yrs	7	8	2	9	8
10 yrs to < 12 yrs	4	4	5	4	3
12 yrs to < 14 yrs	4	5	4	4	6
14 yrs to < 16 yrs	1	1	0	3	3
16 yrs to < 18 yrs	0	0	0	2	1
18 yrs +	0	0	1	0	2
Life	16	20	25	26	19
Total	43	48	41	59	47

Appendix 3

Offence analysis: 2016 to 2020

	2016	2017	2018	2019	2020
Murder	16	20	23	26	17
Manslaughter	4	5	3	6	2
Sex offences	11	11	6	7	12
Other against person	3	3	0	7	5
Drug offences	1	1	0	0	0
Robbery/larceny	3	3	4	2	2
Burglary/ aggravated burglary	2	2	1	4	6
False imprisonment	0	0	1	1	1
Other	3	3	3	6	2
Total	43	48	41	59	47

Appendix 4

Cases referred: 2016 to 2020

	2016	2017	2018	2019	2020
Referred for review	64	66	63	71	75
Invitation accepted	43	48	41	59	47
Invitation declined	5	3	4	6	14
No response	16	15	18	6	14

Appendix 5

Total Caseload: 2016 to 2020

	2016	2017	2018	2019	2020
Referred for review	64	66	63	71	75
Carried over	280	294	280	311	349
Total	344	360	343	382	424

Appendix 6

Recommendations to Minister for Justice: 2016 to 2020

	2016	2017	2018	2019	2020
Accepted in full	89	102	92	69	68
Accepted in part	6	3	1	11	29
Not accepted	1	0	0	0	3
Total	96	105	93	80	100

Appendix 7


Average time life sentenced prisoners spent in custody: 2001 to 2020

	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
2020	14	21.5

Appendix 8

Number of life sentenced prisoners recalled: 2001 to 2020

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
2020	1



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