



An Bord Parúil
The Parole Board

The Parole Board **Annual Report** January – June 2021

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Chairman's Foreword

Introduction:

Nelson Mandela has stated, "that a nation should not be judged by how it treats its highest citizens, but its lowest ones". As regards the prison population in Ireland, I am pleased to report that from my 10 years' experience on the Parole Board, all the agencies serving prisoners carry out their work with much professionalism, conscientiousness and compassion. I have been continually impressed by individual prison staff, probation staff, psychologists, counsellors, teachers, chaplains and other professionals and how they have helped to transform the lives of individual prisoners after working with them for many years. I sincerely thank all these people. Without them the Parole Board could not have functioned.

The Board has been extremely fortunate to have a small dedicated team of staff who have performed Trojan work over the years, and especially during COVID-19.

Resettlement of Offenders:

In my 10 years on the Board, about 80 life sentence prisoners have received parole on the recommendation of the Board and with the consent of the Minister.

The vast majority of these individuals have resettled into society with the assistance of the Probation Service. Some of them have also made very great use of their freedom. For example, one former prisoner became Director of a charity, which helped nearly 600 prisoners and ex-prisoners through advice and counselling as well as directing users towards housing and treatment services.

Parole Act 2019:

I am very pleased that this Act commenced in late July. I warmly welcome the appointment of Judge Michael White as Chair of the new Statutory Parole Board. I am also delighted that all the members of the new Board have great professional experience and qualifications. I wish them all every success with the challenging work ahead. I especially welcome the greater participation of victims and their families in the new parole process.

In order to assist the transition to the new Board, the outgoing Board reviewed, in the first 6 months of this year, a similar number of cases as in a full year. I thank the Board, and the staff, most sincerely, for undertaking this huge workload.

Mental Health of Prisoners:

This has been a major concern of mine over the last 10 years. Only in June this year, the prison services senior psychologist, Dr Margaret McGovern, stated that often 70% of prisoners suffer from personality disorders, about 6 times the rate in the general population. Late last year the Council of Europe Committee for the Protection of Torture, detailed glaring problems in the treatment of prisoners with psychiatric illnesses.

In response, in April this year, the Minister established a task force to consider the mental health and addiction of prisoners.

However, we already have had a plethora of reports on this topic. The 1978 Henchy Report and the 1985 Whitaker Report both recommended an outpatient/community care or a designated centre for this category of prisoner. The Murphy Report in 2002 estimated that nearly 30% of prisoners had a degree of intellectual disability/mental disorder. The Kennedy Report in 2005 recommended community in-reach clinics staffed by doctors, forensic specialists, nurses and probation and welfare officers. In 2016, the late Judge Michael Reilly, as Inspector of Prisoners, recommended that the responsibility for the provision of health in prisons should be transferred from the IPS to the HSE. Also in 2016, an Inter-Departmental group published a report on People with Mental Illness in contact with the criminal justice system. This group then commenced a second report on the mental health of persons in custody which never concluded its work. Only in March this year, a further report of the mental health of prisoners was published by the Probation Service. It highlighted a clear need for enhanced co-ordination and improved access routes to services and the need for increased cross-agency working by relevant services and agencies.

I wholeheartedly agree with Minister McEntee when she said in 2016, regarding the mental health of prisoners, that it is now time to address one of “the biggest problems we are facing in the prisons. It costs a lot more to keep somebody in prison, let alone the fact that it is not actually right that someone is in prison when they actually have a mental health problem”.

As the Minister will know well, the annual cost of a prisoner in custody in 2020 was €80,000. The Parole Board has reviewed the cases of a number of prisoners with schizophrenia or bipolar illnesses. A small number of this category of prisoners require close monitoring by mental health professionals in the community before they can be paroled.

An answer to this problem is to be found in Canada, which has a number of residential centres staffed by forensic and mental health nurses who assist former inmates in resettling into the community. An example is Belkin House in Vancouver which caters for over 200 such men and woman including the homeless. Even if 6 prisoners were resettled into such a residential setting with the support of specialist nurses, it would cost far less than keeping them in prison, here in Ireland.

Conclusion:

I have felt honoured to have been Chair of the Parole Board for 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 members of victims' families. I thank everyone who will continue to carry out this dedicated work in the future.

John Costello
Chairman of the Parole Board
August 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 concluded in June 2021, due to the establishment of the Parole Board on a statutory footing. This is its twentieth and last Annual Report. This report covers the work of the Parole Board from January 2021 to June 2021 inclusive. 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

No new cases were referred to the Parole Board for review during 2021, owing to the planned commencement in July 2021 of the statutory Parole Board. Therefore the focus of the Parole Board, from January to June 2021, was to review as many cases as possible and all of whom were already engaged in the process.

The total caseload on hand at the beginning of 2021 was 359. The trend with previous years can be seen in Appendix 2. 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 1 shows active cases according to sentence length at 30 June 2021.

Table 1
Cases by sentence length at 30 June 2021

	Total	%
8 yrs	13	4.1%
8yrs to < 10 yrs	7	2.2%
10 yrs to < 12 yrs	11	3.4%
12 yrs to < 14 yrs	10	3.1%
14 yrs to < 16 yrs	4	1.3%
16 yrs to < 18 yrs	6	1.9%
18 yrs +	2	0.6%
Life sentence	267	83.4%
Total	320	

At the beginning of the year, on 1 January 2021, the active cases on hand were 359. Table 1 shows the active cases on hand on the 30 of June 2021, which was 320. The difference in figures (39 cases) represents cases that were either; reviewed and given a subsequent review date in the future, 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 in order to complete a body of therapeutic work or cases where the person in custody had a remission date set by the court and was released.

The Board was mindful of the imminent commencement of the new Board and so strove to maximise their contribution to this objective and in doing so exceeded their own expectations of what could be achieved.

During January to June, 2021, the Parole Board convened on seven occasions and reviewed 111 cases, comprising 40 first reviews and 71 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. During 2021, due to COVID-19 restrictions it was not possible to continue with this programme of 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 monthly 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 summarised 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 2021 are shown in Table 2. In some cases several recommendations are made.

Table 2
Parole Board recommendations in 2018 - 2021

	2018	2019	2020	2021 ¹
Reviewable Temporary Release	7	17	14	16
Step down to a less secure environment	11	10	16	7
Transfer to an open centre	20	15	25	24
Family visits at a neutral venue	20	24	0 ² (now Section 39's)	
TR ³ for education, work training	21	26	29	12
TR for resocialisation	51	20	30	18
Work with therapeutic services	94	67	93	101
Section 39's under Prisons Act 2007	-	15	43	46

Recommendations were sent to the Minister for Justice in 103 of the cases reviewed. The Minister accepted the recommendations in 70 cases in full. The Minister accepted 29 cases conditionally or in part and did not agree with the recommendations in 4 cases. The trend with previous years can be seen in Appendix 3. 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. Recommendations

¹ 2021 consisted of six months for the Board, January to June inclusive.

² Family visits at a neutral venue have been replaced with Section 39's

³ TR relates to Temporary Release.

were not sent to the Minister for all cases as a small number of cases were deferred for reasons beyond the Parole Board's control.

Time served

In 2021 the average time served in custody prior to release by a life sentenced prisoner was 18.75 years (ranging from 13 to 22 years). This compares with 21.5 years in 2020 (ranging from 15 to 37 years), 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 4 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 3 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 3

Life sentence prisoners: time served at 15 June 2021

40 years+	4
35 to < 40 years	7
30 to < 35 years	5
25 to < 30 years	15
20 to < 25 years	35
15 to < 20 years	78
12 to < 15 years	58
10 to < 12 years	37
5 to < 10 years	85
1 to < 5 years	36
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.

There has been no released prisoner returned to custody during 2021. The trend in recent years can be seen in Appendix 5.

Delays

Of 111 cases reviewed during 2021, one case was dealt with ahead of schedule. Seven cases were dealt with within 3 months of their review date, ten cases were dealt with within 6 months of review date and the remaining 94 cases were reviewed more than 6 months after their review date. One case was delayed beyond 36 months. Details are in Table 4 below.

Table 4
Delays with reviews

	>6 months	>12months	>24 months	>36 months
1 st Reviews	2	29	6	1
2 nd Reviews	3	11	4	0
3 rd Reviews	1	11	1	0
4 th Reviews	4	4	1	0
5 th Reviews	3	0	0	0
6 th Reviews	1	3	1	0
7 th Reviews	0	2	0	0
8 th Reviews	1	0	0	0
9 th Reviews	0	1	3	0
10 th Reviews	0	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 3 and Appendices 4 and 5 were prepared by the Irish Prison Service⁴.

⁴ Figures correct at 15 June 2021

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.	
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

Total Caseload: 2016 to 2021

	2016	2017	2018	2019	2020	2021
Referred for review	64	66	63	71	75	0
Carried over	280	294	280	311	349	359
Total	344	360	343	382	424	359

Appendix 3

Recommendations to Minister for Justice: 2016 to 2021

	2016	2017	2018	2019	2020	2021
Accepted in full	89	102	92	69	68	70
Accepted in part	6	3	1	11	29	29
Not accepted	1	0	0	0	3	4
Total	96	105	93	80	100	103

Appendix 4


Average time life sentenced prisoners spent in custody: 2001 to 2021

	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
2021	4	18.75

Appendix 5

Number of life sentenced prisoners recalled: 2001 to 2021

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
2021	0



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