



# The Parole Board



Annual Report 2007

2007

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## Chairman's Foreword

The year 2007 was a year of considerable achievement by the Board in carrying out its functions and consolidating its position. Sadly it was also a year of tragedy for the Board and that tragedy was a personal tragedy for all its members.

I refer, of course, to the tragic and untimely death of Martin Tansey. Of all the members of the Board he was the most experienced, the most understanding and the most considerate on dealing with all of the problems that came before us. His knowledge of the subject was vast. His kindness to those of us who started on the Board with no knowledge of the subject whatever was immense. He was a man of stature and vision with an in-depth knowledge of the rehabilitation of prisoners and of young people. His advice and his sage counsel will be sorely missed. To his wife, Sheila, and to all his family each and every member of the Board send their deepest and most sincere expressions of sympathy.

The Secretary General of the Department of Justice, Equality & Law Reform summarised Martin's achievements in a very fine obituary published in the National Press. We endorse everything Sean Aylward said in that obituary. Martin Tansey deserved it all.

Isn't it sad that it takes an event like Martin's death to make people like myself realise how dependent I am on the wisdom and knowledge of the other Board members. Several of the Board members, who hold membership because of the high positions they have in dedicated organisations, make available to us their in-depth knowledge and they do this on a free and open basis.

When I became Chairman of the Parole Board my knowledge of the matters I was dealing with was virtually nil. I depended on Martin Tansey and one other to make good that deficit. They and all of the other members of the Board have done so since. Each and every member has pulled his or her weight to the full. It is strange when new members are appointed to the Board. There is always a little uncertainty about how they will turn out. All I can say is that all of the new members to the Parole Board have been incisive, considerate and helpful. The public, as I will say later, owes them a considerable debt of gratitude. I personally owe them an even greater debt and I appreciate more than they will ever know their efforts to make the running of the Board work smoothly.

It is very important that the public realise and appreciate the care that is given to each case which comes before the Parole Board prior to any decision being made by the Board and any recommendation being made to the Minister.

First of all, as appears in previous Reports, the Board is limited to dealing with prisoners serving a sentence of 8 years or more. When such a prisoner's sentence is being considered by the Board a certain train of events is set off. Reports are obtained from the Prison Service, from the Probation Service, from a Prison Review Committee and, where appropriate, from medical and other experts. The organisations who deal with the prisoner's family circumstances will advise the Board where a prisoner could reside in the event of he or she receiving temporary release. The impact a prisoner's release may have on a victim or victim's family are given the most careful consideration by the Board.

Where medical, psychological or psychiatric reports are considered necessary they are obtained. Sometimes obtaining relevant reports causes delays but happily, through the good efforts of the staff of the Board and the co-operation of the organisations involved, these delays are kept to a minimum.

The Board then causes a prisoner to be interviewed by two of its members and they interview the prisoner at considerable length. When conducting the interview their object is to put the prisoner at ease and get him or her to discuss the circumstances surrounding the crime for which he or she was sentenced. They try to ascertain, in as easy a manner as is possible, the prisoner's reaction to the crime, their abhorrence of it, their remorse for it and on this they can form an assessment of his or her intention to rehabilitate and become a normal member of society if and when released.

In coming to its decision as to what it will recommend to the Minister, the Board takes into consideration many issues. First and foremost there is the gravity of the crime and the circumstances under which it was perpetrated.

Then there is the prisoner's attitude to that crime. Is remorse shown? Is acknowledgement of wrongdoing shown or do circumstances exist that would satisfy the Board that the prisoner no longer represents a threat to the public if granted temporary release?

A further issue must be the abhorrence of the general public of the crime that was committed and the sufficient part of the prisoner's sentence which must be served in custody to allay this.

The Board therefore tries to apply a balance between the rehabilitation of the prisoner on the one hand and public abhorrence of serious crime on the other.

A prisoner who presents a real risk of re-offending will obviously not receive a sympathetic hearing from the Board. On the other hand a prisoner who has done everything he or she possibly can to rehabilitate him or herself will get a sympathetic hearing.

The Board's primary consideration is the safety of the general public, the message sent to the public by the Board's recommendations and what efforts the prisoner has made towards rehabilitation

In the year gone by we made 73 recommendations to the Minister. The recommendations were many and various but they were based on the public risk of the release of the prisoner on the one hand and the public disapproval of the prisoner's criminal offence on the other.

The Board puts great store on the interview which is carried out. The views of the members who carry out the interview are listened to by the other Board members with the greatest of consideration. Where it is determined that any other reports are necessary then the Board will put the case back until these are available. This has led to certain delays from time to time. The delays are not delays by the Board but the delays are caused by the Board ensuring that it has all the relevant information before it as it moves to its deliberations.

I have set these steps out to show that the consideration of each individual case by the Board is a painstaking one and each case is individually considered. The prisoner who does what he can to lead to his own rehabilitation will have that taken into account. The prisoner who does not is therefore at a disadvantage and will remain at that disadvantage.

Other jurisdictions have different systems. In the United Kingdom, on murder cases, the trial judge imposes a tariff. In Scotland the imposition of a sentence of life imprisonment contains what the trial judge calls the punitive side of the sentence. In each case when the tariff or the punitive side of the sentence has been completed the prisoner is entitled to be considered for temporary release or parole as it is more commonly known.

This presents very serious difficulties because prisoners react to the imposition of long sentences in different ways. Some do their best to rehabilitate, some do not. Our system provides a difference for those who do and those who don't. A tariff system does not provide that distinction. In general terms, therefore, it is difficult to say that the system that operates in this jurisdiction is in any way less effective than happens across the water. It is my experience that the cases in this jurisdiction are given far more care and attention than is the case elsewhere.

During the past year the Board has frequently had to address the issue of mental disorder in so far as it affects the prisoner's prospect of rehabilitation. Among the supports needed by prisoners, whether on temporary release or indeed on permanent discharge, is easy access to mental health services when this is clinically indicated. This applies equally to persons with mental illness and to those with an intellectual disability.

In the former case referral to the generic psychiatric services should be planned well in advance especially when regular medication is required. To be effective such referral requires close collaboration between the generic and forensic psychiatric services.

Where intellectually disabled offenders are concerned the situation is more difficult. The ordinary services for the intellectually disabled are reluctant to engage with offenders. A recent publication from the Irish College of Psychiatrists entitled "People with Learning Disability who Offend" has highlighted the complete absence of any structured service for this population.

It is clear that it is an appropriate time for urgent joint consultation between the Departments of Health and Children on the one hand and Justice, Equality and Law Reform on the other, so that these issues, to ensure that public safety is maintained and that those in need of care and treatment will have it readily available.

This highlights what we have ourselves emphasised in previous years. It is far more desirable that prisoners receiving temporary release remain under the supervision of the Probation Service, who do such excellent work in this regard. Prisoners who are released on remission are not subject to any such supervision.

We have a most effective Probation Service, who are doing everything they possibly can to improve year by year the service they are giving the public and yet the legal system does not require that they be asked to supervise prisoners who have been released on remission except for certified sex offenders and where ordered in appropriate cases by the Trial Judge. This is surely wrong.

When prisoners are serving a life sentence for murder this obviously has a major impact in the area where they live and a potentially disastrous impact on the family of the victim. Nonetheless where the Board feel that the convicted person has served a sufficiently long part of a sentence in custody and has shown sufficient desire to rehabilitate and has done all the courses necessary for this purpose they will show them consideration in their recommendations to the Minister. If this happens, then they should be left alone to get on with their rehabilitation.

Some of the events of the past year have caused The Board considerable disquiet. There was a well known case which had not come before the Board in which a high profile prisoner was released and the media reaction to his release was a grave cause of concern.

If persons who have served their sentence and are released back to the public are then going to be hounded by the press it is going to make the rehabilitation all the more difficult.



In one particular case, following a recommendation from this Board, a person who had been convicted of killing 3 soldiers in the Lebanon, was sent back to complete his sentence in the North of Ireland, his usual place of residence. This was not done until he had served 25 years imprisonment in this country. Nonetheless, our press - and unfortunately not just the tabloid press - proceeded to enquire from the relatives of the deceased persons their opinion as to what had been done. If this is going to happen in every case and particularly in high profile cases then the press are going to defeat the rehabilitation process and make it all the more difficult to encourage prisoners to get back into society.

In the case to which I have referred the prisoner was not even being released but was merely going back to complete his sentence in another jurisdiction. This is a worrying development and hopefully the new Press Council will prevent such happenings in the future.

In last year's Report we made mention of the implosion of the Victim Support movement. This was not caused by any absence of direction or of funding from the Government or any relevant Government Department. It was caused by internal problems of the movement itself.

The Minister for Justice, Equality & Law Reform at that time pledged himself to ensure that Victim Support would be enhanced. It is rewarding to see that the recommendations contained in last year's Report were followed up by the Minister and the evidence to date indicates that what he said when launching our Report is in fact coming into effect.

The Board has had some changes in personnel during the year but continues to work as effectively as ever under the able administration of Allan Grant. To Allan and his colleagues, who are the executive of the Board, we must express our sincere thanks and I speak for each and every colleague of mine on the Board when I say this. The public is well served by their efforts.

I would like to express my gratitude to the members of my Board for the in-depth study they make of each individual case and the time they give to the work of the Board. If the public get value from any Board it is surely from the Parole Board.

We will continue our work in this way and provide to the country the services that we are giving and we will do it with ever increasing confidence as the years since our formation go by.

Gordon Holmes  
May 2008  
Chairman

## INTRODUCTION

The Parole Board was established by the Minister for Justice, Equality and Law Reform to review the cases of prisoners with longer term sentences and to provide advice in relation to the administration of those sentences. The Board commenced its operations in 2001.

This is the sixth annual report of the Parole Board and it relates to the Board's activities during 2007. During the year the Board continued to make recommendations to the Minister for Justice, Equality and Law Reform in relation to the administration of individual sentences, including recommendations for temporary release.

When formulating its recommendations the Board is primarily concerned with the risk to members of the community which the release of a life sentence prisoner or the early release of a determinate sentence prisoner would pose. The main factors taken into account in each individual case are:

- nature and gravity of the offence;
- sentence being served and any recommendations made by the Judge;
- period of the sentence served at the time of the review;
- previous convictions and history of offending behaviour;
- threat to safety of members of the community from release;
- risk of further offences being committed while on temporary release;
- risk of the prisoner failing to return to custody from any period of temporary release;
- conduct while in custody;
- extent of engagement with the therapeutic services, and
- likelihood of period of temporary release enhancing reintegration prospects.

The total caseload for 2007, i.e. cases at various stages in the review process, was 227. The cases of 74 prisoners were referred to the Board during the year. This is an increase over the number of cases referred to the Board in 2006. The number of cases in which a second or subsequent review was scheduled was similar to 2006 at 44. Second or subsequent reviews generally take place on an annual basis in the case of prisoners serving less than 10 years and within 3 years in other cases. Forty prisoners accepted an invitation to participate in the review process during 2007. In addition, 33 others had not been invited or had not responded to an invitation by the end of the year, due to time constraints.



During 2007 the Board made recommendations to the Minister for Justice, Equality and Law Reform in 73 cases. This was the same as in the previous year. In addition to dealing with new referrals, 108 cases, at various stages of the review process, were carried over from 2006. This was a slight increase year on year.

Staff of the Board continued to make presentations to and meet with groups of prisoners with a view to supporting the work of the Probation and Psychology Services and in an effort to provide factual information about the Board's review process, directly to the prisoners involved. These opportunities are valuable also in that they provide feedback to the Board about the way in which it conducts its reviews.

The Parole Board could not fulfil its function without a high level of co-operation from the Prison Service, the Probation Service, the Prison Psychology Service and the Department of Justice, Equality and Law Reform. In addition the Board is assisted in individual cases by other agencies and by Prison Chaplains.

## MEMBERSHIP OF THE BOARD

Dr. Gordon Holmes	Chairperson
Ms. Serena Bennett, Bl.	Community Representative
Ms. Mary Burke	Department of Justice, Equality and Law Reform
Mr. Willie Connolly	Irish Prison Service (from August 2007)
Mr. Pat Crummey	Community Representative (from April 2007)
Mr. Michael Donnellan	Probation Service
Mr. Paul Mackay	Community Representative (from June 2007)
Mr. Frank McCarthy	Community Representative
Dr. Michael Mulcahy	Consultant Psychiatrist
Mr. Christopher Nolan	Community Representative
Mr. Eamon Nolan	Community Representative (from December 2007)
Mr. Tim O'Donoghue	Community Representative
Mr. Brian Purcell	Irish Prison Service (to July 2007)
Mr. Martin Tansey	Community Representative (to March 2007)

## ALTERNATE BOARD MEMBERS

Mr. Derek Brennan	Irish Prison Service (from August 2007)
Mr. Gerry McNally	Probation Service

## STAFF OF THE SECRETARIAT

Mr. Allan Grant	Assistant Principal Officer
Ms. Alice Treacy	Higher Executive Officer
Ms. Fran Murphy	Higher Executive Officer
Mr. Colin Donovan	Clerical Officer
Ms Elaine Dodd	Clerical Officer
Ms Sarah Howard	Clerical Officer

*Note:* Ms Treacy and Mr Donovan were transferred to other duties during the year.

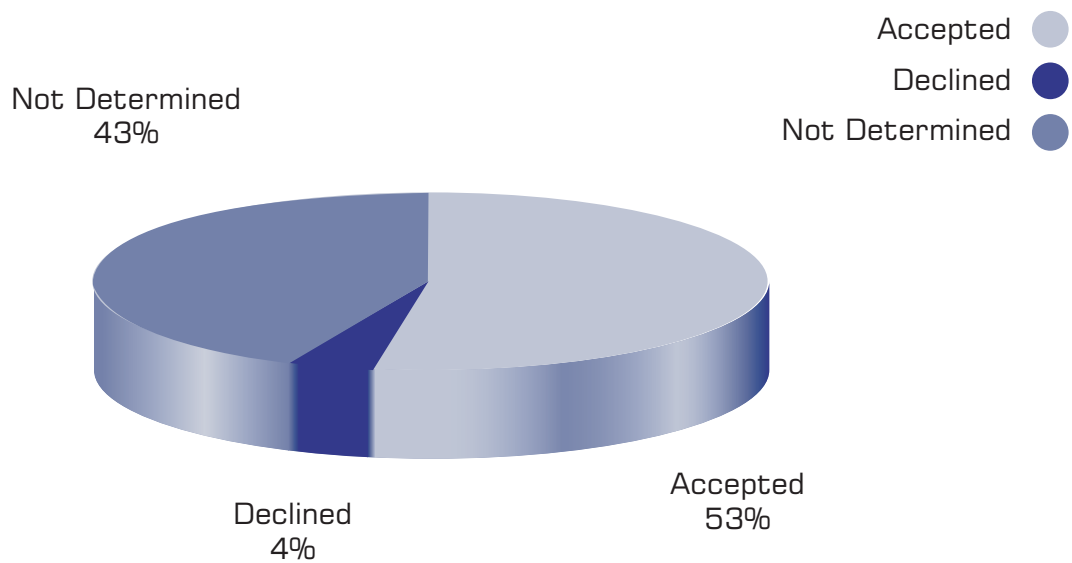
# Appendices

## Appendix A(i)

Cases Referred to the Board - 2007		
	Number of Cases	%
Cases referred to the Board for review <sup>(1)</sup>	74	100
Referrals carried over from 2006	2	
Cases in which an invitation to participate in the review process were accepted <sup>(2)</sup>	40	52.63
Cases in which an invitation to participate in the review process were declined	3	3.95
Cases in which an invitation to participate in the review process was not determined <sup>(3)</sup>	33	43.42

Notes: (1) Including 2 cases which were re-referred to the Board for review.  
 (2) In addition 1 prisoner who had previously declined an invitation and 5 prisoners who had withdrawn from the review process decided to participate bringing the total of 'new' cases to 46.  
 (3) 'not determined' refers to cases in which a invitation to participate in the review process was not made or responded to by the end of the year.

Fig. A(i) Cases Referred 2007

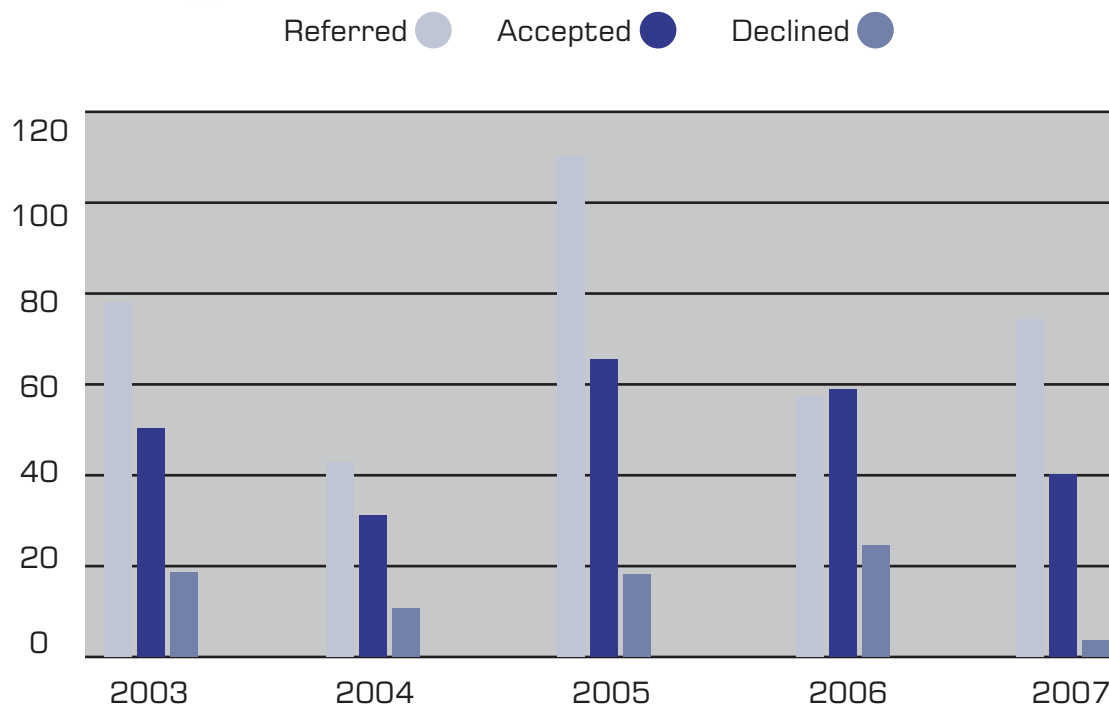


## Appendix A(ii)

Cases Referred - Yearly Comparison					
	2003	2004	2005	2006	2007
Cases Referred to the Board for Review	72	43	109	58	74
Invitations to participate in the review process accepted	53	33 <sup>(1)</sup>	65 <sup>(1)</sup>	59 <sup>(1)</sup>	40 <sup>(2)</sup>
Invitations to participate in the review process declined	19	10	19	22	3
Cases in which an invitation to participate in the review process was not determined <sup>(3)</sup>	0	0	25	2	33

Notes: (1) In addition, one prisoner who declined an invitation in a previous year accepted the invitation.  
 (2) In addition 1 prisoner who had previously declined an invitation and 5 prisoners who had withdrawn from the review process decided to participate bringing the total of 'new' cases to 46.  
 (3) 'not determined' refers to cases in which a invitation to participate in the review process was not made or responded to by the end of the year.

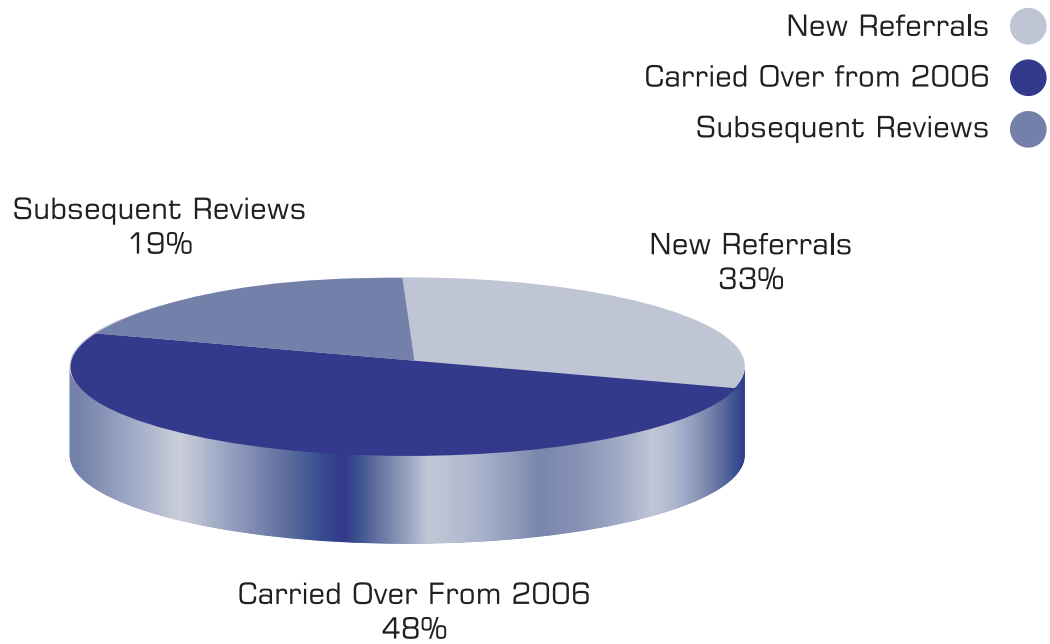
Fig A(ii) Cases Referred - Yearly Comparison



## Appendix B(i)

2007 Caseload		
	Number of Cases	%
Cases referred to the Board for Review	74	32.74
Cases carried over from 2006	108	47.79
Cases for second or subsequent review	44	19.47
<b>Total Caseload</b>	<b>226</b>	<b>100</b>

Fig B(i) 2007 Caseload



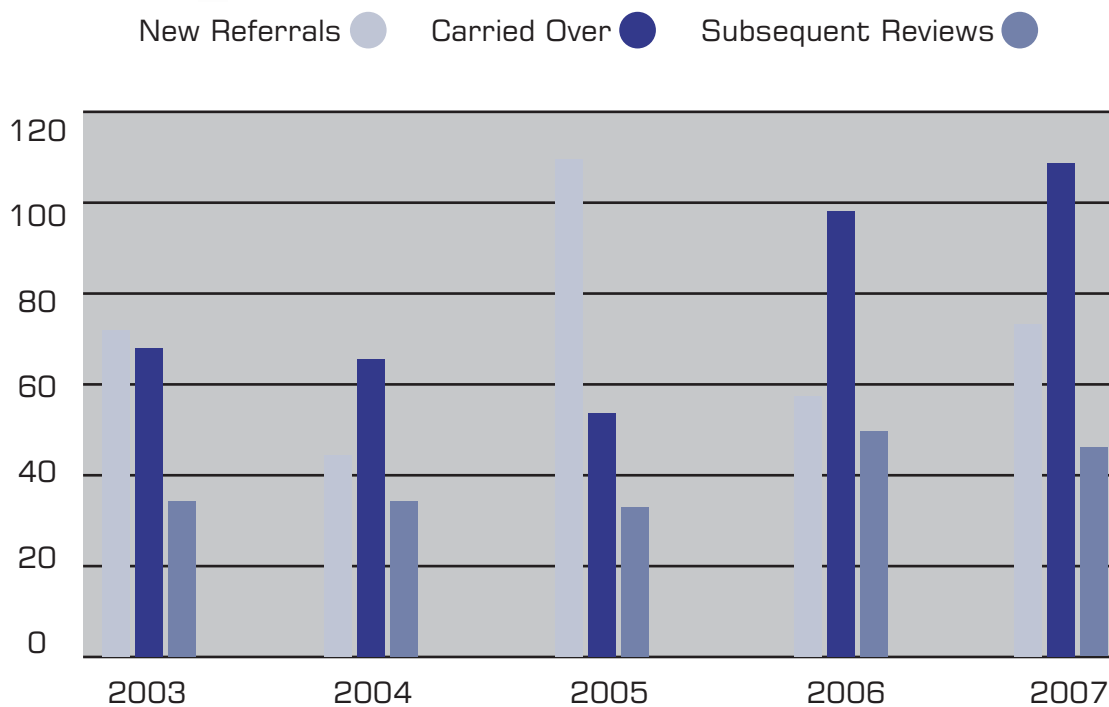


## Appendix B(ii)

Total Caseload - Yearly Comparison					
	2003	2004	2005	2006	2007
Cases referred to the Board for Review	72	43	109	58	74
Cases carried over	67	64 <sup>(1)</sup>	54 <sup>(1)</sup>	97 <sup>(1)</sup>	108
Cases for second or subsequent review	35	35	34	47	44
<b>Total Caseload</b>	<b>174</b>	<b>142</b>	<b>197</b>	<b>202</b>	<b>226</b>

Note: <sup>(1)</sup> Includes 1 prisoner who, having previously declined an invitation to participate in the review process, accepted the invitation during the year.

Fig B(ii) Total Caseload - Yearly Comparison

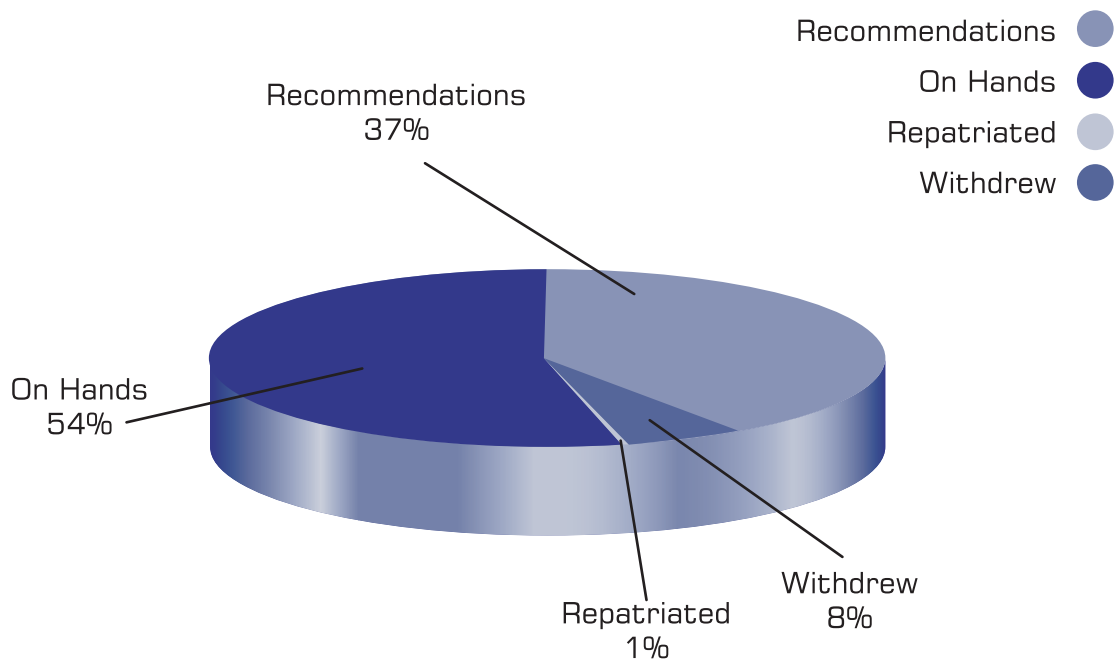


## Appendix C(i)

Case Review Progress - 2007		
	Number of Cases	%
Cases on hands at beginning of year	108	100
Cases for second or subsequent review	44	
Cases in which an invitation to participate was accepted in 2007 <sup>(1)</sup>	46	
Cases in which a recommendation to the Minister was made	73	36.87
Cases where the prisoner withdrew from the review process	15	7.58
Cases transferred under the Transfer of Sentenced Persons Acts, 1995 and 1997	2	1.01
Cases on hands - i.e. at various stages of the review process and to be carried over to 2008	108	54.54

Note: (1) Includes 1 prisoner who had previously declined an invitation and 5 prisoners who had withdrawn from the review process but re-entered it during the year.

Fig C(i) Status of Cases at 31/12/2007

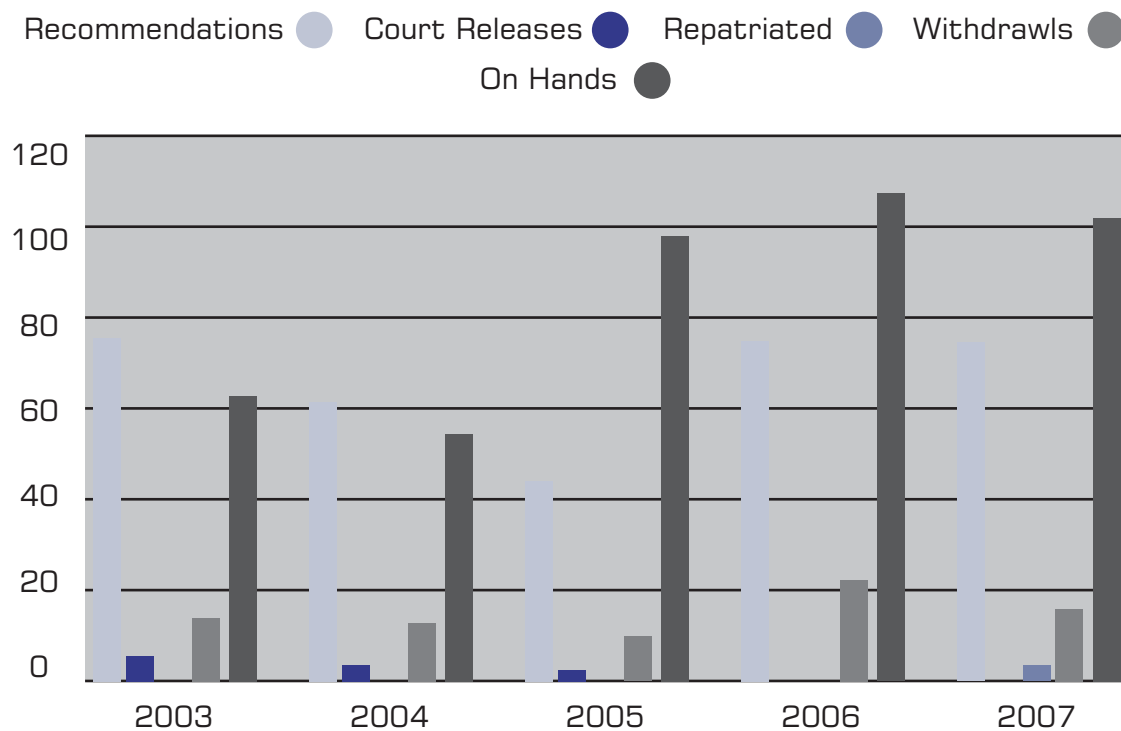


## Appendix C(ii)

Case Review Progress Comparison										
Cases	2003		2004		2005		2006		2007	
	No.	%	No.	%	No.	%	No.	%	No.	%
On hand at beginning of year	67		63		54		97		108	
Second or subsequent review	35	100	35	100	34	100	47	100	44	100
Invitation to participate accepted	55		34		66		60		46 <sup>(1)</sup>	
Recommendation made to the Minister	74	47.13	61	46.21	46	29.87	73	35.78	73	36.87
Released by Courts during review	6	3.82	4	3.03	1	0.65	0	0.00	0	0.00
Transfer of Sentenced Persons Acts, 1995 and 1997	0	0.00	0	0.00	0	0.00	0	0.00	2	1.01
Withdrawn from the review process	14	8.92	13	9.85	10	6.49	23	11.28	15	7.58
On hands - i.e. at various stages of the review process and to be carried over	63	40.13	54	40.91	97	62.99	108	52.94	108	54.54

Note: (1) Includes 1 prisoner who had previously declined an invitation and 5 prisoners who had withdrawn from the review process but re-entered it during the year.

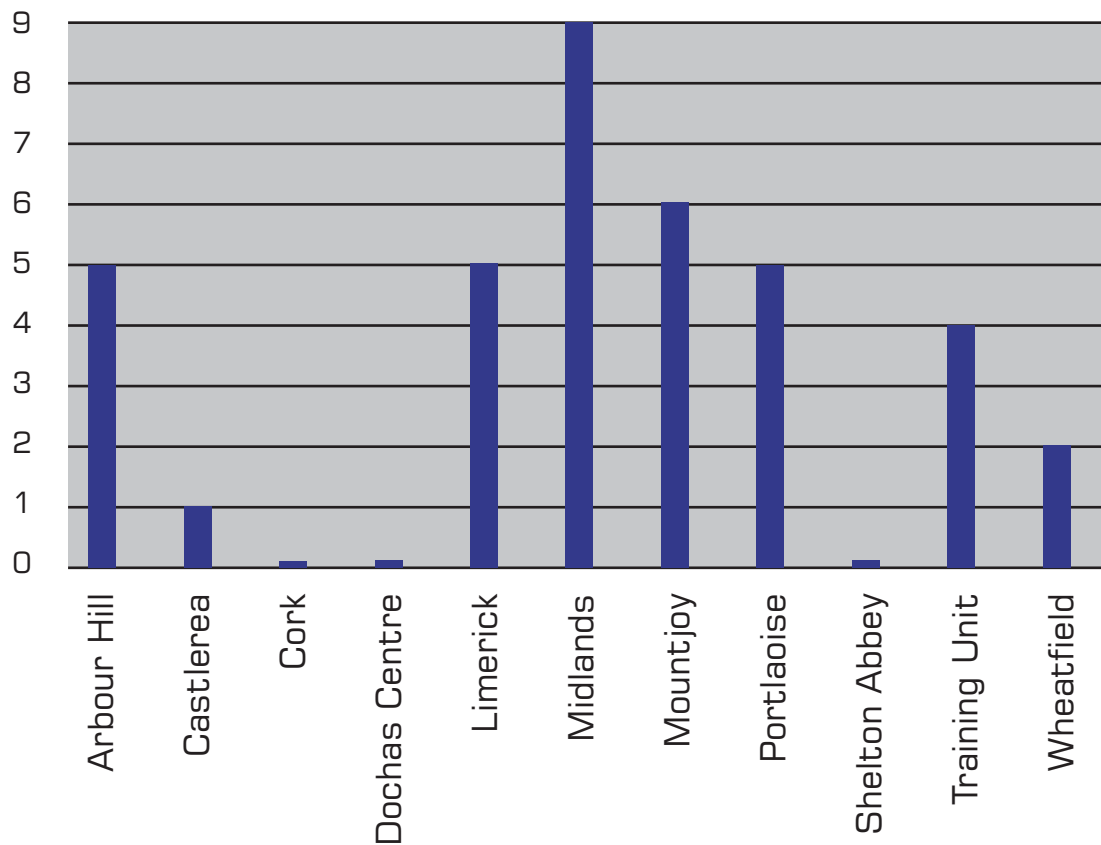
Fig C(ii) Case Review Progress Comparison



## Appendix D(i)

Prisoner Interviews 2007		
Institution	No. of Prisoners	%
Arbour Hill Prison	5	13.51
Castlerea Prison	1	2.70
Cork Prison	0	0.00
Dochas Centre	0	0.00
Limerick Prison	5	13.51
Midlands Prison	9	24.33
Mountjoy Prison	6	16.22
Portlaoise Prison	5	13.51
Shelton Abbey	0	0.00
The Training Unit	4	10.81
Wheatfield Prison	2	5.41
<b>Total</b>	<b>37</b>	<b>99.99</b>

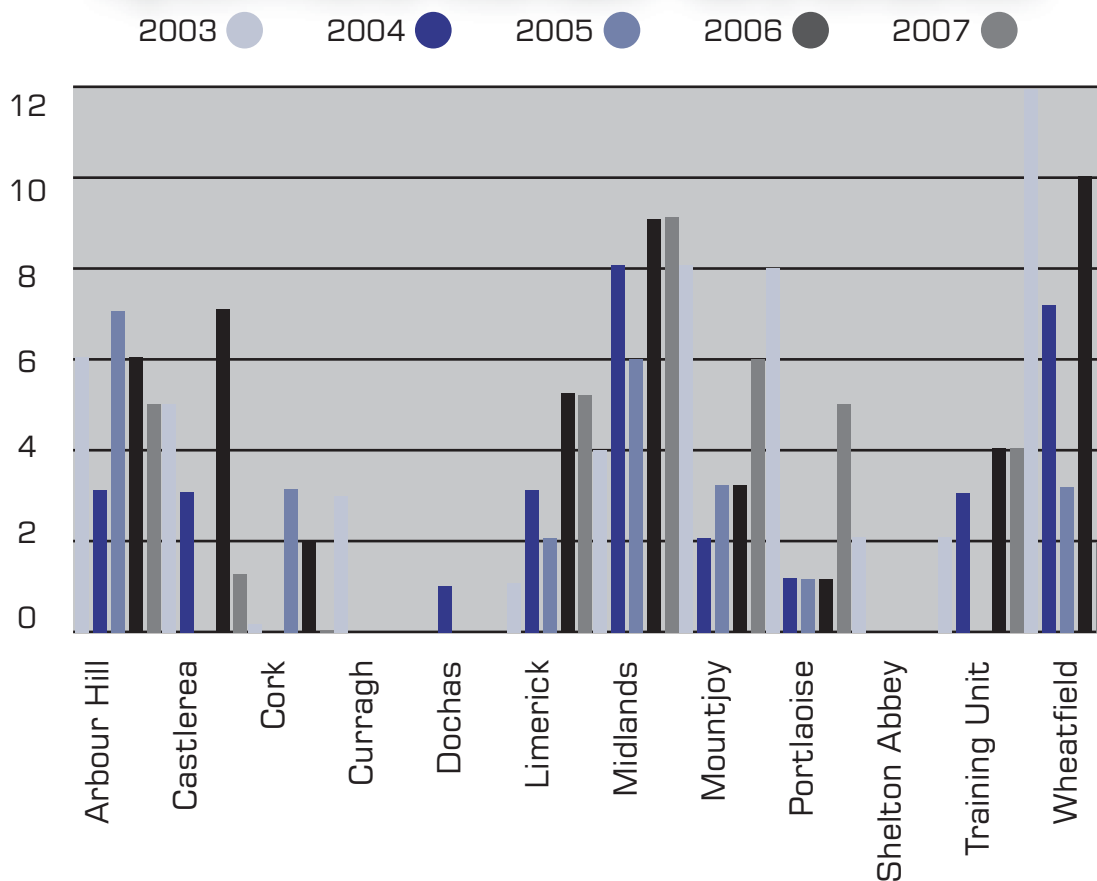
Fig D(i) - Prisoner Interviews 2007



## Appendix D(ii)

Prisoner Interviews - Yearly Comparison					
	Number of Prisoners				
	2003	2004	2005	2006	2007
Arbour Hill Prison	6	3	7	6	5
Castlerea Prison	5	3	0	7	1
Cork Prison	0	0	3	2	0
Curragh Place of Detention	3	0	0	0	0
Dochas Centre	0	1	0	0	0
Limerick Prison	1	3	2	5	5
Midlands Prison	4	8	6	9	9
Mountjoy Prison	8	2	3	3	6
Portlaoise Prison	8	1	1	1	5
Shelton Abbey	2	0	0	0	0
The Training Unit	2	3	0	4	4
Wheatfield Prison	12	7	3	10	2
<b>Total</b>	<b>51</b>	<b>31</b>	<b>25</b>	<b>47</b>	<b>37</b>

Fig D(ii) Prisoner Interviews - Yearly Comparison

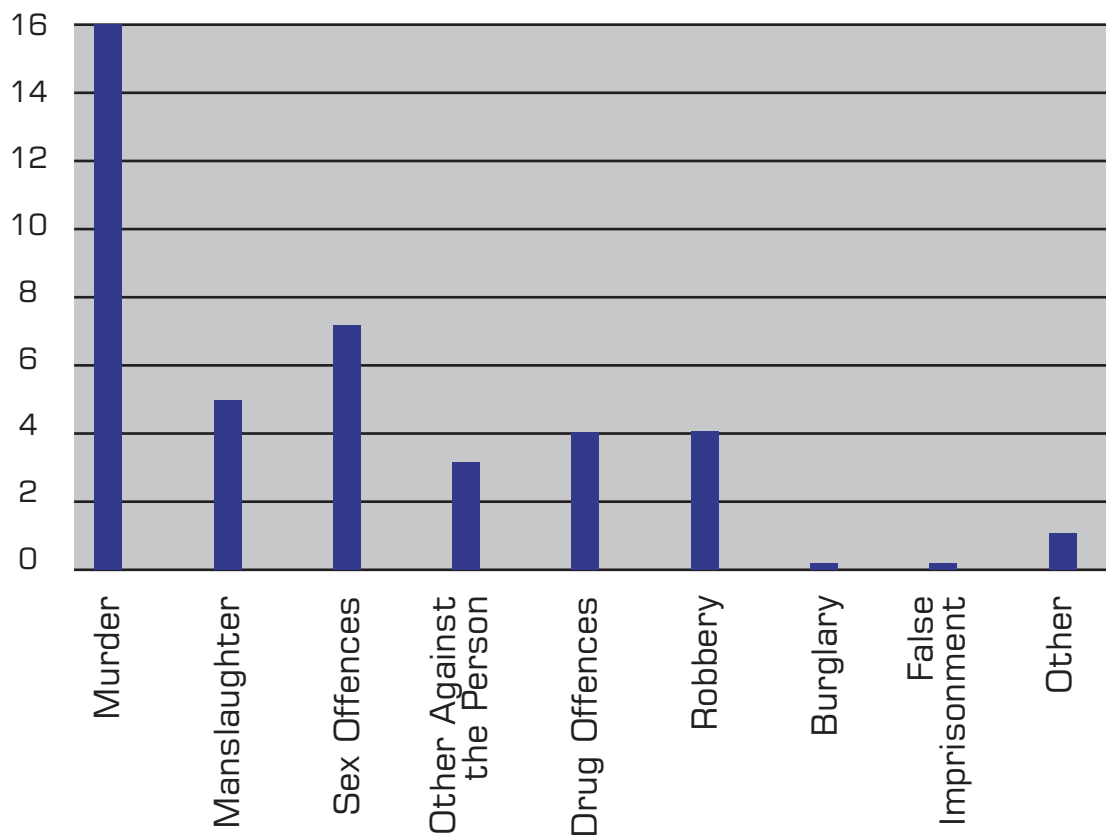


## Appendix E(i)

Offence Analysis of Cases in which an Invitation to Participate was accepted in 2007		
Offence <sup>(1)</sup>	No of Prisoners	%
Murder	16	40.00
Manslaughter	5	12.50
Sex Offences	7	17.50
Other Offences Against the Person	3	7.50
Drug Offences	4	10.00
Robbery/Larceny	4	10.00
Burglary/Aggravated Burglary	0	0.00
False Imprisonment	0	0.00
Other Offences	1	2.50
<b>Total</b>	<b>40</b>	<b>100</b>

Note: (1) Where the prisoner was convicted of more than one offence, the offence indicated is that for which the longest sentence was imposed

Fig E(i) Offence Analysis 2007



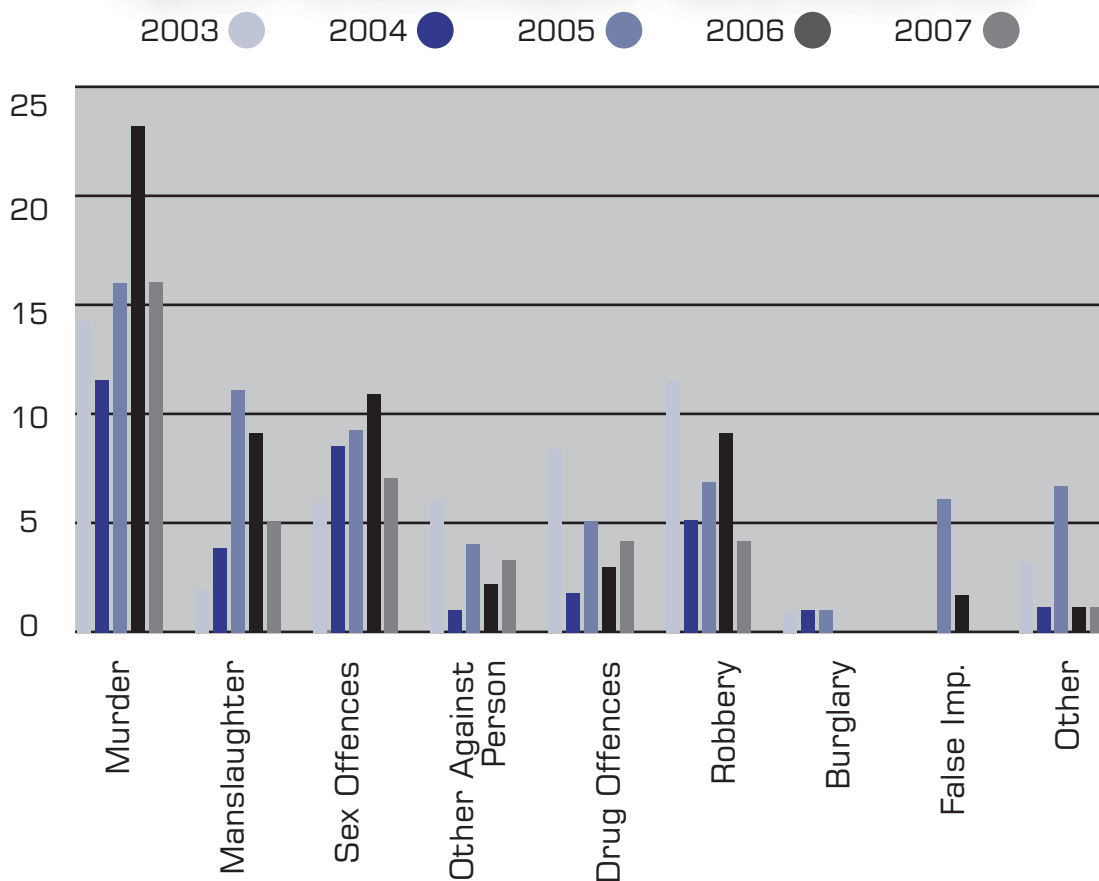


## Appendix E(ii)

Offence Analysis of Cases - Yearly Comparison					
Offence(1)	Number of Prisoners				
	2003	2004	2005	2006	2007
Murder	14	12	16	23	16
Manslaughter	2	4	11	9	5
Sex Offences	6	8	9	11	7
Other Against the Person	6	1	4	2	3
Drug Offences	8	2	5	3	4
Robbery/larceny	12	5	7	9	4
Burglary/Aggravated Burglary	1	1	1	0	0
False Imprisonment	0	0	6	2	0
Other Offences	3	1	7	1	1
<b>Total</b>	<b>52</b>	<b>34</b>	<b>66</b>	<b>60</b>	<b>40</b>

Note: (1) Where the prisoner was convicted of more than one offence, the offence indicated is that for which the longest sentence was imposed

Fig E(ii) - Offence Analysis - Yearly Comparison

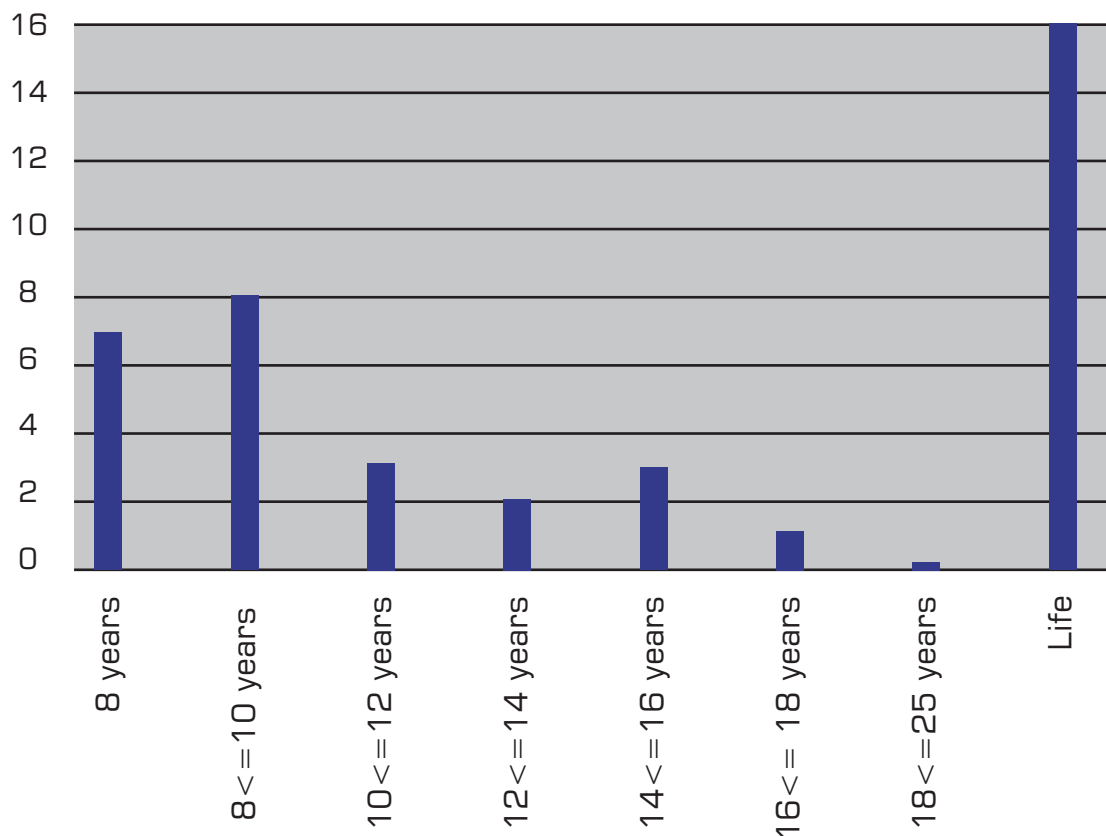


## Appendix F(i)

Sentence Length Analysis of Cases in which an invitation to participate was accepted in 2007		
Sentence Length	No of Prisoners	%
8 years	7	17.50
8 <= 10 years	8	20.00
10 <= 12 years	3	7.50
12 <= 14 years	2	5.00
14 <= 16 years	3	7.50
16 <= 18 years	1	2.50
18 <= 25 years	0	0.00
Life	16	40.00
<b>Total</b>	<b>40</b>	<b>100</b>

Note: (1) Where the prisoner received more than one sentence, the sentence indicated is the longest sentence imposed or, where applicable, the aggregate of (consecutive or overlapping) sentences

Fig F(i) - Sentence Length Analysis 2007

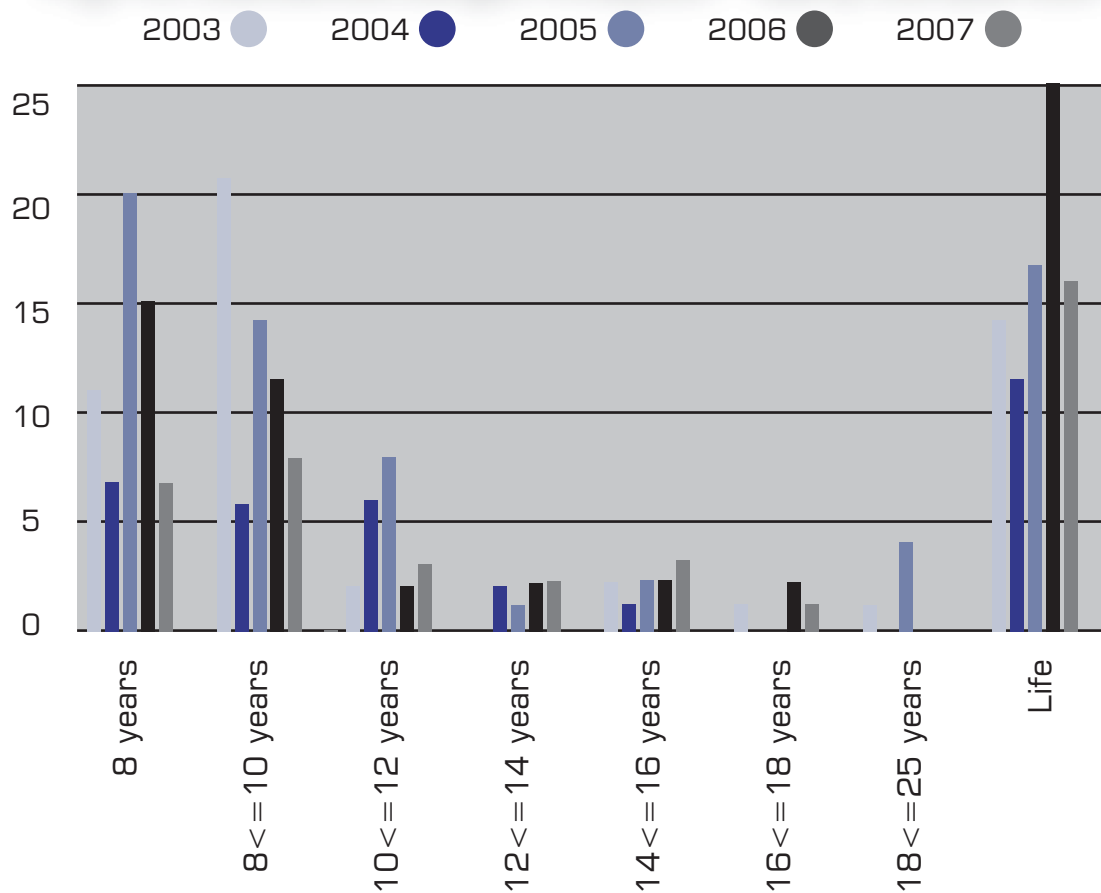


## Appendix F(ii)

Sentence Length Analysis - Yearly Comparison					
Sentence Length(1)	Number of Prisoners				
	2003	2004	2005	2006	2007
8 years	11	7	20	15	7
8 <= 10 years	21	6	14	12	8
10 <= 12 years	2	6	8	2	3
12 <= 14 years	0	2	1	2	2
14 <= 16 years	2	1	2	2	3
16 <= 18 years	1	0	0	2	1
18 <= 25 years	1	0	4	0	0
Life	14	12	17	25	16
<b>Total</b>	<b>52</b>	<b>34</b>	<b>66</b>	<b>60</b>	<b>40</b>

Note: (1) Where the prisoner received more than one sentence, the sentence indicated is the longest sentence imposed or, where applicable, the aggregate of (consecutive or overlapping) sentences.

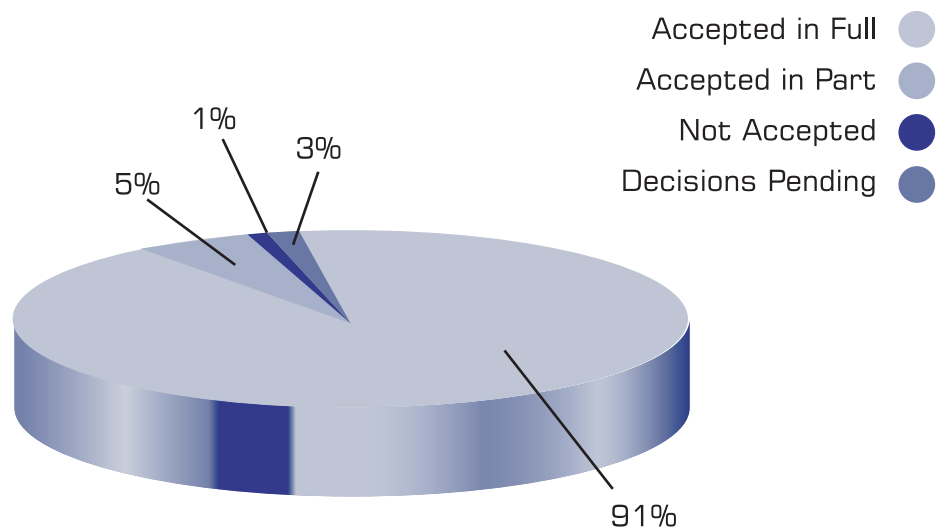
Fig F(ii) Sentence Length Analysis - Yearly Comparison



## Appendix G(i)

2007 Recommendations made to the Minister for Justice, Equality and Law Reform		
	Number	%
Recommendations accepted in full	66	90.41
Recommendations accepted in part	4	5.48
Recommendations not accepted	1	1.37
Ministerial decisions pending	2	2.74
Recommendations made	73	100

Fig G(i) Recommendations Made - 2007

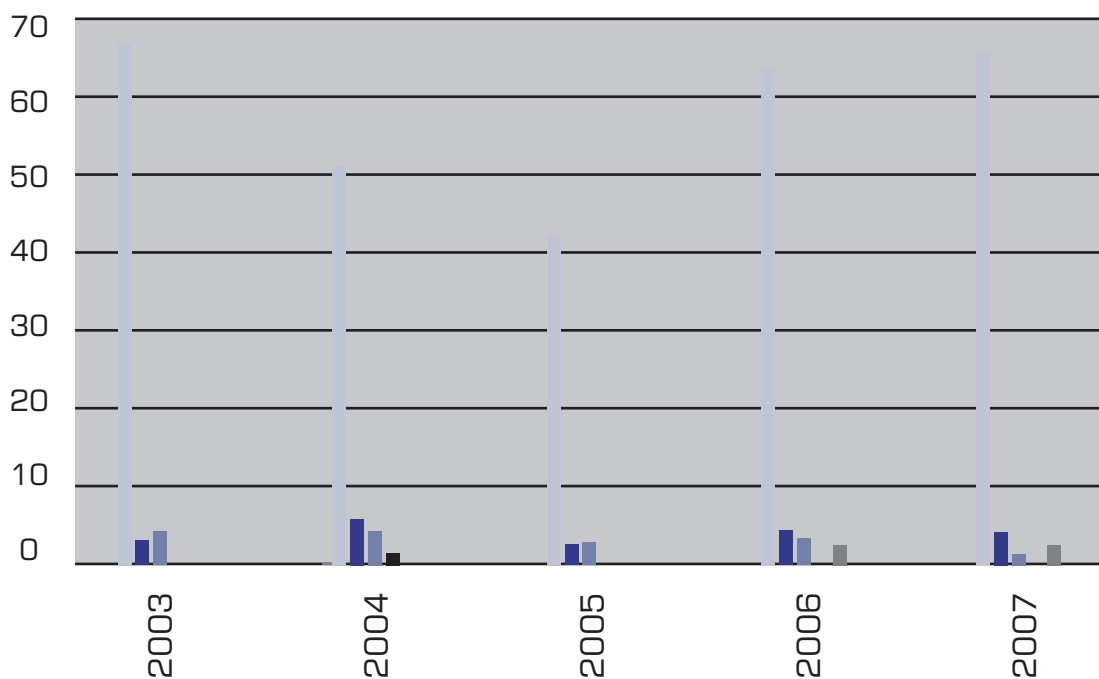


## Appendix G(ii)

Recommendations Made to the Minister for Justice, Equality and Law Reform Yearly Comparison					
	Number of Cases				
	2003	2004	2005	2006	2007
Recommendations accepted in full	67	51	42	64	66
Recommendations accepted in part	3	5	2	4	4
Recommendations not accepted	4	4	2	3	1
Cases referred back to the Board for further consideration	0	1	0	0	0
Ministerial decisions pending	0	0	0	2	2
<b>Total Recommendations made</b>	<b>74</b>	<b>61</b>	<b>46</b>	<b>73</b>	<b>73</b>

Fig G(ii) Recommendations Made - Yearly Comparison

Accepted in Full ● Accepted in Part ● Not Accepted ● Re-Referred ●  
Decisions Pending ●



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