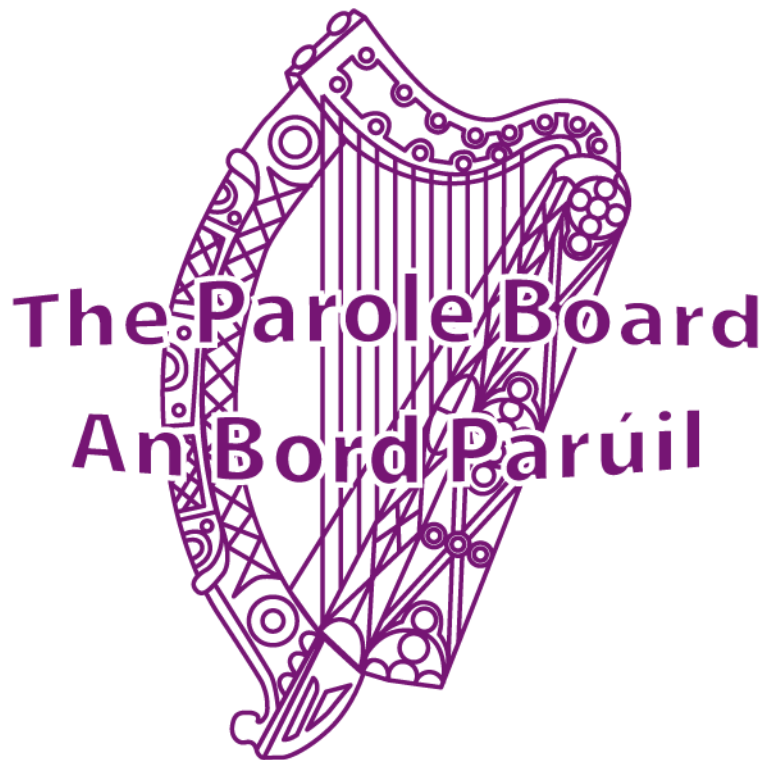


# THE PAROLE BOARD ANNUAL REPORT 2014

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## Chairman's Foreword

### **Introduction:**

Having served as Chairman of the Parole Board for over four years, I am pleased that we have made improvements in the parole procedures as set out below. I am also conscious that new legislation regarding the Parole Board is likely to be published in the next couple of years or so and I would welcome the opportunity for the Parole Board to make submissions in relation to this new legislation.

### ***Summary of Activities in 2014***

I wish to highlight the following progress and improvements made in the work of the Parole Board in 2014:

1. The vast majority of offenders now have their parole review, on time, or within six months of their eligibility date.
2. As a result of our submissions to the Irish Prison Service made previously, Parole Liaison Officers (PLO's) have now been appointed in all prisons. They liaise between the prisoners and the Parole Board and help improve efficiency and to resolve any issues arising.
3. We held a training day for Board Members in November last year. During the day, Gareth Noble, Solicitor, spoke on his experience of the criminal justice system. Michael Donnellan, Director General of the Irish Prison Service, highlighted community based alternatives to prison. He also recommended that ideally life sentence prisoners should be sent to open prisons when they are ready and that the number of years a prisoner has served should not be the sole determining factor. Anne Fenton, Parole Commissioner in Northern Ireland, spoke about parole in Northern Ireland. Serena Bennett, Barrister, spoke on the European Victim's Directive. The Board is indebted to all these speakers.
4. The Board updated its prisoner information booklet.
5. We visited 4 prisons in 2014. These visits are a useful way of incentivising prisoners to participate in therapeutic and rehabilitation programmes, where possible, from the time they first arrive in prison. We also discussed the parole process with the prisoners and answered any queries they had.

### ***The Strategic Review of Penal Policy Report***

This review was published in September 2014. Following recommendations in the report, Minister Frances Fitzgerald, T.D., announced that the government intend to place the Parole Board on a statutory basis and to explore the issue of a victim's representative on the Board. The review group also recommended appropriate provision for legal representation for prisoners in the parole process. I support all these comments.

### *Life Sentence Prisoners*

Most of our reviews involve prisoners sentenced to life in prison. The first review is required after seven years. Quite often it appears that many life sentence prisoners have done little or no therapeutic work prior to their first review. In addition, many life sentence prisoners have serious psychological/mental health issues. At a minimum, I would suggest that in a lifer's first year of imprisonment an appropriate doctor, nurse or psychologist assesses their psychological needs, if any, which an individual prisoner may require. In the long run, this might reduce the impact of mental health issues for an individual and can assist in the rehabilitation of the offender.

Life sentence prisoners generally spend an average of 17 or 18 years in prison before they receive parole. Before the Board can recommend such offenders for parole, it is essential that they have completed all the recommended therapeutic and rehabilitation programmes. In addition, the Psychology/Probation Service and if possible, the Prison Review Committee, should advise that such an offender is a low risk of re-offending. The Parole Board can never recommend parole if there is a fair chance an individual may re-offend, as the protection of society is a vital role of the Parole Board. However, there are about 70 former life sentence prisoners who are living full time and crime free back in the community. These individuals are proof that the parole system can operate very successfully.

### *Prisoners with Special Disabilities*

From our work, it is clear that there are quite a number of individual prisoners who arrive in prison mentally unwell or become unwell after imprisonment. One group of prisoners in this category, are individuals with an intellectual disability or special needs. There were at least two such individuals who would have been recommended for parole whom we reviewed last year. However, it was not possible to do so, because these individuals required extra community supports which are not available at present. Some solution should be found for these offenders in the future.

In addition, there is a larger group of older prisoners, some of whom have multiple physical ailments, who require specialist support in the community if granted parole, which is not there at present.

### *Psychiatric Reports*

On occasion, the Board requires reports on prisoners from an independent Psychiatrist. From these reports, it is clear that there is often great difficulty in obtaining all the psychiatric records of the prisoners, especially from the Central Mental Hospital. This issue has been continuing for many years and a solution to this problem is urgently required.

### *Rehabilitation and Re-integration of Offenders*

The contrast between recidivism rates of prisoners serving sentences under probation/community supervision (41% within three years) and those who are released without such supports (62% within three years), indicates that the additional supports available in the community assist an offender in addressing his or her offending behaviour. Accordingly, I enthusiastically support recommendation 26 of the Strategic Review of Penal Policy Report which states "The review group recommends that all offenders must have the opportunity to avail of any necessary services or programmes to aid their rehabilitation and reintegration. A renewed focus on how best to approach the rehabilitation and reintegration of offenders is required. In particular, the importance of providing appropriate social services such as accommodation, education and training and addiction treatment or counselling must be acknowledged. In this regard, the Review Group recommends an increased focus on the provision of suitable accommodation, including step-down facilities to ease the reintegration of offenders."

Post supervision and support are essential if individuals are not to resume criminal activity upon their return to the community and are also essential when an offender is granted parole.

### *Victims and their Families*

I welcome the publication of the General Scheme of the Criminal Justice (Victims of Crime) Bill, 2015. I also welcome the provision that the victim and his or her family may be kept informed of Parole Board hearings and related decisions, where requested.

Quite often the Board receive letters from victims and/or their families before we review a specific prisoner. On many occasions these letters reveal all the pain and suffering caused to victims. If the case involves a murder, many family members are still experiencing severe trauma and mental health problems many years after the death of their loved one. These letters are seriously considered by the Board Members before reaching a decision.

### *Conclusion*

The work of the Parole Board could not be undertaken without the substantial assistance provided by the Irish Prison Service, Governors of Prisons, Medical Personnel, Psychologists, Probation Officers, the Gardaí, Prison Review Committees, Prison Chaplains as well as other Government Departments, Agencies and Service Providers, including a range of Community and Voluntary Organisations. I want to formally recognise and convey my sincere thanks to all the service providers for the enormous assistance they give to the Board.

Finally, I want to thank my fellow Board Members for their hard work and participation as members of the Parole Board. I also want to thank the members of the Secretariat for their huge contribution during the year, which has brought substantial improvements in our procedures. I believe the work of the Parole Board is a valuable role which is of benefit to both the prison community and the public at large.

John Costello

**Chairman of the Parole Board**

24 November, 2015

## Introduction

The Parole Board was established by the Minister for Justice, Equality and Law Reform to review the cases of prisoners with long term sentences and to provide advice in relation to the administration of those sentences. The Board commenced its operations in 2001. This is the thirteenth Annual Report of the Parole Board and it relates to the Board's activities in 2014.

As a general principle, it is only the cases of prisoners who are serving sentences of eight years or more that are reviewed by the Parole Board and these must first be referred to the Board by the Minister for Justice and Equality. In the normal course, the Board will review cases of prisoners sentenced to 8 years imprisonment or more, but less than 14 years, once half of that sentence has been served. In cases of prisoners sentenced to 14 years or more or to a life sentence, the Board will review the case after 7 years have been served.

### *2014 in Review*

The cases of 73 prisoners were referred to the Board for review during 2014 and all were invited to participate in the process. 36 prisoners accepted the invitation while 8 declined and 29 invitations to participate were not responded to. The total caseload for 2014 was 339 – i.e. a combination of new cases and cases at second or subsequent review stage. Significant progress was achieved during the year in bringing older cases to a conclusion. Second or subsequent reviews generally take place on an annual basis in the case of prisoners serving less than 10 years and normally within two to three years in other cases. However, fourth, fifth and subsequent reviews may take place on an annual basis in appropriate cases.

During 2014, the Parole Board convened on 11 occasions and reviewed 91 cases. Recommendations were sent to the Minister for Justice and Equality in 86 of the cases reviewed. The recommendations in 82 cases were accepted in full by the Minister. Four cases were accepted conditionally or in part by the Minister. At the end of the year there were no decisions pending. The Board deferred its Recommendation in two cases pending further information. Two cases were reviewed twice in 2014 and one other case was Judicially Reviewed which precluded the Board from issuing a recommendation to the Minister. All prisoners whose cases

are being reviewed for the first time are interviewed by two Members of the Board. An interview is not always necessary for prisoners whose cases are being considered for a second or subsequent review but the Board will sometimes consider an interview to be in the prisoner's interests. During 2014, 35 prisoners whose cases were being reviewed by the Board for the first time were interviewed by Members of the Board. A further 42 were interviewed as part of a second or subsequent review of their case.

In order to raise awareness about the Parole Board process, the Chairman and Members of the Board made presentations to prisoners in four prisons. The purpose of the presentations was to assist the prisoners in their understanding of the Parole Board process. At the end of the presentations the prisoners were invited to give feedback on their perceptions of the Parole Board process and were encouraged to participate in a Questions and Answers session. The Board welcomed the engagement and constructive feedback provided to them by the prisoners during the presentations. During 2015, it is the intention of the Board to continue with its programme of presentations to prisoners throughout the remaining prisons across the country. The Board proposes to make these presentations on an ongoing basis which will take place every two years.

The Parole Board would like to acknowledge that it would not be able to fulfill its function without the high level of cooperation from the Irish Prison Service, the Probation Service, the Prison Psychology Service and the Department of Justice and Equality. In addition the Board is assisted in individual cases by other agencies and by Prison Chaplains. The Board greatly appreciates the assistance of all these services.

### ***Financial Information***

The Parole Board was allocated a budget of €335,000 for 2014 with actual expenditure of €340,000 in the year. Pay accounted for approximately 71% of the Board's expenditure. The other most significant area of expenditure was Board Members fees which accounted for 26% of the overall budget.



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 fee of €149.75 per prison visit for conducting prisoner interviews. Fees are not paid to ex-officio members. Travel and subsistence payments are made in accordance with Civil Service Guidelines.

## **Membership of the Parole Board**

Mr John Costello	Chairman - Solicitor
Mr Willie Connolly	Retired, Irish Prison Service (IPS)
Ms Ciairín de Buis	Director, Start Strong
Mr Mick Duff	Coordinator of the St. Aengus Drug Treatment and Rehabilitation Project
Mr Vivian Geiran	Director, Probation Service
Mr Ray Kavanagh	Retired National School Teacher
Mr Gerry McDonagh	Department of Justice and Equality
Mr Shane McCarthy	Solicitor
Ms Nora McGarry	Psychotherapist / Counsellor
Dr Michael Mulcahy	Consultant Psychiatrist
Mr Brian Murphy	Director of Operations, IPS (up to September 2014)
Mr Eddie Rock	Retired Assistant Commissioner, An Garda Síochána

## **Alternative Members**

Mr Brian Dack	Probation Service
Mr Martin Smyth	Irish Prison Service

<b>Appendix A (i)</b>		
<b>Cases Referred to the Board - 2014</b>		
	<b>Number of Cases</b>	<b>%</b>
Cases Referred to the Board for Review	73	100
Invitation to Participate Accepted	36	49.32
Invitation to Participate Declined	8	10.96
Invitation to Participate not responded to	29	39.73

<b>Appendix A (ii)</b>					
<b>Cases Referred - Yearly Comparison</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Cases Referred to the Board for Review	66	65	66	68	73
Invitation to Participate Accepted	48	45	44	47	36
Invitation to Participate Declined	16	10	17	13	8
Invitation to Participate not responded to	2	10	5	8	29

<b>Appendix B (i)</b>		
<b>2014 Caseload</b>		
	<b>Number of Cases</b>	<b>%</b>
Cases Referred to the Board for Review	73	21.5
Cases Carried Over*	266	78.5
<b>Total Caseload</b>	<b>339</b>	<b>100</b>

\*Refers to cases at various stages

<b>Appendix B (ii)</b>					
<b>Total Caseload - Yearly Comparison</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Cases Referred to the Board for Review	66	65	66	68	73
Cases Carried Over	195	140	202	261	266
<b>Total</b>	<b>261</b>	<b>205</b>	<b>268</b>	<b>329</b>	<b>339</b>

<b>Appendix C (i)</b>		
<b>Prisoner Interviews 2014</b>		
<b>Institution</b>	<b>Number of Prisoners</b>	<b>%</b>
Arbour Hill	15	19.0
Castlerea	7	9.0
Cork Prison	3	4.0
Dochas Centre	4	5.0
Limerick Prison	1	1.0
Loughan House	5	6.0
Midlands Prison	21	27.0
Mountjoy Prison	4	5.0
Portlaoise Prison	1	1.0
Shelton Abbey	1	1.0
The Training Unit	4	5.0
Wheatfield	11	14.0
<b>Total</b>	<b>77</b>	<b>100</b>

<b>Appendix C (ii)</b>					
<b>Prisoner Interviews - Yearly Comparison</b>					
<b>Institution</b>	<b>Number of Prisoners</b>				
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Arbour Hill	7	9	21	21	15
Castlerea	10	6	6	15	7
Cork Prison	2	2	1	1	3
Dochas Centre	2	1	2	2	4
Limerick Prison	1	4	1	2	1
Loughan House	1	0	0	0	5
Midlands Prison	8	11	15	18	21
Mountjoy Prison	4	12	6	6	4
Portlaoise Prison	4	5	2	6	1
Shelton Abbey	3	1	0	4	1
The Training Unit	4	3	5	14	4
Wheatfield	12	12	14	6	11
<b>Total</b>	<b>58*</b>	<b>66</b>	<b>73</b>	<b>95</b>	<b>77</b>

\* 1 Prisoner interviewed twice - i.e. total number of interviews 59

<b>Appendix D (i)</b>		
<b>Offence Analysis of Cases in which an invitation to participate was accepted in 2014</b>		
<b>Offence</b>	<b>Number of Prisoners</b>	<b>%</b>
Murder	17	47.2
Manslaughter	0	0.0
Sex Offences	7	19.4
Other Offences Against the Person	2	5.6
Drug Offences	1	2.8
Robbery/ Larceny	3	8.3
Burglary/Aggravated Burglary	4	11.1
False Imprisonment	0	0.0
Other Offences	2	5.6
<b>Total</b>	<b>36</b>	<b>100</b>

<b>Appendix D (ii)</b>					
<b>Offence Analysis of Cases - Yearly Comparison</b>					
<b>Number of Prisoners</b>					
<b>Offence</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Murder	20	19	17	13	17
Manslaughter	3	1	2	7	0
Sex Offences	9	11	13	9	7
Other Against the Person	3	1	4	5	2
Drug Offences	1	5	3	3	1
Robbery/Larceny	5	3	1	3	3
Burglary/Aggravated Burglary	3	0	1	2	4
False Imprisonment	1	1	2	1	0
Other Offences	3	4	1	4	2
<b>Total</b>	<b>48</b>	<b>45</b>	<b>44</b>	<b>47</b>	<b>36</b>

<b>Appendix E (i)</b>		
<b>Sentence Length Analysis of cases in which an invitation to participate was accepted in 2014</b>		
<b>Sentence Length</b>	<b>Number of Prisoners</b>	<b>%</b>
8 Years	5	14
8 Years but less than 10 Years	5	14
10 Years but less than 12 Years	3	8
12 Years but less than 14 Years	1	3
14 Years but less than 16 Years	3	8
16 Years but less than 18 Years	0	0
18 Years or More	1	3
Life	18	50
<b>Total</b>	<b>36</b>	<b>100</b>

<b>Appendix E(ii)</b>					
<b>Sentence Length Analysis - yearly comparison Number of prisoners</b>					
<b>Sentence Length</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
8 Years	14	9	9	9	5
8 Years but less than 10 Years	9	9	9	14	5
10 Years but less than 12 Years	1	1	6	5	3
12 Years but less than 14 Years	0	1	1	0	1
14 Years but less than 16 Years	1	4	1	4	3
16 Years but less than 18 Years	0	0	0	0	0
18 Years or More	0	1	1	1	1
Life	23	20	17	14	18
<b>Total</b>	<b>48</b>	<b>45</b>	<b>44</b>	<b>47</b>	<b>36</b>

<b>Appendix F (i)</b>		
<b>Recommendations made to the Minister for Justice and Equality - 2014</b>		
	<b>Number</b>	<b>%</b>
Recommendations Accepted in Full	82	90
Recommendations Accepted Conditionally or in Part	4	4
Recommendations Not Accepted	0	0
Recommendation Deferred *	5	5
Ministerial Decisions Pending	0	0
<b>Total</b>	91	<b>100</b>

\* The Board deferred its recommendation in two cases pending further information. A further two cases were reviewed twice in 2014 and subsequently recommendations made. One other case was Judicially Reviewed which precluded the Board from issuing a recommendation to the Minister.



<b>Appendix F (ii)</b>					
<b>Recommendations Made to the Minister for Justice and Equality</b>					
<b>Yearly Comparison</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Recommendations Accepted in Full	72	85	57	75	82
Recommendations Accepted Conditionally or in Part	4	1	5	9	4
Recommendations Not Accepted	1	0	2	0	0
Recommendations Noted	1	0	0	0	0
Recommendations Deferred	0	1	0	1	5*
Released on Remission Prior to Decision	1	1	0	0	0
Ministerial Decisions Pending	0	1	27	11	0
<b>Total</b>	<b>79</b>	<b>89</b>	<b>91</b>	<b>95</b>	<b>91</b>

\* The Board deferred its recommendation in two cases pending further information. A further two cases were reviewed twice in 2014 and subsequently recommendations made. One other case was Judicially Reviewed which precluded the Board from issuing a recommendation to the Minister.