



The Parole Board Annual Report 2008

Contents

1	Chairman's Foreword	2
2	Introduction	7
3	Membership of the Board and Staff of the Secretariat	9

Appendices

A(i)	Cases Referred in 2008	10
A(ii)	Cases Referred – Yearly Comparison	10
B(i)	Caseload 2008	11
B(ii)	Caseload – Yearly Comparison	11
C(i)	Prisoner Interviews 2008	12
C(ii)	Prisoner Interviews – Yearly Comparison	12
D(i)	Offence Analysis 2008	13
D(ii)	Offence Analysis – Yearly Comparison	13
E(i)	Sentence Length Analysis 2008	14
E(ii)	Sentence Length Analysis – Yearly Comparison	14
F(i)	Parole Board Recommendations 2008	15
F(ii)	Parole Board Recommendations Yearly Comparison	15

Chairman's Foreword

1. 2008 was a year of considerable progress by the Board in that they dealt with all of the cases that came before them. Unfortunately, there are many signs that it heralded a considerable increase in the volume of work in the future.
2. Sadly, for this Country, despite some encouraging signs from the crime statistics, the rate of serious crime remains wholly unacceptable. Gang warfare continues unabated. Hardly a week goes by without some horrific murder and investigation into these murders reveal the most common denominator throughout them all – the sale of drugs. All who take drugs, even socially, are subscribing to the drug industry and, thus, to the human misery and lawlessness that the drug industry generates.
3. The Garda Síochána have achieved considerable success in dealing with several areas of crime. Nonetheless, the attack on serious crime must continue and, making due allowance for budgetary constraints, any reduction in the provision of resources to achieve this must be avoided.
4. The parole system in Ireland continues to work well, though this cannot be said of the parole system in other jurisdictions where frequently the Parole Board is a statutory body. The statutory Parole Board in the United Kingdom fell foul of the High Court in that it was not truly independent.

Our system operates well. We make recommendations to the Minister. These recommendations are made after the care and consideration of cases that has been spelt out in previous reports. The Minister makes his decision. He is much to be complimented for giving such detailed personal consideration to each recommendation of the Board and doing so so speedily. Despite the many other calls on his time, it is a very considerable achievement that he should do so. There are very few cases where the Minister has not adopted the Board's recommendations and in the very few cases where the Minister has made changes, the Board can quite appreciate these.

As we asked previously and as I debated at a conference recently, if it is not broken why fix it?

The Board only deals with prisoners serving life imprisonment or finite terms of not less than eight years.

5. When the Board was formed, there was a public perception that prisoners convicted of murder were sometimes released after serving eight to ten years. Since the formation of the Board, the increase in the number of murders and the response in the public mind to those have caused a radical change. Recent statistics show that, of those released since 2004 by the Minister for Justice, Equality and Law Reform following a recommendation from the Parole Board, he or she has served over seventeen years imprisonment on average.

Even this statistic is misleading. It does not take account of those who have not been granted parole, or temporary release as it is technically named. Many of these have been in prison for very many years but because they were never granted temporary release, their length of imprisonment is not reflected in the statistic.

6. Thus, there has been a strong change in attitude over the last few years and this change in attitude, to some extent at least, has been prompted by public opinion and by a response to public opinion.
7. Where a person takes the life of another, then they have deprived their victim of the most fundamental of all human rights – the right to life. It is against that background that the Parole Board considers each and every individual murder case and it is against that background that the Board's recommendation to the Minister is made. Those organisations most supportive of human rights must remember this fact and keep it always in their minds. The most fundamental human right of all is involved.
8. Although the Minister has discretion in the matter, any person convicted of murder and sentenced to life imprisonment can expect to have his or her case referred to the Board for review after serving only seven years of that life sentence. Whilst that might have been appropriate when release after ten years might have been anticipated, in the present climate it appears to have the effect of creating in the prisoner's mind a raised expectation. The Board is very conscious of prisoners sentenced to life imprisonment and is anxious at all times to lay out a plan which will lead to their rehabilitation as quickly as possible. Such rehabilitation will be responded to by the Board but it is surely unfair that a person convicted of murder can be referred to the Board after seven years and may find themselves seven years later in the same situation.
9. In answer to a recent query quoted in a newspaper article, the Department of Justice, Equality and Law Reform suggested there is no intention of changing this arrangement, but it must be appreciated that when this procedure was brought into being prisoners were released far sooner than they are now.
10. The Board in all these cases aims at laying out a plan for the management of a prisoner's sentence so that where possible that prisoner's release can be accelerated insofar as the circumstances would dictate. The Board is happy to note that the Inspector of Prisons is also recommending a meaningful management of shorter sentences so that a prisoner will use the time of incarceration to the best possible advantage.
11. Where finite sentences are concerned it is very important for prisoners seeking recommendations towards clemency that application to the Board should be made as soon as convenient. The Minister always has discretion in the matter, but in order to make meaningful recommendations it is important that these cases are referred to the Board as soon as possible.

Such prisoners can normally expect to have their cases referred to the Board for review after serving half of their sentence. Currently by the time the relevant reports have been obtained, the relevant interviews carried out, the length of time before a prisoner is entitled to remission is very short indeed, and thus, the recommendations of the Board can be virtually meaningless.

12. I have pointed out in previous reports that where prisoners are released on remission, they walk out the door of the prison absolutely free. When they are released on parole (or temporary release as it is more properly called), then they are under the supervision of the Probation Service who do such excellent work in this field. The supervisory role of the Probation Service is of great assistance to a prisoner seeking to avoid a return to the very environment which caused him/her to be in prison in the first place. The Parole Board has frequently emphasised that some form of provision for prisoners released on remission is highly desirable and, indeed, where prisoners voluntarily agree to accept such supervision, it almost inevitably shows an intention on their part to avoid offending again. This is much to be encouraged.
13. New strong laws are being brought in to deal with organised crime. It is unfortunate indeed that these are necessary but the Board recognises the desire to deal with these issues firmly and quickly.
14. The use of the gun in the commission of crime has become commonplace, yet the number of persons convicted of the simple offence of unlawfully carrying a gun is very few. Anyone who carries a gun is presumed to be prepared to use it.

The same applies to knives. They are now both the weapon used most commonly in domestic murders and the weapon frequently relied on in rows and fracas which in happier days were conducted by fisticuffs! If anyone carries a knife, he or she is also presumed to intend to use it. The enforcement of the law is most important.

Again, the enforcement of the new legislation is essential and the efforts of all of society must be directed to making our streets a safer place for all of the public.

15. It is somewhat upsetting to see the newspapers' comments on the recent Law Reform paper prepared by the Law Society. They appear to suggest that sex offenders' names should be removed from the register of sex offenders four years after their release. This is not the Law Society's recommendations. They recommended an appropriate application procedure in individual cases. It is clear that generalisation of sex offenders is both unwise and foolish. Some sex offenders are more than anxious to mend their ways and attend any courses that are available for them. Others do not. They cannot be categorised as the newspaper report suggested.

The Law Society's Reform document, contrary to newspapers headlines, made no such suggestion.

Each case that comes before the Parole Board is dealt with on its own merits and the appropriate recommendation to the Minister made. To place all sex offenders in the same category would be strange indeed.

16. The public gets very good value from the Parole Board. The whole operation is run on a budget of approximately €385,000 per annum. Some capricious and mischief-making member of the press suggested during the year that the running of the Parole Board costs approximately €6,000 per case. Now eight to ten cases are probably decided on at each meeting. The meeting is attended on average by ten members of the Board together with the appropriate persons from the staff and are paid some expenses attendant upon such meetings.
17. In other reports, I have emphasised the importance of interviews. These too represent a cost. Contrary to what the newspaper article suggested the total expenditure of the Board on expenses last year came to approximately €31,000.
18. The Board has been greatly heartened during the year by the work that has been done on victim support which was recommended by the Board in the past, but has been acted on by successive Ministers for Justice, Equality and Law Reform with great speed. For this the Board is grateful to the Department and its Minister.
19. The Board is also very appreciative of the speed with which the Minister has responded to its recommendations in each individual case. The Board is aware of how conscientiously the Minister carries out his duties and reads the papers in each of these cases. The Minister and his staff are to be congratulated and thanked for the expeditious way in which the Board's recommendations are dealt with and the Minister's decision conveyed back to the Board. The Board is much appreciative of this. It is important that prisoners know how they stand at the earliest possible opportunity.
20. It would be remiss of me not to thank and congratulate the staff for all the work done during the year. I would like to personally thank Alan Grant who left us during the year with the satisfaction that he conducted the affairs of the Board in an exemplary manner. We have been fortunate in getting Feargal MacSuibhne as his replacement and Feargal has carried out his duties in an exemplary manner. My grateful thanks also go to Fran Murphy, HEO and to Sarah Howard and Elaine Dodd who have been a great help to the Board in carrying out its functions. To Miriam Mulligan and Robert Scott who have joined us in 2009, they have a great deal to live up to, but I am quite sure they will prove well capable of the tasks entrusted to them. To all of them many thanks.

21. I said earlier the public get very good value from the Board and this is because of the unstinting work done by the members. Their thoughtfulness and skill in carrying out their interviews on prisoners means that they can give a most coherent and helpful report to the Board on their consideration of each individual case. It must be a traumatic occasion for a prisoner to be interviewed by two members of the Board but they have made that interview so much more meaningful by the relaxed, but yet efficient manner in which they carry out their business, with the objective of putting each prisoner at ease before the interview which can then be conducted in an informal but yet detailed manner. To each and every one of them, I wish to express my thanks. They have made my job much easier to perform.

GORDON A. HOLMES.
June 2009
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 seventh Annual Report of the Parole Board and it relates to the Board's activities in 2008. 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.

Before the Parole Board can review the case of any prisoner, his or her case must first be referred to it by the Minister for Justice, Equality and Law Reform. As a general principle, it is only the cases of those serving sentences of 8 years or more that are reviewed by the Board. In the normal course of events, the Board aims to review individual cases at the half-way stage of the sentence or after 7 years, whichever comes first. Certain prisoners are ineligible for participation in the process including:

- Treason or attempted treason or murder or attempted murder to which section 3 of the Criminal Justice Act 1990 applies (i.e. murder or attempted murder of a member of an Garda Síochána or the Irish Prison Service acting in the course of his or her duty)
- Murder or attempted murder done in the course or furtherance of an offence under section 6 of the Offences Against the State Act, 1939, or in the course or furtherance of the activities of an unlawful organisation within the meaning of section 18 (other than paragraph (f) of that Act)
- Murder or attempted murder, committed within the State for a political motive, of the head of a foreign state or of a member of the Government or a diplomatic officer of a foreign state.

The Minister for Justice, Equality and Law Reform may, however, refer the case of any prisoner to the Board for review.

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

- 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 cases of 66 prisoners were referred to the Board for review during the year. This was slightly less than the number referred during the previous year (74 in 2007). A further 28 cases were carried over from 2007. All prisoners referred to the Board are invited to participate in the Process. During 2008, 52 prisoners accepted the invitation while 8 declined. At year end, some 34 had not indicated whether or not they wished to participate.

The total caseload for 2008 was 212 – i.e. cases at various stages of the review process. This includes the new cases as well as those which were at second or subsequent review stage. 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.

During 2008, the Board made recommendations to the Minister for Justice, Equality and Law Reform in 67 cases, slightly less than in the previous year (73 in 2007). The Minister did not make a decision in 3 of the cases as the release of the prisoner on remission was imminent. In 2 cases, the Minister did not agree with the recommendations of the Board. The recommendations in the remaining 62 cases were accepted by the Minister.

A policy of providing as much information as possible to the client base was pursued by the Parole Board Secretariat during 2008. This was done through presentations for those already in the process and those likely to be coming into the process in the future. Every person attending the presentations had the opportunity to raise any queries in relation to any aspect of the process. These sessions not only achieved the main purpose but were also useful in building good working relationships with the various services in the prisons as well as providing useful feedback to the Board.

MEMBERSHIP OF THE PAROLE BOARD

Dr Gordon Holmes	Chairman
Ms Serena Bennett	Community Representative
Ms Mary Burke	Dept of Justice, Equality and Law Reform
Mr Willie Connolly	Irish Prison Service
Mr Pat Crummey	Community Representative
Mr Michael Donnellan	Probation Service
Mr Paul Mackay	Community Representative
Mr Frank McCarthy	Community Representative
Dr Michael Mulcahy	Consultant Psychiatrist
Mr Christopher Nolan	Community Representative
Mr Tim O'Donoghue	Community Representative
Mr Eamon Nolan	Community Representative

ALTERNATE BOARD MEMBERS

Mr Gerry McNally	Probation Service
Mr Derek Brennan	Irish Prison Service

STAFF OF THE SECRETARIAT

Mr Allan Grant	Assistant Principal Officer (to Sept 2008)
Mr Feargal MacSuibhne	Assistant Principal Officer (from Sept 2008)
Ms Fran Murphy	Higher Executive Officer
Ms Sarah Howard	Clerical Officer
Ms Elaine Dodd	Clerical Officer

APPENDIX A(i)

Cases referred to the Board - 2008

	Number of cases
Cases referred to the Board for review	66
Referrals carried over from 2007*	28
Invitation to participate accepted	52
Invitation to participate declined	8
Invitation to participate not determined	34

* Refers to cases which had been invited in 2007 but had not indicated acceptance or otherwise by year end

APPENDIX A(ii)

Cases referred – Yearly Comparison

	2004	2005	2006	2007	2008
Cases referred to the Board for review	43	109	58	74	66
Invitation to participate accepted	33	65	59	40	52
Invitation to participate declined	10	19	22	3	8
Invitation to participate not determined	0	25	2	33	34

APPENDIX B(i)

2008 Caseload

	Number of cases
Cases referred to the Board for review	66
Cases carried over from 2007*	108
Cases invited in 2008, but referred in 2007	38
TOTAL CASELOAD	212

* Refers to cases at various stages of the process

APPENDIX B(ii)

Cases referred – Yearly Comparison

	2004	2005	2006	2007	2008
Cases referred to the Board for review	43	109	58	74	66
TOTAL CASELOAD	142	197	202	226	212

APPENDIX C(i)

Prisoner Interviews 2008

Institution	Number of Prisoners
Arbour Hill	5
Castlerea	3
Cork Prison	1
Dochas Centre	0
Limerick Prison	2
Midlands Prison	8
Mountjoy Prison	6
Portlaoise Prison	1
Shelton Abbey	1
The Training Unit	2
Wheatfield Prison	4
TOTAL	33

APPENDIX C(ii)

Prisoner Interviews – Yearly Comparison

Institution	Number of Prisoners				
	2004	2005	2006	2007	2008
Arbour Hill	3	7	6	5	5
Castlerea	3	0	7	1	3
Cork Prison	0	3	2	0	1
Dochas Centre	1	0	0	0	0
Limerick Prison	3	2	5	5	2
Midlands Prison	8	6	9	9	8
Mountjoy Prison	2	3	3	6	6
Portlaoise Prison	1	1	1	5	1
Shelton Abbey	0	0	0	0	1
The Training Unit	3	0	4	4	2
Wheatfield Prison	7	3	10	2	4
TOTAL	31	25	47	37	33

APPENDIX D(i)

Offence Analysis of cases in which an invitation to participate was accepted in 2008

OFFENCE	Number of Prisoners
Murder	24
Manslaughter	6
Sex Offences	7
Drug Offences	3
Robbery/Larceny	7
Burglary/Aggravated Burglary	2
Other Offences	3
TOTAL	52

APPENDIX D(ii)

Offence Analysis of Cases – Yearly Comparison

OFFENCE	Number of Prisoners				
	2004	2005	2006	2007	2008
Murder	12	16	23	16	24
Manslaughter	4	11	9	5	6
Sex Offences	8	9	11	7	7
Other against the Person	1	4	2	3	0
Robbery/Larceny	5	7	9	4	7
Burglary/Aggravated Burglary	1	1	0	0	2
False Imprisonment	0	6	2	0	0
Drug Offences	2	5	3	4	3
Other Offences	1	7	1	1	3
TOTAL	34	66	60	40	50

APPENDIX E(i)

Sentence Length Analysis of Cases in which an Invitation to Participate was accepted in 2008

Sentence Length	Number of Prisoners
8 years	13
8 <= 10 years	6
10 <=12 years	4
12 <=14 years	1
14 <=16 years	1
16 <=18 years	1
18 <= 25 Years	2
28 Years	2
Life	22
TOTAL	52

APPENDIX E(ii)

Sentence Length Analysis – Yearly Comparison

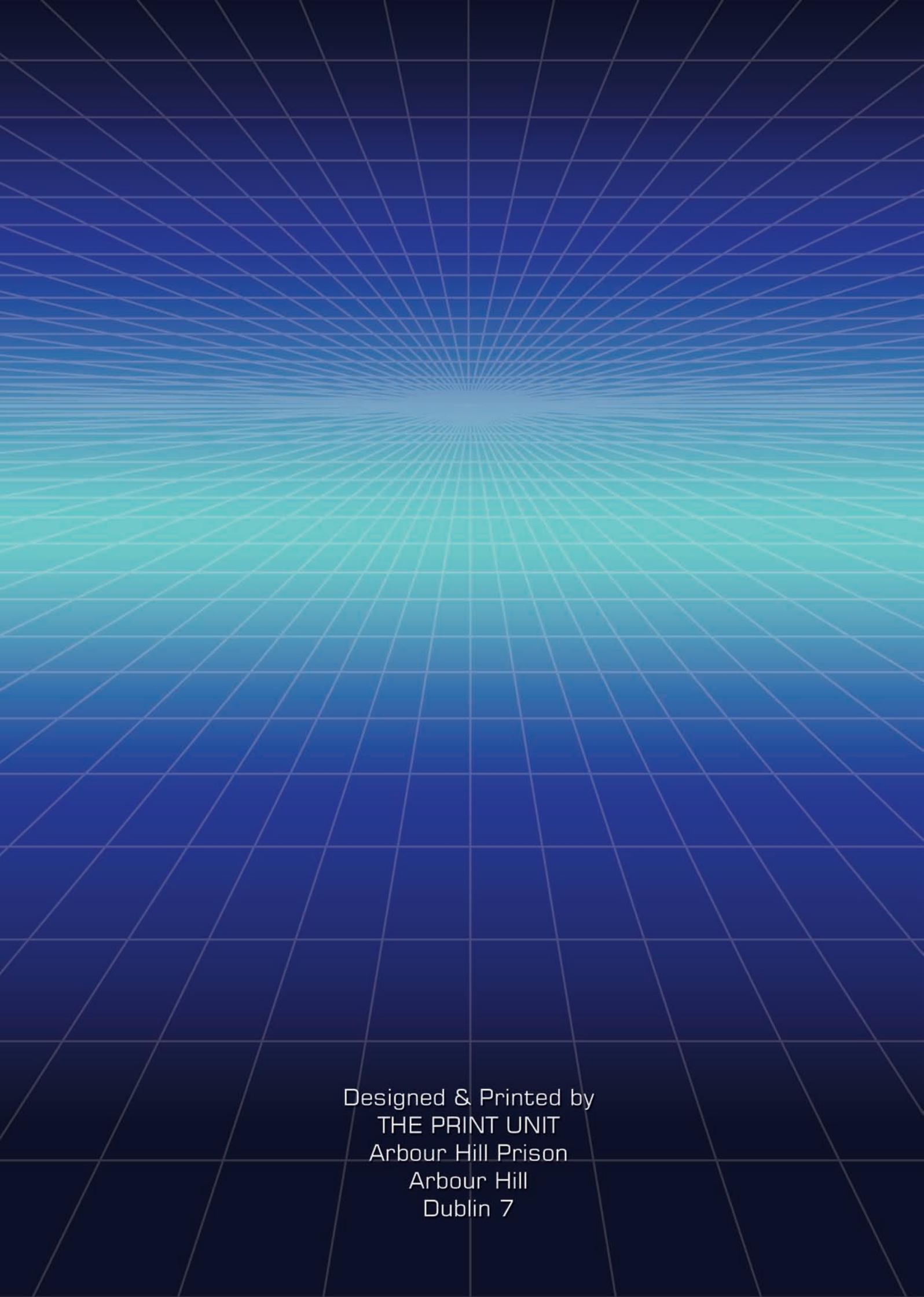
Sentence Length	Number of Prisoners				
	2004	2005	2006	2007	2008
8 years	7	20	15	7	13
8 <= 10 years	6	14	12	8	6
10 <=12 years	6	8	2	3	4
12 <=14 years	2	1	2	2	1
14 <=16 years	1	2	2	3	1
16 <=18 years	0	0	2	1	1
18 <= 25 Years	0	4	0	0	2
28 Years	0	0	0	0	2
Life	12	17	25	16	22
TOTAL	34	66	60	40	52

APPENDIX F(i)

Recommendations made to the Minister for Justice, Equality and Law Reform - 2008	
Recommendations accepted in full	62
Recommendations accepted in part	0
Recommendations not accepted	2
Released on remission prior to decision	3
Ministerial decisions pending	0
TOTAL	67

APPENDIX F(ii)

Recommendations made to the Minister for Justice – Yearly Comparison					
	2004	2005	2006	2007	2008
Recommendations accepted in full	51	42	64	66	62
Recommendations accepted in part	5	2	4	4	0
Recommendations not accepted	4	2	3	1	2
Cases referred back to the Board	1	0	0	0	0
Released on remission prior to decision	0	0	0	0	3
Ministerial decisions pending	0	0	2	2	0
TOTAL	61	46	73	73	67



Designed & Printed by
THE PRINT UNIT
Arbour Hill Prison
Arbour Hill
Dublin 7