

# THE PAROLE BOARD ANNUAL REPORT 2010

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## Chairman's Foreword

As recently appointed Chairman of the Parole Board, I would first like to acknowledge the immense contribution made to the Board by my predecessor, the late Dr. Gordon Holmes, who died early this year. He was Chairman of the Board since its conception in 2001 and his energy, drive, commitment, knowledge, experience and wisdom will be an enormous loss to the board. He was also a hugely respected member of the Legal Profession and the Board was fortunate to have him at the helm for nearly 10 years. I pass on the sincere condolences of myself and the Board to his wife Hilary and family.

Earlier this year, I was honoured to be invited by Minister Alan Shatter to replace Dr. Holmes as Chairman. As Chairman, Dr Holmes proved how decisions of the Board can improve the welfare of many prisoners, in appropriate situations, and I hope his inspiration will stimulate the future work of the Board.

On September 16<sup>th</sup> last, Minister Shatter gave the Irish Penal Reform Trust annual lecture. In his lecture he mentioned his plans to develop a pilot scheme under which offenders may be offered earned earlier release in return for community service. He also said that he intends to give guidelines to the Parole Board for the application of a similar scheme to long term prisoners which I welcome.

He also mentioned that he intends to enact legislation to place the Board on a statutory footing and hopes to publish the relevant Bill next year. I look forward to this development also.

The Minister also said that "*Sending offenders to prison without tackling the underlying social conditions of their criminality, the lack of skills, education and employment while they are in prison only serves to reinforce the cycle of criminality*". This is a challenge for the Prison Service and the Parole Board.

Recently the Thornton Hall Review Group recommended a new prison at Thornton Hall with 300 cells with operational flexibility, capable of accommodating up to 500 prisoners. Each cell will have in cell sanitation and a shower facility. It is also intended to provide step down accommodation capable of accommodating up to 200 prisoners with relevant

regime activity inside the boundary security wall. A new prison at Kilworth, County Cork, with 200 cells has also been recommended. The Board welcomes the report and the Government's commitment to implement its recommendations.

At the end of August 2011, the Irish Prison Service published its annual report for 2010. In its report the Irish Prison Service gives the following snap shot of prison population on 30<sup>th</sup> November 2010:

- (a) The total for the number of persons in custody (4,440) is an increase of almost 9.9% on the comparable 2009 figure (4,040).
- (b) Some 286 prisoners (7.75%) were serving life sentences and another 285 (also 7.7%) were serving determinate sentences of 10 years or more.
- (c) 38 offenders were serving sentences of less than 3 months representing 1% of the total number of prisoners in custody. There were 15 persons in prison for non payment of fines which represents 0.3% of the total number of prisoners in custody.
- (d) Irish Nationals accounted for 89.3% of the total number of persons in custody under sentence on 30<sup>th</sup> November 2010.

A worrying trend was also the steady increase in persons receiving sentences of 5 to 10 years, mainly in relation to drug offences. Many of these prisoners will have their sentences reviewed by the Parole Board in due course.

The Parole Board reviews the cases of prisoners serving fixed term sentences of 8 years or longer. In these cases, the Board will try to advise and assist with the prisoner's rehabilitation and to acknowledge efforts on his/her part.

The prisoners serving life sentences represent a significant proportion of the cases handled by the Parole Board. On the question of life sentences, two important points need to be made. Firstly, "Life" means "Life". In Ireland, generally speaking, a life sentenced prisoner will serve a custodial part of the sentence (currently about 17 years

on average) followed by supervision in the community for the rest of his /her natural life. There are currently 62 Life-sentenced prisoners under the supervision of the Probation Service in the community. The second important point is that the Minister for Justice and Equality has the power to release a life sentenced prisoner from custody subject to conditions which must be complied with. However, a Minister would generally not do so without such a recommendation from the Board.

Hence, the importance of the Board's review of any individual case cannot be overstated. In that regard, the Board's over-riding obligation is to be satisfied that the prisoner has addressed his/her offending behaviour and that any threat to the safety of the community at large posed by the prisoner, has been minimised or obviated. Where the Board is satisfied that this is the case, it would generally recommend that the prisoner be granted "parole" or, more correctly, "temporary release" from custody. It is important to stress, however, that because of the nature of a life sentence, a prisoner may be returned to prison at any time should he/she fail to comply with any conditions attaching to the temporary release.

The Board is mindful of the needs of victims of crime and is conscious that the Irish Prison Service provides a Victim Liaison Service to keep victims of crime informed of significant developments in the sentence management of certain offenders. Any victims or their relatives, once they have opted to avail of this scheme, will be informed as a matter of course in advance of the Board's review of the case. The victims are given an opportunity to make a submission to the Board. The Board, as it has acknowledged on a number of occasions, will take into consideration the views of victims and the impact on their lives prior to making any recommendations.

I note that recommendations were sent to the Minister by the Board in the cases of 79 prisoners during 2010. I also note that some 58 of those prisoners were interviewed by members of the Board as part of the process. Interviews are a significant demand on Board members but during my brief period in the role as Chairman I have realised the value of the interview. The interview affords the prisoner the opportunity to discuss the contents of his/her dossier, of course, but it also adds the human dimension to the process which paper files can never provide. For example, many individuals serving life sentences for murder may never have perpetrated their crimes if one small detail in their

case history had been altered, e.g. the unavailability of a weapon or a little less alcohol had been consumed. In such circumstances Parole Board members are faced with remorseful individuals who are anxious to address their offending and to pay their debt to society.

I am glad to report that the Parole Board is an efficient body which delivers good value for money and its contribution to Irish Society is significant. The total cost to the State for the operation of the Parole Board for 2010 was less than €400,000.

I would like to thank the Board Members for making me feel so welcome and the team in the Secretariat for all their practical assistance. I look forward to progressing the good work of the Parole Board with my fellow members and the Secretariat in the next few years.

John Costello  
Chairman

October, 2011

## 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 Ninth Annual Report of the Parole Board and it relates to the Board's activities in 2010.

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 aim to review individual cases at the half-way stage of the sentence or after seven years, whichever comes first.

The Board provides advice to the Minister by way of recommendations. When formulating its recommendations, the Board's paramount concern is the potential risk to members of the community which the release of a life sentence prisoner or the early release of a determinate sentence prisoner could 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 2010. This was a decrease of 21% on the number referred during the previous year (83 in 2008).

All prisoners referred to the Board are invited to participate in the process. During 2010, 48 prisoners accepted the invitation while 16 declined. The cases of 2 prisoners were not processed – one had been previously referred to the Board and one was deported.

Notwithstanding the fact that the number of cases referred to the Board fell by 21% for 2010, the workload for the Board increased by 13%. This arose because some 195 cases at various stages in the process were carried from 2009. The total caseload for 2010 was 261 – i.e. combined total of new cases and cases 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 2010, the Parole Board convened on 11 occasions and reviewed 81 cases. 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 2010, 31 prisoners whose cases were being reviewed by the Board for the first time were interviewed by Members of the Board. A further 27 were interviewed as part of a second or subsequent review of their case.

Recommendations were sent to the Minister for Justice, Equality and Law Reform in 79 of the cases reviewed. The recommendations in the other 2 cases were deferred pending further enquiries. There was no decision by the Minister in 1 case because the prisoner was released on remission prior to completion of the process. The Minister noted the recommendation in 1 other case and accepted a further 4 conditionally or in part. The recommendations in 72 cases were accepted in full by the Minister and just 1 was not accepted.

During the year, staff of the Secretariat 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.



The Parole Board would like to acknowledge that it would not be able to fulfil 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.

## **MEMBERSHIP OF THE PAROLE BOARD**

Dr. Gordon Holmes R.I.P.	Chairman
Mr John Costello	Chairman (from July 2011)
Ms. Mary Burke	Dept. of Justice, Equality and Law Reform (to October, 2010)
Mr Gerry McDonagh	Dept. of Justice and Equality (from October 2010)
Mr. Willie Connolly	Irish Prison Service
Mr. Michael Donnellan	Probation Service
Mr. Pat Crummey	Community Representative
Mr. Noel Lennon R.I.P.	Community Representative (to August 2010)
Mr. Frank McCarthy	Community Representative
Mr. Shane McCarthy	Community Representative
Dr. Michael Mulcahy	Consultant Psychiatrist
Mr. Tim O'Donoghue	Community Representative
Mr. Eamon Nolan	Community Representative
Mr Brendan Watters (from October 2010)	Community Representative

## **ALTERNATE BOARD MEMBERS**

Mr. Gerry McNally	Probation Service
Mr. Brian Murphy	Irish Prison Service

## **STAFF OF THE SECRETARIAT**

Mr. Feargal MacSuibhne	Assistant Principal Officer
Ms. Fran Murphy	Higher Executive Officer (to May 2010)
Ms Josephine Lawless	Higher Executive Officer (from May 2010)
Mr. Michael Grange	Executive Officer
Ms. Sarah Howard	Clerical Officer
Ms. Lisa Fogarty	Clerical Officer

## Appendix A (i)

<b>Cases Referred to the Board - 2010</b>		
	<b>Number of Cases</b>	<b>%</b>
Cases Referred to the Board for Review	66	100
Invitation to Participate Accepted	48	72.72
Invitation to Participate Declined	16	24.24
Invitation to Participate not Determined	2	3.03

## APPENDIX A (ii)

<b>Cases Referred - Yearly Comparison</b>					
	2006	2007	2008	2009	2010
Cases Referred to the Board for Review	58	74	66	83	66
Invitation to Participate Accepted	59	40	52	64	48
Invitation to Participate Declined	22	3	8	10	16
Invitation to Participate not Determined	2	33	34	9	2

## APPENDIX B (i)

2010 Caseload		
	Number of Cases	%
Cases Referred to the Board for Review	66	25.29
Cases Carried Over from Previous Years*	195	74.71
<b>Total Caseload</b>	<b>261</b>	<b>100</b>

\*Refers to cases at various stages

## Appendix B (ii)

Total Caseload - Yearly Comparison					
	2006	2007	2008	2009	2010
Cases Referred to the Board for Review	58	74	66	83	66
Cases Carried Over	144	152	146	147	195
<b>Total</b>	<b>202</b>	<b>226</b>	<b>212</b>	<b>230</b>	<b>261</b>

## APPENDIX C

(i)

### Prisoner Interviews 2010

Institution	Number of Prisoners	%
Arbour Hill	7	12.09
Castlerea	10	17.24
Cork Prison	2	3.45
Dóchas Centre	2	3.45
Limerick Prison	1	1.72
Loughan House	1	1.72
Midlands Prison	8	13.79
Mountjoy Prison*	4	6.89
Portlaoise Prison	4	6.89
Shelton Abbey	3	5.18
The Training Unit	4	6.89
Wheatfield	12	20.69
<b>Total</b>	<b>58</b>	<b>100</b>

\* 1 Prisoner Interviewed Twice - i.e. Total no of Interviews 59

## APPENDIX C

(ii)

### Prisoner Interviews - Yearly Comparison

Institution	Number of Prisoners				
	2006	2007	2008	2009	2010
Arbour Hill	6	5	5	13	7
Castlerea	7	1	3	5	10
Cork Prison	2	0	1	1	2
Dóchas Centre	0	0	0	1	2
Limerick Prison	5	5	2	2	1
Loughan House	0	0	0	0	1
Midlands Prison	9	9	8	12	8
Mountjoy Prison	3	6	6	3	4
Portlaoise Prison	1	5	1	1	4
Shelton Abbey	0	0	1	2	3
The Training Unit	4	4	2	7	4
Wheatfield	10	2	4	11	12
<b>Total</b>	<b>47</b>	<b>37</b>	<b>33</b>	<b>58</b>	<b>58</b>

## APPENDIX D (i)

### Offence Analysis of Cases in which an Invitation to Participate was Accepted in 2010

Offence	Number of Prisoners	
		%
Murder	20	41.66
Manslaughter	3	6.25
Sex Offences	9	18.75
Other Offences Against the Person	3	6.25
Drug Offences	1	2.09
Robbery/Larceny	5	10.41
Burglary/Aggravated Burglary	3	6.25
False Imprisonment	1	2.09
Other Offences	3	6.25
<b>Total</b>	<b>48</b>	<b>100</b>

## APPENDIX D (ii)

### Offence Analysis of Cases - Yearly Comparison

Offence	Number of Prisoners				
	2006	2007	2008	2009	2010
Murder	23	16	24	23	20
Manslaughter	9	5	6	2	3
Sex Offences	11	7	7	13	9
Other Against the Person	2	3	0	0	3
Drug Offences	3	4	3	10	1
Robbery/Larceny	9	4	7	5	5
Burglary/Aggravated Burglary	0	0	2	1	3
False Imprisonment	2	0	0	1	1
Other Offences	1	1	3	9	3
<b>Total</b>	<b>60</b>	<b>40</b>	<b>52</b>	<b>64</b>	<b>48</b>

## APPENDIX E

(i)

### Sentence Length Analysis of Cases in Which an Invitation to Participate was accepted in 2010

Sentence Length	Number of Prisoners	%
8 Years	14	29.17
8 <= 10 Years	9	18.75
10 <= 12 Years	1	2.08
12 <= 14 Years	0	0
14 <= 16 Years	1	2.08
16 <= 18 Years	0	0.00
18 Years or More	0	0
Life	23	47.92
<b>Total</b>	<b>48</b>	<b>100</b>

## APPENDIX E(ii)

### Sentence Length Analysis - Yearly Comparison

Sentence Length	Number of Prisoners				
	2006	2007	2008	2009	2010
8 Years	15	7	13	11	14
8 <= 10 Years	12	8	6	19	9
10 <= 12 Years	2	3	4	1	1
12 <= 14 Years	2	2	1	1	0
14 <= 16 Years	2	3	1	2	1
16 <= 18 Years	2	1	1	0	0
18 Years or More	0	0	4	5	0
Life	25	16	22	25	23
<b>Total</b>	<b>60</b>	<b>40</b>	<b>52</b>	<b>64</b>	<b>48</b>



## Appendix F (i)

<b>Recommendations made to the Minister for Justice, Equality and Law Reform - 2010</b>		
	<b>Number</b>	<b>%</b>
Recommendations Accepted in Full	72	91.15
Recommendations Accepted in Part	4	5.07
Recommendations Not Accepted	1	1.26
Recommendation Noted	1	1.26
Released on Remission Prior to Decision	1	1.26
Ministerial Decisions Pending	0	0
<b>Total</b>	<b>79</b>	<b>100</b>

## Appendix F (ii)

<b>Recommendations Made to the Minister for Justice, Equality and Law Reform</b>					
<b>Yearly Comparison</b>					
	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Recommendations Accepted in Full	64	66	62	77	72
Recommendations Accepted Conditionally or in Part	4	4	0	5	4
Recommendations Not Accepted	3	1	2	3	1
Recommendations Noted	0	0	0	0	1
Released on Remission Prior to Decision	0	0	3	1	1
Ministerial Decisions Pending	2	2	0	2	0
<b>Total</b>	<b>73</b>	<b>73</b>	<b>67</b>	<b>88</b>	<b>79</b>