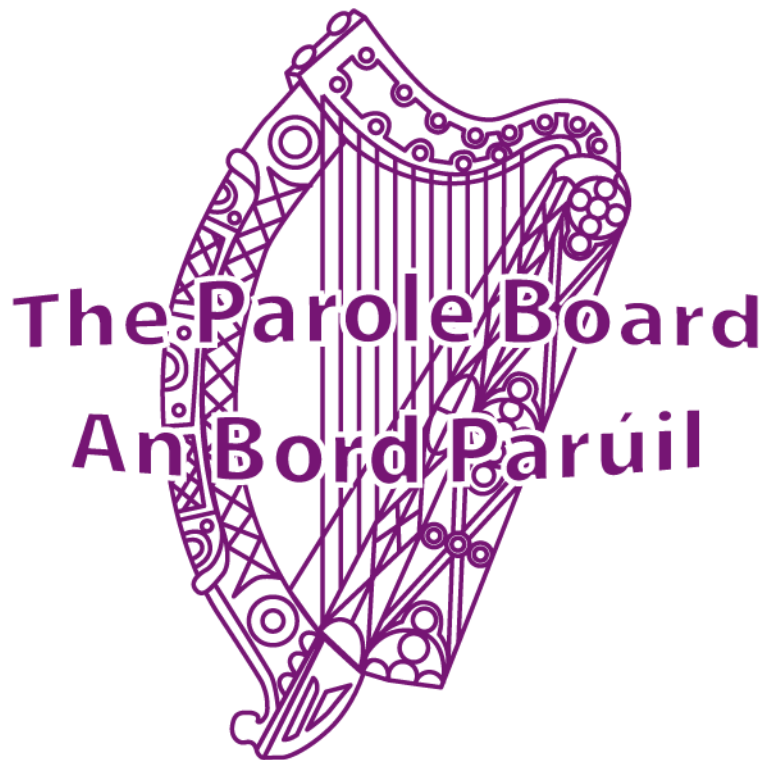


THE PAROLE BOARD ANNUAL REPORT 2016



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Chairman's Foreword

Parole Bill 2016

Last year, the most important development was the publication of the Parole Bill 2016 by Jim O'Callaghan TD in June. This Bill will make the Parole Board independent of the Minister for Justice. On May 24th last, substantial amendments were made to this Bill at Committee Stage. Some recommendations of the Parole Board were accepted at Committee Stage and the Board is submitting further amendments for discussion at the fourth stage of the Bill in Dáil Éireann.

At present the Parole Board is entitled to hear the first review of a life sentenced Prisoner after seven years. The Parole Bill has now been amended at the Committee Stage to provide that the first review of such a prisoner would be after twelve years rather than seven years, as at present.

Having the first review after seven years has been useful in the past, because it encouraged a Prisoner to start or continue with serious rehabilitation work before this review.

In 2013, a prisoner was granted parole after thirteen and a half years in prison, following a number of previous parole hearings. This was an exceptional case but parole after thirteen years would not have been possible if his first review was only held after twelve years in prison. I believe this period of twelve years should be re-examined.

Numbers Granted Parole

From 2009 to 2013, the number of life sentence prisoners granted parole each year amounted to about five on average. However, six were granted parole in 2015 and seven in 2016. Unfortunately four of the seven prisoners granted parole in 2016 were re-called to prison for breach of licence conditions, mainly for abuse of alcohol/drugs. The Board will re-examine these four cases to ascertain what lessons can be learnt.

Thirteen prisoners have been recommended by the Parole Board for parole in the first five months of 2017. The average sentence served by each of those thirteen prisoners was 17.2 years approximately. Most of these recommendations are subject to various stages of pre-release plans and community re-integration plans being implemented. The different phases of these plans are spread over many months so that re-integration into the community is a gradual process.

Mental Health of Prisoners

In March this year, the Director General of the Prison Service, Michael Donnellan, told the Oireachtas Justice Committee that about that 70% of Prisoners enter prison with an addiction or substance abuse problem and have mental health challenges while in prison.

I welcome that an Inter-Departmental Group has been established recently to examine mental illness among Prisoners. However, this issue was examined, to a large extent, by the 1978 Henchy Report on mentally ill persons facing criminal charges and the 1985 Whitaker Report on the Penal System. Both these reports recommended that:-

1. Wide powers should be given to Courts to enable them to refer an accused person suffering from a mental disorder for out-patient/community care or to a designated centre;
2. That a special unit for the detention of persons classified as psychopaths or sociopaths be established.

After nearly forty years these recommendations are still valid today.

Training

Last November, I attended a three day English Parole Training Course for fifty new Parole Board members in England and Wales. I believe it is essential that a similar

course should be made available for Irish Board members and staff. Such a training course will be planned for early 2018.

Victims and their Families

Quite often the Board receives letters from victims and/or their families before we review a specific Prisoner. On many occasions these letters reveal enormous pain and suffering caused to victims. If the case involves a murder, many family members are still experiencing severe trauma and mental health problems after the death of their loved one. These letters are seriously considered by the Board members before deciding on a recommendation.

Conclusion

Generally, a Prisoner is not recommended for temporary release unless the Board believes he/she has served his/her punishment, has availed of all the educational, rehabilitative, addiction and therapeutic services in prison, and is assessed as low risk of reoffending. Parole is not just for the benefit of Prisoners but it is also to the benefit of society as we seek to rehabilitate and reintegrate, where we can, Prisoners into their communities. Before Prisoners are granted parole, their eventual release has to be properly planned. That will probably involve the use of open prisons, a day release regime and community support services to minimise recidivism and self-harm. However, it is important to emphasise that public safety is of paramount importance and is the key factor when the Board is reviewing a case. We never recommend parole unless we are satisfied that the offender is most unlikely to reoffend. It is also essential that any offender paroled, receives all the necessary community support to help him/her reintegrate into society.

I would like to convey my sincere thanks to all the Board members who take their roles very seriously. I would also like to thank the Parole Board Secretariat for their hard work and commitment over the last year.

The work of the 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 and 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.

John Costello

Chairman of the Parole Board

August, 2017

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 fifteenth Annual Report of the Parole Board and it relates to the Board's activities in 2016.

As a general principle, it is only the cases of prisoners who are serving determinate sentences of eight years or more, or life sentences 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.

2016 in Review

The cases of 64 prisoners were referred to the Board for review during 2016 and all were invited to participate in the process. 43 prisoners accepted the invitation while 5 prisoners declined and 16 invitations to participate were not responded to. Of those 5 prisoners who declined, 3 were on determinate sentences and of those 16 who did not respond to the invitation to participate, 15 were on determinate sentences. Prisoners on determinate sentences are automatically entitled to 25% remission. This may explain why some of them did not engage with the Parole Board.

The total caseload for 2016 was 344 – i.e. a combination of new cases and cases at second or subsequent review stage. Significant progress was achieved during the year in concluding older cases. 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 2016, the Parole Board convened on 11 occasions and reviewed 107 cases. This is the highest number since the establishment of the Board and, it must be noted, against the background of reduced staff resources in the Secretariat.

Recommendations were sent to the Minister for Justice and Equality in 98 of the cases reviewed. The Minister accepted the recommendations in 89 cases in full. The Minister accepted six cases conditionally or in part. At the end of the year there was 1 decision pending while the cases of 2 prisoners were deferred twice due to a requirement for further information. During 2016, 37 prisoners were reviewed by the Board for the first time. A further 60 were reviewed as part of a second or subsequent review of their case.

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. The number of interviews conducted by Board Members in 2016 was 94. 33 related to prisoners being reviewed by the Board for the first time.

In order to raise awareness about the Parole Board process, the Chairman and Members of the Board make presentations in prisons. The purpose of these presentations is to assist the prisoners in their understanding of the Parole Board process. At the end of the presentations, the prisoners are invited to give feedback on their perceptions of the Parole Board process and are encouraged to participate in a discussion. The Board welcomes the engagement and constructive feedback provided to them by the prisoners during the presentations. It is the intention of the Board to continue with its programme of presentations to prisoners in prisons across the country. The Board proposes to make these presentations on an ongoing basis with the aim of visiting each prison 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, An Garda Síochána 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 €336,000 for 2016 with actual expenditure of €342,145.28 in the year. Pay accounted for approximately 65% of the Board's expenditure. The other most significant area of expenditure was Board Members fees which accounted for 29% 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	Chief Executive Officer, Start Strong
Mr Noel Dowling	Department of Justice and Equality
Mr Mick Duff	Coordinator of the St. Aengus Drug Treatment and Rehabilitation Project (to January 2016)
Mr Vivian Geiran	Director, Probation Service
Mr Ray Kavanagh	Retired National School Teacher
Mr Shane McCarthy	Solicitor
Ms Nora McGarry	Psychotherapist / Counsellor
Dr Michael Mulcahy	Consultant Psychiatrist
Mr Martin Smyth	Director of Operations, IPS
Mr Eddie Rock	Retired Assistant Commissioner, An Garda Síochána

Alternate Members

Mr Brian Dack	Probation Service
Mr Mark Wilson	Irish Prison Service

Appendix A (i)				
Cases Referred to the Board - 2016				
	Number of Prisoners with Life Sentences	Number of Prisoners with Determinate Sentences	Total Number of Cases	Total %
Cases Referred to the Board for Review	16	48	64	100%
Invitation to Participate Accepted	43	43	43	67%
Invitation to Participate Declined	2	3	5	8%
Invitation to Participate not responded to	1	15	16	25%

Appendix A (ii)					
Cases Referred - Yearly Comparison					
	2012	2013	2014	2015	2016
Cases Referred to the Board for Review	66	68	73	76	64
Invitation to Participate Accepted	44	47	36	42	43
Invitation to Participate Declined	17	13	8	34	5
Invitation to Participate not responded to	5	8	29	0	16

Appendix B (i)		
2016 Caseload		
	Number of Cases	%
Cases Referred to the Board for Review	64	19%
Cases Carried Over*	280	81%
Total Caseload	344	100%

*Refers to cases at various stages

Appendix B (ii)					
Total Caseload - Yearly Comparison					
	2012	2013	2014	2015	2016
Cases Referred to the Board for Review	66	68	73	76	64
Cases Carried Over	202	261	266	276	280
Total	268	329	339	352	344

Appendix C (i)				
Prisoner Interviews 2016				
Institution	Prisoners with Life Sentences	Prisoners with Determinate Sentences	Total Number of Prisoners	Total %
Arbour Hill	12	5	17	18%
Castlerea	6	0	6	6%
Cork Prison	2	2	4	4%
Dochas Centre	3	2	5	5%
Limerick Prison	0	0	0	0%
Loughan House	3	0	3	3%
Midlands Prison	9	5	14	15%
Mountjoy Prison	7	3	10	11%
Portlaoise Prison	7	0	7	7%
Shelton Abbey	4	1	5	5%
The Training Unit	8	0	8	9%
Wheatfield	13	2	15	16%
Total	74	20	94	100%

Appendix C (ii)					
Prisoner Interviews - Yearly Comparison					
Institution	Number of Prisoners				
	2012	2013	2014	2015	2016
Arbour Hill	21	21	15	21	16
Castlerea	6	15	7	8	5
Cork Prison	1	1	3	1	4
Dochas Centre	2	2	4	3	5
Limerick Prison	1	2	1	7	0
Loughan House	0	0	5	3	5
Midlands Prison	15	18	21	20	14
Mountjoy Prison	6	6	4	5	8
Portlaoise Prison	2	6	1	1	5
Shelton Abbey	0	4	1	1	7
The Training Unit	5	14	4	10	8
Wheatfield	14	6	11	14	17
Total	73	95	77	94	94

Appendix D (i)**Offence Analysis of Cases Referred to the Board in 2016**

Offence	Number of Prisoners Who Accepted	%	Number of Prisoners who Declined or did not Respond to Invitation	%	Total Number of Prisoners	%
Murder	16	37%	3	14%	19	30%
Manslaughter	4	9%	1	5%	5	8%
Sex Offences	11	26%	7	33%	18	28%
Other Offences Against the Person	3	7%	4	19%	7	11%
Drug Offences	1	2%	1	5%	2	4%
Robbery/ Larceny	3	7%	1	5%	4	6%
Burglary/Aggravated Burglary	2	5%	2	10%	2	4%
False Imprisonment	0	0%	2	9%	2	4%
Other Offences	3	7%	0	0%	3	5%
Total	43	100%	21	100%	64	100%

Appendix D (ii)**Offence Analysis of Accepted Cases - Yearly Comparison****Number of Prisoners**

Offence	2012	2013	2014	2015	2016
Murder	17	13	17	19	16
Manslaughter	2	7	0	1	4
Sex Offences	13	9	7	8	11
Other Against the Person	4	5	2	2	3
Drug Offences	3	3	1	2	1
Robbery/Larceny	1	3	3	3	3
Burglary/Aggravated Burglary	1	2	4	4	2
False Imprisonment	2	1	0	0	0
Other Offences	1	4	2	3	3
Total	44	47	36	42	43

Appendix E (i)		
Sentence Length Analysis of cases in which an invitation to participate was accepted in 2016		
Sentence Length	Number of Prisoners	%
8 Years	11	26%
8 Years but less than 10 Years	7	16%
10 Years but less than 12 Years	4	9%
12 Years but less than 14 Years	4	9%
14 Years but less than 16 Years	1	2%
16 Years but less than 18 Years	0	0%
18 Years or More	0	0%
Life	16	37%
Total	43	100%

Appendix E(ii)					
Sentence Length Analysis - yearly comparison					
Number of prisoners					
Sentence Length	2012	2013	2014	2015	2016
8 Years	9	9	5	6	11
8 Years but less than 10 Years	9	14	5	5	7
10 Years but less than 12 Years	6	5	3	5	4
12 Years but less than 14 Years	1	0	1	1	4
14 Years but less than 16 Years	1	4	3	4	1
16 Years but less than 18 Years	0	0	0	0	0
18 Years or More	1	1	1	1	0
Life	17	14	18	20	16
Total	44	47	36	42	43

Appendix F (i)		
Recommendations made to the Minister for Justice and Equality - 2016		
	Number	%
Recommendations Accepted in Full	89	91%
Recommendations Accepted Conditionally or in Part	6	6%
Recommendations Not Accepted	1	1%
Recommendation Deferred	1*	1%
Ministerial Decisions Pending	1	1%
Total	98	100%

* The case of one prisoner was deferred due to a requirement for further information

Appendix F (ii)					
Recommendations Made to the Minister for Justice and Equality					
Yearly Comparison					
	2012	2013	2014	2015	2016
Recommendations Accepted in Full	57	75	82	88	89
Recommendations Accepted Conditionally or in Part	5	9	4	1	6
Recommendations Not Accepted	2	0	0	0	1
Recommendations Noted	0	0	0	0	0
Recommendations Deferred	0	1	5	8	1*
Released on Remission Prior to Decision	0	0	0	0	0
Ministerial Decisions Pending	27	11	0	0	1
Total	91	95	91	97	98

* The case of one prisoner was deferred due to requirement for further information.