

THE PAROLE BOARD ANNUAL REPORT 2017



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Chairman's Foreword

Introduction:

Nelson Mandela has stated "A Nation should not be judged by how it treats its highest citizens, but its lowest ones". With these words, he reminded us that even prisoners are never to be forgotten or written off. Rather, meeting the needs of prisoners is an important part of any civilised society.

However, while trying to meet the needs of prisoners through many varied methods of rehabilitation, it is important to remember that prisoners must face the consequences of their criminal actions and the victims of every crime must be supported, where possible.

Examination of the sentence management of people serving life sentences (Report dated April 2017):

This report was published last year by the Irish Prison Service and was compiled by a committee made up of staff from several Criminal Justice Agencies, including two Prison Governors.

The main recommendations are to improve sentence management from the very start of a prison sentence with annual reviews by a multi-disciplinary assessment team. It recognises the positive contribution of the family/significant other and advocates the adoption and expansion of an independent living skills unit model; the establishment of a specialised unit for people who are institutionalised and the creation of an Open Centre in Dublin.

In relation to the Parole Board, the report refers to the delays in the time frames for the review of an individual serving a life sentence. The reports states that such delays can be based on the Parole Board not receiving reports in a timely manner, delaying the complete dossier from being available, and/or the capacity with the Parole Board Secretariat to administer the volume of cases to be reviewed. The report concludes that the current parole model is not efficient and requires change. Hopefully, the new Parole Bill, which is due to be debated in the Dail later this year, will bring about substantial improvements in the operation of Parole in Ireland.

Numbers Granted Parole in 2017:

On January 31st 2017 there were a total of 349 prisoners serving a life sentence in our prisons. Ten of these prisoners were female. In 2017, the Board recommended to the Minister, that 21 life sentenced prisoners, should be granted parole on a phased basis over a period of 12 to 18 months or so, with periods of day temporary release increasing to weekend temporary release and with a gradual re-integration with

families, where appropriate. The Board believes that this gradual re-integration of a prisoner back into the community is the best way of enabling a life sentenced prisoner to re-settle successfully into society.

The Minister agreed with all the Board's recommendations in relation to these 21 life sentenced prisoners. Already 14 of the 21 life sentenced prisoners have received full parole. They are therefore the subject of progress reports by their supervising Probation Officer (every 6 months for the first 2 years and annually thereafter) to the Irish Prison Service. It is hoped that the remaining 7 life sentenced prisoners will have received full parole later this year. Of these 21 prisoners, 3 were women and 18 were men. 8 of the prisoners had no previous convictions before their murder conviction. In addition, 6 of the 21 prisoners received their sentences in the United Kingdom and were given tariffs ranging from 12 to 15 years by the UK Courts. These prisoners subsequently transferred to an Irish prison, and as a result, the UK tariffs do not apply. However, none of these prisoners received parole before their tariffs had expired. The average sentence served by each of these 14 life sentenced prisoners, who have received parole, was 18 years. However, it should also be mentioned that the Board also reviews many prisoners who receive determinate sentences.

Mental Health of Prisoners:

The Director of The Irish Prison Service, Mr Michael Donnellan, has admitted that there are approximately 70% of prisoners in custody who have some mental health issue affecting them. (Oireachtas Justice Committee – March 8th 2017).

In a report on the healthcare in Irish prisons (November 2016) the late Judge Michael O'Reilly, as Inspector of Prisons, made the following recommendations in relation to prisoners and health issues:

“the responsibility for the provision of healthcare in prisons should be transferred from the IPS to the HSE; and a health needs assessment of persons in all prisons should be undertaken immediately.”

These recommendations are entirely sensible and appropriate and should be followed through at the earliest opportunity.

Problems with Parole Board process:

The April 2017 report, referred to above stated:

“In its meetings with people serving life sentences, the Committee was told of problems they experienced with the operation of the Parole Board”.

“A significant issue was delay in the consideration of cases by the Parole Board. There was a general view that people serving life sentences waited too long between Parole

Board Reviews and that timelines were not adhered to. In many cases, people in prison were informed that these delays arose from reports from service providers being submitted late i.e. from the Probation Service, Psychology Service, Governor reports as well as reports from the PRC.”

The Parole Bill 2016, when enacted, will provide that all parole hearings must take place within 6 months of the review date, which unfortunately does not happen in many cases, at present.

I believe that these delays aren't acceptable, and will only be solved with proper resources and with the required reports being given priority over the many other professional demands of the service providers.

Prison Visits:

Last year we visited 8 prisons to meet groups of life sentenced prisoners. At these meetings, we discuss and explain the parole process to the prisoners and try and incentivise them to partake in all the various rehabilitation measures that might be available to them in prison.

Victims and 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 a 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:

I would like to express my sincere thanks to the very dedicated and hardworking members of the Board and the Parole Board Secretariat for all their invaluable work 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 Chaplin's 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.

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 sixteenth Annual Report of the Parole Board and it relates to the Board's activities in 2017.

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.

2017 in Review

The cases of 66 prisoners were referred to the Board for review during 2017 and all were invited to participate in the process. 48 prisoners accepted the invitation while 3 prisoners declined and 15 invitations to participate were not responded to. Of those 3 prisoners who declined, 2 were on determinate sentences and of those 15 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 2017 was 346 – 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 2017, the Parole Board convened on 11 occasions and reviewed 114 cases. This is the highest number since the establishment of the Board and, it must be noted.

Recommendations were sent to the Minister for Justice and Equality in 114 of the cases reviewed. The Minister accepted the recommendations in 102 cases in full. The Minister accepted 3 cases conditionally or in part. At the end of the year there were 9 decisions pending. During 2017, 32 prisoners were reviewed by the Board for the first time. A further 82 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 2017 was 114 32 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 €366,000 for 2017 with actual expenditure of €308,933.41 in the year. Pay accounted for approximately 73% of the Board's expenditure. The other most significant area of expenditure was Board Members fees which accounted for 19% 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 (to July 2017)
Mr Noel Dowling	Department of Justice and Equality
Mr Vivian Geiran	Director, Probation Service
Mr Ray Kavanagh	Retired National School Teacher (to July 2017)
Mr Paul Mageean	Solicitor (from September 2017)
Mr Shane McCarthy	Solicitor
Ms Nora McGarry	Psychotherapist / Counsellor
Dr Michael Mulcahy	Consultant Psychiatrist (to February 2017)
Prof Ian O'Donnell	Professor of Criminology (from July 2017)
Mr Eddie Rock	Retired Assistant Commissioner, An Garda Síochána
Dr Laura Mannion	Consultant Psychiatrist (from May 2017)
Mr Martin Smyth	Director of Operations, IPS
Mr Pat Sullivan	Retired Chief Superintendent, An Garda Síochána (from July 2017)

Alternate Members

Mr Brian Dack	Probation Service
Mr Mark Wilson	Irish Prison Service

Appendix A (i)				
Cases Referred to the Board - 2017				
	Number of Prisoners with Life Sentences	Number of Prisoners with Determinate Sentences	Total Number of Cases	Total %
Cases Referred to the Board for Review	21	45	66	100%
Invitation to Participate Accepted	20	31	48	74%
Invitation to Participate Declined	1	2	3	4%
Invitation to Participate not responded to	0	15	15	22%

Appendix A (ii)					
Cases Referred - Yearly Comparison					
	2013	2014	2015	2016	2017
Cases Referred to the Board for Review	68	73	76	64	66
Invitation to Participate Accepted	47	36	42	43	48
Invitation to Participate Declined	13	8	34	5	3
Invitation to Participate not responded to	8	29	0	16	15

Appendix B (i)		
2017 Caseload		
	Number of Cases	%
Cases Referred to the Board for Review	66	19%
Cases Carried Over*	280	81%
Total Caseload	346	100%

*Refers to cases at various stages

Appendix B (ii)					
Total Caseload - Yearly Comparison					
	2013	2014	2015	2016	2017
Cases Referred to the Board for Review	68	73	76	64	66
Cases Carried Over	261	266	276	280	280
Total	329	339	352	344	346

Appendix C (i)				
Prisoner Interviews 2017				
Institution	Prisoners with Life Sentences	Prisoners with Determinate Sentences	Total Number of Prisoners	Total %
Arbour Hill	7	1	8	7%
Castlerea	7	0	7	6%
Cork Prison	5	0	5	4%
Dochas Centre	3	0	3	3%
Limerick Prison	3	0	3	3%
Loughan House	5	0	5	4%
Midlands Prison	28	4	32	28%
Mountjoy Prison	11	6	17	15%
Portlaoise Prison	7	1	8	7%
Shelton Abbey	8	0	8	7%
The Training Unit	1	0	1	1%
Wheatfield	17	0	17	15%
Total	102	12	114	100%

Appendix C (ii)					
Prisoner Interviews - Yearly Comparison					
Institution	Number of Prisoners				
	2013	2014	2015	2016	2017
Arbour Hill	21	15	21	17	8
Castlerea	15	7	8	6	7
Cork Prison	1	3	1	4	5
Dochas Centre	2	4	3	5	3
Limerick Prison	2	1	7	0	3
Loughan House	0	5	3	3	5
Midlands Prison	18	21	20	14	32
Mountjoy Prison	6	4	5	10	17
Portlaoise Prison	6	1	1	7	8
Shelton Abbey	4	1	1	5	8
The Training Unit	14	4	10	8	1
Wheatfield	6	11	14	15	17
Total	95	77	94	94	114

Appendix D (i)

Offence Analysis of Cases Referred to the Board in 2017

Offence	Number of Prisoners Who Accepted	%	Number of Prisoners who Declined or did not Respond to Invitation	%	Total Number of Prisoners	%
Murder	20	37%	1	6%	21	30%
Manslaughter	5	10%	0	0%	5	12%
Sex Offences	11	23%	7	39%	18	26%
Other Offences Against the Person	3	6%	4	22%	7	10%
Drug Offences	1	2%	1	6%	2	3%
Robbery/ Larceny	3	6%	1	6%	4	6%
Burglary/Aggravated Burglary	2	4%	2	11%	4	6%
False Imprisonment	0	0%	2	11%	2	3%
Other Offences	3	6%	0	0%	3	4%
Total	48	100%	18	100%	66	100%

Appendix D (ii)

Offence Analysis of Accepted Cases - Yearly Comparison

Number of Prisoners

Offence	2013	2014	2015	2016	2017
Murder	13	17	19	16	20
Manslaughter	7	0	1	4	5
Sex Offences	9	7	8	11	11
Other Against the Person	5	2	2	3	3
Drug Offences	3	1	2	1	1
Robbery/Larceny	3	3	3	3	3
Burglary/Aggravated Burglary	2	4	4	2	2
False Imprisonment	1	0	0	0	0
Other Offences	4	2	3	3	3
Total	47	36	42	43	48

Appendix E (i)		
Sentence Length Analysis of cases in which an invitation to participate was accepted in 2017		
Sentence Length	Number of Prisoners	%
8 Years	10	21%
8 Years but less than 10 Years	8	17%
10 Years but less than 12 Years	4	8%
12 Years but less than 14 Years	5	10%
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	20	42%
Total	48	100%

Appendix E(ii)					
Sentence Length Analysis - yearly comparison					
Number of prisoners					
Sentence Length	2013	2014	2015	2016	2017
8 Years	9	5	6	11	10
8 Years but less than 10 Years	14	5	5	7	8
10 Years but less than 12 Years	5	3	5	4	4
12 Years but less than 14 Years	0	1	1	4	5
14 Years but less than 16 Years	4	3	4	1	1
16 Years but less than 18 Years	0	0	0	0	0
18 Years or More	1	1	1	0	0
Life	14	18	20	16	20
Total	47	36	42	43	48

Appendix F (i)		
Recommendations made to the Minister for Justice and Equality - 2017		
	Number	%
Recommendations Accepted in Full	102	89%
Recommendations Accepted Conditionally or in Part	3	3%
Recommendations Not Accepted	0	0%
Recommendation Deferred	0	0%
Ministerial Decisions Pending	9	8%
Total	114	100%

Appendix F (ii)					
Recommendations Made to the Minister for Justice and Equality					
Yearly Comparison					
	2013	2014	2015	2016	2017
Recommendations Accepted in Full	75	82	88	89	102
Recommendations Accepted Conditionally or in Part	9	4	1	6	3
Recommendations Not Accepted	0	0	0	1	0
Recommendations Noted	0	0	0	0	0
Recommendations Deferred	1	5	8	1*	0
Released on Remission Prior to Decision	0	0	0	0	0
Ministerial Decisions Pending	11	0	0	1	9
Total	95	91	97	98	114

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