

Mr. Charlie Flanagan T.D.,  
Minister for Justice and Equality,  
51 St. Stephen's Green,  
Dublin 2

**Fourth Progress Report of the Implementation Oversight Group to oversee implementation of the recommendations of the Penal Policy Review Group**

Dear Minister Flanagan,

I offer you my warm congratulations and best wishes on your appointment as Minister for Justice and Equality.

On behalf of the Implementation and Oversight Group which oversees implementation of the recommendations of the Penal Policy Review Group, I am pleased to submit the Group's fourth progress report. For ease of reference I have also included a copy of the Group's first, second and third reports submitted to your predecessor, the Tánaiste Ms Frances Fitzgerald T.D., in November 2015, June 2016 and February 2017.

In the preparation of this report, the core group met on 10 May 2017 and I have also met with the Irish Prison Service, the Probation Service, Courts Policy, Criminal Law Reform, and Prisons and Probation Policy separately as part of this process.

As with our previous report, the group has carried out a further analysis of (1) the timelines expected for the implementation of each recommendation made by the Penal Policy Review Group, and (2) the implementation status of each of those recommendations. The group has also reviewed the milestones attached to each recommendation and, where relevant, created new ones to reflect developments since our first and second reports.

As you know, the Penal Policy Review Group made 43 recommendations. Some of these contain multiple elements. The Group has now made assessment of progress in 59 areas. As the work being carried out to implement the Penal Policy Review Group's report progresses, the measures being reported on have evolved. The Group has made a qualitative and overall assessment concerning the implementation of each the Penal Policy Review Group's recommendations. In previous reports we assessed the implementation of the recommendations under three headings: 'not complete', 'complete', and 'on track'.

The Group considers that this mechanism of assessment was not providing sufficient detail concerning the extent to which progress was being made. In particular, the 'on track' category was too broad, and did not allow the Group to provide a close assessment of the progress of implementation.

As a result, the Group has used a different mechanism for reporting on progress in this reporting period. It was agreed that the following scale would apply to all further reports of the group in respect of measuring progress on the implementation of recommendations.

<b>Rating</b>	<b>Description of range</b>
E	No Progress
D	Discussion/Consultation/Planning Phase
C	Implementation Phase Commenced
B	Implementation Phase Progressing
A	Fully Implemented

The Group is of the view and trusts that this mechanism will provide you with more detail and clarity concerning the progress of implementation.

Of the 59 areas where progress was assessed, 3 are in the 'A' category, 19 are in the 'B' category, 15 are in the 'C' category, 21 are in the 'D' category and 1 is in the 'E' category.

I wish to draw your attention to recommendations 12 and 13. In recommendation 13, the Penal Policy Review Group recommended that the use of open prisons for weekend sentencing be considered. This was considered in October 2015 by the Irish Prison Service and the matter was not considered a priority for the Irish Prison Service at that time. This recommendation has been assigned an 'A' classification on the basis that the recommendation, which required consideration of the issue, has been fulfilled. In recommendation 12, the Penal Policy Review Group recommended the introduction, on a statutory basis, of a provision for community service in lieu of part of a sentence in excess of one year. This recommendation has been reviewed and considered by the relevant parties at length, and the decision has been made not to proceed with the recommendation. As a result, this recommendation has been assigned an 'E' classification as the recommendation itself will not be implemented at this stage.

In our first report, 70 milestones were deemed complete, while in this report 194 milestones have been deemed complete.

Since our last report, I am pleased to note that the Department of Justice and Equality's Strategy Statement has referred to the need for a 'whole of government' approach to crime, which is in keeping with the Penal Policy Review Group's recommendations, particularly Recommendations 2, 3 and 41.

We have noted the continued work towards establishing an independent Parole Board on a statutory basis (recommendation 31). We continue to await legislation on the principles of sentencing and community sanctions.

You will also note that a pilot integrated community service scheme was introduced by the Probation Service in July 2016 (recommendation 11). You will further be aware of the completion of a new build of D Wing in Mountjoy Prisons as well as new workshops (recommendation 15), which will provide the infrastructure for improved rehabilitative regimes. Expressions of interest have also been prepared for the development of an open centre for women (recommendations 18 and 23). Since the completion of this report, a formal tender process has now been instigated.

The work of the Implementation and Oversight Group will continue in preparation for a 5<sup>th</sup> report. Finally, if it would be of assistance, I would be delighted to meet at a date convenient to you to discuss our report in greater detail.

I look forward to continuing to work with you on the implementation of this report.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mary Rogan", is centered on a light gray rectangular background.

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Mary Rogan  
Chairperson of the Implementation Oversight Group  
15 September 2017