



The Parole Board  
An Bhoird Pharúil

Annual Report  
of  
**The Parole Board**



**2003**

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## Chairman's Foreword

I am extremely pleased to present the Annual Report of the Parole Board for the year 2003.

In the year under review the Parole Board has been in a position to deal with and make recommendations on 74 cases. I think it is fair to say that the capacity of the Board is such that it could deal with a greater number of cases than this. However, as I will explain, operational difficulties prevent the Board from so doing.

Two members of the Board interview each prisoner before his or her case is considered for a first review and, in some cases, for a subsequent review. A dossier is prepared by the staff of the Board which includes all possible information which the Board might want so that it has available to it all necessary information to form a view as to the rehabilitation of the prisoner, the risk of re-offending, etc.

If the Board is to recommend either a specific management of a prisoner's sentence or that temporary release be granted to a prisoner, it must be in a position to assess all the issues involved. These of course include the seriousness and gravity of the crime, the circumstances under which it was committed, the debt owed by the prisoner to society, his attitude to the crime, his attitude to the victim and all information that could lead the Board to assess his likelihood of re-offending.

This means that the Board require an input from many organisations. These include the Probation and Welfare Service, the Prison Service, the Garda Síochána, the Court Service and a number of private practitioners, such as psychiatrists, psychologists, etc. The dossier must, therefore, include all Reports necessary to assist the Board before they can consider any individual case.

Many of the Board's teething problems have now been resolved. The Board had discussions over a long period with the Court Services concerning access to Books of Evidence and, as a result, the Board will, in certain cases, have access to both the Books of Evidence and Transcripts of the trial. The assistance given to the Board in this matter by Mr. Justice Finnegan, President of the High Court, Mr. Justice Canev, Senior Judge of the Central Criminal Court and Mr. Justice Esmond Smyth, President of the Circuit Court, is much appreciated by the Board.

The Board thus must have in all cases a complete dossier including reports from all the services working in the penal system and from the Garda Síochána. The reports required are, of necessity, both detailed and comprehensive and their preparation make very heavy demands on those services that are required to provide them. It is perhaps not surprising therefore that a significant number of cases referred for review have to be delayed until completed reports are available. This situation is less than satisfactory but, having regard for the resources available, is hardly surprising. The good work and effort made by the Probation & Welfare Service in providing reports and the excellence of such reports is much appreciated. Indeed, the provision of quality reports from all disciplines involved in the process is a necessary for the Board to fulfil its function and is much appreciated by it.

Nonetheless, there are times when cases have to be delayed because such completed reports are not available. This situation is obviously less than satisfactory. While it appears to reflect the constraints under which the relevant services work, it can seriously delay the work of the Board. This must obviously have an impact on the prisoners who are seeking to have their cases reviewed.

A prisoner serving a sentence of say 8 years (which is the minimum sentence in a case with which the Board can deal) is effectively entitled to have his or her case reviewed after 4 years, and entitled to release with normal remission after 6 years. There is, therefore, a window of only 2 years for intervention by the Board in either the management of the prisoner's sentence or in recommending temporary release. Obviously delays in furnishing reports can have an enormous effect on such cases.

Of course the preparation of these reports presents problems. Challenging offending behaviour, any form of restorative intervention and measuring the level of remorse and understanding the impact which crime has on the victim or the victim's family is essential and it does seem clear that this ideally should be done in the early years following sentence determination.

Undertaking this task years later when the impact and seriousness of a horrendous crime may become dulled or blocked out would not appear to be best practice. This work should be done because, in the absence of this data, the Board's deliberations are confined to the current attitude, remorsefulness and outlook of the prisoner and to the assessments of the managerial and professional reports provided.

The Board regards its primary concern in considering recommending temporary release to be the likelihood of a prisoner re-offending. The Board would therefore strongly recommend that the necessary resources be made available to ensure that in the future all essential data would be routinely included in all reports provided.

The Board recognises the need for great care and consideration of the resettlement plans for a prisoner. Apart from the risk of re-offending this involves acceptance by his or her local community and in particular by the victim or the victim's family. Sometimes the Board recommends that resettlement must be away from a prisoner's local community.

The Board is seeking ways and means to obtain more comprehensive data in what is a very sensitive area. The good work done by the Prison Service and by the Probation and Welfare Service in particular is greatly appreciated by the Board and the Board recognises that they respond as best they can. The Board is further grateful for the quality of the reports furnished by the Probation and Welfare Service but it does recognise that this Service, from time to time, finds it difficult to provide reports as speedily as they are required and every step should be taken to address this issue.

Frequently the Board requires risk assessments of prisoners before making any recommendation. This may often be a fundamental requirement before any suggestion of temporary release can arise. It is therefore a matter of concern that the number of psychologists working in the Prison Service is so limited. Whilst those psychologists that are working in the Prison Service are working generally for the benefit and rehabilitation of the prisoner and perhaps cannot assist in providing risk assessments, nonetheless there should be available a comprehensive psychological service in all prisons.

The Probation and Welfare Service in reports provide risk assessments. This is a step in the right direction and is of great benefit to the Board. Already many of the Reports furnished to the Board contain the relevant Officer's observations on the prisoner and this again is helpful. It may be that professional advice from psychiatrists or psychologists is obtained in making these assessments and, if so, the Probation and Welfare Service's risk assessments will be of great benefit to the Board.

The Board was very disappointed to learn that due to lack of take-up by prisoners the Sex Offender Programme at the Curragh Place of Detention had to be discontinued. One of the reasons given by prisoners was that few, if any, sex offenders are granted parole and they see no benefit therefore in undertaking these programmes.

There is a short-term logic in this approach because the Board are obviously most reluctant to recommend the granting of parole to sex offenders. This is because of the high risk of re-offending that such prisoners are perceived to represent. The Board must itself examine whether it can make recommendations in such cases but obviously it is a very delicate matter. Each case must, of course, be considered on its own particular merits and all factors in each case weighed up on an individual basis.

This issue raises the entire question of whether the remission available in this country of 25% off sentences, merely for good conduct is, in this day and age, appropriate. Should it be a precondition of ordinary remission that a prisoner would attend whatever courses the Prison Service makes available to him or her and should this be a precondition on any form of remission?

For non violent offences and for persons who attend the appropriate courses should the level of remission be increased to bring it into line with European standards? Is it time that the entire attitude to remission, which has been in existence for over 100 years, should be examined in the light of present circumstances and in the light of the availability of courses and programmes that will help prisoners rehabilitate? There does seem something wrong that prisoners can avail of remission without availing of the programmes that can only lead to their own rehabilitation.

While remission is obviously important in motivating a prisoner's behaviour in prison it is regrettable that there is often little or no incentive for prisoners who avail of rehabilitation programmes.

Has the Probation and Welfare Service got the resources for post custody programmes such as are now prevalent in other countries? It is easier to recommend remission or parole for persons who are going to remain under a closely watched post custody programme than it is where no such programme exists. These are matters which affect the Board's work and surely deserve the consideration of the relevant authorities.

Mr. Justice Geoghegan of the Supreme Court said recently that the release of a prisoner who had been rehabilitated back into the community confers not merely a benefit on the prisoner but also a benefit to the community.

The Board is very conscious of this and warmly endorses the Judge's words but it remains conscious that the risk of re-offending must remain its primary concern. The public's entitlement to protection is, at all times, the Board's major consideration.



The membership of the Board is widely drawn. It thus has the advantage of the enormous experience of persons who have devoted their life to dealing with offenders, to persons expert in victim support, to psychiatrists, to community representatives and to civil servants, whose expertise in the management of prisons is unrivalled. It is this that enables the Board to bring a wide variety of expertise to bear on its problems – sometimes extremely delicate problems, which it has to face.

The Board continues to be gravely concerned about the spate of violence in this country. In the year under review murders continued unabated. The prospect of retribution does not seem to be a deterrent to what are in many cases warring factions. There has been much media publicity suggesting that persons convicted of murder can frequently get early release. The Board wishes to make perfectly clear that this is not so. The Board endorses the serious view the Minister has taken of such murders and wishes to point out – and point out firmly – that unless there are the most extenuating circumstances a person convicted of murder can expect no clemency until he or she has served an extremely lengthy sentence.

Similarly persons concerned in acts of lawlessness on the streets must realise that retribution lies in wait. The Parole Board has jurisdiction to deal only with sentences of 8 years or more but certainly it is very conscious of the violence that now underlines our society and is very conscious of the public attitude to such violence.

The Board remains gravely concerned that not all prisoners seek early release through the parole process. It is a matter of grave disquiet to the Board that prisoners who do not avail of the parole process can sometimes get substantial temporary release. Such substantial temporary release should only be available through the recommendations made by the Board to the Minister.

The Board wishes to place on record its appreciation of the co-operation received from the Prison and Probation and Welfare Services in providing reports and the courtesy shown to members when visiting prisons to interview prisoners.

The Board are also appreciative of the assistance given by the Garda Síochána in many aspects of their work. The Board have to be given information on the gravity of the offence, the prisoner's attitude when arrested, the attitude to the offence in the locality, etc. For all of the information given to the Board in these matters by the Garda Síochána, the Board wishes to express its gratitude.

The Board recognises that Gardaí have a better understanding of its problems and, for their part, appreciate that their reports are deeply valued when we are making our deliberations.

Finally the Board is conscious of the public attitudes to sentencing generally in this country and they are conscious of the public response to the recent spates of violence. The Board is further conscious however that there are available now many courses and programmes under the auspices of the Prison Service and is very anxious that prisoners should avail of as many of these as possible. The Board will not be unresponsive to prisoners who do what they can to rehabilitate themselves and show that they are fit to resume their role as responsible members of society.

It would be remiss of me not to conclude by expressing appreciation to our staff led by Allan Grant who conscientiously carry out their duties in such an exemplary manner.

**GORDON HOLMES  
CHAIRMAN**

**May 2004**



## 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 was appointed by the Minister on 4 April, 2001. The first meeting of the Board was held in July 2001 and the first prisoners were interviewed by members of the Board, as part of the review process, in November of that year.

This is the second annual report of the Parole Board and it relates to the Board's activities during 2003. Ms Marieva Coughlan, Director Of Regimes, Irish Prison Service made a presentation to the Board on the Regimes Directorate and on the development of a Positive Sentence Management process and the role in this which the Board can play. Members of the Board attended a seminar on Non-Custodial Sentences in the criminal justice process at which the Chairman of the Board was one of the contributors.

Before the Board can review the case of any prisoner, his or her case must be referred to it by the Minister for Justice, Equality and Law Reform. Generally, the cases of prisoners sentenced to eight years or more, but less than fourteen years, are reviewed at the half sentence stage. The cases of prisoners sentenced to fourteen years or more, including life, are reviewed after seven years has been served.

As a general principle, prisoners serving sentences for:

- (a) 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);
- (b) 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);

- (c) 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,

will not be eligible for review by the Board.

In addition, persons sentenced to a term of imprisonment for the possession of drugs under subsections 3A and 3B of section 27 of the Misuse of Drugs Act, 1977 as amended by section 5 of the Criminal Justice Act, 1999 will also not be eligible for review by the Board.

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

The Board's review process is designed to be open and inclusive. A significant difference between the Board's process and that of its predecessor, the Sentence Review Group, is the general practice of providing copies of reports and other material to the prisoner whose case is being reviewed.

The cases of some 72 prisoners were referred to the Board during 2003. Of these, 56 prisoners accepted an invitation to participate in the review process. These figures are similar to those for 2002. During 2003 the Board made recommendations to the Minister in 74 cases. In addition to dealing with new referrals, the Board also reviewed some 36 cases for the second time. This was a marked increase over 2002. Where a prisoner is not recommended for release, second, or subsequent, reviews will generally take place on an annual basis in the case of prisoners serving less than 10 years and within 3 years in all other cases.

## MEMBERSHIP OF THE BOARD

Mr. Gordon Holmes	Chairperson
Mr. Seán Lowry	Probation and Welfare Service
Mr. Frank McCarthy	Governor, Cork Prison
Ms. Lillian McGovern	Community Representative
Ms. Anne O’Gorman	Department of Justice, Equality and Law Reform
Mr. Tim O’Donoghue	Community Representative
Ms. Daisy O’Reilly	Community Representative
Mr. Brian Purcell	Irish Prison Service
Dr. Charles Smith	Central Mental Hospital
Mr. Martin Tansey	Community Representative

## STAFF OF THE SECRETARIAT

Mr. Allan Grant	Assistant Principal Officer
Mr. Tony Delaney	Higher Executive Officer
Ms. Alice Treacy	Higher Executive Officer
Mr. Colin Donovan	Clerical Officer

Note: Mr. Delaney was transferred to other duties on promotion in June, 2003 and Ms. Treacy took up duty in August, 2003.

# Appendices

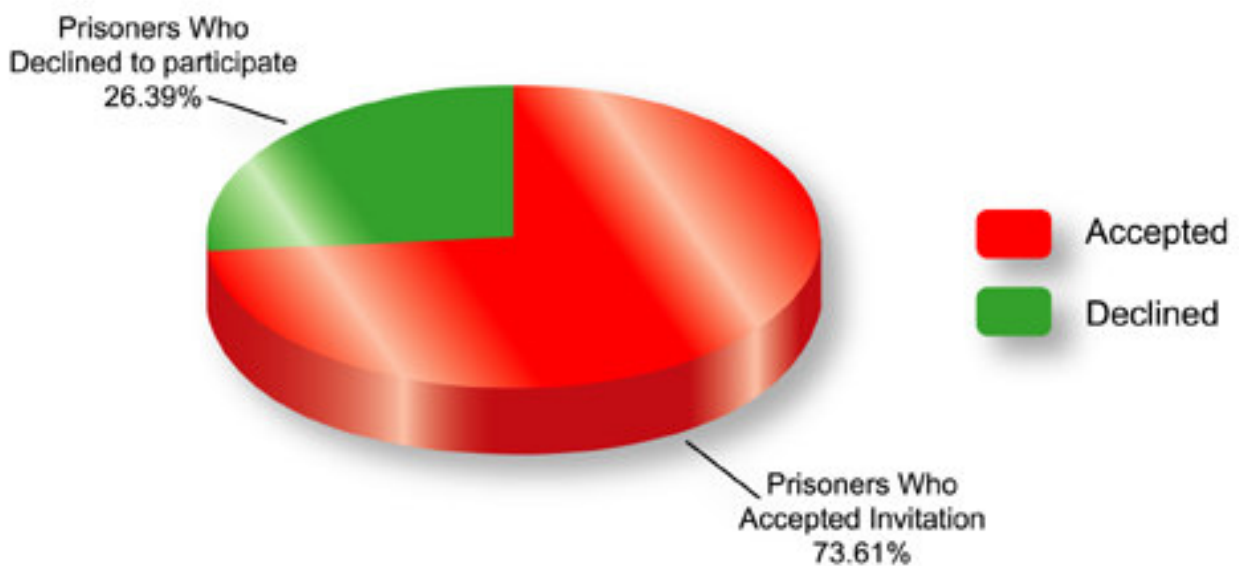


Appendix A(i)

Parole Board - Cases Referred - 2003		
	Number of Cases	%
<b>Cases referred to the Board for review</b>	72	100
Prisoners who accepted an invitation to participate in the review process <sup>(1)</sup>	53	73.61
Prisoners who declined to participate in the review process	19	26.39

Note: (1) In addition 2 prisoners who had previously withdrawn from the Parole Board process, re-entered bringing the total of new cases to 55.

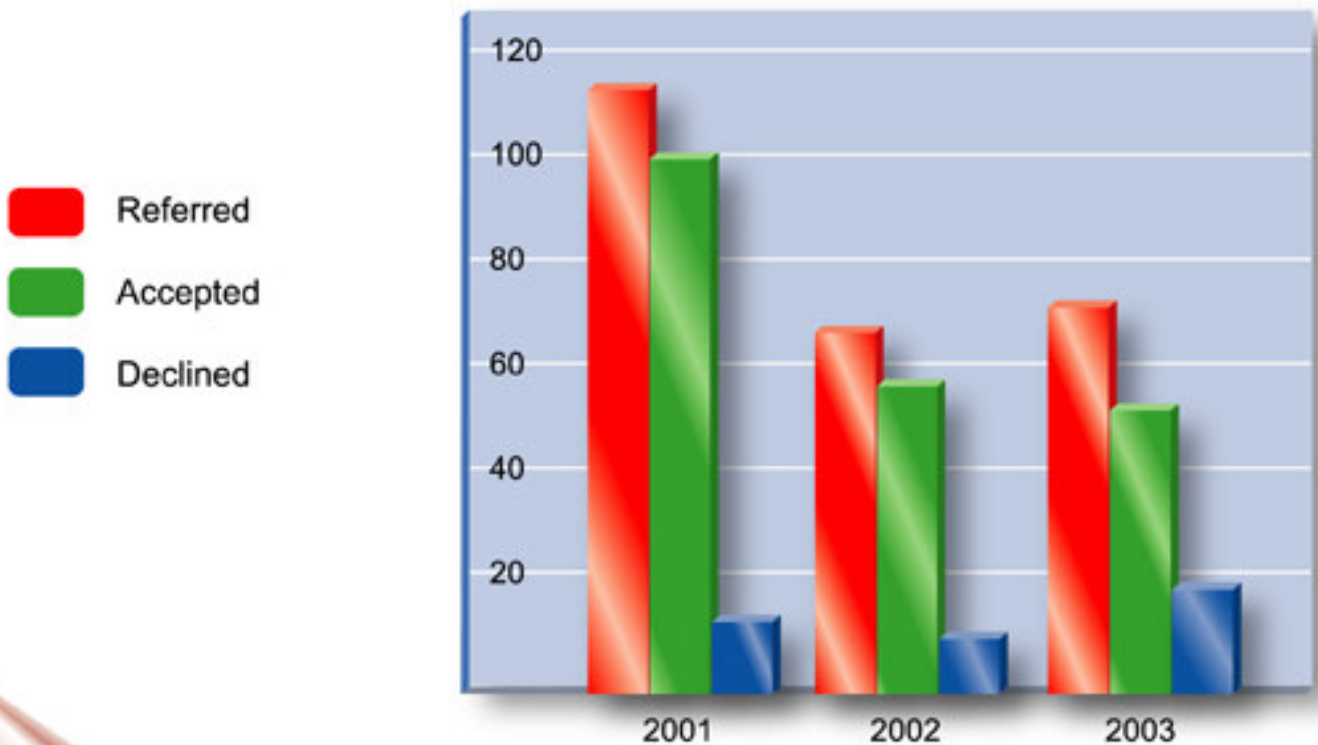
Fig A(i) - Parole Board - Cases Referred - 2003



Appendix A(ii)

Parole Board - Cases Referred - Yearly Comparison			
	2001	2002	2003
<b>Cases Referred to the Board for Review</b>	113	67	72
Prisoners who accepted an invitation to participate in the review process	100	57	53
Prisoners who declined to participate in the review process	13	10	19

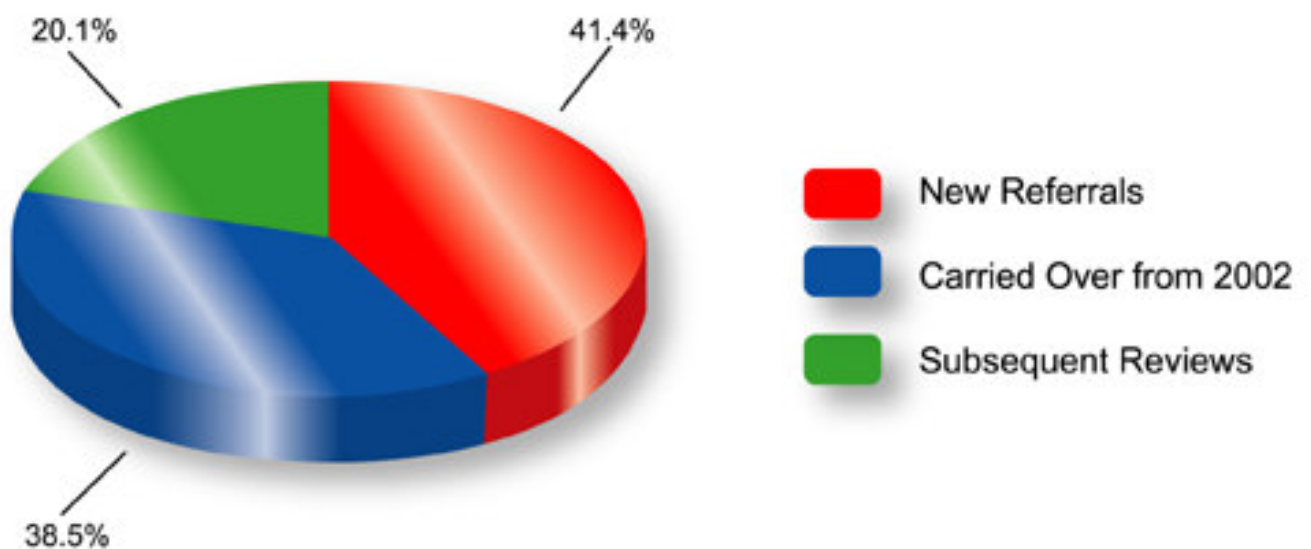
Fig A(ii) - Parole Board - Cases Referred - 2003



Appendix B (i)

Parole Board - Caseload - 2003		
	Number of Cases	%
Cases referred to the Board for Review	72	41.38
Cases carried over from 2002	67	38.51
Cases for second or subsequent review	35	20.11
<b>Total Caseload</b>	<b>174</b>	<b>100</b>

Fig B(i) - Parole Board - Caseload - 2003

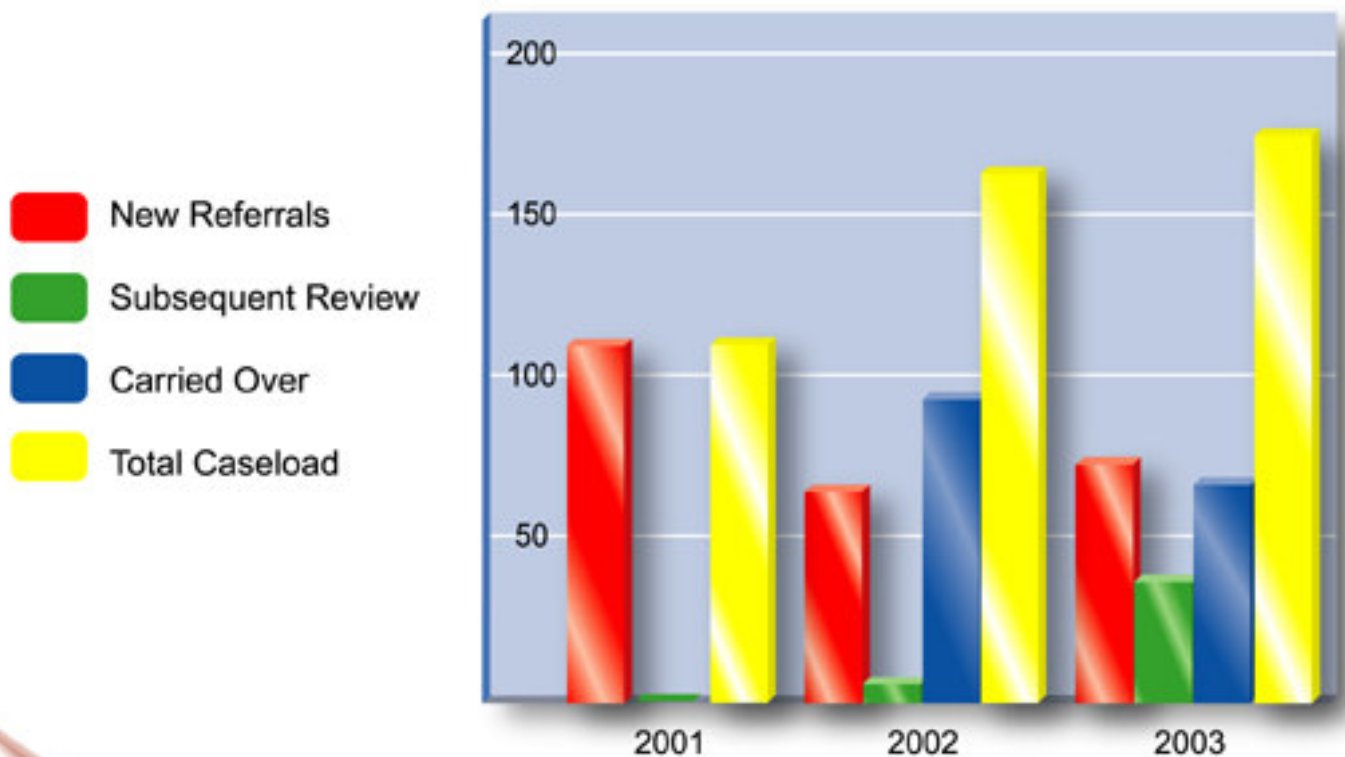




Appendix B (ii)

Parole Board - Total Caseload - Yearly Comparison			
	2001	2002	2003
Cases referred to the Board for Review	113	67	72
Cases carried over	0	93	67
Cases for second or subsequent review	0	3	35
<b>Total Caseload</b>	<b>113</b>	<b>163</b>	<b>174</b>

Fig B(ii) - Parole Board - Total Caseload

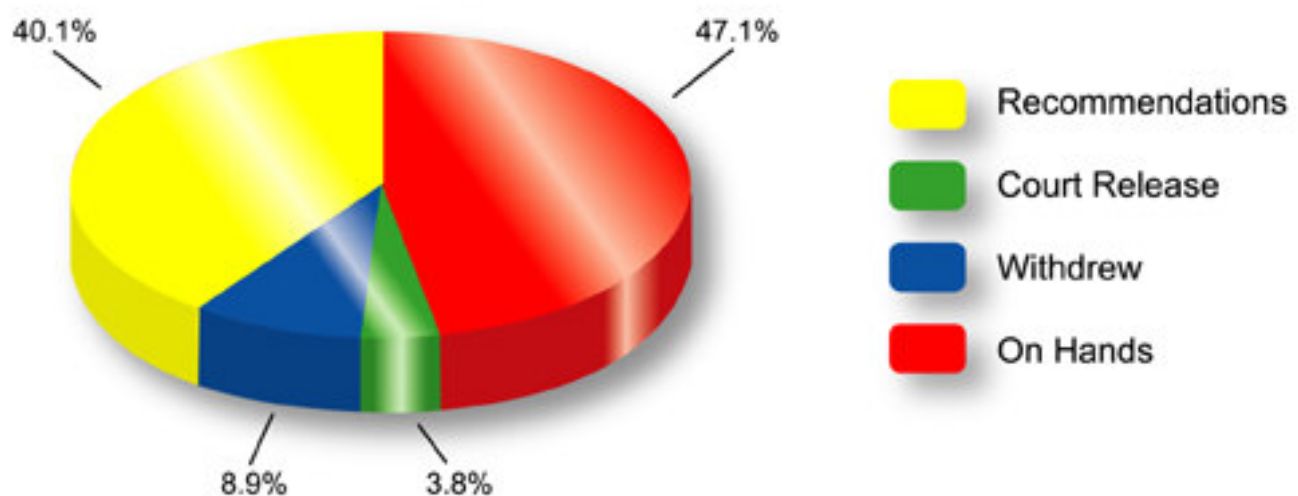


Appendix C (i)

Parole Board - Case Review Progress - 2003		
	Number of Cases	%
Cases on hands at beginning of year	67	100
Cases for second or subsequent review	35	
Cases in which an invitation to participate was accepted in 2003 <sup>(1)</sup>	55	
Cases in which a recommendation to the Minister was made	74	47.13
Cases where the prisoner was released by the Courts during review process	6	3.82
Cases where the prisoner withdrew from the review process <sup>(2)</sup>	14	8.92
Cases on hands - i.e. at various stages of the review process and to be carried over to 2004	63	40.13

Notes: (1) Includes 2 prisoners who re-entered the Parole Board Process in 2003  
 (2) An additional 3 prisoners withdrew from the Parole Board process subsequent to a recommendation being made in their case, making a total of 17 withdrawals in all.

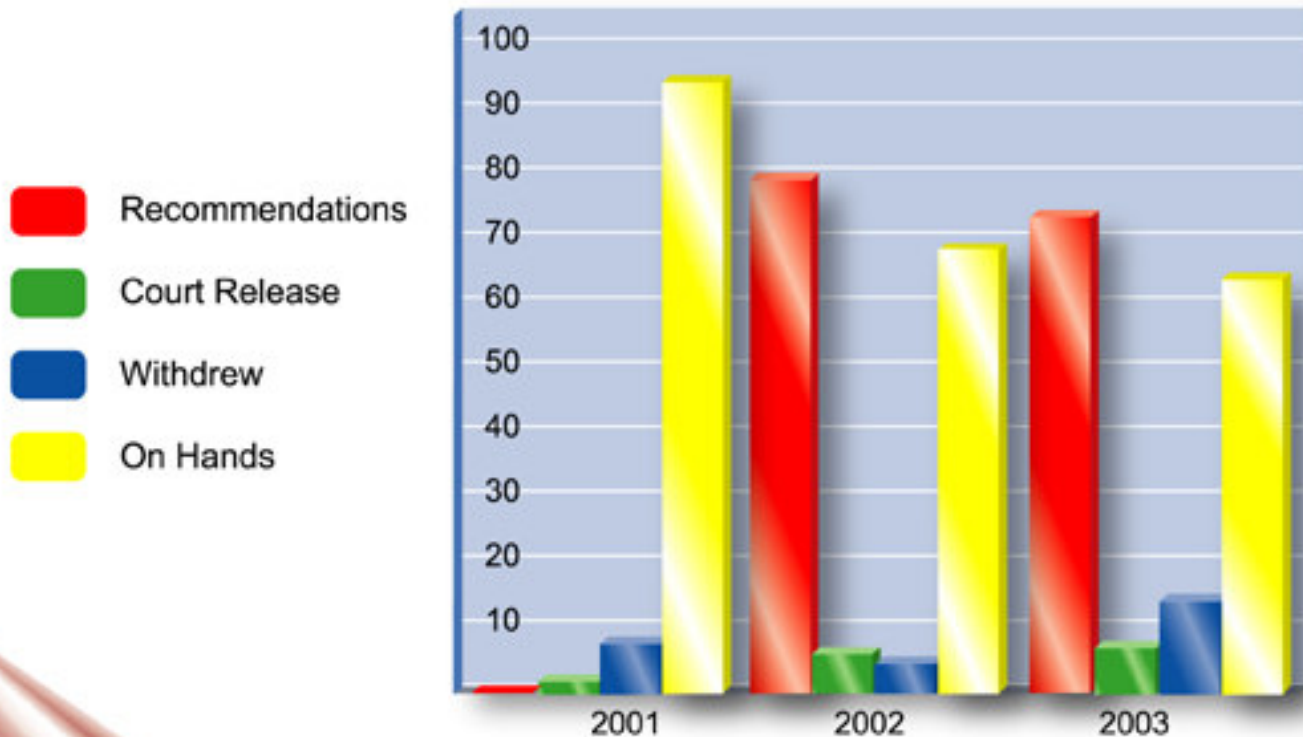
Fig C(i) - Parole Board - Status of Cases - 31/12/2003



Appendix C(ii)

Parole Board - Case Review Progress						
	Year 2001		Year 2002		Year 2003	
	No.	%	No.	%	No.	%
Cases on hand at beginning of year	0		93		67	
Cases for second or subsequent review	0	100	3	100	35	100
Cases in which an invitation to participate was accepted	100		57		55	
Cases in which a recommendation to the Minister was made	0	0	79	51.63	74	47.13
Cases where the prisoner was released by Courts during review process	1	1	4	2.61	6	3.82
Cases where the prisoner withdrew from the review process	6	6	3	1.96	14	8.92
Cases on hands - i.e. at various stages of the review process and to be carried over	93	93	67	43.79	63	40.13

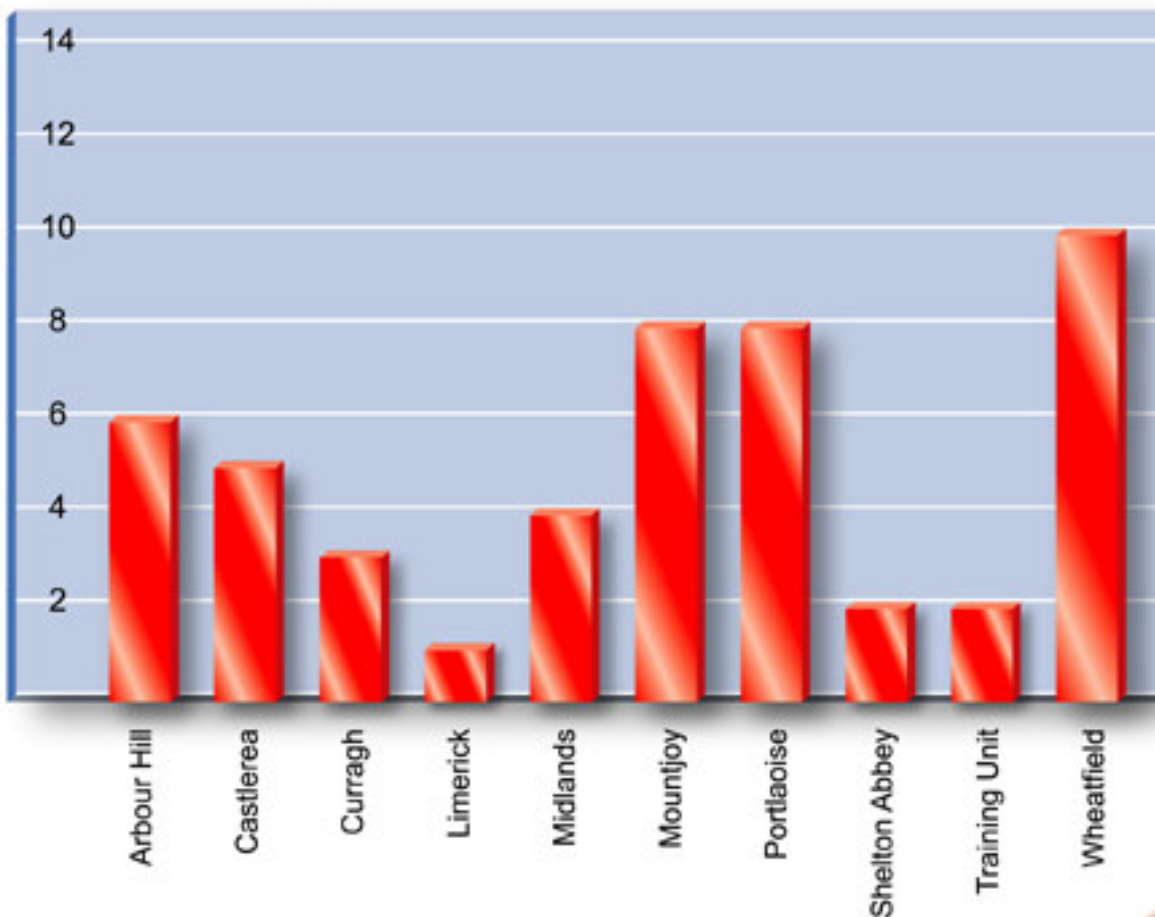
Fig C(ii) - Case Review Progress



Appendix D(i)

Parole Board - Prisoner Interviews 2003		
Institution	No. of Prisoners	%
Arbour Hill Prison	6	11.76
Castlerea Prison	5	9.8
Curragh Place of Detention	3	5.88
Limerick Prison	1	1.96
Midlands Prison	4	7.84
Mountjoy Prison	8	15.69
Portlaoise Prison	8	15.69
Shelton Abbey	2	3.92
The Training Unit	2	3.92
Wheatfield Prison	12	23.53
<b>Total</b>	<b>51</b>	<b>100</b>

Fig D(i) - Parole Board - Prisoner Interviews 2003

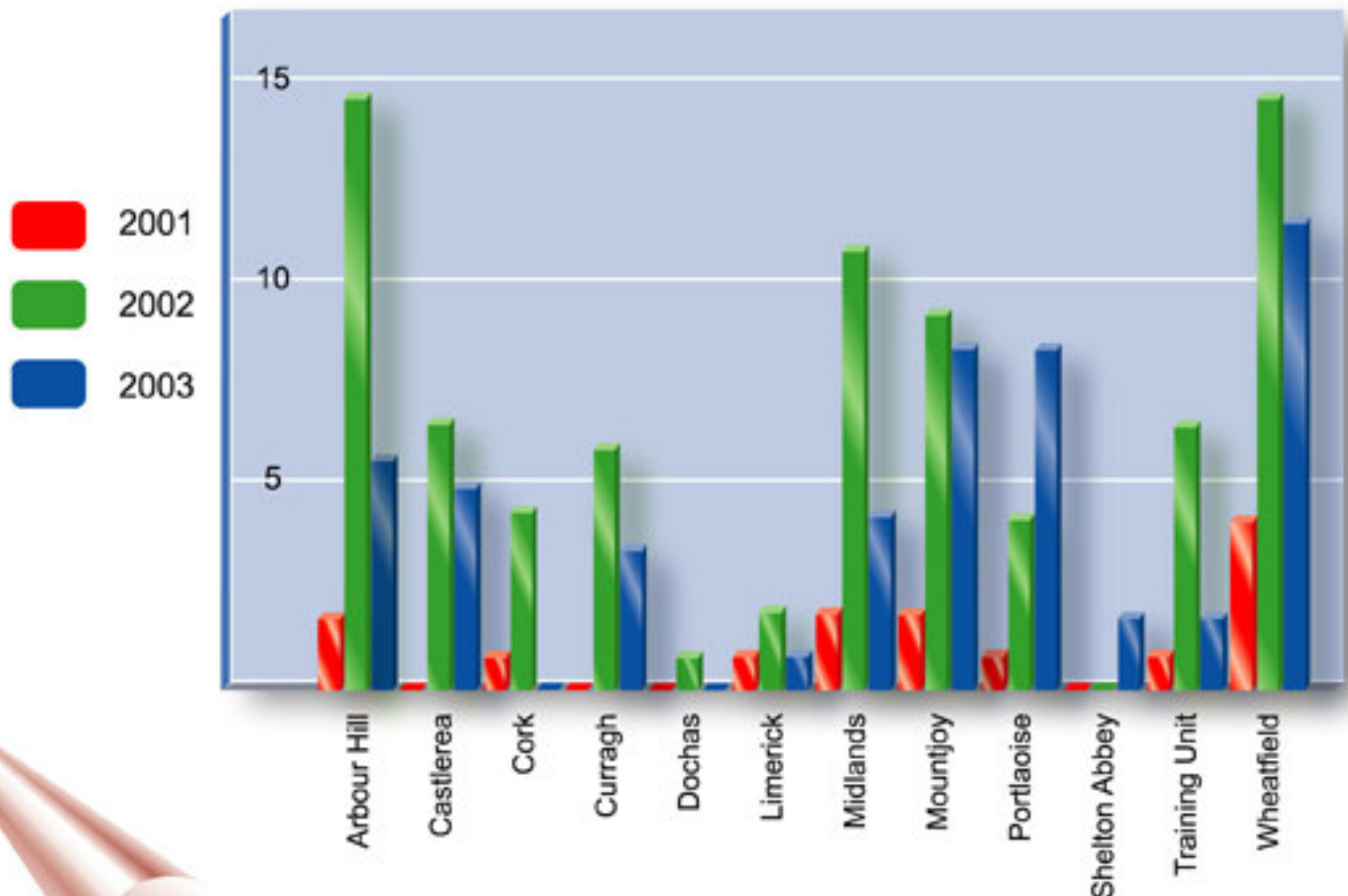




Appendix D(ii)

Parole Board - Prisoner Interviews - Yearly Comparison			
Institution	Number of Prisoners		
	2001	2002	2003
Arbour Hill Prison	2	14	6
Castlerea Prison	0	7	5
Cork Prison	1	4	0
Curragh Place of Detention	0	6	3
Dochas Centre	0	1	0
Limerick Prison	1	2	1
Midlands Prison	2	11	4
Mountjoy Prison	2	9	8
Portlaoise Prison	1	4	8
Shelton Abbey	0	0	2
The Training Unit	1	7	2
Wheatfield Prison	4	14	12
<b>Total</b>	<b>14</b>	<b>79</b>	<b>51</b>

Fig D(ii) - Parole Board - Prisoner Interviews

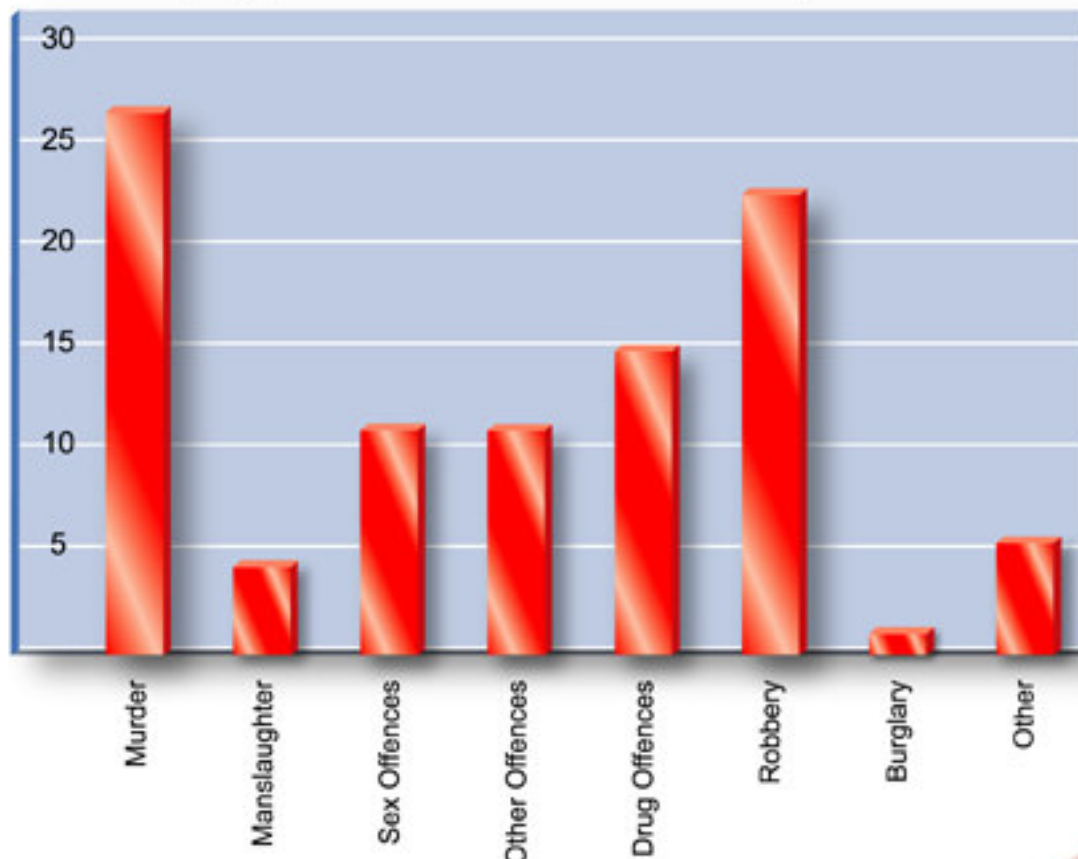


Appendix E(i)

Parole Board Offence Analysis of Cases in which an Invitation to Participate was accepted in 2003		
Offence <sup>(1)</sup>	No of Prisoners	%
Murder	14	26.92
Manslaughter	2	3.85
Sex Offences	6	11.54
Other Offences Against the Person	6	11.54
Drug Offences	8	15.38
Robbery	12	23.08
Burglary/Aggravated Burglary	1	1.92
Other Offences	3	5.77
<b>Total</b>	<b>52</b>	<b>100</b>

Note: (1) Where the prisoner was convicted of more than one offence, the offence indicated is that for which the longest sentence was imposed

Fig E(i) - Parole Board - Offence Analysis 2003

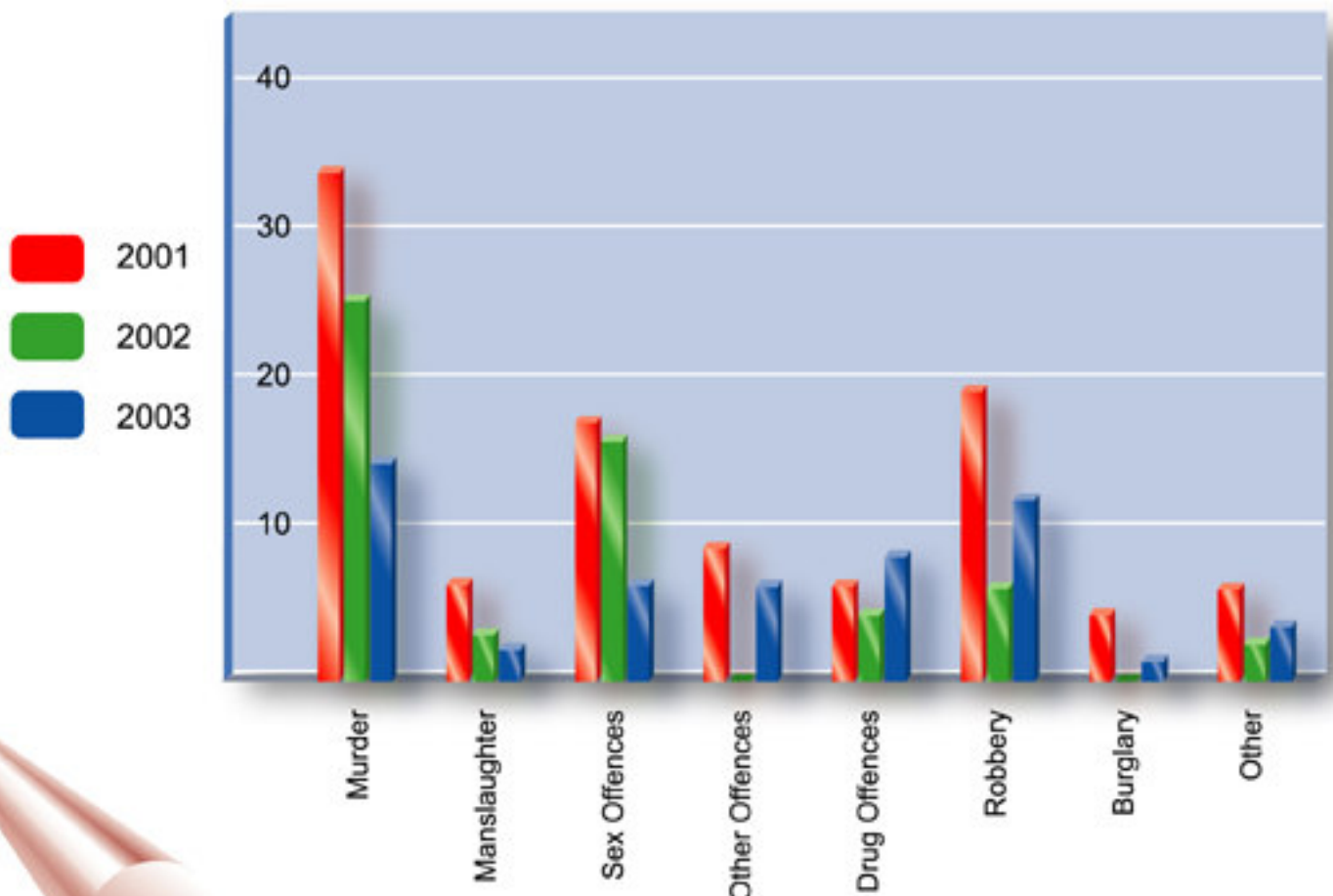


Appendix E(ii)

Parole Board Offence Analysis of Cases - Yearly Comparison			
Offence <sup>(1)</sup>	Number of Prisoners		
	2001	2002	2003
Murder	34	26	14
Manslaughter	6	3	2
Sex Offences	17	16	6
Other offences Against the Person	8	0	6
Drug Offences	6	4	8
Robbery	19	6	12
Burglary/Aggravated Burglary	4	0	1
Other Offences	6	2	3
<b>Total</b>	<b>100</b>	<b>57</b>	<b>52</b>

Note: (1) Where the prisoner was convicted of more than one offence, the offence indicated is that for which the longest sentence was imposed.

Fig E(ii) - Parole Board Offence Analysis





### Appendix F(i)

Parole Board Sentence Length Analysis of Cases in which an invitation to participate was accepted in 2003		
Sentence Length	No of Prisoners	%
8 years	11	21.15
8<=10 years	21	40.38
10<=12 years	2	3.85
12<=14 years	0	0
14<=16 years	2	3.85
16<=18 years	1	1.92
18<=20 years	1	1.92
Life	14	26.93
<b>Total</b>	<b>52</b>	<b>100</b>

Note (1) Where the prisoner received more than one sentence, the sentence indicated is the longest sentence imposed or, where applicable, the aggregate of (consecutive) sentences.

Fig F(i) - Parole Board Sentence length 2003

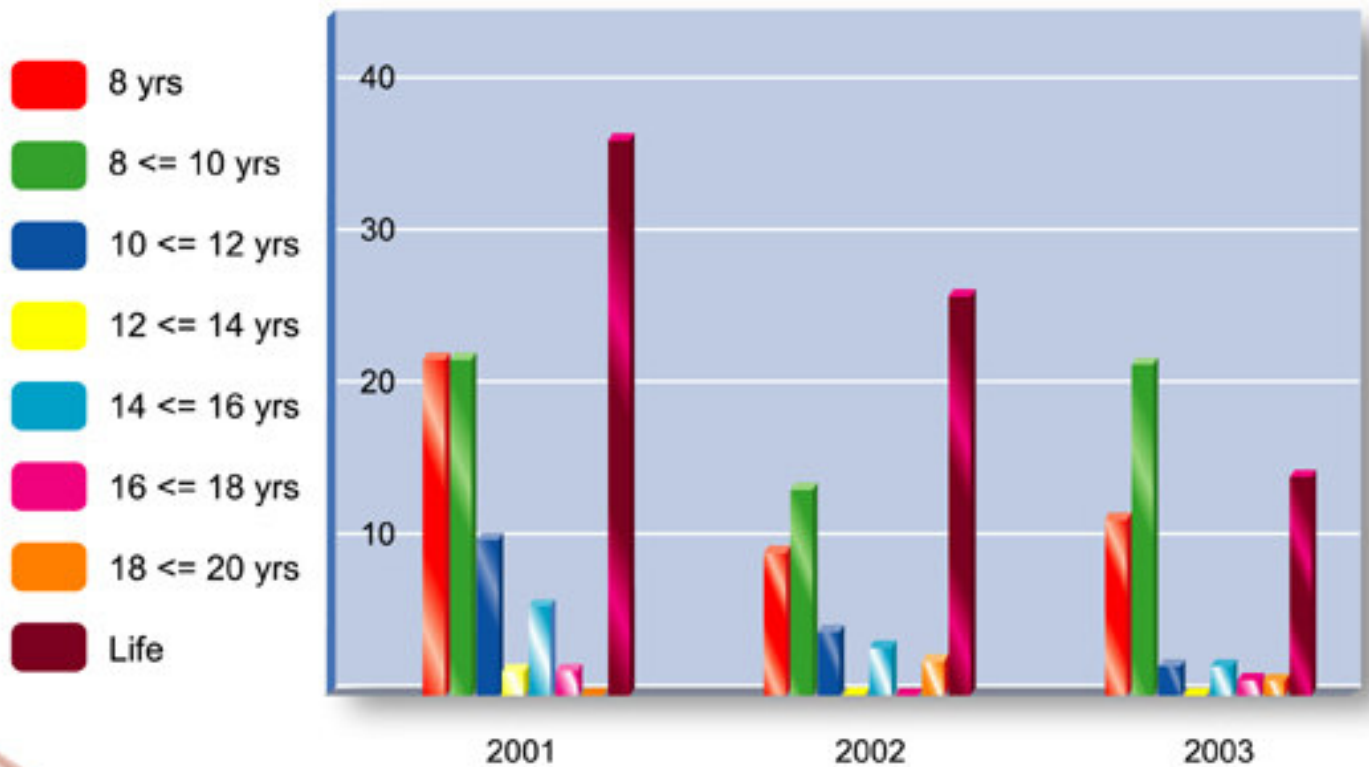


Appendix F(ii)

Parole Board Sentence Length Analysis of Cases - Yearly Comparison			
Sentence Length <sup>(1)</sup>	Number of Prisoners		
	2001	2002	2003
8 years	22	9	11
8<=10 years	22	13	21
10<=12 years	10	4	2
12<=14 years	2	0	0
14<=16 years	6	3	2
16<=18 years	2	0	1
18<=20 years	0	2	1
Life	36	26	14
<b>Total</b>	<b>100</b>	<b>57</b>	<b>52</b>

Note (1) Where the prisoner received more than one sentence, the sentence indicated is the longest sentence imposed or, where applicable, the aggregate of (consecutive) sentences.

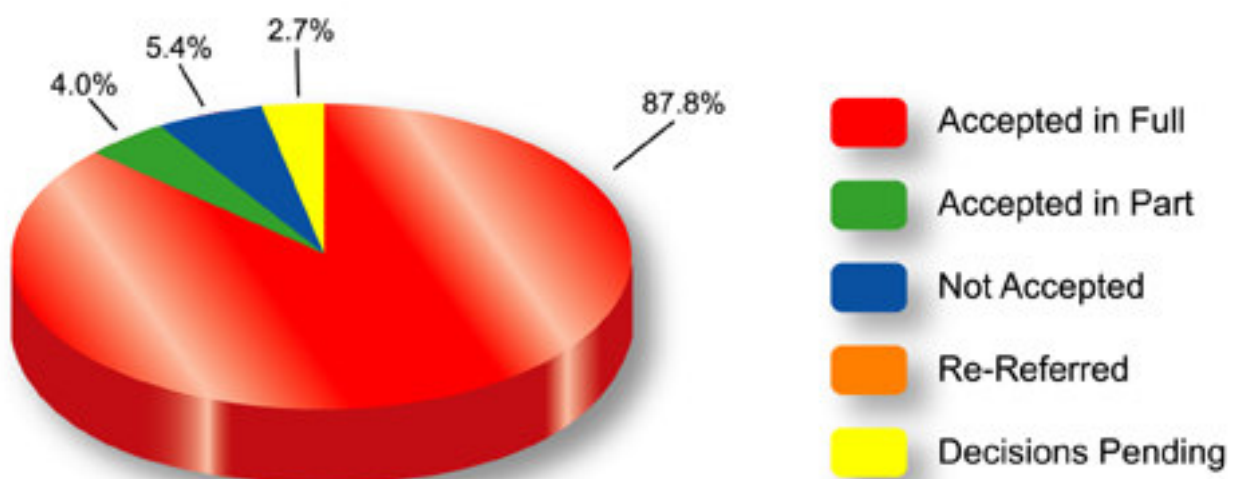
Fig F(ii) - Parole Board  
Sentence Length Analysis of Cases



Appendix G(i)

Parole Board Recommendations made to the Minister for Justice, Equality and Law Reform 2003		
	Number	%
Recommendations accepted in full	65	87.84
Recommendations accepted in part	3	4.05
Recommendations not accepted	4	5.41
Cases referred back to the Board for further consideration	0	0
Ministerial decisions pending	2	2.7
<b>Recommendations made</b>	<b>74</b>	<b>100</b>

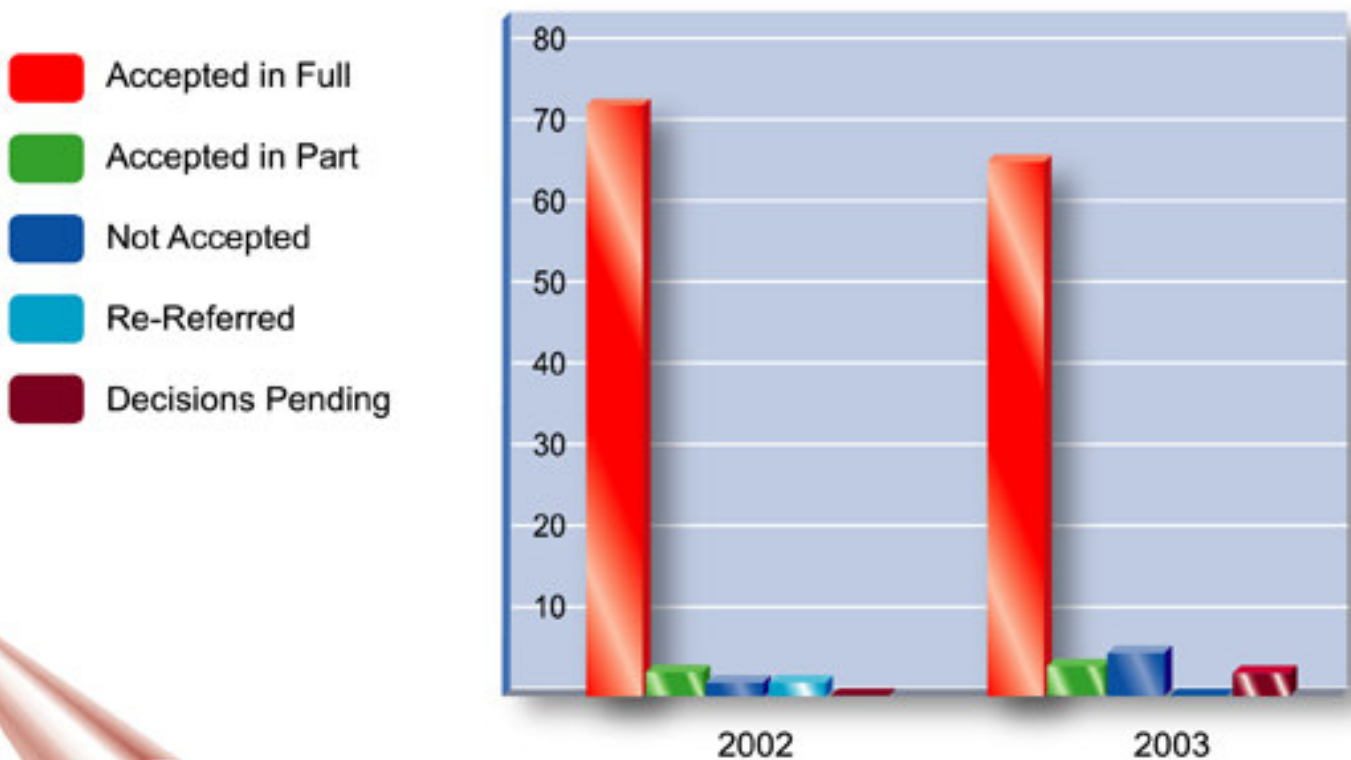
Fig G(i) - Parole Board - Recommendations Made - 2003



Appendix G(ii)

Parole Board Recommendations made to the Minister for Justice, Equality and Law Reform Yearly comparison			
	Number of Cases		
	2001	2002	2003
Recommendations accepted in full	0	74	65
Recommendations accepted in part	0	3	3
Recommendations not accepted	0	1	4
Cases referred back to the Board for further consideration	0	1	0
Ministerial decisions pending	0	0	2
<b>Recommendations made</b>	<b>0</b>	<b>79</b>	<b>74</b>

Fig G(ii) - Recommendations Made - Yearly Comparison





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