

## **Speech by Alan Shatter TD, Minister for Justice, Equality and Defence at the “Parole in Ireland” Conference 25 October, 2013**

Good morning chairman, ladies and gentlemen. I am very pleased to be here with you this morning at the inaugural conference of the Parole Board.

This is a welcome first and I would like to begin by thanking the Chairman of the Parole Board, Mr John Costello, for his kind invitation to address you this morning. In particular, I want to congratulate him on his excellent initiative in hosting this inaugural conference which is a timely first particularly as we have begun the process of putting the Parole Board on a statutory basis. My thanks also to Mr Justice Garrett Sheehan, our chair this morning, and to the Law Society for making available their excellent facilities.

I would also like to thank and congratulate Maura Butler and her team from the ACJRD who organised this conference and made all the necessary arrangements for what I am sure will be a very successful and memorable event.

Many of you will know that I announced plans in 2011 to put the interim Parole Board here in Ireland on a statutory basis. I have long believed that this is necessary and will help to strengthen the Board and improve its functions. However, while work is under way and progress is being made, I should say that decisions have yet to be finalised on exactly what role a statutory Parole Board should play, what powers it should have, and how it should fit into the overall criminal justice system. It is important to take the time to get this right, and this morning’s discussion will of course inform that process.

It should be remembered that I have also appointed a group to carry out a strategic review of penal policy who are examining all aspects of penal policy including parole and other release mechanisms from prison. This is a wide-ranging and important review with implications for the future direction and implementation of penal policy in Ireland. I expect the group to report early in the New Year. When I have considered their recommendations, I will bring proposals forward to Government for a statutory Parole Board. Indeed, I am pleased to see many of the Group’s members here this morning and I am sure they will be taking the opportunity to listen and contribute to the discussion.

In that context, I believe this morning is a timely opportunity to discuss and explore with you the possibilities that exist, to take your views on board, and to learn from the experience of others. It is only right that we should look at parole systems as they apply in Ireland and abroad, to know and better understand what actually works, to appreciate how they are structured and resourced, to learn from our own experience to date, and of course the experience and practice in other jurisdictions. That is why this morning’s conference is both so important and timely, and that is why this is such an excellent opportunity to share our experience and learn from each other.

I am particularly delighted to welcome the guest speakers from abroad who have come here to share and discuss the experiences of the parole systems in Canada, Finland, Northern Ireland and Scotland. The range of speakers and topics to be covered in such a short space of time is most impressive and I commend the chairman of the Board for bringing you all

together. For my part, I am interested in hearing from you on how international parole systems, which of course can vary greatly from one jurisdiction to another, are structured and resourced. It will be interesting to hear, for example, how prisoners are involved in the parole process and to what extent, appeals procedures are in place, how remission is applied, and the variety of programmes in place to support the rehabilitation and reintegration of prisoners. The implications for Ireland in terms of what works and how we can learn from best practice abroad is of particular interest to me.

I am pleased to see Mr Michael Lynn, Barrister, speaking here today who I understand recently addressed the Parole Board on aspects of the case law of the European Court of Human Rights, the importance of rehabilitation, legal representation and fair procedures and prisoners' rights. I believe it was a very interesting discussion touching as it does on some very topical and indeed challenging issues to be addressed as we go about the process of enacting the necessary legislation to put the Board on a statutory basis. I look forward to hearing more and having the opportunity to discuss with you the possibilities of what can be applied in this jurisdiction.

Today's inaugural conference is the first of its kind for the Parole Board here in Ireland. Earlier this week, I published the Board's Annual Report for 2012. As highlighted in their report, the total caseload of the Board has increased by 31% in 2012 to 268 cases - a combination of new cases and cases at second or subsequent review stage. The Board report that they reviewed the cases of 91 prisoners in 2012, with the same number of recommendations made to me, the Minister. The majority of those recommendations were accepted in full by me.

Today allows us to reflect on some of the work and initiatives undertaken by the Board in recent times under the astute chairmanship and forward-thinking leadership of John Costello. These include training presentations on all aspects of the parole process for Board members, meeting prisoners - many of whom are serving long sentences - in prisons around the country, and pro-actively encouraging them to engage with the parole process and demonstrating how it might benefit them.

I believe we need to encourage more prisoners to engage in the parole process, a view which I know is shared by the chairman. I am pleased to see how hard the Board has worked to ensure reviews of prisoners are heard promptly and to encourage greater participation by prisoners in the Parole process. The presentations given by the Board to prisoners is a welcome step and I applaud the intention to visit every prison in the country in the coming months. I understand these presentations will be an on-going process, and I believe we have a firm foundation now on which to build for the future.

In terms of the future and building on that foundation, I am conscious of the need to inform and incentivise prisoners on what the parole process is about and what it can mean for them. I commend the Board on its publication of an updated information booklet which is being launched here today. It is a most interesting document which, simply put, informs prisoners of what is involved in the process and how their participation can assist them in working through their sentence and preparing themselves, if deemed suitable, for eventual release into the community. Not only will it benefit prisoners but it is also a very useful read

for anyone who has an interest in how the parole system in Ireland works. Parole, of course, is not just for the benefit of prisoners but it is also for the benefit of society as we seek to rehabilitate and reintegrate, where we can, prisoners into our communities.

I believe we must do our utmost to ensure proper supports are in place to prepare prisoners where possible for structured release into the community. In that context, we must look at what the Parole Board can do to encourage prisoners to avail of the services available to them when in prison. We must also look at having structured programmes in place which benefit the prisoner in having them examine the harmful effects of their criminal behaviour, to fully appreciate the nature of their crime and its effect on others, and reduce their propensity to offend. We must also support them so that the necessary supports – education, employment, accommodation, and family to name but a few - are in place if and when they are released. I believe putting the Parole Board on a statutory basis will help to underpin the structural supports that are required and help make our communities safer for everyone.

It is important to recognise however that not all prisoners are suitable for release or parole. Many, given the horrific and heinous nature of their crimes, will serve lengthy periods of imprisonment. We can never forget that and we must ensure public confidence is retained in the criminal justice system. Public safety, as it is with the Parole Board, is of paramount importance and is a key factor considered by me when deciding on each and every one of the Board's recommendations.

In more general terms, managing our prisoner population and ensuring that prisoners are helped in all ways possible to deal with their offending pattern is what we strive for. There are challenges for all of us involved with looking after prisoner welfare on the one hand and having regard to public protection and victim issues on the other. The Parole Board process is an important part of sentence management. The recommendations generally speaking look at the key issues impacting on each case and seek to recommend a range of initiatives that might best help the individual prisoner to confront the offence, show remorse and victim empathy and plan in a realistic way for re-integration back into the community.

In the context of today, and having regard to the future, it would I think be useful to reflect on the interim Parole Board, how it came into being and where we are now. The Board is an independent non-statutory body established by the Government to advise the Minister for Justice and Equality on the management of those serving long term prison sentences. It was established on an administrative basis in April, 2001 replacing the then Sentence Review Group and was for many years chaired by the late Gordon Holmes. Indeed, it is opportune to remember today Gordon's many long years of respected and dedicated service to the work of the Board and to public service generally.

As things stand, the Board may review the cases of prisoners sentenced to determinate sentences of 8 years or more but less than 14 years when the prisoner has served half of the sentence and the cases of prisoners sentenced to 14 years or more or life sentences after 7 years have been served of the sentence. The Board, by way of recommendation, advises of the prisoner's progress to date, the degree to which the prisoner has engaged with the various therapeutic services and how best to proceed with the future administration of the

sentence. I then consider in full all recommendations put before me by the Parole Board before making the final decision regarding sentence management.

Individuals are appointed to the Board by me. The Board currently comprises fourteen members including officials from my Department, the Irish Prison Service, the Probation Service and a number of representatives appointed on foot of their experience, skills and formal qualifications. Again, today is an opportunity to thank the Board members, past and present, for their dedicated service and to put on record my appreciation of their hard work in that regard.

The current review process involves a number of stages and is designed to be open and inclusive, with prisoners free to opt in or out of the process as they may decide. It is a matter for the Parole Board to decide on the frequency of its reviews of particular prisoners. However, no more than three years may be allowed to lapse between reviews. The Board usually recommend one or more of the following: encouragement to work with the therapeutic services, a transfer to another prison or open centre, a programme of short term temporary release, a structured programme advising that the prisoner should participate in therapy, education, work, training or re-socialisation; or release subject to strict conditions if considered suitable. The Board is also free to make such further enquiries and recommendations as it deems appropriate in any individual case.

I mention all this because these are all factors to be considered anew in putting the Parole Board on a statutory basis. I would like to hear your views on how the process can be improved, the appropriate structures to put in place, and what we need to do in terms of resources and membership. I strongly believe we have an opportunity to create something new here and I would like to take full advantage of that.

It is important to remember today the victims of crime and their families and the impact on their lives caused by some of the most dreadful crimes imaginable. As many of you will know, modern penal policy and practice, including the sentencing process, increasingly recognises the rights and needs of victims of crime. An important consideration for me going forward is the involvement of victims in the review process. As things stand, victims can make a written submission to the Board in advance of a review. The Board will take into consideration the views of victims and the impact on their lives prior to making a recommendation to me.

I should add 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. Victims or their relatives who register with the scheme are informed in advance of the Board's review of the prisoner. The Victim Liaison Officer advises the victim or their family of any decision arising out of each review. Again, the role of victims and to what extent they should be involved in the parole review process is one that I would like to hear your views on.

I expect also that your discussion here this morning will be informed by the Law Reform Commission's report on mandatory sentences published in June of this year. I should mention too the report of the Sub-Committee on Penal Reform established by the Joint

Oireachtas Committee on Justice, Equality and Defence which reported earlier this year. As many of you will know, the Sub Committee under the chairmanship of David Stanton TD sought full independence for the Parole Board recommending it be placed on a statutory footing and given powers to make binding recommendations on prisoner release.

Before I conclude, I should mention a number of important points which I would like your discussions to focus upon. Putting the Board on a statutory footing will require perhaps the biggest consideration of all which is the role of the Minister for Justice and Equality on behalf of the Executive in any new arrangement. Should new legislation provide for the transfer of decision making to the Board members, a more expansive procedure for review may also be required. I believe this would make a considerable contribution towards strengthening the independence of the Board though it will undoubtedly be the subject of further debate in due course.

In addition, changes to the Board's primary functions will I think inevitably involve a reconsideration of the existing review process, such as changes to the interview process, eligibility and board membership. These changes may for example alter the character of the current interview process which is largely informal in nature. The enactment of relevant legislation will probably see a move towards a formal process overall, similar to those in operation in other jurisdictions. I am open-minded about this but I would like you to consider this further bearing in mind that the relatively informal nature of the Board's contact with prisoners is regarded by some as one of its advantages.

There will also be an opportunity to review the existing eligibility criteria for parole review. For example, the practice for reviewing life sentence prisoners is one area where the possibilities for change are quite broad along with the eligibility criteria for prisoners serving determinate sentences. Other questions arise in relation to Board membership which may need to be amended with reference to any changes in the overall structure, role and functions of the Board.

There may also be implications in the context of legal representation. Currently, prisoners are not entitled to have their legal representative present when they are interviewed by Board members. A prisoner can however seek advice and assistance from a legal representative for the purposes of preparing a submission on the content of his/her parole dossier. Again, it has been suggested that the argument for prisoners to be legally represented when appearing before the Parole Board becomes stronger in the case of a more formalised hearing process, particularly so as prisoners in some jurisdictions are entitled to legal representation if appearing before a panel of members at a hearing. On the other hand, perhaps it is more appropriate to have an advocacy type arrangement rather than formal legal representation. I would appreciate some discussion on this and would welcome your thoughts in this regard. If prisoners were to be legally represented before a statutory parole board and any appellate body that might be created it is inevitable that most representation will be paid for through legal aid and the affordability of this in the short to medium term is an issue of particular concern.

It goes without saying this is a complex area, the challenge is immense, and the implications as outlined will require further detailed consideration in the context of relevant legislation

and the role, functions and relationships within the overall criminal justice system of a statutory Parole Board. I hope nonetheless that at the end of this process we will have a more effective and streamlined parole process here in Ireland. That is the challenge. I welcome your input and I wish you well in your deliberations this morning.

Thank you.