

Irish Prison Service report

Examination of the Sentence Management of people serving Life Sentences

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Executive summary

This report was prepared for, and at the request of, the Director General of the Irish Prison Service. While he noted that there are many positive developments taking place in the Irish Prison Service with regard to sentence management, he highlighted specific concerns as to the adequacy and clarity of communication about sentence management involving people serving life sentences.

As a result a committee was established in May 2016 to consider the Director General's concerns. The Committee included representatives from the Irish Prison Service, the Probation Service and the Policy Division of the Department of Justice and Equality.

In carrying out its analysis, the Committee met with people serving life sentences in both open and closed prisons, prison Governors, staff and prison based services. External in-reach services and stakeholders were also consulted.

Following analysis, the Committee identified two key areas where improvements are necessary. Firstly, the need to embed the developing model of integrated sentence management with persons serving life sentences from the beginning of the prison sentence. Secondly, the need to address the concerns raised by those consulted with about the current functioning of the Parole Board process.

Recommendations to improve sentence management include early multi-disciplinary assessment; annual Governor led reviews; recognition of the positive contribution of the family/significant other; the adoption and expansion of an Independent Living Skills Unit model; the significance of the role of Integrated Sentence Management; the need for greater coordination of interventions; the transition to and role of Open Centres; the establishment of a specialised unit for people who are institutionalised; and the need for an Open Centre in Dublin.

Recommendations in relation to the Parole Board focus on efficiencies and clarity and include that the first review take place after 10 years rather than the present seven; that consideration should be given to whether determinate sentences should be reviewed; the need to review the range and content of reports provided to assist the Parole Board in their work; the need for clarity on the role of the Parole Board in relation to Temporary Release; and the need to strengthen the role of Parole Board Liaison Officers.

The report ends by recommending that a group be established to oversee implementation of the Committee's findings.

The report is focused on enhancing public safety by ensuring that, should the person serving a life sentence be granted temporary release at some point in the future, he/she will have the life skills and competency to reintegrate and become a law abiding member of our community.

While outside of the scope of this report, the authors remain cognisant of the impact of the person's offending behaviour and the need to ensure the victim's voice is heard and respected.

1. Introduction

Sentence management is a critical part of ensuring that people in prison are engaged in making positive use of their time there. It also motivates them to focus on self-development which may reduce the likelihood of their reoffending. For those serving longer sentences, especially life imprisonment, sentence planning takes on additional significance, as it provides a longer term structure to the sentence which may assist in ameliorating the impact of an indeterminate sentence. Indeed, in an external review of the IPS Psychology Service in 2015, Dr Frank Porporino noted¹ that “a well-functioning sentence planning and sentence management process is the glue that holds together any rehabilitative oriented correctional process”.

As this report will clarify, there are many positive developments taking place in the Irish Prison Service with regard to sentence management. However, over the course of his engagement with staff and people in prison, the Director General of the Irish Prison Service has become concerned at the degree of frustration being expressed by persons serving life sentences and by those who work with them.

In May 2016, as a result of the Director General’s concerns, a committee was formed to review this area of work. The Committee included:

- Mark Wilson, Deputy Director of Operations (chair), Irish Prison Service
- Brian Dack, Assistant Director, The Probation Service
- Governor Edward Mullins, Loughan House Open Centre, Irish Prison Service
- Governor Patrick Kavanagh, Wheatfield Place of Detention, Irish Prison Service
- Dr Emma Regan, Head of the Irish Prison Service Psychology Service
- Noel Dowling, Principal Officer, Policy Division of the Department of Justice and Equality

The following terms of reference were set:

'To examine the system in place to manage the sentence of prisoners serving life imprisonment and:

(i) identify current practice and planned developments in the sentence management of life sentenced prisoners,

(ii) identify areas where difficulties arise and where improvements are necessary, and

(iii) to recommend a model of best practice which will enhance this system'.

In carrying out its analysis, the Committee met with people serving life sentences in both open and closed prisons; prison Governors, representatives from various staff groups and services; the Chairman of the Parole Board, the Director of PACE, and received a written submission from the Irish Penal Reform Trust. A literature review was also undertaken.

The recommendations of the Committee support the current initiatives driving sentence management. The recommendations propose to build on best practice identified in specific locations, to improve communication, and to develop clarity amongst key partners. It is anticipated that this will

¹ Porporino, F. (2015) " New Connections: Embedding Psychology Services and Practice in the Irish Prison Service." Page 21

provide clarity to people serving life sentences and those working with them which will aid engagement, focus interventions and thereby reduce the risks of future reoffending.

The Committee's consideration of the issues involved was underpinned by the understanding that a life sentence means life, and that a person serving a life sentence is released from that sentence only by way of a reviewable temporary release by the Minister for Justice and Equality, usually on foot of a recommendation by the Parole Board. This report therefore does not seek to define how long a person serving a life sentence should serve, rather the report suggests *ways* in which the sentence can be better managed.

2. Demographics of People Serving Life Sentences

2.1 Overview of the number of people serving life sentences

A breakdown of people serving life sentences (on 31st January 2017) is provided in Table 1.

Table 1: Breakdown of people serving life sentences

Current Status	Female	Male	Total
Sentenced	10	339	349
Temporary Release-Reviewable	5	82	87
Hospital - Medical	0	4	4
On Remand	0	1	1
Temporary Release-Date to Date	0	2	2
Unlawfully At Large	0	3	3
Total	15	431	446

On the above date records show that 349 persons serving life imprisonment were in custody with 4 in hospital (including under general and psychiatric care). Eighty-seven have been released from custody on reviewable temporary release, eighty-two of whom are under the supervision of the Probation Service. A further three were unlawfully at large.

2.2 Offences committed

Table 2 identifies that the majority of people serving a life sentence are doing so for the offence of murder, with a range of other offences also identified. It must be remembered that the person may also have been charged with additional offences, but not convicted of these due to having been sentenced to life imprisonment.

Table 2: Sentenced Persons - Offence Description by Gender

	Female	Male	Total
MURDER	10	321	331
RAPE	0	9	9
MANSLAUGHTER	0	3	3
ATTEMPTED MURDER BY ANY OTHER MEANS	0	2	2
AGGRAVATED SEXUAL ASSAULT	0	1	1
ATTEMPTED MURDER	0	1	1
RAPE UNDER SECTION 4	0	1	1
UNLAWFUL CARNAL KNOWLEDGE GIRL UNDER 15 YRS	0	1	1
Total	10	339	349

2.3 Gender and Length of time served

Table 2 identifies that there are 10 women serving life sentences. These are held in either the Dóchas Centre (Mountjoy Campus) or in Limerick Prison.

Additionally, Table 3 demonstrates that 26% of people serving a life sentence has served over 15 years in prison, with over 4% having served over 30 years in custody.

Table 3: Sentenced Persons - Time Served in Years

	Female	Male	Total
40 Years Plus	0	2	2
30 to <40 Years	0	12	12
25 to <30 Years	0	7	7
20 to <25 Years	0	13	13
15 to <20 Years	0	57	57
10 to <15 Years	3	97	100
05 to <10 Years	2	94	96
01 to <5 Years	4	57	61
Less than 1 Year	1	0	1
Total	10	339	349

2.4 Distribution within prison estate

As illustrated in Table 4, people serving life sentences are represented across the Irish Prison Service estate, accommodated in both open and closed prison regimes.

Table 4: Sentenced Persons - Establishment by Gender

	Female	Male	Total
Arbour Hill Prison	0	39	39
Castlerea Prison	0	21	21
Cloverhill Remand Prison	0	2	2
Cork Prison	0	15	15
Limerick Prison (Female)	1	0	1
Limerick Prison (Male)	0	10	10
Loughan House Place Of Detention	0	11	11
Midlands Prison	0	79	79
Mountjoy Prison (Female)	9	0	9
Mountjoy Prison (Male)	0	40	40
Portlaoise Prison	0	21	21
Shelton Abbey Place Of Detention.	0	14	14
Training Unit Place Of Detention	0	14	14
Wheatfield Place of Detention	0	73	73
Total	10	339	349

2.5 People serving life sentences by Establishment and Age Group.

As Table 5 illustrates that approximately 10% are under thirty years of age, 23% are aged over 50 years and 8% are aged over 60 years.

Table 5: Sentenced Persons - Establishment and Age

	21 to < 25	25 to < 30	30 to < 40	40 to < 50	50 to < 60	60 Yrs+	Total
Arbour Hill Prison	0	1	12	12	6	8	39
Castlerea Prison	1	0	8	3	5	4	21
Cloverhill Remand Prison	1	0	0	0	1	0	2
Cork Prison	1	0	8	5	1	0	15
Limerick Prison (Female)	0	0	0	0	1	0	1
Limerick Prison (Male)	0	2	5	3	0	0	10
Loughan House Place Of Detention.	0	0	4	2	2	3	11
Midlands Prison	1	3	33	25	13	4	79
Mountjoy Prison (Female)	0	1	4	3	1	0	9
Mountjoy Prison (Male)	3	6	20	8	2	1	40
Portlaoise Prison	0	4	10	4	2	1	21
Shelton Abbey Place Of Detention.	0	0	2	3	5	4	14
Training Unit Place Of Detention.	0	0	3	9	1	1	14
Wheatfield Place of Detention	3	7	27	21	12	3	73
Total	10	24	136	98	52	29	349

2.6 Foreign Nationals

There were 43 foreign national persons serving life sentences in custody on 31st July.

Table 6: Sentenced Persons - Foreign Nationals by Gender

Nationality	Female	Male	Total
Brazilian	0	5	5
British	1	7	8
Chinese	0	2	2
Czech	0	1	1
Dutch	0	1	1
Hungarian	0	1	1
Kosovon	0	1	1
Latvian	0	1	1
Lithuanian	1	1	2
Malaysian	0	1	1
Polish	1	6	7
Portuguese	0	1	1
Somalian	0	1	1
Turkish	0	1	1
Total	3	30	33

2.7 Groupings within overall population

Care must be taken in assumptions that people serving life sentences are a homogenous group. Categories which need to be considered include females, those convicted of sex offences and gang related offences. The nature of the offence, the person's gender and his/her security status may impact on the ability of the person to freely associate with others and may have implications for any consideration of a transfer to an open centre. Indeed, at present, there is no open centre or any equivalent for females in custody in the Irish prison estate.

2.8 Increase in custodial part of life sentence

It is worthwhile noting the gradual increase in the past 15 years in the number of people serving life sentences and the increased percentage of this cohort as a proportion of the general prison population. As illustrated in Table 7, the average time spent in custody for the four people serving life sentences released in 2014 was 20 years (average increased due to a long period served by one prisoner) and 17.5 years for the six people released in 2015.

2.9 Post release supervision

Eighty-two people serving life sentences are on reviewable temporary release in the community under Probation supervision. Probation Officers support and supervise the person in the community, supervision being one of a range of temporary release conditions. Supervision is aided by a three way protocol agreed between the Irish Prison Service, Probation Service and An Garda Síochána. Regular reports are provided by the Probation Service to the IPS providing details of the person's compliance with supervision.

Table 7: Average custodial years of life sentence and percentage of people serving life sentences in custody

Year	People in custody	People serving life sentences: Committed	People serving life sentences: In custody	People serving life sentences in custody as a percentage of people in custody	People serving life sentences: Released	People serving life sentences: Recalled	Avg. years
2001	3,112	14	139	4.47%	5	1	15
2002	3,165	13	n/a	n/a	3	1	11
2003	3,176	11	166	5.23%	1	0	14
2004	3,199	29	193	6.03%	1	1	19.5
2005	3,151	17	221	7.01%	2	1	14.5
2006	3,191	18	234	7.33%	n/a	1	n/a
2007	3,321	23	239	7.2 %	6	0	15.5
2008	3,544	20	264	7.45%	2	3	15.5
2009	3,881	22	276	7.11%	5	1	17.5
2010	4,290	18	286	6.66%	6	1	18.25
2011	4,390	22	291	6.63%	5	1	20
2012	4,318	22	305	7.06%	4	1	22
2013	4,158	22	319	7.67%	4	1	17.5

3 Life Sentences – Overview and History

In this chapter, the following issues are dealt with:

- abolition of the death sentence
- the offences for which one can be sentenced to life imprisonment
- how life sentences were reviewed prior to 1989
- the operation of the Sentence Review Group (SRG) from 1989 to 2001
- the establishment and operation of the current Parole Board system from 2001 to date
- the Penal Policy Review Group report of 2014 and its recommendations relating to people serving life sentences
- recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) relating to people serving life sentences
- position of people who are foreign nationals and serving a life sentence.

3.1 Abolition of death sentence

Although available as a sentencing option in Irish statute until 1964, the death penalty has not been used in the state since 1954. The 1964 Criminal Justice Act abolished the death penalty for offences other than treason, capital murder and certain military offences. It was finally removed from the statute books in 1990 and from the Irish constitution in 2001.

3.2 Crimes for which a life sentence can be imposed

Life imprisonment can be imposed in Ireland for a broad range of offences in addition to the offence of murder. These include treason, robbery, kidnapping, arson, hijacking, certain sexual offences and genocide.

3.3 How life sentences were reviewed prior to 1989

Up to 1989, the only formal mechanism to determine if and when a person sentenced to life imprisonment was to be released was through 'Prison Reviews'. These reviews took place in each prison and were attended by those who had knowledge of the progress being made by the person serving the life sentence. Attending those meetings were the Governor, a Departmental representative, prison staff, the Probation Officer, Chaplain, teachers and, if appropriate, a medical officer and perhaps a psychiatrist.

3.4 The operation of the Sentence Review Group (SRG) from 1989 to 2001

The development of a formal mechanism was first considered in the Report of the Committee of Inquiry into the Penal System published in 1985 commonly known as the 'Whitaker Report' after the

chairman of the inquiry committee, Dr. T.K. Whitaker. One of its recommendations (paragraph 2.25) was as follows:

“Review of long and indeterminate sentences:

2.25 It is important that a regular and formal procedure exist for review of long or indeterminate sentences. A first judicial review should take place after a prisoner has completed five years of sentence, further judicial reviews to follow at intervals to be determined by the review body. “

Chapter 7.12 of the Whitaker Report deals with the issue of long sentences or life sentences and notes that, at the time, the average time served for a life sentence was between seven and ten years. The report recommended a Sentence Review Committee be introduced, presided over by a Judge of the High Court. It suggested that the first review take place five years into the person’s life sentence, to be followed at intervals determined by the Committee. The Committee should take account of factors such as the nature of the offence, behaviour while in prison, and the response to developmental opportunities and so on. It also recommended that the Probation and Welfare Service should have responsibility for co-ordinating the supply of information to the Committee.

The first non-statutory Sentence Review Group was established on 1st December, 1989. It was chaired by Dr. T.K. Whitaker and had four ordinary members, including a representative of the medical/psychiatric profession, a senior officer of the Probation Service, a representative of the Department of Justice and a person with experience of the aftercare of discharged persons. The Committee’s function was to advise the Minister on the discharge of his / her existing statutory powers in relation to sentence administration, including the power to grant temporary release, subject to conditions, either for definite or indefinite periods. All people who had served a term of seven years or more of a current sentence, including those serving a life sentence (but excluding capital murder), were to have their cases considered by the Committee. As with the previous review system, the final decision lay with the Minister for Justice. In his speech announcing the establishment of the Committee the then Minister said *‘reports prepared by the existing Prison Review Committee will in fact form a very important part of the material to be considered by the new Group in relation to the individual cases coming before it’*. The Minister went on to say that the Chief Justice’ advice was that the Chairman of the new Committee could not be a serving Judge as that might have the effect of blurring the clear-cut constitutional separation of powers.

3.5 Report of Mr John Olden on the Management of the Sentences of Thomas Murray, Life Sentenced Prisoner (2001)

The ‘Olden’ report was prepared by Mr Olden at the request of the then Minister for Justice following the murder of an elderly woman, in County Galway, by a life sentenced prisoner while on a period of temporary release from prison. In his recommendations Mr Olden identified the need for early assessment on committal, actively managed sentence planning, formal record keeping and clear levels of decision making. He also considered the concept of risk and dangerousness. In particular, Mr Olden highlighted the need to tighten up on the procedures for the management of life sentenced prisoners.

3.6 The establishment and operation of the current Parole Board system from 2001 to date

As a result of the Olden report the SRG was replaced by the current Parole Board. Established in 2001, and still in operation today, the Parole Board's principal function is to advise the Minister for Justice and Equality in relation to the administration of long-term prison sentences.

The Parole Board reviews the cases of people sentenced to determinate sentences of eight years or more. People serving sentences for certain offences, such as the murder of a member of the Garda Síochána or the Prison Service in the course of their duty, are excluded from the process. The Board, by way of recommendation to the Minister, advises of the persons progress in prison to date, the degree to which the person has engaged with various therapeutic services, and how best to proceed with the future administration of the sentence. The final decision regarding the recommendations of the Parole Board lies with the Minister, who can accept them in their entirety, in part, or reject them.

In 2016 a Private Members Bill was introduced into the Oireachtas and, as of date of publication of this report, is currently being considered.

3.7 Review of Penal Policy (Final Report, 2014)

The Penal Policy Review Group (PPRG) was established in September 2012 in line with the recommendations of the Thornton Hall Project Review Group. The Group was tasked with carrying out a strategic review of penal policy, taking into account the relevant work already carried out in this jurisdiction and elsewhere, the rights of those convicted of crimes, the perspective of those who are victims of crime, and the interests of society in general. The Report contains 41 recommendations but the key ones which relate directly and indirectly to people serving life sentences can be summarised as follows:

- greater emphasis, if necessary through legislation, on a whole-of-Government approach promoting inter-agency cooperation in the management and rehabilitation of people in prison.
- extension of restorative justice programmes.
- inter-agency approach to reduce the numbers of people on protection.
- increased use of open prisons and an additional open prison for the Dublin area.
- greater involvement of people in the management of their prison sentences. The PPRG recognised that Integrated Sentence Management (ISM) is the appropriate tool for the management of sentences which should ensure that all people in prison are kept informed of the various programmes available to them.
- gender appropriate strategies to be adopted in the management of females who offend and females in prison, with a greater focus on step down facilities, supported accommodation, and the use of more community based open conditions.
- all criminal justice agencies working together to promote contact between people in prison and their children and other family members, and that conditions for visits are sensitive to the needs of children.

- all people who are convicted of offences must have the opportunity to avail of any necessary services or programmes to aid their rehabilitation and reintegration with particular emphasis on providing appropriate social services such as accommodation, education and training and addiction treatment.
- provision of suitable accommodation, including step down facilities to ease the re-integration of people leaving prison.
- a consistent and transparent approach to the use of open prisons prior to release.
- greater use of structured temporary release, and a consistent and transparent application of remission procedures leading to one third off the person's sentence.
- the Parole Board should be established on a statutory footing with the power to make decisions.

3.8 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

The CPT organises visits to places of detention in order to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, recommendations, comments and requests for information.

The CPT requests that jurisdictions' treatment of people serving life sentences is in accordance with the person's individual risk, both in custody and to the outside community, and not simply in response to the sentence which has been imposed. The CPT stresses that all possible efforts should be made to provide people serving life sentences with a regime tailored to their needs. This will:

- help them reduce the level of risk they pose
- minimise the damage that indeterminate sentences necessarily cause
- keep them in touch with the outside world
- offer them the possibility of release into the community under licence and ensure that release can be safely granted in the majority of cases

The CPT also recommends that procedures should be put in place to allow for a review of the sentence. They state that having a purely formal possibility to apply for release after a certain amount of time is not sufficient; it must be ensured, notably through the way people serving life sentences are treated, that this possibility is real and effective.

3.9 Position of foreign nationals serving life sentences

In meeting with people serving life sentences, the position of those foreign nationals serving life sentences was raised. There were two principal concerns including:

- i. that upon release, such people would be deported back to their country of origin where they would be in put into danger

- ii. that they should be allowed serve their sentences in their country of origin where they would not be as culturally isolated as they are in Ireland.

3.10 Deportation

In relation to the points raised at paragraph 3.8i above, this report does not seek to examine the issue of the immigration status of foreign national persons in Irish prisons. The Committee does however note that a deportation order made by the Minister in respect of a person in prison, irrespective of whether or not he / she has had a claim for asylum considered, is subject to the overarching principle of 'non refoulement', as contained in Section 5 of the Refugee Act 1996 (as amended). This means that no person shall be expelled from the State or returned in any manner whatsoever to the frontiers of territories where, in the opinion of the Minister, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion or where he or she is likely to be subject to a serious assault (including a serious assault of a sexual nature).

The position of the Minister in relation to their powers to deport non-national persons in prison is set out in section 24(2)(a) and (b) of the Prisons Act 2015. This allows the Minister to release a non-national person serving a determinate sentence for the purposes of deportation subject to the person concerned having less than one year left of his / her sentence to serve, taking account of any remission earned by him / her.

The 2015 Act does not specifically provide for people serving a life sentence. As explained elsewhere in this report, the Criminal Justice Act 1960 as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003 grants the Minister the power to release people serving a life sentence on a 'reviewable temporary release' basis. This means that a person serving a life sentence will be given a specified term of release, sometimes with conditions, and this is continually reviewed by the IPS who decide whether to grant or refuse further periods of temporary release.

In practice, a person serving a life sentence who is on temporary release of this nature is unlikely ever to be recalled or refused additional periods of temporary release unless there has been a breach of conditions. However, there is a legal question as to a non-national life sentence prisoner granted 'reviewable temporary release' can be removed from the State given that they must remain amenable to supervision and recall by the Minister during the currency of the temporary release. This legal issue is currently being examined.

3.11 Serving sentences in one's country of origin

Currently, the transfer of prisoners between jurisdictions is governed by the Transfer of Sentenced Persons Acts, 1995 and 1997 – commonly called TOSP. This legislation was enacted to give effect to the Convention on the Transfer of Sentenced Persons made in Strasbourg on 21st March 1983. The Convention recognises that international co-operation in the field of criminal law should further the ends of justice and social rehabilitation of people in prison, and that the aims of the Convention can best be achieved by having them transferred to serve their sentences in their own countries. Nonetheless, neither the Convention internationally nor the two Acts domestically impose an obligation on the Minister to consent to the transfer of an Irish person in prison abroad to serve their

sentence in this jurisdiction in all cases and this also applies to transfers of non-nationals here seeking a transfer to their country of origin. Transfers under TOSP are essentially individual trilateral agreements between the person in prison, the sentencing State and the receiving State.

The Department of Justice and Equality is considering the implications, both legal and administrative, of the judgement of the Irish Supreme Court (by a majority of 4 to 3) delivered on 12th July 2016 in the case of “Fintan O’Farrell, Declan Rafferty and Michael McDonald” relating to TOSP legislation. The Court dismissed an appeal by the State against orders of the High Court directing the release of the prisoners concerned. The ruling dealt with the issue of differing sentencing regimes between Ireland and the UK in relation to determinate sentences and, pending further legal consideration, it is believed that people serving life sentences are not affected by the ruling. Finally, there exists a Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union. This Framework Decision has not yet been transposed into Irish legislation and is currently being considered within the Department.

4 Current Practice and Planned Developments

In this chapter, the following areas are considered:

- **Established models supporting Sentence Management**
- **Emerging models of Sentence Management**
- **The Parole Board process**
- **Roles of Key Sections/Services**

As can be seen from Chapter Two, people serving life sentences are held in all of the prisons throughout the Irish Prison Service estate. People are afforded the opportunity to engage with the regime on offer within that respective prison such as work and training, education and those services which can assist them to consider their offending (Psychology or Probation Service), their addictions and their general health requirements. People in prison can have visits or telephone calls with their family and friends and they can associate with other people in prison, develop, maintain and cease relationships as they would in a life outside of prison.

4.1 Established Models Supporting Sentence Management

For the purpose of understanding the recommendations of this report, it is important to identify the difference between the regime of a closed prison and that of an open prison. There are ten closed prisons, two open prisons and one semi-open prison within the Irish Prison Service estate managing a total population of approximately 3,700 persons.

4.1.1 Closed Prisons

Most people in prison are detained in closed prisons. Each has a structured daily routine which is detailed in Table 8 below.

Table 8: Closed prison daily regime:

Time	Action	Purpose
8.15	Unlock	Collect breakfast
8.30	Return to cell	-
9.15	Unlock	Attend activities
12.15		Collect lunch
12.30	Return to cell	-
2.05	Unlock	Attend Activities
4.15		Collect evening meal
4.30	Return to cell	-
5.15	Unlock	Evening Recreation
7.30	Return to cell	-

As can be seen, out-of-cell time can be limited. Access to services, visits, phone calls etc. are all managed during the out-of-cell time. The models of sentence management, range of services available and current/planned developments as described later in this chapter provide an insight into a typical day lead by someone in prison.

4.1.2 Open and Semi-Open Prisons

Open Centres, by their description, provide a greater degree of freedom for people in prison. There are two Open Centres in the Prison Service estate: Loughan House (Co. Cavan) and Shelton Abbey (Co. Wicklow), providing accommodation for 265 males in total. Open Centres provide an environment of reduced security which builds trust and empowers people in prison. There are no perimeter walls. The regime is more relaxed and is the ideal environment for people preparing for release. Open Centres promote resocialisation, normalisation and progression.

Open Centres provide an independent living environment where all people serving life sentences are provided with a single room. People are not locked into their rooms and the responsibility is on the individual residing there to report at number check times. Communal dining provides normality at meal times and allows people the opportunity to recreate and associate freely with each other. Mobile phones are also provided to improve family contact. The visiting areas are more family friendly and allow people greater access to family and friends.

People in Open Centres may also avail of educational trips and participate in external community projects such as tidy towns and community restoration projects. The work/training areas provide opportunities for people to further develop skills and prepare for employment upon release. All people have access to career guidance and Training and Employment Officer Services.

4.1.3 The Grove (Castlerea Prison)

The Grove is a semi-open area of Castlerea Prison in Roscommon and accommodates 55 people who are on an enhanced regime. All are engaged in work and training, and accreditation is achievable. Various workshops include woodwork, concrete, waste management and catering. School activity also plays a part with a number of joint projects between work and training planned. This area is unique to the prison service in that people held in the main prison block have an identifiable aim within that prison setting. People resident in the Grove can also be considered for transfer to an open prison as part of their sentence management.

4.1.4 Harristown House (Castlerea Prison)

Harristown House, constructed *circa* 1920, was formerly a residence for nurses employed at St Patrick's Psychiatric Hospital, which is now the site of Castlerea Prison. The house is located directly adjacent to the prison, however it is outside the perimeter wall. It is used by the IPS as a low security accommodation unit for a maximum of 15 people. People are located there as part of a scheme to encourage good behaviour and trustworthiness. Harristown House

encourages an ethos of independent and communal living and offers a transition between custody and community/family life. There are no prison staff posted in the house.

4.1.5 The Training Unit (Mountjoy Prison)

The Training Unit is a semi-open prison in Dublin which has traditionally been used to facilitate structured release programmes for people serving longer prison sentences. In recent years it has been used more frequently to support the management of the large numbers of people being committed into Mountjoy Prison. At the time of writing, the Tánaiste has given her approval to a plan to re-purpose the Training Unit as a centre for older prisoners.

4.1.6 Independent Living Skills Unit (ILSU) - Wheatfield Prison

Wheatfield Prison has recently opened an Independent Living Skills Unit which offers a small number of people serving life sentences the opportunity to live more independently while in a closed prison (relative to others in prison). The unit aims to increase the potential for people serving life sentences to develop life skills which will be necessary should they be deemed suitable for temporary release at a later point in their sentence.

The Unit operates as a community. Weekly meetings will be held on the Unit with all residents and the Unit Officer attending. The meetings are facilitated by a Psychologist. The agenda is provided to Psychology the day before the meeting by the Residents' Appointed Chairperson. This idea facilitates cooperation among the residents. Issues of conflict can be dealt with safely at the meeting and any ideas/requests for the Unit are discussed. The Governor attends weekly meetings every 3-4 weeks.

Communal dining is a requisite among the residents. Laundry facilities are available. In-cell phones are available to maintain family relationships with some degree of privacy. The Unit is unlocked at present from 8.00am to 7.30pm. Residents are responsible for the preparation and cooking of meals at weekends. Residents agree on menus during the week with a weekly shopping budget provided by the Governor. Once per week the Unit Officer and a resident go to a local supermarket to purchase the agreed supplies for the weekend meals.

Residents on the Unit will continue to engage at all times with the Wheatfield Programme for People Serving Life Sentences i.e. annual sentence planning, Parole Board Liaisons, working in less secure settings and continued positive engagement with all relevant services. Prior to transfer to an Open Centre (if approved by the Tánaiste) residents will be facilitated in visiting an Open Centre, with an Independent Living Skills Unit (ILSU) Officer and Probation Officer, and meet with Open Centre management and services.

4.1.7 Incentivised Regimes (IR)

The Incentivised Regimes model is essentially a system for rewarding people in prison for engagement and positive behaviour. People who attend structured training, education and various prison employment projects such as cleaning, catering and laundry may be rewarded, in prescribed ways, with additional gratuity, extra visits and phone calls. Upon committal, people are assigned to the 'basic' IR category and over a period of eight weeks can, through positive behaviour and engagement, progress through to 'standard' regime and finally to 'enhanced' regime. All people serving life sentences are eligible to participate in the IR scheme

and reaching the enhanced level is an important component of their sentence plan. The current regime levels for persons serving life sentences are included in the table below:

Establishment Name	Basic	Standard	Enhanced	Total
Arbour Hill Prison	0	1	38	39
Castlerea Prison	0	2	19	21
Cloverhill Remand Prison	0	0	2	2
Cork Prison	0	1	14	15
Limerick Prison (Female)	0	0	1	1
Limerick Prison (Male)	0	3	7	10
Loughan House Place Of Detention	0	0	11	11
Midlands Prison	1	15	63	79
Mountjoy Prison (Female)	0	0	9	9
Mountjoy Prison (Male)	5	6	29	40
Portlaoise Prison	2	8	11	21
Shelton Abbey Place Of Detention	0	0	14	14
Training Unit Place Of Detention	0	1	13	14
Wheatfield Place of Detention	2	11	60	73
Total	10	48	291	349

Regime level of persons serving life imprisonment – 31st January 2017

4.1.8 Integrated Sentence Management (ISM)

Integrated Sentence Management was introduced to the IPS in 2011. It is a model which aims to assess each person's risks and needs and then support the development of a Personal Implementation Plan (PIP). Prison Officers were assigned to manage the processes, with the Care and Rehabilitation Directorate having oversight of its governance, training and development. There are currently 24 ISM staff working across the estate. Their specific role is to meet with people on their committal to prison and refer people to the various services in each prison as appropriate to their needs.

This report notes that the ISM process has not progressed as well as was expected. Over the years, additional tasks have been included in the ISM role including supporting the Community Return Scheme, screening people convicted of sexual violence for suitability for the Building

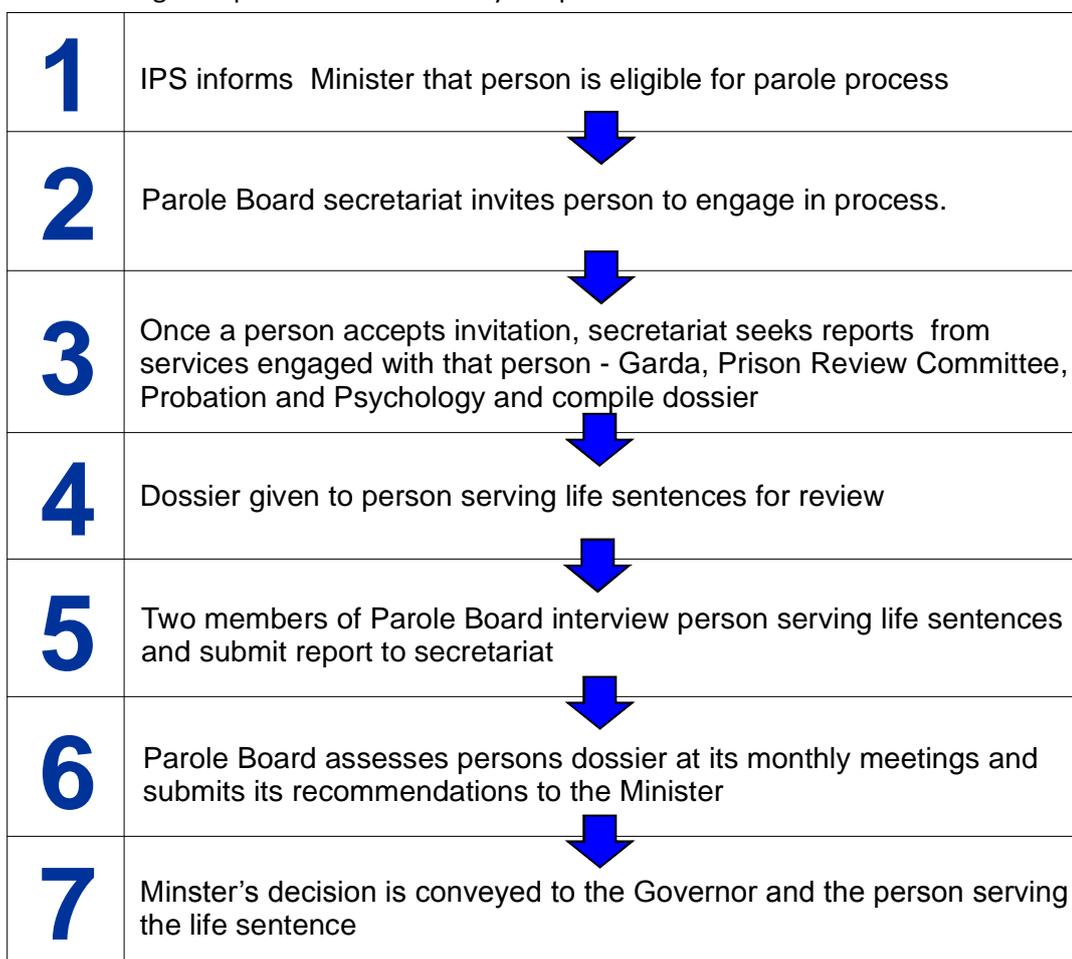
Better Lives Programme, amongst other tasks. Furthermore, ISM staff have faced repeated redeployment to their Prison Officer role to cover staff shortages. Finally, ISM staff are not trained to complete formal strengths, needs and risk assessments at the beginning of a person’s sentence which would inform their PIP. The role of the ISM officer has struggled to gain traction due to the above competing tasks and this has reduced their capacity to focus on people serving longer term and life sentences who require sentence management support.

Decisions remain to be made in relation to how ISM officers support people serving life sentences on committal and which service (Psychology or Probation Service) might complete a formal risk assessment to inform their sentence management.

4.1.9 Parole Board Process:

As outlined in the previous chapter, the Parole Board reviews people serving longer sentences, including life sentences, and makes recommendations to the Minister to aid sentence planning. A person serving a life sentence will be reviewed after serving eight years. Each year, the Irish Prison Service refers those persons whose sentence and time served makes them eligible to be reviewed. At the time of writing, the Parole Board have a caseload of 352 cases and review approximately 100 cases per year. In 2015, 76 new referrals were identified. The Parole Board invited each to participate. Forty-two accepted the invitation and 34 declined. Of those who declined, 32 were serving determinate sentences.

The following 7-step model aims to clarify the process involved:



4.2 Emerging Models of Sentence Management for People Serving Life Sentences

In some prisons, progression has been made in engaging people serving life sentences and providing structure to their sentence management. Wheatfield Prison provides a good example of this:

The Programme for people serving life sentences in Wheatfield Place of Detention consists of the following:

4.2.1 Sentence Planning: All people serving life sentences have a sentence planning meeting once a year. This meeting is attended by the person serving the life sentence, the Governor, and a representative of all relevant services in Wheatfield prison. The person's sentence progression is discussed and advice or service specific information is given. The clear message at all times is that this plan is the individual's plan and should be led by them. Following each meeting, the ISM Officer assigned to this process meets with the individual and formally develops the plan for the following 12 months. The ISM Officer will liaise with the individual throughout the year to check in on progress. Wheatfield is currently on year two of this process.

4.2.2 Quarterly Meetings: The Governor invites all people serving life sentences to meet each quarter as a group to discuss any issues pertinent to them.

4.2.3 Neutral Venue Visits /Section 39 applications: A number of people serving life sentences have Parole Board recommendations for 'neutral venue visits' i.e. visits with their family outside of the prison to aid resocialisation and reintegration. The Governor can also apply to IPS Operations Directorate for family visits by way of a Section 39 application when no Parole Board recommendation is in place. Section 39 of the Prisons Act, 2007 provides that the Minister may, on compassionate grounds or for the purposes of assessing a person's suitability for early release or facilitating his re-integration into society, order that he be taken to a specified person or place within the State for a specified purpose during a specified period and return at the end of that period. In practice, this is operated at prison Governor level.

4.2.4 Parole Board Liaison: Wheatfield has a nominated staff member who acts as the Parole Board Liaison. The Liaison Officer makes him/herself available on the last Friday of the month in the Education Unit. If a person serving a life sentence has a personal question for the Parole Board, the Liaison Office will contact the Parole Board and reply to the person within two to three days.

4.2.5 Parole Board Reviews: When notification is received that a person serving a life sentence has a Parole Board Review, the Governor will meet with that person and discuss the review prior to his meeting. The Governor holds this meeting in the room in which the Review is to take place to allow the person become familiar with it and reduce his anxiety.

4.3 Roles of Key Sections/Services in the Management of People Serving Life Sentences

4.3.1 Policy Division

Prisons and Probation Policy Division maintains Departmental and Ministerial oversight of IPS and Probation Service policy and operational procedures. In relation to people who are serving life sentences, Prisons Policy is directly involved through nominating a senior official who sits on the Parole Board to represent the Minister. When recommendations are made by the Parole Board, they are forwarded to Prisons Policy for onward transmission to the Minister for consideration. The officer from Prisons Policy who sits on the Parole Board is not involved after the Board makes its recommendation to the Minister. Following consideration, Prisons Policy writes to the person serving a life sentence with final recommendations regarding their sentence planning following the Parole Board process.

4.3.2 Operations Directorate

The Operations Directorate of the Irish Prison Service is responsible for the sentence management of all persons in custody, including those serving life sentences. As part of the Parole Board process it prepares Prison Review Committee reports and has responsibility to oversee the implementation of Ministerial decision follow Parole Board reviews, including possible temporary release programmes. The Directorate also has responsibility for the Irish Prison Service's Victim Liaison Service.

a) The Prison Review Committee (PRC):

The Operations Assistant Principal will request a meeting of the PRC, which generally comprises the Prison Governor, Probation Service, IPS Psychology Service, Education, Addiction Counsellor, Chaplaincy, Health Care, Training and Employment, Resettlement, ISM, other staff from disciplines e.g. Industrial Supervisor or Class Officer if necessary.

The Committee will meet and review the person's progress. This review will take the form of a discussion and will cover the following:

- behaviour in the prison
- how he/she occupies their time, e.g. employment, education etc.
- he/she is engaging with the Probation/Psychology/Addiction Counselling/other services and if so, to what extent
- has he/she complied with the Minister's decision following the last Parole Board review (if relevant)
- any other general information.

It is worth noting that the PRC does not have access to the full range of information available to the Parole Board e.g. Medical/Psychiatric reports, Psychology or Probation reports. The Committee will agree a recommendation to the Parole Board. Following the PRC meeting, the Assistant Principal will prepare a report of the meeting for the Parole Board containing details of the person's sentence, details of the crime and previous convictions, their progress as outlined at the meeting, family support and the recommendations of the PRC. The draft report is circulated to all those who attended the meeting for review. The final signed and dated copy of the report is sent to the Parole Board Secretariat by email.

b) Sentence Management:

The Minister's decision arising from the Parole Board process is sent by the Department's Prisons Policy Division to the Operations Directorate, and the Governor for forwarding to the relevant person in prison. All people in prison who have taken part in the Parole Board process have their cases reviewed periodically. This enables stakeholders to ascertain if the person is complying with the decisions made by the Minister. If the individual is not complying, it is better that this is identified as soon as possible. It may be the case that the necessary resources are not available and in this situation, alternatives should be considered, up to, and including transfer to another prison. If there is no resource issue, i.e. if the person in prison simply does not engage as envisaged in the Minister's decision, the Governor of the prison will discuss the Ministerial decision with the individual and encourage him / her to engage.

c) Temporary Release (TR):

Applications are regularly received by the Operations Directorate for periods of Temporary Release (TR). In the case of people involved in the Parole Board process, approval in general terms is granted initially by the Minister, following a Parole Board review. A decision in relation to a specific period of temporary release can be taken at an appropriate level in the Operations Directorate thereafter, provided that the request falls in line with the general approval already granted by the Minister. Temporary release for family reasons must also be approved by the Minister, following the Parole Board review. People serving long sentences who are nearing the end of their sentences are often approved a programme of structured releases to participate in work/training/education in the community. Such programmes are generally more available in the Training Unit, Shelton Abbey or Loughan House. They generally commence when the person has been in the semi-open/open prison for a period of time, which will be determined by the Minister following the Parole Board review of the case. Initial release for work/training/education will generally be to a highly supervised project such as PACE. People may eventually move on to other projects, including C.E. schemes, after a time, if approved by the Minister.

d) Victim Liaison

The IPS has a long established and well regarded service for victims of crime. As of 10th April 2017 there were 306 prisoners with active victim liaison cases, whereby a victim or victims have registered their personal details so that they may be kept informed of significant developments involving the person in custody. These developments include any form of TR, court appearances, hospital appointments, Parole Board Review meetings and eventual release. Of the 306 total, 153 cases (50%) involve a person serving a life sentence in custody or released on licence under the supervision of the Probation Service in the community.

e) Current Practice for Parole Board cases with a victim flag

As people serving life sentences have an opportunity to have their cases considered by the Parole Board, it is the policy of the Victim Liaison Service to invite registered victims or their families to make a submission to the Parole Board process for that person. Registered victims are then advised that should they make a submission it is the policy of the Parole Board to

disclose their submission to the person in prison as part of the Parole Board dossier. Personal details of the submitter are not disclosed. The vast majority of victims or the victim's family do make submissions at some stage during the process of the various reviews. Submissions are more likely to be made in the first number of review. However, many victim's families still make submissions throughout the process.

4.3.3 Psychology Service

The IPS Psychology Service has a dual role in its work with people serving life sentences. At any point in an individual's sentence they can be referred or self-refer to the service in relation to their mental health. Historically, both the Psychology Service and Probation Service wrote individual Parole Board reports about any one person serving a life sentence for their upcoming hearing. This often led to duplication of information. Therefore, the Parole Board and both services came to an agreement that one will take a 'lead role' and write a single Parole Board report for an upcoming Parole hearing.

Psychologists tend to engage in offence focused work with people serving life sentences after their first Parole hearing if this is recommended, if the individual is referred by another service, or if the individual self-refers. Following offence focused work, the Psychology Service typically writes the second and sometimes third Parole Board report and beyond as required. Depending on the prison, people serving life sentences would either engage in their offence focused work individually, in group (e.g. the Building Better Lives Programme) or a combination of both. This dual role allows for a psychological perspective to be applied to the overall sentence management of those serving life sentences.

In addition to the above, different prisons have offered different interventions, depending on resources and clinician's specialism.

- Both the Midlands and Mountjoy Prisons' Psychology Services allocate each person serving a life sentence to one Psychologist who meets with the individual on a six monthly basis (approx.) from their committal in order to provide sentence management support and assess their mental health.
- Wheatfield Psychology Service supports people by managing their life sentences through the prison's multidisciplinary meetings chaired by the Governor. The Psychology Service is also involved in the planning, staff training and support of the new Independent Living Skills Unit which is being established in Wheatfield prison.
- The Psychology Service provides limited indirect support to people serving life sentences in Loughan House and soon, Shelton Abbey through consultation to the multidisciplinary team. The Service is also available to Open Centres in situations of crisis e.g. episodes of self-harm or for transitional support to Open Centres.

Planned developments include:

- The Psychology Service is currently renewing its referral procedures to ensure consistent, estate wide services to people in custody, including those serving life sentences. Before

this policy is finalised, the service awaits the outcome of the current report to inform further decisions about interventions with people serving life sentences.

- The Psychology Service will engage with the Probation Service to further clarify each service's role with people serving life sentences.
- The Psychology Service is increasing the availability of group based violence programmes. In 2016 this will be extended to Cork and Castlereagh prisons.
- Recruitment of Assistant Psychologists in August 2016 will increase the service's capacity to provide outreach and primary care mental health work, including where deemed appropriate by a supervisor, to those serving life sentences.

4.3.4 Probation Service

The Probation Service provides a threefold service to people serving life sentences during the custodial part of their life sentence:

1. Carrying out risk assessments
2. Providing reports for the Parole Board
3. Implementing various initiatives including the 'Living with Life', 'Choice and Challenge' and the 'Preparation for Integration Group' programmes.

As with other services, the level of input and various additional initiatives tend to vary across the prison estate depending on level of resources. As discussed in the Psychology Service section, planned developments include engagement between both services to further clarify each service's role with people serving life sentences.

Should a person serving a life sentence be approved to return to community on temporary release, they will be supervised by the Probation Service for the remainder of their life. Supervision of persons serving life sentences differs from other types of supervision because of the nature of the offence, the indeterminate term of supervision, varying requirements and the high level of sensitivity and responsibility involved. Work is usually characterised by high levels of compliance on the part of the person serving the life sentence and close supervision sustained over many years. The vast majority of people serving life sentences on TR supervision achieve a level stability in their lives after release and value the contribution of their supervising Probation Officer. A three-way protocol between the IPS, Probation Service and An Garda Síochána supports effective post-release supervision.

4.3.5 Work, Training and Education

Significant resources are invested in education and work training programmes to upskill people in prison. This will ultimately assist them in obtaining further training or employment upon release. Education is available in all prisons and is provided through local Education Training Boards with traditional academic subjects and bespoke educational programmes available. People serving life sentences are encouraged to partake in education and many achieve success in Junior and Leaving Certificate subjects as well as QQI awards. Many people sent to prison did not have positive experiences in education as children and both appreciate and enjoy the educational experience as adults.

Work-training opportunities are also available in all institutions with a combination of hard and soft skills available. Training programmes are certified through QQI and City and Guilds, and new training initiatives are regularly introduced to keep up with labour market trends and demands. People serving life sentences are encouraged to partake in all work-training programmes as well as traditional prison employment such as catering, laundry and cleaning duties.

4.3.6 Healthcare / Psychiatry

As with any individual committed to custody, healthcare assess on committal and any health related needs are identified and followed up as required throughout the individual's sentence. Healthcare is available throughout the person's sentence. In-reach psychiatric services are primarily provided by the National Forensic Mental Health Service which accepts referrals through the prison GP. At present however, some prisons do not have ready access to psychiatric services e.g. Castlerea prison. Individuals requiring psychiatric input in these situations are transferred to other prisons, a situation that is far from ideal.

4.3.7 Addiction Services

Merchants Quay Ireland (MQI) provide addiction services across the IPS estate including to people serving life sentences. MQI counsellors generally works through a harm reduction model. MQI accept referrals from all usual sources e.g. Healthcare, Psychology, Probation, prison staff and self-referral. Intervention is provided both individually and in groups. As with many other intervention services, waiting lists tend to be long, and interventions on offer are different in different prisons.

4.3.8 Resettlement of people serving life sentences.

The Irish Association for the Social Reintegration of Offenders (IASIO) has two operational services in the IPS. The Gate Service, a vocational resettlement service, explores what the person wants and is able to do, the barriers to this and organises 'placements', or incremental steps, towards achieving that end. The second, the Resettlement Service, is a primary needs resettlement service that develops with the person a realistic plan that includes the housing, welfare, medical and social aspects of a stable return to their original community or a new one.

IASIO have highlighted that the complications inherent in every life sentence case i.e. lack of a release date made it more complicated to plan for the person's future.

4.3.9 Chaplaincy Service

The IPS employs Chaplains to provide pastoral, spiritual, emotional and practical support to those people in custody, and their families who wish to avail of the service. Chaplains make a significant contribution as part of the multidisciplinary team. Chaplains can offer a supportive presence as people serving life sentences and their families face the ongoing challenges associated with an indeterminate sentence, and during times of crisis such as coping with illness and family bereavements.

This is not a full listing of all services available. Many other services and visiting agencies engage with people serving life sentences.

5 Areas where Improvements are Necessary

5.1 Problems with engagement in the early part of a life sentence

The IPS typically defines the early years of a life sentence as the time between sentencing and the first Parole Board hearing - which is scheduled for the seventh year of the sentence (which includes any remand time). Feedback from those serving life sentences, and prison and external services providing safe custody, care and rehabilitation indicates that as a whole, the early years of a life sentence in custody are not used effectively. The factors involved are multi-faceted but can be broadly summarised as a result of the individual, the prison culture and current service provision.

5.1.1 Problems for the individual

On being sentenced to life in prison, the people interviewed by the Committee reported a very normal stress or grief reaction to the notion of the sentence itself, negative media coverage, the reaction of family and friends including the possibility of rejection, being away from loved ones, and getting accustomed to the experience of prison routine and culture. Some described a long period of remand and a sense of the 'unknown' during that time. In addition, some people described what could be defined as post traumatic symptoms following the offence, addiction, or other factors which may be associated with the offence. Some people reported turning to unhelpful coping strategies in order to manage, for example, by using drugs, alcohol, 'saving face' through violence, or spending time with unhelpful peer influences.

5.1.2 Problems with prison culture

There appears to be an unwritten narrative within current prison culture, particularly amongst those serving life sentences, that behaviour and engagement with rehabilitative services in the first seven years of a life sentence are of little consequence and therefore of little point. Only in the year leading up to the first Parole Board hearing do people serving life sentences appear to become animated about the need to engage with the services.

5.1.3 Problems with current service provision

Current service provision may also unwittingly impact on the early years of a life sentence. Whilst people serving life sentences have access to education, work and training from early on in their sentence if they choose to, typically, it is only in the year prior to the first Parole Board hearing that services providing professional risk assessments (Probation Service and IPS Psychology Service) engage people in the risk assessment process to inform Parole Board decisions. Furthermore, the risk assessment is typically used to inform Parole Board recommendations specifically, rather than to outline a more holistic sentence management plan. There are occasions where someone serving a life sentence will engage with services earlier than this: for example, the person may engage therapeutically with the Psychology Service for mental health difficulties, the Addiction Service if struggling with addiction, or with the 'Living with Life' psychoeducation programme by the Probation Service. However, this engagement is *ad hoc* across the estate and it does not inform a structured and holistic sentence management plan from committal.

Effective management of the early part of a life sentence will require alignment with the current ISM Policy (currently in draft form). This draft policy highlights the need for early assessment of strengths, needs and risks to inform a Personal Implementation Plan. This PIP requires collaboration between IPS Services, various in-reach services and the person serving the life sentence to develop a holistic approach to managing the first years of a life sentence and where strengths, risks and needs are intervened with from the beginning of the person's sentence.

As outlined earlier, consideration needs to be given to the differences and/or lack of consistency between services available across prisons of a similar type.

5.1.4 Need for a model of assessment and intervention by Psychology and Probation Services

Both the Probation Service and Psychology Service engage with persons serving life sentences to provide professional risk assessments. There is a general view that this leads to duplication of effort. In response, the IPS Psychology Service and the Probation Service have recently agreed a model of service with people serving life sentences.

From 1st April 2017, any person sentenced to life imprisonment, will be referred to the Senior Psychologist and Senior Probation Officer² by the ISM Officer. Following this, an agreed model of service provides a clear pathway for people serving life sentences with a focus on early strengths, needs and risk assessment, which will inform sentence management. The model of service also provides a clear division of roles and responsibilities for both services when engaging with people serving life sentences (see appendix 3).

5.1.5 Mental Health of Prisoners

An issue raised with the Committee was the mental health of life sentence prisoners and of prisoners generally. Notwithstanding recommendations made at section 6.3, the Committee felt that the broader issue was outside its remit. Nonetheless, it felt that this report should acknowledge the ongoing work of "Interdepartmental Group to examine the issue of people with mental illness coming into contact with the criminal justice system". This involves officials from the HSE, Department of Health, Central Mental Hospital, the IPS and the Department of Justice and equality. In September, 2016 that Group published its First Interim which explores a person's first interaction with the criminal justice system (i.e. first arrest) right up until the point when he or she is sentenced to imprisonment by the Court. What happens thereafter will be the subject of the next report of the Group.

² or Staff Grade Psychologist / Probation Officer where there is no Senior located in that prison

5.2 Absence of regular structured contact with the prison

It is in the interest of people serving life sentences and society at large that services on offer in the prison are fully engaged with. The efficacy of this contact can only be realised if engagement occurs in a regular, structured way. In the absence of a structured process a person's sentence progression and motivation can be haphazard and at worst stagnant.

The ideal structure for the IPS is that the ISM Officers work closely with the person serving a life sentence in formulating a PIP which is continually changing and progressing. This process should begin at the very start of a person's sentence (i.e. after sentencing/after any appeal process has been concluded). The ISM Officer can act as a liaison to bring the person in to contact with the services required to progress his/ her sentence. Currently, services such as Psychology, Probation, Addiction and Education typically work within their own areas of expertise and do not consult sufficiently with each other as to the work they are doing with a particular individual. Therefore, the work a person serving a life sentence engages in can be disjointed and in some cases unnecessarily duplicated. The role of the ISM Officer is to bring clarity to sentence planning and the person's PIP, inform services of current work being undertaken with each service and strive for the best outcome for the person in question. A serious flaw in this process is that currently, the role of the ISM Officer within the prisons is not 'ring fenced'. In general, due to the contingencies of a particular prison e.g. staff shortages on the day, the ISM Officer may not be assigned full time to their position. The ISM Officer is quite often utilised for general prison duties thus eroding the potential of this vital position in sentence management for people serving life sentences.

5.3 Problems with Parole Board process

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

5.3.1 Delays

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.

Another source of delay was in arranging interviews between the person serving the life sentence and members of the Parole Board. When the dossiers were sent to the person serving a life sentence prior to the interview with members of the Board, it was often the case that the reports on file were a year out of date.

There were also concerns about delays which arose after the Board had considered their cases. The resulting decision of the Minister, based on the Board's recommendations, was sometimes sent months following the interview.

5.3.2 Lack of clarity in recommendations

Another significant issue raised was the perceived lack of clarity in the Minister's decision letter regarding the future management of their sentences. The Parole Board's

recommendations, which were viewed to be generally replicated in the Minister's decision letter, lacked clarity and specificity in relation to things like structured temporary release programmes, more neutral venue visits to meet with family, educational programmes and so on.

The general view was that the Parole Board recommendations should have a longer term view in terms of the person's progression through the prison system, with a steadily declining security status of the institution in which they were serving their sentence i.e. from high security to medium security to Open Centre and then to release.

Recommendations should also be clearer on pre-release rehabilitative measures. At the very least, people at the latter end of the custodial part of their life sentence should know how to shop and to cook for themselves when they are eventually released from prison and be better able to maintain family relationships.

5.3.3 Lack of clarity regarding responsibility for transfers/temporary release

A general view expressed by the people serving life sentences interviewed by the Committee was that if the Minister agreed to a recommendation that a person serving a life sentence be sent to an Open Centre, then it should be within the power of the IPS to grant TR as it saw fit. Some saw it as incongruous that people serving determinate sentences in Open Centres were granted regular TR for the purposes of re-socialisation while people serving life sentences who were incarcerated beside them were not able to avail of TR unless on the specific authority of the Minister. It was also not clear to the people interviewed as to the level of discretion available to the Operations Directorate of the IPS when considering applications for TR and other rehabilitative measures for people serving life sentences both in closed prisons and Open Centres. People serving life sentences were unclear as to who had the decision making authority in this -the Governor, the IPS, the Parole Board or the Minister?

5.3.4 Static reports

One person serving a life sentence noted that the Garda report for the Parole Board dossier was invariably negative. It was informed solely by what the Gardaí knew of the crime and the state of mind of the person when s/he was committing the offence, and not by his state of mind now, having served a number of years in prison and having engaged with rehabilitative services. Here the benefit of more dynamic assessments as provided by prison based services was endorsed.

5.3.5 Independent Parole Board

All people serving life sentences interviewed by the Committee favoured an independent Parole Board. Many believed that the process was too politically driven and that this impacted on the recommendations by the Parole Board to the Minister.

5.3.6 Parole Board Liaison

Each prison has a nominated Parole Board Liaison Officer. The role of the Liaison Officer is to act as a communication conduit between the Parole Board and the prison and between the Parole Board and the person engaged with the Parole Board. This initiative is to prevent miscommunication and duplication of information between the Parole Board and the prison / person in prison. There is a clear need to re-invigorate the Parole Board Liaison initiative. This initiative has proven extremely positive for all those involved in the Parole Board process

when operated correctly. An example of this might be where delays experienced during the Parole Board process would be communicated to the Parole Board Liaison Officer who can then communicate and explain these to the person in prison, eliminating uncertainty and reducing frustration of the process.

5.4 Specific challenges for certain sub groups

5.4.1 Nature of the Offence

There are some people serving life sentences, who, by the nature of their offence, may not be able to benefit from the overall sentence management model proposed in this report. These individuals may be restricted to certain locations for the duration of their sentence and may not be able to transfer to Open Centres for good order and public safety reasons. In such cases resocialisation and reintegration plans are limited to what can be managed by the IPS.

5.4.2 Females serving life sentences

At present, females serving a life sentence can only be accommodated in either the Dóchas Centre (Mountjoy Complex) or the female section of Limerick Prison. It is noted that the IPS is considering expressions of interest regarding the establishment of a Step Down unit for women in Dublin.

5.4.3. Foreign Nationals serving life sentences

As noted in Chapter 3, Sections 3.8 and 3.9, foreign nationals who are serving a life sentence report significant difficulties in progressing from closed to open regimes, and eventual release due to lack of legislation on the matter. Prison services also aired frustrations at their lack of ability to make progressive recommendations for foreign nationals involved in the Parole Board process. Difficulties with legislation regarding the removal or deportation of prisoners was noted.

5.5 Pre and post release sentence planning

5.5.1 Transferring to an Open Centre

Consideration needs to be given to the alignment between expectations held on what open centres can offer and the reality of what can be achieved, given reduced staffing levels, lower concentration of therapeutic services and, at times, the limitations of the regime available.

Persons interviewed, who recently transferred from a closed to an open prison, were asked of their experience and if the reality of the open centre matched their expectations. Issues identified included, having to make decisions for oneself, having to learn to mix with people and generally finding the adjustment difficult. Suggestions to support the transfer included enabling the person to visit the open centre and to meet with the Governor and services, offering greater help in learning to do basic life skills for themselves and the possibility of having purpose built independent living units to replicate life outside of prison to a greater extent.

Issues have also arisen in cases involving applications/decisions for transfer of a person with a sexual component to an offence, or with a historic conviction for a sexual offence and

whether such prisoners are suitable for an open centre environment. It is clear this is not a straightforward issue and that it requires the full and thorough assessment of the prisoner by operational staff and therapeutic services who then make recommendations to the Parole Board and in turn the Tánaiste.

5.5.2 Clarity in Temporary Release recommendations

Persons interviewed by the Committee who had been approved a transfer to an Open Centre, interpreted this as being the start of a release process and a related escalating programme of TR. In many cases this was not the experienced reality as the Ministerial decision, usually based upon a recommendation by the Parole Board, did not specifically indicate the possibility of TR, or did not outline the form and frequency such TR might take. People expressed frustration at being considered low enough risk to be detained in an Open Centre environment, which has limited perimeter security, yet not deemed suitable to leave the centre on TR. This frustration was not only felt on the part of the individual serving a life sentence, but also the Governor and staff who assist people serving life sentences in preparation for eventual full TR.

5.5.3 Need for increase in life skills training

Some people interviewed who had spent in excess of 20 years in custody acknowledged the need to improve their independent living skills, life and social skills and ability to take responsibility for themselves. Many acknowledged elements of institutionalisation, isolation from family or friends and the fear of not being able to cope once released. They suggested that this form of rehabilitative planning was not sufficiently available or coordinated at the current time.

6 Recommended model of Best Practice and General Recommendations

6.1 Proposed Model for the Sentence Management of people serving life sentences

The need for a clear, consistent and transparent model for sentence management has been articulated by all stakeholders met throughout the Committee's lifespan. Based on that feedback and building on the best practice already carried out within the prison estate, the following model is recommended for adoption within the Irish Prison Service:

6.1.1 Committal Orientation

Prisoners should be provided with a detailed understanding of the complete prison environment on committal. This should be formalised for persons serving life sentences and possibly structured on a peer led model.

6.1.2 Multi-Disciplinary Assessment

An assessment of each person serving a life sentence will be completed following the person being sentenced. The assessment will consider the risks, needs and strengths (SNR) of the individual, drawing on specific SNR assessments from IPS Psychology, the Probation Service and the wealth of disciplines within the prisons, e.g. education, health, work/training, addictions. This should not be deferred should the prisoner appeal his/her sentence, but cognisance taken of that fact. As such it may be necessary to conduct a further/continued assessment, focused on the offence, once any appeal process has been finalised. The person serving the life sentence, and their families³ should be encouraged and given the opportunity to be involved in the development and planning of their sentence management.

6.1.3 Annual Review

Prison based, Governor-led multi-disciplinary (MDT) reviews should be convened, with each person's case being reviewed at least annually. On completion of the assessment, it should be put forward for the next MDT review for discussion. These MDT meetings should facilitate the attendance of the person serving a life sentence and if possible, input from his or her family/significant other where deemed appropriate.

The purpose of the meeting is to agree a Personal Implementation Plan for the following twelve months. This meeting should be repeated on an annual basis with ongoing reviews completed during the year. The meeting should cover the following:

- a) feedback to the person serving a life sentence regarding his/her behaviour and attitude over the previous year;
- b) positive use of time – work, training and other options;
- c) engagement with relevant therapeutic services;
- d) offence focused work (when deemed appropriate);
- e) feedback from the individual themselves including their views, aspirations, and any challenges they may be facing;
- f) feedback from family/significant other options.

³ It is noted that the prisoner's consent would be required.

6.1.4 Parole Board

The Annual Review and Personal Implementation Plan will be used to guide and manage the person's motivation and engagement up until, and throughout the person's engagement with the Parole Board. The Personal Implementation Plan should be used to inform prison based reports submitted to the Parole Board, particularly the Prison Review Committee (PRC) report. Additionally, the Personal Implementation Plan is to be adjusted to incorporate any decision of the Minister and through engagement and agreement with the person serving a life sentence⁴.

6.1.5 Integrated Sentence Management: Integrated Sentence Management is the cornerstone on which to develop the above model for sentence management of persons sentenced to life imprisonment. As such it is necessary to enable ISM Officers to engage with prisoners to formulate and drive each Personal Implementation Plan. To achieve this, ISM Officers must be dedicated to their roles, not reassigned to other duties and must be of an adequate number to effectively perform this function in addition to their existing and expanding role.

6.1.6 Rehabilitative measures: Whilst excellent rehabilitative measures (group and individual) are taking place in various prisons by Education, Psychology, Probation, Merchants Quay Ireland, IASIO (e.g. Living with Life group based psychoeducation programme and the Building Better Lives violence programme) they tend to be *ad hoc* and not estate wide. The Committee supports the IPS Strategic action around national and local Heads of Service meeting to discuss and agree a coherent and coordinated approach to rehabilitation across the estate, chaired by the Director of Care and Rehabilitation. The Committee further recommends that this group pay particular attention to a coherent approach to rehabilitation for people serving life sentences across the prison estate.

6.1.7 Out-of-cell time: A fundamental re-examination of the structure of the unlock periods in closed prisons is required. Furthermore, the Irish Prison Service should take all measures available to maximise the out of cell time for people serving life sentences.

6.2 Prisoner Progression: The need for sense of progression for the prisoner, and clarity on this from services, was evident from the work of the Committee, particularly when the prisoner has served in excess of ten years in custody. As such, the following recommendations are made:

6.2.1 Prisoner Progression - Independent Living Skills Unit: If or when recommended to do so, the person serving a life sentence should move to an Independent Living Skills Unit (e.g. Wheatfield, Midlands B3, The Grove and similar units where he/shes can develop greater independent living skills which will prepare him/her for a possible move to an Open Centre. It is envisaged that the person will remain in this type of unit for a maximum of 24 months.

⁴ Further recommendations in relation to the Parole Board are contained in section 6.2.1

⁵ The IPS is working toward a step-down facility for females. However, there is no plan for an Open Centre for females at the current time, hence point 6.1.5 relates to males only.

The role and function of these units should be standardised as far as possible (e.g. principles, culture, role, staff training and engagement etc.), while allowing for local adaptation based on the limitations or opportunities presenting.

6.2.2 Independent Living Skills Units – Protection Prisoners: The IPS has a number of persons serving life sentences who are on ‘protection’, typically due to the nature of their offence e.g. sexual offences and intimate partner violence. Many of these have now served over 10 years and are not often considered suitable for a less restrictive regime due to the ‘protection’ status. It is therefore recommended that an ILSU be developed in a suitable closed prison to facilitate the appropriate living environment and skill development for this cohort.

6.2.3 Prisoner Progression - Open Centres: If or when recommended to do so, the person serving a life sentence should then transfer to an Open Centre with the approval of the Minister. It is recommended by the Committee that such a transfer should be deemed by the Minister to imply that subject to a detailed PRC report, with staged and measurable progress, the person serving a life sentence will be considered suitable for release within the timeframe specified and subject to the conditions stipulated and approved by the Minister. It is the Committee’s assertion that under this proposed model, the person would not be further reviewed by the Parole Board unless there is a setback regarding the approved plan. In the absence of any setback and based on the behaviour, engagement with the regime, conditions, staff and services, the person serving a life sentence should be released by the IPS without further recourse to the Minister under the plan put forward. This release would be, as at present, reviewable TR, subject to the supervision of the Probation Service and managed in accordance with the agreed protocol between the IPS, Probation Service and An Garda Síochána. It is envisaged that this staged released plan should be completed within a two-three year timeframe.

6.2.4 Transition from Closed to Open Centres: People serving life sentences require support in the transition from closed to Open Centres. Whilst the availability of Independent Living Skills Units (ILSU) type landings are a significant step forward, it is also felt that prisoners require a detailed understanding of what each Open Centre can specifically offer, the differences between the closed and Open Centre regimes, and the need for the prisoner’s greater ability to manage themselves (e.g. thinking and behaviour) in such an environment. It is also recommended, to support positive outcomes, that there are visits by the person in the closed prison to the Open Centre prior to transfer. Critically, this should include a meeting with the Governor of the Open Centre to outline and manage expectations, discuss the Open Centre regime and the person’s staged plan as approved by the Minister. Where a visit is considered unnecessary, the Governor of the Open Centre should either meet with the person who is due to transfer in the closed prison or communicate by video link. To this end, video link installation in Open Centres would be a welcome development. It would also allow for the person to have post transfer sessions with professionals in the closed prison were this is seen as supporting the person settle into the new environment.

Additionally, on arriving at the Open Centre, consideration should be given to supporting the prisoner settle into the new prison, possibly through a peer model (see section 6.3.5).

6.2.5 Open Centres – Regime: Given the growing number of persons serving life sentences being transferred to the Open Centres, consideration should be given to the regime on offer and how this can be adjusted to ensure there is meaningful activity for persons serving life sentences. These should include life skills (e.g. cookery, budgeting, thinking and coping skills, problem solving, managing relationships, sexuality, parenting etc.). It should also focus on assisting the person develop a positive attitude toward making constructive use of their time (e.g. education, social activities, hobbies/interest). Training programmes and other approaches (such as social enterprise) should focus on achieving meaningful and realistic employment opportunities.

Additionally, therapeutic interventions should be strengthened to offer support, transition management, short term interventions and, where needed, family engagement. Consideration should also be given to relapse prevention programmes aimed at assisting prisoners manage setbacks which can, through self-reflection, strengthen their ability to manage similar challenges in a post release setting.

6.2.6 Open Centres – Independent Living Skills Units: The Committee recognises that a number of people serving life sentences currently living in both open centres could potentially struggle if released directly into the community and may benefit from lower level security settings which promote further independent living but allow them maintain the support structures available in the open centres. The group recommends that dedicated independent living facilities should be provided in both open centres for persons serving life sentences. The provision of two five bedroom houses with independent kitchen and living facilities could meet the needs of these individuals.

6.2.7 Open Centre in Dublin: There is a clear need for an open centre for men in Dublin. There needs to be a Dublin location from which long term prisoners can avail of community based training, educational and personal development opportunities. In combination with existing open centres, this unit could assist in meeting the increase in capacity needed to respond to the growing number of people serving life sentences from Dublin being recommended for transfer to the less secure facilities in Wicklow and Cavan.

6.2.8 Females in custody: The Committee welcomes the planned step down unit in Dublin for women, especially for those who are deemed to be suitable for release and require support in making a transition back into the community, and re-establishing, strengthening and normalising their relationships with family and friends.

6.2.9 Post Release – return to custody: on occasion, a person serving a life sentence who has been approved temporary release and living in the community may be returned to prison for breaching a condition of that release. Clarity is required as to whether such a breach warrants the prisoner's case being re-referred to the Parole Board. It is the Committee's recommendation that this should only be done if the breach is considered significant by the IPS, otherwise the IPS should retain the discretion to approve further reviewable temporary release if deemed appropriate.

6.3 Mental Health and Institutionalisation

6.3.1 Staff relations with people in custody: The literature review included with the report highlights the critical impact of interactions between staff and those in prison. Positive relational engagement can make a significant contribution to the mental health, self-efficacy and coping ability of someone serving a life sentence. The focus on staff contained in the current IPS Strategy is fully aligned with the positive role prison staff can and do play in this regard. The understanding of the impact of a life sentence on people, and the impact of positive role modelling, is and should remain a core component of staff training and development.

6.3.2 The Psychology Service: This service should continue their practice of meeting with people serving life sentences on a regular basis to review their mental health and coping, with a focus on minimising harm and reducing the potential negative effects on the mental health of people serving life sentence. Where this practice is not already in place, it should be implemented.

6.3.3 Maintaining Family Relationships: the Committee endorses the submission made by the IPRT, prison based services and people serving life sentences in relation to maintaining family relationships and recognising the role of the family in the positive progression of the person in custody:

- People serving life sentences should be facilitated with longer visits, particularly for families travelling long distances. Furthermore, such visits should be within as normal an environment as possible with the standard including round-table visits and sharing of food and beverages should be actively encouraged.
- Enabling the strengthening of relationships through child-friendly visiting facilities and the ongoing involvement of the person serving a life sentences in the life of his/her children (provided it is in the best interests of the child) should be examined by the Irish Prison Service.
- Parenting from Prison courses tailored specifically to those serving life sentences should be developed and innovative practice from other jurisdictions, such as home-work clubs or facilitating parent-teacher meetings in prison should be considered.
- Consideration should be given to provision of in-cell phones (subject to normal governance and restrictions) for people serving life sentences to maintain regular contact with their families – as is being piloted in the ILSU in Wheatfield.
- Video-conferencing, such as Skype, should be made available in all prisons to facilitate contact with elderly or less mobile relatives, and family living in other jurisdictions.
- Where deemed appropriate and where possible, input from families in Personal Implementation Plans and community integration plans should be encouraged and actively facilitated where possible.

6.3.4 Prisoners who are institutionalised: There is a small percentage of people serving very long sentences who have become institutionalised. There is a need to develop a response for this cohort, particular those where the Minister has recommended release, but this release process has been frustrated by what is assessed as institutionalised behaviour. The response

should be structured to provide a comprehensive psycho-social intervention, developed on a learning-by-doing principle within a learning centred environment. It is recommended the unit be established in an open prison, led by the Governor and multi-disciplinary in implementation e.g. Probation, Psychology, Work and Training, Education, Resettlement, Chaplaincy etc.

6.3.5 Peer Support Model: The Committee has identified the degree to which people serving life sentences gravitate toward each other for help and support throughout their sentence. This can lead to either positive or negative outcomes depending on the relationships formed. It is proposed that a peer-to-peer project be established to assist people serving life sentences especially in the first years of their sentence, but also at potential times of personal difficulty.

6.4 Parole Board processes and Proposed Adjustments

As highlighted in chapter five, there were significant criticisms of the Parole Board expressed by prisoners and services. In writing this report, the Committee spent considerable time examining how the current system could be improved. One option proposed turning the Prison Review Committee report into one overarching 'Sentence Management' document, capturing what is currently a range of separate reports (Governor, Psychology, Prison Review Committee, Health Care and Probation Service). The benefits of such a report were clear: a comprehensive, considered, and composite document which enabled all relevant staff who engage with the prisoner to agree his/her risks, needs and strengths and to clearly establish the progression plan which will reduce the likelihood of offending, assisting the person to prepare for release if recommended. The Committee failed to reach agreement on this proposal due to the resource implications for the Prison Service of such an approach.

The Committee did agree that in keeping with the development of clarity for all involved, the following adjustments to the working of the Parole Board should be considered.

6.4.1 Reports for the Parole Board

It is recommended that the Parole Board review the information it currently receives, whether this is sufficient, what further it requires and from whom. To assist with this, the following is put forward for consideration:

a) Information on Sentence Management – PRC Report:

The Parole Board places a high value on the Prison Review Committee report, prepared by the Operations Directorate, with and on behalf of the multi-disciplinary team working with the prisoner. It incorporates information given by prison staff, psychology, probation, education, work training, and other services e.g. addiction, resettlement etc... The report is also cognisant of the Operations Directorate responsibility for security, good order and public safety. It is recommended that a more standardised approach is adopted for such reports inclusive of detailed staged plans for sentence management. This is in keeping with current developing practice and has been endorsed by the Parole Board. It is anticipated that such staged plans will draw on the annual Personal Implementation Plans drawn up at prison level with the prisoner.

It is further recommended that the Prison Review Committee (PRC) report be completed after the Governor, Psychology or Probation Service assessments have been completed. This is viewed as being likely to result in a greater degree of consistency in the recommendations being made across the reports being compiled.

For people serving a life sentence who are transferring from a closed to an open prison, a detailed staged plan should be included within the PRC which will guide the person's progression from transfer to release on TR. The plan should include the view of the Governor of the Open Centre to ensure that the plan can be fully implemented if approved.

b) Information on Prisoner Behaviour – Governor's Report

The Prison Governor's report also requires standardisation in order to give clear and precise information on key areas not covered in other reports. The Governor's report should include comment on the prisoner's general behaviour, incentivised regime level over the period since the last review, disciplinary reports (if upheld), details of who is visiting the prisoner (current, changes of note, frequency, professional, family and friends). The report should also identify how the prisoner uses free time such as hobbies/interests, if the prisoner is a trustee and report on his/her engagement with staff.

c) Medical Information

There is currently a mechanism in place whereby, with the prisoner's consent, local prison health care can provide an overview of any previous, current or emerging health issues which may impact on the prisoner's day to day management, future sentence planning or resettlement needs. By extension, and again with consent, similar information may be proffered by other health care and non-health care professionals. It is recommended that the Parole Board liaise with the IPS to establish a clear system for such information being made available where deemed necessary.

In resolving the difficulties in accessing specialised reports, it is recommended that the IPS establish panels of health care professionals to prepare specific reports (forensic psychiatry, occupational therapy etc...) where such an assessment is deemed necessary by the Prison Service, Tánaiste or Parole Board to aid sentence management and/or decision making.

d) Temporary Release recommendations

To resolve the confusion which continues to exist as to who has the responsibility to recommend or approve periods of temporary release, it is recommended that:

- The PRC report make specific recommendations as to forms of, or periods of temporary release, which is believed will assist with sentence management and prisoner progression, based on a clearly articulated and staged sentence management plan.
- That it is fully understood that the implementation of this plan will be at the full discretion of the IPS based on the good behaviour, co-operation and engagement of the prisoner and subject to ongoing risk and security considerations.
- No application for any form of TR will be sent to, considered by or endorsed by the Parole Board and/or its secretariat.

6.4.2 Interpretation of the decision of the Minister

To address the lack of clarity as to what concessions can be granted by Irish Prison Service Operations Directorate, based on the Parole Board outcome and letter from the Minister, it is proposed that the Parole Board, Irish Prison Service and the Policy Division should meet to agree a common understanding of the recommendation options which are available to the Parole Board, how these are understood by the Department, and how these are/may be implemented by the IPS decision makers.

6.4.3 Efficiencies and Administrative Delays

The delays in the timeframes for the review of an individual serving a life sentence and the receipt of Ministerial decisions has proven to be a common problem raised with the Committee. Such delays can be based on a 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. It is apparent that the current model is not efficient and requires a fundamental change. The Committee are aware of a proposal being prepared to consider removing people serving between 8-10 years for the Parole Board process. This would, in a small way, reduce the volume of cases to be considered. It was the Committee's view that greater efficiencies would result from removing all determinate sentenced prisoners from the Parole Board system.

Significantly, if the model proposed at 6.1 was to be implemented, a more sizeable reduction in the volume of cases would be achieved by effectively eliminating the need for most prisoners in Open Centres to be reviewed. A further proposal put forward is to consider the Parole Board meeting as akin to a Court date – thus an obligation would be placed on services preparing reports to have these fully submitted by a prescribed date. This would resolve the 'drift' which appears to currently take place.

It is clear however that having the first Parole Board review so early in the person's sentence raises expectations on their, their family's and the victim's part. Such expectations are, in the main, completely unrealistic as it is without exception, unknown for a prisoner to be released or transferred to an open centre following a first review at the seven year period. As such, it is the Committee's view that the first review should be held after the completion of 10 years imprisonment rather than the present 7 years.

6.4.4 Parole Board Liaison Officers

Responding to the expressed difficulty that people serving life sentences have in accessing accurate and consistent information, it is proposed that greater emphasis is placed on the role of the Parole Board Liaison Officer. This is reportedly working well but not consistently throughout the IPS. Consideration should be given by both the Parole Board and IPS to (i) role clarity, (ii) required training and support for Prison Officers filling this post. If resources allowed for dedicated ISM officers for persons serving life imprisonment, consideration should be given to aligning the Parole Board Liaison Officer role with the ISM function.

6.5 Older people serving life sentences

The Committee welcomes the ongoing work to complete the IPS Policy on older people in prison and recommend that facilities to accommodate the mobility, health and other needs of older people serving life sentences be a critical part of that policy.

6.6 Foreign Nationals:

As seen from chapter 2, there are 33 foreign nationals serving life imprisonment, 25 of whom are believed to not use English as their primary language. In responding to their specific needs, it is recommended that:

- Prison information/materials should be fully accessible in a range of languages to meet prisoner's needs.
- Interpreter services should be fully available as required.
- English language courses should be available to foreign nationals serving long sentences.
- Proactive measures should be taken by the IPS to ensure foreign nationals serving long sentences have equal access to Services available in each prison, regardless of their English language skills.
- All foreign nationals serving life-sentences in Ireland, whose families live in other jurisdictions, should be facilitated with video-conferencing (such as Skype).
- The IPS should work closely with Department of Justice and Equality to accelerate efforts towards repatriation of foreign nationals serving life-sentences in prison

6.7 Implementation of this Report's recommendations:

Finally, the Committee believe it is necessary to provide oversight to ensure the above recommendations are implemented. To that end, it is recommended that a group of relevant personnel is established and tasked with that purpose.

7 Appendices

Appendix 1

Literature Review

This brief overview of the literature on people serving life sentences examines the psychological factors implicated in institutionalisation. It examines key systemic and individual factors and corresponding recommendations in terms of intervention (sentence management).

People serving life sentences in Ireland account for 7.7 per cent of the prison population. There has been an increase in time served by this cohort from 7.5 years in the 1970s and 1980s to up to 22 years in 2012 (Griffin, 2015). Owing to the lengthy and indeterminate nature of their sentence, this sub-group of people in prison are more likely to become institutionalised (Criminal Justice Joint Inspection, 2013). Haney (2001) defines Institutionalisation as the process by which people in prison 'are shaped and transformed by the institutional environments in which they live'.

7.1 Systemic factors

The very definition of institutionalisation suggests that we need to look to the institutions in which life sentenced prisoners reside to help us understand this process. Taking individual factors out of the equation, "the restrictive environment of an institution, coupled with oppressive staff, is capable of producing institutionalisation in almost any person regardless of diagnosis, predispositions or personality" (Wirt, 1999, p. 260). A key systemic dynamic that has been highlighted across the literature as influencing outcomes for life sentence prisoners, are relationships with prison staff. Relationships between staff and prisoners are central to the prison institution (Crewe, 2011) and the attitudes and conduct of prison officers embody the moral quality of prison life (Liebling, 2011). In a study of staff-prisoner interactions, McDermott & King (1988) found that life sentenced prisoners experienced the power inequality inherent in these relationships more severely than other prisoners due to their dependence on the staff's reports for parole. Similarly, in a qualitative study carried out by Milner (2009, P. 67) on the experiences of life sentenced prisoners in Ireland, a number of participants described being at the "mercy" of a prison officer's mood on a given day.

Staff selection and training can help mediate this factor. For example, The United Nations Office on Drugs and Crime Handbook for the Management of High Risk Offenders (UNODC, 2016) recommends that using evidence based, objective recruitment and selection procedures is vital to ensure that only persons with the right qualities are selected to work within prisons. These qualities fall into two categories; the capacity to fulfil the technical tasks of the prisons mandate and the integrity to fulfil this mandate in accordance with fundamental human rights and professional standards. In the first place, integrity of applicants should be tested. Furthermore, the use of independent assessors such as psychologists in staff recruitment and training are cited as examples of best practice.

In jurisdictions such as the UK, prison officers are trained as Offender Managers and assist life sentence prisoners with implementing their sentence management plans (National Offender Management Service, 2008). This model is grounded upon four evidence based key principles.

- i. Consistency of method and message; ensuring offenders receive consistent pro-social messages from one key person over time and across the wider multi-disciplinary team at the same time.
- ii. Continuity; one agreed plan implemented in relationship with a single Offender Manager.
- iii. Commitment and genuineness; offenders have generally experienced significant exclusion and are highly sensitive to staff “going through the motions”.
- iv. Consolidation of learning; helping offenders consolidate new prosocial behaviours, attitudes and skills into “routine”. Pro-social relationships with staff are actively fostered. Staff can play a pivotal role in promoting change for offenders, e.g. fostering trusting working relationships, pro-social modelling, coaching and enhancing motivation (National Offender Management Service, 2008).

A further systemic factor comprises the restrictive environment of prison institutions. A lack of control over one’s life is a major feature of institutions, as the prisoner’s needs are usurped by the needs of the institution (McNown Johnson & Rhodes, 2007). The ability to make choices, even if they only offer the illusion of control, “is a fundamental human need that counters institutional dependency and fosters autonomous thinking” (Toch, 1998, cited in Johnson and Dobrzanska, 2005. P. 8). This is supported by research that suggests that prisoners with a better sense of control over their lives adjust better to prison (Johnson, 2002). This finding was also evident in the Irish context (Milner, 2009); life sentence prisoners stated that having a routine was crucial to their well-being and access to meaningful activities such as work and education was of paramount importance for filling their time and developing skills for the future. Furthermore, the UNODC Handbook for the Management of High Risk Offenders (2016) states that the provision of suitable work, educational, physical and leisure activities is important in preventing the damaging effects of long-term imprisonment and should be based on the specific needs of individual prisoners.

7.2 Individual factors

The evidence base also indicates that certain individual vulnerability factors (young or old age at conviction, compromised cognitive functioning, psychiatric illness, poor coping skills, low self-efficacy and an absence of familial relationships) enhance susceptibility to the development of institutionalisation (McNown Johnson & Rhodes, 2007). Further studies (Liberakis, 1981; Donat, 1997) have also demonstrated that predisposing traits such as low intelligence, lack of education, illiteracy and problems with communicating increase difficulty in adapting to a restrictive environment and hence place the individual at risk of institutionalisation.

The absence of intimate and familial relationships is regarded as one of the most difficult aspects of long term imprisonment (Leigey & Ryder, 2015; Milner, 2009). Such relationships build resilience and foster a sense of hope for the future. The most powerful form of contact that a prisoner can have are visits and these are extremely important to their mental well-being (UNODC, 2016). This is supported by a plethora of research (Listwan, Sullivan, Agnew, Cullen & Colvin, 2013; Blevins, Listwan, Cullen & Jonson, 2010; Jiang & Winfree, 2006). UNODC recommends that visits be of reasonable length, take place in decent conditions with staff specially trained for conducting visits in a dignified atmosphere and where possible, physical contact should be allowed (2016). Emphasising the importance of familial relationships in building resilience against institutionalisation, a recent report from Criminal Justice

Joint Inspection (2013) recommended that where appropriate, the positive influence of a life sentenced prisoners family should be fully harnessed in the planning, delivery and review of work designed to address issues relating to the prisoners needs.

Life sentence prisoners are particularly vulnerable in the early stages of their sentences and this has been highlighted in research conducted within the Irish prison system (Milner, 2009). The difficulties of adjusting to a life sentence involved the initial reaction to imprisonment, possible trauma issues in relation to the offence, dealing with multiple significant losses, significant emotional turmoil and uncertainty. The negative impact of the lack of sentence planning and structure within the Irish prison system at this stage of a life sentence was very evident within this study. Key recommendations emphasised the need for early intervention with such prisoners to develop a sentence management plan which addresses key risk factors and needs, inspires hope and promotes autonomy and progression.

Such a model can be seen in the UK (National Offender Management Service, 2008) where all Indeterminate (“life”) Sentence Prisoners are assessed within 16 weeks of coming into custody. A detailed Individual Sentence Plan (ISP) is compiled based upon a thorough risk and needs assessment and self-assessment by the offender. It places the offender at the centre of the sentence planning process. The ISP is a working document that is revised and reviewed regularly. The prisoner is supported to implement their ISP with the support of their allocated Offender Manager, Offender Supervisor and the wider multi-disciplinary team. All relevant parties are aware of their roles and responsibilities, particularly the offender, thus promoting a sense of agency.

Appendix 2

A GUIDE TO THE PAROLE BOARD INFORMATION FOR PRISONERS

(This is not a legal document)

The information contained in this booklet is designed to explain the main features of the Parole Board Scheme and to help you to avail of the opportunity to have your sentence reviewed.

Issued by: The Parole Board, 6/7 Hanover Street East, Dublin D02 W320, January 2016

1. What is the Parole Board?

The Parole Board advises the Minister for Justice and Equality (the Minister) on the administration of long term prison sentences. Following a review of your sentence, the Board will, by way of recommendations, advise the Minister of your progress to date, the degree to which there has been engagement with the various therapeutic services such as the Probation and Psychology Services, and how best to proceed with the future management and administration of your sentence.

2. Membership of the Parole Board

There are currently 12 members on the Board. The present Chairman is a solicitor and the other Board members include professionals from the criminal justice field and members with different areas of expertise and professional backgrounds such as teachers, doctors, counsellors etc. The Board has a Secretariat to assist it in its work.

3. What is Parole?

Parole is generally regarded as early release from prison, subject to strict conditions being complied with. It applies to offenders convicted of serious offences with longer sentences, including life sentences. The Parole Board reviews the cases of prisoners serving life sentences and fixed sentences of eight years or more. Usually the Board tries to review individual cases half-way through the sentence or after seven years, whichever comes first. The Parole Board's main role is to advise the Minister on the management of such sentences so that prisoners are given the best opportunity to address offending behaviour and rehabilitate themselves. Before the Parole Board can review your case, it must first be referred to the Board by the Minister through the Irish Prison Service. The Parole Board will have no details of your case until the Minister refers it to them.

If you are granted parole, this means that strict conditions will apply. If you are released and do not follow these conditions, you can be called back into prison at any time where you will have to serve the remainder of your sentence or wait for another parole review.

4. Criteria used for Parole my review

The safety and security of the public is top of the Parole Board's priorities. Following review and consideration of all relevant factors, the Board advises the Minister of your progress to date. The main factors taken into account by the Board, when reviewing your case, include:-

- i. The nature and gravity of the offence to which your sentence relates.
- ii. The sentence you are serving and any recommendations from the Court that imposed the sentence
- iii. How much of the sentence has been served at the time of the review.
- iv. Previous convictions
- v. The potential of danger you may pose to the safety and security of the public if you are released.
- vi. The level of risk of further offences being committed during any form of temporary release
- vii. The risk of you failing to return to prison upon the expiration of any period of temporary release.
- viii. The risk of you not complying with any conditions attached to Parole.
- ix. Your conduct while in prison or while previously on temporary release.

10. How much you have used the therapeutic services available while in prison (such as counselling or courses related to the offence committed and any type of reoffending);

11. How likely it is that Parole would improve your prospects of safely re-integrating back into the community or improving your chances of obtaining employment.

To help the Board assess some or all of the above factors, the issues that they may take into account will include:

1. Your positive engagement with the relevant therapeutic services including the Probation, Psychological and Psychiatric Services, Education and Work Training Services, Narcotics Anonymous, Alcoholics Anonymous, Gamblers Anonymous, Medical Services, any other relevant Service.

2. Any offence focussed work, where you have looked at the circumstances and nature of the offence so that you can understand what led you to commit the offence, whether you have taken part in any therapeutic or rehabilitative programmes and if so what progress have you made. Rehabilitative programmes might include Alternatives to Violence, Building Better Lives Programme, Cognitive Skills course, etc.

3. Before making any recommendation regarding a particular case, the following factors are seriously considered by the Board:

a) Any risk assessment concerning the likelihood of further re-offending by a prisoner, if granted parole, carried out by the Psychology, Probation or other services.

b) Any written submission given to the Board by victims or members of the victim's family.

In the case of a prisoner being reviewed for a second or for further reviews, the compliance with the previous recommendations will be looked at. The Board will also be free to make such further enquiries and recommendations as it deems appropriate in any individual case.

The final decision on the recommendations of the Parole Board is made by the Minister, who can accept them in full, or in part, or conditionally, or reject them. The Minister usually, but not always, accepts the recommendations of the Parole Board.

5. Date of eligibility for review

The date you are eligible for review is worked out from the commencement of your sentence (as stated on the Warrant or Order for Imprisonment). Time spent on remand is not taken into account unless the Warrant or Order for Imprisonment states this. If you are serving a fixed sentence, you must have at least 12 months of your sentence left to serve at the start of the parole review process.

6. The steps involved in the parole process:

Step 1: Referral.

You do not apply for or submit an application for parole. The Minister is informed by the Irish Prison Service of those prisoners who will become eligible for review by the Board for each year.

Step 2: Invitation to participate.

The Secretariat of the Parole Board will write to you when your case has been referred to the Board and ask if you wish to participate in the review process. You are asked to complete a form to show whether you wish to participate in this process or not. The Board will only review your case if you accept this invitation. If you do not accept this invitation initially, you can accept it at a later stage. You may also postpone your review until specific Therapeutic work has been completed.

Step 3: Assembling a Review Dossier.

If you opt to participate in this review process, reports are sought from the Governor outlining your conduct and behaviour in prison, your disciplinary record, and the various educational courses completed.

A report is also given by the Prison Review Committee which includes prison management, probation officers, the chaplain, the education service and representatives of the Prison Services' Operations Directorate. The Probation Service provides risk assessment reports as well as observations on you. The Psychology Service also provide reports, where appropriate, setting out your progress in addressing your offending behaviour. The Board may also seek a report from a psychiatrist particularly if you have received or are undergoing treatment during your sentence.

In every case, a report is sought from An Garda Síochána providing views on relevant issues including the attitude of the people in the area where the crime was committed if you were to be released, and on the likelihood of revenge being sought against you if released. Once the reports (and any other material) have been obtained, they are assembled into a Review Dossier.

Step 4: Disclosure of Review Dossier.

The Dossier is simply a file of all relevant documents and reports. You will receive a copy of the Dossier at least one week before your interview or Board Review, if your case is being reviewed solely on the documentation in the dossier. You will have an opportunity to submit written comments on the content of the reports as well as providing any other information which you may feel that the Board should consider.

Step 5: Interview.

When you receive the Review Dossier, arrangements are made for you to attend an informal interview with two Members of the Parole Board and a staff member of the Secretariat. These interviews take place in the institution in which you are detained. You are not allowed legal representation at the interview. Written submissions on your behalf will be accepted.

At the interview, the two Board members give you an opportunity to make submissions in person to the Board and to allow the Board Members to discuss the contents of the Review Dossier with you. This allows both you and the Board members to seek any clarification or information required which will improve the Boards ability to deal appropriately with your case. Following the interview, the Secretariat prepares a report on the interview and a copy of this report is given to you for your comments and any additional information you may wish to add. This interview report, together with the comments you may have on the report, is added to the Review Dossier which is given to all of the Parole Board members.

The Board considers your first review to be very important, but may not find it necessary to interview you on every occasion that they review your case. If there is no interview, your review is called a paper review where the Board monitors your progress and considers your case on the basis of reports from the various Services you have been engaging with. These reports are disclosed to you in the same way as your first Review Dossier and you will be given an observation sheet to make comments and/or provide any additional information.

Step 6: The Board meeting.

The Parole Board meets once a month to review cases and to formulate recommendations to the Minister on each case. The discussion is started with those members who conducted the interview with you or, in the case of a paper review, the members who previously interviewed you. Both Board members give their opinions on the impressions they formed of you. In the course of discussing each case, the reports contained within the Review Dossier are discussed by the entire Board and a recommendation to the Minister is agreed.

Step 7: Recommendations to the Minister.

The Parole Board may make a variety of recommendations which generally include:-

- Encouraging you to work with particular therapeutic services, attend particular programmes such as “Alternatives to Violence”, Alcoholics Anonymous” etc.;
- Education - encouraging you to participate in training and educational services;
- Work training-obtaining the training, certification and experience to assist you in obtaining employment on your release.
- Re-socialisation - measures to reduce the effects of institutionalisation which could include escorted or accompanied outings to aid familiarisation with the outside world and meetings with your family and relations etc.
- Transfer - a transfer to another prison, including a prison in a different location or an open prison where, for example, further therapeutic or educational services are available.

- The Parole Board, as part of your sentence management, may recommend to the Minister an escorted absence(s) from a prison and/or a programme to support re-socialisation/re-integration. The Parole Board has no role in relation to the granting of TR and any prisoners wishing to apply for TR should do so through their Governor in the normal way (see Paragraph 12 below).

The Board's written recommendations are sent to the Minister who then considers the recommendations and arrives at a decision. The Board's role is advisory only and the Minister is not obliged to accept any recommendation made by it.

The Minister's decision is sent to you in writing by the Department of Justice and Equality, and the Parole Board also gets a copy of this letter. Each case is reviewed on its own individual merits and the time taken to complete the actual process can vary as a result. You, will, in most cases, know the outcome of your review within three to six months of your interview.

Life Sentence Prisoners

A life sentenced prisoner has the possibility of being released from prison on licence. A life sentence means that you will continue to serve your sentence for the rest of your life with the possibility of part of it being served in a community setting. If you are released on licence, you are still serving a life sentence and can be returned to prison if you re-offend or break any of the conditions of your release. There is no set number of years that you must serve in prison before you can be released on licence, but the decision to release a life-sentenced prisoner must be balanced against the offence committed. The number of years you will spend in prison is dependent on your progress in prison, the particular facts of your case, the recommendations made by the Parole Board and ultimately, the decision of the Minister.

8. Offences which are not covered by the parole process.

You will not be covered by the parole process if you are serving a sentence for certain offences such as the murder or attempted murder:-

1. of a Garda or member of the prison service in the course of their duty;
2. of the head of a foreign state or a diplomat for political purposes; or
3. in the course of supporting activities of an unlawful organisation.
4. Certain Drug Offences

In addition, if you are serving a sentence for the possession of drugs under the Misuse of Drugs Act, 1977 as amended by Section 5 of the Criminal Justice Act, 1999, you will not at present, normally be eligible for review by the Board.

The Minister may, however, refer any individual case to the Board.

9. Why should you have your case reviewed by the Parole Board?

The review process provides you with an opportunity to discuss your individual concerns, your offending behaviour, your ambitions for the future, and if deemed suitable, to prepare for your eventual release and reintegration into the community. The Board can offer practical advice and support to assist you in coping with your sentence in preparation for release. You are strongly encouraged to become actively involved in the process.

10. How can you prepare for going back into the community?

If you are to be supervised by the Probation Service, Probation Officers working in your prison can help you to prepare for life after release. They can give you information and put you in contact with social services, hostels, training and treatment programmes (individual and groups) outside the prison. They can also give you information on how to manage your behaviour, lifestyle and personal affairs to reduce the risk of you re-offending. Probation Officers can also help you keep in contact with your family and community during your time in prison. They work under the Governor's direction to make sure that sentence management plans are made and carried out. They include plans for easing you back into society. If you are not going to be supervised by the Probation Service on release and Probation Officers in the prison cannot help, you should speak to a Chaplain or other prison services that may be able to help.

11. Parole Liaison Officers

In early 2015, Parole Liaison Officers were appointed in each prison. Their role is to help you with your parole review. For example, they will give you your Dossier before your Parole Board interview. They will also try and help you with any queries you might have regarding the Dossier and interview. When the Minister's Decision is made, they will answer any queries you might have regarding the decision. They will also liaise with the Parole Board secretariat, when necessary, on your behalf.

12. Temporary Release (TR)

The Parole Board has no role in the granting of Temporary Release (TR) including Christmas TR / escorted visits and any prisoners wishing to apply for TR should do so through their Governor in the normal way. Decisions in relation to TR are made entirely at the discretion of the Irish Prison Service (IPS). The Parole Board does not have any role in applications for Christmas leave, nor any other forms of compassionate leave, for example to attend funerals, christenings, communions etc. Requests for TR should only be made through the Prison Governor's Office.

13. Location of Parole Board Offices:

The Parole Board's offices and Secretariat is located at 6/7 Hanover Street, Dublin 2. There is a small support staff attached to the office.

Appendix 3

Model of Service Delivery for persons serving life sentences between the IPS Psychology Service and the Probation Service



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END OF REPORT



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