

# The Limitations of Life Sentences in Ireland

by Jack Meredith BL

In the real world and on television, we often hear about a person being sent to prison for life but **what exactly does that mean and who is likely to receive a life sentence?**

A life sentence lasts for the rest of a person's life but **not all of the sentence is spent behind bars.**

Like other countries, Ireland rarely locks criminals up for the rest of their lives.



Since July 2021, a person serving a **'life sentence'** must spend 12 years in prison at the very least before being considered for parole (Parole is early release from prison under strict conditions.)



However, most prisoners serving life sentences spend longer in prison. The **average time spent is 18 years** but there are some prisoners who have spent more than 30 years in prison before being considered for parole.

The Parole Board decides whether a prisoner should be released from prison, and they can request reports from all sorts of different departments.



The Parole Board considers the following in deciding whether a prisoner should be released from prison:

- Threat to the community
- Rehabilitation
- Crime committed
- Court recommendations
- Behaviour in prison
- Victim statements
- Compassionate grounds
- Risk of failing to follow conditions



Victims can register with the Parole Board, and the Board will then tell them if the prisoner ever applies for early release from prison.



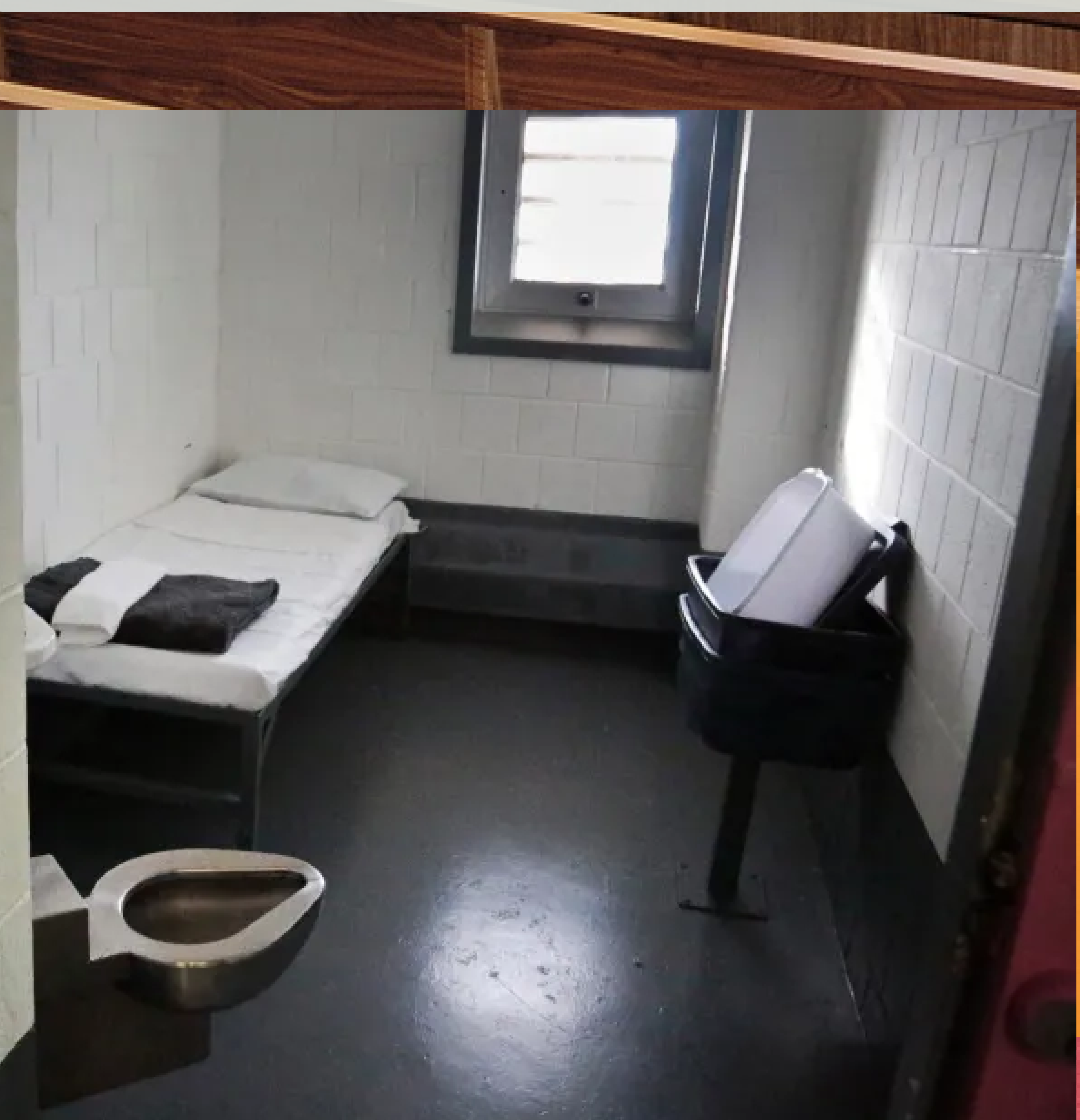
This is so victims of serious crime can make statements to share their views regarding the release of the prisoner.



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For crimes such as rape, aggravated burglary, sexual abuse, and assault causing serious harm a judge has the choice to give a life sentence if the crime is serious enough.

In other words **it is the judge's decision** whether the criminal gets a life sentence or not.



For the crime of murder, a judge has no choice.

If a person is found guilty of murder, a judge must sentence them to a life imprisonment.



However, a Judge has limited power because they cannot decide if the lowest time served should be more than 12 years (before the prisoner can be considered for early release.)



In the Ashling Murphy trial, Justice Hunt told the Central Criminal Court in Dublin that it is “long past time that judges should have some say in setting what the minimum terms should be” in life sentences.

He added that current sentencing restrictions mean a life sentence is a “one size fits all” but noted that “cases are not all the same”.



If a person is found guilty of murdering a serving member of An Garda Síochána, they must serve at least 40 years in prison before they can be considered for parole.