

Introduction

This Information Note summarises the changes relating to victims' rights introduced by the Parole Act 2019, which came into force on 30th July 2021. The new independent Parole Board was established on 31st July 2021.

Main Points – General

- From the present, until any new regulations are made and come into force, the only prisoners who can benefit from parole, that is, early release subject to conditions - are those sentenced to life imprisonment who have already been in prison for at least 12 years;
- The new Act transfers the power to make decisions on parole to the Parole Board, an independent group of experienced professionals with expertise in various aspects of the criminal justice system, from the Minister for Justice;
- The new Parole Board includes one member who is CEO of Victim Support at Court, and others with extensive knowledge of victims' rights and victim services;
- This Act includes some extended rights for victims to have their views on parole considered by the Parole Board, once an application for parole has been made by an eligible prisoner to the Board (submissions from victims cannot be considered by the Board **before** the relevant prisoner makes an application for parole);
- The definition of "victim" in the Parole Act is very close to the definition of "victim" in the Criminal Justice (Victims of Crime) Act 2017, meaning that in the case of a victim of homicide the term includes family members of the deceased, and the definition of family member itself includes anyone who was dependent on the deceased, and also anyone with a connection "sufficiently close" to the deceased that s/he should be considered a family member;
- However the definition of family member does **not** include any relative of the deceased victim who is under investigation for, or is charged with, an offence related to the death of that victim.

Main Points – How to ensure that a victim's views are considered by the Parole Board whenever an application is made by the relevant prisoner for parole:

- The newly established Parole Board has not yet produced a detailed Scheme setting out the full procedure to be followed by both prisoners and victims;
- The Parole Board is now trying to build up a database of contact details of victims in whose case the convicted perpetrator has become eligible for parole, or will do, so that they can contact victims directly once a relevant prisoner makes an application for parole;
- For the present, any eligible victim who wishes to be contacted by the Parole Board and asked for their views once the relevant prisoner makes an application for parole, should contact the Victim Liaison Office (VLO) of the Irish Prison Service and give



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permission to the VLO to pass on their contact details and their confirmation that they wish to be asked for their views on any parole application, to the Parole Board, and

- Any eligible victim who is already registered with the VLO will be contacted by them and asked for permission for their contact details to be passed on the Parole Board so that they can be contacted by the Board directly once the relevant prisoner makes an application for parole, and asked to give their own views on whether s/he should be granted parole;
- Any victim who is asked for their views on parole by the Board may do so either in writing or in person, or through their legal representative, and these views must be taken into account in the Parole Board's decision on parole for the relevant prisoner;
- Any victim who does not indicate that s/he will find their own legal representative to assist them in making submissions to the Board, will be assigned one by the Board;
- Note that the Parole Board will disclose any written submission from a victim to the relevant prisoner.
- If the Board considers it appropriate to do so, a copy of any parole order granted, including any conditions relevant to the victim, will be sent to the victim;
- The Parole Board's own website will be launched in the new few weeks.

*There is some information on the Department of Justice website about the Parole Board and how it operated when its role was not to make decisions on parole, but only to make recommendations to the Minister for Justice, who was the final decision-maker. Note that this is now **out of date**.*

Additional Information

- The text of the Parole Act 2019 as enacted may be found online at this web-link: <http://www.irishstatutebook.ie/eli/2019/act/28/enacted/en/html>
- The consolidated text of the Criminal Justice (Victims of Crime) Act 2017 may be found online at this web-link: <https://revisedacts.lawreform.ie/eli/2017/act/28/front/revised/en/html>
- All contact details and links to information about procedures operated by the Victim Liaison Office of the Irish Prison Service, may be accessed via this web-link: <https://www.irishprisons.ie/victim-liaison/>
- The current postal address of the new Parole Board itself remains: 2nd Floor, 6/7 Hanover Street, Dublin 2.

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