



An Bord Parúil
The Parole Board

Procedures of the Parole Board

Pursuant to s.14 of the Parole Act 2019

Agreed and adopted 18th May 2023



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Terms used in this document

Act	Parole Act 2019
Board	Parole Board
Relevant Victim	In relation to a parole applicant or a parolee means the victim of the criminal offence in respect of which the parole applicant or parolee, as the case may be, is serving the sentence of imprisonment to which the application for parole or the parole order, as the case may be, relates.
Family member of a victim	You are considered a family member of a victim if you are: <ul style="list-style-type: none"> • a spouse, civil partner, or cohabitant of the victim • a child or step-child of the victim • a parent or grandparent of the victim • a brother, sister, half-brother or half-sister of the victim • a grandchild of the victim • an aunt, uncle, nephew, or niece of the victim • any other person who was dependent on the victim • any other person who the Board considers had a sufficiently close connection to warrant being treated as a family member
Parole Applicant / Applicant	A person who has made an application for parole
Secretariat	Staff of the Parole Board
Legal Aid Scheme	Legal Aid Scheme established by the Parole Board pursuant to the Parole Act, 2019
The Scheme	Legal Aid Scheme
Legal Aid	Legal Aid provided through the Legal Aid Scheme
Section 13 Letter	Letter written pursuant to Section 13 of the Act
Parole Liaison Officer PLO	An assigned single point of contact in each prison
RTR	Reviewable Temporary Release
Initial applications	Applications made in 2021/first six months of 2022 on the commencement of the Parole Act, 2019

Service Reports	Reports prepared by services (e.g. Probation Service, Psychology Services of the Irish Prison Service) working with a parole applicant
Parole	The release from prison by a parole order of a person serving a term of imprisonment prior to the expiry of that term
Parole Order	<p>The Parole Board may make an order that the parole applicant be released on parole where it is satisfied that:</p> <p>a) the parole applicant –</p> <p>i) would not, upon being released, present an undue risk to the safety and security of members of the public (including the relevant victim), and</p> <p>ii) has been rehabilitated and would, upon being released, be capable of reintegrating into society</p> <p>and</p> <p>b) it is appropriate in all the circumstances that the parole applicant be released on parole.</p> <p>Section 27 of the Act sets out how the Board is to consider decisions regarding making parole orders</p>
Parolee	Person who is the subject of a Parole Order

1. Introduction and background

- 1.1 Currently prisoners serving life sentences who have served twelve years or more may be eligible for parole. The Parole Board (An Bord Parúil) (the "Board") is an independent body that will decide if a prisoner will be released into the community on parole.
- 1.2 Parole means the release from prison pursuant to a Parole Order. A prisoner who is released on parole is still serving a life sentence and may be returned to prison if their Parole Order is revoked by the Parole Board.
- 1.3 The Board was established by order of the Minister for Justice in July 2021 in accordance with the Parole Act 2019 (the "Act").
- 1.4 The Board is independent and has the power to engage with victims and parole applicants for the purpose of making decisions on parole applications.
- 1.5 This document outlines the procedures of the Board to apply when processing a parole application, revoking a Parole Order or varying a Parole Order under the Act.
- 1.6 These procedures are not binding on the Board and the Board may depart from these procedures when necessary and in doing so, will act in the interests of justice and in accordance with fair procedures. These procedures may be revised, withdrawn or replaced with new procedures from time to time.
- 1.7 While these procedures contain some legal terms and definitions this document should not be used as a basis for legal advice.

2. Eligibility for Parole

- 2.1. The Act sets out in Section 24 the criteria for parole eligibility which is limited, at the moment, to those serving life sentences who have served at least twelve years of their life sentence.
- 2.2. An eligible prisoner may make an application for parole when they have served ten and a half years of a life sentence. However, parole shall not be granted to anyone who has served less than twelve years of a life sentence.
- 2.3. Prisoners will not be eligible for parole while they are being detained in a designated centre (e.g. the Central Mental Hospital).
- 2.4. Being eligible to apply for parole does not mean that parole will be granted by the Board.
- 2.5. If the prisoner is convicted of additional sentences, the prisoner may become ineligible for parole for a period of time.
- 2.6. Where a person is serving a minimum term of imprisonment within the meaning of section 27C of the Firearms Act 1964, he or she shall not be eligible for parole before the expiry of such minimum term.
- 2.7. Where a person is serving a sentence of imprisonment under section 27(3A) of the Misuse of Drugs Act 1977, in respect of which the court specified a minimum term of imprisonment to be served by the person pursuant to subsection (3C) or (3F) of that section, he or she shall not be eligible for parole before the expiry of such minimum term.
- 2.8. Where a person is serving a term of imprisonment for an offence to which section 3 of the Criminal Justice Act 1990 applies, he or she shall not be eligible for parole before the expiry of a minimum period of imprisonment to be served by the person specified under section 4 of that Act.
- 2.9. Where a person is serving a sentence of imprisonment imposed in accordance with section 25(1) of the Criminal Justice Act 2007 in respect of a subsequent offence within the meaning of that section, he or she shall not be eligible for parole before the expiry of the minimum term of imprisonment specified by the court in accordance with that subsection.

- 2.10. Where a person is serving a sentence of imprisonment imposed in accordance with section 58(1) of the Criminal Law (Sexual Offences) Act 2017 in respect of a subsequent offence within the meaning of that section, he or she shall not be eligible for parole before the expiry of the minimum term of imprisonment specified by the court in accordance with that subsection.
- 2.11. Where a person has had an application for parole refused by the Board, the person shall not be eligible again for parole prior to the date specified in the decision of the Board pursuant to Section 30 (1)(b) of the Act.
- 2.12. Where a Parole Order relating to a person has been revoked under section 33 of the Act, the person shall not be eligible again for parole prior to the date specified in the decision of the Board pursuant to Section 33(5)(b)(iii) of the Act.

3. Notification of eligibility by Irish Prison Service

3.1. Section 25 of the Act details the requirements for the Irish Prison Service to notify the Board, in writing at intervals of not more than twelve months, of persons serving sentences eligible for parole or who to the knowledge of the Irish Prison Service will become eligible for parole in the forthcoming eighteen months. The Irish Prison Service will notify the Board of eligible prisoners and when doing so will provide the following information:

- (a) Name and date of birth of the eligible person
- (b) Prison at which the eligible person is detained
- (c) Prison number
- (d) Sentence description
- (e) Admission date
- (f) Sentence start date
- (g) Date on which twelve years of life sentence is served
- (h) Whether there is a victim registered with the Irish Prison Service in the case
- (i) Court of Conviction and date of conviction
- (j) Bill Number from the warrant

3.2. If the prisoner ceases to be eligible for parole pursuant to Section 24, subsection (7), (8), (9), (10), (11), (12), (13), (14) or (15) of the Act, the Irish Prison Service shall notify the Board in writing, as soon as is practicable.

3.3. If a prisoner subsequently becomes eligible, per Section 25(3) of the Act, the Irish Prison Service will notify the Board in writing.

4. Informing the eligible prisoner of the application process

- 4.1. Upon notification from the Irish Prison Service of eligible prisoners and where possible, no later than six months before reaching their eligibility date, the Board Secretariat will write to each eligible prisoner detailing the date they become eligible for parole and invite them to make an application for parole, if they wish to do so. An information leaflet, the Board's Privacy Statement, Parole Application Form and Consent Form in respect of the prisoner's medical records will be sent to the eligible prisoner. The application form enables the prisoner to indicate whether they want to make an application for parole and whether they wish to avail of the Legal Aid Scheme administered by the Parole Board or not.
- 4.2. If the Irish Prison Service has notified the Parole Board that a prisoner ceases to be eligible for parole pursuant to section 24, subsection (7), (8), (9), (10), (11), (12), (13), (14) or (15) of the Act, the Board Secretariat will subsequently inform the applicant of their ineligibility and that their parole application will be closed.
- 4.3. Once a prisoner is deemed eligible for parole again when their ineligibility pursuant to section 24, subsection (7), (8), (9), (10), (11), (12), (13), (14) or (15) of the Act has ceased, the Irish Prison Service will inform the Parole Board in writing as soon as is practicable. The Board will subsequently write to the eligible prisoner inviting them to make an application for parole if they wish to do so.

5. The application process

5.1. Once an eligible prisoner has made an application for parole, the Secretariat will do the following:

- a. Write to the applicant to confirm receipt of their application and inform them of the next steps in the process.
- b. Where the applicant has requested the assignment of legal aid, assign legal aid from the panel of representatives to the applicant in line with part 7 below.
- c. Pursuant to Section 13 of the Act, the Board may write to the relevant services and direct that reports in writing are prepared relating to the relevant person (see part 6 below). Reports may be requested from the person in charge of the centre/institution where the person is detained, the Irish Prison Service, the IPS Psychology Service, the Probation Service, An Garda Síochána, a psychiatrist, a psychologist and any other source which the Board deems appropriate in the case. Requests for Reports are called a 'Section 13 letter'.
- d. A Section 13 letter from the Board to An Garda Síochána may also request details of the relevant victim(s) in the case to be provided to the Board. If the relevant victim is deceased, the details of the relevant victim's family will be requested.
- e. A Section 13 letter to the Irish Prison Service may also request details of any relevant victim details held by the Irish Prison Service. If the relevant victim whose details are held by the Irish Prison Service has given consent for their contact details to be provided to the Parole Board, then the Victim Liaison Officer will provide those contact details to the Parole Board.
- f. The Parole Board will contact the relevant victim and inform them of the following:
 - i. that the eligible prisoner has made an application for parole,
 - ii. the parole process and the role of the relevant victim,
 - iii. their entitlement to legal aid to assist with the process,
 - iv. invite them to communicate to the Board if they wish to seek to engage and make a submission to the Board.

- g. The Board may apply to the Courts Service for a transcript of a court hearing which was held for the purposes of the consideration or imposition by the court of a sentence on a relevant person (the 'Sentencing Hearing') to include victim impact statements and any other relevant reports on the court file that may be beneficial to the Board.

5.2. The Board has agreed on a system of prioritisation in order to manage the initial applications received following commencement of the Act.

5.3. All initial applications will be considered in line with that matrix. Any request for an earlier review ahead of its target review date, will not be considered.

5.4. If a prisoner is on Reviewable Temporary Release (RTR) and is recalled to custody due to a breach of their conditions, then pursuant to Section 24 of the Act, the Irish Prison Service shall notify the Parole Board of their eligibility to apply for parole. The Board may then invite the eligible prisoner to apply for parole.

5.5. A person may withdraw their application at any stage of the process. They may choose to make another application at a later stage. A request to withdraw an application must be made in writing to the Board and include the signature of the applicant. The request must come from the applicant themselves or their legal representative.

5.6. Applications can be closed if the Board has been notified of the following circumstances:

- (a) An applicant has been released from custody on Reviewable Temporary Release.
- (b) An applicant is deceased.

6. Section 13 letters requesting reports

6.1. The Board may direct, pursuant to Section 13 (2) of the Act, the preparation of relevant report(s) in writing in respect of the relevant person in circumstances where the Board is considering:

- a) an application for parole,
- b) the variation of a condition attaching to a Parole Order,
- c) the variation of the date of release specified in a Parole Order or
- d) the revocation of a Parole Order.

Reports may be requested from the person in charge of the centre/institution where the person is detained, the Irish Prison Service, the IPS Psychology Service, the Probation Service, An Garda Síochána, a psychiatrist, a psychologist and any other source which the Board deems appropriate in the case.

6.2. Section 13 letters from the Board will indicate an intended review date and in turn a date by which the report should be provided to the Board.

6.3. Pursuant to section 13(3), the Board shall specify in its direction the matters to be dealt with in the report in order to assist the Board with its decision.

6.4. Where the Board is of the opinion that exceptional circumstances exist, some information supplied to the Board may not be disclosed to the applicant or their legal representative.

7. Assigning Legal Aid

- 7.1. The Act makes provision for legal aid to be provided to relevant victims, parolees and to parole applicants to provide support in making representations to the Board. Specifically, legal aid is available to applicants for parole and also parolees where the Board is considering the revocation of a Parole Order. Legal aid is available to victims where the Board is considering applications for parole and revocations of Parole Orders. It is available to applicants and relevant victims without means-testing.
- 7.2. The arrangement through which the Board provides access to legal services is referred to as the Parole Board Legal Aid Scheme and is referred to hereinafter as “the Scheme”.
- 7.3. When a relevant victim is invited to make a submission or an application chooses to avail of legal aid they will be assigned a solicitor/barrister from the legal aid panel. The assignment of legal representatives shall be done using a rota system. The legal representative for the relevant victim cannot represent the applicant, and vice versa.
- 7.4. The Board will maintain a panel of legal representatives who satisfy specified criteria outlined in the Scheme and who are obliged to provide legal services in accordance with the provisions of the Act and the Scheme.
- 7.5. Legal aid is to help and support the applicant or relevant victim through the parole process.
- 7.6. Some legal representatives may choose to act only for relevant victims, some may choose to act only for parole applicants, and some may choose act for relevant victims and parole applicants.
- 7.7. The Board shall assign a member of the panel to the parole applicant and a different member of the panel to any relevant victim(s). The legal representative for the parole applicant cannot represent the relevant victim in the case, and vice versa.
- 7.8. The Board will endeavour to assign the same legal representative to an applicant on any subsequent parole applications unless he/she requests a different legal representative to be assigned or the legal representative is unavailable.
- 7.9. Once the legal representative confirms that he/she will take the instructions, the Board will assign the legal representative to the case and the necessary documentation, including a letter of authority, will be forwarded to the legal representative. The parole applicant and relevant victim(s) shall each be notified of their own assignment of legal representation.
- 7.10. Parole applicants and relevant victims do have the option to use their own legal representative if preferred. When using their own legal representative the parole

applicant or relevant victim should provide all contact details to the Board. That legal representative must satisfy the eligibility criteria of the Scheme and provide all the documentation required in this regard to the Board, when requested. In particular, the representative will be sent the legal representative Terms and Conditions document, the self-declaration form and will be requested to submit a tax clearance certificate.

7.11. The Board will pay fees to the legal representative chosen by the parole applicant or relevant victim in line with the rates and conditions applicable under the Scheme.

7.12. The Board shall then write to the selected legal representative assigning them the case and provide them with all the relevant documentation.

7.13. In the event that the application does not proceed, the Board may pay a proportion of the total fee depending on the provision of documentation evidencing the work that has been done to date and such fees are outlined in the terms and conditions of the Scheme.

7.14. The legal aid representative is obliged to:

- (a) Explain the functions of the Board.
- (b) Take instructions on one or more occasions.
- (c) Prepare and make submissions as invited by the Board, if instructed to do so.
- (d) If necessary, explain the Board's decision.

8. Parole Orders

8.1. Pursuant to Section 27(2) of the Act in deciding whether to make a Parole Order, the Board shall have regard to:

- (a) the nature and gravity of the offence to which the sentence of imprisonment being served by the parole applicant relates,
- (b) the sentence of imprisonment concerned and any recommendation of the court that imposed that sentence in relation thereto,
- (c) the period of the sentence of imprisonment served by the parole applicant,
- (d) any offence of which the parole applicant was convicted other than the offence to which the sentence of imprisonment being served by him or her relates,
- (e) the conduct of the parole applicant—
 - i. while serving the sentence of imprisonment,
 - ii. while previously the subject of a Parole Order, if any,
 - iii. while the subject of a direction under section 2 of the Act of 1960, if any, or
 - iv. during a period of temporary release, if any, to which rules under section 2 of the Act of 1960, made before the coming into operation of the Criminal Justice (Temporary Release of Prisoners) Act 2003, applied,
- (f) the risk of the parole applicant committing an offence while on parole,
- (g) the risk of the parole applicant failing to comply with any conditions attaching to his or her release on parole,
- (h) any treatment, education or training the parole applicant has undergone, or programmes he or she has participated in, while serving the sentence of imprisonment,
- (i) any report relating to the parole applicant prepared and furnished to the Board pursuant to a direction in that regard under section 13,
- (j) any meeting with the parole applicant conducted in accordance with procedures determined under section 14,

- (k) any submissions made by or on behalf of the parole applicant, including any submissions made in relation to a draft decision on parole, in accordance with procedures determined under section 14,
- (l) any submissions made by or on behalf of the relevant victim in accordance with procedures determined under section 14, and
- (m) any such other matter as the Board considers appropriate.

8.2. Where the Board makes a Parole Order, it shall notify the applicant in writing of the making of the Order and of any conditions attaching to the Order. This notification will be shared with the applicant's legal representative.

8.3. Where the Board refuses an application for parole, it shall notify the applicant in writing of the making of the decision and the reasons for the decision. This notification will be shared with the applicant's legal representative.

9. Listening to Victims

9.1. The Act makes specific provision for the power of the Board to listen to relevant victims.

The victim with whom the Board will engage, in relation to a parole applicant or a person on parole, is the victim of the criminal offence in respect of which the parole applicant or parolee, is serving the sentence of imprisonment to which the application for parole or the Parole Order, as the case may be, relates.

9.2. Under the Act, when considering a parole application, the Board can:

- (a) meet with a relevant victim to hear from a relevant victim directly or through his or her legal representative and/or
- (b) receive written submissions from a relevant victim directly or through his or her or their legal representative.

9.3. In cases where the death of a relevant victim was caused directly by the offence, the family of the deceased may be asked by the Board to nominate one family member to engage with the Board.

9.4. If the family of the deceased cannot come to an agreement on a nomination, the Board may nominate one or more family members to engage with the Board. The Board will have regard to the degree of relationship between the family members and the relevant victim when making such nomination(s).

9.5. Family members are defined in the Act as:

- (a) a spouse, civil partner or cohabitant of the victim,
- (b) a child or step-child of the victim,
- (c) a parent or grandparent of the victim,
- (d) a brother, sister, half-brother or half-sister of the victim,
- (e) a grandchild of the victim,
- (f) an aunt, uncle, nephew or niece of the victim, and
- (g) any other person—
 - i. who was dependent on the victim, or
 - ii. who the Board considers had a sufficiently close connection with the victim as to warrant his or her being treated as a family member;

- 9.6. Relevant victims can contact the Board at any time, once a life sentence has been imposed and indicate they wish to engage in the Board's process. Relevant victims' details may also be received from An Garda Síochána, the Irish Prison Service or other sources.
- 9.7. When a relevant victim has indicated they wish to engage with the Board and when an application for parole has been received, the relevant victim will be contacted by the Board asking:
- (a) if they would like to make a submission
 - (b) whether they would like their submission to be written and/or in person or via video conferencing or through their legal representative (if any)
 - (c) if they would like to avail of legal aid.
- 9.8. The relevant victim is provided with an Information Leaflet and Victim Submission Guide. They can use this guide as a template for a written submission and/or to aid them in making their oral submission.
- 9.9. If a relevant victim wishes to make their submission in person (whether with or without legal representation) to the Board, the Secretariat will arrange a meeting.
- 9.10. The meeting between the members of the Board and a relevant victim will be conducted:
- (a) in such place as the Board considers appropriate, and
 - (b) by such members of the Board, not fewer than two in number, as the chairperson may, at his or her discretion, determine.
- 9.11. It is for the relevant victim to decide whether the meeting be conducted by video conferencing or in person. The Board will make all reasonable efforts to ensure that the location is convenient and suitable for the relevant victim.
- 9.12. The relevant victim's legal representative may also attend. A relevant victim may also designate someone as their personal support person to attend with them at the meeting. This designated person may attend, but will not contribute to the meeting.
- 9.13. A memo of the meeting will be taken between the relevant victim, their legal representative (if any) and the members of the Board. The memo will be sent to the relevant victim and their legal representative (if any).

- 9.14. If a relevant victim writes to the Parole Board and the prisoner has not made an application for parole, they will be sent a letter of acknowledgement and an outline of the parole process and asked for their consent for their details to be retained by the Board. Relevant victims will subsequently be contacted should a parole application be made in respect of their case. If, at any stage, the relevant victim informs the Board that they no longer want the Board to retain their details, their information will be managed in accordance with our data protection policy.
- 9.15. When a relevant victim is invited to make a submission, they will be offered the option of availing of legal aid. If they choose to avail of legal aid they will be assigned a solicitor/barrister from the legal aid panel. The assignment of legal representatives shall be done using a rota system. The legal representative for the relevant victim cannot represent the applicant, and vice versa.
- 9.16. As set out above, relevant victims do have the option to use their own legal representative if preferred. When using their own legal representative the relevant victim should provide all contact details to the Board. That legal representative must satisfy the eligibility criteria of the Scheme and provide all the documentation required in this regard to the Board, when requested, in particular, the representative will be sent the legal representative Terms and Conditions document, the self-declaration form and will be requested to submit a tax clearance certificate.
- 9.17. If the relevant victim wishes to use their own legal representative they need to provide their representative's details to the Parole Board.
- 9.18. Where the Board makes a Parole Order, refuses an application for parole, revokes a Parole Order, varies a condition attached to a Parole Order or varies a date of release specified in a Parole Order and where the Board considers it appropriate, it shall notify the relevant victim in writing of the making of the Order and of any conditions attaching to the Order. This notification will be shared with the relevant victim's legal representative should they have a legal representative.
- 9.19. Relevant victims are entitled to claim back out of pocket expenses incurred in making a submission to the Board, in line with Parole Board policy, and is limited to €300 in total per relevant victim. Out of pocket expenses may include vouched travel, accommodation and childcare expenses, in line with Board policy. Relevant victims will not be compensated for loss of earnings.

- 9.20. Expenses of a personal support person who may attend with the relevant victim, will not be covered by the Board.
- 9.21. Payments will only be made to a bank account. The relevant victim must provide a BIC, IBAN and relevant original receipts to the Parole Board.

10. Dossier

- 10.1. For every parole application, consideration of a Parole Order variation or consideration of a Parole Order revocation, a dossier will be prepared. This dossier will include all documentation relevant to the application, for example, a memo of any meeting with the relevant victim and/or the relevant victim's written submissions. As an application progresses, the dossier will be updated.
- 10.2. The parole applicant and their legal representative (if applicable) will be provided with a copy of the up-to-date dossier prior to any meeting with the Board.
- 10.3. Pursuant to s.14(1)(b) of the Act, the Board may form the opinion that exceptional circumstances exist that warrant some information in the dossier not being shared with the parole applicant or their legal representative. Otherwise the Board will give the parolee and his/her legal representatives (if applicable) a copy of any documents furnished to the Board by any person together with an indication in writing of the nature and source of any information relating to the matter which has come to notice in the course of the application or consideration as the case may be.
- 10.4. Copies of the up-to-date dossier will be available to all Board members for the purposes of any meeting in respect of the parole applicant's application.

11. Scheduling Applicant Meetings

- 11.1. The Board may enable the applicant and his/her legal representative to:-
- (a) meet with at least two Board members for the purposes of interviewing him or her or receiving oral submissions from him or her or his or her legal representative and
 - (b) present his or her case to the Board in person or through a legal representative.
- 11.2. The Board's approach to 11.1 a) and 11.1 b) above will be determined on a case by case basis by the Board. For example, if there is no contest on the facts, the Board may determine that a meeting with at least two Board members is not necessary. By way of further example, an appearance before the Board may be deemed appropriate in circumstances where there are issues of controversy or where a meeting with not less than two Board members has failed to resolve a contest on the facts.
- 11.3. If the applicant is not invited by the Board to attend a meeting with not less than two Board members or the Board, the applicant will be invited to make written submissions which will be considered by the Board.
- 11.4. Applicants may decline a meeting with the Board in which case the Board will proceed to consider the application. Applicants may seek an adjournment of a meeting with the Board. The Board will consider the reasons given by the applicant and will decide whether to agree to the adjournment sought. The Board will then consider whether it is appropriate to continue with the application. Applicants can withdraw their application for parole at any time.
- 11.5. Section 13(7) of the Act states that a meeting between the Board and an applicant may be conducted in such place as the Board considers appropriate, including, where the person is detained in a prison, in that prison.
- 11.6. In most circumstances meetings in relation to parole applications will be in the prison where the applicant is detained.
- 11.7. The applicant's up-to-date dossier, will be circulated to the relevant Board Members prior to a Board meeting when the application will be considered.

- 11.8. A parole applicant's request to reschedule their meeting must be submitted in writing to the Secretariat outlining the reasons for the request. Consultations between the applicant and their legal representative must take place outside of the time scheduled for the Board Members meeting with the applicant.
- 11.9. If a parole applicant fails to attend the scheduled meeting, the Board Members in attendance, in consultation with the applicant's legal representative (if present), may decide whether to adjourn the application or not.
- 11.10. If the nominated legal representative does not attend the scheduled meeting, the Secretariat will seek confirmation from the applicant whether they wish to continue in the absence of their legal representative. The option of rescheduling will be made available to the applicant.
- 11.11. A memo of the meeting (if any) between the applicant, their legal representative (if any) and the 2 Board members will be taken. The memo will be sent to the applicant and their legal representative (if any).

12. Board meetings

- 12.1. The quorum for a meeting of the Board is eight.
- 12.2. Under section 15 of the Act, the Chairperson, if present, shall chair the meeting. Where the Chairperson is not present, the members of the Board shall choose one of their members to act as Chairperson of that meeting. Each member of the Board present at the meeting shall have a vote. At a meeting, a question on which a vote is required shall be determined by a majority of the members of the Board present.
- 12.3. In the case of an equal division of votes, the Chairperson shall have a second and casting vote.
- 12.4. The Act envisages Board Members holding different durations of appointment in order to ensure that there is always continuity in terms of membership. Section 11 of the Act provides that seven initial members, other than the Chairperson, shall be selected for a duration of appointment not exceeding two years. The selection of the seven members took place by the drawing of lots at the inaugural meeting of the Board on 9 September 2021. It is open to members to seek reappointment to the Board at the end of their first period of appointment. Members may only be appointed for a maximum of two terms.
- 12.5. The chief executive shall not be a member of the Board but may attend meetings of the Board and shall be entitled to speak at and give advice at such meetings.

13. Conditions attaching to Parole Order

13.1. A Parole Order shall direct that the release on parole of the person shall be subject to:

- a) Such conditions as may be specified in the Parole Order, having regard to the circumstances of the case and
- b) Such conditions as are specified below and are applicable to the person to whom the Order relates or the class of persons to which he or she belongs.

13.2. A person released under a Parole Order must comply with any conditions to which his or her release is made subject.

13.3. The Board considers it appropriate that all parolees shall be subject to conditions, to include the following:

- a) Be of good behaviour and keep the peace.
- b) Not commit any offence while on parole.
- c) Participate and engage in supervision with the Probation Service.
- d) Reside at an address agreed with the Probation Service.
- e) Not reside outside the Republic of Ireland without the prior agreement of the Parole Board.
- f) Not travel outside the island of Ireland without the prior agreement of the Probation Service
- g) Not engage in alcohol use to the extent that it impacts on his/her ability to keep to the conditions of this Order.
- h) Follow all directions from the Probation Service in relation to actively engaging in work, education or training which will promote his/her successful resettlement into the community and encourage s/he to lead a pro-social lifestyle.
- i) Attend for assessment and/or treatment in relation to his/her emotional and/or mental health or addiction needs, if deemed appropriate by the Probation Service.

All parolees may be the subject of further conditions as may be decided by the Board from time to time.

13.4. The Board may, as it deems appropriate, vary the conditions or class of parolees to whom conditions may apply.

13.5. Where the Board specifies a condition to which all parolees or a specified class of parolees, shall be subject, the Board shall as soon as practicable after so specifying the condition:

- a) Notify in writing the Minister and each parolee who shall be subject to the condition of:
 - i. The condition so specified and
 - ii. The date on which the condition shall take effect
- b) Where it considers it appropriate, notify the relevant victim of each such parolee in writing of any condition so specified of relevance to him or her and the date on which the condition shall take effect.

13.6. The Board shall notify the following of the conditions so specified, the date on which the condition shall take effect and the parolees who shall be the subject of the condition:

- a) the Irish Prison Service
- b) the Probation Service
- c) the Commissioner of An Garda Síochána.

13.7. A condition to which all parolees or a specified class of parolees shall be subject shall:

- a) take effect, for each parolee to whom it relates, from the date specified in the notification given to the parolee and
- b) have effect from that date as a condition attaching to the Parole Order relating to the parolee.

14. Decisions of the Board in applications for Parole

14.1. The decision-making process of the Board when considering applications for parole may consist of two stages;

- (a) the formulation of a draft decision and its provision to the applicant and legal representative where appropriate, as soon as practicably possible, for the purposes of allowing him or her to make written observations on the draft prior to finalisation;
- (b) on receipt and consideration of those written observations, the making of the final decision and its notification to the applicant and other relevant parties as provided for in Part 3 of the Act.

The Board may adopt this two stage approach for example, if the matter is complex or where the Board realises, subsequent to any submissions made by the applicant that there are other considerations that may be relevant. The Board may decide on a case by case basis to proceed to make a final decision without the necessity to provide the draft decision to the applicant.

14.2. In reaching a decision on an application for parole, the Board, pursuant to section 27(1) of the Act, will make the decision on the basis of whether the parole applicant:

- (a) would not, upon being released, present an undue risk to the safety and security of members of the public (including the relevant victim), and
- (b) has been rehabilitated and would, upon being released, be capable of reintegrating into society, and
- (c) it is appropriate in all the circumstances that the parole applicant be released on parole.

14.3. When doing so the Board will, pursuant to section 27(2), have regard to:

- (a) the nature and gravity of the offence to which the sentence of imprisonment being served by the parole applicant relates,
- (b) the sentence of imprisonment concerned and any recommendation of the court that imposed that sentence in relation thereto,
- (c) the period of the sentence of imprisonment served by the parole applicant,

- (d) any offence of which the parole applicant was convicted other than the offence to which the sentence of imprisonment being served by him or her relates,
- (e) the conduct of the parole applicant—
 - i. while serving the sentence of imprisonment,
 - ii. while previously the subject of a Parole Order, if any,
 - iii. while the subject of a direction under section 2 of the Act of 1960, if any, or
 - iv. during a period of temporary release, if any, to which rules under section 2 of the Act of 1960, made before the coming into operation of the Criminal Justice (Temporary Release of Prisoners) Act 2003 , applied,
- (f) the risk of the parole applicant committing an offence while on parole,
- (g) the risk of the parole applicant failing to comply with any conditions attaching to his or her release on parole,
- (h) any treatment, education or training the parole applicant has undergone, or programmes he or she has participated in, while serving the sentence of imprisonment,
- (i) any report relating to the parole applicant prepared and furnished to the Board pursuant to a direction in that regard under section 13 ,
- (j) any meeting with the parole applicant conducted in accordance with procedures determined under section 14 ,
- (k) any submissions made by or on behalf of the parole applicant, including any submissions made in relation to a draft decision on parole, in accordance with procedures determined under section 14 ,
- (l) any submissions made by or on behalf of the relevant victim in accordance with procedures determined under section 14 , and
- (m) any such other matter as the Board considers appropriate.

14.4. In the event that the Board decides to adopt the two stage process and circulate the draft decision to the applicant for observation, in order to facilitate that process, applicants will have fourteen days to respond to the Board's invitation to make written submissions on any draft decision.

14.5. Once the views, if any, of the parole applicant and their legal advisor have been considered, a Parole Order will be drafted by the Board. An Order for Parole shall be in writing and shall be in the form required in section 28 of the Act.

14.6. Where the Board makes a Parole Order, it shall, as soon as practicable after the making thereof:

- a) provide a copy of the Order to:
 - i. the parole applicant to whom it relates,
 - ii. the Irish Prison Service,
 - iii. the relevant governor,
 - iv. the Probation Service, and
 - v. the Commissioner of An Garda Síochána,
- b) notify the Minister in writing of the making of the Order, and
- c) where it considers it appropriate, notify the relevant victim in writing of the making of the Order and of any conditions attaching to such release which relate to the victim.

15. Parole Orders

- 15.1. An Order for Parole shall be in writing and shall be in the form required in section 28 of the Act.
- 15.2. The Order shall be sealed with the official seal of the Board and signed by the Chairperson.
- 15.3. A Parole Order will specify the date by which the applicant will be released on parole which shall be not more than eighteen months from the date of the making of the Order.
- 15.4. In deciding on a date for the release of the applicant the Board will take into account any time required by relevant services to put in place measures or facilities that will assist the applicant in his or her return to the community.
- 15.5. Where the Board decides to make an Order for Parole, the Board may attach conditions to that Order. The Parole Order will specify any conditions to that Order.
- 15.6. A person released on parole pursuant to an Order shall comply with any conditions to which his or her release is made subject.
- 15.7. The Order shall not include other than to the extent the Board considers it necessary, any information that identifies or could identify a relevant victim or his or her place of residence.

16. Refusal of an application for Parole

16.1. Where the Board refuses to make a parole order, it shall, as soon as is practicable after the making thereof :

- (a) write to the applicant pursuant to s30 of the Act:
 - i. the parole applicant to whom it relates,
 - ii. the Irish Prison Service,
 - iii. the relevant governor,
- (b) where it considers it appropriate, notify the relevant victim in writing of the making of the decision.

16.2 In making its decision to refuse, the Board shall;

- (a) consider whether the victim should be notified,
- (b) specify a date not later than two years after its decision when the prisoner shall become eligible again for parole,
- (c) consider specifying measures which the Board is of the opinion would assist the Applicant in making a future successful application,
- (d) not include, other than to the extent the Board considers it necessary, any information that identifies or could identify a relevant victim or his or her place of residence

16.3. Where the Board has decided not to make a Parole Order, and where it considers it appropriate, it is open to the Board to recommend measures in respect of the management of the person to whom the decision relates, which the Board is of the opinion would assist the person in making a future successful application. Under the Act, the measures specified shall not be binding.

17. Variation of a Parole Order

- 17.1. The Board may at any time of its own motion or on application in that behalf vary:
- a) a condition attaching to a Parole Order whether by alteration, addition or revocation of a condition or
 - b) where the parolee has not yet been released on parole, the date specified in the Parole Order by which he or she shall be so released.
- 17.2. The Board will consider a motion or application for variation of a Parole Order as soon as practicable on receipt of the relevant information or application.
- 17.3. Pursuant to section 31(2), an application to vary a Parole Order may be made by or on behalf of the following:
- a) the parolee
 - b) the Probation Service,
 - c) the Irish Prison Service,
 - d) the Commissioner of An Garda Síochána,
 - e) the Minister, or
 - f) such other person as the Board considers appropriate.
- 17.4. Where the Board is of the opinion that exceptional circumstances exist, some information supplied to the Board may not be disclosed to the applicant or their legal representative. Otherwise the Board will give the parolee and his/her legal representatives a copy of any documents furnished to the Board by any person together with an indication in writing of the nature and source of any information relating to the matter which has come to notice in the course of the application or consideration as the case may be.
- 17.5. When considering the variation of a Parole Order or the date of release in a Parole Order, the Board may, where the Board considers it appropriate:
- a) meet with a relevant victim to hear from a relevant victim directly or through his or her legal representative or
 - b) receive written submissions from a relevant victim directly or through his or her or their legal representative or
- 17.6. When considering the variation of a Parole Order or the date of release in a Parole Order, the Board may enable the applicant and his/her legal representative to:

- a) meeting with not less than two Board members for the purposes of interviewing him or her or receiving oral submissions from him or her or his or her legal representative and
- b) present his or her case to the Board in person or through a legal representative.

The Board's approach to 17.6 a) above will be determined on a case by case basis by the Board. For example, if there is no contest on the facts, the Board may determine that a meeting with not less than two Board members is not necessary. By way of further example, an appearance before the Board may be deemed appropriate by the Board in circumstances where there are issues of controversy or where a meeting with not less than two Board members has failed to resolve a contest on the facts.

If the applicant is not invited to attend a meeting with not less than two Board members or the Board, the applicant will be invited to make written submissions which will be considered by the Board.

- 17.7. Where the Board varies a condition attaching to a Parole Order the variation shall take effect from the date to be specified in the decision so varying and the variation shall have effect from that date as a condition of the Parole Order to which it is attached.
- 17.8. A decision of the Board in respect of the variation of a condition attaching to a Parole Order or of a date for release specified in an Order, as the case may be, shall be in writing, shall include reasons for the revocation but shall not include, other than to the extent the Board considers it necessary, any information that identifies or could identify a relevant victim or his or her place of residence.
- 17.9. Where the Board makes a decision in relation to the variation of a condition of a Parole Order or the date of release specified in a Parole Order, it shall, as soon as practicable after the making thereof:
 - a) Provide a copy of the decision to –
 - i. the parolee,
 - ii. the Irish Prison Service,
 - iii. the relevant governor,
 - iv. the Probation Service, and
 - v. the Commissioner of An Garda Síochána,
 - b) Notify the Minister in writing of the making of the order, and
 - c) Where it considers it appropriate, notify the relevant victim in writing of the making of the decision and of any condition so varied of relevance to him or her or the date of release so varied as the case may be.

18. Revocation of a Parole Order

- 18.1. The Board may at any time of its own motion or on application in that behalf revoke a Parole Order.
- 18.2. Pursuant to section 33(2), an application to revoke a Parole Order may be made by or on behalf of the following:
 - a) The Probation Service,
 - b) The Irish Prison Service,
 - c) The Commissioner of An Garda Síochána,
 - d) The Minister, or
 - e) Such other person as the Board considers appropriate.
- 18.3. Where the Board is notified by the Irish Prison Service of the arrest of a parolee suspected to be unlawfully at large, the Board shall as soon as practicable after being notified, consider whether the Parole Order should be revoked.
- 18.4. The Board will consider a motion or application for revocation of parole as soon as practicable on receipt of the relevant information or application.
- 18.5. Pursuant to Section 13 of the Act, the Board may write to the relevant services and direct that reports in writing are prepared relating to the parolee. Reports may be requested from the person in charge of the centre/institution where the person was detained, the Irish Prison Service, the IPS Psychology Service, the Probation Service, An Garda Síochána, a psychiatrist, a psychologist and any other source which the Board deems appropriate.
- 18.6. Where the Board is of the opinion that exceptional circumstances exist, some information supplied to the Board may not be disclosed to the applicant or their legal representative. Otherwise the Board will give the parolee and his/her legal representatives a copy of any documents furnished to the Board by any person together with an indication in writing of the nature and source of any information relating to the matter which has come to notice in the course of the application or consideration as the case may be.
- 18.7. When considering the revocation of a Parole Order, the Board may:
 - a) meet with a relevant victim to hear from a relevant victim directly or through his or her legal representative or

- b) receive written submissions from a relevant victim directly or through his or her or their legal representative.

18.8. The Board may enable the applicant and his/her legal representative to:

- a) meet with not less than two Board members for the purposes of interviewing him or her or receiving oral submissions from him or her or his or her legal representative and
- b) present his or her case to the Board in person or through a legal representative.

The Board's approach to 18.8 a) and 18.8 b) above will be determined on a case by case basis by the Board. For example, if there is no contest on the facts, the Board may determine that a meeting with not less than two Board members is not necessary. By way of further example, an appearance before the Board may be deemed appropriate by the Board in circumstances where there are issues of controversy or where a meeting with not less than two Board members has failed to resolve a contest on the facts.

If the applicant is not invited to attend a meeting with not less than two Board members or the Board, the applicant will be invited to make written submissions which will be considered by the Board.

18.9. The Board may at any time, of its own motion or on application by one of the parties referred to in paragraph 18.2 above, revoke a Parole Order where it is satisfied that the parolee who is the subject of the order:

- a) poses an undue risk to the safety and security of the public, or
- b) has breached a condition attaching to the order and

18.10. The Board must also be satisfied that the revocation of the order is justified by the gravity of the risk or breach of the condition, as the case may be.

18.11 If the Board is not satisfied that the criteria referred to above are met, the Board may vary a condition attaching to the parole order or the date of release specified in the order. See section of procedures in respect of the variation of orders.

18.12. When deciding whether to revoke a Parole Order, the Board shall have regard to such matters as it considers appropriate including:

- a) the circumstances giving rise to the consideration of the revocation,

- b) any report relating to the parolee prepared and furnished to the Board following a direction by the Board,
- c) any meeting by the Board with the parolee,
- d) any submissions made by or on behalf of the parolee,
- e) any submissions made by or on behalf of the relevant victim.

18.13 A decision of the Board in respect of a revocation of an Order shall be in writing, shall include reasons for the revocation but shall not include, other than to the extent the Board considers it necessary, any information that identifies or could identify a relevant victim or his or her place of residence.

18.14. Where the Board decides to revoke the Parole Order, the decision of the Board shall specify the following:

- a) the time and date at which the revocation shall take effect,
- b) where the person to whom the decision relates is not detained in prison, the time and date at which, and the place to which, the person is to return to prison, and
- c) a date, not later than 2 years after the date of the making of the decision, on which the person shall become eligible again for parole.

18.15. Where the Board makes a decision in relation to the revocation of a Parole Order, it shall, as soon as practicable after the making thereof:

- a) provide a copy of the decision to:
 - i. The parolee,
 - ii. The Irish Prison Service,
 - iii. The relevant governor,
 - iv. The Probation Service, and
 - v. The Commissioner of An Garda Síochána,
- b) notify the Minister in writing of the making of the Order, and
- c) where it considers it appropriate, notify the relevant victim in writing of the making of the decision.

18.16. Where the Board decides to revoke a Parole Order which has been suspended pursuant to section 34(3), the suspension of the Parole Order shall continue to have effect until the time and date specified in the decision of the Board at which the revocation shall take effect.

- 18.17. Where the Board decides under this section not to revoke a Parole Order which has been suspended, the suspension of the Parole Order shall cease to have effect.

19. Statistical and other records

19.1. The Board will keep statistical and other records relating to the exercise by it of its functions.