

THE PAROLE ACT

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SCHEDULES

THE PAROLE ACT

Acts
 8 of 1978,
 14 of 1992
 S. 5,
 1 of 2005,
 S. 7(1),
 12 of 2009
 3rd Sch.,
 19 of 2010,
 3 of 2014
 3rd Sch.

[1st November, 1978.]

1. This Act may be cited as the Parole Act.
2. In this Act, unless the context otherwise requires—
 - “the Board” means the Parole Board established under section 3;
 - “chairman” means the chairman of the Board;
 - “functions” includes powers and duties;
 - “parish parole committee” means a committee appointed pursuant to section 5;
 - “parole” means the authority granted to an inmate under the provisions of this Act to leave the adult correctional centre in which he is serving a sentence and to spend a portion of the period of that sentence outside of the adult correctional centre;
 - “parolee” means any person to whom parole is granted under this Act;
 - “parole officer” means any person assigned to perform the duties of parole officer pursuant to section 19;
 - “parole order” means an order made by the Parole Board under section 7;
 - “parole period” means the period during which an inmate is placed on parole;

Short title.

Interpretation.

“sentence” means any sentence of imprisonment, whether with or without hard labour, but does not include a sentence of preventive detention or the detention of a person sentenced under the Juveniles Act, whether or not serving the sentence in an adult correctional centre;

“the Superintendent” means the Superintendent of the adult correctional centre in which an applicant for parole is serving a sentence.

Establish-
ment of
Parole
Board.

3.—(1) For the purposes of this Act, there is hereby established a Board to be called the Parole Board.

First
Schedule.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

Functions of
the Board.

4. Subject to the provisions of this Act, the functions of the Board shall be—

- (a) to receive and consider applications for parole and to grant or reject such applications;
- (b) to issue summonses requiring the appearance before the Board of any parolee or applicant for parole or such witnesses as the Board may consider necessary for the purposes of this Act;
- (c) to revoke or suspend parole in respect of any parolee;
- (d) to review the cases of inmates serving life sentences or inmates in respect of whom a sentence of death has been commuted to life imprisonment, for the purpose of determining whether or not to grant parole to such inmates;
- (e) to issue a certificate to a parolee upon the termination of any parole period;

- (f) to make reports to the Minister, at such intervals as the Minister may prescribe, upon the operation of this Act;
- (g) to carry out such other functions as the Minister may direct as being, in his opinion, necessary for the purposes of this Act.

5.—(1) For the purposes of this Act, the Minister may appoint a parish parole committee in each parish.

Parish
parole
committees.

(2) Subject to the provisions of this Act, the functions of each committee aforesaid shall be—

- (a) to carry out investigations into any matter referred to it by the Board in connection with any matter being dealt with by the Board and to report its findings to the Board;
- (b) to make such recommendations to the Board as the committee may deem necessary as a result of any investigation carried out by it under paragraph (a);
- (c) to carry out such other functions as the Minister may direct as being, in his opinion, necessary for the purposes of this Act.

(3) The provisions of the Second Schedule shall have effect as to the constitution of the committee for each parish and otherwise in relation thereto.

Second
Schedule.

5A. Where, pursuant to section 90 of the Constitution, a sentence of death has been commuted to life imprisonment, the case of the person in respect of whom the sentence was so commuted shall be examined by a Judge of the Court of Appeal who shall determine whether the person should serve a period of more than seven years before becoming eligible for parole and if so, shall specify the period so determined.

Review
of commuted
sentences
by Judge
of Appeal.
14/1992
S. 5(a).

Eligibility for
parole.

6.—(1) Subject to the provisions of this section, every inmate serving a sentence of more than twelve months shall be eligible for parole after having served a period of one-third of such sentence or twelve months, whichever is the greater.

(2) Where concurrent sentences have been imposed on an inmate, such inmate shall be eligible for parole in respect of the longest of such sentences, after having served one-third of the period of that sentence or twelve months, whichever is the greater.

(3) Where consecutive sentences have been imposed on an inmate, such inmate shall be eligible for parole after having served one-third of the aggregate of such sentences or twelve months, whichever is the greater.

(4) Subject to subsections (4A), (4B) and (5), an inmate—

(a) who has been sentenced to imprisonment for life; or

(b) in respect of whom—

(i) a sentence of death has been commuted to life imprisonment; and

(ii) no period has been specified pursuant to section 5A,

shall be eligible for parole after having served a period of not less than seven years.

(4A) Subject to subsection (5), an inmate who has been sentenced to imprisonment for life, or for a period of fifteen years or more, for—

(a) any offence under section 4, 9, 10(7)(a), 20 (4), 24 or 25 of the Firearms Act; or

(b) any of the following offences referred to in section 20(2) of the Offences Against the Person Act, namely—

14/1992
S. 5(b).
19/2010
S. 2.
3/2014
3rd. Sch.

19/2010
S. 2(b).

(i) shooting with intent to cause grievous bodily harm or with intent to resist or prevent the lawful apprehension or detainer of any person; or

(ii) wounding with intent, with use of a firearm,

committed after the coming into operation of this Act, shall be eligible for parole after having served a period of not less than ten years.

(4B) Subject to subsection (5), an inmate who has been sentenced to a term of imprisonment of fifteen years or more for an offence committed under the *Criminal Justice (Suppression of Criminal Organizations) Act*, shall be eligible for parole after having served a period of not less than ten years.

3/2014
3rd. Sch.

(5) Upon the expiration of—

14/1992
S. 5(b).

(a) a period of ten years,

(b) the period specified pursuant to section 5A of this Act or section 3(1C) of the Offences against the Person Act or sections 6(1)(a) or 10(4)(a) of the Sexual Offences Act,

12/2009
3rd Sch.

whichever is the greater, the Board shall review the cases of inmates who are serving a sentence of life imprisonment for the purpose of deciding whether or not to grant parole to them.

(6) In relation to a person who had been convicted of murder committed before the 18th February, 2005, and sentenced to imprisonment for life, the Board shall, upon the expiration of—

1/2005
S. 7(b).

(a) a period of ten years; or

(b) the period specified by the court as the period which that person should serve before becoming eligible for parole,

whichever is the greater, review the case for purpose of deciding whether or not to grant parole to him.

Grant of
parole.

7.—(1) An inmate eligible for parole pursuant to section 6, may make written application to the Board for the grant of parole and may make such written representations in support thereof as he thinks fit.

(2) Every such application shall be forwarded to the Board by the Superintendent and shall state—

- (a) the full name and age of the applicant;
- (b) the nature of the offence of which the applicant was convicted and sentenced;
- (c) any other information on which the applicant relies in support of his application; and
- (d) such other information as may be prescribed.

(3) The Superintendent shall furnish to the Board—

- (a) a case history of the applicant; and
- (b) a copy of a report by a correctional officer on the conduct of the applicant while in the adult correctional centre; and
- (c) a copy of a report containing an opinion by a psychiatrist or psychologist or such other person as may be designated by the Minister, as to whether the applicant is, at the time of his application, fit to be released on parole.

(4) The Board shall, for the purposes of this section—

- (a) if it thinks necessary, direct the appropriate parish parole committee to carry out investigations in relation to the application;
- (b) fix a time and place for the hearing of the application; and

- (c) send to members of the appropriate parish parole committee, not less than seven days before the date of such hearing, written notice of the hearing and copies of the case history of, and reports on, the applicant.

(5) Hearings by the Board shall be held *in camera* and if the Board sees fit, each applicant may be given permission to appear thereat.

(6) The Board shall, for the purpose of deciding whether or not to grant parole to an applicant, take into account the following—

- (a) the nature and circumstances of the offence for which the applicant was convicted and sentenced;
- (b) remarks (if any) made by the Judge at the time of sentencing;
- (c) the information contained in the reports mentioned in subsection (3); and
- (d) any report made by a parish parole committee.

(7) The Board shall grant parole to an applicant if the Board is satisfied that—

- (a) he has derived maximum benefit from imprisonment and he is, at the time of his application for parole, fit to be released from the adult correctional centre on parole;
- (b) the reform and rehabilitation of the applicant will be aided by parole; and
- (c) the grant of parole to the applicant will not, in the opinion of the Board, constitute a danger to society.

(8) Where the Board decides to grant parole to an applicant the Board shall, within ten days of the date of such decision—

- (a) give written notice of the decision to the applicant and the Superintendent; and
- (b) make a parole order in respect of the applicant and send a copy of such parole order to the Superintendent.

(9) In this section “appropriate parish parole committee” means the parish parole committee which, in the opinion of the Board, is likely to have the closest connection with the applicant if he is released on parole.

Parole
order.

8. A parole order shall have effect for the parole period which shall be specified therein, and shall require the parolee to submit during that period to the supervision of a parole officer appointed for or assigned to the parish in which the parolee will reside during the parole period, and shall contain such requirements as the Board considers necessary for securing the supervision of the parolee, and such additional requirements as to residence and other matters as the Board considers necessary for securing the reform and rehabilitation of the parolee.

Suspension
of parole.

9.—(1) The Board shall suspend parole in respect of any parolee if during the parole period the parolee is convicted of any offence punishable by imprisonment without option of a fine for a period which does not involve forfeiture of parole under section 13.

(2) The Board may suspend parole in respect of a parolee for any period during which investigations are being carried out into—

- (a) an indictable offence which such parolee is alleged to have committed; or

(b) any breach by that parolee of any of the conditions of parole.

(3) For the purposes of subsections (1) and (2), the Board may carry out such investigations as it may deem necessary.

(4) Where the Board intends to suspend parole the Board shall, within a reasonable time, give written notice of such intention to—

- (a) the Commissioner of Corrections;
- (b) the parolee in respect of whom an order for the suspension of parole is to be made; and
- (c) the Superintendent.

(5) The court before which the parolee mentioned in subsection (1) is convicted shall, in passing sentence, state whether the sentence in respect of the offence mentioned in that subsection shall be concurrent with or consecutive to the sentence in respect of which parole was granted.

10.—(1) Where a parolee commits a breach of the conditions of his parole order, the Board may, after investigating the circumstances surrounding such breach, revoke the parole granted to such parolee.

Revocation
of parole.

(2) The Board may revoke the parole granted to a parolee if the Board is of the opinion that such revocation is in the interest of the parolee or in the public interest.

(3) Where the Board decides to revoke the parole granted to a parolee, the Board shall give written notice of such decision to the parolee.

11.—(1) Where the parole granted to a parolee has been suspended or revoked, the parole order in respect of such parolee shall cease to have effect and the parolee shall forthwith upon being notified of such revocation or suspension, as the case may be, return to the adult correctional

Effect of
suspension
or revoca-
tion of
parole.

centre from which he was released on parole and if the parolee fails to do so, the chairman shall issue a warrant addressed to any police officer for the arrest of the parolee who shall, upon such arrest, be returned to the adult correctional centre from which he was released on parole.

(2) Where a parolee is returned to an adult correctional centre in accordance with subsection (1), the period spent by that parolee in the adult correctional centre while his parole is suspended or revoked, as the case may be, shall be counted as a part of the sentence in respect of which parole was granted and shall be taken into account together with any remission earned by the parolee for the purpose of determining the date of the expiration of such sentence.

Power of
chairman
to issue
warrant
recalling
parolee in
the public
interest.

12.—(1) Where at any time during the parole period it appears to the chairman that the immediate recall of a parolee is necessary in the public interest the chairman may, notwithstanding any other provisions of this Act, issue a warrant addressed to any police officer for the arrest of such parolee who shall, upon such arrest, be returned to the adult correctional centre from which he was released on parole.

(2) Where a parolee is arrested pursuant to subsection (1)—

- (a) subject to paragraph (c), the parole shall be revoked;
- (b) the provisions of subsection (2) of section 11 shall apply in like manner as they apply in relation to a parolee returned to an adult correctional centre pursuant to subsection (1) of that section; and
- (c) the chairman shall as soon as practicable make a report to the Board indicating the circumstances of the case; and thereupon nothing in subsection (1) shall be deemed to prevent the Board from exercising any of its powers under this Act.

13.—(1) A parolee who, during the parole period, is convicted of an offence punishable by imprisonment for two years or more, thereby forfeits his parole and such forfeiture shall take effect from the date of the conviction. **Forfeiture of parole.**

(2) If such parolee appeals against the conviction and the conviction is quashed, the forfeiture shall be set aside.

(3) The court before which the parolee mentioned in subsection (1) is convicted shall state whether the sentence in respect of the offence mentioned in that subsection shall be concurrent with or consecutive to the sentence in respect of which parole is being forfeited.

14. Where a parolee is convicted of an offence during the parole period, the court before which he is tried or the Court of Appeal, as the case may be, shall send to the Board a certificate stating the details of the offence and sentence. **Certificate to be sent to Board.**

15.—(1) An inmate whose application for parole has been refused may re-apply for parole after the expiration of twelve months from the date of the refusal or such lesser period as may be determined by the Board. **Reapplication.**

(2) A parolee in respect of whom parole has been suspended or revoked may re-apply for parole after the expiration of twelve months from the date of such suspension or revocation, as the case may be, or such lesser period as may be determined by the Board.

(3) A parolee who forfeits his parole shall not be entitled to re-apply for parole in relation to the sentence in respect of which parole is forfeited.

16.—(1) Subject to subsection (2), the grant of parole shall not affect the earning of remission by a parolee pursuant to the Corrections Act and rules made thereunder. **Parole and remission of sentence.**

(2) Subsection (1) shall not prevent the making of rules under the Corrections Act to provide that a parolee who forfeits parole or whose parole is suspended or revoked shall also forfeit the whole or any prescribed part of remission under that Act.

Computation of sentence and prerogative of mercy.

17.—(1) The parole period shall be counted as a part of the sentence in respect of which parole was granted and shall be taken into account together with any remission earned by the parolee for the purpose of determining the date of the expiration of such sentence.

(2) The Board may, if circumstances so warrant, recommend to the Governor-General that consideration be given, on the recommendation of the Privy Council in accordance with section 90 of the Constitution of Jamaica, to the question of the exercise of the prerogative of mercy in relation to any parolee.

Termination of parole.

18. Parole shall be terminated in the following cases—

- (a) upon the expiration of the parole period;
- (b) upon revocation under section 10 or 12;
- (c) upon forfeiture under section 13.

Assignment of parole officers.

19. The Commissioner of Corrections shall assign a sufficient number of officers qualified by character and experience to be parole officers for the purposes of this Act.

Rules.

20. The Minister may make rules prescribing—

- (a) the after-care programmes to be conducted for the purposes of this Act;
- (b) the duties of parole officers;
- (c) the form of reports required by this Act to be made;
- (d) the form of certificate to be issued to a parolee upon the termination of the parole period;

- (e) the conditions which may be included in a parole order;
- (f) the procedure for revocation of parole by the Board;
- (g) generally for the better carrying out of the provisions or purposes of this Act.

21. Any person who—

Offences.

- (a) interferes with or hinders or attempts to interfere with or hinder or incites or aids any other person to do anything which will in any way interfere with or hinder the Board in the exercise of its functions under this Act; or
- (b) offers or attempts to offer any money or other inducement to any member of the Board with intent to influence a decision of the Board in favour of that person or any other person; or
- (c) makes any false representation to the Board or knowingly or wilfully gives any false evidence to the Board in respect of any matter being dealt with by the Board; or
- (d) fails to attend before the Board in accordance with a summons issued by the Board under this Act or refuses to give evidence pursuant to such summons; or
- (e) without lawful excuse, refuses to answer any lawful question put to him by the Board in connection with any matter being dealt with by the Board; or
- (f) publishes or attempts to publish without the prior permission of the Board, a report on the proceedings of the Board or on any matter being dealt with by the Board,

shall be guilty of an offence against this Act and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars or to imprison-

ment for a term not exceeding six months or to both such fine and imprisonment.

FIRST SCHEDULE

(Section 3)

The Parole Board

Constitution of Board.

1.—(1) The Board shall consist of such number of persons, not being less than five nor more than seven, as the Minister may appoint from time to time.

(2) At least one member of the Board shall be appointed from each of the following five categories—

- (a) persons who hold or have held judicial office as—
 - (i) a Judge of the Court of Appeal; or
 - (ii) a Judge of the Supreme Court; or
 - (iii) a Resident Magistrate;
- (b) persons connected with the administration of adult correctional centres, being—
 - (i) the Commissioner of Corrections; or
 - (ii) a nominee of the Commissioner of Corrections;
- (c) persons appearing to the Minister to be interested in the rehabilitation of prisoners, being—
 - (i) a psychiatrist or psychologist; or
 - (ii) a social worker or criminologist; or
 - (iii) a representative of the Jamaica Council of Churches or the Jamaica Evangelical Association; or
 - (iv) the chairman of the visiting committee of an adult correctional centre;
- (d) a retired police officer;
- (e) an ex-inmate who in the opinion of the Minister has been rehabilitated.

Seal.

2.—(1) The Board shall have a seal which shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the chairman or any other member of the Board and the secretary.

(2) The seal of the Board shall be authenticated by the signature of the chairman or a member of the Board authorized to act in that behalf and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman or any other member authorized to act in that behalf or the secretary.

3. Subject to the provisions of this Schedule, the appointment of members of the Board shall be for a period not exceeding three years and each member shall be eligible for reappointment.

Tenure of
office of
members.

4.—(1) The Minister shall appoint a member appointed under paragraph 1(2) (a) to be the chairman of the Board.

Chairman.

(2) In the case of the absence or inability to act of the chairman, the Minister may appoint any other member to perform the functions of chairman.

(3) In the case of the absence or inability to act at any meeting of the chairman or a person appointed under sub-paragraph (2), the other members at the meeting shall elect one of their number to act as chairman at that meeting.

5. The Minister may appoint any person to act temporarily in the place of any member in the case of the absence or inability to act of that member.

Temporary
appoint-
ments.

6.—(1) If any vacancy occurs among the members of the Board, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Filling of
vacancies.

(2) In the making of appointments pursuant to this paragraph, regard shall be had to the requirements of paragraph 1 (2).

7.—(1) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt by the Minister of the instrument.

Resigna-
tions.

(2) Any member other than the chairman or a person appointed under paragraph 1(2) (b), may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

8. The Minister may at any time revoke the appointment of any member of the Board.

Revocation
of appoint-
ments.

9. The names of all members of the Board as first constituted and every change in membership shall be published in the *Gazette*.

Publication
of member-
ship.

10.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board shall determine.

Procedure
and
meetings.

(2) Minutes in proper form of each meeting of the Board shall be kept.

(3) The decisions of the Board shall be by a majority vote and shall be in writing.

(4) The chairman or, in the case of the absence or inability to act of the chairman or the person appointed or elected to act as chairman in accordance with the provisions of sub-paragraph (2) or (3) of paragraph 3 (as the case may be), shall preside at the meetings of the Board, and when so presiding shall, in addition to an original vote, have a casting vote in any case in which the voting is equal.

(5) The quorum of the Board shall be three.

(6) Subject to the provisions of this Schedule, and any rules made by the Minister, the Board may regulate its own proceedings.

(7) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

Remuneration of members.

11. There shall be paid to the chairman and members such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Protection of members.

12. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of the provisions of this Act.

Office of chairman or member not public office.

13. The office of chairman or member shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

SECOND SCHEDULE

(Section 5)

Parish Parole Committees

Constitution of parish parole committee.

1. A parish parole committee (hereinafter referred to as "the committee") shall consist of such number of persons, not being less than three nor more than five as the Minister may from time to time appoint, who are in the opinion of the Minister, persons appearing to be interested in the rehabilitation of inmates.

Tenure of office of members.

2.—(1) The appointment of a member of the committee shall, subject to the provisions of this Schedule, be for a period not exceeding three years, and such member shall be eligible for reappointment.

(2) The Minister may at any time revoke the appointment of any member of the committee.

3. The Minister may appoint any person to act temporarily in the place of any member of the committee in the case of the absence or inability to act of such member. Temporary appointments.

4. The Minister shall appoint one of the members of the committee to be chairman thereof. Chairman.

5.—(1) Any member of the committee other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the committee. Resignations.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt by the Minister of such instrument.

6. If any vacancy occurs in the membership of the committee, such vacancy shall be filled by the appointment of another member. Filling of vacancies.

7. The names of all members of the committee as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

8.—(1) The committee shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times as the committee may determine. Procedure and meetings.

(2) The chairman may at any time call a special meeting of the committee and shall call a special meeting within fourteen days of the receipt of a written requisition for that purpose addressed to him by any two members of the committee.

(3) The chairman shall preside at meetings of the committee, and in the case of the absence of the chairman from a meeting, the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(4) The quorum of the committee shall be two.

(5) The decision of the committee shall be by a majority of votes, and in addition to an original vote the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the committee shall be kept.

(7) The validity of the proceedings of the committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remunera-
tion of
members.

9. There shall be paid to the chairman and other members of the committee such remuneration, whether by way of honorarium, salary or fees and such allowances as the Minister may determine.

Protection
of members.

10. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the committee in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Office of
member
not public
office.

11. The office of chairman or member of the committee shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.