ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

PAROLE OF PRISONERS ACT
R.S.A. c. P3

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

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PAROLE OF PRISONERS REGULATIONS	R.R.A. P3-1	3
This Edition revises —		
R.A. 42/2014, in force 31 October 2014	*(15/12/2014)*	

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Revised Regulations of Anguilla: P3-1

PAROLE OF PRISONERS ACT (R.S.A. c. P3)

PAROLE OF PRISONERS REGULATIONS

Note: These Regulations are enabled under section 21 of the Parole of Prisoners Act, R.S.A. c. P3.

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SCHEDULE: Forms

Interpretation

1. (1) In these Regulations, "Act" means the Parole of Prisoners Act.

(2) A reference in these Regulations to a form shall be construed as a reference to that form as prescribed in the Schedule.

Application for parole

2. (1) When a prisoner is eligible for parole, the Superintendent shall give the prisoner written notice of his eligibility to apply for parole, at least 4 months prior to the prisoner's earliest possible parole date.

(2) If a prisoner wishes to apply for parole, the prisoner shall complete an application for parole in Form 1 and submit it to the Superintendent.

(3) If a prisoner who wishes to apply for parole is illiterate, the Superintendent shall obtain the services of the visiting committee who shall, with the consent and on the instructions of the prisoner, complete Form 1 and submit it to the Superintendent.

(4) An application for parole completed in accordance with subsection (3) shall bear the mark of the prisoner and the seal of the visiting committee.

(5) When a prisoner applies for parole, the Superintendent shall, within 3 working days, inform the Department of Probation of the application.

(6) The Superintendent shall notify the prisoner about the outcome of the application for parole.

Request for release

3. (1) A prisoner or the parent, grandparent, sibling or adult child of that prisoner may make a written request to the Superintendent for the release of the prisoner on the grounds that the prisoner is terminally ill or is an incapacitated prisoner.

(2) Upon receipt of a request under subsection (1) the Superintendent shall request that the prisoner undergo a medical examination and obtain a report as regards the prisoner's medical condition.

(3) If the opinion of the examining physician is that the prisoner is terminally ill or is an incapacitated prisoner, the Superintendent shall request that the Board consider—

(a) the release of that prisoner without conditions, if the prisoner is considered terminally ill; or

(b) the release of that prisoner on licence, if that prisoner is considered an incapacitated prisoner.

Information to be submitted to Board

4. (1) When referring a case to the Board, or when the Court requests a review of the continued detention of a prisoner detained at the Court's pleasure and a recommendation from the Board as regards the release of such a prisoner, the Superintendent shall submit or cause to be submitted to the Board, the following—

(a) the prisoner's application for parole, if applicable;

(b) a report of the nature and circumstances of the offence for which the sentence of imprisonment was imposed, which shall include—

(i) the prisoner's date of conviction,

(ii) the length of the conviction, and

(iii) information regarding any aggravating or mitigating factors surrounding the commission of the offence;

(c) a report by the Superintendent or any other prison officer as to the conduct, demeanour and health of the prisoner while in prison, which shall include—

(i) the prisoner's earliest possible parole date, earliest date of release if parole is not granted and latest date of release,

(ii) the prisoner's adjustment to incarceration,

(iii) the prisoner's attitude toward authority,

(iv) activities the prisoner was involved in while in prison,

(v) any breach of prison discipline committed by the prisoner,

(vi) any exceptional conduct, behaviour or action by the prisoner,

(vii) medical report, including an opinion as to the fitness of the prisoner to appear before the Board,

(viii) Psychiatric report, if applicable, as regards the prisoner's emotional stability, mental capacity, health or illness,

(ix) Psychological report, if applicable,

(x) the Superintendent's views as regards the suitability of the prisoner for release on licence;

(d) details of the personal and family background of the prisoner and the prisoner's criminal history, if any, which shall include—

(i) the prisoner's home and family circumstances and environment,

(ii) the prisoner's educational background,

(iii) the prisoner's employment history and job skills,

(iv) the prisoner's next of kin, if known,

(v) the prisoner's last known address,

(vi) the prisoner's nationality,

(vii) prior criminal record or history of deviant behaviour, if applicable,

(viii) history of alcohol or drug involvement,

(ix) history of prior probation, if applicable,

(x) history of breach of licence conditions or offences committed during period of release on licence, if applicable;

(e) written representations made by the prisoner, if any;

(f) the assessment of risk report prepared by the Department of Probation in accordance with the Act;

(g) documented official or community attitudes as regards the release of the prisoner, if any; and

(h) any other information the Superintendent considers relevant.

(2) When the Superintendent requests that the Board consider the release of a terminally ill prisoner or an incapacitated prisoner, the Superintendent shall together with the request, submit to the Board or cause to be submitted to the Board the documentation listed in paragraphs (1)(b), (c), (d)(i), (e), (f), (g) and (h).

(3) Where the Board is to conduct a hearing regarding whether or not to revoke a licence or to make a recommendation for revocation, the Superintendent shall submit or cause to be submitted to the Board 3 days prior to the hearing, the following—

(a) a report of the alleged breach prepared by the Department of Probation, if applicable;

(b) witness statements;

(c) documentary evidence in support of or against allegations of breach;

(d) written representations by the prisoner if any;

(e) a record of conviction for the offence committed during period of release, if applicable; and

(f) any other relevant documentation.

Operation of the Board

5. (1) The Board shall meet as often as necessary to efficiently carry out its functions under the Act.

(2) Without prejudice to the generality of subsection (1), the Board shall hold a meeting called a "hearing meeting" for the purpose of—

(a) hearing applications for parole;

(b) reviewing the continued detention of a prisoner detained at the Court's pleasure and if necessary, making recommendations to the Court as regards the release of such prisoner; and

(c) considering the release of terminally ill or incapacitated prisoners.

(3) A hearing meeting shall not be held less than 30 days in advance of the prisoner's earliest possible parole date.

(4) The Chairperson shall, after consultation with the Superintendent, give at least 15 days written notice of a hearing meeting.

(5) Notice of a hearing meeting shall include the date, time and place of the meeting and the names of the prisoners being considered for release, and shall be given to—

(a) all members of the Parole Board;

(b) the Attorney General;

(c) the Department of Probation; and

(d) each prisoner being considered for release;

except that a notice sent to a prisoner shall not contain the name of any other prisoner being considered for release.

(6) A prisoner being considered for release shall attend a hearing meeting to make oral representation to the Board, but if a prisoner is unable to represent himself orally, the Superintendent shall obtain the services of the visiting committee, a translator, or any other person deemed appropriate to facilitate communication, and such person shall with the consent and on the instructions of the prisoner assist him in representing himself orally before the Board.

(7) Notwithstanding subsection (6), a terminally ill or incapacitated prisoner shall not be required to attend a hearing meeting, but shall be interviewed in prison by one or more members of the Board, and if that prisoner is unable to represent himself orally, the Superintendent shall obtain the services of the visiting committee, a translator, or any other person deemed appropriate to facilitate communication, who shall with the consent and on the instructions of the prisoner assist him in representing himself orally in the interview.

(8) Without prejudice to the generality of subsection (1), the Board may hold a meeting called a "continuation meeting" for the sole purpose of continuing a hearing meeting.

(9) The agenda of a continuation meeting is limited to those items originally scheduled to be addressed at the hearing meeting.

(10) Without prejudice to the generality of subsection (1), the Board may hold a meeting called a "general meeting" for the purpose of conducting general business, including addressing issues such as the alleged breach of the conditions of a licence, the variation and revocation of licences.

(11) A general meeting shall be held at such time and place as agreed by the members of the Board.

(12) The deliberations of the Board in all matters are confidential.

(13) In each matter it considers, the Board shall record its decision or recommendation and the reasons for the decision or recommendation.

(14) The Board's recommendations to the Governor or the Court are confidential.

Victim contact and representation

6. (1) When a person is sentenced to—

(a) a term of imprisonment of 12 months or more in relation to an offence in Schedule 1 of the Act;

(b) a term of imprisonment for life; or

(c) detention at the Court's pleasure;

the Department of Probation shall inform the victim of the relevant offence of the date and length of the prisoner's sentence, and if applicable, his earliest date of release and his earliest possible parole date.

(2) When the Department of Probation is informed that a prisoner has applied for parole or that the Board is to make a decision or recommendation regarding the release of a prisoner, the Department shall, within 5 working days, give written notice to the victim of the relevant offence in the following circumstances only—

(a) if the prisoner received a sentence specified in subsection (1); or

(b) where the Department of Probation is aware that the prisoner has a history of abusive, threatening or violent behaviour which the Department reasonably believes contributed to his offending and the risk assessment conducted by the Department indicates that a significant risk remains of the prisoner reverting to this behaviour.

(3) A notice referred to in subsection (2) shall—

(a) invite the victim to the Department of Probation to make representation regarding the prisoner's application for parole or possible release; and

(b) be delivered to the victim personally or sent to the victim by post or electronic means.

(4) A victim who receives notice in accordance with subsection (3) and who wishes to make representation, must be interviewed by an officer and may—

(a) make a written statement for inclusion in the assessment of risk report prepared by the Department of Probation; or

(b) make a verbal statement which must be recorded by the officer for inclusion in the assessment of risk report prepared by the Department of Probation.

(5) A victim who is interviewed in accordance with subsection (4) may appear in person and make oral representation before the Board, and if the victim intends to make oral representation, the Department of Probation shall communicate this intention to the Board in its report.

(6) When the Department of Probation receives notice of the relevant meeting of the Board at which the victim may make representation in accordance with subsection (5), the Department shall inform the victim of the date, time and place of the meeting.

(7) Subsections (3)(a), (4), (5) and (6) do not apply to the victim of an offence in relation to which a terminally ill or incapacitated prisoner is being considered for release.

Decision or Recommendation of the Board

7. (1) The decision or recommendation of the Board, in relation to a prisoner, shall be in Form 2 and shall contain the following information—

(a) the name of the prisoner;

(b) the offence committed;

(c) the sentence imposed;

(d) a list of the information that was made available to the Board in making its decision or recommendation;

(e) the decision or recommendation of the Board; and

(f) reasons for the decision or recommendation.

(2) The Board's decision or recommendation shall be forwarded to the Governor or the Court as the case may be.

(3) If the Board, the Governor or the Court, as the case may be, decides not to release the prisoner on licence, the Board, the Governor or the Court shall forward to the prisoner via the Superintendent, a notice of denial of parole in Form 3.

(4) If, in the case of a terminally ill prisoner, the Board, the Governor or the Court, as the case may be, decides not to release the prisoner prior to the expiration of his sentence, the Board, the Governor or the Court shall inform the prisoner in writing via the Superintendent.

(5) If, in the case of a terminally ill prisoner, the Board, the Governor or the Court, as the case may be, decides to release the prisoner without conditions prior to the expiration of his sentence, the Board, the Governor or the Court shall forward to the prisoner via the Superintendent, a notice of early release in Form 4.

(6) After a prisoner is informed of the decision of the Board, the Governor or the Court, as the case may be, the Department of Probation shall inform the victim to whom notice was given in accordance with section 6(2), of the decision.

The Licence

8. (1) If the Board, the Governor or the Court, as the case may be, decides to release a prisoner on licence, the Board, the Governor or the Court shall forward to the prisoner via the Superintendent, a notice of grant of parole in Form 5 along with two copies of a parole licence in Form 6 each bearing the signature and seal of the Board, the Governor, or the Court, as the case may be.

(2) The Superintendent, in the presence of the visiting committee, shall explain to the prisoner the conditions of the licence.

(3) If the visiting committee is satisfied that the prisoner understands the conditions of the licence and if the prisoner agrees to comply with the conditions of the licence, the Superintendent and the prisoner shall sign the licence in the presence of the visiting committee.

(4) In the case of an illiterate prisoner, the requirement to sign under subsection (3) will be met if the prisoner makes his mark on the licence.

(5) Once executed by the prisoner, the prisoner shall retain an original signed copy of the licence, the other original signed copy shall be retained by the Board, the Governor, or the Court, as the case may be, and a copy shall be given to the Department of Probation, the Commissioner of Police, the court that sentenced the prisoner and a copy retained at the prison.

(6) If the prisoner disagrees with any of the conditions of the licence—

(a) the prisoner shall not be released;

(b) the Superintendent shall inform the Chairperson in writing; and

(c) the licence conditions shall be reconsidered at the next meeting of the Board.

(7) Where the Board, the Governor, or the Court, as the case may be, revokes a licence granted to a prisoner, the Board, the Governor or the Court shall inform the prisoner in writing via the Superintendent and the Chairperson, the Governor or the Court shall—

(a) endorse “Revoked” on the original signed copy of the licence and sign and date the endorsement;

(b) certify copies of the revoked licence as being true and correct; and

(c) send certified copies of the revoked licence to the prisoner, the Department of Probation, the Commissioner of Police, the court that sentenced the prisoner and the Superintendent.

Licence Conditions

9. (1) A licence may include such conditions as appear to the Board, the Governor or the Court, as the case may be, to be desirable either generally or in any particular case and without limiting the generality of the foregoing shall include the following conditions—

(a) that the prisoner is not allowed to travel outside Anguilla, except in exceptional circumstances, in which case the consent of the Board shall first be obtained, unless it is impracticable to do so, in which case the consent of his supervising officer must be obtained;

(b) that the prisoner is—

(i) subject to the supervision of the Department of Probation from the date of release until the expiration of two thirds of the term of his sentence; or

(ii) in the case of a prisoner sentenced to imprisonment for life or a prisoner detained at the Court's pleasure, subject to the supervision of the Department of Probation for such period as determined by the Governor or the Court, as the case may be, on the recommendation of the Board; and

(c) in the case of an incapacitated prisoner, that the prisoner undergo periodic medical examinations at his own expense by a physician approved by the Department of Probation, reports of which must be submitted to the Superintendent by the examining physician and copied to the Department of Probation.

(2) Without prejudice to subsection (1), a licence may include one or more of the following conditions—

(a) that the prisoner shall—

(i) live in premises approved by his supervising officer,

(ii) abide by a stated curfew,

(iii) surrender travel documents,

(iv) keep the peace and be of good behaviour,

(v) engage in gainful employment as approved by his supervising officer,

(vi) attend counselling sessions at particular places and times,

(vii) attend educational classes at particular places and times,

(viii) present himself for medical treatment at a particular place and time,

(ix) if permitted to travel outside the territory, do so subject to conditions stated; or

(x) if a non-belonger, leave and remain out of Anguilla;

(b) that the prisoner shall not—

(i) use alcohol or controlled drugs,

(ii) frequent particular places,

(iii) enter a particular locality or place,

(iv) interfere with a particular person,

(v) habitually associate with notoriously criminal characters, or

(vi) drive a motor vehicle.

Release of prisoner on licence

10. (1) When determining a prisoner's date of release, the Board, the Governor or the Court as the case may be, shall consider whether a prisoner has lost remission for breach of prison discipline and shall order that the prisoner be released after the expiration of the remitted period.

(2) A prisoner to whom these Regulations apply, shall not be released on a weekend or a public holiday.

(3) The release of a prisoner to whom these Regulations apply shall be conducted in accordance with the Prison Act and Prison Regulations.

Post-release supervision and care

11. (1) The Chief Probation Officer shall appoint a probation officer to supervise a prisoner released on licence to ensure that the prisoner complies with the conditions of the licence and to properly manage the prisoner's post-release care.

(2) If the Board, the Governor or the Court so recommends, officers of the Department of Social Development, the Health Authority of Anguilla or any other relevant authority shall assist in the management of the prisoner's post-release care.

Citation

12. These Regulations may be cited as the Parole of Prisoners Regulations, Revised Regulations of Anguilla P3-1.

SCHEDULE

FORM 1

(Section 2(2))

ANGUILLA

PAROLE OF PRISONERS ACT

PAROLE OF PRISONERS REGULATIONS

APPLICATION FOR PAROLE

NAME OF PRISONER:

ALIASES (if any):

DATE OF BIRTH:

DATE OF CONVICTION:

OFFENCE(S) FOR WHICH CONVICTED:

COURT OF CONVICTION: *Magistrate's Court/ High Court

SENTENCE: …….. years ……..months.

DECLARATIONS:

I declare that—

1. There is no appeal pending in relation to *this offence/ these offences.
2. I have no pending criminal matters.
3. This *is/ is not my first application for parole.

Signature of prisoner: ……

Date: …….. (day) ……..…… (month) …...……. (year)

** delete as appropriate*

Note: Copy to be given to inmate.
Written representation to the Board from the prisoner may be attached to this application.

FORM 2

(Section 7(1))

ANGUILLA

PAROLE OF PRISONERS ACT

PAROLE OF PRISONERS REGULATIONS

DECISION OR RECOMMENDATION OF PAROLE BOARD

TO: *HIS EXCELLENCY THE GOVERNOR/ THE HIGH COURT OF JUSTICE

REF: (*Prisoner's name and date of birth*)

DATE OF HEARING:

The Parole Board interviewed the prisoner and considered the following information and documentation—

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

* DECISION/ RECOMMENDATION:

* The above-named prisoner should not be released on licence.

* The above-named prisoner should be released on licence subject to following conditions as seen attached.

* The above-named prisoner should continue to be detained at the Court's pleasure.

* The above-named prisoner should be released without conditions.

* The licence of the above-mentioned prisoner should be revoked.

* The licence of the above-mentioned prisoner should continue subject to the following additional conditions as seen attached.

REASONS FOR DECISION/ RECOMMENDATION:

Signed by Chairperson of the Board:

Date:

Date Decision sent to *HE The Governor/ The High Court of Justice:

* *Delete as appropriate*

FORM 3

(Section 7(3))

ANGUILLA

PAROLE OF PRISONERS ACT

PAROLE OF PRISONERS REGULATIONS

NOTICE OF DENIAL OF PAROLE

TO: (*prisoner's name and date of birth)*

DATE OF HEARING:

DECISION:

Having considered all the submissions made with regard to your application for parole, the *Board/ Governor/ Court has decided not to release you at this time.

The reasons for *our/ my/ the decision are as follows:

* You will be eligible to reapply for parole in _____ months, when your case will be re-considered.

Signed by the *Chairperson of the Board/ Governor/ Judge:

Date:

**delete as appropriate*

_____

FORM 4

(Section 7(5))

ANGUILLA

PAROLE OF PRISONERS ACT

PAROLE OF PRISONERS REGULATIONS

NOTICE OF EARLY RELEASE

TO: *(Prisoner's name and date of birth)*

DATE OF HEARING:

DECISION: Under the powers conferred on the *Parole Board/ Governor/ Court by the Parole of Prisoners Act, you are hereby granted early release without conditions.

Signature of the *Chairperson of the Board/ Governor/ Judge:

Date:

* *Delete as appropriate*

FORM 5

(Section 8(1))

ANGUILLA

PAROLE OF PRISONERS ACT

PAROLE OF PRISONERS REGULATIONS

NOTICE OF GRANT OF PAROLE

TO: *(Prisoner's name and date of birth)*

DATE OF HEARING:

DECISION:

Under the powers conferred on the *Parole Board/ Governor/ Court by the Parole of Prisoners Act, you are granted a period of release on licence. If you agree to the conditions of the licence, you will be released from prison under this licence on ……

Attached is the licence outlining the conditions of your release. If you accept these conditions you must indicate this by signing the licence. An original copy of the licence will be given to you on your release.

Signed by the *Chairperson of the Board/ Governor/ Judge:

Date:

* *Delete as appropriate*

FORM 6

(Section 8(1))

ANGUILLA

PAROLE OF PRISONERS ACT

PAROLE OF PRISONERS REGULATIONS

PAROLE LICENCE

Name of Prisoner:	Date of Birth:
Prison Number:	Licence Number:

1. Under the provisions of the Parole of Prisoners Act, you are being released on parole licence and must comply with the conditions of this licence.

General Conditions

2. You will be subject to the supervision of an officer from the Department of Probation. The purpose of probation supervision is to help you manage your return into the community. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) achieve your successful re-integration into the community.

3. Your **supervision** commences on ..... and ends on .....

Your **licence** expires on …….., unless it is revoked earlier.

4. On release you must report without delay to: *(name, address and tel. no. of probation officer)*

……
……
……

Probation Supervision

5. You must place yourself under the supervision of an officer nominated for this purpose.

6. While under supervision you must:

(a) Keep in touch with your supervising officer in accordance with any reasonable instructions that you may be given;

(b) Receive visits from your supervising officer at your home at reasonable hours and for reasonable periods;

(c) Live where reasonably approved by your supervising officer and notify him or her in advance of any proposed change of address;

(d) Undertake only such employment as your supervising officer approves and notify him or her in advance of any proposed change in employment or occupation;

(e) Not travel outside of Anguilla without obtaining the prior consent of the Parole Board or, or if this is impracticable to obtain, the consent of your supervising officer (which will be given in exceptional circumstances only);

(f) Be of good behaviour and not take any action which would jeopardise the objectives of your supervision, namely to protect the public, prevent you from re-offending and secure your successful reintegration into the community.

Additional Conditions

7. As further conditions of your release, you must: (*insert additional conditions*).

Important Points to Note

8. The *Parole Board/ Governor/ Court may vary or cancel any of the conditions, in accordance with section 9(1)(e) and 16(7) of the Parole of Prisoners Act. If you need a variation of licence conditions *(for instance because of the requirements of a new job)*, you must contact your supervising officer. A contact number is provided above.

9. In accordance with the provisions of section 15 of the Parole of Prisoners Act, if you do not comply with the conditions of this licence, the licence may be revoked and you may be sent back to prison for the remaining period of your sentence. Note also that you will be in breach of the conditions of this licence if you withdraw your consent to comply with the conditions.

10. In accordance with the provisions of section 16 of the Parole of Prisoners Act, your licence will be revoked if you are convicted of a further offence committed before your licence has fully expired. Note that the Court dealing with the new offence may add all or part of the outstanding period of the original sentence onto any new sentence it may impose.

Signature of * Chairperson of the Board/ Governor/ Judge or Registrar:

Date:

(Seal of Board, Governor or Court should be placed here)

Prisoner's Declaration: **This licence has been given to me and its conditions have been fully explained to me. I understand and accept the conditions imposed and agree to abide by them.**

Signature of Prisoner:

Date:

Before and in the presence of: *(seal and signature of the visiting committee)*

* *Delete as appropriate*