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CRIMINAL JUSTICE (Victims of Crime) BILL 2015
GENERAL SCHEME

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CRIMINAL JUSTICE (Victims of Crime) BILL 2015

entitled

An Act to give effect to certain provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA and to provide for related matters.

Preamble:

Whereas it is appropriate to provide that all victims of crime may receive appropriate information, support and protection,

And whereas it is appropriate to provide that they are treated in a respectful, dignified, professional and non-discriminatory manner by the criminal justice system

And whereas it is appropriate to provide that the best interests of a child who is a victim of a crime are regarded as a primary consideration by the criminal justice system

And whereas legislation is required in order to give effect to the foregoing;

Be it therefore enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Head 1 Short title and commencement

Provide that:

(1) This Act may be cited as the Criminal Justice (Victims of Crime) Act 2015.

(2) This Act shall come into operation on such day or days as the Minister may appoint, by order or orders, either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Head 2 Interpretation

Provide that:

(1) *In this Act—*

“appropriate member of the Garda Síochána” means a member of the Garda Síochána designated by the Commissioner of the Garda Síochána to perform a particular function specified in the Act.

“child” means a person under the age of 18 years;

“complaint” means a statement made to a member of the Garda Síochána alleging that the person making it, or another person, has been the victim of a criminal offence

“family member” means, in relation to a person whose death was directly caused by a criminal offence,

(a) a spouse or partner of the person,

(b) a child, grandchild, parent, grandparent, brother, sister, uncle, aunt, nephew or niece of the person,

(c) a person who is or was acting in loco parentis to the person;

(d) an adult (whether of the same or the opposite sex) who lived with the deceased in an intimate and committed relationship and who was not related to, or married to or a civil partner of the deceased.

(e) any other person whom a court or member of the Garda Síochána, as the case may be, considers to have had a sufficiently close connection with the person.

(f) Notwithstanding the above any person who is under investigation for or has been charged with an offence in connection with the death of the deceased shall not be regarded as a family member for the purposes of this Act.

“Irish Prison Service” means the executive agency of the Department of Justice and Equality charged with the management of the prisons system

“Minister” means the Minister for Justice and Equality.

“victim” means

(a) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence perpetrated against him or her, or

(b) a family member of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person’s death.

whether or not, in either case, a complaint alleging the commission of an offence has been made or any offender has been identified, apprehended, charged or convicted in relation to the offence.

(2) For the purposes of this Act—

(a) a reference to a Part, section or Schedule is to a Part, section or Schedule of this Act unless it is indicated that reference to some other provision is intended,

(b) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended,

(c) a reference to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

Head 3 Expenses

Provide that:

Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Head 4 Information to be provided to victims

Provide that:

A person who contacts a member of the Garda Síochána stating that he or she or another person has been the victim of a criminal offence shall be offered information concerning the following;

- (a) procedures for making a complaint alleging an offence*
- (b) services which provide support for victims of crime.*
- (c) the role of the victim in the criminal justice process*
- (d) protection measures available for victims*
- (e) services providing legal advice and legal aid*
- (f) The Criminal Injuries Compensational Tribunal and the power of a court to make a compensation order under section (6) of the Criminal Justice Act 1993.*
- (g) entitlement to interpretation and translation or other linguistic assistance.*
- (h) procedures for victims who are resident outside the State.*
- (i) entitlement to expenses arising from participation in the criminal justice process.*
- (j) entitlement of a victim to inform the court of trial how he or she has been affected by the offence.*
- (k) the procedure to obtain information from the Irish Prison Service on the release of a prisoner.*
- (l) available grievance procedures*

Head 4A Offence occurring outside the State

Provide that:

(1) Where a person makes a complaint to a member of the Garda Síochána alleging that he or she, or another person, has been the victim of a criminal offence which occurred in a Member State of the European Union, other than the State, that member or another appropriate member shall record the details of the complaint and arrange for the transmission, as soon as is practicable, of the complaint to the appropriate authority in the state in which it is alleged the offence occurred.

(2) subsection (1) shall not apply where the offence concerned is one where the State has jurisdiction to prosecute the offence unless that jurisdiction is not being exercised.

Head 5 The making of a complaint

Provide that:

A victim, when making a complaint to a member of the Garda Síochána, may be accompanied by a person of his or her choice unless the member taking the complaint reasonably believes that the presence of that person would hinder the taking of the complaint, could prejudice the investigation or criminal proceedings or would not be in the best interests of the victim.

Head 6 Assessment of a victim where a complaint has been made

Provide that:

(1) The member of the Garda Síochána taking a complaint or another appropriate member shall assess, in consultation with the victim;

(i) the measures, if any, that may be necessary for protection of the victim from any secondary or repeat victimisation, intimidation or retaliation, and

(ii) if the victim would, in the course of the investigation of the offence alleged, benefit from any measure provided for in section 15, and

(iii) if, in the event of the victim being required to give evidence in the trial of any offender charged with the alleged offence, he or she would benefit from any measure provided for in section 16.

(2) The scope of the assessment shall have regard to;

(a) the personal characteristics of the victim , including his or her age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, physical or mental health issues and ability to communicate.

(b) the type and nature of the offence alleged

(c) the severity of the offence

(d) the degree of harm suffered by the victim, and

(e) the circumstances of the commission of the offence alleged

(f) the relationship, if any, between the victim and the alleged offender.

(3) If the member assesses under (1) (i) that measures may be necessary for the protection of the victim, he or she shall report this to the District Officer of the Garda Síochána District to which he or she is attached for any action deemed necessary.

Protection measures may include advice as to personal safety, protection of property, availability of protection or barring orders, seeking to remand an offender in custody or seeking conditions on bail, if granted, to prevent contact with the victim or any other measure to prevent secondary victimization, retaliation or intimidation.

(4) If the member assesses under (1) (ii) that, in the course of the investigation of the offence alleged, the victim would benefit, in whole or in part, from any measure provided for in section 15, he or she shall inform the District Officer of the Garda Síochána District to which he or she is attached accordingly.

(5) If the member assesses under (1) (iii) that, in the event of the victim being required to give evidence in the trial of any offender charged with the alleged offence, he or she would benefit from any measure provided for in section 16, he or she shall inform the District Officer of the Garda Síochána District to which he or she is attached who shall include the information in any file sent to the Director of Public Prosecutions concerning the offence alleged in the complaint.

(6) (a) Where it appears to the member of the Garda Síochána conducting the assessment that the capacity of the victim to contact a service supporting victims of crime is limited and that he or she might benefit from contact with such a service, and the victim so consents, or

(b) if the victim requests the member of the Garda Síochána taking the complaint or conducting the assessment, as the case may be, to contact a service supporting victims of crime on their behalf,

the appropriate member of the Garda Síochána shall so inform that service.

**Head 7 Information to be provided to a victim where a complaint has
been made**

Provide that:

The appropriate member of the Garda Síochána shall issue to the victim a written acknowledgement of the making of the complaint including particulars of the offence alleged and information on where to address any enquiries concerning the complaint.

Head 8 Information to be provided on request to a victim where a complaint has been made

Provide that:

(1) The appropriate member of the Garda Síochána shall inform the victim that, if he or she so requests, he or she will receive information, as soon as is practicable, on the following as and when they arise;

(a) significant developments in the investigation of the offence alleged

(b) any decision not to proceed with, or to discontinue an investigation into the offence alleged and the reasons or a brief summary of the reasons for same

(c) if it is proposed to deal with an alleged offender in relation to the offence alleged in the complaint otherwise than by prosecution before a court.

(d) any decision not to prosecute an alleged offender and the reasons or a brief summary of the reasons for same

(e) the date and place of the trial of, and the nature of the charges against, any alleged offender.

(f) the date and place of any appeal by an alleged offender or by the Director of Public Prosecutions against any decision in the trial of the alleged offender

(g) the final decision in any trial of an alleged offender and the outcome of any appeal against that decision.

(h) the release or escape from custody of any alleged offender, at any time prior to the final decision in his or her trial for the offence in any case where it has been assessed under section 6 that the victim may require protection.

(i) a copy of any statement made by the victim

(2) The appropriate member shall make a record of any information requested under (1) and shall inform the relevant persons including, where appropriate, the Director of Public Prosecutions, of the information requested.

(3) The appropriate member shall inform the victim that he or she may, at any time, amend the request for information under this section and the procedure for so doing.

Head 9 Victim Personal Statement

Provide that:

(1) Where a complaint has been made in relation to an offence, other than an offence specified in section 5 of the Criminal Justice Act 1993, as amended by the Criminal Procedure Act 2010, the victim may, if he or she so wishes, , provide a statement, in writing, to be known as a ‘Victim Personal Statement’.

(2) A ‘Victim Personal Statement’ shall set out how the victim has been affected by the offence including, as the case may be, physically, emotionally, financially or in any other way but shall not include any prejudicial comment on the offender or comment on the appropriate sentence be imposed on the offender.

(3) The ‘Victim Personal Statement’ shall be submitted to the office of the Garda Síochána specified in the written acknowledgement sent to the victim and the appropriate member in that office shall forward it to the member having charge of the prosecution or the Director of Public Prosecutions, as appropriate.

(4) The ‘Victim Personal Statement’ shall be submitted by the prosecutor to the court of trial, and a copy served on the defence, when a plea of guilty is tendered, or the accused is convicted, of the offence and before sentence is pronounced.

(5) In determining the sentence to be imposed on a person for an offence to which this section applies, a court shall take into account the Victim Personal Statement.

Head 10 Provision of information to family members

Provide that:

(1) Family members of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person's death shall be entitled to;

(a) receive the information specified in Head 4,

(b) be informed that he or she may request the information specified in Head 8.

(c) be informed of any decision not to prosecute in accordance with Head 13.

(d) be informed that he or she may request a review of a decision not to prosecute in accordance with Head 14.

(e) request information concerning the release or escape of an offender in accordance with Head 18

(2) Where there is more than one family member, the appropriate member of the Garda Síochána responsible for providing information to family members, shall, having regard to all the circumstances of the case and in consultation with the family, decide which family member or members is, or are, appropriate for the purposes of this section.

Part 3

Victims and criminal investigations

Head 11 Conduct of interviews and medical examinations

Provide that;

The District Officer of the Garda Síochána or other member having charge of the investigation of an offence [reported by a victim] shall ensure that;

(1) any further interview with the victim is conducted as soon as is practicable after the making of the complaint, and

(2) the number of interviews with the victim is no more than is strictly necessary for the proper investigation of the complaint, and

(3) Medical examinations of the victim for the purposes of the investigation of the offence alleged are carried out only where strictly necessary for the proper investigation of the complaint.

Head 12 Attendance at interviews

Provide that;

A victim may be accompanied by a person of his or her choice and by his or her legal representative, if any, when being interviewed by a member of the Garda Síochána in relation to a complaint, unless the member reasonably believes that the presence of the legal representative or the person would hinder the proper conduct of the interview or would prejudice the investigation or the criminal proceedings.

PART 4
Procedure where decision not to prosecute

Head 13 Informing victim of a decision not to prosecute

Provide that:

(1) Where a decision is made by a member of the Garda Síochána, or the Director of Public Prosecutions as the case may be, not to prosecute an alleged offender in relation to the offence and the victim has requested to be informed of such a decision in accordance with section 8, the member, or the Director as the case may be, shall inform, or cause to be informed, the victim of the reasons, or a brief summary of the reasons, for the decision.

(2) A decision to admit a person to a Diversion Programme established under Part 4 of the Children Act 2001 (as amended) or a decision to administer a caution to a person under the Garda Síochána Adult Caution Scheme shall not, for the purposes of this Act, be regarded as a decision not to prosecute in relation to an offence.

Head 14 Review of a decision not to prosecute

Provide that:

(1) When a victim is informed, in accordance with section 13, of a decision not to prosecute, made after the entry into force of this section, an alleged offender on foot of the complaint made, the victim shall also be informed that he or she may request a review of that decision and how a review may be requested.

(2) Where the decision not to prosecute is made by a member of the Garda Síochána the review shall be carried out by another member of higher rank who is independent of the original investigation into the complaint made.

(3) Where the decision not to prosecute is made by the Director of Public Prosecutions or by one of the Director's professional officers, the review may be carried out by the Director or by one of the Director's professional officers, nominated by the Director, and who is independent of the original decision not to prosecute.

(4) The victim shall be informed by the appropriate member of the Garda Síochána, or the Director as the case may be, of the outcome of the review.

PART 5
Special measures for certain victims

Head 15 Special measures during investigation

Provide that:

(1) Where the victim has been assessed under Head6 as a person who would, in the course of the investigation of the offence alleged, benefit from any of the measures provided for in this subsection, the District Officer, or other member of the Garda Síochána having charge of the investigation shall ensure, having regard to the assessment and insofar as is practicable, that so many of the following measures as are appropriate are applied in the course of the investigation;

(a) interviews with the victim are conducted by the same member or members of the Garda Síochána.

(b) interviews with the victim, where the offence alleged is a sexual offence or is a domestic violence offence, are conducted by a member or members of the Garda Síochána of the same gender as the victim, if the victim so requests.

(c) interviews with the victim are conducted by a member or members of the Garda Síochána who are specialists in interviewing either in relation to the particular type of offence or the particular class of victim.

(d) interviews with the victim are conducted in premises designed or adapted for use in relation to the particular type of offence or particular class of victim.

(2) Subsection (1) shall not apply where;

(a) There is an urgent need to interview the victim to prevent harm to him or her or to another person, or

(b) the application of the measure would hinder the proper investigation of the offence alleged or prejudice the criminal proceedings, or

(c) in the case of a victim a specific measure is required at a particular time and it is not possible, for operational or practical reasons, to apply that measure at that time.

(3) *For the purposes of this section*

“domestic violence offence” means ;

(a) an offence committed against a partner under sections 2 to 15 of the Non Fatal Offences Against the Person Act, 1997;

(b) any other offence committed against a partner involving violence or the threat of violence

A “partner” means a person who could have been an applicant under sections 3(1)(a), 3(1)(aa) or 3(1)(b) of the Domestic Violence Act, 1996, as amended, at the time of the offence or at any time prior to the offence.

“sexual offence” means a sexual offence as defined in section 2 of the Criminal Evidence Act, 1992, as amended.

Head 16 Special measures during trial

Provide that:

(1) In any proceedings for an offence where a victim is required to give evidence, the Court may, on the application of the prosecutor, where it is satisfied that the victim by reason of any of the following:

- (a) his or her personal characteristics*
- (b) the type and nature of the offence alleged*
- (c) the degree of harm suffered by him or her as a result of the offence alleged*
- (d) the relationship, if any, between him or her and the accused*
- (e) The nature of the evidence he or she is to give*
- (f) any behaviour towards him or her on the part of –*
 - (i) the accused*
 - (ii) members of the family of or associates of the accused*

should be permitted to give evidence other than viva voce in open court and, if it is further satisfied that no injustice would thereby be caused to the defendant, shall direct that the evidence be given under such provision as it considers appropriate of Part III of the Criminal Evidence Act 1992, as amended.

(2) A court may, if it does not make a direction under (1), if it is satisfied that by reason of any of the matters referred to in (1) (a) to (f) it is appropriate to do so, exclude from the court while the victim is giving his or her testimony all persons except officers of the court, persons directly concerned in the proceedings, bona fide representatives of the media and such other persons (if any) as the court may in its discretion permit.

PART 6
Special measures for child victims

Head 17 **Child victims**

Provide that:

(1) A victim who is a child shall be presumed to require the special measures set out in section 15 and section 16 of this Act.

(2) Whether, and the extent to which, the measures are required shall be determined, in the best interests of the child, having regard to his or her age, level of maturity and needs as identified in the assessment carried out under section 6.

(3) Where this Act requires information to be furnished to a victim that information shall also, in the case of a child victim, where practicable, be furnished to a parent or guardian of the child and, where the furnishing of that information is at the request of the victim, a parent or guardian may also request that information.

PART 7
Information concerning release or escape of offender

Head 18 Request to Irish Prison Service

Provide that;

(1) Where a victim so requests, the Irish Prison Service shall notify the victim, or a person nominated by the victim to receive the information of the following concerning a prisoner who is in its custody and who has been convicted of an offence against the victim;

(a) the year and month in which a prisoner is expected to be released from custody,

(b) temporary release of the prisoner in accordance with section 2 Criminal Justice Act 1960 (as amended) and any condition attached to such release which concerns the victim.

(c) transfer of the prisoner from one prison to another

[(d) in the case of prisoners sentenced to a term of eight years or more, Parole Board hearings and related decisions.]

(e) an escape from custody.

PART 8

General

Head 19 Communication with victims

Provide that;

(1) Any person who provides information to a victim under this Act shall, to ensure that the victim understands, provide the information in clear and concise language.

(2) Information to be provided to a victim under this Act may, unless otherwise required by this Act, be provided orally or in writing or by electronic means and the Minister may, by regulation made under this Act, prescribe the method of communication to be used in respect of any specific information or class of information.

(3) The Minister may, by regulation made under this Act, prescribe interpretation, translation or other linguistic assistance to be provided to victims which is necessary to enable victims to understand and be understood in their participation in the criminal justice process.

Head 20 Training

Provide that;

Each of the bodies listed in the Schedule shall provide training to its staff members who have contact with victims in the course of their official duties to a level appropriate to that contact so as to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner.

Head 21 Designation of appropriate member of the Garda Síochána

Provide that:

In relation to anything under this Act is required to be done by the “appropriate member of the Garda Síochána” the Commissioner of the Garda Síochána shall designate the appropriate member or member by rank or such other classification as the Commissioner considers appropriate provided that the designation provides certainty as to the rank or class of members required to carry out the act concerned. The Commissioner shall advise the Minister accordingly.

Head 22 Power to make Regulations

Provide that:

(1) The Minister may make regulations, in consultation with the bodies listed in the Schedule or other persons or bodies as is considered appropriate, for or with respect to any matter that is required or permitted by this Act to be prescribed or that is necessary or expedient to be prescribed for giving effect to this Act and, in particular, with respect to—

- (a) The application of any of the provisions of this Act to persons other than victims who have made a complaint or on whose behalf a complaint has been made.*
- (b) The content, format and means of communication of information to victims.*
- (c) Support services for victims of which victims may be informed.*
- (d) The assessment of victims for the purpose of this Act and the procedure to be followed where there is a change in their circumstances.*
- (e) The definition of “significant developments” for the purposes of section 8.*
- (f) The format and content of a Victim Personal Statement.*
- (g) The procedure for requesting a review of a decision not to prosecute.*
- (h) The time period within which any act which is required to be done under this Act shall be done or any request which may be made shall be made.*
- (i) The procedure for providing information to a parent or guardian of a child victim.*
- (j) The records to be kept of information provided to, and requests made by, victims.*

(k) The procedure for making a request for information to the Irish Prison Service.

(l) Grievance procedures

(2) Subsection (1) is without prejudice to any other provision of this Act providing for the making of regulations.

(3) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Government to be necessary or expedient for the purposes of the regulations.

(4) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Head 23 Amendment of the Courts Service Act 1998

Provide that:

The Courts Service Act 1998 is amended by the insertion of the following after section 5;

“5A – (1) In the exercise of its functions the Service shall have regard to the special position of victims of crime as users of the courts and shall include specific reference to victims in its strategic plans under section 7 and its annual reports under section 8.

(2) The Service shall ensure, insofar as is practicable, that in premises under its control where criminal proceedings are conducted that contact between victims and accused persons may be avoided except where necessary for the purposes of the proceedings.

(3) The Service shall ensure that when it commissions new premises for the conduct of criminal proceedings such premises shall include separate areas for victims.

have separate waiting areas for victims.

Head 24 Independence in the exercise of functions

Provide that:

Nothing in this Act shall be construed as impugning the independence of the Director of Public Prosecutions in the exercise of his or her prosecutorial functions.

Head 25 limitation on provision of information

Provide that:

Nothing in this Act shall be construed as requiring any person, body or agency to disclose any information the disclosure of which could;

- (a) interfere with the ongoing investigation of any offence,*
- (b) prejudice future criminal proceedings for any offence,*
- (c) endanger the personal safety of any person, or*
- (d) endanger the security of the State*

Head 26 Amendment of Criminal Evidence Act 1992

Provide that:

The Criminal Evidence Act 1992 is amended—

(a) in section 12 by inserting the following paragraph after paragraph (e);

“(f) the giving of evidence in any proceedings by a victim in respect of whom a court has made a direction under Head 16 of the Criminal Justice (Victims of Crime) Bill.”

(b) in section 13 by;

(i) by substituting “for an offence or the giving of evidence to which this Part applies” for “for an offence to which this Part applies”.

(ii) by inserting the following paragraph after paragraph (a);

(b) in the case of a victim, a court so directs under Head 16 of the Criminal Justice (Victims of Crime) Bill

(c) by the insertion of the following section after section 14;

14A. Giving of evidence from behind screen

(1) In any proceedings (including proceedings under section 4E or 4F of the Criminal Procedure Act, 1967) for an offence or the giving of evidence to which this Part applies the court, if it has not made an order under section 13 in relation to a witness, direct that while giving testimony in court,

(a) in the case of a victim where the court so directs under Head 16 of the Criminal Justice (Victims of Crime) Bill, or

(b) in any other case, with the leave of the court

the witness shall be prevented by means of a screen or other arrangement from seeing the accused,

(2) the screen or other arrangement referred to in (1) must not prevent the witness from being able to see, and to be seen by—

(a) the judge and, where there is one, the jury, and

(b) legal representatives acting in the proceedings, and

(c) such other persons as the court may direct.

(d) in section 16 by the substitution of the following for (1) (b);

(b) a videorecording of any statement made during an interview with a member of the Garda Síochána or any other person who is competent for the purpose by a person under 18 years of age being a person other than the accused.

(e) in section 18 by the substitution of the following for (a) and (b);

(a) a person is accused of an offence to which this Part applies, or in the giving of evidence in any proceedings by a victim in respect of whom the court has made a direction under Head 16 of the Criminal Justice (Victims of Crime) Bill

(b) evidence is given by a person or a victim (in this section referred to as “the witness”) through a live television link pursuant to section 13 (1) or from behind a screen or other arrangement pursuant to a direction under section 14A, then—

(f) by the substitution of the following for section 19;

19. Application of Part III to persons with mental handicap.

The references in sections 13 (1) (a), 14 (1) (b), 15 (1) (b) and [16(1) (a) and (b) to a person under 18 years of age shall include references to a person with mental handicap who has reached the age concerned.

Head 27 Garda Síochána Ombudsman Commission

(1) This Act shall apply, with any necessary modifications, when the Garda Síochána Ombudsman Commission directs a designated officer to carry out an investigation under section 98 of the Garda Síochána Act 2005.

(2) A reference in this Act to a member or appropriate member of the Garda Síochána is to be read as a reference to the designated officer of the Garda Síochána Ombudsman Commission when (1) applies.

Head 28 Restorative Justice Schemes

Provide that:

Where any agency or body listed in the Schedule to this Bill provides or enables any restorative justice service, [other than those provided for in the Children Act 2001 (as amended)], it shall ensure that;

- (a) the restorative justice services are used only if they are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time;*
- (b) before agreeing to participate in the restorative justice process, the victim is provided with full and unbiased information about that process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;*
- (c) the offender accepts responsibility for his or her criminal behaviour*
- (d) any agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings;*
- (e) discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties.*

Head 29 Statistics

Provide that:

(1) Each agency or body listed in the Schedule shall ensure that such statistical information as the Minister may specify, by regulation, concerning the operation of this Act insofar as it relates to that body or agency is compiled and stored and made available to the Minister and the Central Statistics Office at the times and in the manner that the Minister may require.

(2) subsection (1) is without prejudice to any obligation under any other statute to compile and provide statistical information to the Minister.

Head 30 Grievance procedures

Provide that:

(1) Each body or agency listed in the Schedule shall establish, within the body or agency, a procedure by which any person who is dissatisfied with any act or omission of that body or agency, as the case may be, in relation to the discharge of its functions under this Act may apply to have the act or omission rectified.

(2) The Minister may designate an independent central appeal body to which any person who is dissatisfied with the outcome of a procedure under subsection (1) may appeal.

(3) Any procedure under subsections (1) or (2) shall be without prejudice to any rights of a person in statute or at common law in relation an act or omission by the body or agency concerned.

Schedule

The Garda Síochána

The Courts Service

The Director of Public Prosecutions

The Irish Prison Service

The Garda Síochána Ombudsman Commission