

insideinformation – fact sheet

Lifer Review

Information courtesy of Parlby Solicitors Plymouth

The term “life sentence prisoner” (Lifer) refers to those sentenced to imprisonment for life and those sentenced to Imprisonment (or Detention) for Public Protection (IPP) unless specifically stated otherwise.

The responsibility for the management, release and recall of both lifers and IPP prisoners lies collectively with the Lifer Review and Recall Section (LRRS), the National Offender Management Service (NOMS), HM Prison Service, the National Probation Service and the independent Parole Board.

The main types of life sentence are: Mandatory Life Sentence, Discretionary Life Sentence, Automatic Life Sentence and Indeterminate Sentence of Imprisonment (or Detention) for Public Protection. The type of sentence you are subject to will have been decided by the Judge at your trial and reiterated to you by your trial solicitors and will depend of the offence and whether you have committed similar offences previously.

Release is determined by the Parole Board on the basis of the risk of harm posed to members of the public. Lifers released on a life licence are supervised by the Probation Service for a minimum of 4 years. The licence then remains in force for the rest of their lives and the licensee remains liable to recall to prison at any time during their licence period.

IPP licensees are also subject to the same recall liability, but unlike the life licence, the IPP licence may cease to have effect after 10 years (or annually thereafter) if the Parole Board so decides.

The first parole board review is to consider the prisoner’s suitability for transfer to open conditions. The first review is considered on the papers only and will normally begin around three years before the tariff expires in cases where the tariff is set for six years or over. Lifers are entitled to representation at this review and should the Instructed Solicitors request a copy of the dossier this should be provided.

Unlike those with a lengthy tariff date, a person who is subject Short tariff has the date of their first review set by LRRS caseworkers on the basis of tariff length and progress in custody.

When reviewing a Lifer’s case the following core reports must be provided in every case: -

- Lifer Manager
- Wing/Unit Manager
- Personal Officer
- Seconded Probation Officer
- Home Probation officer
- General Practitioner within prison
- Activity Supervisor

The panel may recommend either that the lifer should remain in closed conditions; or transfer to open conditions.

The Secretary of State may refer to, and seek advice from, the Parole Board on any matters relating to the early release and recall to custody of those prisoners sentenced to imprisonment for life, custody for life, detention during Her Majesty’s pleasure, or detention for life.

The Parole Board is empowered to direct the release, or re-release following recall to custody, of Lifer’s who have served the period of imprisonment necessary to satisfy the requirements of retribution and deterrence.

Lifer Review

The Parole Board cannot direct the release of any lifer unless the following conditions are met: -

- a) the Secretary of State has referred the case to the Parole Board for consideration of the prisoner's suitability for release;
- b) the Parole Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined. The test to be applied by the Parole Board in satisfying itself that it is no longer necessary for the protection of the public that the prisoner should be confined, is whether the Lifer's level of risk to the life and limb of others is considered to be more than minimal.

In assessing the level of risk to life and limb presented by a lifer, the Parole Board shall consider information, where relevant and where available, before directing the lifer's release, recognising that the weight and relevance attached to particular information may vary according to the circumstances of each case, such as: the lifer's background, including previous offending, the nature and circumstances of the index offence, including any information provided in relation to its impact on the victim or victim's family; whether the Lifer has made positive and successful efforts to address the attitudes and behavioural problems which led to the index offence.

Further consideration is given to the Lifer's attitude and behaviour to other prisoners and staff; the Lifer's awareness of the impact of the index offence, and the extent of any demonstrable insight into his/her attitudes and behavioural problems and whether he/she has taken steps to reduce risk through the achievement of Life Sentence Plan targets; the lifer's response when placed in positions of trust, including any absconds, escapes, past breaches of temporary release or life licence conditions and life licence revocations; any indication of predicted risk, treatment needs, and so forth.

Before directing release on life licence, the Parole Board shall also consider: - the Lifer's relationship with probation staff (in particular the supervising probation officer), and other outside support such as family and friends; the content of the resettlement plan and the suitability of the release address; representations on behalf of the victim or victim's relatives in relation to licence conditions, and again, any other relevant factors.

In cases proceeding to an oral hearing both the Lifer and the Secretary of State may be represented as in previous reviews. At oral hearing the final decision is by majority and the Lifer will be notified of the result within 7 days of the hearing and recorded in writing.

For more guidance and an extensive overview on the rights of Lifers and the process involved in Lifer reviews, information should be sought from the Prison Information Book: 'Life Sentenced Prisoners 'LIFERS' 2001/02, and this should be available from within the prison establishment or through the Prison Service's website: www.hmprisonservice.gov.uk.

IMPORTANT NOTICE

Information is given on a strictly 'without-liability' basis, and should be considered for use as guidance only. If you propose taking further action based upon this information you are strongly advised to take further and more specific legal advice before doing so.

insidetime *the National Newspaper for Prisoners*

Fact Sheet Ref: LR/Oct.09