

insideinformation – fact sheet

Parole

Information courtesy of Yasmin Aslam of Levys Solicitors Manchester

PAROLE

Parole is the procedure by which certain prisoners can be released before they have served their full sentence.

Prison Service Order 6000 contains the arrangements for Parole, Release and Recall and is available within all prison libraries. This should be read in conjunction with Prison Service Instructions which provide amendments to the PSO.

Various Criminal Justice Acts have updated the Parole system and as a result there are different systems that apply which depend on when the sentence was passed. For example, prisoners sentenced under the Criminal Justice Act 1991 are under a totally different Parole regime than those sentenced under the Criminal Justice Act 2003. There are also many changes and amendments made as a result of legal challenges and amendments to the law.

Therefore it is important that you should always seek independent legal advice from a Prison Solicitor who will be able to advise you as to the law.

In essence you can apply for Parole from up to 6 months before you can first be released. This of course will depend upon what sentence you were given when you were convicted.

THE PROCEDURE

Approximately 6 months before you are eligible for release the prison will give you a form asking whether you wish to apply for Parole, if you do wish to apply then you should complete this form and return it to the Prison Parole Clerk who will then instruct various report writers to begin preparing the necessary reports which are needed, this is often referred to as the Parole Dossier.

Once the Dossier has been prepared you will be given disclosure of it and will have the opportunity to prepare representations, It is recommended that you obtain independent legal advice from a Prison Solicitor to help you with preparing any Representations that you wish to make in relation to any of the reports contained within the Dossier.

When your file is completely ready, your case will be referred to the Parole Board. Three members of the Parole Board will meet and discuss your case and although you will not be asked to attend this meeting (i.e. it will be on the papers), by obtaining the assistance of a solicitor you will have put forward any Representations that you wish to make. The Parole Board will then consider the reports and will consider your Representations and will make its decision. The Parole Board is an independent body that protects the public by making risk assessments about prisoners to decide who may safely be released into the community and he must remain in or be returned to custody.

Certain prisoners are able to request an oral hearing, decisions about release and recall of lifers and prisoners on extended sentences will be taken at an oral hearing of the Parole Board which will be chaired by a Judge or a legally qualified person.

Parole

Below is a summary of the various sentences and the periods at which prisoners can be eligible for parole.

Sentence Under 12 Months

You would be eligible for automatic release at the halfway point. There is no consideration made by the Parole Board for release and no oral hearing by the Parole Board is necessary. If you were recalled back to prison there would be no oral hearing by the Parole Board as there would be no licence.

Mandatory Life Sentence, Custody of Life, Detention at HM Pleasure and Discretionary Life Sentence

For all the above sentences the first possible release date would be the end of the minimum term. This would be on consideration from the Parole Board by an oral hearing. If you were recalled back to prison there would be a further Parole Board oral hearing.

OFFENCES COMMITTED PRIOR TO 4 APRIL 2005

Sentences Between 12 Months and Under 4 Years

There is automatic release at the halfway point, no consideration is given by the Parole Board and there will be no Parole Board oral hearing. However if you are recalled back to prison there will be a Parole Board oral hearing.

Sentences of 4 Years and Over

Eligibility for Parole would be at the halfway point and automatic at two thirds of the sentence. This would be considered by the Parole Board however no oral hearing would be necessary. If you were recalled this would then be heard by the Parole Board by oral hearing.

Extended Sentence with Custodial Term of Less than 4 Years

The automatic release point is at halfway. No consideration by the Parole Board would be given and no oral hearing would be necessary. However if you were recalled then this would then be heard at a Parole Board oral hearing.

Extended Sentence with a Custodial Term of More than 4 Years

Eligibility for Parole would be at the halfway point and automatic release at the two thirds (note changes by 2008 Act). This release would be on consideration of the Parole Board however without an oral hearing. However there would be a hearing by the Parole Board if you were recalled.

Automatic Life Sentence

Eligibility for release would be at the end of the minimum term. There would be consideration by the Parole Board at an oral hearing and also if you were recalled there would be a further oral hearing by the Parole Board.

Parole

OFFENCES COMMITTED ON OR AFTER 4 APRIL 2005

12 Months and Over

Automatic release would be at the halfway point. No consideration by the Parole Board would be made and no oral hearing would be necessary. However, if you were recalled there would be an oral hearing by the Parole Board.

Extended Sentence Any Length

Eligibility would be at the halfway point of the custodial term upon the Parole Board directing release or without direction release at the end of the custodial term. There would be no oral hearing; however there would be an oral hearing if you were recalled.

Indeterminate Sentence for Public Protection (IPP)

Eligibility for Parole would be at the end of the minimum term this would be on consideration by the Parole Board at an oral hearing and a further oral hearing would take place if you were recalled.

It is important that at each stage of the parole process you seek legal advice.

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: Pa/Oct.09