

insideinformation – fact sheet

Parole Information for Determinate Sentenced Prisoners

Re-produced courtesy of the Parole Board

There are a lot of different types of prison sentence that you can receive and how you are released depends on what type of sentence you get. If this is your first prison sentence, or you are serving one of the new sentences that came in 2005, you may find it confusing. This section should tell you the basics about Parole and how it works. If you do not find out what you want to know from this information, there are other places to go for help. Prison Service Order 6000 (PSO 6000) goes into lots of detail about Parole and is in prison libraries.

What type of sentence have I got?

When you were sentenced the judge will have explained what it is and how it works. It can be complicated and if you are not sure, the Parole Clerk can check for you. You will be serving one of the following:

1. Less than 4 years for a crime committed before 4 April 2005
2. 4 years or more for a crime committed before 4 April 2005
3. Sentenced before 1 October 1992
4. Extended sentence for a crime committed before 4 April 2005
5. Less than 12 months for a crime committed on or after 4 April 2005
6. 12 months or more for a crime committed on or after 4 April 2005

1) Less than 4 years for a crime committed before 4 April 2005

You will be released automatically when you have served half the sentence. The Parole Board does not see your case and you do not have to apply to be released.

2) 4 years or more for a crime committed before 4 April 2005

When you have served half your sentence, you can apply to the Parole Board for early release. You will only be released if the Parole Board decides that you will not commit crimes on Parole and will not break your Parole licence. The date on which you can be released at the half way stage is called your Parole Eligibility Date (PED). If you get Parole you will stay on a licence and will be supervised by the Probation Service. This will last until the licence runs out three quarters into your sentence. This date is called the Licence Expiry Date (LED).

Note 1 - if you were convicted for a sexual crime, the judge may have ordered that that your licence will last until SED, rather than LED. If you are not sure, ask the Parole Clerk.

Note 2 - The first three dates (PED, NPD and LED) can be changed if you break prison rules and get additional days awarded at an adjudication. These are called ADAs and mean you will have to wait longer to apply for Parole and get released. They cannot change your SED.

Note 3 - Any time you spent in police custody, or on remand, will count towards the dates above.

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3) Sentenced before 1 October 1992

There are hardly any prisoners still serving these sentences. If you are one of these, you can apply for Parole in exactly the same way as 2 above, except that you become eligible for Parole after serving one-third of your sentence. The only other difference is that, should Parole never be awarded, when you have served two thirds of your sentence, you will be released without a licence and without supervision.

4) Extended sentence for a crime committed before 4 April 2005

If you were convicted for a violent or sexual crime, the judge may have given you an extended sentence. This means a number of years in prison, followed by a longer than usual licence. For example, 2 years in prison with a 4 year licence. If you have one of these sentences, your release will depend on how long the prison part of the sentence is. If less than 4 years, see 1 above: If 4 years or more, see 2 above. Once you are released, you can be recalled to prison at any time during the licence period set by the court.

5) Less than 12 months for a crime committed on or after 4 April 2005

Once you are on licence, you can be recalled to prison if you break conditions on your licence. Since 26 January 2004, a new sentence of Intermittent Custody (IC) was piloted (or tested) in a small number of areas. If you were sentenced by a court in one of these areas, the judge sentenced you to IC. This means that you may serve part of each week in prison and the other part on a licence; for instance you may have to go to prison at the weekend, but go out on a licence during the week. You will have been told about this by the judge when you were sentenced. The pilot area involving male offenders covers Greater Manchester, Lancashire and those sentenced by the North Liverpool Community Justice Centre. Male offenders serve their time at Kirkham Prison. For female offenders, the area covers Bedfordshire, Cambridgeshire, Derbyshire, Greater Manchester, Hertfordshire, Humberside, Leicestershire, Lincolnshire, Nottinghamshire, Staffordshire, South Yorkshire, West Midlands and West Yorkshire. Female offenders serve their time at Morton Hall Prison.

Instead of "Custody Plus" and "Intermittent Custody", the judge may suspend a sentence of less than 12 months. This is called "Custody Minus". It means that you do not go to prison unless you have broken the terms of the judge's order and you have gone back to court for the judge to send you to prison.

6) 12 months or more for a crime committed on or after 4 April 2005 (and where at least one part of the total sentence is for a term of 12 months or more)

These sentences are very different from those at 1 and 2 above. There are two types:

A) A set number of years, with no extended licence

- However long your sentence is, you must be released when you have served half of it.
- The Parole Board will not see your case and you do not have to apply for release.
- Once you are released, you will stay on licence right up until your sentence runs out (SED). During this time, you can be recalled to prison - see the section on Recall.

B) An extended sentence for public protection

- If you have been convicted of a violent or sexual crime, the judge may sentence you to a number of years in prison, followed by a longer than usual licence period.
- When you have served half of the prison part of your sentence, you can apply to the Parole Board for early release (the application is usually made 6 months before this so that reports can be obtained). You will only be released if the Parole Board decides that you will not commit crimes while you are on a licence and will not break conditions of your licence.
- If you do not get released the first time, and your sentence is long enough, you can apply again every year until the prison part of the sentence runs out.
- Once you have been released, you can be recalled to prison right up until the licence runs out.

How do I apply to the Parole Board?

About six months before the first date at which you can be released (i.e. your PED [Parole eligibility date]) the prison will give you a form. This will ask you whether you want to apply for early release. If you decide to apply, a review will start. The prison will put together a file of papers about you, the crimes you have committed, how you have spent your time in prison and your plans on release. This file is called the "dossier".

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- When the dossier is ready, you will be given it to read and you can add on anything you want to say in writing. Your part of the dossier is called "the prisoner's representations". Many prisoners ask their solicitor to help them.
- When everything is in the dossier, three members of the Parole Board (often called "the panel") will meet to discuss your application for release. The Parole Board is not part of the Prison Service or the Ministry of Justice and makes its own decisions. The panel will be looking at how high they think the risk is that you might commit offences on licence and whether it is best for you and the public for you to be released.
- This is a timetable for your application and shows you what you can expect to happen and when:
 - Week 26 - IIS (Inmate Information System) prompts Parole Clerk to issue application to prisoner.
 - Week 25 - Parole Clerk requests Parole reports and updates IIS.
 - Week 17 - All reports, including PAR (Parole Assessment Report), received. Dossier is complete. Dossier & Reps/Disclosure form provided to prisoner. Update IIS.
 - Week 13 - Reps/Disclosure form received from prisoner. Dossier checked & signed off by Governor.
 - Week 12 - Deadline for dossier to be received by Parole Board Secretariat.
 - Week 7 - Dossier considered by Panel.
 - Week 6 - Parole Board decision issued (See below)
 - Decision - Parole Awarded/Refused/Deferred
 - Week 6 - Receive notice of Parole decision. Notify prisoner & probation.
 - Weeks 3 to 2 - If applicable, check release arrangements in place with Probation.
 - Week 1 - If applicable, prepare release licence.
 - Week 0 - If applicable, release at PED (Parole eligibility date) or if anniversary, at earliest opportunity.
 - PED or Anniversary.

What is in my dossier?

The Board reviews each case on the basis of a dossier prepared by and submitted to it by the Secretary of State.

The key elements of this dossier are:

- An outline of the offence(s) for which the sentence was imposed
- A list of previous convictions
- Any pre-sentence medical reports
- Any pre- and/or post-sentence probation reports
- An outline of the sentence to date, including summaries of progress and any disciplinary problems
- Evidence from programmes or interventions aimed at addressing risk
- Current reports, including; reports from prison staff; a report from probation staff; a psychological assessment (where available); a psychiatric assessment (where appropriate)
- The prisoner's representations (where made) and any independent reports he or she has commissioned.

What can I put into the dossier?

After you have read the dossier, you will have time to send in anything you want the Parole Board to read. These are your "representations". There are no rules about what you can say and the Parole Board will read all of your representations before making a decision. Many prisoners ask their solicitor for help.

Is anything in the dossier kept secret?

In almost every case, you will see everything in the dossier before the Parole Board. It is your legal right to full disclosure. But, sometimes the Governor can stop you from seeing documents under Prison Service Order 6000. If this happens, you will be told and asked to sign a form to say that you understand. This is only done very rarely, however, and most prisoners will see all the papers. Papers that can be kept from you might include a victim's statement or a security report, but whatever it is, it has to be justified by the Governor under PSO 6000.

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The Parole Board decision

Will I be interviewed by a member of the Parole Board?

Not necessarily. The Parole Board will only interview prisoners when they decide they need to. If this happens, you will be told. You will usually be alone at this interview. However, if you have difficulty in speaking or understanding English, you should either have access to an interpreter/signer, or exceptionally, another prisoner who speaks the same language as you.

What are the tests that the Board will apply?

The test for release

The test for release requires the Board to consider primarily the risk that the prisoner poses of committing further offences (of any nature) when he or she would otherwise be in prison and whether such risk is acceptable. The Board must balance this risk against the benefit, both to the public and the offender of early release under supervision, which might help rehabilitation and so lessen the future risk of re-offending. The Board must also take into account that safeguarding the public may often outweigh the benefits to the offender of early release and that a risk of further violent or sexual offending is more serious than a risk of other types of offending.

How do I get the decision?

Once the Parole Board has made its decision, you should get it in writing within 2 days. If you are serving the type of sentence where the Secretary of State makes the decision, it may take a little longer. Every decision is in a letter with full reasons given. If you do not get Parole (often called a "knockback") you will want to read the reasons carefully to see if there is anything you want to challenge. You cannot get the decision changed just because you disagree with it, but in some cases the Parole Board may re-consider its decision if there are good reasons for doing so. Many prisoners ask their solicitor to help decide if this can be done.

Will I find out the reasons for the Board's decision in my case?

The Board is required to give full written reasons for its decisions. The reasons must cover all relevant issues and leave the prisoner in no doubt as to how the panel arrived at its decision. In addition, reasons must identify the issues that argue for and against release and deal with those issues and specify what remain as outstanding concerns to the Board. The reasons will be the only record of why the panel came to the decision that it did and they must explain this clearly, both for the benefit of the prisoner and of any subsequent panel.

What happens if I am going to be deported?

If you have been told that you will be deported at the end of your time in prison, you will be released in the same way as everyone else, although it is possible that you will be held in custody by the Immigration Service, while arrangements for you to be deported from the United Kingdom are put in place.

Will I get Parole if I have no address to go to?

It depends. The Parole Board has to decide whether you will commit crimes on Parole. Part of that decision depends on where you are going to live and the plans that the probation service has for supervising you. If there are no such plans because you have no address, it makes it harder for the Parole Board to decide. If you do not know where you are going to live, speak to your Offender Supervisor who can offer you advice.

Can I get Parole if I have adjudications on my record?

It depends on what they are for, how many you have, and how long ago they happened. Every case is different, but the Parole Board has to take into account your behaviour in prison. If I have no adjudications, will I get Parole? Again, it depends. The Parole Board has to give you credit for good behaviour but you do not get Parole just because you have behaved well. The Parole Board has to take account of many different reports to decide whether an offender is likely to commit more crimes on release.

If I have attended all of the required courses will I get release?

Although successful attendance on courses aimed at reducing offending behaviour is helpful in providing evidence that the level of risk that a prisoner presents has been reduced, this is by no means a guarantee that the prisoner will be recommended for release. Attendance on courses might not be

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necessary and, even if necessary, might not have been effective in reducing the level of risk. The Parole Board panel will need to take into account all the evidence available to them, including professional risk assessments, when making their decision.

If it is not my fault that I have not been offered courses, does it make a difference to my chances of Parole?

Many prisoners come to their Parole review without getting on to important courses or programmes. The Parole Board will give you credit for wanting to do courses, but they will also have to think how important it is that you have not done them. If the Parole Board decides that you are likely to commit crimes on Parole, then they have to refuse to release you, even if it is not your fault that courses were not available. The Parole Board will look at everything you have done and everything in the dossier and decide in your case what the chances are of more crimes being committed.

If I say I am innocent, can I get Parole?

Yes. The Parole Board must by law, accept that you are guilty, but they may still be able to decide that you will not commit crimes on Parole. The trouble is that some courses in prison involve you talking about your offences and that cannot happen with prisoners who say they are innocent. That means the Parole Board's job is more difficult but it does not necessarily mean you won't get Parole. The Parole Board does release prisoners who maintain their innocence every week. In fact if the Parole Board refuses Parole only because you say you are innocent, you can challenge that decision and make them look at your case again.

What happens if I am transferred after my Parole review begins?

Governors are asked not to transfer you in this situation, but sometimes there are good reasons why someone must be transferred. If that happens, reports should still be written, and it should be by those people who know you best. It should not delay your review.

Can the victim of my crime stop me getting release?

The Parole Board has to take into account the victim's feelings if they want to make comments, but it would be very rare for a victim to have any say on release. This is because usually the victim will not know what you have done in prison and how you might have changed. It is likely, however, that the Parole Board will put conditions on your licence to stop you going near the victim, and to stop you going to certain places where the victim lives or works.

If I get Parole, how long will it be before I am actually released?

Once you have the Parole Board decision, it will be up to the prison and the Probation Service to make sure the release plans are in place. The prison will also need to prepare your licence. If it is your first review, you should expect to be released on the day of your PED, the earliest date you can be released, but this can be delayed if the release plans are not in place. If you do not get Parole at your first application, and your sentence is long enough, you will get another review every year. If you get Parole at one of these reviews, you will be released as soon as the arrangements are in place.

What if something happens between getting my Parole and actually being released?

If something happens that the prison thinks the Parole Board should know about (for example an adjudication or transfer from open conditions back to closed conditions), the Parole Board can suspend your Parole until a fresh panel has looked at your case again. This will mean a delay in releasing you, and may mean the Parole Board decides you can not now be released at this review.

Can I appeal against a "knock back"?

There are two ways to challenge a decision of the Parole Board.

1. You, or your solicitor, can write to the Parole Board explaining why you think the decision or the reasons for it are wrong. The Board can reconsider its decision if information it should have had at the time was not in the dossier; or where the correct procedures were not followed; or if the reasons are not good enough. The Board will not reconsider just because you do not agree with the decision.
2. Your solicitor can apply for a judicial review of the Board's decision. This means putting the decision before the courts to see if the Parole Board has done something wrong. The courts will not take a different decision, but can order the Parole Board to consider your case again.

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If I don't get Parole how long do I have to wait for another review?

You will normally be reviewed once a year but this will depend on the length of sentence you are serving.

What is an early or special review?

If you get refused Parole, you will get another review in a year's time if your sentence is long enough. But the Public Protection Casework Section of the Ministry of Justice can order an earlier review where, for example, you have made good progress in a short time. These reviews are rarely granted, however, and would not be granted just because you have finished a course or have behaved well.

Can I change the conditions on my licence?

If something changes when you are on Parole, your Offender Manager can apply to get one or more of your conditions changed or cancelled.

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.

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