

LIFE SENTENCES

Does a life sentence always mean that someone will spend the rest of their life in prison?

Some prisoners will stay in prison for the rest of their lives because of the nature of their crimes, although few prisoners receive a whole life tariff (currently 25 out of a total of 5500 lifers). Most receive a set tariff, and the length of time they spend in prison depends on this and whether, at the end of this time, they pose a risk to the community.



Who sets the tariff?

This depends on whether the prisoner is a mandatory or discretionary lifer.

A mandatory lifer is someone who has been convicted of murder. Life imprisonment is the only sentence a court can pass for this offence. A Home Office Minister sets the tariff, taking into account the views of the trial judge and the Lord Chief Justice. The prisoner will have the chance to comment on these views before the tariff is set, and can take legal or other advice about this. The Minister may set a higher or lower tariff than the judges recommend.

A discretionary lifer is someone who has been given a life sentence as the maximum penalty for another serious offence. In this case, the judge will set the tariff in court. Section 2 of the Crime (Sentences) Act 1997 requires courts to impose a life sentence for a second violent offence by someone aged 18 or over. This is treated as a discretionary life sentence.

What about young offenders?

For people under 21 there are several different categories of lifer:

- Detention during Her Majesty's Pleasure, or HMP. This is the
- mandatory sentence for someone who commits murder before they are 18. Possible release is dealt with as for discretionary lifers.
- Custody for life, the mandatory sentence if someone commits murder between 18 and 20.
- Detention for life, the discretionary sentence offences other than murder committed before the age of 18
- Custody for life, the discretionary sentence offences other than murder committed between 18 and 20.

Who decides which prison the lifer is held in?

The Lifer Unit at Prison Service Headquarters receives regular reports on the lifer's progress from the prison. Based on these reports it decides whether s/he should be transferred in order to do work not available at the current prison, or whether s/he is ready to be re-categorised. The need to maintain family contact is taken into account if at all possible, but the needs of security and the prisoner's sentence plan come first, and it may not always be possible for them to be transferred to a prison convenient for family visits.

Who decides if a prisoner is released at the end of the tariff?

The Parole Board, an independent body which advises the Home Secretary on various matters, and is made up of people such as judges, probation officers, psychiatrists and lay members. The process starts about 3 years before the tariff ends. The prison prepares a dossier of reports for the Board, from professionals who have had contact with the prisoner, which s/he will get to see and comment on beforehand. The Board will then decide whether the prisoner can be released and/or whether they can be moved to an open prison to prepare for release. A second review takes place soon after the tariff ends, every two years after that for discretionary lifers and at intervals decided by the Prison Service Lifer Unit for mandatory lifers. If the Board is satisfied that the person is not a risk to the public, the board can direct release of a discretionary lifer, or, for mandatory lifers, recommend release, with the final decision resting with the Home Secretary.

What happens after release?

The person remains on a life license for the rest of their life. For the first few years, they will be expected to keep in regular contact with a probation officer, and to inform probation if they wish to move or start a job. There may be other conditions such as not contacting certain people or complying with medical or other treatment. After a few years the Parole Board may recommend that the conditions be cancelled. The person would no longer have to keep in touch with the probation officer, but would remain on licence- meaning that if they commit an imprisonable offence or behave in a way that indicates they may still pose a risk, they can be sent back to prison.

What happens while the person is in prison?

They have a life sentence plan, setting out details of any problems they need to work on, such as drug addiction or anger management. Their progress is reviewed each year and an action plan made for the coming year. Whether the prisoner complies with the sentence plan, and their behaviour in prison, will play an important part in decisions about whether they can be released after the tariff is served.

What about victims?

The Victim's Charter states that the prisoner's probation officer must contact the victim or their family within two months of sentence. The victim or their family can ask to be informed when the prisoner is to be moved, released or to go on an escorted absence or release on temporary license. They can express any worries they have concerning their release and these will be taken into account when licence conditions are set.

What is an escorted absence?

Lifers in Category C prisons, who have four years or less left on their tariff and are due for Parole Board review within 12 months, may be considered for trips to a local town, accompanied by a

prison officer. As well as allowing the prisoner contact with the local community, it allows prison staff to assess their behaviour and trustworthiness.

What is release on temporary licence?

When a lifer has spent some time in an open prison they become eligible to apply for release on temporary licence (ROTL). Initially this will take the form of unescorted day release for work or educational purposes or simply to get re-acquainted with the outside world. ROTL can progress to longer leaves to the place the prisoner is to be released to. It can also be granted on compassionate grounds, such as if a relative is terminally ill.

What other preparation is made for release?

The home probation officer will stay in contact with the prisoner and work with them and the prison to help sort out a release plan. This will cover things like accommodation, employment and training.