

SENTENCING

Is the sentence passed in court the time someone will serve in prison?

The sentence expiry date (the date on which the sentence ends) is calculated from the date sentence is passed. All custodial sentences, (apart from life sentences, which are governed by different rules) include time served in prison and time served in the community, so the person will not be in prison for the whole of the sentence.



How much time will they spend in prison?

This depends on a number of factors, including the length of the sentence:

- If the sentence is less than 12 months, the prisoner will get Automatic unconditional release (ACR) at the half way point (eg after 3 months of a 6 month sentence), serving half of their sentence in prison. From release until the sentence expiry date, they are classified as 'at risk'. This means that if, during this time, they commit a further imprisonable offence, the court may order them to complete their sentence in prison in addition to any sentence for the new offence.
- If the sentence is 12 months or more, but less than 4 years, the person serves half their sentence in prison, and then gets Automatic conditional release. They are released at the half way mark on licence. This means that they are subject to conditions – the conditions will include regular meetings with a probation officer and possibly other conditions such as living at a specified address or undergoing treatment for a drug or alcohol problem. Breaching the conditions can result in a return to court and serving the rest of the sentence in prison. The licence lasts until three quarters of the way through the sentence. From then until the sentence expiry date they are 'at risk'. (See above)
- Sentences of 4 years or more (but not life) are subject to Discretionary conditional release (DCR), which means that the prisoner becomes eligible for release at the half way stage. It is not automatic, but is at the discretion of the Parole Board. If release is approved, they are released on licence. If not, they serve two thirds of their sentence in prison and are then released on licence. The final quarter of the sentence is spent in the community 'at risk'. If released on DCR licence they remain on licence until the three quarter point of their sentence.

People convicted of sexual offences may be required by the court to remain on licence until the sentence expiry date.

What else might affect the amount of time served in prison?

Time spent on remand will be deducted from the time spent in prison. However, nothing that counts towards the calculation of the sentence served shall have the effect of reducing the period for which the licence is in force to less than a quarter of the sentence for ACRs and half the sentence for DCRs. If a prisoner breaks prison rules, they may receive additional days in prison, meaning that their release or parole eligibility will be put back. This does not mean that the whole of their sentence is being increased – just the proportion of it they will spend in prison. The sentence expiry date stays the same, unless they actually commit an imprisonable offence and are given an additional sentence.

Are the rules for young offenders the same?

A young person under 21 serving less than 12 months will be under supervision for at least three months after release, or up to their 22nd birthday, if this is sooner. For those serving more than 12 months the rules are the same.