

# Parole: Determinate Sentences

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## Who gets parole?

Prisoners serving sentences of 4 years or more, and less than 15 years, and whose offence was committed before 4 April 2005. They will be released on parole if the Parole Board decides they will not commit another crime or break their licence conditions during the parole period. The Parole Board can make recommendations about prisoners serving sentences of 15 years or more but the Secretary of State decides whether or not they will get parole.

## How do they apply, and what is the procedure?

About six months before the Parole Eligibility Date (PED) the prisoner is given a form by the prison, asking them if they wish to apply. If they say yes, the prison puts together a file of papers about them, called a dossier. This will include reports on their current offence and any previous offences, sentence reports, any adjudications against them, probation reports, reports by prison staff and anything else that might help the Parole Board reach a decision.

About 17 weeks before the PED, the prisoner is then given this file to read, and add their own comments in writing. This is called "prisoner's representations". They can ask a solicitor to help with this. Usually the prisoner gets to see the whole dossier, but occasionally a report such as a statement from a victim may be withheld. If this happens, the Governor must justify this under Prison Service Order 6000 – ie there must be a good reason. The prisoner will be told if any reports are withheld.

About 12 weeks before the PED the Governor will sign off the dossier and submit it to the Parole Board. Three Parole Board members will consider it and notify the prison of the decision about 6 weeks before the PED. The prisoner will be informed in writing. If parole is granted, arrangements will then be made for them to be released and supervised by the Probation Service. The prisoner will be given a copy of their licence to read to make sure they understand the conditions imposed on them.

## What happens if parole is refused?

If the Parole Board refuse parole (also known as "knockback"), the prisoner will be given full reasons why. They can then seek advice from a solicitor as to whether there are grounds to challenge the decision. If not, or the challenge is unsuccessful, they will get the chance to apply again each year until two thirds of the way through the sentence, when they will be released on licence anyway (their Non-Parole Date or NPD).

## What happens to deportation cases?

They are the only prisoners who cannot opt out of applying for parole. On release they may be held in custody by the Immigration Service until they are deported.

## Can people on parole get recalled to prison?

If, while on parole, someone commits another offence, breaks their conditions or their behaviour suggests they are at risk of committing another offence, they can be recalled.

### **What happens when someone is recalled?**

They will be arrested and taken to the nearest local prison. They will receive a letter explaining the reasons for the recall and copies of relevant reports, eg. From Probation. This is called a "recall pack".

The prisoner will have a chance to challenge this ("make representation against recall"). The Parole Board will receive the recall pack and decide what to do. They may decide to release the person back on licence, either immediately or at a future date.

Alternatively, they may set a date for a review. If the prisoner only has a short time left to serve, ie under 12 months, they may refuse release or review and the prisoner will have to stay in prison until their NPD. The prisoner will be given full reasons for the decision. If it is not a decision that the prisoner accepts, s/he can ask for an oral hearing before witnesses. The Parole Board will decide whether to hold one.

### **If a prisoner has adjudications against him or her, or is maintaining their innocence, will this stop them getting parole?**

The Parole Board have to decide whether someone is at risk of re-offending. Good behaviour in prison is not the only factor. They will take into account the number of adjudications and how long ago they were. If the prisoner gets an adjudication during the parole process it can delay the decision and could even result in parole being denied.

Although the Parole Board are obliged to accept the person is guilty of the crime for which they were convicted, maintaining innocence alone is not a ground for refusal.

### **What if they admitted guilt but weren't able to get on to the course they needed to do?**

They will get credit for wanting to do the course, but the Parole Board will have to decide whether, as a result of not doing it, the person is at risk of reoffending.

### **Can the victim prevent a person from getting parole?**

While the Parole Board take victim's feelings extremely seriously, it is unlikely that the victim will have much influence over the decision. In most cases they will impose licence conditions stating that the prisoner must stay away from the victim and cannot go near the area where they live.

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