

# How sentences are calculated

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## 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 the length of the sentence and the date the offence was committed. For offences committed **before April 4 2005**:

- ◆ 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.
- ◆ 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 license**. 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 recall to custody. The license lasts until three quarters of the way through the sentence.
- ◆ 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 license. If not, they serve two thirds of their sentence in prison and are then released on license at the three quarter point. People convicted of sexual offences may be required by the court to remain on license until the sentence expiry date.

All prisoners from release until the sentence expiry date, 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 offence was committed on or after April 4 2005:

Under the Criminal Justice Act 2003, the distinction between sentences of less than 4 years and more than 4 years has been removed for standard determinate sentences. This means that a prisoner is released at the halfway mark of their sentence regardless of its length and is on license until the sentence expiry date, **unless** they have received a life sentence or one of the following new sentences:

## Indeterminate sentence for public protection:

The court sets the minimum the offender has to serve. He is then released on license. After 10 years, he can apply to the parole board to have the license lifted.

### **Extended sentence for public protection**

The court sets the custodial period and the period of license. They could apply for parole at the half way point of the custodial sentence. The decision would be made by the parole board. If denied parole he would serve to the end of the custodial period. The period of license is a maximum of 10 years.

### **What do concurrent and consecutive sentences mean?**

Sometimes, if more than one offence has been committed, the court will direct that two sentences be served, either:

- ◆ **Concurrently** in which case, for a sentence of two years and another of three, they will be served at the same time, so the person will effectively serve a three year sentence. Release and sentence expiry dates will be calculated as for a three year sentence; or
- ◆ **Consecutively** in which case the two are added together. Someone with a two year and a three year sentence to be served consecutively would effectively have a five year sentence. Release and sentence expiry dates would be calculated as for a five year sentence.

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

Time spent on remand may be deducted from the time spent in prison, at the direction of the court, but time spent in police custody will not. However, nothing that counts towards the calculation of the sentence served shall have the effect of reducing the period for which the license 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 22<sup>nd</sup> birthday, if this is sooner. For those serving more than 12 months the rules are the same.

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