



Home Office

BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

Release of Prisoners

Information

for victims of

sexual or other

violent offences

1 Introduction

a This leaflet explains that, under the Criminal Justice and Court Services Act 2000 and the Victim's Charter (see below), the National Probation Service will contact you to find out if you want to know what happens to an offender after he or she is sentenced to prison.

b You can expect a member of the Probation Service to contact you if one of the following applies to you.

- You have suffered a sexual or violent offence for which the offender has been sentenced to one year or more in prison or a young offenders' institution. (In this leaflet, all references to prisoners or prisons apply equally to young offenders or young offenders' institutions, or similar institutions.)
- You have a close relationship with someone who has suffered this type of offence and who is vulnerable, for example, a child or elderly relative, and you are acting on their behalf.
- You had a close relationship with someone who has died as a result of this type of offence.

c The National Probation Service can also offer this service if you have been a victim of other serious offences, for example, if you are afraid the offender may try to find you. However, the National Probation Service are not able to offer this service where the offender has been sentenced to less than 12 months in prison.

d These procedures apply where the prisoner is sentenced to be held in a prison in England or Wales, and is being released to an address in these countries. They do not apply where an offender has been sentenced to be held in hospital, although the Government is considering ways in which the victims of these offenders may also receive or provide information.

The Victim's Charter is a charter for victims of crime. It was published in June 1996 and tells you what standards of service you can expect from the criminal justice agencies (for example, the police, the courts) and how to complain if you do not get them. A consultation document about the charter was issued in spring 2001, and changes may be introduced to the charter as a result of this.

e These procedures also do not apply where a prisoner receives a number of sentences, for different offences, which add up to more than 12 months in total, unless one of the sentences is for 12 months or more for an offence against you.

2 How long will the prisoner be in prison?

a Under the current law, prisoners do not usually serve the whole of their sentence in prison. When a prisoner is released will depend on the length of their sentence, how much time they spent in prison before they were sentenced and whether they have passed a risk assessment for being released on licence or Home Detention Curfew (which involves wearing an electronic tag to check where they are after a certain time at night). The period of supervision on licence is an important part of a prisoner's sentence. The National Probation Service supervise all adult prisoners who were sentenced to 12 months or more after October 1992 for a set period after they are released. All young prisoners are released on licence and are automatically supervised for a set period. There are more details on these arrangements below.

b The National Probation Service work with prisoners and prisons to draw up a plan for supervising offenders after their release. This includes approving where a prisoner will live, and whether any restrictions will apply to them after their release. The Probation Service then supervise prisoners when they return to the community.

Life-sentence prisoners

c There are special rules for life-sentence prisoners, who may not be released at all if they are considered to be a danger to the public. The National Probation Service supervise all life-sentence prisoners on a life licence. Even after their release, life-sentence prisoners can be sent back to prison at any time during the rest of their life if their behaviour gives serious cause for concern.

Other sentences of 12 months or more

d Offenders who are sentenced to 12 months or more fall into two other main categories.

Automatic conditional release

- Offenders serving a sentence of 12 months to four years will usually be considered for release on a Home Detention Curfew two months before the halfway point of their sentence. Serious sex offenders cannot apply for a Home Detention Curfew. Decisions about other prisoners are based on careful risk assessment. If they are refused a Home Detention Curfew, these prisoners must be released at the halfway point of their sentence. The National Probation Service always supervise these prisoners after their release. How long the National Probation Service supervise prisoners for varies depending on whether they were released on a Home Detention Curfew or not, but can last until the end of their sentence for some sex offenders. If an offender breaks any of the conditions of their curfew or supervision, they could be sent back to prison. Also, if the offender commits a new offence at any time before the end of the sentence, they could be sent back to prison until the end of their original sentence, and also have to serve any new sentence for the new offence.
- For an offender who commits a sexual or violent offence, the courts have the power to say they must be supervised for even longer after they are released, if the court considers that this is needed to prevent them from committing further offences. These offenders are released under the arrangements set out above, and serve the extended supervision period on top of the period they would be expected to serve on licence. Licence conditions apply for the whole supervision period, and the offender may be sent back to prison if they break these conditions.

Discretionary conditional release

- Discretionary conditional release applies to offenders who are serving a fixed sentence of four years or more. These prisoners become eligible for release from prison (known as 'parole') at the halfway point of their sentence, and may be released on parole at any point between the halfway and two-thirds point. Parole decisions are based on careful risk assessment. If a prisoner is refused parole, they will be released when they have served two thirds of their sentence.

Whether the prisoner is released on parole or after serving two thirds of their sentence, the National Probation Service would still supervise them until three quarters of their sentence has passed. If the offender breaks any of the conditions of the supervision, they could be sent back to prison. Also, if the offender commits a new offence at any time before the end of the sentence, they could be sent back to prison until the end of their original sentence, and also have to serve any new sentence for the new offence.

e If you would like to know more about the sentence the prisoner in your particular case will serve, you can ask the victim liaison officer when they contact you.

3 Contact by the National Probation Service

a If you are in the group of people listed in paragraph 1b, the National Probation Service will normally write to you within two months of the offender being sentenced. They will offer to meet with you for the following purposes.

- To give you information about prison sentences in general and how prisoners can proceed through the system.
- To ask you whether you would like them to contact you at key stages in the criminal justice process and tell you when the prisoner is being considered for final release.
- To check whether you have any concerns which you would like them to take into account when they are considering the conditions for the prisoner's final release.
- To give you the name of someone you can contact at the Probation Office which covers your area.
- To explain how they will use any information you provide.
- To tell you about any other services that may be able to help.

4 Your choices to give and receive information

You have the following choices.

- a** You can choose to be told about stages in the prison sentence (when decisions might be taken about temporary or permanent release), and give your views about conditions that will apply when the prisoner is released or other matters.
- b** You can choose to be kept informed about stages in the prisoner's sentence, but decide not to give your views about conditions that will apply to the prisoner's release.
- c** You can choose not to be given any information. In this case, tell your victim liaison officer.

You can change your mind, at any time, about being contacted. But if you do, or if you change your address, you will need to let the victim liaison officer know immediately.

5 What happens if you give information

- a** If you want to be kept informed and to give information or express your views or concerns, you should tell the victim liaison officer at your first meeting. The following will happen if you do this.
 - The National Probation Service will tell you when the offender is being considered for release.
 - The National Probation Service will discuss your views and concerns with you before the prisoner is released. They will also give you the opportunity to give your views about the conditions that will apply when the offender is released.
 - Before the offender is released, the National Probation Service write an assessment report in which they give their recommendations to the authority considering the conditions of the offender's release. The National Probation Service will consider your views when recommending any conditions.
 - The National Probation Service will give you the choice of knowing what is written in any assessment report about you and your views. This report is

written before the offender is released. They will also tell you about any extra conditions of release, relating to your concerns, which they are recommending.

- The prisoner will normally have the right to see the assessment reports, except in certain circumstances. The victim liaison officer will be happy to explain this to you before you give your views.
- You also have the right to give information to the prison governor or parole board, but the prisoner will normally have the right to see this information. You can discuss this with the victim liaison officer.
- Once the parole board or prison governor has decided about the offender's release, the National Probation Service will tell you whether the offender will have to keep to any conditions after they are released. If so, the National Probation Service will give you details of any conditions which relate to contact with you, and any other information they consider appropriate in your case.

6 The Prison Service's victims' helpline

a If you decide not to have contact with the victim liaison officer, you can ring this helpline if you have received, or are worried about receiving, unwanted contact (including letters or phone calls) from a prisoner. You can also tell the helpline, or your victim liaison officer if you have one, if you are worried about the possible temporary release, parole, or final release of a prisoner.

b The helpline staff will pass on the details of your call to the prison governor, who will then investigate and decide what action to take. This could include checking any letters the prisoner sends and monitoring their phone calls to prevent them from contacting you again and, if there is enough evidence, taking disciplinary or criminal proceedings. If a prisoner has contacted you, this will be taken into account when they are being considered for parole or release on a temporary licence.

c The helpline cannot pass information back to you. But it will confirm, in writing, that it has passed your concerns on to the governor, who will normally write to you to tell you what action has been taken.

d The helpline number is **0845 7585112**. It is open from 9am to 4pm, Monday to Friday. Calls are charged at local rates.

7 What Victim Support can offer

a Victim Support is the national charity which helps victims of crime. Trained volunteers and staff based in local schemes in England and Wales offer emotional support, information and practical help to people who have been affected by crime. You may well have been in contact with your local Victim Support scheme already. Victim Support also runs the Witness Service in the Crown Court and in many magistrates' courts.

b If you would like to discuss this leaflet, or you need help in coming to terms with the effect the crime has had on you, or if you would like to talk, in confidence and for free, to someone who is independent, you can contact your local scheme. The details are in the phone book under 'Victim Support', or you can contact the Victim Supportline on **0845 3030900** to get the local number. Calls are charged at local rates.

8 The National Probation Service should contact you within two months of the offender being sentenced. However, if they have not been in touch, you can contact your nearest Probation Office, which should be able to give you more information. The address and phone number will be in the local phone book under 'Probation Service'. The Probation Office can also help you with any questions you have about this leaflet, or you can contact Victim Support.

