

Prisoners' Information Book

for life
sentenced
prisoners
– 'lifers'

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Please note that details about lifer prisons were correct when this book was printed. As part of the plan to increase the number of places for lifers across the prison system the places listed as lifer prisons in this book may change.

**What sort of
life sentence
am I
serving?**

If you have been convicted of murder, you are known as a '**mandatory** lifer' because life imprisonment is the only sentence which a court can pass for that offence. If you have been sentenced to life as the maximum penalty for another serious offence, such as manslaughter, attempted murder, rape, buggery, armed robbery or arson, you are known as a '**discretionary** lifer'. (The difference between 'mandatory' and 'discretionary' is important because when it comes to considering you for release the procedures are different. See the sections on Parole Board reviews later in this book.)

The court must also pass a sentence of life on anyone convicted of a second serious violent or sexual offence, unless the court decides that there are exceptional circumstances for not doing so (including where the court decides that the offender poses no significant risk of further violent or sexual re-offending). If you fall into this category, you will be known as an '**automatic** lifer' and treated in a similar way to a '**discretionary** lifer'.

**What if I am
under 21?**

If you are under 21, there are several different types of life sentence, depending on the offence you have committed.

Detention during Her Majesty's pleasure - this is known as '**HMP**' and is the **mandatory** sentence if you were under 18 when you committed murder. Consideration for release is dealt with in a similar way to **discretionary** cases.

Custody for life - this is the **mandatory** sentence if you were under 21 when you were convicted of murder, but you committed the murder between the ages of 18 and 21.

Detention for life - this is the **discretionary** life sentence for a serious offence other than murder if you committed the offence when you were under 18.

Custody for life - this is the **discretionary** life sentence if you were convicted for an offence (other than murder) when you were under 21, but you committed the offence between the ages of 18 and 21.

If you are a young lifer in prison, you will generally stay in a young offender institution until you reach 21 when you will be transferred to the adult system.

How long is a life sentence?

All life sentences are indeterminate. This means that you will stay in prison until you are considered safe to be released. However, there are a small number of lifers who have been told that, because of the particularly dreadful nature of their crimes, they will stay in prison for the whole of their lives.

The main factors which will decide how long you spend in prison are:

- the length of your tariff (see next section);
- whether you have been able to deal with any behavioural problems; and

- whether you are considered to be a risk to the public. This is the most important factor.

Of those released, the average length of time served in prison on a life sentence is between 14 and 15 years. But some people serve less than this and some serve much longer.

If you are released you will be subject to a ‘licence’ which lasts for the rest of your life. We explain this in more detail later in this book.

What is a ‘tariff’?

The tariff is the part of your life sentence that you must serve in prison as punishment for the offence you committed and as a general deterrent to others. Only in very exceptional circumstances would you be considered for release before you had served your tariff period.

If you are a **mandatory** lifer your tariff is set by a Home Office Minister. Normally, within about four months of being sentenced you will be told how long the trial judge and the Lord Chief Justice think your tariff should be. You will then have the chance to make your own representations about what you think your tariff should be, and why. You may take legal or other advice about this. The Minister will then set your tariff taking account of the views of the judges and any comments you have made.

The Minister does not have to agree with the judges’ views and may set a higher or lower tariff than they recommended. You will be given an explanation in writing if you receive a higher tariff.

The question of whether it should be for the Home Secretary or the Courts to set mandatory lifer tariffs is being challenged under the Human Rights Act.

If you are a **discretionary** lifer, the trial judge will have set your tariff in court. (You may hear your tariff referred to as the ‘relevant part of sentence’.)

If you are an **HMP** detainee and have been sentenced since 30 November 2000, your tariff will have been set in court by the judge. The tariffs of those sentenced before that date are in the process of being re-set in line with the view of the Lord Chief Justice.

Where will I serve my sentence?

There are almost 80 prisons which hold lifers. Where you will serve your sentence depends on how old you are, whether you are male or female, and how much of a risk you are considered to be. Prisons for adult men are graded by security category:

- dispersal prisons (for the highest risk prisoners)
- category B
- category C
- category D (open prisons)

For young offenders and women, prisons are classified as either ‘open’ or ‘closed’. All lifers are given the security category of the prison in which they are held.

If you are male and over 21 when you are convicted, you will go first to a local prison until you are sent to a **First Stage** lifer prison. At present these are:

- Brixton
- Frankland
- Full Sutton
- Gartree
- Liverpool
- Long Lartin
- Swaleside
- Wakefield
- Whitemoor
- Wormwood Scrubs

If you are a category A prisoner, you will be sent to a dispersal prison (Frankland, Full Sutton, Long Lartin, Wakefield or Whitemoor). Other lifers who are not category A may also be allocated to dispersal prisons. The period spent in the First Stage prison will give you time to come to terms with your life sentence, and allow you to be assessed before you move on. The next move will depend upon various factors including your security category, the length of your tariff, and your behaviour in prison.

Under current arrangements, if you are a young man aged 17 to 21, you will usually go to Aylesbury, Castington, Swinfen Hall, Moorland or Hollesley Bay Young Offender Institution (YOI).

Young men and women ‘HMPs’ are usually sent to a YOI, but some are sent to a local authority community home first.

If you are sentenced to custody for life, you will go to a YOI or a youth treatment centre run by the Department of Health.

If you are a woman lifer, for the first part of your sentence you will go either to:

- Durham, if your home is in the north of the country or if you need a higher level of security, or
- Bullwood Hall, if you are from the south or you are a young offender.

If you have medical problems, you may be sent to Holloway for the first stage of your sentence. The first stage will last two to three years at which point you may be transferred to another lifer prison for the next part of your sentence.

How will my sentence be managed?

You will have a **life sentence plan** (LSP) which includes details of any offending behaviour which you need to work on (for example drug, alcohol, temper control or sexual problems) and details of how that behaviour will be treated in prison. A new, improved version of the LSP is being introduced from 2001. The LSP will also contain the annual reviews of your progress, reports from staff and a summary of the action that is planned for the next 12 months. The plan is updated each year and you

will be allowed to see it, and make comments on it.

Will my victims or their relatives have information about me?

Yes. The interests of victims and victims’ families are covered by the Victim’s Charter. Your **supervising probation officer** (sometimes known as home probation officer) has a statutory duty to notify and consult victims and their families about release arrangements for lifers. The Victim’s Charter and the Probation Service’s national standards require the supervising probation officer to make face-to-face contact with the victim or the victim’s family within two months of your sentence. The probation officer will find out whether your victim or their family want to know about your tariff, when you may be moved to an open prison or released from prison. Your victim or their family also have the choice to be contacted and give their views at other times, for example if you are about to be reviewed by the Parole Board, go on an **‘escorted absence’** or be released on temporary licence.

This contact is so that the victim or victim’s family can keep track of your progress and know when you might be out in the community. It also allows them to say whether they have any worries about you being released, so that these can be taken into account when considering whether any conditions should be attached to your release licence.

How will my progress be assessed?

Every year, prison staff who know you will assess your progress and update your LSP. Those making the assessment may include the lifer

manager, your wing manager and personal officer, the probation officer, psychologist, education officer and, if appropriate, the chaplain and medical staff. The updated LSP will be sent to the Lifer Unit at Prison Service Headquarters where it will be carefully considered. Where good progress has been made on offending behaviour problems and there is evidence that the risk you present to the public has been reduced, Lifer Unit will call for reports from the prison and consider whether the time is right for a move to a **Second Stage** prison. If you are a man, this could be a category B training prison, or, if your tariff is short, a category C prison. Most male lifers spend time in both category B and category C prisons.

The Prison Service may move you to a **Third Stage** open prison only if the Parole Board and the Minister agree that you are ready.

What do I have to do to prepare for release?

The first thing to do to prepare for your release is to work on any areas of concern which contributed to the offence or offences which you were convicted of (known as the '**index offence**'). Prison staff will expect you to work with them to see what these areas are when they are preparing your LSP. This may involve you taking part in offending behaviour programmes such as the Sex Offender Treatment Programme, or you may have to have drug or alcohol counselling. Working on the areas of concern should help to reduce the risk you present to the public. Risk is the most important factor taken into account when

considering whether you are safe to be released or moved to an open prison.

The way you behave in prison plays an important part in decisions about your progress. You need to show that you are likely to be able to steer clear of trouble on the outside.

When will I have the chance to spend time out of prison?

If you are in Second Stage category C conditions, there are only four years left on your tariff and you are due to have your case reviewed by the Parole Board within 12 months, the prison may consider you for visits with a prison officer to a local town. These are known as '**escorted absences**'. You will only be allowed on these if you have passed a thorough risk assessment. These visits give you the chance to have contact with the local community, and allow the prison staff to test your behaviour, trustworthiness and motivation. They also help the prison to assess your suitability for open prison.

What if I say I am innocent?

You can appeal against your conviction. You will find details of how to do that in another book, the *Prisoners' Information Book for male prisoners and young offenders* or the *Prisoners' Information Book for women prisoners and female young offenders*.

However, prison staff must accept the verdict of the court, even if you say that you did not commit the offence for which you are in prison. They need to be sure that areas of concern and offending behaviour are identified and that you work on them.

Whether or not you are eventually released will depend on an assessment of the risk you might pose in the future, rather than whether or not you have accepted the court's verdict.

What is the purpose of open prison?

Most lifers spend around two years in an open prison before being considered for release. This is so the prison can test and assess you in conditions which are as close as possible to those in the outside world. Staff will make an assessment of whether you are safe to be released and whether you will be able to cope with life outside. Open prison should prepare you for getting back into the community, and as part of this process you will be allowed some contact with the local community when judged appropriate.

Open prison often comes as a shock to lifers because the regime is far less structured than a closed prison. Staff in category C prisons should provide you with information about life in open prison before you go, and you may be able to visit an open prison to see what it is like.

After a settling-in period in open conditions you may be allowed temporary release if you are assessed as being a safe risk and if you meet the relevant criteria.

The Third Stage prisons which take male lifers who are suitable for open conditions are:

- Blantyre House in Kent
- Ford in West Sussex

- Hollesley Bay in Suffolk
- Kirkham in Lancashire
- Kirklevington Grange in Cleveland
- Latchmere House near Richmond, Surrey
- Leyhill in Gloucestershire
- North Sea Camp in Lincolnshire
- Spring Hill in Buckinghamshire
- Stanford Hill in Kent
- Sudbury in Derbyshire
- Wealstun in West Yorkshire

There are three prisons for women which take those suitable for open conditions:

- Askham Grange near York
- Drake Hall in Staffordshire
- East Sutton Park near Maidstone

Some lifers are sent to a resettlement prison for further preparation for release and a final period of testing and assessment. You may have to stay there for six to nine months during which time you will be expected to find work outside the prison.

How can my probation officer help me prepare for release?

The relationship with your supervising probation officer is a very important one. He or she will try to visit you in prison, attend annual reviews, write reports and help you sort out a satisfactory release plan covering such things as where you are going to live after you have been released and what work, education or training you will be doing.

Your supervising probation officer will work closely with the prison probation officer and other staff at the prison. Together they will do

their best to help you settle back into the community.

What is the Parole Board and what will it do in my case?

The Parole Board is an independent body which advises the Home Secretary on a number of matters including whether you are suitable to be moved to open conditions and whether you should be released if you are a mandatory lifer.

In discretionary, HMP and automatic lifer cases, the Board takes the decision whether or not to release you. Although you are very unlikely to be released before the end of your tariff, the first steps towards possible release are actually taken about three years before the end of your tariff when reports are prepared for the first review of your case by the Board.

What is the purpose of Parole Board reviews?

How do they work?

The Lifer Unit at Prison Service Headquarters manages Parole Board reviews. The main purpose of the first review (except for automatic lifers with a short tariff) is to consider whether you are ready to move to an open prison as a step towards possible release after your tariff ends. The Board considers a dossier of papers prepared by prison staff (which you will have seen) and makes a recommendation. A member of the Parole Board will have interviewed you and written a report to include in the dossier. The purpose of this report is for you to put forward any points which you want the Board to take into account. You may also make any other written representations which you think will help the Board to reach a conclusion. If the Board recommend a move to an open prison a Home Office Minister must agree before you can move.

Further reviews are carried out about every two years. The Board needs to be satisfied that the risk in your case has been reduced enough to allow you to be released on life licence. If you are a **mandatory** lifer, the Home Secretary will consider the Board's recommendation and take the decision on this after consulting the Lord Chief Justice and the trial judge, if he or she is available.

Is the procedure the same for all lifers?

The procedure is not quite the same. If you are a **discretionary, HMP** or **automatic** lifer, your first review - generally three years before your tariff ends - will be as described above. However, if you have a short tariff (three years or less) the first review will be at an oral hearing by a panel of the Parole Board (as described in the following paragraphs) at the end of the tariff period. If the panel consider that your risk of re-offending has reduced to an acceptable level, they have the power to direct your release without you spending time in an open prison.

For the second review, which generally takes place on or shortly after your tariff ends (and any reviews after that) a Discretionary Lifer Panel of the Parole Board (known as a '**DLP**') will consider your case. Similar panels consider HMP and automatic lifer reviews.

The main difference between DLPs (including panels for HMP and automatic lifers) and panels considering mandatory cases is that the DLP considers cases at an oral hearing which is rather like a court hearing but much less formal.

The DLP (and panels for HMP and automatic lifers) is made up of three members of the Parole Board:

- a judge
- a psychiatrist and
- a third member who may be a probation officer, a criminologist or an independent member

You have the right to attend the hearing and be represented by a lawyer or a friend (but not one who is a serving prisoner, a prisoner on licence, a person liable to be detained under the Mental Health Act 1983, or a person with an ‘unspent conviction’ for an imprisonable offence). You may call and question witnesses, and present your own evidence. If the DLP decides that it is no longer necessary, for the protection of the public, for you to stay in prison, they may *direct* the Home Secretary to release you and he must do this. If the DLP does not direct your release, they might recommend that you move to an open prison or have the next review earlier than the normal two year interval. But the Home Secretary does not have to follow these recommendations.

How long do these reviews take?
When will I be told the outcome?

A **mandatory** lifer review takes about seven months from beginning to end (including consulting Ministers when open prison or release has been recommended and the trial judge and Lord Chief Justice in release cases). New arrangements are being introduced to speed the process up.

If you are a **discretionary, HMP or automatic** lifer your first review before tariff expiry (which you do not attend) takes about seven months. Your next reviews, involving oral hearings, take just over six months. If you have had an oral hearing, the panel will give you the decision in writing within seven working days of it taking place.

In other cases you will be told the outcome of the review as soon as possible. However, it is important to remember that both the Parole Board and Ministers have to consider the safety of the public and you will not be released unless they are satisfied that you are no longer a risk.

What if I am not released?

If the Parole Board or the Home Secretary decide you are not suitable for release, you will be told when your case will next be reviewed. This is known as a ‘knockback’. Even if this happens, you may still be moved to a lower security prison.

What happens if I am released?

If you are released, you will be released on a **life licence** which will stay in force for the rest of your life. In the early years your licence will contain conditions which will include supervision by a probation officer. This involves keeping appointments at the probation office, allowing your probation officer to visit you at home, and not taking any job or moving to a new address without telling him or her first. You will also have to ask for permission before you travel abroad.

Life licences often have other conditions added to them, such as where you may or may not live

or travel, not contacting certain people or not taking particular types of job. You may also be required to have treatment in the community with a doctor or other specialist. The licence can be restricting at first and it may take some time to get used to the conditions. Your probation officer should help you settle back into the outside world and give you support.

Do the licence conditions last forever?

The level of supervision and the duration of conditions depend on your progress and behaviour in the community. Your probation officer sends regular reports on your progress to the Lifer Unit so that they can monitor the risk you present to the public.

Eventually, if the Probation Service and the Parole Board think that you no longer need to be regularly supervised, they may recommend the cancellation of the conditions of your licence. Depending on your behaviour and progress, this could happen as soon as four or five years after you are released (or after about ten years if you were convicted of a sex offence). Although you would no longer have to keep in touch with your probation officer, you would still be on licence and, if you got into trouble, your licence could be revoked (cancelled) and you could be sent back to prison to continue serving your life sentence.

Under what circumstances might a licence be ‘revoked’?

Your licence may be revoked if your behaviour shows that you are no longer safe to stay in the community. This might be because you have been charged with an imprisonable offence, or

behaved in a way similar to that which led to you committing the original offence.

Going back to prison is obviously a very serious matter and the Parole Board is involved in all cases and makes the final decision. (In **discretionary**, **HMP** and **automatic** lifer cases, a hearing is held, similar to the one which led to your release.) Before the Board considers a case, you will be informed in writing why you are being sent back to prison, and have the chance to make representations. If you are not re-released, the Board will recommend a date for another review.

Where can I get more information?

You will have a lifer manager at your prison who deals with all lifer matters and will be able to help you with any questions. You could also ask to see your personal officer or the prison probation officer.

You can also get more detailed information from *The Prisons Handbook 2001*, published by Waterside Press.

Explanation of terms

Automatic lifer - a person sentenced to life under section 109 of the Powers of Criminal Courts (Sentencing) Act 2000* for a second serious sexual or violent offence committed on or after 1 October 1997 by a person aged 18 or over.

* previously section 2 of the Crime (Sentences) Act 1997.

Discretionary life sentence - a life sentence which the court decides to give you for a serious offence (other than murder). In other words it is not a ‘mandatory’ sentence.

Discretionary Lifer Panel (DLP) - the panel of the Parole Board which carries out hearings for discretionary lifers.

Escorted absences - subject to certain conditions, lifers in category C prisons can undertake familiarisation visits to a local town supervised by a prison officer.

First Stage prison - prisons that specialise in assessing new lifers and preparing the life sentence plan (LSP).

HMPs - young offenders sentenced to life for murder, who were under the age of 18 at the time of the offence, are detained ‘during Her Majesty’s pleasure’.

Indeterminate - life sentences are described as indeterminate because there is no fixed time set for you to stay in prison.

Index offence - the offence or offences which you were convicted of and for which your life sentence was imposed.

Licence - the statutory document which authorises your release and contains the conditions governing your behaviour, such as being supervised by your probation officer.

Lifer - the term commonly used by staff and prisoners to describe prisoners sentenced to life.

Lifer Unit - the part of Prison Service Headquarters, based at Abell House, London, which deals with the management and review of all lifer cases.

Life sentence - the sentence given by the court which lasts for life but may include part spent in custody and the rest in the community on licence.

Life Sentence Plan (LSP) - prepared at the First Stage prison and giving an outline of areas of concern and your expected progress throughout your sentence. It is updated each year to record the progress you have made.

Mandatory life sentence - the sentence which the court has to give you for a conviction of murder (the court cannot decide to give you another sentence).

Parole Board - the independent body which advises the Home Secretary on the early release

or recall of prisoners. For lifers, it makes recommendations on transfers to open prison in all cases, decides on when to release discretionary, automatic and HMP lifers, and gives advice on when to release mandatory lifers.

Review date - the date set for formal Parole Board reviews of your case. The first review generally begins around three years before the end of your tariff.

Second Stage prison - prisons that take lifers for the main part of their sentence. Usually category B or category C prisons.

Sentence Planning and Review Board - an assessment conducted locally at the prison.

Supervising probation officer - the probation officer from your home area or the area appointed to oversee your case, before and after release.

Tariff - the punishment and deterrence part of the life sentence.

Third Stage prison - open prisons that take lifers.

YOIs - young offender institutions.