

Parole in England and Wales

British Reform Package: Major Changes in Sentencing and Parole On February 6, 1990, a series of major proposals to reform the British criminal sentencing and parole system were presented to Parliament in a Government White Paper entitled "Crime, Justice and Protecting the Public."

The aim of the government's proposals is "better justice through a more consistent approach to sentencing, so that convicted criminals get their 'just deserts.'" The ultimate objective is to reduce crime, especially among young people. Preeminent among the proposals are:

- a coherent legislative framework for sentencing, with the severity of punishment matching the seriousness of the crime and a sharper distinction in the way the courts deal with violent and non-violent criminals;
- new powers for the Crown Courts to impose longer sentences for persistent violent and sexual offences, if this is necessary to protect the public from serious harm;
- new powers for courts to impose non-carceral sanctions, including curfew orders supported by electronic monitoring, so that more offenders convicted of property crimes can be punished in the community;
- reductions in the maximum penalties for theft and burglary, except burglary of homes; and
- measures to bring the time actually served in prison closer to the length of the sentence ordered by the court, replacing the present system of remission and parole with new arrangements to ensure that all prisoners serve at least one half of their sentences in custody.

The government is proposing legislation to establish new arrangements for supervised early release, based on the Carlisle Committee recommendations. The 1988 report of the committee, chaired by the Right Honourable The Lord Carlisle of Bucklow, QC, pointed out that the current system creates an unacceptable disparity between the sentences imposed and how much time is spent in custody.

Under the parole system implemented in England and Wales in 1968, prisoners serving sentences of at least 12 months became eligible for parole after serving one third of their sentence, or 12 months, whichever was longer. This was in addition to the long-standing arrangements for remission of one third of the sentence, subject to good behaviour. Measures taken by the government over the past decade to respond to the problem of overcrowding in prisons have reduced the minimum qualifying period for parole to six months and increased the period of remission to 50% for those serving sentences of one year or less. Public dissatisfaction with the parole system, as well as a general concern about the incidence of serious crime, prompted the establishment of the Carlisle Committee in 1987 to review the future of the arrangements for parole and remission.

The proposed changes will mean that many offenders who receive prison sentences will now spend a longer time in prison. Remission will be abolished and only offenders serving sentences of four years or more will be subject to discretionary release to parole.

Prisoners serving sentences of four years or more will be eligible for parole after serving one half of their

sentence. If they are not granted parole, they will be released by law to supervision after serving two thirds of their sentence. Prisoners serving sentences of less than four years will be released by law under supervision once they have served 50% of their sentence in custody. Additional days in prison could be ordered for misconduct, effectively replacing the present sanction of loss of remission.

All offenders sentenced to one year or more will be supervised on release until three quarters of their sentence has passed, and will remain at risk of being returned to prison if they re-offend prior to sentence expiry.

The cost implications of the proposals are largely increased expenditure by the probation service and the voluntary sector to provide more punishment in the community, and reduced expenditure on the prison service. The proposals should result in a significant reduction in the number of offenders in custody, although there could be a small increase in the prison population from longer sentences for offenders convicted of violent and sexual offences. Although the proposed changes in the arrangements for parole could lead to an increase in the prison population if released prisoners are returned with new convictions to be served consecutively with the original sentence, it is anticipated that this will be offset by a reduction in sentences handed down, because of the greater time most offenders will spend in custody.

The initial response to the proposals by Members of Parliament, the legal community and penal reform groups has been generally favourable. A legislative package is expected to be introduced either late this fall or early in the spring of 1991.

The above information was adapted by Alan Sierolawski, Policy, Planning and International Development Division, from the White Paper *Crime Justice and Protecting the Public*, presented to Parliament in February 1990, and the Reports of the Review Committee, chaired by the Right Honourable The Lord Carlisle of Bucklow, QC, entitled *The Parole System in England and Wales*.