



Ministry
of Justice

Offender Management Statistics: Definitions and Measurements

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Definitions

1. Prison

a) Types of prison reception

There are five categories of prison receptions:

Untried – those awaiting commencement or continuation of trial prior to verdict.

Convicted unsentenced – those awaiting sentence.

(Prisoners received as untried or convicted unsentenced are counted as remand receptions).

Sentenced – those held in custody as a result of receiving a sentence in a criminal court. Persons committed in default of payment of a fine are normally included in this group. NB. **Immediate custodial sentenced** numbers do not include fine defaulters.

Fine defaulters - persons committed in default of payment of a fine.

Non-criminal - held for civil offences.

First receptions provide an indication of the number of new prisoners in a time period. A person received into prison to serve a sentence may previously have been received on remand after conviction prior to sentence and before that as a remand prisoner awaiting trial. First receptions will count that prisoner only once in the relevant time period in which they were first received.

b) Prisoner characteristics

Age group

In statistics of prison receptions, adults are those aged 21 and over at the date of sentence, young adults are those aged 18 to 20.

In prison population tables, adults include those aged 21 and over at the date of sentence and those sentenced to detention in a young offender institution that have had their sentence converted to adult imprisonment. Young adults are prisoners aged 18 to 20, but also include those aged 21 who were aged 20 or under at conviction who have not been reclassified as part of the adult population.

The term young offender refers to young adults and those aged under 18.

Nationality - The nationality data are obtained from self reports of prisoners: this information is not checked by prison establishments before being entered on Prison-NOMIS (Prison National Offender Management Information System).

Length of sentence - When a person is received under sentence for two or more sentences which have been passed at the same time and ordered to run consecutively, they are treated as one sentence equal in length to the sentences added together. In the case of concurrent sentences, the longest sentence is recorded. When a person is received to serve a period of imprisonment composed of a sentence for a criminal

offence and a consecutive period of imprisonment in connection with a non-criminal matter, the total period of imprisonment is recorded against the criminal offence.

c) Indeterminate sentences

Life sentence – a sentence which is wholly indeterminate. Parole Board may grant release on licence once minimum period imposed to meet the requirements of retribution and deterrence has been served. If released, the licence continues indefinitely and offenders are liable to recall. Life sentence prisoners are released under the terms of the Crime (Sentences) Act 1997.

Mandatory life sentence - adult sentence for murder.

Discretionary life sentence - adult sentence for serious offences other than murder (e.g. manslaughter, arson, rape, causing an explosion).

Automatic life sentence - sentence for offenders of 18 years or over convicted of second serious violent or sexual offence. Replaced in April 2005 by the indeterminate sentence of imprisonment for public protection (IPP).

Custody for life - mandatory sentence for offenders convicted of murder aged 18 or over and under 21 at the time of the offence and sentenced while under 21. Also a discretionary sentence for those in this age group convicted of other offences for which a maximum sentence of life imprisonment can be passed on an adult.

Detention during Her Majesty's pleasure - the only sentence available to the courts for a person convicted of murder who was aged over 10 but under 18 at the time of the offence.

Detention for life - equivalent to a discretionary life sentence for offenders aged over 10 but under 18 convicted of offences other than murder, for which a life sentence may be passed on an adult.

Indeterminate sentence of imprisonment for public protection (IPP) - applies to offenders convicted of a specified sexual or violent offence carrying a maximum penalty of 10 years' imprisonment or more (called "serious specified offences") and who are considered by the courts to be dangerous. Applies to adults and young adults. Prisoners serving an IPP sentence will not be released from prison until the Parole Board determines it is safe to do so.

Detention for Public Protection (DPP) – equivalent to an IPP but for under 18s.

d) Types of sentence and release provisions

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 contains provisions which have consolidated and simplified the previous legislation governing the release and recall of prisoners. These changes came into force on 3 December 2012.

The table below sets out the position as it applied to sentences prior to 3 December 2012.

In essence, the LASPO Act has since brought all the previous release provisions together within the Criminal Justice Act 2003, subject to a few modifications. In other words, since 3 December 2012, all releases are governed by provisions now contained in the 2003 Act.

The release arrangements for prisoners previously subject to the provisions of the CJA 1991 have been preserved for those already serving such sentences, but for anyone sentenced after 3 December, the 2003 Act arrangements now apply regardless of the length of sentence or date of offence.

Provision for the release of those serving less than 12 months is now contained in the 2003 Act, although in practice the arrangements are the same as before – that is, unconditional release (no licence) at the half-way point in the sentence.

Another change to note is that, from 3 December 2012, there are no longer any ‘at risk’ periods attached to any sentence. That is, the power for the courts to add all or part of the outstanding part of a sentence to any new sentence for an offence committed before the expiry of a 1991 Act sentence has been fully repealed and therefore no longer available.

Prior to the LASPO Act changes, releases from prison (and the data relating to them) were generally governed by provisions contained in four main statutes: the Criminal Justice Act 2003 (CJA03), Criminal Justice and Immigration Act (2008), Crime (Sentences) Act 1997 (indeterminate sentences), and Criminal Justice Act 1991 (CJA91).

RELEASE PROVISIONS FOR DETERMINATE SENTENCES (Prior to the LASPO Act 2012)		
CRIMINAL JUSTICE ACT 2003 (For offences committed after 4 April 2005)		
Sentence	Statutory release point	Discretionary release point
Standard determinate sentence of 12 months or more	Automatic conditional release (ACR) at the halfway point of sentence, on licence until sentence expiry.	Eligible to be considered for release on Home Detention Curfew (HDC) up to 4½ months before the half-way point (at Governor’s discretion). Sentences of 4 years or more ‘presumed unsuitable’ for HDC .
Extended sentence for public protection (EPP) imposed on or after 14 July 2008	Automatic conditional release (ACR) at the halfway point of the custodial period of the sentence, on licence for the remainder of the custodial part plus the extension period (sentence expiry).	No discretionary release.
Extended sentence for public	Conditional release at the	Eligible to be considered

protection (EPP) imposed before 14 July 2008	end of the custodial period of the sentence, on licence until the end of the extension period (sentence expiry).	for release on parole from the halfway point of the custodial period (so, discretionary release by the Parole Board is between the half-way and end point of the custodial part of the extended sentence).
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CRIMINAL JUSTICE ACT 1991 (For offences committed before 4 April 2005 and sentences of less than 12 months)		
Sentence	Statutory release point	Discretionary release point
Short term sentences of less than 12 months. (Remains subject to the 1991 Act release provisions, regardless of date of offence, as provision for less than 12 month sentences in 2003 Act not implemented).	Automatic unconditional release (AUC) at the half-way point of sentence. No licence period, but 'at risk' of return to prison if further offence committed before sentence expiry.	On sentences of 3 months or more, eligible to be considered for release on HDC up to 3 months before half-way point, by prison Governor.
Short term sentences – 12 months or more but less than 4 years	Automatic conditional release (ACR) at the halfway point of sentence, on licence until the $\frac{3}{4}$ point and 'at risk' for final quarter.	On sentences of 3 months or more eligible to be considered for release on HDC up to 4½ months earlier than the half-way point.
Long term sentences – 4 years or more for schedule 15 offences (specified sexual or violent offences)	Conditional release at the two thirds point of the sentence, on licence until the $\frac{3}{4}$ point and 'at risk' for final quarter.	Eligible to be considered for release on parole from the halfway point of the sentence (so, discretionary release by the Parole Board between the half-way and two-thirds point).
Long term sentences – 4 years or more for non schedule 15 offences (specified sexual or violent offences)	Automatic conditional release (ACR) at the half-way point of sentence, on licence until sentence expiry. (‘Converted’ by the CJIA 2008 to the 2003 Act release arrangements.)	No discretionary release. (Sentences of 4 years or more under 1991 Act statutorily excluded from HDC).
Extended sentences with a	Conditional release at the	No discretionary release

custodial period of less than 4 years	halfway point of the custodial part of sentence. Licence then runs until the $\frac{3}{4}$ point plus the extension period. Final quarter of custodial period served after extension period, when 'at risk'.	
Extended sentences with a custodial period of 4 years or more	Conditional release at the two thirds point of the custodial part of the sentence. Licence runs until the $\frac{3}{4}$ point plus the extension period. Final quarter of custodial period served after extension period during which prisoner 'at risk'.	Eligible to be considered for release on parole from the halfway point of the custodial part of sentence (so, discretionary release by the Parole Board between the half-way and two-thirds point of custodial term).

Home Detention Curfew (HDC) - was implemented on 28 January 1999. This involves some prisoners serving sentences between 3 months and less than 4 years spending up to the last 4½ months (135 days) of the custodial part of their sentence on an electronically monitored curfew (subject to meeting the eligibility requirements and passing a risk assessment – and also subject to serving a minimum of one quarter of the sentence in custody).

The LASPO Act has consolidated the previous HDC provisions which were contained in both the CJA 1991 (dealing with HDC for those whose offences were committed before 4 April 2005 and those serving less than 12 months) and the CJA 2003 (dealing with HDC for sentences being served for offences committed on or after 4 April 2005). Since 3 December 2012, all HDC releases are now governed by the consolidated HDC provisions in the amended 2003 Act. These are essentially the same as before, the main changes being that some offenders who were 'presumed unsuitable' for HDC under the 2003 Act scheme are now statutorily excluded – such as those serving sentences of 4 years or more.

e) Licence recalls and returns to custody

Offenders serving a sentence of 12 months and over are released from prison, in most cases automatically at the half way point of their sentence (see release provisions table in release section), under licensed supervision to the Probation Service. They are subject to a set of standard licence conditions, requiring them to report regularly to the Probation Service, live at an address approved by the Probation Service and to be of good behaviour.

Offenders released on licence are subject to recall to prison immediately by Public Protection Casework Section if the supervising probation trust reports the offender as having breached the conditions of their licence.

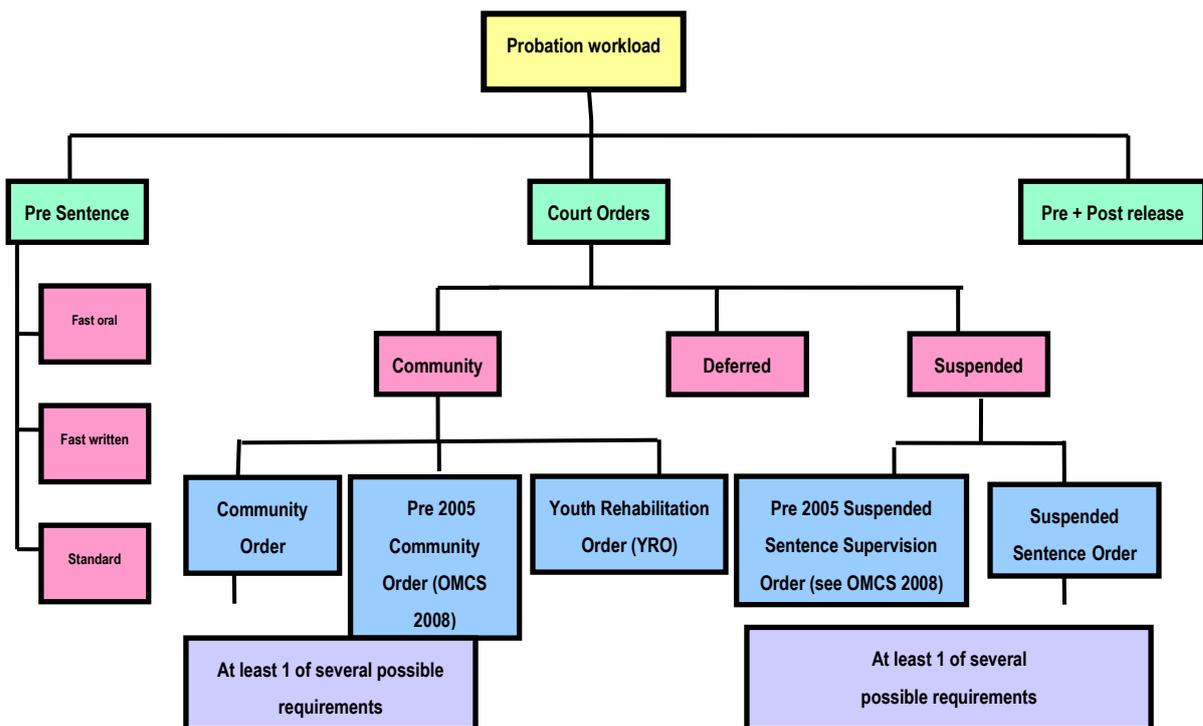
Returned to custody - the figures for those returned to custody include people who have died or been deported by the UK Borders Agency as prior to 2007 this information was not collected separately. The information held centrally records whether or not recalled offenders are still wanted for return to custody but for those offenders no longer wanted for return to custody, information is not held on whether the recall was completed by actual return to custody or because the offender died or was deported.

Not returned to custody - this includes those offenders believed to be dead or living outside of the UK but who have not been confirmed as dead or deported.

Fixed Term Recall (FTR) – introduced in July 2008, these apply to offenders who are serving a determinate sentence for offences which are neither violent nor of a sexual nature (as set out in Schedule 15 of the CJA03) and who have been assessed as not presenting a risk of serious harm to the public. If recalled, this is for a fixed period of up to 28 days, after which point the offender will be re-released on licence.

2. Probation

Since the 1 June 2014, Probation Trusts have been replaced by the National Probation Service (NPS), which manages the most high-risk offenders across seven divisions; and 21 new Community Rehabilitation Companies (CRCs), that manage medium and low-risk offenders. They generally deal with those aged 18 years and over. (Those under 18 are mostly dealt with by Youth Offending Teams, answering to the Youth Justice Board.) They are responsible for supervising offenders who are given community sentences and Suspended Sentence Orders by the courts, as well as offenders given custodial sentences, both pre and post their release.



a) Court orders

The term court orders used in the text includes all the 'orders' listed. It does not include any pre or post release supervision.

LASPO 2012 court orders:

Suspended Sentence Order (SSO) without requirements attached - offenders sentenced to SSOs without requirements attached are not supervised by the Probation

Service: there are no requirements for the offender to meet, other than to not commit a further offence.

CJIA 2008 court orders:

Youth Rehabilitation Order (YRO) – implemented in November 2009. The YRO combines a number of existing sentences into one generic community sentence for young offenders.

CJA 2003 and ORA 2014 court orders:

Community Order - replaced all pre-CJA community sentences for adults. Under this order, a number of possible requirements must be added, such as supervision, unpaid work and drug treatment.

Suspended Sentence Order (SSO) with requirements attached - this new Order was introduced for offences which pass the custody threshold. One or more of the same set of possible requirements must be added to this order. Time periods associated with SSOs:

operational period - the total time for the custodial sentence to be suspended (i.e. the offender is at risk of being sent to custody). This can be from 6 months up to 2 years

supervision period - the total time that the offender is supervised by the probation service (from 6 months to 2 years, can be shorter than the operational period but not longer)

suspended custodial sentence length - the custodial sentence length to be served if the offender breaches the SSO – up to a max of 12 months.

Community orders and SSOs made under the ORA 2014, for offences committed after 1 February 2015, cannot have supervision of specified activity requirements added, but can have the new rehabilitation activity requirement added.

Community Sentences - refers to all court orders except Suspended Sentence Orders and Deferred Sentences, which may have a custodial component to the sentence.

Supervision Tier - indicates the level of risk of serious harm and likelihood of reoffending presented by the individual, combined with the complexity of the sentence requirements, with tier 1 being the lowest and tier 4 the highest.

Termination - a period of supervision (e.g. a Community Order) which comes to an end because the order has been completed successfully, because the order has been breached and terminated early for negative reasons (such as failing to comply with its requirements) or because of some other neutral reason, such as the order being quashed by the court or because the offender has died.

Pre-release supervision - home supervising officers along with probation staff in prisons work jointly with prison staff on sentence planning and management, including consideration of post-release issues.

Post-release supervision - all prisoners given a custodial sentence serve a proportion of their sentence in custody and are then released on licence. They are supervised on probation before and after release from custody.

b) Pre-sentence reports

Reports by Probation Service staff providing information on offender and offence(s) committed to assist sentencing. Include a full risk assessment taking into account risk of harm to others, the causes of offending, likelihood of re-offending and a recommendation for the most appropriate sentence.

Fast Delivery Oral Pre-Sentence Reports – An oral report is usually completed within 24 hours of conviction due to a limited amount of information required by the sentencing court. Reports are completed by probation trust staff to help the sentencing court determine the offender's suitability for sentence envisaged by court, helping to avoid delays.

Fast Delivery Written Pre-Sentence Reports - A 'fast-delivery' (expedited) report can be completed on the day of sentence by Probation Court Officers. This type of report will only be suitable where the cases are of 'low seriousness' or even 'medium seriousness' and where the court indicates that a community sentence is being considered.

This report may also be suitable where the Court is considering custody. These reports will be prepared by a Probation Officer and may include a full assessment of the offender using the Offender Assessment System (OASys), an electronic risk assessment system used by both the Prison and Probation Services.

Standard Delivery (Adjourned) reports - A standard delivery (adjourned) PSR is based on a full OASys assessment and is suitable for 'medium' and 'high' seriousness cases when the court has indicated that a possible community sentence or where a custodial sentence is being considered.

The Sentencing Process - The Criminal Justice Act 2003 put into place measures to streamline the system of preparation of Pre-Sentence Reports.

Under the Act the court must assess, in a structured way, the 'seriousness' of the offence (high, medium or low) and pass the assessment and the reasons for the assessment on to the Probation Service. An indication of the purpose of the proposed sentence (e.g. punishment, rehabilitation, reparation etc.) should also be given. This will assist the report writer in the preparation of the report and the report will focus on specific sentencing options, which should be clearly stated at the time the report is requested.

Data sources and quality

The data presented in this publication are drawn from administrative IT systems. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown in the tables. Where figures in the tables have been rounded to the nearest whole number, the rounded components do not always add to the totals, which are calculated and rounded independently.

Rounding conventions

Where figures in the tables have been rounded to the nearest whole number, the rounded components do not always add to the totals, which are calculated and rounded independently.

Symbols used

- .. not available
- 0 nil or less than half the final digit shown
- not applicable
- * one or both comparison figures less than 50

1. Prison data - estimation methodology for 2009 and 2010

In May 2009, the National Offender Management Service began the roll-out of a new case management system for prisons (Prison-NOMIS). During the phased roll-out, data collection issues emerged that affected the supply of data for statistical purposes from July 2009 to February 2010. Specifically, statistical information on sentence length and offence group are not available on any of our prison datasets for this period. The problems were successfully resolved in March 2010.

For the 2009 publication, this affected prison receptions, population, releases and adjudications (chapters 6-9), and will similarly affect all subsequent publications which include annual or quarterly data for the period July 2009 to February 2010. For a full description of the tables and data sources affected please see Appendix B of Offender Management Caseload Statistics 2009¹. A brief overview of the estimation methodology is below.

a) Estimation procedures for the annual 2009 data

In order to maintain an annual time series of data, and as announced in the statistical notice on the Ministry of Justice website on 26 March 2010, wherever possible the missing figures were estimated for the second half of 2009. A number of estimation methods were considered, and each tested on the 2008 data (prior to the data problems, hence we had a full year of data) to see which yielded estimates closest to the actual 2008 data. This identified the following method:

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/163023/omcs-2009-complete-210710a.pdf

1. Calculate data for the first half of the year as a proportion of the full calendar year, for each year from 2001 to 2008; separately for each sentence length band or offence group (the 2 key breakdowns to be estimated).
2. Apply the average of these proportions to the Jan-Jun 2009 data to estimate the 2009 annual totals; separately for each sentence length band/offence group.
3. Scale the estimated numbers in each sentence length band or offence group to sum to the annual total recorded in the raw data (where the totals are known to be correct).

2. Data sources

a) Prison flows and population

Prison establishments record details for individual inmates on the prison IT system (Prison-NOMIS). The information recorded includes details such as date of birth, sex, religion, nationality, ethnic origin, custody type, offence, reception and release dates and, for sentenced prisoners, sentence length. The data from individual prison establishments then feeds through to a central computer database, called the Inmate Information System (IIS), from which data extracts are used to produce the various analyses of prison population, receptions, releases and time served in custody.

Until June 2009, the prison population data used for analysis was derived by combining two sources: the individual level data collected on IIS, and a set of aggregate totals from each prison establishment giving the numbers held in each prison broadly subdivided according to age group, sex, custody type and sentence length. The individual level data was scaled to the aggregate totals to create the monthly prison population dataset used for all analysis. A more detailed method of scaling was developed in 2004.

Following the rollout of the new prison IT system, Prison-NOMIS, the prison population data is now drawn from a single source, removing the need for the scaling process used previously. All prison population data from July 2009 onwards is taken from this new data source. For all annual tables showing the prison population over time, this means the 2010 figures have been taken from a different source to earlier years. To aid comparison, the 2009 figures from both the old and new systems have been presented.

b) Probation Service supervision

Since 2005, detailed information on the supervision of offenders (at the individual offender level) has been submitted by probation trusts and, from 1 June 2014, by NPS divisions and CRCs, on a monthly basis. These monthly 'probation listings' include information on offenders starting and terminating probation supervision each month and those supervised on the probation caseload at the end of each quarter. Between 2002 and 2005 this information was submitted quarterly, and prior to 2002 a different data collection system was in place, which meant that information on caseload had to be calculated based on the number of people starting supervision and the number of terminations. For a more detailed description of this and the effect it had on the caseload pre 2002, see **Appendix B of OMCS 2009**.

c) Court reports

Since 1 July 2005, detailed court reports data at the individual offender level has been submitted by probation trusts on a monthly basis. This contains details of the actual sentences given to offenders as well as the sentences proposed in the reports. Prior to

July 2005, probation areas were only required to submit quarterly aggregate data showing the total number of pre-sentence, specific sentence and deferred sentence reports written, by type of court, in a specific quarter. The definitions of these reports were revised from 1 April 2005 under the Criminal Justice Act 2003.

Evidence provided by Probation Trusts suggested that previously published statistics on the number of PSRs prepared by each trust were lower than those statistics produced by their internal case management systems.

The PSR data collection process in place until 31 March 2012 entailed each trust providing monthly data on the number of reports prepared that month, with the data extracted on or just after the 15th of the following month, e.g. data for July collected on 15th August. On investigation it emerged that many trusts, particularly those in large metropolitan areas, enter some PSRs onto case management systems after this date due to data collection practicalities. To address this issue, trusts were asked to submit each monthly return two months later than previously to allow time for additional reports to be recorded, and the impact on the statistics was assessed.

This new extended data collection process has been introduced for data from April 2012, and we estimate that the statistics now capture between 1 and 3 per cent more PSRs per quarter.

Subsequent data quality work has shown that the introduction of a longer time lag between the date a PSR is prepared and when data is extracted from case management systems, i.e. more than two months, would capture more court report data (over and above the additional 1 to 3 per cent now included since April 2012). However, these further increases were mostly seen in the number of court reports prepared for breaches, court reviews and deferred sentences (see below). For standard and fast delivery pre-sentence reports, a two month time lag captures the vast majority of data and there are diminishing returns in extending the data collection period any further.

During the data quality work described above, it emerged that previously published data for court reviews, PSR breach reports and deferred sentences was incomplete in terms of coverage across all trusts and that there were inconsistencies between trusts in the coverage and content of the data extracted from their case management systems. This data has therefore been removed from all PSR related quarterly and annual tables – the estimated impact on the total number of reports written is a reduction of around 4,500 reports per quarter.

It is hoped that with the introduction and phased rollout of a national management information system for all Probation trusts (nDelius), more accurate and complete data can be produced on PSR breach reports in future. This will be kept under review.

3. Counting procedures

Prison receptions - there are four main categories of receptions - untried (i.e. awaiting commencement or continuation of trial prior to verdict), convicted unsentenced (i.e. awaiting sentence), sentenced and non-criminal. First receptions count each person only once in the year or quarter they were first received into prison, regardless of the main reception categories they subsequently appear in.

In the tables on remand receptions, a person is generally counted separately once if received as untried and once if received as convicted unsentenced for each fresh set of charges. A person first enters the remand population when remanded in custody on or after his or her first appearance in court on a charge or summons. If subsequently

received under sentence, he or she is counted in that category also. An individual may thus appear in the tables more than once in different categories or on separate occasions in one year.

When a person is received under sentence and at the same time is dealt with for a non-criminal matter, or is already in custody under sentence for a criminal offence and is given a further criminal sentence or is dealt with for a non-criminal matter, only the initial reception for the criminal sentence is counted. Recalls to custody after release on licence or parole are excluded from the sentenced reception figures, but those whose original sentence had been re-activated because of a new offence committed during the 'at risk' period are included. Persons transferred in from other countries, special hospitals or other non-Prison Service establishments are included in the appropriate category of reception.

People starting probation service supervision - the statistics count each person only once in each period (quarter or year) for each type of supervision started in the period (e.g. if a person received more than one Community Order in a given period, they would only be counted once under Community Order but a person starting a Community Order and an SSO in the same period would be counted once under each type of supervision). However, in totals or sub-totals, each person is counted only once even if they started several types of supervision in the period (e.g. a person starting a Community Order and an SSO in the same period would only be counted once under 'all court orders'). As a result, the sum of the number of persons starting each type of community sentence exceeds the total number of those starting community sentences; similarly, the sum of the number of persons starting community sentences and those starting other sentences exceeds the total number of those starting court orders. Because of these counting rules, it is not possible to derive the total number of starts in an annual period by adding together the number of starts in each quarter (as an offender may be counted in more than one quarter, but only once in the annual totals). For any given year, the sum of quarterly starts will always exceed the annual total number of starts.

People supervised (caseload) - the statistics count each person once for each type of supervision being received on 31 December. But each person is counted only once in each total or sub-total even if they were subject to several types of supervision at the year end (the examples above apply). Thus, the sum of the numbers receiving each type of court order supervision exceeds the number receiving court order supervision in total.

Terminations - the statistics count all terminations of all types of supervision in each year, including multiple terminations of the same type of supervision (e.g. two periods of Community Order supervision terminating in the same year would be included in the tables). It has only been possible to compare percentages over time from 2008 onwards, as before then not enough time had elapsed for all orders to run their full course. These orders were introduced in April 2005.

Additional sources of information:

- Summary statistics on the population in Secure Children's Homes (SCHs) and Secure Training Centres (STCs) are provided by the Youth Justice Board.
- Figures for the previous criminal history of offenders have been compiled using the Ministry of Justice's extract from the Police National Computer (PNC). The process involves matching offender details from the prison and probation services to the personal details recorded on the PNC and then examining the previous history as recorded by the police. A proportion of cases cannot be matched and the figures presented are expressed as a percentage of the

offenders that are matched. Like any large scale recording system the PNC is subject to errors with data entry and recording. The PNC is regularly updated so that further analysis at a later date will generate revised figures.

- Information on recalls of non-parole cases was supplied by Post Release Section, Public Protection Unit.
- Life licence recalls information was obtained from the Public Protection Unit Database (PPUD) administered by the Public Protection Casework Section of NOMS and is cross checked with data from the Police National Computer Bureau (PNCB), New Scotland Yard. Life licensees are recalled to prison by Post Release Section on the basis of a risk assessment from the Probation Trust concerned.

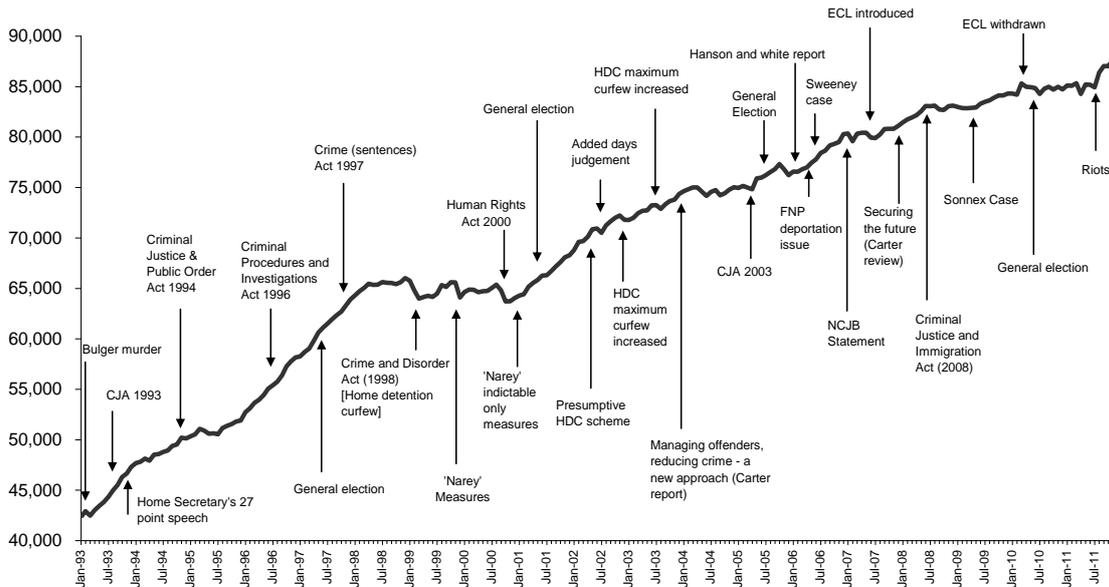
Eligibility for Home Detention Curfew - the criteria for determining HDC eligibility is that an offender is serving a sentence of between 3 months and 4 years and is up to 135 days from the half way point of their sentence depending on the length of the original sentence (see the release provisions for determinate sentences for more details on precise eligibility criteria). In previous publications, HDC eligibility was determined using the scaled monthly prison population dataset (see prison flows and population section); from 2011, HDC eligibility is determined from the prison population data drawn from Prison-NOMIS to improve data quality and to ensure consistency by using the same source as the prison population data.

Due to the change in data source, the number of people identified as being eligible for HDC in 2011 has increased and, as a result, the 2011 release rate is slightly lower (by around one percentage point overall). This is due to improved recording of release dates in the new data source which enables more prisoners to be captured in the 'eligible' category. Using the previous data source, if the release date for an offender was missing, they would have been excluded from the eligible category as it would not have been possible to determine at which point they were eligible to be released under HDC.

Key legislative and policy changes

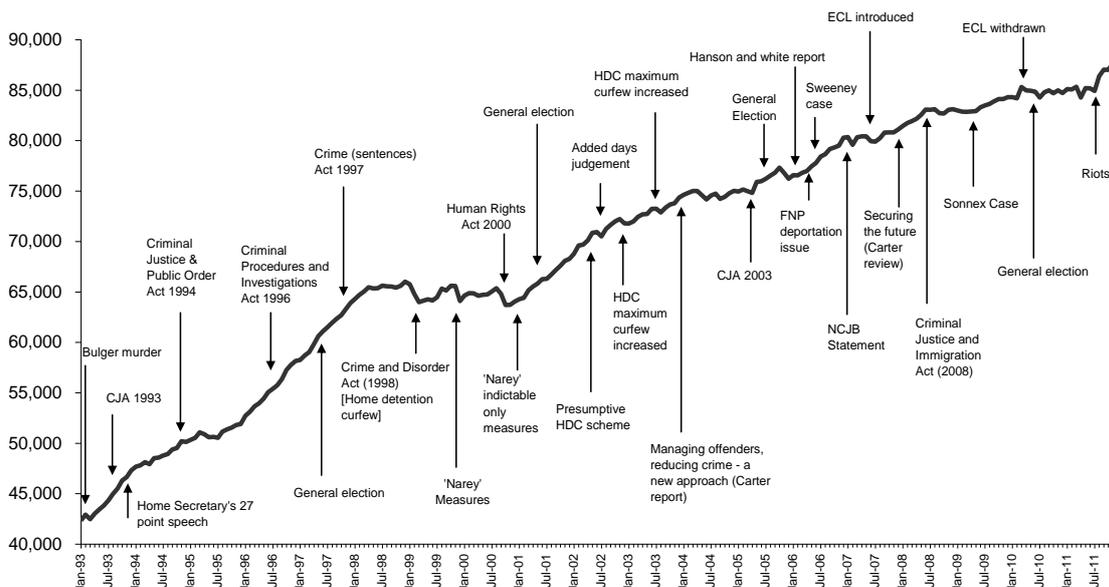
Legislative and policy changes have contributed to more stringent outcomes, making sentence lengths longer for certain offences and increasing the likelihood of a breach of non-custodial sentence or licence conditions resulting in prison. Others have been expected to reduce the prison population.

Prison population - policy interventions and other key events, 1993-2011



The following list highlights the main changes introduced since 1999 and how they impacted the number of prison receptions and/or length of stay; the list is not exhaustive.

Prison population - policy interventions and other key events, 1993-2011



1999: Crime and Disorder Act (1998)

- Medium term prisoners now eligible for executive recall (impact on receptions)

2002, 2003: Changes to HDC

- The Presumptive HDC scheme introduced 21 March 2002 allows prisoners serving between 3 months and less than 12 months to be electronically monitored at home. The maximum curfew period was increased from 60 to 90 days on 16 December 2002; and further increased to 135 days on 14 July 2003.

2005: Criminal Justice Act (2003)

- Licence period lengthened, increasing likelihood of recalls (impact on receptions)
- Suspended sentences were made much more available, increasing breach population (impact on receptions)
- Breach sentences must now be more onerous than that breached (impact on receptions)
- Introduced release at the halfway point for offenders serving determinate sentences of 4 years or more (impact on length of stay)
- Minimum mandatory 5-year sentence for possession of illegal firearms offences (impact on length of stay)
- Introduction of indeterminate and extended sentences for public protection (IPP and EPP), which have since been popular with sentences (impact on length of stay). Also Detention for Public Protection (DPP); equivalent to an IPP but for under 18s.
- Parole Board must now review all recall cases; the re-release rate of recalled offenders has been low (impact on length of stay)

2007: Simple, Speedy, Summary Justice

- Reductions in pre-trial reviews and increased use of PNDs, frees up court time for other cases (impact on receptions)
- More early guilty pleas lead to reduced sentence lengths (impact on length of stay)

2007: Bail Accommodation Support Scheme

- Support for some offenders held on remand enabling them to be bailed (impact on receptions)
- Support for some offenders enabling them to be released on HDC (impact on length of stay)

2007: Introduction of End of Custody Licence (ECL)

- Certain non-violent offenders released up to 18 days early (impact on length of stay)

2008: Road Safety Act (2006)

- Introduced new offences of causing death by careless driving or while uninsured (impact on receptions)

2008: Criminal Justice and Immigration Act

- Changes to rules for IPPs introducing a minimum tariff of 2 years
- Most prisoners released automatically at halfway point and on licence until the end of their sentence
- Fixed term recalls (for 28 days) introduced for certain prisoners

(all impact on length of stay)

2008: Tackling Knives Action Programme

- A range of local police enforcement, education and prevention interventions implemented together with tougher sentencing resulting in increased receptions.

2009: Sonnex Case

- This led to an increased number of recalls into custody

2010: Withdrawal of ECL

- The ECL scheme ended on 12 March 2010. All prisoners eligible for release on ECL on or before 12 March were released. Additionally any prisoners formally notified by 22 February of release dates under the scheme up to and including 9 April, were also released. No prisoners were released on ECL after 9 April 2010. The withdrawal of ECL added around 1,000 to the prison population.

2012: Legal Aid Sentencing & Punishment of Offenders Act 2012

- IPPs were abolished and replaced with new Extended Determinate Sentences (EDS). More recallees will be eligible for fixed term recalls, decreasing the time they spend in prison. More offenders to get mandatory life sentences.
- Restrictions placed on use of remand for those prisoners unlikely to receive a custodial sentence

Contact details and further information

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