

{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME } SENTENCE INFORMATION SHEET

This is one of a series of basic factual information sheets relating to the main sentences imposed by the courts. It is not specific to the precise details of your sentence, and any further information that you need will be contained in our letter.

PRISON SENTENCE OR YOUNG OFFENDER INSTITUTION

Young offender institution (YOI) is a custodial sentence for people under the age of 21. Whether your sentence is prison or YOI the position is much the same. This sheet does not cover life sentences or extended sentences for “dangerous offenders”. Such sentences have special rules and we would write to you about that in detail separately.

LENGTH

You will serve one half of your sentence in custody and one half then released on “licence supervision”.

LICENCE

You will be on licence during the second half. When on licence there are a number of rules about your behaviour, keeping appointments with your supervisor and other matters such as where you must live. There may be further requirements about where you are prohibited from going, and who you are prohibited from contacting. If you breach your licence by committing further offences, or by behaving badly (even if not charged with a new offence) or by not complying with appointments and specific requirements, then you may well be recalled to prison.

RECALL

If you are recalled we recommend that you contact { MERGEFIELD PRACTICEINFO_PRACTICE_NAME } for further advice. **** in this office is the person to contact. Recall might be for a fixed term (28 days) or it might be to the end of sentence, so it is important to consider taking more advice.

POST SENTENCE SUPERVISION (“PSS”)

If your sentence is two years or more, then you will be in prison for one half of it and on licence for the second half as mentioned above. However, if your sentence is for less than two years every person will still be supervised for 12 months after release. Once your licence has expired, you will be subject to an additional period of PSS until you have reached overall a 12 month total of supervision. If you breach this additional supervision, you can be sent to prison for up to 14 days and other punishments and orders can be made including unpaid work and curfew and fines.

HOW LICENCE AND PSS WORK FOR SENTENCES UNDER TWO YEARS

Example: sentence imposed 16 months. Time in prison is 8 months. Time on licence and subject to recall, also 8 months. But because total supervision must be for 12 months then an additional 4 months is by way of PSS.

Example: if your sentence is quite short, say 2 months – you would be in prison for 1 month, on licence for 1 month but then subject to post sentence supervision for 11 months to make up the total of 12 months.

RELEASE ON HOME DETENTION CURFEW (HDC)

This is not an automatic right. It only applies to sentences over 3 months and not exceeding 4 years. If your sentence is more than 3 months but not more than 4 years then you might get released early on HDC, but it will not apply to sexual offences and may well not apply to certain violent offences. If you are considered for release on HDC, everyone must serve at least 25% of their sentence and the maximum period on HDC is 135 days. It will also require that you have a suitable stable address at which to be “tagged” under an electronically monitored curfew. You are recommended to find out where you stand once serving your sentence and if you have concerns that it is not being offered to you, or think that you are being unfairly treated, we suggest that you contact **** at this office to see if it possible to obtain any further advice.

HOW HDC MAY WORK

Example: sentence is 12 months. Must serve 25% = 3 months. Could be on HDC after that for a period of 3 months - to the half way point of the sentence.

Example: sentence is 36 months (3 years). Must serve 25% = 9 months, but HDC is only available for maximum of 135 days. 135 days is approximately four and a half months. Must therefore serve at least thirteen and a half months before possibly being released on HDC for the last period of four and a half months – adding up together to half of the sentence.

BEHAVIOUR IN PRISON

Please be aware that it is possible to serve additional days or weeks in prison, extending the period that you end up in custody, if you break prison rules. Please also remember that breaking prison rules can be a separate criminal offence that may result in another court appearance, such as if in possession of a mobile phone or drugs or if involved in violence. You may have to appear in front of the Governor for some matters or even in front of a visiting District Judge. If this happens to you, we recommend that you contact **** to see if it is possible to be represented or at least to receive further advice.