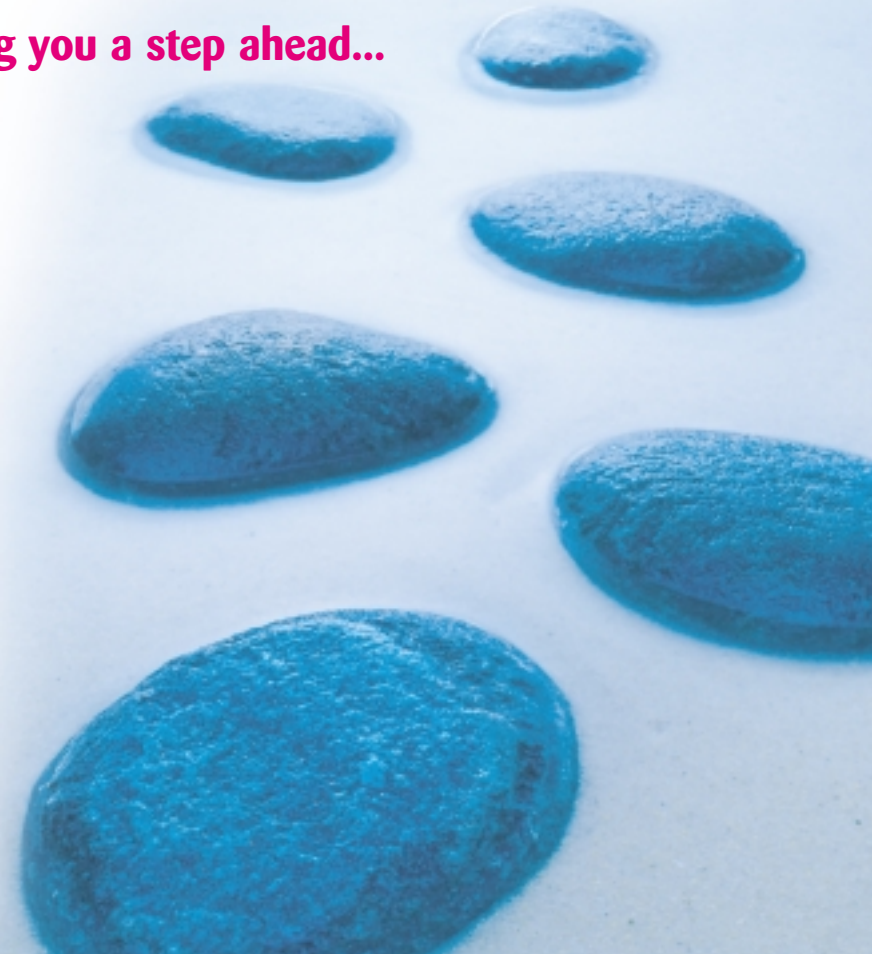




Prisoner Release
Victim Information Scheme

TEMPORARY RELEASE OF PRISONERS AND VICTIMS' REPRESENTATIONS

Keeping you a step ahead...



KEEPING VICTIMS INFORMED OF PRISONER RELEASES

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TEMPORARY RELEASE

As prisoners approach the end of their sentence, they can be considered for periods of temporary release to help them prepare for their return to the community. Such temporary release must be relevant to the prisoner's resettlement and assist in the transition from prison to outside life. Temporary release would typically be for work-related purposes – a working out or pre-release scheme; or for family or other purposes – usually known as home leave. If successful, they will be temporarily released without being escorted by prison officers.

Prisoners must fulfil specific criteria, and must then be assessed and considered by the prison authorities. But there is no automatic entitlement to temporary release – it is a privilege to be earned.

THE CRITERIA FOR TEMPORARY RELEASE

Temporary release is dependent upon a number of factors the most fundamental of which are an assessment of the likelihood of re-offending, the potential risk to the public and the stage reached in a prisoner's sentence including having demonstrated good behaviour in prison. Prior to consideration for temporary release, prisoners must have undergone a risk assessment. This can involve prison, police, probation and on occasion social services staff taking a detailed look at the prisoner's prospective behaviour and public safety before reaching a final decision.

Prisoners may only become eligible for consideration in the final stage of their sentence. This can vary according to the length of sentence – life prisoners, for example, will have their own particular arrangements. Normally any prisoner can only obtain two or three days temporary release on any single occasion.

Before being granted temporary release, prisoners must agree to any conditions being attached – if they do not, then release will not be given. And if a prisoner fails to comply with any of the conditions of release, this can affect any future decisions on temporary release.

HOME LEAVE SCHEMES

When eligible, a prisoner would normally apply for temporary release home leave approximately four weeks ahead of the period sought. This allows for his assessment and consideration to be completed (or updated) and appropriate plans to be made. A longer period may be required when a wider range of agencies is involved.

There can be exceptions to this four-week notice period, for example when, because of the length of time a prisoner has served in prison before being sentenced, his final release is imminent. In such circumstances, a prisoner can almost immediately be in the final stage of his sentence and very quickly become eligible for temporary release.

COMPASSIONATE RELEASE

Prisoners can also be temporarily released on compassionate grounds, for example, in cases of the serious illness or death of a family member. This could occur at any time during the sentence, as such circumstances arise and, if necessary the normal notice period can be waived.

ESCORTING PRISONERS

There are occasions when a prisoner will be allowed outside prison and will be escorted by prison officers. Examples would be when he is taken to court or to a police station; as part of an accompanied group activity; or perhaps to hospital. On such occasions prisoners are not released as they are still in the custody of the prison authorities. These do not come within the scope of temporary release schemes. Nevertheless, if a victim has submitted views on temporary release, these will be borne in mind.

WHAT PART CAN A VICTIM PLAY?

When a prisoner is being considered for temporary release, the registered victim(s) will be advised and offered the opportunity to submit any views or register concerns they might have. The victim's representations along with the prison assessment are considered and a decision taken on temporary release.

Where a life sentence prisoner is being considered, an additional opportunity will arise when he/she is being considered for permanent release. Separate instructions will be provided on such occasions.

HOW DOES A VICTIM SUBMIT VIEWS?

Victims should submit their views in writing, preferably on the form enclosed with this leaflet. Views can be written by, or with the help of a family member, friend or other third party. It may not always be possible to do so but when completed by someone else the form should still have the signature of the victim.

Prisoner applications for temporary release may be for a one-off occasion; for a programme of events – for example to attend a placement over a number of days; or for a working-out scheme which could involve more continuous working in the community over a number of weeks. If victims wish, their views may be treated as standing representations which can be considered by prison authorities each time temporary release is being proposed. This would allow victims to continue being advised of individual release events without the burden of making separate representations on each and every occasion. This would not, however, prevent victims from revising or updating those representations at any time. In relevant cases, victims will be advised of the nature of temporary release being considered thereby preventing any undue burden of repeating representations – if that is their wish.

WHAT MIGHT VICTIMS INCLUDE IN THEIR REPRESENTATIONS?

The content of victims' representations should be in keeping with what is provided in law, that is, they should focus on whether the temporary release of the prisoner will have the potential of putting the victim at risk. Representations will be valid if they address the safety or well-being of the victim.

It is important to be aware that opinions or views on the overall length of sentence being served by the prisoner are not relevant to the temporary release decision. Apart from life sentence cases, prisoners' final release dates are established in law by the sentence of the Court. Victims should avoid stating, for example, how many years they think the prisoner should serve. In drawing up representations, victims may therefore wish to focus on issues of whether or not they would feel at risk as a result of temporary release or if any particular conditions might be attached. Representations should be honest, accurate and well-founded and any threatening or abusive comments should be avoided.

Section 69 of the Justice (NI) Act 2002 provides the legal basis for victim representations.

DISCLOSURE

When submitting written views, victims should be aware that they will be made available to the prisoner. This is a legal requirement and allows the prisoner to make his own, fully informed case for his temporary release. The only identification information which the representations form requires is the victim's name - it does not include any details of their current address or whereabouts. Any particular difficulties where the victim felt that additional steps needed to be taken can be considered.

THE OUTCOME

When a decision is taken on temporary release, the prisoner and the victim – if he/she has opted into this aspect of the information scheme – will be notified of the decision. As required by the law, the victim will not be told of specific release dates or locations. They will be told that a period of release has been granted within the next few weeks along with any general conditions which are of relevance to the victim.

Advice on the outcome of a temporary release application will normally be provided before any temporary release occurs. There will be occasions when this may not happen – urgent compassionate releases would be a case in point. Whilst every attempt will be made to prevent providing information after release has happened, there may be occasions when this cannot be avoided. Victims who have opted into the temporary release aspect of the scheme will still be advised, even if it has to be after the event on some occasions.

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