

## **Criminal Justice and Courts Bill**

### **Fact Sheet: Ending automatic early release for all EDS sentences for dangerous offenders; and ending automatic early release for serious child sex and terrorist offenders;**

#### **Introduction**

1. On 4 October 2013 the Justice Secretary announced proposals to end automatic early release at the halfway point for those serving prison sentences for certain offences of particular concern. These offences included the most serious child sex offences and terrorism-related offences.
2. The Justice Secretary also announced proposals to change release arrangements for the EDS sentence (Extended Determinate Sentence) for dangerous offenders, in order to end automatic release at the two-thirds point of the custodial term for all these sentences.

#### **Ending automatic early release for all EDS sentences for dangerous offenders (Parole Board release when serving extended sentences) – the current position**

3. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (sections 122-128) amended the “dangerous offender” provisions of the Criminal Justice Act 2003. The IPP (Imprisonment for Public Protection) and EPP (Extended Sentence for Public Protection) sentences for dangerous offenders were abolished, and replaced by the new Extended Determinate Sentence (EDS). Life sentences remain available for the most serious dangerous offenders.
4. Sexual and/or violent offenders, whom the courts believe are dangerous (and meet the statutory criteria), may be given the EDS, which consists of a custodial term and an extended licence period, and has a definite release date.
5. EDS prisoners must serve at least two-thirds of their custodial term before they are released into the community on licence. Currently, some offenders who receive an EDS are automatically released on licence at the two-thirds point, although they have been found to be dangerous at the time of sentence. The more serious EDS cases (determined by offence committed and length of sentence) must apply to the Parole Board for discretionary release from that point to the end of the custodial term.

#### **- What are the proposed changes?**

6. The Bill amends the release arrangements for offenders who receive an EDS so that all such prisoners, regardless of seriousness, will not be entitled to automatic release at the two thirds point and will only get early release if the Parole Board assesses that they are safe to release.

**Ending automatic early release for serious child sex and terrorist offenders (sentence and Parole Board release for offenders of particular concern) - the current position**

7. Currently the majority of prisoners serving a standard determinate custodial sentence (i.e. they have not received a life sentence or an EDS sentence for dangerous offenders) are automatically released on licence at the halfway point of their sentence, regardless of the seriousness of their offending, and without any assessment of their suitability for release.

**- What are the proposed changes?**

8. The Government has considered this and the Justice Secretary announced on 4 October that prisoners convicted of certain serious child sex and terrorism offences would no longer be automatically released at the halfway point of their prison sentence (the list of offences is annexed).

9. The Government is creating a new form of determinate custodial sentence for adult offenders of particular concern convicted of a relevant offence who are given a custodial sentence which is not a life sentence or an EDS sentence. The new sentence is made up of a custodial term, and a year on licence to ensure that those who end up serving their whole custodial terms are not released without supervision.

10. These prisoners will need to apply to the Parole Board to get early release at the halfway point of the custodial term, and if the Parole Board do not approve their release during the second half of their custodial term they will remain in prison until the end of their term.

11. This change is intended to ensure that serious violent and sexual offenders are not released prematurely and to provide the Parole Board with the opportunity to consider whether these offenders continue to pose a risk to the public before they are given early release.

## **Relevant offences - ending automatic early release for serious child sex and terrorist offenders**

(In all cases, the inchoate offences to these offences e.g. aiding, attempting, conspiracy etc to commit offences)

### **Sexual offences**

Rape of a child under 13

Assault of a child under 13 by penetration

### **Terrorism-related offences**

#### General offences

Where there is a terrorist connection:

The inchoate offences to murder.

Causing an explosion likely to endanger life or property (Explosive Substances Act 1883, Section 2)

Intent to cause an explosion likely to endanger life or property (Explosive Substances Act 1883, Section 3)

Possession of explosives in suspicious circumstances (Explosive Substances Act 1883, Section 4)

Causing bodily injury by gunpowder or other explosive substance (Offences against the Person Act 1861, Section 28)

Causing gunpowder or other explosive substance to explode with intent (Offences against the Person Act 1861, Section 29)

#### Specific Terrorism Act offences

##### Terrorism Act 2000

Directing a terrorist organisation (s 56)

Possession of an article for terrorist purposes (s 57)

Inciting terrorism overseas (s 59)

Weapons training for terrorist purposes (s 54)

##### Anti-terrorism, Crime & Security Act 2001

Use etc of nuclear weapons (s 47)

Assisting or inducing weapons-related acts overseas (s 50)

Use of noxious substance or thing to cause harm or intimidate (s 113)

Terrorism Act 2006

Preparation of terrorist acts (s 5)

Making or possession of radioactive device or material (s 9)

Use of radioactive device or material for terrorist purposes (s 10)

Terrorist threats relating to radioactive devices (s 11)

Training for terrorism (s 6)