

Criminal Justice and Courts Bill
Fact sheet: term of imprisonment for murder of a police or prison officer

Introduction

1. The Government is making this change in the law because it recognises the unique and dangerous job that police and prison officers do on a daily basis. The Government has rightly reformed policing and the terms under police officers work. It also wants to be clear how highly it values the job that police and prison officers do in keeping the public safe. They perform a unique role in that their daily duties bring them into routine contact with dangerous offenders in difficult situations and we know that, tragically, some officers have paid the ultimate price in carrying out these duties. The change also signals the Government's commitment to the established British model of policing by consent.

What is the current position?

2. A life sentence is mandatory for murder. There is statutory guidance to the courts on determining the seriousness of an offence and minimum term to be served under a life sentence for murder. The minimum term is the period which must be served in prison for the purposes of punishment and deterrence before the offender may be considered for release by the Parole Board. The guidance provides for various starting points depending on the type of case. In exceptionally serious cases the court may consider that a whole life order is justified (for offenders aged 21 or over), meaning that the offender faces spending the rest of his or her life in prison.
3. The statutory guidance currently provides for a 30 year starting point for the murder of a police or prison officer in the course of duty before the court then takes into account any further aggravating or mitigating factors in the particular case to arrive at the final minimum term, which may be higher or lower than the starting point.

What are the proposed changes?

4. The provisions in the Bill will raise the starting point for the murder of a police or prison officer in the course of duty to a whole life order. This means that the court should normally consider a whole life order in these cases, but they will retain the discretion to consider all the circumstances of each case in determining the final sentence.