**Statistical Analysis of the Prison Terms Served by Applicants Granted Early Release**

**(Statistics Published in 2003 Annual Report by the Secretary to the Commissioners)**

1. **Introduction**

This analysis looks at the effect of the early release scheme in terms of the periods of imprisonment actually served by successful applicants. Those serving life and fixed-term sentences are considered separately. For each, the analysis looks at the periods that each prisoner would have served in the absence of the scheme and the periods that he or she actually served. From this is derived aggregate data on how early prisoners were released and the percentage of the original sentence that they did not serve because of the scheme.

The analysis covers all prisoners released under the early release scheme between the coming into force of the legislation in July 1998 and 31st March 2002, with the exception of the small minority of successful applications – about 10% - for whom the calculations would be problematic or meaningless because they:

* Applied after being recalled to prison for a breach of licence conditions; or
* Had been unlawfully at large for a significant proportion of the sentence period; or
* Applied only in respect of the unexpired portion of a licence period.

Where a prisoner applied in respect of more than one sentence, the analysis relates only to the sentence with the latest release date – the ‘index’ sentence. Where a prisoner was serving a combination of determinate and life sentences, perhaps imposed at different times, the ‘index’ sentence will normally be the life sentence with the latest assumed release date.

The provisions of the legislation mean that eligible applicants became entitled to early release on completing two-thirds of the period that they would otherwise have spent in prison. Those who remained in prison on the 28th July 2000 – the second anniversary of the coming into effect of the legislation – became eligible for accelerated release on that date (or the date when they had completed two years in prison, whichever was the later).

1. **Life Sentence Prisoners**

The analysis covers 141 of the 159 life sentence prisoners granted early release, one of who has since been recalled to prison and had his licence revoked.

The legislation requires the Commissioners to specify a date which they believe marks the completion of about two-thirds of the period which the prisoner would have been likely to spend in prison under the sentence. In order to arrive at this period, the Commissioners have to have regard to information provided by the Secretary of State about the length of time served by life sentence prisoners in Northern Ireland between 1982 and 1998, as well as to their own previous decisions. The periods arrived at therefore reflected the precedents established by the Life Sentence Review Board and took account of such factors as the number of separate incidents covered by the sentences under review, the gravity of the offence or offences, the number of victims, the applicant’s role and his or her age at the time.

**Life Prisoners: Period likely to Serve**

The chart above shows the periods arrived at by Commissioners for the 141 Life prisoners. They ranged from eight to twenty-one years, the average being fourteen years and eight months. Almost 80% fell between twelve and eighteen years.

**Life Prisoners: Period Served**

The chart above shows the actual periods served by prisoners, which ranged from the minimum accelerated release period of two years to almost fifteen and a half years. The average was just under ten years. Almost half of those who received early release had spent between eight and twelve years in prison. Three served only the minimum two-year period.

**Life prisoners: Period Not Served**

The table shows the extent to which the period spent in prison was reduced because of the early release scheme. This ranged from zero to more than fourteen years. The average was four years and ten months. More than two-thirds of life prisoners released under the scheme benefited by less than six years. About one in eight benefited by more than ten years.

**Life Prisoners: Percentage of likely Period Actually Served**

This table shows the percentage of the period likely to be served that successful applicants actually spent in prison. This ranged from 13% to 100%, with an average of 67%. Essentially, the prisoners fell into three groups. Those who had already served two-thirds or more of the likely period when the scheme was introduced in July 1998 stood to gain less than the statutory one-third reduction. They were released as soon as their applications could be processed (applications from prisoners whose calculated release dates were already in the past were dealt with first by the Commissioners). 44% of successful applicants fell into this category. Those who reached the two-thirds point between July 1998 and July 2000 became eligible for release as soon as they did so. This accounts for the ‘bulge’ of some 30% who were released at between 60% and 70%. The remaining quarter benefited, to varying degrees from the accelerated release provisions. These granted release on the 28 July 2000 to any eligible prisoner who had at that point spent two years or more in prison, and release at the two-year point to any who had not served two years by that date.

1. **Fixed-term sentence prisoners**

The analysis covers 268 of the 309 fixed-term sentence prisoners granted early release.

In the absence of the early release scheme, prisoners would have been entitled to unconditional release once they had served half of their ‘index’ sentence.

**Fixed-term prisoners: sentence**

The chart above shows the ‘index’ sentences that successful applicants were serving, which ranged from the minimum eligible sentence of five years up to thirty years. They fell into three main groups, with 26% having received sentences between five and eleven years, 29% between fourteen and seventeen years and 30% twenty years or more. The average sentence was just under fifteen and a half years.

**Fixed-term Prisoners: period served**

The chart shows the periods actually served by successful applicants. These ranged from one year and eight months (half of a five-year sentence, less one third) to almost twelve and a half years. The average period served was just over five and a half years. 60% served between three and seven years.

**Fixed-term prisoners: period not served**

This chart shows the extent to which the period spent in prison was reduced because of the early release scheme. This ranged from zero to ten and half years. The average was two years and one month. 85% of fixed-term prisoners released under the scheme benefited by less than four years. Six prisoners benefited by more than eight years.

**Fixed-term prisoners: percentage of half sentence served**

This chart shows the percentage of the period that they would otherwise have served that the prisoners actually spent in prison. This ranged from just under 16% to 100%, with an average of almost 72%. More than half of successful applicants had already served two-thirds or more of the half-sentenced period when the scheme was introduced. Some 30% were released at the statutory two-thirds point. This left only one applicant in eight to benefit from the accelerated release provision. Only ten prisoners served less than 40% of the period they would otherwise have served.