

Huge rise in recalls of dangerous prisoners

A briefing from Napo the Trade Union and Professional Association for Family Court and Probation Staff for the Cross Party Justice Unions' Parliamentary Group 21 June 2011

During the last year there has been a significant rise in the number of prisoners discharged onto licence but recalled to custody because of a deterioration in their behaviour or because of further offences. In 2009-10 13,900 determinate sentence offenders were recalled to custody, an increase of 18% on 2008-09. In addition 124 lifers were recalled and 21 offenders released from indeterminate public protection sentences. This is a total of 25 more than the previous year.

The number of individuals released from prison and subsequently recalled quadrupled between 2000 and 2005. Overall the work of the Parole Board during the same period increased by 100%. In 2000-2001, 2,457 prisoners who had been released on parole or licence were recalled. This had risen to 9,320 by 2004/5. The number of lifers released in 2001 and recalled was 30, rising to 71 in 2004. The rise in the number of licencees recalled over the last decade is 466%.

Ministry of Justice documents show that in 2009, 76,000 adults and 15,200 young offenders were discharged from a determinate sentence. This is down 3% and 10% respectively compared with 2008. In 2009, the percentage of sentence served for all determinate sentences was 59%, down from 60% in 2008. Over the last 20 years the percentage of time served for a determinate sentence has risen from 56% to 59%. This is one of the reasons for the rise over the last 15 years of the prison population. Others are a slight increase in sentence length in both the magistrates and crown court and a greater percentage of those appearing in both courts receiving custodial sentences.

Prior to April 2005, those serving four years or more were only released if that was granted by the Parole Board and this was based on risk assessment. Those serving between one and four years were automatically released at the 50% point. The law changed in 2005 as a consequence of the Criminal Justice Act 2003 so that all persons on determinate sentences were released automatically when they had completed half their sentence regardless of whether they had attended rehabilitation programmes or shown remorse.

At the same time the government introduced Indeterminate Public Protection (IPP) sentences, whereby an individual could be sentenced by a judge to an indefinite period of custody subject to a review every two years. At the time of sentence the judge sets a minimum tariff stating the number of years that must be served before the person could be considered for release. Even so the person will only be released if the Parole Board is satisfied that they have completed relevant programmes and that they do not pose a risk to the public. Currently, over 6,000 prisoners are serving such a sentence of which over 2,500 are already past their tariff date. On average these prisoners are serving 244 days beyond the minimum recommended sentence.

Offenders released on licence are subject to 6 standard conditions, which are:

1. To be well behaved, not to commit any offence and not to do anything which would undermine the purpose of the supervision: which is to protect the public, prevent re-offending and help resettle the prisoner successfully into the community.
2. To keep in touch with the supervising officer in accordance with any instructions.
3. If required to receive visits from the supervising officer at home.
4. To reside at an address approved by the supervising probation officer and notify him/her of any proposed change of address.
5. To undertake only such work which is approved by the supervising officer and notify him/her in advance of any proposed change.
6. Not to travel outside the UK without permission of the supervising officer.

Additional licence conditions can be added according to individual circumstances. They may include:

- attendance at appointments with a named psychiatrist.
- not to work with people under a specified age.
- a residence condition.
- a requirement not to reside in the same house as children.
- a requirement not to approach named people.
- a requirement to avoid a particular area.
- to take steps to address alcohol or substance misuse

In applying for a breach, the officer has to set out any deterioration in behaviour or compliance which has led to an assessment that risk of harm or of re-offending has increased to an unacceptable level, and to comment on any general behaviour in response to supervision. Relevant information from other agencies, such as the police, will also be required.

The relevant section of the Home Office considers all recall requests within 24 hours. It then aims to present each case to the Parole Board for a review within 28 days of the person's return to custody. The review considers whether the original decision to recall was justified. There is an assumption that, wherever possible, the Board will look to re-release the prisoner as soon as it is practical and safe to do so. The Board must be satisfied that the arrangements for supervision are sufficient to manage the risk in the community. Most prisoners spend several months in custody before being released again or when their sentence expires.

The principal reasons for increase in recalls over the decade are:

- The Criminal Justice Act 2003 where licence periods were lengthened increasing the likelihood of recalls.
- The introduction of suspended sentences.

- The introduction of automatic release in 2005 which has led to individuals who are still high risk being released from prison.
- The impact of the Sonnex case in 2009 (where two French students were brutally murdered and criticism was made of the criminal justice system for failing to recall Daniel Sonnex) and a subsequent increase risk-averse decisions.

An unknown number of persons who breached their licence and were therefore the subject of arrest warrants are still at large. Many have been at large for a number of years and have either changed their name by deed poll or adopted a series of aliases to escape detection. The principal way in which such individuals are found is if they are apprehended by the police for a further offence and checks are made on the Police National Computer and outstanding warrants flagged.

Napo has collated over 60 case histories which illustrate the difficulties faced by Probation supervisory staff in making decisions about recalls. All persons recalled in the dossier posed a major threat to either the public or their previous victim and the majority involved the risk of further offending. Many were recalled to custody within days or weeks of their release from prison and had been closely monitored by the police and probation service during that short period. In 15 of the 65 cases the offender had absconded and the majority remain at large.

The number of persons recalled to custody each month is now equal to or greater than the average monthly increase in the prison population.

Napo received a study of 162 offenders who were recalled in Wales in the first quarter of 2010. This represented a monthly average of 3.5% of all offenders in South Wales being recalled. Of those recalled 96% were male and the remainder female. The study notes that on average 3.8% of white British offenders were recalled, compared with 1.2% of non-white British.

Of those recalled, 30% were between 18 and 23 and a further 27% were between the ages of 24 and 29. In addition 24% of those recalled had been on licence for less than 30 days and a further 17% were recalled by the sixtieth day of release. The study shows that 64% of cases were recalled because of alleged new offences. The remaining 38% were recalled for breaching other licence conditions including: failing to keep appointments, not giving a correct address and failing drug and alcohol tests.

A typical recallee was male, white British, under 30 and two months into their licence. Less than 30 years of age is a significant risk factor in recall. The study concludes that the first two months on licence are critical in terms of engagement with the offender and securing compliance. The study concludes that a proactive recall policy exercised by the Probation Service is a principal reason for the increase in recalls nationally rather than the commission of further offences.

CASE STUDIES

The following 65 case studies were received by Napo during April and May 2011.

Studies were received from 21 of the 36 Probation Trusts as follows:

Cumbria	Leicestershire	Staffordshire/West Midlands
Devon and Cornwall	Lincolnshire	Surrey and Sussex
Dorset	London	Thames Valley
Greater Manchester	Merseyside	Wales
Hampshire	Northamptonshire	West Mercia
Humberside	Northumbria	West Yorkshire
Kent	South Yorkshire	Wiltshire

In each case the individual was considered to be dangerous and the recall was made for public protection reasons. Discussions leading to decisions to recall must, in Napo's view, be taken by experienced and trained probation staff in order to maximise public protection and minimise chances of any miscarriages of justice because of a recall based on inadequate information.

1. Humberside

A 28 year old male persistent offender was most recently sentenced to two years custody for a Section 20 assault. He was assessed as posing a risk of serious harm to members of the public and probation staff. Previous offences over a ten year period included actual bodily harm involving stabbing a child, two counts of battery, assault of a police constable, racially aggravated harassment, affray, robbery, common assault and further assaults on the police. During the course of his offending behaviour he was accused of repeatedly attacking victims, of resisting police and whilst in prison of displaying disruptive behaviour resulting in the occurrence of criminal damage to both his cell and the segregation unit. He was also charged with assault on a prison officer. Staff in several prisons he was sent to said he did not demonstrate any motivation to change nor remorse or guilt. There were numerous reports of unprovoked assaults on victims and several attacks on police officer. Earlier this year whilst on licence he was arrested and taken into police custody then charged with robbery, assaulting a police officer and possession of controlled substances. He is currently serving out his original sentence and a trial is pending on the new charges.

2. **Dorset**

A 20 year old offender was convicted of robbery and fraud in early 2010 and given a three year custodial sentence. The victim was an elderly female who was pushed to the ground and had her property was stolen. He was assessed as high risk of harm to the public and high risk of violent offending. He has four previous convictions for violence and possession of an offensive weapon. He was released from custody in the spring of 2011 with a condition that he lived at an approved premises. He failed alcohol tests. He asked permission to stay at a separate address to look after an elderly relative. This was granted but the information subsequently found to be untrue. He then did not return to the approved premise. An immediate recall notice and warrant were issued but his risk is described as unmanageable. He is currently at large and his whereabouts unknown.

3. **Humberside**

A 32 year old male was sentenced to two and a half years custody in July 2009 for burglary and possession of offensive weapons. He was described as high risk to the public. In the previous 15 years he was convicted of six different counts of robbery. He has behaved in a unpredictable and violent manner towards children and is classed as medium risk to all children. There were issues of control in custody and he was 'ghosted' out of prisons on average every two months. He had barricaded himself in a cell and had attacked prison staff. The index offence was burglary and possession of two offensive weapons. Upon release he failed to keep any appointments during the first three weeks. A recall was issued. It was discovered he was probably living inside the exclusion zone, possibly with his former partner despite social services' restrictions. He is now on the run and at the time of writing has been absent for 12 weeks.

4. **Thames Valley**

A 40 year old male who was convicted three years ago of several aggravated burglaries and sentenced to a total of 75 months. In one of the burglaries had had come across former teachers and had threatened them and tried to throttle one of them. He is assessed as high risk of harm to the public, either physical or psychological harm, and had several previous convictions including assault on a police officer and victim intimidation. He has frequently used crack cocaine. He was recalled several weeks after release because of deterioration of behaviour and failure to comply with conditions but is still at large.

5. **Lincolnshire**

A 20 year old male was convicted last year of Section 20 wounding. He received 40 months custody, was released on licence, reoffended (committing another assault) and was immediately recalled but absconded. He stayed on the run for several weeks and was rearrested in May 2011. He is now serving out the rest of his sentence and will finally be released at Christmas 2011.

6. **Thames Valley**

A 30 year old male was sentenced to 10 years custody four years ago for robbery, attempted robbery and wounding with intent. He was released in 2010 with a condition that he resided in a probation hostel. After two days he absconded and was therefore recalled under emergency procedures. He still remains at large. It is thought he was resident in the Republic of Ireland and a European arrest warrant has been issued in respect of him but so far this has not been executed.

7. **London**

A 35 year old male who was convicted for robbery and received four years custody was found within days of release in possession of a firearm. This charge was subsequently dropped. Since then there has been no engagement with probation. He gave a false address and then disappeared. A warrant has been issued in respect of him but he has disappeared and is thought to be living in Ireland.

8. **London**

A 30 year old male was convicted of a string of minor offences involving assaults against children and occasionally adults. He has received several custodial sentences of on average two to three years. Most recently on release he failed to notify the authorities of a change of address and then failed to report. He was found intoxicated at his probation hostel. He then absconded and is still at large.

9. **South Yorkshire**

A 20 year old male was sentenced to 26 months for wounding and robbery. On leaving custody he started up a relationship and was subsequently recalled to custody because the victim was at risk. He absconded and is still at large.

10. **South Yorkshire**

A 40 year old male was sentenced to 28 months for robbery and released at the half way point of his sentence. He failed to keep any of his initial probation appointments and was therefore immediately recalled to custody. He was arrested and is now serving out the remainder of his sentence.

11. **Devon and Cornwall**

A 19 year old male was convicted of offences of violence against family members and sentenced to 15 months. He was regarded as high risk of harm when released on licence. He had previous convictions for violence including using a knife. He was extremely hostile to probation staff, argumentative and intimidating but charming at the same time and manipulative for his own ends. He denied he had problems. He was placed in supported accommodation on licence but there was repeated aggressive behaviour to other residents and staff so he was evicted. He then threatened to burn the building down and threatened to produce a firearm. He was immediately recalled.

12. **Devon and Cornwall**

A 31 year old male was sentenced to 30 months custody for initial offences of possession of Class A drugs, actual bodily harm, burglary and theft. He had a previous history of violence including grievous bodily harm and domestic violence and there were concerns about children within his relationships. He was assessed as at the highest level of MAPPA and was recalled to custody after an assault on an alleged drug dealer.

13. **West Yorkshire**

A 23 year old male was sentenced to 42 months for unlawful wounding, dangerous driving, theft, damage to property, driving whilst disqualified and without insurance and taking a vehicle without consent. He was assessed as high risk. This was later reduced to medium risk but information from the family suggested the risk was escalating so he was reassessed as high risk. He then stopped attending probation meetings and a warrant was issued for his arrest and return to custody in January 2011. He was absent without leave for at least three weeks before he was apprehended by the police.

14. **South Yorkshire**

A 30 year old male received a two year custodial sentence for grievous bodily harm against his then partner. The partner's jaw was broken and her baby received a slight injury. He was assessed as high risk of harm. There had also been issues with previous partners and there was a belief that he would undertake revengeful behaviour and the child was also thought to be at risk. On release he had unsupervised contact with the child which was against the conditions of his licence and he failed to notify the authorities of a change of address subsequently. He was not to have unsupervised access to any child under the age of 16 nor leave his address even for one night. His risk level was immediately raised and recall papers issued. The child was also placed on the 'At Risk Register'. He had significant drug and alcohol problems in the past. He was apprehended immediately and returned to custody.

15. **Greater Manchester**

A 30 year old male was sentenced to 10 years for grievous bodily harm. The assault was alcohol related. He repeatedly kicked his victim and stamped on his head and body. The victim had to have reconstructive surgery lasting many months and was in intensive care for weeks. He still requires 24-hour care because of a diagnosis of significant brain injury. Within days of release he returned to his approved premises under the influence of alcohol and gave a positive reading. He was then placed in breach and was told he had to abstain from using alcohol or he would be recalled to custody. He remained in the hostel for a further eight days then, having tested positive for alcohol again and because of lack of motivation to change, he was returned to custody.

16. **Greater Manchester**

A 30 year old male was sentenced to two years for actual bodily harm. He had six years history of previous convictions including destroying property, theft, obstructing a police officer, threatening behaviour and handling stolen goods. He had previously committed offences whilst on bail and breached an ASBO. The current assault was against a 50 year old male who had an acute alcohol habit. He was pushed out of a chair and hit in the face. Days later the victim died, but the cause of death was thought to be a brain haemorrhage and there wasn't sufficient evidence to link the assault to the subsequent death. The offender was told to reside at a hostel. He failed to return after several nights and recall papers were issued. He remained at large for some time but was then apprehended by the police and returned to prison.

17. **Greater Manchester**

A 24 year old male was convicted of several counts of actual bodily harm, threats to kill and breaches of bail. He had hit a under-16 year old causing injuries to her stomach and thigh. The current offence, also involving a young woman, was assault and damage to property. He was subsequently released but within days he received an intimidating phone call from an unknown person, this caused him to become very abusive and threatening. He was asked by a member of staff to go to his room. He received a formal warning for his behaviour. Several nights later he left the hostel in the evening with another high risk offender and failed to return. Recall papers were then issued and he was apprehended by the police several days later and returned to custody.

18. **Greater Manchester**

A 24 year old male had index offences which included actual bodily harm, taking and driving away, dangerous driving, possession of an offensive weapon, breach of an ASBO and driving without insurance. He was convicted of goading a victim with a knife and making threats. He then cut the victim's arm and a second male who intervened received a cut to the hand. He also had convictions for offences of driving without lights, driving the wrong way through a one-way system, attempting to evade the police and breaching the exclusion zone of an ASBO. He was recalled to custody following threats against a member of his extended family. He was later released from custody but recalled again having been placed in a hostel where he became extremely agitated and failed to return to the premises. He was also involved in an assault whilst at the A&E department of a local hospital.

19. **Greater Manchester**

A 28 year old male was convicted of wounding and grievous bodily harm and received a three year custodial sentence. He had enticed a victim into meeting him and then committed the violence which resulted in significant hospitalisation. Shortly after release he was apprehended by the police and charged with a further offence of criminal damage involving domestic violence. He had been aggressive and threatening towards his partner, broken her car windows, damaged some of her possessions and then committed an assault. All the offences were drug related. Breach papers were issued but he remained at large for a short period before being apprehended and returned to custody.

20. **South Yorkshire**

A 43 year old male was released from custody following domestic violence and an extended sentence for public protection. He was required to live at an approved premise. He was throughout the time monitored by MAPPA because of concerns for the original victim's safety and his previous history of offending. There were mental health and alcohol abuse issues. He was recalled to custody following threats against another resident and possession of an offensive weapon.

21. **South Yorkshire**

A 32 year old male received four and a half years for robbery of an old persons' lunch club. During the course of the robbery he was wearing a balaclava and produced a knife and robbed three elderly women of their handbags. The victims were all over 76. Upon release he was placed in an approved premise. He stayed there for about a week before breaking his curfew. He was arrested within 24 hours and returned to custody.

22. **South Yorkshire**

A 30 year old male was sentenced to two years for a sexual offence against an adult. He was a dependent drinker and there were major issues about his negative behaviour at the probation hostel where he was required to stay as a condition of his licence. Excessive alcohol was the main risk factor. He began drinking heavily again in the hostel very quickly. Two curfew violations culminated in his arriving back at the hostel heavily intoxicated having arranged to meet a woman. He was immediately recalled.

23. **South Yorkshire**

A 43 year old male committed several sexual offences against children. He was subject to a curfew at a hostel. He repeatedly lied about his behaviour and forged 'proof' of his whereabouts whilst absent. He was recalled after two weeks.

24. **South Yorkshire**

A 39 year old male was sentenced to four years for serious violence against his ex-partner. Alcohol was a major factor in offending. He is said to have 'paid lip service to offender behaviour programmes'. He started drinking heavily again whilst at the hostel. He then threatened his partner outside her house, breaking his exclusion zone condition, and was immediately recalled to custody.

25. **South Yorkshire**

A 27 year old male was convicted of two counts of child abduction. The victim was a vulnerable 13 year old boy. He received three years custody. He was assessed as posing high risk of harm to children. He was released from prison on licence in 2010 with numerous additional licence conditions including not to have unsupervised contact with children under the age of 18 without prior approval. Towards the end of last year it was discovered that he had made contact with a vulnerable 16 year old male and had spent the year with him. He was therefore deemed extreme high risk of causing harm to children. During the short period on licence he failed to take any responsibility for his offending behaviour and justified his actions. He was immediately recalled to custody.

26. **Devon and Cornwall**

A 22 year old male was sentenced to 12 years imprisonment for three counts of actual bodily harm and one count of indecent assault on a female victim who was under five. He maintains his innocence and does not accept responsibility for violence. He was released last year on condition that he reside at an approved premise. Within eight days there was an incident at a social security office between the offender and a security guard. He was constantly questioned authority and rules and claimed the police were out to convict him because of his previous conviction. Following the incident he was immediately returned to custody.

27. **Wiltshire**

A 35 year old male offender was given 12 months for actual bodily harm against his pregnant partner and criminal damage. He was released but failed to report to probation and recall papers were immediately issued. He remained at large for several days before being arrested 30 or 40 miles away at his previous partner's house. The conditions of his licence were that he was not to enter that particular town and not to have any contact with the victim or the baby. He had a history of refusing to engage with authority and of refusal to attend any courses.

28. **Wiltshire**

A 20 year old male was sentenced to 14 months for a stabbing incident with his former partner. He was released and within several days head-butted her in the face and committed criminal damage to her flat. He was arrested within days of the incident.

29. **Wiltshire**

A 45 year old male was sentenced to 12 months custody for actual bodily harm against a current partner resulting in her losing the sight of one eye. He had a history of being drunk and disorderly. A condition of his licence was residency at an approved premise. He failed to attend. He was later arrested for being drunk and disorderly, following the issue of a recall warrant, on his way to his partner's house. In addition to other measures an indefinite restraining order had been imposed on him in respect of his former partner, which he clearly also breached.

30. **Dorset**

A 25 year old male was sentenced to two years custody following conviction for a Section 20 wounding on neighbour. The neighbour received a fractured hip. The offender had been drinking at the time of the assault and has an acute alcohol problem. The man is described as 'in constant crisis' and has been in and out of custody for the last six years. Following release he remained on licence for one month until December 2010. He last accommodation with family, with a housing association and finally a group premise because of disagreement with residents and drinking. He was recalled after being found in possession of significant amounts of alcohol on the premises.

31. **Northamptonshire**

A 27 year old male was convicted of a serious sexual assault on a 10 year old stranger. He had two previous convictions for sexual assaults on minors. He received a 30 month sentence. He had previously also been convicted of possession of images and indecent exposure. He was seen within weeks of his release near a leisure centre and nursery. His licence said he was to be excluded from coming within a specified distance of any school or play area. A recall notice was immediately issued. He was not found for several days but was then apprehended and returned to custody.

32. **Northumbria**

A 24 year old male was sentenced to six years for robbery which had also committed whilst on a previous licence. His original sentence was 10 years for grievous bodily harm against a prison officer. He had already been recalled to custody twice on short 28 day orders. He was found to be drinking excessively, was recalled for a third time and is now in custody.

33. **Northumbria**

A 22 year old male was convicted of unlawful sexual intercourse with a 13 year old. He was assessed as MAPPA medium risk and was tightly supervised on release. He tested positive for drugs and was given a formal warning and offered treatment. Close liaison with the local police revealed that he was forming a relationship with a 16 year old girl. As soon as the information was processed, warrants were issued and he was recalled to custody.

34. Northumbria

A 26 year old male was convicted of grievous bodily harm and sentenced to four years. Initially he responded to the prison regime and obeyed the rules. However on release he began using drugs and his behaviour became erratic. There was close monitoring by probation, police and the hostel. He started up a relationship with a woman he claimed was 17. She was in fact 15. The relations were sexual. He was then recalled, charged with further offences and is now in custody.

35. Leicestershire

A 40 year old male was convicted of abducting and physically and sexually assaulting a nine year old girl. He had targeted her in her local park, had attempted to rape her and had repeatedly assaulted her with a wooden implement. He received a 12 year custodial sentence and was later released on licence. Risk factors associated with his offending behaviour included drug and alcohol abuse, sexual interest in children and issues around power and control. He did complete a sex offender programme whilst in prison and was recommended for further treatment on release. A condition of his licence was residency in an approved premise. He was monitored closely. He complained that he was being managed unfairly. He then attempted to liaise with another convicted sex offender and was visiting a flat where the resident was known to be emotionally involved with vulnerable young men. A request for recall was made and granted.

36. Kent

A 41 year old was sentenced to six years for robbery. He came from a travelling community. He was released after completing half his sentence but was quickly involved in a domestic assault and harassment of his former partner. He was then recalled to custody. He was released on licence on a second occasion, was arrested within a short period of time and interviewed in respect of a murder and burglary which occurred in November 2010. He was immediately recalled. He has consistently fought recall, denying his involvement in offending behaviour and has made complaints against his probation officer. He has now been charged with the homicide offence.

37. Leicestershire

A 25 year old was sentenced to four years for robbery and possession of an offensive weapon and released with a condition that he resided at a hostel. He was found consuming excessive alcohol and bullying other residents, culminating in an incident when he threatened to throw a fire extinguisher out of the office window. His behaviour continued to deteriorate. He absconded. Recall notices were issued but he remains at large.

38. **Leicestershire**

A 27 year old male was convicted of assault and battery, robbery and burglary of a dwelling and received a five year sentence. He was released on licence with a condition he resided at an approved premise. Within six weeks of release he was involved in a serious confrontation with another resident. Recall papers were issued but he remained at large for over two weeks before he was arrested in connection with a further offence and returned to custody. He is assessed as high risk of harm to ex-partners, children and immediate family members.

39. **South Wales**

A 30 year old male was convicted of sexual assault x 2 and was sentenced to 30 months imprisonment. He was released with a condition that he reside at an approved premise. He had a history of violent offending whilst under the influence of alcohol and has threatened family members. He is a registered sex offender and there are believed to be indicators of risk of serious harm. He was recalled to custody following failure to take medication, loss of accommodation and drug use. Recall was initiated after he returned to his approved premise in spring 2011 under the influence of alcohol. Two months earlier he had been issued with a formal warning and later a final warning, again for inappropriate alcohol related behaviour whilst at the hostel. He is currently serving out the rest of his sentence.

40. **Thames Valley**

A 40 year old male was convicted of stalking related offences and harassment of a victim. He was sentenced to three and a half years. He did no offender work while in prison. He was released automatically at the halfway point of his sentence. He was breached within 48 hours after he turned up at his victim's property and was found to have been doing extensive internet searches on his victim. He was immediately recalled to jail. He is now serving out the remainder of his sentence. He is still assessed at very high risk and the most recent internal assessment says he is likely to kill his victim.

41. **Thames Valley**

A 34 year old male was sentenced to 24 months for domestic violence related assaults. He was released automatically at the halfway point of his sentence. He was recalled the same day after he had gone to the area where the victim had previously lived. Probation however had moved her to a safe-house. He had written letters to her from prison indicating he would do exactly this, but nothing could be done as the law states he has to be released automatically.

42. **London**

A 27 year old male was released automatically at the halfway point of an eight year sentence for manslaughter. There was no evidence of completion of any programmes whilst in prison or showing of remorse. He was released on condition that he resided at a probation hostel. There were also geographical and association restrictions. After three months he was spotted by the police in an exclusion zone in contact with banned associates and was immediately recalled on an emergency warrant.

43. **Thames Valley**

A 20 year old male was sentenced to two years custody for harassment and breach of a restraining order and a further six weeks for common assault whilst on a suspended sentence order. All the domestic violence incidents were against his wife. He was assessed as medium risk of harm at the time of sentence. At the time of his automatic release there was information to suggest he had attempted to breach the restraining order again whilst in custody as the victim complained of him sending threatening letters to her, some of which were subsequently intercepted by prison security staff. There was also a telephone conversation recorded, with his mother saying he would do something to her on release which would get him a longer sentence. He is now assessed as high risk of serious harm. He was arrested within hours of release because it was thought there was a serious risk of harm to his wife. This is an example of excellent good practice in cooperation between the police and probation service.

44. **Cumbria**

A male in his forties was convicted of rape of a family member and sentenced to eight years. He was released at the halfway point of his sentence despite having made threats against the police officer who had arrested him, his victim and other witnesses prior to release. As a result of the threats his risk status was raised MAPPA level 3, very high risk, and was closely monitored. He was recalled after six weeks for conspiring with another registered sex offender.

45. **Surrey and Sussex**

A 38 year old male was convicted for robbery and sentenced to eight years. This was extended by 18 months for two counts of assault on prison officers whilst in custody. Prior to this he had been in the community for only one month following release from a four year sentence for robbery. He accumulated over a hundred adjudications before prison governors over the period of the two sentences mostly for assaults on staff and disruptive behaviour, inciting others to assault staff, fire setting, and making weapons. He spent the majority of the most recent sentence in segregation units due to his control issues. He was assessed as MAPPA level 3 risk of serious harm pre-release. He was released at the halfway point of his sentence with the condition of residing in a probation hostel in December 2010 and recalled for failure to return to the hostel some three hours after arriving there and making threats. He will now remain in custody until the end of his sentence.

46. **Surrey and Sussex**

A 21 year old male was convicted of grievous bodily harm after he stabbed and nearly killed someone he believed had informed on him. He was sentenced to five years and spent the majority of his time in prison in segregation as a result of disruptive behaviour including repeatedly flooding his cell, fire setting and threatening to kill members of staff. He repeatedly threatened to kill his victim, via mutual acquaintances, whilst in prison. He was released at the halfway point of his sentence assessed as MAPPA level 2 high risk of harm. He failed to turn up at the probation hostel which was a condition of his licence and was unlawfully at large for two weeks prior to being eventually found and arrested close to his victim's home, in possession of a carving knife and a crowbar. He has since received a further sentence for a number of serious assaults on prison officers and is now assessed at MAPPA level 3. He will, however, be released again automatically halfway through his current sentence although he states clearly that he will not comply with any licence conditions.

47. **Surrey and Sussex**

A 30 year old male was convicted of arson with intent and child cruelty. He took his partner's children hostage and threatened them and the police with a meat cleaver then set fire to the house. He was sentenced to eight years in prison and released automatically at the halfway point of his sentence assessed as MAPPA level 2 high risk of harm. He was recalled shortly after release for fighting with another hostel resident and threatening him with a knife.

48. **Surrey and Sussex**

A 28 year old male was convicted of inciting a child to engage in sexual activity and sentenced to 30 months. He was released at the halfway point of his sentence assessed as MAPPA level 2 high risk of harm. He was recalled after two months following intelligence that he had entered into a relationship with a woman he met online who had an underage daughter. Such behaviour had been predicted prior to his release.

49. **Merseyside**

A 40 year old male was convicted of affray, possession of a blade, failure to stop after an accident and threatening behaviour and sentenced to 54 months. He was automatically released at the halfway point of his sentence despite saying clearly that he would not comply with the conditions of his licence or reside at the probation hostel he was released to. He was recalled within 48 hours having failed to turn up at the hostel however in the meantime he had involved his young son (who had been in care but was doing really well on his own) in his attempt to smuggle drugs back into prison, knowing that he was to be recalled. He left the drugs in his son's flat having lost his nerve about the attempt and his son was then visited by a drug dealer who threatened him that he was 'insurance' for his father's bad drugs' debt. The son was understandably terrified and social services had to provide support.

50. **London**

A 31 year old male was convicted of malicious wounding and sentenced to 18 months. He presented with a personality disorder although this was not formally diagnosed. He was released at the halfway point of his sentence having taken a non-compliant attitude to supervision pre-release. As a result of this, extra care was taken to ensure he understood his licence conditions and reporting requirements but he was immediately recalled for failing to attend his first appointment for supervision. He was later released at his sentence expiry date but soon reoffended. He is now serving a 24 months term for robbery. His probation officer reports that he tends to commit offences which attract between a 12 and 24 month sentence so the periods on licence are short and there is concern that the seriousness of the offending is escalating with time.

51. **Northamptonshire**

A 21 year old male was convicted of robbery and sentenced to 28 months. He was released at the halfway point of his sentence in December 2010 to a probation hostel. He had no fixed abode and risk issues prevented his returning to his home town. He was assessed as having multiple concerns including being of high risk to the public and a known adult and child and was subject to MAPPA restrictions. He also had significant substance misuse issues. He was recalled within three weeks having been apprehended at the address of the known adult to whom he was assessed as being of high risk due to previous threats to kill them and other domestic violence concerns.

52. **London**

A 30 year old male was sentenced to eight years for rape of an adult female, false imprisonment and actual bodily harm of the same woman. He was compliant with the prison regime but did not engage with any offending work as he was in complete denial of offending and blamed the victim. He was released automatically when four years had been completed and placed in a probation hostel. His licence was breached within a week, he went absent for several days before the police put out a media alert about him being a serious offender amid fears for the safety of the victim. Several days later he was apprehended by the police and will now serve out the rest of his sentence but he is still not engaging with the sentence plan.

53. **London**

A 27 year old male was convicted of assault on his partner and sentenced to three years imprisonment. He did not engage with programmes in prison and was assessed as very high risk of harm to his partner and to the public when he was released automatically at the halfway point of his sentence. A breach notice was issued after seven days after he contacted and threatened his partner again, despite the tight management plan that was in place.

54. **London**

A 34 year old male was sentenced to two and a half years for the offences of affray and criminal damage. On bail he was further charged and convicted of actual bodily harm and possession of a firearm. The offences were all in respect of a previous partner. He did not engage with the prison regime but was released automatically at the halfway point of the sentence. Within 14 days an incident took place where he further threatened his former partner and he was recalled to custody. He remains at large.

55. **Staffordshire/West Midlands**

A 20 year old male was sentenced to four years for arson and intent to endanger life. He was released automatically at the halfway point of his sentence, despite having no suitable address, not doing any offender programmes. He was assessed as posing a high risk of harm to the public and his family. He repeatedly said during his sentence that he had no intention of complying with probation on his release and he was assessed as MAPPA level 2, medium to high risk of harm. He absconded and was breached and returned to custody within 24 hours of release.

56. **Staffordshire/West Midlands**

A 31 year old man was convicted of actual bodily harm and sentenced to two years custody. He had serious mental health difficulties and refused medication. He refused to comply with the prison regime. Psychiatric reports stated that in their opinion he had the capacity to kill but, again, he was released automatically despite the risk issues and was managed at MAPPA 2 level. There were also child protection concerns with social services involvement. He was recalled within 36 hours after he was deemed to pose a risk to his original victim.

57. **London**

A 27 year old male received 24 months custody for a range of assaults on his partner, committed whilst on a suspended sentence order for wounding offences against a previous female partner. He was released automatically at the halfway point having done no offender behaviour programmes whilst in prison. He was regarded as being of high risk of serious harm at the point of release. He breached the non-contact with the victim condition on his licence and was recalled within three days.

58. **West Mercia**

A 30 year old male was sentenced to six years for the wounding of his partner and arson on the partner's parents' house. He did not participate in any programmes whilst in prison but was released automatically at the halfway point. He was assessed as high risk. A condition of the licence was that he stay at a hostel. Within 48 hours of release he was recalled after he was seen by police in the vicinity of the house he had previously set fire to.

59. **Surrey and Sussex**

A 27 year old male with a history of domestic violence was convicted on two counts of assault against his partner and sentenced to 18 months in custody. He is assessed as high to very high risk of serious harm. He was released after serving nine months. Within a month of release he returned drunk to his victim's house and assaulted her twice with their six week child present. There were also child protection issues involved because of the persistent domestic violence. He was immediately recalled.

60. **Hampshire**

A 27 year old male was convicted of actual bodily harm and threats to kill and sentenced to 36 months in prison. He was assessed at the time of sentence as high risk to the public and a known adult and this assessment remained the same when he was released at the halfway point of his sentence. He was released on condition he reside at a probation hostel and a recall request was made on the day of the release when he failed to report there. He could not be located however and was finally found six weeks later. This probation officer states that neither he nor the hostel were expecting the man to turn up as his attitude in prison was so poor. He has now been recalled but the weeks when he was missing caused great concern as he presented such a high risk of harm to his victim and the public.

61. **London**

A 50 year old male was convicted of fire arms offences and sentenced to eight years. He had significant personality difficulties and a diagnosis of a disorder. He was released at the halfway point of his sentence having not engaged in any offending behaviour work or treatment whilst in prison. He had made numerous threats of harm to his victim and others prior to release and a great deal of work went into finding him appropriate accommodation away from his victim's area and into a robust risk management plan. He was however recalled after two weeks for aggressive behaviour in the hostel where he was living. His probation officer believes that if he had been more thoroughly psychologically assessed in prison and perhaps diverted to therapeutic treatment or given some other intervention this might have helped him respond better on release. Now he is on licence recall and re-release will require Parole Board approval. Significant amounts of time and resources have been wasted in the release and recall and it has not impacted well on the offender either.

62. **Surrey and Sussex**

A 26 year old male was sentenced to four and six months concurrently for violent offences against his partner. He was released at the end of 2010 having served half his sentence and reoffended against the same partner within one month of release. He was remanded in custody and received a 12 months sentence. Upon release from this sentence he was gate arrested upon leaving prison for breaching his restraining order against the same victim and was recalled to custody. He was assessed as high risk to his partner and their child. Because he had been sentenced to less than 12 months in custody he did not fall within the remit of the Probation Service.

63. **London**

A 27 year old male was convicted for arson and domestic violence. He has a long previous history of assaults on partners. He received a two year sentence and was automatically released at the halfway point. He was assessed as high risk. He began making threats against his probation officer in the five weeks prior to his release, saying that he would assault her. He breached his licence on the first day of his release and received a formal warning. A condition of his licence was to be resident at a probation hostel away from his own area, in order to try and manage the risks. He was subject to a 21.00hrs curfew. On the second day of his release he did not return until the early hours of the morning. He was immediately recalled and is now back in prison. He had made comments prior to his release saying that if he was made to live at a hostel he would deliberately get recalled and serve the remainder of his sentence in prison as he would refuse to abide by his licence conditions. In the view of the probation officer, had the Parole Board been involved in assessing his case prior to release he would not have been granted freedom. In prison he refused to complete any offending behaviour work, particularly the domestic abuse programme which should really have been made a compulsory part of his sentence plan.

64. **Greater Manchester**

A male in his forties was convicted of two counts of theft and sentenced to 15 months in early 2010. He had a history of theft from the person, targeting vulnerable female victims particularly. He was assessed as of high risk of harm and of reoffending. He was released at the halfway point of his sentence but recalled weeks later for an attempted theft. He received a further six month sentence, was again released automatically at the halfway point and was recalled within six days for further thefts, two from vulnerable elderly victims. He is currently on remand and facing a long custodial sentence.

65. **Merseyside**

A man in his 30s serving a sentence of five years for domestic violence and threats to kill his partner was given automatic conditional release at the halfway point of his sentence. Whilst in prison he had to be interviewed behind glass because of risk of harm and to be dragged away by prison staff after attempting to get at the probation officer conducting the interview. He was assessed as MAPPA level 3, high risk of harm, and within two hours of release was texting his ex-partner with threats that he would find and kill her. He was subject to emergency recall and was back in prison within a couple of days following arrest.

CONCLUSION

There has been a staggering rise in the number of prisoners recalled to custody during the period 2001 to 2011. The numbers recalled in 2000-01 was 2,457; this has risen by 466% by 2010-11. The rate of increase slowed during 2007 to 2009, but there was an increase of 18% between 2009-10 and 2010-11. Case histories obtained by Napo show quite clearly that many offenders who are still high risk and dangerous are leaving custody having completed 50% of their sentence because of the change in legislation which was introduced in 2005.

These former prisoners require intensive supervision and continuous liaison with the police. Many former prisoners have absconded following a decision to recall them. They tend only to be found when they are rearrested for a new offence and a warrant for their arrest is flagged on the police national computer. The majority of recalls are because of the commission or accusation of a further offence but a third are returned for technical reasons such as failure to keep appointments or refusing to abide by licence conditions. The number of persons recalled is now equal to or in excess of the monthly rise in the prison population.

It is of deep concern that all persons detained in prison on determinate sentences are released when they have completed half their sentence even if they have failed to show remorse or taken part in rehabilitation programmes. Napo also believes that the evidence is overwhelming that trained, experienced and qualified staff are needed to supervise persons on licence and to take decisions on recall, should the circumstances warrant this.

It is also clear from case studies published by Napo that dangers are not limited to those serving longer sentences. Many persons have been recalled following an original sentence of two years or less because of a clear threat to victims. There is a need for probation staff to be given greater discretion when determining whether a recall is necessary; that sufficient resources be provided by government to ensure that persons are supervised properly and that adequate liaison with the police occurs in all cases.

There is also an urgent need to review the decision taken in 2005 to release all prisoners automatically after they have completed half their sentence. At the moment there is no incentive for prisoners to participate in rehabilitation programmes when they know they will be released at the 50% point in any event. Napo also believes there is overwhelming evidence to suggest that any cuts to the probation or police frontline will exacerbate current problems and clearly compromise public protection.

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