



Ministry of **JUSTICE**

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The Rt Hon Ann Widdecombe MP
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Thank you for your letter of 20 February on behalf of Andrew Hinchliffe about life sentence prisoners, who remain in prison beyond their tariff and who maintain their innocence.

Mr Hinchliffe has asked how many life sentence prisoners are beyond their tariff and how many of them are maintaining their innocence. He also asks if Ministers could publish their names along with their original or adjusted tariff and actual number of years they have served.

On 17 March, there were 2,694 life sentenced prisoners recorded as being over tariff. This includes prisoners serving either a mandatory, automatic or discretionary life sentence, as well as those serving custody and detention for life and a sentence of imprisonment at Her Majesty's Pleasure. As Mr Hinchliffe refers specifically to prisoners serving a life sentence, I have not included data in respect of those prisoners serving an indeterminate sentence of imprisonment for public protection.

However, as you have pointed out, there are problems in answering the other questions. Firstly, we do not maintain a central record of those maintaining innocence. Prisoners may maintain their innocence for a wide variety of reasons and that stance may often change during sentence. Individual establishments will be aware when a prisoner maintains innocence or is involved in formal appeal processes, but to develop a central record of all such prisoners would require extensive and continuing manual checks of individual records. Even if such a list existed, it is doubtful whether the identity of all those on the list could be placed in the public domain.

On the question of what is the impact on a prisoner who maintains their innocence, I can assure you that this in itself is not a bar to their progression through their sentence and, ultimately, to release. Such offenders can be released only when the independent Parole Board concludes that the risk which they present is such that it

may be safely managed in the community. The Board's decision is based on consideration of all the identified risk factors. It would be unlawful for the Parole Board to refuse to direct release solely on the basis that the offender continued to deny guilt, but, nevertheless, the starting point in making its assessment is that the offender was rightly convicted by the courts.

I realise that denial of guilt can make it more difficult to assess identified risk factors and the extent to which the overall level of risk has been reduced during the sentence. This is because denial often affects a prisoner's suitability for offending behaviour programmes, as well as their motivation to address their areas of risk. While those fully in denial may not be able to undertake offending behaviour courses specific to the offence, other options may be available. For example, it is possible for prisoners in denial to work on offending behaviour identified in previous convictions or on other related risk factors, for example, alcohol or substance abuse or relationship problems.

Other than offending behaviour work, the prisoner will also be assessed on the basis of his attitudes and behaviour while in prison, as well as the resettlement arrangements put in place for his return to the community. In the absence of offending behaviour work, greater reliance will be placed upon these factors when determining whether it is safe release him back into the community.

Yours sincerely

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