



# Ministry of **JUSTICE**

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Andrew Hinchliffe  
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14th January 2009

Ref: Fall 57281

Dear Mr Hinchliffe

Re : Request under the 2000 Freedom of Information Act

Thank you for your letter dated the 18th December 2008 in which you sought information relating to the following from the Ministry of Justice.

We apologise for the delay in reply to your request

"I note with interest Maria Eagle's responses, as reported in Hansard on December 15th, to two written questions recently tabled by David Howarth MP. The report in Hansard reads as follows.

David Howarth: To ask the Secretary of State for Justice how many prisoners currently serving sentences in Her Majesty's prisons are beyond their original or adjusted tariff, and of these, how many are maintaining innocence of the crime for which they were convicted (241545)

Maria Eagle: On 8th December 2008, there were 3,667 indeterminate sentence prisoners in custody recorded as being beyond their original or adjusted tariff. The figure is taken from Public Protection Unit Database (PPUD) within the National Offender Management Service. As with any large scale recording system, it is subject to possible errors arising from either data entry or processing.

No central recording of prisoners maintaining innocence is maintained. To establish how many prisoners are beyond their original and adjusted tariff and maintaining their innocence would require a manual checking of individual records, which could be carried out only at disproportionate cost.

With regards to Maria Eagle's first response, I would like to ask for two further breakdowns of this figure as follows:

1. By number of years over current tariff (e.g less than one year, more than 1 year, more than 2 years etc)
2. By length of current tariff (e.g. 0-5 years, 5-10 years, 10-15 years etc)

With regard to her second response, I appreciate that the stance adopted by NOMS to prisoners maintaining innocence (which I understand though do not accept) probably explains the absence of any such central record. However, I feel sure that a record must exist concerning the appellant status of prisoners and so would like to ask how many of these 3,867 prisoners are appellants?"

Your request is being handled in accordance with the Freedom of Information Act 2000 as a request for information.

Below is the information you have requested.

The National Offender Management Service (NOMS) records showed that on 30 December 2008 the number of life sentence and indeterminate sentence prisoners in custody and beyond the date of their tariff was 3,860.

Table 1, below, provides a breakdown of these tariff expired prisoners according to the length of time they have spent in custody beyond their tariff.

**Table 1**

<b>Years over tariff</b>	<b>Total</b>
Less than 1	1165
Over 1	2695
Over 2	1970
Over 3	1613
Over 4	1332
Over 5	1121
Over 6	928
Over 7	783
Over 8	656
Over 9	581
Over 10	494
Over 11	419
Over 12	356
Over 13	305
Over 14	268
Over 15	230
Over 16	193
Over 17	165
Over 18	133
Over 19	103
Over 20	77
Over 21	56
Over 22	45
Over 23	29
Over 24	16

Over 28                      5  
Over 29                      2

Table 2 below records the breakdown by length of tariff.

<b>Current tariff (Specified Part)</b>	<b>Total</b>
Less than 5 yrs	2026
5 yrs - 10 yrs	773
10 yrs - 15 yrs	748
15 yrs - 20 yrs	224
20 yrs - 25 yrs	82
Over 25 yrs	7

You also asked how many of these 3,867 prisoners are appellants. There is no central record within NOMS of the number of prisoners beyond tariff and who are currently in the process of appealing against their conviction.

The figures used in this reply are taken from the Public Protection Unit Database (PPUD) within the National Offender Management Service. As with any large scale recording system, it is subject to possible errors arising from either data entry or processing

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter by writing to Data Access & Compliance Unit Postal Point 1.40, Floor 1, Zone C, 102 Petty France, London, SW1H 9AJ

If you remain unhappy with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House Water Lane, Wilmslow, Cheshire, SK9 5AF.

#### Freedom of Information User Survey

The Constitution Unit, a research body at University College London, is carrying out an independent evaluative study of the Freedom of Information Act 2000 in co-operation with a number of public authorities, including the Ministry of Justice. An important part of the evaluation process is gathering the experiences and opinions of FOI requesters like you. Any information you provide will only be seen by the Constitution Unit and will be handled in accordance with its privacy policy explained in the survey. The Ministry of Justice will only see the published results: no individual responses will be visible to us and your participation will have no effect on your future dealings with the Ministry.

If you have filled this survey out before, we invite you to fill it out again in light of the recent response to your request.

Yours sincerely

Data Access & Compliance Unit