



UNDERSTANDING LIFE LICENCES



Prisoners given mandatory life sentences are subjected to two distinct but overlapping forms of punishment: as prisoners, they experience the 'punishment part' of a life sentence, remaining imprisoned until they are eligible for release; following release, they are then subject to a life licence which remains active until their death. The licence places them under a specified set of conditions, such as supervision, requirement to reside in a certain area, to not have a phone, to be electronically monitored, to not work certain jobs or with certain groups of people etc. which they must comply with. Failure to do so can result in their return (or 'recall') to prison.

According to the Parole Board (2019) and the Ministry of Justice, the purpose of a licence is to:
'protect the public, to prevent re-offending and to secure the successful re-integration of the offender into the community. Licence conditions must be preventative as opposed to punitive and must be proportionate, reasonable and necessary.'
(Ministry of Justice, Licence Conditions Policy Framework, 2021, p6).

LICENCE CONDITIONS POLICY FRAMEWORK (2021)

An individual who is released from prison on an indeterminate sentence will be given the following seven standard licence conditions in accordance with Article 3 of the Criminal Justice (Sentencing) (Licence Conditions) Order 2015:

1. be of good behaviour and not behave in a way which undermines the purpose of the licence period;
2. not commit any offence;
3. keep in touch with the supervising officer in accordance with instructions given by the supervising officer;
4. receive visits from the supervising officer in accordance with instructions given by the supervising officer;
5. reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address;
6. not undertake work, or a particular type of work, unless it is approved by the supervising officer and notify the supervising officer in advance of any proposal to undertake work or a particular type of work; and
7. not travel outside the United Kingdom, the Channel Islands or the Isle of Man except with the prior permission of your supervising officer or for the purposes of immigration deportation or removal.

However, at the time of release, an individual's supervisory officer can decide whether further conditions are necessary to ensure the protection of the public, and to promote reintegration and compliance. These conditions may be compulsory, additional or bespoke (for further information on what these conditions include or how they may be added, see here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1010004/licence-conditions-policy-framework.pdf). In adding conditions beyond the original seven, the supervisory officer must ensure that they are 'proportionate, reasonable and necessary'.

ACTIVITY 1 – READ THE FOLLOWING FICTIONAL STORY



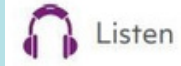
Sam sat in the waiting room. He looked down at the chair he was sat on, it was bolted to the floor. Perspex screens and locked doors separated him, and the others alongside him in the waiting area, from those they waited to see. Sam fidgeted, impatient, as he waited to be called in to meet his new probation officer. He wondered what she would be like – the woman who now held the keys to his freedom. He rubbed his neck as if he was trying to remove an invisible collar. Would she hold the leash lightly or would he be made to feel as though the noose was tightening around him?

Yvonne, an older woman in her late fifties, was fussing with paperwork, already behind on her caseload at the beginning of another gruelling day. She rushed to get through her casefile on Sam. She sighed. The report contained his risk-assessment and a score produced by an automatic system. This offered little comfort to Yvonne who knew that she would be the one to shoulder the blame if anything were to go wrong. When she had started out, several decades earlier, caseloads were significantly lower, in their 20s and 30s, but now they had risen to be in their 50s and 60s, with a greater emphasis placed on meeting targets. In their first meeting, she asked him about his offence, the events surrounding it, and his experience of imprisonment; trying to understand what made him 'tick'. By the second, she wanted to understand his thoughts moving forward. 'Let's talk about now', she said, 'about the future. You've got these conditions for life. You're going to be in the approved premise for the next three months, with an 8-to-7 curfew, and a requirement to attend AA meetings three times a week. How do you think we will get you through this first period without any bother, and what do you want out of it? What do you want your future to be?'

Sam hesitated. He felt blindsided by the questions. He hadn't been able to think about his future since he had been imprisoned, let alone released. There didn't seem to be any solid ground for him to stand on and to make any sort of claim. It was hard for him to imagine the future he had previously wanted for himself; the one he saw his friends and family now living, with a good job, a nice home, a wife and kids. He knew he was too old for that, and that his history of imprisonment and licence conditions would impede him from pursuing what he actually wanted his future to look like. So what sort of question was that to ask? How should he respond? What do you tell someone when your fears and anxieties about remaining in the outside world are tied to their very relationship to you? Was she here to help or hinder his resettlement?

(adapted from McNeill, 2019)

ACTIVITY 2 - LISTEN TO THE FOLLOWING PODCAST(S)



The following podcast episodes by Vox Liminis and the Distant Voices project provide insight into the Scottish criminal justice system. Their resources have been deliberately created to help students think critically and creatively about issues of imprisonment, release and pervasive supervision.

The Art of Bridging, episode 1 (The Currents) and episode 4 (The Columns). Available on Apple podcasts, Spotify, SoundCloud, and at the following website: <https://www.voxliminis.co.uk/the-art-of-bridging/>

- **Episode 1, The Currents** (if you can, listen to it all, but if not, listen from minute 17.55 – 25.12):
- **Episode 4. The Columns** (if you can, listen to it all, but if not, listen from minute 08.10 – 19.21):

REFLECTIVE QUESTIONS

Reflecting on the Licence Conditions Policy Framework, and the two activities above, think about the following questions:

- What are the official and unofficial purposes of a licence?
- Who do they act to serve?
- Are licences conducive with living a 'normal' life?

Often given the severity of crimes that people have committed to receive one of these licences, should they be conducive with living a normal life?

- Of the conditions listed, are there any that you would remove, or that you would add?

Try to write down any that you think aren't included in the standard, additional, compulsory or bespoke categories

- What is the dynamic of the relationship between a licensee (an individual subject to licence conditions) and their probation officer?

Why is this relationship important?

- Do you think it is 'proportionate, reasonable and necessary' to impose restrictions on individuals for the rest of their lives? Why/why not?

Does how you think about the restrictions change if the individual who is subject to them:

- Was someone who intentionally (or planned/pre-meditated) the killing;*
- Was involved in a death accidentally (e.g. a single punch that killed their victim);*
- Was the victim of domestic abuse and was fighting back against their abuser;*
- Was a family member of yours.*