



Opening Hours

Monday to Friday
9.00am - 8.00pm

Saturday and Sunday
10.00am - 3.00pm

Recall

What is recall?

When someone is released from prison 'on licence' or on parole, they are supervised by an Offender Manager. On release, they will be given a copy of their licence with all the conditions they need to adhere to. If they do not keep to the conditions of their licence then they could be recalled and brought back to prison.

A person can be recalled if:

- they commit another crime or are charged with another crime (this can increase their sentence or run concurrently).
- they are behaving in a way that leads their Offender Manager to think they might be about to commit another crime. For example, if they start drinking heavily and often get violent when they are drunk or,
- they break the conditions of their licence.

What happens if someone is recalled to prison?

If someone is to be recalled to prison for breaching their licence then the police will arrest them and take them back to prison. Their licence will be revoked meaning that their licence to live in the community has

been taken from them and they must be returned to prison.

How long will they be in prison for?

The length of time a prisoner who has been recalled will have to serve in prison depends on the type of recall they are subject to. There are three different types of recall:

- Fixed term recall. For a fixed period of 28 days. All Prisoners are eligible for this **even if** they are serving an extended sentence, a sentence for a violent or sexual offence, they have been recalled before on the same sentence or they were recalled before their automatic release date having being released early under the Home Detention Curfew scheme or compassionate grounds. All these cases however will be looked at individually.
- Standard recall. This applies to prisoners not eligible for a fixed recall because they are serving a sentence for a violent or a sexual offence, they are serving an extended sentence or because it is felt they are too much of a risk to be eligible for a fixed term recall. This type of recall can result in the prisoner remaining in custody until the end of their sentence or until the parole board deems them suitable for release.

- Emergency recall. Identical to standard recall but used where a prisoner is identified as a serious risk of harm and/or they are deemed to be at immediate risk of reoffending.

What happens next?

All prisoners are given the reason/s for their recall and have the opportunity to apply to make representations to the parole board. The parole board will then have the opportunity to view all the papers relating to the recall, including any representations made by the prisoner. Following a standard recall the parole board must then decide on one of four outcomes:

- Order the prisoner's immediate release back onto licence or,
- Refuse immediate release but order their release at a future date within a year or,
- Make no recommendation at all or,
- Order release at sentence expiry (only applicable when a prisoner has less than a year left to serve).

Can the prisoner appeal against the decision of the Parole Board?

The prisoner will be given the full reasons for the Parole Board's decision. They can then either accept it or request the decision be reviewed. In order to do this the parole board may simply reconsider the papers, or a prisoner can request a hearing in person in front of the Parole Board. This is called an 'oral hearing' and it takes place in the prison where the prisoner is being held. A prisoner is entitled to legal representation at the hearing. During the hearing a prisoner can give evidence and call witnesses. There has to be a strong argument in favour of an oral hearing as one will not be granted purely on the basis that the prisoner wants one. At the

oral hearing the Parole Board will make one of the decisions above.

What if the Parole Board refuses to release the prisoner after an oral hearing?

If the Parole Board refuses to release a prisoner following an oral hearing, the decision may only be challenged further through judicial review proceedings in the Administrative Court. The process is complex and a prisoner should seek legal advice before pursuing this course of action.

