



INTERMITTENT CUSTODY

***A Guide to the Calculation of
Intermittent Custody Sentences***

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A Guide to the Calculation of Intermittent Custody Sentences

INTRODUCTION

The key to the construction of an Intermittent Custody (IC) sentence rests in the balance between the number of custody days and the length of the overall sentence, which incorporates supervision in the community and may also contain other requirements to reduce the risk of offending.

The overall sentence is expressed in weeks, whereas the custody element is imposed in days. Those offenders serving their custody days at weekends, from Friday to Sunday, do so in three day blocks. Those required to attend on weekdays, whether they commence on a Monday or a Tuesday, serve the custody days in blocks of four days each week.

The eight charts in this guide are designed to illustrate the balance between custody and community time, and the way in which sentencers can alter that balance in individual cases. For example, the first chart, covering single sentences of IC imposed by a magistrates' court, indicates that it will take an offender 7 weeks (at 4 days custody per week) to complete 28 custody days. If the court were to impose the minimum overall sentence of 14 weeks, that would leave the offender a further 7 weeks in the community on Probation Service supervision. However, if the court decided to impose an overall sentence of 21 weeks, the offender's final period in the community will extend to 14 weeks.

The same principle would apply with a longer Crown Court sentence. The seventh chart covers single sentences of Weekend IC imposed by the Crown Court. This shows that a sentence of 84 or fewer custody days will be completed within a minimum overall sentence of 28 weeks. Within the minimum overall sentence, as the number of custody days increases, so the period of time spent by the offender under Probation Service supervision after the final custody day will reduce. Indeed, a sentence of 82-84 custody days, taking 28 weekends to complete, would leave no time for Probation Service supervision. If the Court imposed a Weekend IC order of 28 weeks (the minimum overall sentence) incorporating 60 custody days, this would take the offender 20 weeks to complete, leaving a further 8 weeks until the end of the overall sentence. However, the Court could extend the period of Probation Service supervision by imposing an overall sentence above the minimum. In this example, an overall sentence of 40 weeks incorporating 60 custody days would leave the offender with 20 weeks of Probation Service supervision after completing their 60th custody day.

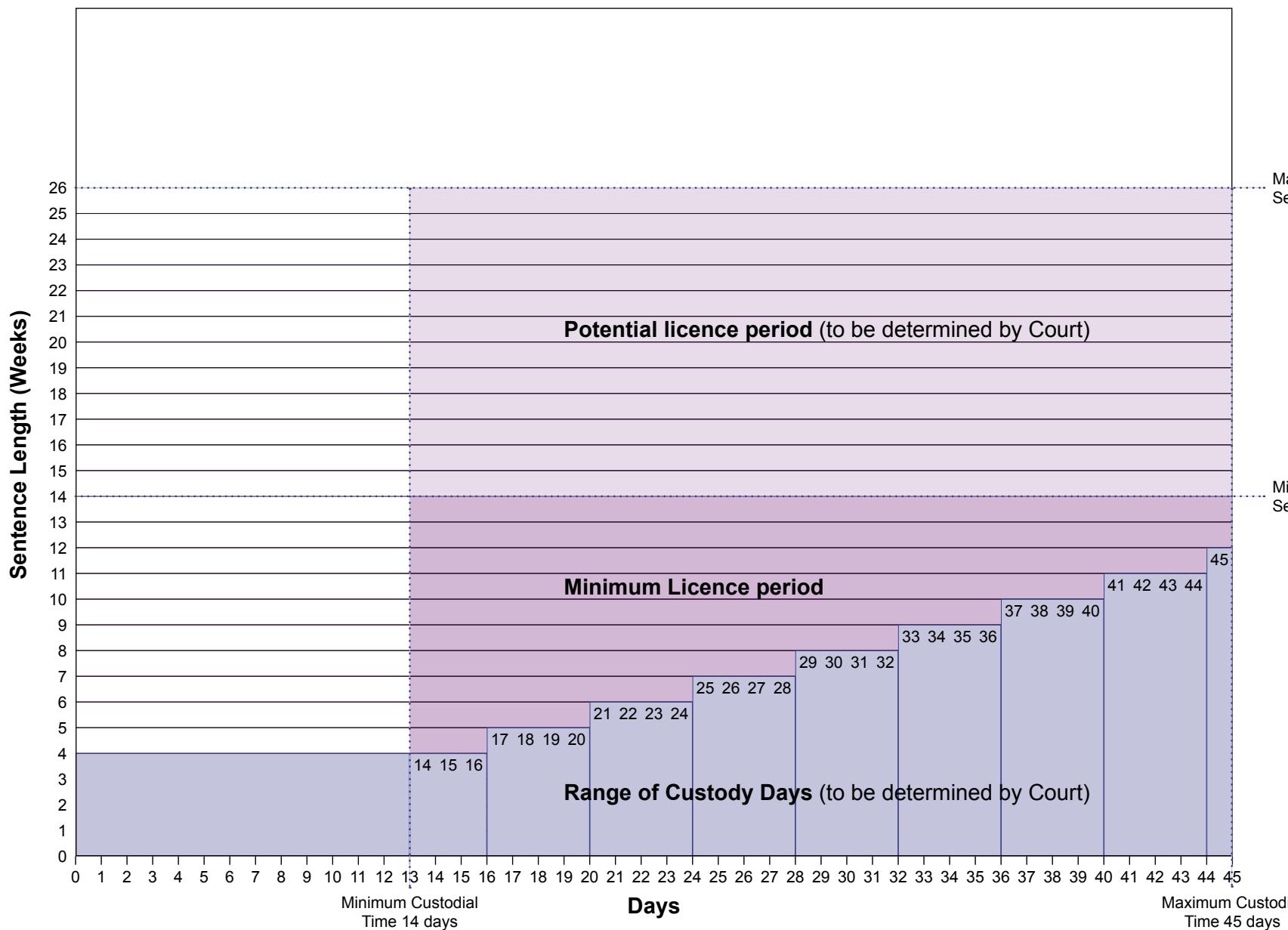
In the case of the unemployed offender on Weekday IC, a focus of the sentence is to achieve work or training. Where this can be achieved, the IC order will ordinarily be varied from Weekday to Weekend IC. However, it will take the offender longer to complete the number of custody days in the order under Weekend IC (3 days per week) than under Weekday IC (4 days per week.) To make this a practical option the sentencing court must impose an overall sentence long enough to accommodate the longer timescale required for Weekend IC.

The overall weight of the sentence must be assessed when deciding the number of custody days to be given, because Intermittent Custody will inevitably place great demands upon the offender. This is especially true when additional requirements are made as a part of the order. For example, it is necessary to remember that weekly sessions of community reparation work already form part of the custodial experience.

When determining the number of custody days to be imposed, sentencers must bear in mind that, unlike a traditional custodial sentence, the custodial element of an IC sentence does not incorporate remission and every day ordered by the court will be served.

Offenders sentenced to 42 or more custody days become eligible to be considered for early release on Home Detention Curfew, subject to risk-assessment and having completed half of the total custody days. However, before release on HDC an offender must serve at least 28 custody days. They remain subject to electronic monitoring in their own home, usually for 12 hours on the nights when they would otherwise have been in custody. Of course, community supervision continues throughout this period to the end of the overall sentence imposed by the court.

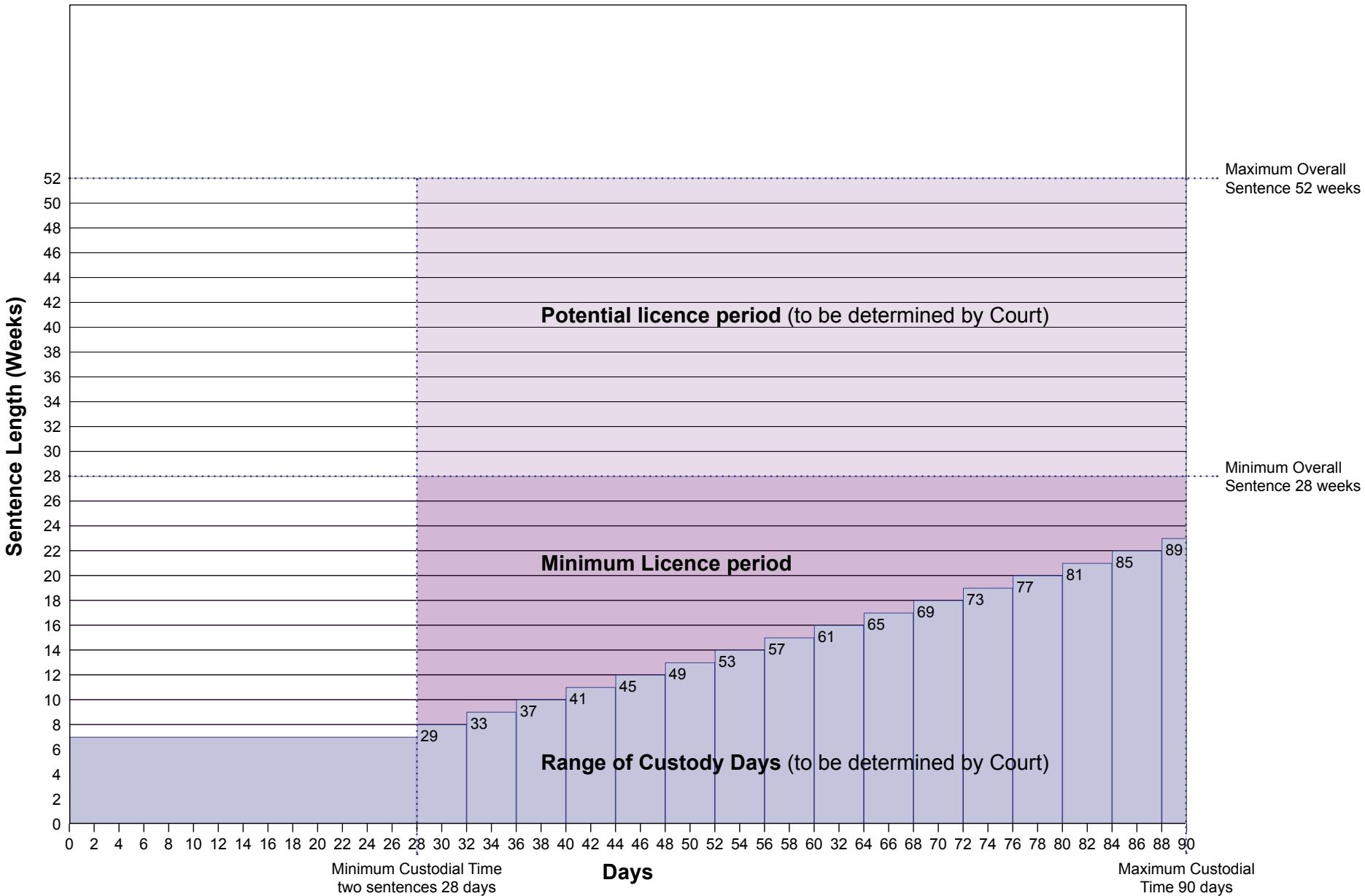
MAGISTRATES' COURT SINGLE SENTENCE



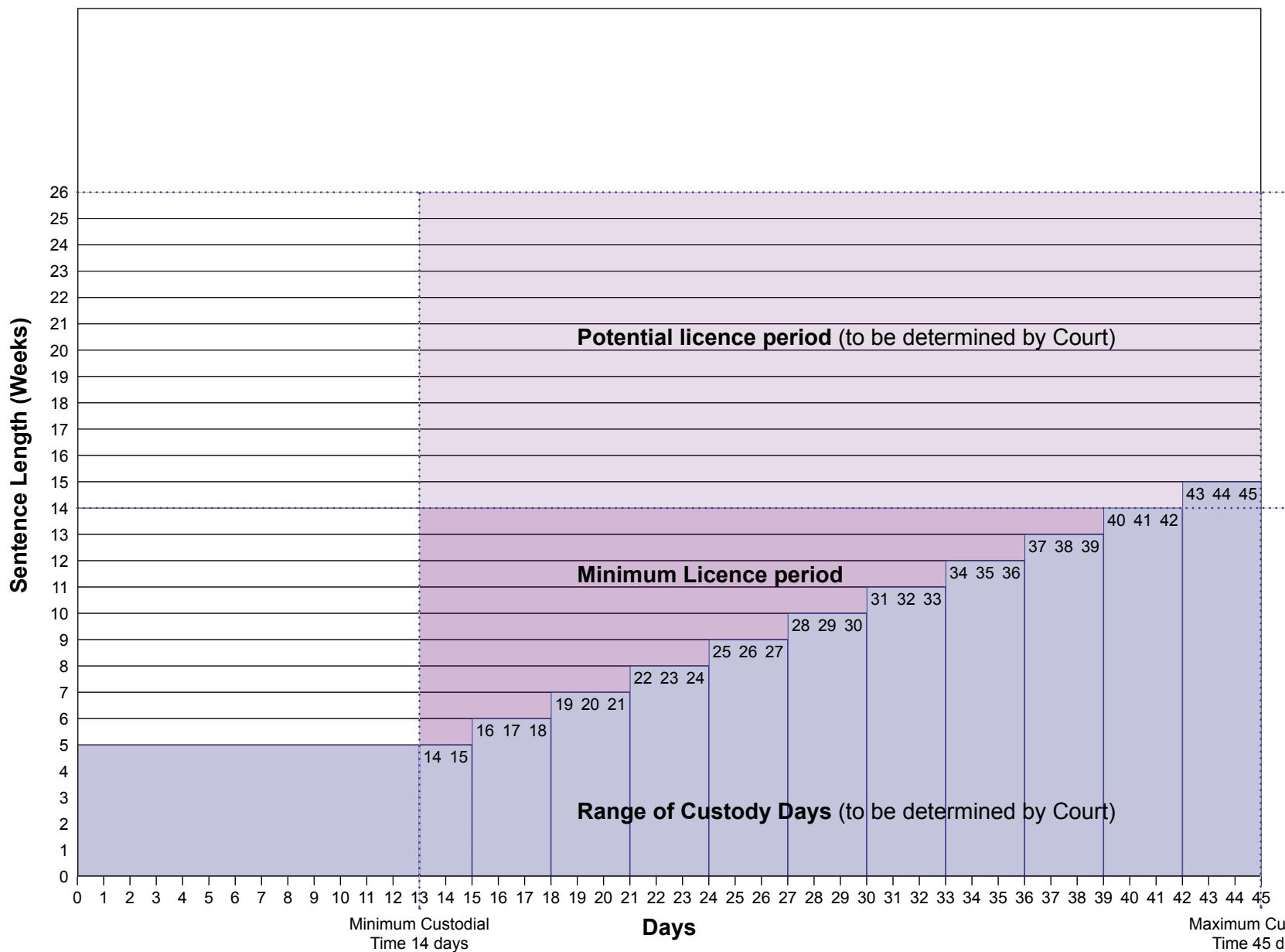
WEEKDAY CUSTODY (4 days served each week)

CHART TWO

MAGISTRATES' COURT CONSECUTIVE SENTENCES



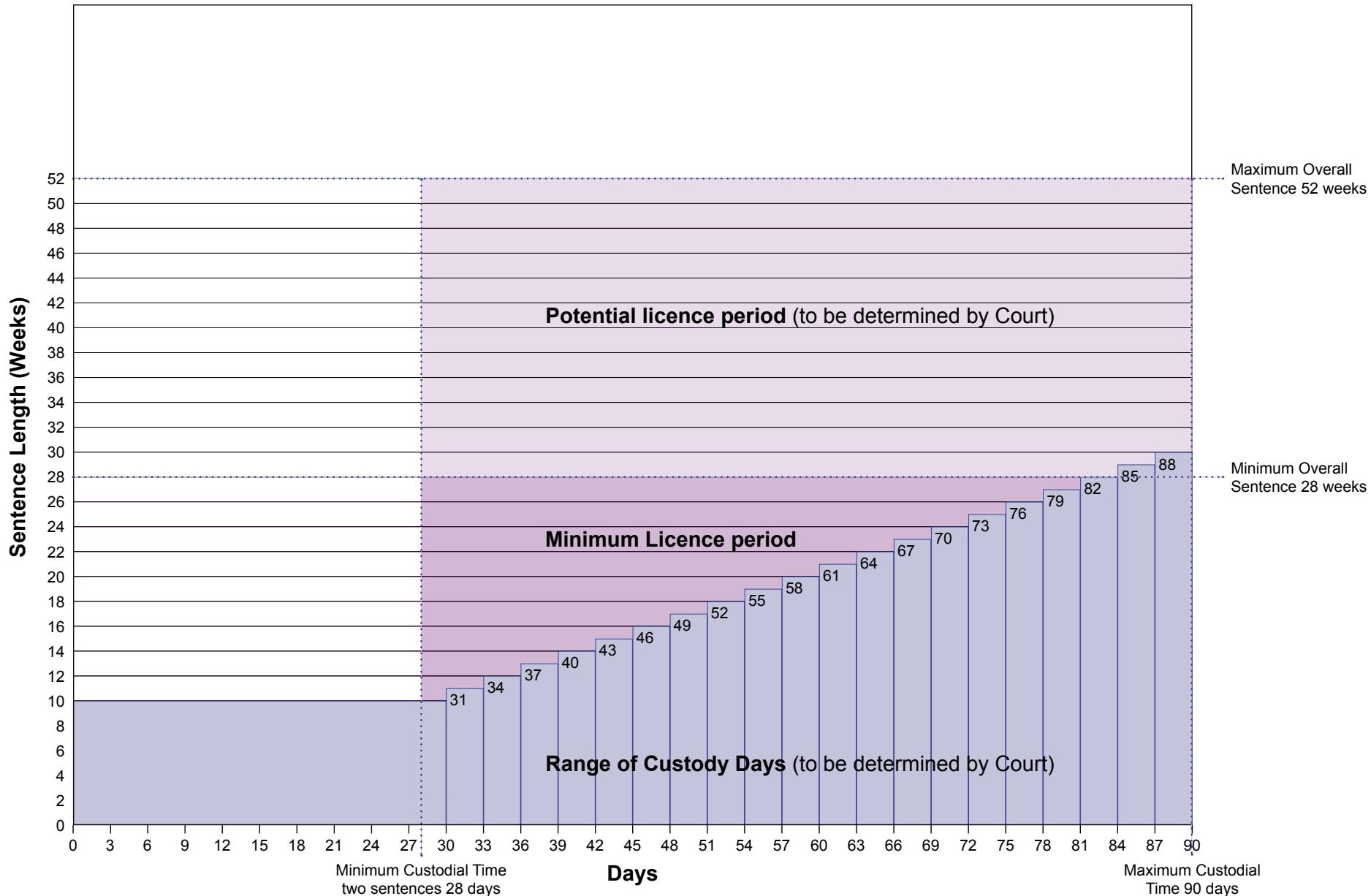
MAGISTRATES' COURT SINGLE SENTENCE



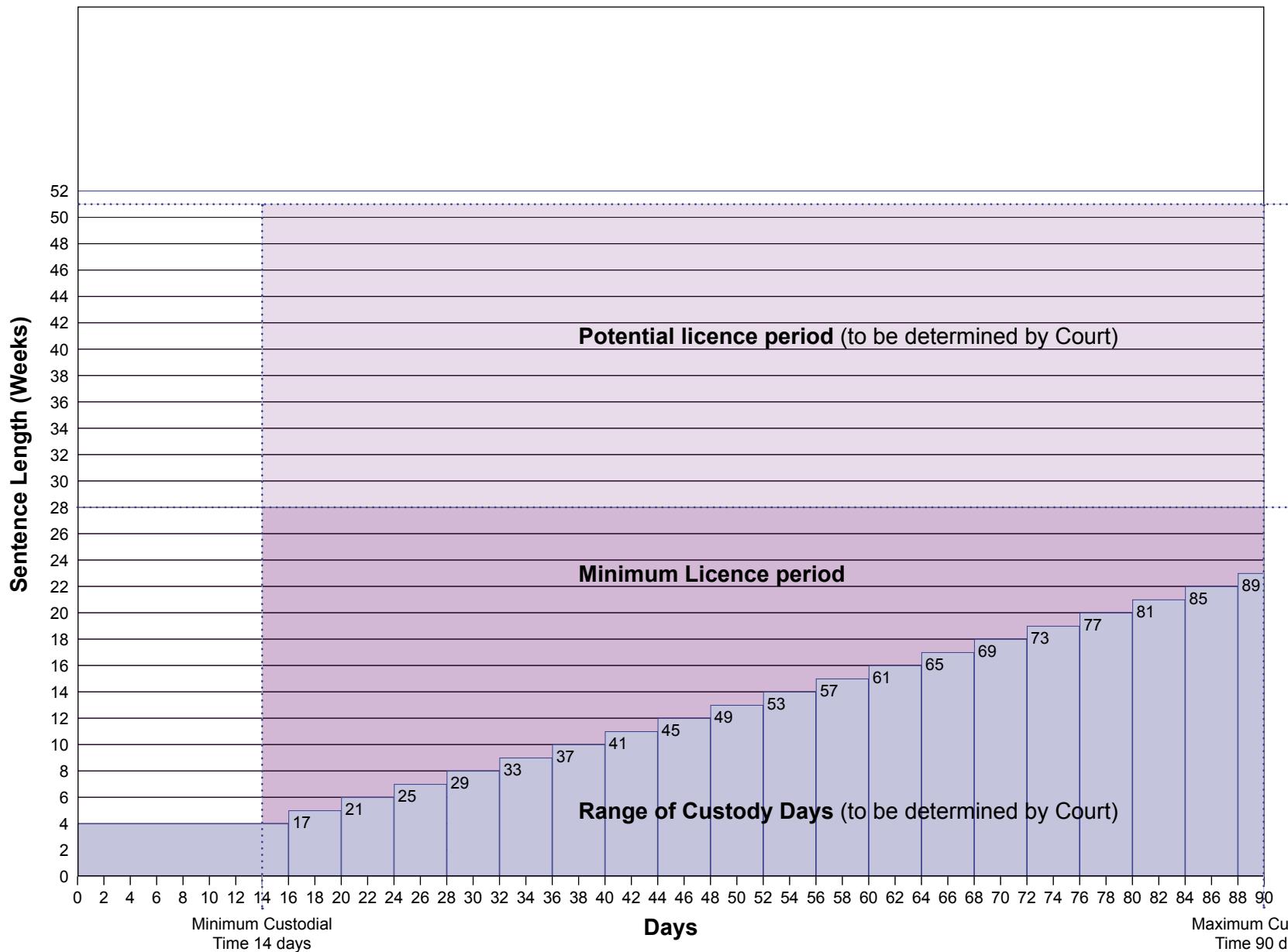
WEEKEND CUSTODY (3 days served each week)

CHART FOUR

MAGISTRATES' COURT CONSECUTIVE SENTENCES



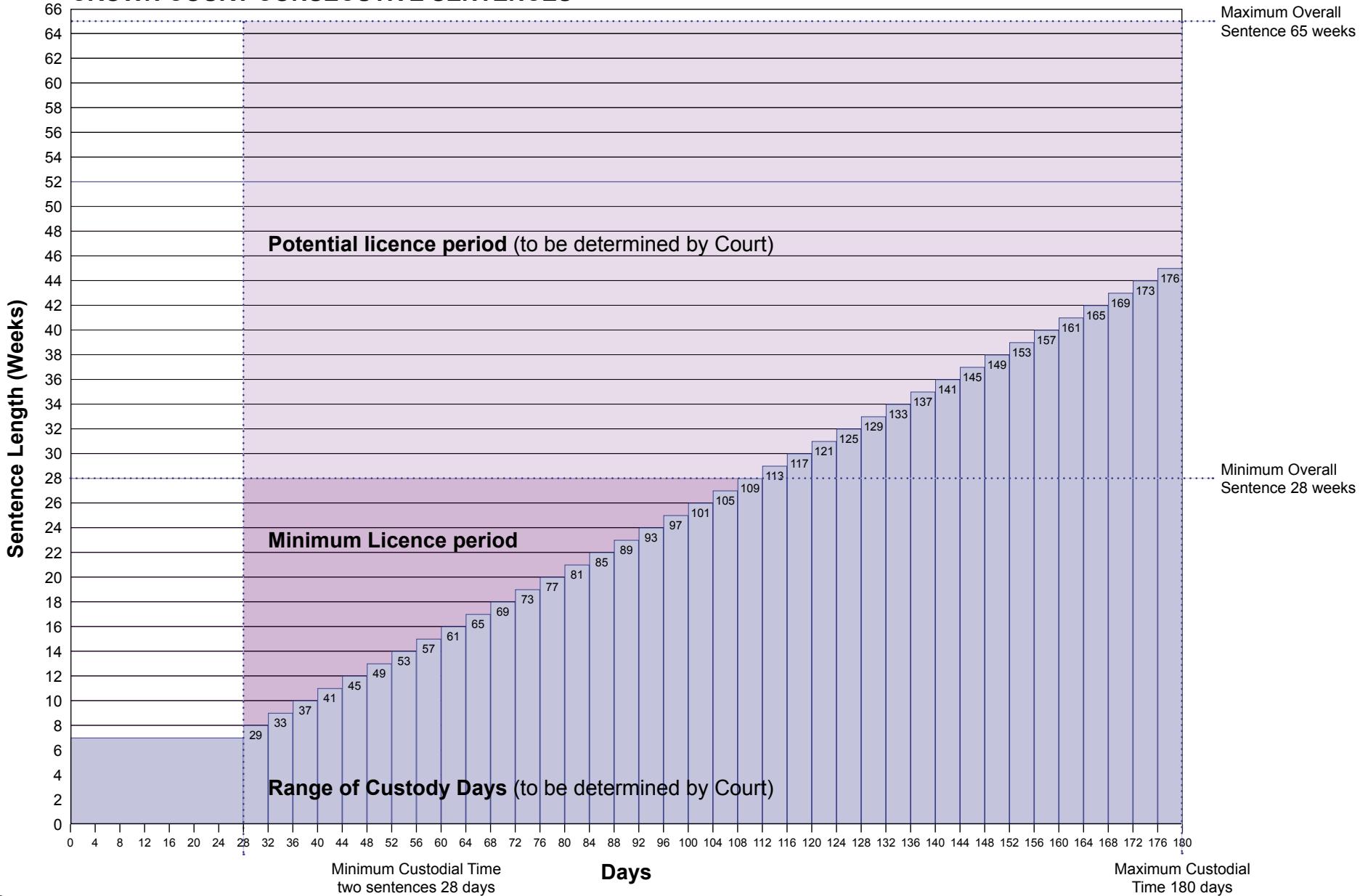
CROWN COURT SINGLE SENTENCE



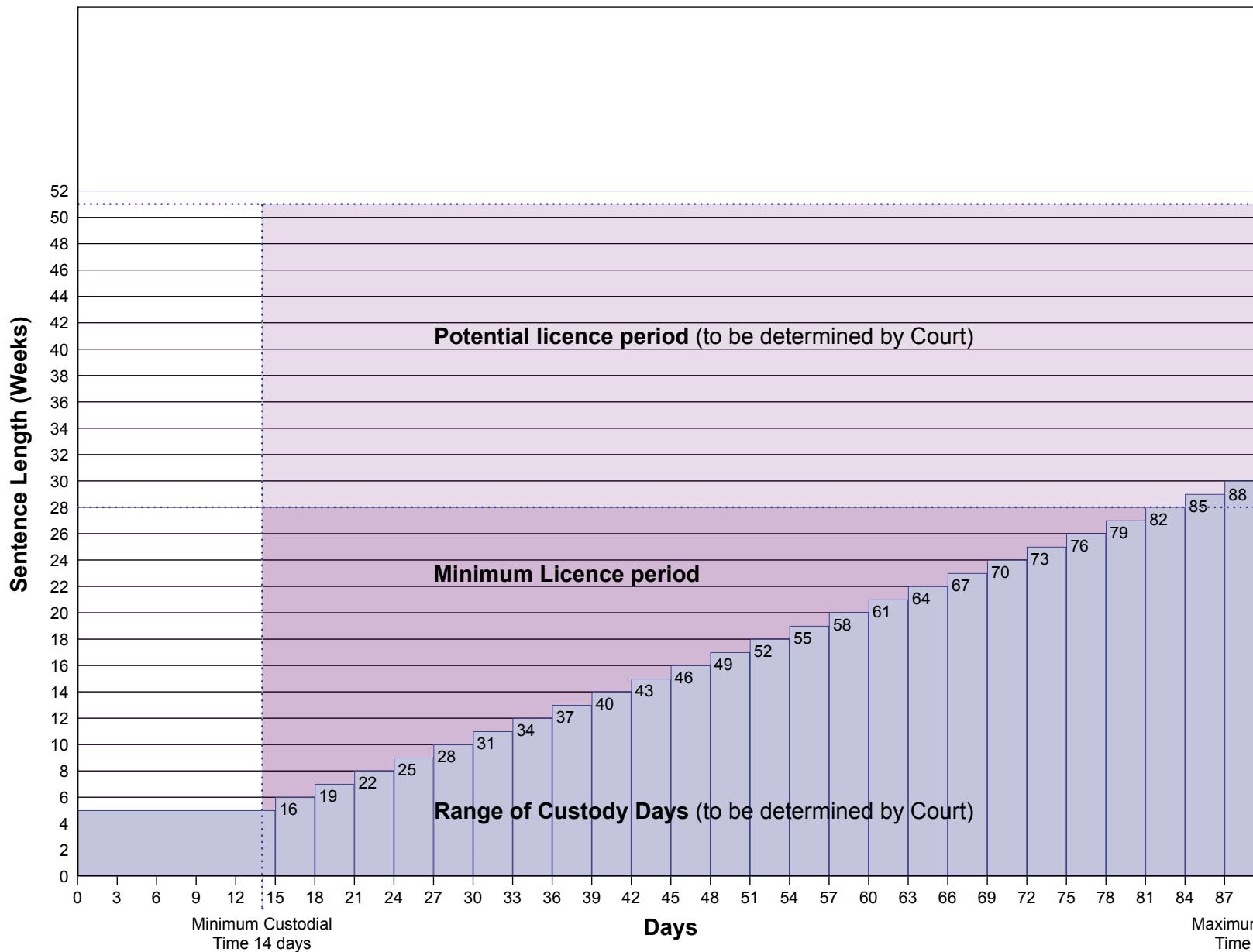
WEEKDAY CUSTODY (4 days served each week)

CHART SIX

CROWN COURT CONSECUTIVE SENTENCES



CROWN COURT SINGLE SENTENCE

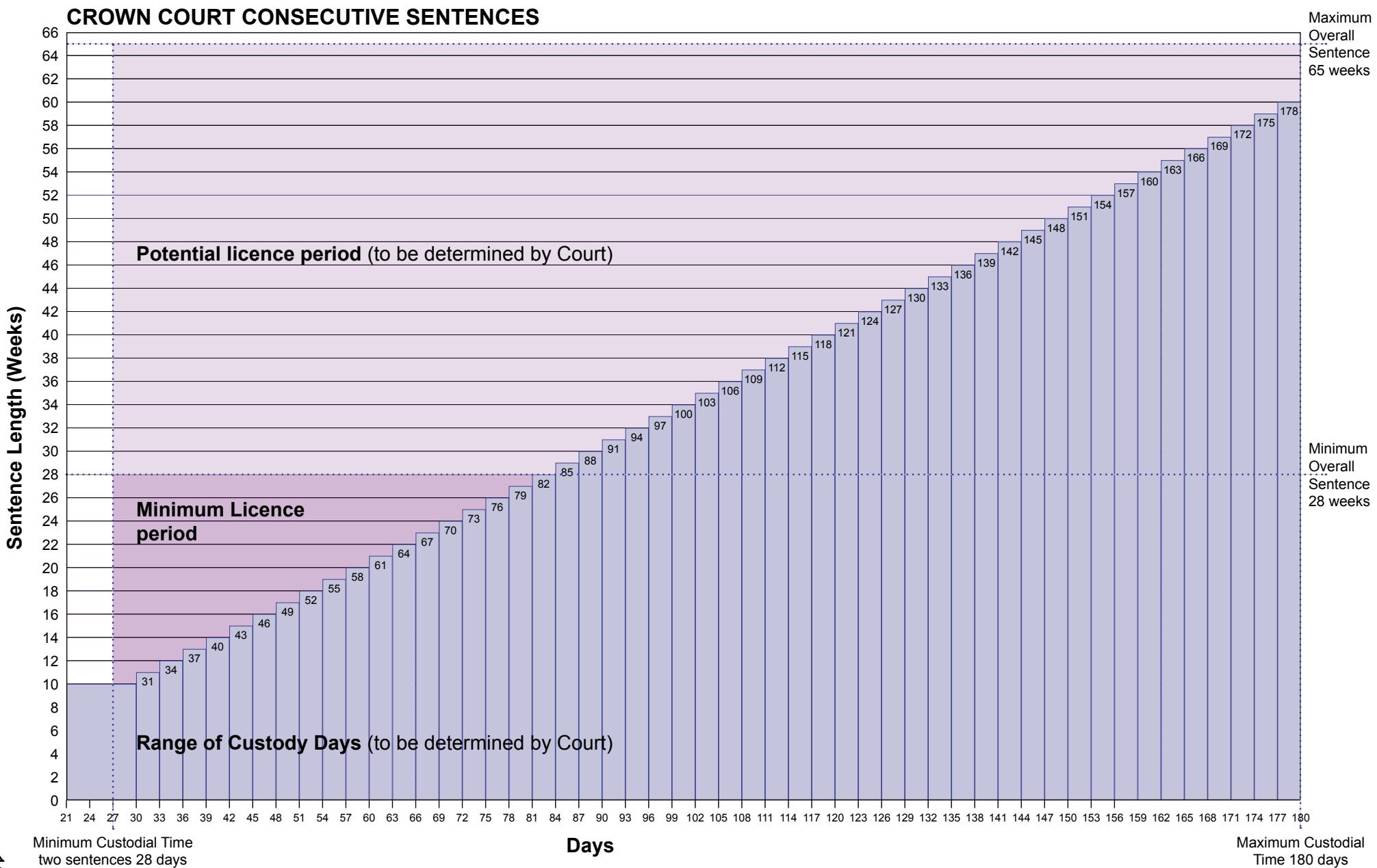


Maximum Overall Sentence 51 weeks

Minimum Overall Sentence 28 weeks

WEEKEND CUSTODY (3 days served each week)

CHART EIGHT



A SENTENCING CHECKLIST

- The offender must be aged 21 or over.
- The offence must be so serious as to have crossed the custodial sentencing threshold.
- The public should not be placed at risk of serious harm by the intended sentence.
- The offender should not have serious substance misuse or mental health problems.
- A report by the Probation Service must say that the offender is suitable, has suitable accommodation in the community and is able to travel to the prison every week. (Travel costs will be met by the Prison Service.)
- There must be a place available in the IC centre.
- The offender must give their consent to the sentence being made.
- The offender must receive a copy of the IC licence before leaving court.

CONTACT POINTS

HMP Kirkham (male prisoners)

Direct line: 01772 675720
Switchboard: 01772 675400
Fax: 01772 675713

HMP Morton Hall (female prisoners)

Direct line: 01522 866840
Switchboard: 01522 866700
Fax: 01522 866844

Prison Service Headquarters

IC Project Manager: 020 8760 1849

Staff at the Intermittent Custody Centres will be able to respond to enquiries about the operation of the sentence, regimes, travel and local arrangements, and confirm vacancies to the courts. Questions concerning implementation strategy or policy issues will be dealt with at Headquarters.

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