



HM Prison &  
Probation Service

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18 July 2023

Dear Pia

### THE ASSESSMENT OF INDETERMINATE SENTENCED PRISONERS FOR OPEN CONDITIONS

I am writing to update you regarding a change, directed by the Secretary of State, to the criteria by which Indeterminate Sentenced Prisoners (ISPs) are assessed for suitability for open conditions.

With immediate effect, the following criteria must be met for an ISP to be judged suitable for a move to open conditions:

- *the prisoner has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where the prisoner in open conditions may be in the community, unsupervised under licenced temporary release); and*
- *the prisoner is assessed as low risk of abscond; and*
- *there is a wholly persuasive case for transferring the ISP from closed to open conditions.*

We are removing the consideration of whether “a move would undermine public confidence in the criminal justice system” because this is highly subjective and, as a result, has been difficult to apply in practice.

We are replacing the consideration of whether “a period in open conditions is considered essential to inform future decisions about release and to prepare for possible release on licence into the community” with consideration of whether “there is a wholly persuasive case for transferring the ISP to open conditions”. This mirrors one of the criteria that was in place between 2014 and 2021 but, when taken together with the other two steps of the test, the changes we have made ensure that the overall criteria are more prescriptive.

I have informed the Parole Board of the change. The Secretary of State’s formal directions to the Parole Board will be changed accordingly.

The criteria above will apply with immediate effect to the consideration of recommendations for open conditions already made by the Parole Board but for which a decision has not yet been made, and to any such recommendations made in the future.

The case of any ISP where a recommendation from the Parole Board has already been accepted or rejected will not be reopened or reviewed. They will need to wait until their next assessment, when their suitability will be considered against the new test.

I recognise that this may frustrate ISPs who will not be re-reviewed and have asked Governors to ensure that their safety leads and prison wing staff are aware and have personal conversations with individuals if they have prisoners this will impact.

If you have any queries regarding this change, please contact me.

Yours sincerely,

A handwritten signature in black ink that reads "P. Copple". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

**PHIL COPPLE**

Director General of Operations