

02 Sentencing

Good Practice examples for Working with Foreign National Prisoners

Relevant CoE Foreign Prisoners Recs	Country & Description of Initiative	National, regional or Local Initiative	Legal basis, budgetary issues	Further Information
<p>3 13.1 Use of Remand in Custoday</p> <p>Appropriate training in dealing with foreign suspects and offenders shall be provided for the relevant authorities, agencies, professionals and associations which have regular contact with such persons.</p>				
<p>3 13.2 Use of Remand in Custoday</p> <p>In particular:</p> <p>a. alternatives to remand in custody shall always be considered for a foreign suspect; and</p> <p>b. the fact that such a suspect is neither a national nor a resident of the State or has no other links with that State shall not, in itself, be sufficient to conclude that there is a risk of flight.</p>				
<p>4 14.1 Sentencing</p> <p>In order to ensure that custodial sanctions are imposed on foreign offenders, as for other offenders, only when strictly necessary and as a measure of last resort, sentencing shall take into consideration Recommendation Rec(92)17 concerning consistency in sentencing. In particular, foreign offenders shall be considered for the same range of non-custodial sanctions or measures as national offenders.</p>				
<p>4 14.2 Sentencing</p> <p>The judicial authorities shall be provided, where possible and appropriate, with pre-sentence reports about the personal circumstances of foreign offenders and their families, the likely impact of various sanctions on them and the possibility and desirability of their being transferred after sentencing.</p>	<p>England & Wales: HM Prison & Probation Service;</p> <p>Guidance has been produced for court report writers to enable Courts to be made aware of the possibility of foreign offenders being able to undertake non-custodial sentences. Sentence Planning Guidance, which focus on gaining compliance as well as long term resettlement needs has been made available to all National Probation staff via the NPS Intranet and on EQuIP. EQuIP is designed as a process guide for staff for all areas of the business, and where overlaps occur e.g with Court where links are made to that area. The Foreign National Offender section of EQuIP was published on the 4th April 2016.</p>	<p>National</p>	<p>National Professional guidance</p> <p>No budgetary impact assessment</p>	<p>Susie.Carr@probation.gsi.gov.uk</p>
<p>4 14.3 Sentencing</p> <p>To avoid disproportionate hardship and obstacles to social reintegration, account shall be taken when considering sentences of the possible impact that such sentences may have on individual offenders and their dependants, without prejudice to the independence of the judiciary.</p>				