

CENTRE FOR CRIME AND JUSTICE STUDIES

Briefing for House of Lords Short debate on IPP Sentences (Thurs 12 Dec)

- In November 2024, the government published the first Annual Report on the Imprisonment for Public Protection (IPP) sentence. The report found that, since the abolition of the IPP sentence in 2012, the number of individuals serving IPP sentences has been declining. However, this decline has been exceptionally slow.
- Each year, the number of IPP prisoners released has been declining, while recalls to custody and the duration of such recalls have increased, leading to a growing population of recalled prisoners in custody. Currently, there are more recalled IPP prisoners than those who have never been released.
- IPP sentences have been found to have an adverse effect on mental health. Indeed, the number of self-inflicted deaths by IPP prisoners has been increasing yearly, reaching a record high of nine in 2023.
- Despite confirmation from the Justice Committee that the recommendation for a resentencing exercise would not mean automatic releases, the government continues to refuse to consider any sort of resentencing – but a new private members’ bill by Lord Woodley seeks to put this issue back on the table.

Background

The Imprisonment for Public Protection (IPP) sentence was introduced in 2005 and allowed for people convicted of specified offences to be imprisoned for an indeterminate length of time, where the court considered the offender posed a significant risk of serious harm in the future. Following criticism of over-use, the law was amended in 2008 to allow for greater judicial discretion over the imposition of IPPs, but prisoners were still required to demonstrate to the Parole Board they were “safe for release” – an impossibly high bar for many.

This torture sentence was abolished in 2012, in effect replaced with new provisions for life sentences to be imposed on convictions for a second serious offence. However, it was not abolished retrospectively – meaning that people serving an IPP sentence continue to pay the price of poorly thought through legislation.

A total of 8,711 IPPs were imposed by the criminal courts, with the number of prisoners serving such sentences reaching a peak of over 6,000 when it was abolished. As of September 2024, there were still 2,694 IPP prisoners in custody in England and Wales, 1,095 of whom have never been released. All but 11 unreleased prisoners have passed their tariff date (see Table 1.Q.15, September [offender management statistics quarterly](#)).

‘Psychological torture’

To give examples, [Thomas White](#) was handed a two-year minimum sentence for stealing a mobile phone but has served 12 years. [John Wright](#), then 17, was given a two-year tariff for head-butting a younger child and stealing his bike but has served 17 years. [Martin Myers](#) received a 20-month tariff in 2006 for attempted robbery of a cigarette but has served 18 years. [Yusuf Ali](#) was given a 3-year tariff in 2008 for seriously injuring another prisoner but has served 16 years. All four men are still incarcerated.

UN special rapporteur on torture, Dr Alice Jill Edwards, [describes](#) IPP as an “inhumane” punishment that “often amounts to psychological torture”. And quoting CCJS evidence, the Justice Select Committee asks in its 2022 [report](#) on IPP sentences: “Had capital punishment been abolished in the same fashion, would the previously sentenced have been hanged nonetheless?” (See also our 2022 [report](#), *Imprisonment for Public Protection: Psychic Pain Redoubled*.)

After this year's General Election, a coalition of over 70 criminal justice charities, trade unions, lawyers and campaigners – including the Prison Officers Association and Napo, the probation union – [wrote](#) to the new Justice Secretary to “express our serious concerns about the ongoing scandal of IPP sentences and the intolerable position in which successive governments have placed prison and probation staff who manage those still serving these sentences, both in custody and in the community”.

The coalition called for the new government “to set up an expert committee, in line with the recommendation of the former Justice Select Committee, to advise on the practicalities of a resentencing exercise, with the aim of beginning the exercise within 18 months”. This is now the campaigners' key demand.

Resentencing exercise

The Justice Committee recommended in its 2022 [inquiry](#) that the government bring forward “legislation to enable a resentencing exercise in relation to all IPP sentenced individuals (except for those who have successfully had their licence terminated). ***This is the only way to address the unique injustice caused by the IPP sentence*** and its subsequent administration, and to restore proportionality to the original sentences that were given” (emphasis added). Given the large number of prisoners over tariff, many might then be eligible for release.

To do this safely, the Committee advised the government to “set up a time-limited small expert committee to advise on the practical implementation of the resentencing exercise in conjunction with the senior judiciary”.

However, resentencing was rejected by the Justice Secretary at the time, Dominic Raab, a position confirmed by his successors – both Conservative and Labour. On 22 October Justice Secretary Shabana Mahmood told MPs: “We are not considering a resentencing exercise for IPP prisoners, because that would automatically release a number of people who we do not believe it would be safe to release.”

[In a recent letter](#) addressed to Lord Timpson and Sir Nic Dakin MP, the Committee notes that the government's objections to a resentencing exercise appear to misunderstand the recommendations made in the 2022 inquiry. The Committee chair Andy Slaughter MP highlights that the recommendation ***does not mean automatic releases***, and some individuals may remain in custody due to the severity of their original offences or ongoing risks to public safety. Rather, the resentencing exercise would include a time-limited expert committee to develop a practical and proportionate resentencing scheme, as well as legislative safeguards to ensure public protection and appropriate post-release supervision.

New IPP Bill

Although the government have rejected resentencing, this is now being [addressed](#) by a Private Members' Bill from Lord Tony Woodley, former leader of Unite the union. The [Imprisonment for Public Protection \(Re-sentencing\) Bill](#) mirrors previous amendments in the Commons and the Lords to the Victims & Prisoners Act and seeks to “make provision for a resentencing exercise in relation to all IPP sentenced individuals” and “establish a time-limited expert committee, including a member of the judiciary, to advise on the practical implementation of such an exercise” – basically, following the Justice Committee's key recommendation from 2022.

The Bill has [passed its second reading](#) in the House of Lords and is now in the Committee stage.

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