

The left behind: Early release scheme (SDS40) and life-sentenced prisoners

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On 29th July 2024, Parliament approved the Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order that seeks to reduce the prison population in England and Wales. Under SDS40 people serving a Standard Determinate Sentence (SDS) will be automatically released after having served 40 per cent of their eligible sentence rather than 50 per cent. A SDS is the most common type of custodial sentence issued by the courts. These sentences are available for most crimes. For all such sentences, people convicted of crime serve a portion of their sentence in custody and the remainder on licence in the community. This new legislation changes the proportion of the sentence spent in prison, but the overall sentence length will remain unchanged.

The rules apply to all offence types unless explicitly excluded. There are 56 offences that are excluded from the scheme which include: sexual offences, domestic abuse offences and national security offences.¹ Certain sexual and violent offences, such as those with a maximum penalty of life or where the sentence is four years or more for which an SDS was imposed continue to be subject to a two-thirds release point. Indeterminate sentences are excluded from the scheme.

The new rules were introduced in two phases. Firstly, they were applied to people serving a sentence of under 4 years as from the 10th September 2024 and then introduced for anyone serving a sentence of four

years or more as from 22 October 2024. It was estimated there could be a reduction of total prison places between 4,900 and 6,200 places. So far there were 1,889 SDS40 'Tranche 1' prisoner releases on 10 September 2024 and 1,223 'Tranche 2' prisoner releases on 22 October 2024.² The rules are temporary and will be reviewed in 18 months.

The media surrounding both waves of the early release scheme has largely focused on the perceived risks of releasing prisoners early, most notably by voicing concerns over public safety. Sensationalised anecdotes of released prisoners going on to quickly reoffend and having been recalled have circulated in the news, stimulating a moral panic over the potential adverse impact on the local communities into which prisoners have been released.³ News outlets have speculated over the likelihood of a high number of recalls, caused in part by reoffending and the breaking of licence conditions but also due to a lack of provision in the community for those being released.⁴

⁵ While the statistics on recalls and reoffending rates for this period have yet to be released by the Ministry of Justice, data for July to September 2024 showed a significant rise in recalls from the same time last year, with it being noted that the majority of this increase involved people who were serving sentences of under 12 months.⁶ There has also been controversy over the terms of the scheme — especially in terms of what offences should, or rather, should not, in correspondents' opinions, render prisoners as eligible or 'deserving' of release.^{7 8 9}

1. Ministry of Justice. (2024). *Transparency Data: Standard Determinate Sentences 40% (SDS40) 'Tranche 1' and 'Tranche 2' Release Data, England and Wales*. Ministry of Justice.
2. See footnote 1: Ministry of Justice (2024).
3. Christie, O. (2024, October 19). Another 1,100 prisoners will be freed next week under Labour's early release scheme - after offenders started committing crime within hours when last batch were allowed out. *The Daily Mail*.
4. Elgot, J., & Syal, R. (2024, October 22). 1,100 more prisoners set for early release as minister admits recall rate 'very high'. *The Guardian*.
5. Hymnas, C. (2024, September 8). Prison early release scheme could be undermined by increase in recalls, justice sources fear. *The Telegraph*.
6. Ministry of Justice. (2024). *Offender management statistics quarterly: July to September 2024*. Ministry of Justice.
7. Burford, R. (2024, September 9). Domestic Abusers May Be among 1,700 Prisoners Released Early, Admits Minister. *The Standard*.
8. Maddox, D. (2024, October 21). Second Wave of Prisoners to Get Early Release despite Fears Sex Offenders Included. *The Independent*.
9. Menzies Willoughby, V. (2024, September 9). "It Can Be Overwhelming": What Happens When Prisoners Are Released. *The Times*.

Essentially, the message being communicated is that the scheme is flawed, as the problem of prison overcrowding can only be temporarily abated with the 'quick fix' of early release.^{10 11} Aside from the concerns over public safety, the main criticisms of the scheme have been how it does not address the causes of prison overcrowding, instead moving the problem into the hands of overstretched probation services. Despite the significant media interest in the SDS40 scheme and more widely, prison overcrowding, there has been a lack of discussion of the scheme's impact within prisons themselves, and on those prisoners who are not eligible for early release.

Researching the impact of the SDS40 scheme on prisoners who are not eligible for early release is crucial for several reasons. It ensures fairness and equity within the prison system, as the scheme creates a disparity between those who benefit from early release and those who do not, which can lead to resentment and tension among ineligible prisoners. Understanding the psychological and behavioural effects on these individuals is essential, as they may experience increased stress, frustration, or hopelessness, potentially leading to higher rates of violence, self-harm, or disciplinary issues. Additionally, while the scheme aims to reduce overcrowding, its benefits may not be evenly distributed, and ineligible prisoners, particularly those serving longer sentences for excluded offences, may still face poor living conditions. Researching their experiences can reveal whether the scheme has simply shifted the burden of overcrowding onto a specific subset of the prison population. Furthermore, ineligible prisoners may feel demotivated in their rehabilitation efforts, undermining their engagement with programmes designed to reduce reoffending. The scheme may also create additional challenges for prison staff, increasing their workloads and stress levels. By examining the impact on ineligible prisoners, policymakers can gain a more comprehensive understanding of the scheme's effects, ensuring that future reforms are balanced and effective, and that the broader goals of justice, rehabilitation, and public protection are met.

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The evidence presented in this article has been collated by the authors from a combination of methods. The total data comprises nine in-depth interviews with prisoners serving life sentences who are ineligible for the scheme due to the length of their sentences and the nature of their offences, and an unstructured focus group which was held in a Category C prison with four of these participants. The combined research was conducted in two separate moments, prior and during the implementation of SDS40. All participants provided consent to participate in the study. As part of maintaining ethical rigour, although no risks were identified for those involved, participants were made aware of Listeners and chapel support services, should they need it. This ensured that any potential needs arising from participation could be addressed appropriately.

In July and September 2024, the data on early release was collected during the UKRI funded and NRC approved research project carried out by Marion Vannier and Helen Gair, *In Search of Hope*, which examines the experiences of older life-sentenced prisoners across three prisons. When the early release scheme was introduced, we were actively conducting fieldwork in two Category D prisons. This provided a unique opportunity to gather insights from our participants—those closest to release—about their perspectives and experiences related to the scheme. Firstly, a Category D facility was observed during July and September 2024, including on the day of the first wave of releases (10 September 2024). Within the first prison, two life-sentenced participants were interviewed about their views on, and indirect experiences of, the early release scheme. A third life-sentenced prisoner, who had been transferred to a different Category D prison, was also interviewed. Our three participants were all over 60 years old. The analysis of these interviews was informed by the researchers' observations and conversations with staff in the prisons.

During fieldwork for the Hope project, we had the opportunity to meet with Recoop researchers who are

10. Kotecha S., & Casciani, D. (2024, October 22). More Prisoners Freed Early to Ease Overcrowding. *BBC News*. <https://www.bbc.com/news/articles/cly6y67dkpzo>

11. Atkins, C. (2024, September 10). Early Release Robs Prisoners of Vital Time to Sort out Their Lives. *The Times*.

responsible for overseeing the charity's mentoring program, the Buddy scheme. It was through these interactions that we learned about Recoop's work and together we decided to collaborate on exploring the effects of the early release scheme on those who were not eligible to benefit from it. The Recoop research was also conducted prior to and during the implementation of SDS40 by Recoop researchers Mercedes Lopez and Harris Telford. Lopez and Telford collected data from a Category B and Category C prison within England in December 2024 after the first wave of releases under SDS40. Two of the men were in a Category B estate, and four of the men were in a Category C estate. The participants were aged between 28 to 60 years old, and all were serving life sentences. Two participants were serving a two-strike life sentence,¹² another two were serving an Imprisonment for Public Protection sentence, (IPP) and another two were serving indeterminate sentences.

Thematic analysis was used to identify, analyse, and interpret patterns within the data. It revealed four primary themes: resource inequality, injustice, hope, and relationships. These themes provided a structured framework for evaluation of the complex emotional and social implications of the early release scheme for excluded individuals. Overall, our collaborative research approach allowed us to gather rich, firsthand insights into how the early release scheme was perceived by those excluded from its provisions.

Findings

Delayed progression

One of the key points that came up when speaking to life-sentenced prisoners about their perspectives on the early release scheme was that there was a strong sense that the scheme was causing delays to their own activities and sentence progression. Participants described how important occasions such as Release on Temporary Licence (ROTLs) had been cancelled due to a lack of space in approved premises (APs) or hostels.¹³ One participant described the scheme as 'Unfair as there's no home visits because hostels are full' (Focus Group participant, Category C) making it

clear that the effects were direct and immediate. It was apparent that in some participants' views, the removal of overnight visits had the potential knock-on effect of jeopardising their eligibility for parole, highlighted by one participant's (Participant 9, Category D Prison) response below.

I1: Do you think [the early release scheme] has an impact on you lifers or not so much?

P: Well, yeah, it does have an impact cause we can't get any APs. We can't get any overnights.

I2: Were you actually told verbatim you are not getting an AP because you're not the priority?

P: Yeah.

I2: Like these words were used, in writing or [orally]?

P: Well, it was just [redacted]. She said you're not getting on this because you know what's going on? Yeah. So I said well, so I'm probably not getting on the next one, or November and said, well, don't worry about it.

She said the Home Office, are aware of people, lifers not being able to get any overnights... I've done four lots of overnights now, so when I go to my parole next year and they turn around and say, well, how many overnight and I can say I've done four. Well, why

have you only done four? Well, it's down to you at the end of the day.

Additionally, it appears that SDS40 has had a further indirect impact on life-sentenced prisoners in terms of their relationship and contact with key staff. Several participants claimed that because of staff's added duties of processing the early releases, their own meetings with Prison Offender Managers (POMs), and even parole hearings, were being pushed back to later dates. Some noted that their Community Offender Manager (COM) had been changed as a direct result of the scheme, setting them back to square one in maintaining a positive relationship with probation staff. One participant told us 'It's had a big impact on probation, all the resources are to support the demand, people have had to change probation officers' (Focus Group participant, Category C). Another said of the

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12. A two-strike life sentence means that someone has been convicted of a serious crime twice, and under a "two-strikes" law, this second conviction automatically results in a life sentence in prison, even if the second offence itself might not typically warrant such a severe punishment; essentially, the second strike is considered so significant that it triggers a life sentence.

13. Approved premises or hostels are not offence-specific; they are not designated for individuals who have committed a particular type of crime. However, they are used to house individuals considered high-risk upon release from prison, regardless of the specific offence they committed, as long as their risk profile warrants the extra supervision provided by an approved premises.

scheme that '[the] only effect it has had is my COM which has changed' (Participant 1, Category C). Altogether, these effects created a strong sense of inequality and of being disregarded amongst life-sentenced prisoners that was clear in participants' responses. One participant expressed his feeling that prisoners on life sentences were deprioritised: '[there is] no fair share of resources. Nothing is getting fixed, and they don't care about two strike lifers. Probation is running after everyone who will just be back' (Participant 1, Category B). This feeling of being deprioritised was heightened by the fact that many participants were aware of their statistically lower risk of reoffending compared to those on shorter-term sentences. One referred to statistics which compounded their feeling that the release criteria was unfair and not thought through:

'All [I've] heard about recently in regard to early release was in [the] press — about 40 per cent sentence most of these people haven't addressed offending behaviour that is courses whereas lifers and IPPs have completed sentence plans and [are] more likely to succeed in community with correct support which has failed in recent years due to majority of recalls.' (Participant 2, Category C)

These sentiments around the criteria for early release correspond with ongoing discussions around procedural justice and its impact on prisoner engagement.^{14 15} There was an evident perception amongst participants that it did not matter how well they engaged with courses and the prison regime — they were nevertheless of least priority to staff and to government in terms of its policies.

Injustice

The sentiment of injustice pervades life-sentenced prisoners, giving them a sense of being 'left behind'. The participants described feeling victimised by a perceived, perpetuating systemic injustice that appears to neglect the principles of rehabilitation and fairness,

'They have prioritised the wrong people, lifers don't reoffend, these people have not done courses they are just going to come back' (Focus Group Participant, Category C), one person told us. Another was adamant that '99.9 per cent of all these getting out are just going to be offending' (Participant 8, Category D). The scheme raised questions amongst prisoners about the equitable application of justice and the potential for rehabilitation, with one prisoner suggesting that the 'high number [of prisoners released under this scheme] will get recalled, whereas lifers have done the work' (Participant 6, Category B).

Despite low levels of recidivism, individuals serving life sentences are subject to rigorous assessment and supervision before and after release. And they are expected to have engaged in varied programmes that

contribute to their rehabilitation during their imprisonment. Recent data indicates that these measures significantly contribute to relatively low reoffending rates among this group.¹⁶ A report by the Criminal Justice Joint Inspection found that only 2.2 per cent of life-sentenced prisoners released between 2001 and 2011 were reconvicted of a further serious offence.¹⁷ While the offending rate has fluctuated between 24.7 per cent and 31.8 per cent since 2008, the average (mean) reoffending rate across this period was 29.8 per cent for adults with convictions, compared to adults newly

released from prison who have a proven reoffending rate of 39 per cent.¹⁸

This exclusion has led many of the participants to feel as though they have been unjustly excluded, with some arguing that the blanket exclusion of life-sentenced prisoners disregards the nuances of individual cases, and the progress prisoners may have made towards rehabilitation. 'There's no incentive to carry on... Why should I engage with courses if people don't and get released?' (Focus Group Participant, Category C). The justice system is predicated on the belief that individuals are capable of change, many serving life sentences engage in educational and

Under the early release scheme, a clear bifurcation emerges, creating a divide between those deemed eligible and those who are not.

14. Baker, T., et al, (2021). Exploring the Association Between Procedural Justice in Jails and Incarcerated People's Commitment to Institutional Rules. *Corrections: Policy, Practice and Research*, 6, 189-202.
15. Campbell, C., Labrecque, R., Schaefer, R., Harvis, M., Zavita, K., Reddy, L., & Labranche, K. (2020). Do Perceptions of Legitimacy and Fairness Matter in Prison? Examining How Procedural and Distributive Justice Relate to Misconduct. *Criminal Justice and Behavior*, 47(12), 1630-1653.
16. Ministry of Justice. (2022). *Accredited Official Statistics: Proven Reoffending Statistics: January to March 2022*. Ministry of Justice.
17. HMI Probation and HMI Prisons, (2013). *A Joint Inspection of Life Sentence Prisoners*. HM Inspectorate of Probation.
18. Taylor, R. (2022). *Crime and Rehabilitation: An Overview*. House of Lords Library.

rehabilitative programmes with the hope of eventual reintegration into society. By categorically denying them consideration for early release, the scheme is being experienced by prisoners as unjust and may be undermining the ethos of rehabilitation and the broader goals of the criminal justice system. Furthermore, the scheme has been widely criticised by the public for its lack of transparency and perceived arbitrary decision-making.^{19 20} The absence of a transparent framework may also raise concerns about the potential for discriminatory practices, whether intentional or systemic, in determining eligibility for early release. This sense of exclusion thus has had a multilayered impact on prisoners, the public, and prison staff.

Dashed hopes for change and release

SDS40 operates as a stark reminder that the future outside prison is uncertain and rather bleak for those serving long sentences. Hope is an open-ended notion that tends to be cast as something oriented towards the future; that has the effect of keeping people going and gives them purpose.^{21 22 23} Hope is located within the individual but is also deeply relational, made contingent by institutions, reforms, and external factors that offer the promise of a life beyond bars.²⁴ The early release scheme illustrates this relational dimension. Some of the people we spoke with told us 'I just feel like I'm floating around' and 'It is not helping the people like lifers who need light at the end of the road' (Focus Group Participants, Category C). While they stand on the doorstep of freedom when held in lower category prisons, their testimonies are evocative of feeling stuck, of not moving forward. This resonates with works on the 'deep freeze' that operates for those who cannot go through the normal life milestones due to the length of their sentence, such as getting a job, buying a house,

or getting married and having children.^{25 26} However, this stagnation occurs in contexts and moments where freedom feels closer than ever. In essence, the early scheme can inspire hope for some, while simultaneously taking away hope for others. Under the early release scheme, hope has a fixating and stalling effect.

Compounding matters, it seems that the issue is not so much about not being released but rather about the lack of opportunities where individuals can be acknowledged and recognised for the changes they have made. One person told us 'It feels like we are just getting pushed back and forgotten' (Focus Group Participant, Category C), reflecting the deep frustration of those serving long sentences, who see their efforts at

personal transformation go unnoticed. Under the early release scheme, a clear bifurcation emerges, creating a divide between those deemed eligible and those who are not. Those who meet the eligibility criteria are acknowledged and considered, while those who fall outside these parameters are relegated to the background. In effect, the scheme reinforces a hierarchy that values some individuals' progress while dismissing others entirely, leaving them without meaningful pathways for growth or

acknowledgment.

Some of the people claimed the scheme had no effect on them, stressing that they did not believe the policy would work, offering an important lens for understanding how prisoners develop techniques to shield themselves from progressive reforms. One participant held in a Category D prison from the Hope project who we asked about the scheme explained to us:

'Not really affected me. It's nothing to do with me... All I would say on that is... You've got it wrong... They've got it wrong. Short term

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19. Rees, N. (2024, September 12). Reoffending Fears for Released Leeds Prisoners' Families. *BBC News*.
 20. Victims Commissioner (2024). 'Regrettable' Some Victims Not Told of Early Release of Offenders. Retrieved from: <https://victimsc commissioner.org.uk/news/statement-sds40/>
 21. Gravlee, G. (2000). Aristotle on Hope. *Journal of the History of Philosophy*, 38(4), 461-477.
 22. Bobier, C. (2020). Aquinas on the Emotion of Hope: A Psychological or Theological Treatment? *American Catholic Philosophical Quarterly*, 94(3), 379-404.
 23. Pettit, P. (2004). Hope and Its Place in Mind. *The Annals of the American Academy of Political and Social Science*, 592, 152-165.
 24. Seeds, C. (2022). Hope and the Life Sentence. *The British Journal of Criminology*, 62(1), 234-250
 25. Jarman, J. (2020). Only One Way To Swim? The Offence and the Life Course in Accounts of Adaptation to Life Imprisonment. *The British Journal of Criminology*, 60(6), 1460- 1479.
 26. Crewe, B., Hulley S., & Wright, S. (2020). *Life Imprisonment from Young Adulthood: Adaptation, Identity and Time*. Palgrave Macmillan UK.

offenders are the most prolific offenders and those are the ones who keep using the prison gate as a turnstile. Out, in, out, in. Whereas it's a clear statistic that people who have spent a long time, especially lifers, are less likely to commit further offences when they're release. So why on Earth would a government want to let out someone new in a 2 year or three years in prison sentence, whatever. When they know damn well, they will be back within a matter of months. They know they are gonna be back. Because the re-conviction rate is too high for that group of sentences. So why release these people?' (Participant 9, Category D)

The assertion that 'it has nothing to do with me' underscores the explicit ineligibility of life-sentenced prisoners for the early release scheme. This claim is evocative of a sort of emotional or psychological disengagement or desensitisation. It recalls works on the numbing or neutralisations of the 'pains of imprisonment'.^{27 28} Indeed, over time, the emotional highs and lows associated with hopes of release become dulled, leaving prisoners in a state of apathy or emotional sedation.^{29 30} The claim also mirrors broader theories of survival under adverse conditions, where emotional detachment serves as a coping mechanism. The affirmation that the scheme has nothing to them could thus be perceived as a way to preserve themselves from dashed hopes.

It also could implicitly suggest a latent desire that such policies could one day be extended to include them. This participant invited future policies to include long-term prisoners, 'I do think they should look at mandatory lifers and other lifers that have done a long time' (Participant 3, Category C). Despite their formal exclusion, the scheme could generate a 'ripple effect' of hope, inspiring even those excluded to imagine they might one day be 'chosen' and prioritised. Such side effects of hope operate by underscoring the higher likelihood of recidivism, discrediting those who are eligible. In doing so, the excluded prisoners indirectly

seek to reassert their own worthiness and readiness for reintegration. Put differently, this act of discrediting allows them to construct a narrative where they, rather than the current beneficiaries of the scheme, would make more deserving candidates for such policies.

The rejection also allows them to reinterpret the scheme's perceived failure not as a personal defeat—something to which they are not eligible because of their crime or sentence, something that has to do with them—but as a systemic flaw to address the deeper structural issues of overcrowding. Such rationalisation helps prisoners retain a sense of agency in an environment where they often feel powerless. The profound scepticism could also be understood as a form of quiet resistance where prisoners reframe their

ineligibility as something that has no effect on their personal progress, identity, and self-worth.

The strategies are therefore more than actions to manage the emotional volatility of dashed hopes. These techniques are processes through which prisoners manage the dissonance between the priorities of government policy and their own lived realities of imprisonment and release. They underscore the urgent need for reforms that restore trust and create tangible opportunities for rehabilitation, transformation and successful reintegration amongst those serving the longest sentences.

Meaningful consultation with these individuals is necessary to ensure policies that address real daily and world implications, fostering procedural fairness and building trust in the system.

Shared hopes: The impact on families and relationships

It is also interesting to note that hope's scope spans beyond the prisoners' sphere to include their families. One participant from the Hope project shared a personal example of how his home leave had been cancelled during this period, something which he had been looking forward to for months and for which he had been saving up money to buy his mother a gift. The participant described how his mother, not aware of the early release scheme, thought the visit had been cancelled because he'd 'done something wrong', both straining their relationship while also negatively affecting the mother, a blind and elderly woman who lived too far from the prison to visit, who then had to

27. Haney, C. (2012). Prison Effects in the Era of Mass Incarceration., *The Prison Journal*, 0, 1-24.

28. Haney, C. (2018). The Psychological Effects of Solitary Confinement: A Systematic Critique. *Crime and Justice*, 47, 365-416.

29. Crewe, B. (2024). 'Sedative Coping', Contextual Maturity and Institutionalization Among Prisoners Serving Life Sentences in England and Wales. *The British Journal of Criminology*, 64, 1080-1097.

30. Liem, M. (2016). *After Life Imprisonment: Reentry in the Era of Mass Incarceration*. NYU Press.

manage the dashed hope of a visit from her son (Participant 7, Category D). Another participant told us 'It's false hope to families because they don't get it and there's kids thinking we'll get out' and someone too shared; 'It's upsetting for the families we have to say look this won't matter us' (Focus Group participants, Category C). As a result, some decided not to share the information about potential release with their families, fearing it could only heighten their anxieties. One individual explained, 'I've not spoken to family as [it] would add more to their stress' (Participant 6, Category B).'

These views resonate with research that shows how families often share in the emotional burden of imprisonment,^{31 32} clinging to the hope their loved ones will one day be released and come home. This shared hope can serve as a source of resilience, helping prisoners and their families endure the strain of separation and the challenges of maintaining relationships across the prison boundary. Yet, as one prisoner poignantly described to us 'Yes, my children who are now my only family left are of the opinion that I will die in prison without them for [a] crime that are false allegations. My mental health has been suffering badly for weeks because of this' (Participant 4, Category C).

The early release scheme, SDS40, reveals the dual nature of hope: it shapes prisoners' outlook on their futures and aspirations for release but also influences how they seek to protect the expectations and emotional states of their families. This highlights the broader social reach of penal policies such as SDS40, where hope becomes both a shared strength and a source of collective vulnerability. When fostered through clear, consistent policies, hope can reinforce familial bonds and offer a measure of resilience. However, when hopes for release are dashed, the resulting despair reverberates beyond prison walls, becoming a collective experience that can deeply affect families. In the context of SDS40, hope functions as both a mechanism of endurance and a fragile currency,

one that can empower or fracture the prison-family dynamic depending on how it is cultivated or undermined by the system.

Discussion

Our findings, drawing on formal interviews, observations as well as informal conversations with life-sentenced prisoners held in Category B, C and D prisons, highlight the unintended yet foreseeable effects of progressive reforms aimed at addressing the prison overpopulation crisis. In these concluding remarks, we offer thoughts on reimagining future early release policies that would include, rather than exclude, those who are serving long sentences.

Firstly, the exclusion of life-sentenced prisoners from the early release scheme underscores the absence of data-driven decision-making in policy design. Research consistently demonstrates that life-sentenced prisoners have significantly lower reoffending rates compared to those serving shorter sentences. However, the lack of engagement with this data has resulted in policies that prioritise the release of higher-risk individuals while overlooking the rehabilitative progress of many life-sentenced prisoners. This failure to differentiate between risk levels undermines the principles of evidence-based justice, creates a perception of arbitrary decision-making, and exacerbates disengagement among life-sentenced individuals

who feel unfairly deprioritised.

Secondly, the findings reveal how delays and the removal of opportunities for release move the goalposts, as it were, building up uncertainty and obscurity as to when the time in prison will end. For many life-sentenced prisoners, these delays jeopardise parole eligibility, disrupt rehabilitation efforts, and reinforce a sense of stagnation, being in limbo or standing in 'liminality'.^{33 34} The inability to demonstrate progress, growth, and transformation has practical effects: it perpetuates not just despair but also

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31. Breen, J. (2008). Prisoners' Families and the Ripple Effects of Imprisonment. *An Irish Quarterly Review*, 97(385), 59-71.

32. Benisty, M., Bensimon, M., & Ronel, N. (2021). Familial Pains of Imprisonment: The Experience of Parents and Siblings of Incarcerated Men. *Victims & Offenders*, 16(2), 247-265.

33. See footnote 26: Crewe, B., Hulley, S., & Wright, S. (2000).

34. Crewe, B., et al. (2014). *The Emotional Geography of Prison Life*. *Theoretical Criminology*, 18(1), 56-74.

disengagement with the requirements to obtain release. This moving of goal posts even creates a ripple effect on families who lose hope in the possibility of release. Ultimately, the very notion of 'release' becomes rather opaque under the impact of selective early release schemes. This illuminates the effect of 'bifurcation' policies that determine eligibility based on sentence length and offence type rather than on actual risk levels and preparedness for release.³⁵ Ultimately, delays in the mechanisms of sentence progression raise concerns about the reducibility and proportionality of life sentences, further intensifying their severity.

The exclusion of life-sentenced and IPP prisoners from the early release scheme also has broader societal implications. It reflects a punitive approach to those serving life sentences that prioritises retribution over rehabilitation, potentially perpetuating cycles of recidivism for those serving shorter sentences. 'I've seen people getting out then they're back on the news getting in trouble again' (Participant 9, Category D). By not providing opportunities for early release based on individual assessments, the policy undermines the justice system's rehabilitative ethos (that is, to encourage, recognise and reward change). A more

nuanced approach that considers individual circumstances and centres rehabilitation could better serve the principles of justice and the long-term safety and wellbeing of society.

In conclusion, our early findings from the SDS40 Early Release Scheme emphasise the critical importance of including prisoners in shaping penal policies. Prisoners provide invaluable insights into operational challenges, such as the strain caused by processing early releases, which disrupts key activities for life-sentenced prisoners, including ROTLs and access to approved premises. They also offer essential perspectives on how policies impact their rehabilitation and engagement. Meaningful consultation with these stakeholders is necessary to ensure policies address real-world implications, fostering procedural fairness and building trust in the system. Ignoring these voices risks propagating disengagement, inefficiencies, and perceptions of systemic injustice.

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35. Seeds, C. (2017). Bifurcation Nation: American Penal Policy in Late Mass Incarceration. *Punishment & Society*, 19(5), 590-610.