

The indeterminate sentence of Imprisonment for Public Protection (IPP)

The IPP sentence was introduced in England and Wales in 2005. It was intended for offenders considered ‘dangerous’ but whose offence did not merit a life sentence. In common with the life sentence it contains three elements. First, a ‘tariff’ that is a period of imprisonment judged to be a just dessert for the crime committed. Second, an unlimited time of detention until the person can prove that they are no longer a threat to the public. Finally, release under licence. Despite its eventual abolition in 2012, thousands of people in prison and the community remain subject to the sentence and it continues to have considerable and long-lasting effects.

How many people?

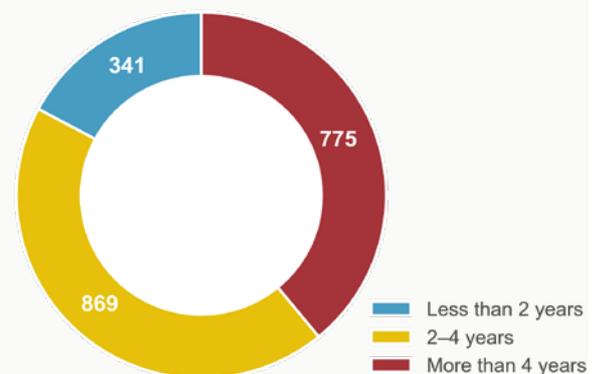
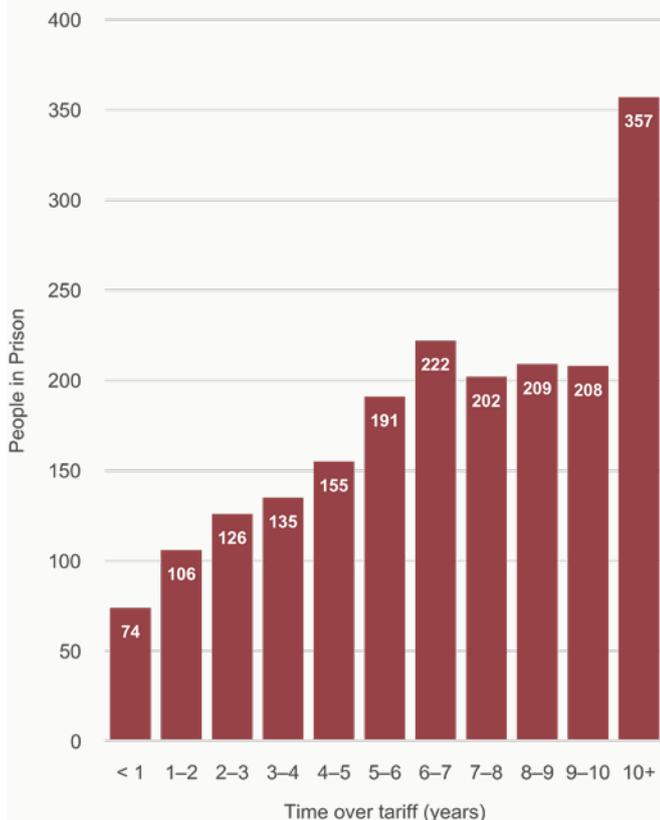
Over 8,000 IPP sentences were imposed in total, and there are 2,134 people currently in prison serving an IPP who have yet to be released.¹

More than nine in 10 (1,985 people) have already served their tariff period—the minimum period they must spend in custody. The remaining 144 people have yet to complete their tariff.²

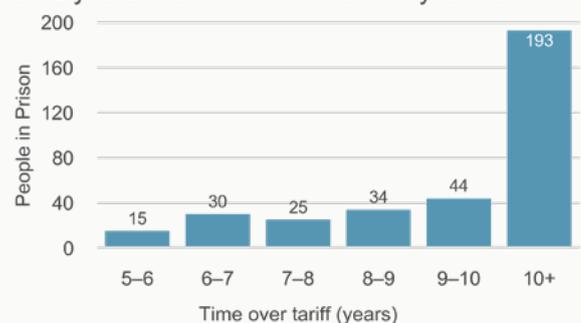
How long have they been held in prison?

1,985 people are still in prison, held beyond their tariff

61% of these people had an original tariff of less than 4 years



The majority of those with an original tariff of less than 2 years are now more than 10 years over tariff



Source: Table 1.9b, Offender Management Statistics quarterly July to September 2019

341 people have yet to be released despite being given an original tariff of less than two years.

Of these, 193 people have been held in prison more than 10 years over tariff.³

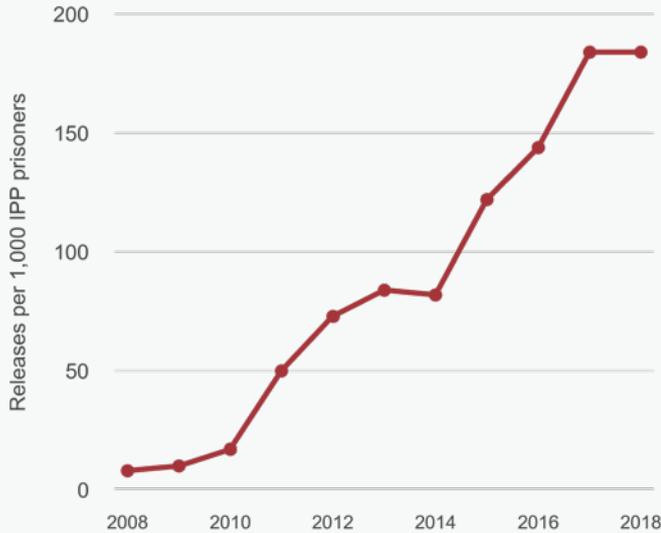
¹ Table 1.9a, Ministry of Justice (2020) Offender management statistics quarterly: July to September 2019, London: Ministry of Justice

² Ibid.

³ Ibid.

Successful release

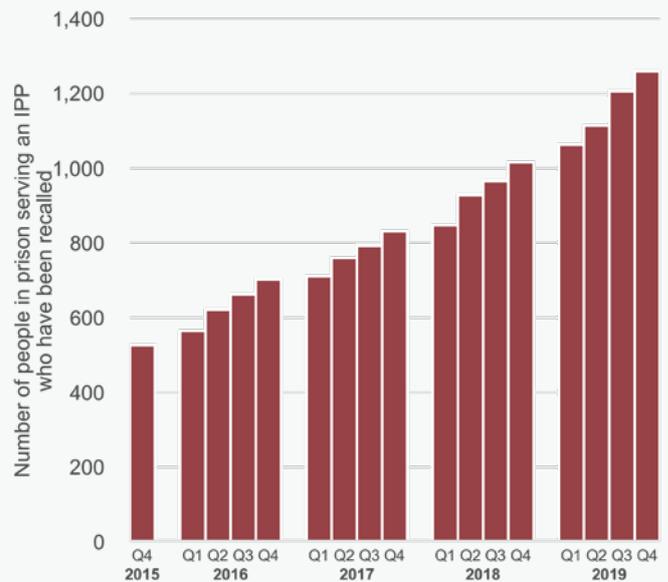
Release rates for IPPs have risen sharply over the last four years, but progress has stalled in the last year



Source: Offender management statistics, Prison releases 2019 and Offender management statistics, Prison population 2019

But success is short-lived for some

Growing numbers are being recalled to prison



Source: Offender management statistics quarterly ending March 2019 and previous editions

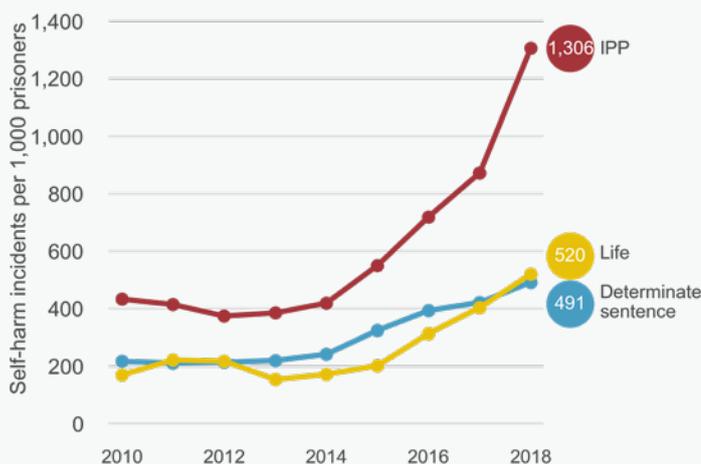
In addition to those who have yet to be released, a further 1,260 people are in prison serving an IPP sentence who have been recalled to custody—a 24% increase in the last year alone.

Self-harm

People serving an IPP sentence have a higher rate of self-harm than people serving other types of sentence.

Risk of harm?

IPP prisoners are more vulnerable to self-harm



Source: Safety in custody statistics quarterly update to June 2019 and Offender management statistics, Prison population 2019

As the chart shows, the rate is over twice that of people serving life and determinate sentences and is rising sharply.

From 2017 to 2018, the rate of self-harm of IPP prisoners increased by 50%.⁴

There have also been 63 self-inflicted deaths of people serving IPPs since their inception.⁵

The Parole Board

394 people serving an IPP were released from prison for the first time in 2018–19,⁶ and an additional 378 people were re-released who had previously been recalled.⁷

However, in the same period 692 people serving IPP sentences were recalled.⁸

⁴ Table 2.6, Ministry of Justice (2020) Safety in custody quarterly update to September 2019, London: Ministry of Justice, NB these figures do not include people who have been recalled

⁵ Table 1.11, Ibid.

⁶ Table 3.1, Ministry of Justice (2020) Offender management statistics quarterly: July to September 2019, London: Ministry of Justice

⁷ Table 5.11, Ibid.

⁸ Table 5.2, Ibid.

The Parole Board has identified that high numbers of deferrals and adjournments remain a challenge for all people subject to parole—not just those on IPP sentences.⁹

Analysis by the National Audit Office found that, in 2016–17, 39% of oral hearings were deferred or adjourned and two-thirds (67%) of these occurred on the day.

Project COMPASS, a Parole Board initiative established in April 2017, aims to identify the underlying causes of deferrals and adjournments. It has identified that the main reason for deferrals and adjournments are missing reports or the need for additional reports. It is working with board members to reduce unnecessary deferrals and adjournments.

In 2016, the Parole Board published a policy paper on IPPs¹⁰ which estimated that on current trends the IPP population by 2020 would be around 2,000, or 1,500 on the most optimistic forecasts.

In fact both estimates have proved to be over-optimistic, with the population as of 31 December 2019 being 2,134. In addition, in the last year, 75% more people serving IPPs were recalled to custody than were released for the first time.

The paper concluded that the IPP population could not be brought below 1,000 without a change to the law.

It set out policy options for further reform, quoted below:

Conversion—The majority of IPP prisoners have now passed their tariff expiry point. It would be technically possible to seek to convert all or some of those serving an IPP sentence in order to provide a clear and certain release point. As a starting point ministers might for example seek to convert to a determinate term all prisoners with tariffs of under two years (693 prisoners) or all with tariffs of under 4 years (2,480 prisoners in total). It would be technically possible (though presentationally more difficult) to convert all IPP prisoners.

Establishing a “sunset” provision for all or some sentences—Ministers could seek to legislate to provide that all (or some) IPPs who are now post-tariff must be released no later than a future date (in say 2018/19) or within x years of their tariff expiry.

Changing the Parole Board release test—LASPO 2012 took a power to amend the parole Board’s statutory release test. The current test focuses on protection of the public. It would I think be possible to change the release test for short tariff IPPs. Whilst the previous view (including from me) is that changing the test was unlikely to change behaviour in isolation, I do think it is capable of driving an improved release rate alongside stronger leadership.

Changing the licence period—It would be technically possible to change the licence period for IPPs to provide a maximum licence period of say 5 years (or some other period).

Paper reviews of recalled IPPs—Whilst it creates more work for the Board, it might be worthwhile exploring the potential for the Board to conduct an expedited paper review of recalled IPPs shortly after their recall to custody.

Changing recall criteria—Alternatively, the criteria for recall might be raised and greater autonomy given to offender managers, prison governors and approved premises managers to deal with licence breaches.

⁹ The Parole Board (2019) Parole Board for England and Wales annual report and accounts 2018/19, London: House of Commons

¹⁰ Jones, M. (2016) Written advice to Nick Hardwick, London: Parole Board. Available at <http://bit.ly/IPPadvice>