

Time to end Imprisonment for Public Protection (IPP)

Statement from the Justice Interim Group

Imprisonment for Public Protection was introduced under Blair's government in 2005 following public concern over a number of violent offences committed by people who were categorised as having dangerous and severe personality disorders. It was determined that they should remain in prison indefinitely - even if their court-ordered tariff (minimum time required in custody) had expired - until their risk level had been demonstrably reduced, at which point they should be given parole.

IPP became popular with judges, who began using them extensively for less serious crimes and specifying relatively short minimum periods of custody. This led to unexpectedly high numbers of IPP prisoners – over 6000 at one point – resulting in prisons being unable to provide the rehabilitative courses that potentially enabled prisoners to prove to the Parole Board that they were no longer high risk, and safe to release.

Following heavy criticism, the sentence was abolished in 2012 by the coalition government, who called IPP '*not defensible*'. However several thousand people are still serving these sentences, many of whom remain in prison well beyond the original tariff handed down by the courts [NOTE 1]. Since release is dependent on a number of factors which may, in practice, be unattainable, prisoners are left in a sort of limbo which can seriously affect their mental health. Heightened risk of suicide and self-harm has been flagged up by the Independent Advisory Panel on Deaths in Custody. Cruelly, this evidence of mental illness can then become a risk indicator, lessening the chance of release [NOTE 2].

Quakers in Criminal Justice are joining others to call for an end to this misguided sentence. These include a former Supreme Court Justice who described the sentence as the 'single greatest stain on our criminal justice system' [NOTE 3]. The momentum is such that an Inquiry has been set up by the Justice (Select) Committee to examine all aspects of IPP, drawing on evidence from experts, families and IPP prisoners. The Chair, Sir Bob Neil, has said '*the large numbers of people being recalled to prison under IPP suggests there is no end in sight to the problems created by this flawed sentence*'. Submissions to the Inquiry can be seen at <https://www.ungripp.com/parliamentary-archive-1>

Release into the community never means release from the IPP, whose provisions remain in force indefinitely. Former prisoners can be **recalled even for minor breaches of their licence conditions** (60% of recalls are for technical/administrative breaches), suggesting deficiencies in the welfare and support services offered to them in the community. David Blunkett, the former Minister responsible for this sentence, concedes that IPP was a mistake, and admits that recalls are a major issue. Speaking in November 2021, he said: '*Out of the 3,000 people who are still in prison on IPP, 1,300 of them are there because of recalls. That is 100% up from 2016, five years ago. If we are not careful, that trajectory will lead to more prisoners being in prison on IPP on recall than are actually in prison for the original IPP sentence applied, which is a farcical situation and a tragedy for them.*'

Recent debates in the House of Lords during the passage of the Police Crime Sentencing & Courts Bill have provided an opportunity to raise the issue of IPP. Amendments were proposed within the Bill which would hasten its demise but the government would not incorporate them. At present, the only route for released IPP prisoners to have their licence terminated is on application, ten years after release.

But what is the experience of released IPP prisoners? This neglected area is of particular concern to Quakers in Criminal Justice. Rather than being subject to indefinite licence conditions which can transport them straight back to prison for a missed appointment, we advocate a specific probation programme to maximise opportunities for reintegration into society, thus minimising the risk of reoffending.

It was Quakers who pioneered **Circles of Support and Accountability (COSA)** to support former sex offenders, some of whom will have had IPP sentences. COSA has grown into a successful organisation, Circles UK, with a network of regional providers of Circles, which often have Quaker participation.

Quakers stress the need for a bespoke and properly funded welfare approach to support released IPP prisoners. Drawing on the experience of several QICJ members, [NOTE 4] we believe that no-one can fail to be damaged by the particular nature of protracted indeterminate incarceration under IPP. Recognising this, the Centre for Crime and Justice Studies has undertaken a '**Review of the Psychological Impact of IPP**' (briefing due in April; full report to follow in May).

The Prison Reform Trust has called for a special commission whereas the Howard League write that they are '*strategising with other organisations and campaigning groups who represent IPPs and their families to navigate a path to justice*'.

As we wait the outcome of the Justice Committee Inquiry, Quakers aim to raise awareness of this injustice that now stretches back 17 years.

NOTES

1 Almost all (965) people in prison serving an IPP have passed their tariff expiry date. 269 people are still in prison despite being given a tariff of less than two years – most of these are still in prison over a decade after their original tariff expired (Ministry of Justice statistics, Jan-March 2021, quoted by the Prison Reform Trust).

2a Dr Dinesh Maganty, a former forensic psychiatrist for one of the country's largest prisons, said that, when the first IPP prisoners arrived, they "*were not severely mentally ill. But as the years have gone, but increasingly what we are finding is they are becoming mentally ill. Their clinical presentation is increasingly akin to those who've been wrongfully convicted.*" He added: "*Their mental health needs, as it were – their anxiety, depression and eventually psychosis in some cases – were used as a risk indicator. And when that occurred it led to a system of them being perpetually in prison.*"

2b In 2019 the Independent Advisory Panel on Deaths in Custody reported a wide range of concerning evidence about the risks of suicide and self-harm among the IPP population. It cited findings by HM Inspectorate of Prisons about the high rate of depression and suicidal thoughts at induction, among both male and female IPP prisoners, compared with lifers and prisoners on fixed term sentences.

3 Former Supreme Court Justice, Lord Brown of Eaton-Under-Heywood, speaking in the House of Lords.

4 A further document has been prepared: LIVED EXPERIENCE of IPP.