

Written evidence from Emmersons Solicitors Limited (North East)

Introduction

Emmersons Solicitors are prison law specialists and deal with many IPP clients.

An Imprisonment for Public Protection Sentence was a form of indeterminate sentence, whereby offenders were given a minimum ‘jail tariff’ but no maximum for a range of crimes. A tariff is the set minimum amount of time a person must spend in Prison, before they can apply to the Parole Board for release. Essentially, an unlimited time of detention is to be served until the person can prove they are no longer a threat to the public.

“The sentence was abolished in 2012 following heavy criticism; the coalition government at the time called the sentence “not defensible”. However, there are still more than 1,700 people in prison today serving an IPP sentence without a release date. Some 96% of those have completed their minimum term, known as their tariff. Over 500 people have been held in prison for over 10 years longer than the tariff they were given.” – UK Parliament Website (<https://committees.parliament.uk/committee/102/justice-committee/news/157647/justice-committee-launches-inquiry-into-ipp-sentences/>)

At Emmersons we currently have around 30 IPP clients. We have seen the effects IPP sentences can have not only on the prisoner serving the sentence, but the friends, and family of the prisoner also.

Issues

- Majority of IPP Prisoners serve more than their sentence tariff
- Mental health issues arise – not knowing their release date is frustrating
- Difficult for loved ones, family & friends

What options are available to reduce the size of the IPP prison population? What are the advantages and disadvantages of the different options?

Review sentences that were given and reasons for them. Many IPP sentences were given out with minimum terms of less than 5 years, questioning the need for them as any determinate sentence would have been spent by now. Consider what the sentence would be now and how proportionate the sentence that was given is.

Consider if those sentences can be substituted for determinate sentences now.

What are the current barriers preventing release? What measures would need to be taken to overcome these barriers, and what would be the operational and resource implications for HMPPS?

Mental health conditions, prison is a hub for causing or affecting mental health conditions and greater support is needed. This means more staff trained to assist.

Many IPP prisoners will also need support with accommodation upon release so beds need to be available, not just in AP's which are time limited.

What would be the options and implications of backdating the change to IPP legislation?

The backdating should apply to all IPPs. Each sentence should be reviewed. If a discretionary life sentence would be available and is thought to be needed then perhaps apply that in some cases, but in many, a determinate sentence would and should suffice. For example, a client who is on an IPP for an assault, minimum term was 18 months and they are still in custody 15 years later.

What is the experience of people on IPP sentences in prison? What additional mental health challenges do people serving IPP sentences face because of the nature of their indeterminate sentence?

Many IPP sentenced people feel lost to the system and forgotten about. They are not priority for courses to complete and are often seen as problematic.

Mental health problems are significant given the uncertain nature of their future and this often leaves them unable to make plans

How is release and resettlement planned and managed for IPP prisoners given their unpredictable release date?

Very little appears to be done by way of release and resettlement plans. It appears to be the case that an AP bed is suggested and there is little support after that, despite that fact many people with IPP sentences have lost family support and so have no where to go. They are expected to cope regardless and it is not realistic.

How are people on IPP sentences managed within the community once released?

They are under a microscope and recalled very quickly and often unfairly. It appears probation use the first condition 'to be of good behaviour' to their advantage and recall at the first sign of issue instead of offering support and guidance.

What are the main reasons why people serving IPP sentences are recalled? Once recalled what support is given to prepare them for re-release?

Normally not for further offending but for breaching conditions such as 'to be of good behaviour' or residence conditions once placement in AP has concluded.

Minimal support is given once recalled, they are seen to be failures and of higher risk. This is despite that fact the world has changed drastically and so may be quite intimidating for many.