

UNGRIPP

Response to the Independent Commission on the Experiences of Victims and Long-Term Prisoners

Submitted on behalf of
Those affected by the IPP sentence and their families
Compiled by
UNGRIPP
Donna Mooney, IPP campaigner
Sophie Ellis, PhD Student at the Institute of Criminology, University of Cambridge,
www.ungripp.com

Table of Contents

Executive Summary	3
1.0 Introduction.....	9
1.1 A Brief History of the IPP Sentence	9
1.2 What Has Gone Wrong?.....	10
1.3 A Political Stalemate, or Opportunity for Action?.....	13
2.0 Experiences of Those Affected by the IPP Sentence	13
2.1 Who Responded?.....	14
2.2 What Were the Sentencing Circumstances of the People Described by Respondents?	14
2.3 What is the Impact of the IPP Sentence?.....	19
2.3.1 Positive impacts.....	19
2.3.2 Purposeful activity.....	20
2.3.3 Negative impacts.....	20
2.3.4 What respondents most want the Commission to know about the impact of the IPP sentence	24
2.4 Family Contact and Family Life.....	25
2.5 Treatment by Professionals	26
2.5.1 Understanding the sentence	26
2.5.2 Professional contact and treatment.....	27
2.6 Marginalisation.....	30
2.6.1 Protected characteristics.....	30
2.6.2 Stigma.....	33

2.7 Sentencing Purposes and Alternatives	33
2.7.1 Sentencing purposes	34
2.7.2 Alternatives to the IPP sentence	36
2.8 Sentencing Changes	37
2.8.1 UNGRIPP’s view on sentence changes	38
3.0 Concluding Summary	39
<i>Appendix I: Respondent Submissions</i>	<i>41</i>
<i>Appendix II: Methodological Summary</i>	<i>45</i>
Our Methods	45
Our Questions	46
Representativeness of respondents	50
<i>Appendix III: Glossary of Terms Used</i>	<i>52</i>
<i>Appendix IV: Links to Further Resources</i>	<i>53</i>
Table 1: Offences Committed Which Received the IPP Sentence.....	15
Table 2: Years Served in Prison	16
Table 3: Time Served in Prison Beyond Tariff Date	16
Table 4: Reasons for Recall to Prison	17
Table 5: Negative Impacts of the IPP Sentence.....	20
Table 6: Characteristics Which Respondents Felt the IPP Sentence Failed to Consider	31
Table 7: Extent to Which the IPP Sentence was Judged to Have Achieved Sentencing Purposes.....	34
Table 8: Suggested Alternatives to the IPP Sentence.....	36
Table 9: Support for Sentencing Changes	37
Table 10: Distribution of Offence Types: Respondent Data vs. Sentencing Data	50
Table 11: Tariff Lengths: Respondent Data vs. Official Data	51
Table 12: Time Served Beyond Tariff Expiry Date: Respondent Data vs Official Data	51
Figure 1: Tariff Lengths	15
Figure 2: Time Served in Prison Beyond Tariff Date.....	16
Figure 3: Professional Contact and Quality of Treatment.....	27

Executive Summary

UNGRIPP campaigns for change to the Indeterminate Sentence for Public Protection, more commonly known as the IPP sentence. It is a form of life sentence in England and Wales, which became a legal disposal for 153 crimes in 2005. It was given to 8,711 people¹. The IPP sentence was abolished by the Government in 2012², following a ruling from the European Court of Human Rights that the sentence breached Article 5(1), which guarantees the right to liberty and security³. However, the sentence was not abolished retrospectively, leaving thousands of people still subject to the enormous difficulties that the sentence has caused. Our response to the Commission details what we think the Commission should know, drawing primarily upon the responses of 36 people affected by the IPP sentence who asked us to collectively submit their testimonies. We end with a plea to the Commission, on behalf of our 36 respondents and many others, to leverage whatever influence they may have in calling for changes to the sentence.

The IPP sentence has three parts: a set period of punishment (called a “tariff”) which reflects the seriousness of the offence, followed by indefinite detention until a Parole Board decides that the person’s detention is no longer necessary for protection of the public, then a life license in the community, from which the person may be recalled to prison for breaching their license conditions. Decisions about release or recall rely on judgements about the risk of harm a person poses in future: a complex, uncertain undertaking, which has been contested on the grounds of insufficient accuracy and erosion of liberty⁴.

The majority of people serving the IPP sentence have served far longer in prison than was ever expected, due to continued difficulties in demonstrating reduced risk. The indefinite nature of the sentence is enormously difficult to cope with psychologically, often leaving people without hope and with greatly increased anxiety and distress, further undermining the likelihood that they can demonstrate suitability to be released. 65 have killed themselves in prison. On 31st December 2020, there were still 3,187 people in prison on an IPP sentence. Over a quarter have served an additional eight or more years on top of the tariff they were given, without ever being released from prison⁵. Divorcing crime and punishment has created a group of people who committed crimes that range from minor to very serious, all subject a sentence which produces identical pains, and for whom the length of time served in prison bears little relation to the crime committed. The distress of the sentence also extends to families, who feel punished with an indefinite period of suffering, and deprived of hope for a meaningful future. This distress does not end upon release from prison. Once released, people are subject to a life license and can be recalled to prison indefinitely, not simply for further offences, but for non-compliance or suspicion. This places great strain on them and their families, encourages secrecy about problems, and removes certainty about the future.

¹ Ministry of Justice. (2015). *Criminal justice outcomes by offence data tool* [Data set]. [https://www.gov.uk/government/statistics/criminal-](https://www.gov.uk/government/statistics/criminal-justice-outcomes-by-offence)

² Legal Aid, Sentencing and Punishment of Offenders Act 2012, c.5, <https://www.legislation.gov.uk/ukpga/2012/10/contents>

³ James, Wells and Lee v. the United Kingdom [2012] European Court of Human Rights, [https://hudoc.echr.coe.int/eng#{"itemid":\["001-113127"\]}](https://hudoc.echr.coe.int/eng#{)

⁴ Werth, R. (2019). Theorizing the performative effects of penal risk technologies: (Re)producing the subject who must be dangerous. *Social & Legal Studies*, 28(3), 327-348. <https://doi.org/10.1177/0964663918773542>

⁵ Ministry of Justice. (2021). *Prison population: 31 December 2020* (Data set). <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-july-to-september-2020>

UNGRIPP has compiled this response because we believe that the Commission is a rare opportunity to ensure that the voices of those affected by the IPP sentence are heard, and that the Commission in turn has a rare opportunity to push for the changes that are needed to address the problems of the IPP sentence. We would like to express our thanks to the Commission for extending their submissions deadline, which has allowed us time to gather responses from people affected by the sentence. We believe that the IPP sentence falls within the remit of the Commission for two reasons. Firstly, a substantial number of people serving the IPP sentence arguably fall under the definition of 'long-term' prisoners. 814 of those currently in prison have served between 8 and 16 years beyond the expiry of their tariff⁶. When the number of years spent in prison following a recall from the community is taken into account, sentence lengths rise even higher. Secondly, the particularly acute pains and difficulties of the IPP sentence are shared not just by those serving it, but by their loved ones. The pains structurally built into how the sentence operates have created a legacy of victims, and we appreciate the Commission's willingness to consider long-term imprisonment from their perspective too.

UNGRIPP invited people affected by the IPP sentence to share their experiences with us, for a collective response to the Commission. We received 36 responses, primarily from people with a loved one serving the IPP sentence (n = 34), and two people serving the sentence. Our submission collates their responses. We would like to convey in the strongest terms how difficult many contributors found it to communicate their experiences. Some mentioned crying as they recounted their story. Many have spoken multiple times to academic researchers, journalists, and politicians, and are feeling fatigued and disillusioned. We hope this response does justice to their bravery in continuing to draw attention to their plight, and that the Commission will recognise the importance of their testimony. Our submission is primarily upon their behalf. The remainder of this section summarises their views, organised around the areas the Commission invited evidence on. The main body of the submission details the background and problems of the IPP sentence, then presents respondents' experiences in detail. It finishes with a summary of the need and possibilities for change.

Area of interest: The pattern of sentences being given for the most serious of crimes and of the time being spent in prison.

Our respondents reported violent, sexual, robbery, theft, arson and weapon possession offences committed by themselves or their loved ones, which had received an IPP sentence. Just under half were classed as violent. However, respondents reported an enormous range of tariff lengths (4 months to 16 years), indicating that there was great variation in the seriousness of the offences. It is widely acknowledged the IPP sentence was given too frequently and widely, particularly in the early years⁷. Of great concern is that, despite an average tariff length of just over four years, people had spent an average of just over 10

⁶ Ibid.

⁷ Annison, H. (2018). Tracing the Gordian knot: Indeterminate-sentenced prisoners and the pathologies of English penal politics. *Political Quarterly*, 89(2), 197-205. <https://doi.org/10.1111/1467-923x.12462>

years in prison. 80% of those still unreleased from prison had served 8 or more years beyond their tariff. It was clear that people are serving substantial portions of their lives in prison, without always having committed a serious offence. Our respondents could rarely articulate the logic of their loved one's continued detention. If public protection is to be the dominant sentencing narrative instead of proportionality (and we do not agree that it should be), its logic should be clear, rational, accessible, and transparently communicated to all whom it affects. This was certainly not the case for our respondents.

Of those who had been released from prison (or their loved one had), 88.9% had been recalled to prison at some point, on an average of two occasions. Just under half of recalls were due to facing further charges, which were sometimes dropped, but not before a further period in prison had been served. In just under a third of cases, recall was for breach of license conditions. Respondents reported the strains that recall (actual and threatened) put on family life, leaving families afraid to disclose problems with drug lapses and mental health, and struggling to reformulate lives that felt permanently restricted.

Area of interest: How those sentences are being served, including the arrangements for contact between the prisoner, the prison authorities and the victim and their families.

We asked people to estimate how much of their or their loved one's sentence was spent purposefully, as one of the sentencing purposes from which the IPP sentence draws its legitimacy is rehabilitation. On average, our respondents felt that 41% of time in prison was spent in meaningful rehabilitative activity, which was often not accessed until someone's tariff had expired. This suggests that the IPP sentence is quite inefficient at achieving what it sets out to do in rehabilitative terms.

Family contact was impeded by distance, and disrupted by prison moves. We asked respondents the distance they or their family had to travel. They reported an average of 42 miles at best and 166 miles at worst, with people held at an average of 7 different prisons. The psychological pains of the IPP sentence caused particular disruption and strain to family ties, because people serving the sentence often wished to protect their loved ones from its effects, and also suffered episodic mental health crises in response to believing they had an uncertain or hopeless future.

Area of interest: Communications with the victims and their families both at the time of the sentencing and through the period of the sentence.

None of our respondents were a victim of a crime committed by someone that received the IPP sentence. However, we wish to draw upon the argument made by scholars of prisoners' families, who have drawn attention to the harms suffered by those families as a direct consequence of their loved one's imprisonment⁸. Families effectively share in the punishment despite having committed no crime, making them victims of harm by the state.

⁸ Condry, R., & Minson, S. (2020). Conceptualizing the effects of imprisonment on families: Collateral consequences, secondary punishment, or symbiotic harms? *Theoretical Criminology*. <https://doi.org/10.1177/1362480619897078>

A particular harm suffered is a lack of, or unhelpful, communication from people in the criminal justice system. We asked respondents with a loved one serving the sentence whether they had contact with a range of criminal justice professionals, and we asked all respondents how they felt treated by those professionals.

People reported contact with legal professionals; prison officers; offender supervisors and psychologists in between one quarter and one third of cases. However, psychologists were mainly independent, not those working for the Prison Service. Two thirds reported contact with a probation officer, and less than a quarter with the Parole Board. This picture suggests that, apart from in Probation, family contact is not a routine part of IPP sentence administration. Given that the Parole Board lends particular weight to psychological assessments, and is the ultimate arbiter of release, it is concerning that they and Prison Service psychologists do not routinely concern themselves with family contact.

Where contact occurred, it was perceived as predominantly positive from psychologists and offender supervisors, varied in the case of prison officers, and predominantly negative from legal professionals; probation officers; and the Parole Board. Respondents appreciated professionals who listened, showed a caring and professional attitude, and kept them updated. Negative treatment was framed as being rude, dismissive, defensive, condescending, and ignoring requests for contact. This was a particular strain in incidences where a loved one was self-harming or in poor mental health, and at Parole Boards where family members felt unable to have their say. However, both people serving the sentence felt fairly and humanely treated by the Parole Board. Just over three quarters of respondents wanted more contact from people administering their loved one's sentence, however both people serving the sentence were more cautious about this.

Area of interest: The perspective of both victims and their families and prisoners and their families including of being marginalised by the way sentences are administered.

We asked people what the positive and negative impacts of the IPP sentence were. We also asked them to explain their experiences of marginalisation in their own words, and with reference to the characteristics protected under the Equality Act.

Both people serving the sentence felt that they had been able to address some of their problems during the sentence, but they were clear that this occurred alongside significant negative impacts. Loved ones reported almost no positive impacts. Where they were mentioned, they were framed more as making the best of a bad situation (e.g. "*it made me aware of the injustices in our prison system*").

People reported 68 separate negative impacts, which were emotional; physical; legal/financial; relational; political; and relating to children. It is difficult to do justice to the pain and despair expressed by respondents. The most fundamental message they gave was that the *indefinite* nature of the sentence is the most painful. It causes a range of emotions from acute stress/anxiety to hopelessness and despair. It leaves families in a strained limbo where they find it impossible to anticipate a meaningful future. Three of our respondents had lost their loved one to suicide, and some had contemplated suicide themselves.

It is known that prisoners' families experience stigma, but family members of people serving an IPP sentence experienced a particular kind, namely that people assumed the continued detention of their loved one *must* mean they had committed a very serious offence. Detention solely for public protection was not believed to be feasible/true, which hints that there might not be a strong level of public support for public protection sentences in their current range and form. Families reported feeling isolated because of the sheer time taken up with the sentence, which often required them to spend time actively navigating the system. These effects combined to produce mental health breakdowns and stress-related physical illnesses. Children too suffered emotionally, and experienced stigma at school. Again, such effects are common in prisoners' families generally, but in this case were worsened, according to our respondents, by not being able to explain to children when their father was coming home.

With regard to protected characteristics, age and disability were most frequently highlighted. Many of respondents' loved ones were teenagers when given the IPP sentence, and it was perceived as depriving people of a decade of their youth, the passing of which left them damaged, broken, and struggling to lead an adult life on release. Disabilities were almost always a neglected mental health condition, ranging from organic conditions such as brain injury, neurological disorders such as ADHD, personality disorders, childhood trauma, and sudden onset mental health deterioration. Such already vulnerable people faced particular challenges in gaining release, and avoiding recall once released.

Area of interest: Any changes which might help better achieve a restorative purpose for victims and their families as well as delivering all the purposes of sentencing set out by Parliament in these most serious of circumstances.

We asked respondents the extent to which they felt the IPP sentence had achieved any of the main sentencing purposes; what they thought would have been the best way to deal with their or their loved one's crime; and what changes they supported to the IPP sentence. Prisoners and their families are often dismissed as lacking credibility in decisions about fair punishment. We found that our respondents held nuanced views about sentencing, and were able to rationally and reflectively set out relationships between their or their loved one's crime and its punishment.

Respondents did not feel that the IPP sentence had performed especially well in any of the sentencing aims: restoration; retribution; rehabilitation; just deserts; and public protection. They felt it had gone some way to achieving restorative and rehabilitative purposes, but that these were far outweighed by the excessive retribution of the sentence, which often undid any progress. Generally the sentence was seen as unconcerned with helping people make direct restoration for their crimes. The sentence was strongly viewed as unjust and disproportionate for to the crimes committed. A minority acknowledged that immediate removal to custody had achieved public protection by disrupting a loved one's destructive trajectory, but that the excessive length of sentences was not necessary for this.

People strongly supported a determinate sentence as the best way of dealing with their or their loved one's crime. Almost all agreed that the crime deserved a prison sentence, the only exceptions were for those with severe mental health problems, where it was thought that psychiatric treatment would have been more appropriate. Some people felt that a long determinate sentence would have still been more proportionate than the IPP sentence. All agreed that any prison sentence should be combined with intensive support. A minority felt that some degree of public protection measures after release would be suitable, as well as some degree of indeterminacy (much like the new Extended Determinate Sentence), but that these should be delivered in a much more limited way, and with a definite end date⁹.

Some of the petitions circulating suggest that people are generally advocating for a complete and immediate removal of the IPP sentence from everybody. However, respondents supported this option the least. Support was higher for determinate resentencing of everybody on the IPP sentence, with the option of a life sentence for the most serious crimes. This was seen as a means of restoring justice and proportionality. Support was also high for introducing a maximum limit to how long somebody could be kept in prison. Upon release, support was high for reforms to the license period which would prevent arbitrary recall and limit license length. Lastly support was high for a comprehensive support package to redress the harms done to everybody affected by the sentence – which would offer much needed help, and be a sign of apology from the Government.

UNGRIPP's view on necessary changes to the IPP sentence

UNGRIPP campaigns for change to the IPP sentence and supports three options. Ideally, we believe that legislative change is required. The sentence is not working in its current form, and administrative changes have reached the limit of their effectiveness. We support determinate resentencing of every person on the IPP sentence. We see no other way of repairing the fundamental sense of injustice that the sentence has engendered.

Determinacy would also restore hope, something which those affected by the sentence lack more than anything else. While the sentence continues to exist, we support reform to the license portion. Release rates have risen in recent years, thanks to efforts by the Prison Service and the Parole Board. However, recall rates are now cancelling out this progress. Allowing *indefinite* recall undermines resettlement, and leaves families in fear and limbo. We support limiting Probation's recall powers, and shortening the license period. Lastly, we support the provision of a comprehensive support package for everybody affected by the IPP sentence that explicitly addresses the *harms of the sentence*, as well as reducing reoffending. We believe that these harms are unconscionable in a society that professes to believe in fairness, and an apology and practical support is needed for those affected.

We thank the Commission for convening a forum for fresh conversation on how we deal with serious crime, and for offering the chance for people affected by the IPP sentence to be heard. We hope that our submission conveys the urgency and importance of addressing the IPP sentence, referred to even by its creator, David Blunkett, as "*the greatest single stain on the justice system*".

⁹ In penological terms, respondents endorsed a form of punishment similar to limiting retributivism. See Frase, Richard S., *Limiting Retributivism: The Consensus Model of Criminal Punishment*. <http://dx.doi.org/10.2139/ssrn.420324>

1.0 Introduction

1.1 A Brief History of the IPP Sentence

The IPP sentence was introduced by the Labour Government in 2005¹⁰. It followed concerns that arose from a number of high profile individuals who had served a prison sentence for a serious offence, and went on to commit another serious offence upon release¹¹. Calls followed for a more effective way of dealing with dangerous individuals. The IPP sentence was designed with three primary sentencing purposes in mind: retribution, rehabilitation, and public protection. At trial, if the judge felt that the defendant posed a serious risk to the public, and the offence was one of 153 specified offences, they could impose the IPP sentence, and had no option in some cases. The sentence consists of three parts: a set period given as punishment (a “tariff”), which was generally calculated as half the amount of time that would be given if a determinate sentence was imposed, followed by indefinite detention as long as the person was still deemed a risk to the public, then serving a life license in the community, which could be lifted after ten years upon successful application. Theoretically, the sentence was supposed to involve intensive rehabilitation and support for people to address their problems in prison, and a Parole Board would decide at their tariff expiry whether that had been successful. If not, a person would be reviewed for release every two years.

It was estimated by the Government that around 900 people would receive the IPP sentence. In actual fact, 8,711 IPP sentences were given out between 2005 and 2013¹². The rapidly swelling numbers of people receiving the sentence led to restrictions on its use being imposed in 2008¹³, before its eventual abolition by the Government in 2012¹⁴, following a ruling by the European Court of Human Rights that the sentence breached Article 5(1), which guarantees the right to liberty and security¹⁵. However, the sentence was not abolished for those already serving it. On 31st December 2020, 3,187 (36.6%), or over one third, of people given an IPP sentence were in prison. Of those, 1,849 have never been released, and 1,338 have been recalled prison¹⁶. It is not known how many people are still serving the IPP sentence on license in the community, but given the indefinite nature of the license, it is likely that most people originally sentenced are still serving it. We are aware of only four successful applications to have the license lifted¹⁷.

There is no guarantee that somebody serving an IPP sentence will ever be released from prison after they have served their tariff. The Parole Board must decide that they are very unlikely to commit another offence. Almost nobody serving the IPP sentence has been released at their tariff date. Today, 1,754 people serving an IPP sentence in prison have never been released, and are past their tariff date. 75.8% of those have served 5 years or

¹⁰ Criminal Justice Act 2003, c. 225, <https://www.legislation.gov.uk/ukpga/2003/44/contents>

¹¹ Halliday, J. (2001). Making punishments work: Report of a review of the sentencing framework for England and Wales. Home Office. <https://webarchive.nationalarchives.gov.uk/+http://www.homeoffice.gov.uk/documents/halliday-report-sppu/chap-1-2-halliday2835.pdf?view=Binary>

¹² Op. cit. Ministry of Justice. (2015).

¹³ Criminal Justice and Immigration Act 2008, c. 13, <https://www.legislation.gov.uk/ukpga/2008/4/contents>

¹⁴ Op. cit. Legal Aid, Sentencing and Punishment of Offenders Act 2012.

¹⁵ Op. cit. James, Wells and Lee v. the United Kingdom [2012].

¹⁶ Op. cit. Ministry of Justice. (2021).

¹⁷ Jones, M., Chief Executive of the Parole Board, personal communication.

more over their tariff. 27.7% have served more than 10 years beyond their tariff¹⁸. The fundamental difference between an IPP sentence and a determinate sentence, is that (after serving their tariff) the IPP sentence keeps people in prison based on what they *might do in future*, rather than what they *have done in the past*. It relies on professionals predicting the future accurately. We believe that it is this feature more than anything else, which causes the problems that we now go on to detail.

1.2 What Has Gone Wrong?

The IPP sentence is now widely acknowledged to have had several unintended consequences¹⁹, which we summarise below. Before the sentence was abolished, there were three main drivers which led to a prison system filled with far too many people on the IPP sentence than was ever intended:

Too many IPP sentences were given out. When the IPP sentence was planned, the Government predicted that around 900 people would receive it. It was actually given to more than 8,000 people altogether. Prisons were not prepared to receive this many people with no release date, and the system became flooded with people requiring intensive sentence management that it was not capable of delivering.

Not enough help was available. Prisons did not have enough rehabilitative services available to help people serving the IPP sentence deal with the problems behind their crimes. That meant they were still assessed as dangerous when they came up for Parole, and so stayed in prison much longer than planned, because they had not been able to access rehabilitative activity.

People did not appreciate how serious the sentence was. In the early years, people serving the IPP sentence and criminal justice staff alike could not take in that there really were *so many* life sentences being given to *so many* people, for *so many* crimes. This meant the sentence was badly managed, and people were not clear about what was expected of them. This allowed people to easily slip into the public protection section of their sentence, without a clear idea of how to end it, and the professionals who managed them were not clear on this point either. Parole Boards were frequently delayed due to a backlog.

Following its abolition in 2012, the Ministry of Justice realised that it needed to change its policy on managing people on the IPP sentence. A national team was formed, with the aim of reviewing every person serving an IPP sentence who had had several failed Parole hearings, and attempting to progress them²⁰. This has resulted in some changes. People serving the IPP sentence are more intensively monitored and assessed, and referred for available rehabilitative interventions. The release rate at Parole briefly rose between 2015

¹⁸ Op. cit. Ministry of Justice. (2021).

¹⁹ HM Inspectorate of Prisons. (2016). *Unintended consequences: Finding a way forward for prisoners serving sentences of public protection*. <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/11/Unintended-consequences-Web-2016.pdf>

²⁰ Unnamed author. (2019). *Joint HMPPS and Parole Board IPP Action Plan – June 2019*. http://data.parliament.uk/DepositedPapers/Files/DEP2019-0946/deposit_Joint_HMPPS_and_Parole_Board_IPP_Action_Plan.pdf

and 2017, but has decreased every year since²¹. Essentially, the Prison Service attempted to manage its way out of the problem, by trying to make the sentence work in the way that it was originally intended to. However, we believe that such an approach has run its course, in terms of what it can achieve. Some fundamental problems with the IPP sentence remain, which cannot be easily addressed by internal reform. We now turn to these.

Prison is not the best place for change. Studies show that rehabilitative programmes are less effective when delivered in prison²², and change in general happens best under conditions of psychological safety and security. Prison is currently overcrowded and dangerous²³. People serving the IPP sentence report that their sentence makes them more vulnerable in prison, because other prisoners know they have more to lose by misbehaviour. Some popular psychological interventions show either limited or no effectiveness^{24,25}, or else have no published evaluations yet²⁶. Yet for people serving the IPP sentence, such interventions *must* be deemed a success, in order for them to be released. Should they fall within the number known not to benefit from interventions delivered in prison, there are few alternatives available to them. Essentially, they are asked to show extraordinarily high levels of change in extraordinarily challenging environments.

The sentence is psychologically toxic. Studies show three psychological effects of the IPP sentence: anxiety, despair, and a deep sense of injustice^{27,28,29}. This is consistent with what we know about human behaviour. Not knowing what will happen, or feeling like relief from distress will never happen, both reduce our sense of control over our lives. In the most extreme cases, people resort to self-harm or suicide³⁰. The self-harm rate for people serving an IPP sentence is much higher than for other prisoners³¹. 65 people have killed themselves in prison while serving the sentence, and the Prison and Probation Ombudsman has highlighted the role of the sentence in many of those cases³². For many, repeated Parole failures make it too painful to hope, or to try, another known psychological effect of feeling powerless to control one's own life.

²¹ Ministry of Justice. (2021). *Offender management statistics quarterly* [Dataset], <https://www.gov.uk/government/collections/offender-management-statistics-quarterly>

²² Craig, L., Dixon, L., & Gannon, T. A. (2013). *What works in offender rehabilitation: An evidence-based approach to assessment and treatment*. Wiley.

²³ HM Inspectorate of Prisons. (2020). *Annual report 2019-20*. https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/10/HMI-Prisons_Annual-Report-and-Accounts-2019-20-WEB.pdf

²⁴ Mews, A., Di Bella, L. and Purver, M. (2017). *Impact of the prison-based Core Sex Offender Treatment Programme*. Ministry of Justice. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/623876/sotp-report-web-.pdf

²⁵ Robinson et al. (2021). *Reoffending impact evaluation of the prison-based RESOLVE Offending Behaviour Programme*. Ministry of Justice. <https://www.gov.uk/government/statistics/justice-data-lab-statistics-january-2021>

²⁶ Skett, S., & Lewis, C. (2019). Development of the Offender Personality Disorder Pathway: A summary of the underpinning evidence. *Probation Journal*, 66(2), 167–180. <https://doi.org/10.1177/0264550519832370>

²⁷ Addicott, P. (2012). 'Frustrations within': Imprisonment for Public Protection (IPP). *Prison Service Journal*(201), 24-30. <https://www.crimeandjustice.org.uk/publications/psj/prison-service-journal-201>

²⁸ Smart, S. (2018). *Too many bends in the tunnel? Women serving Indeterminate Sentences of Public Protection – what are the barriers to risk reduction, release, and resettlement?* The Griffins Society. <https://www.thegriffinsociety.org/too-many-bends-tunnel-women-serving-indeterminate-sentences-ipp-what-are-barriers-risk-reduction>

²⁹ Edgar, K., Harris, M. & Webster, R. (2020). *No life, no freedom, no future: The experiences of prisoners recalled under the sentence of Imprisonment for Public Protection*. Prison Reform Trust. http://www.prisonreformtrust.org.uk/Portals/0/Documents/no%20freedom_final_web.pdf

³⁰ Crighton, D., & Towl, G. (2017). *Suicide in prisons: Prisoners' lives matter*. Waterside Press.

³¹ Prison Reform Trust. (2019). *Bromley briefings prison factfile: Winter 2019*, p. 29, <http://www.prisonreformtrust.org.uk/portals/0/documents/bromley%20briefings/Winter%202019%20Factfile%20web.pdf>

³² Prisons and Probation Ombudsman. (2019). *Investigating cases involving IPP prisoners*. <https://www.ppo.gov.uk/blog/investigating-the-deaths-of-ipp-prisoners/>

Furthermore, people serving the IPP sentence know that it was abolished. They now frequently see people sentenced under new sentencing laws for similar crimes to their own, enter and leave the system while they remain. And as the gap widens between their tariff and the actual time served, they feel increasingly disproportionately punished. We know that if people feel unfairly treated, they are less likely to comply with the law³³. The remaining people serving the IPP sentence feel so unfairly treated by the system, that they find it difficult to cooperate the help that is now offered. Together, this toxic psychological mix makes it very difficult for people serving an IPP sentence to do what is expected of them. The sentence fails by producing psychological conditions which make its goals almost impossible. This psychological toxicity increases, the further people serve in prison beyond their tariff.

We cannot predict the future very well. The IPP sentence relies on professionals being able to predict accurately whether someone will reoffend. But the best available methods only predict reoffending with moderate accuracy^{34,35}, and no study that we are aware of has comprehensively examined how predictive accuracy is influenced by sentence type. The logic and language of risk assessment has also now developed to such a point that it is impenetrable to people serving the sentence, and by their loved ones. The statistical and clinical reasoning used by psychologists, and increasingly adopted by Parole Boards, is one that functions on a set of implicit assumptions about the application of population level data to the individual, and about the aetiological roots of crime. These assumptions are not uncontested³⁶, and their framework pays little attention to penal values such as justice and dignity.

The sentence damages families. Research indicates that the IPP sentence has produced a legacy of mental health problems in families^{37,38}. Experiencing a loved one being imprisoned for an uncertain length of time is traumatic, and damaging. Family members suffer financial and emotional strain, hopelessness, and a loss of faith in the justice system. Their children show separation anxiety, emotional distress and behavioural problems.

Licenses are not working. When people serving an IPP sentence do get released, they are getting recalled to prison at a higher rate than other ex-prisoners³⁹. This isn't because they are reoffending at a greater rate, but because they are struggling to comply with their license conditions. This is often because of problems that pre-dated prison, or began in prison, such as drugs and homelessness. The Probation Service has had its budget cut dramatically in the last 10 years, making it difficult for them to help people cope with the damaging legacy of their sentence. Many were imprisoned as teenagers and are released in their mid-30s, which makes learning to live as an adult especially difficult.

³³ Tyler, T. R. (2006). *Why people obey the law*. Princeton University Press.

³⁴ Tully, R. J., Chou, S., & Browne, K. D. (2013). A systematic review on the effectiveness of sex offender risk assessment tools in predicting sexual recidivism of adult male sex offenders. *Clinical Psychology Review*, 33(2), 287–316. <https://doi.org/10.1016/j.cpr.2012.12.002>

³⁵ Campbell, M. A., French, S., & Gendreau, P. (2009). The prediction of violence in adult offenders: A meta-analytic comparison of instruments and methods of assessment. *Criminal Justice and Behavior*, 36(6), 567–590. <https://doi.org/10.1177/0093854809333610>

³⁶ Singh, J. P., & Petrila, J. (2013). Measuring and interpreting the predictive validity of violence risk assessments: An overview of the special issue. *Behavioral Sciences & the Law*, 31(1), 1-7. <https://doi.org/10.1002/bsl.2054>

³⁷ Annison, H., & Condry, R. (2019). The pains of indeterminate imprisonment for family members. *Prison Service Journal*(241), 11-19. <https://www.crimeandjustice.org.uk/publications/psj/prison-service-journal-241>

³⁸ McConnell, M., & Raikes, B. (2019). 'It's not a case of he'll be home one day' The impact on families of sentences of Imprisonment for Public Protection (IPP). *Child Care in Practice*, 25(4), 349-366. <https://doi.org/10.1080/13575279.2018.1448257>

³⁹ Op. cit. Prison Reform Trust (2020).

There is no evidence that sentences like the IPP are effective. IPP is not the first sentence of its kind. Studies comparing determinate and indeterminate sentences are uncommon, and the evidence that we are aware of does not indicate that indeterminate sentences produce lower reoffending rates⁴⁰.

1.3 A Political Stalemate, or Opportunity for Action?

The IPP sentence is frequently raised in Parliament by MPs, and by third sector organisations such as the Prison Reform Trust and the Howard League. It has also seen a growing level of grassroots activism and media coverage⁴¹. One petition to abolish the IPP sentence for a particular individual has attracted 46,636 signatures, to date⁴². The Government's rebuttals coalesce around the narrative of protecting the public. Public protection is rhetorically described as a necessary and laudable goal, and the criminal justice system as able to deliver it by detaining and releasing the correct individuals. We argue that this approach is problematic on two counts. Firstly, there is a vast level of imprecision in risk assessment, driven by its inherently uncertain nature, and by a range of professional biases⁴³, including racial biases⁴⁴. Secondly, regardless of the accuracy of risk assessment, there is a broader normative question of whether detention based solely on future predictions is a morally sanctionable way to deliver punishment, particularly for those on the IPP sentence, who are essentially being detained under legislation that no longer exists in law. The public protection narrative allows little room for notions of justice, fair and proportionate punishment, or the possibility of making amends and starting anew – notions that, we believe, still form much of the general public's view of what punishment should constitute. Instead, the IPP sentence leaves those serving it, and their loved ones, in a kind of Kafkaesque limbo that they cannot easily escape, trapped as they are by notions of the ideal, non-risky citizen that the sentence seeks to shape, but has so manifestly failed to achieve. As we indicated at the start, we believe that the Commission has an enormous opportunity to state what must be done about those still serving the IPP sentence, which has formed a shameful chapter in Britain's history of punishment and, much like every single person subject to it, deserves a definite and certain end.

2.0 Experiences of Those Affected by the IPP Sentence

Having described our view on the problems of the IPP sentence, and why we believe it deserves the Commission's attention, we turn now to the responses we received to our invitation to contribute to this submission. We invited anyone affected to the IPP sentence to help us respond to the Commission by describing their experiences. We then constructed a series of questions about the IPP sentence, based on the areas of interest indicated by the Commission:

⁴⁰ Zhang, Y., Zhang, L., & Vaughn, M. S. (2014). Indeterminate and determinate sentencing models: A state-specific analysis of their effects on recidivism. *Crime & Delinquency*, 60(5), 693–715. <https://doi.org/10.1177/0011128709354047>

⁴¹ See UNGRIPP's website for archives of parliamentary, organisational, and media coverage.

⁴² *Let my son rebuild his life. Abolish the IPP off him.* <https://www.change.org/p/ipp-let-my-son-rebuild-his-life-abolish-the-ipp-off-him>

⁴³ Venner, S., Sivasubramaniam, D., Luebbers, S., & Shepherd, S. M. (2020). Cross-cultural reliability and rater bias in forensic risk assessment: A review of the literature. *Psychology, Crime & Law*. <https://doi.org/10.1080/1068316X.2020.1775829>

⁴⁴ *Ewert v. Canada* [2018] Supreme Court of Canada, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/17133/index.do>

- (i) The pattern of sentences being given for the most serious of crimes and of the time being spent in prison.
- (ii) How those sentences are being served, including the arrangements for contact between the prisoner, the prison authorities and the victim and their families.
- (iii) Communications with the victims and their families both at the time of the sentencing and through the period of the sentence.
- (iv) The perspective of both victims and their families and prisoners and their families including of being marginalised by the way sentences are administered.
- (v) Any changes which might help better achieve a restorative purpose for victims and their families as well as delivering all the purposes of sentencing set out by Parliament in these most serious of circumstances.

For the sake of brevity we will not detail our methods here. However, Appendix II contains a methodological summary, and a full copy of the questions posed to respondents.

2.1 Who Responded?

We received 36 responses to our invitation. The vast majority (n = 34) were from people who described themselves as family members, friends, or loved ones of someone serving an IPP sentence. The remaining two responses were from people serving an IPP sentence, who were on license in the community. We believe there are several valid reasons for the low response rate from people serving the sentence. Firstly, many are in prison, and would not have access to our request for responses, or online form. Secondly, we know that those who have been released have endured much difficulty and simply wish to get on with their lives, without revisiting the pain of the experience. Much activism tends to come from their loved ones instead. Thirdly, as we have outlined, a particular problem with the IPP sentence is the persistent threat of being recalled to prison, and we suspect that some may have feared compromising themselves by responding to us.

Where summary data are reported, we have merged the responses from people serving the sentence with responses from loved ones. This is because we are satisfied, from inspection of the data, that doing so does not substantially change the overall picture. Where our two respondents serving the sentence have views that substantially differ from other respondents, we have described their experiences separately.

2.2 What Were the Sentencing Circumstances of the People Described by Respondents?

Area of interest for the Commission: *The pattern of sentences being given for the most serious of crimes and of the time being spent in prison.*

“He has done more than....four times his minimum tariff. He was only 17 at the time and had mental health issues, without which he would never have committed the crime in the first place.”

We asked our respondents for details about the type of offence that they or their loved one received the IPP sentence for, the tariff they were given, how long they had actually served in prison (either to the present day, or before they were released), as well as whether they had been recalled, how many times, and why.

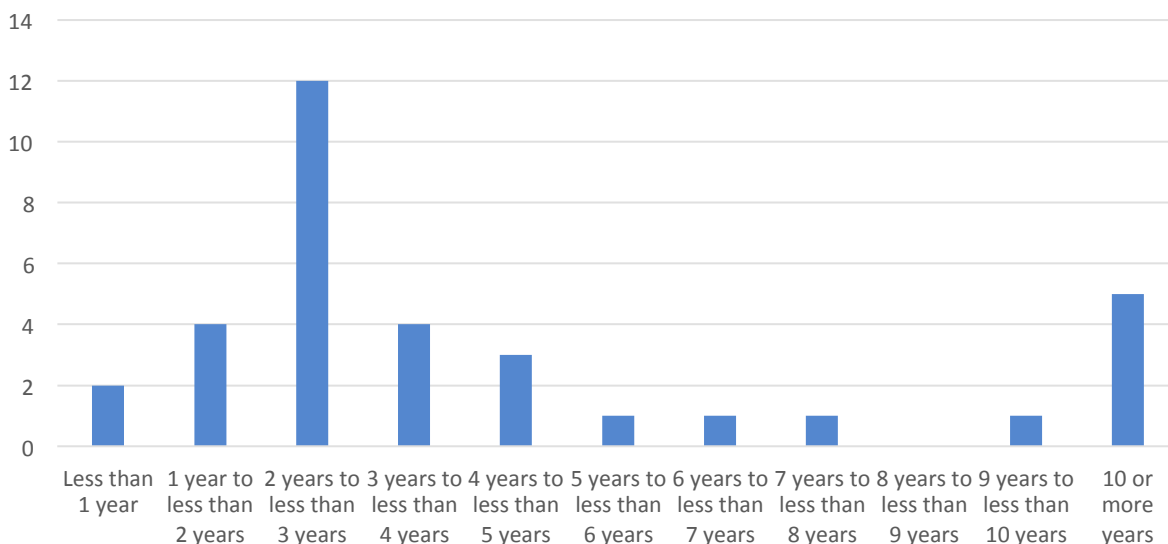
The offences that respondents or their loved ones had received the IPP sentence for were most commonly classed as violent, followed by robbery, then sexual and theft offences.

Table 1: Offences Committed Which Received the IPP Sentence

Offence category	N of respondents	% of respondents
Violence	17	47.2
Sex	4	11.1
Robbery	7	19.4
Theft offences	4	11.1
Criminal damage & arson	2	5.6
Weapon possession	1	2.8
Missing	1	2.8

The average tariff (period of punishment) given out was 50.6 months, or just over 4 years. However, tariffs ranged from 3 months to 16 years, and the most frequently reported tariff length was between 2 and 3 years. The tariff length is an indicator of the seriousness of the crime committed.

Figure 1: Tariff Lengths



Exactly half of people serving the IPP sentence had, at some point, been released from prison, 44.4% had never been released, and the remainder (5.6%, n = 2) didn't report release related information.

People released from prison had served an average of 9.1 years before being released. Those who had never been released from prison had served an average of 11.6 years to date. However, 88.9% (n = 16) of those who had been released had, at some point, been recalled to prison, adding additional years to time served. We did not ask respondents about the length of time served on recall, but this was frequently described in years, not months.

Table 2: Years Served in Prison

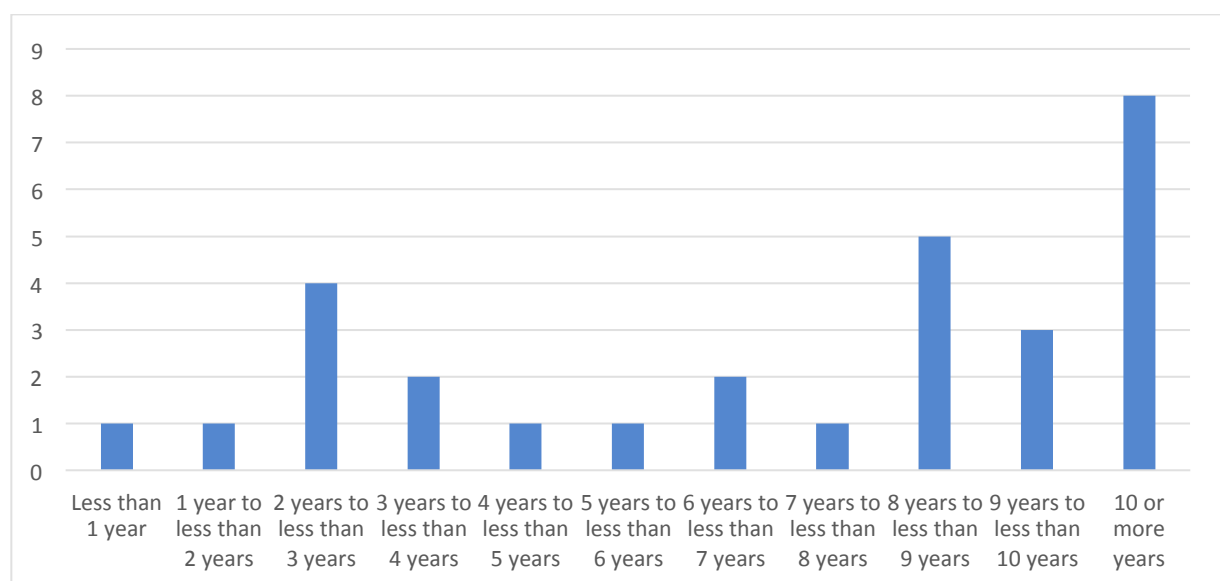
Group	N valid responses	Mean	SD
Whole group	30	10.4 years	3.8 years
Released	15	9.1 years	4.1 years
Unreleased	15	11.6 years	3.2 years

Only one respondent reported that their loved one had not yet reached their tariff date. All other people had served a substantial number of years beyond their tariff date before being released, or to date if unreleased.

Table 3: Time Served in Prison Beyond Tariff Date

Group	N valid responses	Mean	SD
Whole group	29	7.2 years	4.3 years
Released	15	5.5 years	4.2 years
Unreleased	13	9.2 years	3.7 years

Figure 2: Time Served in Prison Beyond Tariff Date



Of the 16 people recalled to prison, they were reported as being recalled between 1 and 4 times, with a mean average of 2 times and a modal average of once (43.8%, n =7). The reasons given are detailed in Table 4.

Table 4: Reasons for Recall to Prison

Reason	N of those recalled	%, of those recalled
Facing further charge	7	43.8
Non-compliance	5	31.3
Drugs/alcohol	2	12.5
Poor behaviour – relationships	1	6.3
Other	1	6.3

It is of note that, although the majority of those recalled were facing further charges, two reported that those charges were subsequently dropped.

We would like to draw the Commission’s attention to several aspects of the above data. Firstly, we report it as a means of establishing representativeness. Appendix II gives more information on how the people serving the sentence described here, compare to all those who received the sentence. Overall, those described here were not all that different in sentencing terms from all of those who received the sentence, and those serving it in prison currently. We are satisfied that we are describing a fairly typical set of people who received the IPP sentence, with the exception of a slight underrepresentation of those convicted of sex offences.

The second thing we would like to draw attention to is the huge disparity between tariffs given as a proportionate punishment for the offence committed, and the length of time actually served in prison. The fact that 80% of respondents with a loved one unreleased from prison, reported that their loved one had served at least 8 years longer than their given tariff seems to us to be indicative of a system that has lost sight of proportionality. Even those who were eventually released had served on average 5.5 years longer than their tariff. When we looked at individual cases, we found incidents in which the seriousness of the offence (and consequently the tariff given) and the length of time served without release appeared completely unconnected. For example:

- A person convicted of using threatening word/behaviour, given a 4 month tariff, who had been in prison for 16 years.
- A person convicted of attempted robbery, given an 18 month tariff, who had been in prison for 12 years.
- A person convicted of a non-contact sex offence, given a 2 year tariff, who served 11 years before being released.

- A person convicted of arson, given a 2 year tariff, who served 10 years before being released.

In comparison, some offences which were more serious (judging by the offence category and the tariff given), seemed to keep a closer relationship between proportionality and time served. For example:

- A person convicted of GBH, given a 10 year tariff, who served 11 years before being released.
- A person convicted of armed robbery, given a 10 year tariff, who served 12 years before being released.
- A person convicted of manslaughter, given a 3 year tariff, who served 5 years before being released.

However, most people were considerably beyond tariff, even in cases of more serious offending. The logic of the IPP sentence is that detention beyond tariff is required for public protection. We are not in a position to comment on the dangers that the above examples posed to the public, but what we find concerning is that loved ones were not able to either. Regardless of whether they *agreed* with the reasoning by which their loved one was detained, people were mainly in a state of confusion and anger, stemming from not comprehending *any* kind of reasoning for continued detention. If public protection is to be the dominant sentencing narrative instead of proportionality (and we do not agree that it should be), its logic should be clear, rational, accessible, and transparently communicated to all whom it affects. This was certainly not the case with our respondents. In our experience, the reasons given by professionals conform to the opaque logic and language of risk described in the first section of this submission, which has contested credibility, and is poorly communicated and understood by those outside criminal justice. More poignantly, we wish to simply emphasise that people are serving substantial portions of their lives in prison on the IPP sentence, which in many cases is grossly disproportionate to the crime they committed. We expand upon the harmful impact of disproportionality in subsequent sections.

The last point on sentence related factors that we wish to draw the Commission's attention to is the high rate of recall for those that do achieve release, which is also reflected Ministry of Justice official data. The simple narrative to explain this phenomenon is that people are recalled due to the risk they pose to the public. Whilst nearly half of those recalled were recalled for further charges, of even more concern were those recalled for non-compliance, which included things such as "*smoking in his room*".

Two stories in particular stood out as examples of the challenges of compliance with license conditions. In one case, a person banned from accessing non-authorised digital devices was clearly finding it difficult to live any kind of normal family life within this framework. In another case, a person with mental health issues was recalled from a PIPE hostel (a type of hostel designed to offer enhanced psychological support) following late return from a Job

Centre appointment – a clearly stressful and taxing experience during which he had difficulty filling in the required forms, and lost track of time.

The above evidence seems to us to indicate a failure of public protection on two counts. Firstly, recall after committing a further offence may serve a similar function to placing somebody on remand to await sentencing, but in terms of public protection it is somewhat ‘after the fact’, and mechanisms for arrest, charge, and bail/detention already exist separately and lawfully. Secondly, there appear to be clear instances where people are not supported to meet their license conditions successfully. Recall adds a further burden to people’s lives, which we expand upon in later sections.

2.3 What is the Impact of the IPP Sentence?

Area of interest for the Commission: *The perspective of both victims and their families and prisoners and their families including of being marginalised by the way sentences are administered.*

“This sentence had executed my brothers fragile mind. It has been like men on death row for them. One of the hardest things for them is the unknown. That they could die an old man in prison.”

We asked people to describe the positive and negative effects of the IPP sentence. We asked them to estimate how much of their (or their loved one’s) sentence was spent purposefully. We felt this was important to ask, given that the IPP sentence draws one of its arguments for legitimacy from the sentencing purpose of rehabilitation. We also asked people what they particularly wanted the Commission to know about the impact of the sentence.

2.3.1 Positive impacts

Positive impacts of the sentence did not fall equally. Both respondents serving the IPP sentence stated that they got to “*turn my life around*” and “*work on myself*”. But they were clear that these fell alongside other highly distressing, negative impacts of the sentence.

In contrast, family members, friends, and loved ones reported almost no positive impacts. And where they were expressed, they were not the impacts that the sentence might have hoped to achieve at its inception. Only four people described a positive impact:

- *“My loved one got to consider his actions and his future, but there were [no positive impacts] for me personally.”*
- *“It made me realise how strong IPP prisoners really are.”*

- *“It made me aware of the injustices in our prison system and gave me determination to fight it.”*
- *“The short tariff initially gave us some hope that he might be out soon.”*

Only the first of these responses aligns with what the respondents serving the sentence experienced. The others are more aligned with finding hope and purpose amidst the enormous weight and pains of the sentence, and seem to be examples of coping, rather than desirable outcomes.

Overall, despite inviting our respondents to consider a range of impacts, they were resoundingly clear that the sentence is not a cost-benefit issue. In fact, the costs outweigh the benefits to such a degree that one respondent drew attention to how far removed such language was from the realities of the sentence. They did this by commenting *“it’s like asking about the positive impact of being raped”*.

2.3.2 Purposeful activity

We asked respondents how much of their or their loved ones’ sentence felt purposeful, to get an idea of how much time in prison on the IPP sentence is perceived as wasted. Most respondents found it difficult to quantify what proportion of a sentence was purposeful, which may reflect the open way that we phrased the question. Of those who did (n = 15), the average portion of the sentence perceived as purposeful was 41%. This suggests that, from our respondents’ perspective, more than half of the time served was not spent in a rehabilitative way. Many reported that their loved ones completed courses either not until they were many years over tariff, or else completed them early but were asked to complete more, which they felt added little to progress that which had already been made. This seems to indicate that the IPP sentence is very inefficient in achieving one of the purposes it has set itself.

2.3.3 Negative impacts

Respondents described 68 separate negative impacts of the IPP sentence, which we have sought to group below.

Table 5: Negative Impacts of the IPP Sentence

Type of impact	N of mentions*	% of respondents
Emotional	71	86.1
Physical	13	22.2
Legal & financial	12	22.2
Children	6	13.9
Relational	20	30.6
Political	6	5.6

* Many respondents mentioned multiple impacts, and so appear multiple times in this column.

2.3.3.1 Emotional impacts

Almost all respondents described the emotional toll of the IPP sentence, including words like embarrassment; paranoia; fear; stress; worry; anxiety; uncertainty; helplessness; powerlessness; depression; grief; loss; anger; loneliness; heartbreak; hopelessness; guilt; hurt; despair; uncertainty; losing touch with reality; and feeling suicidal. The emotional toll of any kind of imprisonment on families is increasingly recognised as problem⁴⁵, but the pains of the IPP sentence are particularly acute, and linked to the indeterminate nature of the sentence.

Both people serving the sentence and their loved ones described the anxiety, worry, fear and stress caused by the uncertainty of the sentence. This is initially the uncertainty of when a person will be released, and after release it centres on the uncertainty of recall. Despite having license conditions in place, people do not feel certain of how their loved one's behaviour will be interpreted, or mistakes tolerated (e.g. being late back to a hostel). Some respondents shared stories of pre-emptive measures, such as a person serving the IPP sentence being attacked by group of people, and then recalled to prison due to fears that he would retaliate. The end result was that families took on the emotional burden of helping their loved one with problems, through fear of asking authorities for help.

The other end result of this set of emotions, which has been described elsewhere⁴⁶, was families being held in a painful state of limbo – not feeling entirely able to give up hope but, on balance, feeling very hopeless about the future, powerless, and despairing. In some tragic cases, this loss of hope had been final, and loved ones had committed suicide. The Ministry of Justice records the self-inflicted deaths of people serving an IPP sentence in prison, but does not disclose data on deaths in the community. One respondent shared a story of her loved one committing suicide because he “*could not face the prospect of recall*”, indicating that the sentence can also inflict the ultimate punishment beyond prison walls. Several family members also reported feeling suicidal themselves, due to the perpetual uncertainty and strain of the sentence.

Respondents with loved ones who were particularly far over tariff and still in prison reported a gradual process of loss over the years, increasing loneliness, and the pain of watching their loved one also deteriorate mentally. Various effects were described, including watching loved ones lose energy, vitality, and hope, increases in self-harm, and in some cases increasingly lose touch with reality⁴⁷. These are all effects indicative of the acute distress caused by *indefinite* prison terms, where people on both sides of the prison wall are deprived of coping mechanisms that people typically turn to in such bleak situations, namely hope for the future, and the belief that a painful present will pass.

⁴⁵ Lanskey, C., Losel, F., Markson, L., & Souza, K. (2018). Prisoners' families, penal power, and the referred pains of imprisonment. In R. Condry & P. Scharff-Smith (Eds.), *Prisons, punishment and the family: Towards a new sociology of punishment?* (pp. 181-195). Oxford University Press.

⁴⁶ Op. cit. Anison & Condry (2019).

⁴⁷ Self-harm rates in the imprisoned IPP population are much higher than for prisoners serving other types of sentences (including life sentences), and this and general mental distress are a well recognised feature of the IPP sentence, see <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Winter%202019%20Factfile%20web.pdf> for a summary and <https://www.gov.uk/government/collections/safety-in-custody-statistics> for official statistics.

As well as reporting acutely painful emotions, many respondents also reported a deterioration in mental health, described in various ways as PTSD; mental breakdown; and mental torture. They reported ongoing impacts of their own mental health deterioration, including having to take time off work due to persistent nightmares, difficulties being there for their children, and contemplating suicide.

These effects were mirrored in respondents' descriptions of their loved ones' mental health deterioration in prison, with one saying, *"this sentence has executed my brother's fragile mind"*. A particular source of stress and worry for respondents was when they feared their loved one would shortly take their own life (as indeed happened in some cases). They described waiting for a knock at the door to tell them something had happened. In one case a respondent was so distressed that they stated, *"I can remember almost praying for this to happen so that he could be at peace."* We feel this is particularly indicative of the severity of distress caused by the IPP sentence.

2.3.3.2 Physical impacts

The most commonly reported physical ailments were stress-related illnesses (forgetfulness; migraines; vertigo; heart failure) and exhaustion, both of which were attributed to dealing with the emotional and practical burdens of the sentence. When describing their loved ones in prison, respondents described high levels of self-harm, and some tragic depictions of physical decline as the sentence progressed. For example, *"he's gone grey, [he] spent his youth serving IPP. [He was] so skinny and pale, and minus some teeth"*. We suggest that if the Commission wishes to explore further sources of information, GPs may be of some help in describing the health related impacts of the sentence, which were a consistent theme in our respondents' stories, and again are indicative of the severe impact the sentence has.

2.3.3.3 Legal and financial impacts

It has been described elsewhere that the family members of people serving an IPP sentence have taken on a considerable legal burden in helping their loved one navigate through the system⁴⁸. This was reflected in our respondents' stories too. The legalities of continued detention often stray into contested waters, which families took on the burden of addressing, for example by paying for their own psychological assessments. Financially, they also bore the cost of visiting, often travelling long distances. Some also described career difficulties, which ranged from family members who had a job in the criminal justice system being *"given hell"* because they were connected to someone serving an IPP sentence, to a lack of career progression because they were too tired from dealing with the sentence to do more than *"the bare minimum"*. Again, the financial burden on families, and stigma, of imprisonment in general are well known⁴⁹. But what distinguished these burdens was the low prospect of change. Families felt permanently trapped by these problems.

2.3.3.4 Children

We felt it was worth distinguishing the impact on children particularly, given their rights under the United Nations Convention on the Rights of the Child (UNCRC), to which the UK is a ratified signatory⁵⁰. Explaining the IPP sentence to children was very difficult for parents,

⁴⁸ Op. cit. Anison & Condry (2019) and McConnell & Raikes (2019).

⁴⁹ Op. cit. Lanskey et al. (2018).

⁵⁰ United Nations Convention on the Rights of the Child 1990, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

as they were often unable to comprehend that nobody knew “*when daddy is coming home*”. Parents described children being unsettled, upset, and feeling different to their peers in school. In addition, parents recognised that their own mental health struggles in dealing with the sentence affected children’s schooling and emotional wellbeing. Children were deprived indefinitely of one of their parents and subject to the strains experienced by the other, and we received no indication that their welfare was taken into account either by the sentencing court, or by the Parole Board. This set of circumstances contravenes Article 2 of the UNCRC, which states that children should be protected from any punishment stemming from their parents’ activities, Article 3 which states that courts of law should consider the best interests of children, and Article 7 which states that children have a right to know and be cared for by their parents.

2.3.3.5 Relational impacts

Respondents frequently described strains on family life, often culminating in family breakup, or a fundamental shift in family structure. Strains related to the present (separation from a loved one; judgement from friends and other family members; others not understanding the nature of the sentence) and the uncertain future (risk of never having a family; not being able to plan anything; missing out on important family experiences; knowing one mistake could change everything; and never knowing when things can return to normal). Again the nature of the sentence affected the nature of the strains, under which many families disintegrated because they felt there was no prospect of change, or a future.

The deprivation of a father, brother, or son also affected the organisation of families. In one case, a woman described how she had become guardian to her brother’s two children at the age of 28, with no knowledge of when or if this would change. Parents and grandparents also adopted roles supporting children, which sometimes consumed their lives, particularly in the case of two parents who had two sons both serving an IPP sentence. It is unlikely this is an isolated case, given how widely the sentence was given out initially. Respondents described feeling guilty at how much the sentence took them away from meeting other family responsibilities.

2.3.3.6 Political impacts

A substantial minority of respondents spoke of how the IPP sentence had alienated them from the criminal justice system, and the wider political system, engendering strong feelings of cynicism, disrespect and mistrust. The activism that has arisen in response to the IPP sentence also indicates the strength of bad feeling towards these systems, who are seen as responsible for keeping the IPP sentence in place. We believe that this impact of the IPP sentence should not be underestimated, particularly on the children of those serving IPP sentences. It is not difficult to imagine how having a parent serving an abolished sentence may shape children’s beliefs about the justice system. One respondent described how her 11 year old son had written to the Secretary of State for Justice, asking when his dad could come home. He did not receive a reply.

2.3.4 What respondents most want the Commission to know about the impact of the IPP sentence

We asked respondents directly what they would most like to communicate to the Commission. We reproduce a selection of quotes here, which we feel are representative of their responses:

“Hope is what keeps us going. Without it, we are, and have, nothing.”

“They have done their time over and over. Let them become people we are proud of. To start a new life the same as anyone else.”

“My son was 18 when he got this barbaric sentence. Never been in prison, just a few minor skirmishes, nothing bad.....This sentence has broken us as a family and his son is suffering through no fault of his own. He can't understand why his dad isn't coming home.”

“One of the hardest things for them is the unknown. That they could die an old man in prison.”

“This sentence takes away any hope. There is no end date in sight.....Nothing to look forward to. No hope.”

“IPP prisoners see those who have committed similar crimes to them - and also worse crimes such as murder - walking free, while they themselves remain in prison.”

“An IPP sentence effectively sentences the whole family to years of hell, from which there is no light at the end of the tunnel, no escape.”

“It's devastating and each time you hear when someone who committed awful crime (murder, rape, paedophilia) is being released.....and my partner 15 years later is still in prison for robbery - it increases your feeling of huge injustice and how system is broken.”

“The sentence is just not for him. It's for all of us.”

“My nephew should have given more mental health support. He was disabled really mentally. This sentence was directly responsible for his demise and eventual death” (from suicide, at age 36).

2.4 Family Contact and Family Life

Area of interest for the Commission: *How those sentences are being served, including the arrangements for contact between the prisoner, the prison authorities and the victim and their families.*

“It’s destroyed my family. My life has been on hold for 12 years. I haven’t slept properly in years, constantly worrying about my son’s welfare.”

We asked people about the contact they had with families during their time in prison. Respondents reported that they or their loved one were in an average of 7.4 different prisons during their sentence, and prison moves were described as very disruptive to family contact. We asked people how far away prisons were from where their loved ones lived. Respondents reported that, on average, the prison that was closest to family was 41.5 miles away, and the furthest was 166.4 miles away. Families described exhausting round trips of several hours, which were financially costly and sometimes unaffordable, which reduced contact.

Respondents indicated that daily or weekly phone contact and monthly visits were the most typical means of keeping in touch. We asked about changes to the nature of contact during years in prison. Both people serving the sentence and families described periods of withdrawal, coinciding with poorer mental health and difficulties coping with the sentence. This has been described elsewhere as a feature of long term imprisonment⁵¹, and is experienced as distressing by families. Many families described a general decline in contact over time. This is especially concerning with the IPP sentence, given that strong social ties are seen as a protective factor, and lack of them a risk. One respondent described how her serious health condition had stopped her visiting her loved one in prison as often as she had liked. This lack of regular visits was later framed as indicative of risk at a Parole hearing, apparently without examination of the circumstances.

Families described some devastating impacts on family life. It placed families in a limbo, where they were unable to plan for the future. One person described the pain of never knowing whether she and her partner would be able to have children, because of his uncertain release date. Others talked about not being able to share important family experiences, such as taking children on holiday. Close family members often described feeling isolated from wider family, who could not understand how the sentence worked, and why their loved one continued to be detained in prison. The cumulative emotional and practical strain of the sentence sometimes estranged families. Siblings in particular were described as growing apart from their sibling in prison, or the family in general. Those families who wished to remain close still found it a struggle. One set of parents said *“We have been denied the right to have a relationship with our son.”*

⁵¹ Crewe, B., Hulley, S., & Wright, S. (2020). *Life imprisonment from young adulthood : Adaptation, identity and time*. Palgrave Macmillan.

2.5 Treatment by Professionals

Area of interest for the Commission: *Communications with the victims and their families both at the time of the sentencing and through the period of the sentence.*

“We have had about 9 probation officers in 14 years. Some had no interest, some were not there long enough to meet more than once. So most of the time it was always the same questions over and over again.”

The Commission asked for evidence on communication with victims during sentencing. None of our respondents were victims of a crime committed by the IPP sentence. However, there is a well established literature on the harms suffered by prisoners’ families as a direct consequence of imprisonment, and effectively shows that they often share in the punishment despite having committed no crime⁵². We have therefore conceptualised family members as victims of harm inflicted by the state. One identified harm is the lack of contact with criminal justice professionals during a loved one’s sentence. We therefore asked respondents who were loved ones whether they had had any contact from the key professionals administering their loved one’s sentence. We also asked all respondents how they felt treated by these professionals.

2.5.1 Understanding the sentence

Most people described poor experiences in coming to be aware of what the IPP sentence was. 81% reported that they didn’t know what the sentence was when it was given out. Both people who received the sentence felt poorly served by their legal representatives at sentencing, and neither had the sentence explained to them until they reached prison. One did not have it explained to them until after their tariff expired.

There was a clear burden on people serving the sentence having to explain it to their loved ones. 32.3% of respondents reported that this is how they learned about the sentence, and many reported struggling to understand how such a thing could be allowed to happen. It seems to contravene their basic understanding of criminal punishment, which was more akin to a set punishment for a set crime. 17.6% reported having the sentence being explained to them by a professional. But worryingly, 41.2% reported never being told by anyone, and finding out via their own research.

A recent trend in the criminal justice field has been to pay more attention to prisoners’ families, particularly their potential to aid rehabilitation⁵³. 76.5% of respondents said they would have liked to have more contact with the professionals involved in their loved one’s

⁵² Op. cit. Condry & Minson (2020) and Lanskey et al. (2018).

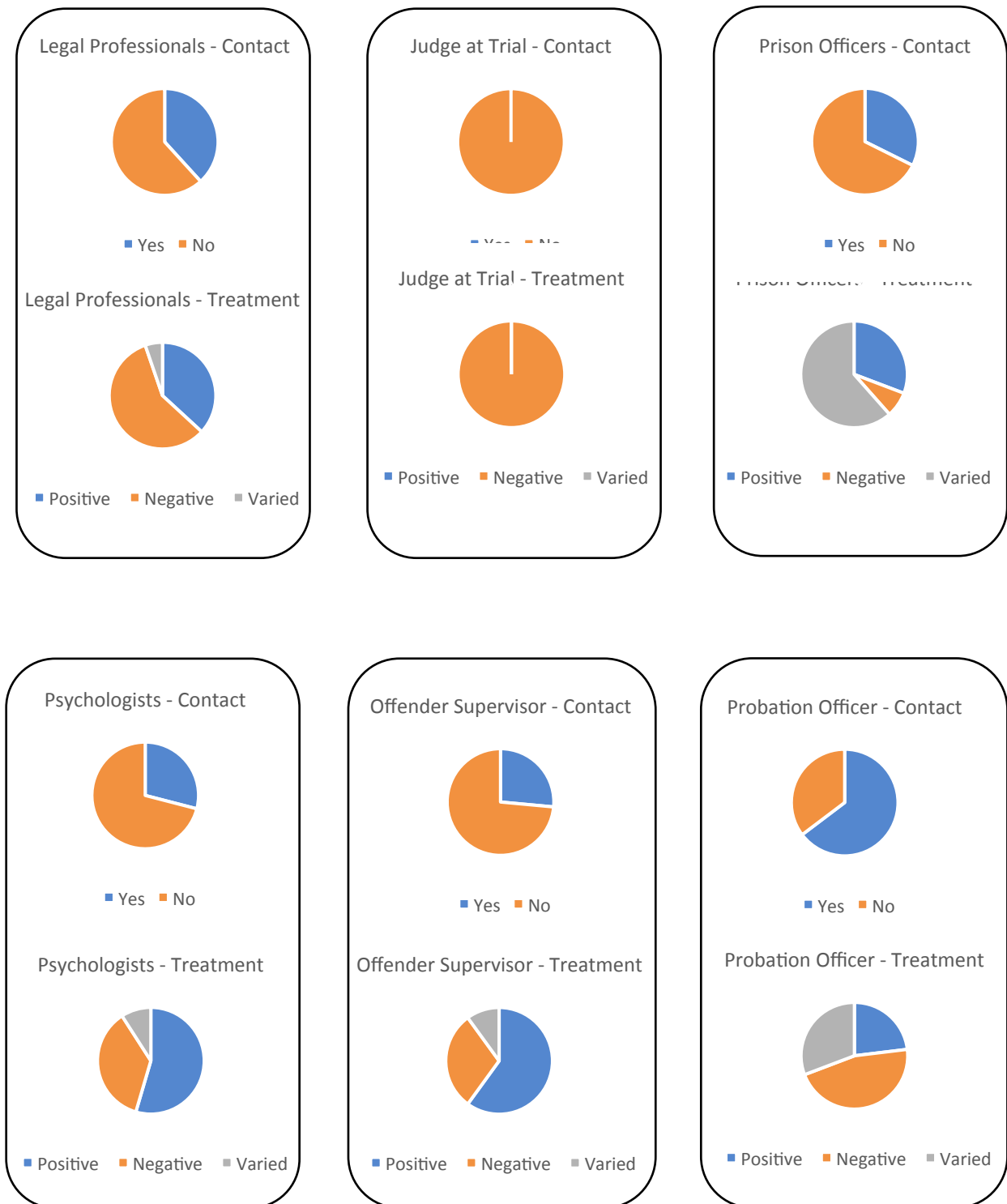
⁵³ Farmer, M. (2017). *The importance of strengthening prisoners' family ties to prevent reoffending and reduce intergenerational crime*. Ministry of Justice.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf

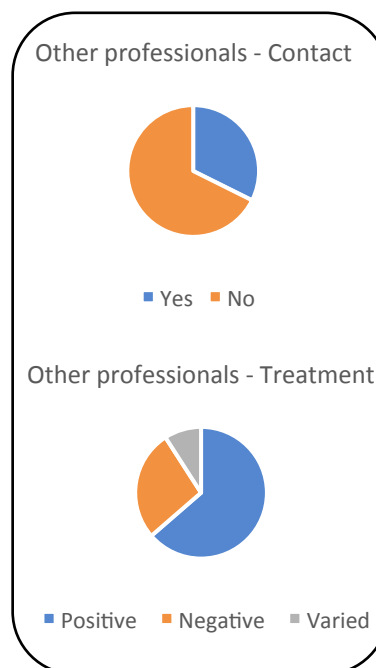
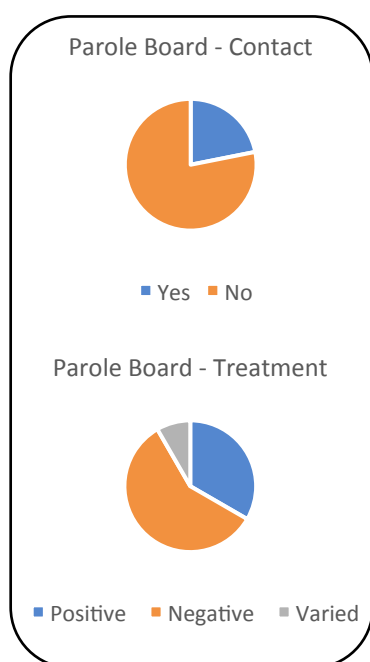
sentence. But we feel it is important to note that both people serving the sentence were more cautious about contact, as they wanted to protect their loved ones from the more severe effects of the sentence. However, one did comment that keeping family members updated on key milestones/dates was helpful.

2.5.2 Professional contact and treatment

We asked respondents for a picture of who they had had contact with (in the case of loved ones), and how they felt treated by those people.

Figure 3: Professional Contact and Quality of Treatment





2.5.2.1 Legal professionals and judges

On the whole, both people serving the sentence and loved ones felt poorly served at the sentencing stage. Many felt that these professionals were unaware of what the sentence truly was, and that judges did not know what they were actually handing out. Judges never had contact with loved ones of the person they were sentencing, and one person commented that they felt the judge was “*disinterested in family*”. Sentencing guidelines require sentencers to take children’s welfare into account when sentencing⁵⁴, but the impression from our respondents is that this did not take place. Overall, the picture is one of a failure to properly consider the consequences of the IPP sentence, which has been acknowledged as a mistake.

2.5.2.2 Prison officers

Respondents reported the most varied set of contacts with this staff group. Loved ones only had contact with officers in some cases, but when they did there was huge variation in the perceived quality of treatment, which seemed to come down to individual professionalism. In more positive cases, officers were described as polite, willing to listen, caring, and kept families updated during worrying times. In negative cases, officers were described as rude, disinterested, defensive, and treating people in an indignifying way on visits. One person reported that their loved one had been physically beaten by officers. Another said that they “*didn’t want to know*” after their loved one had killed himself in prison.

2.5.2.3 Psychologists

It was rare for psychologists employed by the Prison Service to have any contact with family members. When contact did occur it was mainly independent psychologists who had been hired privately. Psychologists in the Prison Service are heavily involved in the management,

⁵⁴ Sentencing Council. (2019). *General guideline: Overarching principles*. <https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/general-guideline-overarching-principles>

assessment and treatment of people serving IPP sentences, but contact with family does not seem to form part of these activities routinely. In cases where there was contact, the words used to describe psychologists differed from those used to describe other staff groups. In positive incidences, psychologists were described as “*compassionate and really cared*”, “*an advocate*” and “*asked me for my opinion and was in no hurry to make a snap diagnosis*”. In negative cases they were described as “*condescending*”, pushing unwanted labels and explanations, and one example was given of a psychologist spending 20 minutes assessing a loved one, but documenting in their report that they had spent 90 minutes doing so. This was perceived as duplicitous and an abuse of power.

Both people serving the IPP sentence disliked the way in which their behaviour was framed by psychologists. One expressed disbelief that they had had a personality disorder assessment early in their sentence which did not diagnose them with any disorder, but an assessment five years later diagnosed them with two disorders. Another felt their behaviour was incorrectly framed as a fascination with fire, without recognition of the complex mental health issues which underlay their firesetting. Both these stories highlight the issue of expert power and discourse which is a prominent part of the IPP sentence. It has been documented elsewhere how powerless prisoners feel in the face of externally imposed psychological explanations of their behaviour, whose logic they cannot escape⁵⁵. This can impede their experiences of imprisonment being taken seriously. For example, in the first case, the emotional and behavioural impact of five years indefinite imprisonment seems to have taken a backseat to the language of medical disorder.

2.5.2.4 Offender supervisors and probation officers

These two professionals deal with sentence management inside and outside prison respectively, and probation officers deliver community supervision. Contact with loved ones was much more common from probation in the community than in custody, but when contact did occur, people felt treated better by offender supervisors than probation officers. Loved ones came up against varying cultures inside prison. Some described very good relationships with offender supervisors, who were willing to answer questions and keep them updated. Others reported being treated like “*just another number*”. One person described emailing an offender supervisor to ask for information about a programme her loved one was being asked to complete, and receiving an “*awful*” email in return, instructing them not to contact the offender supervisor again.

Descriptions of contact with Probation were more frequently negative, and mirrored the known decline of the Probation Service in recent years. Probation Officers were described as too busy and distracted to listen properly, periods of no contact or else no probation officer allocated at all, and encountering many new probation officers with a lack of experience, who were unhelpful. When contact was had with a ‘good’ probation officer, respondents emphasised what a difference this had made to them (both those serving the sentence and loved ones). Positive contact generally took the form of listening, treating with decency, and getting things done. Negative interpersonal contact was described as rude, dismissive, and condescending.

⁵⁵ Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment and Society*, 13(5), 509-529. <https://doi.org/https://doi.org/10.1177/1462474511422172>

2.5.2.5 Parole Board

Aside from trial judges, contact with the Parole Board was the least common kind of professional contact. Both people serving the sentence felt treated well by Board members. One commented that they felt treated fairly and “like a human being”. Negative contact was described by loved ones, and this seemed to relate to the conventions of the court like setting of Parole Boards. For example, one person commented that they “might as well have been cardboard at the back of the room”. Another felt restricted by the direction to only answer direct questions. More commonly, loved ones felt upset at the lack of contact from the Parole Board, particularly when they had submitted a statement on their loved one’s behalf and received no reply.

2.5.2.6 Other professionals

Other professionals mentioned as significant were offending behaviour programme facilitators, chaplaincy, workshop staff, prison governors, substance misuse workers and mental health staff. These were generally mentioned because such contacts had been a positive experience. Chaplaincy staff in particular were almost always highlighted as helpful. Negative instances included one chaplain cutting short a poignant phone conversation, and mental health staff not moving a person onto a special unit for some months.

2.6 Marginalisation

Area of interest for the Commission: *The perspective of both victims and their families and prisoners and their families including of being marginalised by the way sentences are administered.*

“People often assume that because you have a loved one serving an IPP sentence, they must be very dangerous.”

The Commission invited evidence on any areas of marginalisation in the way sentences are administered. We asked people about their experiences of marginalisation and stigma in their own words, and we also asked them specifically whether they felt any of the protected characteristics defined under the Equality Act hadn’t been properly considered during their or their loved one’s sentence.

2.6.1 Protected characteristics

Respondents most frequently cited age and disability as factors which they felt were not considered in the way the IPP sentence was given or administered.

Table 6: Characteristics Which Respondents Felt the IPP Sentence Failed to Consider

Characteristic	N	%
Age	13	36.1
Disability	12	33.3
Gender reassignment	0	0.0
Marriage/civil partnership	1	2.8
Pregnancy/maternity	0	0.0
Race	6	16.7
Religion & belief	5	13.9
Sex	0	0.0
Sexual orientation	0	0.0

2.6.1.1 Age

The most frequently cited factor that respondents felt hadn't been considered was a person's age when they received the IPP sentence⁵⁶. The sentence was felt to be particularly unjust and distressing when it was given to teenagers, who then spent their formative young adult years in prison with no definite prospect of ever being released. Families described seeing loved ones change, lose hope, and lose their youth, and questioned why there weren't alternative sentencing options for troubled young people. It was not apparent that other sentencing options had been explored previously. For example, one person reported that their loved one received the IPP sentence as a first prison sentence, at 17 years old. The challenges of learning to deal with adult life upon release were raised – something which respondents generally felt prison had not prepared people for. The overwhelming majority view was that, where punishment was needed (rather than, for example, psychiatric help), young people should be punished with a determinate sentence that allows them hope and certainty for the future. One person also described elderly age as an issue, in regard to getting proper care in prison, something which has been more widely discussed as a concern within the aging prison population⁵⁷. People serving an IPP sentence with no definite hope of release before the onset of old age, may be more prone to this gap in care as the years go by.

2.6.1.2 Disability

The next most frequently cited factor that respondents felt hadn't been considered was disability, which was almost always a neglected mental health condition. Both people who received the sentence and their loved ones felt that mental suffering and breakdown had not been adequately recognised as linked to offending behaviour, and consequently little support had been offered. This included both chronic conditions like ADHD, personality disorder and brain damage, and acute triggers to mental deterioration such as bereavement and hearing voices. While both people who received the sentence felt that they had had the

⁵⁶ When given to someone aged under 18, the sentence was known as Detention for Public Protection (DPP). 326 children received a DPP sentence (3.7% of all DPP/IPP sentences given). 16 were between 12 and 14 years old. One was 10 or 11 years old. Another contested group are those who committed their offence as a child but were aged over 18 at trial, and so were given an IPP sentence. We do not know how many people this happened to.

⁵⁷ House of Commons Justice Committee. (2020). *Aging prison population: Fifth report of session 2019-21*. <https://committees.parliament.uk/publications/2149/documents/19996/default>

opportunity to address some of their problems in prison, neither felt their mental health problems specifically were recognised. Mental health was not considered to be adequately supported on release either. For example, one person reported their loved one was recalled after being late back to their hostel, because they had had trouble filling in forms at the Job Centre – something challenging for them in the context of their mental health. Another reported that their loved one had committed suicide in response to the prospect of recall, having struggled to cope with the consequences of a brain cyst.

2.6.1.3 Marriage/civil partnership

One person felt that their marriage had not been taken into account. We feel the details are too specifically identifying to fully describe here. However, the overarching lesson to be taken from this person's story is that, at sentencing, people's complex family circumstances were not fully considered.

2.6.1.4 Race

The official data on the ethnicity of those given the IPP sentence is incomplete (only available for 36% of those sentenced)⁵⁸, and we have not yet fully explored available ethnicity data on release rates, time spent in prison, or recall. This is an area that UNGRIPP intends to look at more closely in future. The limited sentencing data suggests that people from ethnic minorities were not disproportionately given the IPP sentence compared to White individuals, but this conclusion is not safe from such a partial dataset. Some of our respondents felt that race was a factor in sentencing, which shaped judges' conceptualisation of a person's actions. For example, one person stated that her grandson's behaviour was perceived "*merely as the outbursts of another violent young black man rather than real mental health problems, which had in fact been documented while he was at school*". Another person felt that there was a lack of understanding of Traveller culture from the professionals involved in her loved one's sentence. This too has been documented elsewhere as a problem in prisons⁵⁹.

2.6.1.5 Religion and belief

Some respondents described difficulties for their loved ones in being able to practise their faith in prison. They felt this was especially problematic for people serving an IPP sentence, because faith becomes an important coping mechanism in the absence of hope or certainty. The important role of faith as a coping mechanism has been documented in people sentenced to very long sentences when they are still young⁶⁰.

2.6.1.6 Other kinds of marginalisation

When invited to explain marginalisation experiences in their own words, most respondents echoed some variant of the themes outlined above under protected characteristics. Collectively, they felt that the health-related impacts of the sentence on the whole family were not fully understood, or taken into account.

⁵⁸ Op. cit. Ministry of Justice (2015).

⁵⁹ HM Inspectorate of Prisons (2014). *People in prison: Gypsies, Romany and Travellers*.

<https://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/04/gypsies-romany-travellers-findings.pdf>

⁶⁰ Op. cit. Crewe et al. (2020).

2.6.2 Stigma

We asked respondents whether they had experienced any kind of stigma that was directly related to the IPP sentence, and we specifically asked them to distinguish this from the stigma of imprisonment in general. This turned out to be the right question to ask. Respondents overwhelmingly described a specific kind of stigma attached to the IPP sentence, which is that people assume the person serving the sentence must have committed the most serious of crimes, rather than the range of offences that have actually been committed by people serving the sentence. We reproduce some responses here, to highlight the consistency of this issue:

“People believe he must have done something horrific.... to have such a sentence.”

“Trying explaining that to joe public . They don’t believe someone could be in prison without even being charged with anything. So they then think [you’re] not telling the whole truth.”

“People automatically think he must have committed a major offence due to the time he has served in prison.”

“People always think it sex related or he is very dangerous and no-one ever got hurt only himself. “ [an arson offence]

“My MP thinks he is a lifer and must be doing something wrong to still be in prison.”

“Just absolute an absolute lack of comprehension or belief that such an inhuman sentence exists - to the extent where one can see doubt - 'he must have done something far worse than that..’”

“Embarrassment because when you tell someone that your loved has spent a decade in prison .. they assume the offence must have been a sexual offence or murder.”

From this, we conclude that the IPP sentence has a uniquely stigmatising effect, as a result of, as one respondent said *“a political agenda gone wrong”*. It is also highly suggestive of the lack of public appreciation of, or endorsement for, imprisonment on the basis of public protection. The assumptions made about the seriousness of offences for people serving the IPP sentence suggest that there may in fact be poor public support for the way that people serving the IPP sentence are currently detained and managed. We would be delighted if the Commission were to explore public attitudes to the IPP sentence further, and would be happy to assist with this.

2.7 Sentencing Purposes and Alternatives

Area of interest for the Commission: *Any changes which might help better achieve a restorative purpose for victims and their families as well as delivering all the purposes of sentencing set out by Parliament in these most serious of circumstances.*

“I deserved a sentence, but not to lose my life and myself.”

Given the Commission’s broader aim of looking at sentencing and punishment of serious crime, we asked our respondents to rate to what extent they felt the IPP sentence had achieved any of the main sentencing purposes, and the reasons for their ratings. We also asked them directly what they thought the best way of dealing with their or their loved one’s crime would have been, and the impact they thought that an alternative disposal would have had.

2.7.1 Sentencing purposes

We asked respondents to rate the extent to which they felt the IPP sentence had achieved the main sentencing purposes.

Table 7: Extent to Which the IPP Sentence was Judged to Have Achieved Sentencing Purposes

Purpose	Mean*	SD
Restoration	2.4	1.6
Justice	1.3	0.7
Retribution	4.1	1.6
Rehabilitation	2.2	1.3
Public protection	1.7	0.9

*Responses given on a scale of 1 to 5 to the question “To what extent do you think your/your loved one’s IPP sentence achieved [sentencing purpose]?”, where 1 = “not at all” and 5 = “completely”.

Respondents felt the IPP sentence was retributive more than anything else. There was a low level of agreement that it had achieved any other purposes. From the reasons given, we think that respondents do not actually even feel that the sentence achieved *the appropriate amount* of retribution, as people had a tendency to select either a “not at all” or a “completely” response when they thought the sentence had inflicted *too much* punishment, rather than the appropriate amount. For this reason, this score should be interpreted with caution, but we are satisfied that the overarching message from respondents was that the sentence inflicted too harsh a punishment.

2.7.1.1 Restoration

Respondents generally didn’t feel that the IPP sentence had done much to redress the harm caused by their or their loved one’s crimes. Nobody mentioned being involved in any kind of restorative justice initiatives. The general feeling seemed to be that no part of the sentence was directly concerned with redressing harm, and that in fact it achieved the opposite, inflicting further harm on the loved ones of those serving the sentence, while doing little to reduce harm to victims (although our respondents are not necessarily best placed to judge this). Where higher scores were given, the reasons tended to be that completing rehabilitative programmes was perceived as restorative, by encouraging people to confront themselves and their behaviour, and that the tariff itself “paid for” the crime, but not the subsequent public protection part of the sentence. Some people expressed frustration that

rehabilitative courses do not look more at harm to victims. Elsewhere, the empirical effectiveness of doing so has been weak, and rehabilitative courses no longer tend to focus on promoting empathy⁶¹.

2.7.1.2 Justice

Respondents overwhelmingly felt that the IPP sentence was unjust and disproportionate, in relation to the crime committed. The specific things that made it disproportionate were its indeterminacy – leading to the length of time served in prison; the lack of relationship between crime and time served; the wide number of crimes for which it was given; and the lack of equivalency to current sentencing practices. In the case of the latter, it has become common for people serving an IPP sentence to see people convicted for equivalent, or more serious crimes than themselves, enter and leave prison before they do. This is something that further entrenches a sense of injustice and alienation from the system. Respondents repeatedly said that, if the IPP sentence had to be used, it should have been reserved for people who kill, people who rape, and people who commit terror offences. But the strong and overarching message is that it feels morally unjust to so thoroughly divorce the crime from the punishment.

2.7.1.3 Retribution

As described above, respondents interpreted this question differently, but the clear message was that the IPP sentence inflicted a very harsh punishment, not just on the person serving the sentence, but on the whole family. The pains described in Section 2.3.3 were thought to be too severe, and too enduring beyond release, to be in any sense proportional. Respondents felt condemned to a lifetime of punishment without end, something which was especially hard to bear for family members who had committed no crime.

2.7.1.4 Rehabilitation

Respondents felt that the IPP sentence had, in some cases, achieved a degree of rehabilitation. They felt that rehabilitation was administered badly: having no release date meant that people serving an IPP sentence were seen as less of a priority for places, and large chunks of the sentence was perceived as achieving nothing. But when courses were accessed they were generally described as helpful, and respondents were thankful for the help that they or their loved one received. However, there was a perception that those administering the sentence abused the availability of courses. Many people described loved ones being asked to do several different courses, which they perceived as having diminishing returns, and becoming a “hoop jumping” exercise rather than meaningful. Many people also became cynical after repeated Parole failures following course completion, and the lack of any alternatives made people lose hope.

2.7.1.5 Public protection

Respondents generally didn't feel that the sentence had achieved the purpose of public protection, but they acknowledged the difficulty of estimating this, as it requires an estimation of what a person *might* have done had they not been in prison. This echoes the

⁶¹ Marshall, W. L., Marshall, L. E., & Serran, G. A. (2009). Empathy and offending behavior. In M. McMurrin & R. Howard (Eds.), *Personality, personality disorder and violence: An evidence based approach* (p. 229–244). Wiley-Blackwell.

wider problem of the IPP sentence, which is that much of its administration relies on judgements of risk which are inherently uncertain and difficult to make. Respondents pointed out a number of problems that they saw with the public protection narrative. Firstly, many described the *particular* relational circumstances that led to their loved ones' offence, and felt that depicting someone as a risk to the general public on this basis was not credible. Secondly, a minority of respondents referred to cases where no violence had taken place (e.g. setting fire to wheelie bins). Thirdly, people pointed out that the impact of the sentence may in fact be to decrease public protection, by depriving people of the hope or belief that they can ever generate anything worth losing. Fourthly, respondents questioned why the effect of the passage of time is not acknowledged more by professionals, drawing distinctions between their loved ones as a teenager, and as men in their mid 30s. Fifthly, they felt public protection could be achieved more effectively by mental health support. Some respondents did acknowledge that the sentence had achieved public protection by immediate disposal to custody, recognising that their loved one was on a destructive trajectory. However, the many years spent in prison afterwards were not seen as publicly protective.

2.7.2 Alternatives to the IPP sentence

Almost all respondents stated that a prison sentence was deserved for their or their loved one's crime. They all believed that those crimes merited punishment, except in cases of severe mental health issues, which people suggested would benefit more from hospitalisation. People also showed consideration of the length and type of punishment that they believed would be more appropriate.

Table 8: Suggested Alternatives to the IPP Sentence

Alternative	N of mentions*	% of respondents*
A determinate sentence with a definite release date	23	63.8
A long determinate sentence	3	8.3
Psychiatric hospital	2	5.6
A sentence that was proportionate to the crime committed	3	8.3
A determinate sentence with rehabilitative support	11	30.6
The ending of the IPP sentence once deemed eligible for release from prison	1	2.8
A sentence with a determinate element, the prospect of early release, and a time-limited period of supervision in the community (variants include the EPP and EDS sentences)	4	11.1
Re-examination of trial evidence	1	2.8

*Respondents sometimes suggested a mixture of these options.

Respondents heavily favoured a determinate sentence, with a release date, as a better alternative to the IPP sentence. In the case of more serious crimes, they believed a longer sentence was necessary (although we did not ask them to define ‘long’ in years), and in some cases also believed that some measure of supervisory restrictions were needed. However, they strongly concurred that these measures needed to coincide with proper support, which many felt that their loved one had not received. They were clear that determinate sentences, which combine punishment and support, would enable better coping with the sentence, restore hope, but still deliver justice to the victim. Some respondents were honest in saying they simply didn’t know the impact of an IPP sentence – or an alternative – on victims, and indeed to our knowledge no investigation has been done about how the victims of crimes committed by people who received the IPP sentence actually feel about it. We feel that such investigation would be enormously sensitive and challenging, but may well provide further important information about whether the sentence is achieving anything.

We feel that people affected by the IPP sentence do not, and should not, need further credibility in order for their views to be taken seriously. However, we know that in many places, they are not taken seriously, as they themselves will testify. We found that respondents, despite their pain, held nuanced views about punishment, and reflected proportionately and rationally on whether the IPP sentence had achieved the aims of punishment, what kind of sentence would have warranted a more effective punishment, and why. People affected by the IPP sentence are not just prisoners, ex-prisoners and loved ones of those who are. They are engaged citizens with a voice and a view on punishment that is subtle and informed. For that reason, and the evidence presented above, we believe that that respondents heavy favouring of a definite release date, and proper support, should be given the utmost consideration.

2.8 Sentencing Changes

Area of interest for the Commission: *Any changes which might help better achieve a restorative purpose for victims and their families as well as delivering all the purposes of sentencing set out by Parliament in these most serious of circumstances.*

“14 years is longer than a murderer got back then. IPPs are forgotten, year after year, after year. It just goes on and on.”

We turn now to the possibilities of specific changes to the IPP sentence. We asked respondents the extent to which they supported the options which have previously been proposed⁶².

Table 9: Support for Sentencing Changes

⁶² Op. cit. Annison (2018).

Change	Mean*	SD
Determinate resentencing, with the option of a life sentence for the most serious crimes	4.7	1.0
A maximum limit to the amount of time someone can serve in prison	4.7	0.7
Changing risk test to put the burden on the state to prove continued risk	4.6	0.9
Executive release of everyone serving the IPP sentence	3.7	1.3
License reform	4.9	0.3
A support package for everybody affected by the IPP sentence	4.9	.04

*Responses scored on a scale of 1-5 where 1 = "not at all" and 5 = "completely".

Support was high for all possible changes, but lowest for executive release of everyone serving an IPP sentence. We did not ask respondents to comment on why they supported each option, so we're not sure why this is, but we think it can be reasonably assumed that respondents appreciate that there are some individuals serving the IPP sentence who have committed extremely serious crimes and some that genuinely do pose an ongoing risk. Executive release for all would also risk flooding an already stretched Probation system, and providing poor support.

2.8.1 UNGRIPP's view on sentence changes

UNGRIPP favours three changes to the IPP sentence. We end by presenting a brief analysis of these.

Convert each IPP sentence to a straight sentence, with a defined release date and license period (or a life sentence if the case merits it). The administrative reforms to the IPP sentence which have led to more intensive case management and (briefly) a higher rate of release were welcome, but the stagnating release rates, increased recall rates and continually widening gap between tariff lengths and time served all clearly indicate that a reformist approach has reached the limits of its efficacy. In 2016, the Chair of the Parole Board estimated that administrative and policy changes to the sentence could reduce the number of people serving an IPP sentence in prison to 1,500 by 2020. It is now 2021, and there are over twice that number in prison. Legislative change is needed. Determinate resentencing of every person serving an IPP sentence (with the option of a life sentence for the most serious offences) would restore justice and proportionality. It would ensure people are punished for what they have done, not what they might do. For most, it would restore a sense of justice, certainty, and hope: three conditions that are vital for behaviour change. A risk of this option is that it would create a strain on the system. It would take a lot of work to resentence every person, although this has occurred before. Releases for those who have served their 'deserved' number of years would need to be carefully planned, to avoid overwhelming the Probation Service. Serious further offences may occur, the likelihood and

severity of which would need to be weighed against the likelihood and severity of outcomes if the sentence continues.

Shorten, and reform, the license period. While the sentence continues to exist, we believe that the license period requires more urgent change than the prison period (although both are far from ideal). This option would involve changes, such as requiring the Parole Board to approve recall to prison, making recalls time limited, and reducing recall for minor license breaches. This change would give people serving an IPP sentence a better chance of staying out of prison once they are released. License restrictions can be more damaging than helpful, and restrictions on recall would give added certainty and stability to those serving an IPP sentence, and their families. There is a risk that this change may stop the Probation Service preventing further serious crime through use of their recall system. Conversely, it has also been suggested that license reforms would not go far enough in providing genuine post-release support to those who were given an IPP sentence.

Provide a support package to everyone affected by the IPP sentence, which addresses the harms caused by the sentence, as well as reducing reoffending. It is abundantly clear that people serving an IPP sentence are struggling, as are their families and children, and that these struggles often relate directly to harms inflicted by the sentence. Many have developed substance addiction and mental health problems as a result of the sentence. Many have experienced family breakdown, and families that remain have also suffered chronic stress, strain and despair. While it continues to exist, the sentence is raising a generation of children with semi-absent fathers (and some mothers), and no faith in the justice system. None of these conditions help people move on from crime. We believe that every person who have been given an IPP deserves redress from the state, for damage caused by the state. That means that the state should offer support on the basis of making up for the damage it has done, as well as reducing reoffending. Support received by them should have this principle interwoven. This option would be costly, and sits uncomfortably with the continued existence of the sentence at all. However, we believe it would signal a much needed change in taking responsibility for the IPP sentence, and provide people with urgently needed support. Such a package should adopt a health focused, rather than a risk focused approach, operate holistically to take into account everybody affected, and train staff in recognising and addressing the impact of indefinite and unjust detention.

For a brief analysis of the other options for change which have been proposed, please visit our website <https://www.ungripp.com/options-for-change>.

3.0 Concluding Summary

The overwhelming message from people affected by the IPP sentence who have submitted responses to this commission is clear: the IPP sentence does not deliver effective punishment, or create the right conditions for people to change. Instead, it causes further harm, which spreads beyond the purpose serving the sentence, to their families, loved ones, and children. It does not do this accidentally or inconsistently. It is the very nature of

indeterminacy which causes the majority of pains and problems that our respondents describe. These pains and problems are structurally built into the sentence, and reform can only go so far in mitigating them. The logic of indeterminate sentences is built on overconfidence by the criminal justice system that it can correctly determine a person's risk of committing crime in future. While such approaches show moderate levels of accuracy, we argue that this is not good enough to justify the suffering caused to people caught up in the widening net of risk management. Legislative change is urgently needed, and achieving it requires political will. Until recently, there was little precedent for the retrospective amendment of sentences, but the Government's recent willingness to retrospectively amend the sentences of people serving a prison sentence for terrorism offences, shows that, under the right circumstances, retrospective amendment will be supported. There are sound arguments for legislative change to the IPP sentence. Keeping people serving the IPP sentence and their families trapped in an endless cycle is not only morally reprehensible, it is extremely costly and inefficient, and there is little to demonstrate that it has substantially reduced further crime. The abolition, yet continued existence of the sentence is a confusing state of affairs which undermines public confidence in the justice system. We are not aware of any evidence that the public strongly supports the current status of the IPP sentence, and the stigma experienced by our respondents from people who simply refused to believe that someone could be detained solely on public protection grounds, suggests that the Government may be overestimating the public's support for their current approach. Most importantly, there are strong grounds for us to reconsider as a society our willingness to accept the creeping level of pre-emptive social control that has come to permeate our justice system, and other areas of life, of which the IPP sentence is one of the most damaging examples. Our respondents talked a clear language of punishment, framed around principles of justice, just deserts, dignity and restoration. They were not seeking to escape punishment, but to have it delivered with these principles in mind. We urge the Commission to listen to them, consider the evidence, and act in whatever way they think is right and effective, to change a sentence which even its creator, who deeply regrets his actions, has called "*the single greatest stain on our justice system.*"

Appendix I: Respondent Submissions

At the conclusion of our form inviting submissions, we simply asked respondents what they most wanted to say to the Commission about the IPP sentence. We reproduce the answers here from everyone who agreed to use of their direct quotes. We include these because, while our submission has sought to summarise respondent submissions and combine them with the view from UNGRIPP, we are first and foremost acting as a vehicle to allow people affected by the sentence to be heard. We therefore wish to ensure their voices are included, unaltered except for clarity. We again ask members of the Commission to bear in mind the immense cost to respondents of repeatedly recounting their stories, and ask for those stories to be comprehensively considered, and acknowledged.

“Make the IPP sentence into a determinate one subject to [Parole Bord] approval for those of a very serious nature. There are many IPPs who have committed relatively minor crimes and are not dangerous or a risk to the public. Also remove the burden of proof of risk as how can you prove a negative? How can I prove, for example, that I won't commit a crime in the future?”

“It has ruined our lives in every way. We may never have a family. My mental and physical health will never be the same. We are left in limbo as to when or if he will ever come home. I have lost everything during this time my livelihood, my home, my car, my sanity, and most importantly my marriage has suffered the most.”

“Imagine spending every day of your life just waiting, not knowing when the rest of your life will start. Not living, just being. Not being able to answer the question “when is daddy going to be home?” I 100% support that the crime should be punished. But IPP was wrong from the start, which is why it was abolished and, with that being said, how can you justify punishing this group of people who unfortunately were thrown a sentence that the judges didn't understand?”

“It's a complete shambles!”

“End the IPP for those sentenced on it. Make the sentences proportionate. Re-sentence if necessary, but give an end date. Without this, it is very hard to have hope, especially with the current recall process. End recall. The current criteria is ignored, resulting in many unnecessary recalls which cause massive disruption to those serving an IPP sentence, and their families, damaging relationships. Every time my son was preparing for release, and then was released, he was supported by his family. We helped him in every conceivable way. Each time he was recalled, mostly for un-necessary and unjustifiable reasons, in my mind, our world and his would come crashing down. We went through this cycle many times. In the end he was cornered and [didn't] know where to go, and he experienced greater and greater difficulties. When he was first released, he had hope, as we did, but over time it was eroded, and he was cornered.”

“I understand that people need to be legally held as a punishment for a crime they have committed. They should, though, have better rehabilitation within the system. They spend most of their prison life on waiting lists for courses to help with their rehabilitation, so they

can understand where they have gone wrong in life. We all make mistakes along the way and we hope to learn from them. I also hope after reading all the comments from family members of someone with an IPP you will understand how they don't work. Pools of money are spent on staffing follow-up of people on IPPs once they are released. I know that there is no support for them once they are out other than a tick box exercise. The resource could be better spent on rehabilitation for release. Once out of prison, can you imagine how hard it is to hold down a full time job when you have to constantly sign on at a police station, or going to probation during normal working hours? I have seen it for my own eyes. An IPP trying to get his life back to normal after serving his sentence for his crime. Only to be let go from his employment because he has to leave work, or can't stay on to get a job finished for his boss because he has to spend 15 minutes appointment with his probation office 20 miles away from the job he is working on. He has to get a bus or train to the appointment, then he is out in 15 minutes. By which time he has spent 2 hours getting there, and ends up missing half a day's work. The employer decided to employ someone that didn't have to leave work on a regular basis and he then became unemployed yet again. I fail to see how that is helping people get back into society and become a better person. Am sure you will understand how hard it is for someone to get employment after being in prison. For someone who is trying so hard to get back on his feet and be a better person, only to have the rug pulled from under his feet yet again is so demoralising and goes against all the work done while in prison to get out and be a better person. It so hard to put into words how this also affects their families (the innocent victims), watching someone try so hard, the financial burdens it puts on them too, also the state if they can't hold down a full time job. This money could be better spent making the prison system more effective to rehabilitate pre-release. There are millions of other reasons the IPP system just doesn't work. If we want prison to not be fit to bursting. The only way is better rehabilitation programmes before release. The recall system is unjust. How can anyone be placed into prison without being charged, not being told what you have been recalled for? Kind regards, a suffering innocent family member."

"High proportion of IPP will have some kind of disability. Unfair trials, due to lack of understanding importance of having someone /support worker they have trust in to breakdown in simple terms. How can someone spend 15 year's in this nightmare system? He would have been less tortured if he had been given a fixed term of 12 years with an end date. Also his rights to a fair trial. He was taken from [a hostel to court]. Due to having no spaces he was having to be left all different places – no showers, no proper sleep, no food. He was physically and mentally sleep deprived [and] hungry. He felt dirty, and alone as we weren't allowed to talk to each other and he failed to understand. His thinking was the truth will come out. They will know he didn't mean to kill him, just to stop him attacking his dad. I was still laying on floor unable to get up. He was hysterical with ADHD and a learning disability. Unfortunately the ticks/facial movement and noises can completely be misinterpreted as a "not care" attitude, which should be highlighted under the Equality Act as unfairness."

"Probation to give rehabilitation inside and outside prison. Support available whenever it is needed. Given a fixed sentence with a release date. Support for housing and work on release. Give a released prisoner the confidence to live a productive life."

"Get rid."

"It was never used for the purpose it was intended. It was just handed out for anything: stealing from a shop and many other minor crimes that didn't warrant a life sentence."

"Please stop and consider what you're doing to these poor people stuck with this sentence and also their families. It was made unlawful in 2012 so why are there people still stuck in limbo with no hope?"

"Please take the responsibility of overseeing that this terrible terrible crime, which I feel is one of the worst mistakes of justice to be made against man in modern history, is removed and as soon as possible. It could have been your child."

"It's not hard to see the injustice of the IPP. Take time to listen to what the prisoners and the families are telling you about the harm it has done."

"Please please please just consider giving them a release date. I'm not asking for them all to be released as some do pose a risk to society, but others don't. The majority of these prisoners have had really negative upbringings. They need more support while incarcerated. They need to feel like they mean something and that they are worth it. Please let my daughter's daddy have hope again that he will meet his daughter while she is still young and won't remember any of this. Please don't let us suffer as a family anymore."

"Scrap it completely. It's inhumane."

"We can't go through anymore pain. My mum and myself are all on medication. This has been a nightmare that never seems to end. We are now reliant on sleeping medication and antidepressants as our minds have not been able to take this any longer. I've always struggled to sleep for years. I just live in fear that one day we may be called to say my brother has committed suicide. Our lives don't move on we need something now, like a release date, just to know would be a miracle in itself."

"That this IPP sentence has done far more harm than the good that it was first intended for. For example, if a prisoner does not behave violently in prison then why would they be any more of a risk to the public. To abolish the sentence means abolish it for everyone!"

"It's a barbaric sentence. People need a chance to change for the better. If they misbehave then recall them, but give them a chance. For those that are recalled, a large number, they need rehabilitating to change the learnt behaviours. Continued offences such as child abuse should be dealt with separately to the general IPP population."

"This is an inhumane sentence. Particularly now, in the middle of the COVID-19 pandemic, IPP prisoners are at even more of a disadvantage, as they cannot access any courses or even be moved to a more suitable prison. Their chances of "proving" that they have reduced their risk level are minimal. The damage to their mental health cannot be measured, if they are asked to endure yet more delays before even having a chance of a parole hearing, much less actually being released. Something needs to be done to deal with this "stain on the British justice system", and it needs to be done NOW, before there are any more tragedies."

"Let my husband home. He's a changed man. He is nearly 40 he went into prison a sorry state of a man! He isn't anywhere near that type of thinking now. He thinks about everything he does. He has no confidence left due to so many people letting him down inside and outside of prison. He looks tired, tired of living a life he no longer deserves to be living. He just wants a peaceful life out here with his family not in a prison cell!"

"Prison is meant to be a fair and proportionate sentence to punish the offender, and give redress to any victims. The IPP is about as far removed from that as you can possibly get. It creates more victims than the actual offence itself – innocent victims – families, children, honest working people – and destroys, not rehabilitates the lives of all those it touches. It costs the public purse a fortune. It overburdens an already stretched prison & probation service. It is wrong on every count and must be abolished immediately."

"Please fix this stain on our country. People have lost their lives due to this draconian punishment. I've lost friends and seen things that will affect my life forever."

"The IPP sentence was a life sentence through the back door. It is cruel and inhumane, and all IPP prisoners must be resentenced. This would give those that will never be released some certainty. Just like to add: we just want justice and peace."

"It's inhuman."

"Fix the mistake that was made by the system."

"The lack of hope is devastating. Not knowing when or if you will be released is mental torture. Corrupt prison staff prey on these vulnerable prisoners with no hope, taunting them. This should also be addressed."

"Its barbaric, unethical, a stain in UK justice. When this was abolished 8 years ago, it should have been dealt with then. Thousands of prisoners have lost many years of their life due to IPP. The damage done to them and their families, the time lost can never be replaced. The thousands of kids growing up without a parent, the thousands that have died along the way without being able to say goodbye. It all breaks my heart, I am now in tears. Justice talks about punishment for heinous crimes. IPP is heinous and all that back it or are happy to turn a blind eye should be held accountable. When my son gets out we have every intention of holding people to account. Payback for all those lost years. My son didn't know what WhatsApp was! He's missed so much and is now so behind in life. 14 years is a long time to be banged up, when your tariff was 4 1/2 years!!!"

"My son deserved a custodial sentence for his crime, I never disputed that. However, the IPP has never worked & never will. Prisons are as good as the staff & some are better than others. As a member of the public it can be difficult when faced with an unhelpful, officious member of staff who is intent compounding an already difficult situation. This is beyond the pale. There is no one in the prisons for family members to contact. I have even been refused to put through to the chaplain. My son was very unstable when we last spoke."

“Inhumane, you are ruining people lives.”

“It’s inhumane to give no hope to a prisoner or their family, as so many people on this sentence are not violent or dangerous and some are quite trivial offences.”

“How much the impact is having on those left inside serving such a sentence especially on their mental health. Suggestion of a proper sentence.”

“Change has to happen to the IPP sentence as it currently stands. It is causing so much more trauma and damage than it has ever prevented, with deaths continuing to happen at the same rate every year. Unless something changes the situation with IPP's with continue for decades to come.”

“It’s inhumane to treat people like it. They were never handed out correctly hence why abolished.”

“I want you to abolish this sentence please, it’s cruel. It takes away hope and leads to serious self-harm , death and suicide and I don’t want my nephew to have died in vain. He was a loving human and despite his serious issues he tried to be normal, but the IPP made this impossible for him. He was cornered . We miss him very much.”

“Just please look into this as a lot of precious time is being wasted by the IPP prisoners being inside and it is going to affect their mental health not having an end date.”

“That you are dealing with human beings. This sentence was abolished in 2012 and yet IPP prisoners are stuck in a system where no one seems to care. Unless they have family fighting on the outside they often get passed from pillar to post. Communication is poor. They often receive lengthy knock backs or are asked to serve longer time in a prison environment to do petty courses which could be done on licence in the community, therefore building confidence & allowing access to family & loved ones while transitioning back into society. Those on IPP lack many of the basic human emotional needs - hope, certainty, significance, love, connection, personal growth & contribution. The country have had long enough to make changes and no significant progress has been made at all. It’s not acceptable. Things need to change.”

Appendix II: Methodological Summary

Our Methods

We constructed a series of questions based around the Commission’s areas of interest, uploaded them to an online form, and then invited people affected by the IPP sentence to respond, via our website and social media channels. We initially considered asking for responses from a) people serving the sentence, b) people with a loved one serving the sentence, c) people who had a crime committed against them by someone who received an IPP sentence for it, and d) members of the public with a view on the IPP sentence, as we thought that theoretically this would give the most rounded picture. However, we felt that this would prove too unwieldy and time-consuming given the deadlines involved, and that

there were ethical sensitivities around Group C which would need very careful handling. We therefore restricted our invitation to people in Group A and Group B.

In our invitation, we explained the purpose of the Commission, and our intention of submitting a collective response on behalf of those who submitted responses to us. However, we also explained how people could submit a response to the Commission directly if they wished to do that instead. We made sure that people were aware that the Commission would publish a report that may make reference to our submission, and gave people the option to consent to us quoting them directly, or only including their summary data.

Our Questions

Below are the questions which we invited respondents to answer. Items marked with an 'a' were asked to people serving the sentence, and those marked with a 'b' were asked to those with a loved one serving the sentence.

Section 1: Sentencing and Prison Time

- a) For what offence did you receive the IPP sentence
- b) For what offence did your friend/family member receive the IPP sentence?

- a) What was the length of your tariff?
- b) What is the length of their tariff?

- a) How long did you serve in prison before you were released?
- b) If they have never been released from prison, how long have they been there?
- b) If they have been released, how long did they serve before being released?

- a) Have you been recalled to prison at any point during your IPP sentence?
- b) Have they been recalled to prison at any point during their IPP sentence?

- a) How many times have you been recalled?
- b) How many times have they been recalled?

- a) What were you recalled for?
- b) What were they recalled for?

Section 2: Sentence Impact

- a) What positive impacts has the IPP sentence had on you?
- b) What positive impacts has the IPP sentence had on you?

- a) What negative impacts has the IPP sentence had on you?
- b) What negative impacts has the IPP sentence had on you?

- a) What proportion of your sentence do you think was spent doing something purposeful, that helped you or others?

- b) How much of the sentence has your friend/family member spent doing something purposeful, that helped them or others?
- a) What else do you think the Commission should know about the impact of the IPP sentence?
- b) What else do you think the Commission should know about the impact of the IPP sentence?

Section 3: Family Contact and Family Life

- a) How many prisons were you in during your sentence?
- b) How many prisons has your friend/family member been at during their sentence?
- a) At the prison that was furthest away from your family: how many miles away was it from where they lived?
- b) At the prison where your friend/family member was furthest away from you: how many miles away was the prison from where you lived?
- a) At the prison that was closest to your family: how many miles away was it from where they lived?
- b) At the prison where your friend/family member was closest to you: how many miles away was the prison from where you lived?
- a) Please describe the amount and type of contact that you had with your family while you were in prison.
- b) Please describe the amount and type of contact that you had with your friend/family member while they were in prison.
- a) How did contact with your family change during the time you were in prison?
- b) How did contact with your friend/family member change during the time they were in prison?
- a) How do you think the IPP sentence affected your family life? Please give examples if you can.
- b) How do you think the IPP sentence affected your family life? Please give examples if you can.
- a) If you have children, how do you think the IPP sentence affected them? Please give examples if you can.
- b) If you have children, how do you think the IPP sentence affected them? Please give examples if you can.

Section 4: How the Sentence is Administered

- a) Did you understand what the IPP sentence was, when it was given to you?
- b) Did you understand what the IPP sentence was, when it was given to your friend/family member?

- a) Who explained the IPP sentence to you in a way that you understood? How soon after sentencing did they explain it to you?
- b) Who explained the IPP sentence to you in a way that you understood? How soon after sentencing did they explain it to you?

- a) How did you feel treated by the legal professionals who represented you at your trial?
- b) Did you have any contact with the legal professionals who represented your family member at trial?
- b) If yes, how did you feel treated by them?

The above question was repeated for: judge at trial; prison officers; psychologists; offender supervisors; probation officers; Parole Board; and other professionals.

Section 5: Marginalisation

- a) Do you feel that the people administering the IPP sentence failed to take account of any protected characteristics that you have? (Select all that apply)
- b) Do you feel that the people administering the IPP sentence failed to take account of any protected characteristics that you or your friend/family member has? (Select all that apply)

- a) Please explain what happened, and what you think should have happened instead.
- b) Please explain what happened, and what you think should have happened instead.

- a) Is there anything else about you or your circumstances that you think was marginalised, ignored, dismissed or not recognised by people administering your sentence?
- b) Is there anything else about you or your friend/family member or their circumstances that you think was marginalised, ignored, dismissed or not recognised by people administering their sentence?

- a) Have you faced any kind of stigma and/or discrimination that you think is due specifically to your IPP sentence? (As opposed to being because of generally having committed crime and been to prison)
- b) Have you faced any kind of stigma and/or discrimination that you think is due specifically to the IPP sentence? (As opposed to being because of your friend/family member generally having committed crime and been to prison)

Section 6: Sentencing Purposes

- a) To what extent do you think the IPP sentence has redressed the harms done by the crime you received the sentence for?
- b) To what extent do you think the IPP sentence has redressed the harms done by the crime that your friend/family member received the sentence for?

- a) Could you explain why?
- b) Could you explain why?

All further questions in this section were followed by 'Could you explain why'?

- a) To what extent do you think the IPP sentence was a just, fair, and proportionate response to your crime?
- b) To what extent do you think the IPP sentence was a just, fair, and proportionate response to your friend/family member's crime?

- a) To what extent do you think the IPP sentence inflicted punishment for your crime?
- b) To what extent do you think the IPP sentence inflicted punishment for your friend/family member's crime?

- a) To what extent do you think the IPP sentence provided you with rehabilitative opportunities?
- b) To what extent do you think the IPP sentence provided your friend/family member with rehabilitative opportunities?

- a) To what extent do you think the IPP sentence protected the public from crimes you might otherwise have committed?
- b) To what extent do you think the IPP sentence protected the public from crimes your friend/family member might otherwise have committed?

- a) What do you think would have been the best way for the criminal justice system to deal with your crime?
- b) What do you think would have been the best way for the criminal justice system to deal with your friend/family member's crime?

- a) How do you think your above answer would have impacted you, your family, and your victim(s)?
- b) How do you think your above answer would have impacted you, your friend/family member, and their victim(s)?

Section 7: Options for Change

Questions in this section were phrased in the same way to everybody.

To what extent do you support resentencing every IPP to either a proportionate determinate sentence, or a life sentence reserved for the most serious crimes?

To what extent do you support bringing in a maximum limit on the amount of time that someone on an IPP sentence can serve before being released?

To what extent do you support changing the burden of proof about risk level, from the prisoner to the state?

To what extent do you support releasing every person in prison serving an IPP sentence?

To what extent do you support changes to the license period of the IPP sentence? (E.g. shortening it, abolishing indefinite recall)

To what extent do you support ending the IPP sentence for people whom the Parole Board decides to release from prison?

To what extent do you support provision of a support package for all those serving an IPP sentence and their families, aimed at redressing the harms caused by the sentence?

What changes would you most like to see made to the IPP sentence?

Section 8: Summary

(To everybody) What are the most important things that you want to say to the Commission about the IPP sentence?

Representativeness of respondents

The distribution of offence types in our respondents (or the loved ones described by our respondents) differs slightly to the overall distribution across all those who received IPP sentences. The people who were described by our sample were slightly more likely to have been convicted of a violent or theft related offence, and slightly less likely to have been convicted of a sexual offence. Other offence categories were broadly similar in their distribution. Overall, given the small sample size in statistical terms, we think we have achieved a reasonably close approximation of offence types, to the totality of those given out.

Table 10: Distribution of Offence Types: Respondent Data vs. Sentencing Data

Offence category	% of respondents	% of all IPP sentences given ⁶³
Violence	47.2	37.6
Sex	11.1	26.9
Robbery	19.4	21.6
Theft offences	11.1	2.7
Criminal damage & arson	5.6	5.5
Weapon possession	2.8	2.6
Missing	2.8	N/A

It is not possible to directly compare tariff lengths and time served in prison between this respondents (or the loved ones described by our respondents) and everybody serving the IPP sentence, but it is possible to compare to official statistics on people serving the

⁶³ Op. cit. Ministry of Justice (2015).

sentence in custody who have never been released. The Ministry of Justice groups people serving an IPP sentence into unequal year bands (as compared to the 1-year bands that we have shown in the main text).

Table 11: Tariff Lengths: Respondent Data vs. Official Data

Tariff length	% of respondents	% of all unreleased IPP prisoners in custody ⁶⁴
Less than 2 years	16.7	15.6
2 years to less than or equal to 4 years	47.2	40.4
Greater than 4 years & less than or equal to 6 years	11.1	21.7
Greater than 6 years & less than or equal to 10 years	16.7	18.0
Greater than 10 years	2.8	4.2
Missing	5.6	0.1

If we adopt this system, the most frequently reported tariff length in our sample was “2 years to less than or equal to 4 years” (47.2%, n = 17). This is also the most frequent tariff length of people currently serving an IPP sentence in prison who have never been released (40.4%, n= 747). Our sample had fewer people serving “greater than 4 years to less than or equal to 10 years (11.1% vs. 21.7%), but roughly equivalent proportions serving “less than 2 years”, “greater than 6 years to less than or equal to 10 years” and “greater than 10 years”. However, on the whole this is a poor comparison because the Ministry of Justice figures do not include the tariff lengths of people serving the sentence on recall (42.0% of total imprisoned IPP population), and 55.6% of our respondents referred to the tariff lengths of people in the community. Nevertheless, we include the best comparisons available here, and we are satisfied that we heard from those affected by a range of tariff lengths, not only those that were particularly long or short.

The Ministry of Justice releases more detailed figures on unreleased IPP sentenced prisoners, in regard to how many years they have served beyond their tariff. We heard most frequently from people whose loved ones had served 10 or more years beyond their tariff (33.3%), which is also the most frequent year band for all people unreleased from prison on an IPP sentence who are beyond their tariff (27.7%). The distribution of years beyond tariff is much broader in the official figures, whereas we heard primarily from people who were 8 or more years beyond their tariff (79.9% of our respondents whose loved one was unreleased). We think we were, therefore, hearing from people who had particularly suffered the strains of knowing someone in prison well over the time they were allotted for punishment, but as years go on this represents the situation for an increasing majority of people in prison on the IPP sentence.

Table 12: Time Served Beyond Tariff Expiry Date: Respondent Data vs Official Data

⁶⁴ Op. cit. Ministry of Justice (2021).

Group	% of respondents	% of all tariff-expired unreleased IPP prisoners ⁶⁵
Less than 1 year	6.7	2.3
1 year to less than 2 years	0.0	3.6
2 years to less than 3 years	0.0	5.2
3 years to less than 4 years	0.0	6.2
4 years to less than 5 years	0.0	6.9
5 years to less than 6 years	0.0	7.8
6 years to less than 7 years	0.0	9.4
7 years to less than 8 years	0.0	10.5
8 years to less than 9 years	33.3	9.5
9 years to less than 10 years	13.3	10.9
10 years or more	33.3	27.7

Appendix III: Glossary of Terms Used

License. A set of conditions that a person must abide by when serving their IPP sentence in the community. It may include things like a requirement to attend supervision with their Probation officer regularly; being required to live in a certain place; exclusion zones; curfews; requirements to inform Probation about any lifestyle changes; drug/alcohol testing; restrictions on use of digital devices; restrictions on seeing certain people; and attendance at rehabilitative activities. Non-compliance with license conditions can result in indefinite recall to prison.

Offender Supervisor. The professional (usually a Probation Officer or Senior Prison Officer) inside prison who manages a person’s sentence, including setting the sentence plan. Their official title has recently been changed to Prison Offender Manager (POM).

Probation Officer. The Probation Officer retains overall responsibility for managing a person’s sentence, and supervises them when they are released into the community. Currently, their title in relation to sentence management is Community Offender Manager (COM). Formerly, they were simply known as the Offender Manager (OM).

Prison and Probation Ombudsman. The independent organisation whose duty it is to investigate complaints by prisoners, all deaths that occur in prison, and deaths of recently released prisoners.

Psychologically Informed Planned Environment (PIPE). A PIPE unit is a prison wing that is explicitly designed around principles of rehabilitation. It helps people who have completed core risk reduction work (like offending behaviour programmes) put into practice the things

⁶⁵ Op. cit. Ministry of Justice (2021).

they have learnt, with the help of specially trained officers and overseen by a unit psychologist. The units offer both greater support and closer monitoring. The units are influenced by the Enabling Environment principles developed by the Royal College of Psychiatry, which were designed for environments that help people recovering from mental health issues to flourish. They were thought to provide the kind of reinforcement needed to maintain progress made on offending behaviour programmes, which evidence suggested could be short-lived without consolidation.

Tariff. The first period of an IPP sentence, which is supposed to serve as punishment for the crime committed. It was set by the judge based on the seriousness of the offence, and generally formed half of the period that would otherwise have been given as a determinate sentence.

Appendix IV: Links to Further Resources

UNGRIPP has compiled a variety of archives which contain various types of material concerning the IPP sentence. They are included here for further reading.

Reports Archive: <https://www.ungripp.com/reports-archive>

Research Archive: <https://www.ungripp.com/research-archive>

Legal Archive: <https://www.ungripp.com/legal-archive>

Parliamentary Archive: <https://www.ungripp.com/parliamentary-archive>

Media Archive: <https://www.ungripp.com/media-archive> (good for individual stories)

Statistical Digest: <https://www.ungripp.com/statistics>