

# UNGRIPP

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## Executive Summary

We are UNGRIPP; an organisation that raise awareness of, and campaigns for changes to, the IPP sentence. We are led by families of people serving the IPP sentence.

Our submission addresses two of the Committee's questions for its inquiry on the prison population, with specific focus on the IPP sentence. First, we address the question of expected changes to the IPP prison population in the short, medium and long-term. Second, we address the question of effective management of the IPP population by the Ministry of Justice.

The key points of our submission are:

- People serving IPP take up around 3% of useable capacity. Recent population data suggests that this number will stay the same or rise without additional intervention.
- The IPP action plan has not produced promising reductions in its first quarter. We question how its commitments can possibly be resourced in the present context of overcrowding.
- We detail five key drivers that we believe risk driving up the IPP population long-term, despite its status as a legacy sentence. These are:
  - The detrimental impact of sentence-related harm.
  - The system's failure to accommodate for health-related vulnerabilities.
  - The increasing hopelessness experienced by the IPP population.
  - The loss of social capital as people serving IPP age.
  - The recent increase in recalls for noncompliance without further charges.
- The way that risk is assessed is a fundamental driver of (re)imprisoning people serving IPP. We raise a formal concern that the effectiveness of risk processes has not been sufficiently investigated. We question the soundness of risk assessment judgements in the context of an IPP sentence and call for them to be examined.
- A resentencing exercise could meaningfully reduce the population if planned and managed carefully. The Government has not adequately investigated how this exercise could be modelled.

## What changes are expected in the size and composition of the prison population in the short, medium and long term?

### Recent population trends in IPP

In December 2022, the imprisoned IPP population began rising again for the first time since its abolition in 2012.<sup>1</sup> This reversal is driven by two factors. The first is the declining number of releases of people serving IPP who have never been released before. There were 51 first releases in Q2 of 2023 – 18% fewer than the same period last year and 69% fewer than five years ago, despite a relatively small population decline.<sup>2</sup> This reduction in releases has slowed the reduction of unreleased people serving IPP in prison.

The second factor is that the population of recalled people serving IPP has returned to a steadily rising trend, having temporarily stalled during the pandemic.<sup>3</sup> The number of re-releases of recalled people serving IPP has also been declining in the past two years.<sup>4</sup>

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<sup>1</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Prison population spreadsheet. Table 1.9a. Ministry of Justice.](#)

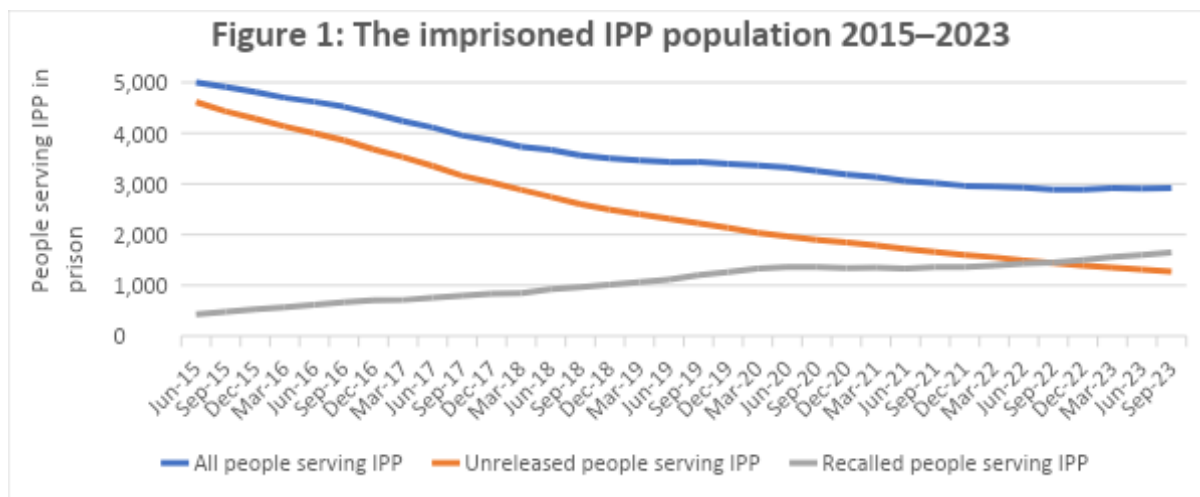
<sup>2</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Releases spreadsheet. Table 3.1. Ministry of Justice.](#)

<sup>3</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Prison population spreadsheet. Table 1.9a. Ministry of Justice.](#)

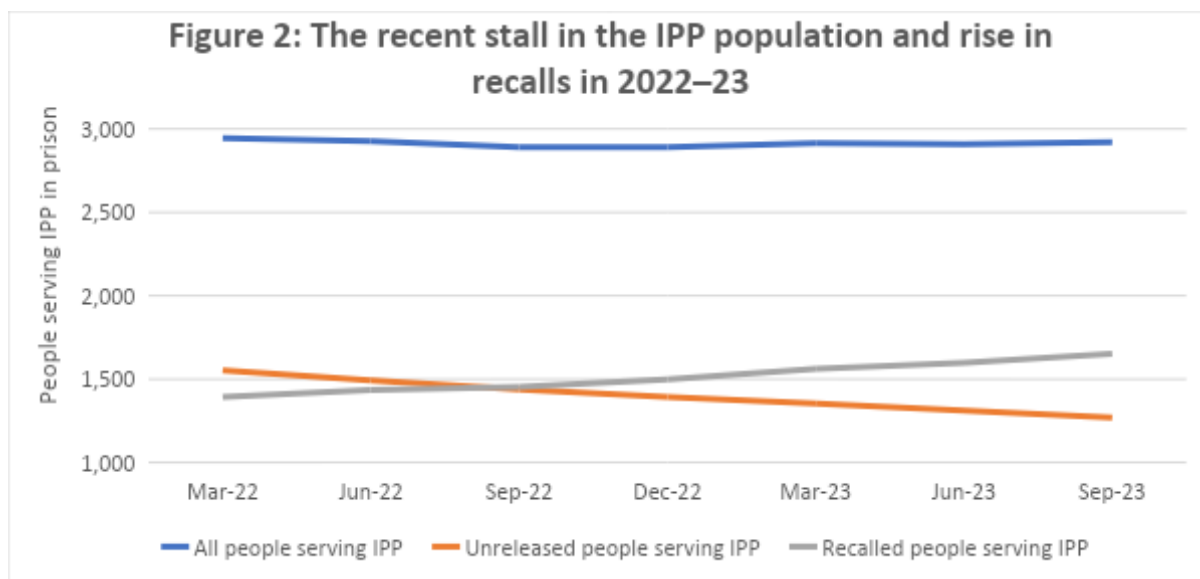
<sup>4</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Licence recalls spreadsheet. Table 5.11. Ministry of Justice.](#)

Compounding the problem is the fact that these are relatively long periods of recall. The average amount of time a person serving IPP spends in prison on recall was two years and three months in Q2 of 2023 – 50% longer than when this data began to be published in 2019, and showing a marked rise in 2022.<sup>5</sup>

These two trends – the slowdown of first releases and the rising number/length of recalls - have interacted to produce a net effect of stalling the total number of people serving IPP in prison at a steady number of around 3,000.

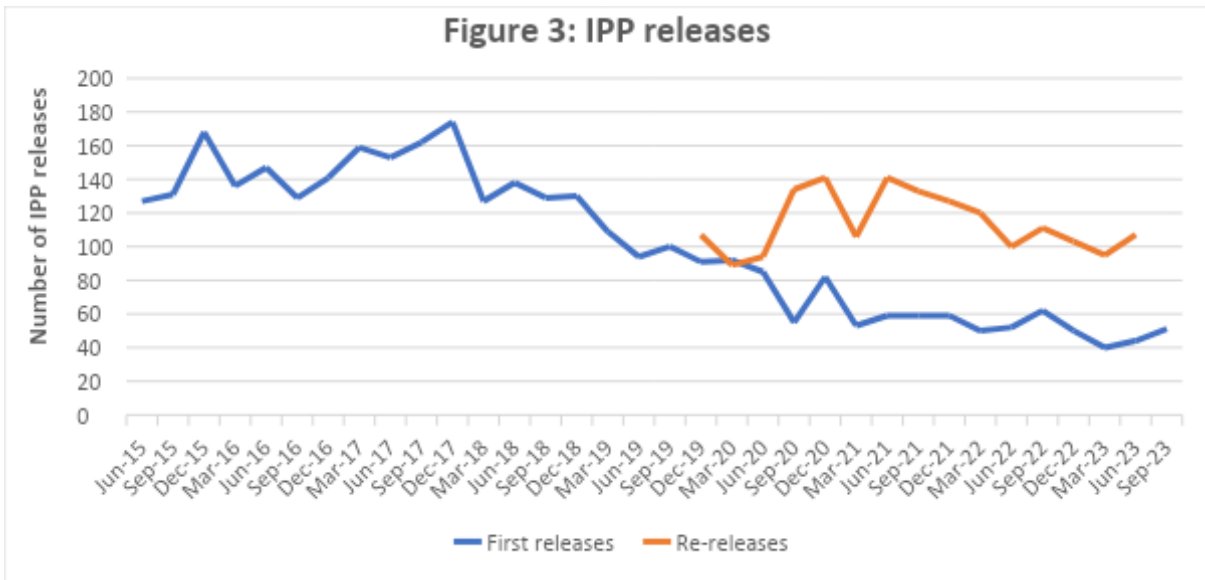


Source: [Offender Management Statistics Quarterly](#).



Source: [Offender Management Statistics Quarterly](#).

<sup>5</sup> Ibid.



Source: [Offender Management Statistics Quarterly](#).



Source: [Offender Management Statistics Quarterly](#).

Judging by these trends, in the short-term we can expect to see the IPP population remaining stubbornly at around the 3,000 mark, persistently taking up around 3% of useable operational capacity.

### Medium and long-term implications for IPP population levels

The Ministry of Justice is failing to adequately predict what will happen to the IPP population. It has released an ad-hoc projection indicating that it expected the recalled IPP population to rise to 2,600 by 2026 – a 45% increase on current levels.<sup>6</sup> But in its routine prison population forecasts it only considers unreleased people to be ‘IPPs’, merging recalled people serving IPP into the broader category of all recalled to prison, leading to the misleading statement:

<sup>6</sup> [House of Commons written question 125975, 15 December 2020](#).

*The indeterminate population consists of offenders who serve Imprisonment for Public Protection (IPP) and life sentences. The sub-population is forecast to continue to fall over the projection period driven by the gradual decline of IPP offenders. Offenders can no longer receive an IPP sentence due to its abolition in 2012, with current IPP offenders being released by the Parole Board. Any such released offenders subsequently recalled will be counted in the recall projection.*

Ministry of Justice, p.6<sup>7</sup>

In our view this is a misrepresentation of the true trajectory of the IPP population. Furthermore, it is not in line with the commitment to data transparency outlined in the IPP action plan.<sup>8</sup>

In the medium and long term, we might expect to see several factors incrementally push the IPP population even higher, despite its status as a legacy sentence. We outline these below.

#### The impact of sentence-related harm.

This Committee has already recognised that the IPP sentence negatively affects mental health, and the British Psychological Society has condemned it as psychologically harmful.<sup>9</sup> This sentence-related harm can manifest in behaviours like self-harm, drug use, withdrawal and noncompliance, all of which may be judged as signs of ongoing risk. There is now a wealth of research evidence about the sentence-related harm of IPP and experts have outlined at length their concerns about its impact on risk assessment and intervention.<sup>10</sup>

Without a systematic analysis of Parole Board decision-making, it is not possible to say with certainty why the rate of first and re-releases for people serving IPP has slowed. However, in our experience, one factor is the struggle to meet the demands of a system that ignores the devastating impact of serving an abolished sentence without a release date. People are expected to engage with rehabilitative activities that require a considerable degree of strength, focus and commitment under ordinary circumstances, let alone the circumstances of IPP. The coping mechanisms that people resort to in order to deal with the devastation of their sentence are unfortunately regarded by the system as functionally linked to risk of reoffending rather than a comprehensible human response to ongoing harm. Clearing this hurdle involves presenting a ‘rehabilitated’ personality that must hide the struggles of the IPP sentence as if they do not exist. This means that people serving IPP find it difficult to demonstrate what is expected of them – much like someone with a broken leg trying to demonstrate they can walk normally. This problem will remain an intractable barrier to release unless sentence related harm is meaningfully taken into account by the Parole Board and other decision-makers.

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<sup>7</sup> [Ministry of Justice. Prison population projections: 2022 to 2027. Ministry of Justice.](#)

<sup>8</sup> [Chalk, A. \(2023\). Imprisonment for Public Protection \(IPP\) action plan. Ministry of Justice.](#)

<sup>9</sup> [British Psychological Society \(2023\). Government urged to resentence people on IPP sentences which cause psychological harms.](#)

<sup>10</sup> [Joint submission to the Justice Select Committee IPP inquiry from 50 psychologists, psychiatrists and psychotherapists.](#)

## The intersection of sentence-related harm with other vulnerabilities

The ability to cope with the harm of the IPP sentence is challenging for all, but can be compounded by extra vulnerabilities such as learning disability, neurodiverse conditions, childhood trauma and poor physical health. We are aware of many people serving IPP who face these challenges and do not receive adequate support. Between personal vulnerabilities that make coping with any system difficult, *and* the sentence-related harm of IPP, we fear that people are simply failing to reach the high hurdle of functioning that is being set by the Parole Board. We cannot share individual examples as many people we are in touch with are fearful that sharing their circumstances will negatively affect their chance of being released. However, these are problems that are commonly shared with us:

- People with very short tariffs being diagnosed with conditions such as learning difficulties, Autistic Spectrum Disorder and Post Traumatic Stress Disorder, which impedes their ability to access standard intervention programmes and greatly lengthens their incarceration.
- Some people start such programmes, only to be deselected after being told the programme cannot support their needs. This is often after a long period of waiting to access a programme – sometimes years.
- Setbacks like these can cause damaging chain effects – people struggle to cope with the sentence-related consequences of not being able to access required interventions (in short, they fear not being released). This causes their mental health to deteriorate, then their behaviour, which is then recorded negatively against them. Their diagnosed conditions make breaking out of this cycle even more difficult for them.
- People in this position are often promised further assessment for other interventions, but experience further long wait times for such assessments.
- People often tell us that their diagnosed conditions are not acknowledged in assessments and decision-making.
- People often tell us that they are not receiving specialist support for conditions like ASD and PTSD. The impact of these conditions on their daily life in prison is not acknowledged.
- People with diagnosed conditions often tell us their Parole hearings are delayed well beyond their legal entitlement, and that they experience additional stress pre-Parole because assessors disagree about how they can best be managed, and where (custody/community).
- People serving IPP also struggle to meet rehabilitative demands due to physical illness and disability. We are aware of instances where low literacy; deafness and poor mobility have impeded access to interventions.

As ever more time passes for people trapped in prison on IPP, eventually a point will be reached where the people who more easily fit the contours of the current system have been released, and people with more complex difficulties and ever-increasing sentence-related

harm will remain indefinitely, unable to meet the bar where it is now set. We may in fact already be there. A fundamental change in thinking about risk and dangerousness in the context of the IPP sentence is needed, which takes the unique circumstances of the sentence into account.

#### The ever-increasing hopelessness and despair of the IPP population.

It has been well documented through first-hand testimony and research that the IPP sentence is associated with extreme feelings of hopelessness, especially in the post-tariff period.<sup>11</sup> In the last quarter, the *average* amount of time that post-tariff IPPs in prison were over tariff was 10+ years.<sup>12</sup> People in such circumstances are no longer outliers but the norm. The situation may in fact be even worse, as Ministry of Justice data does not separate post-tariff years beyond 10. A recent parliamentary question stated that 67 people were 15 or more years post-tariff.<sup>13</sup> This number will only increase without radical action. In our relatively short time as a campaigning group (four years this December), we have already noticed a large increase in hopelessness and despair in people serving IPP, associated with time over tariff, repeated Parole knockbacks and failure to be located in prisons where progression is a realistic possibility.

There is a well-established body of research evidence documenting the psychological sequelae of hopelessness, including depression; suicidality; not being able to envision a positive future; helplessness; impeded ability to pursue goals; loss of belief that one's actions can affect one's situation; and withdrawal.<sup>14</sup> The release of people serving IPP is dependent on their active engagement in risk-reducing activities they are instructed to undertake. Extreme levels of hopelessness impede this engagement, as many people simply no longer believe that they can change their situation. This psychological state is known as learned helplessness, and was entirely predictable in people serving IPP based on what is known about how people respond to prolonged uncertainty.<sup>15</sup> Unfortunately, much of the new action plan for IPP is dependent upon people engaging with promised new initiatives. We think this level of engagement is unlikely without more radical measures to tackle hopelessness first. Under the present system, we think it is very likely that people will continue to be knocked back for release due to insufficient engagement with what is required of them.

#### The decay of social capital for people serving IPP as they age.

People serving IPP who are in touch with us are ageing. The median age group for unreleased people serving IPP shifted to 40-49 years old in 2017, and people aged 40 or above comprise two thirds (66%) of the unreleased IPP population.<sup>16</sup> 13% are aged 60 or above. The age profile of the recalled IPP population is not published.

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<sup>11</sup> See [UNGRIPP \(2021\) submission to the Justice Select Committee inquiry on mental health in prison](#) for a summary of the research literature on this subject.

<sup>12</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Prison population spreadsheet. Table 1.9b. Ministry of Justice.](#)

<sup>13</sup> [House of Lords written question HL10393, 20 September 2023.](#)

<sup>14</sup> [Liu, Kleiman, E. M., Nestor, B. A., & Cheek, S. M. \(2015\). The hopelessness theory of depression: A quarter-century in review. \*Clinical Psychology\*, 22\(4\), 345–365.](#)

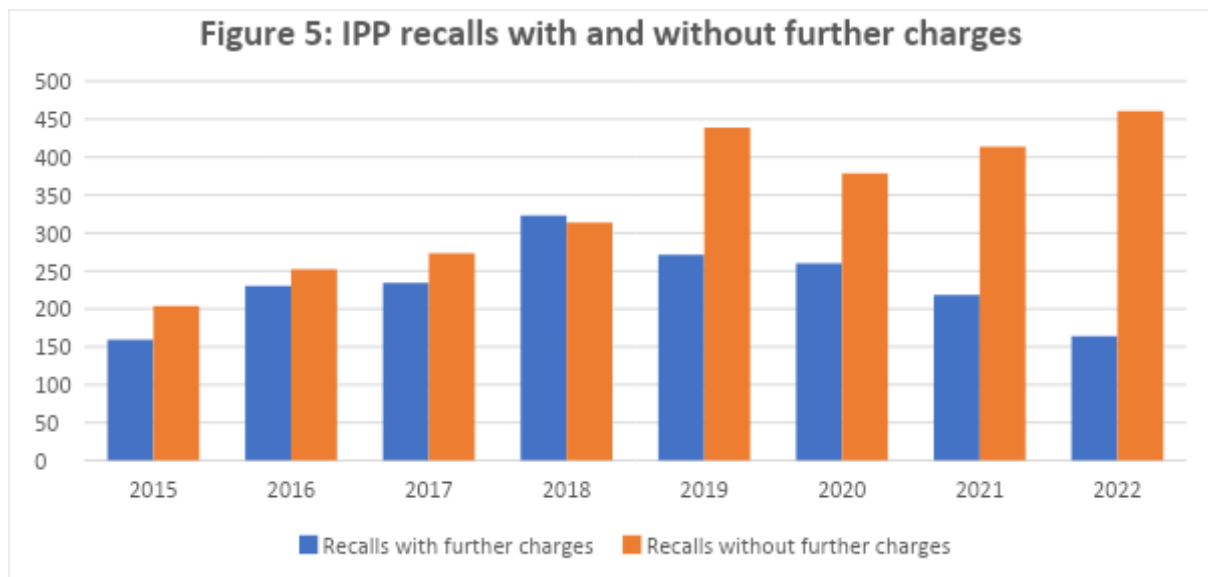
<sup>15</sup> [Kofka, M. \(1993\). Uncertainty, mental models, and learned helplessness: An anatomy of control loss. In: Weary, G., Gleicher, F., Marsh, K.L. \(Eds.\) \*Control motivation and social cognition\*. Springer.](#)

<sup>16</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly: January to March 2023. Annual prison population spreadsheet. Table A1.16. Ministry of Justice.](#)

In line with the ageing of people serving IPP, we are increasingly hearing about their tragic loss of family loved ones, particularly parents or other relatives of an older age. Family members are often a vital support to people serving IPP, and this social capital is being lost. Furthermore, many people were imprisoned on IPP as teenagers or young adults and are now in their middle age. A person imprisoned on IPP aged 18 in 2005 will now be 36 years old. They have never built social capital in the form of adult friendships, partners and families of their own, and are rapidly passing the window in which most people acquire these. This severely undermines people’s chances of building a meaningful life and robust support network on release, factors acknowledged as crucial in supporting desistance, and in avoiding recall.<sup>17</sup> In our view, the Government is creating its own problem of continued IPP recalls by allowing an ageing IPP population to lose what little social capital it has left, and depriving them of opportunities to build more. A continuation of this situation will only result in further recalls of people deprived of the bonds that tie them to the outside.

#### Increases in recalls for noncompliance.

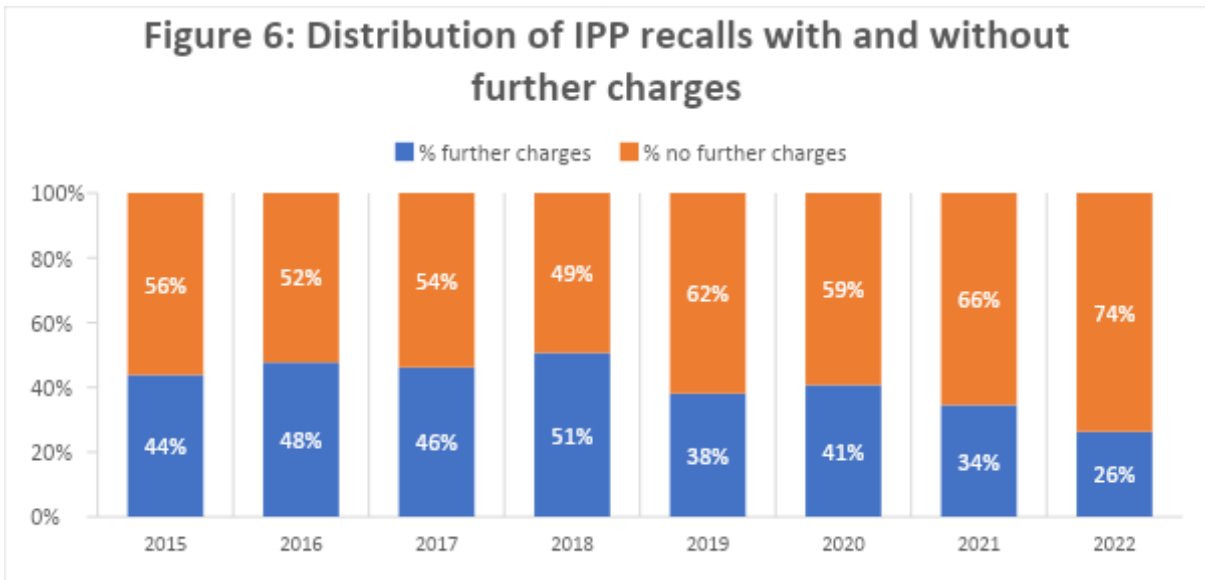
The number of recalls of people serving IPP has remained stubbornly high at between 600–700 per year since 2018. But the reasons for recall are changing. There has been a drop in the number of people on IPP recalled on account of further charges, and an increasing proportion of recalls are for noncompliance without any charges for further offending. In 2015, 56% of all IPP recalls were for noncompliance without further charges. In 2022 it was 74%.<sup>18</sup>



<sup>17</sup> [Kemshall, H. & McCartan, K. \(2022\). Desistance, recovery and justice capital: Putting it all together. HMI Probation.](#)

<sup>18</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Licence recalls spreadsheet. Table 5.10. Ministry of Justice.](#)





This trend suggests an increasingly risk-averse attitude amongst probation officers towards people serving IPP. Without change, it seems likely that this attitude will continue to drive the increasing number of recalled people serving IPP in prison in future.

In the long-term, there is a risk that people serving IPP will continue to take up prison space that is unnecessary and could be better utilised. By failing to take sentence-related harm into account, decision-makers continue to make inflationary judgements about risk, and fail to recognise the disabling role of hopelessness for engaging in the system as it currently stands. Risk-averse decision-making both in and outside prison will continue to leave people serving IPP trapped, becoming ever more damaged and deprived of the hope, support and resources that would allow them some chance of a life outside. In ten years, perhaps even twenty, we will be discussing an aged group of prisoners going nowhere, and with nothing left to lose, without structural and legislative changes to give them a fair chance of getting out – and staying there.

## What is the Ministry of Justice's current strategy for safely and effectively managing the prison population, and how effective is it?

### Progress against the IPP action plan

The Ministry of Justice remains confident that its new IPP action plan will 'manage out' the IPP population over time. It includes some performance metrics that relate to the number of people serving IPP in prison, but excludes several metrics that are relevant to population reduction. Below are those sets of metrics plotted against the most recent statistical bulletins on IPP.

- Change in desired direction
- Data not currently published
- Change in the undesired direction

Metric	IPP action plan target <sup>19</sup>	Comparing Q2 2023 to Q2 2022*
Unreleased IPP population.	The number of those serving an IPP sentence who have never been released reduces.	12% decrease on last year. <sup>20</sup>
Recalled IPP population.	The number of those in custody having been recalled stabilises, and then begins to reduce.	14% increase on last year. <sup>21</sup>
Population on supervision suspension.	The proportion of those in the community on an IPP licence whose supervision has been suspended increases.	Not currently published.
Licence terminations.	The number and proportion of those who have had their IPP licence terminated increases.	Not currently published.
Time spent on recall.	No commitment in the action plan.	Increased by 2 months since last year. <sup>22</sup>
Recall incidents.	No commitment in the action plan.	Up 10% on last year. <sup>23</sup>
First releases.	No commitment in the action plan.	18% decrease since last year. <sup>24</sup>
ROTLs	No commitment in the action plan.	Down 45% on last year. <sup>25</sup>
Re-releases.	No commitment in the action plan.	Up 7% on last year. <sup>26</sup>

\*With the exception of the unreleased and recalled IPP population, for which Q3 2023 data is available. This quarter is compared with Q3 2022.

The Government introduced the IPP action plan at the beginning of Q2 2023, and while we acknowledge that one quarter is a short amount of time to enact change, the results are hardly encouraging given that concerns were raised much earlier. Both changes in a positive direction are underwhelming. While the unreleased IPP population has decreased, we have shown earlier in this submission how the downward trajectory is slowing. The status of IPP as a legacy sentence and, tragically, its mortality rate, will also contribute to this metric without any active intervention. The 7% increase on re-releases only equates to seven extra people re-released.

<sup>19</sup> [Chalk, A. \(2023\). Imprisonment for Public Protection \(IPP\) action plan. Ministry of Justice.](#)

<sup>20</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Prison population spreadsheet. Table 1.9a. Ministry of Justice.](#)

<sup>21</sup> [Ibid.](#)

<sup>22</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Licence recalls spreadsheet. Table 5.11. Ministry of Justice.](#)

<sup>23</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Licence recalls spreadsheet. Table 5.10. Ministry of Justice.](#)

<sup>24</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Releases spreadsheet. Table 3.1. Ministry of Justice.](#)

<sup>25</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Releases spreadsheet. Table 3.5. Ministry of Justice.](#)

<sup>26</sup> [Ministry of Justice \(2023\). Offender management statistics quarterly. Licence recalls spreadsheet. Table 5.10. Ministry of Justice.](#)

Meanwhile, many indicators are moving in a negative direction and two of the Government's own commitments are currently impossible to publicly track. The decrease in ROTLs is particularly worrying given the burden on people serving IPP to demonstrate that they are safe to release into the community.

A further concern is the Ministry of Justice's ability to meet the ambitions set out in the action plan. Many promised actions relate to delivering basic sentence management to a high quality standard, together with a number of IPP-specific innovations. In the presently dire overcrowding situation, we question the Ministry's ability to deliver the elevated standards that the plan sets out. Before the plan was introduced, people in touch with us frequently told us about struggles to get even the most basic of bureaucratic hurdles cleared in order to progress in their sentence, and this was in a much less crowded system.

Without substantial improvement in the indicated areas, the IPP population in prison is likely to remain stubbornly where it is or increase. It is our long-held belief, also expressed by the Committee, that the problems of IPP are structural and cannot be managed out through policy change alone.

### The Government's response to the IPP inquiry

It is deeply disappointing that the Government rejected the Committee's recommendation of convening an expert group to plan a resentencing exercise for people serving IPP.<sup>27</sup> In doing so it appears to have made two doubtful assumptions.

The first of these assumptions is that the only form resentencing could take is a mass re-release which would ignore public safety and overwhelm the Probation Service.<sup>28</sup> This is a wilful misunderstanding of the Committee's conclusions. A resentencing exercise in which, potentially, many people receive a sentence that they have already served, need not necessitate their *immediate and simultaneous* release. The Government is selectively adhering to the deeply rooted principle of law and justice that people must not be held beyond their convicted term. Yet it has shown itself perfectly willing to change the law retrospectively to enable this when it wishes to. By this we refer to the Terrorist Offenders (Restriction of Early Release) Act 2020 in which the earliest date of release for people serving a sentence for terrorist offences was amended – effectively changing their sentence retrospectively.<sup>29</sup> This was a novel response to a tragic event, driven by political will. Retrospectively changing sentences served by people on IPP would be legally uncharted territory, whose problems could also be navigated with novel responses and political will to enact them. For example, a staggered rate of release for everybody who had served their 'new' sentence, managed via a prioritising system such as by time served over tariff, would be a novel response. While not ideal, it would still be a considerable improvement on the situation people on IPP presently find themselves in. What is even more disappointing is that we are aware there are dozens of experts who would be willing to help devise a novel solution, and have even written to the Justice Minister saying as much.<sup>30</sup> The present stance on resentencing is far too concrete, and does not help to address the present problem of overcrowding.

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<sup>27</sup> House of Commons Justice Committee (2022). IPP sentences. Third report of session 2022–23. House of Commons.

<sup>28</sup> [Lords Committee Ministry of Justice oral evidence session, 25 October 2023.](#)

<sup>29</sup> [Terrorist Offenders \(Restriction of Early Release\) Act 2020, c. 1, c. 2](#)

<sup>30</sup> Letter from nearly 140 multi-disciplinary criminal justice professionals, shared with UNGRIPP.

## The matter of risk

The second assumption made by the Government, as stated by Justice Minister Alex Chalk,<sup>31</sup> is that the IPP population pose a serious risk to the public as judged by the Parole Board. We would like to raise a concern that this conclusion is based on an insufficient interrogation of how risk assessments behave when applied to the IPP population. The Chancellor goes so far as to acknowledge that a proportion of assessed risk may have been induced *by a person's IPP sentence*. By 'risk' we assume he means *identifiable markers of risk* that contribute to a person's overall risk score/judgement, such as:

- Poor mental health.
- Personality disorder.
- Symptoms of trauma.
- Antisocial attitudes.
- Substance misuse.
- Poor coping (including self-harm).
- Lack of support network.
- Inadequate risk management plan on release.
- Lack of willingness to engage in risk reduction activities/with authority.

These factors are typically considered in risk assessment tools used with people serving IPP, and form part of the corpus of items that professionals are directed to in forming their judgements.<sup>32</sup> Their weighting is based on extensive research literature testing what kind of factors are most associated with reoffending.<sup>33</sup> However, a crucial point ignored in this instance is that risk is highly contextual, and cause-effect relationships change across social situations. Risk tools should also only be used to assess people who are drawn from the same population that the tool was normed on, and not doing so can make their conclusions unsafe.<sup>34</sup> This limitation of risk tools is accepted in other circumstances. For example it is now recognised that caution should be applied in using assessment tools normed on men to assess women,<sup>35</sup> and tools normed on a predominantly White group to assess people of a different ethnicity.<sup>36</sup>

We lack the expertise to comment more comprehensively on this issue, but we think some analogous examples serve to underline how cause-effect relationships change with context. One that we can all relate to is Covid-19, during which many people in the population who could function well 'all other things being equal', suddenly passed the screening threshold for clinical anxiety and depression.<sup>37</sup> When 'all other things are equal', passing that threshold acts as a trigger of concern for that person, how they are coping, and what support they might need. In a radically changed context, not everybody behaved in ways that might typically be expected of clinically anxious/depressed people. This is unsurprising, as the tools

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<sup>31</sup> [Lords Committee Ministry of Justice oral evidence session, 25 October 2023.](#)

<sup>32</sup> For evidence on this point the Committee would need to refer to the primary assessment manuals for risk assessment tools such as OASys and HCR-20.

<sup>33</sup> Specific literature used in tool development is referred to in manuals, but see also Bonta, J. & Andrews, D. (2017). *The psychology of criminal conduct* (6<sup>th</sup> ed.). Routledge and [Hart, S., Douglas, K. & Guy, L. \(2016\). \*The structured professional judgement approach to violence risk assessment\*. Wiley.](#)

<sup>34</sup> See [Woldgabreal, Day, A., Daffern, M., Lloyd, C., & Graffam, J. \(2022\). An Empirical Test of the Factor Structure of the Violence Risk Scale and Its Measurement Invariance Across Time and Cultural Groups. \*Criminal Justice and Behavior\*, 49\(9\), 1255–1275.](#)

<sup>35</sup> [Geraghty, & Woodhams, J. \(2015\). The predictive validity of risk assessment tools for female offenders: A systematic review. \*Aggression and Violent Behavior\*, 21, 25–38.](#)

<sup>36</sup> See n.32

<sup>37</sup> [Santomauro, M. et al. \(2021\). Global prevalence and burden of depressive and anxiety disorders in 204 countries and territories in 2020 due to the COVID-19 pandemic. \*The Lancet\*, 398\(10312\), 1700–1712.](#)

used to assess anxiety/depression were not normed on a group of people mutually suffering from a global pandemic.

Similarly, we can all observe that in times of peace and order, a smaller minority of individuals may engage in behaviours like aggression, violence, and other lawbreaking. Such individuals, if assessed on violence risk, are likely to demonstrate elevated scores on tools normed on a population also inhabiting a world of peace and order. Conversely, in a time of war and civil unrest, many more people are likely to engage in the aforesaid behaviours, who are not necessarily one of the 'antisocial few' under ordinary circumstances but may show conventional markers of risk when placed in an extreme situation. Crucially, those people, *when returned to a world of peace and order*, may not continue to behave antisocially.

We have laid this extensive groundwork to make the key point that *the IPP sentence makes things different*. The damage it has caused and its perceived illegitimacy mean that we are in as yet uncharted territory in understanding cause-effect relationships for reoffending in this population. They simply do not inhabit the same 'ordered' world of justice as people on more legitimate sentences. We are concerned that this may result in the following issues:

- Conventional risk assessment tools are not typically normed on a politically distinct group continuing to serve a legally abolished sentence. There is therefore a risk that people serving IPP no longer match the norm group for the tools used on them.
- This means that uncritically assuming that a particular risk profile will play out the same way in someone serving an IPP is not safe.
- The role of injustice, indeterminacy and psychological harm *during* a prison sentence, and its effect on risk, is underexplored and therefore uncertain.

We therefore argue that the conclusion that all unreleased people serving IPP are a danger to the public has not been sufficiently interrogated. Further consideration is needed of how serving an IPP sentence may change and distort risk scores, in order to avoid people becoming permanently stuck in a system that does not truly recognise their plight. To use the most basic of examples – a person running towards you screaming may be perceived as 'dangerous' and unpredictable – until you see the lion they are being chased by.

### Level of acceptable risk

A final factor that we believe contributes to keeping people serving IPP in prison is not the mechanics of risk itself, but political tolerance of it. A uniquely kind of a dangerous person did not arise between 2005 and 2012 — a unique sentencing experiment did. That experiment was replaced by and large with the Extended Determinate Sentence (EDS), which builds in risk management safeguards and some degree of proportionality with an eventual automatic release date. We question why, if the Chancellor is content to automatically release the 'IPPs of today', he is any less content to release their predecessors.