

POSTbrief 58

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Prison population growth: drivers, implications and policy considerations



Overview

- 1 Background
- 2 Drivers of prison population growth
- 3 Implications of prison population growth for logistics and processes
- 4 Implications of prison population growth for prisoners
- 5 Policy considerations

References

Contributors

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Contents

Overview	4
1 Background	5
2 Drivers of prison population growth	8
2.1 Influence of policy on sentence length	8
2.2 Remand	9
2.3 Recall	10
2.4 Reoffending	10
2.5 Crime and policing	10
3 Implications of prison population growth for logistics and processes	12
3.1 Estate capacity	12
3.2 Prisoner placement and transfers	13
3.3 Staffing	14
3.4 Security	14
4 Implications of prison population growth for prisoners	15
4.1 Mental health	15
4.2 Physical health	16
4.3 Substance misuse	16
4.4 Purposeful activity in prisons	17
4.5 Release and resettlement	17
5 Policy considerations	19
5.1 Relieving immediate capacity pressures	19
5.2 Longer term policy considerations	22
References	25
Contributors	32

Overview

England and Wales have the highest per capita prison population in Western Europe. In October 2023, over 88,000 people were imprisoned, in an estate with a maximum capacity of 88,890. This was the highest number recorded.

94% of people in prison are adult men and the adult male prison estate is almost full. The prison estate is operating at 99% of its usable operational capacity and over 60% of prisons are overcrowded.

Drivers of the current prison population growth include changes in sentencing policy (including increased sentence lengths). Other factors include remand, recall, reoffending and policing.

The number of people given immediate custodial sentences has fallen from 98,044 in 2012, to 67,812 in 2022. This suggests that the prison population increase is not driven by more convictions.

Nearing capacity can have negative implications for the safe operation of prisons, and for the health, wellbeing and rehabilitation of people in prison.

Government action to avoid exceeding capacity includes expanding the prison estate and releasing some prisoners up to 18 days early.

As of December 2023, three relevant bills are progressing through Parliament: the Sentencing Bill 2023, the Criminal Justice Bill 2023, and the Victims and Prisoners Bill 2023. Each contains a range of measures, with some likely to reduce the prison population and others likely to increase it.

Various stakeholders have proposed additional policy options, such as the greater use of non-custodial sentences, and interventions to reduce the remand and recall populations.

Some experts in this field have highlighted the role of public opinion in relation to sentencing policy and the relationship between prisons and the wider justice system. Evidence suggests that the public generally overestimate crime rates and underestimate sentence lengths, and that better-informed members of the public are less likely to view sentences as lenient.

More high-quality research is needed to better understand the drivers of increased sentence length and to evaluate health and rehabilitation programmes in the prison context.

Warning: This briefing discusses issues around self-harm and suicide which some readers may find distressing.

1 Background

Courts in England and Wales have a range of sentencing options to address offending behaviour, including fines, community orders, suspended sentences, and sentences leading to immediate imprisonment. This POSTbrief focuses on imprisonment. It provides an overview of the drivers of prison population growth, its implications and related policy considerations. All statistics refer to England and Wales, unless otherwise specified.

As of December 2023, three relevant bills are progressing through Parliament: the [Sentencing Bill 2023](#), the [Criminal Justice Bill 2023](#), and the [Victims and Prisoners Bill 2023](#). Each contains a range of measures, with some likely to reduce the prison population and others likely to increase it.¹⁻⁵ At the time of writing, no analysis had been published on the likely combined impact of these measures on prison population growth.

England and Wales have the highest per capita prison population in Western Europe.⁶ In October 2023, over 88,000 people were imprisoned, in an estate with a maximum capacity* of 88,890.⁷

During the COVID-19 pandemic, the prison population reduced by nearly 6,000 people,⁶ but it has since grown to the highest number recorded (Figure 1).

The Ministry of Justice forecasts a further increase of 6,000 people by March 2025 and increases are expected to continue until at least 2027.^{† 9}

The prison estate is divided into adult men, adult women (Box 1) and children under 18 (Box 1). As of June 2023, most prisoners are adult men (94%), 5% are adult women and less than 1% are children.^{‡ 12}

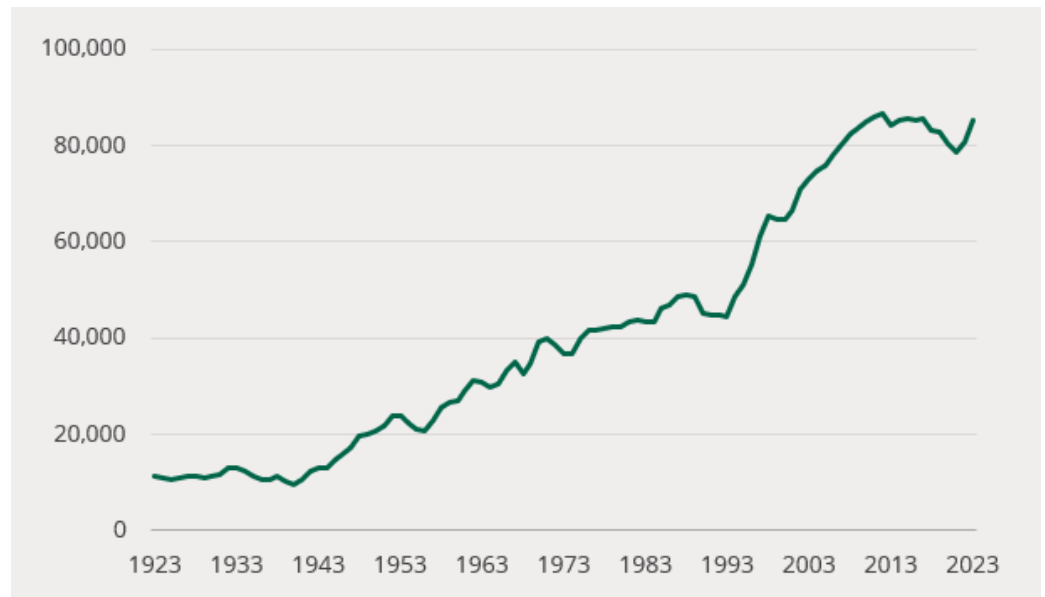
The adult men's estate is the closest to capacity and is the most crowded.¹³

* This refers to Usable Operational Capacity. Definitions and alternative measures are discussed under [implications for estate capacity](#).

† Prison population projections are uncertain and include assumptions about the direction of penal policy.⁸

‡ The Ministry of Justice Offender Management Statistics do not provide comparable data for transgender prisoners. The Offender Equalities Annual Report 2023 suggests that there were 221 transgender prisoners in the male estate and 48 in the female estate.^{10,11}

Figure 1 Prison population of England and Wales from 1923-2023*



Data source: Ministry of Justice Offender Management Statistics.

Figure adapted from: House of Commons Library.⁶ Produced by Grahame Allen (House of Commons Library).

Approximately 18% of people in prison are on remand (awaiting trial or sentencing).¹⁵ For prisoners who have been sentenced, the most common offence categories are violence against another person (32%), sexual offences (20%) and drug offences (17%).¹⁵

Most are serving determinate sentences (with a maximum length set by the court).¹⁶ The rest are serving indeterminate sentences (with only the minimum length specified), including a range of life sentences.¹⁷

The rules governing when prisoners are released vary depending on sentence length, type of offence and when the sentence was imposed.¹⁶

* The per capita prison population has grown over the same period, demonstrating that the prison population growth is not just driven by underlying general population growth.¹⁴

Box 1. Women and children in prison

Women

- As of December 2023, there were 3,576 women in prison.¹⁸
- There are around 300 fewer women in prison compared to when the Government introduced the 2018 [Female Offender Strategy](#).¹⁹ The causal relationship between the strategy and the reduction is unclear, due to overlap with the COVID-19 pandemic.^{20,21}
- Most female prisoners are convicted of non-violent offences (69%).²² Many have been victims of domestic violence and sexual assault.²³
- Fewer women's prisons mean that women are often placed further from home, affecting family ties.²⁴
- In 2022, reports about women in custody were published by the [House of Commons Justice Committee](#), the National Audit Office, the Nuffield Trust and HM Inspectorate of Prisons.^{20,25,26}

Children

- Children (under 18) given custodial sentences can be held in young offender institutions, secure training centres or secure children's homes.
- 3% are girls, who can be held in single-sex areas of mixed-sex establishments.^{27,28}
- The number of children in custody has fallen by 77% since 2012. For the year ending March 2022, there was an average of 450 children in custody at any one time, with 45% being held on remand.²⁷
- 62% of children in custody have been in care.²⁹
- The Ministry of Justice is delaying transfers from youth custody to adult prison due to capacity pressures in the adult estate.³⁰
- There are reports about children in custody by the [House of Commons Justice Committee 2021](#), the [House of Commons Library 2022](#), the National Audit Office 2022 and the Nuffield Trust 2023.^{31,32}

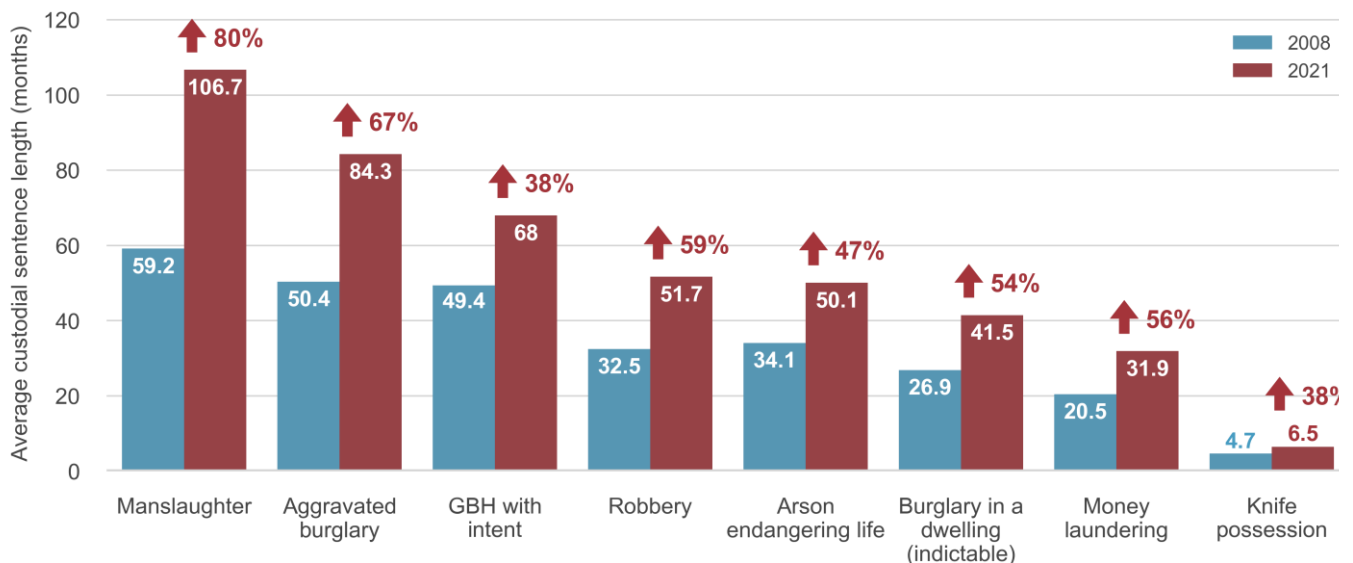
2 Drivers of prison population growth

The number of people given immediate custodial sentences fell from 98,044 in 2012, to 67,812 in 2022.³³ This suggests that the prison population increase is not driven by more convictions.³⁴

2.1 Influence of policy on sentence length

Average sentence length increased from 14.5 to 21.4 months between 2012 and 2023.³⁴ This was partly driven by increases in sentence lengths for the same offence over time (sometimes referred to as 'sentence inflation'). Increased sentence length contributes to a growing prison population, as people stay in prison for longer (Figure 2).

Figure 2 Increased sentence length for selected offences



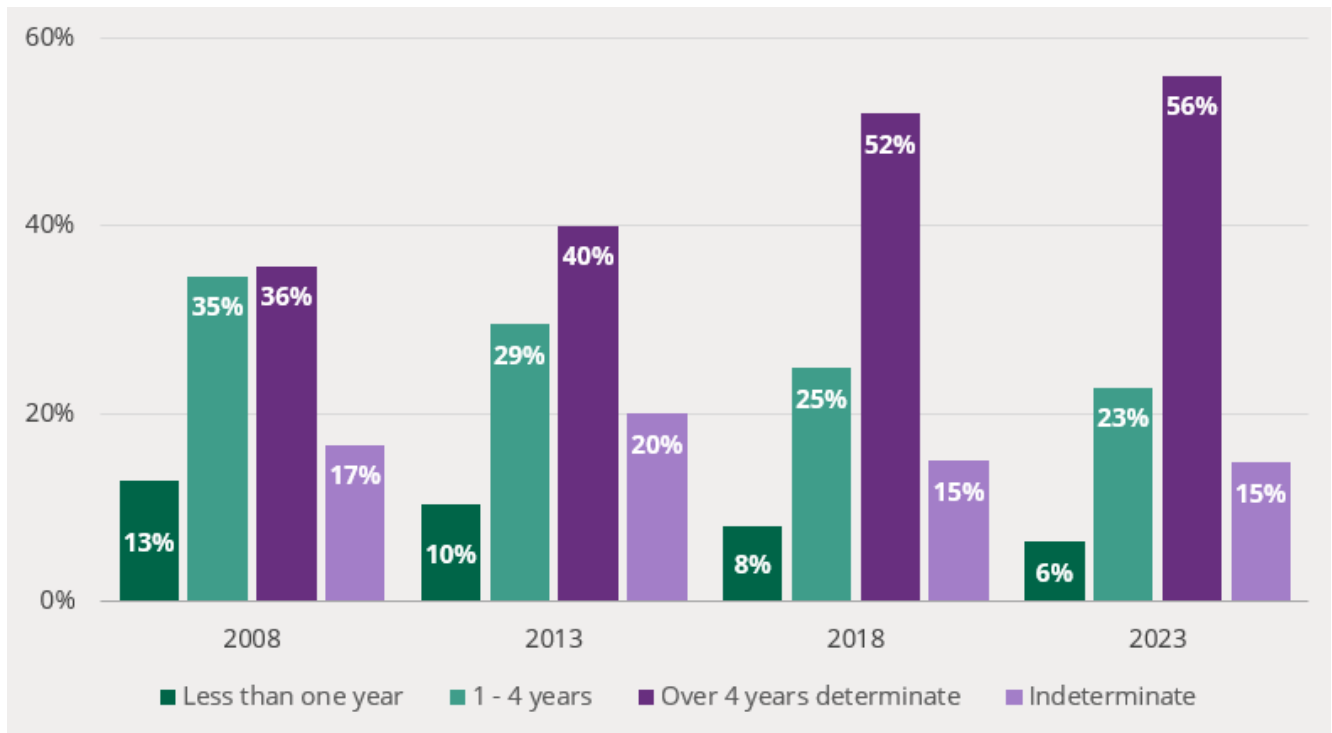
Source: Prison Reform Trust written evidence to the House of Commons Justice Committee Inquiry

Changes in sentencing policy have increased minimum and maximum terms for a range of offences.^{9,35-37} As of 2023, 56% of prisoners were serving determinate prison sentences of over 4 years, compared with 36% in 2008 (Figure 3).⁶ Provisions in the [Sentencing Bill 2023](#) are likely to further increase the time spent in prison for certain violent and sexual offences.^{38,39}

In 2020, the National Audit Office asked the Government to “monitor the operational consequences of emerging policies and practices, as well as its capacity and capability to respond”.⁴⁰

More research is needed to understand the drivers behind increased sentence length, the cost-effectiveness of longer sentences, and the effect on deterrence and reoffending (see [future policy considerations](#)).

Figure 3 Prison population of England and Wales by sentence type over time



Source: Ministry of Justice Offender Management Statistics. Figure adapted from: House of Commons Library.⁶ Produced by Grahame Allen (House of Commons Library). Note: Excludes prisoners on remand or recalled to prison for breaching licence conditions

2.2 Remand

In September 2023, the number of people awaiting trial or sentencing was 16,196. This was the highest on record and a 12% increase from September 2022.¹⁵

The Ministry of Justice attributed this to the ongoing recovery of courts after COVID-19 restrictions, and strike action by the Criminal Bar Association in Autumn 2021.¹⁵ Others have suggested that historical underfunding and a shortage of judges may also have contributed to the backlog.^{41,42}

Remand prisoners can be difficult to plan for, due to uncertainty about how long they will be held and differences in the rights of unconvicted prisoners.^{43,44}

Half of those who entered prison on remand in 2022 were accused of non-violent offences.²² Around one in 10 were subsequently acquitted and a similar proportion received a non-custodial penalty.*²²

2.3 Recall

Offenders are usually released from prison on licence. Standard licence conditions include not committing any offence, keeping in touch with a supervising officer, and residing at an approved address. Additional licence conditions can include curfews, non-contact orders, drug testing and restrictions on movement.⁴⁵ Offenders can be recalled to prison for up to the entire balance of their sentence for breaching their licence conditions.

In September 2023, the recall prison population passed 12,000, the highest on record.¹⁵ This is likely to be related to sentencing changes that have resulted in longer periods on licence.^{† 15}

Stakeholders have suggested that probation officers may be more likely to recommend recall if they do not have sufficient time or experience to investigate the circumstances of a breach or to explore alternatives.^{42,47,48}

2.4 Reoffending

High reconviction rates contribute to 'the revolving door', whereby people recently released from prison commit new offences and return to custody.

In October 2023, statistics from the Ministry of Justice showed that adults released from custody had a proven reoffending rate of 37%, rising to 55% for those released from a short custodial sentence (PB 52).^{‡ 51} Factors known to reduce reoffending are discussed under [release and resettlement](#).

2.5 Crime and policing

The Ministry of Justice prison population projections include the potential impact of the Government recruiting 20,000 additional police officers

* The House of Commons Justice Committee (2023) published a detailed [report](#) into adult custodial remand.

† For example, the Offender Rehabilitation Act 2014 introduced an additional period of supervision for offenders sentenced to less than 2 years and released on licence. The combined licence and supervision period totals 12 months, and applies to anybody that has spent more than two days in custody.⁴⁶

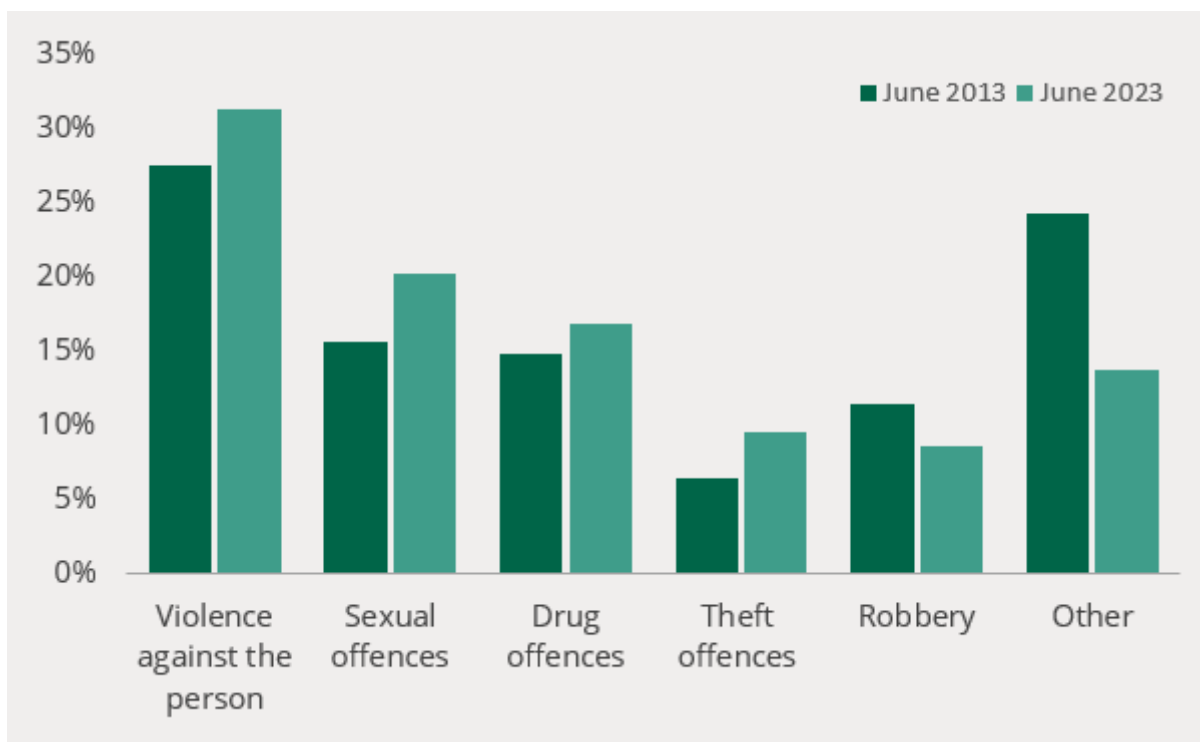
‡ Proven reoffending data is based on new offences recorded within 12 months of release. This is likely to underestimate the true level of reoffending because many crimes go unreported.^{49,50}

between 2020 and 2023.^{9,52} This is likely to increase the number of charges, leading to more convictions and higher prison demand.⁹

The Ministry of Justice has suggested that changes in crime mix is also driving prison population growth.¹³ For example, charges for sexual offences have increased, which are more likely to attract custodial sentences.*⁵⁴

Further research is needed to understand the extent to which crime mix is contributing to prison population growth. Available data shows that the proportion of the prison population serving sentences for the most serious crimes rose between 2013 and 2023 (Figure 4), although this is not necessarily driven by an increased prevalence of these crimes.[†] For example, the National Crime Survey suggested that violent crime fell over the same period.⁴⁹

Figure 4 Prison population of England and Wales by offence group



Data source: Ministry of Justice, Offender Management Statistics, April to June 2023. Figure adapted from: House of Commons Library.⁶ Produced by Grahame Allen (House of Commons Library). Note: Excludes remand and recall prisoners.

* The ONS suggests that this is due to increased willingness to report recent and historical sexual offences, rather than increases in the number of offences taking place.⁵³

[†] Figure 4 is based on data about the sentenced prison population at each time point, rather than new admissions to prison. Changes in the proportions of particular offences in prison may be influenced by other factors, including sentence length increases. For example, if people in prison for violent and sexual offences remain there when those for other offences are released, this could increase their proportion without any corresponding changes in crime or conviction rates.

3 Implications of prison population growth for logistics and processes

3.1 Estate capacity

There are two main measures of the prison estate capacity:

- **Certified Normal Accommodation:** the number of people that can be held in a “good, decent standard of accommodation”, with all prisoners held in cells that meet agreed minimum standards for space, sanitation, privacy and so on.⁵⁵
- **Usable Operational Capacity:** the maximum number of people the estate can safely hold in crowded conditions, such as with more cell-sharing and negative implications for hygiene and dignity (for example partially screened toilets).⁵⁶

The prison estate is operating at around 99% of its Usable Operational Capacity.*⁵⁷ In June 2023, 61% of prisons were officially overcrowded, meaning that some cells contained more prisoners than their intended capacity.⁶

An emergency protocol called ‘Operation Safeguard’ was in place between February and November 2023, requiring police services to reserve up to 400 police cells to temporarily hold prisoners when local prisons were full.^{58,59}

The Government’s 2021 Prisons Strategy White Paper committed to creating 20,000 prison places by the mid-2020s.⁶⁰ As of November 2023, 5,600 places had been delivered.⁶¹ This included two new prisons[†] and hundreds of Rapid Deployment Cells (temporary cells with a lifespan of 15 years).⁶²

Capacity pressures have led the Government to delay routine maintenance.⁶³ Stakeholders have expressed concerns about the long-term cost implications of delaying maintenance work,⁴³ and the impact on prisoners’ living conditions.⁶⁴

Prisons are also being surveyed for the presence of Reinforced Autoclaved Aerated Concrete (RAAC), following safety concerns.¹³ As of November 2023, the Government has not yet confirmed whether RAAC has been found in the prison estate.⁶⁵⁻⁶⁷

* It is difficult to provide an equivalent capacity statistic for Certified Normal Accommodation, as this is reported per prison rather than for the estate as a whole.

† HMP Five Wells and HMP Fosse Way

3.2 Prisoner placement and transfers

Placement within the adult male estate is usually based on risk and need, with prisoners transferring between prisons to access different services as their sentence progresses (Table 1).

Stakeholders report that some prisoners have had transfers to lower security prisons delayed due to capacity pressures.^{48,64,68,69} This can result in prisoners being unable to access offender behaviour programmes and other services while trying to comply with their agreed sentencing programme or prepare for parole hearings.

Table 1 Organisation of the adult male estate

Category	Description ⁴⁶	Purpose ⁷⁰
A	Highest-risk prisoners for whom escape must be made impossible.	High security prisons
B	Prisoners for whom escape must be made very difficult.	Servicing local courts Training
C	Prisoners who are unlikely to make a determined escape attempt.	Training Resettlement
D	Lowest risk prisoners who can reasonably be trusted in open conditions.	Open prisons

Prisons servicing local courts have been most affected, with more prisoners redirected to prisons further away when local prisons are full.¹³ This has knock-on effects for the Prisoner Escort and Custody Services (PECS), who are facilitating more transfers over longer distances.¹³

In 2023, the Government introduced a temporary presumptive recategorisation scheme (TPRS), enabling more prisoners to be moved to Category D prisons, to maximise use of the open estate.^{13,71}

HM Chief Inspector noted that prisoners recategorised under this scheme did not undergo usual checks.⁷¹ Prisoners were required to meet eligibility criteria, but these have not been made public.¹³ Independent Monitoring Boards have highlighted some places where prisoners moved under TPRS have caused disruption.*⁶⁴

* In written evidence submitted to the House of Commons Justice Committee, the National Chair of the Independent Monitoring Boards stated: "Several IMBs noted the rise of violence and drug use and a higher proportion of prisoners associated with organised crime groups in open conditions following TPRS. Some TPRS prisoners were sent back to closed establishments".⁶⁴

3.3 Staffing

The number of full-time equivalent prison officers has increased since 2015, but remains lower than in 2010.* ⁷²

The proportion of prison officers with 10 or more years' experience fell from 34% to 28% in the 12 months to September 2023.⁷³ Having more experienced prison staff is linked to reductions in violence, disorder and prisoner suicides.^{68,74}

Staffing levels are based on Occupational Capacity, but more prisoners may result in lower staff-prisoner ratios.¹³ Staff capacity is particularly affected in prisons with high prisoner population turnover, due to the resource-intensive assessments required for each new arrival.^{13,43,48}

Staff capacity has implications for prisoners' health, wellbeing and rehabilitation, discussed below.

3.4 Security

Order and stability in prisons is supported by staff-prisoner relationships, staff knowledge of individual prisoners, and a sense of fairness and purposefulness among prisoners.^{68,75,76}

Order and stability can be compromised by an increased 'churn' in the prison population, staff shortages and more time locked in cells.^{77,78}

Some stakeholders have suggested that making capacity-driven decisions, rather than person-centred decisions, may lead to dissatisfaction and increased violence.⁴⁸

In the 12 months to June 2023, there were over 23,500 assaults.^{† 37} The rate of assaults per 1,000 prisoners increased by 9% from the previous year.³⁷

* The House of Commons Justice Committee's 2023/24 [inquiry into the prison operational workforce](#) will cover staff wellbeing, recruitment, retention and training.

† Includes 15,918 prisoner-on-prisoner and 7,908 prisoner-on-staff assaults across the adult estate.⁷⁹

4 Implications of prison population growth for prisoners

The Government and the NHS have committed to providing prisoners with healthcare services “consistent in range and quality with that available to the wider community”.*⁸² According to NHS Health and Justice, prison health services are commissioned based on an annual needs analysis and budgets have risen in line with prison population growth and inflation.⁸³

4.1 Mental health

People in prison are more likely to experience mental ill-health compared to the general population.^{84–88} Prison mental health teams treat a wide range of conditions, but their composition and resourcing levels vary by region.^{84,86}

Each prison sets its own regime, which determines how long prisoners will be out of their cells for purposeful activity (work, education and training), socialising, exercising, phone calls, open air, and accessing other services.⁸⁹ These are widely recognised as important protective factors for prisoners’ mental health.^{90–92}

Overcrowding has been linked to reduced regimes, with some prisoners spending up to 23 hours per day in their cells.^{64,69,93}

In the year to September 2023, there were 92 self-inflicted deaths in custody (up 24% from the previous year) and over 64,000 self-harm incidents (up 21%).^{† 94}

Custody-specific risk factors for suicide include single cells, no social visits, being on remand and life sentences.⁹⁵

A process known as ACCT (Assessment, Care in Custody and Teamwork) is used to plan for prisoners at risk of suicide or self-harm.⁹⁶ The Prisons and Probation Ombudsman has identified fatal incidents in which staff capacity affected the quality of care provided.⁶⁹

* In England, prison healthcare services (including physical health, mental health and addiction services) are commissioned through NHS Health and Justice.⁸⁰ In Wales, healthcare is devolved, with prison healthcare commissioned through Public Health Wales.⁸¹

† The Ministry of Justice uses the term ‘self-inflicted’ for any death where a person has taken their own life. This covers suicides and accidental deaths because intent cannot always be determined.⁷⁹

The Prisons and Probation Ombudsman reported concerns about the impact of staff capacity on the key worker model, which aims to improve prison safety by ensuring each prisoner meets regularly with a designated staff member.^{93,97,98} Reduction in meaningful staff-prisoner contact can make it harder to spot deteriorations in prisoners' mental health.⁴⁸

The flow of health and safeguarding information through the criminal justice system, and between prisons and healthcare settings, is an ongoing concern for many stakeholders.^{84–86,98}

4.2 Physical health

Prisoners are often in poorer health than the general population.⁹⁹ Prisons offer onsite primary care and facilitate transfers to external facilities when required.¹⁰⁰

The Prisons and Probation Ombudsman has raised concerns about delayed responses to prisoners' in-cell alarms and cancelled hospital appointments due to a lack of escorts.⁹⁸ The Nuffield Trust estimated that 40% of outpatient appointments for prisoners were cancelled in 2017/18, costing the NHS around £2 million.¹⁰¹

Older prisons may be less suited for modern infection control requirements,¹⁰² and overcrowding may increase the risk of disease spreading.¹⁰³ Unsuitable buildings may also contribute to difficulties recruiting and retaining healthcare staff.^{83,104}

The number of older prisoners is growing rapidly, with the proportion of prisoners aged 50+ increasing from 7% in 2002 to 17% in 2023.⁶ This has increased demand for the management of chronic conditions, dementia and social care.^{102,105–107}

Elderly care units have been introduced at two prisons, but stakeholders suggest that demand for accessible accommodation currently outstrips supply.^{64,102}

The House of Commons Justice Committee and other stakeholders have called for the Government to publish an Older Prisoners Strategy.^{106–108}

4.3 Substance misuse

According to the 2020 Independent Report on Drugs, around 15% of prisoners failed random drug tests in prison.¹⁰⁹ Availability of treatments is reportedly good,¹⁰⁹ but some stakeholders have suggested that the reliance on self-report during screening means that treatments do not reach everyone who needs them.¹¹⁰

The Government's 2021 10-year drug strategy included a zero-tolerance approach to illegal drugs in prison and committed to providing high-quality addiction treatment for prisoners,¹¹¹ including investment in prison areas

dedicated to recovery.¹¹² Issues related to continuity of treatment are discussed under release and resettlement.¹⁰⁹

4.4 Purposeful activity in prisons

In 2023, HM Chief Inspector of Prisons reported that levels of purposeful activity and time out of cells had not yet returned to pre-pandemic levels.⁹³

There is limited data on purposeful activity in prisons, but stakeholders have suggested that in some places there are not enough prison jobs, education courses or training spaces to meet demand.^{64,78}

Staff-prisoner ratios can also affect prison officers' ability to get everyone out of cells to participate.^{78,98}

HM Chief Inspector and the Prisons and Probation Ombudsman have suggested that delivering full regimes (including purposeful activity and key work for every prisoner) should be an urgent priority due to the links with mental health, drug use and rehabilitation.^{93,98,109,113}

4.5 Release and resettlement

There is strong evidence that the likelihood of reoffending is related to housing, employment, family ties and continuity of addiction and mental health support upon release.*^{98,116,117}

The Government's 2021 Prison Strategy White Paper recognised this, pledging £200 million for 'resettlement passports' (ID, a CV and a bank account) and prison leavers' accommodation.⁶⁰

From October 2023, new legislation reduced the length of time that most people with criminal convictions are legally required to declare their offences when applying for jobs, educational courses, insurance and housing.^{† 118}

Stakeholders have welcomed these statements, but many report significant reliance on the third sector and inconsistency in 'through the gate' provision.^{47,114}

* Some academics have suggested that some resettlement challenges could be mitigated by a smoother initial transition into prison.¹¹⁴ For example, rent arrears and homelessness may be less likely at the point of release if prisoners are supported to manage any pre-existing tenancy agreements when they first enter prison.¹¹⁵

† Custodial sentences of 4+ years will not have to be declared after 7 years if no further offences are committed. This does not apply to serious sexual, violent, or terrorist offences, or to jobs working with vulnerable people.¹¹⁸

In November 2023, the Public Accounts Committee reported that resettlement services were “not as effective or consistent as they should be” and noted a decline in quality over recent years.¹¹⁹

A third of people referred for community drug treatment receive it within three weeks of release.¹⁰⁹ NHS RECONNECT aims to improve the continuity of healthcare (including drug treatment) during the transition from prison to community-based services.¹²⁰

5 Policy considerations

5.1 Relieving immediate capacity pressures

Raising judicial awareness of prison conditions

In February 2023, the Government wrote to the Lord Chief Justice stating that “operating very close to prison capacity will have consequences for the conditions in which prisoners are held” and “more of them will be in crowded conditions while in custody, have reduced access to rehabilitative programmes, as well as being further away from home.”¹²¹

The Court of Appeal has subsequently passed judgements indicating that “judges can and should” consider the impact of overcrowding when deciding whether to suspend a custodial sentence.^{122,123}

Early release on licence

The Government is currently releasing some prisoners up to 18 days early using the temporary End of Custody Supervised Licence Scheme.⁶³ This is similar to measures used between 2007-2010.¹²⁴

This measure has been welcomed by some stakeholders.¹²⁵ Other stakeholders have raised concerns about a perceived lack of transparency around eligibility criteria and the number of people released,^{126,127} the implications for probation services,^{65,126} and resettlement planning for this cohort.^{13,110,114}

Home Detention Curfew

Home Detention Curfew (HDC) enables eligible prisoners to be released from prison early under conditions such as electronic tagging.⁶³ In the quarter ending June 2023, 2,186 offenders were released on HDC (1% fewer than the same period last year).¹⁵

In June 2023, the Government extended the scheme to allow eligible prisoners to serve up to the last 6 months of their sentence in the community (up from 4.5 months).²

Currently, prisoners serving between 3 month and 4 year sentences are eligible, but the Government is extending eligibility to those serving more than 4 years as part of the Sentencing Bill 2023.^{2,128}

HDC requires offenders to be released to ‘a suitable address’, so housing may be a limiting factor.^{13,78,129}

Presumption against short custodial sentences

In the Sentencing Bill 2023, the Government is legislating for a presumption that sentences of 12 months or less will be suspended and served in the community for most offenders ([PB 52](#)).^{2,128} This is consistent with evidence that short custodial sentences are expensive, disruptive and have high reoffending rates.¹³⁰ It has been welcomed by many stakeholders.^{83,131–133}

As of June 2023, 4% of people in prison were serving a short custodial sentence.¹³⁴

Reducing the remand population

Defendants who plead guilty can already have their sentence reduced by up to a third.*¹³⁵ In October 2023, the Government announced it was considering extending this discount to encourage people to plead guilty at the first opportunity, to save time in court and reduce the remand population.⁶³

In 2023, the [House of Commons Justice Committee](#) called for increased awareness of alternatives to remand, including conditional bail.¹³⁶

Measures to accelerate the trial process could also reduce the remand population.⁴² However, data from 2021 and 2022 show that around 80% of people on remand go on to receive a custodial sentence.^{22,137} This suggests that most of the current remand population will remain in prison as part of the sentenced population.⁷⁸

Reducing recalls

Research shows that breaking a pattern of offending is a difficult process, that tends to happen gradually.^{138,139} Some stakeholders have expressed concerns about recalls for infringements of license conditions where the person still appears to be making progress with rehabilitation overall.^{42,47}

Between April and June 2023, the most common reasons for recall were non-compliance (74%), failure to keep in touch (31%), a charge of further offending (28%), and failure to reside (27%).^{† 15}

HM Inspectorate of Probation's 2020 review of recall culture and practice describes alternatives to recall and the complexities involved in recall decisions.¹⁴⁰ Effective release and resettlement support could also reduce the number of recalls.¹³⁹

In October 2023, the Government announced that it would review the use of recall.⁶³

* This is based on the rationale that an early guilty plea spares victims from testifying and avoids potentially long and costly trials.¹³⁵

† These percentages total >100% because there can be more than one reason for recalling an offender.¹⁵

Imprisonment for Public Protection prisoners

Imprisonment for Public Protection (IPP) requires prisoners to serve a minimum tariff in custody, but they can be held indefinitely, until the Parole Board decides they no longer present a risk to the public.¹⁴¹

New IPP sentences were abolished in 2012, but 1,312 prisoners serving IPP sentences remained in prison as of June 2023, with 51% having exceeded their minimum tariff by 10+ years.¹⁴²

The House of Commons Justice Committee and others have called for a resentencing exercise for IPP prisoners.^{143,144}

Upon release, IPP licence conditions last at least 10 years and can remain in place indefinitely. A further 1,597 IPP offenders are in prison due to recall.¹⁴²

In December 2023, the Government introduced an amendment to the Victims and Prisoners Bill to reduce the IPP licence period.¹⁴⁵ Under the amendment, IPP licences will be reviewed by the Parole Board three years after release from prison, and will end automatically after another two years, provided that the offender has not been recalled to prison during that time.¹⁴⁵

Foreign national prisoners

Foreign nationals make up 12% of the prison population, mostly from European countries.⁶

The Ministry of Justice and the Home Office have moved a number of time-served foreign nationals from prison to Immigration Removal Centres.*¹³

The Government has extended the Early Removal Scheme to allow some foreign nationals serving determinate prison sentences to be removed from the country up to 18 months before their release date (previously 12 months).^{63,147,148} Prisoner transfer deals with other countries are also being considered.⁶³

Renting prison space abroad

As part of the Criminal Justice Bill 2023, the Government has introduced legislation that would enable prisoners to be held overseas.¹⁴⁹ This is expected to reduce the number of prisoners held in England and Wales by 500-1000 places.¹

The Justice Committee and the Hansard Society have raised concerns that the Bill in its current form could enable prisoners to be transferred abroad, without Parliament having the opportunity to scrutinise the details of any international arrangements.^{150,151}

* Time-served foreign nationals have completed their custodial sentences but may continue to be detained pending removal from the UK.¹⁴⁶

Research into similar arrangements between Norway and the Netherlands suggests numerous issues arising from different cultural approaches to criminal justice and difficulties in exercising oversight and accountability remotely.¹⁵² Geographical distance may also curtail access to family visits, healthcare and rehabilitation.¹⁵²

5.2 Longer term policy considerations

Expanding the prison estate

The Government is working to expand existing prisons and build more prisons, with one under construction, three in the planning phase, and £30 million committed to acquiring land for new prison sites in 2024.⁶³

Capacity pressures may delay the closure of older accommodation. For example, the lease at HMP Dartmoor has been extended, despite a previous announcement that it would close.¹⁵³

Modernising the estate may raise decency standards, improve health and rehabilitation facilities, and provide a better work environment for prison staff. Some stakeholders have suggested that the long-term plan should be an uncrowded estate, as recommended by the Woolf report and the National Audit Office.*^{40,65}

There is consensus that modernising the estate is necessary to address issues related to prison population growth, but that it is not a solution on its own.^{47,78,114,125,133}

Non-custodial alternatives

Many stakeholders have suggested greater use of non-custodial sentences ([PN 613](#)), with imprisonment reserved for violent and/or dangerous criminals.^{43,110,133} Robust community orders may be a cheaper and more effective approach to non-violent offences.¹⁵⁴ However, the use of community orders halved between 2009 and 2019.¹⁵⁵

Government investment in non-custodial alternatives may have contributed to reducing the number of women and children in custody.^{13,114,156}

The potential influence of public opinion

Polls between 1987 and 2022 consistently find that around 70-75% of the public feel sentences are 'too lenient', despite substantial increases in average sentence lengths in this time.^{157,158}

* The Woolf Report (1991) was published following an inquiry led by Lord Justice Woolf. It was commissioned in response to the 1990 prison riots, which began at HMP Strangeways and spread to other prisons. The Woolf Report recommended that "no establishment should hold more prisoners than is provided for in its certified normal level of accommodation", which was accepted in principle by the government at the time.⁶⁵

However, research shows that the public generally overestimate crime rates, underestimate sentence lengths and have little awareness of prison conditions.^{157–159} Evidence suggests that better-informed members of the public are less likely to view sentences as lenient.^{158,160–162}

In 2023, the House of Commons [Justice Committee](#) concluded that public debate on sentencing is “stuck in a dysfunctional and reactive cycle.”¹⁵⁹ Stakeholders have suggested that political discussion could help to shape public opinion based on accurate information about sentencing, the cost of prisons, and evidence of effectiveness.^{13,42} For example, research shows that likelihood of getting caught is a stronger deterrent than length of prison sentence.^{163,164}

A whole system approach

Stakeholders widely agree that long-term planning and cross-party consensus about the future of prisons would be beneficial.^{43,48,65,78} Policing, courts, prisons and probation are interconnected, so stakeholders also recommend more coordinated policymaking, to ensure that knock-on effects are identified and planned for, with timely investment upstream.^{13,43}

The Lord Chancellor has committed to an annual statement on prison capacity to facilitate a longer-term approach, and announced that changes to rape sentences will not commence until there is sufficient capacity in the system.⁶³

Some stakeholders have also highlighted a link between prison sentences and other public services.^{43,110,133} Academic research on imprisonment across Europe supports a link between social welfare policies and penal policies.¹⁶⁵ Crime in England and Wales has strong links to addiction, with around a third of the prison population imprisoned for a drug-related crime (drug offences or other crimes committed in pursuit of drugs).¹⁰⁹ Improving housing, reducing education exclusions, improving care for looked-after children, and investing in community mental health and addiction services may help to divert people away from prison.^{166–168}

Addressing wider structural inequalities and biases at all stages of the criminal justice system may help to reduce over-representation in the prison population (Box 2).¹⁶⁹

Box 2 Over-representation in the prison population

- 12% of the prison population are Black compared with 4% of the general population.⁶ The Lammy Review and the [House of Commons Library](#) explore racial inequalities at different stages of the criminal justice system.¹⁶⁹
- 24% of boys who had spent time in care received an immediate custodial sentence by the age of 24; compared with 2% who had not been in care.¹⁷⁰
- On average, prisoners have lower literacy levels and fewer qualifications than the general population.¹⁷¹ Ministry of Justice statistics show that, of the 56,000 prisoners assessed between April 2021 and March 2022, 29% were found to have a learning difficulty/disability.¹⁷¹
- Emerging evidence suggests that people with a traumatic brain injury may also be over-represented in the prison population.^{172,173}

Enabling further research

It is widely agreed that more high-quality research is needed in order to understand the drivers of increased sentence length and to evaluate programmes in the prison context. Multiple stakeholders also emphasised that there is no 'average' prisoner and that speaking directly with prisoners is key to understanding their experiences.^{42,114,133}

Researchers have reported barriers including long delays to ethical approval, lack of research funding, and difficulties gaining access to prisons and the judiciary for research purposes.^{42,110,133}

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