

**BY EMAIL**

January 2025

Dear Independent Sentencing Review Panel,

**INDEPENDENT SENTENCING REVIEW 2024 TO 2025: CALL FOR EVIDENCE**

I am grateful for the opportunity to respond to this Call for Evidence as part of the Independent Sentencing Review.

**My role**

The Prisons and Probation Ombudsman (PPO) carries out investigations into deaths and complaints in custody in England and Wales. Our roles and responsibilities are set out in our Terms of Reference.<sup>1</sup> Our remit includes investigating:

- complaints made by prisoners, young people in detention, offenders under probation supervision and individuals detained under immigration powers.
- deaths of prisoners, young people in detention, residents in approved premises and individuals detained under immigration powers due to any cause.
- deaths of recently released prisoners that occur within 14 days of release from prison (except homicide).

The purpose of these investigations is to understand what happened, to correct injustices and to identify learning for the organisations whose actions we oversee, so that we can achieve tangible benefits for the safety and confidence of those in custody and under community supervision.

**My response to the Call for Evidence**

It is important to note that the PPO does not make recommendations on sentencing. However, my office has in recent years collected some information on sentencing which I thought would be helpful to share. We have also shared some evidence the PPO has on the needs of older offenders.

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<sup>1</sup> [PPO Terms of Reference](#)

## Response to Theme 5 on Custodial Sentences

Between December 2022 and December 2024, the PPO investigated 833 deaths.<sup>2</sup> Of the 833 deaths, 203 (24%) were categorised as self-inflicted deaths (SIDs). None of these SIDs were of individuals under the age of 18. Figure 1 shows, for the SIDs we investigated during this two-year period, a breakdown of the sentence type these individuals received.<sup>3</sup> The highest proportion of our SIDs investigations came from prisoners on remand, followed by deaths post-release. The average custodial sentence is 21 months. Only 7 SIDs (3% of our total SIDs we investigated during this period) were of prisoners who had received the 'average' sentence (between 1-2 years). A greater proportion of the SIDs we investigated came from prisoners on longer sentences. We investigated 47 SIDs (23% of our total SIDs during this period) from prisoners who had either received a life sentence, over 10 years or between 5-10 years.

Post-release deaths are the second highest category of SIDs we investigated during this period (we investigated 30 post-release SIDs). Figure 2 shows the sentences these prisoners received. A large amount (43%) had a sentence length of less than 6 months. The graph also breaks down whether these deaths occurred in an approved premises. Anecdotally, we are aware that most of these individuals would have been unlikely to have benefitted from any offending behaviour programmes during such a short time in prison. We also understand, from our cases, the difficulties prisoners face post-release. We published a bulletin in July 2024 on post-release deaths which explains the vulnerability of prison leavers further.<sup>4</sup> We found that of the PRDs we reviewed, just over 50% died within the first four days of being released, highlighting the acute vulnerability of prisoners immediately after release.

The panel may want to consider the number of post-release deaths we have investigated where the offender received a custodial sentence of less than 6 months against the value these sentences provide for offenders or indeed the community (where it is unlikely the offender benefitted from much rehabilitative activity). The PPO does not investigate the deaths of offenders serving community sentences or those given suspended sentences however, if possible, it would be valuable for the review to compare outcomes for sentences suspended or served in the community, against those served in custody.

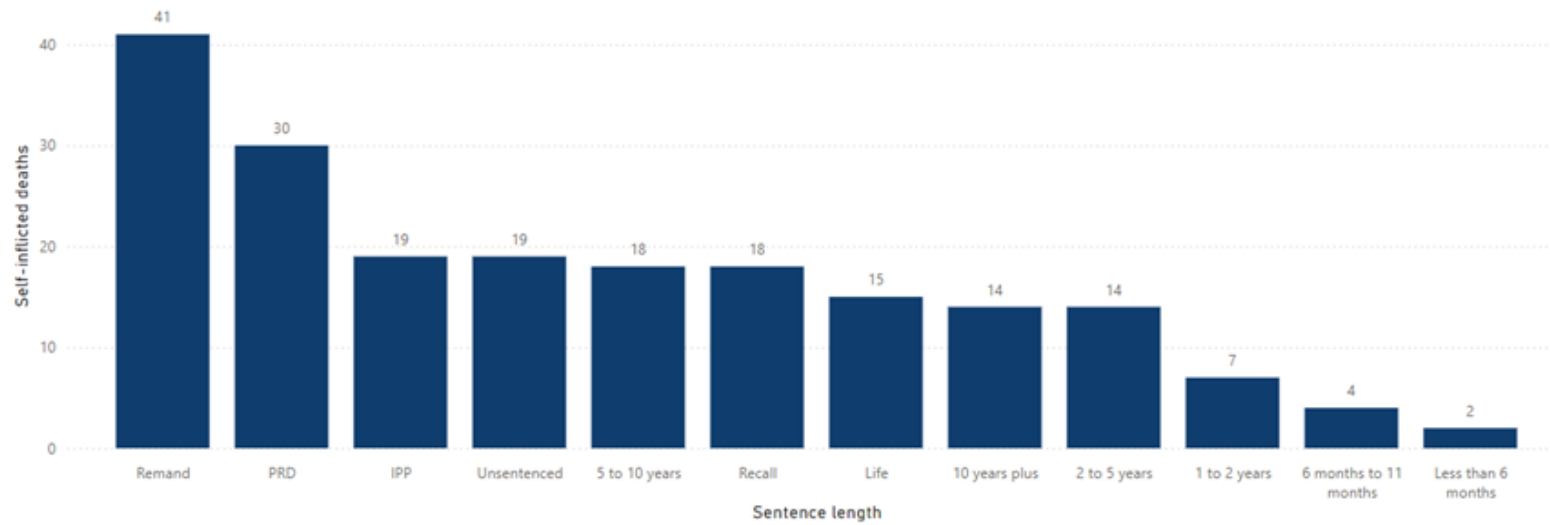
<sup>2</sup> For completeness, this is referring to the number of initial reports the PPO issued between 1 December 2022 to 1 December 2024.

<sup>3</sup> This figure excludes 2 deaths which occurred in Immigration Removal Centres.

<sup>4</sup> [PPO Learning Lessons Bulletin Issue 19: Post-release death investigations 2](#)

**Figure 1: Self-inflicted deaths with an initial report between December 2022 – 2024 by sentence length**

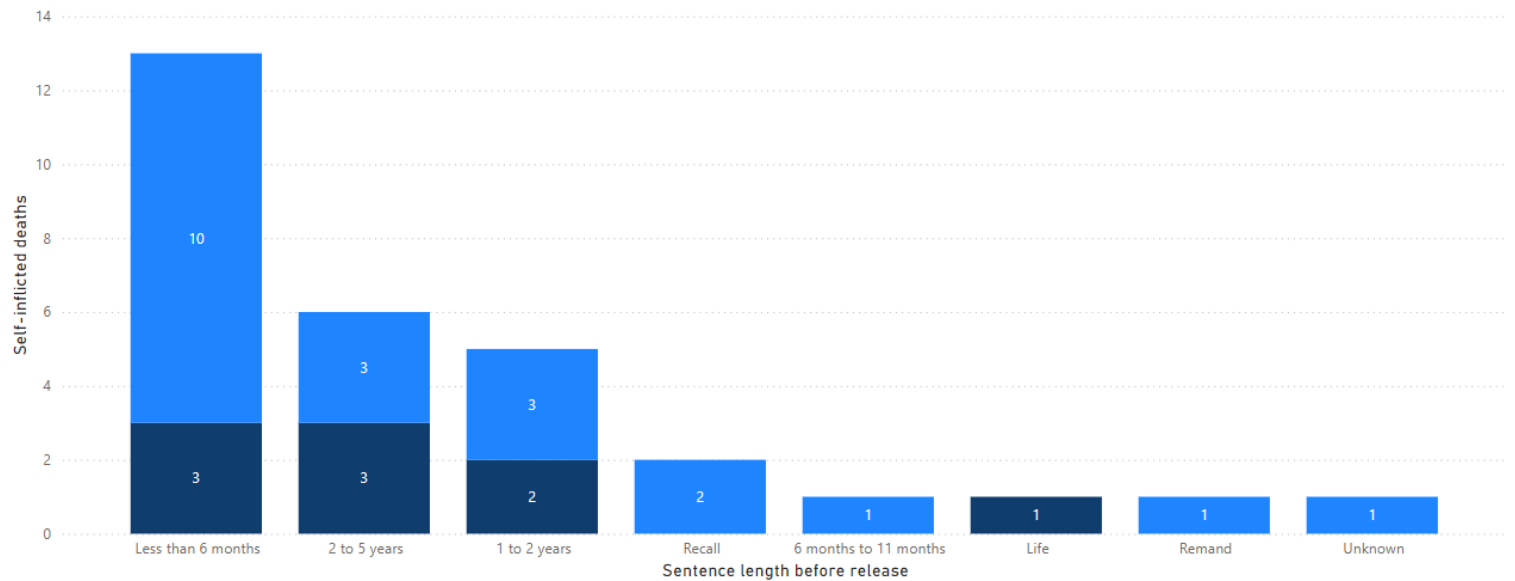
Self-inflicted deaths by sentence length



**Figure 2: Post-release self-inflicted deaths with an initial report between December 2022 – 2024 by sentence length**

Post-release and Approved Premises self-inflicted deaths by sentence length

Approved Premises / Post-release deaths ● AP ● PRD



## Response to Theme 6 on Progression of Custodial Sentences

Figure 1 shows that of the SIDs the PPO investigated, 18 deaths were of prisoners who had been recalled to prison. Excluding post release deaths and only considering SIDs in custody, 11% of these deaths were of prisoners who had been recalled to custody. For comparison, between December 2022 – September 2024, the average percentage of people on recall in custody was 14%.<sup>5</sup> Of the 30 post-release SIDs we investigated during December 2022 – December 2024, 2 prisoners had been recalled to custody.

In 2023, the PPO published a bulletin on IPP prisoners where we flagged recall as a potential trigger for suicide and self-harm.<sup>6</sup> The uncertainty and stress caused to prisoners from recall applies to all prisoners. Last year, the PPO's complaints function held five focus groups with individuals on probation to explore their knowledge and understanding of the complaints process. Our investigators found almost all groups expressed fear of being recalled and felt scared to complain in case they were recalled.

As the panel will be aware, the recall population has risen drastically since the late 1990's as a result of legislative changes. In June 1995, the prison population consisted of around 150 recalled prisoners.<sup>7</sup> Statistics from June 2024 show the recall prison population at 12,579 prisoners.<sup>8</sup> The PPO finds the dramatic increase concerning considering the negative effects we understand recall (and the potential of it) has on an individual's mental health.

Data from April to June 2024 shows that during this period 24% of recalls involved a charge of further offending, 77% involved non-compliance, 36% involved failure to keep in touch and 23% involved failure to reside.<sup>9</sup> These proportions have remained relatively stable. This data shows the high number of recalls where no further crime has been committed and the individual has been recalled for technical reasons, such as failing to attend appointments. We do not consider complaints regarding sentencing however it might be interesting to note that, between December 2023 – December 2024, we received approximately 70 complaints regarding recall. Whilst we did not investigate these, in a significant number of these complaints, the complainant felt they had been unfairly recalled to prison. The circumstances under which recall currently occurs should be reviewed.

The recall population also exacerbates issues with prison capacity. Between April to June 2024, 13,338 prisoners were released, however 9,782 offenders were recalled.<sup>10</sup> Measures such as the early release scheme will only be effective if the number of offenders recalled to prison is reduced.

The bulletin on post-release deaths we published in July 2024 also explores recall. Of the 105 post release death investigations reviewed for this bulletin, 38% of the individuals were in prison on recall.<sup>11</sup> Our research found that of the cases reviewed for the bulletin, most individuals were released shortly after their recall because they had completed their sentence. We also saw some cases where the individual was released at short notice

<sup>5</sup> See [Offender management statistics quarterly](#) for this data.

<sup>6</sup> [Learning Lessons Bulletin Issue 18: Self-inflicted deaths of IPP prisoners](#)

<sup>7</sup> [Ministry of Justice: Story of the Prison Population: 1993 - 2016 England and Wales](#)

<sup>8</sup> [Offender management statistics quarterly: April to June 2024](#)

<sup>9</sup> [Offender management statistics quarterly: April to June 2024](#)

<sup>10</sup> [Offender management statistics quarterly: April to June 2024](#)

<sup>11</sup> [PPO Learning Lessons Bulletin Issue 19: Post-release death investigations 2](#)

following a Parole Board review of the recall decision. The evidence suggested that those on recall can be subject to very short notice releases, giving limited time for any meaningful release planning.

The bulletin summarises an investigation which highlights the difficulties faced by prisoners subject to a short notice release following recall. An individual was recalled to prison in April 2022 for breaching his licence conditions. A month later, the Parole Board reviewed the recall decision and directed his immediate release. As soon as the Parole Board directed the prisoner's release, the COM made an emergency approved premises referral. The prisoner was released the next day (a Friday), by which point the approved premises referral had not been processed. This meant the prisoner was released homeless. We commented on how there was very little more the COM could have done, given the tight timescale. The approved premises referral would not have been progressed over the weekend and was not considered before his death, three days later.

### **Response to Theme 7 on Individual needs of victims and offenders**

The PPO has produced publications addressing the challenges of caring for older offenders. The evidence base is several years old, but the review may potentially want to consider this evidence when reviewing sentencing.

In June 2017, the PPO published 'Learning from PPO investigations: Older Prisoners'.<sup>12</sup> In 2016, the PPO published a learning lessons bulletin on the experiences of prisoners with dementia and the challenges prisons face in trying to provide them with appropriate care and support.<sup>13</sup>

Both reports highlight how prisons are ill-prepared to deal with older prisoners with more complex needs and are designed to meet the needs of young, fit men. For example, it is often not possible to get a wheelchair into the cell and most cells are not at ground level. There is also often a waiting list for more accessible cells. This lack of appropriate space or facilities can make it difficult for prisons to provide care that would be equivalent to that in the community.

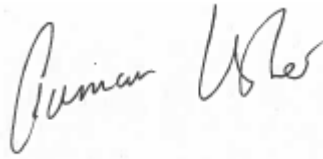
The 2017 publication explains how increasingly prison staff are having to manage not just ageing prisoners and their age-related conditions, but also the end of prisoners' lives and death itself – usually with limited resources and inadequate training. The report illustrates the variable end of life care for prisoners and a continued inability of many prisons to adjust their security arrangements appropriately to the needs of the seriously ill. This has an impact on the care the prisoner can receive, and on prison and healthcare staff. The PPO continues to identify difficulties with providing human and decent conditions for older, more vulnerable prisoners.

<sup>12</sup> [PPO Learning Lessons: Older Prisoners](#)

<sup>13</sup> [PPO Learning Lessons Bulletin Issue 11: Dementia](#)

I hope that this is helpful. Please contact me if you require any additional information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Adrian Usher', written in a cursive style.

**ADRIAN USHER**

Prisons and Probation Ombudsman