

Independent Advisory Panel on Deaths in Custody

Chair: Lynn Emslie

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The Rt Hon Ed Argar MP
Minister of State for Prisons, Parole, and Probation
Ministry of Justice
102 Petty France
London, SW1H 9AJ

7 February 2024

Dear Minister,

I am writing on behalf of the Independent Advisory Panel on Deaths in Custody (IAPDC) regarding prisoners serving sentences of imprisonment for public protection (IPP). I was grateful for the opportunity to briefly discuss this issue at our introductory meeting last month. This issue has become increasingly pressing in light of the significant increase in self-inflicted deaths among this cohort.

As highlighted by the IAPDC,¹ Prisons and Probation Ombudsman,² and Justice Select Committee,³ individuals serving an IPP sentence are a particularly vulnerable group due to the close link between hopelessness, self-harm, and suicide. IPP prisoners' vulnerability is further exacerbated as the period for which they are held beyond their tariff increases. The latest data shows 58% of unreleased IPP prisoners have been held for at least ten years beyond the end of their tariff.⁴ Sadly, there were nine self-inflicted deaths among IPP prisoners last year – the highest number since the sentence was introduced almost two decades ago – with a similar number of deaths in the previous year.⁵

The IAPDC welcomes the Government's proposal to reduce the qualifying period for an IPP licence termination review by the Parole Board from ten to three years, which is being taken forward in the Victims and Prisoners Bill. However, this does not support the 1,227 prisoners

¹ IAPDC, 'Indeterminate sentences for public protection (IPPs): preventing self-harm and deaths in custody', June 2019, available [here](#).

² PPO, 'Learning lessons bulletin: Self-inflicted deaths of IPP prisoners', September 2023, available [here](#).

³ UK Parliament, 'Justice Committee. IPP Sentences. Third Report of Session 2022-23', September 2023, available [here](#).

⁴ HMPPS & MoJ, 'Offender management statistics quarterly: July to September 2023', January 2024, available [here](#).

⁵ MoJ & HMPPS, 'Safety in custody: quarterly update to September 2023', January 2024, available [here](#).

serving an IPP sentence who have never been released and the 1,625 prisoners who have been recalled.⁶

As you know, Lord Moylan has tabled an amendment to the Victims and Prisoners Bill which would require the state, in the defined categories of cases, to demonstrate that it is necessary and proportionate for the protection of the public from serious harm to continue to detain the IPP prisoner, rather than the current position of requiring all IPP prisoners to bear the burden of establishing that it is no longer necessary to detain them.⁷ The amendment has received cross-party support and endorsed by the Bar Council as an “elegant, legally sound and appropriately risk-based solution”.⁸

While this amendment is not a panacea and the IAPDC continues to strongly support the Justice Select Committee’s recommendation of a resentencing exercise for all IPP prisoners,⁹ we support Lord Moylan’s amendment as a significant step in the right direction for the following reasons:

1. It will not be difficult for the detaining authority to evidence continued risk to the public (where it exists) and the specialist Parole Board is well-equipped to make a determination.
2. For IPP prisoners who do not represent a risk, the amendment relieves them of the burden of proving that they are suitable for release in circumstances where current capacity challenges, access to offending behaviour programmes, and issues with facilitating transfers can unjustly make doing so very difficult. These barriers to progression inevitably add to IPP prisoners’ feelings of hopelessness and increase their risk of suicide.
3. The amendment would address some of the most troubling cases where there may be an especially elevated risk of hopelessness and suicidality, namely those who have been kept in prison in excess of the maximum determinate sentence provided by law for the offence or offences for which they were convicted and those held ten years or more beyond the minimum term of their sentence.
4. Releasing IPP prisoners who the Parole Board are not satisfied it is necessary to detain will free up much-needed space in the context of a capacity crisis which is itself undermining the ability of the prison service to keep prisoners safe.¹⁰

I hope you will give this amendment careful consideration with the importance of reducing deaths in custody in mind. I look forward to hearing back from you.

As ever,



Lynn Emslie, Chair of the Independent Advisory Panel on Deaths in Custody

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⁶ HMPPS & MoJ, ‘Offender management statistics quarterly: July to September 2023’, January 2024, available [here](#).

⁷ UK Parliament, ‘Victims and Prisoners Bill. Committee stage. Amendment number: 161’, available [here](#).

⁸ The Bar Council, ‘Release test for Imprisonment for Public Protection (IPP) cases Briefing for Peers – Committee of the Whole House’, January 2024, available [here](#).

⁹ UK Parliament, ‘Justice Committee. IPP Sentences. Third Report of Session 2022-23’, September 2023, available [here](#).

¹⁰ UK Parliament, ‘Written evidence submitted by the Independent Advisory Panel on Deaths in Custody’, November 2023, available [here](#).