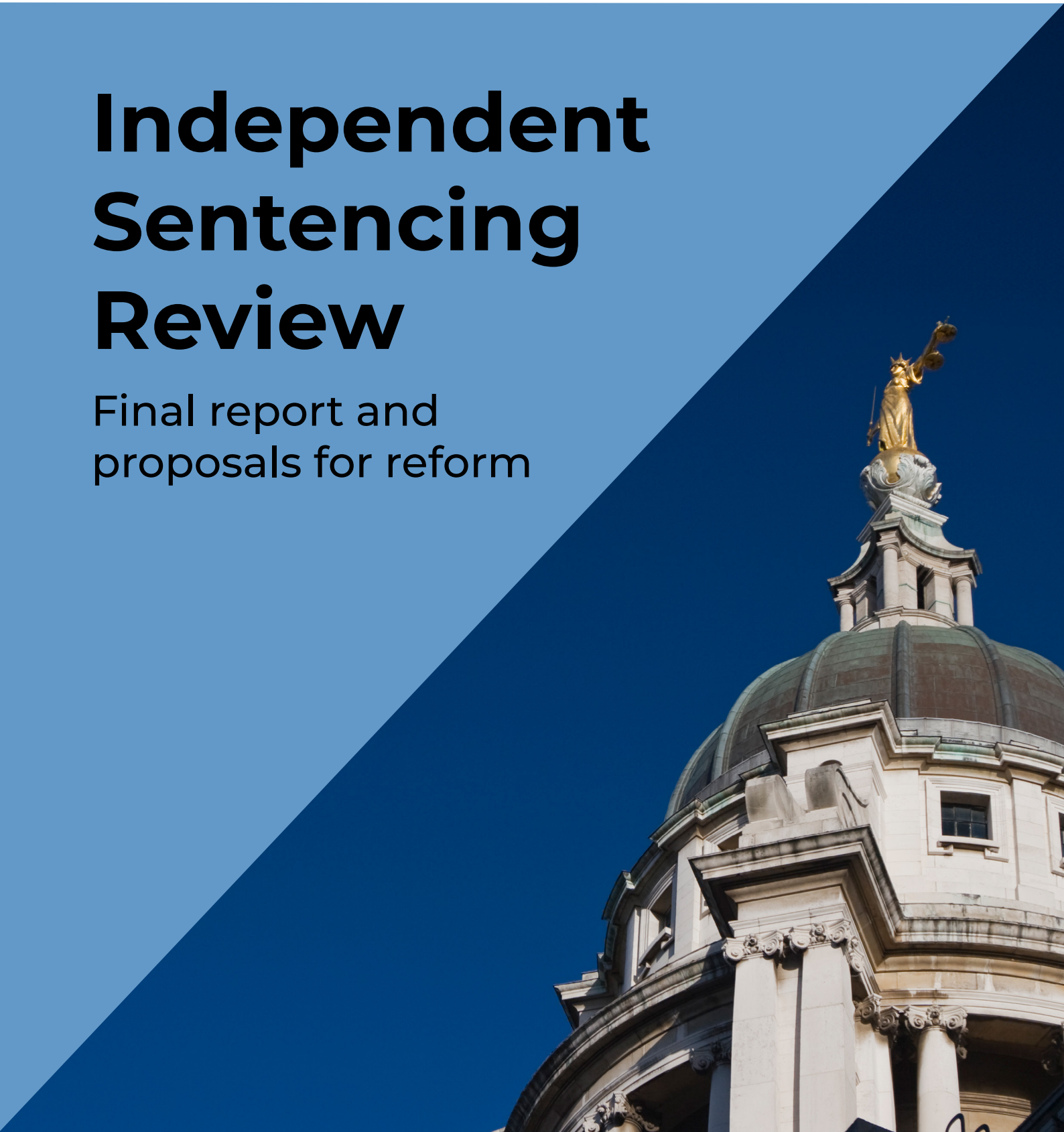
INDEPENDENT
SENTENCING
REVIEW

Independent Sentencing Review

Final report and proposals for reform



Contents

Foreword from David Gauke

This Independent Sentencing Review is a consequence of a crisis in prison capacity.

Last summer, demand for prison places came dangerously close to exceeding supply. Emergency releases of prisoners over the course of the autumn prevented this from happening, but, however necessary, this process was very far from ideal. Furthermore, projections for the prison population and prison places indicated that these emergency releases had only given the country a brief respite. Notwithstanding ambitious plans to build more prison places, the Ministry of Justice advised that aiming to reduce demand by 9,500 prison places would help ensure there were sufficient places for the most serious offenders.

It was in this context that this Review was commissioned. Our principal task was to put the prison population on a sustainable footing, ensuring that in the future further emergency releases would not be necessary. Inevitably, this means ensuring that the prison population is lower than it was previously projected to be. This requires us to set out proposals in which some people who currently receive custodial sentences are, instead, punished in the community and that some of those who still receive custodial sentences spend less time in prison than was previously the case. The combined effect of five key recommendations of this Review is estimated to reduce the prison population by around 9,800.

We recognise, however, that such measures are necessary but not sufficient to put the system on a sustainable footing and reduce crime and the overall number of offenders cycling through the system. To put it another way, we not only have to set out measures to reduce the prison population but also to address other related challenges to the criminal justice system that will reduce future pressures on the prison population.

The public rightly wants to be reassured that changes to sentencing policy do not result in higher levels of crime and increased numbers of victims. If, for example, more offenders are to receive community sentences, those sentences need to be effective and properly enforced. If prisoners are to be released earlier than previously expected, victims and the wider public are entitled to be reassured that action is taken to prevent reoffending.

It is therefore a theme that runs throughout our recommendations that more needs to be done to reduce reoffending. We set out many detailed recommendations on this front, but central to the case we make is that an effective probation system is key. If we want more offenders to be dealt with effectively in the community and we want prisoners to be properly monitored and supervised upon release, an effective probation system is essential. Our recommendations on sentencing will, all other things being equal, place a greater burden on a probation system that is already under great strain. It is our view, therefore, that we need to set out proposals for how the Probation Service can succeed in these challenging circumstances, including investment in other services such as accommodation to house offenders, health services to treat addiction, and technology to monitor offenders in the community.

Such proposals come at a cost. Our view, however, is that a criminal justice system that deals with more offenders in the community and is more effective in reducing reoffending provides much better value for money to the taxpayer than an ever-expanding prison population. This is an agenda, therefore, for public services reform.

Technology can play an important role in delivering such reform. Whether it be monitoring offenders in the community or freeing probation officers from unnecessary administrative burdens, there are measures that can be taken in the short term to assist this process. We also look at the opportunities for the future to deliver greater effectiveness.

We are also conscious that many victims feel let down by the current system. As we set out in our Part 1 report, published in February, custodial sentences have increased substantially in recent decades. We have, however, heard in the course of our Review that this has not resulted in greater confidence in the criminal justice system among victims. Many victims feel let down by a system in which they consider that communication is often inadequate and information opaque. This is not helped by an unnecessarily complex sentencing regime with multiple release points. Greater transparency in setting out when an offender might be released should allow victims to prepare for this point with greater confidence.

As I mentioned earlier, this Review is the consequence of an urgent necessity to reduce the prison population below its projected levels. The need to report quickly has guided our approach. Rather than consider in detail the maximum and, in some cases, minimum sentences for various offences, we have set out an approach that applies more broadly to the majority of custodial sentences. There is a case for considering some of these maximum and minimum sentences but this would need to be done over a longer timeframe than has been available to us.

It has only been possible to bring forward these proposals thanks to the hard work, insight and expertise of the Sentencing Review Panel. Lord Burnett of Maldon, Catherine Larsen KPM, Sir Peter Lewis, Professor Nicola Padfield, Andrea Simon and Michael Spurr have all contributed hugely. They each bring a different perspective to the issues we have covered. We have had many full and lively discussions and, I dare say, if left to their own devices, each member might have produced a somewhat different report in terms of tone and narrative content. Nonetheless, every member of the panel supports the package of recommendations set out in this document.

We have benefitted from the very many responses we received to our Call for Evidence, as well as the many individuals and organisations we met over the last few months. We are very grateful to those third parties who were so willing to engage with us.

Finally, I want to set out my thanks to the officials who have served as the Review's secretariat. They have worked diligently, often above and beyond the call of duty, to enable us to cover a great deal of material in a short period of time and set out what I believe to be a balanced and coherent set of measures that address the challenges considered above.

The Rt Hon David Gauke,

Chair of Independent Sentencing Review

Executive Summary

Purpose and context for this Review

In the summer of 2024, capacity pressures brought the prison system dangerously close to collapse. The adult prison population, estimated to be over 87,000 as of April 2025,[1] currently exceeds the capacity the system is designed to accommodate and is projected to increase.

To address these capacity challenges, successive governments have been forced to adopt emergency measures to free up spaces, including reducing the release point for some prisoners from 50% of their sentence to 40% (SDS40).[2] These measures cannot resolve the capacity crisis in the long term nor fortify the effective running of our prisons.

Commissioned by the Ministry of Justice in October 2024, this **Independent Sentencing Review** ("the Review") was given the task of a comprehensive re-evaluation of our sentencing framework, to ensure the country is never again in a position where it has more prisoners than prison places, and the government is forced to rely on the emergency release of prisoners.

This Review also welcomes the opportunity to think more imaginatively about how we sentence and use custody, holding the view that our current system, regardless of prison capacity pressures, requires considerable reform to rehabilitate offenders more successfully, reduce reoffending and support victims.

The purposes of sentencing, as set out in legislation, are punishment, reduction of crime, reparation, rehabilitation and public protection. The Review's Part 1 report **History and Trends in Sentencing** found that over the last two decades, sentencing has focused disproportionately on punishment with a view from politicians and the media that "the only form of punishment that counts is imprisonment."[3]

Punishment is an important aim of the criminal justice system and prison plays a vital role in delivering punishment. However, too often political decision-making has been based on an approach that punishment is all that matters,

with political parties lacking appropriate focus on the most effective ways to reduce crime. This is demonstrated by the high levels of reoffending, suggesting that the current approach is failing to achieve rehabilitation and address the root causes of offending. Overall, proven reoffending rates for adult offenders have fluctuated between a high of 30.6% and a low of 22.7%, with the latest data showing an overall proven reoffending rate of 27.5%.[4] The Review sets out how the statutory purposes of sentencing can be better met within our criminal justice system, where resources are more effectively deployed to reduce crime and, ultimately, the number of victims.

Our approach

The Government committed the work of this Review to three foundational principles, as set out in its Terms of Reference:

- First, sentences must punish offenders and protect the public – there must always be space in prison for the most dangerous offenders.
- Second, sentences must encourage offenders to turn their backs on a life of crime, cutting crime by reducing reoffending.
- Third, we must expand and make greater use of punishment outside of prison.

Please see **Annex A** for the Review's complete Terms of Reference

This Review is guided by the principle that there must always be space in prison for the most dangerous offenders who pose too high a risk to the public.

However, the approach of the last few decades of sending more people to prison and for longer is unsustainable. Part 1 of the Review's report found that the huge cost to government and the taxpayer has been exacerbated by more offenders receiving custodial sentences, and custodial sentences becoming longer. The average cost of holding a prisoner for the year was estimated to be £53,801 per prisoner in 2023-24,[5] while the Government's planned prison build programmes are estimated to cost between £9.4 billion and £10.1 billion.[6]

Based on current trends, the number of people being sent to prison is expected to exceed our supply of prison places.[7] The Ministry of Justice advised that aiming to reduce demand by 9,500 prison places would help ensure there were sufficient places for the most serious offenders, noting the need for additional contingency and headroom in case of any external shocks.

Building prisons as a solution to this crisis is clearly a costly proposition and would come at the significant cost of not investing in other public services which could help reduce reoffending. The punitive approach of recent governments is fiscally unsustainable, but it is also not keeping the public safe. Part 1 of the Review's findings highlighted evidence demonstrating that custodial sentencing is not the most effective way to reduce reoffending and cut crime.[8] Ministry of Justice analysis, based on a 2016 cohort of offenders who went on to reoffend within a 12-month period, estimated that the total economic and social cost of reoffending was £18 billion.[9]

This Review has considered, therefore, how the Government can use custody in a smarter and more sustainable way. These recommendations focus on ensuring custodial sentences reflect the seriousness of the offence and keep victims and the public safe, while embedding greater sustainability and fiscal discipline into the prison system. The Review also provides an opportunity to ensure sentencing policy is grounded in the most successful measures to reduce reoffending, ultimately protecting the public and leading to fewer victims. We have frequently heard that the needs of victims are not being met by the current system, and this Review's recommendations will address the need for greater transparency around sentencing and more consistent support for victims.

The overwhelming consensus from the evidence the Review has gathered is that rehabilitative support in the community is, in many cases, the most effective way to reduce reoffending. This relates to the services offenders are required to engage with when serving a sentence in the community or released into the community on licence, following a custodial sentence.

Firstly, rehabilitative programmes in the community can address the underlying causes of offending through specialised and tailored interventions, such as mental health, drug and alcohol treatment requirements.[10] Community sentences also include a breadth of requirements, creating a bespoke sentence which fulfils all the purposes of sentencing and provides offenders with the opportunity to turn their lives around.[11]

Non-custodial sentences can be less disruptive to housing, employment and family responsibilities, the disruption of which has been identified as a driver of crime and reoffending.[12] Non-custodial options can also be as punitive as short custodial sentences, requiring offenders to comply with a range of obligations over a much longer period, restricting their liberty and constraining their behaviour.

The Review also recognises that any prison overcrowding as a result of capacity pressures can limit the amount of purposeful, rehabilitative activity on offer. His Majesty's Inspectorate of Prisons' annual report for 2022-2023 found that standards of purposeful activity were rated poor or insufficiently good in all but one of the adult male prisons inspected.[13] In the publication of its 2023-2024 report, the Inspectorate stated, "rather than prisoners participating in activities or interventions to reduce their risk of reoffending... inspectors found a surge in illicit drug use, self-harm and violence."[14]

This Review has identified a package of measures which not only aim to address the prison capacity gap but which will also create a more supportive, effective system for both offenders and their victims. While it is for the Government to decide which of the Review's recommendations it will accept, the Review considers its recommendations as a holistic package of measures that will work best in conjunction with each other.

The Review conducted analysis to understand the likely impact on prison places of its recommended proposals, which is also published alongside this report in **Annex B**. The combined effect of five key policies recommended by this Review is around 9,800 prison place savings.

The Review also urges Government to consider procedural fairness in the design and implementation of its recommendations, to ensure people in the criminal justice system are treated fairly and equitably.

The Review recognises the importance of a well-functioning and well-funded Probation Service to help deliver its recommendations. The impact of high, complex caseloads coupled with budget constraints has been considerable, resulting in fewer resources for supervision and support within the Probation Service.[15] These constraints have limited the capacity of probation officers to deliver adequate, individualised attention to offenders.[16] Alongside a recommendation for upfront investment, the Review recognises that resources are, and are likely to remain, stretched, meaning that the Probation Service will have to prioritise how it supervises and manages offenders to ensure that it is able to deliver necessary programmes and interventions. The Review also recognises that an increase in offenders being managed in the community may impact police services too and suggests the Ministry of Justice works closely with the Home Office to understand this impact.

Our Scope

The Review has been given the task of a comprehensive re-evaluation of certain aspects of sentencing and offender management. However, various levers that impact prison capacity lie outside its scope.

The mechanisms to reduce prison capacity pressures, apart from building more prisons, are to **1)** decrease the number of people entering prison, **2)** reduce the overall length of prison sentences, and **3)** progress individuals through the system more quickly. The Review's recommendations have primarily addressed the first and last of these three mechanisms.

Several levers within sentencing that could be used to reduce the gap between prison demand and supply lie out of scope, including out of court resolutions, remand in custody, Imprisonment for Public Protection (IPP) sentences and the statutory sentencing framework for murder. The Review has also not considered sentencing in individual cases or the role of the judiciary. Some of these levers are being considered separately by the Government. The Independent Review of Criminal Courts chaired by Sir Brian Leveson will recommend additional reforms to create a more sustainable criminal justice system. The Law Commission is conducting a review on homicide and the sentencing framework for murder.

In Chapter Nine, the Review suggests areas that require more detailed consideration by Government to contribute to the longer-term sustainability of the prison system, addressing factors which were either out of scope for this Review, or which the Review has not had time to consider fully. These include consideration of custodial sentence lengths overall for certain offences, such as changes to minimum and maximum sentences, and disproportionate representation of certain groups within the criminal justice system.

The Review also recognises the value of early intervention to prevent people from entering the criminal justice system in the first place and to address, where possible, the drivers of crime. Sentencing, prison and probation involve a limited number of levers to mitigate crime and keep victims and the public safe. Reducing the number of people entering the criminal justice system will also ultimately have most impact on capacity issues. The Government should continue to explore, across all its departments, effective measures to prevent first-time offending.

Methodology and process

The Review has engaged in extensive evidence-gathering alongside a programme of stakeholder engagement to inform its recommendations.

Our Call for Evidence elicited just over 1,000 responses from a range of organisations and individuals which included criminal justice bodies, third sector organisations, victims, former offenders and individuals in custody, frontline staff, academics and members of the public.

This valuable insight was augmented by various roundtables and visits conducted by the Review, helping shed further light on topics such as the potential use of technology in the sentencing process, gendered issues in sentencing focused on victims of violence against women and girls and the perspectives of both victims and those with lived experience of the system. Visits to prisons in the male and female estates, probation delivery units, approved premises and women's centres ensured perspectives from the frontline fed into the Review's analysis and recommendations.

The Review also looked at international comparators to learn from best practice around the world, prompting visits to Spain and Texas, USA.
Please see Annex C[17] for a summary paper of all evidence gathered through the Review's Call for Evidence and engagement programme.

Key Findings from Part 1[18]

- **The Prison and Probation Service has been operating under great stress due to capacity pressures.** England and Wales has one of the highest per capita incarceration rates in Western Europe.
- **Several factors have contributed to prison population growth.** There has been an increase in the use and length of custodial sentences and recall. This has happened alongside a decline in the use of non-custodial sentences and suspended sentence orders. Legislative changes have also led to longer time spent in custody and created a complex sentencing framework for victims, offenders and the public.
- **The "tough on crime" political narrative has had negative impacts on sentencing policy.** This narrative focuses on longer incarceration and prioritisation of punitive measures over other considerations. Media narratives, often focusing on high-profile or atypical cases, have embedded misunderstanding about the system and hardened public attitudes toward crime.
- **There is an urgent need for change.** Published expenditure on prisons was £4.2 billion in 2022-23. Expenditure will continue to rise if the prison population is not reduced. Building our way out of crisis is costly, with future costs likely to increase with inflation. Current building plans still fall short of the projected increase.

Recommendations

This report is structured as follows:

Chapter One: Revisiting the statutory purposes of sentencing looks at the outcomes that our current sentencing framework is designed to achieve. It concludes that punishment, though an essential tenet of the criminal justice system, has been given disproportionate weight and that there has been insufficient focus on reducing crime.
The recommendation in this chapter is to:

- **1.1:** Amend the statutory purposes of sentencing to emphasise the importance of protecting victims and reducing crime

Chapter Two: Strengthening alternatives to custody in the community explores the ways in which community sentences can be made more robust. This chapter includes recommendations to enable sentencers to take full advantage of the flexibility of community sentencing, to balance appropriate punishment, supervision and rehabilitation. The recommendations in this chapter are to:

- **2.1:** Revise the sentencing framework to ensure sentencers can take full advantage of the flexibility of community sentencing, including financial penalties and ancillary orders
- **2.2:** Revise sentencing guidelines and probation frameworks to broaden the scope of punishment within community orders
- **2.3:** Increase investment in providers of Community Sentence Treatment Requirements to increase accessibility for offenders with substance misuse or mental health issues
- **2.4:** Simplify and strengthen community orders by abolishing the Rehabilitation Activity Requirement and introducing a broader Probation Requirement

Chapter Three: Reducing reliance on custody argues that custody must be used not only where appropriate but as a last resort. This chapter sets out a series of measures to reduce the use of custody for less serious offences, encouraging robust punishment in the community which may offer more effective rehabilitation. The Review has also considered ways to strengthen the response to financially motivated crime where prison alone may not provide sufficient punishment and deterrence. The recommendations in this chapter are to:

- **3.1:** Legislate to ensure short custodial sentences are only used in exceptional circumstances

- **3.2:** Extend the upper limit of Suspended Sentence Orders to custodial sentences of up to three years
- **3.3:** Extend the deferred sentencing period to 12 months
- **3.4:** Encourage the use of deferred sentences for low-risk offenders with needs that can be addressed in the community
- **3.5:** The Sentencing Council should issue guidance on the use of deferred sentencing
- **3.6:** Collect and publish data on deferred sentencing
- **3.7:** Lengthen Serious Crime Prevention Orders to allow them to apply for the duration of an offender's time in custody as well as for five years after release
- **3.8:** Consider strengthening confiscation orders to ensure that the law can be applied fairly in practice
- **3.9:** Consider establishing a criminal receivership scheme, including suspended receivership

Chapter Four: Incentivising progression from custody to community sets out how offenders can be safely progressed from custody into the community through "earned progression" – a system of rewarding compliance with prison rules. This chapter also looks at changes to recall, expanding the use of open conditions in prisons and improving access to community accommodation to give prison-leavers the best chance of succeeding once they move into the community. The recommendations in this chapter are to:

- **4.1:** Introduce an "earned progression" model for those serving standard determinate sentences
- **4.2:** Introduce an "earned progression" model for those serving extended determinate sentences
- **4.3:** Introduce a new model for recall for those serving standard determinate sentences, with stricter criteria and thresholds
- **4.4:** Increase and tailor the use of open conditions where suitable for offenders
- **4.5:** Improve investment in and access to accommodation in the community for offenders leaving prison and those serving sentences in the community

Chapter Five: Taking a victim-centred approach recognises that, for many victims, the current sentencing regime can be opaque and overly complex, thereby contributing to mistrust and concern. The proposals made by the Review in this chapter seek to demystify the sentencing process and provide clarity, trauma-informed support and timely, empathetic communication for victims of crime. This chapter also explores violence against women and girls and how victims of these offences can be better supported through sentencing. The recommendations in this chapter are to:

- **5.1:** Launch a public awareness campaign on sentencing
- **5.2:** Consider how to improve transparency about the length of time an offender spends in custody
- **5.3:** Review the support and services available to victims and witnesses, addressing barriers to effective provision of information and support
- **5.4:** Continue the provision of free copies of judge's sentencing remarks to victims of Rape and Serious Sexual Offences
- **5.5:** Improve identification of perpetrators of domestic abuse at sentencing to ensure the right interventions are in place to manage offenders
- **5.6:** Expand provision of Specialist Domestic Abuse Courts
- **5.7:** Improve training for criminal justice practitioners and the judiciary on violence against women and girls to inform appropriate sentencing and offender management
- **5.8:** Equip the Probation Service with sufficient resources to manage perpetrators of violence against women and girls, including for electronic monitoring

Chapter Six: Targeted approaches to different groups acknowledges that an individualised approach to sentencing can drive the best outcomes and improve prospects of rehabilitation for specific types of offenders such as prolific, female and older offenders. This chapter also explores pharmaceutical interventions which can support desistance from sexual offences and help treat drug and alcohol dependency. Finally, the chapter considers approaches to the removal of foreign national offenders (FNOs). The recommendations in this chapter are to:

- **6.1:** Expand the availability of Intensive Supervision Courts to address prolific offending
- **6.2:** Provide more sustainable and long-term funding to Women's Centres

- **6.3:** Ensure female offenders receive appropriate support by (1) expanding the use of liaison and diversion and (2) considering a women's specific pathway as part of Drug and Alcohol treatment requirements
- **6.4:** Collect and publish data on the use of prison as a "place of safety"
- **6.5:** Commission a study of the impact and consequences of the Assault on Emergency Workers legislation
- **6.6:** Increase the use of Early Release on Compassionate Grounds for suitable older offenders
- **6.7:** Agree a strategy to manage older offenders' complex health needs
- **6.8:** Facilitate earlier removal of Foreign National Offenders
- **6.9:** Build a comprehensive evidence base around the use of chemical suppression for sex offenders and explore options for continued funding of services in this area
- **6.10** Continue to monitor emerging medications to treat drug and alcohol dependency

Chapter Seven: The role of the Probation Service establishes the vital function of the Probation Service in managing offenders in the community. This chapter proposes expanded use of the third sector, based on evidence that the third sector can, when used appropriately, drive better rehabilitative outcomes for offenders. The Review also recognises the value of technology, including artificial intelligence (AI), in reducing administrative workloads within the Probation Service, thereby freeing up time and resources which can be better invested in building strong, trusted relationships with offenders.
The recommendations in this chapter are to:

- **7.1** Increase investment in the Probation Service to support capacity and resilience
- **7.2:** Increase funding available for the third sector to support the Probation Service to manage offenders in the community and enable increased commissioning of local organisations
- **7.3:** Expand the use of the third sector to support offenders on community sentences and licence, to help the Probation Service prioritise resource and improve outcomes for offenders

- **7.4:** Increase the use of proven technologies in the Probation Service, to enable more meaningful engagement between practitioners and offenders on probation

Chapter Eight: The role of technology looks at how technology (including AI) can reduce administrative burdens and potentially transform the operation of our justice system. This chapter examines how technology can improve the way we monitor and supervise offenders and facilitate greater data-sharing and join-up between services, supporting both offenders in their rehabilitation and victims in their need for clarity and protection. The recommendations in this chapter are to:

- **8.1:** Use existing technology more effectively to protect the public and improve rehabilitation
- **8.2:** Invest in rapid expansion of successful pilots in technology used as part of offender supervision
- **8.3:** Require all technology developed for offender management to be integrated with behavioural science
- **8.4:** Improve data-sharing across agencies working with the Probation Service
- **8.5:** Further collaborate with industry on research and development to explore new technologies for service transformation, including advanced AI

Chapter Nine: Longer-term considerations for a sustainable prison system discusses how to ensure that any progress made following the implementation of this Review's recommendations is not lost and that successive governments of any political hue take an evidence-based approach when making decisions about prison capacity. The chapter also considers further work needed around understanding the role of legislative changes, such as increases to maximum and minimum sentences, on the inflation of sentence lengths, as well as the bespoke work needed to better understand disproportionate outcomes in the justice system. The recommendations in this chapter are to:

- **9.1:** Introduce an external advisory body
- **9.2:** Introduce a requirement for Ministers to make a statement to Parliament during the introduction of a new Bill on its impact on prison demand

Chapter One: Revisiting the statutory purposes of sentencing

To meet the challenge set out in Part 1 of the Review's findings, it is necessary to revisit the five statutory purposes of sentencing and consider whether they meet the needs of a modern criminal justice system.

Recommendation 1.1: Amend the statutory purposes of sentencing to emphasise the importance of protecting victims and reducing crime

The Review believes that the criminal justice system must specifically recognise the needs of victims as well as wider society by ensuring that the sentences offenders receive are transparent, and that the system works to protect victims by reducing crime and reoffending. Therefore, the Review recommends that the statutory purposes of sentencing are amended specifically to reference the need to protect victims, alongside the wider public.

The Review recommends introducing "crime reduction" as an overarching principle that governs the five purposes of sentencing. This will ensure that the sentencing framework is best placed to make effective use of government resources by preventing future victims.

While there is no hierarchy set out in law for how the purposes of sentencing should be applied, the trend for ever longer sentences without robust evidence of their impact on deterrence and reducing reoffending suggests there is an over-emphasis on the principle of punishment.

Hence, the Review also recommends clarifying that there is no hierarchy in the five purposes of sentencing. In other common law jurisdictions this is made clear. For instance, in New Zealand, after listing the purposes of sentencing, the law states that "to avoid doubt, nothing about the order in which the purposes appear in this section implies that any purpose referred to must be given greater weight than any other purpose referred to."[19]

The Scottish Sentencing Guidelines list the purposes of sentencing "in no particular order."[20]

Taken together, these amendments to the statutory purposes of sentencing should contribute towards a reset in sentencing, ensuring that it works to reduce crime and protect victims.

Chapter Two: Strengthening alternatives to custody in the community

Punishment in the community can offer a robust alternative to custody

A community order requires someone to do many things they would not otherwise choose to do, and under threat of breach and further sanctions – potentially custody – if they refuse. Community orders impose strict requirements on offenders such as undertaking unpaid work, adhering to curfews, committing to drug and mental health treatment and completing rehabilitation programmes. They are inherently punitive as they restrict freedom, impose structure on an offender's day-to-day life and require people to confront the causes and consequences of their actions.

For many offenders and offences, community sentences can fulfil the statutory purposes of sentencing.[21] Not only do they punish but they also provide visible reparation within communities and can reduce crime by requiring offenders to address the root causes of their offending. Both national and international evidence suggests that well-resourced community orders can be effective at reducing reoffending and keeping the public safe. Analysis by the Ministry of Justice suggests that community orders and suspended sentence orders are associated with lower proven reoffending rates than short-term custodial sentences (of less than 12 months).[22] Part 1 of the Review's report details how Spain, the Netherlands[23] and the state of Texas, USA have used community sentences that include components such as electronic monitoring, integrated psychiatric support and expanded drug and alcohol treatments.[24]

The Review received evidence, including from ex-offenders, of the ways in which community orders have enabled individuals to change their behaviour in the long term and desist from crime. The Review heard from victims' groups that, in many cases, what victims want most is for offending to stop, therefore it is crucial to note where community punishment may be the most effective sentence to reduce reoffending.

With a range of requirements to choose from, punishment in the community enables judges and magistrates to tailor sentences to the nature of the offence committed and the specific needs and circumstances of each offender, providing a level of flexibility that custody or fines do not. This Review believes that sentencers must have the flexibility to give offenders the most appropriate and effective punitive requirements depending on their offence and specific circumstances, and not feel that they must overload offenders with too many or conflicting requirements which in practice may set them up to fail (for further detail, see **Recommendation 2.2**).

Despite evidence pointing to the effectiveness of community sentences to punish offenders, protect victims and reduce reoffending, there has been a marked decline in their use. The number imposed each year has dropped 61% between 2010 and 2024.[25] In the year ending June 2010, 14% of total sentences were community sentences, however in 2024 this was only 6%.[26] Through both its Call for Evidence and engagement, the Review received evidence that this may be due in part to a lack of sentencer confidence in viable alternatives to custody and in the ability of a stretched Probation Service to deliver community orders.

Government must ensure the Probation Service and providers of community order requirements are sufficiently supported to effectively deliver, and therefore maximise the impact of, community sentences. [27]

Maximising the impact of community sentences

At the end of December 2024, there were 240,362 individuals – both released from custody and on community sentences – under probation supervision.[28] This is an increase from around 140,000 people in 1995.[29]
The Review recognises that its recommendations on community sentencing will interact with the significant strain and increasing workload facing the Probation Service. To manage increasing caseloads and to make the Review's recommendations in this chapter implementable, the Probation Service must prioritise the use of its current resources. At a broader level, it must be noted that if punishment in the community is to be as successful as it can be, investment in the Probation Service and third sector organisations delivering requirements must increase (for further detail, see **Chapter Seven**).

Finally, the delivery of robust punishment in the community must also be considered in the light of the significant resources devoted to custodial sentencing.

The average cost of holding one prisoner for the year was estimated to be £53,801 per prisoner in 2023-24,[30] and the Government's planned prison build programmes are estimated to cost between £9.4 billion and £10.1 billion.[31] The average cost to the Probation Service in 2023-24 of an additional person on the probation court order caseload (community orders and suspended sentence orders) was estimated at c.£3,150.[32] The Review believes resources could be used more effectively if redirected, in part, to community-based offender management strategies.[33]

The Review also recognises that there are a number of further issues related to how community orders are delivered and their success rate, which may have contributed to the decline in orders seen since 2010. One such issue is the need for a more timely delivery of community sentences, which is explored at the end of this chapter.

Recommendation 2.1: Revise the sentencing framework to ensure sentencers can take full advantage of the flexibility of community sentencing, including financial penalties and ancillary orders

There are several punishments in the community available to sentencers. These include community orders and the many possible requirements that can be attached to them, as well as ancillary orders (such as disqualifications, compensation etc.) and fines, which punish and rehabilitate offenders in different ways. Sentencers should be able to use these options in a flexible way where punishment and rehabilitation can be tailored to the individual offender and their criminal behaviour. However, the sentencing framework currently limits the use of these options.

Ancillary orders are imposed by a judge or magistrates on top of an offender's sentence and can serve various purposes – for example, compensation orders may be imposed to redress the harm caused by an offender, and criminal behaviour or exclusion orders may be imposed to reduce reoffending and protect victims. Ancillary orders also include further restrictions of liberty such as driving or travel bans.

Fines are available to punish all offences except mandatory sentences such as murder. Fines have long been the most common sentence in England and Wales.

In the year ending September 2024, 79% of offenders received fines and these were most commonly given for summary motoring offences.[34] Courts must consider an offender's financial means when determining the fine amount; Sentencing Council guidelines aim to ensure fines impact offenders equally and do not push offenders "below a reasonable 'subsistence' level".[35]

Community sentencing options such as bans and fines can be more restrictive and punitive for some offenders than others. For example, it could be the case that for an offender with sufficient means, a driving ban may be more punitive than a £5,000 fine that they could put on a credit card, whereas for someone with little means a £100 fine may be incredibly punitive. A large, targeted fine may also be experienced as more punitive for some offenders than a short period in custody.

The current sentencing framework limits the ability of judges and magistrates to use community punishments flexibly and tailor punishment to offenders. Firstly, many ancillary orders available to sentencers which place restrictions on offenders are only available as

orders to be attached to sentences rather than as sentences in their own right. Some of these ancillary orders[36] – such as bans on attending football matches – can only be used for a "relevant offence" listed under the Football Spectators Act 1989.[37] This means they cannot currently be imposed on people who have committed non-football-related offences. The Review believes these punishments should become mainstream, with sentencers able to use such orders flexibly and where it is appropriate to the offence and offender.

There are similar limits on powers such as driving disqualifications – since 1998, "any court may impose a driving disqualification for any offence" but the power "cannot be used arbitrarily" and "should generally be reserved for cases which involved the offender driving… or using a vehicle to commit the offence".[38]

Evidence submitted via the Call for Evidence suggested that magistrates can struggle to apply the sentencing guidelines for ancillary orders. The Chartered Institute of Legal Executives (CILEX) reported that "the catalogue of ancillary orders is unnecessarily complex, both for practitioners and for parties to proceedings".[39] This could mean the most appropriate bans and orders are not being imposed on offenders.

Fines are also often used less flexibly due to their place at the bottom of the sentencing hierarchy, impacting the level of punishment experienced by the offender. For non-imprisonable offences such as being "drunk and disorderly in a public place", an offender can only receive a conditional discharge or a fine which limits the punishment available to sentencers for such crimes.[40]

In addition, despite sentencing guidelines stating that fines should not contribute to financial hardship, evidence provided by organisations such as Transform Justice, the Magistrates' Association and the Centre for Justice Innovation suggested that for low-income offenders the financial impact of fines is disproportionately punitive and therefore fines are not always experienced equally by offenders.[41]

The Review recommends several changes to the framework to improve sentencers' flexibility in delivering punishment in the community:

- A number of ancillary orders – such as football match bans – should not only be considered "ancillary", and sentencers should be able to impose them as stand-alone sentences. This would help make the use of such punishments more mainstream.

- The use of such options should not be restricted to 'relevant offences' as they currently are, as this can limit sentencers' ability to tailor orders and punishment for offenders. This could also include adding driving disqualification as a possible requirement of a community order.
- Guidelines surrounding fines should be reviewed to allow fines to be imposed more flexibly, both to achieve a more punitive outcome, where appropriate, and to avoid disproportionate punishment of low-income and low-level offenders.
- Finally, other options to punish people in the community should be explored. This could involve online restrictions such as social media bans, once the ability to enforce such an order were in place.

To support this recommendation, the Review suggests sentencing guidelines for ancillary orders are simplified so that they are clearer and therefore can be used more consistently. The Ministry of Justice should also improve the quality of data it collects on different types of punishment in the community, to better understand where they are used by sentencers, levels of compliance and their impact on reducing reoffending. Current data limits the ability to assess how well these forms of punishment work in practice. Finally, consideration must be given to the impact of a more flexible use of community punishment on services responsible for enforcing compliance, such as the Probation Service (for further detail, see **Chapter Seven**).

The Magistrates' Association stated, "a system-wide shift is needed to empower courts with flexible, creative tools that address offending at its roots", as well as "alternatives to traditional punitive measures where it would be truly punitive in the individual case".[42] The Crown Prosecution Service (CPS) added that ancillary orders can be "of great importance to victims and the purposes of sentencing" and called for a review of such orders so that "they are not merely secondary disposals, or a late stage in the sentence process".[43]

Both the CPS and CILEX recommended that ancillary orders be made simpler for sentencers.[44] The National Crime Agency (NCA) went further to "welcome exploration of more threat-specific orders", and suggested a new Cyber-crime/Online Crime Prevention Order which could "allow Law Enforcement and HMPPS to effectively monitor and engage with individuals who are convicted of low-level offences" and potentially "vulnerable to recruitment by organised crime groups (OCGs)".[45]

The Sentencing Council suggested Government should consider, if the use of restrictive orders is increased, the consequences of a potential increase in breaches on probation and court resources. It also suggested that if ancillary orders were used more often by sentencers, consideration should be given to the length of the order to ensure it is not disproportionately punitive, particularly when the order could be imposed for longer than a short custodial sentence.[46]

Recommendation 2.2: Revise sentencing guidelines and probation frameworks to broaden the scope of punishment within community orders

As discussed, any form of compelled sentence is inherently punitive, with all requirements imposed on offenders containing a restriction of liberty.

The Crime and Courts Act 2013 was passed to address the then coalition government's concerns that community orders lacked visibly punitive elements. It requires courts to include at least one "requirement imposed for the purpose of punishment" or a fine, except in exceptional circumstances.[47] This has now been consolidated within the Sentencing Act 2020.[48] Legislation does not specify which requirements sentencers must consider 'punitive',[49] however recent changes to guidelines have led to only certain requirements being considered punitive.

New sentencing guidelines, not yet in force, state that any requirement can be imposed on an offender for the purpose of punishment, but they also suggest the Rehabilitation Activity Requirement (RAR) and treatment requirements should not normally be used as punitive measures.[50] Probation guidance also states that unpaid work and electronically monitored curfews are "commonly accepted" as the punitive requirement and where an alternative is suggested by a probation officer to the sentencer, "the rationale of this must be made clear".[51] Such guidance appears to limit how actors in the criminal justice system understand punishment and restricts the discretion of sentencers to determine the most appropriate sentence for an offender.

This narrow view of 'punishment' can be detrimental to rehabilitation and not lead to a reduction in reoffending. Punishment seen only in terms of unpaid work or curfew in all but exceptional circumstances may lead sentencers to add requirements to orders which then become counter-productive and add further pressure and cost to the system. For example, this may be particularly relevant in the case of multi-requirement orders for offenders with complex needs, such as prolific offenders and those with mental health and/or addiction problems. Community Sentence Treatment Requirements (CSTRs) are imposed on offenders who are often in crisis. The heightened burden of unpaid work on top of a strict alcohol, drug or mental health treatment requirement may mean the offender is less able to complete the treatment needed to get them to turn their back on crime.

Offenders with complex needs are therefore being given orders they are highly unlikely to comply with, which may increase the likelihood of breach or reoffending and potentially the creation of further victims.

Recommendation 2.1 highlights the punitive potential of community sentencing for different offenders and offences. A curfew, for example, may be appropriately punitive for almost all young offenders but might not be experienced in the same way by older offenders. Where judges and magistrates use these options, either as ancillary orders, requirements or sentences in their own right, it should be recognised where the option meets the punitive statutory purpose of sentencing for an offender.

The Review recommends that sentencing guidelines are revisited by the Sentencing Council and Parliament to broaden the scope of punishment in the community and protect sentencers' discretion over the most effective community sentence in individual cases. The Review recommends a similar reconsideration of probation guidance by HMPPS to support this aim. Such revisions would include replacing stipulations over which requirements should or should not be considered punitive for almost all community orders with a reiteration of the clear and simple duty of sentencers to determine the most appropriate community order for an offender. Such changes will encourage more robust community sentencing that meets the statutory purposes of sentencing.

Respondents to the Review's Call for Evidence often shared the view that community orders are inherently punitive. For example, the Centre for Justice Innovation[52] stated that all of the requirements in the community sentencing framework impose punishments and hardships that anyone would find burdensome. The Magistrates' Association stated that "currently available punitive options are shrinking", and "[magistrates] are increasingly limited in their ability to deliver creative, constructive sentences that balance the five purposes of sentencing". They also went further and suggested that "this review presents a valuable opportunity to expand the sentencing toolkit, empowering sentencers with innovative, practical alternatives to fines and custody that are tailored to the needs of offenders while maintaining public confidence."[53]

Recommendation 2.3: Increase investment in providers of Community Sentence Treatment Requirements to increase accessibility for offenders with substance misuse or mental health issues

Community Sentence Treatment Requirements (CSTRs) are available within community orders or suspended sentence orders (SSOs) and require an offender to engage in treatment to address their offending behaviour. The Ministry of Justice has identified both drug and alcohol misuse as dynamic factors associated with reoffending.[54] Mental health issues are also more prevalent among offenders compared to the general population, and treatment which appropriately targets these needs is essential.[55] The three CSTRs, some of which can be used in combination, are Mental Health Treatment Requirements (MHTR), Drug Rehabilitation Requirements (DRR) and Alcohol Treatment Requirements (ATR).

An impact evaluation of CSTRs suggested that being sentenced with an ATR, DRR or MHTR in 2018 had a positive effect on reoffending outcomes, compared with short custodial sentences.[56] However, the evaluation found that while there were some positive reoffending outcomes for those sentences with an ATR or MHTR compared to community sentences without a CSTR, DRR recipients reoffended more frequently compared to recipients of community sentences without CSTRs.[57] This evaluation only included proven reoffending within one year of sentence (or release), and noted that effects on offending behaviour of CSTR sentencing may occur over a longer period.[58] Members of the organisation Revolving Doors, who are ex-offenders, stated in their Call for Evidence submission that CSTRs hold significant potential in providing help to those with poor mental health or with substance dependency, allowing these offenders to enter recovery.[59] Members went further to suggest that CSTRs are most transformative when used as combined orders, such as an MHTR with an ATR or DRR, given this cohort often experience multiple, intersecting needs.[60]

Despite evidence suggesting treatment requirements can be effective, the use of community sentences with a DRR and ATR has remained low.[61] The number of ATRs commenced under a community order/suspended sentence order was 6,911 in 2024, compared to 8,045 in 2014.[62] In the same period, the number of DRRs went from 12,951 to 8,488.[63]

The number of MHTRs has fluctuated over time, but has risen substantially in the last three years, increasing from 960 in 2014 to 4,880 in 2024.[64]

Evidence suggests that, in many cases, offenders' access to treatment – particularly good quality treatment – under a CSTR is limited, which in turn affects sentencers' confidence in referring offenders for such treatment.[65] Dame Carol Black's 2021 Independent Review of drugs outlined the challenges service users face in accessing treatment for drug addiction in the community.[66] The report highlighted that funding cuts have exacerbated gaps in treatment provision, reduced available skills and expertise and diminished capacity from third sector providers.[67] Where services are available, the Justice and Home Affairs Committee reported significant waiting lists that delay access to treatment.[68] As a result, a lack of readily available and good quality treatment options deters sentencers from making referrals.[69] The Probation Service is also conscious of capacity gaps and hesitant to recommend the use of CSTRs in pre-sentence reports in the first instance.[70] The impact evaluation of CSTRs highlighted that they are not delivered in a standardised way and, often, the type and quality of treatment varies from place to place.[71]

In their response to the Call for Evidence, the Magistrates' Association also suggested that significant gaps in services for MHTRs undermine their effectiveness and limit the ability of sentencers to address complex health needs.[72] Third sector representatives who attended roundtables run by the Review, stated that there is a "postcode lottery" of good quality community treatment and services. Government analysis also provides insights into offender engagement in treatment - 45.9% of people sentenced to an ATR and 33.1% of people sentenced to a DRR engage in treatment.[73] Analysis suggests most of this engagement "happens early", with 26% of people with an ATR accessing treatment within 3 weeks, compared with 20% of those with a DRR. [74] The report suggests that these findings show "more work is required to optimise the pathways between probation and [treatment] services", and that the low proportion of people with an ATR or DRR who accessed treatment within three weeks suggests local working arrangements can be improved.[75]

Given early evidence of their effectiveness in reducing reoffending, the Review recommends that Government continues to improve provision of CSTRs and focuses its attention on three priority areas to enhance their impact:

1) identifying the right individuals to refer to treatment at the earliest opportunity;

2) increasing investment in treatment providers;

3) improving the accessibility and availability of treatment

Increased investment in treatment providers would help to better manage offenders with alcohol or drug misuse and/or mental health issues in the community.[76] It would enable providers to address some of the challenges impacting access to, quality of, and engagement with, treatment. The Review suggests that any increased investment in providers of CSTRs is coupled with a closer look at regional differences in service delivery and current oversight across probation and treatment services. This would help ensure best practice and effective treatment can be replicated to reduce reoffending across England and Wales. Government should also work to increase awareness amongst the judiciary of treatment options, including combination orders of DRRs, ATRs and MHTRs.

Improving the availability, quality and effectiveness of treatment should improve sentencer confidence in CSTRs as a robust community intervention.

This recommendation would involve Government collaborating effectively with HMPPS and relevant health and local authority commissioners to fund expanded delivery of MHTRs, ATRs and DRRs. An expansion of CSTRs would also depend on greater resourcing of the Probation Service to enforce more CSTRs (for further detail, see **Chapter Seven**).

The recommendation is in line with previous recommendations to maximise the use of CSTRs and expand the CSTR programme made in the 2021 Independent Review of drugs.[77] This Review also awaits the forthcoming report from the Chief Medical Officer and encourages Government to consider its findings alongside the recommendations of this Review.

Recommendation 2.4: Simplify and strengthen community orders by abolishing the Rehabilitation Activity Requirement and introducing a broader Probation Requirement

The Rehabilitation Activity Requirement (RAR) was introduced in the Offender Rehabilitation Act 2014 as part of broader reforms aimed at improving offender rehabilitation in the community.[78] It replaced previous 'activity' and 'supervision' requirements in community and suspended sentence orders. Its goal was to support offender rehabilitation through tailored activities aimed at reducing reoffending.

The implementation of RAR has been problematic. A 2017 report by His Majesty's Inspectorate of Probation found a lack of meaningful engagement with offenders in planning and delivering RARs. Inspectors found that service users often struggled to understand the terms of their RARs, and there were high rates of missed appointments. The overall completion rate was concerning, with only 22% of the required RAR days being completed after nine months in the 72 cases inspected. The same report highlighted a lack of innovation in the delivery of RAR. Inspectors found few examples of rehabilitative work that went beyond the basics, and there was a general lack of momentum in how RARs were implemented. This shortfall in meaningful activity was attributed to confusion within the Probation Service about what should count as part of the RAR and how to deliver it effectively.[79]

There are basic misunderstandings about what constitutes a 'RAR' day, which is not defined in legislation. An activity lasting two hours can count as one 'day' if it is a structured intervention to address an offender's identified needs and support their rehabilitation.[80] During engagement carried out by the Review, probation officers stated that RAR is restrictive and limits professional judgement to determine what counts as a 'RAR day'. Officers also said that much of the crisis management work they undertake, which they consider to be rehabilitative, does not align with current definitions of a 'RAR day'. The limitation RAR has placed on probation's ability to tailor rehabilitative activity to offenders means that some offenders may not be receiving the most personalised, appropriate, and therefore effective, support.

Respondents to the Review's Call for Evidence highlighted a decline in sentencer confidence in RAR, driven in part by a lack of clear information about the availability and effectiveness of RAR activities. This was reiterated to the Review during its engagement, as probation officers felt judges believed there was a lottery of good community service providers. The Magistrates' Association stated "magistrates have concerns about certain approved programmes due to the lack of visibility into what occurs during interventions like RAR days. Without this information, magistrates cannot be confident that their sentences are effective. RAR days are often, we understand, a one-hour telephone call; this is not enough time to be truly rehabilitative."[81]

To bring greater clarity, simplicity and success to the delivery of rehabilitative requirements, this Review recommends abolishing RAR and instead creating a 'Probation Requirement'.

Currently, under RAR the Probation Service must deliver a maximum number of activity days for an offender determined by the court. Activity days are described as "structured intervention to address someone's identified need to support their rehabilitation".[82] Under a new Requirement, sentencers would no longer specify a number of days to be completed but instead set the length of the total community order (i.e., weeks or months). Probation officers would then be responsible for determining the required levels of supervision for offenders, as is already granted under RAR, as well as the required rehabilitative activity. This would include whether to terminate the Probation Requirement early if sufficient progress had been made. Giving probation officers this discretion would allow them to be more responsive to the risk levels and rehabilitative needs of offenders, and therefore to better encourage desistance from crime and protect the public.

Probation officers should be provided with the time, resources and autonomy necessary to build meaningful relationships with offenders and discharge this new responsibility to determine the appropriate content of Probation Requirements. In addition, to deliver tailored rehabilitative support for offenders, guidance and intervention options available to probation officers should be improved. A greater use of local third-sector services could help deliver high-quality, specialist interventions and improve sentencer confidence in rehabilitative requirements, including a new Probation Requirement. Further funding of charities, community services and specialist providers would be needed to achieve this (for further detail, see **Chapter Seven**).

Supporting reforms to community sentencing

To implement the recommendations in this chapter and cope with rising caseloads, the Probation Service will face even greater challenges in prioritising resources. To ensure resources are safely prioritised, the Review suggests making greater use of interventions outside probation, where appropriate (for further detail, see **Chapter Seven**).

Currently, sentencing guidelines state an offender will receive one of three levels of community order – low, medium or high – depending on the levels of culpability and harm present in their offence(s).[83] Sentencers will give an offender tailored requirements corresponding to this level and to meet the statutory purposes of sentencing. The Review suggests probation uses this guidance on offenders and their offences, provided by sentencing guidelines, to determine where to prioritise its resources and divert offenders to more specialist, third sector providers of community services.

For low-level orders, this would include third sector providers overseeing day-to-day management of the order, with the Probation Service retaining overarching oversight to establish and progress any breaches of the order (for further detail, see **Recommendations 7.1** and **7.2**).

Please see examples of this tiered approach to probation resourcing:

- A female offender who has committed a minor acquisitive crime may be given a low-level order including a Probation Requirement, which could mean in practice weekly attendance at a Women's Centre and minimal supervision by probation.
- An offender who has committed violent offences related to domestic abuse may be given a high-level order including a Probation Requirement, a restriction order and an electronically monitored curfew, which the Probation Service would manage closely day-to-day.
- A prolific offender with complex needs may be given a Probation Requirement and sentenced in an Intensive Supervision Court, as part of a robust sentencing package which involves multi-agency support and resources to implement an offender's court order (for further detail, see **Chapter Six**).

A new Probation Requirement would enable probation officers to deliver more effective rehabilitative activities, punishment and supervision for offenders, and will help services identify where resources should be prioritised. If this recommendation (**2.4**) were implemented, the Ministry of Justice might want to consider whether it would be appropriate for CSTRs (MHTRs, ATRs, and DRRs) to be incorporated into the Probation Requirement, to further simplify community orders.

Government must prioritise long-term investment in probation so that services can manage the delivery of tailored, effective requirements for an increasing number of offenders, many of whom have more complex offending behaviour and complex needs. In the short term, if the Probation Service do not prioritise the use of current resources, the positive impact of community sentences will be limited.

Further considerations for community sentencing

The recommendations in this chapter explore how Government could bolster the flexibility of sentencers to hand down robust and appropriate community sentences. Probation investment and reform will be essential but there are further issues which should be considered. For example, the impact on reoffending rates of a lack of stable and appropriate housing for offenders, both on community orders and leaving prison, must be explored (for further detail, see **Chapter Four**). Delays to the delivery of community sentences is also a limiting factor on rehabilitation.

Timely delivery of requirements

The timely delivery of community sentence requirements is essential to their efficacy in rehabilitating offenders and reducing reoffending but also to improving the confidence of victims and the public in the criminal justice system.

Magistrates have raised concerns over significant delays before offenders are required to start requirements such as an accredited programme, unpaid work orders and curfews. In their response to the Call for Evidence, the Magistrates' Association stated that the gap between provision in theory and what is deliverable in practice leads to a reliance on fines and custodial sentences even when more suitable community-based options exist.[84] The response noted: "one magistrate told us an offender was given a Mental Health Treatment Requirement (MHTR) as part of a suspended sentence, yet their first appointment didn't occur until nearly six months after it was imposed. The offender was not able to access treatment in time and subsequently reoffended."[85]

A Ministry of Justice evaluation of unpaid work requirements underlines this issue of delays, reporting that delays in starting unpaid work can hinder the ability of individuals to complete their hours within the prescribed timeframe, leading to frustration and prolonged periods of unpaid work. Furthermore, the longer the delay between sentencing and beginning work, the harder it becomes to re-engage individuals and motivate them to fulfil their unpaid work obligations.[86]

Chapter Three: Reducing reliance on custody

Custodial sentences play an important role in punishing offenders, providing respite for victims of certain offences, and protecting the public from the most dangerous individuals. There will always be a role for prison in the criminal justice system. However, the use of custodial sentences in recent years has become unsustainable, resulting in high costs, a growing prison population and poor outcomes in reducing reoffending.

The total prison population in England and Wales has grown by over 40,000 people since 1993.[87] Alongside the growing prison population, custodial sentence lengths have grown. The average length of custodial sentences for indictable offences was 16 months in 1993 and has increased to 22.2 months in the year ending September 2024.[88] This does not include life sentences and other indeterminate sentences, but the number of prisoners serving life sentences has grown from 3,086 prisoners in September 1993 to 7,491 prisoners in March 2025.[89] It is worth recognising that prison population rates in England and Wales are higher than other Western European countries. [90]

This increase in imprisonment is costly and is not helping keep people safe. In 2023, the Chief Inspector of Prisons, Charlie Taylor, suggested that there is not enough space in prisons for prisoners to be provided with the activities they need for suitable rehabilitation.[91] Ministry of Justice analysis estimated, based on a 2016 cohort of offenders who went on to reoffend within a 12-month period, that the total economic and social cost of reoffending was £18 billion.[92] The Ministry's planned prison build programmes are also estimated to cost between £9.4 billion and £10.1 billion.[93]

It is crucial that sentences are handed down in a way that supports a reduction in reoffending (for further detail, see **Chapter One** and **Two**). The Review has therefore recommended measures to support the use of custody as a last resort, and in some cases only in exceptional circumstances, to more effectively reduce reoffending.

Recommendation 3.1: Legislate to ensure short custodial sentences are used only in exceptional circumstances

In the year ending September 2024, 44,800 people were sentenced to a short custodial sentence of less than 12 months (representing 58% of all custodial sentences, compared to 56% in 2023).[94] This increase in short sentences has driven an increase in the overall number of people sentenced to custody in the year ending September 2024.[95]

While short custodial sentences may serve as punishment, they often fall short in providing meaningful rehabilitation to offenders, have a limited deterrent effect and come with high costs. Ministry of Justice analysis found that short custodial sentences (those which are less than 12 months long) were associated with higher proven reoffending than suspended sentence orders and community orders.[96] In their response to the Call for Evidence, Transform Justice highlighted the lack of rehabilitative opportunities and "useful purpose" provided to offenders through short custodial sentences.[97] Junction 42 said during one of the Review's roundtables that there is "often a mismatch between sentence lengths and programme schedules", meaning offenders on shorter custodial sentences frequently do not receive adequate rehabilitation opportunities while in custody.

Several HMPPS staff also stated that short custodial sentences create significant churn and volatility within prisons, and that the administrative burden of receiving and then releasing a sentenced prisoner is high whether the sentence is short or long.

Short custodial sentences often involve little rehabilitation and can also impact rates of reoffending. The Review heard evidence from ex-offenders that short custodial sentences can lead to a merry-go-round of reoffending, entrenching criminal behaviour. Adults leaving custody have the highest rates of reoffending – 38.3% in the latest data, and the highest rates of reoffending are following short custodial sentences (59.2%).[98] This is likely to particularly affect the female offender prison population, as a larger proportion of women received short custodial sentences compared to men (for further detail, see **Chapter Six**).

Responses to the Call for Evidence showed a predominantly negative view of short custodial sentences and encouraged moving away from their use in favour of increased use of community sentences.

For example, the Law Society argued there should be a presumption against custodial sentences under 12 months,[99] and the Howard League went further to suggest that custodial sentences of 12 months or less should be abolished.[100]

The Sentencing Act 2020 states that a custodial sentence must only be imposed as a measure of last resort where an offence is "so serious that neither a fine alone nor a community sentence can be justified."[101] Guidelines issued by the Sentencing Council for England and Wales make it clear to sentencers that custody should always be a last resort.[102] However, offenders who could be diverted to the community still receive short custodial sentences. Therefore, the Review is recommending that Government go further and legislate to reduce the use of short custodial sentences, so that these sentences are used only in exceptional circumstances.

It is important to note that the Review is not recommending legislation to abolish short sentences. Judges and Magistrates need recourse to short custodial sentences in exceptional circumstances, for example in cases of wilful non-compliance with court orders, to provide a victim of domestic abuse with a period of respite, or for offenders who been given a community order or suspended sentence order and go on to reoffend.

Analysis carried out for the Review suggests that ensuring short custodial sentences are used only in exceptional circumstances could save around 2,000 prison places. Please see **Annex B** for further information on this. Recommendations to support the robust management of offenders on community orders is explored in **Chapter Seven**.

Recommendation 3.2: Extend the upper limit of Suspended Sentence Orders to custodial sentences of up to three years

Suspended sentence orders (SSOs), or suspended custodial sentences, may be given when an offender would normally be sentenced to custody but there are strong personal mitigating factors in place, a "realistic prospect" of their rehabilitation in the community and/or a low risk of "significant harmful impact to others" if the sentence were suspended.[103] Custodial sentences of up to two years can currently be suspended for up to two years, meaning that the offender does not immediately go to prison but is instead allowed to serve their sentence in the community, unless they breach their licence conditions. SSOs require an offender to comply with a number of requirements outside prison for the duration of their sentence, if the court has chosen to set requirements.[104]

A breach of an SSO, whether it includes requirements or not, will result in imprisonment unless it would be unjust in all the circumstances to send the offender to prison.[105] For example, if an offender is convicted of another offence committed during the time of their suspended sentence, they are likely to serve both the original sentence and the sentence they receive for the new offence in prison.

SSOs work by incentivising offenders to behave well and in compliance with their order and any requirements to avoid serving their sentence in prison. As noted in Recommendation 3.1, Ministry of Justice analysis found that short custodial sentences (those which are less than 12 months long) were associated with a higher proven reoffending rate than if a community order and or SSO had been given.[106] A literature review carried out by the Sentencing Council (2022) which draws on research from academic databases, government reports and publications and experts in the field, affirmed this view and further noted that SSOs appear to have an advantage in "avoiding some of the criminogenic effects of imprisonment" such as negative peer associations in custody.[107]

Respondents to the Review's Call for Evidence also largely supported the use of SSOs, with many calling for an increase in their use. One Small Thing, a women's criminal justice organisation, noted that community sentences, including suspended and deferred sentences, are "massively underused" in the justice system.[108]

This Review recommends that SSOs should be available for custodial sentences of up to three, rather

than two, years. This would allow the judiciary to maintain their discretion over the appropriateness of suspending an offender's custodial sentence whilst giving offenders a greater opportunity to desist from crime. Respondents to the Call for Evidence such as The Criminal Bar Association also recommended that the current use of suspended sentences of imprisonment should be widened so that courts can impose a custodial sentence of up to three years with a suspension of three years.[109]

As well as providing offenders with an opportunity to desist from crime, the Review has estimated that this recommendation could reduce prison demand by around 1,300 prison places. Please see **Annex B** for further information on this.

Deferred sentences

A deferred sentence is imposed when a court delays the sentencing of an offender to consider their conduct after conviction or after any change in their circumstances.[110] Currently, a sentence can be deferred for up to six months.[111] The court may impose any conditions it considers appropriate during this period and can assess the extent to which the offender has complied with these conditions. The Sentencing Code provides examples of the sorts of conditions the court can impose, including conditions related to the "residence of the offender" or "restorative justice requirements".[112]

Deferred sentences can be used for offenders going through transitions in life, such as severe illness or pregnancy, or for offenders who would benefit from being able to show compliance.[113] Offenders can be placed in meaningful community programmes (such as alcohol treatment programmes) and be subject to specific requirements to address the root causes of their offending.[114] If offenders on deferred sentences are showing good progress and compliance with the conditions of their order, they can receive from the court a lesser sentence, such as a suspended sentence or community order.

Despite the diversionary benefits deferred sentences can offer, there is limited data and research published into their use in England and Wales.[115] The Review has heard anecdotally that the power to defer sentences is rarely used. In the absence of more recent data, the Review notes there was a 58% decline in the number of deferred sentences between 2010 and 2019.[116]

Many respondents to the Call for Evidence called for a greater use of deferred sentencing. The Sentencing Academy's review of practice in

2022 emphasised the potential for deferred sentencing to offer a "second chance" for offenders.[117] The Trade Union NAPO highlighted that deferred sentences empower offenders with "self-determination", allowing them to "self-refer and engage in services before going back to court".[118] Responses also noted the use of deferred sentencing has shown promising results in reducing recidivism and improving outcomes in jurisdictions such as New Zealand,[119] and Northern Ireland.[120]

Recommendation 3.3: Extend the deferred sentencing period to 12 months

The Review recommends the Ministry of Justice legislate to extend the period a judge or bench of magistrates can impose a deferred sentence in the Magistrates' or Crown Court from six to 12 months. This recommendation is supported by the Sentencing Academy in their Call for Evidence submission, and they suggest this extension matches the approach taken in other jurisdictions, including several Australian states.[121]

An extension of deferred sentencing to 12 months would enable greater flexibility for sentencers to use their discretion to assess "transitional life circumstances" that go beyond six months. For example, for some female offenders who are pregnant, a deferred sentence could provide an opportunity for the individual to engage with social services, health care professionals, community services, and obtain accommodation, thereby giving them the opportunity to demonstrate compliance and receive a lesser sentence. This could serve to mitigate the impact of the conviction on mother and baby (for further detail, see **Chapter Six**).

In addition, the Government should consider how deferred sentences are analysed within HMCTS targets that have been set to reduce court backlogs. The Centre for Justice Innovation refers to anecdotal evidence that "deferring sentences is actively discouraged as it lengthens the time within which a case is concluded and therefore impacts on the HMCTS court timeliness targets."[122] Deferred sentences must be distinguished within aggregate court statistics to ensure this is not a factor contributing to their under-use.

Recommendation 3.4: Encourage the use of deferred sentences for low-risk offenders with needs that can be addressed in the community

According to the Sentencing Council's explanatory materials, deferred sentences may be appropriate for "a small group of cases close to either the community or custodial threshold where, should the offender be prepared to adapt his behaviour in a way clearly specified by the sentencer, the court may be prepared to impose a lesser sentence."[123] Individuals who may fit this category and benefit from support in the community to adapt their behaviour are low-risk offenders with high needs, such as alcohol dependencies, neurodiversity, underlying health conditions, or trauma.

A greater use of deferred sentencing for low-risk offenders should be encouraged to reduce the harm caused by the unnecessary use of short custodial sentences. The Justice and Home Affairs Committee noted in a 2023 report that deferred sentencing offers the opportunity to "incentivise offenders" to engage with probation by rewarding positive behaviour. They note this offers a "better approach" to meet the rehabilitative needs of low-level persistent offenders.[124]

Currently, where the court decides to defer sentence, the Probation Service acts as supervisor for the period of deferment until the point of sentence.[125] Though the monitoring of compliance with requirements may be undertaken by partnership, third sector or voluntary agencies, the Review has heard anecdotally that this task is typically still undertaken by the Probation Service that has increasingly limited capacity. Third sector organisations represented through roundtables reiterated that they have specialist expertise in providing treatment and developing effective relationships with the individual they support. Greater partnership with third sector organisations for the monitoring of requirements for individuals during the period of deferment would aid in rehabilitation and could help to reduce the strain on an overstretched Probation Service (for further detail, see **Chapter Seven**).

As this group of people will be identified as low risk but high need, they will not need the enhanced monitoring provided by the Probation Service.

The monitoring of suspended sentence orders and community orders, overseen by probation officers, can be reserved for offenders who require more intensive support and supervision.

This would allow the Probation Service to prioritise their resources and could also generate long-term savings if individuals are successfully diverted out of the criminal justice system (for further detail, see **Chapter Seven**).

Recommendation 3.5: The Sentencing Council should issue guidance on the use of deferred sentencing

Currently, there is no specific guidance to assist sentencers in deciding how and when to defer sentences, despite the potential benefits they could have for different offenders. Some information and advice is contained in the Sentencing Council's Explanatory Materials.[126] However, third sector organisations, such as Clinks, recommended in their responses to the Call for Evidence that the Sentencing Council should review their guidance on this issue to promote the effective use of deferrals.[127]

The Sentencing Council intends to provide further guidance on deferred sentencing through its Imposition Guidelines, including on the purpose of deferring a sentence, types of conditions that can be imposed and that "young people (aged 18-25)" and those in "'transitional life circumstances" might benefit from a deferred sentence.[128]

While such information will go some way towards addressing the limited guidance for deferred sentencing, these are not in effect yet and further detail may be helpful to sentencers.

The Centre for Justice Innovation noted that "clear policy and guidance about when deferred sentences should be used" is needed, including detail on the types of cases in scope.[129] For example, the Call for Evidence identified offenders who may benefit from a deferred sentence including young adults completing education or training, pregnant women, individuals with caring responsibilities and individuals receiving treatment for gambling addictions. Young adults were emphasised as a group that may benefit from deferred sentencing in numerous responses (for further detail, see **Chapter Nine**). Guidance could also include details on what kind of sentence can be imposed following successful completion of deferment.

Recommendation 3.6: Collect and publish data on deferred sentencing

There is limited research into the use of deferred sentences in England and Wales. Data does not cover the different types of conditions sentencers use, the number of offenders who complied with their conditions, regional variations in the use of deferred sentences, what offence types or offender groups particularly benefit from deferment and the impact of deferred sentencing on reoffending.[130] This lack of data is especially notable in comparison to the data available for community orders and suspended sentence orders.

The Review recommends Government considers how to collect and publish data into the effectiveness of deferred sentencing.

Addressing financially motivated crime: monitoring, recovery, and punishment

While the Review has focused on the ineffectiveness of short custodial sentences in providing meaningful rehabilitation and deterrence, for some offenders even lengthy custodial sentences may fail to meet all the purposes of sentencing.[131] For some serious and organised criminals motivated by financial greed, imprisonment is seen as part of their career journey if they can manage their criminal enterprise from within the prison or return to their wealth in the community on release.

The National Crime Agency states that "action against serious and organised criminals doesn't end with a conviction. Many serious offenders have lifelong criminal careers and are likely to reoffend. Individuals convicted of serious offences can have additional restrictions imposed enabling [agencies] to monitor their activity, manage their behaviour, and prevent reoffending".[132] Government should use imprisonment alongside more effective financial interventions to target serious and organised criminals and their ill-gotten gains, ensuring that committing crime does not pay and that justice is served both inside and outside prison.

Mechanisms such as confiscation orders directly target the profits gained from criminal activities. Serious Crime Prevention Orders (SCPOs) also focus on preventing offending behaviours.[133] By imposing such orders, government can disrupt the economic incentives that drive criminal behaviour.

Additionally, financial penalties and controls can provide a means of restitution to enable the proceeds of crime to be recovered and used for the benefit of society. This Review has considered how to disrupt serious and organised crime and strengthen the use of current financial interventions and penalties.

Recommendation 3.7: Lengthen Serious Crime Prevention Orders to allow them to apply for the duration of an offender's time in custody as well as for five years after release

SCPOs can be imposed by a court to protect the public by preventing, restricting or disrupting involvement in serious and organised crime, as defined in Schedule 1 to the Serious Crime Act 2007.[134] SCPOs enable law enforcement agencies to monitor bank accounts and disrupt and restrict business dealings. Restrictions can be wide-ranging and can, for example, include financial reporting requirements, stipulations on who a person associates or communicates with, and the means used to do so.

An SCPO can be imposed for a maximum period of five years and must state when it starts and ends.[135] It is common practice for the court to delay the commencement of the order, for example to commence upon the offender's release from prison.[136] However, this does not target serious and organised criminals who continue their activities from inside prison.[137] Consequently, it would be useful to extend the restrictions and have these in place throughout an offender's time in custody, as well as for five years after release. By contrast, sexual harm prevention orders are active in custody and the community and seek similarly to restrict the activities of offenders, lasting for a minimum of five years or until a further order.[138] The Review believes SCPOs are not long enough and should be applied for the duration of an offender's time in custody and up to five years after release.

The aim of extending SCPOs to cover time spent in custody would be to disrupt criminal enterprises, assist the recovery of the proceeds of crime through closer monitoring and to ensure custodial sentences serve as a strong deterrent. Law enforcement professionals support this recommendation, highlighting its potential to reduce offending and reoffending. They believe it will encourage proactive and targeted restrictions on offenders within the prison system who currently carry on offending in prison.[139]

Additionally, it could help bring to justice those criminals who facilitate serious and organised crime but are sometimes never prosecuted in law, as connections between organised crime groups may be further exposed through the monitoring.[140]

The Metropolitan Police suggest the length of SCPOs should be standardised upon release to simplify and effectively manage orders.[141] Currently, SCPOs can run for up to five years, leading to varied lengths. However, if the orders consistently covered the duration of an individual's custodial sentence plus five years post release, this could support more effective management of orders and provide clarity on when the offender is subject to a SCPO.

The Border Security, Asylum, and Immigration Bill may amend the Serious Crime Act 2007.[142] Through the Bill, the Government aims to streamline the SCPO application process and improve case management through measures such as enhanced information sharing between crime and immigration forces.

However, this does not address serious organised crime in prisons. The Review recommends that the Government take additional steps to address serious organised crime within prisons by fully utilising SCPOs to enforce stringent monitoring and conditions for incarcerated offenders.

In addition to applying SCPOs consistently in both custody and community settings, enhancing the understanding and implementation of these orders among the Judiciary and criminal justice professionals would further support their use and effectiveness. Breaching an SCPO is a criminal offence punishable by up to five years' imprisonment and an unlimited fine.[143] The Metropolitan Police and the National Crime Agency raised the importance of reducing the level of inconsistency in responses to breaches of SCPOs,[144] and the Review encourages training of relevant staff on how to manage and respond to breaches of SCPOs to ensure greater uniformity of response.

Recommendation 3.8: Consider strengthening confiscation orders to ensure that the law can be applied fairly in practice

Confiscation orders are the principal means by which the Government can deprive criminals of the proceeds of their crime.[145] There are lots of issues with confiscation orders that need to be addressed, many of which the Government has acknowledged.[146] Nevertheless, they can be useful tools for the Government and are principally issued under the Proceeds of Crime Act 2002.[147]

There are significant challenges with the enforcement of confiscation orders. HMCTS states that the total historic value of outstanding confiscation balances estimated to be recoverable on 31 March 2024 was £214 million, compared to a gross debt owed to HMCTS of £2,747 million.[148] This stark contrast underscores the significant challenges that collection and enforcement professionals face in recovering these debts, for example where assets have been hidden or held overseas, and where interest continues to increase the outstanding balance. Investigating the origins of seized cash and money laundering offences often leads to lengthy and resource intensive confiscation investigations.

Confiscation can apply in every case of acquisitive crime and is not just used to tackle serious criminality.[149] The Review, however, underlines the importance of confiscation orders being imposed on those who have gained significant wealth from their crimes, to make sure orders are used in a way that targets the right people who have the means to pay. Orders must also be proportionate and realistic to avoid increasing the prison population with offenders who are unable to pay the orders.

The Law Commission completed an in-depth review of the most pressing problems, including irregular victim compensation from the orders, unrealistic orders and inadequacies around incentives and sanctions.[150] The report has resulted in provisions to amend the confiscation order regime in the Crime and Policing Bill,[151] which are intended to simplify, clarify and modernise the confiscation orders.

The Government should continue to focus on improving the use and enforcement of confiscation orders and consider committing additional resources and technology to achieve this as well as an improved operational understanding.

Some orders are costly and take time to conclude, especially when the offender fails to comply. Increased resourcing, including in Police Asset Confiscation Enforcement Units, may support better and more proactive enforcement of orders.

Modernising the technology used within confiscation orders could improve the ability of courts to collect and enforce these orders more effectively. Collaboration between HMCTS and the Home Office also is encouraged to ensure the successful implementation of these measures. The Proceeds of Crime Act 2002, which covers confiscation orders, is a "force multiplier" that not only reduces the benefits of, and motivation to commit, crime, but provides an avenue to reinvest criminal money back into the asset recovery system and a mechanism to compensate victims.[152] Therefore, given the substantial value of outstanding confiscation balances and the opportunity to reinvest money back into the system, investment to upgrade technology in this area could prove not only cost-effective but also financially beneficial.

Furthermore, improving the collection and enforcement of confiscation orders is also integral to preventing offenders from building up debts from the 8% interest on orders set by Parliament, and being sent to prison for failing to pay.[153]

Improving and increasing training across the system would enhance the application and enforcement of confiscation orders. This should include reviewing training for the Judiciary and law enforcement professionals. It could also extend to prison offender managers, where increased understanding of confiscation orders and specific guidance on their role in sentence progression would help staff support individuals in paying their orders and managing offenders with outstanding orders.

Recommendation 3.9: Consider establishing a criminal receivership scheme, including suspended receivership

The Review asks Government to consider introducing a tougher financial penalty in the form of criminal receivership which would be an evolution of the concept of criminal bankruptcy. The concept of criminal bankruptcy has historical precedent and compels the redistribution of someone's assets. Originally introduced in the Criminal Justice Act 1972,[154] it was designed to be both an imaginative advance in victim compensation and a buttress to the deterrent aim of traditional criminal sentences.[155] Criminal bankruptcy was later replaced by confiscation orders under the Proceeds of Crime Act 2002.[156]

We propose a further model; 'criminal receivership' which should be aimed at criminals who have gained significant wealth from their crimes. A receiver would manage or sell the offender's assets in satisfaction of the order. This model would allow the seizure of assets over any time frame without granting debt relief, ensuring the measure remains an appropriate form of punishment rather than support.

This penalty would aim to penalise offenders by targeting the motives behind their criminal activities, enabling the Government to seize both illegally and legally earned money, ensuring that committing crime does not pay. Unlike in confiscation orders, criminal receivership would give no opportunity from the outset for the offender to choose what assets they sell.

While the Review has consulted with frontline professionals on this measure, further work is needed to establish how criminal receivership could be implemented effectively, including ensuring that the right offenders are targeted by the model.

Criminal receivership would aim to strip offenders of their financial power and limit their ability to continue criminal activities. It would not replace existing financial penalties but serve as an additional sentencing option to strengthen efforts to recover assets, some of which could be allocated to victims. The breakdown of where the received money goes would need to be carefully considered by Government.

Suspended Criminal Receivership

The Review also proposes consideration of the introduction of suspended criminal receivership as a means of encouraging compliance with court orders. Under this proposed scheme, courts could impose suspended criminal receivership as a condition at sentencing to ensure compliance with fine payments, confiscation orders, and other court orders, including ancillary orders. This would serve as an enforcement mechanism for these orders. If the offender fails to comply, receivership proceedings would be triggered, stripping them of all their financial assets. The Metropolitan Police highlighted that a suspended element is helpful to identify engagement with orders and support attempts to change when an offender is demonstrating positive behaviour.[157]

Similar to a suspended sentence, this system could create a strong incentive for offenders to fulfil their obligations and demonstrate good behaviour under a range of court orders. If implemented, this approach would require additional resources to ensure its effectiveness.

When there is a financial loss to victims or court-ordered compensation, criminal receivership could support better recovery of unpaid orders by using the offenders' assets, providing a more effective means of securing justice for those affected by criminal activity.

Criminal receivership has some parallels with criminal lifestyle provisions under the Proceeds of Crime Act 2002[158], which allow for assumptions to be made, and for all assets to be brought into scope on confiscation orders, not just the original benefit from the specific crime, unless the offender can account for their lawful origin.[159] However, calculations of benefits under the regime are up to six years prior to the proceedings and criminal receivership should cover longer than this and would not take into account lawful origins of finances. The Government could consider the criminal receivership over the entirety of an offender's lifetime and therefore all their wealth and assets, making it a punitive experience for an offender.

Chapter Four: Incentivising progression from custody to community

While the Review proposes that custody should be a last resort, for many offenders custody will still be the right approach. When that is the case, it is important that these sentences are carried out in a way that is fair and transparent for offenders and victims, and as dictated by the sentence of the court. The majority of offenders in prison will be released, therefore custodial sentences should be used to incentivise good behaviour and focus on limiting the risks of reoffending. The existing capacity pressures and stretched prison resources limit how far current prison regimes can achieve this.

The Review has considered how the current processes for progressing through standard determinate sentences can be simplified and improved, looking also at the role of incentives in sentence management.

A standard determinate sentence (SDS) is the most common custodial sentence imposed by the courts, accounting for 44% of all people in custody as at 31 March 2025.[160] Typically, an offender serving an SDS will be automatically released from custody into the community at a certain point in their sentence (their conditional release date) depending on the length of their sentence, the type of offence and when the sentence was imposed. Some offenders are released earlier into Home Detention Curfew (HDC). Currently, most SDS offenders serve between 20% and 66% of their sentence in custody, before being released into the community.

There are currently three automatic release points for SDS offenders. Prior to The Release of Prisoners Order 2020, all SDS offenders would typically spend the first 50% of their sentence in custody before being released automatically. Legislative changes in 2020 and 2022 moved this automatic release point to the two thirds point (66%) for SDS of 4 years or more imposed for serious specified sexual and violent offences.[161] The introduction of the two thirds release point in 2020 was estimated to lead to an increase in prison population of 800 by March 2026.[162] It is now estimated that the further expansion of this measure in 2022 will lead to an additional increase in the prison population of between 560 – 610 by 2025/26.[163] The Government made necessary deflationary changes (in the form of emergency release measures to address prison capacity crises) in 2024 by moving the automatic release point from 50% to 40% for some offenders.

Some offenders are released before their automatic release date under HDC. This allows certain eligible risk-assessed offenders serving SDS of 12 weeks or more to be released up to 6 months ahead of their automatic release date. This results in some SDS offenders being released as early as the 20% point of their sentence.

The Review received evidence from ex-offenders, victims and third sector organisations that the current system for SDS is confusing. The current system means that offenders are released at 66%, 50% or 40%, and some earlier on HDC. The eligibility criteria for the HDC scheme has been subject to several changes over recent years in response to prison capacity pressures. This has caused the number of offenders released earlier than their automatic release date to fluctuate over time. In the period between October and December 2024, the number of offenders released on HDC was up 73% compared to the same period in the previous year.[164]

The multiple release points in the current system have created considerable operational complexity and reduced the transparency of custodial sentences for both offenders and their victims. Ex-offenders engaged through this Review noted they often did not understand the sentence they received and how they would progress through their sentence. Complexity in the system is also detrimental to the confidence of victims who often find it difficult to comprehend release points for custodial sentences, especially when they have changed in response to overcrowding pressures.

Media reports further amplify concerns that individuals are released earlier than their full sentence, also contributing to a lack of public confidence in the justice system.

Through the Call for Evidence, the Review heard from Claire Waxman OBE, the Independent Victims' Commissioner for London, that there is a lack of understanding of the sentencing system amongst victims and the public, often leaving victims open to further trauma and feelings of injustice when they realise that the custodial portion of an offenders' sentence is not as long as they had anticipated.[165]

The Review has considered how the current SDS system can be reformed to achieve greater simplicity and transparency, ensuring custody is used appropriately alongside time in the community, with effective supervision in place.

Recommendation 4.1: Introduce an "earned progression" model for those serving standard determinate sentences

This Review proposes a simpler, more transparent SDS model designed to incentivise offenders to use time in prison positively through an earned progression scheme, enabling them to bring forward their automatic release date to the one third point of their sentence.

This model aims to simplify release arrangements for all SDS offenders by standardising release points and removing provisions for release under Home Detention Curfew. In this model, offenders would progress through three distinct stages: the custody stage, the post-custody supervision stage, and the at-risk stage:

- **The custody stage:** This stage implements an earned progression scheme in prison. Under this model, the expectation is that most SDS offenders would be released at the one-third point if they have engaged constructively with the prison regime. The expectation is that remaining SDS offenders would be released from custody by the halfway point of their sentence.
- **The post-custody stage:** Once released from custody, offenders would progress to the post-custody intensive supervision stage, where they would be released back into the community under strict licence conditions until the two-thirds point of their sentence.

- **The at-risk stage:** For the final third of the sentence, offenders would progress to the at-risk stage where they would not be subject to active supervision and could only be recalled if a new offence is committed.

Incentive schemes in prison and probation use the principles of reward and reinforcement to encourage certain desired behaviours. Some schemes also incorporate punishment, so that offenders lose privileges for poor behaviour or lack of compliance. Existing incentives schemes for prisons in England and Wales do not offer early release from prison and instead incentivise offenders to follow rules, engage in the prison regime and rehabilitation activities through offering changes to an individual's conditions and freedoms within prison (for example, how much money can be earned or how much time can be spent outside the cell).[166] Evaluations of the Incentives and Earned Privileges (IEP) scheme have emphasised the importance of perceived fairness and positive reinforcement in incentives schemes. Learnings from incentives schemes such as IEP have revealed that unwanted effects such as increased defiance, resentfulness and distress amongst prisoners can result from schemes which are implemented with an overly punitive emphasis where prisoners feel that they are being treated unfairly.[167]

In many US states and some European countries, incentive schemes go further to offer offenders opportunities to reduce their time served in prison or on probation supervision. There is limited evidence on incentives systems, although some research has linked existing schemes which lead to early termination of probation supervision to reductions in caseloads and no increase in reoffending for people who earned early discharges (Earned Compliance Credits in Missouri).[168] However, evidence on the long-term effectiveness of these schemes on probation outcomes (such as compliance, reoffending and caseloads) is limited.

More generally, research has been conducted on incentive schemes in prisons based on the principle of psychological conditioning.[169] Findings indicate that some well-administered incentive schemes in prisons, particularly those that prioritise positive reinforcements for good behaviour over sanctions for poor behaviour, can have the potential to "promote discipline and structure, and can motivate inmates to earn the right to receive more privileges leading up to early release."[170]

The Review proposes introducing an 'earned progression' scheme for SDS offenders which encourages constructive engagement with the regime.

This would set the expectation that all offenders should comply with the rules and poor behaviour (such as violence or use of drugs) will not be tolerated. The core principles for this model are:

A. The scheme should assume that offenders will comply with the scheme criteria from the outset and be released at the one third point of a sentence. The release point is pushed back towards the halfway point when there is non-compliance with the earned progression scheme. Consideration should be given to timeliness of confirmation of release date to allow for appropriate pre-release planning to take place.

B. The criteria for compliance should include, but not be limited to, compliance with prison rules.[171] Actions which violate prison rules (for example, offences against discipline, such as engaging in any threatening, abusive or violent behaviour, possessing unauthorised articles) and do not follow lawful instructions by immigration officials in deportation proceedings (preserving their legal right to appeal) would result in the offender's release point being pushed back. The criteria for compliance should also include the expectation that the offender will engage in purposeful activity and attend any required work, education, treatments and/or training obligations where these are available. This Review holds the view that, as prison capacity eases and fuller regimes become possible, compliance requirements for earned release should become more demanding.

C. The criteria for compliance should be as objective and easy to administer as possible by using current processes and minimising additional layers of decision-making/bureaucracy as far as possible.

When offenders leave prison, the right support mechanisms and interventions must exist to help limit re-offending, manage inappropriate behaviours and protect victims. Given an SDS offender would be released from prison between the one-third and halfway point of their sentence, the Review has considered how to most safely manage that release. The proposed model prioritises probation resource on managing risk and addressing needs through close supervision in the immediate period after custody (addressed in the following section).

Most reoffending occurs in the period immediately upon release. For adult and juvenile offender cohorts combined, nearly one third (31.9%) of all reoffences took place within three months and over one half (57.2%) within six months after release from custody or after

receiving a non-custodial conviction at court, a reprimand, or a warning.[172] Therefore, this model recognises that the benefits of supervision for most offender cohorts are in the period immediately following release from custody by offering a more graduated step down from custody, testing an offender's behaviour and supporting offenders to move back into the community but recognising this can provide significant challenges (including the need for stable accommodation, as addressed later in this Chapter).

The model would also require the cessation of Post-Sentence Supervision (PSS) arrangements for offenders released from a sentence of less than two years' imprisonment. Many people have criticised PSS on grounds of its ineffectiveness. A 2019 report by His Majesty's Inspectorate of Probation (HMIP) identified "no tangible reduction in reoffending" following PSS – albeit under the previous structure before the privatised probation services (the Community Rehabilitation Companies) were returned to public control, and absorbed into the newly named "Probation Service" in June 2021.[173] Along with ending supervision at the two thirds point, this change would build on the current arrangements for licence periods which have been introduced following the 2024 Probation Reset measures (the resetting of Probation Service workload priorities in response to the increased pressure placed on the Probation Service by emergency prison release measures).

SDS cohort of serious sexual and violent offences

The Review believes that maintaining consistency in release points across all SDS offenders in the "earned progression" model would be the best way to uphold the principles of transparency and simplicity. Any differentiation in the scheme should be based on the sentence given by the court, which is why the Review is proposing an altered scheme for those on extended determinate sentences (EDS), where there has been a judicial assessment of dangerousness (for further detail, see **Recommendation 4.2**).

However, the legislative changes introduced in 2020 and 2022 moved the automatic release point to two thirds for offenders on a SDS of 4 years or more imposed for serious sexual offences and certain types of violent offences. These offences include rape, manslaughter, soliciting murder, attempted murder and wounding with intent to cause grievous bodily harm – where the court decides that the particular circumstances of the case do not merit a Life Sentence or an EDS and so imposes an SDS instead.[174]

These legislative changes represent a view that sentencing for serious violent and sexual offences is unbalanced in comparison to other offences. The Review proposes that, in the longer term, the Government should consider maximum penalties in full (for further detail, see **Chapter Nine**), and that this would be the more appropriate way to reflect Parliament's view of seriousness for different types of offences. However, given the long-term nature of any full evaluation of maximum penalties, the Review recognises the need to maintain a different release point for this cohort of serious offenders in the immediate implementation of this model.

To account for this view and align more closely with existing release points for the SDS cohort of serious sexual and violent offenders currently released at the two-thirds point, the Review recommends that this cohort progresses through the three stages in the same way as the wider SDS cohort, but at different points in their sentence:

The proposal for the SDS cohort of serious sexual and violent offences is to alter the release points so that the expectation is that **most offenders would be released at the halfway point** if they have engaged constructively with the prison regime. All **remaining offenders in this cohort would be released from custody by the two thirds point** of their sentence at the latest. These offenders would then be **supervised in the community in the post-custody stage until 80%** of the way through their sentence, after which they would progress to the at-risk stage where they would not be subject to active supervision and could only be recalled if a new offence were committed.

While increasing transparency of custodial sentences for offenders and victims, the "earned progression" model is anticipated to reduce demand on the prison population in a coherent and predictable way, increasing certainty for sentence planning so that risk can be better managed. The Review has estimated this model could save around 4,100 prison places by incentivising good behaviour in custody. Please see **Annex B** for further information on this.

Strengthening supervision of offenders post-custody

Offenders given an SDS are deemed by a judge at their sentencing as not meeting the dangerousness threshold for the more punitive EDS.[175] SDS offenders are therefore not subject to Parole Board review and will be released from prison automatically at their conditional release date under the existing system. As well as simplifying the release date for all SDS offenders, the Review recognises the importance of managing these releases so that offenders are dealt with in a safe and robust way, and victims are protected.

To provide appropriate supervision of offenders once they have left custody, this Review proposes a system of community supervision whereby offenders can be moved up or down three levels of supervision dependent on their response to licence conditions. This approach seeks to balance the need for robust safeguarding and supervision with finite probation resources, noting that future technological changes may support more innovative methods of monitoring and supervision. The cumulative levels proposed are as follows:

- **Level 1: Supervision and Support** – Low risk offenders could have standard licence conditions, reflecting current practice, with oversight from the Probation Service. Additional monitoring, where deemed appropriate, could be achieved through adapting mobile or existing tag technologies such as those deployed by the Police in Integrated Offender Management schemes (which may be particularly important for those with no fixed address). To address the root causes of offending behaviour, licence conditions could involve drug and alcohol testing, treatment and rehabilitative work with the third sector.
- **Level 2: Supervision with Curfew** – Higher risk offenders could be further supervised under an electronically monitored curfew. The curfew could be flexed to the individual varying from overnight curfews to longer curfews during the day where this would not disrupt rehabilitative activity such as employment. Compliance throughout the supervision stage could result in reducing the intensity of the curfew.

- **Level 3: Enhanced Supervision with additional monitoring** – Highest risk offenders could be subject to an addition of the maximum level of GPS tracking and curfew.

These levels should allow the Probation Service to focus management on the offenders who present a particularly high risk and manage their transition into the community in the safest way possible.

If the levels of post-custody supervision in the community increase the use of electronic monitoring and technological alternatives, there would need to be consideration of how offenders practically ineligible for electronic monitoring (for example, no settled accommodation or the existence of safeguarding concerns at the address) can be safely managed. In the future, mobile-enabled biometric check-ins or wearable devices not tied to a fixed location could provide flexible alternatives for those without settled accommodation (for further detail, see **Chapter Eight**). These technologies, combined with smart communication tools and AI-supported supervision systems, could improve risk management within post-custody monitoring frameworks.

Enforcement of licence conditions in the post-custody supervision stage will be important to maintain public protection. The Review has considered recall procedures for breaches of licence conditions later in this Chapter.

The new proposed progression models will increase demand on the Probation Service and other third sector services. Investment in the community is therefore necessary in order to successfully deliver more intensive supervision as part of a more tailored and graduated step down from custody to the community. This work could be undertaken contractually by others working on behalf of Probation (e.g. Third Sector organisations) (for further detail, see **Chapter Seven**). Investment in additional Community Accommodation Service (CAS) including Approved Premises provision would also be required in order to support supervision, particularly at levels 2 and 3 if curfews are deemed a necessary risk management tool and the offender has no fixed address (for further detail, see **Recommendation 4.5**).

This Review is mindful that certain groups of offenders (for example, those struggling with acute mental health conditions or neurodivergent offenders) may struggle to comply with the requirements of this model and could be negatively impacted relative to other offenders.

This Review strongly advises that the "earned progression" model is implemented for offenders with more complex needs alongside any reasonable adjustments or tailored support they may require while in prison, to ensure that they are treated fairly under the model.

If an earned progression model is implemented, the Ministry of Justice would conduct an Equalities Impact Assessment at the point of legislation to establish that disadvantaged and protected groups would not face barriers to participation or disadvantage generated by the model. Implementation of an "earned progression" model would also need to be carefully monitored to evaluate its effectiveness and identify and mitigate any adverse outcomes. This monitoring could be carried out by His Majesty's Inspectorate of Prisons.

The Review advises that the "earned progression" model is implemented alongside its recommended changes in **Chapter Three**. Offenders on short custodial sentences with mental health needs or who are neurodivergent would benefit from the Review's recommendations on deferment (for further detail, see **Recommendation 3.4**) and use of short custodial sentences only in exceptional circumstances. Such recommendations would likely better provide these offenders with the more specialised support they need to rehabilitate and live good lives as this support is most often found in the community. If the Review's package of measures is implemented in full, the deflationary impact on the prison population would also likely make it easier for prisons and staff to focus on offenders remaining in custody and their specific needs.

Recommendation 4.2: Introduce an "earned progression" model for those serving extended determinate sentences

The Review has considered whether and how to apply the principles outlined above for SDS to EDS. An EDS is reserved for those who have committed more serious offences and is imposed in cases where the court has assessed the offender as "dangerous" (within the legal definition of posing a significant risk of serious harm), but the offending is not judged sufficiently serious to merit a life sentence.[176] The sentence consists of an appropriate custodial term and an extended licence period of at least one year. Currently, the offender can be released after serving two thirds of the custodial term, but only at the discretion of the Parole Board, otherwise the offender will have further parole reviews at least every two years for the duration of their custodial term.

The Parole Board will only direct the release of an offender if they assess that they can safely be managed in the community.[177] By 31 March 2025, there were 8,841 prisoners serving extended determinate sentences.[178] This is a 9% increase since March 2024 and prisoners serving EDS account for over 10% of the total prison population.[179]

The Review considers the role of the Parole Board in the release of EDS prisoners to be an appropriate one. These are the prisoners that judges have determined to be dangerous at the point of sentencing and so there should be an extra requirement on the prisoners and the system to assess that they can be safely managed in the community. The principles for incentivisation can be applied to EDS prisoners but adapted to take into account the risk recognised by the court. The proposed EDS model consists of the same stages as for SDS progression, adapted to the custodial term and extended licence period format of extended sentences. EDS offenders would start on the custody stage and then move onto the post-custody supervision stage either once they are released by the Parole Board or reach the end of their custodial term. Some offenders could then move on to an at-risk stage until the end of their extended licence period.

In this model, all EDS offenders would continue to be released from custody before the end of their custodial period onto supervision in the community **only** when assessed as safe to be released by the Parole Board. Prisoners serving Sentences for Offenders of Particular Concern (SOPC) which are currently given for a specified list of terrorist offences and the two most serious child sex offences could also be included

in this model given that they are also currently subject to review by the Parole Board.[180] Through earned progression, an offender would become eligible for release by the Parole Board from the halfway point through to the two thirds point. Offenders who do not become eligible for this through earned progression would remain eligible for release by the Parole Board at the current standard two-thirds point. All offenders would then be managed under the post-custody supervision stage once released from custody, whether this is before the end of their custodial term or at the end of their custodial term. Offenders can also end their post-custody supervision early if compliant throughout their post-custody supervision and remain on an at-risk stage until the end of their extended licence period.

Unlike the SDS model where progression to the at-risk stage is assumed, extended sentence offenders would progress onto the at-risk stage only if they become eligible through compliance in the post-custody supervision stage. It is therefore not expected that all EDS offenders would progress to an at-risk stage.

The same principles of compliance for the SDS model apply here but with some differences to account for the additional risk assumed for extended sentence offenders:

A. Under this scheme, offenders would continue to be eligible for release before the end of their custodial period onto supervision in the community only if assessed as safe by the Parole Board. Offenders would be required to demonstrate compliance with the earned progression scheme in order to bring forward their Parole Board review from the two-thirds point towards the earliest possible halfway point.

    - The earliest possible release point should be calculated for these offenders at the start of their custodial term. If an offender becomes eligible for review by the Parole Board at the earliest possible point (halfway point), the Parole Board should schedule their review prior to the halfway point to enable release at the halfway point if the prisoner is assessed as safe.

B. Extended sentence offenders should also be required to comply with their sentence plan to evidence work towards addressing their offending behaviour to the Parole Board. A more substantial credits scheme for offenders to bring their Parole Board review forward would need to be worked up to support these principles.

C. There should be an additional component of the credits scheme for extended sentences whereby the scheme applies to supervision in the community so that offenders can also earn credits during the licence period to enable progression to the at-risk stage during the extended licence period.

Analysis carried out for the Review suggests that this model could save around 600 prison places. Please see **Annex B** for further information on this.

Texas "Good Conduct Time" Prison Remission Scheme

The Texas Department of Criminal Justice (TDCJ) operates a system of "good conduct time" where eligible prisoners can reduce the time they serve in prison before they are eligible for a parole review by behaving well, with additional time off awarded for engagement in purposeful activity. While earning time reductions can bring forward their date for review by the Parole Board, it is not an automatic release measure. "Good conduct time" does not affect the length of a prisoner's overall sentence, that is, if an inmate is sentenced to ten years, they will either be in prison or on parole for the whole ten years.

At the start of a custodial sentence, an earliest parole hearing date is calculated which assumes the prisoner would earn the maximum "good conduct time". Time can then be added back to the custodial sentence length if the prisoner commits an infraction such as assaults on staff or other inmates.[181]

While SDS and EDS offenders would be treated differently across the two models, the models aim to help simplify how an offender can serve their sentence and increase transparency for offenders and their victims by treating all offenders the same within each of the SDS, SDS for serious sexual and violent offences and EDS sentence categories. Since the opportunity to earn earlier release dates is not currently available to offenders in the existing system, it is important that the proposed models do not result in up-tariffing, particularly of offenders suitable for a SDS to an EDS. EDS must continue to be reserved for when there is a serious concern about an individual rather than it being a default sentence.

The Review also expects particular attention to be paid to when and how victims and their families receive information on an offender's sentence and covers this in detail in Chapter Five.

In this Chapter the Review has proposed "earned progression" models for those serving standard determinate sentences and extended determinate sentences.

The Review has not considered life sentences as some life sentences were explicitly excluded from our Terms of Reference. However, the Review encourages the Government to consider how recommendations made within these models could be adapted to suit the progression of offenders serving life sentences though the prison system.

Recommendation 4.3: Introduce a new model for recall for those serving standard determinate sentences, with stricter criteria and thresholds

The number of prisoners on recall has more than doubled over the seven-year period from March 2018 to 2025 from c.6,000 to c.13,500, making it a significant driver of overall prison demand.[182] Offenders are liable to be recalled to prison if they breach the conditions of their licence or if their probation officer is concerned about their risk of re-offending. SDS offenders currently under standard recall are liable to be detained for the remainder of their sentence unless re-released by the Secretary of State or Parole Board, which can be a lengthy process and involve long periods of detention. There are also short (14 or 28 day) fixed-term recalls (FTRs). These are disruptive for offenders and do not provide enough time for either the offender to address their risky behaviours in custody or for further risk reduction measures to be implemented upon their re-release/ return to community supervision.[183]

Many organisations and individuals argued that the current application of recall is an ineffective use of resource that reverses work taken to rehabilitate and transition offenders out of custody. The Review received numerous reports that offenders are recalled for breaches such as their tag running out of power or a failure to keep in touch, and that breach and recall processes are overly punitive and are often felt by prisoners to be unfair (for example, if they have been released into unstable housing).[184] Of recalls in October to December 2024, just under a quarter (23%) involved a charge of further offending, while nearly three-quarters involved non-compliance (74%).[185]

France's use of recall, in which it is seen as a last resort, was identified in contrast to the approach in England and Wales. In France, recall tends only to be activated in cases involving "serious non-compliance (such as reoffending, escape or repeat violations)". More emphasis is placed on alternative measures or sanctions to address the offender's needs and behaviour.[186]

During the Review's visits to prisons, the consensus from staff and prisoners was that fixed-term recalls were "making things worse". A female offender stated that 14 days is "just long enough to lose everything", including housing, employment or childcare that may have been secured. Staff at a men's prison highlighted that offenders on 14 day recalls fell short of qualifying for a Subsistence Payment as this requires a minimum of 15 days in prison, meaning offenders were released from prison with no money at all.[187] Staff felt that this increased the likelihood of reoffending. These views were mirrored in many of the roundtables held by the Review, in which ex-offenders and third sector organisations felt that the processes and support that had been painstakingly put in place for offenders following custody often fell through as a result of 14 or 28 day recalls.

Research and evidence on recall often combines the impact of all recall types (standard and fixed-term). Consequently, the evidence base specific to the impacts of FTRs is sparse and further research is needed to understand what effects FTRs have had. However, a 2025 insights paper by Catch22 found that while existing 14 and 28 day FTR is often triggered by resettlement challenges experienced by offenders, the short period of custody can further exacerbate these issues and create additional barriers to rehabilitation for offenders instead of addressing the underlying causes of non-compliance with licence conditions.[188] The paper advocates for an alternative approach in which the use of FTR is prevented where other interventions are more effective, and to transform FTR from a punitive measure into an opportunity for meaningful intervention.

This Review recommends a new model for fixed-term recall for SDS, which would:

a) Tighten the threshold for recall so that it is only used to address consistent non-compliance with licence conditions or specific and imminent risk. Practitioner discretion surrounding what is classed as consistent non-compliance or specific and imminent risk is key to this approach.

b) Introduce a longer FTR period (for example, 56 days) to reflect this more serious non-compliance and risk, replacing short-term recall of 14 or 28 days and standard recall for SDS.

The Review has estimated that this recommendation could save around 2,300 prison places. Please see **Annex B** for further information on this.

These reforms aim to reduce administrative recalls for low level non-compliance (for example, for missing one appointment) where instead, alternative arrangements could be made for the offender in the community to support their resettlement needs and compliance going forward. The offender's risk upon release from custody would therefore be managed in a different way to existing practices, that is through increased support and tailored licence conditions in the community to prevent further crime rather than an overreliance on recall to custody to prevent further crime. The reforms would also allow sufficient time for planning around appropriate conditions for safe re-release into community supervision. To avoid this new recall mechanism being used impulsively, licence conditions could be tailored or tightened by the Probation Service to address causes of non-compliance as an initial step rather than the offender being immediately recalled to custody.

In cases where SDS offenders can be safely re-released into community supervision before the full FTR period, there could be a mechanism to review and re-release these individuals earlier than 56 days. This would be exceptional rather than routine. Conversely, a mechanism that allows detention beyond the 56 days could be incorporated into the recall procedure for SDS for those offenders where further risk management is deemed necessary. This should be exceptional and used only in cases where there is a specific, imminent and high risk of serious harm. This would prevent dangerous offenders from being automatically released after the 56 day period.

While these reforms aim to reduce the number of SDS offenders being recalled to custody, proportionate and robust action must be taken to protect victims. These proposed reforms aim to prevent further crime by providing sufficient support and engagement with prisoners immediately upon their release from custody. This would be achieved through targeting of resources to support the Probation Service when supervising offenders following release and enabling them to take appropriate action to escalate and tailor licence conditions options in the community as an alternative to short term recalls. Where recall remains the appropriate action in response to a specific and imminent risk posed by offenders, it should happen.

The removal of the role of the Parole Board in SDS recall reflects the nature of the SDS which has an automatic release date, providing capacity for the Board to focus on their primary role of determining whether prisoners serving indeterminate sentences (life and IPP) and those on extended determinate sentences who have been assessed as dangerous, continue to represent a significant risk to the public. This will enable the Parole Board to focus resources and speed up the review of cases with a Parole Eligibility Date where the risk to the public is higher, and their approval is required for release.

Using different forms of custody most effectively

As at 30 June 2024, there are currently 123 prisons in England and Wales – some were built more recently, some are older, some are in city centres or in the countryside and a small proportion are run by the private sector.[189] While this Review was not tasked with examining the shape and makeup of the prison system, it has considered how different categories of prison, such as open prisons, could support offenders' constructive and safe progression through sentences, as well as their rehabilitation.

Recommendation 4.4: Increase and tailor the use of open conditions where suitable for offenders

Open prisons (called Category D prisons in the system for men) have less security than closed prisons and allow eligible prisoners to spend some or most of their day away from the prison on licence to carry out work, education or for other resettlement purposes. These prisons were originally designed to enable offenders with a sufficient period left to serve of their sentence to benefit from a regime focused on resettling them into the community. Most offenders moved to open conditions through standard recategorisation processes were on longer custodial sentences and had completed previous rehabilitative programmes in prison.[190]

These offenders were then risk-assessed and deemed suitable for lower security conditions.[191]

Open prisons can lead to better outcomes for offenders – there is some research indicating that open prisons and temporary release schemes offered within the open estate can positively impact on reoffending.[192] Evidence also suggests that open prisons are rated more positively than closed prisons by prisoners as being less restrictive, safer, and less harmful.[193]

Open prisons also cost the government less per place than prisons in the closed estate (categories A-C): the average cost of a closed prison place is £58,000 compared to £42,000 in the open estate.[194]

Recently, there has been tension within the prison system between the use of open prisons for their core purpose – resettlement and reintegration of prisoners back into society – and using them to hold more prisoners to reduce overall capacity pressures. The introduction of emergency measures such as the Temporary Presumptive Recategorisation Scheme (TPRS) in 2023 has moved more prisoners with a short time left to serve of their sentence to open prisons to ensure there is space in the most secure prisons for dangerous offenders. However, offenders with only a matter of months left to serve in custody are less able to engage fully in the current resettlement activities and programmes of open prisons.[195]

On its prison visits the Review heard that the influx to open prisons of offenders with little time left to serve had destabilised open regimes. Staff felt less safe due to an increase in aggressive behaviour and drug use by these offenders who were often younger, on shorter custodial sentences and less interested in rehabilitation and resettlement. Staff stated that not only were these offenders not benefiting from the open regime but their behaviour, and the changed makeup of the open estate, was unsettling for those on longer sentences who were working hard to rehabilitate and resettle.

Responses to the Call for Evidence were largely positive about the rehabilitative potential of open prisons, with some recommending more open prisons were built to increase prison capacity. Others suggested that open prisons better prepare offenders for their release than other prison categories, particularly for prisoners on long sentences, such as those with life sentences.

The Review makes two recommendations related to open conditions. Firstly, HMPPS should make greater use of the open estate for suitable offenders on longer sentences who could be safely managed in open conditions for a larger portion of their sentence. For some offenders who have committed non-violent offences and do not pose a high risk, this may mean moving to an open prison earlier in their sentence than current recategorisation processes allow. Generally, offenders should have **at least 12 months** left of their sentence to serve to enable sufficient time for their engagement in resettlement activities.

Secondly, to allow the Government to continue to alleviate capacity pressures and to protect the function of the open estate to resettle suitable offenders, the Review recommends the creation of a new, separate open regime for offenders with little time left to serve of their sentence. This would better facilitate the rehabilitation of offenders on longer sentences (with more time to serve) under the current regime, as prisoners with little time left would be housed either in a separate location or alternative prisons altogether.

It would also require Government to consider how this new, separate regime could involve more appropriate, tailored reintegration activities for offenders with little time left to serve. This could include exploring appropriate locations for each regime type (new and existing), to identify effective activities for rehabilitation and preparation for release in said location.

Supporting offenders' rehabilitation and reintegration in the community

Offenders who have earned their progression from custody to the community, or who are serving community orders, need settled accommodation to be able to comply with their licence conditions or requirements. Historically, offenders have struggled to access housing due to multiple factors.[196]

Recommendation 4.5: Improve investment in and access to accommodation in the community for offenders leaving prison and those serving sentences in the community

In 2020, HMIP reported that offenders "do not have priority on the housing register [for Local Authority housing], and some are excluded because of previous behaviour, rent arrears, being classed as "intentionally homeless, or having no local connection".[197] Private rental markets are also increasingly competitive, and landlords can be hesitant to rent to people with an offending history.[198] The Commissioned Rehabilitative Services (CRS) offers offenders housing-related advice, support and referrals but this is not a guarantee of accommodation.[199]

Offenders can access temporary housing either through HMPPS's Community Accommodation Service (CAS), or supported housing commissioned by HMPPS and/or Local Authorities. CAS is split into a three-tier system, covering offenders on intensive community orders, bail, licence or Home Detention Curfew.[200] Supported Housing is generally provided by a range of organisations including local authorities, charities and private landlords,[201] and is provided "alongside support, supervision or care" to support individuals with specific needs, including offenders.[202] Overall statutory responsibility for housing and homelessness still lies with Local Authorities in England and Wales.

While short-term placements do not provide a permanent housing solution, they can help offenders comply with requirements, engage with support and avoid imminent homelessness. The Review heard through engagement with third sector organisations and ex-offenders that without stable accommodation, maintaining a routine and attending appointments is more difficult. The Review also heard that a lack of stable housing can also lead to preventable recalls, such as people being recalled for not being able to charge an electronic tag or missing job centre appointments. The report by HMIP (2020) found that 63% of offenders in their inspection sample in unsettled accommodation were recalled or resentenced to custody in the first 12 months upon leaving prison.[203]

In some cases, CAS and supported housing can also provide specialist support for offenders' complex needs, which are often primary drivers of their offending and can prevent them from living independently.

For example:

A female offender living in CAS-1 accommodation for high-risk prisoners (also known as Approved Premises) told the Review "staff helped [her] put everything in place" to receive treatment for her alcohol addiction. She is now nearly a year sober after 25 years of addiction "due to help [she] got at the AP" and still returns to see and get support from her keyworker.

Despite the advantages accommodation services offer, the Review heard through its engagement that there is not enough supply of CAS and supported housing, resulting in bed scarcity and unequal provision across England and Wales. The 2023 Supported Housing Review found there are "significant, long-term challenges in sustaining the current supply of supported housing", including long-term budget pressures faced by local authorities. Funding levels have been reduced, thresholds for accessing some services have increased and, in some areas, services have been decommissioned.[204]

A lack of supply of short-term accommodation can mean offenders are being held longer in custody, taking up space in prison. In their response to the Call for Evidence, His Majesty's Inspectorate of Prisons highlighted that at HMP/YOI Drake Hall, 17 women were being held in prison beyond their earliest eligibility date due to there being "hardly any suitable accommodation for them to go to".[205]

The Review heard from staff at multiple prisons that a lack of stable accommodation was impacting the release of prisoners on Home Detention Curfew. Custody should not be used where there is a lack of available accommodation.

As the Review recommends more offenders are managed in the community, greater investment into additional accommodation options for use by HMPPS is essential. This can also be a cost-effective way to reduce reoffending as the cost of reoffending is high,[206] and prison leavers who are rough sleeping on release have double the rate of reoffending (70.4%) to those who were in some kind of accommodation upon release (35.1%).[207] While HMPPS funding for offender accommodation has increased through measures such as a new pilot in 2021 and the introduction of a CAS-3 accommodation,[208] more investment is needed to address supply issues.

While short term accommodation delivered by HMPPS supports offenders in the ways previously explored, the overall statutory responsibility for homelessness and housing provision lies with Local Authorities in England and Wales. Improving access to suitable, temporary accommodation may not reduce levels of reoffending alone, however, in 2014 the Ministry of Justice endorsed the position that it is a necessary, if not sufficient, condition.[209]

Additionally, the Review received evidence from frontline staff that existing community accommodation was not always used effectively due to issues with referral processes and awareness of services offered. Staff at one of the Approved Premises visited by the Review stated that "people are being released into unsuitable situations" despite there being empty beds as probation officers are not aware that the Premises will take medium or low-level offenders into the accommodation if their level of need is high.

Similarly, staff felt magistrates were not aware of their services, meaning women who could be bailed to Approved Premises to access rehabilitative and diversionary support early on were rarely given this option. More work should be done to ensure effective provision of accommodation.

Chapter Five: Providing support to victims

The Review has been mindful of the needs of victims throughout the development of its recommendations and is grateful to all victims and organisations working with victims who have engaged with the Review.

Throughout its evidence gathering, the Review was told that, while victims will have varied expectations of what effective and just sentences look like, reassuring practice from actors in the justice system – including effective communication – is vital.[210] This chapter's recommendations focus on promoting greater clarity and support for victims as they navigate the justice system.

The Review also intends that its package of recommendations as a whole will improve transparency for victims. Baroness Newlove, Victims' Commissioner for England and Wales, stated in her Call for Evidence response that "retrospective shortening of custodial sentences erodes public confidence in the justice system."[211] Similarly, organisations that support victims informed the Review that many victims felt blindsided by release schemes such as SDS40.[212]

The Review hopes its recommendations to standardise the progression of offenders through their custodial sentences ends the need for further emergency releases and therefore provides more certainty for victims (see **Chapter Four**). Its wider recommendations – including those to strengthen the oversight and management of offenders in the community, and to apply the best evidence available to target resources on what works to reduce reoffending – seek to improve safety for victims and the public.

The Review also recognises the devastating impact of violence against women and girls (VAWG). While system-wide improvement is necessary and prevention especially important, the Review has developed recommendations to help Government ensure that perpetrators who enter the system are monitored and managed effectively.

Recommendation 5.1: Launch a public awareness campaign on sentencing

Evidence received throughout the Review, including from Claire Waxman OBE, Independent Victims' Commissioner for London, identified a general lack of understanding of sentencing among the public, and by extension among victims.[213]

Misconceptions and a lack of knowledge about sentencing and how the sentencing framework is applied can reduce public confidence in the fairness of the justice system.[214] For example, roundtable attendees representing victims' organisations noted that a lack of understanding about the gap between maximum sentences and typical punishments contributes to a sentiment among victims and the wider public that sentences are too lenient. This in turn can impact victims' willingness to report crimes or testify against offenders.[215]

The Review recommends that the Government launches a public awareness campaign to support public understanding of any changes made following this Review's proposals. Information should be given to contextualise changes put forward by the Review within the existing sentencing framework, including reassurance about the safeguards and levels of supervision in place for those being released or rehabilitated in the community.

Any awareness campaign should be supplemented with an information sheet or guidance for victims that gives them information about what a sentence may mean in practice in clear, accessible language and formats.

Recommendation 5.2: Consider how to improve transparency about the length of time an offender spends in custody

While sentencers explain the amount of time that an offender will spend in custody in court at the point of sentencing, the Review heard repeatedly through its engagement and through the Call for Evidence that there is often confusion and a lack of clarity among victims and the wider public about custodial sentence lengths and how much time an offender will serve in custody – which is exacerbated by misleading reporting in the media. This often sets expectations that are unrealistic and inaccurate for offenders, victims and members of the public.

The Review intends its recommendations to standardise the progression of offenders through their custodial sentences to go some way in providing greater transparency.

However, more needs to be done to ensure that the public has a clear understanding of what a sentence means in practice – including the likely time an offender will spend in custody – and that this is correctly reported by the media. For example, the Independent Press Standards Organisation (IPSO) has some advice on court reporting, but this does not include any specific guidelines on how to report sentencing decisions.[216] Roundtable attendees representing victims' organisations reiterated that victims need to be offered greater clarity about what to expect and supported to understand the likely outcomes.

Government should consider how to make sentencing outcomes as explicit and unambiguous as possible, perhaps through a combination of guidance, national and tailored communications and engagement.

Recommendation 5.3: Review the support and services available to victims and witnesses, addressing barriers to effective provision of information and support

Through its Call for Evidence and engagement, the Review has heard about the importance of "procedural justice" for victims – that the criminal justice system should be fair and transparent, and, linked to this, that victims of crime should be supported and kept informed about the progression of cases. Organisations such as Safeline told the Review that sometimes being kept informed is more important to victims than the actual sentencing outcome.[217] Standards contained in The Code of Practice for Victims of Crime (Victims' Code) provide a guide for practitioners and victims on the minimal level of service people should receive in England and Wales. It states that victims of crime have the right "to be able to understand and to be understood" and "to be told the outcome of the case and given an explanation of the sentence, [and] to be given information about the offender following a conviction."[218]

Despite these standards, the Review heard about various challenges with the level and consistency of victim-facing support. Firstly, victims must interact with multiple actors and agencies to receive information. These include people from the police's Witness Care Units who manage the care of victims and witnesses due to attend court,[219]

the Crown Prosecution Service through the Victim Communication and Liaison Scheme,[220] and in some cases following sentencing, the Probation Service through the Victim Contact Scheme.[221]

The Review heard from frontline organisations that these avenues do not always provide information to victims consistently, sensitively or at the right time. Responses to the Call for Evidence highlighted that victims often receive fragmented information from multiple sources that can create confusion. In a 2023 Review looking into meeting the needs of victims, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) found that high workloads and competing demands among the Crown Prosecution Service, police and Probation Service meant that staff could not always invest the time and attention victims needed at every stage of a case,[222] and treated the Victims' Code as a compliance exercise with a focus on "process rather than quality".[223] Victims also reported that they did not always understand what their offender's sentence meant in practice as decisions were given in complex legal jargon and sentencing hearings can be emotionally difficult to experience.[224]

For many victims, the impact of the criminal justice process extends beyond their offender's trial. It was highlighted to the Review through engagement that victims experience a drop-off in support following sentencing as they lose touch with the actors responsible for arrest, conviction and sentencing. In her response to the Call for Evidence, the Victims' Commissioner for England and Wales noted that even when victims have a clear understanding of a release date, they do not anticipate "retrospective adjustments" to them such as through Home Detention Curfew (HDC).[225] Frontline organisations informed the Review that these adjustments can come as a shock to the victims they support, who are most often not informed of them. Information provided after a final hearing by the Victim Contact Scheme – which is only offered to victims of certain violent or sexual offences where an offender is sentenced to 12 months or more in custody – can also be patchy and inconsistent.[226]

Victims are not a homogenous group and while some will want information on an offender's progression, others will not.[227] The Review heard through its engagement with organisations such as We Are Survivors that victims may not all wish to receive the same information and frequency of updates. The Review emphasises the importance of victim support services that react to the needs of victims and adapt to them early on. The Review also stresses the importance of staff working in victim-facing roles having the

necessary skills and trauma-informed approaches to engage constructively with victims. HMICFRS highlighted the importance of trauma-informed training approaches,[228] as was promisingly introduced through Operation Soteria.[229]

Additionally, awareness must be raised amongst victims and the public of the Unduly Lenient Sentence (ULS) Scheme, which allows people to request certain Crown Court sentences to be reviewed. The Victims' Commissioner for London told the Review that victims were often not informed of the ULS Scheme.[230] There is a 28-day time limit for victims or the public to request an appeal, with no exceptions permitted.[231] An awareness campaign should make the public aware of this deadline.

The Review recommends that the Government considers how to improve clarity and transparency of sentencing for victims through its victim-facing services by: facilitating greater collaboration, including data and information-sharing, between various actors; introducing greater continuity of care; improving transparency around sentencing and appeal rights; and rolling out wider trauma-informed support training for its staff.

Recommendation 5.4: Continue the provision of free copies of judge's sentencing remarks to victims of Rape and Serious Sexual Offences

In May 2024, the Government introduced a 12-month pilot under which victims of rape and other sexual offences, whose cases are dealt with in the Crown Court, may request a free copy of the judge's sentencing remarks for their case. This was introduced to recognise that the sentencing of an offender is "an integral part of the criminal justice system for victims", and that sentencing remarks "summarise the case made against the defendant, and can provide an insight into how the trial outcome was reached."[232] An evaluation of the pilot is currently underway.

Organisations representing victims who attended the Review's roundtables noted that victims often find it difficult to understand more complicated parts of sentencing while the trial is ongoing, such as aggravating and mitigating factors, due to high levels of stress. The provision of written sentencing remarks can therefore provide victims of rape and sexual offences the space to understand and process the decision in their own time.

The pilot supports rape and sexual offence victims specifically, given "the particular difficulties they can

face when attending trials, often because of the associated trauma".[233]

The Review recommends that the provision of free copies of judge's sentencing remarks for Rape and Serious Sexual Offences (RASSO) victims should continue beyond the conclusion of the pilot. Additionally, criminal justice personnel working with victims should be made aware of this provision and assist victims in applying for their free copies.

Victims of Violence Against Women and Girls

The Review has also considered sentencing for offences committed primarily against women and girls.[234]

Violence against women and girls (VAWG) refers to acts of violence or abuse that "disproportionately affect women and girls", including offences such as "rape and other sexual offences, domestic abuse, 'honour-based' abuse, and stalking".[235] These offences are devastating and can have a lasting impact on victims physically, mentally, socially and financially.

Despite an overall increase in the use of custodial sentences and length of sentences handed down by courts, VAWG remains a significant problem. It has been estimated that 1 in 12 women are victims of VAWG-related offences every year.[236]

Evidence submitted to the Review highlighted this issue. Standing Together, a specialist domestic abuse charity, stated, "persistent rises in [VAWG] related offences suggest that the current sentencing model is falling short in its objectives", noting "while punishment and public protection may be addressed through longer custodial terms, the high rates of reoffending indicate limited success in discouraging reoffending and cutting crime."[237]

Call for Evidence respondents also highlighted that custodial sentences can be a necessity for managing the risks presented by VAWG offenders and to protect and safeguard victims. For offences such as stalking and domestic abuse, custody may be the only respite for victims from their perpetrator.

The Government has set a target of halving violence against women and girls in the next decade.[238] Significant improvements are needed throughout the justice system to ensure perpetrators are held to account and victims are protected. Prevention, which requires a cross-system response, is crucial if the Government is to achieve this aim. However, the Government must also ensure that once perpetrators of VAWG enter the system, they are monitored effectively and the right interventions are put in place at every stage to prevent risks posed to victims and the public.

Recommendation 5.5: Improve identification of perpetrators of domestic abuse at sentencing to ensure the right interventions are in place to manage offenders

Effective monitoring of domestic abuse perpetrators requires better identification at the point of sentencing to ensure offenders can be tracked through the system and that appropriate interventions are in place.

Detailed evidence on perpetrators of domestic abuse is limited across the system in availability, consistency and quality, which makes it difficult to identify and monitor perpetrators effectively. There are several offences under which domestic abuse may be prosecuted and these offences do not always capture the nature of the perpetrator's offending and the risks they present. For example, cases of domestic abuse may be prosecuted as an assault or act of criminal damage. While domestic abuse flags are applied in data systems by agencies throughout the justice process to demarcate these cases, these are not always consistent, and there is no single, robust and consistent marker to identify these offenders and enable appropriate interventions to be put in place to protect victims.

A recent policy paper by the Domestic Abuse Commissioner, Dame Nicole Jacobs, recommended that the Government and criminal justice agencies make improvements to data, drawing attention to the critical need to flag incidents of domestic abuse throughout all criminal justice data.[239] This report also highlights that poor data has been repeatedly raised as a concern.[240] His Majesty's Inspectorate of Probation's (HMIP) thematic inspection on domestic abuse also highlighted the need to better identify cases of domestic abuse for the purposes of managing perpetrators. The report recommended that HMPPS "ensure all actual and potential victims of domestic abuse are identified accurately" so that "victims are protected and informed at each stage of the sentence management process".[241]

The Review recommends that the Government introduces a statutory requirement for courts to record judicial findings of domestic abuse in cases, to enable better identification and monitoring of perpetrators. Recording judicial findings will allow police, the Probation Service and other agencies to identify cases formally recorded as domestic abuse, helping them to more easily track domestic abuse offenders, understand the risks they present and ensure the right interventions are in place to protect victims and the wider public.

Information sharing

To better monitor perpetrators of domestic abuse, improvements to how information and data are shared between criminal justice agencies are also needed. The Government should consider how to enable better information-sharing, including how data systems and technology can enhance processes for identifying and monitoring perpetrators end-to-end in the justice system. The Domestic Abuse Commissioner recommended an "overhaul" of data systems and better integration across the justice system to "transform the ability of criminal justice leaders... to allocate resources appropriately, enforce the law and keep victims safe".[242] Improved data and information sharing across the justice system may also enhance understanding of what works to manage the risks presented by VAWG offenders.

Recommendation 5.6: Expand provision of Specialist Domestic Abuse Courts

The Review recommends that the Government expands the provision of Specialist Domestic Abuse Courts (SDACs) to enable a consistent, specialist response to domestic abuse cases, given the complexity these cases present.

SDACs are an alternative court model that was first piloted in 1999 before being rolled out nationally.[243] In 2023, Standing Together reported that the number of SDACs had declined considerably over the last 10 years and there was inconsistency in the principles behind the delivery of these courts.[244] SDACs cover a range of practice models and there is currently no national monitoring of how these are delivered. Multi-agency working is a core principle, enabling better information sharing and communication between agencies to improve the quality and effectiveness of interventions for managing offenders.[245] These models also often include case clustering, where domestic abuse cases are listed on the same day to focus resources and enable staff, and judges, to build specialist knowledge. SDACs should maintain an overall focus on victim safety and support.

Where possible, the Review also recommends SDACs should accommodate Independent Domestic Violence Advisors (IDVAs). IDVAs provide critical support to victims throughout their engagement with the criminal justice system and their presence in court can significantly improve the victim's experience.[246]

Family Procedure Rules 2010 (Practice Direction 27C) and Criminal Procedure Rules 2020 (Rule 3.8(7)(a)(ii)) confirm that the family and criminal court should allow IDVAs (and Independent Sexual Violence Advisers (ISVAs)) to sit with or near the victim in the courtroom if the courtroom layout allows, or any other location where the victim takes part unless there is good reason for the judge/magistrate to refuse.[247] The Review understands that in some areas this good practice is not always applied. The Review encourages the Government to consider whether guidance on this issue would improve the consistency of support for victims during court hearings.

The expansion of SDACs is supported by the Domestic Abuse Commissioner and organisations such as the Centre for Women's Justice and Standing Together.[248] In evidence submitted to this Review, Standing Together stated that "the expansion of the SDAC is imperative as it allows for effective information sharing and risk assessments which allow the sentencing guidelines to be used to their full potential".[249]

Other examples of multi-agency working

The Review recognises the importance of multi-agency working to improve the effectiveness of interventions to manage offenders. For example, multi-agency public protection arrangements (MAPPA) are a process by which police, probation, prison services and other agencies work together to provide a holistic view on the offender's circumstances and level of risk.[250] The Review welcomes the expansion of MAPPA to bring into force automatic management of those sentenced to 12 months or more, or given a hospital order, for an offence of controlling or coercive behaviour.

Multi-agency input may also enhance the work undertaken by the Probation Service to assess risk. For example, the Domestic Abuse Commissioner reported examples of specialist domestic abuse services being involved in the development of pre-sentence reports as "promising".[251] There are also examples of effective multi-agency approaches to delivering interventions:

The Drive Project, formed by Respect, SafeLives and Social Finance, is a domestic abuse intervention programme that aims to reduce the number of child and adult victims by disrupting and changing perpetrator behaviour, working with perpetrators who have been assessed by the multi-agency risk assessment conference (MARAC) referral pathway as posing a high-harm, high-risk of domestic abuse. The programme also supports victim-survivors.

The model includes direct one-to-one sessions carried out by case managers with service users, and one-to-one IDVA support for victim-survivors. Multi-agency working is used to share information, manage risk effectively and disrupt abusive behaviour. Case managers work to meet the needs of the service user, including housing or substance misuse treatment, with the aim of reducing the risk to victims.

The model is currently being delivered in seven police force areas across England and Wales.[252]

The University of Bristol carried out an independent evaluation of the project during its first phase of delivery (2016-2019). Service users tended to have high levels of need, including addiction, poor mental health and housing issues.

The evaluation found:

- There was a reduction in abuse by perpetrators: physical abuse reduced by 82%, harassment and stalking behaviours reduced by 75% and jealous and controlling behaviours reduced by 73%.
- IDVAs reported a reduction in the risk to victims in 82% of cases during the intervention.
- There were fewer repeat and serial perpetrator cases heard at MARAC.[253]

Recommendation 5.7: Improve training for criminal justice practitioners and the judiciary on violence against women and girls to inform appropriate sentencing and offender management

Ensuring practitioners have the specialist knowledge to respond to domestic abuse and other forms of VAWG is critical. Sentencers and those delivering interventions should have extensive knowledge of VAWG offences, the risks presented by offenders, and the full range of interventions available.

The Review recommends that all criminal justice practitioners, (including prosecutors and probation officers) and the judiciary receive trauma-informed training on VAWG to inform appropriate sentencing and offender management. Training should be reviewed regularly to ensure it reflects best practice.

While practitioners and the judiciary, are already required to complete training on domestic abuse and other forms of VAWG, the need for better training has been a recurring theme in evidence submitted to the Review.

Respondents to the Call for Evidence emphasised that training should be regular, mandatory, trauma-informed and cover all forms of VAWG and domestic abuse, including coercive control. Victims' organisations who engaged with the Review said "understanding of the danger or risk perpetrators pose is not as good as it should be" – noting that indications of good character or a lack of prior convictions should not suggest abuse did not occur.

While judicial training is a matter for the independent judiciary, and any review would therefore be for the Judicial College, the Review considers that it is vital that training is kept under review to ensure it equips judges with the knowledge to pass appropriate sentences. In the report "Shifting the Scales", the Domestic Abuse Commissioner, shared individual accounts which suggest there remains a lack of understanding of domestic abuse amongst the judiciary. For example, one victim was told she "did not look like a victim".[254]

Recommendation 5.8: Equip the Probation Service with sufficient resources to manage perpetrators of violence against women and girls, including for electronic monitoring

The Probation Service plays a critical role in managing perpetrators of VAWG and the Review recognises services are under significant pressure. HMIP's 2023 thematic report on domestic abuse found that approximately 30% of those on probation were currently, or previously, perpetrators of domestic abuse.[255] Only 28% of cases inspected by HMIP had been sufficiently assessed for any risks of domestic abuse.[256]

As covered in further detail in **Chapter Seven**, the Review recommends several measures to enable the Probation Service to prioritise resources where they will have the highest impact in terms of reducing reoffending and managing risk of harm. The Review also recommends investment in the Probation Service to ensure sufficient resourcing to manage offenders in the community more effectively. In terms of perpetrators of VAWG, the Review recommends that Government provides the Probation Service with the necessary resources to deliver greater electronic monitoring of perpetrators of VAWG, to manage risk and protect victims (for further detail, see **Chapter Eight**).

Tagging can be a useful way to monitor offenders and identify escalating risks. The Government has piloted electronic monitoring for perpetrators of domestic abuse, where adult offenders at risk of committing domestic abuse are required to wear an electronic tag upon leaving prison with the aim of strengthening offender management, helping victims to feel safe following release, and preventing further offending.[257] As part of the evaluation, probation staff, victim liaison officers and offenders on probation all said the capacity to corroborate the tag wearer's location was beneficial.[258] Data from the electronic tag enabled probation staff to identify potential patterns of risk escalation. Tagging also provided victims with reassurance and removed the onus on them to prove breaches had occurred. Offenders should be tagged promptly upon leaving prison to provide this level of assurance to victims.

In evidence submitted to the Review's Call for Evidence, the Suzy Lamplugh Trust expressed concerns that breaches of electronic tags are not currently taken seriously enough.[259]

Where breaches of conditions imposed on offenders are identified, the response should be swift and prioritise the safety of victims. Tagging should enhance, rather than replace, the proper enforcement of these orders.

It is also important that interventions, such as accredited offender behaviour programmes, are effective and that the Probation Service has the necessary resources to deliver them. VAWG organisations who engaged with the Review said that survivors will often hear that perpetrators are being rehabilitated, only for those individuals to reoffend shortly after release, leading to a loss of confidence in the system. HMIP's 2023 thematic report on domestic abuse also found that 45% of those in their case sample should have had access to an intervention but had not.[260] These programmes must be more widely available and better national data on referrals made and completed may help Government better understand the quality of programme delivery.

Compensation for victims of coercive and controlling behaviour

In addition to better means of identifying and monitoring perpetrators of VAWG, it is important that victims are given adequate compensation for the harms they have suffered.

Economic abuse can make the process of leaving an abuser and accessing justice more challenging for victims. A report by the charity Surviving Economic Abuse highlighted that victims often face long term financial difficulty following economic abuse. It also found victims not only want criminal justice, but also economic justice through actions to address the costs arising from their economic abuse, including through reparation.[261]

The court has a statutory duty to consider whether a compensation order is appropriate in any case where personal injury, loss or damage has resulted from an offence.[262] Sentencing guidelines are clear that compensation can be ordered for "mental injury", encompassing the impact that controlling and coercive behaviour and other forms of VAWG may have on victims' mental wellbeing.[263] However, in response to the Review's Call for Evidence, Surviving Economic Abuse suggest that compensation orders are not often imposed in the context of controlling and coercive behaviour.[264] The Review has not undertaken further analysis of this.

Compensation is a complex issue and there could be many reasons it is not ordered in these cases. Case law suggests that compensation orders are intended for "straightforward cases" and the court "should not embark on a detailed inquiry as to the extent of any injury or loss or damage".[265] This could make delivering compensation orders challenging in cases where the loss and damage suffered by the victim is not explicitly acknowledged or calculated. The court must also have regard to the means of the offender and whether they are able to pay compensation.[266]

Furthermore, some victims may not want to receive compensation from the offender as they may wish to have no ties with their perpetrator. It could also create for perpetrators a dangerous perception that they are still able to exercise some form of control over their victim. The Sentencing Council's guidelines state that victims' views should be sought in a sensitive way when considering a compensation order, to avoid inflicting further harm where financial compensation from the offender could cause distress.[267]

The Review encourages further consideration of how victims, who are eligible and wish to be compensated, could be offered compensation. Further work should be undertaken to understand the current barriers to compensation and how these can be mitigated.

Chapter Six: Targeted approaches to different groups of offenders

The Review has focused on how rehabilitative interventions offered through sentencing can reduce reoffending and prevent more people becoming victims of crime. Central to this is considering an offender's personal circumstances and needs and providing a tailored approach to tackle the root causes of their offending.

A tailored and nuanced approach is particularly important for offenders with multiple vulnerabilities such as substance misuse and trauma. Sentencing should avoid reinforcing the tendency for early disadvantage in someone's life to give rise to increasingly poor outcomes in the long term (also known as cumulative disadvantage). Instead, sentencing should ensure that individuals are held accountable while addressing the underlying factors driving their criminal behaviour.

Respondents to the Call for Evidence highlighted the integral role pre-sentence reports (PSRs) play in tailoring sentences to offenders, to achieve appropriate punishment and rehabilitative intervention. PSRs, when produced in full, offer fundamental information to sentencers on an offender's background, the circumstances of their crime, the risk they pose, and any other relevant context. For example, for any offenders with a history of substance misuse, PSRs can help judges decide what form of rehabilitative intervention may be most effective. In 2024, His Majesty's Inspectorate of Probation (HMIP) found that of 490 PSRs examined between February 2022 and August 2023, less than half were deemed sufficiently analytical and personalised to the individual.[268] The Review emphasises the importance of PSRs for all offenders.

While the Review's package of measures is designed to reduce the unnecessary use of custody for certain offenders (for further detail, see **Chapter Three**), the following recommendations promote a tailored approach to sentencing to improve rehabilitative outcomes.

Prolific offenders

The Ministry of Justice defines adult prolific offenders as offenders who are aged 21 or older on their most recent appearance in the criminal justice system, have a total of 16 or more previous convictions or cautions and have 8 or more previous convictions or cautions when aged 21 or older.[269]

Prolific offenders typically commit a multitude of crimes such as theft, street robberies and criminal damage offences.[270] They are typified by having multiple needs and a higher prevalence of "criminogenic needs" than non-prolific offenders.[271] Criminogenic needs are dynamic risk factors linked with offending such as having unstable accommodation and relationships.[272] A recent Ministry of Justice study of offenders who committed and were convicted of offences between September 2017 and March 2020, found that 73% of prolific offenders had 6 or more (out of 8) identified criminogenic needs compared to 49% of non-prolific offenders.[273] The difference in prevalence of need between prolific and non-prolific offenders is most stark for needs such as drug misuse (21 percentage points), accommodation (16 percentage points) and employment (16 percentage points).[274]

Respondents to the Call for Evidence largely felt that the current approach to managing prolific offenders is not working and acknowledged that sentencing alone cannot address the root causes of offending for this cohort. The Magistrates' Association stated that sentencers do not have enough tools to sentence prolific offenders constructively, and that it is often out of court and non-custodial routes, such as police-ordered conditional cautions, that can be most effective.[275]

In their Call for Evidence response, the Centre for Justice Innovation highlighted that a high proportion of prolific offenders are dependent on drugs and there is significant evidence that mandated drug treatment can achieve effective rehabilitation and desistance from crime.[276] The Review supports more investment in Community Sentence Treatment Requirements (CSTRs) which will be particularly important for prolific offenders with drug and alcohol addiction needs (for further detail, see **Recommendation 2.3**).

Prolific offending disrupts communities, and the scale of the problem is huge: between 2000 and 2021, prolific offenders made up roughly 10% of the overall number of offenders but they received twice as many custodial sentences as other offenders.[277] The Review recognises that prolific offenders need to be punished but, crucially, they must also be rehabilitated.

Recommendation 6.1: Expand the availability of Intensive Supervision Courts to address prolific offending

As discussed in Chapter Three, evidence shows that short custodial sentences are often ineffective at breaking the "revolving door" of continuous reoffending. Respondents to the Call for Evidence felt that structured and intensive intervention in the community could more effectively encourage prolific offenders to desist from crime. To enable this, the Review recommends expanding the availability of Intensive Supervision Courts (ISCs), which are specialised problem-solving courts aimed at diverting offenders from custody to robust management in the community.

ISCs target offenders with significant underlying and complex needs, who are likely to have a higher proclivity to repeat offending behaviour and aim to address the root cause of someone's offending behaviour. Current pilots for ISCs in England and Wales (in Liverpool, Teesside and Bristol Crown Court Centres and Birmingham Magistrates' Court) receive offenders on high-level community orders and suspended sentence orders (SSOs).[278] ISCs monitor offenders throughout their sentence and, through the coordination of multiagency teams, can deliver wraparound, intensive support to address an offender's needs. ISCs carry out regular reviews of offenders by an assigned judge, random drug testing and graduated privileges and sanctions for offenders in response to progress and compliance with their order.

Problem solving courts such as ISCs may be a particularly useful intervention for female prolific offenders who often have multiple and complex needs, as demonstrated by early findings of an evaluation of Birmingham ISC which works with women in the community (although not solely prolific offenders).[279] The JABBS Foundation highlighted in their response to the Call for Evidence that, anecdotally, the Birmingham ISC has shown "immense success" as women are supported by a multi-agency team who provide a package of gender-specific and trauma-informed care that is tailored to them.[280]

The interim process evaluations of the ISC pilots in England and Wales, covering a small cohort of offenders, were largely positive and demonstrated that most people sent to the ISCs (41 out of 63) would have otherwise received a custodial sentence.[281] Individuals on the ISC attended their rehabilitation requirements or had an acceptable reason for absence on 89% of occasions, suggesting good engagement with order

requirements.[282] While findings suggest workloads were greater than expected in some areas and a lack of involvement from housing services presented a challenge, positive relationships were found between the multidisciplinary teams and offenders received tailored support packages.[283] Some offenders also accessed mental health treatment for the first time.[284] ISC implementation is in its early stages and further evaluation will be completed by summer 2025.

This intensive approach to sentencing aims to increase offenders' accountability and compliance and the judiciary's confidence in community sentencing as a robust option to punish and rehabilitate prolific offenders.

In cases where an ISC is not deemed appropriate, sentencers retain full discretion to pass a sentence of immediate custody in exceptional circumstances, for example where an offender repeatedly breaches court orders.

A tough community intervention for prolific offenders

The problem-solving aspect of ISCs, such as judicial oversight and sentence management, can be effective for some prolific offenders, but it may be more appropriate for some to receive punishment in the community without this judicial oversight (for example, through an SSO). Others may need wraparound and robust community intervention such as that provided through Integrated Offender Management (IOM).

Currently, prolific offenders who commit neighbourhood crime such as burglary or robbery can be managed under IOM to help break the cycle of offending.[285] IOM provides targeted support through cross-agency supervision, overseen by the Probation Service, police and local authorities. HMIP highlighted in its response to the Review's Call for Evidence that previous attempts to use multi-agency, integrated offender management showed promising signs of rehabilitating offenders, arguing that this approach could be revamped with a stronger focus on the most prolific offenders.[286]

Following a joint thematic inspection by HMIP and HM Inspectorate of Constabulary and Fire and Rescue services on the IOM approach in 2020, the findings were disappointing and showed IOM had "lost its way", and stakeholders and workers agreed that a new strategy was "timely, if not overdue."[287] The Ministry of Justice revised the scheme in December 2020 to bring "clarity and greater accountability".[288]

The new strategy categorised offenders into three main cohorts - fixed, flex and free - to tailor interventions and optimise resources.

- The **fixed** cohort includes offenders who have committed a neighbourhood offence with a high risk of reoffending (determined by a high Offender Group Reconviction Score (OGRS)) typically involving robbery and burglary.
- The **flex** cohort consists of offenders who have committed neighbourhood crime offences or who have a history of such offences, and a medium OGRS score.
- The **free** cohort allows local areas the flexibility to address specific needs and priorities by including offenders who do not fit into the fixed or flex categories.[289]

The IOM model remains locally driven and adaptable, allowing a bespoke and robust approach to offender management. Where delivered effectively, a multi-agency approach can enable the management of offenders in the community through greater intelligence sharing, the use of co-location sites and multi-agency plans.[290] The structured IOM programme is intensive, with individuals on the fixed cohort attending three joint police and probation appointments weekly, designed to provide supervision and rehabilitative support. This may include support with mental health, treatment for addiction and employment support. The Review believes the principles underpinning IOM (working together, local leadership and partnership, and holistic supervision) are integral to intensive offender management and helping some prolific offenders turn their backs on a life of crime.

A recent evaluation of IOM by Ministry of Justice analysis, based on four case study regions (Yorkshire and the Humber, Greater Manchester, East of England and South Central) concluded that the strategy refresh in 2020 provided better clarity and focus on IOM, that new governance structures were clear and working well and the refresh brought in a level of oversight and strategic leadership that was not present previously.[291] The evaluation identified that barriers to IOM delivery were resourcing and capacity, including issues with wider organisations' capacity such as housing or mental health support.

The success of intensive community sentencing for prolific offenders is dependent on a well-funded and functioning Probation Service (for further detail, see **Chapter Seven**).

Addressing prolific offending is difficult and sentencing and probation alone cannot reduce it.

Ensuring the availability of stable accommodation, employment and health treatment is also essential. The Review has also considered the ways in which greater use of technology – such as facial recognition for prolific offenders in specific exclusion zones – could support more robust punishment in the community (for further detail, see **Chapter Eight**).

Female offenders

Women make up a small proportion of people in the criminal justice system – comprising only 4% of the prison population as of 31 March 2025 and 16% of those on community sentences as of 31 December 2024.[292] The Review received a wealth of information highlighting the vulnerabilities experienced by many female offenders. The National Women's Justice Coalition state that women in the criminal justice system often have multiple unmet needs and contend with interrelated challenges such as homelessness, mental health issues and substance misuse issues.[293]

Female offenders are often victims as well as perpetrators of crime, with almost 60% of women supervised in the community or in custody reporting that they have experienced domestic violence.[294] The Elizabeth Fry charity, who provide accommodation and support for women released from prison, state that women's routes into offending often come from experiencing high levels of trauma such as from sexual or physical abuse, sometimes stemming from childhood.[295] The Corston study (2007) into women in the criminal justice system highlighted that some women can be coerced into criminality by male partners.[296] Staff and ex-offenders at a Women's Centre the Review visited also emphasised this point. Women's Aid has called for a greater understanding across the criminal justice system of the gendered dynamics of partner abuse and coercive control.[297]

Women in prison may also be pregnant, mothers or carers. It is estimated over 17,500 children are separated from their mothers by imprisonment annually (51% of women in prison are reported to be separated from their children).[298] Roundtable attendees emphasised the harm caused to children by imprisoning their primary carer, which can entrench cycles of adverse experiences among families and can also increase the likelihood of inter-generational offending. They noted the criminal justice system "treats the needs of families as collateral damage" instead of thinking about whether a sentence is effective and proportionate, referencing the needs of dependants.

Many respondents to the Review's Call for Evidence and engagement felt that prison is never the right place for pregnant women, babies and new mothers.[299]

In total, there were 215 pregnant women in prison over the 12-month period of April 2023 – March 2024.[300] All pregnancies in detained settings are considered high risk by the NHS and HMPPS due to health risks in the prison environment and difficulties accessing medical assistance or specialist services.[301] Notwithstanding efforts made in prisons, the Review has heard that care in custody is not equivalent to care in the community.

How the Review's package of measures will impact female offenders

In the year ending June 2024, 77% of women sentenced to custody received a sentence of 12 months or less.[302] Third sector organisations informed the Review through engagement that for many women, custody is not the right place due to their vulnerabilities (such as being victims of crime themselves) or because they pose low-level of risk to the public. The rate of self-harm incidents in the female estate is stark: from December 2023 to December 2024, the rate of self-harm was nine times higher in women's prisons (6,056 incidents per 1,000 prisoners) than men's prisons (687 incidents per 1,000 prisoners).[303] The Farmer Review (2019) also established that relationships are women's most prevalent criminogenic need.[304] Family relationships can be damaged when women are given short custodial sentences, particularly as women are often housed far away from home, making it difficult and costly to maintain relationships.[305]

The Review's recommendations in Chapter Three promote the use of custody as a last resort. Recommendation 3.1, to legislate to ensure the use of short custodial sentences are only used in exceptional circumstances, will encourage women to be diverted from custody to more effective sanction and support. In encouraging a reduction in the use of short sentences, the Review aims to reduce the harm that female offenders may experience.

The Review's recommendations on deferred sentencing, outlined in Chapter Three, will also encourage more flexible sentencing options for pregnant women and mothers. Similarly, the Review's recommendation to extend the upper limit of SSOs to custodial sentences of up to three years will provide further flexibility for sentencers, which is particularly relevant for pregnant women. The Review recognises the harm caused by imprisoning pregnant women and believes pregnant women and new mothers should be diverted and supported in the community, unless in exceptional circumstances. Custody must only be a last resort.

Recommendation 6.2: Provide more sustainable and long-term funding to Women's Centres

To support the diversion of women from custody, appropriate and tailored support for women must be available in the community to address their causes of offending.

Women's Centres play a critical role in directing female offenders in the criminal justice system to valued practical and emotional help.[306] They offer tailored and trauma informed support to address women's multiple and complex needs (for example, help with housing, substance misuse, mental health issues and employment).[307] Frontline staff and ex-offenders, through the Review's visits and roundtables, emphasised the impact of holistic support for female offenders transitioning into the community, noting that for many women who have been victims of abuse, this is the first time they have been adequately supported in a non-stigmatising environment.

Women's Centres rely on a complex mix of funding from local authorities, the Department of Health and Social Care, police, the Probation Service, and independent funders, often managing many separate funding streams as there is not a cross-cutting approach to commissioning support services across different areas.[308] A report by the UK Women's Budget Group (2020) highlighted that specialist services for women have been adversely impacted by budget cuts and the pressures of competitive tendering processes.[309] The short-term nature of funding negatively impacts sustainability of services.[310] This can result in some areas of services being underfunded, difficulties in retaining experienced staff, a continual need to compete for new funding opportunities, and uncertainty around the continuity of ongoing projects.[311]

Staff at a Women's Centre visited by the Review emphasised that they see the significant impact of their work despite budgetary constraints. Evidence from the UK Women's Budget Group suggested highly intensive interventions cost around £4,000 per person and low intensity interventions cost around £1,200 with the interventions received depending on the women's need (2018/19 prices).[312] Comparatively, a place in prison costed £52,121 per woman in 2018/19.[313] The Female Offender Strategy (2018) acknowledges the savings investment in Women's Centres can yield as women are diverted away from custody and emphasised their importance in meeting women's complex needs.[314]

The Review heard numerous examples of effective community treatment programmes that would benefit from enhanced funding. London's Women Diversion Service, a programme run by Advance for lower-level offenders reported that of the 175 women referred to the service, 91% engaged with the service and only 7% of women referred to the service with conditional cautions were re-arrested after receiving support.[315] The Review's visit to a London Women's Centre reaffirmed the impact of a wrap-around approach – staff noted "very few women [they] have supported reoffend".

Recommendation 6.3: Ensure female offenders receive appropriate support by (1) expanding the use of liaison and diversion and (2) considering a women's specific pathway as part of Drug and Alcohol treatment requirements

NHS Liaison and Diversion services are multidisciplinary teams who identify individuals who have vulnerabilities and health needs when they first come into contact with the criminal justice system in police custody suites or court, and provide referrals to appropriate health and social care services.[316] They also facilitate information sharing between criminal justice system partners. Assessments that are provided by workers highlight factors impacting an individual's offending behaviour, such as trauma, to ensure sentencing decisions and planning are most effective. Liaison and Diversion services can also prevent the escalation of offending behaviours by providing early intervention at the point of police custody.

Each Liaison and Diversion area in England is required to develop a women's care pathway to assess the distinct needs of women and provide tailored support. The Review encourages the Government to strengthen women specific pathways in Liaison and Diversion areas and expand options for support. Third sector organisations have told the Review that identifying vulnerabilities early and putting the right support in place reduces the likelihood of a woman reaching crisis point or entrenching cycles of offending. While the importance of Liaison and Diversion services has been raised to the Review with specific reference to female offenders, the Review reiterates the need for wider provision and quality of Liaison and Diversion services for all offenders.

The Review additionally recommends the development of women's specific pathways for Drug and Alcohol treatment requirements. The Centre for Social Justice reports that women's use of drugs and alcohol differs from men's and is more commonly linked to trauma and abuse, focused on different substances, complicated by sex-based biological differences and more likely to occur alongside caring responsibilities.[317] Mental Health Treatment Requirements (MHTRs) have women specific pathways to provide tailored psychological treatment for female offenders. However, no such parallel exists for drug and alcohol treatment requirements. Developing women's specific pathways to address women's needs will improve outcomes for women and, when taken alongside recommendations to increase investment in providers of CSTRs explored in Chapter Two, should encourage their use by sentencers.

Recommendation 6.4: Collect and publish data on the use of prison as a "place of safety"

Operational staff, HM Inspectorate of Prisons and the Independent Monitoring Board raised concerns with the Review that prison is used as a "place of safety" for mentally unwell and vulnerable individuals.[318] While this practice can apply to both men and women, the Review received evidence that prison is increasingly used to hold unwell women in custody. Frontline operational staff informed the Review that prisons and prison officers are not equipped or trained to handle the complex mental health needs of prisoners.

The legal definition of a "place of safety" under the Mental Health Act (MHA 1983) states that individuals with acute mental health needs who meet the threshold for detention in hospital can be sent to prison as a place of safety while awaiting a bed for assessment or treatment. The Bail Act 1976 includes provisions for individuals who are acutely unwell to be remanded to prison for their own protection.[319] The Review emphasises that this practice is problematic and harmful, although the issue of remand lies out of its scope.

Through reforms in the Mental Health Bill, the Government has committed to end prison as a "place of safety" under the MHA 1983 and the use of remand of a defendant for their own protection where the sole concern relates to their mental health.[320] The Review welcomes this commitment and encourages the Government to implement this change safely and quickly. The Bill will also introduce a statutory time limit of 28 days for patients who

meet the detention threshold under the MHA to be moved from prison.[321] The Review hopes that this practice will be carefully monitored – it is crucial to increase the supply of alternative places of safety such as hospital beds.

Reforms in the Mental Health Bill 2025 should go some way to addressing this issue, but the Review considers that there is a wider problem. The Review has heard anecdotally, the term "place of safety" may be being used to refer to a wider range of cases where individuals are not detained using the MHA 1983 and Bail Act 1976 but in other circumstances. There is limited understanding of when and why this is occurring. This issue requires cross-agency collaboration to address it. As discussed in Recommendation 6.3, ensuring women receive appropriate health and social care through Liaison and Diversion services and Community Sentence Treatment Requirements could reduce the number of unwell women in custody.

There is currently no published data showing exactly how many individuals have been placed in custody under these provisions. To encourage transparency, the Review recommends data should be collected and published to identify the number of people committed to prison as a "place of safety". This will also increase understanding of the circumstances outside the MHA 1983 and Bail Act 1976 where prison is used as a "place of safety", signalling if further work is needed to end this practice following the Mental Health Bill reforms when enacted.

Recommendation 6.5: Commission a study of the impact and consequences of the Assault on Emergency Workers legislation

The Review received evidence on the disproportionate impact on women of the Assaults on Emergency Workers (Offences) Act (AEW) 2018. This Act "makes provision for increased sentencing powers for offences of common assault and battery committed against an emergency worker" in the exercise of their duty.[322] While the maximum sentence for common assault is six months, it is two years for AEW. The maximum sentence for AEW was increased from one year to two years in June 2022, with the aim of offering greater protection to emergency workers.

Through its roundtables, the Review heard concerns about the disproportionate impact of this legislation on vulnerable individuals as well as on prison capacity pressures. Evidence from stakeholders indicated that AEW incidents often involve women who are neurodivergent, victims of domestic violence or have mental health conditions. Staff at a Women's Centre observed that women are often charged with AEW after police are called to perform a welfare check on an individual, as AEW charges can be brought for shouting threateningly if the emergency worker believes they are going to be harmed. The equalities impact assessment for doubling the maximum penalty for AEW was undertaken despite data limitations and has therefore not specifically assessed disabling mental health conditions[323]

Staff at an Approved Premises observed that women who are survivors of domestic abuse are often captured by this offence when police are called during incidents. Often, women are physically restrained by male officers which triggers a trauma response and further escalates the situation. Ongoing histories of domestic abuse are not seen as a continuum to practitioners but rather an individual incident where a woman's behaviour is perceived as alarming. Staff also noted that a conviction also causes issues upon release as many housing services will not support female offenders because they are seen as a risk to staff. This is particularly concerning for female offenders who are survivors of domestic abuse.

The offence of violence against the person saw the highest increase in the number of prosecutions of women since 2019 (28%, 7,100 to 9,000), which is mainly driven by the AEW offence.[324] The AEW now accounts for 52% of the 9,000 female prosecutions for violence against the person, compared to 22% of the 47,000 for males.[325] AEW was the second most common indictable offence for female offenders after theft from shops.[326]

While it is unacceptable for any emergency worker to be assaulted undertaking their duties, evidence does not suggest that AEW legislation has had a deterrent effect. Transform Justice acknowledged that assaults on emergency workers cause harm and have lasting effects on staff morale, absences and retention and that calling for harsher sanctions sends a message that attacks on emergency workers are taken seriously.[327] However, they argue that there is no evidence to suggest that criminal sanction deters assaults on emergency workers, and question whether harm can be addressed in better ways.[328]

Additionally, the Review recognises the importance of training for NHS staff and the police to identify individuals who have mental health needs or are neurodivergent. Training should focus on trauma informed practice and de-escalation techniques particularly when dealing with vulnerable individuals. The Review suggests looking to the existing Oliver McGowan training on learning disability and autism, which is mandatory for NHS staff, as an example of best practice.[329]

The Government needs a reliable evidence base to understand the impact and consequences of this legislation, including its efficacy in deterrence and crime reduction. This evidence base will be especially pertinent given the introduction of a new standalone offence of assault against a retail worker in the Crime and Policing Bill 2025.[330] Following this study, action should be taken to address any identified gaps in service provision for vulnerable groups of individuals who may be caught under this offence and gaps in training for emergency workers.

The Review hopes that through the recommendations to reduce the use of short custodial sentences in Chapter Three, a large proportion of women who are convicted of AEW will have those sentences suspended by default and will serve them instead in the community.

Further considerations for female offenders

The Review recognises the need for sentencers to adopt a tailored approach to sentencing, particularly where women have experienced domestic abuse.

While judicial training is a matter for the independent judiciary, the Review considers that it is important that training is comprehensive and equips judges to understand why certain vulnerable women offend, including recognising the impact of domestic abuse and coercion. In addition, steps must be taken to improve judicial understanding of non-custodial alternatives and support services available for female offenders.

Third sector and frontline organisations also informed the Review through engagement that sentencers and justice professionals should be made aware of the distinct challenges women face when being tagged through electronic monitoring. We Level Up stated that "tagging reinforces the experience of coercion and control" for female offenders who may also be victims of abuse or trafficking.

Roundtable attendees also noted that location restrictions on tags can restrict women to areas near an abusive partner. One attendee noted they once witnessed a case where a female offender was recalled for fleeing an attacker while on electronic tag. Third sector organisations and staff at both a Women's Centre and Approved Premises also pointed to practical issues with the administration of tags that particularly impacted female offenders such as picking up their children from school or finding work.

Evidence received by the Review supports measures to improve Pre-sentence reports (PSRs), in response to gaps in the quality of assessments. Training should be delivered for report writers on domestic abuse, coercive control and other types of Violence Against Women and Girls. [331] PSRs must consider the implications of different sentencing options such as needs relating to pregnancy and early motherhood, as well as any dependants.

"I was arrested without an interpreter, unable to speak or understand English, and was assigned a duty solicitor who I could not communicate with. I was never given a pre-sentence report, meaning the court could not consider my background and vulnerabilities as a woman who experienced trafficking and who was the sole carer of a 5-year-old" [Ex offender supported by a Women's Centre].

While the matter of statutory defences is beyond the scope of this Review, victims' groups often support establishing statutory defences (for example, self-defence) for victims of domestic abuse, including where coercion has been a factor in their offending. A recent policy paper by the Domestic Abuse Commissioner recommended that the Government introduces legislation to make self-defence more accessible for victims of domestic abuse and provide a defence where victims of domestic abuse are coerced into their offending.[332] The Law Commission's Homicide Review will investigate the law on homicide including defences.[333]

The Review encourages the Government to consider whether the availability of a statutory defence may prevent victims from being unnecessarily criminalised.

Older Offenders

Older offenders are a sizable and growing part of the prison population.[334] As at the end of March 2025, 18% of the prison population was aged over 50 (15,849 people), with the over 70 cohort equating to 2% (2,041 people).[335]

While this group is not homogenous, they share key characteristics and challenges, which is especially the case for the over 70 population. Addressing these can help enable the Prison Service to operate as effectively and sustainably as possible.

Recommendation 6.6: Increase the use of Early Release on Compassionate Grounds for suitable older offenders

Prisoners over 70 generally have advanced health needs (such as cardiovascular issues or chronic kidney disease), as well as acute mental health needs (such as dementia and depression).[336] Prisoners over 50 will also have greater health needs than the wider prison population. While further data is needed on this cohort, a survey by Clinks and Recoop of 110 older prisoners reported that 61% had physical health issues.[337]

Due to these complex medical circumstances, older offenders may face barriers accessing the physical prison environment, such as a lack of adapted cells, limited wheelchair accessibility and lengthy wait times for mobility aids.[338] Older offenders may also experience delays with accessing health and social care, a lack of specific intervention work and be at greater risk of bullying and anti-social behaviour.[339]

In their response to the Call for Evidence, the Prisons and Probation Ombudsman stated that many of their reports cite how prisons are ill-equipped to accommodate complex needs, meaning offenders don't receive the same level of care that people would in the community.[340] Managing these age-related conditions and end of life care can be operationally difficult as prison officers often have limited training and resources.[341] Recoop, a charity supporting older offenders, stated during engagement that providing specialist treatment for older offenders (such as dialysis which requires daily escorts) is difficult within existing infrastructure and poses significant strain on delivering rehabilitation for other offenders. Some prisons must rely upon peer supporters or buddies for support, though the consistency of training for these schemes is not clear.[342]

Despite older offenders having a lower proven reoffending rate (17.2% for offenders aged over 50) than all age groups (27.5%),[343] rates of compassionate release are historically low. JUSTICE highlighted in their response to the Call for Evidence that while early release on compassionate grounds is not specifically designed for older offenders, the current policy framework is particularly narrow and therefore compassionate release is not available to a majority of the ageing prison population, even in extreme cases where a hospice is needed.[344] The compassionate release process could be improved, including processing applications in a timely and efficient manner,[345] with greater clarity regarding the interpretation and application of compassionate release policy following a recent Court of Appeal judgment.[346]

The Review recommends that further work is conducted on compassionate release to speed up the decision-making process and increase applications. This includes identifying ways to make the existing policy framework clearer and establishing case studies on where compassionate release may be appropriate. Greater accountability for timeliness of applications is also needed, particularly when applications are time sensitive.

The Review also recommends increasing transparency of how risk is assessed and how decisions are made around compassionate release, for example, through setting up a multi-disciplinary process with trained risk assessors. To further enable the appropriate use of compassionate release for older offenders, the Review recommends that the Government reviews the risk threshold and scope of the policy to make more older offenders eligible. This could include expanding the scope to include additional health conditions or to apply to those who are "elderly and frail". In their response to the Call for Evidence, JUSTICE proposed expanding the policy to older offenders who are 1) nearing the end of their lives, 2) require hospice care by virtue of their age, or 3) are vulnerable and pose little risk to public safety.[347]

Recommendation 6.7: Agree a strategy to manage older offenders' complex health needs

The Justice Select Committee's 2020 report stated that the treatment of older offenders is highly inconsistent across the prison estate and called for a strategy that encompasses 1) the provision of suitable accommodation for older prisoners, 2) health and social care on the prison estate and 3) the release of older prisoners, including continuity of medical treatment or care in the community.[348]

The Review recommends that the Ministry of Justice and HMPPS publish a national strategy for older offenders, with support from key partners involved in the delivery of care for older offenders such as the Department for Health and Social Care and the Ministry of Housing, Communities and Local Government.

A national strategy would establish a longer-term approach to managing the complex health needs of older prisoners and the impact that it is having on offenders, families and staff.

Foreign National Offenders

There were around 10,800 Foreign National Offenders (FNOs) held in HMPPS custody, as of 31 March 2025, representing around 12% of the total prison population.[349] All FNOs sentenced to custody are referred by HMPPS to the Home Office (HO) to consider deportation.[350] The court may have also already recommended deportation of an FNO.[351] However, not all foreign criminals are in scope for immediate removal.

Around 35% of foreign nationals in prison as of 31 March 2025 are on remand,[352] and have not yet been sentenced (or acquitted). Appeals against deportation are also sometimes made if the FNO has family ties to the UK or has lived in the UK for a long time, under Article 8 of the European Convention on Human Rights[353] and the Human Rights Act 1998, but developments in domestic law have aimed to "narrow" the judiciary's discretion in deciding such human rights appeals.[354] It has been recently reported that the Home Office is reviewing how the right to a family life contained in Article 8 is applied in immigration cases.[355]

The Review has considered where earlier removals could be granted both to reduce capacity pressures in the prison system and to ensure punishment has been served for crimes committed in the UK.

Recommendation 6.8: Facilitate earlier removal of Foreign National Offenders

Currently, the HO assesses the case to remove FNOs under two Acts of Parliament, subject to arguments under the Human Rights Act 1998. First is the UK Borders Act 2007, which requires that a deportation order must be made where an FNO has been convicted of an offence and has received a custodial sentence of 12 months or more. Second is the Immigration Act 1971, which states in what circumstances FNOs who have received shorter custodial sentences should be considered for deportation, such as those who have received a sentence of less than 12 months but have caused serious harm, are persistent offenders or represent a threat to national security.[356] Deportation is in itself a significant punishment, and it is beneficial to deport foreign criminals as early as possible into their sentence to protect the public, reduce pressures on prison capacity and mitigate the associated expense to the taxpayer.

Once a deportation order has been obtained, the detained FNO is removed before their conditional release date. The UK has over 110 Prisoner Transfer Agreements (PTAs) with other countries.[357] These allow prisoners with longer sentences to be repatriated at any point during their custodial sentence to serve the remainder in a prison in their home country.[358] Some transfers are compulsory, whereas others require the prisoner's consent.[359]

The main mechanism for removing detained FNOs before their conditional release date is the Early Removal Scheme (ERS). Of the 3,594 FNOs returned between 5 July 2024 and 22 March 2025, there have been 1,848 ERS returns.[360] There are two criteria within the current scheme which together help determine an FNO's removal date: 1) FNOs must currently serve 50% of the custodial part of their sentence before being eligible for removal, and 2) determinate sentenced FNOs can be removed up to 18 months before the end of the custodial part of their sentence. This also means, under the emergency measures brought in in 2024 which set the minimum time to serve in custody for some offenders to 40% of their overall sentence, for FNOs on standard determinate sentences, this minimum time to serve would be 20% of their overall sentence.

Following deportation, FNOs removed via the ERS are not subject to any further custody on arrival in their home country.[361] Their custodial sentence is therefore served exclusively in the UK, and deportation itself constitutes the main form of punishment for criminality.[362]

However, FNOs remain liable to be detained against their original sentence should they return to the UK, due to "stop the clock" provision within the Nationality and Borders Act 2022.[363]

During one of the Review's visits to a women's prison, staff described their experiences managing FNOs. At the prison, offenders on remand made up 60% of the total population and 20% of those on remand were FNOs. Most of the FNOs had arrived in the UK from countries such as Canada, Brazil and Colombia and had received custodial sentences of around five years for trafficking Class A drugs. Staff said they recognised that the women should be punished for committing a serious crime in the UK but that these women were often victims of trafficking and abuse in their home country. They added that once the women were deported, they generally did not serve any further punishment but were re-abused. This discussion with prison staff highlighted to the Review that multiple factors must be balanced when making policy on the deportation of FNOs – that is, prison capacity pressures need to be reduced but sufficient punishment also must be handed down. Female FNOs may also be at risk of re-victimisation upon deportation.

It is worth noting that section 45 of the Modern Slavery Act 2015 provides a statutory defence for individuals who are coerced or compelled to commit offences as victims of slavery and trafficking, which could impact their conviction and deportation. However, evidence suggests that victims, and in particular female offenders, are not being identified by the police and Crown Prosecution Service in a timely fashion.[364]

Given the considerable pressures on the prison population, the Review recommends that the Government considers bringing forward the ERS removal point from 50% to 30% of the custodial term and an expansion of the removal window beyond 18 months, to increase the speed of removal of FNOs from the prison system. Any changes should take account of how long the Home Office requires to deport FNOs, which is currently on average between 3 and 6 months.

For FNOs whose period in custody would be so short that deportation itself would be sufficient punishment, the Government should move to deport them as soon as operationally possible. The Review considers that FNOs sentenced to three years or less, who would serve the equivalent of a short prison sentence, would fall into this category. The Government should consider whether any changes to sentencing or release arrangements would be necessary to enable this to happen. Consequential changes needed to deportation law should be considered to ensure that there is no gap in powers arising out of the Review's recommendations to secure the swift deportation of eligible FNOs. The Government should also identify measures to strengthen the referral process through which criminal justice agencies inform immigration officials of FNOs serving sentences in the community, to ensure deportation at the earliest possible opportunity.

Pharmaceutical interventions for offenders

Sexual offences accounted for 21% of adults serving immediate custodial sentences at the end of March 2025.[365] The Review has considered whether pharmaceutical options which suppress libido – commonly referred to as "chemical suppression" – or those which reduce sexual thoughts, could be used to provide targeted treatment for specific sex offenders.

The Review has also considered how new medicines may be able to address common criminogenic risk factors experienced by many offenders, such as alcohol or drug dependency.

The Review recognises that any clinical interventions to address issues precipitating offending should only be used in addition to a wider rehabilitative offer, psycho-social interventions and standard risk management. The Review believes it is essential that a robust evidence base is built to understand the benefits and risks of embedding pharmaceutical interventions into offender treatment practice.

Recommendation 6.9: Build a comprehensive evidence base around the use of chemical suppression for sex offenders and explore options for continued funding of services in this area

There are a number of dynamic risk factors linked to an increased likelihood of sexual offending, including atypical sexual interests, self-regulation problems, anti-social cognitions and relationship problems.[366] Programmes to treat and address these factors include accredited programmes, work-based resources and tools and accountability support groups.[367] These interventions typically form part of a wider rehabilitative programme for sex offenders upon release into the community, alongside accommodation, purposeful activity and broader risk management.[368]

Sexual preoccupation has also been identified as a key dynamic risk factor for sexual offending.[369] Problematic sexual arousal and preoccupation can be reduced via chemical suppressants and other medications, which can be prescribed for individuals who have committed a sexual offence under certain circumstances.[370] Anti-androgens are hormonal drugs with a testosterone-suppressing effect that can be prescribed to reduce libido. Alternatively, non-hormonal drugs, such as selective serotonin reuptake inhibitors (SSRIs), can also be used to reduce problematic sexual preoccupation, diminishing compulsive sexual thoughts.

There is some limited evidence to suggest that both anti-androgens and SSRIs have the potential to reduce hypersexuality for certain individuals under specific circumstances.[371] The service provision for this treatment is known as clinical management of sexual arousal (CMSA).

The Review acknowledges that sexual offences including rape are driven by motives such as power, control and aggression, rather than sexual preoccupation. In many such cases, chemical suppressants will not be a relevant or viable course of treatment. Only medical specialists can prescribe these medications,[372] and they should only be used in conjunction with other psycho-social treatment and support, for example, to aid individuals to engage fully with these interventions.

These medications are not widely used across prisons in England and Wales and do not have a uniform pathway of delivery in the community. Currently, they are delivered in prisons through

the Offender Personality Disorder Pathway, a national programme jointly commissioned by the NHS and HMPPS that provides psychologically-informed services for offenders with complex needs and who are likely to satisfy the diagnosis of a "personality disorder".[373] It was first piloted in the UK in HMP Whatton in 2007 and later rolled out in six more prisons in 2016.[374] A 2022 pilot programme extended delivery of CMSA services to five prisons in the South West. The community provision within this pilot covered the transition between prison and community as well as enabling continuity of care.[375] There are currently no plans to continue funding for the South West pilot beyond 2026.[376] Services to manage problematic sexual arousal, which include psychiatric care and prescribing of medicines as part of the care plan, are not currently commissioned by the NHS.[377]

The Review recommends that the Government continues to fund the South West pilot beyond 2026 and pathways in the prisons where this service is currently available. Standardised delivery of these services and continuity of care may assist in management of suitable sex offenders both in prison and the community. Learning from the pilot may also inform future expansion of services, should it be found to be helpful in supporting the management of some sex offenders as a component of a broader programme. The Review recognises that these medications should never be used as a risk management tool or standalone rehabilitative offer, and it is only appropriate for a limited number of sex offenders.

In developing an evidence base for the use of chemical suppression, the Review also recommends that the Government undertake further research into the international use of chemical suppression in offender management. Chemical suppression has been used across Europe, including Germany, Denmark and Poland, in differing ways.[378] In Germany and Denmark, the use of chemical suppression has only been administered on a voluntary basis.[379] Conversely, Poland has previously introduced mandatory chemical suppression for some offenders.[380] Understanding how other jurisdictions manage the ethical and practical implications of using chemical suppression in offender treatment will be particularly important to consider, as gaining valid, informed consent to a course of treatment is a key tenet of medical law and ethics in England and Wales.

Before any decision is made to establish further services for chemical suppression across England and Wales, services must be piloted on a small scale with evaluations produced. Various considerations, such as side-effects and potential ramifications for victims, will need to be examined.

Recommendation 6.10: Continue to monitor emerging medications to treat drug and alcohol dependency

Drug and alcohol misuse are both identified as criminogenic needs associated with reoffending.[381] Dame Carol Black's Review of Drugs drew attention to challenges service users face in finding suitable treatment, due to funding cuts, lack of capacity in the third sector, lack of expertise and limited treatment options.[382] Individuals with substance misuse issues also face significant issues transitioning from custody to community on release, suggesting the Government may want to rethink treatment options in the community.[383] The Review therefore recommends that the Government monitors innovative clinical opportunities to tackle criminogenic risk factors such as substance misuse.

Offenders with drug and/or alcohol treatment requirements currently have access to any treatment deemed appropriate by a clinician.[384] There is some early research to suggest that semaglutide – also known by the brand names Ozempic and Wegovy – may reduce the rewarding effects of certain addictive substances for individuals.[385] Semaglutide is not currently licensed for treatment of substance dependency given the early nature of the research and further clinical controlled studies are required to explore the effectiveness and safety of this treatment.[386] The Review recommends that the Government continues to monitor medications with the potential for treating drug and alcohol dependency, including semaglutide, in consultation with the National Institute for Health and Care Excellence (NICE). The use of medication to curb addiction could strengthen the treatment currently offered to offenders struggling with substance misuse via Community Sentence Treatment Requirements, and address the root cause of offending.

Chapter Seven: The role of the Probation Service

The Review recognises the considerable strain the Probation Service is already under. The Call for Evidence highlighted that significant budget constraints, high caseloads and reliance on legacy technology have squeezed the Probation Service's capacity to manage offenders and provide tailored support focused on rehabilitation. As acknowledged by the Lord Chancellor in her speech on 12 February 2025, probation officers are currently "responsible for caseloads and workloads that exceed what they should be expected to handle".[387]

The Review also recognises that, by moving more individuals away from custody and into the community, its recommendations, if accepted, will further increase pressure on the Probation Service. In any scenario, longer-term, sustainable investment for the Probation Service and third sector partners in the community is essential.

In the immediate term, the Probation Service will need to prioritise its resources and focus its efforts where it will have the highest impact in terms of reducing reoffending and managing risk of harm.

Some prioritisation has already begun – in April 2024, HMPPS introduced 'Reset' which ended supervision for offenders in the final third of their community sentence or time on licence and suspended post-sentence supervision (except for certain high-risk groups).[388]
As outlined in **Chapter Four**, the Review has recommended an "earned progression" model in which probation supervision is 1) focused on offenders on their release from prison, when they need the most monitoring and support to prevent reoffending, but also 2) suspended for the third part of the majority of standard determinate sentences (SDS) — except for those convicted of serious sexual or violent offences, for whom supervision will be suspended for the final 20%. In addition, the Review recognises that early delivery of sentence requirements is essential to their efficacy in rehabilitating offenders, as explained in **Chapter Two**.
The Probation Service must also prioritise its resources for those who need them most, including high risk offenders and those with complex needs such as prolific offenders.

This Review believes prioritisation of resources must be complemented by a more fundamental shift in the way the Probation Service works, prioritising opportunities to build relationships with offenders to rehabilitate them, thereby reducing reoffending and the risk of harm to victims. His Majesty's Inspectorate of Probation (HMIP) note in their Call for Evidence response that "relationships should be central and take precedence over processes" and there is strong evidence to suggest that positive relationships are more influential than any single specific method or technique when it comes to desistance.[389] One of the consistent messages Revolving Doors heard in their 2022 Probation Inquiry, which sought the views of 141 people with lived experience, was that relationships are critical to positive and open engagement with probation.[390]

As such, practitioners must be empowered to use their own initiative, professional judgement and skills when delivering sentences and managing offenders in the community, rather than following onerous administrative processes.

The Review's recommendation to replace the Rehabilitation Activity Requirement with a new Probation Requirement (for further detail, see **Chapter Two**) will help facilitate this shift, giving practitioners the flexibility to decide how to deliver the community orders in a way that best meets the individual offender's needs. To help maximise the Probation Service's finite resources, Government must also expand the use of the third sector to support probation officers to manage more offenders in the community and help the Service to be as efficient as possible, removing any unnecessary bureaucracy and increasing productivity using new technologies.

This chapter sets out a package of recommendations to support the Probation Service to rehabilitate offenders more effectively, ensuring this becomes their primary focus.

Recommendation 7.1: Increase investment in the Probation Service to support capacity and resilience

The Probation Service is operating under significant strain. The Service is managing high caseloads coupled with low staffing levels, particularly at the Probation Officer (PO) grade (officers who supervise offenders on probation from the medium-risk bracket upwards). HMPPS workforce statistics show that as of December 2024, there was a shortfall of 1,854 Full Time Equivalent (FTE) POs against the target staffing level.[391]

While there are particular challenges at the PO grade, HMIP highlight in their 2024 annual report that shortages are also affecting other roles such as unpaid work supervisors and facilitators of group work programmes.[392] Staff shortages lead to high workloads which can affect staff wellbeing. HMIP note that shortages are also impacting on the quality of work undertaken.[393]

The Review has similarly heard from many probation practitioners, through the Call for Evidence and through engagement, about the challenges frontline staff face and the enormous pressure they are under.

The Review welcomes recent measures announced to increase staffing capacity.[394] However, in order for community sentences to be as effective and meaningful as possible – and to ensure that the Probation Service can effectively reduce both reoffending and risk of harm – the Government must invest in the Probation Service in the long term to ensure sufficient resourcing, especially in the context of increased numbers of offenders being managed in the community following the implementation of the Review's recommendations.

Leveraging the third sector

Recruiting and training the additional probation staff needed to manage an increased number of cases in the community will take time. However, the Review has heard from a wide range of voluntary, community and social enterprise (VCSE) organisations about the multitude of benefits the third sector can provide to offenders on probation.

Clinks highlighted in their response to the Call for Evidence that the third sector provides specialist skills and expertise, including lived experience, that the Probation Service alone cannot provide. They reported that the voluntary sector can be more effective than statutory providers at forming positive relationships with offenders and can help offenders to build self-confidence, feelings

of belonging, hope and patience – all of which support rehabilitation and desistance, thereby reducing reoffending.[395]

Catch22 highlighted in their Call for Evidence response that third sector organisations can also help address factors that can lead to non-compliance, further offending and recall – including poor relationships, substance misuse and a lack of accommodation – through providing referrals and peer support to enhance engagement with statutory services.[396] Meanwhile, as set out in **Chapter Six**, a multi-agency approach such as integrated offender management (IOM) may be beneficial for offenders with complex needs serving community sentences, such as prolific offenders. IOM can enable effective management through wraparound support, greater intelligence sharing and multi-agency plans but requires partnership work for successful delivery, which includes specialist support from charities.[397]

Many VCSE organisations already work with the Probation Service to deliver resettlement and rehabilitation services, through Commissioned Rehabilitative Services (CRS) – but there is scope to expand collaboration. The Review has heard in its Call for Evidence that VCSE organisations experience challenges when working in the justice system – including limited access to data and insufficient funding opportunities. The Government should therefore consider both how and where to increase the use of other organisations to help improve outcomes for individuals and manage increasing caseloads. This includes enabling the third sector to support the Probation Service better, through increasing funding, expanding local commissioning and improving data sharing, as well as scaling up local examples of good practice.

Recommendation 7.2: Increase funding available for the third sector to support the Probation Service to manage offenders in the community and enable increased commissioning of local organisations

To enable the third sector to support probation in managing increasing caseloads, the Government must ensure adequate funding is available for the VCSE sector. In their response to the Call for Evidence, the Criminal Justice Alliance noted that the Government needs to increase funding for and invest strategically in VCSE services to ensure they can support community sentences.[398] Clinks' 2024 State of the Sector report – which sought the views of 54 individuals from 50 organisations – highlighted that the sector is facing an increasingly challenging funding environment, with some organisations commenting that funding is insufficient to deliver the work requested and is raising challenges with staff recruitment and retention.[399]

The Review has also heard through its Call for Evidence that there is a need to increase commissioning of locally based delivery partners. Currently, VCSE organisations can receive funding to deliver resettlement and rehabilitation work for offenders on probation via CRS contracts or grants. CRS contracts are awarded at either a regional or Police and Crime Commissioner (PCC) level via the Dynamic Framework.

This approach was intended to help create a clearer role in probation delivery for small and local VCSE providers. However, several voluntary organisations raised concerns when the Dynamic Framework was launched in 2021 that the complexity of commissioning processes and the size of initial contracts would prevent smaller organisations from accessing funding.[400] While a range of organisations hold current CRS contracts, some Probation Delivery Units (PDUs) with which the Review engaged noted there are many excellent local services that they are currently unable to work with due to being tied to contracts with larger national providers.

Practitioners told the Review that local organisations already have a strong understanding of the area and client needs, and that referring individuals to larger providers can increase administrative work for staff.[401] The Greater Manchester Combined Authority, which co-commissions services with Greater Manchester Probation Service, also highlighted that it is beneficial to use services that are known and trusted in communities.[402]

The Review believes the Government must consider how to adapt commissioning processes to give proper weight to the benefits of specialist local providers. This may involve greater bespoke commissioning at a local level, and devolving budgets further.

Recommendation 7.3: Expand the use of the third sector to support offenders on community sentences and licence, to help the Probation Service prioritise resource and improve outcomes for offenders

The Review believes that the Probation Service must continue to target its resources on the highest risk offenders and those with complex needs – such as prolific offenders. However, Government should consider where to expand the use of the third sector, both to aid this prioritisation and to improve outcomes for these highest risk offenders.

VCSE organisations who submitted responses to the Call for Evidence highlighted wide-ranging opportunities for the Probation Service to enhance collaboration with third sector organisations in the management of both low level and complex offenders in the community. This Review has heard many examples of good practice at a local level. Some of these are set out below. Government should consider how to expand this type of work nationally.

Expanding the use of the third sector to support offenders on low and medium level community sentences

Practitioners with whom the Review has engaged believe there are many low risk, low complexity individuals currently on Community Orders (COs) for whom intervention outside of probation may be more appropriate – as these individuals often require welfare-oriented support that can be more effectively provided by the third sector, with the Probation Service maintaining oversight.[403]

This Review has found examples of third sector organisations delivering effective assessment, referral and support services for low level offenders, much like the Probation Service does for those on COs currently, both pre- and post-court stage. For example, at Highbury Corner Magistrates' Court the Centre for Justice Innovation operates a service called Community Advice, which provides support and referral for those who receive fines.

The service, which operates from a help-desk in the court, assesses individuals' needs then refers them to one of the 30 local organisations they have relationships with, supporting with areas including housing, benefits, employment, addiction and domestic violence. According to a survey of users between January 2015 and August 2020, respondents reported that, after six months, 38% of the issues they had sought help with had been resolved, a further 32% had improved, and 91% of clients reported that Community Advice had helped address their issues.[404]

As set out in Chapter Two, low risk offenders should be on low or medium level community orders. While the Review believes the Probation Service should retain oversight of all offenders on community sentences to ensure appropriate mechanisms are in place to address breaches, there is scope significantly to increase referral to locally-commissioned VCSE partners to deliver assessments, support and sentence requirements for these individuals. This is key to enabling the Probation Service to prioritise their resource where it is most effective and also provides an opportunity to increase substantially the personal time and support available to offenders on lower-level community orders, which is key to reducing reoffending.

While out of court resolution and diversion are out of scope of the Review's Terms of Reference, evidence submitted to the Review indicated that the Government should also consider whether earlier intervention, entirely outside the criminal justice system, in services such as housing, substance misuse and employment, may be more appropriate for low-risk offenders. This would require a cross-Government effort.

The Police, Fire and Crime Commissioner for North Yorkshire has commissioned VCSE organisations to deliver a scheme called 'Crossroads' at the pre-court stage, which aims to divert first-time and low-level adult offenders from the criminal justice system, to reduce reoffending. The scheme provides tailored support, with keyworkers conducting an initial assessment of needs and then delivering a support package to meet client needs, which can include counselling, mentoring and collaborative initiatives to address underlying causes of criminality.[405] Revolving Doors note that the scheme has been successful at meeting clients' needs.[406] From May 2021 to March 2022, there were 257 referrals via out of court diversion: 77% successfully completed the scheme and were diverted from the criminal justice system and 80% of those had improved outcomes.[407]

Expanding the use of the third sector to support offenders with complex needs on licence in order to reduce recall rates and improve outcomes

The new "earned progression" models proposed in **Chapter Four** may result in more complex offenders requiring more intensive supervision in the community, as part of a tailored and graduated step down from custody. VCSE organisations can also support the Probation Service to enhance outcomes for offenders with more complex needs and higher risk levels on licence, by supporting the transition from custody to community. The Review has heard through its Call for Evidence how high-intensity mentorship, peer support and keyworkers can support individuals with complex needs upon release from custody and help bridge the gap between probation practitioners and offenders on probation, in order to improve outcomes for offenders in their resettlement journey.[408]

For example, Catch22 indicated in their Call for Evidence response that their Achieving Compliance and Engagement (ACE) pilot has been effective at reducing the rate of fixed-term recalls of male prison leavers in East London that result from non-compliance with licence conditions. The programme used "navigator mentors" to support offenders with a high risk of recall. These mentors had small caseloads – approximately 10-15 per person – which allowed for high-intensity mentorship. They provided strengths-based needs assessment, helped co-produce action plans, provided signposting and advocacy and offered structured interventions to support with positive communication, goal-setting and building effective support networks. In their response, Catch22 noted that mentors were particularly helpful at aiding probation practitioners in contextualising individuals' needs and behaviours and at rebuilding damaged relationships.[409]

Meanwhile, Turning Point, a VCSE organisation that provides health and social care, told the Review in their Call for Evidence response about the benefits of using their keyworkers to support those with substance use transition from custody to community. These individuals may not be aware of, or able to engage in, collecting relevant medications or engaging in essential recovery services without additional support or signposting. Their keyworkers therefore meet with prisoners prior to their release to begin building a relationship and then meet them at the gate on the day of release, offering signposting and emotional support as well as transportation.[410]

Given the evidence regarding the benefits of third sector support, the Review believes the Government should expand funding for VCSE organisations to help manage complex individuals on licence to improve outcomes, reduce crime and alleviate pressure on the entire probation system.

The Review has also heard how the third sector can be used to enhance outcomes for various cohorts of offenders with complex needs who are serving community sentences. This includes female offenders and prolific offenders – covered in Chapter Six – as well as the benefits of multi-agency support when managing offenders who perpetrate violence against women and girls. More detail on this has been set out in Chapter Five.

Utilising technology in probation

Even with the support of the third sector, the Probation Service is likely to be managing an increasing number of high-risk cases in the community as a result of the Review's recommendations. The Review therefore urges Government to ensure that probation practitioners can better focus their time on rehabilitating offenders, which is key to reducing reoffending and risk of harm.

The Probation Service currently spends a substantial amount of time on administration and risk assessment processes, which place a considerable burden on practitioners.[411] Probation staff who engaged with the Review highlighted that there is too much paperwork and process, which takes officers away from direct offender engagement to the detriment of offenders' rehabilitation.[412] Meanwhile, a 2024 report by HMIP noted that the Probation Service is far too focused on risk assessment and enforcement – at the expense of rehabilitation – as staff lacked the time and experience to build meaningful relationships with offenders.[413]

Recommendation 7.4: Increase the use of proven technologies in the Probation Service, to enable more meaningful engagement between practitioners and offenders on probation

The Review believes there needs to be a reduction in the volume of process and paperwork that practitioners undertake in order to increase the focus on rehabilitation. The Review has also heard via the Call for Evidence that there are challenges with sharing data effectively across the criminal justice system, and externally with other statutory services and VCSE organisations. Technology can be used to free up practitioner capacity and enable a greater focus on relationship-building and direct work with offenders, as well as improve collaboration between organisations.

The Ministry of Justice is piloting a new digital platform which brings all necessary information about an offender together in one place as well as the deployment of AI tools to automate processes such as notetaking, to allow staff to focus on relationship building.[414] If the initial evaluation indicates these new technologies are successful and release practitioner capacity, rolling out the technology more widely could help reduce the administrative burden for probation officers and enable more meaningful engagement.

More detail on how technology can be leveraged by the Probation Service is set out in Chapter Eight. The chapter sets out how technology can reduce administrative burdens to make it easier for probation officers to prioritise their resources. It also recommends where investment in research and development could help identify, test and scale emerging technologies to provide officers with additional layers of insight to manage offenders and levels of risk more effectively in the future.

Chapter Eight: The role of technology

The Review was given the task of considering how technology can support the management of offenders in the community, recognising both the urgent need to improve current operations but also longer-term opportunities for transformation.[415] Technology is helping to streamline processes, more effectively allocate resources and improve outcomes through innovations such as digital identity verification, AI-driven decision-making and real-time data analytics. Sectors such as healthcare, transport, defence and policing are embracing these advances, and there are significant opportunities for the criminal justice system to do the same.

But before new technologies like AI are explored, it is important to "get the basics right" when it comes to technology. The Review has engaged with various frontline staff who communicated that, for many services, this is not happening.

During engagement with staff at an Approved Premises, the Review heard that services often lack the basic technology needed to carry out work, such as webcams to participate in virtual meetings, and that many processes are still paper-based.

IT systems used by criminal justice services are also reportedly outdated and clunky. The Review recognises the work underway within the Ministry of Justice to update its digital systems. This will also be crucial for laying the foundations for future innovation.

The Review's focus has been to look beyond "the basics" and to technology that could transform how offenders are managed in the community.[416] Current technology used to manage offenders outside prison includes, for the most part, three forms of electronic monitoring, all of which involve a tag that is fitted to a wearer's ankle.

Electronic tags are available to all courts in England and Wales: [417]

A. **Location monitoring** uses a satellite-enabled GPS tag which can monitor compliance with exclusion zones, attendance at rehabilitative activities and a person's whereabouts.

B. **Curfew monitoring** uses a Radio Frequency (RF) tag that monitors proximity to a base station within the home.

C. **Alcohol monitoring (sobriety tags)** uses transdermal alcohol monitoring devices that detect alcohol use through sweat analysis. These tags provide a continuous, non-intrusive way to enforce abstinence for alcohol-related offenders.

Some criminal justice services have integrated more technology into offender management. For example, Enhanced Security Approved Premises have Closed Circuit Television (CCTV), biometric entry systems and body worn cameras for room searches, as well as offenders on electronic monitoring.[418]

However, evidence suggests that the use of technology in offender management remains limited,[419] and often operates in siloes across the justice system.[420] While electronic monitoring such as GPS tagging is used for many offenders, its effectiveness is not universal and heavily depends on how and where it is used.[421] Monitoring and reporting technologies are also often focused on achieving compliance and greater consideration should be given to where technology can be integrated with existing rehabilitative interventions for offenders, such as Accredited Programmes, to achieve better levels of both compliance and rehabilitation.[422]

Recommendations in this chapter set out how Government should take advantage of the opportunities presented by existing, accessible technology and emerging technology in the longer term, to improve offender management, protect the public and reduce reoffending.

Opportunities to maximise the use of technology to support offender management in the community

Drawing on evidence received by the Review, recommendations in this chapter have been driven by three principles:

Prioritisation: Technology should be leveraged to enable people to prioritise the work that only they can do. With stretched resources, technology such as AI can be used to free up probation officers' time so that they can focus on where they add the most value – supporting individuals most at risk of reoffending and in greatest need of rehabilitation. Technology should not replace human interaction in the management of offenders but it should enable frontline professionals to do some of their work more efficiently.

Protecting the public: AI tools combined with other technologies such as facial recognition could be used to continuously gather and analyse real-world data on offenders, and to monitor their level of risk as it changes. This could improve probation officers' ability to protect victims and the public through earlier 1) detection of warning signs, 2) adjustment of supervision levels, and 3) escalation interventions for support or to return individuals to court or to custody, where appropriate.

Personalisation: Management of offenders either on licence or a community sentence should be more personalised to enable offenders in different situations to be supervised and rehabilitated in the most appropriate way. For example, mobile-based rehabilitation apps and tools could be used to enable an offender to connect with the Probation Service and access information more easily, all in one place on their phone. A greater use of monitoring and sensor technologies could also be used in the future to create secure environments outside prison for offenders, which match the intensity of supervision to an individual's level of risk and needs.

Challenges in the use of technology in offender management

The Review recognises the transformative role a greater use of technology could play in the management of offenders in the community. However, the use of such technologies comes with challenges, and this is particularly the case for emerging technology that has not yet been fully evaluated or risk assessed.

It is important that appropriate safeguards and evaluation processes are put in place for new technology used in offender management. Various Call for Evidence

respondents stated that services must avoid embedding bias and unfair outcomes through their use of AI software as such software is often trained using data which can reflect structural inequalities faced by marginalised groups. Multiple AI advocates and developers told the Review during its roundtables that "guardrails" can be coded into AI models to prevent them from producing analyses of data that contain biases or to get them to flag any biases in the data being used. A developer also stipulated that there must be regular monitoring of the performance of such guardrails and it is essential humans are involved in this oversight and evaluation.

The think tank JUSTICE added that AI models should be programmed to be transparent about, and provide evidence of, how its analyses are produced.[423] JUSTICE also argued for a human-rights based framework to guide and evaluate the use of AI in the justice system over a more general "ethical" framework, as "ethics" is less well defined in law and practice.[424]

The Review discussed issues surrounding the right to privacy and data-sharing during its technology focused roundtables. The Council of Europe believes, and reiterated in their recent recommendation on AI, that information disclosed to probation services should be "limited to what is relevant for the legitimate purposes of the authority."[425] Roundtable attendees described the rich picture of risk that can be gained when predictive models such as AI have access to more, relevant information, but it was unclear to what extent probation officers should have access to an offender's entire health record to better understand and monitor their risk. Attendees also highlighted that technology exists which can share key insights from data without sharing its source, and suggested privacy engineers are involved in developing AI for use in the criminal justice system. Government must carefully consider individuals' data protection and privacy, as well as the necessity and proportionality of sharing an offender's data.

Several of the Review's recommendations will lead to an increased number of offenders managed in the community, with more offenders under electronic monitoring. The Review is aware of significant delivery challenges within the electronic monitoring programme in England and Wales,[426] which raise important questions about current system readiness and resilience. The Ministry of Justice has committed to addressing these problems with delivery and expects to be in a position to expand the use of electronic monitoring by the first half of 2026, subject to the findings and recommendations of this Review.

Increased use of electronic monitoring must also be accompanied by sufficient investment in probation resource. This is to make sure there is always a human available to work with the offender being monitored, to avoid them being brought to court or recalled to prison for issues with tags that are beyond their control. There can also be a risk of harm to families having to spend more time at home with an offender on an electronic monitoring curfew.[427]

It is vital that the Probation Service has sufficient resources and autonomy to intervene quickly in these situations and to make an assessment of appropriate escalation interventions (for further detail, see **Recommendations 2.4** and **4.3**).

It is critical the technology proposals set out below are considered in tandem with the challenges posed and that these proposals are not seen as a "silver bullet" for offender management in the community.

Recommendation 8.1: Use existing technology more effectively to protect the public and improve rehabilitation

Existing technology to manage offenders must be used more effectively to protect the public proactively and improve rehabilitation in the community. This requires not only a broader use of technology but also better cross-agency coordination so that technology can provide more real-time updates on offenders and be integrated with existing interventions for rehabilitation. There are a number of areas where this could be achieved:

Responsible expansion of electronic monitoring

In 2022, His Majesty's Inspectorate of Probation (HMIP) recommended that the Ministry of Justice "ensure future contracts for provision of electronic monitoring prioritise the delivery needs of the Probation Service including access to real time monitoring data". It also recommended "timely sharing of enforcement information and swifter response times to calls and emails".[428] The Government should enable greater real-time monitoring of offenders so that alerts can be identified and responded to more promptly, to better protect the public and victims.

There are international examples of successful, real-time electronic monitoring:

In New South Wales, Australia, GPS monitoring is used to enforce geographic bail conditions for alleged domestic violence offenders. If a tracked individual enters a restricted zone, Corrective Services NSW is immediately alerted and notifies police to enable a rapid response, demonstrating a coordinated, real-time monitoring system aimed at enhancing victim safety.[429] South Korea also uses 24/7 GPS monitoring for high-risk sex offenders.[430] Indicative findings suggest that the rate of sexual violence offenders recommitting the same crime was 14.1% in 2003-2007 before electronic monitoring was implemented, compared to 2.1% in 2015-2019 after the system was implemented.[431]

Real-time tracking places significant demands on both probation and police staff who must respond to alerts, particularly in high-risk cases such as domestic abuse and stalking. This makes cross-agency coordination essential. Any expansion of electronic monitoring would require investment not only to increase technological capability but also human resources to deliver the expansion. Clear joint response protocols would also be needed and digital systems across agencies should be better integrated. Where officers communicate with and provide support to victims impacted by electronic monitoring, this should be done in a clear and trauma-informed manner.

Finally, electronic monitoring technology must be delivered in conjunction with skilled, well-resourced human support for offenders so that they can be rehabilitated. Evidence suggests that some victims of domestic and family violence feel electronic monitoring technology can create a false sense of security for them,[432] and it is crucial offenders continue to receive interventions to address the root causes of their offending. The Government should consider rolling out pilots to test how an expansion of both electronic monitoring and greater support for the offenders by probation officers, either through supervision or other programmes, could improve compliance and rehabilitation and reduce reoffending rates.

Broader use of alcohol monitoring bracelets

The Ministry of Justice has identified both drug and alcohol misuse as dynamic factors associated with reoffending.[433] As at 30 September 2024, around 3,400 individuals were fitted with an alcohol monitoring device, an increase from 2,800 as at 31 December 2023.[434]

In 2024, it was reported that since the introduction of alcohol tags in October 2020 in England and Wales, more than 97% of the days the tags were used were alcohol-free.[435]

A small-scale study on alcohol tags piloted in London found that a higher percentage of offenders committed further offences after the tag had been removed (27%) compared to while wearing the tag (4.8%).[436] While this indicates that alcohol monitoring was effective for compliance during the period of wear, the study's finding of no significant difference in the level of reoffending in the six months post-commencement demonstrates that further work is needed to understand how alcohol monitoring tags can be used effectively.[437]

South Dakota's "24/7 Sobriety" programme required individuals arrested or convicted of driving under the influence of alcohol to take twice-daily alcohol tests or wear monitoring bracelets. This led to a 12% drop in repeat drunk-driving arrests and the programme's success was attributed to swift responses to violations.[438] The Review is also aware of case studies where alcohol monitoring is used for people with a history of violent offences, who reported that tags acted as a motivator to abstain from alcohol, enabling offenders to gain employment and build relationships.[439]

Alcohol monitoring should be used more widely to manage suitable offenders in the community, and its benefits maximised through greater integration with requirements such as Accredited Programmes for domestic violence perpetrators. Evidence suggests that alcohol monitoring can encourage compliance and should be used to reinforce positive behaviours.[440] As a result, Government should consider where this technology can be used more broadly as an alternative to custody alongside rehabilitative interventions to address the root causes of offending for offenders with substance misuse issues who have committed low-level offences. More tailored support for such offenders from probation officers, as set out in Recommendation 2.4, would be required if the use of alcohol monitoring were expanded.

Recommendation 8.2: Invest in rapid expansion of successful pilots in technology used as part of offender supervision

The Review has made a number of recommendations to reduce pressure on prison capacity, with consideration of the impact of these recommendations on the Probation Service (for further detail, see **Chapter Three**, **Four** and **Seven**). Everyone released or diverted from custody requires tailored case management, regular reporting, risk assessments and coordination across multiple agencies. These demands place a heavy administrative burden on already stretched probation and police services.

The UK's AI Action Plan highlighted the impact greater integration of AI into public services can have on reducing administrative burden.[441] Business leaders reported to the Department for Science, Innovation and Technology that using AI to draft reports and fill out forms can cut down "final document production times" by between 20 and 80%. AI assistants, used to speed up repetitive tasks, were reportedly saving some teachers over 15 hours a week on lesson planning and marking during pilots. The Action Plan adds that despite instances of AI being used well across the public sector, often they are at a small scale and in siloes.[442]

There are several promising pilots exploring the potential of supervision technology, spanning real-time monitoring, remote check-ins and AI-supported admin, which show how the Probation Service could be supported to prioritise resources and manage offenders in the community more efficiently.

Currently, probation officers are constrained by processes that can prioritise heavy documentation over time spent face-to-face with the people they supervise, such as referrals, assessments and other administrative work.[443] This focus on process and the related administrative burden undermines the potential for probation officers to develop meaningful relationships that can support offenders to rehabilitate and reduce the risk posed to the public (for further detail, see Chapter Seven).[444] There is an ongoing Ministry of Justice pilot to test a new digital platform that brings together AI tools and all necessary information about an offender. The platform is designed to automate processes for probation staff, such as notetaking, so that staff can prioritise and focus their time.

In Queensland, Australia, as of June 2024, more than 13,000 supervised individuals were using QCS Connect.[445] This is a digital case management tool that goes beyond the traditional phone call for check-ins with offenders by using fingerprint and facial biometrics at a kiosk or on a mobile phone app, enabling offenders to access services such as self-reporting and responding to curfew check-ins with officers.[446] The Ministry of Justice is piloting both remote check-ins and reporting for low-risk offenders as well as a digital tool that will put all the information a probation officer needs in one place.

If the pilots prove successful, these innovations should be invested in and scaled up to enable faster responses, smarter risk assessment and a more efficient Probation Service, enabling probation officers to focus their expertise on high-risk cases and tasks that only humans can do. The remote check-in approach could be particularly suitable for lower-risk individuals, where smartphone technology can offer opportunities to scale up the approach.

Recommendation 8.3: Require all technology developed for offender management to be integrated with behavioural science

Nudge-based techniques are behavioural science tools used to encourage people to make better choices.[447] Government should make greater use of such techniques as early evidence points to their efficacy in eliciting positive behaviour from offenders.[448] This could include:

Using phone, email or smartwatch notifications

Notifications through such technology can be used to nudge individuals on probation toward positive behaviours such as attending court and rehabilitation sessions, or completing required check-ins. A New York City based study found that the use of nudge techniques for a new court summons form reduced failure-to-appear (FTA) rates by 13%, with the most effective text messaging reminder reducing FTA rates by 26%.[449] The NHS has also used text messages to increase appointment attendance and help tackle the case backlog.[450]

Given the widespread availability of mobile phones, there should be an expectation that all individuals under post-custody supervision are

contactable via a mobile in addition to any electronic and/or GPS monitoring that is appropriate. As a minimum, HMPPS should ensure that all individuals leaving custody have access to a communication device such as a basic phone. This would enable immediate practical support on release, better communication with probation officers and, where an offender has a smart phone, consistent behavioural nudges to improve compliance and engagement.

Creating real-time feedback for decision-makers at all levels

Access to real-time feedback supported by data analytics could help professionals in the criminal justice system adjust risk assessments dynamically and ensure proportionate responses. Harris County Pre-Trial Services in Texas implemented a digital data dashboard that continuously displayed the behaviour of over 2,200 people awaiting trial in the community. They reported that this dashboard enabled judges to adjust the supervision conditions of people awaiting trial in the community to match their levels of compliance, such as reducing the number of people needing to wear an electronic monitoring device or take a weekly drug test, with no change in compliance or re-arrest.[451]

The Review also heard during its roundtables that behavioural change could be achieved for offenders in the long-term by making greater use of technology to provide educational and support materials, such as on financial literacy, digital skills and mental health and resilience. The Government should consider how behavioural science techniques, both through nudges and provision of educational materials, could be integrated into technology used to manage offenders in the community.

Increased use of facial recognition

Facial recognition is widely used in the UK by the public and private sector to monitor public spaces, to enable the police to identify offenders and deter offending behaviour where technology is visible or signposted. CCTV is already associated with a statistically significant reduction in crime for offences such as drug-related crimes and vehicle and property crimes, compared to places where there was no CCTV.[452]

In England in 2024, Southern Co-op cited internal figures of a 34% reduction in reported shoplifting and violence against staff in stores that implemented facial recognition and related technologies, demonstrating the potential of public space surveillance to deter criminal behaviour.[453] Another study on police services' use of facial recognition in US cities found that early adoption of facial recognition systems was correlated with a reduction in homicide rates. It is hypothesised that use of facial recognition deters crime by facilitating timely arrests and convictions.[454]

Government should consider where facial recognition technology could be integrated into specific locations or more widely in public to improve management of some offenders in the community. To inform best practice, more work should be done to understand how and why CCTV and facial recognition technology can help to reduce crime. Government must also consider procedural fairness in implementing facial recognition, to make sure people are treated fairly and equitably in the use of such technology.

The public has shown a low awareness of the use of facial recognition for commercial use, such as in supermarkets.[455] Police Scotland has outlined that there is a legal and moral obligation to inform members of the public that facial recognition is in operation.[456]

Where there is facial recognition technology in place, the Government should explore whether making signage more visible would both deter reoffending and address calls for transparency of use.[457]

Recommendation 8.4: Improve data-sharing across agencies working with the Probation Service

Attendees at the Review's roundtables noted that poor data-sharing between Government departments limits holistic, well-rounded risk assessments. A lack of data-sharing means that information on relevant factors such as housing, mental health, relationships and employment is often not used to assess risk because the Probation Service are unable to access this data. The Review was told that this is often due to agreements not being in place between departments and agencies to share relevant data.

There are two different approaches to data-sharing or "linking data": linking de-identified data from different sources to understand and improve overall practice at a system-wide level; and linking an individual's data using a digital ID or other unique identifiers (e.g. NHS number, National Security Number) to tailor services to an individual.

a) **De-identified data** ensures privacy by removing identifiers and is analysed together, such as to obtain national level insights. International examples include efforts in New Zealand to understand wellbeing factors linked to youth offending.[458]

b) **Single digital identity system** would be used for offenders on probation to link an individual's currently disconnected interactions and data across services such as justice, health and social services. It could be used to track individual behaviours and engagements, such as Estonia's use of digital ID (not probation specific).[459]

The Government must decide which option it uses to link data across departments and services. The UK's AI Action Plan also provides a blueprint for how Government should collect and share data.[460] However, for both de-identified and individual-level data sharing, the main barriers are no longer technical but ethical and governance-related. As previously explored, questions about who should see what data, and at what stage, remain unresolved, and these issues require careful consideration.

The AI Action Plan suggests that if AI is to be used to generate insights and predictions for the public sector, as suggested in Recommendation 8.5 below, "high-value datasets" are needed and should be "stored across government".[461] For this to be possible, departments and agencies must agree to share more of their data.

Recommendation 8.5: Further collaborate with industry on research and development to explore new technologies for service transformation, including advanced AI

The justice system has not traditionally prioritised research and development (R&D). The Ministry of Justice has received one of the lowest R&D allocations across government in 2025-26,[462] and, with a few exceptions such as electronic monitoring, technology adoption in prisons and probation has been limited.

Government should invest in R&D to actively identify, develop, test and scale up new technologies that enable the Probation Service to prioritise and scale their resources, personalise their management of offenders and manage risk more effectively. This would require dedicated efforts to trial emerging technologies, rapidly assess their impact and integrate what works into operational systems. Collaboration with academia and industry to co-fund and deliver R&D is crucial as it could increase the pool of investment and allow Government to access cutting-edge developments in technology outside the public sector, to connect such technology to frontline service delivery. Structured horizon scanning should also be embedded into decision-making to anticipate shifts and developments in technology. Investment in R&D could focus on the following areas:

Prioritisation: Government should explore how emerging, easy-to-use AI tools could revolutionise a probation officer's day to day role by serving as a smart digital assistant. This tool would go beyond automating processes and instead fulfil specific functions to enable practitioners to focus even further on building meaningful relationships with offenders. Functions carried out by an AI assistant could include offering low-risk individuals basic support, generating personalised rehabilitation plans and analysing compliance data to predict breaches. This tool could also enable earlier intervention with offenders who require greater support and could connect people with local services such as housing, employment, education or mental health support. For example, in the UK, SherlockAI acts as a digital life coach for prison leavers, guiding them to services like housing and benefits based on their personal circumstances.[463] As it was recently introduced, the full benefits of SherlockAI have yet to be evaluated.

Researchers at the University of Cincinnati in the US announced the development of an AI chatbot in 2023 that helps supervising officers manage the needs of individuals released from prison on 'parole', or a specific set of conditions. The chatbot is being designed to mimic human interaction and perform screening questions to identify needs, risky behaviours and the mental wellbeing of its users, alerting people to respond if the user needs immediate attention.[464] A full evaluation is yet to be carried out.

Protecting the public: Government should explore how to shift from static risk assessments to data-driven modelling of risk that adapts in real time. This could include using AI-powered risk and needs assessment tools that analyse behavioural patterns, past compliance history and social and environmental factors to help determine the suitability of an individual for community-based punishment and supervision. It could also include AI-driven behavioural monitoring with passive, real-time tracking of movement, speech and interactions to detect risk and intervene early. Such behavioural monitoring could be combined with a greater use of facial recognition technology to deter crime and track activity of prolific offenders in public spaces.

In the UK, Durham Constabulary introduced the Harm Assessment Risk Tool (HART) to assess offenders' risk of reoffending to aid decisions on deferred prosecution. HART was trained on data from 104,000 custody events, focusing on criminal histories.[465] Preliminary results in 2022 from a 2-year pilot showed HART was slightly better at predicting risks of reoffending than police officers. A full evaluation report is yet to be published.[466]

The Electronics and Telecommunications Research Institute (ETRI) in South Korea has developed an AI system named Dejaview, designed to enhance public safety through predictive analytics. The system uses AI trained on historical crime data which analyses CCTV footage to track situations and identify unusual movements such as stalking, falls and potential drug trafficking. ETRI has used this data to build a map of high probability crime areas.[467] The UK AI Action Plan also cites the potential for AI to both carry out, and improve the speed of, assessment and diagnostics in other high stakes sectors and areas, such as healthcare and lung cancer.[468]

Personalisation: Government should explore how to use technology to develop a more personalised model of community sentencing, which could include investment in a single digital channel for offenders on probation. This channel would bring together check-ins with the Probation Service, communication, rehabilitation plans and monitoring into one accessible place for offenders. In the Netherlands, this approach is already in use through a collection of probation apps including My Life, My Risks, My Contacts, and Step by Step, alongside a client portal that allows individuals to access their files and manage plans jointly with their probation officer. [469] A collection of apps accessed in one place could help to create a consistent, user-led experience that encourages engagement and reduces friction across fragmented systems.

To further personalise supervision and rehabilitative interventions for individuals to reduce reoffending, Government should also consider how smart sensors can be used to control an offender's environment outside traditional prison settings. This could include both greater monitoring of offenders living in community accommodation, to better manage risk, but also restricting an offender's wider movement to deter reoffending.

The probation service in Turkey plans to monitor offenders on probation with voice and facial recognition and GPS tracking software installed on mobile phones.[470] Santa Clara County in the US contracted a smart watch that verifies identity in real time by using algorithms that validate whether the facial features submitted for compliance monitoring are from a live person rather than a video or other media.[471] Lee Health in Florida also perform remote patient monitoring, using connected devices and sensors to measure the physiology of patients in their home and transmit this data to clinicians. Patients are able to communicate with their treatment team and provide instant feedback on how they feel.[472] Remote monitoring is also used in other sectors, such as healthcare, where it has been found alongside other technologies to reduce hospital admissions and readmissions.[473]

During one of the Review's visits to Approved Premises, staff described the welfare checks they must carry out for offenders to keep offenders in the accommodation safe. Some of these checks must be carried out at 1am and 3am, and staff reported that this often upsets residents. Automation of this task would not only be less disruptive to residents, it could also reduce the potential risk faced by staff who must wake people up in the middle of the night. Members of the Review team visited a pilot underway in a UK prison that was launched to test new technologies for monitoring an offender's behaviour. The pilot uses smart sensors to monitor behavioural changes – including incidents of self-harm or injury – while protecting privacy. Through the use of AI, the technology is able to analyse data and provide timely alerts to staff. If such technology is proven successful, it could be used in Approved Premises in the future.

Looking to the future

In this chapter, the Review has provided recommendations to leverage the opportunities provided by existing and emerging technology. As technology is increasingly integrated into the criminal justice system in the future, the Government must be aware of potentially negative, unintended consequences.

As previously discussed, there are practical and ethical concerns around the roll-out of technologies in the justice system which the Government should continue to monitor. These concerns may lead some, including professionals in the justice system, to feel uncomfortable with an increased use of technology. Expanding the use of new and existing technologies could have unintended consequences in sentencing and recall if staff working in the criminal justice system, including the Judiciary, lack confidence in their safety and efficacy.

It is crucial that as technologies are piloted and, if successful, scaled up, evaluations and evidence of their success are made widely available to improve people's confidence in the technology. The UK's AI Action Plan also calls for Government's continued support and investment in the AI Security Institute (AISI), with whom the Ministry of Justice could collaborate to understand the safety and risks posed by the use of such technologies.[474]

Staff at an Approved Premises visited by the Review stated that they rarely get to see their "success stories", they generally only "see offenders when they come back" and interventions by staff have not worked. At a macro level, greater use of technology in the criminal justice system could enable professionals and Government to better identify, monitor and understand the impact their work has on offender rehabilitation and reoffending.

Chapter Nine: Longer-term considerations for a sustainable prison system

It is important that any progress made as a result of this Review's recommendations is not lost and that successive governments remain focused on maintaining a sustainable approach to custody.

Recommendation 9.1: Introduce an external advisory body

This Review has put forward recommendations grounded in evidence and expertise that should reduce pressures on prison capacity, better rehabilitate offenders and reduce reoffending. To ensure a strategic, evidence-based approach is taken to the long-term use of custody, the Government and the public must have access to independent advice and analysis of the impact of policy decisions and evidence on what works to reduce crime. This should be provided by an external body of experts.

An independent body external to government should advise on the impacts of current and future policy decisions relating to prison and probation resources. This body should be composed of independent experts and act as a public voice on what works to reduce crime. This would support decision-making grounded in robust evidence, promote transparency in policymaking and encourage awareness of the systemwide impact of policy decisions. The Review recommends that the body has three main functions:

1. An authority on what works to reduce crime

The body should champion and promote the most authoritative evidence on what works to reduce crime and prevent reoffending. It should draw upon evidence from national data, international contexts and expertise within the sector to produce advice on the most effective methods to reduce crime and reoffending. This could include, for example, analyses on the efficacy of interventions such

as accredited offender behaviour programmes, which are currently assessed by the Correctional Services Advice and Accreditation Panel (CSAAP) – whose current role and remit could be extended to actively assess what works to reduce crime more broadly. The external body could also champion best practice examples of technological interventions to reduce reoffending, with consideration of the risks or ethical implications of using such technology.

2. Analysis of proposed policy changes

The body should produce advice for government on the potential impacts of policy and legislative changes. There should also be an expectation that the Government will consult the body during the legislative process where legislation either relates to sentencing or will have a significant impact on prison and probation capacity. The advice should include a holistic assessment of the value for money of proposed changes, the extent to which they will reduce crime and where they have an impact on sentencing and/or prison and probation resources. The body should be expected to consider the impacts of legislative changes brought about by other departments, such as the Home Office, which have an impact on sentencing and/or prison capacity. These assessments should be published to promote greater transparency and ensure that the broader impacts of policy decisions are part of the national debate.

3. Annual reporting

The body should make a longer-term assessment of the cumulative impact of government policy by publishing an annual report, which would provide a broader view on how policies interact and the current status of prison and probation demand versus capacity. It should also include an assessment of the Government's overall crime strategy, informed by the body's expertise on what works to reduce crime. The Review welcomes the Government's annual statement on prison and probation capacity, and this new function should be aligned with this process.[475]

The three functions outlined above should facilitate greater scrutiny of the impacts of policy and legislation on prison and probation resources, helping to encourage a more sustainable criminal justice system in the long term.

The Review's Call for Evidence has received responses which demonstrate widespread support for an external body to promote transparency, scrutiny and evidence-based policymaking:

The Justice Committee of the House of Commons, for example, recommended that Government establishes an independent advisory panel to provide advice and inform public debate on sentencing.[476] It specified that the panel should draw on representations from victims of crime and their families as well as academics and the voluntary sector.

The think tank Transform Justice suggested that an independent body could "accurately assess the resource implications of new and existing initiatives and rigorously monitor trends in sentencing."[477]

The functions of an independent body recommended above were also supported by the Sentencing Academy, which drew comparison with the Advisory Council on the Penal System created in 1966 to advise the Home Secretary, and by the Prison Reform Trust and Centre for Justice Innovation in their Call for Evidence submissions.[478]

A number of responses referred to bodies such as the National Institute for Health and Care Excellence (NICE) and the Office for Budget Responsibility (OBR) to highlight how government can benefit from independent analysis and advice across several sectors. However, responses varied in their views of how much power a body should have to directly influence policy and legislative processes. NICE, for example, encourages the uptake of best practice and value for money policies to improve outcomes across society but has no oversight of policymaking and cannot hold government to account for its decisions.[479]

The Review considers that the external body should be advisory only.

The recommendation for an external advisory body would not have an immediate impact on prison capacity but its role could be crucial in ensuring that both Government and Parliament have recourse to expert advice and robust evidence, encouraging a sustainable and transparent approach to sentencing policy and making it harder for governments to ignore any emerging prison capacity challenges.

Recommendation 9.2: Introduce a requirement for Ministers to make a statement to Parliament during the introduction of a new Bill on its impact on prison demand

The Review also recommends that the Government introduces a requirement for Ministers to make a statement to Parliament during the introduction of a new Bill that the impact on prison capacity has been considered. This could be in the form of an impact assessment by the external body or through existing impact assessment processes.

This requirement could be analogous to Section 19 of the Human Rights Act 1998, which requires Ministers to make a statement to Parliament on a new Bill's compatibility with rights under the Convention.[480]

The statement would seek to ensure impacts on resources are taken seriously during the legislative process, provide further accountability and bring greater transparency to decisions impacting prison capacity. It would also provide an opportunity for Ministers to highlight that their decisions are operationally feasible, explaining the rationale behind any tough decisions which could negatively impact the balance between the demand and supply of prison places.

Areas requiring further consideration by Government

This Review has proposed a package of recommendations to not only address the current prison capacity crisis but also drive better outcomes for offenders, victims and society at large. This Review is mindful that there is still further work and progress to be made over the longer term. The remaining section of this chapter addresses factors which were either out of scope for this Review or which the Review has not had time to consider fully.

Maximum and minimum sentences

As discussed in Chapter Three, there has been substantial inflation in the average length of custodial sentences over the past 20 years, in part caused by legislative changes such as the introduction of new offences and the increase in maximum or minimum penalties for existing offences.[481] Recent increases have put additional and unsustainable pressure on the prison estate.

Making penalties more punitive may reflect society's demand to take certain crimes more seriously.[482] However, respondents to the Call for Evidence questioned whether increasing sentences is effective in signalling to the public that specific crimes are being taken seriously or that longer sentences will offer greater public protection. A 2021 survey conducted by the Sentencing Academy, which included a sample of 1,844 adults living in England and Wales, found that the public believed sentences for serious offences were shorter today, while they have in fact become much more severe.[483] Informing the public about sentencing, including on proportionate and effective sentencing practice, is vital (for further detail, see **Recommendation 5.1**). Respondents to the Call for Evidence also highlighted that not all legislative changes are consistent with public attitudes nor effective and proportionate in delivering the statutory purposes of sentencing.

Many respondents to the Call for Evidence disagreed with the practice of imprisoning peaceful protestors and felt sanctions, bolstered through the Police, Crime, Sentencing and Courts Act (PCSCA) 2022 and Public Order Act 2023, are too harsh. Some respondents highlighted that punishments were disproportionate when compared to the harm caused by other offences such as grievous bodily harm .

Evidence received throughout the Review underlined that changes to maximum and minimum penalties have led to overall sentence inflation. The Criminal Bar Association stated that increasing sentence maximums and minimums leads to longer sentences not only in the most serious cases but "across the board".[484]

For example, Schedule 21 of the Criminal Justice Act 2003 (now Schedule 21 to the Sentencing Act 2020) provided higher starting points (or minimum terms an offender must serve before they can be considered for release) for murder cases based on factors influencing the perceived seriousness of the crime.[485] In 2023, the Sentencing Academy reported that, prior to these reforms, the average offender convicted of murder had to serve around 12 years in prison before they could first be considered for release. This average has increased to around 21 years.[486] The Sentencing Council, in their Call for Evidence response, stated that Schedule 21 has also had the secondary effect of inflating sentences for manslaughter and related offences against the person falling short of murder, although these offences are not referenced in Schedule 21.[487]

Changes in release point legislation have also had an inflationary impact on sentence length. PCSCA 2022 increased the tariff length (the minimum period that must be spent in prison) for a discretionary life sentence. This is now based on what two-thirds of an equivalent determinate sentence would be, whereas previously it was based on what half an equivalent determinate sentence would have been.[488]

Maximum Sentences

Respondents to the Call for Evidence stressed that the escalation of maximum penalties and tariffs do not appear to have had a deterrent effect for most crime types. The Sentencing Council highlighted that there are several reasons that more severe sentences are unlikely to have a greater deterrent effect, notably that certainty of punishment is a much stronger driver than severity.[489]

To deflate sentences and reduce pressure on the prison estate, many respondents suggested that existing maximum tariffs for specific offences should be reconsidered. For example, the Criminal Bar Association,[490] and the Law Society,[491] suggested that several drug offences including importation and trafficking now carry very long custodial sentences which appear misaligned with other offences. The Review heard from operational organisations that long sentences are ineffective at deterring these kinds of offences.

Spain introduced legal reform in 2010 to reduce sentences for low level drug-related offences while retaining punitive measures for large scale traffickers. The number of sentences for two years or more dropped by nearly 30% between 2010 and 2022. Shorter sentences are regularly suspended or substituted with fines and community service in Spain, meaning minor drug trafficking offences were brought into a suspendable range. This contributed to a marked decrease in Spain's prison admissions (33% decrease from 2010 to 2021).[492]

While statutory maximums are for Parliament to set and determine, the Review highlights that further work needs to be done to identify and review offences such as drug related crimes which may benefit from a re-evaluation of maximum penalties. This exercise should consider any unintended consequences that have arisen from increasing maximum penalties and whether they are proportionate and effective in fulfilling the statutory purposes of sentencing. Call for Evidence respondents argued that Parliament should set out the purpose of extending maximum penalties, particularly those being changed beyond 10 years.

Minimum sentences

The Call for Evidence also highlighted issues with the use of mandatory minimum sentences. Mandatory minimum sentences were introduced in 1997 for various offences, including firearms offences and third strike domestic burglary.[493] The PCSCA 2022 tightened the law so that courts can only depart from the minimum in exceptional circumstances.[494] The average custodial sentence lengths for all offences falling under the mandatory minimum provisions of the Sentencing Act 2020 have increased, particularly for firearms offences and drug trafficking.[495]

Mandatory minimum sentences are criticised for their impact on sentencing consistency, their ineffectiveness in deterring crime and their role in sentence inflation. For example, in response to the Call for Evidence, Thames Valley Police suggested that reforming minimum sentences should be considered to combat the "short sentence, revolving door" situation for reoffenders.[496] Several respondents argued that mandatory minimums limit the court's ability to give a sentence that is responsive to the specific facts and circumstances of the case.

The Review suggests that further work is done to consider the issues with minimum sentences, how they may be addressed and whether removal is appropriate. This is a complicated issue with many factors to consider including the possible deterrent effect of minimums on current pressing issues such as possession of firearms. While wholesale reform of the murder sentencing framework is out of scope for the Review, it recommends the Law Commission's review of homicide law and sentencing (as commissioned by the Government) should look at the minimum tariffs for sentencing for murder.

Understanding disproportionality in the justice system

Various Call for Evidence respondents highlighted concerns about disproportionate outcomes in

the criminal justice system, drawing attention to specific demographic groups who are over-represented in custody compared to the general population – including individuals who are neurodivergent, those experiencing poor mental health, those experiencing homelessness and rough sleeping, and, in particular, those from ethnic and racial minority communities.

These respondents felt passionately about understanding and tackling disproportionality. For example, Transform Justice urged that "research is conducted into the causes of, and most effective ways of reducing, racial disparities in sentencing."[497] Similarly, the charity JUSTICE encouraged the use of technology and better data collection, particularly in the youth justice system, "to identify racial bias" and understand its causes.[498] The Mayor's Office for Policing and Crime (MOPAC) argued that "there needs to be an increased awareness of neurodivergence, and how this intersects with the criminal justice system."[499]

In accordance with its Terms of Reference, the Review has not considered these disparities in detail. The Review echoes the importance of understanding the causes of any disproportionate outcomes in the criminal justice system, and encourages the Government to consider making this the focus of a bespoke exercise or review.

The Review believes in procedural fairness and strongly advises that equality impact assessments are carried out as part of the implementation of its recommendations, ensuring that its measures are applied fairly and transparently. Regular monitoring should also be introduced to identify any disproportionate outcomes, with processes in place to understand their causes and how they can be addressed.

Young adult offenders

In the year ending June 2024, 11,230 of those sentenced to immediate custody were aged 18 to 24 years old.[500]

Sentencing Council guidelines state young adult offenders may be less able to evaluate the consequences of their actions and may find it particularly difficult to cope with custody.[501] JUSTICE, in their Call for Evidence response, noted young adult offenders are especially impressionable, meaning that they have both higher rates of reoffending than adults as well as a high propensity for desistence and rehabilitation, but the current regime does not "sufficiently recognise" this rehabilitative capacity.[502] A report by Transform Justice found that of almost 200 magistrates' hearings observed involving young adult defendants, maturity was not mentioned in two thirds of hearings.[503]

Frontline probation staff, in response to the Call for Evidence, stated that young boys who transition into young men within the custodial environment may face exploitation. They observed that county lines drug-related offending captures a significant cohort of young men, some of whom are themselves exploited by individuals in a wider organised crime group. Long sentences are given to young men who often have no prior record of offending, meaning their "most important time for development in regard to societal belonging, social identity and restorative action is withdrawn". This creates a large risk of reoffending upon release as young men "fall back into a society they never truly felt a sense of belonging, thus further gravitating towards negative influences, coping strategies and peers".[504]

The Review's recommendations aim to address some of the issues explored in relation to sentencing for young adult offenders. Respondents to the Call for Evidence called for an increased use of suspended sentences for young adult offenders. Chapter Three's Recommendation 3.2, to extend the upper limit of suspended sentence orders to custodial sentences of up to three years, should benefit young adult offenders. Similarly, frontline probation staff stated an increased use of deferred sentences for young offenders may deter behaviour linked with offending.[505] Between 2018 and 2020, approximately 15% of those whose sentences were deferred were aged 18-25 years old, compared to approximately 28% in the years 2005 to 2007.[506]

The Review's recommendations to expand the use of deferred sentences will therefore be particularly relevant to young adult offenders (for further detail, see **Chapter Three**).

The Review recognises that more needs to be done in this area and encourages the Government to consider further how sentencing can be tailored to this group. Respondents to the Call for Evidence highlighted that advanced judicial training, youth specialist courts, additional mitigating factors for young people in statute (such as for the possession of a controlled drug offence), diversion programmes focusing on education and skills and robust early intervention work may be helpful.

Conclusion

The measures proposed by this Review, if implemented in full, should meet the challenges set out in the foreword.

Demand for prison places is currently projected to exceed the supply of places. Our recommendations should prevent this from happening. A greater use of community sentences and suspended sentence orders plus a further move away from short sentences will reduce the number of offenders receiving custodial sentences. A new progression model will mean that those prisoners who behave will have the chance to reduce their time in custody. The recall population, which has grown substantially in recent years, will be reduced.

Our probation system is currently under great pressure. We have set out a plan under which it will be able to cope with additional responsibilities by better focusing the current activities of the Probation Service, making better use of technology and expanding those services that can make a material difference to rehabilitating offenders in the community.

Technology can play an important role in assisting that rehabilitation but also in ensuring that offenders are properly monitored, thereby assisting in protecting the public. We have set out ways in which technology can be used today but also in the longer term.

For victims, the current sentencing framework lacks transparency and clarity. We believe our recommendations will significantly address that.

There are, however, two risks to ensuring that our prison population remains sustainable that should be highlighted.

First, if our proposed sentence reform is implemented but the probation system is left unable to cope with the additional demands, the consequence will be growing pressures to make more use of custodial sentences. For example, we have heard that it is already the case that judges and magistrates use community sentences less than they might do because of concerns about their delivery and enforcement. To deliver a shift away from custody to community sentences will require greater confidence in the effectiveness of community sentences.

Second, as we set out in Part 1 of our Review, our prison population has grown significantly in recent years as a consequence of governments of all descriptions increasing custodial sentences. This, in turn, increases the cost of prison to the taxpayer which results in other parts of the criminal justice system being left under-resourced. It has left us in a position in which our probation system is under great strain, reoffending rates are higher than they should be, the costs of our prison system are high, but we have run out of places. If the proposals contained within this review are to be anything other than a temporary reset, politicians need to resist the temptation to believe that the answer to every problem in the criminal justice system should be answered by legislating for longer sentences.

These are the risks, but there is also an opportunity. The measures set out in this Review will enable the prison population to stabilise and avoid a future capacity crisis in the next few years. But there is potential to be more ambitious.

If we can make our probation system more effective and, in doing so, win greater confidence from the judiciary, if we can harness the benefits of technology, if we can be more effective in addressing some of the causes of criminality (such as drink and drug addiction or mental illness) we can make greater progress in reducing crime and reducing our prison population than we have assumed in the numbers contained within this Review.

This, in turn, has the potential to free up resources which could be used to further reduce reoffending. To some extent, we are currently in a vicious cycle of system failing that creates additional pressures and costs, which only places the existing system under greater pressure. We can move to a virtuous cycle if there is the political will to do so.

The prison population crisis requires boldness. In this Review, we have sought to set out an approach that is not only bold in addressing the immediate crisis but is also bold in seeking to prevent such a crisis from occurring again. We commend this approach to the Government.

The Rt Hon David Gauke,

Chair of Independent Sentencing Review

Annex A - Terms of Reference

The text below was published in **October 2024** by the Ministry of Justice to launch the Independent Sentencing Review.[507]

Independent Sentencing Review 2024 to 2025 – Terms of Reference:

In Summer 2024, the capacity pressures on the prison system brought it dangerously close to total collapse. On taking office, the new government was forced to announce emergency measures that reduced the custodial term of some standard determinate sentences from 50 percent to 40 percent of a sentence.

This **review of sentencing** is tasked with a comprehensive re-evaluation of our sentencing framework.[508] Its goal is to ensure we are never again in a position where the country has more prisoners than prison places, and the government is forced to rely on the emergency release of prisoners.

To do so, the review will be guided by 3 principles:

- firstly, sentences must punish offenders and protect the public - there must always be space in prison for the most dangerous offenders
- secondly, sentences must encourage offenders to turn their backs on a life of crime, cutting crime by reducing reoffending
- thirdly, we must expand and make greater use of punishment outside of prison

In developing their recommendations, the independent Chair and panel are encouraged to draw not only on national data but also on international comparisons. This sentencing framework must follow the evidence of what reduces offending.

Sentencing is a matter for the independent judiciary and the review will therefore not look at sentencing in individual cases or the role of the judiciary.

The review will provide long term solutions for our justice system by:

- examining the use and composition of non-custodial sentences, including robust community alternatives to prison and the use of fines
- looking at the role of incentives in sentence management and the powers of the probation service in the administration of sentences in the community
- looking at the use and impact of short custodial sentences
- reviewing the framework around longer custodial sentences, including the use of minimum sentences, and the range of sentences and maximum penalties available for different offences
- looking at the administration of sentences, including the point at which offenders are released from prison, how long they are supervised in the community on licence, recall to prison, and how technology can support this
- considering whether the sentencing framework should be amended to take into account the specific needs or vulnerabilities of specific cohorts, such as young adult offenders, older offenders, and women
- considering the approach to sentencing in cases of prolific offenders
- considering specifically sentencing for offences primarily committed against women and girls

There are some important areas which we consider are best-placed to be progressed outside of the review. The review will not consider:

- the Imprisonment for Public Protection (IPP) sentence or the administration of it
- the use of remand
- the youth sentencing framework
- wholesale reform of the murder sentencing framework: Whilst the review may consider the impact of sentencing for murder on the wider sentencing framework, the department is considering wholesale reform of homicide law and sentencing separately
- out of court resolutions

The review should submit its findings in full to the Lord Chancellor by Spring 2025.

Appointment of an Independent Panel

The Lord Chancellor has now appointed an Independent Panel to deliver this important work alongside the Chair, Rt Hon David Gauke. The diverse and esteemed panel represent a wealth of expertise within the Criminal Justice System. The Chair and Panel will work closely together to deliver the Independent Sentencing Review's Terms of Reference. Members include:

The Rt. Hon David Gauke - Chair to the Independent Sentencing Review

David Gauke was Lord Chancellor and Secretary of State for Justice between 8 January 2018 and 24 July 2019, the first solicitor to become Lord Chancellor. He was Secretary of State for Work and Pensions from June 2017 to January 2018. He was elected the Conservative MP for Hertfordshire South West in May 2005. He is also Head of Public Policy at Macfarlanes.

Lord Burnett

Lord Burnett is a former Lord Chief Justice of England and Wales.

Catherine Larsen KPM

Catherine Larsen KPM is a former Police Inspector with Avon and Somerset Police with over 30 years experience including operational and critical incident management. As a qualified trainer, teacher and assessor has developed numerous specialist programmes within policing and has led on change and innovation including as Implementation Lead for the Degree Holder Entry Programme during the height of the COVID 19 pandemic. Experience in strategic national change programmes, notably Op Soteria, the programme of work to transform the way police investigate rape and serious sexual offences, and the Police and CPS Joint National Rape Action Plan.

Sir Peter Lewis KCMG, CB

Sir Peter Lewis KCMG, CB is a retired prosecutor serving from 2007 until 2016 as the Chief Executive of the Crown Prosecution Service. Between 2018 and 2023 he was Registrar of the International Criminal court in the Netherlands.

Nicola Padfield KC (Hon)

Nicola Padfield KC (Hon) is Emeritus Professor of Criminal and Penal Justice at the Law Faculty, University of Cambridge, where she has worked for more than 30 years. She was Master of Fitzwilliam College, Cambridge from 2013 - 2019 and is now a Life and Honorary Fellow. She has a broad research lens, engaged in both 'hard' law and in socio-legal-criminological research. She is an expert on sentencing law, including the law and practice of release from (and recall to) prison. A barrister by training, she sat as a Recorder (part-time judge) in the Crown Court from 2002-2014, and is a Bencher of the Middle Temple, where she previously chaired the Education and Training Committee.

Andrea Simon

Andrea was appointed End Violence Against Women's (EVAW) Director in 2021, to lead the organisation's influential work improving responses to women and girls at risk of and experiencing abuse. EVAW is a UK-wide coalition of more than 160 women's organisations, NGOs, and researchers working to end all forms of violence against women and girls (VAWG). Andrea is also a member of the London Policing Board and Co-Chair of the London VAWG Board at the Mayor's Office for Policing and Crime.

Andrea has worked in the ending violence against women and girls (VAWG) sector since 2017. Prior to this she worked on policy and campaigns to tackle child trafficking, and has a decade's experience as a senior researcher in Parliament.

Michael Spurr CB

Michael Spurr worked in Prisons and Probation for 36 years. He was Governor at HMYOI Aylesbury, HMP Wayland and HMP/YOI Norwich before joining HM Prison Service Management Board in 2003. He was Chief Executive of the National Offender Management Service / HM Prison and Probation Service from 2010-2019. Michael is currently Chair at the Butler Trust and Chair at Whitechapel Mission - providing services to the homeless in East London.

Annex B - Sentencing Review Prison Place Impacts

Below summarises the high-level estimates for five of the main capacity saving policies recommended by the Sentencing Review (the Review):

- Use of short custodial sentences in exceptional circumstances (Recommendation 3.1)
- Extending the upper limit of Suspended Sentence Orders (SSOs) to custodial sentences of up to three years (Recommendation 3.2)
- The 'Earned Progression' model for those serving Standard Determinate Sentences (SDS) (Recommendation 4.1)
- The 'Earned Progression' model for those serving Extended Determinate Sentences (EDS) (Recommendation 4.2)
- The model for recall for those on SDSs (Recommendation 4.3)

The Ministry of Justice (MoJ) has advised the Review that aiming to reduce demand by 9,500 prison places would help to ensure that there are sufficient places for the most serious offenders. In combination, the total impacts from these recommendations are estimated to save around 9,800 prison places. This accounts for interactions between the policies. For example, offenders receiving suspended shorter sentences would not be expected to be managed through the 'earned progression' approach to Standard Determinate Sentences (SDS). Estimates of impacts of each of the five main capacity saving policies in isolation are show in **Table 1**. The volumes shown in the table cannot be added together to obtain the overall impact of the policies combined.

Table 1 Isolated impacts of the five core recommendations

Policy	Estimated Isolated Prison Place Savings
Use of short custodial sentences in exceptional circumstances (Rec 3.1)	**2,000**
Extending upper limit of SSOs (Rec 3.2)	**1,300**
'Earned Progression' for SDS (Rec 4.1)	**4,100**
'Earned Progression' for EDS (Rec 4.2)	**600**
Model for recall of those on SDS (Rec 4.3)	**2,300**

The estimates should be considered indicative and represent the pure form of each policy recommendation (i.e. without being combined with other policies). These estimates are based on the MoJ's published demand projections (December 2024[509]), scaled to adjust to expected demand at the peak capacity pressures in 2028. These projections account for expected upstream drivers, such as police activity, prosecutions, and court volumes as well as including policies in place to manage demand such as shifting the custodial release point for certain offenders from 50% to 40% (SDS40, assumed to be retained beyond the initial 18-month period before departmental review); an increase in the maximum period eligible offenders can spend on Home Detention Curfew (HDC) from 6m to 12m; and a change to the Risk Assessed Recall Review (RARR) process so that a greater number of low risk offenders can be considered suitable for re-release. The estimated impacts of recommendations stated here account for these, so that the impacts presented represent a net impact of replacing these policies with the recommendations of the Review.

The estimates do not, however, account for any capacity management measures announced and implemented after December 2024. Nor has there been an assessment of how operational implementation could affect impacts. The impacts also do not consider any subsequent effects on the likelihood of reoffending. Moreover, these estimates are highly sensitive to behaviour of both offenders and sentencers which means the estimated impacts carry a high level of uncertainty. In producing these estimates, reasonable assumptions have been made as to how such behaviour might influence policy impacts.

Policies recommended elsewhere by the review, such as suggestions for amendments to how community sentences could be reformed or any policies targeting specific cohorts such as prolific offenders and Foreign National Offenders, have not had impacts estimated.

Additionally, many of the policies described in this document will increase the probation caseload. However, wider changes to probation operations recommended by the Review mean it was not possible to fully estimate precise probation workforce impacts within the timescales of the Review. The Ministry of Justice is advised to assess the combined impact of the Review's recommendations on the Probation Service.

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