

Grasping the nettle: Options for a lasting solution to the prison capacity crisis

The problem

Prison population growth

The prison system in England and Wales is running out of space, reaching record highs of more than 88,000 in recent months. Not only that but the Ministry of Justice (MoJ) has been flagging the likelihood of this happening in its prison population projections since 2021 (MoJ, 2021). Billions of pounds are being spent on new prison places but this will not be enough to match supply to demand. It is time for a new government to address the capacity problem head on and determine a more positive future for the prison system. The problem is not going away, with latest prison population projections estimating an increase by more than 30% within the next four years (MoJ, 2024c).

The new Labour government has recognised that tackling the crisis must be an urgent priority, with the Prime Minister, Sir Keir Starmer, commenting at his first Downing Street press conference that “we have too many prisoners” (BBC, 2024). During the election campaign the Prison Governors’ Association (PGA) took the unprecedented step of writing to all the main party leaders, warning that “it is a matter of days before prisons run out of space, and that the entire Criminal Justice System stands on the precipice of failure. Within a matter of weeks, it will put the public at risk” (PGA, 2024). The Police Federation has also expressed concerns that police officers are being asked to hold people unlawfully in police custody, because prison cells are not available (Police Federation, 2024). It has been suggested that Operation Brinker, a ‘one-in-one-out’ system, would be deployed as prisons approach zero capacity (iNews, 2024).

The main driver behind population growth is an increase in the determinate sentenced population due to greater levels of prosecutorial activity, the court backlog, and changes in sentencing policy. Examples include changes to the timing of release for those serving certain determinate sentences (from release at halfway to two-thirds of the sentence) and the introduction of mandatory starting points or whole life orders for certain offences. Such reforms mean that more people will spend longer in prison. Legislative reforms such as Schedule 21 (introduced in 2003) and responses to single-issue campaigns have introduced mandatory minimum terms for custodial sentences for certain types of offences (and in some cases have resulted in the creation of new offences). These political interventions have distorted proportionality in sentencing and driven up sentence lengths.

The implications of population growth and capacity pressures

A large and rising population is problematic because it impacts on the safe, effective, and purposeful management of prisons. It causes overcrowding and renders accommodation indecent, adversely affecting the physical and mental wellbeing of people living and working there. Reports from HM Inspectorate of Prisons (HMIP) and the Independent Monitoring Boards describe poor conditions, highlighting how faulty heating systems, black mould and vermin infestations are now commonplace. Prisons today are under intense pressure and, while the government has planned to build more, there are insufficient staff to run the ones we already have. Last year, there were 350 fewer prison officers in post than in 2018-19, when the prison population was much lower. Resignation rates are rising (HMPPS, 2023).

Capacity pressures limit severely people's access to a daily regime that gives opportunity for rehabilitation. Last year, HMIP found that 42% of those surveyed spent up to 22 hours a day in their cell, with limited access to purposeful activity in the library, gym, employment, and education (HMIP, 2023). With less flexibility for prisoner placements, many more people are held in prisons further away from their home, disrupting family connections that are proven to ease resettlement and cut reoffending. Safety in prisons is getting worse, too. The number of self-harm incidents increased by more than a quarter in 2023, with the rate nine times higher in the female estate than in the male and 22% of all incidents taking place among under-25s (MoJ 2024b). Tragically, 85 people took their own lives in prison last year and the suicide rate among men in prison is nearly four times higher than in the community (MoJ, 2024b; ONS, 2023).

Cost of prisons and emergency measures

Recent attempts to resolve the capacity problem have proved costly and insufficient. The Conservative government's plans to build more prisons were projected to cost £4bn, but in 2023 there were only 300 more places in the system than there were in 2010 (House of Commons, 2023a). Rapid deployment cells only have a lifespan of 15 years, and Operation Safeguard (the renting of police cells) was estimated to cost almost £50 million in 2023 (MoJ, 2023b and House of Commons, 2023c). A proposal to rent cells abroad, which was dropped when Parliament was dissolved before the general election, had been estimated to cost more than £200m over 10 years, with the MoJ's Impact Assessment acknowledging that 'the full costs of this policy are unknown' and could increase further (MoJ, 2023).

The rising prison population forced the government to implement an emergency end of custody supervised licence scheme in October 2023, and subsequently extend it twice. Although the scheme was a welcome step to ease population pressures, recent HMIP reports – including those of inspections at Peterborough and Lewes prisons – show a failure to deploy the scheme with adequate resource, leading to people being released to homelessness and some being recalled after release at short notice.

Prisons are expensive, with costs likely to rise as the population grows. The overall resource expenditure for all prisons for 2022-23 was £4.2bn, encompassing a direct resource expenditure (ie day-to-day running costs) of £2.7bn. A single prison place costs on average £51,724 a year in 2022-23, up by 11% the year prior (MoJ, 2024d). Scaled up in line with prison projections, population growth could require a direct resource expenditure of more than £3.6bn. Given that only the MoJ's capital expenditure budget has been increased, it is unclear how these additional costs will be met (HM Treasury, 2024). The current use of custody now, let alone as projected, is simply untenable given other pressures on public spending.

The Labour government must move quickly to deal with the prison capacity crisis. With the political capital of an election victory, and support from the Prime Minister himself, this should allow for bold action that is sustainable in the long term.

Composition of the prison population

A custodial sentence is the most severe criminal justice sanction available to the courts. However, a significant proportion of people are serving short sentences, or sentences for less serious or non-violent offences. They may also have needs or vulnerabilities which make prison an unsuitable place.

Currently, about 40% of the sentenced prison population are serving sentences for non-violent offences (MoJ, 2024).¹ While it must be acknowledged that non-violent offences still cause harm to the victim and society in different ways, the rationale for imposing custodial sentences for such offences on public safety grounds is limited. Around 3% of the sentenced population are serving short sentences of 12 months or less (Ibid.).

The use of longer sentences has increased. As of 31 March 2024, 28% of people in prison were serving long sentences of four years or more and 19% were serving extended determinate or indeterminate (IPP and life) sentences (MoJ, 2024). The number of life sentence prisoners serving sentences of over 20 years more than doubled between 2013 and 2023 (MoJ, 2023c). As of June 2023, there were 65 people serving whole life orders, a 44% increase in a decade (Ibid.).

The remand population currently accounts for almost a fifth of the overall prison population and is at its highest level in 50 years (MoJ, 2024).

The recall population has also reached a record high, at 14% of the overall population. The situation is particularly acute among short sentences, where the number of people serving sentences of 12 months or less who were recalled and returned to custody increased by 26%, compared to an increase of 13% among those serving sentences of more than 12 months (MoJ, 2024). Just 25% of recalls were due to further offending, with the remainder relating to administrative non-compliance (Ibid.). These figures, along with unintended challenges with the end of custody supervised licence scheme resulting in

1. Includes: Robbery; Theft offences; Drug offences; Public order offences; Miscellaneous crimes against society; Fraud offences; Summary non-motoring; and Summary motoring

swift recalls, highlight how recall pushes a revolving door from custody to the community, and then back again.

Women in the criminal justice system are described by the MoJ as ‘among the most vulnerable in society’, with complex needs which include trauma, domestic abuse, and mental health and substance misuse problems (MoJ, 2023d). While women are typically low risk - the Ministry of Justice’s own Female Offender Strategy Delivery Plan, for example, acknowledges that nine in 10 women held on remand pose a low risk to the public – prison sentences are particularly damaging to them and their families (Ibid.).

Mental ill health has reached shocking levels across the estate, with nine in 10 people having at least one mental health (or substance misuse) need (Centre for Mental Health, 2023). As a legal ‘place of safety’, prisons often hold people who are acutely mentally unwell. Self-harm across the estate is at its highest level ever. Unmet psychological and care needs extend to people with neurodiverse conditions, estimated by the Criminal Justice Joint Inspectorate to comprise up to half of the prison population (Criminal Justice Joint Inspectorate, 2021).

Solutions

Immediate measures

1) Changes to automatic early release

The PGA letter to party leaders released during the general election campaign made clear that the most immediate action to ease the capacity crisis must be changes to automatic early release (PGA, 2024). It stated:

What is needed now from any new government is an immediate change in legislation that will result in sentenced prisoners being routinely released from custody at the 40% mark of their sentence. This must be applied to all sentenced prisoners currently in custody retrospectively. This will see a significant reduction in people in prison which will alleviate this crisis. There may be other options which help, but these will not have the immediate impact required. Without a significant reduction in the prison population now, the CJS will fail, and the public will be put at risk.

We believe that there is no other option open to a new government to avoid prisons running out of space. Further work will be required to ensure we never reach this position again, but without taking this action now, the public will be put at risk

The Howard League supports the recommendation that automatic early release for standard determinate sentences should be moved to 40%. Additionally, changes brought in via the Police, Crime, Sentencing and Courts Act (2022), which increased the requisite custodial portion of a sentence for certain offences to two-thirds, should be reversed. This would be a more conclusive and fair approach than the emergency end of custody supervised licence scheme, which has been applied on such an ad hoc basis that planning for both individuals and services is extremely challenging. The possibility of Home Detention Curfew (HDC) should continue to be available for those who are eligible.

As the PGA states, however, these are emergency measures in response to the immediate prospect of the government running out of prison cells. There are many additional options that the new government should consider to ensure that we do not reach this point again in the future.

2) Changes to sentencing practice and policy

The new government should recognise that the deprivation of liberty through a custodial sentence is the most severe sanction available to the courts. As such, it should be reserved for those who pose most risk of harm. Changes to sentencing practice and policy could be made immediately, to stem the flow of people who pose less risk entering prison:

Suspended sentences

People convicted of less serious non-violent offences should not receive custodial sentences. One way of enacting this could be to suspend custodial sentences for certain offence types that would receive short sentences. The eligibility threshold for a suspended sentence to be imposed is currently set at two years, but this could be increased to three years. If applied now, this would result in a reduction in the prison population of at least 7% (MoJ, 2024).

Policymakers should be mindful that a suspended sentence is still a form of custody, and that, as per s.230(2) of the Sentencing Act, courts must first consider whether a fine or community order can be sufficient.

Presumption against short sentences

Given that the Sentencing Bill did not reach the statute book before the general election was called, an incoming government should reintroduce the presumption against short prison sentences.

As the Sentencing Council wrote in an important review of the effectiveness of sentencing options (Sentencing Council, 2022):

The evidence strongly suggests that short custodial sentences under twelve months are less effective than other disposals at reducing reoffending. There is little evidence demonstrating any significant benefits of such sentences. Indeed, there is a reasonable body of evidence to suggest short custodial sentences can make negative outcomes (such as reoffending) worse.

Action on short prison sentences would especially benefit women who are disproportionately serving shorter sentences – almost 10% of women in prison are serving a sentence of 12 months or less, compared to just over 3% of men (MoJ, 2024). This would also benefit the almost 3,000 men serving short sentences, many of whom are stuck in a cycle of crisis and crime, where short sentences are unable to meet their needs (MoJ, 2019; Cracknell, 2021; UK Parliament, 2023a).

3) Changes to re-release and supervision

Changes to release and supervision policy could also facilitate a reduction in the prison population in the short term:

Abolish recall for sentences of 12 months or less

An incoming government should abolish the use of recall for sentences of 12 months or less. Recall is disruptive to rehabilitation, and time constraints mean that there often is no meaningful opportunity for re-release before the sentence end date.

Changes to supervision requirements for short sentences

Post Sentence Supervision (PSS), a mandatory period of 12 months' supervision in the community post-release for sentences of up to 12 months, should also be abolished (assuming some short prison sentences would continue to be served even with a presumption against them). PSS was introduced via the Offender Rehabilitation Act 2015, as part of the part-privatisation of the probation service, and is a needless hangover of this period, and of legislation which has since been reversed. This move would lessen pressure on the probation service, enabling it to focus on supervising those who pose most risk.

Abolish recall for administrative breaches

There should be a rapid review of administrative recalls and guidance. The best outcome would be to abolish recall for administrative breaches entirely. Alternatively, any recall for administrative breach should be fixed-term and set at 14 days, as opposed to a standard recall which requires review by the parole board prior to release.

Use of HDC as a meaningful alternative

We welcome the expansion of the use Home Detention Curfew (HDC) for sentences of more than four years, as contained in the Victims and Prisoners Act. To ensure this is a meaningful change, the resourcing and administration of HDC should be improved.

Greater use of executive release (RARR)

Executive release by the Secretary of State for Justice under the Release following Risk Assessed Recall (RARR) review process is a more time- and cost-effective method of release than parole. Yet figures suggest that use of RARR has declined significantly from more than 1,500 releases in 2017 when the scheme was introduced, to just 20 in 2023 (House of Commons, 2024). This trend should be reversed.

4) Changes to the use of remand

An incoming government should urgently review the use of remand and reduce the remand population, taking forward the Justice Committee's 2023 recommendations (MoJ, 2024; House of Commons, 2023b).

The new government should explore mechanisms which facilitate a presumption in favour of bail (particularly for children, women and people experiencing mental health crises), reserving the use of remand for those who pose the most risk to the public. The practice of remand for own protection (or own welfare as in the case of children) should be halted through reforms to the Bail Act, as suggested in the draft Mental Health Bill published by the last government.

Where restrictions and monitoring are required for public safety, policymakers should explore and invest in alternatives to remand – for example, various community monitoring requirements as recommended by the House of Lords in its 2023 report (HoL, 2023).

To reduce the population of those already in custody on remand, custody time limits (CTL) should be adhered to for people awaiting trial. The government should review the legal framework for custody time limits to determine whether it is effective in ensuring that defendants are not deprived of their liberty for longer than is reasonable. Custody time limits should be strictly adhered to except in exceptional circumstances. Time spent on remand should not exceed the likely length of any eventual custodial sentence.

Timely and properly resourced sentencing should be prioritised for convicted people awaiting sentencing (where CTLs do not apply). This would include the provision of timely pre-sentence reports and sufficient judicial capacity to ensure that judges are able to sentence people as soon as they are able.

Policymakers should also seek to improve data collection to better understand the composition of the remand population, the reasons for remanding to custody, and the length of time people are being held. (The government does not currently routinely collect this data.)

Mid-to-long-term options

1) Review of sentencing

In the longer term, an incoming government must commission a comprehensive review of sentencing and sanctions. There should be an independent review of sentencing legislation and practice, including consideration of the purpose and costs of imprisonment, and the trend of sentence inflation. Any independent review should be aimed at identifying key causal factors or ‘wrong turns’ in sentencing policy and practice so that a cut-off point for any routes out of custody can be established.

An incoming government should also consider the way in which certain categories of individuals have been sentenced, specifically through examining the application of joint enterprise doctrine and addressing the situation of post-tariff Imprisonment for Public Protection (IPP) prisoners. While the recently passed Victims and Prisoners Act includes some welcome measures to address the oppressive licence conditions experienced by IPP prisoners, it does not go far enough. Finding ways to expedite the safe release of post-tariff IPP prisoners would free up almost 3,000 prison places (MoJ, 2024).

The government should revisit and accept the recommendations of the Corston report (Home Office, 2007), which said that custodial sentences for women must be reserved for those women who commit serious and violent offences who pose a threat to the public. The female prison estate should be transformed so that small, local custodial units are used for women instead.

2) Review of the management of people in prison

Sentence progression

Though sentence lengths have grown substantially over the last 20 years, there has been no proportionate adjustment to the timing of interventions such as access to offending behaviour work or higher education, transfers to open prison or release by the parole board. These significant junctures in sentence progression continue to be marked by years from expiry of sentence tariff. In the interests of fairness and modernisation, an incoming government should review the categorisation system, which is more than 50 years old. Sentence progression has not changed meaningfully, despite ever-increasing sentence lengths.

Routes out of custody

Quicker routes out of custody should be explored for those currently serving long sentences. People should undergo review at the halfway stage and then at regular intervals, resulting in release on licence or sentence reduction. There should also be a review by the High Court of ‘minimum terms’ for adults serving indeterminate sentences, as there is for HMP sentence prisoners who received an indeterminate sentence as a child. The right to further review of tariff for HMPs should be reinstated and extended to adults.

Age and maturity should be considered. Upon reaching a certain age, older prisoners could undergo a review of their needs and risk level, followed by a managed move to a more appropriate secure location if required. People who committed their index offence prior to the age of 25 should receive a regular sentence review (or expedited parole eligibility).²

Release and reintegration planning

Release and reintegration planning should be prioritised, improved and incorporated from a much earlier point in a custodial sentence (as per Scandinavian countries, which are more successful at preventing reoffending). Examples include Norway's holistic 'reintegration guarantee', introduced in 2005, and Finland's multi-agency reintegration teams which work with individuals from their first days in custody through to post-release (UNODC, 2018). This would require greater collaboration between criminal justice and social and welfare agencies.

Humanising the prison sentence

An incoming government should explore ways of humanising the prison experience to provide autonomy, promote rehabilitation and prepare people for release and reintegration. This would entail a shift in cultural norms and attitudes. The guiding principle should be that deprivation of liberty is the punishment, not poor conditions. Successful examples of this include accommodation provisions in the Netherlands (where people are provided with wardrobes with clothes, television, personal bathroom, freedom of movement in regulated areas, and a key to their individual cell), and Norway's 'normalisation' principle in which the sentencing court is not allowed to remove any rights of the person sentenced (Justice Trends, 2018)

3) Changes to the wider criminal justice system

There are avenues to reduce numbers in custody which lie outside of prisons. As recommended by a project funded by the European Commission, these should include decriminalisation and diversion; non-custodial sanctions; conditional release; and alternative consequences for breach of conditions (i.e., non-custodial) (Rodrigues et al, 2022).

Diversion

Diversion schemes should be evaluated, expanded and strengthened. Diversion can take place at several stages in the criminal justice process, from arrest to sentencing. Diversion is aimed at tackling the needs which are causal or contextual factors behind an individual's offending. One such example is the introduction of the latest iterations of Problem Solving Courts (currently being trialled but with varied uptake), which an incoming government should monitor and evaluate (UK Parliament, 2023b). Evaluation of a scheme in the US showed that the reoffending rate following course completion was

2. A similar measure was introduced by the American state of Connecticut in 2023 (eventually approved with a cut-off point of 21) (State of Connecticut, 2023).

19%, compared to almost 30% following a custodial sentence (Nebraska Examiner, 2022). There is a large and active network of community-based, social and health care organisations providing diversionary activities, and this should be harnessed and properly resourced.

Community sentences

An incoming government should make better use of community sentences, judged by the Justice and Home Affairs Committee to be rigorous, flexible, and successful, particularly in place of short prison sentences. It is generally understood that sentencers' confidence in community sentences was undermined following Chris Grayling's privatisation of probation and due to the impact of the pandemic. The (decline in) use and potential efficacy of community sentences needs to be better understood, accompanied by a strong and persuasive evidence base. It is worth noting that even with currently low levels of support for people in the community, those on community sentences are less likely to reoffend than those on short prison sentences (MoJ, 2019; UK Parliament, 2023a). International community-based and diversionary schemes should be explored, including comprehensive comparative material on alternatives to incarceration commissioned by the EU (Rodrigues et al, 2022 and European Union, 2019).

Probation reform

An incoming government should invest and reform the probation service by giving it renewed independence from the prison service and a more localised structure than the current National Probation Service allows. The Howard League has outlined what this might look like in evidence to the Justice and Home Affairs Committee in the House of Lords (Howard League, 2023c).

Addressing the needs of people in contact with the criminal justice system

As evidenced above, prison is an inappropriate place for many people. An incoming government should explore the viability of presumption against incarceration for vulnerable groups, including women and people with mental health conditions. People need better support in the community to address their needs. This would require expansion and improvement in mental health and addiction services, as well as multi-agency collaboration (as in Ireland and Portugal, for example) (Rodrigues et al, 2022). Services in the community to support early intervention and wraparound care should also be improved.

4) Potential changes to the machinery of government

The new Labour government could make changes to the machinery of government around crime and criminal justice policy. Arguably, the split between responsibility for policing (Home Office) and courts, prisons and probation (Ministry of Justice) has contributed to the dysfunctionality of government in this area over the course of many years. Divorcing the cabinet minister responsible for tackling crime from the

consequences of their policies has been counter-productive. The Ministry of Justice, as a relatively new department, has struggled to secure the cross-government buy-in required to promote policies that can help keep people out of the criminal justice system.

One solution would be to return responsibility for prisons and probation to the Home Office and retain a small department to oversee operation of the courts and legal aid system (as was the case prior to the creation of the Ministry of Justice in 2007). To ensure the Home Office is properly equipped for this change, it may be that immigration policy and border security could in turn be transferred to a new department focusing on these issues.

Youth justice policy should be welfare-led and the responsibility of the Department for Education (or the Department for Children, Schools and Families, as it was under the last Labour government).

The government should also revisit policy ideas that would offer a more radical restructuring of the criminal justice system. For example, it may be time to revisit the concept of 'justice reinvestment', as explored by both the Commission on English Prisons Today and by the Justice Select Committee in 2009 (Howard League, 2009 and House of Commons, 2009).

Investment should be made into the areas of government that help to keep people out of prison, including health and social care, education, employment and benefits, and housing.

Conclusion: Policy based on values and evidence

This briefing has outlined a range of potential solutions to the current prisons capacity crisis, from immediate measures to longer-term initiatives. Ultimately, however, the government needs a sustainable vision for what prison is for and how it should be used that is underpinned by values and by evidence. As the Prime Minister said in his press conference after the election, we “do need to be clear about the way in which we use prisons” (BBC, 2024).

The last government often pursued punitive policies that seemed to fly in the face of the evidence gathered by its own officials in their impact assessments. There is an opportunity to put evidence-led policy at the heart of criminal justice reform.

There is a strong evidential argument for reducing the use of short prison sentences, for example, as cited above in research by the Sentencing Council (2022), and in the Ministry of Justice’s own research (MoJ, 2019). Similarly, in the same review by the Sentencing Council, the authors went on to report that the “current evidence does not suggest that increasing the length of immediate prison sentences is an effective way to reduce reoffending.” Community sentences and suspended sentences have an advantage because they do not involve the damaging impact of imprisonment on factors such as employment, families, or exposure to criminal behaviour behind bars.

Prisons are harmful places, and the evidence shows that they do little to tackle the underlying causes of crime, resulting in reoffending on release. Indeed, overcrowded and violent prisons more likely exacerbate the problems incarcerated people face and make reoffending more likely. The government should be honest with the public about this if a shift in the country’s use of custody is to be achieved.

References

BBC (2024) *We have too many prisoners, says new PM Starmer*. Available here: <https://www.bbc.co.uk/news/articles/c16jpkzz9g3o> [accessed 08/07/2024].

Centre for Mental Health (2023) *Prison mental health services in England, 2023*. Available here: <https://www.centreformentalhealth.org.uk/publications/prison-mental-health-services-england-2023/#:~:text=Dr%20Graham%20Durcan&text=Prison%20mental%20health%20services%20in%20England%2C%202023%20is%20based%20on,health%20service%20while%20in%20custody> [accessed 08/07/2024].

Cracknell, M. (2021) *'Trying to make it matter': The challenges of assimilating a resettlement culture into a 'local' prison*. Available here: <https://repository.mdx.ac.uk/download/0074e24c984b2e9fc4e3286c847b02eb4e1b81c6a3d39fb8d7452b4c424c2345/145699/17488958211037469.pdf> [accessed 08/07/2024].

Criminal Justice Joint Inspectorate (2021) *Neurodiversity in the criminal justice system. A review of evidence*. Available here: <https://www.justiceinspectors.gov.uk/cjji/wp-content/uploads/sites/2/2021/07/Neurodiversity-evidence-review-web-2021.pdf> [accessed 08/07/2024].

European Union (2019) *Council conclusions on alternative measures to detention: the use of non-custodial sanctions and measures in the field of criminal justice*. Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019XG1216%2802%29&from=EN> [accessed 08/07/2024].

HM Prison and Probation Service (2023) *HMPPS Annual Report and Accounts, 2022-23*. Available here: <https://www.gov.uk/government/publications/hmppps-annual-report-and-accounts-2022-23> [accessed 08/07/2024].

HM Inspectorate of Prisons (2023) *Annual Report 2022-23*. Available here: <https://www.justiceinspectors.gov.uk/hmiprisons/inspections/annual-report-2022-23/> [accessed 08/07/2024].

HM Treasury (2024) *Spring Budget 2024*. Available here: https://assets.publishing.service.gov.uk/media/65e8578eb559930011ade2cb/E03057752_HMT_Spring_Budget_Mar_24_Web_Accessible_2_.pdf [accessed 08/07/2024].

Home Office (2007) *The Corston Report*. Available here: <https://www.asdan.org.uk/media/ek3p22qw/corston-report-march-2007.pdf> [accessed 08/07/2024].

House of Commons Library (2023) *The prison estate in England and Wales*. Available here: <https://commonslibrary.parliament.uk/research-briefings/sn05646/> [accessed 08/07/2024].

House of Commons (2009) *Justice Committee – First Report. Cutting crime: the case for justice reinvestment*. Available here: <https://publications.parliament.uk/pa/cm200910/cmselect/cmjust/94/9402.htm> [accessed 08/07/2024].

House of Commons (2023a) *Written questions, answers and statements. UIN 182591, tabled on 2 May 2023*. Available here: <https://questions-statements.parliament.uk/written-questions/detail/2023-04-25/182591> [accessed 08/07/2024].

House of Commons (2023b) *Justice Committee – Report. The role of adult custodial remand in the criminal justice system*. Available here: <https://committees.parliament.uk/work/6566/the-role-of-adult-custodial-remand-in-the-criminal-justice-system/publications/> [accessed 08/07/2024].

House of Commons (2023c) *Written questions, answers and statements. UIN 3849, tabled on 27 November 2023. Prisons: Overcrowding. Question for Ministry of Justice*. Available here: <https://questions-statements.parliament.uk/written-questions/detail/2023-11-27/3849> [accessed 08/07/2024].

House of Commons (2024) *Written questions, answers and statements. UIN 23202, tabled on 23 April 2024. Prisoners' release*. Available here: <https://questions-statements.parliament.uk/written-questions/detail/2024-04-23/23202> [accessed 08/07/2024].

House of Lords (2023) *Report of the Justice and Home Affairs Committee. Cutting crime: better community sentences*. Available here: <https://committees.parliament.uk/publications/42651/documents/212004/default/> [accessed 08/07/2024].

Howard League for Penal Reform (2009) *Do Better Do Less: The report of the Commission on English Prisons Today*. Available here: <https://howardleague.org/publications/do-better-do-less/> [accessed 08/07/2024].

Howard League for Penal Reform (2023) *Briefing for House of Lords second reading debate on the Victims and Prisoners Bill*. Available here: <https://howardleague.org/briefing-for-house-of-lords-second-reading-debate-for-victims-and-prisoners-bill/> [accessed 08/07/2024].

Howard League for Penal Reform (2023a) *Briefing for second reading debate on the Sentencing Bill*. Available here: <https://howardleague.org/briefing-for-second-reading-debate-on-the-sentencing-bill/> [accessed 08/07/2024].

Howard League for Penal Reform (2023b) *Submission to the Justice Committee inquiry into the future prison population and estate capacity*. Available here: <https://howardleague.org/submission-to-the-justice-committee-inquiry-on-the-future-prison-population-and-estate-capacity/> [accessed 08/07/2024].

Howard League for Penal Reform (2023c) *The Howard League for Penal Reform — Written evidence (JCS0012)*. Available here: <https://committees.parliament.uk/writtenevidence/121882/pdf/> [accessed 08/07/2024].

Howard League for Penal Reform (2024) *It's time for a grown-up debate about prison overcrowding*. Available here: <https://howardleague.org/blog/its-time-for-a-grown-up-debate-about-prison-overcrowding/> [accessed 08/07/2024].

Howard League for Penal Reform (2024a) *Victims and Prisoners Bill, House of Lords Report Stage, Government amendments*. Available here: <https://howardleague.org/wp-content/uploads/2024/04/VP-Bill-HoL-Report-Stage-Govt-Amendments-HL-briefing.pdf> [accessed 08/07/2024].

iNews (2024) *Prisons days away from being full as 'one in, one out' crisis plan is prepared*. Available here: <https://inews.co.uk/news/politics/prisons-days-away-full-one-in-one-out-3145530> [accessed 08/07/2024].

Justice Trends (2018) *Full rights citizens: the principle of normality in Norwegian prisons*. Available here: <https://justice-trends.press/full-rights-citizens-the-principle-of-normality-in-norwegian-prisons/> [accessed 08/07/2024].

Ministry of Justice (2019) *The impact of short custodial sentences, community orders and suspended sentence orders on reoffending*. Available here: <https://assets.publishing.service.gov.uk/media/5d1c732ee5274a08cdbe45c4/impact-short-custodial-sentences.pdf> [accessed 08/07/2024].

Ministry of Justice (2021) *Prison Population Projections 2021 to 2026, England and Wales*. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1035682/Prison_Population_Projections_2021_to_2026.pdf [accessed 08/07/2024].

Ministry of Justice (2023) *Criminal Justice Bill 2023: impact assessments*. Available here: <https://www.gov.uk/government/publications/criminal-justice-bill-2023-impact-assessments> [accessed 08/07/2024].

Ministry of Justice (2023b) *Press release: First Rapid Deployment Cells unveiled to boost prison places*. Available here: <https://questions-statements.parliament.uk/written-questions/detail/2023-04-25/182591> [accessed 08/07/2024].

Ministry of Justice (2023c) *Offender management statistics quarterly: January to March 2023*. Available here: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2023> [accessed 08/07/2024].

Ministry of Justice (2023d) *Female Offender Strategy Delivery Plan*. Available here: <https://assets.publishing.service.gov.uk/media/63d78f63e90e0773e01f8960/female-offender-strategy-delivery-plan-2022-25.pdf> [accessed 08/07/2024].

Ministry of Justice (2024) *Offender management statistics quarterly: October to December 2023*. Available here: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2023> [accessed 08/07/2024].

Ministry of Justice (2024a) *Prison population statistics*. Available here: <https://www.gov.uk/government/collections/prison-population-statistics> [accessed 08/07/2024].

Ministry of Justice (2024b) *Safety in custody: quarterly update to December 2023*. Available here: <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2023> [accessed 08/07/2024].

Ministry of Justice (2024c) *Prison Population Projections 2023 to 2028, England and Wales*. Available here: https://assets.publishing.service.gov.uk/media/65df5123b8da630f42c86271/Prison_Population_Projections_2023_to_2028.pdf [accessed 08/07/2024].

Ministry of Justice (2024d) *Costs per place and costs per prisoner by individual prison*. Available here: <https://assets.publishing.service.gov.uk/media/65f4229810cd8e001136c655/costs-per-place-per-prisoner-2022-2023-summary.pdf> [accessed 08/07/2024].

Nebraska Examiner (2022) *Problem-solving courts broadly popular, but how to expand them remains unclear*. Available here: <https://nebraskaexaminer.com/2022/10/04/problem-solving-courts-broadly-popular-but-how-to-expand-them-remains-unclear/> [accessed 08/07/2024].

Office for National Statistics (2023) *Drug-related deaths and suicide in prison custody in England and Wales: 2008 to 2019*. Available here: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/drugrelateddeathsandsuicideinprisoncustodyinenglandandwales/2023-01-26> [accessed 08/07/2024].

PGA (2024) *Letter to party leaders*. Available here: <https://prison-governors-association.org.uk/wp-content/uploads/2024/06/PGA-Letter-to-Party-Leaders-250624.pdf> [accessed 08/07/2024].

Police Federation of England and Wales (2024) *Police Federation Open Letter*. Available here: https://www.polfed.org/media/19632/section-46-pace_open-letter-to-npcc.pdf [accessed 08/07/2024].

Rodrigues et al (2022) *Non-custodial sanctions and measures in the member states of the European Union: comparative report*. Available here: https://www.prialteur.pt/application/files/9316/6936/8575/E-BOOK_COMPARATIVE_STUDY.pdf [accessed 08/07/2024].

Sentencing Council (2022) *The Effectiveness of Sentencing Options on Reoffending*. Available here: <https://www.sentencingcouncil.org.uk/wp-content/uploads/Effectiveness-of-Sentencing-Options-Review-FINAL.pdf> [accessed 08/07/2024].

State of Connecticut (2023) *General Assembly. January Session 2023. Raised Bill No. 952*. Available here: <https://www.cga.ct.gov/2023/TOB/S/PDF/2023SB-00952-R00-SB.PDF> [accessed 08/07/2024].

UNODC (2018) *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*. Available here: https://www.unodc.org/documents/justice-and-prison-reform/18-02303_ebook.pdf [accessed 08/07/2024].

UK Parliament (2023a) *The use of short prison sentences in England and Wales*. Available here: <https://researchbriefings.files.parliament.uk/documents/POST-PB-0052/POST-PB-0052.pdf> [accessed 08/07/2024].

UK Parliament (2023b) *Problem-solving courts*. Available here: <https://researchbriefings.files.parliament.uk/documents/POST-PN-0700/POST-PN-0700.pdf> [accessed 08/07/2024].

About the Howard League

The Howard League for Penal Reform is the world's oldest penal reform charity – a membership organisation that combines litigation, campaigning and policy work. Our aim is to build a more humane and effective response to crime that provides justice to all and helps to reduce reoffending.

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