

Long-term prisoners: the facts

England and Wales

October 2021



In the last twenty years, the prison population has changed hugely. Sentences for more serious crimes have become longer and far more people will now spend 10 or more years in prison. Meeting the challenges of this change will shape the prison landscape for the foreseeable future.

What is a ‘long-term’ prisoner?

Whilst there is no official definition of how long a person needs to spend in prison to be classed as a ‘long-term’ prisoner, our Building Futures programme has defined this group as anyone who spends 10 years or more in custody.

This includes people serving indeterminate sentences, such as a Life sentence and the sentence of Imprisonment for Public Protection (IPP); as well as those sentenced to a determinate sentence of 20 years or more. Most people currently in prison serving a determinate sentence will spend half of their sentence in custody, and the rest in the community under licence, as set out in the 2003 Criminal Justice Act.¹

If a person breaches the terms of their licence, then they may be recalled back to custody. A person sentenced to a 20-year prison sentence would expect to spend 10 years in custody, and a further 10 in the community under licence conditions.

There are a number of exceptions to this. The government has introduced changes to increase the automatic release point so that a person spends two-thirds of their sentence in custody for certain violent and sexual offences; and for people sentenced to seven years or more. It also plans to introduce more exceptions.²

How many ‘long-term’ prisoners are there?

We know that nearly 11,000 people currently in prison in England and Wales fall into this category – that is, serving ten years or more in custody.³

In recent years, there has been a significant increase in the number of people serving long sentences. The minimum terms people must spend in custody before they can be considered for release on licence are rising; and so is the overall amount of time actually spent in custody before a person is granted release.

Table 1: People in prison serving a period of 10 years or more in custody by sentence type

Sentence type	People
Long determinate sentences (LDS)	
20 years or more	894
Recalled (10 years or more spent in custody)*	27
Extended determinate sentences**	
10 years to 14 years	1,349
More than 14 years	1,303
IPPs*	
Unreleased (10 years or more spent in custody)	1,311
Recalled (10 years or more spent in custody)	257
Life (tariff)	
Greater than 10 years to less than or equal to 20 years	3,527
Greater than 20 years	2,048
Whole life	62
Recalled*	210
Total	10,988

* These figures are taken from House of Lords Parliamentary Question UIN HL14484 and are dated 31 December 2020

** These categories are the maximum time a person serving the sentence could spend in custody. They may be released after having served two-thirds of this custodial term at the discretion of the Parole Board. This may include some people who will be released before spending a continuous period of 10 years or more in prison.

¹ Criminal Justice Act 2003, s.244

² Ministry of Justice. (2019). *Explanatory Memorandum to The Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2019*. Ministry of Justice; and Ministry of Justice. (2020). *A Smarter Approach to Sentencing*. Ministry of Justice

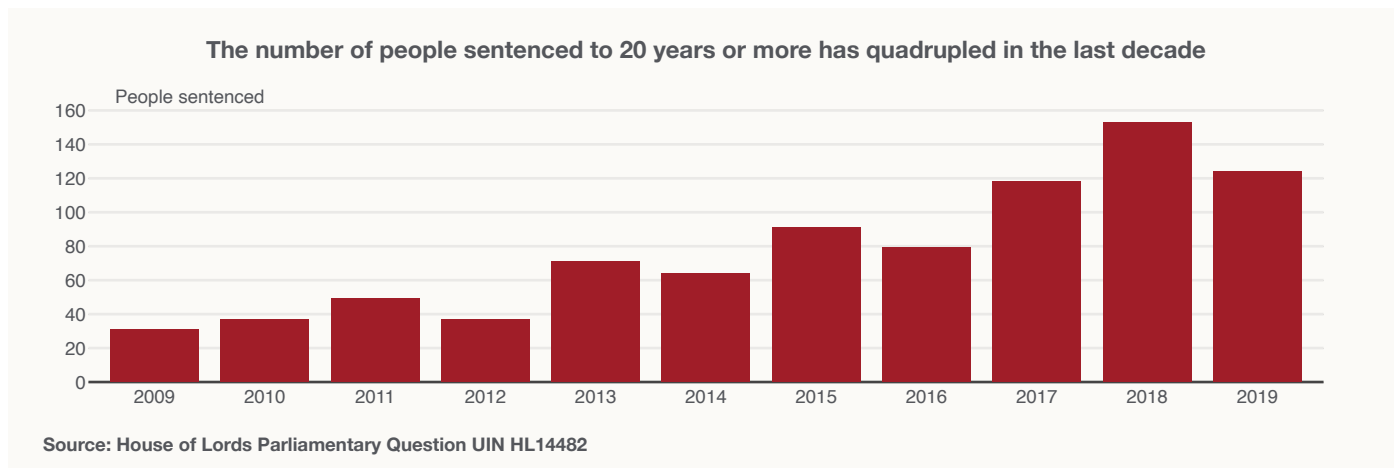
³ Table 1.9a and 1.9b. Ministry of Justice. (2020). *Offender management statistics quarterly: April to June 2020*. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2020>;

House of Lords. (2020). *Written Question UIN HL10158*. <https://questions-statements.parliament.uk/written-questions/detail/2020-11-10/hl10158>; and House of Lords. (2020). *Written Question UIN HL10575*. <https://questions-statements.parliament.uk/written-questions/detail/2020-11-23/hl10575>

The growing use of long determinate sentences

There has been a marked shift in the number of people being given very long determinate sentences (LDS). We categorise this group as people who have been sentenced to 20 years or more, and who would expect to spend a period of 10 years or more in custody.

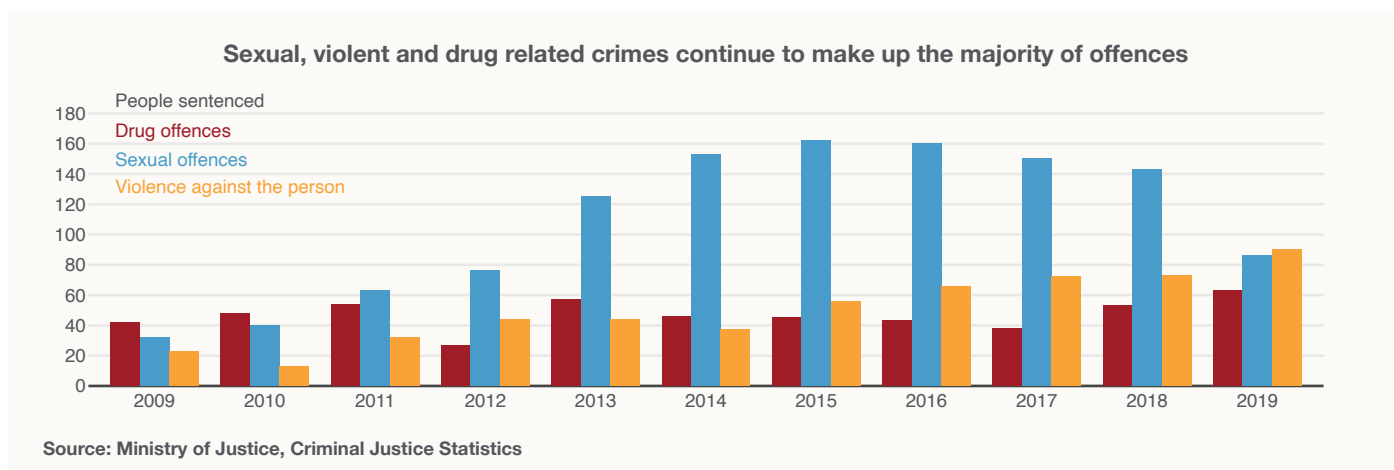
In 2019, the latest year for which data are available, 124 people were sentenced to custody for 20 years or more (excluding life sentences)—four times the number of just a decade ago.



Whilst long determinate sentences account for a very small proportion of sentences overall, the impact on the prison service will last for a decade or more as it holds that person in custody. As we see with the increase in the number of these sentences handed out, they have also increased as a proportion of all sentences, rising to 0.16% of all sentences in 2019 from 0.03% in 2009.⁴

What offences have long determinate sentence prisoners committed?⁵

Unsurprisingly, the majority of people given a sentence of over 15 years have committed violent and sexual crimes. In the last decade these two categories have accounted for between 47% and 78% of offences for those sentenced to more than 15 years—accounting for 58% of offences in 2019. Drug offences remain another significant contributor, as the third largest category in each year during the last decade.



Despite this predictability, there have been some changes. The mixture of offences which attract these sentences has become more diverse, with increases in ‘robbery’; ‘miscellaneous crimes against society’; ‘public order offences’; and ‘possession of weapons’.

These include crimes such as ‘aggravated burglary in a dwelling’; ‘prohibited weapons/ammunition’; and ‘other triable either way offences (non-motoring)’.

⁴ House of Lords. (2021). *Written Question UIN HL14482*. <https://questions-statements.parliament.uk/written-questions/detail/2021-03-23/hl14482>

⁵ This section currently examines offence groups for people who received a determinate sentence of more than 15 years. This analysis will be updated in future as data become available.

What about crime?

When examining the changing pattern of sentencing during the last decade and more, it is reasonable to ask whether this is simply a reflection of changing patterns in crime. Are we as a society committing more of these types of offence?

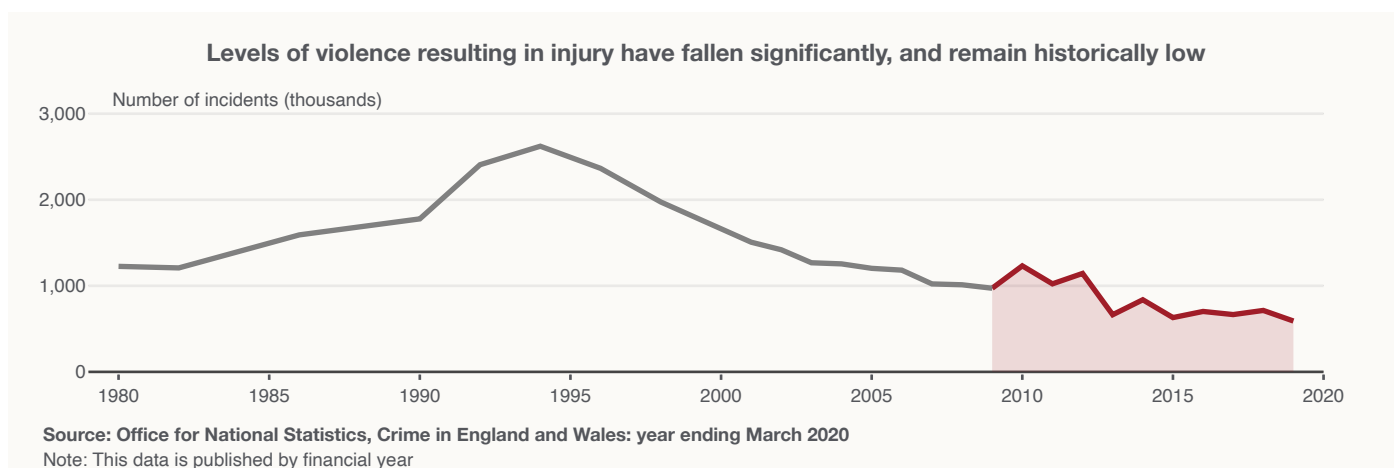
In examining this question, there are two main measures for analysing crime in England and Wales: police recorded crime, which is a measure of the offences reported to police forces; and the Crime Survey for England and Wales, which interviews a representative sample of the population about their experience of crime. The Office for National Statistics confirms that:

“[The] Crime Survey for England and Wales (CSEW) provides the best picture of the overall trend in violent crime and is a more reliable measure of long-term trends in domestic abuse, sexual assault, stalking and harassment.”

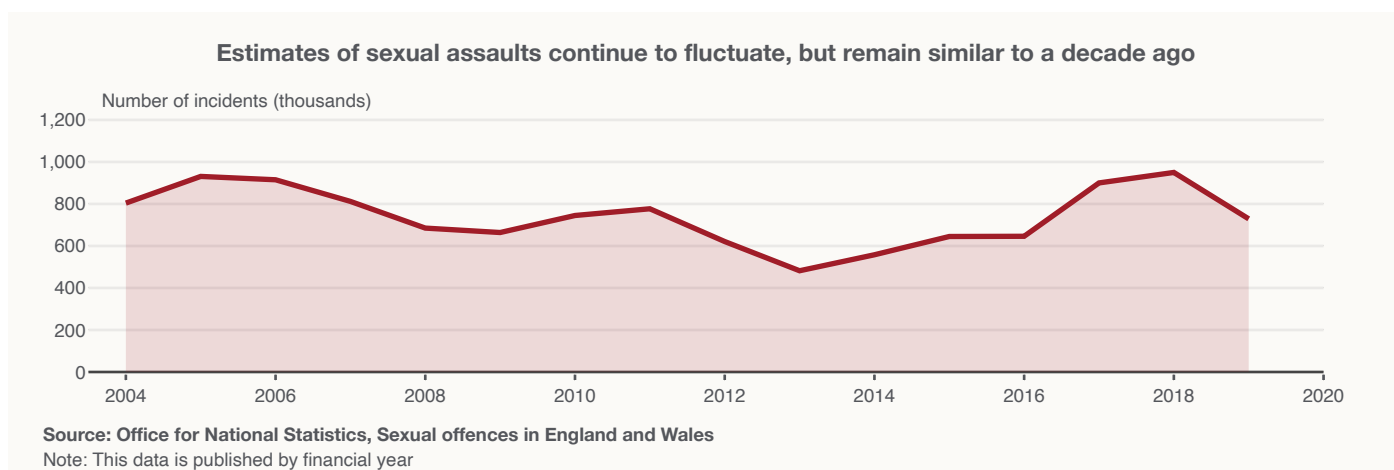
Whereas limitations with police recorded crime make it less useful in comparing trends over time for crimes that are poorly reported or recorded by police:

*“Trends can be influenced by changes in recording practices or police activity as well as public reporting of crime, making it difficult to make long-term comparisons. There are also concerns about the quality of recording and that crime is not recorded consistently across police forces.”*⁶

Examining the trends in these types of offence over the same time period (2009–2019) reveals that the incidence of violent crimes which resulted in injury fell by 44%, with a rate of 13 offences per 1,000 adults, compared with 22 per 1,000 in 2009.⁷



The Office for National Statistics produce estimates on the number of people who were a victim of any type of sexual assault in the past year, sourced from the Crime Survey for England and Wales.



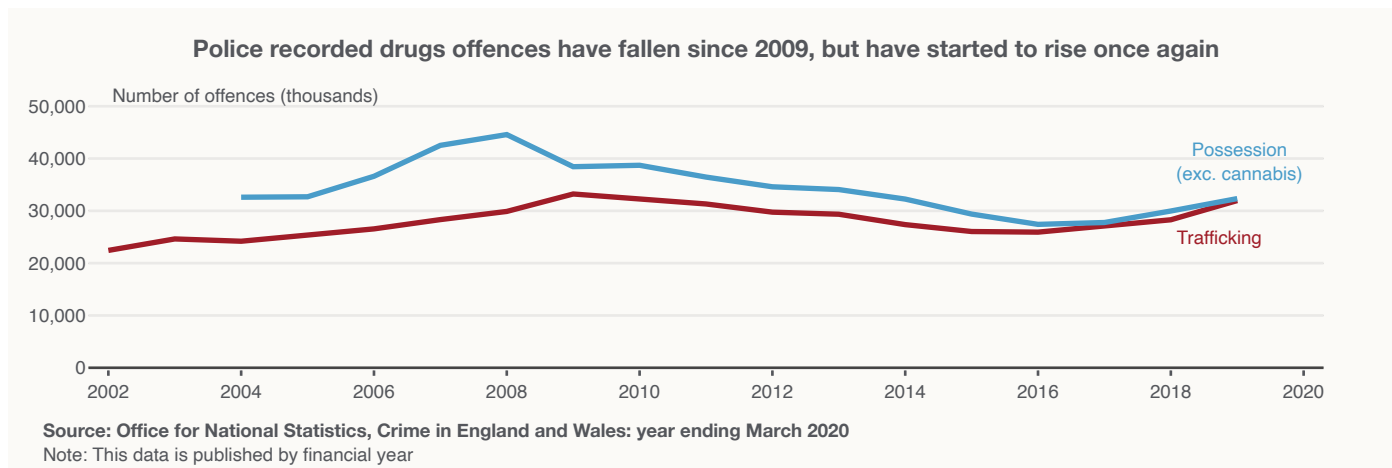
⁶ Stripe, N. (2020). Crime in England and Wales: year ending March 2020. Office for National Statistics

⁷ Table A2, Stripe, N. (2020). Crime in England and Wales: year ending March 2020, appendix tables. Office for National Statistics

As the previous chart shows, and the ONS explains in its accompanying commentary:

“There have been fluctuations in the prevalence of sexual assault experienced among adults...over the long-term, with the estimate for the latest year similar to that seen a decade ago.”⁸

For drugs, there has been a 4% decline in police recorded trafficking offences—those most likely to attract long custodial sentences—and a 16% decline in possession offences (excluding cannabis) during the same period.⁹



It seems reasonable to conclude, therefore, that changes in sentencing have not been driven by a change in the actual incidence of serious sexual, violent and drug related crime during the last 20 to 30 years. That is not to say that there may not have been changes in levels of public concern, simply that such concern derives from other factors. These may include the publicity given to exceptional cases and the desire on the part of different political parties to signal their stance on serious offending to the electorate.

The Crime Survey for England and Wales reveals a rebound in the proportion of the population who believe that crime has risen nationally in the past few years—from 84% in 2008 and a low of 61% in 2013, to reach 82% in 2019.¹⁰ But when considering their own concerns about safety and violent crime, the results are more tempered.

The proportion of people with “a high level of worry” about violent crime fell between 2009 and 2019 from 13% to 8%.¹¹ Similarly, the proportion of people reporting that they “felt very/fairly safe” walking alone after dark has improved from 73% to 78% during the same period. The increase amongst women has been more significant than for men, rising from 61% to 69%.¹²

What does the ‘long-term’ prisoner population look like?¹³

Gender

Long-term prisoners are overwhelmingly male, accounting for 99% of those serving a LDS. There are just 11 women currently in prison serving a sentence of this length.

Whilst a breakdown of tariff lengths and post-tariff detention by gender is not currently available, we do have data for all indeterminate sentences. Men account for 97% of the total indeterminate sentenced prison population.¹⁴

⁸ Stripe, N. (2021). *Sexual offences prevalence and trends, England and Wales: year ending March 2020*. Office for National Statistics

⁹ Table A4, Stripe, N. (2020). *Crime in England and Wales: year ending March 2020, appendix tables*. Office for National Statistics

Police recorded crime figures are used here, as the CSEW excludes offences that are difficult to estimate robustly or that have no victim who can be interviewed (for example, homicides and drug offences).

¹⁰ Table S28, Stripe, N. (2021). *Crime in England and Wales: Annual supplementary tables*. Office for National Statistics

¹¹ Table S31, *Ibid.*

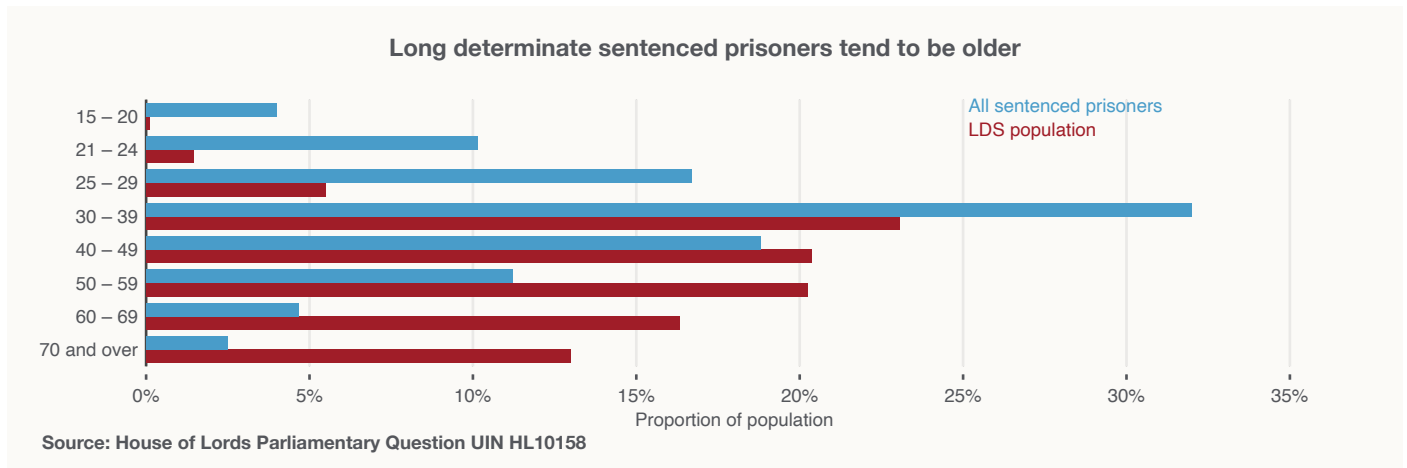
¹² Table S37, *Ibid.*

¹³ Data are currently available for people serving long determinate sentences, but not for indeterminate sentences. This analysis will be updated in future as data become available.

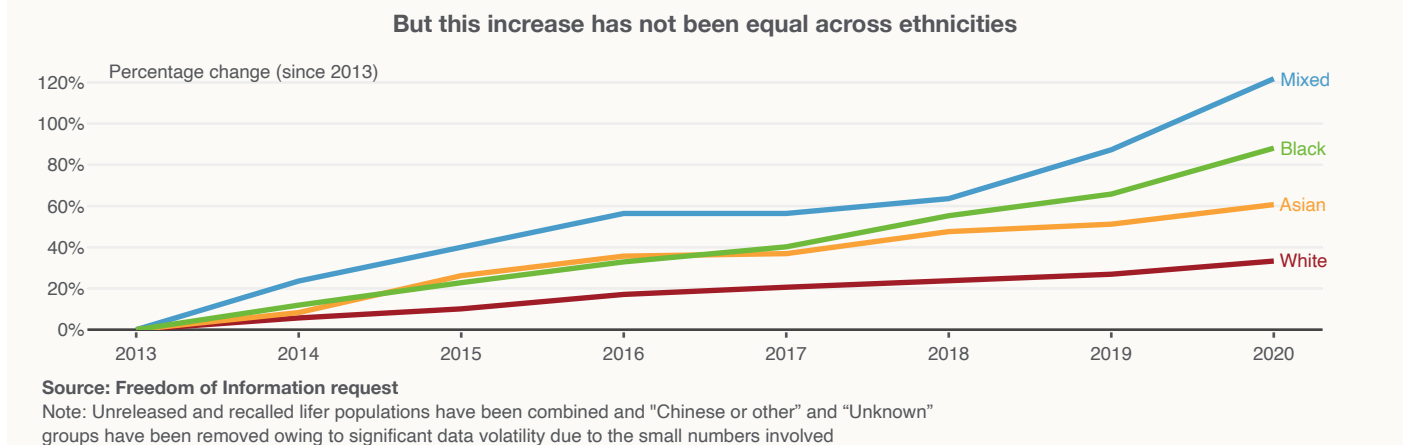
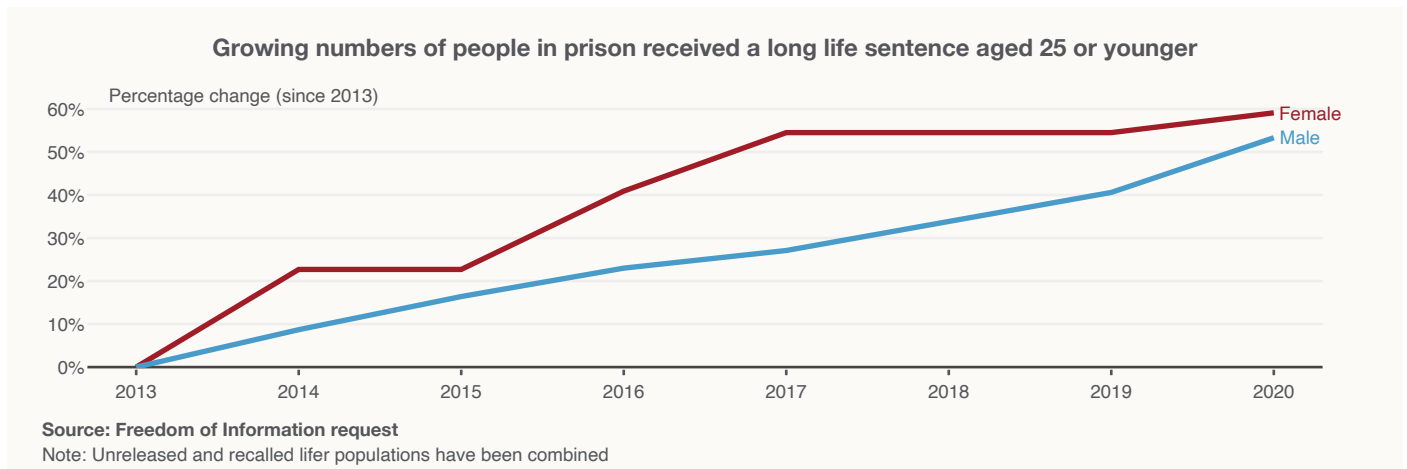
¹⁴ Table 1.9a, Ministry of Justice. (2020). *Offender management statistics quarterly: April to June 2020*. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2020>

Age

The long determinate sentenced population is generally older than the sentenced prison population overall, with larger proportions seen within all age bands from 40 and older. The largest age group is between 30 and 39, accounting for nearly a quarter of all people serving an LDS. Around 40% are between 40 and 59, and a further three in 10 are aged 60 or older.



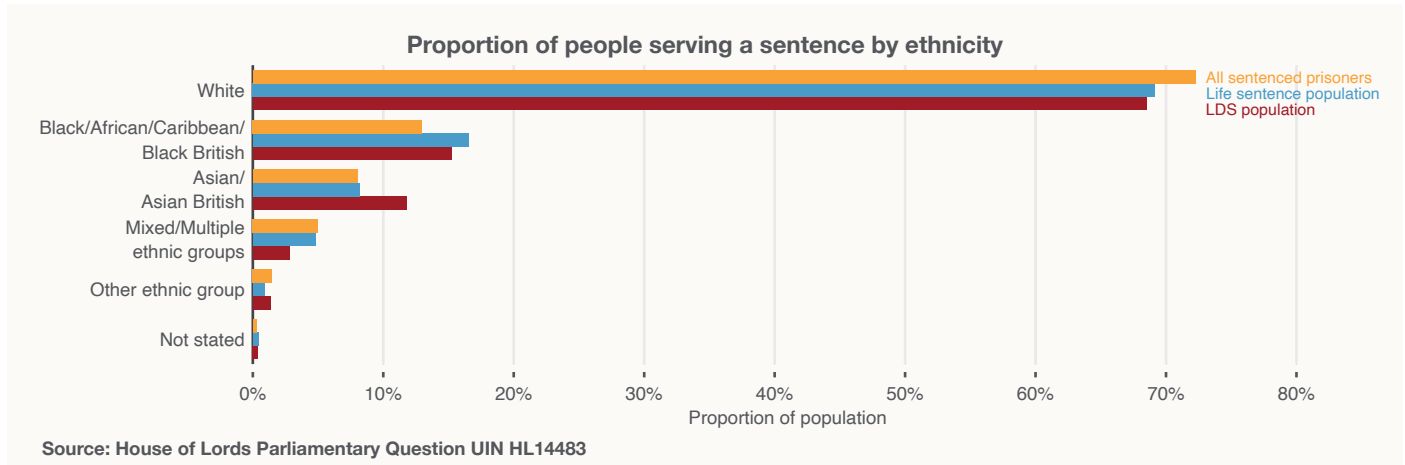
There has also been a marked increase in the number of people in prison who received a long life sentence from a young age. The chart below shows the growth in the number of people in prison serving a life sentence with a tariff of 15 years or more, and who were sentenced at age 25 or younger. Since 2013 there has been a rise of 60% for women, and 52% for men. There are now over 1,400 people in prison in this group and men account for the vast majority (97%).



Ethnicity

There are a higher proportion of people from the Black and Asian ethnic groups serving a long determinate sentence than in the sentenced prison population overall. As of 31 December 2020, Black people accounted for 15% of the LDS population and Asian people 12%; this compares with 13% and 8% respectively in the sentenced prison population.

Black people also account for 17% of the life sentence population. The sharp increase in the proportion of people aged under 25 from minority communities receiving long life sentences means that this disproportionality is very likely to become more marked.



Progression, release and recall

Indeterminate sentences

Time held beyond tariff

There are over 800 people currently in prison serving a life sentence with a tariff of more than 10 years who are now post-tariff. There are a similar number of people who had a tariff of 10 years or less, but who continue to be held in prison post-tariff—some 80 people remain in prison having been held for 20 years or more beyond their original tariff.¹⁵ A full copy of the data is available in Table 3 at the end of this briefing.

In reality the true number of people serving a life sentence who spend 10 or more years in custody, even if their original tariff was less than 10 years, is likely to be closer to 1,674—the total number of post-tariff lifers.

There are nearly 1,800 people currently in prison serving an IPP sentence who are post-tariff and have yet to be released. Not all of them will have spent a continuous period of 10 years or more in prison. However, as the IPP sentence was abolished in 2012—and relatively few IPP sentences have been passed since, it is reasonable to assume that the majority of unreleased IPP prisoners will have spent 10 years or more in custody, or are rapidly approaching it.¹⁶ A full copy of the data is available in Table 4 at the end of this briefing.

Offending behaviour programmes

Accredited offending behaviour programmes aim to reduce the risk of further offending, and for some people the completion of these programmes is a precursor to Parole Board approval for release.

109 offending behaviour programmes were completed by people serving an IPP sentence held in prison post-tariff in 2019–20. For lifers, 34 programmes were completed.¹⁷

As of April 2021 there were 161 people in prison serving an IPP sentence who were waiting for to take part in an accredited offending behaviour or sexual offending programme.¹⁸

¹⁵ House of Lords. (2020). *Written Question UIN HL10576*. <https://questions-statements.parliament.uk/written-questions/detail/2020-11-23/HL10576/>

¹⁶ The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 4 and Saving Provisions) Order 2012; and Table Q5.4, Ministry of Justice. (2021). *Criminal justice system statistics quarterly: September 2020*. Ministry of Justice.

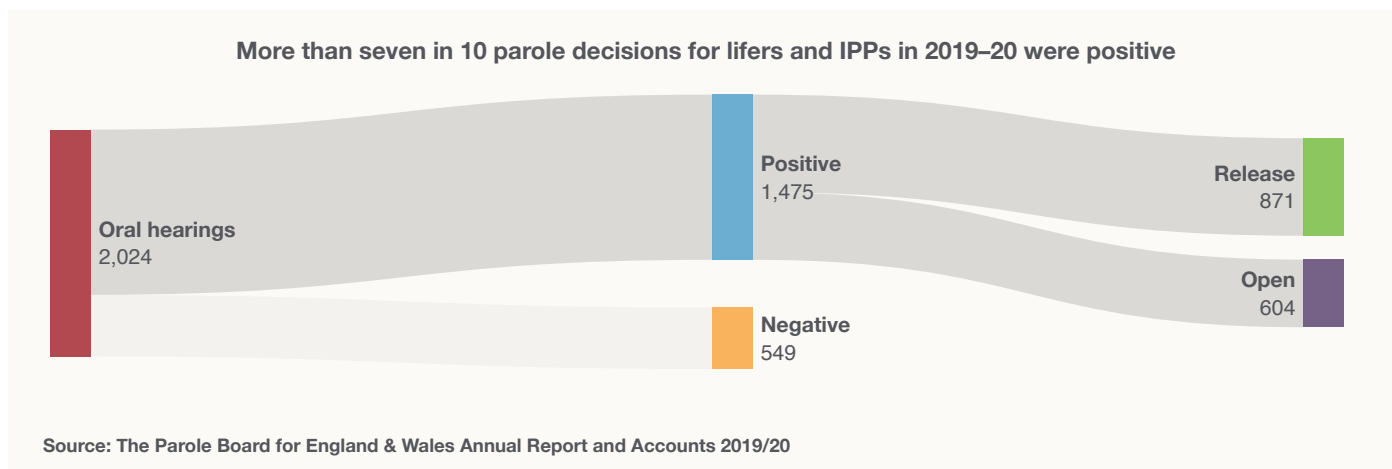
¹⁷ House of Lords. (2021). *Written Question UIN HL923*. <https://questions-statements.parliament.uk/written-questions/detail/2021-06-09/hl923>

¹⁸ House of Lords. (2021). *Written Question UIN HL1190*. <https://questions-statements.parliament.uk/written-questions/detail/2021-06-17/hl1190>

Progression¹⁹

The most recent Parole Board data reveals that decision rates are almost identical for people serving IPP sentences and those serving life sentences. However, no distinction is made on the length of time that they have spent in custody.

Of the 2,024 oral hearings conducted for these two groups in 2019–20, 1,475 people received a recommendation for a progressive transfer to an open prison or release—a rate of 73%.²⁰



Data provided by the Ministry of Justice reveals that 115 lifers and 30 IPP prisoners were released at their first Parole Board hearing in 2019.²¹

But recalls remain a particular barrier to successful resettlement for people serving an IPP in the community. There are currently 257 people who have spent 10 years or more in custody serving an IPP and are now back in prison following recall.²²

Data on releases from custody and recalls between October 2019–September 2020 reveal significantly higher rates of recall amongst the IPP population who have spent 10 years or more in custody—more than three times the rate of those serving a life sentence.

Table 2: Releases from custody and recalls, 1 Oct 2019–30 Sept 2020²³

Sentence Type	People released	Total recalled since release	% recalled
Determinate—20+ years	33	4	12%
Life (10+ years in custody)	326	24	7%
IPP (10+ years in custody)	210	51	24%

More positively, for those who have been recalled and come before the Parole Board once again, the progression rate increases to 81%—the majority of whom are recommended for release (88%).

Again, these rates remain consistent between people serving IPP sentences and those serving life sentences. However, this does beg the question whether recall was the best mechanism to deal with concerns about compliance with licence conditions or the perceived escalation of risk at the time.

¹⁹ These figures only refer to cases which go before an oral hearing. It is possible for people to be directed for release following approval at a paper hearing. These numbers are extremely small, accounting for a total of 32 people in 2019–20.

²⁰ The Parole Board for England & Wales. (2020). *Annual Report and Accounts 2019/20: Parole Board Performance Data for 2019/20*. Parole Board.

²¹ House of Lords. (2021). *Written Question UIN HL846*. <https://questions-statements.parliament.uk/written-questions/detail/2021-06-08/hl846>

²² House of Lords. (2021). *Written Question UIN HL14484*. <https://questions-statements.parliament.uk/written-questions/detail/2021-03-23/hl14484>

²³ House of Lords. (2021). *Written Question UIN HL14436*. <https://questions-statements.parliament.uk/written-questions/detail/2021-03-22/hl14436>

Determinate sentences

Whilst the vast majority of people serving a determinate sentence will be released automatically, without the need for Parole Board recommendation, there are a number of sentences which include a Parole Eligibility Date.²⁴ Whilst release at the automatic release date is not conditional on Parole Board approval, the board can direct discretionary release before the automatic release date.

These are:

- Sentences of 4 years+ for violent or sexual offences, under the CJA 1991: Parole Eligibility Date (PED) is at the halfway point of the sentence;
- Extended Public Protection (EPP) sentences imposed before 14 July 2008 under the CJA 2003: PED is at the halfway point of the custodial term;
- Extended Determinate Sentences (EDS) imposed on or after 13 April 2015: PED is at 2/3 of the custodial term. The PED for prisoners serving an EDS, who were convicted before 13 April 2015, and given a custodial term of 10 years or more or the offence was under Schedule 15B CJA 2003, is also at the 2/3 point; and
- Sentences for Offenders of Particular Concern (SOPC) under s.236A of the CJA 2003, imposed on or after 13 April 2015 for a Schedule 18A CJA 2003 offence: PED is at the halfway point of the custodial term.

We do not currently have data on the number of people serving these sentences, and it is possible that this will include people who do not spend close to 10 years in custody.

Progression

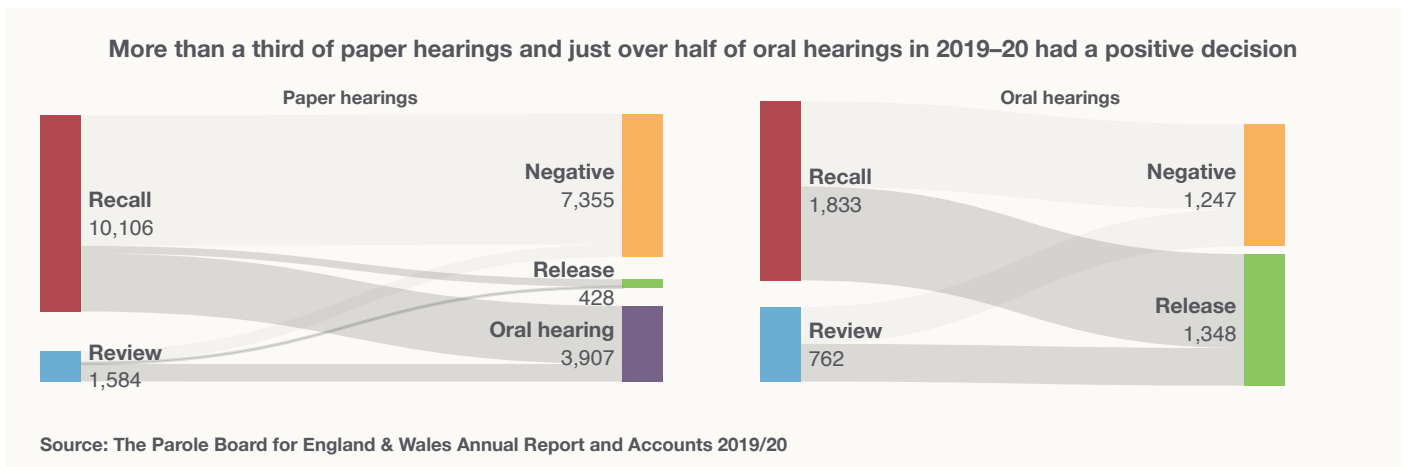
The most recent Parole Board data reveals that determinate sentenced prisoners made up around half of all completed oral hearings in 2019–20, some 2,600 people.

The majority are for people who have been recalled back to custody—some 1,800 people—whilst a further 762 hearings were reviews for release.

Positive decisions to release, both for those who are unreleased and those who have been recalled, took place in just over half of oral hearings in 2019–20, some 1,350 people.

Paper hearings are also much more common for people serving a determinate sentence with nearly 11,700 paper hearings taking place in 2019–20. However, many of these cases are subsequently referred for an oral hearing without a decision being reached.

In 2019–20, 3% of all paper hearings directed release at parole review (44 people); and 4% of hearings at recall review (384 people). More than two-thirds (67%) were refused release at their recall review.²⁵



²⁴ Prisoners' Advice Service. (2020). *Indeterminate Sentences, Parole & the Parole Board*. PAS. <http://www.prisonersadvice.org.uk/download/5094/>
²⁵ Table 1, The Parole Board for England & Wales. (2020). *Annual Report and Accounts 2019/20: Parole Board Performance Data for 2019/20*. Parole Board.

Table 3: Tariff-expired unreleased lifer prisoner population, broken down by original tariff length and time over tariff as of 30 September 2020²⁶

Time over tariff	Original Tariff length			Total
	Less than or equal to 10 years	More than 10 years to less than or equal to 20 years	More than 20 years	
Less than 1 year	46	135	6	187
From 1 year to less than 2 years	43	96	5	144
From 2 years to less than 3 years	25	68	8	101
From 3 years to less than 4 years	27	50	2	79
From 4 years to less than 5 years	22	51	3	76
From 5 years to less than 6 years	29	37	4	70
From 6 years to less than 7 years	37	45	3	85
From 7 years to less than 8 years	31	39	1	71
From 8 years to less than 9 years	41	33	2	76
From 9 years to less than 10 years	62	31	2	95
From 10 years to less than 11 years	47	27	3	77
From 11 years to less than 12 years	64	13	3	80
From 12 years to less than 13 years	54	14	1	69
From 13 years to less than 14 years	54	14	0	68
From 14 years to less than 15 years	48	19	2	69
From 15 years to less than 16 years	47	13	1	61
From 16 years to less than 17 years	25	9	0	34
From 17 years to less than 18 years	24	18	0	42
From 18 years to less than 19 years	21	10	0	31
From 19 years to less than 20 years	14	7	0	21
20 years or more	80	55	3	138
Total	841	784	49	1,674

²⁶ House of Lords. (2020). *Written Question UIN HL10576*. <https://questions-statements.parliament.uk/written-questions/detail/2020-11-23/hl10576>

Table 4: Tariff-expired unreleased Imprisonment for Public Protection (IPP) prisoner population by original tariff length and time over tariff, 30 September 2020²⁷

Time over tariff	Original Tariff length					Total
	Less than 2 years	2 years to less than or equal to 4 years	More than 4 years to less than or equal to 6 years	More than 6 years to less than or equal to 10 years	More than 10 years	
Less than 1 year	0	0	0	35	11	46
From 1 year to less than 2 years	0	0	4	76	4	84
From 2 years to less than 3 years	0	0	28	64	0	92
From 3 years to less than 4 years	0	1	55	48	1	105
From 4 years to less than 5 years	0	37	68	43	0	148
From 5 years to less than 6 years	0	61	55	20	0	136
From 6 years to less than 7 years	22	97	46	15	0	180
From 7 years to less than 8 years	27	92	58	7	0	184
From 8 years to less than 9 years	15	102	44	2	0	163
From 9 years to less than 10 years	37	127	40	0	0	204
10 years or more	199	240	8	0	0	447
Total	300	757	406	310	16	1,789

²⁷ Table 1.9b, Ministry of Justice. (2020). *Offender management statistics quarterly: April to June 2020*. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2020>

The Prison Reform Trust works to create a just, humane and effective penal system. Our Building Futures programme aims to make a positive difference to the lives of very long-sentenced prisoners, their families and the wider community.

To find more information visit www.prisonreformtrust.org.uk/BuildingFutures

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