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**POLICE & CRIME
COMMISSIONER**
For Leicester,
Leicestershire & Rutland

Your Communities - Your Commissioner

Police and Crime Panel

28th October 2024

Prison Early Release Scheme

Report Date	7 th October 2024
Report Author	Siobhan Peters, Director of Strategy, Commissioning and Partnerships
Security Classification	Official

Purpose of Report

1. This report is brought to the panel to provide an update in relation to the Office of the Police and Crime Commissioner (OPCC) approach to the Prison Early release scheme and how the impact of this is being managed.

Request of the Panel

2. In their role to scrutinise the actions and decisions of the Police and Crime Commissioner (PCC), the Commissioner requests that the Panel examines the contents of this report. He would specifically like to ask the Panel their opinion on the following questions;
 - a. Is the Panel supportive of the work update provided by the PCC?
 - b. Would the panel like to make any recommendations to the PCC in relation to any of the work outlined within the report?

Summary

3. It is the opinion of the PCC that there are good local governance arrangements in place in relation to the release of prisoners and that he is represented at and briefed on the developments of these arrangements.

Background, Relevant Data and Trends

4. The rapid population growth within the adult male prison estate across England and Wales is placing unsustainable pressure on the prison service with the potential for this to critically affect the operation and management of the wider criminal justice system.
5. As of the beginning of July 2024, there were less than 700 prison places available nationally, with both the Northeast and London under particular pressure in terms of available spaces.
6. On Friday 12th July 2024, Lord Chancellor Shabana Mahmood announced planned legislative changes to Standard Determinate Sentences (SDS), enabling prisoners to be released having completed 40% of their sentence tariff, rather than the current 50% requirement. These changes came into effect in September 2024. For the purpose of this paper, this is hereafter referred to as '50/40'.
7. There are sentences for certain offence types which are excluded from these provisions, which largely fall into the categories of Domestic Abuse (inc. Coercive & Controlling Behaviour and Stalking), Sexual Offences and National Security including Terrorism.

8. The first tranche of prisoners was released under the new legislation on 10th September and these were all prisoners with sentences of under 5 years.
9. The second tranche of Prisoners, those with sentences 5 years and above, will be released later on 22nd October 2024.
10. A Leicester, Leicestershire and Rutland multi-agency Prison Capacity Gold group was initiated in March 2024 to ensure appropriate information sharing, preparedness, and risk management, supported by a virtual multi-agency Hub coordinating the operational response of early release prisoners and collection of data.
11. The group includes partners including;
 - a. Head of LLR Probation Delivery Unit (Co-Chair);
 - b. Assistant Chief Constable Leicestershire Police (Co-Chair);
 - c. Governor HMP Leicester;
 - d. Senior District Crown Prosecutor;
 - e. Head of Criminal Justice – Leicestershire Police;
 - f. Head of Offender Management – Leicestershire Police;
 - g. His Majesty’s Courts & Tribunals Service (HMCTS)
 - h. Director of Commissioning OPCC
 - i. LLR Integrated Care Board
 - j. Youth Offending Services
 - k. Local Authority Chief Executives Leicester, Leicestershire and / or Rutland
 - l. UK Health Security Agency England
 - m. Defence Solicitors Representative
 - n. Geoamey (the transportation and escort service)
12. The Gold group will provide the strategic leadership of the response to the prison capacity challenges however will report regularly to the LCJB (Local Criminal Justice Board), LRG (Local regional group), SCG (Strategic Commissioning Group) and SPB (Strategic Partnership Board).
13. The meeting convenes on a weekly basis, to set direction on government actions regarding the current prison capacity challenges and to direct the work of the Prison Capacity Gold Multi-Agency Hub, set up as a response to the ongoing issues.
14. There are four national operations related to prison capacity:
 - a. **Operation Safeguard** has been stood-up between Police and HM Prison and Probation Service (HMPPS) whereby Police cells are being used in certain police areas to provide short term accommodation for

Prisoners prior to them being transferred into the Prison estate. (LLR has 5 Op Safeguard cells).

- b. **Operation Early Dawn** is an agreed process between Police, HMPPS and HMCT regarding the management of remand prisoners and ensuring they remain within police rather than HMCTS or prison estate.
- c. Should prison capacity reach such levels that it is insufficient to manage the number of entrants into the custodial estate, **Operation Brinker** will be instigated whereby measures around '1 in and 1 out' will be implemented; further reducing the number of prisoners that will be transferred from police estate to HMPPS.
- d. As a result, National Police Chief's Council has stood up an overarching Operation called **Operation Drakeful** supporting all regions in managing the expectations, impacts and responsibilities linked to the bulk release of prisoners under 50/40 on 10th September and 22nd October, Operation Safeguard, Operation Early Dawn, and Operation Brinker.

15. Both Early Dawn and Brinker would constitute emergency action and would place significant demands and risks on the Criminal Justice system.

16. The OPCC will utilise spare capacity in its commissioned Reflect service, delivered through Ingeus, to work with Probation Transitions to provide signposting and support to Under 25 males on release to prevent further crimes and re-call to prison.

17. To Date there has been no significant increases in crime volumes caused by the early release scheme.

18. As of 25th September 2024, all operations were stood down as the prison capacity had increased to safer operating levels. All operations can be re-instigated if required.

----- **End of Report** -----