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Report Title	The LLR response to UK Prison Capacity Challenges
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1. Context

As a result of rapid population growth within the adult male prison estate across England and Wales across the previous 3 years, prison capacity fell to critical levels in Spring 2024. This led to the previous and current Governments instigating a series of policy and procedural changes to increase the number of offenders being released from prison, including changes to the end of custody supervision scheme and prison recall arrangements.

On Friday 12th July 2024, Lord Chancellor Shabana Mahmood announced planned legislative changes to Standard Determinate Sentences (SDS), enabling for prisoners to be released having completed 40% of their sentence tariff, rather than the current 50% requirement. These changes came into effect in September. For the purpose of this paper, this is hereafter referred to as '50/40'.

Certain offence types which were 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.

The first tranche of prisoners were released under the new legislation on 10th September and were those prisoners with sentences of under 5 years. The second tranche of Prisoners, those with sentences 5 years and above, were then subsequently released on 22nd October 2024.

Less than 100 prisoners were released into addresses within Leicester, Leicestershire and Rutland as a result of the 50/40 scheme.

Due to the pressures on the wider Criminal Justice system caused by the Prison Capacity issues, including Police cells having to hold prisoners post charge and Courts not being able to move remanded offenders to the custodial estate, a Police led national initiative was stood up under the leadership of National Police Chiefs Council (NPCC) and given the name of **Operation Drakeful**.

Operation Drakeful encompassed the police response to 50/40, along with **Operation Safeguard**, which is a long-standing national agreement between Police and HMPPS whereby Police cells can be requested to be used in certain police areas to provide short term accommodation for Prisoners prior to them being transferred into the Prison estate. Leicestershire Police was identified as an Operation Safeguard force in 2024.

In addition, there was also an existing established National Operational response should prison places fall below 450, which is entitled **Operation Early Dawn**.

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This is an agreed process between Police, HMPPS and HMCT regarding the management of remand prisoners and ensuring they remain within police rather than HMCT or prison estate. HMPPS are the lead agency responsible for calling Operation Early Dawn and providing CJ partners with a minimum of 10 days' notice of the activation of the Operational response. Operation Early Dawn was activated in July 2024.

Should Prison capacity reach such levels that Operation Early Dawn is insufficient to manage the number of entrants into the custodial estate, **Operation Brinker** will be instigated (again by HMPPS) whereby measures around '1 in and 1 out' are implemented; further reducing the number of prisoners that will be transferred from police estate to HMPPS.

Operation Brinker was not requested in 2024, and both Operation Safeguard and Operation Early Dawn were short term arrangements that were safely stood down following the 50/40 releases in September and October.

The overarching NPCC **Operation Drakeful** supported 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 2024, Operation Safeguard, Operation Early Dawn, and our preparations for Operation Brinker.

Current demand modelling indicates that we are likely to experience a recurrence of the Prison capacity challenges in 2025 due to further increases in prison population and the timeframes for additional prison facilities to be available.

2. LLR Operation Drakeful arrangements in 2024

The LLR cross-system response to Operation Drakeful and changes to offenders entering and exiting the custodial estate was jointly led by the Head of the LLR Probation Delivery Unit (Bob Bearne) and Leicestershire Police Assistant Chief Constable for Crime and Criminal Justice (ACC Michaela Kerr), and reported directly into LLR Local Criminal Justice Board.

An LLR multi-agency Prison Capacity Gold Group was stood up 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.

The Gold Group was closed in November 2024 following the reduction in pressures and impact on organisations, systems and communities in LLR and the hub subsequently stood down in December 2024.

The LLR Prison Capacity Group provided the strategic leadership of the CJ response to Operation Drakeful, with briefing notes, updates and requests for support being regularly provided to LCJB, LRG SCG and SPB (via the Adult Vulnerability and Offending Oversight sub-group).

An LLR Prison Capacity Risk Register was maintained, contributed to by all partners on the Gold Group and within the multi-agency hub; and any recorded risks, the response to those and progress against them were included in updates to the wider partnership.

3. Membership of LLR Prison Capacity Gold and Multi-Agency 50/40 Hub

The membership of the Prison Capacity Gold was:

- Head of LLR Probation Delivery Unit (Co-Chair)
- Assistant Chief Constable Leicestershire Police (Co-Chair)
- Governor HMP Leicester
- Senior District Crown Prosecutor

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- Head of Criminal Justice – Leicestershire Police
- Head of Offender Management – Leicestershire Police
- HMCT
- Head of Commissioning OPCC
- LLR Integrated Care Board
- Youth Offending Services
- Chief Executives Leicester, Leicestershire and / or Rutland (*Including District & Borough Local Authorities*)
- UK Health Security Agency England
- Defence Solicitors Representative
- Geoamey

Membership of the multi-agency 50/40 hub included:

Senior Leadership:

- LLR Deputy Head of Probation
- Leicestershire Offender Manager DCI

Hub Members:

- City Youth Justice
- County Youth Justice
- Probation, including Homelessness prevention team
- Leicestershire Police, including Offender Managers, Force Intelligence, Neighbourhood Policing
- Department of Work and Pensions
- Commissioned rehabilitative services
- Turning Point
- Leicester City Council
- Leicestershire County Council
- Health
- Housing & Homelessness (*Including District & Borough Local Authorities*)
- Rutland County Council (*Housing, Homelessness Adults Social Care, Children's Social Care, Public Health*)
- Leicestershire Partnership Trust
- MARAC
- MAPPA

4. LLR Proposed Reporting and Oversight Structures

The key objectives of the Prison Capacity Gold Group were agreed as:

- Ensuring that any LLR specific risks arising from Op Drakeful were identified and escalated to LCJB and / or Strategic Partnerships Board
- Ensuring that all members were sighted on LLR developments within Operation Drakeful
- Ensuring that processes for sharing information around 50/40 prison releases amongst relevant statutory partners and commissioned services were robust
- Ensuring that processes for identifying and providing the appropriate management of offenders released under 50/40 were robust
- Reporting on 50/40 demand and impact data
- Identifying opportunities to secure funding / recover costs incurred by LLR partners in responding to Operation Drakeful
- Identifying learning and best practice for future iterations of Op Drakeful

As mentioned above, the Prison Capacity Gold Group directly reported into the LLR LCJB.

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However, in recognition of the implications on commissioned services, health sector, accommodation requirements, social care and wider services across LLR due to the bulk and quick-time release of offenders; and the ongoing additional demand placed on services as more offenders are consistently released from the custodial estate into communities across LLR – written updates and reassurance was also formally provided to the LLR Local Resilience Forum, Strategic Coordination Group and Strategic Partnership Boards.

5. Learning from Op Drakeful 2024

Both local and national debriefs were held following the standing down of Operation Drakeful, which were supported by the Gold Group Leads and members of the multi-agency hub.

The LLR arrangements were identified as an exemplar of Best Practice, with other regions being signposted to replicate the model developed here for future Prison Capacity Operations. Specifically commented on in our local debriefs and review were:

- The effectiveness of the Police/ Probation joint leadership approach
- The early standing-up of the multi-agency hub, which enabled processes and information sharing arrangements to be in place prior to the Tranche 1 releases
- The recognition in LLR that this was not a single agency issue (be it Police or Probation), but required investment and understanding of impacts across wider CJ, public and third sector organisations
- Strong early communications from the Gold Chairs to wider partners provided clarity and direction around expectations from all agencies
- Good Governance (including data reporting, process maps, action tracking and risk registers) gave confidence to both Operational and Strategic stakeholders of the effectiveness of the LLR arrangements
- The ability to scale up / down the resources and operating rhythms of the hub was seen as being particularly positive and allowed for targeted, best use of resources

6. Next steps and future arrangements

As referenced in section 1, current demand modelling suggests that there will be further prison capacity challenges and these are highly likely to re-occur within the medium-term future.

All the documents, agreements, processes and learning from the LLR approach last year have been archived and are retained within the Leicestershire Police Prevention Directorate ready for refreshing and re-instigating when required.

Based on the feedback and effectiveness of the previous arrangements, it has been agreed that the same response and reporting model will be stood-up under the management of the Prevention Directorate and with Leicestershire Police ACC Crime providing the cross-sector leadership.

As with the 2024 structures, reporting and accountability for the re-standing up of Operation Drakeful will be to the LCJB, now Chaired by the Deputy PCC and attended by Executive Leaders from across the LLR Criminal Justice system.

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