

Sentencing Bill Factsheet: Short Sentences

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Headline: The Sentencing Bill (the Bill) will amend the law in relation to Short Sentences to:

- **Reduce reoffending to cut crime and protect the public**
- **Punish and rehabilitate offenders in the community with tough community sentences**
- **Use our prisons better to ensure the most dangerous offenders are locked up for longer**

What are we going to do?

Delivering public protection and reducing reoffending is not just about custody. In many cases, short custodial sentences may even entrench an offender in criminality.

The Government will follow the persuasive evidence which shows that sentences served in the community are more effective in reducing reoffending than short sentences in custody. Reoffending devastates communities and creates more victims.

We are making full use of developments in electronic monitoring technology meaning that that more robust community sentences with tougher conditions are now available for the courts, designed to keep offenders out of trouble.

That is why we are introducing a presumption to suspend short sentences of 12 months or less.

How are we going to do it?

In the Sentencing Bill, the Government will legislate to introduce a duty on the courts to suspend short sentences of 12 months' custody or less. A court may still impose a sentence of immediate custody where there are exceptional circumstances justifying not passing a suspended sentence.

The duty to suspend a short sentence will not apply where there is a significant risk of physical or psychological harm to an individual, so that perpetrators of domestic abuse continue to be punished by custodial sentences where appropriate. In addition, where the offender has breached an order of the court, often the case with prolific offenders, courts will retain full discretion to impose a sentence of immediate custody. Equally, there will be no duty to suspend a sentence where an offender reoffends whilst on licence or subject to post-sentence supervision.

Frequently asked questions

Q: Will victims of domestic abuse or stalking continue to be protected from their perpetrators?

- Where an offender poses a significant risk of harm to an individual, judges and magistrates will retain their discretion to impose immediate custody. We have included this exemption so that offenders convicted of VAWG and domestic abuse can continue to receive custodial sentences, where they are deemed to present a significant risk of psychological or physical harm to an individual.
- Judges and magistrates will be able to pass short sentences of immediate custody, where necessary. But no prison system should further criminalise offenders, and we must be focused on ending the merry-go-round of reoffending.

Q. In what instances can those receiving sentences of 12 months or less still go to prison?

- We are not abolishing short sentences of immediate custody.
- Where there is a significant risk of harm to an individual or where the offender has breached an order of the court, the courts will retain full discretion to impose a sentence of immediate custody.
- The courts will also be able to impose a sentence of immediate custody where there are exceptional circumstances which would justify not passing a suspended sentence.

Q. What happens to offenders who receive a suspended sentence?

- Where courts impose a suspended sentence, they can suspend it for up to two years and have a range of robust powers to ensure offenders are effectively managed during that period.
- These sentences can be extremely tough to punish the offender and protect the public. Electronic monitoring of requirements such as curfews, exclusion zones, attendance at appointments, location monitoring and alcohol abstinence and monitoring is available. Courts can also impose up to 300 hours of unpaid work, and orders can include requirements aimed at rehabilitating offenders such as drug and mental health treatment. The court can balance requirements to prevent further offending while allowing offenders time to work, supporting themselves and their families; and to undertake other core rehabilitative requirements. Any breach of these requirements could see them returned to court and sent to prison.
- This is all about reducing crime. 55% of people given a custodial sentence of less than 12 months are convicted for further crimes. For offenders punished with Suspended Sentence Orders with requirements that are served in the community, the reoffending rate is substantially lower at 24%. Our measure will lead to less crime overall and therefore fewer victims.

Q. Will the public be protected from criminals?

- Public protection is our main priority, and we will make sure the most dangerous offenders are put where they belong – behind bars. However, the most effective way to protect the

public is to reduce the amount of crime being committed. This is why we are introducing the presumption to suspend short sentences.

Q: What proof do you have that short prison sentences don't work?

- Our statistics show the shorter the prison sentence the more likely someone will go on to reoffend.
- More than half of offenders serving a sentence of less than 12 months go on to commit another crime. For those serving a sentence of six months or less it is 58%. Meanwhile, for offenders punished with Suspended Sentence Orders with requirements that are served in the community, the reoffending rate is 24%.
- The facts are clear – short prison sentences leave offenders stuck in a revolving door of re-offending.