Lewis Ross June 2nd, 2025

The Independent Sentencing Review's reforms are in the right direction

The Government's new Independent Sentencing Review aims to reform the way the justice system punishes offenders by moving away from high sentences and towards punishment in the community. ***Lewis Ross*** *argues that such reforms are in the right direction and in line with academic evidence about the inefficacy of high sentences in reducing crime, but argues that the Government should be cautious around public messaging and distance itself from odd suggestions such as "chemical castration".*

The Independent Sentencing Review has just recommended a bold set of proposals to reform how we punish people in England and Wales. Let's remind ourselves why change is needed and then ask whether these proposals make any sense.

Our prisons are full to bursting, currently housing more prisoners than there are active soldiers in the British Army. The 2024 summer riots made matters worse, forcing Keir Starmer's Government to release prisoners early to make space for incoming offenders. This was met with understandable concern: lenience is viewed with suspicion at the best of times and releasing prisoners because of a lack of beds hardly inspires confidence in criminal justice. The problem persists. We have a huge backlog of criminal cases waiting to come to court, and no room in our carceral estate, which still relies heavily on crumbling Victorian buildings, for the thousands who will inevitably be given prison sentences. Unfortunately, prisons are incredibly expensive—both building new facilities (the Review puts planned prison building at a cost of £10 billion) and housing prisoners (the annual cost of a prison place is more than double the upper threshold for saving one year of life through investment in the NHS).

Beyond false dilemmas about tackling crime

The Independent Sentencing Review sets out a plan for reform that is largely sensible and, importantly, based on evidence about "what works". The basic argument is that although robust prison sentences (and therefore prison capacity) are sometimes necessary, incarceration should be a last-resort, and we should not keep people in prison longer than strictly necessary. To this end, it recommends focusing on punishment in the community, moving away from sentences shorter than 12 months, and prioritising mechanisms for converting prison sentences into community-supervised-punishments when there is no longer any good to gained by keeping someone behind bars.

The most important aspect of the Review is that it tackles two incorrect assumptions. One is the false dichotomy between saving money and tackling crime. The second is the idea that ratcheting up sentencing severity is effective at reducing crime. Tony Blair has much to answer for in this respect. His famous mantra "Tough on Crime, Tough on the Causes of Crime" suggests harmony between reducing the crime-rate and adopting a harsh, "lock-em-up" approach to offenders. It would be easy to think that the Government now faces an unpalatable choice between, on one hand, freeing up prison capacity through "soft on crime" policies, and, on the other, using stretched public funds to expand the prison estate in order to remain appropriately 'tough' on criminals.

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In reality, relying heavily on prison is counterproductive if we care about reducing crime or saving money. Decades of research suggests that the benefits of imprisoning people are slim. Long sentences rarely "deter" would-be criminals—one review calls this failure now a "criminological fact". It is true that restraining some dangerous people might prevent some crime, but it is not because they are being reformed. Many stakeholders despair about the prospects of carceral rehabilitation. The best that can be said is that prisons often just warehouse offenders until they "age out" of criminality. Complicating matters further, some prison sentences end up being

criminogenic—by cutting people off from their family, job and housing, we set them up for a life of crime.

Crucially, many prisoners are repeat offenders. And many will go on to offend again—up to around a third. It's hardly surprising. As the Review points out, many offenders have drug dependencies that are not tackled. They often slide into homelessness after release. They struggle to find work. And they have spent months or years behind bars, severing often-fragile relationships and family ties, and living in an aggressive, often violent environment. If you wanted to design a set of circumstances engineered to maximise reoffending, at great public cost, you would not be far off. Of course, this isn't a knock-down argument against prison. If the aim of sentencing policy is *merely* to be punitive, to inflict harm on offenders by way of retribution, then the eye-watering expense and criminogenic effects might not matter. But if being *tough on crime* means *reducing the amount of crime*, we need to look beyond punishment in prison.

In search for alternatives to imprisonment

What the Review gets right is emphasising that we need to devise ways to punish that allow offenders to reintegrate into their community, with a route back to work, and an identity beyond offending. To stop reoffending, people need alternatives. They need a new narrative about their lives. They need a sense of meaning and purpose. They need to feel like they might one day belong in their community. And, before they can get these things, they need basics such as somewhere to live and support with addiction. While there is now a healthy body of academic evidence for these claims, it's hardly high-level or complicated psychology.

People with no sense of purpose, who are fighting addiction or homelessness, who cannot work, and who are outcasted from society, are much more likely to commit crime. This isn't to say that offenders don't deserve punishment, but just that being tough on crime requires us to punish in a way that isn't counterproductive.

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This vision is right, but society needs to think hard about the detail. The Review is strong on the infrastructure that must surround community punishment: such as properly funding the Probation Service (which probably needs entirely overhauled), making better use of suspended and deferred sentences (the latter of which I forgot existed), support for addiction, and ensuring ex-offenders can find stable accommodation. It is less clear, though, what serious community punishment looks like in practice. The Review mentions greater use of technology such as tagging, but this doesn't answer how to meaningfully use the time of those being punished in the community. There is only so much litter to be picked, and only so many branches of Timpson that the high street can support. Setting up practical and effective schemes will undoubtedly require investment. But it is a better use of resources than throwing good money after bad through the status-quo bias of doubling down on incarceration.

Pitfalls and public messaging

There are, of course, some oddities. It would be an inexplicable blunder for the Government to become embroiled in mandatory "chemical castration" pilots, as Lord Chancellor Shabana Mahmood recently suggested, exceeding what the Review calls for. Forced chemical libido suppression would lead to doomed court battles, something that would only fuel public scepticism about the judiciary favouring offenders (it would, undoubtedly, be a human rights violation). There is also amusement in repeated mention of the potential of AI technology (what problem *won't* it solve?) while the Review simultaneously acknowledges that currently we can't even provide staff with webcams for online meetings and that many crucial records are still pen-and-paper.

One of the biggest challenges for this reform is the public messaging. Punishment in the community requires community buy-in. It would be easy for cynics, like the adolescent debating-club response given by shadow Lord Chancellor Robert Jenrick, to caricature the proposals and stoke public fear. His refusal to engage with the evidence is not only non-serious but dangerous. The Review lays out a sensible set of evidence-backed proposals to reduce crime, solve the crisis in prison capacity, and, in the long run, save money for the public purse. Such reforms are long overdue.

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About the author

Lewis Ross

Lewis Ross is Assistant Professor at the Department of Philosophy, Logic & Scientific Method at LSE, and Director of LSE's Centre for Philosophy of Natural and Social Science (CPNSS).He is the author of The Philosophy of Legal Proof (Cambridge University Press).

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