



Baroness Sater
House of Lords
London
SW1A 0PW

MoJ ref: 118777

5 November 2024

Dear Baroness Sater,

SDS40 EXCLUSIONS

Thank you for your engagement with our recent debate on the criminal justice system capacity measures which took place on Thursday 22 October. I committed to writing to you regarding this government's SDS40 measure, in particular the criteria used when deciding whether a prisoner is eligible to be released under this measure.

As you are aware, due to acute prison capacity pressure that has been building for months, the Government had no option but to introduce a change that allows prisoners serving an eligible standard determinate sentence (SDS) to be released into the community after serving 40% rather than 50% of that sentence in custody. Changing the release point for eligible SDSs was the only measure available to us that could free up sufficient prison places quickly enough and with sufficient certainty to ensure there will be enough prison places for courts to be able to send people to custody. The first tranche of prisoners were released on 10 September and the second tranche on 22 October. This change to the release point for eligible SDS will be reviewed in 18 months.

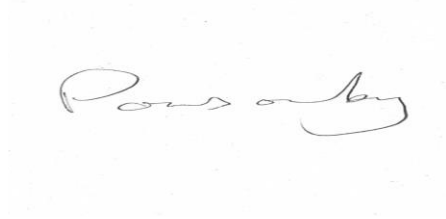
Certain offences have been excluded from this change. This includes sex offences irrespective of sentence length; serious violent offences with a sentence of four years or more; specified offences linked to domestic abuse irrespective of sentence length (including stalking, coercive or controlling behaviour and non-fatal strangulation); as well as offences concerning national security. The change will also not apply to sentences subject to release at the discretion of the Parole Board or to offences which currently attract automatic release from an SDS at the two-thirds point (certain serious sexual and violent offences).

Once released, offenders are subject to the same set of strict licence conditions that would apply had they been released at a 50% automatic release point and will be liable to recall to prison if they do not comply with these conditions or are judged to be a risk to public safety.

The government is determined to bring the prisons system under control, reduce reoffending and to keep the public safe.

I will place a copy of this letter in the House library.

Kind regards,

A handwritten signature in cursive script, appearing to read "Ponsonby", is centered within a rectangular box. The signature is written in dark ink on a light-colored background.

LORD PONSONBY OF SHULBREDE