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RESPONSE OF THE UNITED KINGDOM GOVERNMENT TO THE REPORT OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) ON ITS VISIT TO THE UNITED KINGDOM FROM 29 JULY 1990 TO 10 AUGUST 1990

The United Kingdom Government has requested the publication of the CPT's report on the visit to the United Kingdom from 29 July 1990 to 10 August 1990 (see CPT/Inf (91) 15), together with its response. The United Kingdom Government's response is set out in this document.

RESPONSE OF THE UNITED KINGDOM GOVERNMENT TO THE RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION CONTAINED IN THE REPORT ON THE VISIT CARRIED OUT BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)

Home Office
September 1991

PREFACE

This is the response of the United Kingdom Government to the recommendations, comments and requests for information contained in the report on the visit carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 29 July 1990 to 10 August 1990.

2. The delegation's report contains a summary of its recommendations and comments. The Government's response deals with each point set out in this summary. The text of the response provides the information requested by the delegation, supplemented where necessary by additional documentation. The response relates to the position in England and Wales unless otherwise indicated.

3. The Government welcomes the references to the co-operation that the delegation received during its visit.

4. The Government did not expect the delegation to find any evidence of torture in any prison or police station. It is therefore pleased the delegation reports that it heard no allegations and found no evidence of torture (paragraph 32).

5. The delegation paid particular attention in its visits to Brixton, Leeds and Wandsworth prisons to overcrowding, lack of integral sanitation and inadequate regime activities for prisoners (paragraphs 36-56). The Government acknowledges that the conditions in these local prisons at the time of the visit were far from ideal and had already set in train a number of measures to improve them. However, the primary purpose of local prisons is to take all those prisoners who the courts have decided should be kept in custody. This results in an establishment population varying in its nature from day to day and from week to week. Until the completion of the Government's plans to provide 6000 extra places (see page 1 of this response) some overcrowding in major local prisons is inevitable. The transient, short-stay nature of much of the local prison population also makes it very difficult to provide attractive work and educational programmes that generally need a settled population to be successful.

6. It is difficult to judge when inadequate facilities and an unpleasant environment can be said to constitute "inhuman and degrading treatment". The Government's view is that the conditions at Wandsworth, Brixton and Leeds prisons at the time of the delegation's visit needed considerable improvement but were not so poor that the prison authorities could be said to be treating prisoners in an "inhuman and degrading manner", and it therefore disagrees with the delegation's assessment (paragraph 57).

7. The Committee will note that action has already been taken to remedy some of the matters that caused most concern to the delegation. For example, young prisoners have been moved from Leeds prison and the Government has announced its intention to

end slopping out by the end of 1994. Work is in hand or planned to address most of the other recommendations made by the Committee. The Government's recent White Paper, "Custody, Care and Justice", (a copy of which is provided for the Committee) makes commitments to regime and other improvements recommended by the delegation.

A. Prisons

1. Brixton, Leeds and Wandsworth Prisons

a) recommendations

- concerning specifically the three establishments.

- **steps to be taken immediately to put an end to prisoners being held three to a cell (Brixton and Leeds) (paragraph 60)**

Steps have been taken to end the practice of holding 3 inmates in a cell in Leeds prison. The number held in this way has been reduced from 765 on 12 December 1990 to 31 at the end of September 1991. However, these are held in larger cells designed for multiple occupancy. There are no inmates held 3 to a cell in Brixton prison. The reduction in the occurrence of trebling is a priority for the Prison Service. At present, the practice is confined to local prisons (that is, prisons which serve the courts) and between now and the end of 1992, 9 new local prisons and remand centres will be opening. This will mean over 6,000 new prison places becoming available and should transform conditions for local prison inmates.

- **the possibility of providing a significantly better regime for young persons to be reviewed immediately and, if the provision of such a regime proves unfeasible, the under-21 inmate population (or at least a large proportion of it) to be transferred elsewhere without delay to an establishment capable of offering a fuller regime (Leeds) (paragraph 66)**

The young prisoner population has been transferred to Moorland prison.

- **a higher priority to be given to keeping open existing workshops and, whenever possible, workshop activities to be developed (the three prisons) (paragraph 68);**

The availability of industrial employment is to a considerable extent a reflection of the priority given to industries by local prison management, having regard to the nature of the inmate population, the average length of stay and the daily routine of the prison. The aim of the Prison Service is to provide work of a type suited to the population and the regime of the establishment, while at the same ensuring that resources are used to maximum effect. A preference for a particular type of industrial work has to be balanced against its likely viability: that is to say, whether the employment places provided will be consistently filled and a steady flow of production maintained.

Inmates in all prison workshops receive training appropriate to the trade being conducted and are then employed at a tempo as near to that of the external market as circumstances allow. While every effort is made to maximise the skill levels of the

work on offer, this has to accord with the actual and potential ability and aptitudes of the inmates. Work at the lower end of the skill range provides constructive occupation not only for those who lack aptitude or ability to undertake more demanding activity, but also for those whose time in the workshop is so short that only minimal training can be offered. In establishments where inmates can be made available for longer periods, it has proved possible to increase the skill levels of the work on offer. In all cases the work provided is designed to mirror as closely as possible the commercial employment opportunities likely to be available to inmates on their release.

As the Committee is aware, Leeds, Wandsworth and Brixton prisons contain a mixture of sentenced and unsentenced prisoners, many of whom remain in custody for only a very short time. The industrial work provided reflects this: much of it requires only basic skills, but in some of the workshops, such as the clothing repair and woodwork shops at Wandsworth, and the light textile shop at Leeds, a more varied range of good quality work is available.

The Committee expresses particular disappointment at the continuation of a limited amount of mailbag handsewing at Wandsworth. This work was in fact provided specifically at the request of the establishment for a flexible and relatively undemanding work activity for those inmates who are unable or unwilling to operate sewing machines. The work will cease to be available this autumn, following a decision by the Post Office to phase out canvas mailbags.

Proposals currently being considered for a major redevelopment of Brixton envisage a purpose-built workshop complex and laundry providing employment for some 120 inmates.

Unconvicted prisoners cannot legally be required to work. Generally speaking, workshops in establishments with a majority of unconvicted inmates are more likely to be under-used than those in establishments housing mainly convicted inmates. Since convicted inmates are required to work, the Prison Service has taken the view that they should have a degree of priority in regime provision, including the availability of industrial work. Given the Committee's particular concern over lack of provision for unconvicted inmates at Leeds, they may be interested to know that a pilot scheme allowing remand prisoners to work if they wish to do so is to be introduced in one of the four workshops at Leeds as soon as possible.

- **the question of access for prisoners to the existing gymnasium to be reviewed, with a view to allowing such access except when significant security considerations require otherwise (Brixton) (paragraph 68);**

The use of the existing gymnasium is under review, and the building of a new one will form part of the major development work planned for Brixton. In the meantime alternative accommodation for physical education is being provided in the

prison and physical education instructors have been appointed.

- **prisoner association periods be introduced (Wandsworth) (paragraph 68)**

There has recently been a regime review at Wandsworth which will aim to increase use of regime provision and increase time out of cell for prisoners.

Two out of three exercise yards at Wandsworth are adjacent to major building work. When this work is completed the yards will be made good. A new exercise yard is currently being tarmacked and will be ready in September 1991.

- **the provision of integral sanitation in prisoner accommodation to be accorded a very high priority (the three prisons) (paragraph 70);**

Brixton, Leeds and Wandsworth are part of an accelerated sanitation programme and detailed plans have been drawn up for each establishment. Details of schemes at the establishments are as follows:

Brixton

By 30 June 1991, the first wing had been completed, with over 100 cells having had toilets and washbasins installed. Work is continuing on the remaining wings with the programme expected to be completed early in 1994.

Leeds

A scheme to provide over 500 new places with access to night sanitation will be completed late in 1992. Bringing this accommodation into use will progressively allow refurbishment and installation of sanitation into the remainder of the establishment, so that slopping out will be ended by the end of 1994.

The position at Leeds is that at the end of 1992 the new wings (E and F), complete with integral sanitation, will come on stream. It is planned that the existing wings will then be taken out of use for refurbishment, including installation of integral sanitation 2 at a time. Work on C and D wings is planned for the period June 1993 to May 1996 and on completion will be followed by A and B wings.

In order to meet the Government's timetable it will be necessary to install a simple system of in cell sanitation in A and D wings which will serve until the full refurbishment. This can be done either by taking the whole of each Wing out of use or by a rolling programme involving no more than 18 cells at any one time. Work is expected to start late in 1991.

Staff are aware it is their duty to respond to all bells without undue delay and under normal circumstances there should be no

reason not to grant an inmate's request to use toilet facilities. When the committee visited Leeds the population was in the region of 1200 plus. The capping to 970 has undoubtedly eased the situation, but the majority of prisoners are still locked up for the bulk of the day and staffing shortages can result in prisoners not being given access to the toilet when they want it.

Wandsworth

A programme to refurbish the establishment and install sanitation is under way at Wandsworth. This is a major undertaking which will progressively provide access to sanitation throughout the entire establishment, with slopping out ending in December 1994.

The plans drawn up following the Home Secretary's announcement in February of this year provide for the fastest possible programme of installation. This programme is being continuously monitored and revised where necessary to ensure that the targets are met.

Various types of systems to provide access are used, depending on the design layout and use of individual establishments. These include the extension of open access in low security establishments; electronic unlocking, sanitary annexes or in-cell installations in more secure ones. It is accepted that sanitary annexes are preferable to in-cell facilities, particularly where there is cell-sharing, and indeed we aim to provide sanitary annexes whenever the cell is to be designated to hold two persons. Where a cell designated for one person has to be occupied by two persons due to pressures in particular establishments, arrangements will be made to provide privacy for the inmate when using the lavatory in the cell.

- **steps to be taken immediately to ensure more frequent access to bathing facilities for prisoners (Leeds and Wandsworth (main prison)) (paragraph 74)**

Leeds

Showers have now been installed for three-quarters of the inmates and the remaining work should be finished in October 1991. This will enable all inmates to have the facility of additional showers to supplement their weekly statutory entitlement.

Wandsworth

Prisoners have access to bathing facilities on a weekly basis. This is recognised as being insufficient and as wings are refurbished at Wandsworth, additional shower facilities will be located on the wings rather than centrally. This will make access to showers much easier and the provision will increase.

- **slopping out and food collection procedures to be kept clearly apart (Brixton) (paragraph 75);**

Slopping out and food collection at Brixton are now kept clearly apart, and plastic screens have been provided on the netting above the serveries. In the longer term each wing at Brixton will be refurbished, integral sanitation installed and food serveries redesigned.

- **food serving facilities to be situated as far away from slopping out areas as is operationally feasible (the three prisons) (paragraph 76);**

- **prisoners to be provided with adequate facilities for cleaning their eating and drinking utensils, and to be issued with either sterilised or new razors (the three prisons) (paragraph 76)**

Slopping out will stop with the installation of integral sanitation. In the meantime every effort is being made to keep food serving facilities well away from recesses. Food serveries are being relocated as part of the major refurbishment at Brixton.

Integral sanitation will remove the need to clean utensils in the washing bowl or in the recess.

Inmates are provided with new/unused disposable razors on a weekly basis and in addition to this personal issue a further razor is available on request. There is no need for inmates to exchange razors.

- **steps to be taken immediately to ensure that unconvicted prisoners are able to wear their own clothes and shoes (Brixton and Leeds) (paragraph 78)**

All unconvicted prisoners are allowed to wear their own clothes if they wish. However the clothes must be suitable, in reasonable condition and inmates must be able to make arrangements for the regular exchange of certain items.

We are currently examining the facilities for the laundering and exchange of clothing and hope that any improvements will encourage more prisoners to wear their own clothes, particularly body contact items like socks and underwear.

- **any drawings or other items that denigrate, or could reasonably be understood as denigrating, prisoners to be removed from prison premises (the three prisons) (paragraph 82)**

All senior staff are aware of the need to have any such items removed if they appear.

- **a high priority to be given to the improvement of reception facilities (the three prisons (especially Leeds)) (paragraph 106)**

Brixton

Proposals are being formulated to undertake a major redevelopment programme at Brixton starting in 1993/94. It is hoped that an early phase of this redevelopment will be to build a new entrance complex to the prison, included in which will be an admission and discharge unit. This project is subject to discussions with the Local Authority which are at a very early stage. It is not possible to say yet when the project is likely to start. In the meantime a working party at Brixton prison is preparing proposals to carry out a number of minor improvements to the existing reception facility in order to improve the arrangements for receiving inmates, the conditions in which the staff work and generally to redecorate and improve the reception area.

Leeds

An entirely new reception facility is part of a major building programme - costing some £60 million - to expand and modernise the prison which began in 1988 and which is due for completion in 1998. As part of this programme, work on a new entry complex, which will include reception and discharge facilities, will begin in 1993. The facilities to be provided will reflect those set out in the Prison Design Briefing System, which provide for inmate holding areas to be separate from where actual admission, document checks and searches take place. New anti-suicide windows in the holding areas will also be installed.

It is not possible to advance construction of the new entry complex but in the meantime the Committee's comments on the reception deficiencies at Leeds will be taken into account by local management.

Wandsworth

A purpose-built admission and discharge unit has recently been completed at Wandsworth prison costing £2 million. Some modification work was necessary to windows and ceilings in the inmate holding rooms. This work has now been finished.

more general recommendations

- **consideration to be given to the possibility of introducing, at the appropriate time, an enforceable ceiling on the inmate population of each prison (paragraph 61)**

The Government's objective is to have an uncrowded prison estate, and its plans for the future of the estate incorporate operating margins in order to cope with fluctuations in population. The present position is that the population of each establishment is limited to the establishment's "operational capacity". For most training establishments the operational capacity is the same as the certified normal accommodation. Most local establishments are overcrowded and their operational capacities are above their

certified normal accommodation. Overall, the local prison estate is 32% overcrowded. The opening of new prisons will radically improve this situation, but the Government does not think that it would be right to impose a ceiling on the number of prisoners any particular establishment should hold. This is because the Prison Service has an absolute obligation to hold accused and sentenced persons committed by the courts. It would not be right to refuse admission and rely on other agencies (eg, the police) to hold prisoners. The better course is the one currently being followed: to plan for an estate free of overcrowding.

- **the means of improving regimes in local prisons to be examined without delay and fuller regimes to be introduced as overcrowding is brought down (paragraph 62);**

- **regimes to be implemented in local prisons to aim at ensuring that prisoners spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature; the different legal status and needs of convicted and unconvicted prisoners to be reflected in the rules and regimes applied to them; any young persons held in a local prison to benefit from a regime adapted to their particular needs (paragraph 62)**

The Government is acutely aware of the severely limited regimes available in many local prisons and remand centres. This situation has come about through overcrowding and the inadequacy of antiquated accommodation. Prison Governors strive to provide the best regimes they can within the resources available to them, but significant general improvements depend upon the provision of new prisons, the extension and renovation of existing premises and the elimination of overcrowding.

The substantial prison building programme which is in hand is leading to gradual improvements as new and refurbished accommodation becomes available. Two new establishments have been opened this year - a local prison and a remand centre - and six more new local prisons, a remand prison and two more new remand centres are due to open by the end of 1992 and a further new local prison in 1994. In addition, there are plans for several existing establishments to change use wholly or in part to become local prisons or remand centres. (It is in particular the Government's aim, as far as possible, to remove the need for young prisoners to be held in adult local prisons by providing separate remand centres for them.) As additional accommodation comes on stream in the next few years, with the attendant reduction in overcrowding, and as refurbishment schemes are completed at existing establishments, the living conditions and facilities at local prisons and remand centres will be much improved, providing scope for considerably enhanced regimes.

With this prospect in view, work has begun to provide guidance for Governors of local prisons and remand centres in the planning and development of the enhanced regimes which will become possible as conditions improve. This guidance, which will take the form of a model regime for local prisons and remand centres,

should be ready for issue early in 1992. The aim is to provide for fully integrated and balanced regimes at these establishments. These should be flexible enough to take account of the particular needs of each class of prisoner held, providing for the maximum possible time out of cells (12 hours a day being the long term aim) and a wide range of purposeful activities and support services catering for individual needs. The planning of the regime at Moorland remand centre and YOI has been informed by research into the circumstances and needs of the young prisoners accommodated at Moorland who have come from overcrowded prisons in Hull and Leeds.

The proposed model regime is being developed on the basis of the needs of unconvicted prisoners, who have generally had the most limited regimes at local prisons. It will reflect the special status and requirements of unconvicted prisoners. These are to be reflected also in revised Prison Rules. The Government has announced its intention, in the White Paper, "Custody, Care and Justice", to revise the Prison Rules so that separate rules apply to unconvicted prisoners.

- as regards the providing of ready access at all times to toilet facilities (paragraphs 70 and 71):

  i) the providing of such access in prison establishments in general to be accorded a very high priority;

  ii) existing plans for the providing of ready access to toilet facilities to be reviewed, prison by prison, with a view to ensuring that they are on schedule and to exploring the possibility of accelerating their implementation;

  iii) the overarching objective to be to avoid prisoners having to comply with the needs of nature in the presence of other persons in a confined space that is used as their living quarters;

  iv) if the integral sanitation installed in a cell cannot for practical reasons be isolated from the rest of the cell by means of a complete and solid partition, installation of the sanitation to be accompanied by a return at the earliest opportunity to single occupancy of the cell concerned (if this is not the case already);

  v) pending the installation of integral sanitation or other means of ready access to toilet facilities, prison officers to receive clear instructions to grant requests from prisoners to

be released from their cells during the day for the purpose of using a toilet facility, unless significant security considerations require otherwise.

Provision of access to night sanitation by all inmates in prisons in England and Wales is being given the highest priority. The Government announced in February 1991 a programme to end slopping out completely by December 1994. This is a much shorter timescale than had previously been envisaged, and indeed is significantly earlier than the target date recommended by the Woolf inquiry into prisons in England and Wales.

- **the medical examination of a prisoner after his removal under force to a Segregation Unit to be conducted out of the hearing, and preferably out of the sight, of non-medical prison staff (paragraph 90);**

- **the results of the above-mentioned medical examination as well as relevant statements made by the prisoner to be formally recorded by the doctor, and the record made available to the prisoner (paragraph 90)**

It is accepted that, whenever it is safe to do so, medical examinations should be carried out under appropriate conditions of privacy. However, it is essential to guard against the possibility of a potentially violent prisoner assaulting members of the medical staff during the course of an examination. It is not appropriate, therefore, to preclude in all circumstances the presence of non-medical staff.

Legislation coming into force in November 1991 - the Access to Health Records Act 1990 - establishes a right of access to health records by the individual to whom they relate, unless in the opinion of the record holder, the disclosure would cause serious harm to the physical or mental health of the patient. This will enable prisoners to obtain, on request, copies of records made from 1 November.

- **as regards the use of body belts (paragraph 93):**

  i) **body belts to be stored outside Segregation Units;**

  ii) **the issue and use of a body belt to be always subject to the express authorisation of the Governor or his deputy;**

  iii) **a prisoner wearing a body belt to be kept under constant and adequate supervision by appropriately trained staff;**

  iv) **the body belt to be taken off at the earliest possible opportunity.**

The Committee's concerns about the use of a body belt have been fully noted. Since the Committee's visit, revised instructions have been issued to all Governors about the use of restraints (of which the body belt is one). These are contained in Standing Order 3E (which is available to prisoners) and an accompanying circular (Circular Instruction 55/1990). Copies of both are attached. The Standing Order states that the use of any restraint is particularly undesirable and every effort must be made to avoid recourse to them; and that the use of a body belt must be regarded as an exceptional measure. Neither a body belt nor any other form of restraint may be used unless it is absolutely necessary to prevent a prisoner injuring himself, other prisoners or staff, or damaging property. As to the Committee's particular recommendations:

- It is the responsibility of each establishment to make appropriate arrangements for the safe storage of body belts, having regard to the need to ensure that they are accessible when required. The geography of individual establishments may preclude the storage of body belts outside the segregation unit. But the principle underlying the recommendation is fully accepted and instructions will be issued to meet the spirit of the recommendation.

- Accepted in principle. Because of the possible requirement to use a body belt at a time when neither the Governor nor the deputy is on duty, it would not be appropriate to issue instructions in the precise form recommended by the Committee. However, existing instructions largely meet the recommendation. These are that no prisoner shall be placed in a body belt except on the prior authority of the Governor in charge, unless the matter is urgent and the Governor in charge cannot be contacted - in which case the decision may be taken by the most senior officer available, and the authority of the Governor in charge must be obtained at the earliest opportunity.

- Accepted. Under existing instructions, the Governor in charge must personally see the prisoner before a body belt is applied unless the urgency of the case requires the body belt to be applied before the prisoner can be seen (in which case the governor in charge must see the prisoner as soon as possible afterwards). The Medical Officer must be informed as soon as reasonably possible, and the Medical Officer must arrange an early medical examination. If the Medical Officer indicates that there are clinical reasons why the body belt should not be used, it must be removed. The Governor in charge and the Medical Officer must each visit any prisoner who is under restraint at least twice in any period of 24 hours. In addition a prisoner must be observed at least once in every 15 minutes by the officer in charge of the wing or unit where the prisoner is held or by an

officer specifically deputed to do so. The independent Board of Visitors must also be informed as quickly as is reasonably possible.

- Accepted. The point has been reinforced in the revised instructions.

- **aptitude for interpersonal communication to be a major factor in the process of recruiting prison officers (paragraph 96);**

Aptitude for interpersonal communications is a major factor in the process of recruiting prison officers. The current selection interview for prison officers examines whether the candidate has good basic social skills, an accurate perception and assessment of others in interpersonal situations and whether they can supervise and deal effectively with others. The selection board is required to assess a candidate's ability in each of these areas against a rating scale. In particular the interview will attempt to ascertain how well candidates can observe and assess others, whether they are interested in people and how adept they are in understanding their feelings and interpreting their motives. It will also try to identify whether the candidate will be good at talking to, persuading and supervising others and how well they will cope with conflict, hostility and difficult situations.

Those failing to display positive qualities in these areas will be rejected.

- **during the training of prison officers, considerable emphasis to be placed on acquiring and developing interpersonal communication skills (paragraph 96)**

New developments in training are concentrated on improving relationships between staff and prisoners. Increasing emphasis is being placed on developing the care aspect of the prison officer's dual care and control role.

All prison officers joining the Prison Service in England and Wales are required to attend a 9 week residential training course. Since 1985 the first part of the course has concentrated on interpersonal skills, including sessions on listening skills, effective speech and non verbal communication. An emphasis on the importance of interpersonal skills also underpins the technical and specialised aspects of the course.

There are no subsequent in-Service courses devoted entirely to interpersonal communication skills but a number of courses are relevant. The personal officer scheme in Young Offender Institutions, whereby each officer assumes responsibility for a small group of young offenders, is supported by training in identifying and responding to the needs of their trainees, and in the other interpersonal skills required for this role. The pre-release and inmate development course provides training in communication skills for officers running the pre-release course

for inmates, designed to help prepare them for their return to life in the community. Other courses such as lifer skills, working with sex offenders, and counselling for drugs and alcohol abuse include training in the provision of counselling and support for prisoners.

In addition the Prison Service College's consultancy service has developed an interpersonal skills package which is delivered to individual establishments in response to requests from governors who have identified a training need in this area.

In the longer term a working group has been established with the aim of drawing up a set of standards for relationships between Prison Service staff and prisoners. Training needs will be reviewed by the group in the light of their conclusions and proposals drawn up for meeting any new needs identified.

- **steps to be taken to avoid, as far as possible, remand prisoners being uprooted when they have a court appearance (paragraph 107)**

As the Committee will appreciate, it is necessary for unconvicted prisoners who are not also subject to custody for some other reason to take their possessions with them when appearing at court because of the possibility that they may be discharged by the court. The attraction of the principle that, so far as possible, a prisoner returning from court at the end of the day should be re-located in the same cell is entirely accepted. There are substantial practical considerations to be taken into account in this, due in particular to high numbers of prisoners taken to and received from court each day, with rapid turnover of prisoners, and the resultant pressures on establishments to process the receptions at the end of each day. But guidance will be issued drawing the point to the attention of Governors and asking them to take such reasonable steps as they can to meet it.

- **the visit entitlement of convicted prisoners to be substantially increased (paragraph 110)**

The position at the time of the Committee's visit was as follows:-

i. convicted adult inmates were entitled to a visit of at least 30 minutes duration after reception on conviction and every four weeks thereafter;

ii. convicted young offenders were entitled to a visit of at least 30 minutes duration after reception on conviction and every two weeks thereafter;

iii. unconvicted inmates were entitled to a visit every day (Monday to Saturday) for a minimum of 15 minutes but a reduction in the frequency of

visits could be authorised, so long as the aggregated minimum entitlement of one and a half hours per week was maintained.

Changes to the policy on visits to convicted adults came into effect on 17 June 1991. Convicted adult inmates are now entitled to a visit of at least 30 minutes' duration after reception on conviction and every two weeks thereafter. Where, exceptionally, it proves impracticable to allow a visit every two weeks because of overcrowding and inadequate visiting space, or because of a shortage of staff resources, a reduction to an absolute minimum of one visit every four weeks may be authorised by the Home Secretary. Such a reduction has so far been authorised at only one prison.

The entitlements for convicted young offenders and for unconvicted inmates remain unchanged.
In practice, many inmates receive visits of more than the minimum duration particularly on weekdays and it is often possible, if visitors can come on weekdays, to allow more than the minimum number of visits.

It has recently been made possible for female inmates at Holloway Prison to receive extended visits from their children in the recreational areas of the prison while some female inmates at Drake Hall prison have been able to receive extended visits from their children in their living quarters.

Finally, it should be noted that certain visits do not count against a prisoner's visit entitlement. These can include:-

- special visits eg. when the inmate is seriously ill or has serious welfare problems
- visits by legal advisers
- visits by probation officers
- visits by priests and ministers
- visits by MPs

b) comments

- **the steps taken by the United Kingdom authorities to reduce overcrowding are welcomed, and it is to be hoped that they will continue to be pursued actively (paragraph 59);**

The Government notes the Committee's welcome for the steps taken to reduce overcrowding. The most recent projections indicate that the average prison population and available accommodation will come into balance in 1995.

- **it would be preferable for prisoners under 21, whether on remand or convicted, to be held as a matter of course in establishments that have regimes meeting their particular needs and staff specifically trained in dealing with the young (paragraph 67)**

The Government agrees with the Committee's preference for holding young male prisoners in specialist establishments. Following a recent review of the prison estate it now plans to establish more young offender establishments. But in respect of the female estate, it believes that on balance it is preferable to hold inmates in establishments catering for all age groups.

- **it is hoped that staff resources will be sufficient to allow the tarmacked exercise yards at Wandsworth to be fully exploited (paragraph 68)**

Please refer to the earlier response to this recommendation in paragraph 68.

- **whenever it is feasible, the provision of distinct sanitary annexes in prison accommodation should be envisaged (paragraph 70)**

Please refer to the earlier response to the recommendation in paragraph 70.

- **the decision to provide prisoners with two pairs of underclothes per week is welcomed, and it is suggested (paragraph 77):**

  i) **that prisoners be provided with a clean towel more frequently than once a week (preferably, towels should be available on demand) and with two clean sheets each week;**

  ii) **that prisoners be issued with a tea cloth;**

  iii) **that each new prisoner be provided with a clean set of blankets.**

The Government announced in December 1990 a programme that, when completed by the end of this year, will result in prisoners being provided with four pairs of underclothes each week.

i) Current policy is for two towels and one sheet to be issued weekly to each inmate; this is considered adequate.

ii) Prisoners should be encouraged to dry their eating and drinking utensils by letting them dry naturally, rather than drying them on a cloth. This is considered adequate and hygienic. The provision of tea cloths is not considered necessary.

iii) Current policy provides that prisoners should be issued on reception with clean, aired bedding in a serviceable condition. It is recommended that blankets are laundered as often as necessary or at least every six months. Hospital blankets should be laundered as often as necessary.

- **an attenuation of the present, rather militaristic, attitude adopted by prison officers at Wandsworth could have a positive effect on relations between prison staff and inmates without in any way undermining security (paragraph 80)**

Her Majesty's Chief Inspector of Prisons, Judge Tumim, paid an unannounced visit to Wandsworth on 1 June 1991 and reported that "the improvement in staff attitudes, ... in relation to inmates was the overwhelming and most pleasing feature of our visit."

- **the introduction of female prison officers in adult male local prisons is a positive step that can improve the general atmosphere on prison wings (paragraph 83)**

There are now over 500 female officers working in male establishments, and some 250 in dual sex establishments. Although the introduction of this change has not been wholly free from difficulty, the Government shares the Committee's view that it has had a beneficial effect and are grateful for their supportive comments.

- **the toilets in the A Wing exercise yard of Leeds Prison were found to be in a deplorable condition (paragraph 100)**

Green band (trusty) inmates have been allocated to each exercise yard to undertake cleaning duties and this has greatly improved the cleanliness of the toilets. Regarding A Wing exercise area, this has been prone to vandalism by a minority of inmates, of whom the young prisoners were the main culprits.

- **as far as is compatible with security considerations, prisoners should be allowed to use their outdoor exercise period in the manner they find the most relaxing; the notion of "exercise" should be interpreted broadly (paragraph 101)**

The importance of exercise in the open air for the well being of inmates is recognised. Arrangements vary in different establishments, and may be affected not only by security considerations, but also by the facilities available. Many establishments are able to supplement the routine arrangements for exercise with opportunities for outside sports activities, such as football. It is important to recognise too that there is a wide range of indoor facilities available which, depending on the establishment, might include the gym, weight training equipment or a swimming pool, which some inmates prefer to outdoor activities.

- **as regards contact with the outside world, the guiding principle should be the promotion of such contact, any limitations upon contact to be based exclusively on security concerns of an appreciable nature or resource considerations (paragraph 108)**

The Prison Service makes considerable efforts to encourage prisoners to stay in touch with the families and keep links with the community generally. Arrangements to assist prisoners to return to society and to lead law-abiding lives include:-

- pre-release and developmental training, providing practical advice on housing, jobs, health and overcoming behavioural problems as well as helping prisoners to become more self-confident and better at forming relationships;

- a pre-release employment scheme for some long term prisoners allowing them to spend the last few months before release working outside and living in a hostel;

- advice and assistance in taking advantage of employment training opportunities on release;

- opportunities for some prisoners to undertake work for their local community.

Work is also being undertaken to improve facilities for unconvicted prisoners, assisting them to identify factors which would enable a court to release them on bail, enabling them to prepare for their trials and protect their livelihood, property and other interests whilst in custody.

- **letters sent by a prisoner should not be recognisable to outsiders as having been sent from a prison (paragraph 113)**

Letters provided at public expense are allocated to prisoners, and are marked with their name and location to guard against misappropriation by other inmates. However, envelopes are marked with a private address, so that any letter undelivered can be returned without being opened.

c) requests for information

- **full details of the incident which occurred on 29 June 1990 in an exercise yard of Wandsworth Prison and of the examination of allegations by prisoners that they were ill-treated by prison staff during and/or following the incident (paragraph 35)**

At approximately 0845 hours on 29 June 1990, some 150 prisoners, including 18 in the highest security category (Category A), were on exercise on 'D' yard, supervised by 7 staff. A small cleaning party, unconnected with exercise, passed and made their way to the gate leading to the sterile area, the area between the exercise yards and the gate complex.

As the officer opened the gate to let the cleaning party through, a group of prisoners, including 4 in Category A, attacked the officer and his party, took the shovels that they were carrying and entered the sterile area. They took control of a mechanical digger which was being used by civilian contractors and attempted to escape.

As the alarm was raised, staff from all parts of the prison answered the call and one officer used a dumper truck to ram the mechanical digger in order to prevent an escape. The wall was not breached. As officers arrived at the scene of the incident, they were confronted by the rest of the prisoners on the yard and hand-to-hand fighting followed between staff and prisoners resulting in injuries to eight officers and five prisoners. None of the injuries was of a serious nature.

Order was restored after about 20 minutes and all prisoners were returned to their cells, five being taken to the segregation unit. A roll check was carried out which established that no prisoners had escaped.

On 10 July, some of the prisoners (who later spoke to the Committee) made allegations that they had been assaulted, either during their removal to the segregation unit or as they were being located. After a preliminary investigation by the Governor, the case was referred to the police. Police investigations are still proceeding, and the case has been sent to the Crown Prosecution Service for examination in respect of possible court proceedings.

- **as regards young persons in adult prisons (paragraph 67):**

  i) **the approximate number of (i) males aged between 15 and 16, (ii) males aged between 17 and 20, and (iii) females aged between 17 and 20, currently held in adult prisons in the United Kingdom;**

  ii) **the legal restrictions, if any, on the sending of young persons aged between 15 and 20 to adult prisons;**

iii) planned changes, if any in this area.

On 31 December 1990, the latest date for which detailed figures are available, the following young people were held in adult prisons in England & Wales

	Aged 14-16	Aged 17-20	Total
Males	56	902	958
Females	2	106	108

On 31 July 1991, the equivalent total figures were

Males	1062
Females	124

ii) Young people under 21 may not be held in a prison unless there is a specific power enabling them to be so held. They may be held in a prison in the following circumstances.

Young people on remand

Untried males aged 15 or 16 who are refused bail may be remanded to a prison if they are certified by a court as being too unruly to be safely remanded to the care of a local authority. The provisions governing the issue or unruliness certificates are complex. There are two sets of circumstances in which they may be issued.

1. The young person must either:

   (a) be charged with an offence carrying a maximum sentence of at least 14 years' imprisonment in the case of an adult; or

   (b) be charged with or have previously been convicted of an offence of violence.

   In either case, the court must be satisfied on the basis of a written report from the local authority that no suitable accommodation is available for the young person in a community home, where he would be accommodated without substantial risk to himself or others. The requirement to obtain such a report does not apply if the court is remanding the young person for the first time in the proceedings and is satisfied that there has not been time to obtain a report.

2. The young person must have persistently absconded from or seriously disrupted the running of a community home. The court must be satisfied on the basis of a written report from the local authority that there is no suitable community home in which he could be accommodated without risk of his absconding or seriously disrupting the running of the home.

No untried female under 17 may be remanded to a prison.

Young people of either sex aged 15 or 16 who are convicted by a magistrates' court and committed to the Crown Court with a view to a sentence of detention in a young offender institution of more than 6 months being given, may be held in a prison.

In common with older people, young people of either sex aged 17 to 20 who are either untried or convicted but unsentenced, are held in a prison if they are refused bail.

Young people under sentence

Young people of either sex serving a sentence of detention in a young offender institution may, on the direction of the Secretary of State, be held in a prison. This may only be for a temporary purpose if the offender is under 17. Detention in a young offender institution is available from the age of 14 for males and 15 for females.

The Secretary of State may direct that offenders aged 18 and over who have been sentenced to detention in a young offender institution and who are disruptive or otherwise exercise a bad influence on other inmates shall be treated as if they had been sentenced to imprisonment.

Young people serving a sentence of detention under section 53 of the Children and Young Persons Act 1933 (on conviction of murder or other serious offences for periods over 12 months) may be held where the Secretary of State directs. This may be in a prison.

Young people aged 17 and over serving a sentence of custody for life must be detained in a prison unless the Secretary of State directs them to be held in a young offender institution.

Young people aged 17 and over detained for failure to pay a fine or other sum of money, or for contempt of court, may be held in a prison.

iii) Planned changes, if any, in this area

When it comes into force, in October 1992, the Criminal Justice Act 1991 will make the following changes.

Young people on remand

The unruliness certification procedure will be abolished. There will be new criteria for prison remands for 15 and 16 year-old males. Such remands will be available where the young person

(a) is charged with or has been convicted of a violent or sexual offence or an offence punishable in the case of an adult with imprisonment for 14 years or more; or

(b) has a recent history of absconding while remanded to local authority accommodation, and is charged with or has been convicted of an imprisonable offence committed while he was so remanded.

In either case, the court must be of the opinion that only a remand in prison would be adequate to protect the public from serious harm from the young person.

(The 1991 Act provides for the abolition of courts' power to remand 15 and 16 year-old males to a prison. Instead, courts will have the power to remand 15 and 16 year-olds of either sex direct to local authority secure accommodation. The change will take place when enough local authority secure accommodation is available.)

Young people under sentence

The following ages will be increased from 17 to 18:

- the age below which the Secretary of State has power to direct young people serving a sentence of detention in a young offender institution to be held in a prison only for a temporary purpose;

- the minimum age for a sentence of custody for life, and for detention for fine default etc.

Detention in a young offender institution for 14 year-old males will be abolished.

- **the comments of the United Kingdom authorities on the precise purpose of the small prison (G, H and K Wings) at Wandsworth is meant to serve (paragraph 69)**

G, H and K wings in Wandsworth prison hold prisoners segregated under rule 43 for their own protection. They operate an allocation centre. These wings will, however, become a vulnerable prisoner unit and the regime will reflect this new role.

- **as regards the providing of ready access to toilet facilities (paragraph 70):**

  i) the present timetable for the installation of integral sanitation in prisoner accommodation at Brixton, Leeds and Wandsworth Prisons;

  ii) the number of cells in prisons in the United Kingdom that have been provided with integral sanitation or other means of ready access at all times to toilet facilities during the last two years;

  iii) the number of prison cells in the United Kingdom in respect of which ready access at all times to toilet

facilities has not yet been provided;

iv) the number of such cells that it is planned to provide with ready access at all times to toilet facilities in each of the next three years.

(i) Please refer to earlier response on the recommendations contained in paragraphs 70 and 71.

CELLS AT EXISTING ESTABLISHMENTS PROVIDED WITH SANITATION

	89/90	90/91
ENGLAND & WALES	944	1899
N.IRELAND & SCOTLAND	-	-
TOTAL	944	1899

DETAILS OF SANITATION FACILITIES AS AT 1 APRIL 1991

	PLACES WITH ACCESS	PLACES WITHOUT ACCESS
England and Wales	26141	18129
Northern Ireland	788	1465
Scotland	2260	3434
TOTAL	29189	23028

PLANNED REDUCTION IN NUMBER OF PLACES WITHOUT ACCESS

	1991/92	1992/93	1993/94	1994/95
England and Wales	4064	6579	4939	2547*
Northern Ireland	-	-	388	-
Scotland	165	362	-	-

* all places in use in England and Wales will have access by 31/12/94.

- **information on training programmes for prison officers, both initial and on-going (paragraph 97)**

Details of present training programmes are enclosed.

- **information on the possibilities for prisoners to send and receive letters, to make telephone calls and to be accorded home leave (paragraph 113)**

i. Routine reading of letters at all except the maximum security establishments was abolished with effect from 16 May 1991. The present rules are as follows:

Outgoing letters

Convicted inmates may send

- one statutory letter a week, sent at public expense;

- as many **privilege letters** a week as the prisoner wishes, sent at his/her own expense (except that at maximum security prisons where correspondence is routinely read by officers, the prisoner may only send as many privilege letters as are practicable bearing in mind the staff resources available);

- **special letters** on transferring between prisons (sent at a public expense) or in connection with legal proceedings, welfare or similar needs (normally sent at the prisoner's expense).

Unconvicted inmates may send:-

- two **statutory letters per week;**

- as many further **privilege letters** as they wish;

- **special letters** on transferring between prisons or in connection with legal proceedings.

Incoming letters

There is no restriction on the number of letters which inmates may receive, except at maximum security prisons where inmates should be allowed as many letters as they are allowed to send.

Length of letters

Inmates should in general be allowed to write as much as they wish but at maximum security establishments, Governors may set a limit, subject to a minimum of four sides of A5 paper.

ii. The situation with regard to **telephones** is that cardphones have been installed at all open (Category D) and lower-middle security (Category C) prisons, for use by convicted prisoners only. A programme to instal cardphones at all other prisons for use by both convicted and unconvicted prisoners is expected to be completed by May 1992.

At prisons where cardphones have been installed it is possible for prisoners to have free access to the telephone during association hours. It is open to Governors to impose a time limit on telephone calls if it is necessary to do so to ensure that every inmate who wishes to use the phone gets a chance to do so. Prisoners may purchase phonecards from both earnings and private cash, but Governors have discretion to

instruct inmates to have no more than 2 valid phonecards in their possession at one time.

As a precaution against abuse, calls from closed prisons are liable to be tape recorded and monitored, and may be disconnected if a serious abuse is detected. Calls to the emergency services, operator services and information/"chatline" services are electronically barred for the same reason.

At all prisons, including those where cardphones are not yet installed, it is possible for prisoners to use an official phone for special reasons (eg. bereavement, urgent welfare needs) at the Governor's discretion.

iii. On **home leave**, the position is that the number of such leaves taken has more than doubled from around 7,000 in 1987 to around 15,000 in 1990. That number will certainly increase following a change in May 1991 which enabled prisoners in open establishments to apply for short home leave once every two months instead of once every four months.

There are two kinds of home leave:-

a. **long home leave** allows prisoners to spend five consecutive days at home exclusive of travelling time. It may be taken at any time during the four months before the earliest date of release. Prisoners serving determinate sentences of 18 months or more, and life sentence prisoners who have been given a provisional date for release, are eligible.

b. **short home leave** allows a clear two days at home exclusive of travelling time. Eligibility is as follows:-

i. **for open prisons**

- prisoners serving determinate sentences of 18 months or more;

- life sentence prisoners with a provisional release date, or who have served 9 months in open conditions;

ii. **for Category C and equivalent female prisons**

- prisoners serving determinate sentences of two years or more;

iii. **for all other prisons**

- prisoners serving determinate sentences of 3 years or more.

At open prisons, short home leave may be applied for every two (formerly four) months, and at Category C prisons a short home leave may be applied for every six months, to be taken not earlier than 9 months before the earliest date of release. In all cases prisoners remain eligible for short home leave until such time as they qualify for long home leave.

Category A prisoners, or prisoners who are the subject of extradition proceedings and prisoners suffering from mental disorder, are ineligible for home leave.

Home leave for young offenders

The major differences in the rules for young offenders are:-

a. **Long Home Leave**

Young offenders serving determinate sentences of 12 months or more, or young offenders serving life sentences who have been given a provisional date for release, may be granted a total of 5 days leave (excluding travelling time), in one or more parts, during the weeks before the earliest date of release.

b. **Short Home Leave**

Young offenders serving determinate sentence of 3 years or more, or young offenders serving life sentences who have been given a provisional date for release, may be granted two days leave (excluding travelling time) during the nine months before the earliest date of release. As for adult prisoners in open prisons, the allowance has been doubled making it possible to permit home leave once every two months rather than once every four months as previously.

2 Female prisons visited

a) recommendations

(Bullwood Hall Prison)

- **inmate accommodation at Bullwood Hall Prison to be reviewed with a view to ensuring that inmates are, save in exceptional circumstances, held one to a cell (paragraph 131)**

The circumstances at Bullwood Hall are exceptional because accommodation is out of use as a result of the programme for the installation of systems to provide night sanitation. Currently the Operational Capacity of Bullwood Hall is greater than its Certified Normal Accommodation (CNA). This is necessary to maintain sufficient places within the female prison estate. At the end of the rolling programme for the provision of night sanitation, which will be towards the end of 1992, the CNA and operational capacity will be the same. At the moment single cell occupancy has been reinstated.

All prisoners are now occupied outside their cells during the working day (0745-1200/1300-1645).

- **installation of the envisaged electronic unlocking system at Bullwood Hall to be commenced immediately (paragraph 135)**

Following design work and the issue of tenders, work started on the installation of electronic unlocking in the first of 6 wings at Bullwood Hall in June 1990. This is progressing well, and all wings are scheduled to be completed by February 1992. The design for in-cell facilities in the remaining 6 cells (in the hospital and segregation unit) has been completed, and a contract will shortly be let for this work to be done.

- **appropriate steps to be taken to ensure that association periods and other out-of-cell activities can be provided in the early evening at Bullwood Hall (paragraph 137)**

Early evening association is now provided for all prisoners on an average of 3.5 nights per week from 1800-2000 hours.

b) comments

(Holloway Prison)

- **inmates in the mother and baby unit complained about the level of hygiene (presence of cockroaches) (paragraph 123)**

It is accepted that cockroach infestation is a problem at Holloway and a comprehensive survey recently completed has identified those areas affected. Targeted treatment is now under way and will continue on a programmed basis.

The mother and baby unit has now been moved to another part of the prison unaffected by cockroaches.

- **every prisoner, including those held in the Segregation Unit, should be allowed at least one hour's exercise in the open air each day(paragraph 125)**

There are rare occasions when, because of some unforeseen emergency, for example, officers being redeployed for an urgent escort to hospital, prisoners in the segregation unit have received less than 1 hour's exercise. As a matter of routine however, 1 hour per day is, with very few exceptions, the norm.

- **all prisoners complained about the prison food (paragraph 126)**

The food at Holloway is generally well prepared and the menu varied. It is accepted that presentation may suffer as a result of the food having to be transported long distances between the central kitchen and the living units in heated trolleys, but the Governor and the Medical Officer test the food daily and are satisfied that it represents a wholesome, nutritious and balanced diet for prisoners.

(Bullwood Hall)

- **the plans to build a purpose-built visiting complex at Bullwood Hall are welcomed and it is hoped that they will be implemented without undue delay (paragraph 140)**

Work started on the new visiting complex at Bullwood Hall in March 1991 and is due to be finished in January 1992. The cost of the complex is expected to be £313,000.

c) requests for information

(Bullwood Hall)

- **whether it is planned to provide ready access at all times to toilet facilities throughout the whole of the prison, including the hospital (paragraph 135)**

In line with the undertaking to provide night sanitation for all prisoners, plans are in hand to provide sanitary annexes to cells in the Segregation Unit and Hospital.

- **information about the resources for the support and counselling of inmates considered as suicide or self-harm risks, and for psychotherapeutic activities for inmates in general (paragraph 139)**

The Prison Service suicide prevention measures have been fully implemented. Prisoners considered to be at risk are no longer held in the Segregation Unit. They are currently housed in normal location. With the advent of electronic unlocking the requirement to see the prisoner at risk every 15 minutes cannot be met in normal location and prisoners considered to be suicide risks will be held in the Hospital.

The Senior Charge Nurse has responsibility for monitoring and counselling and will refer prisoners who give cause for concern to the Medical Officer and through him to the visiting consultant psychiatrist.

3. Medical questions

a) recommendations

- **every newly-arrived prisoner to be properly interviewed and, if necessary, physically examined by a medical doctor as soon as possible after his admission, under conditions offering due respect for the prisoner's privacy and adequate guarantees of confidentiality; save exceptional circumstances, this interview/examination to be carried out on the day of admission (paragraph 146)**

The Government accepts the need to carry out the medical examination as soon as possible, within 24 hours of admission. Where an inmate is in need of immediate assessment, and a medical officer is not in attendance, arrangements are made for a doctor to be called in.

It is also accepted that a medical ethos should be maintained during the reception procedures. The Prison Medical Service strives to ensure that appropriate standards, including those governing confidentiality, are attained, although as the Committee acknowledges the environment and physical facilities in which the screening and examination are often carried out can make this difficult.

The Director of Prison Medical Services has set up a working group with the task of developing prison health care standards. Its first task will be to prepare a standard for reception procedures in local and remand prisons. Considerations of privacy and confidentiality will be addressed.

- **steps to be taken to ensure that sick prisoners can be provided with diets adapted to their condition, and that diabetic prisoners are given their meals at appropriate intervals (paragraph 151)**

The Prison Service recognises the central importance of the quality and type of food available to prisoners, but it is accepted that there are occasions when individual establishments have difficulty meeting the special needs of individual inmates. Much has been done in recent years to improve the quality of food by way of renovating prison kitchens and introducing a choice of menus in many prisons, recognising the need for special diets of prisoners and patients. A research project by the University of Surrey has recently been commissioned to review all aspects of the provision of food in prisons and the Prison Medical Service are in discussion with the British Diabetic Association with the aim of producing a dietary sheet for prisoners and to consider the need to train health care staff in the importance of maintaining healthy diets. Consideration is being given to ways of enabling prisoners to eat at more social hours.

- **as regards psychiatric cases at Brixton Prison (paragraph 165):**

i) a review to be carried out immediately into whether it is realistic to expect in the near future a major reduction in the psychiatric case workload presently faced by the medical services of Brixton Prison;

ii) in the event of that review providing a negative reply, the medical services at Brixton Prison to be provided with the wherewithal to care in a humane and medically appropriate manner with the patients in its charge. This would involve inter alia:

- a significant increase in the number of staff with adequate training in psychiatric nursing;
- providing the means of dealing effectively with severely disturbed patients who refuse treatment (immediate transfer to an outside hospital, or the authority to provide treatment without consent);
- a significant improvement in the environment in F Wing, and in particular the provision of facilities for social, creative and psychotherapeutic activities, of more association areas, of doctor/patient consultation rooms, and of integral sanitation in the cells.

At the time of the Committee's visit to Brixton, there were only 2 London remand prisons capable of providing psychiatric support to adult male prisoners. The Prison Service has now started a programme of 'rationalisation' of the facilities for remand prisoners, which has been made possible by the prison building programme. HMP Belmarsh became operational in April this year and HMP Highdown is due to open early next year. By the time that Highdown opens, the London area will be able to offer remand places at 6 prisons. The rationalisation process will have a significant beneficial effect in reducing the psychiatric workload at Brixton.

Recognising the need to improve the quality of care provided at Brixton, the Director of Prison Medical Services has established a 'task force' specifically to consider the issue. The task force includes key members of Brixton staff, the Area Principal Medical Officer, Area Manager and a representative of the Department of Health. Issues to be considered by the task force include psychiatric nurse training for staff, the management of severely disturbed patients who refuse treatment and the provision of a psychotherapeutic environment with more association areas, consultation rooms and integral sanitation.

- the policy of keeping HIV+ prisoners on normal location to be pursued vigorously and, in this connection, prison staff

and inmates to be fully informed at regular intervals of the medical realities in this area (paragraph 168)

The Prison Service has always acknowledged a duty to provide, within the constraints imposed by the prison environment, as good a quality of care for HIV infected prisoners as they could expect to receive in the general community.

A policy aim is that HIV infected prisoners who are well should enjoy as normal a prison life as possible. That implies that they should be on 'normal' location, not in the prison hospital or other discrete accommodation. That is increasingly happening and will be further encouraged in new operating guidelines. But local managers must retain discretion to deal with individual cases in the light of the prisoner's needs and behaviour and of local circumstances. Those prisoners who are not on normal location though well are not segregated in the sense of having no contact with other prisoners.

- **steps to be taken to improve the quality of nursing care for prisoners (paragraph 181)**

The Government accepts that, overall, the quality of nursing provision falls short of that available to the general community but a number of initiatives in respect of training, recruitment and nursing practice aim to make progress towards achieving generally acceptable standards.

Consultants have been engaged to undertake a training needs analysis, based on competencies, which aims to identify the knowledge base and skills required to undertake nursing care in prisons, and to determine the level(s) of training required. It will also advise on the necessary mix of skills.

An increasing number of hospital officers are attending English National Board for Nursing (ENB) courses and a rolling programme of secondment of hospital officers to train to first-level nursing qualifications is underway. It is expected that up to 18 officers will be on secondment at any one time. It is also hoped that in this financial year up to 20 second-level qualified nursing personnel will achieve conversion to first-level.

In a wider context, the establishment of good contact between local Colleges of Nursing and individual prisons is being promoted which will encourage prison nursing staff to join the in-service training provided by the Colleges.

The Efficiency Unit's scrutiny of the Prison Medical Service recommended the employment of more civilian nurses, and steps have now been taken to take that proposal forward. Every effort is being made to attract nurse qualified staff into the Service, with some success. Increasing numbers of fully qualified civilian nurses are now in posts which would formerly have been occupied by hospital officers, the most notable example being the new Belmarsh prison where half of the posts are for nursing grades.

With a view to the future, a working party with a member from the Royal College of Nursing has been established to determine health care standards (to include nursing standards). A nursing procedures committee, whose general aim is to observe the procedures adopted by the NHS, has also produced a Nursing Procedures Policy Manual which includes a section on 'extended role' procedures, covering the suturing of wounds. The intention is to expand the manual to cover a wide range of nursing procedures.

b) comments

- **the question of night cover gave rise to concern (paragraph 149)**

There are two hospital officers on night duty at Wandsworth, which is considered sufficient. There have been no cases of medical treatment being required during the night which would warrant an increase in this staffing.

- **several inmates at Holloway Prison expressed the view that there was insufficient gynaecological (as distinct from venereological) care (paragraph 152);**

The Committee's visit to Holloway was at a time when gynaecological cover was depleted because of the resignation of the gynaecologist. It is hoped that a replacement gynaecologist will be appointed shortly. In the meantime arrangements are made for patients to attend gynaecological out-patient clinics at nearby Whittington Hospital.

- **where it is found necessary to deprive someone who is mentally ill of his liberty, he should be kept and cared for in a secure hospital facility that is adequately equipped and possesses appropriately trained staff (paragraph 154)**

It is accepted that prison is not a suitable place for people suffering from serious mental disturbance. A review is currently underway of all aspects of provision for the mentally disordered. In the meantime, work is being undertaken as a matter of urgency to improve the accommodation and facilities at Brixton prison. An early priority for the Medical Director's working group on prison health care standards will be to prepare a standard for psychiatric observation and care in local and remand prisons. Physical facilities and staffing levels will be addressed.

- **there is no medical justification for the segregation of an HIV+ prisoner who is well (paragraph 167)**

The Committee is referred to the earlier response to the recommendation contained in paragraph 168.

- **in order to guarantee their full clinical independence, all prison medical officers should belong to wider health community (paragraph 177)**

The Prison Service shares the Committee's concern about the perceived professional isolation of prison medical officers and the importance of firm links with the wider health community. These were the central issues in last year's report on the Prison Medical Service by the Government's Efficiency Unit which (amongst other things) recommended much closer integration with the NHS in the provision of health care services to prisoners. The initial response to the Efficiency Unit's report committed the Prison Service to pursuing a substantial package of reforms

to create a prison health service closely aligned with the mainstream of provision in the community. This represents a major challenge not only to the Prison Medical Service but also to the Prison Service as a whole and to the National Health Service. There is a lot of work to be done but officials in the Home Office and the Department of Health are working together closely on the details and will be reporting with the initial implementation proposals in the first quarter of next year.

- **the statement in the most recent Report on the work of the Prison Service (April 1989 - March 1990) to the effect that the training of medical officers was to be improved following a report by the Royal College of Physicians, and that a diploma in prison medicine was envisaged, is welcomed (paragraph 178)**

We are grateful for the Committee's comments.

c) requests for information

- **full details of the above-mentioned improved training for medical officers and envisaged diploma in prison medicine (paragraph 178)**

Detailed proposals for the formulation of training and accreditation in prison medicine are being prepared by a working party drawn from the Royal Colleges of Physicians, General Practitioners and Psychiatrists. This working party is expected to report later in the year. The Committee will be informed of the working party's proposals when they are available.

4. Complaints, disciplinary and inspection procedures

a) comments

- **as regards the "confidential access" procedure, it is suggested (paragraph 184):**

  i) **that complaint forms and confidential access envelopes be generally available to prisoners at some place (eg the library), thereby avoiding that a prisoner has to ask for them specifically;**

  ii) **that a system of transmission be devised which avoids prisoners having to hand the confidential access envelope to prison staff.**

The Government understands the Committee's concern that the need to approach staff for the means to use the confidential access procedure in particular may discourage prisoners in the small minority of cases in which confidentiality is essential. We do not consider, however, that the Committee's suggestion represents an improvement on the current arrangements.

At present, the issue of all request/complaint forms, including those designed for confidential access, is centrally registered. This allows prison management to investigate any cases in which a form that has been issued is not subsequently completed and returned by the prisoner concerned. Clearly a system in which forms could be issued anonymously would prevent such monitoring. This might be acceptable if there were a practical way of achieving a "system of transmission .... which avoids prisoners having to hand the confidential access envelope to prison staff". In reality, the transmission of documents within prison is always likely to involve staff at some point, and the opportunity for interference could not be eradicated by physical security measures. The combination of central registration and the sealing by prisoners of numbered confidential access envelopes offers in our view a better safeguard against the possibility of prisoners' complaints being blocked by staff.

It is of course open to prisoners to speak to members of the Board of Visitors in confidence, and Board members could obtain registered request/complaint forms from the requests/complaints clerk and return completed forms if necessary. We do not consider that making this a standard procedure would be either efficient or necessary in the overwhelming majority of cases. Prisoners may also raise matters orally with a governor grade if they are unwilling for any reason to approach staff for a request/complaint form.

- **consideration might be given to the possibility of requiring Boards of Visitors to publish their Annual Reports (paragraph 200)**

Boards of Visitors are encouraged to publish their Annual Report to the Home Secretary but at present it is for each Board to

choose whether to do so. The Government agrees that publication can engender greater interest in the work of Boards of Visitors and the Prison Service as a whole. The Prison Service will discuss with the Co-ordinating Committee of the Boards of Visitors whether every Board should be required to publish its Annual Report, so long as it does not disclose security or personal details.

b) <u>requests for information</u>

- **the precise procedure followed when a prisoner writes to a legal adviser with a view to the instigation of legal proceedings or to the Chief Officer of the local police, and in particular whether the above-mentioned letters to a legal adviser or Chief Officer of police may be opened by prison staff (paragraph 185)**

Correspondence between an inmate and his or her legal adviser which relates only to legal proceedings to which the inmate is a party or to a forthcoming adjudication against the inmate or which is about an application to the ECHR carries special privileges under the Prison Rules. The envelope carrying such correspondence should be marked "SO 5B 32 (3)" (the number of the Standing Order relevant to this rule) and if outgoing may be handed in sealed by the inmate. Unless the Governor has reason to suppose that a letter purporting to be covered by this rule is in fact being misused to evade the general rules on correspondence, such a letter:-

a. may not be read by staff, even at maximum security prisons where routine reading is in force;

b. may not be stopped;

c. may be opened for examination only in the presence of the prisoner concerned (unless he or she declines the opportunity).

Special letters at public expense may be allowed for prisoners writing to legal advisers, if they cannot afford the postage costs of a privilege letter, or if the Governor otherwise considers it justified.

There is no special procedure for letters sent to the chief officer of the local police force.

- **as regards removal from association under Rule 43 for the maintenance of good order and discipline (paragraph 190):**

  i) **what exactly does "removal from association" entail in practical terms?**

  ii) **can removal from association be accompanied by other measures of a punitive nature and, if so, which?**

  iii) **is a prisoner against whom the measure of removal from association is envisaged or decided;**

    . **informed of the reasons for this measure?**

    . **given an opportunity to present his views on the matter to a relevant authority?**

  iv) **is a prisoner's removal from association subject to any**

form of control by a judicial or quasi-judicial authority?

Under Prison Rule 43, a prisoner may be removed from association with other prisoners in the interests of good order or discipline. A prisoner should be segregated under this power for the shortest time necessary for purposes of good order or discipline. A prisoner may be segregated for no more than 3 days on the Governor's authority. If continued segregation is required beyond that time, authority must be obtained from a member of the independent Board of Visitors. The Governor must arrange for a prisoner to resume normal association with other prisoners if the Medical Officer so advises on medical grounds.

An inmate who, under Rule 43, is removed from association with the generality of the establishment's population would normally be held in the segregation unit. The conditions to which such an inmate would be subject will vary, depending upon a range of factors including the size and location of the unit, the nature and circumstances of the establishment, and the circumstances of the individual inmate's case. It is not, therefore, possible to give a definitive reply to the Committee's first question which would be true of every establishment or of every individual inmate's segregation. But the following paints a broad picture of the practical implications of segregation.

Inmates are allowed out of cell for daily exercise (at least one hour daily), bathing/showering, use of the lavatory and slopping out, physical education (where this can be provided) and to collect meals and water. In some establishments, this amounts to 5 hours a day; in others, 2/3 hours a day. Exercise is generally taken with other inmates held in the segregation unit, provided that they are compatible.

Inmates removed from association retain their normal entitlement to both legal and social visits. Appropriate arrangements are made for inmates to practise their religion. Inmates have normal access to medical treatment.

Where suitable work is available which inmates can do in their cell, this is provided. Similarly, in-cell tuition and other educational facilities are provided where available and appropriate. Cell hobbies (such as handicrafts, model-making) are normally permitted. Library facilities are made available.

Inmates are permitted possessions that they would normally be allowed, including personal radio, cassette-tape player, books, newspapers, periodicals, toiletries, and personal photographs, subject only to security considerations. Inmates can purchase goods from the prison shop, normally by placing an order with staff; and also have facilities to buy goods with their private cash.

Removal from association is not a punishment. But if a prisoner is found guilty of a disciplinary offence while on segregation, he may be subject to any punishment which may be awarded (for

example, forfeiture of a privilege, stoppage of earnings).

Current instructions encourage Governors to arrange for prisoners to be given reasons for removal from association, and a recent survey of a sample of establishments has confirmed that prisoners normally are given reasons. Further instructions were issued on 29 August 1991 requiring reasons to be given in writing in every case (subject to the interests of security and good order). A copy of the relevant Circular Instruction (Addendum to CI 26/1990) is attached).

Prisoners removed from association have the normal rights of prisoners to make written representations to, or to apply to see, the Governor and the Board of Visitors, and to make representations to Ministers, to Prison Service Headquarters, to Members of Parliament, or to contact their legal adviser.

In addition to the need (mentioned above) for the authority of a member of the Board of Visitors to be sought for segregation for longer than 3 days, decisions to remove prisoners from association are open to judicial review.

- **as regards the transfer of prisoners under Circular Instruction 10/74 (paragraph 194):**

  i) **what type of regime (segregation,etc) is applied to a prisoner who is transferred under Circular Instruction 10/74?**

  ii) **is a prisoner in respect of whom it is envisaged or decided to apply Circular Instruction 10/74:**

  . **informed of the reasons for this measure?**

  . **given an opportunity to present his views on the matter to a relevant authority?**

  iii) **is the application of Circular Instruction 10/74 subject to any form of control by a judicial or quasi-judicial body?**

- **the prison authorities' powers to transfer prisoners, other than those covered by Circular Instruction 10/74, for discipline-related reasons, the procedure followed in this respect, and any controls of a judicial or quasi-judicial nature to which such transfers are subject (paragraph 195)**

Under section 12 of the Prison Act 1952, a prisoner may be lawfully confined in any prison, and may be transferred from one prison to another.

But it is fully accepted that the transferring of prisoners in the interests of good order or discipline should be undertaken sparingly, and that, so far as possible, each establishment should deal with the problem of subversive or disruptive prisoners by other means without recourse to transfer.

Such prisoners can cause particularly difficult problems at the small number of maximum security prisons (of which there are currently 7). The objective is to provide in these prisons a regime which is as relaxed and open as possible, within tight perimeter security. This objective may be defeated by a small number of subversive or disruptive prisoners; and during the past two decades there have been a number of serious disturbances at these prisons, which hold many dangerous prisoners. It was therefore decided to provide a facility whereby a subversive or disruptive prisoner could be temporarily transferred to a "local" prison, normally for a period of up to 28 days. The decision was to be taken by the governor of the maximum security prison, who would normally also decide that the prisoner should be removed from association with other prisoners at the local prison (but continued segregation beyond 24 hours required the authority of the Regional Director). This type of transfer was provided for in Circular Instruction 10/74, which laid down strict criteria covering the circumstances in which such a transfer might be made. The criteria were such that the prisoner would almost certainly have needed to be removed from association with other prisoners at the maximum security prison (hence the question of such action at the "local" prison after transfer). The normal understanding was that, at the end of the period of temporary transfer, the prisoner would be returned to the maximum security prison. But on occasions it was necessary for transfer to be arranged to another maximum security prison.

Policy on the transfer of prisoners for reasons of good order or discipline was reviewed in 1990. This led to the issue, in September 1990, of revised instructions in Circular Instruction 37/1990. A copy is attached.

CI 37/1990 lays down general principles governing <u>all</u> transfers in the interests of good order or discipline, including:

- the need to ensure that no prisoner is transferred as a form of punishment, and that the arrangements made (for example, in the choice of other establishment, or in the frequency of transfers) are not so designed that they amount to a form of punishment or may be seen to do so;

- decisions to transfer prisoners must be reasoned, and reasons must be recorded;

- alternative options must be considered before a decision to transfer a prisoner is taken;

- prisoners must be given reasons for transfers, as soon and as far as is practicable. Reasons must be given in writing if the prisoner so requests. (Revised instructions were issued at the end of August requiring reasons to be given in writing in all cases. A copy is attached.)

CI 37/1990 then makes provision for 2 particular types of

temporary transfers. The first is the transfer of a prisoner from a maximum security prison to a "local" prison for up to one month. This supersedes the arrangement under CI 10/74 (which was cancelled by CI 37/1990), and includes a number of significant changes. While the decision to transfer a prisoner is still a matter for the Governor of the maximum security prison, any decision as to the prisoner's removal from association now rests with the Governor of the "local" prison. The latter may give authority for removal from association for up to 3 days. Continued segregation thereafter must be authorised by a member of the independent Board of Visitors. The Instruction requires the Governor of the "local" prison to keep the case under review and to arrange for the prisoner to resume normal association at once if segregation is no longer necessary.

The second specific type of transfer covered by CI 37/1990 is available to Governors of all maximum and high security adult male training prisons. This provides for transfer to a "local" prison for a period of up to 6 months. In such cases, no question should normally arise of removal from association at the "local" prison. This arrangement replaces arrangements previously operated by Regional Offices. Transfers now require the authority of Headquarters. Normally, the prisoner will remain at the same "local" prison throughout the period of temporary transfer, and thereafter return to the original prison.

The principle of the "carousel" approach whereby disruptive prisoners are regularly transferred from prison to prison, which it is understood is favoured in certain European countries, is not favoured here. However, a few prisoners are so seriously disruptive that it has been necessary to arrange transfers repeatedly. But it is accepted that it should not be the practice in the future for disruptive prisoners to be transferred from one prison to another at frequent intervals in order to control their behaviour.

A prisoner who is transferred is subject to the same regime as other prisoners at the receiving prison. A transferred prisoner who is removed from association is subject to the same regime as other prisoners removed from association at the receiving prison (see the information given in reply to paragraph 190).

All transferred prisoners have the same rights as other prisoners to make written representations to, or to apply to see, the Governor and the Board of Visitors, and to make representations to Ministers, to Prison Service Headquarters, to Members of Parliament, or to contact their legal adviser.

As noted above, if a transferred prisoner is removed from association with other prisoners, the authority of the independent Board of Visitors is required if segregation is to continue beyond 3 days. Decisions to transfer prisoners are open to judicial review, and Circular Instruction 37/1990 incorporates points made by courts which considered a transfer of a prisoner under the former Circular Instruction 10/74.

B Police Stations

a) recommendations

- **washing facilities for detainees at Brixton, Chapeltown and Paddington Green police stations to be improved (paragraph 211)**

Under the Codes of Practice issued under the Police and Criminal Evidence Act 1984 detainees must be provided with access to toilet and washing facilities.

Home Office guidance on the design of new police stations stipulates that a shower and wash basin should be provided within the custody area. The Home Office has less power to influence the provision of facilities at existing police stations, which is a matter for the police authority concerned.

Two of the police stations at which washing facilities were criticised are in the Metropolitan Police District where we understand that it is now the force's policy to provide showers for detainees at all new police stations still under construction and, wherever possible and at reasonable cost, to instal showers at existing stations when building work is carried out which involves the custody area.

There are sometimes problems at older police stations caused by the limitations of capital allocations for building work, staff resources and the structure of the buildings themselves.

It is noted that there is a shower in one particular suite of cells at Paddington Green, but that it is not available for use by detainees in general. The shower in question is in the anti-terrorist suite, and for security reasons this is maintained as an entirely separate unit from the rest of the custody suite.

We understand that there are no plans at present to instal showers in the custody areas at Paddington Green Station. However, there is a shower outside the custody area (adjacent to the property store) and where necessary detainees could be taken there under escort.

There are plans to instal a shower at Brixton in the near future at the same time as other building work in the custody area.

Chapeltown police station in Leeds is very old and is a "listed building". This station is recognised as being in urgent need of replacement and West Yorkshire Police Authority have received approval to start planning this, although we are not in a position at this stage to say when building work can start.

The police major building programme is fully committed up to and including 1993/94, but we will be looking at the programme for 1994/95 later this year and Chapeltown will be considered along with a number of other priority schemes for a possible building start.

We understand that West Yorkshire Police consider that the installation of a shower at Chapeltown would be prohibitively expensive in view of the fact that a new police station is being planned. The washing facilities have, however, been improved since the committee's visit in that the existing wash basins have been replaced with new ones.

- <u>the form used to inform detainees of their rights to be available in police stations in a wide range of languages (para 213)</u>

In England and Wales, in addition to consular access, the foreign national detained in police custody shares the 3 basic rights of all those detained in accordance with the Police and Criminal Evidence Act 1984 (PACE) ie;

- the right to consult a solicitor,
- the right to have someone informed of his or her arrest,
- the right to consult the PACE Codes of Practice.

It is a requirement that the suspect should be given a written notice of these 3 rights. When Code of Practice C came into force, the Home Office arranged for the publication of a small booklet with translations of the notice into the most commonly spoken Asian and Arabic languages for use by suspects when appropriate. The Metropolitan Police supplemented this with a number of European languages. These were in fact available to all police forces.

The revised Code of Practice C (copy attached), implemented on 1 April 1991, required the notice to be expanded so as to include an explanation of the arrangements for obtaining legal advice, and for an additional notice setting out a person's entitlements while in custody to be given to the suspect. To coincide with implementation of the revised Code, the Home Office distributed to each police force in England and Wales, versions of both notices in the following 29 languages:

English
Welsh
Arabic
Bengali
Cantonese
Danish
Dutch
French
German
Ashanti
Twi
Greek
Gujerati
Hindi
Iranian
Italian
Mandarin
Yoruba
Ibo
Hausa
Norwegian
Polish
Portuguese
Punjabi
Spanish
Swedish
Turkish
Urdu
Vietnamese

All police forces now hold a copy of the enclosed ring binder, containing translations, at each appropriate police station. Photocopies of the relevant pages are given to a foreign national to retain.

b) comments

- it is regrettable that a boy of 14 should have to spend 36 hours or more (covering two nights) in a police cell (paragraph 212);

The aim of the Police and Criminal Evidence Act 1984 in respect of detention pre-charge is threefold: to state clearly the grounds on which a person might be lawfully detained after arrest; to limit the period of time for which a person might be detained without charge, while allowing the police sufficient time to complete their enquiries in complex and difficult tasks; and to make prolonged detention without charge subject to external judicial scrutiny.

Responsibility for authorising the detention and release of a suspect rests with the custody officer who must be normally of at least the rank of sergeant. Under section 37 (2) of the Act the custody officer may authorise detention without charge only if he or she has reasonable grounds to believe that the suspect's detention is necessary to secure or preserve evidence relating to an offence for which the suspect is under arrest or to obtain this evidence by questioning him or her. Under section 41 of the Act, detention without charge is usually limited to 24 hours. Section 42 however provides for detention up to 36 hours on the authority of an officer of at least the rank of Superintendent who is responsible for the police station at which the suspect is detained, as long as he or she has reasonable grounds for believing:-

(a) that further detention without charge is necessary to obtain, secure or preserve evidence;

(b) that the offence in question is a serious arrestable offence; and

(c) that the investigation is being conducted expeditiously and diligently.

A serious arrestable offence is also defined by the Act and broadly covers all the most serious offence of violence, offence against property and sexual offences.

If the police need to detain a suspect beyond 36 hours they must apply to a magistrates' court for a warrant of further detention under section 43 of PACE. The suspect must be brought before the court and may be legally represented at the hearing. The police are required to justify their application and if the court is satisfied with their case it may authorise the suspect's detention for up to another 36 hours; and they may repeat this authorization under section 44 of the Act provided that the total period of detention does not exceed 96 hours. No suspect may be held for more than 96 hours without charge and if a suspect is held as long as that his or her case will have been examined at least twice by a court.

In addition to the reviews by the Superintendent and the court, the case of every suspect who has been detained without charge must be reviewed by an officer of at least the rank of Inspector who has not been directly involved in the investigation, the first review being no later than 6 hours after detention was first authorised by the custody officer, with subsequent intervals of not more than 9 hours.

There are additional safeguards for juveniles. The custody officer must, if it is practicable, ascertain the identity of a person responsible for his or her welfare. That person may be the suspect's parent or guardian (or, if the suspect is in care, the care authority or voluntary organisation) or any other person who has, for the time being, assumed responsibility for his or her welfare. That person must be informed as soon as practicable that the juvenile has been arrested, why he or she has been arrested and where the juvenile is detained.

The juvenile should be advised by the custody officer that the appropriate adult is there to assist and advise him or her and that he or she can consult privately with the appropriate adult at any time. The adult may be present during cautions and interviews. This does not, of course, affect the juvenile's right to legal advice.

Where a person is charged with an offence, the custody officer shall order his or her release from police detention, either on bail or without bail, unless-

(i) the person's name or address cannot be ascertained or the custody officer has reasonable grounds for doubting whether a name or address furnished by him or her is real;

(ii) the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary for his or her own protection or to prevent him or her from causing physical injury to any other person or from causing loss of or damage to property;

(iii) the custody officer has reasonable grounds for believing that the person arrested will fail to appear in court to answer to bail or that his or her detention is necessary to prevent him or her from interfering with the administration of justice or the investigation of offences;

and additionally, in the case of a juvenile,

(iv) the custody officer has reasonable grounds for believing that he or she ought to be detained in his or her own interests.

Where a custody officer authorises an arrested juvenile to be kept in police detention after charge, the officer shall, unless

he or she certifies that it is impracticable to do so, make arrangements for the juvenile to be taken into the care of a local authority and detained by the authority.

- the importance of the rule that no attempt should be made to dissuade a suspect from obtaining legal advice should be stressed upon police officers (para 218)

The revised Code of Practice C for the Detention, Treatment and Questioning of Persons by Police Officers, effective from 1 April 1991, categorically states that no attempt should be made to dissuade the suspect from obtaining legal advice. All police forces have arranged training for officers on changes contained in the revised Codes.

Section 67 (8) of the Police and Criminal Evidence Act provides that a police officer shall be liable to disciplinary proceedings for failure to comply with any provision of a Code of Practice made under the Act.

- it is important for both police officers and police surgeons to receive specific training in the identification of mentally disordered or handicapped persons or persons experiencing drug-related symptoms (para 222);

Within probationer constable training, officers receive a 31-week foundation course which is divided into 7 modules, some taking place in-force and some taking place at a District Training Centre. In Module 1, forces are encouraged to arrange community agency visits for students to broaden their understanding of the inter-agency approach to social problems, including dealing with "persons at risk". Module 2 covers "illness in the street" in all its various forms and the identification of the mentally ill. Module 4 contains a case study which does not specifically cover the subjects of mental illness and drug abuse but is aimed at developing the knowledge and skills needed to help people with problems applying the multi-agency approach. In addition, within the post-foundation course phase of the probationer training the forces' multi-agency approach threads throughout the course, allowing forces to address local needs and problems in the widest sense and incorporating local policies and procedures.

The subject of drugs and drug-related problems is introduced in Module 4 of the foundation course. It is introduced within the context of the social issues which surround drug abuse and some limited practical advice is included concerning typical withdrawal symptoms suffered by drug abusers.

The remainder of the drugs-related input concentrates upon the relevant legislation and police powers. A case study relating to drugs and solvent abuse is used to integrate the social and legal issues pertinent to drug abuse.

The issue of drug abuse is again dealt with in post-foundation course training. However, the emphasis is upon the more serious

offences of production and supply of controlled drugs.

Within the principles of an integrated curriculum it is impressed upon students at all stages of their training that their primary responsibility is to safeguard life and that if any person appears to be in need of medical assistance that should be provided as a matter of priority. Any related policing problem should be considered as being of secondary importance.

Within sergeants' and inspectors' management training, mental disorders, handicapped persons and drug users are covered within the context of PACE and the Codes of Practice.

Where police surgeons are concerned, their training for the police is largely related to the treatment of sex attack victims and the collection of forensic evidence. All appointees are however registered medical practitioners whose medical training would equip them to recognise those suffering from mental or drug-related problems.

- <u>the need for the continued application of the exceptional measures relating to the detention of terrorist suspects by the police should be kept under close review (para 224)</u>

The exceptional powers of detention conferred on the police for dealing with terrorist suspects are contained within the Prevention of Terrorism (Temporary Provisions) Act 1989. Although the Act does not have a limited life, its continuance in force is subject to an annual order which must be approved by both Houses of Parliament. If the continuance order were not approved the Act would fall. This process ensures that the continuance of the powers within the Act is scrutinised annually by Parliament. Furthermore, the Home Secretary commissions an independent report each year into the operation of the Act during the previous year.

C. Requests for information

- full details of investigations into the activities of members of the West Midlands Police Force, to the extent that they relate to allegations of ill-treatment of detainees by police officers (para 205);

The investigation concerning the West Midlands Police is being carried out under the terms of the Police and Criminal Evidence Act 1984. The Committee may find it helpful to know the background to the investigation.

In August 1989, following a number of serious allegations and quashed convictions, the then Chief Constable of the West Midlands Police, Mr Geoffrey Dear, asked an Assistant Chief Constable of West Yorkshire, Mr Donald Shaw, to carry out an investigation into the work practices of the West Midlands Serious Crime Squad.

The investigation, which is still continuing, is being supervised by the Police Complaints Authority. Home Office Ministers have no role in the process or authority to intervene.

It is for this reason that Home Office Ministers are not in a position to give detailed information about aspects of the investigation. Also, under section 98 of the Act, no information received by the Authority in connection with their functions under the Act may be disclosed save in certain limited circumstances. The Authority are, however, able to release information in the form of a general statement which does not identify the person from whom the information was received or any person to whom it relates.

The Authority have disclosed that the investigating team led by Mr Shaw is examining 97 individual complaints made against officers. The great majority of these relate to alleged fabricated evidence, but there have been 3 complaints which could be said to fall within the category of ill-treatment. These were cases where the complainants alleged that they had been the victims of physical assault. The 3 complaints have been investigated and have not been substantiated.

- statistics on cases referred to the Police Complaints Authority in recent years and their outcome (para 205)

Every year the Police Complaints Authority publish in their Annual Report figures relating to the cases with which they deal. The following figures are taken from the Authority's Annual Reports of 1987, 1988, 1989 and 1990.

	1987	1988	1989	1990
Total of completed cases*	5596	5548	5308	7325
Criminal charges	46	50	25	92
Disciplinary charges	101	111	126	239
Advice, admonishment etc	657	655	530	574
No action	4821	4296	4528	6540

* The total of completed cases is not equivalent to the total of the cases shown in the remaining 4 lines: some cases feature in more than one line.

- <u>an indication of the percentage of cases in which the rights not to be held incommunicado and of access of legal advice are delayed, a distinction to be made between persons detained under the Police and Criminal Evidence Act and persons detained under the prevention of terrorism legislation (para 217)</u>

Around 18% of persons detained under the Police and Criminal Evidence Act ask to have someone informed of their detention. Delay in making such notification is authorised in around 5% of these cases (amounting in effect to 1% of all detentions).

The available information from research suggests that access to legal advice is delayed in around 1% of all detentions under PACE. However, this figure may have decreased within the last two years following Court of Appeal decisions relating to the interpretation of the relevant sections of PACE. Up-to-date information will be available when current Home Office research is completed in 1992.

Between March 1989, when the Prevention of Terrorism (Temporary Provisions) Act 1989 came into force, and November 1990, about 250 people were detained under its provisions. Access to legal advice was delayed in 26% of these cases, and in notifying someone of a person's detention in 44% of cases. In a few cases the senior officer called upon to authorise the delay refused the request: 4% as regards legal advice and 2% in respect of notification. The delay was in many cases a precautionary measure. In 45% of cases in which access to legal advice was delayed and in some 30% in which notification was delayed, the detainee had not requested either right.

- <u>statistics on the number of detainees who request legal advice and the number of them who actually receive it (para 219)</u>

Several pieces of research have examined the rate at which legal advice is requested by detainees. The two most wide-ranging

studies, which looked at samples of 32 and 10 police stations, found that on average around 25% of all detainees request legal advice. There is considerable variation around the country, however, and rates were found to vary from 14% to 41%. Factors affecting demand may include the level of seriousness of offences and the readiness of the availability of advice.

Between 20% and 21% of all detainees receive some legal advice while in police custody. There are several reasons why those who request advice do not always receive it: most frequently detainees change their minds, while in some cases there are difficulties in contacting a solicitor. As many as 95% of detainees who request advice under the 24-hour police station duty solicitor scheme are successful in obtaining it. Greater difficulties are experienced by those who opt for their own solicitor: just under three-quarters obtain advice.

- full details of the duty solicitor scheme (para 219)

Introduction

The Police Station Duty Solicitor Scheme was implemented on 1 January 1986 under provisions in the Police and Criminal Evidence Act 1984 and now covers 95% of all police stations.

The scheme provides free, non-means tested assistance to any person who has been arrested and held in custody at a police station or to a "volunteer" ie a person who has not been arrested but who is being investigated by the police. The suspect can choose to be assisted by a named solicitor, eg. a solicitor that the suspect has instructed on a previous occasion or can ask for the duty solicitor. Free, non-means tested advice is available whether a named or duty solicitor is requested. In legal aid year 1990/91, about 397,500 suspects requested a named solicitor or the duty solicitor.

There is also a court duty solicitor scheme operating in 95% of magistrates' courts in England and Wales. The court duty solicitor is requested where, for some reason, the defendant did not ask for a solicitor at the police station. In 1990/91, the court duty solicitor was requested by over 229,000 defendants.

Service provided by the Police Station Duty Solicitor

The service which police station duty solicitors are required to provide is set out in Legal Aid Board's Duty Solicitor Arrangements 1990 (copy enclosed; see paragraphs 55-60 Arrangements, Annex B). It will be noted that the duty solicitor must give advice direct to the suspect over the telephone and that, where specified circumstances exist, the duty solicitor or an approved representative must attend the police station in person if so requested by the suspect. The specified circumstances involve "arrestable" (more serious) cases where the suspect is to be interviewed or where the suspect is to appear on identification parade or the suspect complains of serious maltreatment by the police. These new and more stringent

requirements upon duty solicitors came into force on 1st April 1991.

Solicitors, whether named or duty, are paid by the Board for giving advice to suspects. Legal aid orders may be granted by the courts where a suspect is charged and appears before the court.

Organisation

The police station and court duty solicitor schemes are the responsibility of the Legal Aid Board. The Board's national Duty Solicitor is responsible for overall policy. Under this there are 24 regional committees covering England and Wales. Regional committees are responsible for the operation of the schemes in their areas. Under the regional committees are 300 local committees who are responsible for operating the schemes in their particular town or district and in selecting the duty solicitors. The Duty Solicitor Arrangements 1990 set out the selection criteria for duty solicitors and for duty solicitor representatives who can be deployed to go to the police station in the place of the duty solicitor in schemes authorised by the regional committees.

Suspects tell the custody officer at the police station whether or not they want to have legal advice. If they want advice from a named solicitor, the custody officer will use his or her best endeavours to contact that solicitor over the telephone. Where the suspect requests the duty solicitor, the custody officer telephones the Legal Aid Board's 24 hour duty solicitor telephone service who pass the request through to the relevant duty solicitor. Duty solicitors are deployed on the basis of a rota or panel. A rota involves an identifiable duty solicitor being on duty whilst a panel involves the telephone service in telephoning down the list of approved duty solicitors covering a relevant police station until finding one willing to provide advice to the suspect.

The Board has introduced targets to be met by 1st April 1993 covering, inter alia, speed of acceptance of calls by duty solicitors and cases where it is impossible to find a duty solicitor (currently under 2%).

- <u>further details of the possibility for a detainee to be examined by a doctor other than a police surgeon and, in particular, whether this possibility is open to a detainee who is being held incommunicado (para 220)</u>

Section 9 of the revised Code of Practice C, covering the Detention, Treatment and Questioning of Persons by Police Officers, provides that the custody officer must immediately call the police surgeon (or, in urgent cases, send the person to hospital or call the nearest available medical practitioner) if a person brought to a police station or already detained there:

(a) appears to be suffering from physical illness or a mental disorder; or

(b) is injured; or

(c) does not show signs of sensibility and awareness; or

(d) fails to respond normally to questions or conversation (other than through drunkenness alone); or

(e) otherwise appears to need medical attention.

This applies even if the person makes no request for medical attention and whether or not he or she has recently had medical treatment elsewhere (unless brought to the police station direct from hospital).

If a detained person requests a medical examination the police surgeon must be called as soon as practicable. Detained persons may in addition be examined by a medical practitioner of their own choice at their own expense. This entitlement is clearly shown in the Notice of Entitlements given to each detained person.

Code of Practice C specifically states that a person's right to have someone informed of his or her arrest, and his or her right to legal advice, may be delayed where a superintendent or above has reasonable grounds for believing that the exercise of either right will:

(i) lead to interference with or harm to evidence connected with a serious arrestable offence or interference with or physical injury to other persons; or

(ii) will lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it; or

(iii) hinder the recovery of property, or the value of proceeds, obtained as a result of such an offence.

There is no specific reference in Code C to delaying a person's entitlement to consult his or her own doctor. There may however be cases when the police consider that a delay in calling a person's own doctor is justified for the above reasons. If this was the case, but it was also considered necessary for the person to see his or her own doctor, eg, for specialist treatment, then the person's well-being would be of the paramount importance to the police.

- as regards the electronic recording of police interviews (para 221)

  i) exceptions to the general rule of the tape recording of police interviews with persons suspected of serious criminal offences, and the reasons for those exceptions

In accordance with Code of Practice (E) on Tape Recording under the Police and Criminal Evidence Act 1984, tape recording is normally required for all interviews which the police conduct with suspects at police stations and which relate to indictable offences (or to those triable either way). The introduction of tape recording is already well advanced and it should be applied on a compulsory basis throughout England and Wales by the end of 1991.

Exceptions to the requirement are very limited. The custody officer may authorise the interviewing officer not to tape record the interview where:

(i) it is not reasonably practicable to do so because of failure of the equipment or the non-availability of a suitable interview room or recorder and the authorising officer considers on reasonable grounds that the interview should not be delayed until the failure has been rectified or a suitable room or recorder becomes available;

(ii) it is clear from the outset that no prosecution will ensue.

The only specific exemptions from tape recording relate to certain categories of offences involving terrorism and official secrets. The sensitive nature of some of the information which could be revealed during an interview with a terrorist suspect is such that the system of tape recording in Code E, which requires recording of the full interview, is inappropriate. If interviews were recorded in full this could endanger intelligence sources, reduce the intelligence yield from suspects and provide terrorist organisations with greater insight into police methods. Similar considerations apply to interviews with persons suspected of an offence under section 1 of the Official Secrets Act 1911.

However, an experiment is being conducted at present in the Metropolitan and Merseyside police force areas in which summaries of interviews with terrorist suspects are tape recorded. The experiment began in May 1990 and is to run for two years. It is as yet too early to draw any conclusions from the information which has been gathered.

  ii) plans, if any, to introduce video recording of police interviews

Three video recording pilot schemes have been established in West Mercia, West Midlands and the Metropolitan police force areas.

It has been agreed that other forces would wait until these schemes have been independently evaluated before increasing their use of video recording of interviews.

The pilot schemes are being independently evaluated by Dr Baldwin of the University of Birmingham. His final report is expected in April 1992. No decisions as to widespread use of video recording of police interviews will be made until Dr Baldwin's study has been considered.

- **full details of the practical application of the lay visitors system and information on whether lay visitors are able to speak in private with detainees being held incommunicado (para 226)**

Background

Lay visiting schemes were recommended by Lord Scarman in his report on the Brixton riots in 1981. Essentially his proposals were for a statutory system of independent inspection and supervision of interrogation procedures and detention in police stations. The arrangements subsequently agreed by the Government were for a non-statutory scheme; the objectives being to enable members of the local community to observe, comment and report on the conditions under which persons are detained at police stations and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater public understanding and confidence in these matters. It was decided that the lay visitor's remit should not encompass supervision of interviews at police stations.

Following extensive consultations and analysis of pilot schemes, a Home Office Circular was issued in February 1986 commending the setting up of lay visiting schemes in all force areas in England and Wales and enclosing guidance for their operation. Guidance is updated periodically. Most force areas now have schemes in operation.

Provincial schemes (England and Wales)

The responsibility for setting up lay visiting schemes lies with the police authority. It was recognised that schemes needed to be adapted to suit local circumstances. Accordingly there is a wide variation in schemes ranging from panel based schemes with visitors recruited from the general public, to those comprising a small number of police authority members who carry out visits almost as part of their normal duties. In between there are various permutations of schemes with panels or smaller groups of visitors linked to police sub-divisions and comprising visitors who are police authority members, members of local consultative groups and members of the public, or a combination of two or three.

London scheme

As police authority for the Metropolitan Police, the Home Office has responsibility for setting up a scheme in the Metropolitan Police District and for appointing lay visitors. 38 separate panels have now been established covering all charging stations in the District, with lay visitors recruited directly from members of the local community. The size of each panel varies depending on the number of charging stations to be visited.

The schemes have largely laid to rest the rumours of wide-scale abuse of detainees by police officers. Visits are made at random and unannounced and concentrate mainly on physical conditions of detention and observance of the Codes or Practice relating to the detention of persons in police cells. Interviews are carried out only with the consent of the detainee and, again with consent, the custody record can be examined. Although lay visitors have no direct role in complaints of mistreatment, they can raise any matter of concern, including the intention of a detainee to make such a complaint, with the Custody Officer or Duty Inspector. Lay visitors also make out a written report, for the attention of the Divisional Chief Superintendent, immediately after the completion of each visit and in such a way can monitor the progress of matters of concern. Panels also normally invite senior police officers to attend panel meetings where issues can be discussed.

Access to the detainees

As a general rule, conversations between detainees and lay visitors should take place out of hearing of police officers. If, exceptionally, the police decide that the escorting officer should hear the conversation, this decision must be taken by the Duty Officer or some other senior officer at the station and an explanation given to the lay visitors.

In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen by lay visitors in order to avoid any possible risk of prejudicing an important investigation. Any decision to deny lay visitors access to a detained person can be taken only by a Chief Superintendent or Superintendent. An explanation of the reasons for refusal should be given to the visitors on each occasion and recorded in the custody record. A decision to deny access should be taken on each case in the light of all relevant circumstances. There should be no presumption that access should automatically be denied to any particular category of detainee or that because a decision has been made that a person should be held incommunicado, that access by lay visitors should be denied.

Home Office
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