



A Million Days

The world of prison discipline

Howard League for Penal Reform

Key points

- The Howard League legal team has worked with hundreds of children and young people in prison who are accused of misbehaving and face additional days in prison
- Governors have a choice in the way they deal with rule-breaking. They can manage it themselves or pay for an external adjudicator (a district judge) who has the power to impose additional days of imprisonment
- As prison conditions have deteriorated due to overcrowding and lack of staff, prisons have resorted to the use of draconian punishments in a desperate and counter-productive attempt to maintain control
- Since 2010 over a million additional days have been imposed on prisoners for breaking prison rules, which is equal to nearly 3,000 years
- Between 2010 and 2015 governors increased the number of cases they sent to external adjudicators by over 80 per cent
- In 2015 the Chief Magistrate issued new guidance to increase the number of additional days imposed for rule breaking and this has contributed to the explosion of extra imprisonment
- Additional days of imprisonment are often used to punish children and vulnerable adults, including people who are mentally ill or self-harming
- The system is capricious and unjust. Two prisoners breaking the same rule can get different punishments depending on whether they are on remand or sentenced, what type of sentence they have received or where they are detained
- The Howard League estimates the cost of additional imprisonment imposed in 2015 is £19 million, on top of the cost of running the adjudications
- The government has recognised that the disciplinary system is in need of reform.

The Howard League and adjudications

The Howard League has a well-established legal team that has worked with hundreds of children and young people in prison accused of misbehaving.

Although serious crimes committed by prisoners can still be referred to the police, any prisoner who is accused of breaking prison rules can be tried and, if proven guilty, punished through the internal disciplinary system. The hearings are called adjudications. Governors routinely place prisoners in the segregation unit, sometimes for weeks, can take away their jobs and put them on a basic level regime while they wait for adjudications.

The first hearing will always be before a prison governor who can impose a range of punishments but not extra days. Governors' punishments include removing privileges, access to work and, in the case of adults, solitary confinement.

The case can be referred to an external adjudicator. External adjudicators are district judges who have the power to impose up to 42 extra days imprisonment to be served at the end of the sentence. Prisoners are only entitled to legal representation before independent adjudicators.

Adjudications comprise the majority of calls made to the Howard League's free legal advice line for young people. Their experiences have led the charity to explore the issue of adjudications more generally across the whole prison estate.

The Ministry of Justice has recognised that the prison disciplinary system is problematic and in need of reform. The white paper, Prison Safety and Reform, published in 2016 states the Ministry of Justice will encourage governors to take a restorative approach. The paper accepts there are a number of problems with the current system, including the need for training to ensure case files are better prepared within a 'right first time' culture. The paper also notes that incentivising positive engagement with the regime may assist in dealing with the underlying causes that currently lead to adjudications

Deterioration in conditions

On average, someone takes their own life in prison every three days. The number of assaults and incidents of self-harm are the highest in a decade. In the 12 months to June 2016 there were 23,775 recorded assaults, up 34 per cent compared to the year before. Assaults in prison have increased by 61 per cent in the last five

years. Levels of self-injury have also increased dramatically. In the 12 months ending June 2016 there were 36,440 recorded incidents of self-harm. This equates to 100 per day and represents a rise of 26 per cent compared to the previous year (Ministry of Justice, 2016). Since 2010 the number of frontline prison officers in English and Welsh prisons has been cut by a third (Howard League, 2016).

As prison conditions have deteriorated due to overcrowding and lack of staff, prisons have resorted to the use of draconian punishments in a desperate but counter-productive attempt to maintain control.

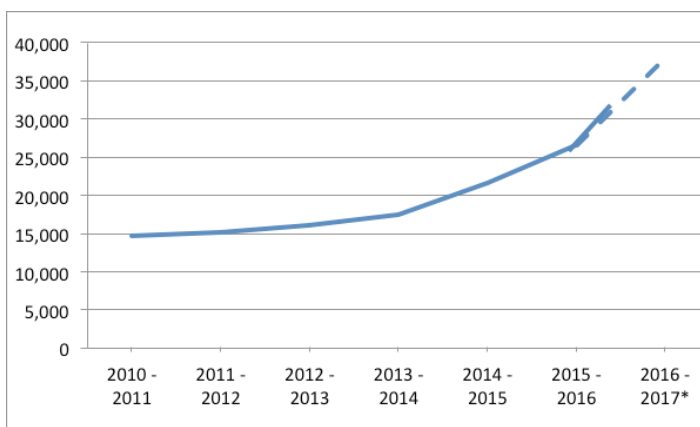
Excessive use of adjudications

The system of adjudications has bloated beyond its originally intended use, which was to punish incidents of unacceptable behaviour. Instead, in the most out-of-control prisons it has become a routinely used behaviour management technique.

The majority, some 84 per cent of adjudications, are not for violent offences. Ministry of Justice data from 2015 shows that 'disobedience or disrespect' type offences are the most frequently charged, followed by 'unauthorised transactions and possessions'.

Since 2010 the number of external adjudications has increased by 80 per cent from 14,741 in 2010/11 to 26,619 in 2016/17.

Information obtained by the Howard League shows that the number of external adjudications has increased year on year since 2010. In 2015-16 there were 26,619 external adjudications, 23 per cent higher than the year before. Projections suggest there will be 38,021 in 2016/17, a further 43 per cent increase.



* Dotted line represents projected figures based on data for the first seven months of the financial year 2016/17.

The dramatic increase in the number of external adjudications reflects a prison system in crisis.

Prison	Number of additional days given in each prison in 2014	Number of additional days given in each prison in 2015	Average prison population 2015***
Public			
Askham Grange	**	32	87
Aylesbury	9428	8413	383
Bedford	203	245	489
Belmarsh	229	240	867
Brinsford	3288	5098	386
Bristol	1738	1414	594
Brixton	1891	2620	795
Buckley Hall	111	888	446
Bullingdon	903	571	1097
Bure	81	191	622
Cardiff	1229	1683	815
Channings Wood	709	2699	720
Chelmsford	545	985	690
Coldingley	510	511	516
Cookham Wood	207	784	173
Dartmoor	1287	467	633
Deerbolt	2818	4679	360
Drake Hall	1274	1225	300
Durham	85	267	948
East Sutton Park	0	0	94
Eastwood Park	943	582	330
Elmley	2932	3160	1152
Erlestoke	694	2894	514
Everthorpe	240	*	*
Exeter	869	1136	524
Featherstone	2491	3608	677
Feltham	2163	1526	496
Ford	993	1891	512
Foston Hall	236	1420	290
Frankland	305	237	834
Full Sutton	497	423	585
Garth	354	797	795
Gartree	**	0	710
Glen Parva	2343	1726	554
Grendon/Spring Hill	**	82	529
Guys Marsh	1189	3296	564
Haverigg	0	2310	622
Hewell	1954	1613	1261
High Down	354	1036	1147
Highpoint	4366	5790	1298
Hindley	1543	2134	436
Hollesley Bay	**	10	391
Holloway	721	540	518
Holme House	969	2205	1199
Hull	84	583	995
Humber*	1137	1639	1008
Huntercombe	126	246	427
Isis	3629	2346	614
Isle of Wight	281	443	1079
Kennet	709	2260	290
Kirkham	176	1577	606

Kirklevington Grange	98	86	274
Lancaster Farms	2801	6461	535
Leeds	260	186	1189
Leicester	1247	906	340
Lewes	1698	1915	649
Leyhill	167	36	494
Lincoln	1063	425	643
Lindholme	3013	3931	990
Littlehey	1513	512	1210
Liverpool	4265	2874	1193
Long Lartin	310	311	616
Low Newton	411	653	297
Maidstone	35	49	599
Manchester	754	1397	1090
Moorland	612	575	970
Mount	2333	2441	1020
New Hall	934	1002	386
North Sea Camp	0	20	307
Norwich	1265	2044	737
Nottingham	1186	2621	1049
Onley	2075	4235	720
Pentonville	5538	5536	1297
Portland	2489	4406	486
Preston	2010	1829	707
Ranby	2531	2315	1065
Risley	408	933	1081
Rochester	7409	7317	735
Send	208	146	278
Stafford	1002	570	738
Standford Hill	85	63	456
Stocken	1633	1216	683
Stoke Heath	3693	5216	748
Styal	733	1124	471
Sudbury	1594	751	447
Swaleside	3894	4080	1108
Swansea	1584	1412	429
Swinfen Hall	3216	4024	578
Thorn Cross	14	111	339
Usk/Prescoed	0	0	499
Wakefield	368	302	722
Wandsworth	3525	4761	1593
Warren Hill	**	49	157
Wayland	2086	4044	1000
Wealstun	3358	946	807
Werrington	1054	912	114
Wetherby	517	361	278
Whatton	0	24	838
Whitemoor	107	107	447
Winchester	497	844	681
Wolds	131	*	*
Woodhill	916	562	706
Wormwood Scrubs	2615	4662	1241
Wymott	835	1304	1130
TOTAL (Public)	138,924	173,129	69,384

Prison	Number of additional days given in each prison in 2014	Number of additional days given in each prison in 2015	Average prison population 2015***
Private			
Altcourse G4S	1344	2255	1090
Ashfield Serco	**	48	391
Birmingham G4S	3767	4138	1426
Bronze field Sodexo	1058	953	491
Doncaster Serco	753	3420	1107
Dovegate Serco	1099	4012	1103
Forest Bank Sodexo	3427	5276	1434
Lowdham Grange Serco	525	1727	914
Northumberland Sodexo	4640	7661	1329
Oakwood G4S	4934	5404	1599
Parc G4S	4224	5891	1687
Peterborough Sodexo	681	907	1188
Rye Hill G4S	417	95	625
Thameside Serco	63	432	1009
TOTAL (Private)	26,932	42,219	15,393
TOTAL ALL PRISONS	165,856	215,348	84,777

*Humber was created by an amalgamation of Everthorpe and Wolds in 2014 ** Data not available *** As of June 2015

One million extra days...

Since 2010 over a million additional days have been imposed on prisoners for breaking prison rules, which is equal to nearly 3,000 years.

Extra days handed down as punishment inflate the prison population. The over-use of adjudications exacerbates the problems faced by an already bloated prison system that is creaking at the seams.

Over 215,000 extra days of imprisonment were imposed in 2015 as a result of adjudications. External adjudicators gave additional days of imprisonment as punishment on 13,000 occasions in 2015. The number of additional days imposed increased by 30 per cent in 2015 compared to 2014.

On average, across the public and private prison estate, two additional days of imprisonment were handed down per person imprisoned in 2015. The number of additional days handed down varies widely between prisons. In 2015 five prisons awarded 10 or more days of imprisonment per person. Aylesbury Prison is highest with an average of 22 additional days of imprisonment per person in 2015.

Prison	Additional days per prisoner 2015
Aylesbury	22
Brinsford	14
Lancaster Farms	12
Deerbolt	12
Rochester	10

Private prisons generally hand down more additional days per prisoner than public prisons. Of the 14 private prisons in England and Wales all but two handed out more additional days of imprisonment in 2015 compared to 2014.

Some prisons which were previously not resorting to the use of additional days have begun to award them at a high rate.

In 2015 the Chief Magistrate issued new guidance to increase the number of additional days imposed for rule breaking. This has contributed to the explosion of extra imprisonment.

While it is possible for prisoners to apply for some of their extra days to be remitted following good behaviour, the number of days remitted is unknown. If all the additional days are served, the costs of detaining prisoners serving extra days handed down in 2015 is likely to £19 million based on Ministry of Justice's average cost of imprisonment per person in 2015.

Most of the acts that are punished with additional days of imprisonment would not result in a prison sentence had they been committed in the community. This creates a sense of injustice.

Additional days for young people and vulnerable adults

Additional days of imprisonment are often used to punish young people and vulnerable adults, including people who are mentally ill or self-harming.

Children and young people (aged 15 – 24) make up only 20 per cent of the prison population, yet receive 42 per cent of all adjudications.

Aylesbury prison, which holds young adults, imposed the largest number of additional days. Almost 8,500 days of additional imprisonment were handed down at Aylesbury in 2015. The cost of serving the additional days awarded in Aylesbury in 2015 would be in excess of £1 million.

HM Inspector of prisons reported in 2015 that Aylesbury had “failings evident across all four of our healthy prison tests, but particularly in safety, respect and purposeful activity”. Failing prisons are using excessive punishment in desperation.

Arbitrary and unfair

Under the current system, two people breaking the same rule can receive different punishments depending on their status (remand or sentenced), the type of sentence and where they are placed.

Remand prisoners can only get prospective additional days, which are only served if they go on to receive a custodial sentence. People on indeterminate sentences and children serving Detention and Training Orders cannot get additional days at all. Children in non-prison establishments such as secure children's homes and the privately run secure training centres also cannot get additional days.

Case study

Peter, a 21 year old young man, was charged for possession of unauthorised items. He is deaf and did not have a fully effective hearing aid, and also has a learning difficulty. Both of these factors make communication difficult. He claimed to have been bullied or pressured into taking the items, and had reported multiple instances of bullying prior to this occasion,. This was his first adjudication and he was not informed about when the adjudication

would be taking place. The charges were eventually dismissed, as he was deemed not fit to plead, partially due to his hearing.

Case study

Daniel is 21 years old. He told officers that he could not leave the segregation unit and return to his wing from because he was being bullied.

He refused to go back to the wing three times as he continued to fear for his safety. After the third refusal, his case was sent to an external adjudicator due to the ‘seriousness of the allegations and repeated non-compliance’.

This happened three times before he was finally moved to another prison. He received an extra 18 days in total to be added to the end of his sentence.

Case study

Simon, a 21 year old, received charges relating to fighting and disobeying a lawful order. He claimed to have been intervening to stop an assault, and that the others involved had the charges dismissed at adjudication. He did not know why only he had been referred up to the Independent Adjudicator.

A full list of references is available on our website at <http://www.howardleague.org/publications-prisons/>

About the Howard League for Penal Reform

The Howard League is a national charity working for less crime, safer communities and fewer people in prison.

We campaign, research and take legal action on a wide range of issues. We work with parliament, the media, criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change.

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Registered charity
No. 251926
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ISBN 978-1-911114-11-6



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ISBN 978-1-911114-11-6

2016