

Submission to the Justice Select Committee (8 April 2020)

1. What is happening inside prisons

Evidence from our specialist legal advice line for children and from adults in prison shows:

- 1.1 Children and young adults are still spending 23 or more hours a day alone in their cells. Typically, we hear that children are getting around half an hour of fresh air a day in small groups of three or four. As one child pointed out in a YOI, the same officers were unlocking each group of children and therefore this small group method might not prevent the spread of infection. Young adults tend to report that they are having around 30 minutes out a day, but in larger groups of 20 or more. As one young adult told us: *"I don't feel safe, they [prison officers] don't wear gloves or PPE... They are the ones that are going to spread this."*
- 1.2 Other than short periods of exercise, no activities or offending behaviour interventions taking place other than education sheets under the door for some children. One child said this consisted of some sheets on Maths and English that would take him between 20 to 25 minutes a day to complete. There was no support with this work. We understand that the worksheets are basic and not tailored to the young people's learning needs or stage of education. Young adults are getting nothing at all to do.
- 1.3 Acute anxiety among young people who use inhalers. As one young adult put it: *"It's scary, there are a couple of cases on every wing. It's not safe for a person like me who's asthmatic."*
- 1.4 Young people have expressed concern about elderly relatives and parents and their inability to help them while stuck in prison. One child in a YOI said *"I'm worried because I got grandparents – I'm worried about what will and could happen to them"*. A young adult told us: *"Mainly I am worried about my family, you never know if they will catch it and I don't want to be in prison, hearing my mum is ill and I cannot do anything about it"*.
- 1.5 A shortage of soap, PPE and other hygiene/protective equipment. A young adult told us that *"they have not provided us with anything to wash hands, no cell cleaner."*
- 1.6 Several young people who are eligible for early release have not had their applications processed or accepted. In one instance, a 15-year-old child who has a supported placement to go to has been refused early release, despite unanimous support from all professionals involved.
- 1.7 We are seeing variations in young people's access to the outside world. The best practice appears to be in the children's estate where children are being given additional phone credit of around £20 a week. Young adults are generally only getting £5 extra a week.
- 1.8 Young adults being forced to share cells, including in one prison with confirmed cases of Covid-19.
- 1.9 Severe IT issues and lack of videolinks mean no contact with professionals (e.g. psychologists) and social workers. Despite the Parole Board attempting to find ways round the absence of face to face hearings, it is becoming increasingly difficult to prepare for hearings and legal action that might assist in helping young people to leave custody sooner.
- 1.10 Under the new lockdown restrictions, some prisoners are going for 10 days without a shower.
- 1.11 One 32-year-old prisoner was given a colouring book to keep him occupied for the 23 hours he was spending in his cell every day. As his partner put it: *"He gets 15 minutes on the yard a day then he's locked back up until the next day it's disgusting and was handed 6 colouring pencils and a colouring book yesterday to keep them occupied!"*
- 1.12 A man who came down with all the symptoms of coronavirus while out on temporary release from prison was required to return to prison whilst still ill and had to take public

transport in order to do so. Another prisoner who was also due to return to prison after being out on temporary release told us: *"I'm due to return to a now locked down camp where I will have no chance of self distancing or isolation I have to share a small room with another inmate and one shower and three toilets with 40 plus not to mention a canteen servery with 200."*

- 1.13 A marked decline in the quality and quantity of prison food - particularly in the supply of fresh food, fruit and vegetables. Some prisoners are reporting that they now just get one pre-packaged meal a day.
- 1.14 Multiple reports of a shortage of cleaning products and PPE. One relative told us that *"there is no disinfectant, no gloves for staff or cleaners, no hand gel and the work parties are still moving between different sections, making a mockery of lockdown and isolating any contamination."*
- 1.15 Family members have told us that they are *"worried sick"*, that the lockdown regime in prisons amounts to a *"double or triple punishment"* and *"it's a real worry for people who have family members inside. The government need to stop dragging their feet and follow what other countries have already done! Not leave it before it's too late!"*

2. Further action that must be taken

2.1 For the second time in a month, the Howard League and the Prison Reform Trust have written to the government, urging ministers to move further and faster to reduce the prison population and avoid "an intolerable human cost in terms of the lives of both staff and prisoners". Despite the government's announcement over the weekend of an end of custody temporary release scheme, we understand that this is likely to lead to a reduction in prison numbers far below the figure of 4,000 eligible prisoners that was publicised. Our joint letter warns that the response so far is "wholly inadequate" in the light of a call by the Prison Governors' Association for a reduction of 15,000 – which is understood to be in line with advice provided to the government by public health experts. The letter asks the government for more information about the process, practicalities, progress and principles underpinning its response to the pandemic.

2.2 We urge the Justice Committee to press the government to take the following urgent steps:

- Ensure that those who remain in prison receive adequate care and nourishment, enough to do in their cells, and can maintain contact with their families and professionals without compromising their health
- Identify vulnerable prisoners for compassionate release
- Publish the policy documents governing releases forthwith
- Start releasing children from prison immediately
- Provide the Justice Committee and other stakeholders with regular updates on the daily rate of releases
- Provide strong leadership to the courts to avoid the use of custodial remand at this time
- Release Category D prisoners who already qualify for temporary release
- Stop prisoners already out on temporary release from being returned to prison
- Expedite releases on home detention curfew, early release applications and applications for executive release
- Make additional resources available to support people on release from prison
- Release people without the requirement for electronic monitoring. There is no requirement for temporary releases to be on electronic tag, especially if this delays essential releases. Those who have committed the most serious offences will almost always spend periods of temporary release in the community without being tagged.