

Submission to the Justice Select Committee (2 April 2020)

The problem

1. Tragically, three people have now died and there are 73 confirmed cases of COVID-19 in prisons in England and Wales. Staff shortages due to self-isolation - reported to be at over 8000, approximately 20 per cent of the work force - are exacerbating the extremely restricted regime now running in prisons.
2. Short-staffed, overcrowded and dilapidated prisons with high churn severely limit access to healthcare and the ability of prisoners to practice social distancing. As such, they act as 'epidemiological pumps', which can drive the spread of disease. People in prison are especially vulnerable to the disease due to underlying health conditions and age. 96 per cent of people in prison are men, who are twice as likely to die if they contract the disease. Once infection takes hold and spreads in prisons, we believe that the consequences will be devastating, in terms of the numbers of people infected (prisoners and staff) and the impact of the disease in terms of fatalities. The challenges of managing this population are insurmountable and the Howard League considers that there is a moral, legal and evidential basis to support the urgent and safe release of a substantial number of prisoners to prevent serious loss of life and harm. We have written to the Secretary of State, together with the Prison Reform Trust, setting out our concerns. We have also commissioned a joint report on the situation by Professor Coker, available here <https://howardleague.org/news/howard-league-and-prison-reform-trust-call-for-further-early-release-to-protect-prisoners-staff-and-wider-public-from-coronavirus/> We urge the Justice Select Committee to press the government to take immediate action. The consequences of further delay will be felt far beyond prison walls.
3. The Howard League has heard from young people in prison¹ who are now routinely in solitary confinement spending over 23 hours a day locked up alone. One young adult told us: *'They are making everything ten times worse. They get us up at 7.45 in the morning, but you don't sleep properly anyway, your 25 minutes out of cell start from them shouting you awake, not when you get to the social room, it doesn't leave enough time for a shower and to get outside.'* We have also heard from anxious young people who use inhalers. As one young adult put it: *"It's much harder being in jail now. They think two people on my wing have the virus – they are not allowed out their cell but I am worried I will get it and I have asthma. Some people have to share cells"*.
4. We are encountering a general sense of paralysis in the community in respect of young people in prison who could in fact be released: for example, we are representing one young adult whose release was directed by the parole board

¹ We are collecting young people's experiences as they talk to us and can provide more information on request.

and who should have been released in January but remains in solitary confinement in prison because there is no place available for him in Approved Premises. Vulnerable young people are being recalled to prison without having had the warnings or alternative attempts to manage them in the community.

The solution

6. As set out in our letter of 1 April 2020 to the Secretary of State, urgent action is required now to secure the release of a substantial number of people in prison who are either vulnerable to the disease or can be safely managed in the community.
7. We published a number of measures in early March that could be taken to limit the spread of coronavirus in prisons which can be found [here](#). They do not require legislative change but can be achieved through administrative actions and enhanced guidance to judges and magistrates.

They include:

- Significantly reducing the use of remand to prison
 - Reducing the imposition of short sentences
 - Reducing recall to prison, both by probation and CRCs
 - Avoiding the imposition of additional days and remitting additional days that have been imposed
 - Making use of executive release
 - Ensuring that those who have been directed for release by the parole board are released
 - Making use of compassionate release to release the elderly, sick and vulnerable
8. In addition, extensive use of release on temporary licence should be used to ease pressure on the estate. Lots of prisoners in open conditions have already been assessed as suitable for being in the wider community. Those who have places to stay safely should be released on an extended licence immediately.
 9. Those that must remain in prison for security reasons need:
 - Proper care and nourishment
 - Increased contact with the outside world through the provision of additional access to telephone calls, including, if necessary, additional credit
 - Activities to keep them occupied

Whatever action the government takes in respect of easing the pressure, it is essential that it is done in a clear, fair and transparent way.