Main points

- Prison Rules apply to every prison but the governor may have local rules as well.
- When you break Prison Rules it is called an offence.
- You can be charged for an offence and given a punishment.
- **Prison Rule number 51** and **Young Offender Institution Rule number 55** talk about the offences.
- The Prison Rules can be difficult to understand. You may want to look them up in a book called the Prison Discipline Manual. This is also called **Prison Service Order 2000**. There should be a copy of the book on each wing and in the library.

If you do any of the things on the next pages, it means you have broken Prison Rules and committed an offence.

Behaving in a way that could offend, threaten or hurt someone else

- If you offend or hit anyone or get into a fight with anyone.
- If you offend anyone or hit them because of their race (race is things like the colour of a person’s skin and their background or culture).
- If you say anything or do anything that could upset, threaten or frighten anyone else. And if you do this because of someone’s race.
- If you keep someone away from other people, if they do not want this. For example, if you lock them up somewhere.
- If you behave in a way that could put someone else in danger or damage their health.
- If you are rude to anyone who works at the prison or young offender institution or anyone who is visiting there.
Stopping prison staff from doing their jobs

- If you stop anyone who works in the prison from getting where they need to go in the prison. For example by building a barricade to stop someone coming into your cell.
- If you stop anyone who works at the prison from doing their job.

Escaping from prison

- If you escape from prison or custody. For example, if you run away from an escort.
- If you do not come back when you have been allowed out of prison for a short time. This is called absconding.

Drugs and alcohol

- If you are ordered to have your urine tested and it shows you have taken any drug you are not allowed to take, even if you have taken it while you were out of prison for a short time.
- If you choose to drink alcohol or are found to be drunk after drinking alcohol.

Causing damage to the prison or young offender institution

- If you set fire to any part of the building or anything in it.
- If you damage or destroy any part of the building or anything in it that is not yours.
- If you put up anything on the walls or write or draw anything that could upset, threaten or frighten anyone.
- Or if you do any of these things because of anyone’s race.
Things you can and cannot have

- If you have something you should not have. For example, a mobile phone, a knife or drugs.
- If you have more of a particular thing than you are allowed to have.
- If you accept from someone who visits you something you are not allowed to have in prison. For example, drugs.
- If you sell or give something to a person that you are not allowed to have.
- If you sell or give a person something only you can have.
- If you take or steal anything that is not yours from another person or from the prison.

Being in a place in the prison you should not be

- If you leave a place you should be in.
- If you go to a place you should not go to.

Not doing what prison staff tell you to do

- If you are asked to do work and you do not do it properly or at all.
- If you do not follow an order or a rule that you should follow.
- If you break any of the prison rules or try to help someone else to.

Breaking the rules while you are out of prison for a short time

- If you break the rules if you are let out of prison for a short time. This is about Prison Rule number 9 or Young Offender Institution Rule number 5.
Breaking prison rules

When you break the prison rules it is called an offence.

What happens if you commit an offence?

1. A prison officer will tell you straight away (or within 48 hours) if they think you have committed an offence and what the offence is. They will give you a form telling you about the offence.

2. You will have to go to a hearing (also called an adjudication). This is where you and prison staff talk about the offence and what you all think happened. The hearing will be run either by the governor or by someone from outside the prison called an independent adjudicator.

3. At the hearing, you have to say whether you are guilty or not guilty of the offence.

4. The governor or the independent adjudicator will decide if you are guilty or not guilty of the offence. They will do this after listening to you and other people who know about what happened.

5. If you are found guilty, you will be given a punishment. There is a list of punishments on page 87. If you are found not guilty, nothing more will happen.
Punishments

Main points

✓ The punishments you could get are talked about in *Prison Rule 55 & 55A* and *Young Offender Rule 60 & 60A*.

✓ The punishment you get depends on how serious the offence is.

✓ The prison may get the police involved if they think the offence is serious.

✓ If you commit more than 1 offence you can be punished for each offence. The punishments may run one after the other.

✓ You may have to spend extra days in prison if the offence is serious enough.

✓ But, if you are given extra days, the number of extra days you are given for each offence must not be more than 42.

✓ Any punishment apart from a caution can be suspended for up to 6 months. This means your punishment may start if you commit another offence in that time.

✓ A governor can give you any punishment apart from extra days.

✓ An independent adjudicator (a district judge) is the only person who can give you extra days, as well as any of the other punishments.
Here is a list of punishments you could get for committing an offence

- You could get a caution.

- Your privileges (like having a TV in your cell) could be taken away from you for up to 42 days. Or up to 21 days for young offenders.

- Up to 84 days’ worth of any money you earn could be stopped. Or up to 42 days’ for young offenders. But you will get enough money to buy stamps and make phone calls to keep in touch with your family.

- You could be locked in a cell by yourself away from other prisoners for up to 35 days. Or for up to 16 days for young offenders over 18. This is called cellular confinement. You will have a check first by a doctor or nurse to make sure you are well enough to do this.

- You could be stopped from doing work with other prisoners for up to 21 days.

- If you are on remand, your privileges could be taken away.

- You could be taken away from the prison wing or living unit for 28 days. Or for up to 21 days for young offenders.

These punishments are for **young offenders only**

- You could be stopped from taking part in activities for up to 21 days.

- You could have to do 2 hours extra work a day for up to 21 days.

**Extra days**

- If the offence is serious enough, you may be given as many as 42 extra days in prison as well as any of the other punishments.

- Extra days are not part of your sentence but you will spend the extra time in prison.

- Only independent adjudicators (they are district judges) can give you extra days.
More about extra days

- If you are on remand, you will serve your extra days only if you are convicted and given a sentence.

- You will not be given extra days if you are a life sentence prisoner, an imprisonment for public protection prisoner, are a civil prisoner, or a foreign national being held in prison while your immigration is sorted out.

Prison adjudications – also called hearings

Main points

- You will have to go to a prison hearing to talk about the offence.
- The hearing will be run by either a governor or a district judge from outside the prison (called an independent adjudicator).
- The hearing will usually happen the day after prison staff tells you about the offence they think you have committed.
- You will have at least 2 hours to get ready for the hearing.
- You may be kept apart from other prisoners until you have your hearing.
- You will have a chance to say what you think happened.
- You can also get witnesses to come and talk at the hearing.
- You may be able to get some other people to help you. For example, a solicitor or someone called a McKenzie friend. See page 94.
- Speak to a prison officer or your solicitor if you do not understand what is happening or need to ask questions.
What will happen before the hearing?

- You will be put on report. This is where a prison officer will tell you what offence they think you have committed.

- The prison officer should tell you straight away (or within 48 hours) what offence they think you have committed.

- The hearing will usually happen the day after this (unless it is a Sunday or a Public Holiday).

- You will have at least 2 hours to get ready for the hearing.

You will be given 2 forms before the hearing

1. **Form 1127A.** This tells you about the offence the prison officer thinks you have committed. You **must** say if you do not understand what is written on this form.

2. **Form 1127C.** This tells you what will happen at the hearing.

   On this form you can

   - write a statement about what you think happened. Do this on the back of the form. Ask for more paper if you need it

   - write the name of any witnesses you want to come to the hearing, if you know who they are at this stage. You can say at the hearing who you want your witnesses to be if you prefer.
More about hearings

- Your may have your health checked by a doctor or nurse before the hearing to make sure you are well enough to go to the hearing.
- You may be kept apart from other prisoners until your hearing.

What to do before the hearing

- Think about what you want to say at the hearing.
- Think about whether anyone else saw what happened. They could be a witness for you at the hearing.
- It may be useful for you to look at a book called the Prison Discipline Manual before the hearing. This is also called PSO 2000. There should be a copy of it on your wing and in the prison library. Ask to see a copy of it if you cannot get to the library.
- You could ask for the hearing to be put back to a later date if you do not get to see the Prison Discipline Manual before your hearing.
- If you find it difficult to read or write, or do not understand something then ask a prison officer or your solicitor for help.

What will happen at the hearing?

1. The governor will check if
   - you have got forms 1127A and 1127C
   - you understand why you are at the hearing and what will happen
   - you have had enough time to get ready for the hearing. For example, to think about what you want to say.
   - you want any help, like legal advice or an interpreter
2. Someone will read out the charge. The charge is the offence the prison staff think you have committed.
3. You will be asked to say whether you are **guilty** or **not guilty** of the offence.
If you plead guilty

- The prison officer who put you on report will read out a statement about what happened.

- You then have to say what you think about this. For example you can ask questions.

- Say if you do not agree with what the prison officer has said. You can also ask to call witnesses if you do not agree with what the prison officer has said.

- The governor must look into anything you say you do not agree with.

- The governor may decide that the facts are right and that there is nothing more to look into. If so, he or she will ask you if you want to make a plea in mitigation. This is where you can tell the governor anything you think would make your offence look less serious.

- A member of prison staff will then read out information about how you have behaved since you came to prison. And about any hearings you have had before.

- You can then say what you think about the information they have read out.

- The governor will then tell you what your punishment is. Then you will be given a copy of a form that tells you what your punishment is. The form is called Form 256D.

- At any point, if the governor thinks your offence is serious enough for you to get extra days, they will ask an independent adjudicator to look at your case.

- You may have to wait up to 28 days to see the independent adjudicator.
If you plead not guilty, or if you are not sure how to plead

- The prison officer who put you on report will read out a statement about what they think happened.

- You can say what you think about this or ask any questions.

- The governor will ask the prison officer some questions. They may also ask to hear from some witnesses.

- You and the governor can ask the witnesses questions.

- Then you will be asked to say what you think about the charge (what prison staff think you have done) and the evidence they have given.

- You can call witnesses to speak in your defence if you want to (unless the governor thinks there is a very good reason why not).

- You, the prison officer and the governor can ask the witnesses questions.

- You will be able to say the main reasons why you think you are not guilty.

- The governor will then tell you the decision he or she has made. This is called the verdict. The governor must be very sure that you have committed the offence before he or she finds you guilty.

- If you are found guilty, the governor will tell you what your punishment is. The governor will then give you a copy of a form that tells you what your punishment is. The form is called **Form 256D**.

- At any point, if the governor thinks your offence is serious enough for you to get extra days, they will ask an independent adjudicator to look at your case.
Other help you can get at the hearing

You may be able to get these types of help at your hearing

- legal advice
- legal representation (a solicitor comes to the hearing to represent you)
- a friend or adviser to come along (this person is called a McKenzie friend). This person can come and take notes for you and give you advice. But they cannot represent you and can only talk if the governor says it is ok. Your McKenzie friend could be someone like the chaplain, a prison officer or another prisoner.

If the hearing is run by a governor

You can get legal advice. This could be by telephone, letter or at a visit with your solicitor.

You cannot get legal representation unless the governor says you can have it because of things like

- how serious the offence is and the punishment you could get
- possible questions about the law that may come up
- how much you understand about what is happening
- things that may slow the case down or cause any problems. For example, if you have had problems getting your defence ready because you have been kept apart from other prisoners.

You cannot usually have a McKenzie friend or an advisor at this type of hearing. But you may be able to have a McKenzie friend or advisor if you do not understand what is happening, the case is very difficult or the governor thinks it is fair to allow this.
If the hearing is run by an independent adjudicator (a district judge)

- You can always get legal representation (a solicitor comes to represent you).
- The governor or legal services officer can help you with any problems you have getting legal representation.

Asking for a review about the hearing or the punishment

You can

✓ Ask for a review if you think the hearing was done in the wrong way or if you think your punishment was too harsh.
✓ The governor can do something about it if he or she thinks the hearing was done in the wrong way.
✓ Apply to get extra days you were given back.

What happens if the hearing is done in the wrong way or you think the punishment you were given is too harsh?

1. If the governor thinks the hearing was done in the wrong way

If the hearing was run by a governor

- The governor can change the result of the hearing. For example, they can change the fact you were found guilty and change the punishment you were given.

If the hearing was run by an independent adjudicator (a district judge)

The governor can

- give the case back to the senior district judge to look at.
2. If you think the hearing was done in the wrong way or your punishment was too harsh.

If your hearing was run by a governor

- Ask a prisoner officer on your wing for a form called **Form ADJ1**.
- Fill in the form and send it to the governor within 6 weeks of the hearing.
- Someone called an area manager will decide about your case.
- If the area manager thinks your hearing was wrong, he or she can change the fact that you were found guilty or change the punishment.

If your hearing was run by an independent adjudicator

- Write to the governor on **plain paper** to explain why you want the result of your hearing to be looked at. Do **not** fill in Form ADJ1. You must write to the governor within 14 days of the hearing.
- Your paper will be sent to a judge called the senior district judge to look at. The judge is from Westminster Magistrates’ Court.
- The senior district judge can decide to change your punishment. But they **cannot** change the fact you were found guilty.

If you are still not happy after this

- You can ask someone called the **Prisons and Probation Ombudsman** to look at your case. This person does not work for the prison. Their job is to look at complaints by prisoners about prison life.
- You can write to the ombudsman to ask them to look at your case. Or you can ask your solicitor to do this for you.
- The ombudsman will try to sort out the situation between you and the governor first.
More about the ombudsmen

• If this does not work, the ombudsman will write a report about what they think should happen.

• You will not be able to have your hearing again. But the ombudsman can suggest that the prison changes the fact you were found guilty or the punishment you got.

Write to the ombudsman at

Prisons and Probation Ombudsman
Ashley House
2 Monck Street
LONDON
SW1P 2BQ

A judicial review

• You could ask a judge to look at your case. But this may not be allowed to happen. So it is best to make a complaint in the ways that have just been talked about first.

• If you want to ask a judge to look at your case, write to your solicitor to ask for this to happen.

Getting extra days back

• You can apply to get some of the extra days back you were given.

• You can normally apply to get up to half of the days back.

• You can apply to get the extra days back 6 months after you were last found guilty of committing an offence. Or 6 months after the last time you applied to get the extra days back.

• If you are a young offender, you can apply 4 months after.
How to apply to get extra days back

• Speak to a member of staff on your wing. The member of staff will check to see if you may be able to get the extra days back.

• You will then be asked to put something in writing to say why you think you should get your extra days back.

• A member of staff on your wing will then write a report about you and send it to the governor. They will also send information about any offences you have committed with the report.

• You will probably not get all the days back. But you may be able to apply again later to get more back.

Segregation, searching your cell and other things prison staff can do to keep the prison safe

✔ There are other things that prison staff can do to keep control of what goes on in the prison.

✔ These things cannot be used as punishments. But they can be used when necessary to stop other people being hurt and to keep the prison safe.

✔ These things are hardly ever used.
Segregation (more information in Prison Service Rule 45)

What is segregation?

- Segregation is when you are kept apart from other prisoners.
- The governor decides if you should be put on segregation or not.
- You may be kept in another part of prison called the segregation unit. You will be kept away from other prisoners. You may be kept with other prisoners who are also on segregation.
- You may not be able to work and may have to stay in your cell for longer than other prisoners.

Why would you be put on segregation?

- If you or prison staff think you are in danger. For example, you may want to be kept apart from other prisoners if you think they will hurt you because of the type of offence you committed. For example, if you committed a sexual offence. Your lawyer or the police may have given you advice about this.
- If you behave in a way that prison staff think would put other people in danger or cause problems for the rest of the prison.

How long will you be on segregation for?

- The governor can put you on segregation for up to 3 days at first.
- After that you could be put on segregation for up to 1 month. Then for up to 1 month each time after that.
- Prisoners under 21 years old can be put on segregation for up to 14 days at the most.
- After the first 3 days, the governor must check at least every 14 days to see if you should still be on segregation.
Things to think about if you want to go on segregation

✓ Going on segregation is a very serious thing to do. Think very carefully before you ask to be put on segregation.

✓ You can only go on segregation if the governor agrees it is the right thing to do.

✓ If you go on segregation, other prisoners may start thinking things about you that would make it harder for you to go back on to the wing.

Help you can get while on segregation

If you are worried about anything while on segregation, speak to a prison officer or the governor.

These people visit the segregation unit every day
• a prison officer
• the governor
• a doctor or nurse.

These people also visit the segregation unit – but not every day
• the chaplain
• someone from the Independent Monitoring Board (these are the people who check prisons to make sure they are run in a good and fair way).

Special accommodation and mechanical restraints

These things are not often used. But prison staff can use them if

° you are behaving in a violent way
° you could hurt or damage yourself, other people or the prison.
**Special accommodation** is a cell prison staff can lock you into if you are behaving in a violent way. The cell may not have any furniture in it. You will be locked in the cell until you calm down.

**Mechanical Restraints** are things that can be put on your body to stop you hurting yourself or others. A **body belt** is the type of mechanical restraint that will be used. It is a belt that goes around your waist with handcuffs attached to it.

- You will be put in a body belt if locking you in a special cell has not worked.
- You can only be put in a body belt if you are over 17 years old.
- Prison staff will check to see how you are getting on every 4 hours.
- Someone from the Independent Monitoring Board (the people who check prisons to make sure they are run in a good and fair way) will visit you within 1 day. This person will also be there where possible when prison staff check to see how you are getting on.

**Main points**

- The governor must say it is ok before prison staff lock you in a special cell or put you in a body belt.
- Prison staff must tell the healthcare team this has happened.
- A doctor or nurse will check on you as soon as possible.
- Someone from the Independent Monitoring Board (the people who check prisons to make sure they are run in a good and fair way) should visit you within 1 day.
- The Independent Monitoring Board will also check to make sure it was right for prison staff to lock you in a special cell or put you in a body belt.
- Staff will check on you often to see how you are doing. As soon as your behaviour stops being dangerous, prison staff will take you out of the special cell and / or the body belt.
**Prison Mutiny**

If you take part in a serious prison disturbance, you may be charged with *prison mutiny*.

Prison mutiny is where you and other prisoners do things to try to take over the prison and to stop the governor and other prison staff from being in charge and running the prison.

You could be charged with prison mutiny if

- staff or prisoners are hurt
- the prison is damaged
- the governor loses control of part of or all of the prison.

If you are charged with prison mutiny you could

- get a prison sentence of up to 10 years
- get a fine where you have to pay some money
- or both of these things.

**If other prisoners around you start to cause a prison mutiny**

- **do not** join in
- leave the place where it is happening
- if not, prison staff may think you were taking part in the mutiny and charge you with prison mutiny.
Searching your cell and your things

- Prison officers can search your cell and your things at any time to keep the prison safe.
- There is no rule about how often this may happen. It depends on the prison you are in or how safe prison staff think you are.

What will happen when your cell or your things are searched?

- You will get a full body search in your cell before your cell is searched.
- You will have to give anything you are not allowed to have to prison staff.
- You will be taken to another area of the prison while your cell is being searched.
- Prison staff may take things away from your cell to look at them. X-ray machines may be used to look at your things more closely.
- Staff may check your legal documents but they will not read them.

Searching you

There are 2 types of searches that prison staff can give you

1. A rub down search

This is where prison staff may

- ask you to take off your shoes and empty your pockets
- check in your mouth, nose (your nostrils), ears and hair.

- Prison staff can give you a rub down search at any time.
- Any member of prison staff, including women staff, can give you a rub down search. Tell prison staff if you do not think you should have a rub down search by a woman. For example, for religious reasons.
- A rub down search may happen before and after you move from one area of the prison to another.
2. A full body search

This is where staff may

- Search your clothing.
- Search your body. Staff could also ask you to bend over or squat so they can look to check nothing is hidden in your anal or genital area. They should not touch your body to do this.
- You will always have some clothes on during the search. Prison staff will check half of your clothing at a time and you can put these clothes back on before they check the other half.

More about a full body search

- Any prison officer, senior officer, principal officer or governor can give you a full body search.
- The search will always be done by a male member of prison staff.
- Full body searches can be done at any time. For example
  - every time you leave or come into the prison
  - just before your cell is searched
  - when you get to the segregation unit
  - after visits to friends or family or to your solicitor
  - after every visit if you are a high security category A prisoner.
- Prison staff should explain exactly what will happen before they give you a full body search.
- Full body searches should be done in a good and safe way.
- Only prison staff doing the search should normally be there while the search is happening.
How you should be treated in prison

In prison, you should be treated in the right way. If you are not, you can try to do something about it.

On the next page is information about some of the laws that are there to keep you safe, and the things the prison should be doing to make sure you are treated in the right way.

Human Rights Act 1998

- This law is about human rights. Everyone has human rights such as the right to be alive or to have a fair trial.
- If you think you have not had your human rights you can take your case to court.
- To find out more about the Human Rights Act look at a leaflet called Guide to the Human Rights Act and an information pack called The Human Rights Act. Both of these will be in the library.

Violence or bullying

- Every prisoner has the right to feel safe.
- If someone is being violent to you or bullying you, tell prison staff straight away. You can tell any member of staff in prison like prison officers, the chaplain and education staff.
- Violence and bullying are things like people hitting you or threatening you (for example, saying they are going to hurt you or do something to you).
- Staff will help you if this is happening to you.
Race equality – people from different races

- A person’s race is about lots of things like their background and culture and the colour of their skin.

- By law, prisons must make sure people from all different races are treated in a good and fair way. The governor and the senior managers are in charge of making sure this happens.

- **Prison Service Order 2800** talks about what the prison must do to make sure that people of all different races are treated in a good and fair way. There is a copy in the prison library.

- You can also read a copy of the prison’s plan about making sure people from all races are treated in a good and fair way. This is called the **Race Equality Action Plan**.

How you should be treated

The prison should make sure you

- are treated in a good and fair way

- can do things to do with your faith and culture. For example, wear clothes to do with your faith, keep religious books and follow religious events

- can eat food to do with your religion and culture

- can get information like this book in other languages if you need to or get help from a language interpreter.
What to do if you have been treated badly because of your race, or if you see this happen to someone else

- Speak to a member of staff or fill in a form called **COMP 1** or a form called a **Racist Incident Reporting Form**.

- If you do not feel able to do these things, you can ask the governor, area manager, or the chair of the Independent Monitoring Board in a more private way to look at what happened.

- Fill in a form called **COMP2 confidential access complaint form** to do this. You can put the form in a sealed envelope which will be kept private.

- If you are still not happy after this you can contact someone called the Prisons and Probation Ombudsman.

- Or you can contact an organisation called the Equality and Human Rights Commission. They give advice and help to prisoners who think they have been treated badly because of their race. You can contact them at

  The Equality & Human Rights Commission
  3 More London Riverside
  Tooley Street
  London SE1 2RG

  Telephone 0203 117 0235
Who can help you do this?

You can get help from

✓ any member of prison staff
✓ a member of staff called a race equality officer
✓ a team of staff called the Race Equality Action Team
✓ prisoner representatives. These are prisoners who go to meetings to do with race and are there to represent the views of other prisoners
✓ other staff called the anti-bullying co-ordinator or the safer prisons co-ordinator
✓ a member of the Independent Monitoring Board (the people who check prisons to make sure they are run in a good and fair way).

If you are a foreign national prisoner (this means you do not have a UK passport)

You can get help from

✓ a member of staff called a race equality officer
✓ a member of staff called a foreign national liaison officer
✓ your embassy. You could write to them to ask for help or you could ask the race equality officer or foreign national liaison officer to do this for you
✓ some addresses to write to are in the prison library. You can ask for a list called the London Diplomatic List or look at Prison Service Order 4630
✓ you can also get information, like this book, in other languages.
Disabled prisoners

A law called the Disability Discrimination Act is there to keep disabled people safe from being treated in a bad way.

The prison must follow this law. It should do what it can to make sure

- you can take part in prison life
- you are treated in a good and fair way.

There is more information in Prison Service Order 2855. There is a copy in the library.

Who can help you if you are a disabled prisoner?

✓ Your personal officer or your wing officer. Talk to them about anything you need to do with your disability. For example, if you need information given to you in another way.

✓ A member of staff called a disability liaison officer.

✓ Someone from the healthcare team.

✓ Or you could write to the governor (you will probably need to fill in a form called COMP1 to do this)

✓ Or you can get in touch with an organisation called the Equality and Human Rights Commission. They give advice and help to prisoners who think they have been treated badly because of their disability. You can contact them at

The Equality and Human Rights Commission
3 More London
Riverside
Tooley Street
London SE1 2RG

Telephone 0203 117 0235