

Unconvicted Prisoners

Who are unconvicted prisoners?

- ✓ **Unconvicted** prisoners are those who are waiting to go to court for their trial.
- ✓ Unconvicted prisoners are treated as if they are **not guilty**. This is because they have not yet been to court to be tried for their offence.
- ✓ There are some things that unconvicted prisoners can do that convicted prisoners cannot do. For example, they can still vote and can usually wear their own clothes.
- ✓ Unconvicted prisoners still have to follow most of the same rules as other prisoners.

As an unconvicted prisoner, you should get help and support to

- ask for bail
- keep your home and job
- get ready for your trial
- keep in touch with family and friends
- carry on being involved with or running a business, as long as it is legal
- get help with any problems you may have.

Asking for bail if you are an unconvicted prisoner

Asking for bail means you are asking to be released from prison while waiting for your trial.

There is more information in **Prison Service Orders 6100 and 6101**.

There is a copy of both in the library.

How to ask for bail

Main points

- ✓ You can ask the same court, or someone called the Judge in Chambers, more than once for bail, if they say no the first time. But you can only do this if you can give them a new reason why they should let you have bail.
- ✓ When you ask for bail, give all the reasons you can for why the court should let you have bail.
- ✓ If the court says no to your bail, look at the reasons why before you ask for bail again. Ask the bail information officer or the legal services officer or your solicitor if you are not sure why you did not get bail.
- ✓ You can also talk to the bail information officer if you need any help with asking for bail. There is a scheme called Clearsprings to help with housing.
- ✓ If you need any help to apply for legal assistance (money to help with the cost of legal advice or representation), speak to the legal services officer.
- ✓ You need to have an address of somewhere to live before the court will let you have bail.

Somewhere to live

- If you ask for bail, you will need to give the court an address of somewhere you can live if you are released on bail. This could be in your own home or with friends or family. (Your friends or family will have to tell the court it is ok for you to live with them first.)
- If you have nowhere to live, ask the bail information officer or legal services officer for help. They may be able to help you find somewhere to live like a hostel.

If your trial will be heard at a Magistrates' Court

You can ask for bail each time you go to the Magistrates' Court about your case. Or you can ask your solicitor to do this for you.

1. You have to fill in some forms to ask for bail. Your solicitor or the legal services officer should help you do this.
2. If the court does not give you bail, you will get a letter to explain why this is. Keep the letter as it may be useful if you want to ask for bail again.
3. If the Magistrates' Court decides not to give you bail at all, they will send you a piece of paper called a certificate to tell you this.
4. If the Magistrates' Court sends you this certificate saying they have heard all the facts, you can then send the certificate to the Crown Court to ask for bail.
5. If the Crown Court says no, you can write to someone called the Judge in Chambers at the High Court to ask for bail.

If your trial will be heard at a Crown Court

1. Write to the clerk of the Magistrates' Court that sent you for trial at the Crown Court. Or ask your solicitor to do this for you.
2. You can ask your solicitor to apply direct to the Crown Court.
3. If you do not have enough money for a solicitor and you do not have legal assistance you can ask someone called the Official Solicitor to help you. Ask the legal services officer how to do this. There is more information in **Prison Service Order 2600** about the Official Solicitor and other legal things. You can get a copy from the prison library.

If the Magistrates' Court and the Crown Court has said no to your bail

You can ask the **Judge in Chambers** at the High Court for bail.

This is how you can ask the Judge in Chambers for bail

1. Ask your solicitor to do this for you. If you are paying for a solicitor, you will have to pay them to do this for you.
2. If you do not have enough money for a solicitor or cannot get legal assistance, you can ask the Official Solicitor to ask for bail for you. You will need to fill in a form to say how much money you have. This is to show the Official Solicitor that you do not have enough money to pay for a solicitor.

If you are going to Crown Court to be sentenced

You can ask the Crown Court to give you bail. If the Crown Court does not give you bail you can ask the Judge in Chambers at the High Court.

What happens if you do get bail?

There are some rules you need to follow if you do get bail.

For example

- You must come back to the court when you are told to, unless you have a very good reason not to.
- You may have to do certain things like live at a certain address, go to a police station every day or wear a tag.
- You may have to find friends or family who agree to pay some money if you do not turn up at court. These people are called **sureties**.

If you break the rules then you may be arrested or charged with an offence. If you do not turn up at court, your family or friends who are sureties may have to pay all the money they agreed to pay, or go to prison themselves.

Sureties

- Sureties are friends or family who agree to pay some money if you are released on bail and do not turn up at court when you are told to.

How your family or friends can be sureties

If you think you may get bail while appearing at Magistrates' Court

Make sure the family or friends who agree to be sureties are at court with you. If you get bail and the court says the people are ok to be sureties, you will be released there and then.

If you get bail when you are not at court

- 1.** Your friends or family must go to the court or police station to be checked to make sure they are ok to be sureties. They will have to take some documents with them to show they could pay the money if they had to.
- 2.** Your friends or family will have to sign a document to say they agree to be sureties.
- 3.** The court or police station will then give your friends or family a document called a certificate if they think they are ok to be sureties.
- 4.** Your friends or family must take the certificate to prison before you can be released. This is to show the prison that the courts or police have said it is ok for them to be sureties.

Transport from the prison if you do get bail

- If you get bail and you have no money to travel home from the court, the staff who brought you to court can arrange for you to get something called a travel warrant. This is a ticket that allows you to travel for free to the address where you will be spending your bail.
- You can also get a travel warrant from the staff who took you to prison. Or from prison staff if you are in prison and you spoke to the court by a video link.

Getting ready to go to court

You should speak to the legal services officer in prison for help with getting ready for your trial at court and finding a solicitor.

1. Getting witnesses for your trial

- Ask your solicitor for help to get witnesses to speak at your trial.
- If you do not have a solicitor you can ask the legal services officer for help.
- The legal services officer cannot get witnesses for you. But they can help you write a letter to your friends or family asking them to try to get witnesses for you.
- You can write to the police to ask them to try to get witnesses for you. But the police cannot promise that these people will come to the trial.

2. Using a computer to help you with your legal work

- You cannot use your own personal computer for this.
- Ask the governor if you want to use a prison computer to help you with your legal work.
- The governor will arrange for you to use a prison laptop computer if they think you need one to make your trial fair.
- You will have to follow some rules if the governor does let you use a prison laptop.
- There is more information in **Prison Service Instruction 2/2001**. There is a copy in the library.

3. Your things

- Take all your personal things with you to court in case you are released. If there are still things left in prison after you are released you will have to contact the prison to arrange to pick them up.

Other things about being an unconvicted prisoner

Your health

- You do **not** have to get NHS healthcare from the healthcare staff in prison if you do not want to.
- You can get healthcare from a private doctor or dentist but you may have to pay.
- Ask the healthcare staff if you want to do this. They and the governor will usually let you do this.

Voting

You can still vote while in prison if you are

- unconvicted
- convicted but you have not been sentenced yet
- a civil prisoner who is in prison for not paying fines or not doing what the court has told them to do (this is called contempt of court)

Your name must be on a list called the **electoral register** before you can vote.

If your name is not on the electoral register already

1. You will need to fill in a form and send it to someone outside the prison called an Electoral Registration Officer. The addresses to send forms to are in **Prison Service Order 4650**. There is a copy of this in the prison library.
2. Ask your personal officer or another prison officer for the form or for more information about voting.
3. **Prison Service Order 4650** has more information about voting. It also tells you about things like postal voting (where you vote by post) or proxy voting (where someone else casts your vote for you).

Work and getting paid

- You do **not** have to work in prison if you do not want to.
- If you want to work but there is no work for you to do, you will be paid a small amount of money each week to buy the things you need.
- If you say no to work you are offered you may not get any money from the prison. And you may not be offered any more work.