

Prison Reform Trust submission on Covid-19 to the Justice Committee – 14 May 2020

What we are hearing

A temporary hiatus in receiving post into PRT has been resolved so we have had a large mailbag this week with a clearer picture of the main concerns people want to raise with us. When so few of the usual safeguards are operating as normal – inspection, IMBs, the everyday traffic of visitors and independent organisations working in prisons – we think this direct feedback from prisoners and their loved ones is more important than ever.

What it shows is that the current fragile containment of the virus in prisons is coming at a heavy price.

Multiple contacts tell of days with no more than half an hour out of cell a day – and sometimes only two or three times a week. Worryingly, even that opportunity sometimes has to be weighed up against the risks of going into an environment where social distancing and other safety precautions are not being observed or enforced.

This extract from a letter shows the impossible dilemmas that trying to implement the prison service's "compartmentalisation" approach can present to an individual in an overcrowded system:

"[I received a document that] states important advice. It states I should avoid face to face contact for 12 weeks except from officers and healthcare workers. This has not happened because we have since been told I am not forced to isolate myself. That is my choice. It says 'not to leave your cell'. But I am allowed to leave my cell if I avoid face to face contact. Yet I was placed in a cell with another person so cannot avoid face to face contact or distance myself (2 metres). I have not been visited by healthcare workers, and have to leave my cell each day to collect medication, to use the kiosk to do my menu, collect my meals, go on exercise should I choose to do so – all within close proximity of other inmates – less than 2 metres, including showering with others in close proximity.

"I cannot know if someone else is displaying symptoms, but it states don't leave your cell if they do."

Another correspondent explained the apparent lack of logic very succinctly:

"Prisoners are forbidden to mix due to social distancing, but are also being forced to two up during this crisis by the same people who have forbidden them to mix in the first place"

For some prisoners, the risks could not be higher, as extracts from this letter show:

“A has a terminal cancer of the blood...He has an NHS Shielding letter which states he should not have any face to face contact for 12 weeks from date of letter, xth April, as he is at very high risk of serious illness from Covid 19.

“PM Boris Johnson announced the social distancing measures and the 3 week lockdown on 23rd March. On xth March A was chained to a prison guard, and placed a minibus, along with another prisoner and guard 2 other guards a driver and drivers mate, and transported 2 hours from HMP...to HMP...A complete disregard for the government issued guidelines and his health condition.

“He us now in the hospital wing at HMP...One of the prison guards brought an application to A for Compassionate ROTL. As in his words, the biggest risk to A, was that the guards or nurses would bring in the virus...Tuesday xth May A received a letter from Head of Offender Management at HMP...advising that the application was not approved. She advises that governors should not progress applications for prisoners who are so close to the beginning of their sentence, that it would undermine the administration of justice or public confidence in the criminal justice system. She also advises that she is satisfied that the prison is following the recommended guidelines for public health England, and that A is appropriately shielded with the health care inpatient facility.

“Since arriving at HMP...on xth March up to xth April my husband has come into contact with some 28 nurses and 33 guards. The nurses have had to stop guards from taking him out to exercise with other prisoners. Also a guard took A and another prisoner out for exercise, and took them both down in the lift, a complete disregard for the 2m social distancing and the no face to face contact that shielding means. The guard later that day went home to self-isolate with symptoms COVID 19.

“There are new prisoners come into the prison every day, the cleaner who cleans the hospital wing is from the reception wing. No PPE is worn by either guards or nurses. 2m Social distancing is not observed amongst the guards or the nurses, and even when guards are taking prisoners out to exercise, including my husband, they cannot observe the 2m when going through doors etc.

“I have read the Ministry of Justice issued COVID 19 - Use of Compassionate ROTL and believe that sections 12, 18 and 20 apply to my husband and he could be released to prevent him from catching Covid 19, however,is personally choosing to interpret the guidelines in a much harsher way, one that could lead to my husband contracting Covid 19. The temporary release would be exactly that temporary, and he would need to go back to serve his sentence, once it is safe for him to do so.”

Up to now, prisoners have understood why exceptional restrictions have been imposed, even if there have been inconsistencies in the way that has been done. But many prisoners are now facing very long-term consequences to their future progression, and even the chances of being released in a timely way. This extract is typical of many:

“I have been given a behaviour management course to do as a target to achieve my D Cat re-categorisation. Due to the Covid 19 outbreak that target will not be possible. The PSI (instruction) states that “through no fault of his own has not been able to access a relevant programme should not mean that this source of evidence can be disregarded but rather should be taken as a lack of evidence to support downgrading to a lesser security category”. Am I entitled to achieve my D Cat review even though I cannot do the course which is meant to lower my risk to the public?”

Unsurprisingly, we are also getting letters about the extraordinarily restricted opportunities to benefit from the early temporary release scheme, including compassionate release.

What next?

The government's response to the early stages of the pandemic in prisons was secretive and, as we have now discovered, cavalier in its approach to the expert advice it received. Politics trumped science. It is crucial that the government does not behave in the same way as prisons now deal with the even more difficult issue of how to create a sustainable and humane way of life over the next 9 to 12 months.

It is wholly predictable that the reduction in new prison receptions created by a reduction in court activity will soon start to be reversed, and the government unaccountably has just foregone the opportunity to achieve a very modest benefit in terms of HDC releases by abandoning its decision (arrived at before the pandemic) to extend the period for which people could be released under this highly successful scheme. Ministers are right to take a moment to congratulate the prison service for what it has achieved so far, but must face up to the way of life that has created in prisons. Above all, they must not assume that current arrangements can be sustained with so little assistance when it comes to controlling the service's workload.

Peter Dawson

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