

Prison Reform Trust submission on Covid-19 to the Justice Committee – 16 April 2020

What we are hearing—still a need for greater transparency

The questions we are getting—many from prisoners' families—are dominated by the criteria and process for early release, and conditions in prisons.

On early release, we know that there is detailed guidance on the HMPPS intranet and that the process of identifying eligible prisoners began immediately after the minister's announcement. But that guidance has not been published so far as we are aware. If we don't have it, it's very unlikely that prisoners and their families do. This creates avoidable work and anxiety. We know the culture of secrecy is deeply ingrained, but this is surely the moment to abandon it. So, with ever mounting frustration we repeat for the third week our recommendation that **HMPPS should publish its detailed operating instructions for both prisons and probation, so that those affected can understand the detail of what should be happening, and the level of service they should expect.**

Not all queries on early release are about the new scheme (ECTR). We are also getting contacts about **compassionate release**. It is not clear whether the implications of Covid19 have been taken into account in how Governors are told to consider the use of the existing statutory power to release early on compassionate grounds. The current emergency justifies a very different approach, with the clear evidence about the heightened risk of death in congregated settings amounting to an "exceptional circumstance" that will be relevant to a large number of prisoners in vulnerable categories. One caller to our advice line said:

"My dad was sentenced for an offence over 40 years ago and poses no risk to society at the age of 82. Prisoners are sent to prison for punishment not a death sentence please could the over 70s be released as they pose no risk."

So we recommend that **Ministers publish guidance on the use of compassionate release powers during the current emergency, that recognises the need to use those powers far more widely than under normal circumstances.**

Calls and letters to our advice service show that there remains a good deal of confusion about exactly what **regime** should be delivered in some prisons- how long prisoners should be allowed out of cell, time in open air, exercise, access to phones, access to showers. We continue to receive reports of 5 minutes for phone calls and limited time for exercise. **It would be very helpful to know if the 900 additional handsets for prisons without in-cell telephony are in operation.**

Concerns are being raised regularly by family members about the mental wellbeing of people isolated. Some prisoners are certainly trying to avoid isolation by minimising potential symptoms of the virus. This is an extract from an email from a family member:

“We are extremely worried for his health and mental health while this lockdown is in place due to the Covid19. He suffers already with a high anxiety and depression order, now prison regimes have changed to 23 hours locked up he is slowly starting to become more and more worried and uncomfortable with the current situation. He has advised me that many prisoners who he mixes with daily for the 1 hour they are allowed out are showing symptoms of the virus, some worse than others. The reason this is so worrying more than it normally would is due to the fact that these prisoners are refusing to report the symptoms as they don't want to be put into isolation! Which leads to worry extremely about my partner's health.”

For longer term prisoners, their already fragile faith in the system is being undermined further by the long term impacts the crisis is having. One caller said:

“Parole has been delayed due to the current situation. Inconceivable that I have to wait until October to get a face to face Parole hearing when there is technology available to have done it on time. Instead I have to sit around in this death trap. A two year knock back has turned to a three year knock back and now to a four year knock back. Outrageous.”

Those anxieties extend to the inability to complete courses or go out on ROTL, or progress to lower security conditions. But at the other end of the scale, we are getting very worrying contacts about day to day physical conditions:

“Conditions at the prison are so bad prisoners are in their cells nearly 24 hours with no hygiene....First prison officer who tested positive to the virus was from the same prison the same location where my husband is. Now there are prisoners dying. We want our loved ones back home with us even as home arrest with 24/7 curfew at home.”

Reducing the population

We were deeply troubled by the evidence Dr Jo Farrar gave to the committee that prisoners are still being required to share cells with people who may be infectious—even in some cases where they have progressed to showing symptoms. It is obvious that Governors cannot avoid that situation so long as they must force prisoners to share cells, and the government's plans to reduce the prison population fall many thousands short of what is required to achieve that. The announcement of new single cells, largely in the open estate, offers little relief. Space in open prisons could and should have been freed up by now through early release, and would then have been available for use in other ways without these measures. **The government must go much further and faster on measures to reduce the prison population during this crisis, including early release.**

Progress—or the lack of it

There has been no progress of which we are aware on improving prisoners' access to communications. The longer this crisis continues, and it is certain to get worse in prison over the coming weeks, the more important this becomes—exactly as it is for everyone in the community outside prison. **So we repeat our call to: allow incoming calls to in-cell phones, provide generous free pin phone allowances to all prisoners, and facilitate video calls in compassionate and as many other circumstances as possible.**

We have seen no progress on accountability either. So we repeat that, **as a minimum, prisoners should be able to make free calls to a dedicated local IMB number so that an element of local external scrutiny is maintained.**

And we again urge the committee to request a weekly public update for your meeting on a suite of crucial management information drawn from existing HMPPS internal returns.

We remain hugely troubled that there appears to be a political reticence about the scale and speed of the response that is needed to prevent a death rate in prisons that will exceed the death rate in the community by a very substantial degree. Ministers risk failing in their most basic duty to prisoners and staff—to preserve life.

Peter Dawson
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