

Prison Reform Trust submission on Covid-19 to the Justice Committee – 9 April 2020

What we are hearing—a need for greater transparency

Unsurprisingly, the queries we are receiving relate overwhelmingly to the criteria and timetable for the early release arrangements announced on 4 April. But we are also picking up very different approaches in different prisons. In a few, relatively little seems to have changed, with workshops open and staff moving freely between wings. Prisoners are anxious and confused given the government's guidance to all of us to avoid unnecessary interaction. In some, Governors seem to have taken generous and sensible action to reduce hardship, with enhanced minimum income for all and greater access to private cash, for example. But elsewhere we have heard accounts of inadequate supplies of cleaning material, phone calls limited to 5 minutes, a ban on fresh fruit, a decision not to distribute letters to prisoners, and inadequate isolation measures when prisoners become ill. The crisis has provided a reminder that not all prisons have in-cell sanitation, and conditions where that remains the case are shameful.

Whilst we recognise some of this is inevitable, the scope for confusion and misinformation would be much reduced if the government would publish the detailed operational instructions that have been issued to Governors and probation managers. These are still being given a security classification, which we believe is unnecessary. Greater transparency will answer many queries, but also give organisations that want to help—whether through advice services like ours, or more direct service delivery connected to resettlement—the information they need to do so effectively. To repeat the recommendation we made in last week's briefing, **HMPPS should also 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.**

Emergency population reduction measures

Whilst we welcomed the government's announcement on 4 April, now that the detail of the Early Conditional Temporary Release (ECTR) scheme has been made available, it is abundantly clear that only a small fraction of the 4,000 prisoners supposedly in scope are actually likely to benefit. The scheme mirrors and in some respects is more restrictive than existing Home Detention Curfew (HDC) regulations, and imposes onerous requirements of both risk assessment and tagging on release that are disproportionate to the very short period by which release will actually be advanced. We also know that a substantial backlog of HDC approvals have not resulted in release because of a lack of appropriate accommodation—it seems inevitable that ECTR applications will meet the same obstacle. We doubt that more than 1,000 of the 4,000 allegedly eligible prisoners will actually be released, and many of them less than 2 months early.

We know that you have heard from the PGA that ministers were advised at an early stage in this crisis that public health considerations justified the release of 15,000 prisoners. We agree. Without action on this scale, the measures ministers refer to inside prisons—cohorting and the shielding of vulnerable people for example—cannot be made to work effectively. The reality of having to manage this crisis in a neglected and overcrowded prison estate may be uncomfortable politically, but its implications for saving lives in this crisis are obvious. They demand a much more radical and decisive approach than the government has so far taken.

Together with the Howard League we have written again to the Lord Chancellor expressing our profound anxiety and making suggestions for the elements of an approach which, even at this late stage, could avoid some of the loss of life to which his current policy will contribute. I attach that letter. **The government must go much further and faster on measures to reduce the prison population during this crisis, including early release.**

Prisoner communications

We wrote last week about the importance of boosting telephone access in the absence of visits and given the absence of prisoner-facing ICT in prisons (another aspect of our prison system which has now been exposed as anachronistic and self-defeating). None of the measures we have been suggesting for several weeks has been implemented. By way of reminder, as a minimum, ministers should:

- Allow incoming calls to in-cell phones.
- Provide generous free pin phone allowances to all prisoners.
- Facilitate video calls in compassionate and as many other circumstances as possible.

Accountability/ transparency

We are pleased that HMCIP has confirmed plans for single day announced visits following the suspension of the regular programme of inspections in March. The need for independent oversight is urgent and the results need to be made public immediately without the usual process of clearance within HMPPS. But most prisons will not get a visit from HMCIP. Day to day, prisoners need local external scrutiny to be in place. 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.**

Transparency in these extraordinary times also requires regular publication of key information that HMPPS will be gathering on a daily basis—new receptions, recalls, early releases on different grounds, self-harm and deaths not related to Covid-19, for example. **We 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.**

Leadership

We recognise the immensity of the challenges this crisis has produced, and the demands they make of those in high office. Governments of the last 30 years all

carry some responsibility for an overcrowded, physically inadequate prison estate that makes the management of this crisis even more difficult than it would be in any event. But we are 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. The evidence of the Prison Governors' Association is clear that ministers have had the expert operational, scientific and medical advice that they require, and we do not understand why they are not acting on it.

Peter Dawson
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