

Information for Unconvicted, Unsentenced and Civil prisoners

If you are an unconvicted, unsentenced or civil prisoner there are a number of ways in which you may be treated differently.

Unconvicted prisoners

You are considered to be an unconvicted prisoner if you have not yet been tried. You are therefore presumed to be innocent at this stage. This is also called being held 'on remand'.

If you are an unconvicted prisoner you have a number of special rights and privileges.

Governors must ensure that, as far as possible, unconvicted prisoners are able to:

- Buy books, newspapers, writing materials and other things you may need for hobbies.
- Relatives and friends are allowed to hand in items for cell activities and hobbies
- Carry out business activities
- Wear your own clothing, unless it is inappropriate or unsuitable.
- Take part in the Incentives and Earned Privileges scheme, entering at standard level. Movement to basic level should be based on behaviour only.
- Send and receive as many letters as you wish, including two statutory letters at public expense per week.
- Your GP and dentist can come to see you, at your own expense.
- Be separated from convicted prisoners, as far as can reasonably be done.
- Under no circumstances be required to share a cell with a convicted prisoner.
- Receive as many visits as you wish, within reasonable limits
- Not to work unless you choose to.
- Prepare for trial

These special privileges will not be allowed if there are any security concerns. You can put in a complaint if you think the prison is denying you a privilege, the prison has to give reasons why they are not allowing you to have the privilege.

Categorisation of unconvicted prisoners

If you are unconvicted you will normally be held in a local Category B prison, however you can be held in a Category C prison with the approval of the Area Manager.

Unsentenced prisoners

You are an unsentenced prisoner if you have been convicted but not yet been given your sentence.

If you are unsentenced you are treated the same as other convicted prisoners, with two exceptions.

The exceptions are:

- You have been remanded in custody for medical examination
- Your sentence has been postponed because you might be deported

In these cases, you should be treated in the same way as an unconvicted prisoner, as above.

Civil prisoners

You are a civil prisoner if you have been sent to prison for:

- Not paying child maintenance money
- Not paying fines or debts
- Not paying money you agreed to pay for someone on bail if they did not attend court
- Not doing what the court has told you to do
- Defaulting on a confiscation order

Civil prisoners are mostly treated in the same way as convicted prisoners, but there are some differences.

If you are civil prisoner:

- You may have a registered GP or dentist see you if wish to and agree to pay any expenses. There must be reasonable grounds for the request and the prison doctor must be consulted.
- You can wear your own clothes unless there are reasonable grounds for not allowing
- You do not have to work unless you want to. Those working outside the prison must wear prison clothing and those working in their cell may do so with the door unlocked.
- You can have as many visits and send as many letters as you wish, within reasonable limits
- You may be able to vote if you have been sent to prison for contempt of court or for not paying a fine.

Categorisation of civil prisoners

Civil Prisoners are treated as convicted and should be categorised, unless the sentence is very short.

Release from prison

It may not be possible for you to be released early from prison depending on the reason the court sent you there. You may have to serve the whole of your sentence. Prison staff will look at this when they work out the date you will be released.

Ask your personal officer, another prison officer or probation staff for help if:

- you are not sure if you can be released early
- you think you should be released early but prison staff have not taken this into account when working out the date you will be released.

Can I Vote?

You may be able to vote if you are:

- *Unconvicted*
- *Convicted but not yet sentenced*
- *A civil prisoner*
- *serving a default term for non-payment of a fine.*
- *committed to prison for contempt of court.*
- *in the community on home detention curfew (HDC) or released on temporary licence (ROTL)*

Prisoners on HDC and ROTL are only eligible to register to vote once they are in the community and become ineligible again upon return to prison.

There is more information in our information sheet *Voting in Prison* and in the *Restrictions on Prisoner Voting Policy Framework*

Further information

The following may be of interest to you. If you are unable to access them elsewhere feel free to contact our Advice and Information Service and we will be happy to send you a copy.

Useful PSIs and PSOs (these should be available in the library):

PSO 4600 *Unconvicted, Unsentenced and Civil Prisoners*
Restrictions on Prisoner Voting Policy Framework

Information sheets

Prison Reform Trust Information Sheet *Voting in Prison*

Contact our Advice and Information Service

We are a small service and we are independent of the prison service.

We can give you information on prison rules, life in prison and how to get help in prison.

Our freephone information line is **0808 802 0060**. This number is for **prisoners** only. This number is **free** and you do not need to put it on your PIN.

This number is open:

- Monday and Thursday afternoon from 3.30pm to 5.30pm.
- Wednesday morning from 10.30am to 12.30pm.

At other times, you can call on **0207 251 5070**. This number is open from Monday to Friday 10.00am - 5.30pm. This number is **not free** but you do not need to put it on your PIN.

You can also write to us at:

Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN

You do not need to use a stamp.