

Prison Reform Trust submission on Covid-19 to the Justice Committee – 2 April 2020

We are very grateful to the committee for this opportunity. The Prison Reform Trust is operating a reduced service, with two thirds of the team furloughed. But we are maintaining a reduced advice and information service and capacity to influence the response to the Covid-19 crisis in prisons. This submission draws on what we are hearing from prisoners and their families, and from people working within the system both locally and at the centre. There are four issues we would encourage the committee to look at urgently.

Emergency population reduction measures

Many countries have already taken steps to reduce the number of people in prison because of Covid-19. The justifications for doing so are:

- Public protection—prisons as congregated settings are certain to become highly infected and therefore risk turning into “epidemiological pumps”, driving infection in the community as both prisoners and staff return home. There is an overwhelming case to reduce that effect by **early** intervention, getting out prisoners who can safely be released so that they see out the crisis in the safer surroundings of a household in the community. This also reduces the number of people who in due course will otherwise have to be released while carrying the virus.
- Legal obligations to preserve life under both common and human rights law.
- Legal obligations to avoid discrimination (we know for example, that older people are more at risk in the prison environment).
- Crucially, improving the operating context for prison management and staff. The challenges the prison service faces utterly dwarf any previous operational crisis. It must manage a prolonged period of lockdown, while also re-organising to manage prisoners in cohorts determined by their state of health, against a background of crippling staff absence and the probability of multiple fatalities amongst both prisoners and staff. A bigger operating margin is crucial—at the simplest level it means fewer mouths to feed. But it also offers some hope of being able to implement the cohorting system and isolate sick prisoners in single rather than shared cells.
- There is of course also a simple moral obligation to reduce loss of life wherever possible.

The elements of a population reduction strategy are obvious:

1. Reduce the flow into prisons, some of which may happen naturally as court activity falls away, but which also requires:
 - Changes in charging practice (which have been made and which we welcome).

- Changes in sentencing practice, to avoid the use of custody in any case where serious harm is not at issue.
- Changes in remand arrangements, to reflect the change in sentencing criteria.
- Emergency options for bail accommodation.
- Crucially, a reduction in **recalls** to prison. We have heard worrying stories of probation staff taking decisions to recall people to prison essentially because their ability to supervise is reduced. In these exceptional circumstances, in all but the most serious cases, it should be made explicit from the centre that recall will expose the person to unreasonable risk in the prison environment and be avoided.

We would urge the committee to ask for regular policy updates and current statistics on all of these issues from the ministry.

2. The second element is self-evidently a programme of early release, whether temporary or permanent. The detail of any such scheme is likely to be complex, but should be driven by the imperative to make space in prisons and avoid the wider public health risk that arises from prisons that become heavily infected.

We are very concerned indeed that such a programme is being blocked on political grounds at the highest level of government. We note that the devolved administration in Northern Ireland has pre-emptively released just under 1 in 7 of its prison population—a text book response to the clear scientific evidence. But in England and Wales, the only response has been to consider the release of up to 50 pregnant women.

No reason has been given for this approach.

We urge the Committee to examine the scientific and medical advice that has been given to ministers, including in No. 10, and to ask for the reasons behind a continued delay in implementing an early release programme.

Prisoner communications

We and other organisations have made a number of suggestions privately to ministers about ways in which prisoner communication with families and others could be improved. This is crucial to mitigating the impact on mental health, but also to many practical issues associated with release, resettlement and accountability. So far, the only compensating measure has been the provision of 900 handsets to prisons without in-cell telephony. This essentially replaces access to landing based pin phones—welcome but not an increase in capacity. 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 know from calls and emails to our advice service that not all prisons are consistently delivering even the most basic elements of the lockdown regime. This is perhaps not surprising, but there is no systematic external way to identify where such failure is widespread or systematic. So the impact of Covid-19 on inspection and IMBs is very concerning.

As a minimum, prisoners should be able to make free calls to a dedicated local IMB number so that an element of external scrutiny is maintained.

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.

Voluntary sector help—co-ordination

Although VCS service providers are also hugely affected by Covid-19, many remain able and willing to assist in the resettlement of prisoners on release. Command and control arrangements in the community remain opaque, however, and as a result we are not aware of any detailed plan to use the resource available case by case and day by day.

We would urge the committee to ask what those arrangements are, and what steps are being taken to protect the VCS organisations that will be crucial to supporting prisoners on release in these most difficult of circumstances.

Peter Dawson
Director, Prison Reform Trust