

## EXECUTIVE SUMMARY

In May 2019, the CPT carried out a targeted follow-up visit to England to focus on the persistently high levels of violence in the adult and juvenile prison estates, as well as on broader concerns regarding regimes, the use of force, segregation and means of restraint. The visit follows up on serious concerns raised during the CPT's April 2016 periodic visit to the United Kingdom; notably, the lack of safety for inmates and staff in prisons in England, prison violence spiralling out of control, poor regimes and chronic overcrowding.

The co-operation received by the CPT's delegation from the authorities of the United Kingdom, as well as from the management and staff in the establishments visited, was excellent.

### Preliminary remarks

In the report on the 2019 visit, the CPT notes that various elements of the 2016 prison reform programme have progressed. There is now a clear acknowledgement at the highest political level that the lack of safety in prisons and the persistently high levels of violence are unacceptable and urgently need to be tackled. Concrete reforms have begun, including the recruitment of over 3,000 front-line operational staff, the improvement of violence monitoring metrics in prisons, the nomination of individual prison officers as "key workers" for inmates, the progressive roll-out of body-worn video cameras and additional and improved drug testing. Work has also begun to structurally overhaul and reconceptualise the youth justice detention framework.

Nevertheless, the ineluctable fact remains that the prison system is in deep crisis. During the 2019 visit, the CPT's delegation found that the local male prisons visited remained violent, unsafe and overcrowded, with many inmates enduring restricted and isolating regimes and/or long periods of segregation. A similar state of affairs was also found in the two young offender institutions visited.

### Male adult prisons

The CPT's delegation focussed on three forms of violence prevalent in the local male adult prisons visited (Doncaster, Liverpool and Wormwood Scrubs), namely, inter-prisoner violence, prisoner-on-staff assaults and staff-on-prisoner violence. Levels of violence - in all forms - had reached "record highs" and the CPT found that none of the establishments visited could be considered safe.

At the time of the visit, the latest available official figures suggested that there could have been a slight dip in the scale and extent of recorded *inter-prisoner violence* in English prisons. Regrettably, it has since emerged that this was not the beginning of a trend. In July 2019, the most recent official figures were of serious concern to the CPT. There were a record-breaking 34,425 recorded inter-prisoner assault incidents in the 12 months to March 2019, up 11% from the previous year; many of these were of an alarmingly severe nature and were evident at the three prisons visited. Equally, *prisoner-on-staff violence* had increased by 15% from the previous year, reaching a deplorable new record. Worryingly, serious assaults had increased significantly. In each of the three prisons visited by the CPT's delegation, there had been recent serious attacks by prisoners on staff and on other inmates, resulting in severe injuries and hospitalisation. The CPT recommends that far greater investment be made in preventing these forms of violence at the three prisons visited and across the wider prison estate. It recommends that specific measures be taken around monitoring, effective management, anti-violence interventions, staff numbers, training and accountability procedures in order to halt and reverse the high levels of violence and fully to respect the duty of care owed by the authorities to all persons living and working within prisons.

Lastly, a new and deeply concerning finding was the infliction of unjustified *violence by staff on prisoners* in two of the three prisons visited, namely Liverpool and Wormwood Scrubs. Of utmost concern was the evolution of an informal practice of “preventive strikes” (i.e., “preventively” punching compliant prisoners whom staff perceived might, at some point in the future, become a threat). The CPT recommends that the United Kingdom authorities explicitly prohibit the reprehensible practice of “preventive strikes” by prison officers on inmates and, more generally, undertake a proper investigation into all allegations of ill-treatment and ensure that prison staff understand why ill-treatment is unlawful and will result in severe disciplinary sanctions or criminal prosecution.

The lack of safety in prisons appears to have generated a climate of fear, where staff and inmates justifiably feel at risk of violence. As counter measures, the authorities had established, *inter alia*, violence monitoring metrics, senior leadership support programmes and various anti-violence initiatives. However, violence levels remained persistently high and were gradually increasing. Hence, the CPT’s delegation focused on the operation in practice of safeguards and systems designed to hold staff to account, including: complaints processes, use of force recording and reporting, internal investigations and their interface with the criminal law. The CPT’s delegation found that many accountability procedures remained underdeveloped, including the existing reporting procedures, oversight and governance systems to monitor and tackle violence by staff. Notably, the complaints’ system needs to be reviewed and reformed to ensure its procedural effectiveness, fairness and transparency. The shortcomings in the formal recording processes of violent incidents at Liverpool and Wormwood Scrubs Prisons should be remedied and the quality of use of force recording enhanced. The quality of internal prison investigations should also be improved, and the current instructions on the use of Body Worn Video Cameras (BWVCs) bolstered to make the use of this technology mandatory during every interaction involving the use of force by prison staff on inmates.

Prisoner aggression or violence towards staff had risen considerably since 2016 and the stress of the threat of such violence was tangible in the establishments visited by the CPT’s delegation, albeit to differing degrees. Many staff were working under immense pressure, in challenging circumstances. Notwithstanding a recruitment drive to engage 3,000 new prison officers since 2016, the retention rate remained an issue of concern. Despite clear efforts made to recruit, deploy and retain new operational custodial staff in each of the three prisons visited, the actual numbers of staff in direct contact with prisoners in accommodation areas had not changed significantly since 2016. The CPT recommends that the UK authorities bolster the retention of newly-recruited and freshly-trained front-line custodial staff, including through extending the initial training and providing regular refresher courses and adequate psychological support and remuneration. At all three prisons visited, an adequate allocation of experienced staff numbers should be ensured to boost safety on the wings and staff must be provided with the requisite skills to challenge unlawful behaviour and help prisoners in crisis.

As for the conditions of detention and prisoners’ regime, notwithstanding work underway at the time of the visit, the CPT recommends that deep-cleaning and refurbishment be carried out on an ongoing basis at both Liverpool and Wormwood Scrubs Prisons. That said, more generally, the CPT agrees with the recent findings by the House of Commons Justice Committee that constantly ploughing money into Victorian-era prisons for an ever-increasing prison population does not constitute smart justice. At the same time, the CPT reiterates its warning of the risks of investing in very large prisons and instead recommends that consideration be given to investing in smaller community-facing prisons. Turning to regimes, while there have been improvements in the out-of-cell time for employed prisoners at each prison visited, inmates who were unemployed were spending 21 to 23 hours confined to their cells every day and the CPT recommends that they be offered much more out-of-cell time (i.e. at least eight hours per day), along with a range of purposeful activities. Further, the CPT reiterates that all prisoners be offered a minimum of one hour of outside exercise every day.

The CPT's delegation found that the disciplinary procedures in the prisons visited were generally fair. However, it had a number of concerns over segregation of prisoners for long periods of time (22 or more hours or more per day in-cell) for security or good order reasons. To address the harm caused by prolonged solitary confinement, the CPT considers that prisoners held in segregation units for longer than two weeks should be offered structured purposeful out-of-cell activities and meaningful human contact for at least two hours every day with staff and/or other risk-assessed prisoners. Further, a psycho-social support system should be established in each prison to assist prisoners held in segregation units for prolonged periods to transition back into ordinary accommodation units.

The CPT's delegation found that some aspects of the health-care provision in the prisons visited functioned adequately, such as the screening of new arrivals by nurses. However, other aspects need to be strengthened, including providing additional GPs at Doncaster and Wormwood Scrubs Prisons, better documentation of injuries, and improving medical confidentiality. In the three prisons visited, high numbers of prisoners suffered from mental health disorders and a considerable number of prisoners had self-harmed, some severely, in the past year. The CPT's delegation met several persons suffering from severe mental health disorders who were being held in a segregation unit rather than being treated in an appropriate hospital environment. It also noted delays in transfers to hospitals and shortcomings in the ACCT (self-harm prevention) procedure. The CPT recommends that a series of measures be taken to ensure that the self-harm and suicide prevention strategies in prisons are made more effective. Equally, the alarmingly high levels of substance use in prisons were of deep concern to the CPT, with drug-taking omnipresent in the establishments visited. The CPT recommends that additional resources be allocated to ensuring that the 2019 Prisons Drugs Strategy is more effectively implemented in all prisons in England and Wales. Further, the Drugs Strategy should be complemented by other measures, such as ensuring adequate ratios of properly trained staff who are empowered to systematically identify and challenge drug use by prisoners, the establishment of drug free units and a full regime of purposeful activities for prisoners.

The CPT's 2019 visit findings reinforce sustained criticism by civil society, Parliamentary Committees and Her Majesty's Inspector of Prisons regarding the overall lack of safety of the male adult prison estate. The CPT recognises that the measures taken by the authorities to date, as outlined in the report, represent a positive start but they remain insufficient to address the root causes of the current prison crisis. Deeper, more comprehensive, effective and adequately financed reforms that are sustainable in the long term are still urgently required.

## **Juvenile detention**

The CPT's delegation examined the conditions of detention of young persons placed in two of the three types of establishments which make up the youth secure estate in England and Wales, namely Feltham A and Cookham Wood Young Offenders Institutions (YOI) and Rainsbrook Secure Training Centre (STC).

In all the establishments visited, the situation had become increasingly insecure over recent years, and this reflected a general increase of violence recorded throughout the youth estate between 2016 and 2019. Assaults both on staff members and on other young persons had risen by 10% at Cookham Wood and had more than doubled at Feltham A and at Rainsbrook. This state of affairs was generally acknowledged, with violent episodes monitored and trends analysed; however, to date, efforts to contain and reduce levels of violence had not yielded significant results. The CPT delegation's assessment was that, in the establishments visited, episodes of violence were being tackled by a very frequent resort to the use of force and restrictions on the movements of the young persons which, in the case of the YOIs, came at the expense of an acceptable regime for juveniles.

Breaking this cycle requires inter alia radically reducing the number of young persons held on each unit. Further, the management of passive non-compliance where there is no threat of violence or harm to self or others should be reviewed to avoid young persons being subjected to forceful restraint measures as observed by the CPT's delegation.

Despite the rolling out of a policy aiming to minimise physical restraint (MMPR), resort to physical force was widespread in all three institutions visited. In all three, allegations of use of excessive force had been recorded and referred to investigating bodies. An examination of the relevant documentation revealed a number of gaps in the procedural safeguards surrounding the use of force, and investigations were often inconclusive due to lack of evidence; a situation requiring immediate remedial measures, including the more systematic use of body-worn cameras. On some occasions, custodial officers had resorted to (lawful) pain-inducing techniques in order to control young persons. On that point the CPT recalls that such techniques should be abolished in law and practice in line with the opinion of the UK Parliament's Joint Committee on Human Rights, based on medical evidence they inflict physical distress and psychological harm in the short and longer term.

Another guiding principle for managing violence (both for preventing it and addressing it) was to limit interactions between young persons who were identified as potential rivals or who had been involved in violent incidents. At Rainsbrook STC, this could be handled without impacting the entire group of young persons, as both the population and unit size were considerably smaller and staff resources sufficient to adequately support individuals, including those who needed to be temporarily separated from the mainstream population. Further, young persons accommodated in STCs could not be legally isolated for more than short periods of time and alternatives were found. By contrast, in the YOIs, "mixing issues" had become perhaps the determining element in organising life within the institutions, creating severe dysfunctionalities. Large-size units, low ratios of staff to young persons, combined with an impractical infrastructure rendered it impossible to meet everyone's (most basic) needs. Young persons who were separated or segregated from the rest of the population were most often deprived of activities, subject to a very impoverished regime, sometimes akin to solitary confinement, and for prolonged periods. This remained true despite real efforts developed to cater for the most complex individuals and provide them with enhanced support in special-needs units. But even the young persons who were not directly affected by mixing or other security-related restrictions benefited only from a curtailed regime; their access to education, sports or health care being severely restricted. Significantly, during weekends, all the young persons in the YOIs were left idle and locked up for the most part of the day.

The regime implemented at Rainsbrook STC was much more favourable; young persons were out of their rooms and associated with others throughout the day. However, the CPT's delegation found once again that in all the juvenile establishments visited entitlements to outdoor exercise were totally insufficient, with only half an hour per day offered. The CPT considers that this should be increased to two hours per day.

The CPT delegation's findings - that part of the youth secure estate does not ensure safe custody nor, as regards the YOIs, provide a decent regime - calls for a rethink of the way in which juvenile detention is delivered. To this end, the information provided by the Ministry of Justice and Youth Custody Service regarding a new approach towards juvenile detention, based upon a socio-educative model of secure schools, is welcome. Indeed, the CPT considers that smaller institutions with a socio-educative welfare approach are better suited to respond to the complex needs of juveniles in custody. The CPT delegation's findings, particularly those concerning the YOIs visited, where the levels of violence were alarmingly high, make it more imperative than ever to promote an alternative approach along the lines advocated by the CPT.

Nevertheless, a number of questions remain unanswered to date regarding the rolling out of the new model secure school and the future of the youth secure estate, such as the staffing ratio; the profile of the staff; the size of living units and the timetable. At the same time, it is clear that departing from the current system of juvenile detention, notably the YOIs, will require considerable investment and a new conceptual approach which cannot be implemented overnight. In the meantime, urgent measures are needed, especially in respect of YOIs, to bring down the levels of violence, to create a safe environment and to offer young persons a meaningful regime and support for re-entering the community. To this end, the report lays out a series of recommendations to improve the living conditions and regime, enhance the standard of health care, promote better contacts with the outside world and ensure that enhanced support units are fit for purpose. In addition, the CPT reiterates the importance of ensuring that YOIs have sufficient staffing numbers, that their initial and on-going training is extended and that they are provided with adequate psychological support and remuneration.