

Our Prison System isn't Creaking; its Croaked.

As I sit down to write this Editorial it is 9th April 2018 and the Independent Monitoring Board (IMB) at the public sector HM Prison and Young Offender Institution (HMP/YOI) Isis in London, has today published their 2017 Annual Report¹ – in which they pulled no punches:

“... 2017 has been dominated by staff shortages across the prison, particularly at Band 3 prison officer level. Many aspects of the “temporary” restricted regime introduced in September 2013 are still in place four and a half years later, despite repeated assurances from respective Ministers that the staffing situation is being addressed.

“This same concern was included in the Board’s 2016 Annual Report, following which the Board wrote to the Prisons’ Minister in September 2017, reporting that available staff numbers had dropped even further by almost 10% since the start of 2017. The claims of 2,500 additional staff across the prison estate appeared meaningless...”

The Isis Board laid bare the consequences:

- High levels of violence - incidents of assaults on prisoners up by over 40% and assaults on staff up by 20% from 2016 figures. The nature of the violence is more targeted with drugs, debts and gang-related bullying frequently behind assaults.
- Drug usage remains high with Spice appearing to be the “drug of choice” and an increasing use of cannabis. In late 2017 there were between 30 and 50 instances each month of drug use with many prisoners requiring medical attention and drug debts increasing.
- Time out of cell - prisoners are locked in their cells for too many hours, with no evening association and periods of between 25 hours and 28 hours locked in cells on weekends, contributing to poor attendance at education and training. Attendance is typically 100 of the 600 prisoners....”

The Report also details what the Isis Board feels are unlawful operations at the prison:

“Every second weekend, prisoners in one house block are locked in their cells for between 25 and 28 hours. Over the Christmas period this “weekend regime” was implemented continuously over a 10-day period.

“The Board believes this contravenes the Mandela Rules on segregating prisoners and the UN OPCAT protocols... we are also concerned that many aspects of the “restricted regime” have now become regarded as the norm.... Repeated requests made by the Board in earlier Annual Reports and in letters to the Minister asking that this situation be rectified have been largely ignored.”

It speaks volumes that this report warranted little media coverage today, indeed hardly anyone batted an eyelid at the desperate language used by the Board, or the fact that their continual pleas for help seemingly fell on deaf Ministerial ears.

After more than 20 years as the editor of The Prisons Handbook there are not many revelations about today’s prison system that

genuinely shock me – but the huge number of prisons that have been independently assessed as having fallen off the safety ‘cliff-edge’ in the last 12 months must count as among the worst I can ever recall.

And the Isis IMB Report today is just one more tragic example of a prison system that is not so much creaking, as one that has finally croaked.

The evidence is as compelling as it is damning.

On 25th January 2018 the Ministry of Justice published its latest Safer Custody Statistics, showing that in the 12 months to September 2017²:

- Self-harm in prisons reached a record high of 42,837 incidents, up 12 per cent from the previous year.
- Assaults also reached a record high of 28,165, up 12 per cent from the previous year. Of these, 3,726 were serious assaults, up 10% - and in the most recent quarter alone, assaults increased by 10% to a new record high of 7,810.
- There were 20,346 prisoner-on-prisoner assaults, up 9%, and of these 15% were serious, up 11% from the previous year. Prisoner-on-prisoner assaults saw a 10% increase in the latest quarter alone.
- There were 7,828 assaults on staff, up 22% from the previous year, and serious assaults on staff reached 787 an increase of 3% on the previous period. Assaults on staff increased by 11 per cent in the latest quarter, reaching a new quarterly record high of 2,225 incidents.

On the same date in January 2018 that the Ministry of Justice published its Safer Custody Statistics, they also published their quarterly Offender Management Statistics for the quarter to 31st December 2017³.

These showed that in the three months to December 2017, a total of 35,567 people were sent to prison, of which 21,335 were first receptions.

An input rate that, on current staffing and resource levels, is utterly unsustainable.

In 2017 a total of 276 people died in our prisons in England and Wales⁴, 70 reaching such depths of despair that they chose to take their own lives rather than face the anguish of one more day - and four have been murdered in the last 12 months.

In just the first three months of 2018 there have already been 19 suicides in our prisons.

More than 21,000 of those released from prison were recalled back to prison custody in 2017⁵, all of whom had to be the subject of a hearing before the already over-burdened and under-funded Parole Board whose own lamentable failures were brought to light in the land-mark judicial review last month involving a notorious offender whose release they had ordered but which was quashed by the courts⁶.

Additionally, there were almost 2,600 fires⁷ – that’s almost 50 blazes a week – and the

specialist National Tactical Response Group (NTRG) – an elite group of specially trained prison ‘Tornado’ riot teams - were called out nearly 600 times to deal with everything from riots, to roof-top protests, and hostage-takings⁸.

The wide-spread use of illicit drugs in prisons, especially the mind-bending use of new psychoactive substances (NPS) such as Spice and Mamba has largely contributed in emergency ambulances being called out to prisons with frightening regularity - according to the Chief Inspector of Prisons in one 2016 report, incidents involving NPS at HMP Wealstun, a Category C prison near Wetherby in West Yorkshire, resulted in the prison having to deal with “so many health emergencies caused by the use of new psychoactive substances that basically all the available ambulances in the community on one occasion were at the prison dealing with prisoners.”⁹

For both prisoners and staff, our jails have become less safe over the last three years than at any time since records began – with more self-inflicted deaths, self-harm, murders and assaults than ever before.

Frontline staff numbers are down by around 7,000 since 2011. Those staff who grabbed with both hands the generous redundancy ‘Voluntary Early Departure Scheme’ (VEDS) package offered by the then Justice Secretary Chris Grayling (an offer which when coupled to a promise to end ‘market testing’ successfully bought off opposition to the staff cuts from the Prison Officers Association) resulted in a haemorrhaging of vitally important custodial skills experience that will take a decade or more to recover from.

Admittedly there has been some good news too - in late April 2018 the Ministry of Justice confirmed that, since October 2016, a total of 3,111 prison officers had been recruited, and following a change to the procedures for the granting of Home Detention Curfew (HDC) in February 2018, there has been a reduction of around 1,000 in the prison population; but events that buck the trend are often exactly that, and very short-lived.

Around a third of new recruit prison officers leave within the first two years, the net gain last year was just 75 officers according to the President of the Prison Governors Association in August 2017¹⁰. And with a reconviction rate among adults males of around 46% the recent tweaking of HDC that saw a thousand prisoners released, means the reality is that some will already be back in prison, with others inevitably heading their way.

It may sound unduly pessimistic but that is the picture painted, based on hard statistical facts, and confirmed repeatedly in independent reports from the Prisons Inspectorate and Independent Monitoring Boards.

It is not just the shortage of staff, the abundance of prisoners, the drug-fuelled, grossly

violent, unsafe and ramshackle state of our prisons that are a problem either, it is that these grave issues are themselves then exacerbated by the crumbling physical fabric of many older Victorian jails that are today holding numbers they were never designed to house, and being constantly resuscitated as they try to live a little longer in eras they were never intended to see.

The IMB Report from HMP/YOI Isis published today is not an isolated example of a failing system, it’s the tip of a huge iceberg - three recent reports from HM Inspectorate of Prisons (HMIP) make the point forcefully.

In August 2017 the HMIP Report on HMYOI Aylesbury¹¹ revealed a young offender institution spiralling dangerously out of control where, between October 2016 and March 2017, there had been 170 assaults, more than 30 of which had been serious with multiple assailants attacking a single victim, there had been 59 drug finds and 226 discoveries of illegal mobile phones.

HMIP pointed out that of the 74 recommendations the Inspectorate had made at HMYOI Aylesbury when it last visited the Institution in 2015, just 14 of those vital recommendations had by this 2017 inspection been achieved (19 per cent). Matters had deteriorated and the living conditions in many residential units were poor and the most basic standards of decency were not being achieved.

At Aylesbury the Chief Inspector said: “We found a combination of volatile and frustrated young people, too few staff and many who were inexperienced, and prisoners locked up for long periods with no activity and too little sentence progression.

“These factors led inexorably to some poor outcomes and, in particular, safety was a major concern.”

And this was written about a prison sitting slap-bang in the middle of the then Justice Secretary’s own political Constituency. Two months later (in what can only have been achieved by highly skilled and persistent negotiations) the Chief Inspector of Prisons persuaded the Justice Secretary to sign an ‘Urgent Notification Protocol’ by which HMIP could, for jails where conditions were so bad that lives were actually at risk, publicly issue the Justice Secretary with an ‘Urgent Notification’ demanding from him both action within 28 days, and a public response.

It was just eight weeks later that the first ‘Urgent Notification’ was issued, in respect of HMP Nottingham¹². When Inspectors visited HMP Nottingham in January 2018 – the third inspection in a little over three years - Inspectors found exactly the same serious failures in safety that were identified at previous Inspections but where action had not been taken - despite an action plan being agreed.

Between the 2016 and 2018 inspections, levels of self-harm had risen “very

significantly” and eight prisoners were believed to have taken their own lives. There were high levels of drugs, violence and assaults and use of force by staff.

In the Urgent Notification the Chief Inspector said: “Inspection findings at HMP Nottingham tell a story of dramatic decline.

“The principal reason I have decided to issue an Urgent Notification...is because for the third time in a row HMI Prisons has found [Nottingham] prison to be fundamentally unsafe.

“Irrefutable evidence of the failure to respond to HMI Prisons’ inspection findings at Nottingham can be seen not only in the gradings given as a result of the latest inspection, but also in the progress made in implementing previous recommendations.”

Only two of the 13 “crucial” recommendations on safety made in 2016 were fully achieved.

Mr Clarke added: “As the last two inspections at Nottingham have been announced in advance, to give the prison the opportunity to focus on the areas where improvement was urgently needed...it is extraordinary that there has not been a more robust response.

“An action plan was drawn up to guide the implementation of recommendations, but has obviously not received consistent focused attention nor close monitoring from HM Prison and Probation Service (HMPPS) senior leadership.

“It appears that the problems at Nottingham are intractable and that staff there are unable to improve safety despite the fact that this failing increases the vulnerability both of those who are held in the prison and of those who work there.”

Aside from safety, Nottingham was also assessed as “not sufficiently good” – the second lowest grade – for the other three HMPPS ‘Healthy Prison’ tests; respect, purposeful activity for prisoners, and resettlement release preparation work.

Although HMP Nottingham did not suffer from staff shortages, Mr Clarke noted, “more than half the staff had less than one year’s experience and this clearly showed in their dealings with prisoners.

“Work was being done to support staff but it was not yet embedded or effecting sufficient improvement. This lack of experience extended to managers, some of whom were temporarily promoted and new to Nottingham. However, the leadership team was enthusiastic, committed and well intentioned.”

Mr Clarke concluded: “HMI Prisons has a clear view that a lack of continuity amongst governors at Nottingham in recent years has not been beneficial, and that yet more change at senior level is not the answer to lifting the prison out of its current dangerous state. It seems to us that managers and staff at Nottingham are doing their best but need urgent support from HMPPS

to build up competence, capability and resilience.

“It would be a mistake simply to rely on the fact that there are now more staff at HMP Nottingham to deliver improvement. There needs to be an unwavering focus on making the prison safe and insisting that basic procedures that enhance safety for prisoners and staff alike are followed. If this does not happen, further tragedies and unacceptably high levels of violence will continue to blight Nottingham.”

Strong words that should have hit home - but just 24 hours later, in yet another withering inspection report, the Chief Inspector declared that HMP Liverpool had some of the worst conditions that the Inspectorate had ever found in its almost 40-year history¹³.

A shamefully harrowing description by the Chief Inspector of one prisoner’s experience at HMP Liverpool brings into sharp focus the reality of the brutal levels of degrading treatment experienced there.

“Some of the most concerning findings were around the squalid living conditions endured by many prisoners... I found a prisoner who had complex mental health needs being held in a cell that had no furniture other than a bed. The windows of both the cell and the toilet recess were broken, the light fitting in his toilet was broken with wires exposed, the lavatory was filthy and appeared to be blocked, his sink was leaking and the cell was dark and damp.

“Extraordinarily, this man had apparently been held in this condition for some weeks.

“The inspectors had brought this prisoner’s circumstances to the attention of the prison, and it should not have needed my personal intervention for this man to be moved from such appalling conditions.”

The Liverpool report says many of the 1,155 prisoners had to endure squalid living conditions with rats, cockroaches, damp, dirt, hundreds of broken windows with jagged glass in the frames and filthy or leaking toilets.

Inspectors also reported seeing rats in rubbish piles.

The chief inspector says he was told by a senior member of staff that the rat-infested piles of rubbish had not been cleared by prisoners working as cleaning orderlies because they presented a health and safety risk.

“It was so bad that external contractors were to be brought in to deal with it. In other words, this part of the jail had become so dirty, infested and hazardous to health that it could not be cleaned.”

The chief inspector revealed the prison also had a backlog of about 2,000 maintenance tasks.

“It is hard to understand how the leadership of the prison could have allowed the situation to deteriorate to this extent ... the inspection team was highly experienced and could not recall having seen worse living conditions than those at HMP Liverpool,” said Clarke.

“We could see no credible plan to address these basic issues. On the contrary, the presence of inspectors seemed to provoke some piecemeal and superficial attempts at cleaning and the like, but the fear was that this would stop as soon as we left, which is clearly what happened after the last inspection.”

If these words had been plucked from a report on the 19th century Bedlam Mental Hospital, people would have said ‘yes that sounds about right’ – but to have them describe a situation in 2018, inside a 21st century English prison is an outrage to decency, and an indictment against governments of all political persuasions.

People are already looking around for scapegoats, asking where the blame for this catastrophic state of Dickensian affairs actually resides, and the Chief Inspector Peter Clarke, a former head of the Metropolitan police counter-terrorism command, makes no bones about the fact that for him responsibility rests with the national leadership of the prison service itself; a view I respect, but it is also one that I profoundly disagree with.

In the HMIP report on HMP Liverpool the Chief Inspector wrote:

“We saw clear evidence that local prison managers had sought help from regional and national management to improve conditions they knew to be unacceptable long before our arrival, but the resulting support was inadequate and had made little impact on outcomes for prisoners.... There has been an abject failure of HMP Liverpool to offer a safe, decent and purposeful environment”.

I understand the desire to point the finger of blame, but I do not believe that blame is a very helpful concept in this area, and in any event wherever responsibility for it lays it should not be sloped onto the shoulders of national prison management who have tried their level-best to keep going – despite existing in an environment where it has been starved of resources, has had to make savage cuts not only to individual establishments at a local level but also to the support staff and services sitting between establishments and headquarters too.

Is it any wonder that the ‘beyond-establishment’ support sought by HMP Liverpool was not forthcoming, when the simple truth is that budget cuts have meant those support staff were no longer there in anything like the numbers the situation requires?

With four Justice Secretary’s in four years, endless reorganisations, almost a billion wiped off budgets, abrupt changes of policy from the brutally austere Chris Grayling to the refreshingly reforming Michael Gove, it is no wonder the prison system is in a mess – it is depleted of resources and disorientated by policy changes and reorganisations, it doesn’t know where to turn next.

Those people who operate our

Dickensian prison system today are Managers – but they are not Magicians, and Government needs to remember that.

Instead of head-hunting for culprits I prefer instead to focus on four simple but positive questions:

- where are we now;
- how on earth did we get here;
- where are we going and;
- what is that going to cost?

Where are we now?

We already know where we are, the abundance of evidence is frightening as I have set out earlier in this editorial.

How on earth did we get here?

For this I urge you to read the brilliant article preceding this editorial (“*The Prisons Crisis: How did we get here – and what should we do about it?*”) written by the former Director General of the Prison Service, Phil Wheatley.

His extensive personal and professional knowledge and clear evidence shows it is due to governments in the last six or seven years trying to operate a modern, safe, reforming prison system with a handful of staff, a plethora of prisoners, and on what is effectively tuppence ha’penny.

Warning signs are crucial – and we see now how we ignore them at our peril.

Independent Monitoring Boards across the country, whose members are in an out of prisons almost every day of the week, have been warning Ministers for years about the dreadful reality of life at prison Ground Zero – and they have been constantly laughed off and ignored.

They must be laughed at and ignored no longer.

As Members of the National Preventive Mechanism¹⁴ it is time now for IMBs to have exactly the same access to an ‘Urgent Notification Protocol’ that the Prisons Inspectorate signed with the Justice Secretary in 2017; so their important voices can no longer be ignored and I wrote to the new National Chair of IMBs – Dame Anne Owers - inviting her to do exactly that. She responded positively in principle, saying that she would look at it but, and I may be wrong, my gut feeling is that what seems like an obvious route to real progress will not get off the ground. Time will tell.

Where are we going?

To answer this we need a brutally honest conversation – an independent inquiry that we have never had before into exactly what we want our prison system to deliver in terms of punishment, deterrence, safety, rehabilitation, reducing reoffending, victim care and value for money.

Once we have decided what we want the prison system to do, what we want it to actually deliver based on the evidence of what works, then we need to resource it to do exactly that – and then politicians need to leave it well alone to get on with the job.

What will it cost?

I haven't got a clue, it depends on the destination model – but I do know this: reoffending costs £15billion a year¹⁵.

If by investing just ten per cent of that back into the system so that prison actually does the job it is meant to do, that it punishes the offender, that it deters others, that it is safe for those who live and work within it, and it rehabilitates in order to prevent the *next* victim of crime having to suffer the same horrors that the last one did, then that is a price I say has to be worth paying in everyone's best interest.

If we don't act now then, a century from now, our own descendants will look back on our prisons of today and they will do so with exactly the same degree of incredulity and horror that I feel, about those 'Bedlams' into which my great-grandparents (and probably yours as well) tossed their mad, sad and bad.

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Editor: The Prisons Handbook.

Chiang Mai, Thailand.

9th April 2018.

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