



‘A Prison within a Prison’

Independent Monitoring Boards

*Summary of the conditions reported in Segregation
Units in Prisons in England and Wales*

July 2009

A PRISON WITHIN A PRISON
A Summary of Independent Monitoring Boards' Annual Reports
Received January – March 2009 into the Use of Segregated Conditions
in Prisons in England and Wales

Executive Summary:
Conclusions and Recommendations

- It is of grave concern that Boards are not always being informed of prisoners' initial admission to the segregation unit. It is a mandatory requirement that prisons inform the IMB of an admission to segregation within 24 hours. This omission is inexcusable and must be rectified.
- Three Boards commented on the absence of a representative of Healthcare from Reviews. This is a mandatory requirement.
- Mental health is a long standing issue and remains a serious concern.
- Issues arise on procedures e.g. published and predictable Review timings and the appropriate placement of offenders in the unit, remain factors.
- Prisoners within Segregation Units are generally able to communicate freely with Board Members.
- Special Accommodation and Mechanical Restraints should be a last resort. Prisons not using these methods are to be commended.
- Generally Boards speak well of staff working in Segregation Units, often under difficult circumstances.
- Units are largely well-run with staff who are dedicated and professional.

These issues would benefit from serious consideration and action.

Introduction and Context

The Prisons Act 1952 and Offender Management Act 2007 require every prison to be monitored by an Independent Monitoring Board appointed by the Home Secretary (now the Minister of Justice) from members of the community

in which the prison is situated. These Independent Monitoring Boards (IMBs) are specifically charged to:

- Satisfy itself as to the humane and just treatment of those held in custody within the prison and the range and adequacy of the programmes preparing them for release;
- Inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has;
- Report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in custody.

To enable the IMB to carry out these duties effectively, its members have right of access to every prisoner and every part of the prison and also to the prison's records.

While all parts of each prison are regularly visited and activities monitored, particular focus is put onto specific parts of provision, including segregated accommodation where prisoners are held in conditions of greater isolation than in the rest of the prison and where the prisoner's vulnerability is often most extremely displayed. For this reason, the Independent Monitoring Board's Annual Report to the Secretary of State is required to include a section covering the use of such accommodation.

Prison Service Order (PSO) 1700 makes clear: 'Prisoners are only held in the segregation unit under the proper authority:

- Prison Rule 45 (Young Offenders Institution (YOI) Rule 49) – Good Order Or Discipline
- Prison Rule 45 (YOI Rule 49) – Own Protection (Own Interest)
- Prison Rule 46 – Close Supervision Centre of a prison
- Prison Rule 53(4) (YOI Rule 58(4)) – Prisoner awaiting adjudication
- Prison Rule 55(e) (YOI Rule 60(f)) – Cellular confinement (not permitted for juvenile trainees)

The given purpose is that: 'Prisoners are only segregated for reasons of Good Order or Discipline when there are reasonable grounds for believing that the prisoner's behaviour is likely to be so disruptive or cause disruption that keeping the prisoner on ordinary location is unsafe'.

In some prisons a local terminology has been adopted and the Segregation Unit is known as Care and Separation Unit (CSU) or Separation & Care Unit (SACU), among other names. It is used to separate unruly or dangerous prisoners from the general population. It can also be used to ensure the safety of prisoners who are particularly at risk and is sometimes used as a location for cellular confinement.

The IMB role is fully described in PSO 1700 and the IMB Reference Book (Sections 3, 26-30, 39, 61, 62, 65, 76 and 87) and the IMB Pocket Book (Care & Separation (Segregation) Unit, Rota visits).

This paper is derived from a review of the segregation sections of the 25 IMB Annual Reports submitted from prisons with segregation units between January and March 2009. Only information documented in these Annual Reports has been included in this paper. Category D (Open) prisons were excluded from the analysis as they do not have Segregation Units. The content and extent of reporting was varied. In order to clarify the extent of any issue, the number of reports specifying it is given wherever possible. Some quotations from the Annual Reports have been included to give qualitative detail, description or explanation.

Main Findings

The concerns most frequently raised are:

- 1. Staffing and Security in the Segregation Units**
- 2. Cellular Confinement, special accommodation and mechanical restraint**
- 3. Boards not being informed within 24 hours of admission of a prisoner**
- 4. Whether Boards are able to communicate freely with each prisoner**
- 5. The fair conduct of Reviews**

It is interesting that the appropriate use of Rule 45 (Rule 49) is not itself raised. This does not mean use or continued use is always considered appropriate: sometimes the status quo is difficult to avoid but Boards should feel free to question it.

1. Staffing and Security in the Unit

The vast majority of annual reports illustrate a good relationship between Segregation Unit staff and prisoners. In particular:

- Overall positive attitude of staff
- Prevention of the additional institutionalisation specific to a segregated environment
- Emphasis on returning prisoner to normal location as soon as possible
- Professional and dedicated staff
- Cleanliness despite need for repair/rebuild

“The Segregation Unit is well-managed by dedicated staff, who relate appropriately and humanely to the prisoners in their care – a very demanding duty which they carry out with real professionalism” – Local Prison

“The Board commends the interaction between staff and prisoners with the aim of moving the prisoner back to normal location as quickly as is reasonable” – Local Prison and Young Offenders Institution

2. Cellular Confinement, special accommodation and mechanical restraint

Cellular confinement, special accommodation and mechanical restraints are used to a minimum, with most reporting usage on only a few occasions during the year. Out of all 25 reports analysed:

- 1 report noted the use of mechanical restraint during the year. No other report mentioned it.
- The greatest number of occasions special accommodation had been used in a single prison during the reporting year was 12.

Prisons where these measures were not used should be commended. In general it seems to be the case that they are used sparingly. It would be very concerning if prisons use the measure so frequently that they may slip into regarding their use as either normal, generally acceptable or unavoidable.

3. Boards not being informed within 24 hours of admission

9 Boards reported they were not always informed of the admission of a prisoner into the segregation unit within 24 hours, 6 reported that they were informed, 10 did not comment.

“The Board have difficulty finding out and attending the reviews as they are meant to be on set days, but have of late been irregular. The Board have not been notified when they are taking place.” – Category C prison

“The Board made representations that this is not satisfactory and a fixed time was agreed on, but this has not been adhered to, and clearly the Board should be informed of where and when review panels are to meet” – Category C prison

It is a mandatory requirement that prisons inform the IMB of an admission to segregation within 24 hours. IMB members have a duty to visit any segregated prisoner within 72 hours of admission. In order to safeguard decency and respect in their treatment, IMB visits must be facilitated. IMB members can and do help prisoners with concerns or issues as they experience imprisonment. Segregation presents the most extreme conditions a prisoner is likely to meet. If a board is not informed of an admission, then members are effectively prevented from carrying out their duties. There is also a degree of responsibility on Boards to be proactive and agree with the prison a system that is not onerous on the staff in what is a busy part of any prison.

4. Being able to communicate freely with each prisoner

6 reports state that once the Board has been informed of an admission, members are able to see and speak freely with prisoners on request. The other 19 did not comment on this issue.

“Board members visit the unit every time they come into the prison, and ask that every prisoner held there has the opportunity to talk to us, in confidence if necessary” - Female prison

No report made an issue of the use of *Big Word*, a translation system to assist prisoner understanding.

5. The fair conduct of Reviews

In order to ensure the necessary safeguards in the use of segregated conditions, it is crucially important that reviews are conducted according to the procedures laid down including the presence of those whose attendance is mandatory. If they are not present, the review is not properly constituted and the continued segregation of a prisoner is of questionable legality. Best practice suggests that additional personnel should also often be present. All necessary information and paperwork must also be available during the review.

- 11 Boards reported that the reviews are being properly conducted, adhering to the laid-out rules and procedures. Documentation is also being completed.

“Paperwork is kept up to date by the officers, review panels are properly conducted and prisoners have an opportunity to make their representations” – Young Offenders Institution

- 3 reports, however, state that healthcare staff have not always been present.
- No Board commented on the quality of exit planning.

When these failings occur, the necessary expertise to make a proper decision on the prisoner’s placement is lacking. In deciding whether to continue, many issues need to be considered including presenting behaviour, state of mind etc. People with relevant skills should be present in order to contribute to discussion and decisions. In addition, decisions on whether a prisoner should be placed in segregation and plans to support the prisoner on exit from the unit must be properly considered.

Additional Issues and Concerns

- 6. Dirty and other Protest Behaviours**
- 7. Inappropriate use of Segregation**
- 8. Mental Health**

6. Dirty and other Protest Behaviours

- Across prisons, a proportion of prisoners on dirty protest are held in Segregation Units. No reasons are reported.
- One Board reported an increase in cell damage and fires in the segregation Unit as compared to previous years:

'There have been a greater number of cell smashes and fires from previous years.' – Category C prison

7. Inappropriate use of Segregation Reported by Boards

Some prisoners manipulate moves into the Unit by purposely creating problems or refusing to return to normal location following adjudication.

Reasons include:

- Avoidance of due process
- More peaceful surroundings
- Reluctance to associate with others
- Perceived short cut to transfer out of establishment

These behaviours are concerning both in terms of who is controlling the situation, prison management or the prisoner, and because there is evidence suggesting (see 9 below) that for the prisoner, more than short-term placement in the unit will contribute to him becoming additionally socially isolated and he is likely to find it even more difficult therefore to adapt to life either in the outside world or on normal location. There are also serious implications for mental health (see 9. below).

Other issues raised concerning the appropriate placement of prisoners within the segregation unit are:

- Prisoners segregated for their own protection are located in the same place as prisoners segregated for disciplinary reasons (Category C prison).
- Insufficient compliance with the safety algorithm (completed on all prisoners admitted to segregation) whereby a nurse or doctor determines whether there are medical concerns about the prisoner sufficient to counter-indicate admission to a segregation unit.

"On a few occasions, it has been necessary to point out that an algorithm needed signing, and this has been put right promptly"- Category C prison

8. Mental Health (see also 8. - above)

It is generally accepted that segregated regimes are unsuitable for prisoners with serious mental health problems and can lead to the significant deterioration of a condition (Shalev S. 2008). Boards are also aware that identifying an alternative location within the establishment for such prisoners is extremely difficult and that identifying a placement elsewhere at least as hard. They are therefore reluctant to criticise an establishment struggling to provide satisfactorily. However, Boards noted:

- A prisoner with serious mental health problems kept in segregation for 6 months before being transferred to a psychiatric unit
- Too many prisoners with mental health issues being held in segregation (2 additional Boards, one of whom also noted that they had reported their concerns about this in 3 consecutive annual reports)

There are serious concerns of long standing in the wider community about the appropriateness of people suffering from mental disturbance being placed in prisons at all. Their needs are not best, or in many cases even satisfactorily, met in prisons. Going one step further, however, by placing offenders in segregation, “a prison within a prison”, is even more worrying.

In the words of one board: *“What is being done by the Minister and his counterpart in the NHS in order to facilitate the transfer of such prisoners with mental health issues to more appropriate accommodation?”*

Other Comments From Annual Reports

To give a more rounded picture, the following comments should also be noted:

- 2 prisons have had segregation unit application boxes installed. 1 of these has been damaged by prisoners.
- When prisoners are admitted, they are informed that they will be kept in segregation for as little time as possible.

Discussion

This paper summarises the findings of a limited sample of IMBs Annual Reports. However, the points made in it will already be familiar to readers of other IMB Annual Reports. The writers have reason to suppose the issues raised reflect the concerns of the overwhelming majority of IMBs. They are central to the IMB role of ensuring the humanity and respect with which prisoners are treated. It is in this context that action on the points in the Executive Summary is both urgent and important.

Reference

Shalev S. 2008: *A Sourcebook on Solitary Confinement*, Mannheim Centre for Criminology, LSE, ISBN 978-0-85328-314-00