

'Just one thing'
Prison safety and COVID-19

September 2020

Introduction

If you could change just one thing to keep people safe...

1. In line with its guiding principle to consult people in custody and their families wherever possible, during the COVID-19 period the Independent Advisory Panel on Deaths in Custody (IAP) has sought to gather and understand the views of people in prison on the impact the virus is having on their lives. On 1 June 2020 the IAP published 'Keep Talking, Stay Safe', a rapid review of prisoner reactions to the COVID-19 pandemic through analysis of voicemails received by National Prison Radio (NPR).¹ It made ten recommendations on immediate steps that the Ministry of Justice and HMPPS could take to improve safety in the context of the great difficulties of the pandemic lockdown period.²
2. The prison service has responded steadfastly to the immense challenges posed by the pandemic. Official statistics show 23 prisoners and 9 prison staff who tested positive for COVID-19 have sadly died, though commendably, this number pales in comparison to the worst-case scenario figures initially posed in April by Public Health England of a possible 2,300 deaths in custody.³
3. This second briefing draws on prisoner responses to an IAP specific request distributed via National Prison Radio, played during the height of the initial lockdown between Monday 29 June to Friday 31 July, which asked prisoners to propose 'just one change' that would make prison safer.⁴ The IAP received over 40 carefully considered recorded messages drawn from people's experiences of the COVID-19 period and beyond. **Thoughtful feedback from behind bars reveals important detail and complexity about what safety means and the factors that contribute to it.** Responses have been clustered into three headings:
 - a. **Safety as purpose.** Necessary steps taken to minimise deaths have involved heightened lockup and isolation which cannot be sustained over time. Instead, constructive, purposeful activity must be prioritised to support mental wellbeing and rehabilitation – prisoners should be doing time, not wasting time.
 - b. **Safety as humanity.** The wellbeing of people in prison depends on the availability of staff who listen and who they can talk to and trust. Closed institutions with vulnerable populations are no place for poor attitudes or understaffing. Professional and considerate staff save lives.
 - c. **Safety as identity and agency.** Communication and contact with families are vital lifelines. New measures introduced during the pandemic should continue to be innovatively refined using the feedback and ideas of prisoners and their families.

Safety as purpose – constructive activity

4. While the implementation of extreme lockdown in response to the virus initially coincided with a slight decline in self-harm and self-inflicted deaths, it is essential that the service avoids drawing any subsequent conclusions that prisoners should spend less time out of their cell in the long-term.⁵

¹ Independent Advisory Panel on Deaths in Custody, "Keep Talking, Stay Safe": A rapid review of prisoners' experience under Covid-19', 1 June 2020,

<https://static1.squarespace.com/static/5c5ae65ed86cc93b6c1e19a3/t/5ee115af9592717e002903f8/1591809460419/200601+IAP+rapid+review+of+prisoner+experiences+under+Covid-19+-+FINAL+CLEAN.pdf>.

² See also: <https://www.iapondeathsincustody.org/latest/2020/7/16/orals-question-summary>.

³ The latest HMPPS COVID-19 statistics show that, as of 31 August, 23 prisoners have died where COVID-19 was the suspected cause. See 'HM Prison and Probation Service COVID-19 Official Statistics', 11 September 2020,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909207/HMPPS_COVID19_WE_07082020_Pub_Doc.pdf. Public Health England, Briefing paper- interim assessment of impact of various population management strategies in prisons in response to COVID-19 pandemic in England, 24 April 2020, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882622/covid-19-population-management-strategy-prisons.pdf.

⁴ The IAP National Prison Radio request asked: "If you could make one change to prison, what would it be? As prisons begin to move into recovery from the Coronavirus lockdown, the Independent Advisory Panel on Deaths in Custody is advising ministers and officials on how to make a safer prison system."

⁵ For example see HM Chief Inspector of Prisons, 'Aggregate report on Short scrutiny visits by 21 April – 7 July 2020', <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/08/SSV-aggregate-report-web-2020.pdf>: "In prisons, there is now a real risk of psychological decline among prisoners, which needs to be addressed

5. Prisoner responses to the IAP's survey reinforce the message that the **further loss of liberty and damage caused by the extremes of lockdown cannot, and should not, be sustained over time**. The heightened sense of camaraderie in prisons which arose during the early stage of the pandemic has diminished with time, especially as restrictions in the community began to relax and milestones were reached. There is little to suggest that slight decreases in self-harm will remain – indeed, there are signs, from monitoring and inspectorate reports and information received, that levels are once again on the rise in some establishments.⁶

6. **Reduced self-harm and assault levels alone do not equate to improved mental wellbeing across the wider prison population**. There is increasing evidence that lockdown measures are having a negative impact on the mental health of those detained, and that this damage is increasing as time progresses. In June, one prisoner told the IAP:

*'I'm sure there is a lot of prisoners suffering from severe anxiety, isolating in their cells not knowing when they're going to be unlocked.'*⁷

7. In responses from the July survey, these issues were worsening. People in prison said they could be overcome by the reintroduction and increase of **stimulating activity**, and time away from the pressure of their cell. Except in the open estate, most prisoners have spent at least 23 hours a day locked in their cell for several months.⁸

'... I'm talking to walls at the moment which is affecting my mental health. We're in desperate need for some stimulation for our brains.'

'I think the government should look at forming a link between the RSPCA and prisons, engaging inmates in the training and rehabilitation of rescue dogs... Working with dogs can help with mental health disorders and stress, saving money for prisons and healthcare.'

8. The extreme challenge of prolonged isolation is particularly harmful for those in the **youth estate**. One young person told the IAP:

'You should give people more free time. Being in the cell 23 hours a day, it's too much on certain people. It's really hard. We should also get more credit, so we can talk to people more. It's a help. This £5 isn't doing anything. We need to be able to talk to people. It's hard, it's really hard.'

9. Some people in prison argued for activity directly focused on **addressing mental health needs**. In the context of uncertainty and fear related to the virus, urgent targeted interventions are required.

'It would be good if there were stress management courses you have to join when you come in. We're the lowest people in society, it would be good if we could be wiser when we come out and give something back to society when we come out and not be out of control emotionally. Meditation is at the top of that list, I've been doing yoga and meditation, I'm lucky that I got to keep up with that but it would be good if we had it in courses and got taught how to do it. There should be implications for shouting and playing loud, loud music all the time, there needs to be boundaries. If we are taught about how to be calmer, meditating, lowering music, not shouting as much, it's better for us.'

'I would like the prison service to use this lockdown time to try some new initiatives regarding rehabilitation and education and mental health. Extreme times call for extreme actions, and the biggest shame in prisons is the waste of human resources i.e. my life has led to me serving many

urgently, so that prisoners, children and detainees do not suffer long-term damage to their mental health and wellbeing, and prisons can fulfil their rehabilitative goals.' For a summary of these debates see 'Debate Over Future Regimes', Inside Time, 1 September 2020, <https://insidetime.org/debate-over-future-of-regimes/>.

⁶ Independent Monitoring Boards, 'IMB National Annual Report 2019/20, 3 September 2020, <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2020/09/IMB-national-annual-report-201920-FINAL.pdf>.

⁷ Independent Advisory Panel on Deaths in Custody, "Keep Talking, Stay Safe": A rapid review of prisoners' experience under Covid-19'.

⁸ HM Chief Inspector of Prisons, 'Aggregate report on Short scrutiny visits by 21 April – 7 July 2020'.

years in prison but through the ability to read and write I've learnt the love of humanity and feel I have empathy and a duty to care for other men going through similar problems, not only would I be happy to help other men but this would give me purpose and help me and others to overcome the challenges that life can throw at us... the wonderful feeling of purpose and fulfilment this would give mine and other prisoners lives would stop us from choosing oblivion and the life of drink and drugs funded by violence and crime and would create new careers in rehabilitation.

10. Prisoners highlighted the need for **meaningful and productive activity** which would increase their chances of successful rehabilitation and a productive fresh start upon release.

'This is my change. They should train people up in here, get qualifications, give them a chance to work in a special workshop where they're making things, they get paid, where they can save money, give a bit back to the jail or victim support, but a portion of the money goes to them so they can save up and get out and have a fresh start'

11. Some people drew a clear link between how the absence of purposeful activity feeds directly into **disruptive behaviour**. Out of cell activity should have form and structure:

'There aren't practical things to do whilst we socialise, so trouble ends up happening. It would be good to have constructive things to do whilst socialising, a pool table or chairs to read a book or relax or something.'

'I think prisoners should have activities because I think when you're in your cell for 23 hours you get a lot of stress and that can cause commotion with other inmates and I think we should have access to punching bags to take all their frustration out on them instead of people, you'll have less people fighting and it will be a safer environment.'

12. There were also suggestions that a lack of purposeful activity has links to **substance misuse**:

'I think people in custody end up using substances cause they're just in an empty room. You come in here from nothing and you have nothing when you come in here, if you want people to change, you have to change...'

13. Prisoners strongly preferred and felt safer in **focused activities taking place in small groups**, rather than aimless and unstructured association in large numbers. This would strengthen prison safety:

'It's been good to have space from other prisoners and there has been less fights and trouble. It would be good if we can keep this distance on the exercise yard as much as we can. Half of the spur should go for exercise at one time.'

'...keep all the groups separate so there are less fights and problems...'

14. Some people drew attention to the need to **counter hopelessness and open up scope to plan and prepare for the future**;

'Abolish the system of keeping people years and years over tariff with no hope of getting out.'

'I believe that people who do not need to be in prison like myself, I'm an IPP, could relieve a lot of pressure on the prison system. As an IPP prisoner myself there is no hope, violence drugs are the answer, we have nothing left to lose, kicking off is the only answer 'cause we have no hope.'

15. Others spoke of **environmental changes** they want to see:

'They wonder why the death rate is so high – the cells are full of things you can kill yourself with.'

'Give more channels and freeview on TV in all prisons to keep our minds occupied whilst you're behind the door.'

'I feel that all cells need to be single to prevent attacks and deaths in the future.'

Safety as humanity – prison officers and prison culture

16. The response to the #HiddenHeroes campaign, and the IAP's earlier analysis of Prison Radio messages, show without doubt the extent of dedicated care and support that prison officers have given to prisoners, alongside many others working in our prisons.⁹ High levels of appreciation by prisoners reinforces the keyworker approach and the importance of officers forming and maintaining good professional relationships with individual prisoners.
17. It is important that staff **prioritise listening and adopt a considerate approach**. Forming and maintaining good professional relationships is more than taking a neutral stance towards prisoners through observation. One prisoner suggestion highlighted the essential nature of active listening skills:
- 'If I had a prison, I'd have a suicide watch ward with cameras, people on hand listening to listen, not listening to pre-judge or respond.'*
18. Some people in prison highlighted the importance of **simple messages and acts of kindness**. One person suggested *'employ officers who actually care about people'*; and another *'a "be kind" policy'*. Prisoners value positive relationships with staff who practice humility:
- 'They put the uniform on and think they're something special.'*
19. The suggestions to *'lock officers up for a week so they understand our experience'* and to employ an *'undercover company to understand how prison is being run and how people are being treated'* indicated that those in a position to effect change need to better understand, and take into account, **what it is like to be 'in their shoes'**.
20. The unprecedented circumstances of COVID-19 have undoubtedly placed prisons, and those who work in them, under pressure. Uncertainty, changes in working practices and fear of contagion have affected the prison environment, including relationships between officers and prisoners. Just as individual acts of kindness, by officers, can make a significant difference to prisoners' lives, so too can **the act of being unkind**. For one person, keeping safe was about:
- 'The reduction or total removal of officers who are hell bent in winding prisoners up just to get a response. There's one here who has openly admitted that it is his job to wind up prisoners. I feel that is unfair and not right.'*
21. Prison staff should be supported to do their job properly. **Understaffing and training limitations have a direct impact on safety**. One person said:
- 'As someone who's been in prison for over 20 years I don't think there's anything that can make prison a safer place, there's too many inexperienced young staff starting in the system whereas the older more experienced staff are either moving on or leaving because they cannot cope with it anymore.'*
22. Good, professional relationships between staff and prisoners protect lives. In turn, staff also benefit from the opportunity to spend time with and invest in the welfare of those in their care.

Safety as identity and agency – family engagement

23. Human contact and clear, regular communication mitigate the negative impact of lockdown and extreme imprisonment and reduce the risk of suicide and self-harm. Prisoners said that safety is about feeling 'part of something'.

⁹ Independent Advisory Panel on Deaths in Custody, "Keep Talking, Stay Safe": A rapid review of prisoners' experience under Covid-19'.

24. Slightly more than a quarter of prisoners who responded to our survey mentioned contact with the outside world, specifically their families. **Contact with families has been a lifeline.** Increasing availability of phone credits, in-cell technology and video calls have been appreciated.
25. It is important that steps are taken to ensure the vital families' helpline operates as intended across the estate. **Family contact must be feasible for all, not an earned privilege.**

'We should also get more credit, so we can talk to people more. It's a help. This £5 isn't doing anything.'

'If they've cut the price of the phone calls, why can't they keep it like that?'

26. Prisoners brought **innovative ideas on how the phone contact system can be improved and enhanced** going forward. Technology can be used to supplement, but never replace, visits and face to face contact. To keep the costs of phone calls down, prisoners suggested being able to receive incoming phone calls, with the necessary checks and security, and others suggested virtual visits:

'To make things better and cheaper you should allow phone calls to be accepted in, someone phoning in like your mum or your girlfriend, whatever it is, with checks and all of those things, that would make things better.'

'They should put phones in all cells so you can keep in touch with your family.'

'One of the changes I'd like to see is inter-prison contact, in the form of video links. My partner is in HMP Preston, I'm able to speak to him on the phone once a month. You get the option for a video link but they're refusing them at the moment but they're allowing other people to have them with their family, it's a bit unfair. People who have only got loved ones in other prisons, it's hard for us to keep in contact.'

'All prisoners should be allowed virtual visits'

27. Prisoners appreciated being able to use the phone for the NPR survey; as one person put it: *'it does open up communication for us.'* Specifically, the opportunity to telephone enabled prisoners who are unable to write very well or at all, to take part. **Adapting communication styles and options to meet different skills, requirements and preferences** is essential.

'The phone number is really good. There are lots of people who can't read or write, also those who can only have a certain number of letters a week, so being able to get in touch with you via phone is brilliant. Is there any way of keeping the phones after COVID? I think it brings the prison together, it's phenomenal.'

28. People wanted to be able to earn more through paid work while they were in prison to **better care for their own children and families**, spend on phone calls with their loved ones, and **give to their victims.**

'If I could make a change to prison it would be that prisoners with children could have a job so they can take care of their children. When you go to work you should get paid so you can take care of your family.... We should get a salary that we can give to our victim's family and our own family.'

'My improvements for prisons are wages need to increase, the price we get paid for our work should be enough to survive, £10 a week does not cover the ability to phone your family every day'

29. **Samaritan** Listeners were valued. One person had suggestions for improving the Samaritans phone service:

'Better more uplifting hold music whilst you're on hold for Samaritans and have people that can actually relate to suicidal people.'

Conclusion: building back better

30. Prisoner feedback shows that prisons with hope and purpose keep people safe. It shows that leadership and policymakers must avoid narrow definitions of 'safety', instead understanding that keeping safe means providing **a sense of purpose, humanity and identity**.
31. Clear, accurate and regular **communication and consultation** with people in prison and their families not only help to stabilise prison culture, they also help everyone to look ahead.
32. During the carefully managed recovery and the challenges posed by a second wave of the virus, the service must avoid losing ground on reform or returning to bad habits. Prisoners suggested using the experience of the pandemic to **reimagine the purpose of prisons, and how they are run**. Prisons must use this opportunity to **'build back better'**.

'You come in here from nothing... if you want people to change, you have to change. Prison itself is a draconian concept. Poor treatment doesn't reform anyone. You need to make a decision, what is more important punishment or rehabilitation? Because, let me tell you something, being in prison is a punishment. You're more worried about public perception, trust me this is not like a hotel. I have zero freedom here, that's what prison is. You're wasting time and public money by having us confined to this space. You guys need to try something that hasn't been done. Take the models of Norway and Sweden and look at the re-offending rate, which is the most important thing.'

'I would like the prison service to use this lockdown time to try some new initiatives regarding rehabilitation and education and mental health. Extreme times call for extreme actions, and the biggest shame in prisons is the waste of human resources.'

Recommendations summary:

1. **Meaningful, productive and stimulating activity with form, purpose and reward improves mental wellbeing and reduces substance misuse and poor behaviour.**
2. **Prisoner safety is enhanced by considerate staff who listen, prioritise acts of kindness and are supported by their employer through resourcing, support and supervision. Staff and prisoners benefit from the opportunity to build positive professional relationships.**
3. **Contact with families has been a lifeline for prisoners. Steps must be taken to ensure systems such as video calls are working as intended across the estate. The feedback and ideas of those who use the technology developed through the pandemic should help shape the future of communications.**
4. **COVID-19 presents an unprecedented opportunity to innovate and improve. Prisons with hope and purpose and opportunities to take responsibility and help others keep people safe.**

About the Independent Advisory Panel on Deaths in Custody

The Ministerial Council on Deaths in Custody formally commenced operation on 1 April 2009 and is jointly sponsored by the Ministry of Justice, the Department of Health and the Home Office. The Council consists of three tiers:

- Ministerial Board on Deaths in Custody
- Independent Advisory Panel (IAP)
- Practitioner and Stakeholder Group

The remit of the IAP (and overall of the Council) covers deaths, natural and self-inflicted, which occur in prisons, in or following police custody, immigration detention, the deaths of residents of approved premises and the deaths of those detained under the Mental Health Act (MHA) in hospital. The principles and lessons learned as part of this work also apply to the deaths of those detained under the Mental Capacity Act in hospital.

The role of the IAP, a non-departmental public body, is to provide independent advice and expertise to Ministers, senior officials and the Ministerial Board. It provides guidance on policy and best practice across sectors and makes recommendations to Ministers and operational services. It assists Ministers to meet their human rights obligations to protect life. The IAP's aim is to bring about a continuing and sustained reduction in the number and rate of deaths in all forms of state custody in England and Wales.

Juliet Lyon CBE chairs the IAP. The other members are:

- John Wadham, Chair, National Preventative Mechanism
- Jenny Talbot OBE, Prison Reform Trust
- Professor Jenny Shaw, professor of Forensic Psychiatry, University of Manchester
- Professor Seena Fazel, professor of Forensic Psychiatry, University of Oxford
- Deborah Coles, Director, INQUEST

Further information on the IAP can be found on its website: <https://www.iapondeathsincustody.org/>.

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