

## **Stakeholder Engagement 12**

### **The Howard League for Penal Reform**

**Represented by: Frances Crook (Chief Executive of the Howard League for Penal Reform)**

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#### **Background**

The Howard League for Penal Reform (the Howard League) was established in 1866 and is a national charity working for less crime, safer communities and fewer people in prison. The organisation campaigns on a wide range of issues including short term prison sentences, real work in prison, children in prison and community sentences. A key current interest for the Howard League is in young people's transition into the adult estate.

#### **CHARACTERISTICS OF 18-24 YEAR OLDS**

Eighteen to twenty four year olds have particular vulnerabilities because some people don't 'grow up' until their mid-twenties. However, the Howard League would be against putting this age group in with under 18s as the status of children who are under 18 is very particular and needs protection. This status should not be diluted by adding 18 – 24 year olds. In addition, young adults are different to children and don't want to be treated as such.

Frances Crook highlighted some well-known cases of self-inflicted deaths, involving young people who were obviously vulnerable and self-harming. She felt that it is essential that young people in these circumstances do not go to prison. She said that Magistrates and higher courts are not asked to accept responsibility for deaths as Article 2 compliant inquiries do not consider sentencing or remanding decisions. The courts are the only part of the criminal justice system that is not called to account for its decision when someone dies.

A light should be shone on the decision making around sending vulnerable people to prison; there are too many are going who shouldn't be there. The Government and the people who make decisions to send people to prison have to be told. It is too easy to blame prisons for deaths.

There should not be a 'hard and fast' dividing line post 18 for legal disposals: some young people may be 'child-like' well into their 20s.

Other jurisdictions are more flexible in their rejection of the criminalisation of children: for example, in some countries 14 is the age of criminal responsibility while in England it is only 10 years old. This results in the criminalisation of young children. The number of children coming into the CJS has been reduced by two thirds, which is a good thing. There has been no corresponding reduction for young adults [sic]. There should be a separate statutory framework for 18 – 20 year olds, to allow for a more flexible approach to enable a similar reduction in numbers of young adults.

The majority of Young Adults who are remanded to custody don't go on to be given a prison sentence, and the majority who are sentenced are given a short prison term. This would suggest that they are more likely to be a nuisance and chaotic but not dangerous. A different sort of framework would be more appropriate for this age group, particularly as some of them are still studying. In some cases, when a young person hits 18 whilst they are in a secure children's home it would be better for them to stay there for the last few weeks or months of their sentence.

There are particular risks for young adults in custody. They may have a whole host of relatively minor issues to deal with, but when they are locked in a cell without enough to do and not enough to eat, hormones racing, no TV and lots of energy these minor vulnerabilities are multiplied. They come into prison fragile and we are being cruel to them. There is more time spent in cell due to staff shortages.

It is difficult to say what should be done to reduce the number of young adults going into prisons, but work on children has shown that appropriate policing may have an impact going forward by reducing the number of first time entrants to the system.

## **STAFF AND CULTURE IN PRISONS**

In Norway prison staff are educated to degree level, following a specialist vocational qualification, just as nurses are in this country. Prison officers should be treated properly, which means they should be educated as well as trained, whilst they can learn 'prison craft' on the job they need more than that; they actually have a very sophisticated and complicated job to do.

Some years ago the Howard League did some research in Northern Ireland including a survey given to every adult and child prisoner on the same day, which showed that prisoners found having someone to talk to, access to a garden and something creative to do, could all mitigate distress. This would improve the experience of an institutional setting.

The changes to the Incentives and Earned Privileges Scheme have been disastrous. Many more people are on the basic or entry level now, which is dangerous as it is a Spartan regime, despite some very recent concessions. Frances Crook felt that the new scheme had been more about political point scoring than about introducing a sensible scheme.

The Howard League had not done research on the use of Segregation Units to assess its effect on suicide rates, but it would prefer the use of something that was more immediate and time limited, perhaps more akin to the 'naughty step' rather than long periods in solitary confinement. If someone has to be held apart and alone for a punishment they should only be held for one minute for each of their years of age. People stay in segregation units for too long and continue to self-injure, segregation is not suitable for people who are vulnerable or have mental health problems.

There is too much emphasis on 'power' relationships in prisons. It doesn't work with people who have problems; they can't conform, so it is inappropriate and dangerous.

Prison staff could support young, vulnerable prisoners by giving them time, being adequately trained, showing a professional approach from good, keen staff. The former Justice Secretary wanted to reduce numbers and provide a busy, purposeful prison environment. In the last two years the number of prisoners has increased, prisons are being closed and staff numbers are being massively reduced. Prisons

are really dangerous; two people a week are killing themselves and it is a result of government policy.

Young black men are over-represented at adjudications. Frances Crook said that her lawyers have been representing a large number of young people on adjudications in Feltham and every single one was on a black prisoner. The Howard League believes this will lead to more self-inflicted deaths of BME prisoners. For young women, adjudication rates are higher than older women so they are being punished more.

Staff don't have an ongoing relationship with prisoners because they no longer have enough time and they cannot spend enough time with them.

## **ACCT AND SAFER CUSTODY**

Frances Crook did not feel that she knew enough about ACCT to comment substantively, but she can see that it was an improvement on the previous system because it is interactive and provides opportunities to show kindness.

In some prisons Listeners will use a double cell and a prisoner can go and spend time in that cell with a Listener. This could be developed to provide a 'calm down' place, with softer furnishings, similar to that used in high security hospitals, somewhere that is warm, womb-like and quiet.

The Howard League is not enthusiastic about the introduction of so-called safer cells. Frances Crook was present at the Ministerial Board into Deaths in Custody meeting held in HMP Nottingham when there was a riot going on overhead as prisoners complained that there was no air due to the style of the windows. You can't design out a suicide risk; you can take away some opportunities, but it is better to keep someone safe by talking and responding, and by providing a good environment.

## **HEALTH AND MENTAL HEALTH**

Regarding sharing of information, Frances Crook said that people don't listen. Also, messages don't get through in prisons and, when they do get through, advice from worried parents may not be believed. Prisoners should be involved in information sharing and making decisions about their care.

To improve the effectiveness of information sharing, the Prison Service should recruit staff who have the capacity to assimilate very complicated information and then assess the risks, currently, staff are not equipped to do this work.

With regard to a particular high profile self-inflicted death in prison, Frances Crook said that the family should have got much more mental health service intervention; the Court could have got a mental health assessment and diverted him, which should be a statutory issue. There is a lack of resource for Child and Adolescent Mental Health Services (CAMHS), so young people go to prison.

The Howard League would welcome more mental health assessments in Courts, but recognises there would still be a problem as there is no where to divert them to.

It is wrong that, where there is a history that includes violence, Personality Disorder, Attention Deficit Hyperactivity Disorder and/ or Autism, NHS England doesn't transfer the young person out of prison. Instead the money is transferred to treat the person *in* prison. But this person should often have been looked after earlier and diverted

from custody. It is wrong that some very vulnerable young people, who have a low IQ, and who have committed a serious offence are going into prison

Frances Crook said she had visited the Personality Disorder unit at Whitemoor, which had more staff and because of that appeared to be quite calm and friendly. If it is necessary to keep someone in prison in these circumstances, the Whitemoor model should be followed. There is also the psychologically-informed planned environments (PIPE) scheme, which, although very expensive, is more valuable.

## **FAMILY ENGAGEMENT**

Families, where they are in the young adult's life, can provide support to young people. The bottom line is that eighteen / nineteen year olds still want their mother, and it should be easier for them to contact them. Families need to be able to get to the prisons more easily. Family visits should be better, with a level of privacy to enable quality time together. Skype links should be set up for contact on a nightly basis. There should be family therapy sessions where rehabilitation support is provided.

Access to prisons for families could be improved so that they can raise their concerns. Prisons answering the phone would be a good thing; prison communication technology is way behind where it needs to be. Staff need to listen to families. Where there is no family, corporate families do not live up to their responsibilities. Young adults no longer get legal aid to challenge the corporate failures they are subject to, and so corporate parents are not challenged.

## **FOLLOWING A SELF-INFLICTED DEATH**

Prisons are much better at dealing with the outcomes following a self-inflicted death now, including bringing families in to the prison, which is very difficult for everyone.

Although prisons have been learning from deaths, there is a lot of pressure on them now in terms of numbers in prison and a lack of staff resource.