

# Submission to the Harris Review: Independent Review into Self-inflicted Deaths in NOMS Custody of 18-24 Year Olds

by HM Chief Inspector of Prisons

## Summary

- HMI Prisons is an independent inspectorate. This submission is based on HMI Prisons' inspection evidence.
- The reduction in the number of 18-24 year olds in custody as a total figure and a proportion of the total adult population is to be welcomed. Those who remain in custody are some of the most vulnerable and troubled young adults and have complex needs.
- HMI Prisons evidence shows that outcomes for young adults are broadly inadequate, whatever type of establishment they are held in. Young adult YOIs generally score lower on safety and purposeful activity outcomes than comparable adult male prisons.
- As reported to HMI Prisons, 18-20 year old men feel safer and more positive about their treatment when held in dedicated young adult establishments. However, NOMS safety data shows worse results for young adults in such establishments.
- There were nine deaths of young adult men in 2012/13 and 13 in 2013/14. So far this year five young adult males have died. A majority of these deaths have occurred in local/Category C prisons where young adults are integrated with older adults.
- Greater efforts are needed to identify the specific needs and vulnerabilities of young adults, anticipate risks and act upon these appropriately. Existing procedures, including ACCT and risk assessments, are often inadequate or poorly completed.
- Attention must be paid to the needs of specific groups of young adults. Compared to adult men, a disproportionately high number of young adult men in prison are foreign nationals, of black or minority ethnic background or Muslim.
- Greater emphasis should be placed on learning lessons from deaths in custody and near misses, and HMI Prisons inspections have found insufficient learning from PPO recommendations into deaths in custody.
- There are no simple answers to whether young adults are safer when integrated or in dedicated establishments, and no one model of provision will meet all their needs or ensure their safety. The Harris Review can play an important role in setting out actions to prevent future deaths, and provide guidance on how young adults should be treated.

## Introduction

1. We welcome the opportunity to submit written evidence to the Harris Review, in addition to the chance we have already had to exchange views with the Review team on 22 May 2014.
2. Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952. HMI Prisons has a statutory duty to report on the treatment of prisoners and the conditions in prisons, young offender institutions (YOIs) and immigration detention facilities. HMI Prisons also inspects court custody; police custody and customs custody (jointly with HM Inspectorate of Constabulary); and secure training centres (with Ofsted).
3. HMI Prisons is one of the organisations that deliver the UK government's obligations arising from its status as a party to the UN Optional Protocol to the Convention against Torture. OPCAT requires state parties to implement a system of independent, preventive inspection of all places of detention known as the National Preventative Mechanism (NPM).
4. As part of our ongoing inspection programme, HMI Prisons inspects YOIs for young people at least once every five years and on average every two to three years according to our assessment of risk. Inspections are conducted jointly with Ofsted, Care Quality Commission (CQC) and specialist pharmacy inspectors. In addition to individual inspections, we periodically carry out cross-cutting thematic reviews.
5. All inspections of YOIs are carried out against our *Expectations* - independent criteria based on relevant international human rights standards and norms. Expectations are brigaded under four healthy prison tests: safety, respect, purposeful activity and resettlement. HMI Prisons has a separate set of expectations dedicated to children and young people held in YOIs.<sup>1</sup>
6. This submission draws on recent inspection findings and the analysis of survey findings. Not all of the reports referenced have been published.

## Young adults in prison

7. Latest NOMs figures show there were 17,895 18-24 year old men in custody in March 2014, constituting 22% of the total male prison population. At the same time there were 639 18-24 year old women in custody, constituting 16% of the total female prison population. Between June 2008 and March 2014, the number of 18-24 year old males in the prison population fell from 27% to 22% of the total male prison population; 18-24 year old women as a percentage the total female prison population fell from 24% to 16%. The reduction in young adults over recent years in total and as a percentage of the total prison population has been significant, and is to be welcomed. However, those who remain are some of the most vulnerable, troubled young adults and have complex needs.
8. Young adults are currently held in a range of establishments: dedicated 18-21 YOIs; dedicated 18-25 YOIs; split sites with adults; on dedicated wings in adult prisons; and integrated with adults. Dedicated young adult establishments (HMYOIs) are at Aylesbury, Brinsford, Deerbolt, Glen Parva, Isis, Lancaster Farms, Reading and Swinfen Hall.
9. HMIP inspection surveys have illustrated that where young adults are integrated in adult male prisons this can vary from there being one or two young adults (Northumberland, Garth) to

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<sup>1</sup> *Expectations. Criteria for assessing the treatment of children and young people and conditions in prison, version 3, 2012.* London: HMIP <http://www.justice.gov.uk/downloads/about/hmipris/expectations-children-young-people.pdf>

a significant percentage of the population (Hull – 40%; Swinfen Hall – 43%; Chelmsford 30%; Doncaster 26%).<sup>2</sup>

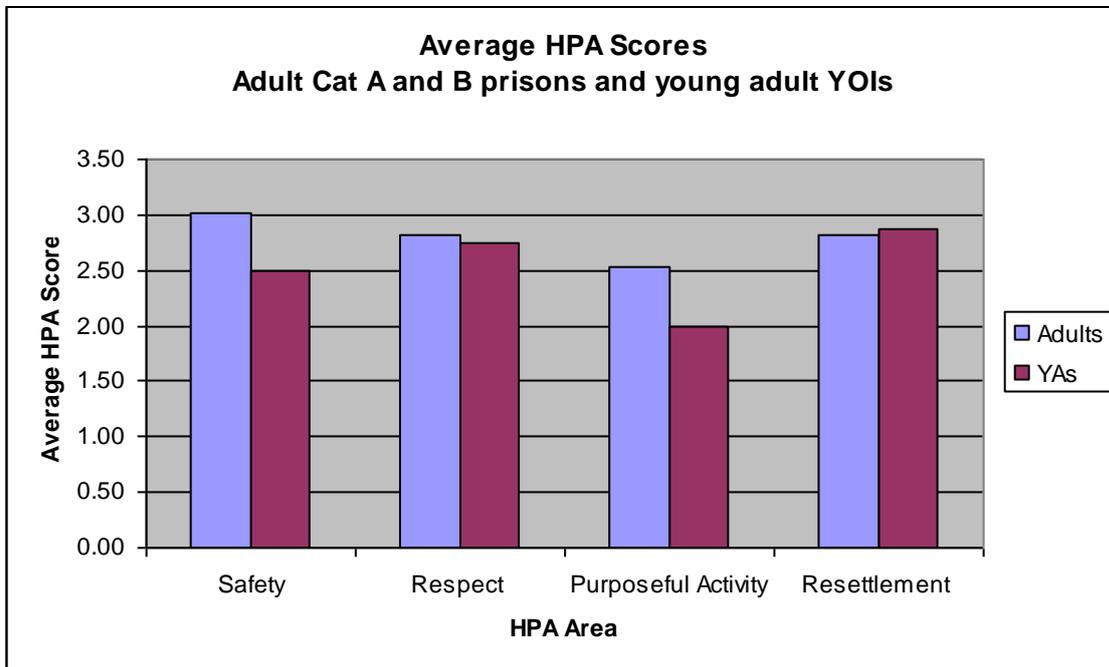
10. All young adult women are integrated within the adult women’s estate.

11. HMI Prisons survey data shows that compared to the adult male prison population, a disproportionately high number of young adult men are foreign nationals, of black or minority ethnic background, or Muslim. The characteristics of the 366 18-20 year old men surveyed by HMI Prisons between 2012/13, compared to adult males, were as follows:

Characteristic	Young adults (%)	Adults (%)
Foreign nationals	13%	9%
BME	30%	22%
Muslim	14%	10%
Disability	13%	20%
Gay/ bisexual	1%	4%

### Outcomes for young adults

12. Currently, outcomes for young adults are broadly inadequate, whatever type of establishment they are held in. A comparison of HMIP HPA scores from inspections reports published between April 2008 and May 2014 shows that two of our expected outcome areas – safety and purposeful activity – generally score lower in dedicated young adult YOIs than in adult male prisons (Cat. A and open are excluded). To the contrary, respect and resettlement outcome areas generally score higher.



### Safety

13. Our analysis of both HMI Prisons survey data shows that 18-20 year old men feel safer and more positive about their treatment when held in dedicated establishments. However,

<sup>2</sup> Figures relate to 18-20 year olds as a category included in most recent HMIP survey data.

perceptions of safety do not necessarily match actual safety, as measured in HMIP healthy prison assessments, and assault incidents as recorded by NOMS. Analysis of NOMS safety data shows considerably worse results for young adults on key safety indicators.

HMI Prisons survey data:

14. Young adults felt least safe when integrated with adults and most safe in dedicated YOIs. 44% of young adults integrated with adults reported ever having felt unsafe, compared with 38% in dedicated 18-21 YOIs and 37% in dedicated 18-25 YOIs.
15. Across the adult male prison estate young adults were more likely than adults to report having been physically restrained - 15% compared with 6% of adults aged over 21.
16. Young adults reported more victimisation from other prisoners when integrated. 24% of young adults integrated with adults reported having ever experienced victimisation 19% in dedicated 18-21 YOIs.
17. Young adults reported more negatively on drugs-related issues when integrated. 6% of young adults integrated with adults reported having developed a drug problem since arriving at the establishment in which they were surveyed, compared to 2% in dedicated 18-25 YOIs and 4% in 18-21 YOIs.

NOMS safety data:

18. According to our analysis, assault incidents per 100 prison population are almost three times higher in young adult YOIs than adult male prisons. In YA YOIs in 2012 there were 45.65 assaults (including fights) per 100 population, against 13.26 per 100 population in adult male prisons. The highest rates were recorded at HMPYOI Brinsford (64.65 per 100) and in HMP Glen Parva (60.12 per 100);<sup>3</sup>
19. A disproportionate number of assailants, fighters and victims are young adults. In 2012, young adults represented 45% of assailants (those who instigate fights), 48% of fighters and 40% of victims.
20. Self harm is increasing among young adult males. Although the total number of self harm incidents across the prison estate has reduced (due to the fall in incidents in women's prisons) self harm incidents per year among adult males have increased. Specifically, among 18-24 year old men self harm incidents per year have increased from 4213 in 2008 to 6458 in 2012 (an increase of over a third).
21. Young adults were more likely to be involved in assaults and self-harm incidents than adults. On average, 25% of assailants, 30% of fighters and 22% of victims of the assaults recorded during 2012 were 18-20 year olds (male and female) in all establishment types. This accounted for on average 8.48% of the total average prison population during the year.<sup>4</sup> 18-20 year old males (who make up, on average, 8.56% of the total average male prison population) counted for 16% of the total males self-harming.<sup>5</sup>

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<sup>3</sup> Based on NOMS prison population figures (December 2012).

<sup>4</sup> Based on NOMS Safety in Custody Statistics: Assaults.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/225114/safety-custody-assaults-mar-13.xls](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225114/safety-custody-assaults-mar-13.xls)

<sup>5</sup> Based on NOMS Safety in Custody Statistics: Self-harm supplementary tables, 2004 – 2012.

<https://www.gov.uk/government/publications/safety-in-custody>

Other specific safety issues that have been identified during HMI Prisons inspections are:

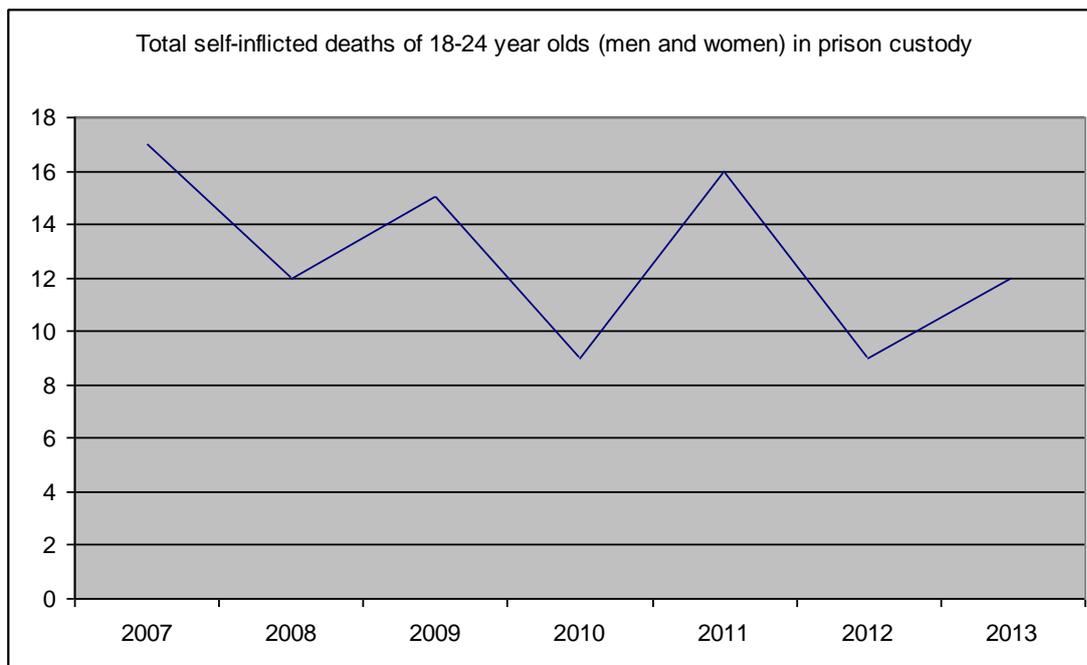
22. Frequency and underreporting of occasions in which batons were drawn and/or used, and insufficient scrutiny to ensure the proportionality of their use (Feltham B, 2013; Aylesbury, 2013). Significant and sometimes unnecessary use of force for reasons of non-compliance (Isis 2011) including high and unnecessary use of handcuffs (Deerbolt 2011). Inadequate or inconsistent investigation into alleged violent incidents (Lancaster Farms 2011, Brinsford 2011), and inadequate management scrutiny of use of force (Deerbolt 2011, Isis 2011) and staff awareness of violence reduction interventions (Brinsford 2011).

#### *Purposeful activity*

23. Our inspection reports document that if young adults are given enough purposeful activity to keep them occupied they will behave better within a custodial environment and it becomes a safer place. However, in some establishments (Rochester 2012) the opposite was happening and security was maintained by locking young adults their cells for long periods which restricted their access to activities and created tensions when they were unlocked. Across our inspections of young adult YOIs we found too many prisoners locked up during the core day. Time out of cell was considerably less than the published core day and/or recorded unlocked time. At Isis we found 48% locked in their cells during a roll check one morning; at Aylesbury we found on average a third locked up during the working day; and in Brinsford we found about 35% of prisoners locked in their cells during two random roll checks.
24. Our survey data also points to specific concerns around low rates of time out of cell among integrated young adults, and our inspection reports provide examples of young adults receiving less time out of cell and association than the adults in their same establishments (Moorland 2012, Northallerton 2011, Littlehey 2011).
25. Generally poor education for young adults was identified at Aylesbury, as well as too few activity places and poor organisation resulting in places available being underutilised. At Swinfen Hall we also found education places underutilised, and too much unsatisfactory teaching and ineffective classroom management. The daily time spent on training was also too short, and did not replicate a realistic working day.

#### **Deaths in custody**

26. The total number of self-inflicted deaths of young adults in prison custody in recent years has fluctuated between 9 and 17 per year. NOMS data shows the following:



27. Since 2012, HMIP has collected its own data on deaths in custody from NOMS daily reports and the PPO. This data confirms that there were 9 deaths of male prisoners aged between 18 and 24 in 2012/13 and 13 deaths of male prisoners aged between 18 and 24 in 2013/14. So far in the year beginning April 2014, five young adult males have died, in Doncaster, Holme House, Glen Parva, Haverigg and Wandsworth.

28. The last self-inflicted deaths of young adult women were in 2011 (2 deaths).

29. The increase in the number of self-inflicted deaths of young adult men between 2012/13 and 2013/14 matches a general trend in the male prisoner population. Self-inflicted deaths of male prisoners rose by 74% in the same period (in 2012/13 there were 50 self-inflicted deaths of adult male prisoners, and in 2013/14 there were 87). The rise in the number of self-inflicted deaths of all adult male prisoners was higher than that of young adults, which constituted 18% of the total of all self-inflicted deaths of male prisoners in 2012/13 and 14% in 2013/14.

30. HMIP analysis of the data also highlights:

- An increase in the number of young adults who were on ACCTs when they died, from 2 in 2012/13 to 7 in 2013/14.
- The youngest of the young adults to have died in 2013/14 and so far this year was 18; in 2012/13 the youngest was 20.
- The majority of deaths of 18-24 year olds in 2012/13 and 2013/14 were categorised as 'white/British' (5 out of 9 in 2012/13 and 9 out of 13 in 2013/14).
- None of the deaths took place in segregation units.
- In 2012/13, 4 of the 9 young adults who died were sentenced, and in 2013/14, 8 out of 13 were sentenced.
- In 2012/13 all of the young adults were located in prisons where they were integrated with adults. In 2013/14, 4 of the 13 self-inflicted deaths were located in YOIs, with the rest being in integrated locals or Category C prisons. Of the five deaths to have occurred so far this year, one occurred in a YOI and the rest in local/Category C prisons.

31. HMIP inspections have identified a number of relevant issues in the establishments where young adults have died, including:
- Adult prisons that had no specific young adult provisions (Birmingham, Highpoint, Humber [Everthorpe site], Ranby).
  - Significant failures in the ACCT process (Norwich 2013; Belmarsh 2013).
  - Too many people on ACCTs were being held in segregation (Norwich 2013; Durham 2013; Lincoln 2013; Glen Parva 2014; Highpoint 2012).
  - Young adults were over-represented in use of force, violent incidents and basic regime (Durham, 2013) as well as adjudications and segregation (Stoke Heath 2012).
  - Learning from PPO recommendations into deaths in custody was not being given enough attention (Woodhill unpublished 2014; Glen Parva unpublished 2014; Liverpool 2013; Durham 2013).

### **Addressing the needs and vulnerabilities of young adults**

32. Each death of a young adult in custody arises in a different set of circumstances, yet a number of common themes emerges. HMI Prisons considers that more needs to be done to identify the specific needs and vulnerabilities of young adults, anticipate risks, and act on these appropriately.
33. Currently, the ACCT is the only tool available for supporting those at risk of suicide and self harm. Though an observational tool is important, additional interventions are needed to support those at risk. HMI Prisons has identified that where support groups exist (such as at Gloucester and Featherstone), these have been appreciated by prisoners.
34. Risk assessments are essential to identifying where prisoners may be at risk to themselves or others, but in our inspections we often find they are delayed or poorly completed. Information-sharing across the prison estate is a considerable weakness.
35. Maturity levels can differ significantly within this age group, and assessing maturity is essential to mitigating risks and responding to young adults' needs.<sup>6</sup> Tools are needed to make this effective.
36. Transitions, such as those from youth to adult custody, can be extremely unsettling and lead to risk. Where managed well they can promote continuity in service provision and lead to the delivery of more effective services. Yet in many instances we have seen significant problems:
- Insufficient timely sharing of information and forward planning between the youth based and adult-based services.
  - Lack of advance notice and information on the adult establishment to which the young adult was being transferred.

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<sup>6</sup> A recently-published study on how concepts around maturity are addressed in the criminal justice system acknowledged both the importance of assessing maturity and the lack of consistent processes and systems in place to identify maturity issues and ensure that authorities work to the same understanding. Criminal Justice Alliance. (2013) Prosecuting Young Adults The potential for taking account of maturity at the charge and prosecution stage of the criminal justice system. <http://criminaljusticealliance.org/cps&maturity.pdf>

- Less contact with the probation officer and in some cases the youth offending team worker following transfer to the adult estate.
  - Planning to ensure continuity in education, training and employment.
  - No formal transitions policy in place.
37. The Youth to Adult Transitions Framework implemented by the Youth Justice Board, aims to help practitioners manage transitions effectively into the community. Our inspection evidence suggests that there is inconsistent application of the framework and that young adults are not getting the support they should once transferred.
38. The needs of specific groups of young adults must be considered. Remand prisoners find themselves generally in an uncertain situation, and report more negatively than sentenced prisoners on a number of areas. Young adult remand prisoners report feeling more unsafe, less likely to report victimisation or to anticipate a report of victimisation being taken seriously, and less well treated in care and separation units, than sentenced young adults. There have been no deaths of young adult women since September 2011, but the incidence of self harm is considerably higher among young women, who accounted for 22% of the self harm incidents recorded in 2012, despite representing only 6.84% of the total female prison population.
39. HMI Prisons has identified some good practice relating to young adults during its inspections. Where we have identified good practice it is because initiatives have tailored provision to young adults and their specific needs and situations, regardless of whether they are fully integrated or not in an establishment. For example:
- A dedicated team and senior manager offered consistency and focus on the specific needs of young adults, who had been amalgamated into a dedicated group and mostly co-located in one house block. Boundaries were generally well-established and maintained and staff were vigilant around issues of bullying and violence. There had been a reduction in the number and level of incidents in this group since the change. Staff working with these prisoners were motivated and showed an understanding of the differences between the needs of this group and those of the older adult population. (Doncaster 2010).
  - Improved relationships between staff and young adults, who were fully integrated. Staff had a much improved awareness of the needs and circumstances of young adults, and encouraged them to participate in all aspects of the regime. They actively promoted healthy relationships that focused on positive participation and an understanding of community citizenship. (Chelmsford 2011)
  - Effective identification of bullying and antisocial behaviour, and an impressive range of interventions to challenge these, including support and follow-up care for victims (Thorn Cross 2012).

## Conclusion

40. HMI Prisons considers it essential that greater emphasis be placed on learning lessons from previous deaths in custody and near misses is essential. In several establishments where deaths of young adults have occurred, HMIP inspections have identified that learning from PPO recommendations into deaths in custody was not being given enough attention (Woodhill 2014; Glen Parva unpublished 2014; Liverpool 2013; Durham 2013).

41. There are no simple answers to whether young adults are safer when integrated or in dedicated establishments and evidence often appears contradictory. Mixing young adults within adult populations can have a 'calming effect', but we have also seen integrated establishments where young adults were at risk from older prisoners (HMP Rochester, where older adults were organising and betting on fights between young adults). Furthermore, the young adult population is not a homogenous group, and sub-groupings will interact and influence each other differently. For example, when young adults were moved out of Feltham the establishment became safer for the sentenced prisoners who remained, but those who moved out were mostly disadvantaged by being further from their families.
42. It is clear that no one model of provision will meet all young adults' needs nor ensure their safety. HMIP believes that a range of different types of establishments are needed, with specific regulations to ensure their specific risks, needs and circumstances are identified and addressed wherever they are held. Strategic management of the young adult population in custody should be provided through specific arrangements within NOMS.
43. HMI Prisons considers that the Harris Review can play an important role in setting out actions to prevent future deaths of young adults, as well as providing guidance on the extent to which young adults should be treated differently from adults, and what form this might take. In turn, this guidance should inform future decisions about where young adults should be placed.

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**24 July 2014**