

PRISON CONDITIONS IN THE UNITED KINGDOM

A Helsinki Watch/Prison Project Report

**Helsinki Watch and the Prison Project
are
Divisions of Human Rights Watch**

PRISON CONDITIONS IN THE UNITED KINGDOM

JUNE 1992

A Helsinki Watch/Prison Project Report

**Human Rights Watch
485 Fifth Avenue
New York, NY 10017-6104
Tel: (212) 972-8400
Fax: (212) 972-0905**

**Human Rights Watch
1522 K Street, NW, Suite 910
Washington, DC 20005-1202
Tel: (202) 371-6592
Fax: (202) 371-0124**

Copyright © June 1992 by Human Rights Watch
All Rights Reserved.
Printed in the United States of America

ISBN 1-56432-066-9

Helsinki Watch

Helsinki Watch was formed in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The Chair is Robert L. Bernstein; Vice Chairs, Jonathan Fanton and Alice Henkin; Executive Director, Jeri Laber; Deputy Director, Lois Whitman; Staff Counsel, Holly Cartner; Staff Consultant, Ivana Nizich; Research Associates, Rachel Denber, Erika Dailey; Associates, Sarai Brachman, Pamela Cox and Elisabeth Socolow.

Helsinki Watch is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna.

The Prison Project of Human Rights Watch

The Prison Project, established in 1988, cuts across the five regional divisions of Human Rights Watch to focus on a single issue: prison conditions worldwide. The Prison Project has investigated conditions for sentenced prisoners, pre-trial detainees and those held in police lockups. It examines prison conditions for all prisoners, not just political prisoners. The work of the Prison Project is guided by the Prison Advisory Committee, whose chairman is Herman Schwartz. Other members are: Nan Aron, Vivian Berger, Haywood Burns, Alejandro Garro, William Hellerstein, Edward Koren, Sheldon Krantz, Benjamin Malcolm, Diane Orentlicher, Norman Rosenberg, David Rothman and Clarence Sundram. The director of the Project is Joanna Weschler.

Human Rights Watch

Human Rights Watch is composed of the six divisions: Africa Watch, Americas Watch, Asia Watch, Helsinki Watch, Middle East Watch, and the Fund for Free Expression.

Executive Committee

Chair, Robert L. Bernstein; Vice Chair, Adrian W. DeWind; Members: Roland Algrant, Lisa Anderson, Peter Bell, Alice Brown, William Carmichael, Dorothy Cullman, Irene Diamond, Jonathan Fanton, Jack Greenberg, Alice H. Henkin, Stephen Kass, Marina Kaufman, Jeri Laber, Aryeh Neier, Bruce Rabb, Harriet Rabb, Kenneth Roth, Orville Schell, Gary Sick, Robert Wedgeworth.

Staff

Executive Director, Aryeh Neier; Deputy Director, Kenneth Roth; Washington Director, Holly J. Burkhalter; California Director, Ellen Lutz; Press Director, Susan Osnos; Counsel, Jemera Rone; Women's Rights Project Director, Dorothy Q. Thomas; Prison Project Director, Joanna Weschler; Orville Schell Fellows, Julie Triedman, John White.

TABLE OF CONTENTS

ACKNOWLEDGMENTS	ix
PREFACE.....	xi
INTRODUCTION	1
PRISON CONDITIONS IN ENGLAND AND WALES	3
INTRODUCTION	3
BRIEF HISTORY	3
THE PRISON POPULATION.....	5
OVERCROWDING.....	5
ACTIVITIES.....	7
SANITARY CONDITIONS	8
REMAND PRISONERS.....	10
DISCIPLINARY MEASURES.....	12
USE OF PHYSICAL FORCE.....	14
SEGREGATION (RULE 43)	16
MENTALLY DISTURBED PRISONERS.....	18
SUICIDE AND SELF-INJURY.....	19
WOMEN'S PRISONS.....	20
TRANSFER OF IRISH PRISONERS	21
FOREIGN PRISONERS.....	23
FOOD.....	23
CORRESPONDENCE.....	24
TELEPHONES	25
VISITS	26
RACISM	26
DRUG ABUSE	27
AIDS/HIV	28
MEDICAL NEGLECT	28
RELIGION.....	29
WORK AND WAGES	30
PRISON CONDITIONS IN NORTHERN IRELAND	31
INTRODUCTION	31
BRIEF HISTORY	31
PRISON POPULATION	33
BELFAST REMAND PRISON.....	33
SANITARY CONDITIONS	36
ACTIVITIES.....	37
FOOD.....	37
VISITS	37
CORRESPONDENCE.....	38
TELEPHONES	39
SEGREGATION (FOR GOOD ORDER AND DISCIPLINE AND PROTECTIVE CUSTODY).....	39
DISCIPLINARY MEASURES.....	39
SUICIDES.....	39
ASSESSMENT AND ALLOCATION UNIT	39

MAGHABERRY PRISON.....	40
MAGHABERRY'S MALE SECTION	40
LIFE SENTENCES AND FIXED SENTENCES	40
GENERAL CONDITIONS.....	41
FOOD	42
VISITS AND HOME LEAVE.....	42
DISCIPLINARY MEASURES.....	42
MAGHABERRY'S FEMALE SECTION	43
VISITS	44
EDUCATIONAL AND WORK OPPORTUNITIES	45
MEDICAL FACILITIES	45
MAZE PRISON	45
EDUCATIONAL AND WORK OPPORTUNITIES	46
VISITS	46
HOME LEAVE.....	46
POLICE DETENTION CENTERS	46
PRISON CONDITIONS IN SCOTLAND.....	49
INTRODUCTION	49
PRISON POPULATION	49
PRISONER VIOLENCE	49
DISCIPLINARY OFFENSES	49
SUICIDES OR DEATHS BY UNKNOWN CAUSES.....	50
CONCLUSIONS AND RECOMMENDATIONS.....	51

ACKNOWLEDGMENTS

This report is based on a mission carried out by Professor Haywood Burns, Dean of City University of New York's Law School in Queens, New York, and Allyson Collins, Research Associate for Human Rights Watch. It was written by Ms. Collins, and reviewed by Professor Burns.

We would like to thank the many individuals who took the time to meet with us while we were in the United Kingdom, as well as those who have answered queries during the production of this report. Prison monitoring groups, families of prisoners and prisoners themselves were very helpful in providing insight and information about prison conditions in the U.K. And, with the exception of problems involved in initial arrangements for our trip, prison officials were cooperative and forthcoming during tours of prisons and subsequent interviews.

PREFACE

This report describes prison conditions in the United Kingdom. It is based on a mission sent by the Prison Project and Helsinki Watch, divisions of Human Rights Watch, to eight U.K. prisons between June 3 and June 12, 1991.³ It is also based on interviews with prison directors and officers, prisoners' rights activists, and prisoners themselves, as well as information culled from press and government reports.

There are three separate prison services in the United Kingdom — England and Wales, Scotland, and Northern Ireland. Before 1972, the British Home Secretary had oversight of the Northern Ireland Office's Prison Service. Currently, the Northern Ireland Office has its own Secretary of State who reports to the British Prime Minister, who is ultimately responsible for Northern Ireland's prisons.

During our mission we visited six prisons in England and two prisons in Northern Ireland. In England we investigated conditions at Belmarsh, Brixton and Leicester local prisons, Drake Hall Women's Prison, Swinfen Hall Young Offenders Institution, and Gartree long-term training and dispersal prison.⁴ In Northern Ireland we visited Belfast Remand Prison and the men's and women's units at Maghaberry Prison.

There was some difficulty in arranging the mission; a planned April 1991 trip was cancelled because officials would not guarantee our access to any prison. In addition, we were denied access to three prisons: Wandsworth, Birmingham and Bedford. After our persistent attempts to visit Wandsworth Prison, which is notorious for poor conditions, we were told by a Home Office representative that a recent European investigative mission had publicized its findings and that the Wandsworth Prison director did not wish to have another investigative delegation at this time.

We were also denied access to Birmingham Prison, which is well-known for its overcrowding problems, even though it was included on a list that we received from the Home Office which specified the prisons that we would be allowed to visit. This list arrived after we attempted to visit prisons primarily in the London area and were told that they were "over-visited" by groups such as ours.

In Northern Ireland we were not permitted to visit Maze prison because the prison service considers it a "relic from the past." However, in general the Northern Ireland Prison Services Secretariat was exceedingly helpful during our visit.

In most cases the prison directors arranged for unlimited inspection of their facilities. At Brixton Prison we were not allowed to see the high security unit because of the prisoners' "bad reactions" to visitors in the past and were allowed only a very brief visit to the Psychiatric Unit there.

The prison directors also allowed us to interview prisoners in each prison that we visited. Many times, however, we were hurried along while we spoke to the inmates, making many interviews quite brief. At one English prison we were asked not to discuss any "political" issues with prisoners who wish to

³ The members of the mission were Haywood Burns, Dean of CUNY Law School and Allyson Collins, Research Associate for Human Rights Watch.

⁴ High-security prisoners are "dispersed" throughout the prison system, constituting a small percentage of the general prison population.

transfer to Northern Ireland to serve their sentences near their families. In fairness to the prison officials, there were also several times when prison officials encouraged us to speak to prisoners who were known to have complaints.

At two of the prisons we visited, Belmarsh and Brixton prisons, we were forced to tour the prisons with other delegations even though we had requested separate visits. At Belmarsh Prison, we were unexpectedly joined by a delegation of U.S. college students. At Brixton Prison we toured the prison with a delegation of Hounslow magistrates.

Prisons in both England and Northern Ireland were visited, but will be addressed separately because they are governed directly by different authorities and rules. Because the British government is ultimately responsible for the prisons in Northern Ireland, we included Northern Ireland in our examination of prison conditions in the United Kingdom. Unfortunately, because of time constraints we were unable to visit Scottish prisons; the report includes a brief discussion of conditions there.

INTRODUCTION

The United Kingdom has the unenviable distinction of having the highest per capita rate of imprisonment in Western Europe. As of September 1, 1989, the United Kingdom (including England and Wales, Scotland, and Northern Ireland) had a prison population of 55,047 with 96.5 prisoners per 100,000 citizens, according to statistics compiled by the Council of Europe. If considered separately, Northern Ireland, England and Wales, and Scotland would have the three highest per capita rates of imprisonment in Western Europe.⁵ Although more recent Council of Europe statistics are not yet available, prison monitoring groups believe that the United Kingdom retains the highest per capita imprisonment rate in Western Europe. On the other hand, it should be noted that the rate is far below that of the United States which has the highest per capita rate of confinement of any sizeable country in the world.

Although conditions differ from prison to prison, there were common problems in most of the United Kingdom prisons we visited, including: the lack of in-cell plumbing for most prisoners, the extremely poor conditions for remand (pre-trial) prisoners, and the lack of useful educational and work activities for the majority of prisoners. Furthermore, mentally disturbed prisoners, some of whom are prone to suicide or self-injury, have not received appropriate attention or treatment.

As this report describes, prison conditions vary widely within the United Kingdom. In England, we observed very poor conditions at prisons such as Brixton and Leicester, exemplified by serious overcrowding and a lack of out-of-cell time for prisoners. Conversely, prisoners at Drake Hall Women's Prison had few complaints, living conditions were adequate, and most appeared to be active in educational or work programs, although much of the work could be characterized as monotonous.

Conditions in Northern Ireland's prisons also vary a great deal. There was a vast difference between Belfast Remand Prison, which was in poor physical condition and where prisoners spend all but a few hours locked up each day, and the men's section of Maghaberry Prison, which is a new prison with superior physical conditions, where prisoners are active in a range of educational and work programs and move about the prison with an unusual amount of freedom.

Among our findings, we call particular attention to the following:

- two or three prisoners are frequently confined in cells designed for one and lacking in sanitary facilities;
- according to inmates of local prisons, they are typically confined in their cells at least 20 or 21 hours a day and sometimes for 23 hours a day;
- unsanitary conditions are commonplace;

⁵ As of September 1989, Northern Ireland had the highest per capita rate of imprisonment with 1,780 prisoners, equalling 112.8 prisoners per 100,000 persons. England and Wales was second with a prison population of 48,481, equalling 96.2 prisoners for 100,000 persons; Scotland had 4,786 prisoners, with a per capita rate of 94 prisoners per 100,000 persons.

- according to inmates, physical mistreatment is particularly frequent in two prisons we were not permitted to visit, Wandsworth and Birmingham;
- the prison staffs are virtually all white while the inmate population is disproportionately non-white;
- prison guards subject prisoners in protective custody to taunting by other prisoners;
- prisoners lack privacy in receiving family visits and in most prisons have no access to telephones to keep in touch with their families;
- remand prisoners awaiting trial are regularly confined with convicted prisoners;
- the prisons provide few opportunities for work and pay minuscule sums to those who do work;
- the prisons have failed to devise a program to cope with AIDS and the potential for its spread through the inmate population.

Though high by the standards of Western Europe, the prison population of the United Kingdom is of a manageable size; indeed it is smaller than in a few of the larger states in the United States. Accordingly, provided that the authorities demonstrate the necessary determination, it is the view of Helsinki Watch and the Prison Project, divisions of Human Rights Watch, that it should be possible for the United Kingdom to end virtually all of the mistreatment of prisoners that is described in this report within a reasonable period. Some additional resources may be required, but not of an order of magnitude which would make it unrealistic to call on the authorities to make these changes.

PRISON CONDITIONS IN ENGLAND AND WALES⁶

INTRODUCTION

Prison conditions in England are characterized by serious overcrowding, excessive idle time for most prisoners, and unsanitary conditions. These problems have been acknowledged officially as contributing factors to the April 1990 uprisings that took place throughout England's prison system. Just before the riots, and especially following them, government and prison officials began to take steps to alleviate these problems. Yet, more than one year later, we found that these and other serious problems continue. Even though prison officials tried to convince us that massive improvements had been made, it was clear that, as one prison official stated during our visit, "The British prison system is just coming out of the dark ages."

BRIEF HISTORY

The series of prison disturbances that took place in April 1990 were the worst in British history and served as a desperate warning to the government and the public that the abhorrent living conditions at many prisons could no longer be tolerated. In response to the riots, then Home Secretary Kenneth Baker appointed Lord Justice Woolf to conduct an inquiry into how and why the disturbances took place. The Chief Inspector of Prisons, Judge Stephen Tumim, also took part in the inquiry. The results of their inquiry, "Prison Disturbances: April 1990," published in February 1991, will be referred to below as the Woolf Report.⁷

Between April 1 and April 9, riots took place at twenty-six different British prisons. Additional, yet generally less serious disturbances continued until April 25. The most serious uprisings occurred at Manchester (Strangeways) Prison, Glen Parva Young Offenders Institution and Remand Centre, Dartmoor Prison, Cardiff Prison, Bristol Prison and Pucklechurch Remand Centre.

During the three weeks of riots, 220 prison staff and 96 inmates were injured in the most serious riots. A Dartmoor inmate died in a fire, and at Manchester, one prisoner received injuries that may have contributed to his death and one inmate involved in the riots killed himself after the riot ended.

These six prisons also suffered over £62 million in damages. By far the highest amount in damages occurred at Manchester Prison, where it is estimated by the Home Office that it will cost £60 million for refurbishment. (Some of this cost would have been incurred for needed remodeling, regardless of the riot's damages.)

⁶ Prisons in England and Wales are governed by the same rules. Due to time constraints, we were unable to visit any prisons in Wales. Therefore, this section deals only with prisons in England.

⁷The Rt. Hon. Lord Justice Woolf and His Honour Judge Stephen Tumim, *Prison Disturbances: April 1990, Report of an Inquiry*, (London: HMSO, February 1991).

The riot at Manchester prison, by far the most serious uprising, served as a catalyst for uprisings to the many disgruntled prisoners throughout the British prison system. With the exception of the disturbance at Glen Parva Young Offenders Institution and Remand Centre, which took place following a foiled escape, the underlying causes of the riots that ensued at the other four prisons were similar to those at Manchester in that the prisoners wished to bring attention to their grievances. In general, inmates took over portions of the prisons, (in the case of Manchester, the entire prison), threatened or attacked prisoners in protective custody, and damaged the wings they occupied, sometimes by setting fires.

A number of factors contributed to the riots: one of the major factors was overcrowding. The Certified Normal Accommodation (CNA) at Manchester was 970, yet on April 1, 1990, the total population was 1,647.⁸ At Glen Parva the CNA for remand prisoners was 192, yet the remand population at the time of the uprising was 330. Similarly, Cardiff Prison had a CNA of 337: the total population at the time of the disturbance was 485, including 58 Manchester prisoners who were transferred to Cardiff the day after the Manchester uprising began. Bristol and Pucklechurch also suffer from less serious overcrowding problems.⁹

In addition to the serious problem of overcrowding, prisoners also suffered from varying degrees of unsanitary conditions, excessive time locked up in cells, and poor staff/inmate and inmate/inmate relations. During interviews conducted by the Woolf Commission following the riots many prisoners stated that they felt that rules were applied arbitrarily and that there was no opportunity for prisoners to receive a fair hearing when disputes arose.

The Woolf Report concluded that the April 1990 riots occurred because three elements that ensure stability in the prisoner service were out of balance: security, control and justice. Our report focuses on the third element, justice, which refers to the prison service's obligation to treat prisoners with humanity and fairness.

Prison officials whom we interviewed were keenly aware of the prison system's problems and were eager to discuss the changes they have implemented and plan to implement at their prisons. Almost without exception, each prison director¹⁰ cited the recommendations made by the Woolf Report and agreed with most of those recommendations. Many prison officials expressed relief that these problems were finally being addressed in a serious manner.

An immediate result of the April 1990 riots was a further exacerbation of overcrowding due to the transfer of prisoners to already crowded prisons after the rioters destroyed large sections of many prisons. Manchester Prison was closed for repairs and refurbishment until May 21, 1991, when the remand wings were reopened. The longer term effect of the riots, however, appears to be the official recognition of the

⁸ Many of those prisoners were two or three to a cell designed for one. At that time throughout the prison system, more than 20% of the prisoners were two to a cell designed for one and several thousand prisoners were three to a cell designed for one.

⁹ At Dartmoor Prison there was no overcrowding, but relations between the staff and management were poor, as were staff/prisoner relations. Other physical conditions, such as dampness in the cells and the lack of in-cell plumbing contributed to the prisoners' discontent.

¹⁰ In the United Kingdom, prison officials are called governors. Because the term "governor" in the United States refers to each state's chief executive, we have used the term "prison director" instead.

poor conditions leading to the riots, among them overcrowding, excessive idle time and unsanitary conditions.

THE PRISON POPULATION

As of August 1, 1991, 46,466 prisoners were housed in 130 prisons in England and Wales. The relatively high per capita rate of imprisonment in England and Wales, as described above, is partially due to the imprisonment of many fine defaulters and other non-violent offenders. It is estimated that only 1 in 5 people in prison each year have committed offenses involving violence, sex, robbery or drugs.¹¹ As Archbishop of Canterbury Robert Runcie stated during the April 1990 riots, British society has been "tidying away — out of sight and out of mind — addicts, minor offenders and the mentally unstable," a practice that reflects "some ugliness in our values."¹²

In England and Wales, prisoners are categorized from Category A-D, according to their risk to society if they were to escape. An escaped Category A prisoner is considered highly dangerous to the public or to the security of the State and is housed in the most secure facilities available. (Category A prisoners include prisoners on the Escape List who have attempted escape, or temporarily succeeded in escaping from prison in the past.) The highest risk Category A prisoners are usually housed in separate secure units within prisons. On the other end of the security scale, Category D prisoners are considered unlikely to escape and no threat to society at large if they did escape and are housed in low-security "open" prisons, often in rural areas.

As of September 30, 1990, the majority of sentenced male prisoners, 56 percent, were Category C's. Category B and Category D prisoners both made up 21% of the prison population, and Category A prisoners were just 2% of the total.¹³

OVERCROWDING

Although acute overcrowding subsided after its peak in 1988/89, overcrowding remains a serious problem, particularly at the large, local Victorian-era prisons.¹⁴ (February 1989 saw a peak in cell sharing, with 5,058 prisoners sharing three to a cell and 12,616 two to a cell built for one.) As shown in the chart below, certain prisons suffer disproportionately from overcrowding. (See Chart I).

¹¹ As stated by Prison Reform Trust, a prison monitoring group, *Submission to the Woolf Inquiry*, (London: Prison Reform Trust, 1990).

¹² "Violence in 19 Prisons Rocks Britain," *The Washington Post*, April 10, 1990, p. A19.

¹³ According to the National Association for the Care and Resettlement of Offenders (NACRO), as of September 30, 1990.

¹⁴ By late 1991, overcrowding was on the rise again at local prisons and in police lock-ups.

On May 31, 1991, the prison population of England and Wales was 45,542 and the Certified Normal Accommodation (CNA) was 43,788, an occupancy rate of 104 percent. Most of the overcrowding was concentrated in the major cities' large, Victorian-era local prisons (where most remand prisoners and a smaller number of usually short-term sentenced prisoners are housed). In May 1991, the average occupancy rate at local prisons was 132 percent.¹⁵

Two of the three local prisons that we visited suffered from severe overcrowding. The exception, Belmarsh Prison, is new and not yet operating at full capacity. Brixton Prison has a CNA of 729. The Brixton administration has established a "working capacity" number, beyond which they cannot go, of 1,070. The day of our visit, the total population was 1,061.¹⁶

Officially, the CNA at Leicester Prison is 205. However, in practice, the Leicester Prison directors use the occupancy figure of 400, and consider 520 the "bust" figure or the absolute maximum number of prisoners they can hold. On the day of our visit the total population was 332. Unlike at Brixton, triple occupancy cells have not been phased out at Leicester. The prison director stated that about half of the cells are double cells, and the rest are divided between single cells and triple cells.

However, the majority of cells that we entered randomly at Leicester were triple occupancy with one bunk-bed and one single bed. These cells measured 7 feet by 13 feet, 5 inches. Each cell has some sort of storage place for belongings, and at least one desk. Since cells contain books and other belongings, there is very little floor space left for moving about. It appeared that only one prisoner could be off of his bed at a time without bumping into another prisoner or cell furnishings.

As in every other housing cell we observed, the doors are solid metal except for a small window. The windows are usually covered with plastic and wire mesh. While interviewing prisoners, we would sometimes partially close the cell doors so we could speak privately, which only added to the cramped feeling. Each prisoner only has an arm's distance between himself and another prisoner. During these brief periods it was apparent just how oppressive the crowded cells can be.

ACTIVITIES

Some prisoners spend as many as 23 hours each day in overcrowded, and as described below, unsanitary cells, particularly in local prisons. At prisons where work or educational programs are not widely available, only the small percentage of prisoners who are allowed to work as orderlies are out of their cells for more than an hour or two each day. (Work opportunities are described below.)¹⁷ On average, half of the prisoners at remand and local prisons are not involved in any work or educational programs.

¹⁵ A prison with 100 percent occupancy is already overcrowded since there are always cells undergoing repairs or not usable at any given time.

¹⁶ The double occupancy cells measure 7 feet by 11 feet, 6 inches. The only prisoners who get single cells are in the medical wing, punishment wing, or are high risk Category A and Escape List prisoners.

¹⁷ According to NACRO, as of March 1990, 11 percent of prisoners in local prisons and remand centers were on education and training courses, 28 percent were at work of some sort, and 10 percent were involved in other activities.

All prisoners are allowed "exercise time" for an hour each day. Exercise time in local prisons is usually spent in a small concrete yard with little or no sporting apparatus. Some prisons do have gym facilities, and at the new local prison, Belmarsh, those facilities are impressive.

Inmates at local prisons told us that, unless they get visits, the hour of exercise time is the only time they spend out of their cells. Most estimated that, on average, prisoners at local prisons spend at least 20-21 hours locked up each day. (Prison officials dispute this claim and warned us that prisoners would exaggerate the amount of time they spend in their cells. Although it was apparent that prisoners were spending an excessive amount of time locked in their cells, it was impossible during our visits to ascertain the exact number of hours spent locked up each day.)

When asked how they spent all of their in-cell time, many prisoners said that they sleep a lot, while others told us that they do a lot of reading. Of course, many spend the time talking with their cellmates, often sharing stories relating to the alleged criminal activities that resulted in their imprisonment. A former Chief Inspectorate of Prisons once stated that long hours of idle lock-up time is:

...a dispiriting experience which deadens intellect, paralyses initiative and promotes bitterness and depression. All but the strongest-willed find that unemployment accelerates descent into institutionalization and dependency.¹⁸

SANITARY CONDITIONS

Unsanitary conditions were apparent at several prisons that we visited in England. Prisoners complained about the lack of integral sanitation (in-cell plumbing), lack of clean clothing and bedding, and infrequency of showers.

Many prisoners told us that the most degrading aspect of prison life is the use of a plastic chamber-pot in their shared cells and the subsequent process of emptying the chamber-pot's contents into their cell wing's few toilets, a practice known as "slopping out." According to 1991 government figures, more than 40 percent of the prisoners in the British prison system were housed in cells without integral sanitation or ready access to toilet facilities.

The first thing those prisoners do each morning is line up to "slop out." Prisoners are typically locked in their cells at approximately 7 p.m. and let out of their cells briefly at 8 a.m. Therefore, prisoners are in their cells with their waste for 13 hours overnight. We were told the stench can be foul, particularly in triple occupancy cells. In deference to cellmates, prisoners try not to defecate in their slop pots during the night, but in desperation some will wrap their excreta in ripped sheets, socks or whatever is available to minimize the smell. In cells without mesh, these parcels are tossed out the window. In addition, we were told that at times during the morning slopping out session, the over-used toilets become clogged, resulting in an overflow of human waste. (There are also slopping-out periods throughout the day.)

¹⁸ HM Chief Inspector of Prisons for England and Wales, *Report of HM Inspector of Prisons for England and Wales 1981*, para. 4.01, as cited in Vivien Stern, *Bricks of Shame: Britain's Prisons*, (London: Penguin Books, 1987), p. 213.

The practice of slopping out is in blatant violation of the UN Minimum Rules, which state:

The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.¹⁹

In describing the process of slopping out, the Chief Inspector of Prisons once wrote:

...The stench of urine and excrement pervades the prison. So awful is this procedure that many prisoners become constipated — others prefer to use their pants, hurling them and their contents out the window when morning comes.²⁰

There is currently a plan in place to provide in-cell toilets and sinks for all prisoners by 1994. Several prison directors expressed skepticism that integral sanitation would be instituted by that date, and one called the plan "rubbish."

While integral sanitation is clearly necessary, there will be two undesirable effects of the installation of plumbing in each cell. An immediate problem is the displacement of prisoners who must move out of prison wings undergoing refurbishment. At least temporarily, overcrowding may increase until the installation is completed. Another problem associated with in-cell plumbing is the space necessary for a toilet and a sink in each cell. We were shown a cell with integral sanitation at Leicester Prison (at that time there were approximately 50 cells, out of a total of 205, with in-cell plumbing) where the plumbing took up about an eighth of the cell. One prisoner quipped that with the space taken up by in-cell plumbing, cells originally intended for just one prisoner would no longer be suitable for two or three.

In many prisons, prisoners eat their meals in their cells. Prisoners told us that it is unappetizing, to say the least, to be forced to eat all of their meals near the slopping pots.

In addition, taking meals in cells also contributes to pest and vermin infestations. Some prisoners complained about cockroaches in food and in their cells.

Many prisoners, particularly in the local prisons, complained that they are allowed just one shower per week and are not allowed to wash in sinks in the lavatories. Prisoners also complained that they were allowed a change of clothing just once a week and a change of underwear just twice a week. In a press report, one inmate at Hull prison reported that he is forced to wash his underwear in the same bowl he washes his face in.²¹

Some prisoners also complained that bedding was often dirty but that it would not be changed until

¹⁹ UN, *Standard Minimum Rules for the Treatment of Prisoners and Procedures for the Effective Implementation of the Rules*, 1984, (New York: UN, Department of Public Information, 1984), Rule 12.

²⁰ *HM Chief Inspector of Prisons, Report of HM Chief Inspector of Prisons 1984, para. 5.04, as cited in Stern, Bricks of Shame, p. 81.*

²¹ Heather Mills, "Hull Prison: The stench of decay that reeks across the prison system..." *The Independent*, August 9, 1990.

it was very smelly or filthy. One Leicester prisoner who told us about this problem showed us his filthy bedcovers and said he had repeatedly asked for them to be washed or changed, with no results.

In the local prisons, there is poor ventilation in many parts of the prison. As mentioned, cells are equipped with solid metal doors, with a small square window covered by plastic and wire mesh in most cases, thus hindering air circulation. The strong smell of meals taken in cells and the stench of urine were evident. Conditions in the psychiatric wing in Brixton prison were particularly unsanitary. The wing smelled strongly of urine and the floors were wet in many areas. In addition, food dropped on the floor had not been cleaned up.

REMAND PRISONERS

In the British prison system, remand prisoners suffer from the worst conditions the prison system has to offer, even though they are not actually serving sentences. (Although in the United Kingdom a remand prisoner is technically a prisoner held in custody pending trial, in the interest of simplicity we use the term here as referring to both untried and unsentenced prisoners.) Most remand prisoners are sent to overcrowded local prisons where they are frequently mixed with sentenced inmates in violation of both British Prison Rules and the UN Standard Minimum Rules for the Treatment of Prisoners.²² A smaller number of remand prisoners are sent to remand centers, intended solely for the incarceration of prisoners awaiting trial or sentencing. (As of May 31, 1991, local prisons had a 132% occupancy rate, and remand centers had a 98% occupancy rate — the two most crowded categories of prisons.)

In 1989 remand prisoners constituted over 21 percent of the prison population.²³ The substantial increase in the overall prison population during the 1980's was almost entirely due to the growth of the remand population during that period. In 1991, the average number of days spent on remand was 53, as compared to 1975, when the average was 25 days.²⁴ In 1986, 11,000 unconvicted prisoners were held for over 90 days, and 800 of these for over six months.²⁵ After serving long periods on remand, approximately 40 percent of male prisoners and 60 percent of female prisoners do not receive a prison sentence.²⁶

As mentioned above, remand prisoners spend as many as 23 hours each day in their cells. Since their stay at the local prisons is for a relatively short period, little effort is made to provide them with work

²² Prison officials and prisoners at overcrowded local prisons concede that mixing of remand and sentenced prisoners is permitted in order to allow the remand prisoners to enjoy the limited activities provided for sentenced prisoners. Indeed, most prisoners with whom we spoke told us that they were interested in having the most out-of-cell time possible, and were not concerned that the separation rule was not being followed.

²³ Silvia Casale and Joyce Plotnikoff, *Regimes for Remand Prisoners*, (London: Prison Reform Trust, 1990), p. 3.

²⁴ *Ibid.*, p. 4.

²⁵ *Ibid.*, p. 4.

²⁶ Stern, *Bricks of Shame*, p. 32.

or vocational training. Some prisoners' rights groups have advocated unlocked time for remand prisoners, even if only for access to sanitation facilities. And, although remand prisoners are not obligated to work, many volunteer for work in order to get out of their cells more frequently and to earn wages. Nonetheless, work opportunities are limited in general, and are particularly limited for remand prisoners.

While on remand, psychiatric assessments can be ordered by the court for certain prisoners. Prison monitoring groups have noted an assumption by many authorities that women involved in criminal behavior may be mentally disturbed; this presumption has resulted in psychiatric tests being administered to women prisoners more frequently than to men. Because these psychiatric evaluations often take a long time to complete, trials may be postponed until the assessments are finished.

A large proportion of remand prisoners are black. According to the National Association of Probation Officers (NAPO), "Black people now comprise a staggering 20 percent of the remand population in England and Wales, but by comparison only 4.4 percent of the general population." NAPO also reports that 55 percent of black remand prisoners subsequently do not receive a custodial sentence.²⁷

Because of logistical difficulties, remand prisoners in protective custody (those who have been removed from the general prison population for their own protection or for "good order and discipline") are seldom separated from sentenced prisoners in protective custody.²⁸ Remand prisoners in protective custody told us that they are primarily interested in being separated from the general prison population and are not concerned about mixing with sentenced protective custody prisoners.

In general, remand prisoners are unclassified, but are treated as Category B prisoners in practice. (The highest risk remand prisoners are provisionally categorized as Category A.) By definition, Category B prisoners do not require the very highest security, but escape must be made very difficult for them. As described above, four out of ten male remand prisoners will not be sentenced to prison terms, and of the remaining 60 percent, more than half will be categorized as C or D prisoners.²⁹ This categorization leads to unnecessary security restrictions for the vast majority of remand prisoners.

The suicide rate among male remand prisoners is particularly high — three times that of the average for the rest of the prison population. The poor conditions at local prisons have been cited as contributing to the desperation experienced by newly-imprisoned inmates. (Treatment of mentally ill prisoners is described below.)

Remand prisoners are entitled to 15-minute "domestic" (non-legal) visits daily, unlike convicted prisoners who are entitled to domestic visits just once every 28 days. (There is no limit on the number of legal visits a remand prisoner may receive.) Prison Rule 34 states:

An unconvicted prisoner may send and receive as many letters and may receive as many visits as he wishes within such limits and subject to such conditions as the Secretary of State may direct, either

²⁷ Casale and Plotnikoff, *Regimes for Remand Prisoners*, p. 4.

²⁸ Problems associated with protective custody and separation for "good order and discipline" are described below.

²⁹ Casale and Plotnikoff, *Regimes for Remand Prisoners*, p. 13.

generally or in a particular case.

Because of logistical difficulties in providing daily visits, remand prisoners are usually forced to agree to longer personal visits that are less frequent. The Prison Reform Trust, a prison monitoring organization, has reported that of 43 establishments with remand populations, only eight still permit daily visits and none allow evening visits. However, according to prisoners and prison staff with whom we spoke, prison authorities have been flexible about the length of visits and rarely restrict them to 15 minutes.

Prison regulations state that remand prisoners are entitled to wear their own clothing, on the condition that it is kept clean and tidy. In practice, however, remand prisoners often do not exercise this right because keeping their own clothes clean and tidy is difficult. Exchanging clothing during visits also requires additional assistance by prison staff. During our visit, we saw few prisoners wearing non-prison issue clothing.

In the past, remand prisoners were permitted to have food brought in from the outside. Because of the practical difficulties of searching food for contraband, particularly drugs, this practice was ended in 1988, with the intention of providing a more varied diet for remand prisoners through outside catering. This alternative never materialized and now remand prisoners are provided with the same food as convicted prisoners.

DISCIPLINARY MEASURES

According to the Prison Rules, a prisoner may be separated from other prisoners if he or she commits an offense such as: assaulting officers or other prisoners; attempting escape or successfully escaping; possessing unauthorized items; stealing; damaging property; treating a prison officer disrespectfully; or using improper or abusive language. Under Rule 43, prisoners may also be separated from the general population for the maintenance of "good order and discipline" or at the prisoner's own request. (Rule 43 is discussed in detail below.)

Under the prison rules, a prisoner who is charged with a disciplinary offense may be kept apart from other prisoners pending adjudication. The prisoner must be informed of the charge as soon as possible and before the time when it is inquired into by the prison director, which should be the following day. The prisoner is entitled to a disciplinary hearing during which he can explain his actions.

If the prisoner is found guilty of a minor offense, the prison director may institute one or more of the following penalties: a caution; forfeiture of privileges for a period not exceeding 28 days; stoppage of earnings for a period not exceeding 28 days; cellular confinement for a period not exceeding three days; or forfeiture of remission of sentence of a period not exceeding 28 days.

If the prisoner is charged with a more serious offense, such as mutiny or incitement to mutiny, escaping or attempting to escape, assaulting an officer, or assaulting another prisoner, the prison director must inform the Secretary of State, and, unless otherwise directed by the Secretary, refer the charges to the Board of Visitors.³⁰ For the most serious offenses — mutiny or incitement to mutiny, gross personal violence

³⁰ Every prison has a Board of Visitors appointed by the Home Secretary; Visitors serve without compensation as independent monitors and as adjudicators. The Boards of Visitors are made up of individuals from the prison's

to an officer — at least two of the not more than five and not less than three required members of the Board of Visitors must be justices of the peace.³¹

If the prisoner is found guilty of a serious offense, the board may institute one or more of the following penalties: a caution; forfeiture of privileges for any period; stoppage of earnings for a period not exceeding 56 days; cellular confinement for a period not exceeding 56 days; or forfeiture of remission of sentence of a period not exceeding 180 days. (For the most serious offenses, the board may institute forfeiture of remission of more than 180 days.)

While held in punishment cells, which are sparsely furnished with furniture made of cardboard, prisoners are not allowed to work (and therefore do not earn work wages), may have their mattresses taken out of the cells during the day, and may lose certain privileges. If a prisoner is violent, he or she is placed in a stripped cell, which may be furnished with just a mattress on a platform and a chamber pot. All prisoners in punishment or stripped cells are entitled to an hour's exercise time each day and legal visits. Personal visits are deferred until the prisoner has served his or her period in a punishment cell.

Although prisoners with whom we spoke were unable to provide specific incidents where the disciplinary hearing procedures were not followed, most prisoners stated that the system did not work and they were not allowed fair hearings. It was impossible for us to ascertain from our brief visit whether or not prisoners were receiving fair hearings by prison directors or the Boards of Visitors.

Many prisoners did tell us that the way in which the disciplinary rules were applied was arbitrary. For instance, at Swinfen Hall Young Offenders Institution, one prisoner complained that there were petty rules about which clothes can be worn in each part of the prison. He said that if a prisoner is wearing incorrect clothing he may lose some of his pay, and that prison officers frequently harassed prisoners over petty violations.

USE OF PHYSICAL FORCE

Although the rules regarding the treatment of a disruptive prisoner were stated repeatedly by prison authorities, there were reports that at times prison officers mete out their own justice.³² During our visit, some prisoners related disturbing accounts of mistreatment by prison officers. According to their reports, excessive use of force by prison officers usually occurs while moving a disruptive prisoner to a segregation cell to "cool off." Most prisoners were quick to point out that many of the prison officers never mistreated prisoners, but that there were some "bad apples" who physically and verbally abused prisoners frequently.

community.

³¹ The role of the Boards of Visitors as adjudicators has been controversial; prisoners' rights groups and board members themselves have noted that many members of the Boards of Visitors are not qualified for adjudication and often have personal relationships with prisoners and prison officials that affect their ability to impartially adjudicate disciplinary hearings. At the time of this writing, prisoners' rights groups have informed us that the Home Office will agree with the Woolf Report's recommendation to remove the adjudicatory role of the Board of Visitors.

³² According to Prison Rule 44, "An officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used." *The Prison Rules 1964, as amended*, (London: HMSO, 1976), p. 30.

During each interview at each prison we visited, we asked prisoners whether they had experienced, or knew of mistreatment of prisoners. The majority of prisoners interviewed did not report incidents of abuse by prison officials, and no prisoner reported being beaten by prison officers. However, some prisoners told us that they had heard that beatings do occur in segregation and psychiatric units of prisons. As detailed below, the accounts that we heard, as well as reports from other sources, lead us to conclude that mistreatment of prisoners is a serious problem in some prisons.

In our interviews with prison staff and inmates, Wandsworth and Birmingham Prisons were often named as examples of prisons where physical mistreatment is common and secretly carried out. (Despite our request in advance of our visit, British authorities refused to allow us to visit these institutions.)

Leicester's prison director, when explaining the use of the "special cell" at his prison, said that to his knowledge the unfurnished, barely lit cell had only been used twice during the first six months of 1991, and that the body belt had been used just once in the past three years.³³ However, prison officers in the special cell wing told us that in these two cases when the special cell was used, the body belt had been used. The prison director stated that prison officers might use the special cell or the restraining body belt without the prison director's knowledge. He then stated that "harsher methods" were used by officials at Wandsworth and Birmingham Prisons.

In an article in the magazine *Time Out*, a former prison officer at South London's Wandsworth Prison confirmed Wandsworth's well-known reputation for mistreatment of prisoners.³⁴ The prison officer, who chose to remain anonymous, reported that prison officers treat prisoners in a "barbaric" way and that new prison officer recruits are told to "Keep the bastards down." He states in the article that prison officers regard the use of force as "quite normal, everyday behaviour....Shouting, verbal abuse and threats are encouraged." The former prison officer, who was so appalled by the brutal regime at Wandsworth that he left the prison service, told the magazine that the use of control and restraint techniques, such as body belts and wrist-locks, is "kept under wraps and carried out almost always after prisoners have been locked up for the night."

Accompanying the *Time Out* article were the testimonies of four prisoners who added their stories of mistreatment at Wandsworth. One prisoner said that he was "head-butted" by a prison officer when he tried to write down what was transpiring during a cell search. His nose was broken but he was not taken to an outside hospital for two weeks. The Home Office subsequently paid him £5,000 for damages, but did not admit liability.

Another prisoner who was reportedly held in a body belt for almost 24 hours filed charges with the Home Office and was compensated with £750 after a judge ruled that the prison director had acted in an

³³ The special cell is typically used for short periods to confine very violent or self-destructive prisoners for a "cool down" period. A body belt is a thick leather belt which is fastened around the prisoner's waist, with handcuffs attached to a ring on either side. The prisoner's arms cannot extend fully so that prisoners are hunched over and cramps often set in. The use of the body belt has been roundly criticized by prison monitoring groups. Although many prisons have phased out the use of the belt, some prisons continue to rely on it.

³⁴ Denis Campbell, "Chain Reaction," *Time Out*, June 12-19, 1991, pp. 11-13.

"unjustified and excessive manner."³⁵

In another incident at Wandsworth, a prisoner held in the segregation unit heard another prisoner being beaten in a nearby cell. He yelled and kicked his door, telling the prison officers to stop the assault. After the prison officers left the other prisoner, they entered the protesting prisoner's cell. He alleges that they held him face down and forced his arms and legs behind him, twisting his wrists back and forth. He was afraid to report his injuries while he was held in segregation, but after his 28-day stay in the segregation wing was over, he received medical attention. An x-ray revealed that he had suffered chipped bones in his wrist.

According to Stephen Shaw of the Prison Reform Trust, Wandsworth Prison is known as a "punishment prison."³⁶ He states that the Prison Service senior managers believe that Wandsworth should remain undesirable to serve as "the big stick" that disruptive prisoners throughout the system fear. (It is worth noting that, according to Brixton prison officials, Brixton prison officers are first trained at Wandsworth.)

In May of 1991, a prison officer from Armley prison was convicted on assault charges after he reportedly punched and kicked several inmates in the prison's punishment wing. According to *The Guardian*, two other prison officers charged with the beatings, which occurred between 1988 and 1989, were acquitted. Prison officers in the punishment wing reportedly filed false reports about how prisoners received their injuries.

In one case, prison officers reported that a prisoner received a black eye after he fell out of bed, even though the prisoner had reported the beating to the prison director. According to reports, after the prisoner complained one prison officer forced the inmate to write a letter stating that he had not been assaulted. Evidence supporting the prisoner's original claim of assault was presented in court, including a photograph showing that the bed was just twelve inches off the floor.³⁷

Local prisons are forced to deal with the most serious disciplinary problems because, in addition to disruptive remand prisoners, they are also sent the disruptive prisoners from other prisons in the system. The practice of "ghosting" disruptive prisoners, by moving them frequently throughout the prison system, often putting them in solitary confinement, is one way the prison system deals with inmates who are "control problems."

One prisoner, Gary Nelson, has reported that he was held in 33 jails during a four year period.³⁸ "Ghosting" has been condemned by prison monitoring groups as an intimidation tactic. Prisoners are often relocated at night without warning. When relatives attempt to visit the prisoners, they arrive at the prisons

³⁵ Written authority by the Board of Visitors is required for the use of the body belt for more than 24 hours.

³⁶ *Time Out*, June 12-19, 1991, p. 12.

³⁷ "Jail Officers Gave Inmates Good Beating, Court Told," *The Times*, April 17, 1991; Interview with John Carvel, reporter for *The Guardian*, October 15, 1991.

³⁸ "Jails 'ghost' tells of suffering in belts and straps," *The Independent*, June 3, 1991.

only to be told the prisoner is no longer there. Prisoners who are frequently transferred gain a reputation as trouble-makers, whether deserved or not, and therefore receive poor treatment at each prison to which they are moved. Nelson has reported that at Bedford Prison he was left naked and in a body belt for five days, and when he was transferred to Wakefield Prison he was placed in a body belt for three days, with the approval of the Board of Visitors, because of his reputation as a disruptive prisoner.

SEGREGATION (RULE 43)

Many of the prisoners with whom we spoke at Leicester Prison had been segregated "for the maintenance of good order and discipline" or for their own protection.³⁹ In practice, segregated prisoners are housed in wings, or sections of the prison where they do not come into contact with the general prison population. These prisoners "slop out" and take exercise and association periods at different times than the rest of the inmates.

Rule 43 is controversial for several reasons. Some prisoners are segregated from the rest of the prison population temporarily if prison officials fear that the prisoner may be about to engage in a disruptive act or if prison officials believe that a prisoner has committed an offense but cannot prove his guilt. This is justified by prison officials as the "maintenance of good order and discipline" yet the application of this rule leads to the circumvention of the prisoner's right to a disciplinary hearing before being detained in a segregation unit. In effect, the prisoner is being punished without any recourse.

The more common usage of the segregation rule is at the request of the prisoner himself, according to prison officials and prisoners' rights groups. Prisoners who fear for their safety if they were forced to serve their sentence with the general population are held in protective custody. Most of the prisoners in protective custody are sex offenders, but there are also prisoners who are bullied by other inmates or who have disputes with other prisoners. We interviewed one of the latter at Swinfen Hall, who was scared to return to his cell because he was afraid he would be beaten by an inmate to whom he owed money.

Sex offenders make up the majority of Rule 43 prisoners, and their numbers are increasing dramatically. In 1981, sex offenders made up 4 percent of the total prison population, but by 1988 accounted for 7 percent. The rise in the number of sex offenders has resulted in the quadrupling of the number of prisoners held in segregation, adding to the problems of overcrowding and poor regimes.⁴⁰

Sex offenders in segregation complained that they were at the very bottom of the heap at the crowded local prisons. At Leicester Prison, all of the "protective custody" prisoners with whom we spoke were held three to a cell that measured 7 feet by 13 feet, 5 inches. Because they cannot mix with the general prison population, they spend even more time in their cells than other prisoners, usually up to 23 hours each day. Following a review of the conditions for Rule 43 prisoners, former Chief Inspector of Prisons James Hennessy stated in 1986:

³⁹ Prison Rule 43 states: "Where it appears desirable, for the maintenance of good order and discipline or in his own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the prison director may arrange for the prisoner's removal from association accordingly." *The Prison Rules*, p. 30.

⁴⁰ Prison Reform Trust, *Sex Offenders in Prison*, Prison Reform Trust, (London: Prison Reform Trust, 1990).

Prisoners segregated under Rule 43 in local prisons tend to be held in the worst conditions and experience the worst regime of all inmates, and for many the conditions are unacceptable.⁴¹

Sex offenders held in segregation also told us that they are ridiculed by other prisoners and prison staff. Rule 43 prisoners told us that they are forced to line up in the hallways within view of the general population where they are often taunted by the other prisoners. According to the prisoners we interviewed, some prison officers also take part in these incidents of harassment, and rarely take measures to minimize the verbal abuse by other prisoners.

Prisoners in protective custody are also at greater risk during uprisings, as was demonstrated during the April 1990 riots when several were seriously injured and were terrorized by rioting inmates. One prisoner held in protective custody died of a heart attack just after being seriously injured during the 1990 riots, and another tried to hang himself during the riot in order to avoid his anticipated fate at the hands of the other prisoners.

MENTALLY DISTURBED PRISONERS

It is estimated that more than a third of the prisoners currently held in British prisons suffer from a diagnosed psychiatric disorder.⁴² Their imprisonment stems from the shortage of secure hospital facilities in the country. Hospitals without secure units understandably do not want mentally ill patients who have been charged with, or convicted for, violent crimes. If there is one thing agreed upon by outsiders and prison officials alike, however, it is that these individuals do not belong in prison. During a House of Commons hearing on this problem, a Home Office representative stated, "...it may be that prison is not the most desirable environment for such individuals, but in fact, it is frequently the only asylum available..."⁴³

During our visit to Brixton Prison we were shown the psychiatric wing, F Wing. The F Wing houses up to 200 mentally disturbed prisoners, who are locked in overcrowded, unsanitary conditions for up to over 23 hours each day. Brixton's F Wing is notorious for its poor treatment of mentally disturbed prisoners and its high rate of suicide. During our interviews with prisoners in the rest of Brixton Prison, several told us that they had heard that beatings by prison officers took place in the F Wing.

Our brief visit into F Wing was very disturbing. We entered the wing during mealtime; food and liquids were spilled on the floors and the smell of urine was overwhelming. The four-level wing was incredibly loud, with prisoners shouting and screaming and banging anything that would make noise.

⁴¹ J. Hennessy, *A Review of the Segregation of Prisoners Under Rule 43*, (London: HMSO, 1986), as cited in *Sex Offenders in Prison*, p. 13.

⁴² John Gunn, Anthony Maden and Mark Swinton, "Treatment Needs of Prisoners with Psychiatric Disorders," *British Medical Journal*, August 10, 1991.

⁴³ United Kingdom. Parliament. *Minutes of Evidence Taken Before the Social Services Committee*, Session 1985-86, November 20, 1985, para. 5.

Our guide appeared to be quite tense in this part of the prison. We were able to interview only one prisoner, who appeared to be mentally disturbed. He told us that the measures that prison officers take to prevent suicides are futile because, "if I wanted to kill myself I'd just wait until the prison officer comes around and hang myself just after."⁴⁴

F Wing has six "special medical rooms" which are stripped cells with just a single cushion for sleeping. Each cell has a window, but it is covered with plastic and wire. One of Brixton's own doctors testified in 1989 at an inquest into a prisoner's death on F Wing that the special medical rooms were "inhuman, primitive and did not allow good supervision."⁴⁵ The inquiry was into the death of prisoner David Byrne who died after receiving a very large dose of the drug haloperidol.

The lack of secure hospital facilities and space at prison hospitals results in holding disruptive mentally ill patients in segregation units which are intended as punishment. These prisoners are thus detained, sometimes for several months, in sparsely furnished segregation cells awaiting transfer to other prisons. One inmate at Gartree Prison named Houston, was held in a segregation cell for five months because he "acted oddly," according to the deputy prison director. No other prison would take him, so they kept him in segregation.

According to prison monitoring groups, many mentally disturbed inmates are given large dosages of drugs. When we interviewed one such prisoner in Leicester Prison's hospital wing, he complained that he was continually given massive doses of tranquilizers. He appeared to be heavily medicated as we spoke to him, yet during our short visit he was given more medication. As he took the medication, he told us, "see what I mean?"

SUICIDE AND SELF-INJURY

Lack of qualified medical attention for suicidal prisoners is a serious problem throughout the prison system, with young remand prisoners at particular risk. According to prison monitoring groups, there were 51 prison suicides in 1990 and 26 through August 12, 1991.⁴⁶ Prisoners at Leicester Prison told us that the prisoners themselves are responsible for keeping the suicide rate down because the prison medical service personnel and prison officers are "clueless."

According to a former inmate at Armley Prison, prison officers occasionally displayed a serious lack of concern about suicidal prisoners, according to a report in *The Guardian*. Between May 1988 and February 1989, five male teenage remand prisoners hanged themselves. (These prisoners were held two or

⁴⁴ Our visit to F Wing was cut short when we were rushed out of the wing because a prisoner on an upper level was destroying his cell. Several prison officers ran upstairs carrying the tyrelene (untearable cloth) suit for restraining disruptive inmates. Once outside the wing, a Hounslow magistrate who was on our tour commented that the F Wing "didn't seem so bad."

⁴⁵ Testimony of Dr. Sathymoorthy at the February 13, 1989, inquest into the death of prisoner David Byrne, as quoted in a letter from Lydia Sinclair, then of Birnberg and Co., to the legal director of the National Association for Mental Health.

⁴⁶ Deborah Coles, "Inquest's Fight for Life," *Prison Report* 16 (Autumn 1991): 4.

three to a cell for up to 23 hours each day, according to the prison inspectorate.) The former prisoner told *The Guardian* that one of his cellmates told prison officers that he was feeling down and "might do something stupid. They sent him back and told me: 'Keep an eye on him and, if he doesn't succeed, hang him yourself.'"⁴⁷

At Gartree Prison, a prison officer told us that suicidal prisoners are held "for observation" in special cells in the segregation wing. Those special cells have just a chamber-pot, a mattress and a blanket and are intended as punishment cells for prisoners who commit offenses. The prison officer at Gartree was quickly corrected by the deputy prison director who told us that suicidal prisoners are taken to the hospital.

Following a spate of suicides in early 1991 and the high number of suicides in 1990, prison reform groups called for the abolition of the Prison Medical Service, claiming that prison medical personnel were unqualified and should be replaced with National Health Service personnel. The prison reform groups contend that prison medical personnel did not act to prevent several suicides following suicide attempts, and that mentally ill prisoners are often not identified as disturbed and not treated appropriately.

In one case that received a great deal of attention, two 18- year-olds detained at Hindley Remand Centre hanged themselves on June 24, 1990. One of the teenagers, Tony Hook, was separated from the general population and placed in the stripped cell even though upon his arrival at Hindley prison officials had been told that he had previously attempted suicide by cutting his wrists and taking a drug overdose. During his stay at Hindley, a razor blade concealed in the back of his watch was discovered. Yet he was not considered a suicide risk and was placed in the stripped cell where he hanged himself. The medical officer at Hindley who determined that Hook was not a suicide risk stated later that he had never read the Home Office guidelines on suicide prevention.⁴⁸

Self-injury is another area of concern, particularly among young offenders and women prisoners. As noted in the December 1990 Chief Inspectorate of Prisons' report on suicide and self-harm, there are several possible explanations for self-injury. The report notes that self-harm may take place because of peer group behavior at certain institutions, out of frustration and idleness, or as a way of attracting attention. Self-injury may also take place in order to assure bail at an imminent hearing. However, the seriousness of these actions should not be underestimated. According to NACRO, for all suicides between 1972 and 1987, 43 percent had a past record of deliberate self-harm and 22 percent had injured themselves during the month before the suicide.

WOMEN'S PRISONS

Because of their relatively small numbers — women make up just under four percent of the total prison population — women prisoners are largely ignored by the prison service and by prison monitoring groups. (We were able to visit just one women's institution in England and Wales — Drake Hall — which is an open prison with long-term inmates with generally good conditions.)

⁴⁷ John Carvel, "Abusive, harassing officers," *The Guardian*, November 6, 1990.

⁴⁸ "I will always love you,' wrote Tony Hook," *The Independent*, April 29, 1991, p. 15.

There are twelve prisons for women in England, including the high security facility, "H Wing," in Durham Prison.⁴⁹ Women on remand are held primarily at Pucklechurch and Low Newton Remand Centres, as well as at Holloway and Risley local prisons.

Because there are so few women's prisons, one of the most serious problems facing women prisoners is the distance between their homes and the prisons where they are incarcerated. Some prison monitoring groups have called for the attachment of small women's units to men's prisons in order to house women closer to their families. Other groups, such as Women in Prison, have strongly opposed this proposal. They have voiced concerns over the safety of women prisoners during uprisings in men's prisons, the lack of a quality regime, and the fear that if more space for women becomes available, it will be filled. Women in Prison has also noted that the male prisoners at Durham Prison have shown hostility to the prison's female prisoners by intentionally contaminating food destined for the women's wing.

Another option presented by prisoners' rights groups is the creation of small "community" prisons for women with no more than 40 prisoners per institution, with low-risk prisoners spending time out of the prison in community-based projects. Women in Prison has also suggested that, since most women are serving sentences for minor offenses, they should be allowed home leave on weekends.

According to Women in Prison, there are 40 places for women in prison who are six months pregnant and over, and 34 places for mothers and babies. The three prisons with mother and baby units are Holloway, Styal and Askham Grange. Babies can stay with their mothers for nine months at Holloway and Styal, and for eighteen months at Askham Grange. Women are sent to outside hospitals to give birth and then are transferred back to the mother and baby unit.⁵⁰

TRANSFER OF IRISH PRISONERS

There are currently 31 Irish prisoners who have been convicted of serious crimes in England — usually violent political acts supported by para-military organizations — and sentenced to long, usually life, sentences.⁵¹ Those prisoners frequently petition the British Home Office, requesting to be transferred to Northern Ireland's prisons to serve their sentences near their families. These petitions are often rejected.

There are criteria that must be satisfied in order for the Home Office to consider a prisoner's transfer: the prisoner who wishes to transfer must still have at least six months to serve, must have been a resident in the area to which he is requesting transfer where his family must still reside, and must not be likely to disrupt prison life or "pose an unacceptable risk to security." Prisoners who have applied for transfer believe that as soon as they meet the criteria, the Home Office "moves the goalposts."⁵²

⁴⁹ Interview with Chris Tchaikovsky, director of Women in Prison, a prison monitoring group, November 22, 1991.

⁵⁰ Ibid.

⁵¹ Interview with Mairin Higgins, Irish Prisoners Support Group, September 1991.

⁵² Interview with a Gartree Prison inmate, June 11, 1991.

In its September 1990 submission to the Woolf Inquiry, the Irish Prisoners Support Group described the ever-changing criteria for transfer. Since 1973, prisoners wishing to transfer to Northern Ireland have had to prove their roots in Northern Ireland. Then the Home Office stated that there was a lack of space in Northern Ireland's prisons. Then the Home Office was concerned that transferred IRA prisoners would be seen as heroes by other sympathetic prisoners. Subsequently, prisoners were told that they must demonstrate that they had severed links to their political organizations. Then the Home Office expressed fear that a prisoner transferred to Northern Ireland might be disruptive. Thereafter, the Home Office stated that the crimes committed by the prisoners wishing to transfer made them "undeserving of the public sympathy." The Home Office then stated that the "serious nature of the charge" was reason to deny transfer, and most recently the Home Office has stated that prisoners transferred to Northern Ireland might benefit from a reduction in time served.

While the Irish prisoners with whom we spoke told us that they understand they do not have the right to transfer, they believe that the Home Office's political considerations have resulted in the unfair treatment of Irish prisoners. One of the prisoners requesting a transfer who has been frustrated by the changing criteria for 15 years wrote in a submission to the Woolf Report, "The refusal of the Home Office, therefore, to abide by its own guidelines creates the conditions which make prison protest and prison unrest inevitable. All prisoners irregardless of their offences, should have the right to family contact...."⁵³

We met two Irish prisoners at Leicester Prison and another at Gartree Prison who have repeatedly petitioned for transfer. The two Irish prisoners at Leicester are housed in the Special Secure Unit (SSU), which is really a prison within a prison with the highest security of all British prisons. Those prisoners associate only with the other four prisoners and prison staff. They are both serving very long sentences (averaging 15-20 years) and estimated that during that time they will associate with a total of 25 people (a possible total of six other long-term prisoners and prison staff in the SSU). They also complained that their mail is heavily censored and that some visit requests are denied with no explanation. However, physical conditions in the SSU are generally superior to the rest of the prison, and each prisoner has his own cell. SSU prisoners also have their own kitchen where they prepare their own meals.

The Irish prisoner at Gartree with whom we spoke is well-liked by prison officials, who stated that they support his efforts to transfer but that the decision is not with them but with the Home Office. Unlike at Leicester Prison, this Irish prisoner is allowed to associate freely with the other inmates, and is allowed to move about the prison without tight security.

While in Northern Ireland we interviewed some family members of these Irish prisoners. They described the expense and time involved in order to make the trip to English prisons. Some of the family members are old or infirm, making the long trip impossible. They also described the perceived bigotry against them among prison officers and businesses around the prisons, who ascertain from their accents that they are visiting IRA prisoners and treat them with scorn.

FOREIGN PRISONERS

Three Brixton prisoners who identified themselves as Ugandan businessmen told us that they had

⁵³ Gartree Prison inmate submission to the Woolf Inquiry, September 1990.

been arrested six months before for not paying a hotel bill because they had not yet been paid by their clients. They told us that they were being held without bail and had not been to court during their six-month stay at Brixton. These prisoners were quite upset by what they considered to be major human rights violations against them.

In April 1991, *The Independent* reported that a Zairian named Nsimba Kimpua was arrested in June 1990 after he arrived at Heathrow Airport.⁵⁴ An immigration officer at the airport decided that his papers were forged, no interpreter was provided, and he was sent to Harmondsworth Detention Centre, where he hanged himself six days later. An autopsy disclosed that he had eaten almost nothing for days, and an inquest determined that he had been severely depressed and anxious, as are many asylum seekers. Some asylum seekers spend up to a year in detention, according to the report. The article also states that the United Kingdom is one of the few Western European countries which uses extended periods of detention to consider applications for asylum.

FOOD

As is typical with prisoners everywhere, inmates in English prisons complained that the food was poorly prepared, often cold when it should be warm and warm when it should be cold. Although prison officials claim that they provide a variety of diets for prisoners with special dietary needs, many vegetarians claimed that there was seldom nutritious vegetarian food available. Muslim prisoners complained that many of the meals included pork, which they cannot eat. Still others complained that the servings were very small and that they were always hungry.

As mentioned above, at local prisons, prisoners are forced to take their meals in their cells. Those cells are often foul-smelling because there is usually no in-cell plumbing and the inmates must use small plastic chamber-pots. Other problems are associated with eating meals in cells, such as insect and rodent infestation. There were many complaints about roaches in cells and in food during our visits to the local prisons.

The timing of meals is another problem. The last meal at some prisons is served at 4 p.m. and the first meal of the morning is at 8 a.m. Therefore, prisoners are without food for 16 hours. Prison officials told us that dinner must be served early for budgetary reasons, since most of the prison officers leave promptly at 5 p.m. and cannot be paid for overtime.

We observed particularly unappetizing food at Brixton's reception area. Upon reception, prisoners are guaranteed a meal, which some were receiving during our tour. The meal consisted of very watery gruel and a glass of water. We did not observe any prisoners eating their meals during our brief visit.

CORRESPONDENCE

"An unconvicted prisoner may send and receive as many letters as he or she wishes within such

⁵⁴ Caroline Moorehead and Heather Mills, "UN Focuses on British Human Rights Abuses," *The Independent*, April 1, 1991.

limits and subject to such conditions as the Secretary of State may direct..." according to Prison Rule 34(1). A convicted prisoner "shall be entitled to send and to receive a letter on his reception into a prison and thereafter once a week" according to Prison Rule 34(2). However, a May 1991 Circular Instruction authorizes inmates to "be allowed to send and receive as many letters as they wish..." without discriminating between remand and sentenced prisoners.⁵⁵ There are no limits on the number of letters a prisoner may write to his or her legal representatives. Letters are normally not to exceed four sides on prison-issued lined paper, however the May 1991 Circular Instruction states that "inmates should be given more paper on request provided that it is not being misused."⁵⁶

According to Prison Rule 33(3):

...every letter or communication to or from a prisoner may be read or examined by the governor [prison director] or officer deputed by him, and the governor [prison director] may, at his discretion, stop any letter or communication on the ground that its contents are objectionable or that it is of inordinate length.

Most prison officials told us that they only read the mail of certain high security prisoners and otherwise just check envelopes for contraband.

Except in legal correspondence, prisoners cannot complain about specific problems in their correspondence unless authorities have already been advised about the problems, but prisoners can discuss their general impressions of prison life. Prisoners can write to newspapers, but only about serious issues such as crime, processes of justice or the penal system.⁵⁷ Prison officials told us that if a prisoner writes something inappropriate the prisoner is not punished but the letter is returned to him or her to be re-written.

The May 1991 Circular Instruction 10/1991 also announced reductions in the routine reading of prisoners' correspondence. The Instruction calls for the abolition of routine reading for all inmates except for: all inmates held in maximum security prisons (including dispersal prisons such as Albany and Gartree); all inmates, in whatever security category, from a maximum security prison temporarily housed in another prison; all inmates, in whatever security category, who are housed in separate units intended to accommodate Category A inmates; all Category A prisoners, convicted or unconvicted; and all inmates on the Escape List. The Instruction calls for the correspondence of these inmates to be "thoroughly read."

The Instruction notes that if a prison director deems it necessary to read the correspondence of prisoners not included on the "routine reading" list, the prison director must make such an authorization in writing with an explanation as to why the exception was necessary. Examples given include: if a prison director has reason to believe that it is in a suicidal prisoner's best interest not to learn of bad news or if the police have notified a prison director that a remand prisoner may attempt to interfere with a witness.

⁵⁵ Circular Instruction 10/1991, Standing Order 473, Home Office, May 16, 1991.

⁵⁶ As noted below, correspondence of certain prisoners such as those on the Escape List and high-risk Category A prisoners, are routinely read. Therefore, the increase in the number and length of letters allowed may not be put into practice for these prisoners due to the prison staff time involved in reading their correspondence.

⁵⁷ Stern, *Bricks of Shame*, p. 90.

According to the prison rules, correspondence between inmates and their legal representatives should not be read "unless the Governor has reason to suppose that any such correspondence contains matter not relating to the proceedings."⁵⁸ (Correspondence with legal representatives concerning legal proceedings and adjudications to which they are a party is referred to as "legally privileged.") However, the May 1991 Circular Instruction reduces the amount of censorship of legal correspondence of any kind by stating that, "even where correspondence with legal advisors is not legally privileged, it should not normally be read at establishments where routine reading is in force, unless the Governor considers this desirable for any reason. Where routine reading is not in force, such correspondence will, like all other correspondence, not be read [unless exceptional circumstances apply]."⁵⁹

In accordance with the May 1991 Circular Instruction, prisoners' correspondence with Members of Parliament may not be read unless they are on the "routine reading" list described above, or under exceptional circumstances.

During our visit we asked most prisoners with whom we spoke about problems involving correspondence, including censorship or delays. A few prisoners expressed uneasiness over third parties reading their personal mail and a few mentioned delays in receiving mail, but for the most part complaints were minimal.

According to inmates we interviewed, censorship does pose a serious problem for high security prisoners at the SSU wing in Leicester Prison. One such prisoner complained that the mail is so heavily censored that by the time the censors are finished there are few words left.

TELEPHONES

Another serious barrier to maintaining ties to family members is the lack of telephones for inmates' use in most British prisons. Prisoners told us that in cases of emergency, such as a family illness or death, mail is too slow. Many prisoners stated that they knew that other countries, including the United States, allow prisoners access to telephones.

VISITS

Unconvicted prisoners are entitled to daily visits for a minimum of fifteen minutes (see above), and convicted prisoners are entitled to one 30-minute visit each month, according to prison officials. Prisoners and prison officials both stressed that there is a great deal of flexibility regarding visits, and that visits almost always last longer than the minimum mandated by law. As mentioned in the remand prisoners section, daily visits are not granted at most prisons for logistical reasons and prisoners are encouraged to schedule less frequent, longer visits.

⁵⁸ *The Prison Rules*, p. 25.

⁵⁹ Circular Instruction 10/1991, May 16, 1991.

Although no prisoners complained that they had been denied visits, many told us that there is a lack of privacy in the crowded visiting areas, particularly at the local prisons. Prisoners explained that visits were often emotional, yet the inmates and their visitors were not free to express emotions because other prisoners and prison officers were always nearby. Other prisoners complained that, although children are allowed to visit, there are no facilities to keep them entertained so that the adults can speak uninterrupted. Prisoners in protective custody are usually allowed to receive visitors in a separate area, and high security prisoners have their own visiting areas. When prisoners receive legal visits, separate rooms are usually available. Physical contact is allowed between prisoners and visitors, but conjugal visits are not allowed.

Searches of visitors vary depending upon the prison. Sometimes metal detectors are used and bags are searched. If prison authorities have been informed that a visitor may be attempting to pass a prohibited item to a prisoner, that visitor is asked to leave rather than to be strip-searched, according to prison officials. Inmates usually get a rubdown search, and Category A and Escape List prisoners are always strip-searched before and after visits. At some prisons, such as Swinfen Hall, the prison director told us that they choose tolerance rather than vigilance during visits.

At Leicester Prison's high security SSU wing, prisoners are allowed visits every day in their separate visiting area, but their visitors are subject to approval. Some visitors are not allowed but the prisoners receive no explanation about why they are unacceptable. Prisoners told us that vague security reasons are sometimes given for visit denials, but prisoners believe that they are being treated unfairly.

RACISM

As of June 30, 1990, 16 percent of prisoners were of minority ethnic origin, yet just one percent of the prison staff were minorities.⁶⁰ For instance, at Drake Hall Women's Prison, 25 percent of the inmates were non-Caucasian, yet all of the staff were Caucasian. In general at the local prisons there were just a handful of non-white prison officers. A member of the Lewes Prison Board of Visitors has stated:

It remains a source of deep concern to all of us connected with the prison service that black staff account for only 1 per cent of the total...the prison service has made efforts to increase recruitment from the minority communities but...these have proved abysmally unsuccessful.⁶¹

Press reports and reports by prison monitoring groups have stated that non-white prisoners are subjected to racist taunts by prison officers and fellow prisoners alike, as well as exclusion from certain jobs, such as kitchen work.

In her book, *Bricks of Shame: Britain's Prisons*, Vivien Stern describes a case in which a black prisoner sued the prison service and won because he was denied work in the kitchen on racial grounds. The judge concluded that "...the Home Office as the employer failed in its responsibility to ensure fair treatment

⁶⁰ According to information provided by NACRO, October 1, 1991.

⁶¹ Navnit Dholakia, "Race Relations in the Prison Service," *AMBOV Quarterly*, (April 1985): p. 1, as cited in Stern, *Bricks of Shame*, p. 234.

for black prisoners."⁶²

A former Armley inmate told *The Guardian* that some prison officers were especially abusive towards black prisoners.⁶³ The former prisoner stated, "We had one [black] in our cell and an officer came in and saw him scrubbing the floor. The officer said: 'If I had my way every cell would be issued with a nigger to do the floor.'"⁶⁴

DRUG ABUSE

Drug abuse is a serious problem in British prisons. Although cannabis use was the only drug problem discussed by prison officials with whom we met, a study released in June 1991 on the incidence of HIV/AIDS in British prisons exposed serious problems associated with intravenous drug use among prisoners. According to the study by the AIDS Education and Research Trust, approximately one in five of the former prisoners they interviewed admitted to using heroin, cocaine, amphetamines, tranquilizers or barbiturates while in prison. More than half of those interviewed said they had used some drug while in prison, usually cannabis. The study concluded that drug use in prison is "very common."⁶⁵

During our visit at Leicester Prison, where we randomly entered cells, we encountered one inmate whom the other prisoners called their "pet junkie." While we spoke to him, he appeared to be under the influence of some drug. His cellmates told us that the prison officers know about his habit and allow him to use heroin.

AIDS/HIV

Although the problem of AIDS/HIV, like the drug problem, was downplayed by prison officials we interviewed, AIDS/HIV has become a serious problem in English prisons. According to the AIDS Education and Research Trust's report, five percent of the 402 ex-offender men and women tested for HIV were found to be positive. According to press reports, some of the ex-offenders interviewed stated that they shared unsterilized needles for drug injections and had unprotected anal sex with other inmates. (Prisoners may also be transmitting AIDS/HIV by applying tattoos with shared needles. Six percent of the subjects of the study stated that they had tattoos applied while in prison.)

Based on its findings, the study estimates that the number of inmates who are HIV positive could be as high as 700 of the approximately 45,000 prison population at the time of its study. Prison monitoring groups have criticized the Home Office for underestimating the AIDS/HIV problem. The Home Office's official figures for HIV positive inmates is reportedly between 50 and 70. Prison monitoring groups have

⁶² Alexander v. Home Office, notes of a judgment handed down by Judge Whiteley at the Southampton County Court on 1 May 1987, p. 5, as cited in Stern, *Bricks of Shame*, p. 84.

⁶³ John Carvel, "Abusive, harassing officers," *The Guardian*, November 6, 1990.

⁶⁴ Ibid.

⁶⁵ "Study warns of AIDS spreading through prisons," *The Independent*, June 6, 1991, p. 9.

also criticized the government for not providing condoms for prisoners who may have sex in prison, for lack of AIDS counselling, and for prison rules which allow the segregation of prisoners who are known or suspected of carrying the virus.

One prisoner interviewed by *The Independent* claimed that he had unprotected sex with 17 of his cellmates during his three years of imprisonment.⁶⁶ He said that some of his sexual partners were heterosexuals who have sex with other men in jail out of boredom and frustration. He estimates that 85 percent of men have some kind of sexual experience within prison. He also complained about the isolation forced upon prisoners who fear they may have contracted the virus. He stated that the "leper-like" status suffered by those prisoners makes prisoners reluctant to come forward to be tested.

Prison officials whom we interviewed did not have much information about the incidence of AIDS/HIV at their prisons. At Gartree Prison the deputy prison director told us there were no known cases of AIDS/HIV, and at Leicester Prison one prisoner is known to be HIV positive and is housed with the general population.

MEDICAL NEGLECT

We were troubled by reports of neglect by prison officials which at times may have endangered the lives or well-being of prisoners for whom they are responsible.

At Leicester Prison there were several prisoners who complained about neglect by prison officers. One prisoner told us that his cellmate suffered an angina attack during the prison officers' recreation period from 5:30 p.m to 7:30 p.m. The prisoner told us that he pushed his bell for assistance, but that the prison officers did not enter his cell for 20 minutes, and medical personnel did not arrive for an additional 40 minutes.

Another prisoner at Leicester told us that he had suffered from a back injury while in prison. He stated that he was forced to go to a remand hearing even though he was in a great deal of pain. He said that while he was being transferred to court he was left on the floor of the prison's reception area for a long period of time during which prison officers stepped over him but did not offer to assist him in any way.

RELIGION

Although no prisoner interviewed by us had complaints about the right to worship as he pleases, we learned that some prisoners have not been allowed visits by religious representatives. When a prisoner is admitted to a prison, he is asked to declare to which denomination he belongs. If a prisoner would like to explore the doctrines of a religion he has not declared as his own, these visits have at times been prohibited. In order to receive religious representatives from another denomination, a prisoner is often forced to re-register as a follower of that faith. (There are many reasons why a prisoner may want to explore other religions, including to compare religious doctrines of other religions to his own.) This restriction contradicts Rule 47(3) of the European Prison Rules:

⁶⁶ "High-risk sex in jails 'makes condoms vital,'" *The Independent*, June 6, 1991.

Access to a qualified representative of any religion shall not be refused to any prisoner. If any prisoner should object to a visit of any religious representative, the prisoner shall be allowed to refuse it.

However, S. 10(5) of the Prison Act of 1952 states:

The Governor [Prison Director]...shall give to any minister...a list of the prisoners who have declared themselves to belong to his denomination, and the minister shall not be permitted to visit any other prisoners.

In addition, prisoners belonging to the Church of England have easier access to religious representatives. Prison Rule 12 states:

(1) The chaplain shall visit regularly the prisoners belonging to the Church of England...and (3) Where a prisoner belongs to a denomination for which no prison minister has been appointed, the governor [prison director] shall do what he reasonably can, if so requested by the prisoner, to arrange for him to be visited regularly by a minister of the denomination.

And Prison Rule 13 states:

(1) The chaplain shall conduct Divine Service for prisoners belonging to the Church of England at least once every Sunday, Christmas Day and Good Friday, and such celebrations of Holy Communion and weekday services as may be arranged.
(2) Prison ministers shall conduct Divine Service for prisoners of their denominations at such times as may be arranged.

WORK AND WAGES

Prisoners not employed receive a weekly basic wage of £1.75; prisoners fortunate enough to obtain work can receive up to £5.80 per week for the highest paying jobs. At Drake Hall Women's Prison, for instance, the prisoners receive as little as £1.75 for simple electrical equipment assembly, and up to £7 weekly for working at a t-shirt textile plant that makes t-shirts for the men's prisons.⁶⁷ Because of the prison's obligation to make t-shirts, however, an impressive 12-week course for home decorating, including painting, art work, brick work, and texturing, was under-utilized. At Swinfen Hall, prisoners earned £2.90 weekly for masonry work, and at Leicester Prison, prisoners are paid £1.90 for light assembly, when such work is available. (It appears that private industries contracting work at prisons stand to make a high profit from the low wages paid to prisoners.)

The Apex Trust, a prison monitoring group, has noted that:

⁶⁷ Both prisoners and prison staff told us that the prisoners at Drake Hall can make up to £7 a week. However, the Home Office, in a phone interview on January 28, 1992, told us that the highest possible wage is £5.80.

Current levels of pay provide little or no incentive for inmates to engage in work or training....On average, a prisoner will receive £2.80 for a week's work. There can be few more powerful indicators of the low value placed on inmate labour and work provided. Few can surely defend a system which paid inmates less than the sum received by many children in pocket money."⁶⁸

Many prisoners complained about the high prices at the prison stores, or canteens. Inmates at Drake Hall showed us a medium-sized bottle of skin lotion which cost £1.65 — nearly a week's wages for some. A prisoner at Swinfen Hall told us that toiletries alone cost £5 per month.

The Woolf Report states:

There is no limit on the amount of private cash that a prisoner on remand may spend. Remand prisoners may also receive goods from relatives or friends. Convicted prisoners may spend a total of £115 each year, and an additional £75 on hobbies materials, but may not receive goods from the outside.⁶⁹

⁶⁸ *Woolf Report*, February 1991, p. 391.

⁶⁹ *Ibid.*, p. 392.

PRISON CONDITIONS IN NORTHERN IRELAND

INTRODUCTION

Before 1972, the British Home Secretary had oversight of the Northern Ireland Office's Prison Service. Currently, the Northern Ireland Office has its own Secretary of State who reports to the British Prime Minister, who is ultimately responsible for Northern Ireland's prisons.

Physical conditions for most prisoners in Northern Ireland's five prisons are generally superior to those in England, although conditions at Belfast Remand Prison (also known as Crumlin Road jail) are similar to those at local prisons in England. Overcrowding is not a problem in Northern Ireland's prisons, yet the majority of prisoners do not have access to in-cell plumbing.

During our visit, we observed a wide variety of conditions ranging from Belfast Remand Prison's excessive idle time confined to cells in a decrepit Victorian-era prison to the ultra-modern men's prison at Maghaberry, where there are many occupational and educational opportunities and there is greater freedom of movement.

The controversial practice of segregation by paramilitary affiliation — and the prison authorities' attempts to eradicate such segregation — creates tensions throughout the Northern Ireland prison system that contribute to poor staff/inmate and inmate/inmate relations. The prison system is engaged in a concerted effort to end self-segregation among prisoners by paramilitary affiliations: the men's section of Maghaberry Prison is integrated, as is Magilligan medium security prison. However, prisoners at Belfast Remand Prison, the women's section of Maghaberry, and Maze Prison still practice varying degrees of segregation, with the acquiescence of prison officials.⁷⁰

BRIEF HISTORY

Prior to 1968 — before paramilitary violence escalated during what is referred to as "The Troubles" — there was a prison population of 600, with 300 prison staff. All of the prisoners were housed in two prisons — Belfast and Armagh. As a result of political violence, the prison population rose from 600 to 3,000 between 1968 and 1976.

Between 1971 and 1976 detention without trial was practiced, and detainees were held at three main internee centers — Long Kesh (Maze), Magilligan, and the prison ship Maidstone anchored off Belfast. These prisoners served indeterminate "sentences," which were reviewed by Northern Ireland authorities periodically. By 1972, following hunger strikes and a major campaign by both Loyalist and Republican prisoners, Special Category Status, also known as "political status," was granted for paramilitary members who had been convicted through the courts. Special Category Status prisoners did not have to work, could wear their own clothing, and were housed with their own paramilitary factions. The prison

⁷⁰ The two paramilitary factions referred to within this report are the Republicans and the Loyalists. Put simply, Republicans advocate a united Ireland free of British control, while the Loyalists advocate maintaining the union with the United Kingdom. Violence against each other, and, in the case of Republicans, against the police (the Royal Ulster Constabulary) and British security forces in Northern Ireland, escalated in 1968 and continues today.

service provided food for the prisoners, but otherwise imprisoned paramilitary leaders were in charge of paramilitary members at Magilligan and Maze Prisons.

In 1975 the government accepted the recommendation of a report by then Lord Chancellor Gardiner to end Special Category Status at the "earliest practicable opportunity."⁷¹ By 1976, detention without trial and Special Category Status were terminated; those who had Special Category Status retained that status, but no new prisoners were granted "political status."

Paramilitary prisoners contended that they were not common criminals but political prisoners, and responded to the termination of Special Category Status by staging protests and attacking prison staff. Between 1976 and 1981 there were a series of protests by paramilitary prisoners: a "blanket protest," when paramilitary prisoners wore just blankets; a "dirty protest" during which Republican prisoners destroyed cells and smeared excrement on cell walls and on themselves; a limited hunger strike in late 1980; and by a major hunger strike in 1981 by Republican prisoners during which ten prisoners died. During this period of confrontation, the majority of the 24 prison staff members murdered since 1976 were killed. Prison staff have been targeted for attack both inside and outside the prison walls.

In recent years, prisons have experienced flare-ups over the issue of segregation. Most recently, on November 24, 1991, a bomb exploded at Belfast Remand Prison, instantly killing a Loyalist prisoner and injuring eight other prisoners.⁷² A second Loyalist prisoner died several days later as a result of injuries sustained during the blast. The bomb reportedly exploded in the C Wing's dining hall while Loyalist prisoners were eating dinner. In the weeks following the bombing, fist fights, assaults, and scaldings among prisoners were common; confrontations also took place in the visiting hall. In response to the increase in violence, some officials and community leaders demanded that Belfast Prison be closed and its prisoners transferred to Maghaberry and Maze Prisons.

The Northern Ireland prison officials report that in August 1991, the push for fuller segregation at Belfast Prison intensified, but that September and the beginning of October were relatively calm.⁷³ In October, however, inmates set fire to their cells and a dining hall, destroyed furniture, and inflicted wounds of varying severity on other inmates and prison officers.⁷⁴

Between October 1990 and October 1991, 100 prison officers were injured and one officer was in danger of losing his eyesight after a Loyalist prisoner allegedly poured boiling water on his face.⁷⁵

⁷¹ Chairman Lord Chancellor Gardiner, *Report of a Committee To Consider, In the Context of Civil Liberties and Human Rights, Measures to Deal with Terrorism in Northern Ireland*, (London: HMSO, 1975), para. 108.

⁷² "Loyalist Prisoner Killed in Jail Bombing," *Irish Times*, November 25, 1991.

⁷³ Interview with representative of the Northern Ireland Prison Secretariat, December 3, 1991.

⁷⁴ Martina Purdy, "Belfast wars played out in prison: Inmates are terrified to leave their cells," *The Toronto Star*, October 20, 1991.

⁷⁵ During our visit to Belfast Prison, an interview with two prisoners who are Republican leaders was interrupted when hot water from an upper tier dropped on the prisoners and a Human Rights Watch representative. The Republicans were quick to blame the Loyalists for this incident.

Although protests are less frequent now than they were 15 years ago, the issue of segregation is still of great concern to prisoners and prison officials alike. In fact, a prisoner's decision about whether to serve his sentence in a prison segregated by paramilitary affiliation or an integrated prison will seriously affect the conditions of his imprisonment.

PRISON POPULATION

There are currently approximately 1,770 prisoners in Northern Ireland's five prisons. Unlike the prison population in England and Wales, which consists of many short-term prisoners, the majority of prisoners in Northern Ireland's prisons are serving long sentences. Nearly 30 percent of Northern Ireland's prisoners are serving life sentences, and another 52 percent are serving more than 18 months. By contrast, only 10 percent of England and Wales' prisoners are serving life sentences, and 38 percent are serving less than 18 months. (See Charts II and III on page 34.)

The difference between the prison populations has been described as a pyramid for England and Wales' prisoners, with many on the bottom serving short sentences, and an inverted pyramid in the case of Northern Ireland, with few short-term prisoners on the bottom and many on the top. The high number of long-term prisoners in Northern Ireland's prisons is due to the serious offenses committed by the paramilitary groups, such as murders and bombings. As our guide during visits to the prisons told us, except for the paramilitary violence, "we are basically law-abiding people."

BELFAST REMAND PRISON⁷⁶

Belfast Prison, built in 1854, is a Victorian-style prison, with four wings (A-D). The prison is in poor physical condition, due to its age, and is currently being refurbished. The refurbishment plan is known as "Belfast 2000."⁷⁷ When we visited, the top floor of A Wing was closed and being repaired following a May 1990 riot by Loyalist prisoners who gained access

⁷⁶ Because conditions at each prison in Northern Ireland vary widely, we have chosen to describe prisons individually.

⁷⁷ Refurbishment of the prison may result in the temporary relocation of Belfast Prison's inmates, perhaps to Maze Prison, prison officials told us. Prison officials also told us that refurbishment is particularly problematic in Northern Ireland because Republicans warn contractors not to help the prison service; the IRA has targeted for killing contractors who provide services to security forces.

to the roof by crawling in between walls.⁷⁸ Structural decay due to natural causes was also reported by inmates, who complained that there are frequent water leaks throughout the prison.

Belfast Prison is primarily a remand prison, yet holds a large number of sentenced prisoners as well. On May 13, 1991, out of a total of 440 prisoners, 254 were untried or unsentenced, and 186 were convicted and sentenced.⁷⁹ The majority of prisoners are held alone in two-bed cells, measuring 7 feet by 13 feet.⁸⁰ The prison houses all types of remand prisoners charged with political violence or common crimes, as well as sentenced, short-term prisoners.

At the time of our visit, prisoners affiliated with paramilitary groups awaiting trial or allocation to a long-term prison were housed in A and C Wings. These prisoners share their cells and their out of cell time only with members of the same paramilitary group. There is a dispute between prison officials and prisoners about who is responsible for this form of segregation at Belfast. Prison officials claim that prisoners are practicing self-segregation, while prisoners contend that the prison officials want the paramilitary prisoners to remain separated to keep tensions at a minimum.⁸¹

B Wing holds untried or unsentenced prisoners separated from the general population, including former police and prison officers, paramilitary prisoners wishing to separate themselves from paramilitary groups, sex offenders, or young offenders awaiting transfer to the Hydebank Young Offenders Centre. The fourth wing, D Wing, houses sentenced, mainly short-term prisoners, and contains the prison's punishment cells and Assessment and Allocation unit (described below). Since remand prisoners are not required to work, short-term sentenced prisoners are housed at the remand prison to perform cooking and cleaning duties.

The segregated A and C Wings hold untried paramilitary members who will not share association periods, meal times, or exercise periods with their political adversaries. This practice results in reducing the already limited opportunities for out-of-cell time. For instance, the paramilitary leaders within the prison have agreed that on certain days their group will take their meals in the association room and on other days they will take their meals in their cells. Similarly, exercise time of two hours each day is halved because the opposing paramilitary groups will not take exercise time together. Members of opposing paramilitary groups will not use the gym together so they are denied gym privileges.

Republican prisoners told us that they were subjected to acts of intimidation and worse treatment

⁷⁸ During the uprising, eight prison officers were injured, some of them seriously. The 46 Loyalists involved in the uprising were rioting in order to pressure prison officials to institute total segregation at Belfast prison.

⁷⁹ Belfast Prison's Certified Normal Accommodation is 600.

⁸⁰ Prison authorities noted that most prisoners in B Wing, the non-segregated wing, are held two to a cell. See below for a discussion of segregation at Belfast prison.

⁸¹ We are not in a position to determine who supports segregation, although it appears that prison officials are willing to tolerate this form of segregation in order to facilitate the orderly operation of Belfast Prison, but are eager to allocate paramilitary prisoners to integrated prisons upon sentencing. Belfast prisoners are not "fully segregated" as at Maze Prison, where different paramilitary groups are housed in the same wing or block; prisoners at Belfast Prison are housed in the same wings as their adversaries.

than Loyalist prisoners because they believe — correctly, according to the Prison Service — that the majority of prison officers are Protestant. They also alleged that Republican prisoners are strip-searched more frequently.

Prisoners are identified by their religious affiliation on cards hung outside their cells. Since the majority of Republicans are Catholic and the majority of Loyalists are Protestant, these identification cards serve to identify political affiliations.⁸²

Although B Wing is considered integrated by prison officials, prisoners still practice some segregation because that wing holds several categories of prisoners that must be kept separate, such as young prisoners awaiting transfer, accused sex offenders, and prisoners transferred from other wings.⁸³ As a result, association periods can be even more restricted than those on A and C Wings.

Remand periods are excessively long in Northern Ireland, typically 15 months, but seldom less than 12 months. Prison officials defend the long remand periods by stating that prisoners can choose their own barristers, and may wait long periods for the most successful ones to become available. Time spent on remand is considered time served if a prisoner receives a custodial sentence.

Sanitary Conditions

As with England and Wales, remand prisoners in Northern Ireland suffer the worst conditions in the prison system. While overcrowding is not the problem that it is in England and Wales, remand prisoners have no access to in-cell plumbing and must use plastic chamber pots. They must "slop out," or empty the contents of their chamber pots, each morning in the wing's toilets. The degradation of this process, including performing bodily functions in the presence of cellmates, is detailed in the previous section on England and Wales regarding integral sanitation. There are slopping-out sessions throughout the day into the wings' toilet areas. The toilet areas we observed at Belfast prison are not kept clean, particularly in the D Wing.

We were shown prototype cells with integral sanitation units. Three cells will become two, with separate bathrooms containing a toilet and a sink. As paramilitary prisoners were quick to point out later in our visit, integral sanitation is being installed in B Wing first, rather than in A or C Wings. When we asked prison officials why they were not installing integral sanitation while they refurbished the top floor of A Wing, there was no answer.

Prison officials told us that prisoners may receive a shower each day. However, some prisoners with whom we spoke told us that showers were not always available, and at times they received showers just once a week. Prisoners with whom we spoke on B Wing told us that they are not allowed to shower on weekends.

Activities

⁸² According to Prison Service statistics, there were 239 Roman Catholic prisoners at Belfast prison as of October 1991, and 218 of "other faiths."

⁸³ Irish Council of Churches and the Irish Commission for Justice and Peace, *Northern Ireland's Prisons: A Report to the Churches*, (Belfast: Irish Council of Churches and the Commission for Justice and Peace, April 1990), pp. 62-63.

Prisoners at Belfast Prison also spent excessive amounts of time locked in their cells. Although the prison director told us that prisoners are entitled to at least two hours of exercise time and two hours of association, segregation of prisoners infringes upon this limited amount of out-of-cell time. According to the prison service, in September 1991, 56 Belfast prisoners, out of a total of approximately 450, were involved in educational programs, and many of the sentenced prisoners were involved in orderly duties. Remand prisoners are not required to work and long-term educational programs are impractical, according to prison authorities. As a result of segregation practices and limited opportunities for work for most prisoners, many prisoners estimated that they spend at least 20 to 21 hours in their cells each day. (Prison officials told us that the prisoners exaggerate the amount of time spent in their cells. It was not possible during our visit to ascertain the exact number of hours spent in-cell, yet it was clear that the prisoners feel that they spend an excessive amount of time locked-up.)

Food

Almost every prisoner with whom we spoke mentioned the problem of cockroach infestation throughout the prison. Some stated that they found cockroaches in their food. We visited the kitchen area and did not see any cockroaches in what appeared to be a clean food-preparation area. However, orderlies in the food preparation area joked about "rat fights" and the preponderance of "traditional Belfast roaches."

Prisoners also complained about the timing of meals. The main meal is served at 3:30 p.m., and breakfast is served at 8 a.m. More than 16 hours between meals is excessive, they feel. Some also complained that meals consisted of too many high fat foods.

Visits

Remand prisoners are normally allowed up to three visits per week for 30 minutes each. Convicted prisoners are allowed one statutory and three "privilege" visits per month.⁸⁴ Prisoners relegated to punishment cells are still entitled to their statutory visits, although such visits may be deferred at the prison director's discretion.

According to the prison rules, convicted prisoners may receive up to three persons at a time, while remand prisoners may receive up to two persons. (Additional children are allowed to visit "where circumstances permit.") In order to receive visitors, a prisoner must specify the name and address of each adult person who plans to visit. Any notes written by a visitor during visits may not be taken out of the prison unless authorized by the prison director or prison officer on duty. Such notes are inspected by prison authorities before permission is granted.

Many prisoners complained about the lack of privacy during visits and their short duration. Remand prisoners complained that sentenced prisoners are allowed to sit with their wives, but that remand prisoners cannot. Prisoners who identified themselves as Loyalists told us that they are not allowed to discuss politics at all during visits. Under the prison rules, visits must take place within the sight of a prison officer, and in some circumstances, the prison director may decide that visits must take place within hearing distance of an officer. No conjugal visits are allowed.

⁸⁴ Except in an emergency, personal visits are not allowed on Sundays.

Legal visits do not count against the total number of visits allowed, but must be requested at least 24 hours before the planned visit. Prisoners' visits with legal advisors must be within sight, but never within hearing distance of a prison officer.

Correspondence

Remand prisoners are allowed to send and receive as many letters as they desire; the postage cost for two letters a week is paid for by public funds. Convicted prisoners are allowed to send or receive one statutory letter per week; in addition, convicted prisoners are allowed one non-statutory letter per week with postage paid from public funds. Rules regarding additional letters vary from prison to prison. Letters may be no longer than two pages, front and back. Prisoners may also choose to send a letter, at public expense, in exchange for the forfeiture of a personal visit. Statutory letters may never be withdrawn as a form of punishment.

Except for letters relating to legal proceedings, all letters to and from a prisoner can be read by prison authorities and may be stopped if their content is found to be "objectionable."⁸⁵ If a letter is stopped, the prisoner may be given the opportunity to re-write it.

At Belfast, prisoners complained that prison officers read their mail and then tell everyone but the intended recipient about that prisoner's private business before the prisoner has an opportunity to read his or her own mail. Prisoners told us that this practice is very embarrassing for the prisoners and infringes upon their right to privacy.

Telephones

Telephones are not available for prisoners in Northern Ireland at this time, but prison officials told us that telephone installation is being considered. The lack of telephones creates a considerable barrier for prisoners attempting to maintain ties with their families or friends.

Segregation (For Good Order and Discipline and Protective Custody)

Rule 25, similar to Rule 43 in England and Wales, is the segregation rule in Northern Ireland's prisons.⁸⁶ A prison director may segregate a prisoner from other prisoners where he or she feels it is in the prisoner's best interest or where it is desirable to maintain good order and discipline in the prison. A prison

⁸⁵ Prison rules state: "Objectionable letters are those which contain material relating to an escape, threats of violence to someone inside or outside the jail, coded messages, specific allegations of ill-treatment not previously raised with the prison director, Board of Visitors or Secretary of State, or material intended for publication for payment."

⁸⁶ For a discussion of the problems associated with the segregation rule's application, see "Segregation (Rule 43)" in the England and Wales section of this report.

director may not segregate a prisoner for more than 24 hours without the authorization of the Board of Visitors or the Secretary of State. If such authority is granted, the segregation must be reviewed monthly. While in segregation, a prisoner must be visited by a medical officer daily. Only three prisoners were being held under Rule 25 in D Wing during our visit to Belfast prison.

Disciplinary Measures

A prisoner may be subjected to disciplinary measures for certain offenses, such as planning or attempting to escape, assaulting a prison officer or another prisoner, or using abusive language. An accused prisoner is entitled to a disciplinary hearing with the prison director for minor charges. If a prisoner is found guilty, the prison director may impose a range of punishments, including loss of remission for up to 28 days, loss of privileges for up to 28 days, or solitary confinement for up to three days. For more serious offenses, the case is referred to the Board of Visitors which may impose more serious punishments, such as the loss of up to 180 days' remission and solitary confinement for up to 56 days.

Prisoners placed in a punishment cell are still entitled to one hour of exercise each day and their statutory visits. Punishment cells are in the D Wing and each contains a cushion, blanket, pillow, slopping pot, chair and table. The bed is bolted to the floor. Those placed in punishment cells are observed at 15-minute intervals.

Suicides

Prison officials told us that there have been four suicides at Belfast Prison since 1984. They said that in recent years, there have been between 60 and 70 suicide attempts. The prison officials told us that suicide attempts usually take place in the B Wing and almost never among the paramilitary prisoners.

Assessment and Allocation Unit

D Wing holds the Assessment and Allocation (A & A) unit. When a remand prisoner is sentenced, he is separated from the other prisoners and placed in the A & A unit if he has been sentenced to more than one year's imprisonment. Sixteen prisoners were in the unit at the time of our visit. Prisoners are kept in the unit for two weeks for determinate sentences and four weeks for life sentences. During their stay, their attitudes toward staff, work, and other prisoners are assessed. They are given information about the work and educational opportunities at the other prisons, and prison officials told us that the positive points of the integrated Maghaberry and Magilligan prisons and the negative aspects of Maze prison are highlighted. (A prisoner must receive a sentence of at least five years to be sent to Maghaberry.) Paramilitary members are separated from their groups entirely during this period, although they are allowed association time in the unsegregated D Wing.

Prison monitoring groups have criticized the A & A process and have stated that A & A personnel do not possess the qualifications for deciding the allocation of prisoners; paramilitary prisoners have condemned the process as a "brainwashing" tactic. Both prison monitoring groups and other prisoners told us that separation from other prisoners just after sentencing, particularly when long sentences are handed down, is not fair to prisoners who are upset and may wish to be with inmates who are their friends. Prison monitoring groups also stated that immediately following sentencing, a prisoner is not on his best behavior, making that period a particularly bad time for assessing a prisoner's attitude.

MAGHABERRY PRISON

Maghaberry Prison, which holds both men and women prisoners, opened in March 1986 after Armagh Prison closed. It houses all of Northern Ireland's female prison population in accommodations for 56 inmates in single cells. At the time of our visit there were 37 female prisoners housed in three two-story houses. The men's section of Maghaberry Prison can hold up to 430 prisoners in single cells. At the time of our visit 301 prisoners were housed in three of the four two-story cell blocks. Maghaberry's prison director is in charge of both the men's and women's units.

Maghaberry's Male Section

Conditions at Maghaberry Prison are superior to those at Belfast Prison in many ways. The men's prison houses low, medium and high risk prisoners. In order to be sent to Maghaberry, prisoners must have sentences of at least five years. At the time of our visit, 167 of the 301 prisoners were serving life sentences.

LIFE SENTENCES AND FIXED SENTENCES

A "life" or indeterminate sentence is mandatory for the offense of murder, and is the maximum sentence available for all other serious crimes.⁸⁷ The Committee for the Administration of Justice, a human rights group in Northern Ireland, has noted that, "Although there is a provision for all judges to recommend that prisoners should remain in jails for the rest of their lives, this power is very rarely used and nearly all prisoners sentenced to life are released after a number of years."⁸⁸

In Northern Ireland, a person sentenced to life serves an average of 10-12 years; however, the sentence is indeterminate.⁸⁹ The sentences of prisoners who committed their crimes before reaching the age of 18 are reviewed after eight years; prisoners convicted as adults have their sentences reviewed after ten years. The length of sentence is ultimately decided by the Secretary of State, with the assistance of the Life Sentence Review Board (LSRB), which is made up of Northern Ireland Office officials, a senior medical officer, a psychiatrist and the Chief Probation Officer.⁹⁰ The LSRB bases its decision about a prisoner's release on the seriousness of the offense and on the likelihood that the prisoner will commit another violent offense if released. (Prisoners released on a life sentence are released on license and may be recalled at any time, whether or not they commit other offenses.)

Neither the prisoner nor a representative is allowed to attend LSRB hearings on his or her sentence. If a prisoner is not recommended for release following a hearing, he or she is given no explanation but is told that the case will be considered again in a specified number of years. If the Board does recommend release, a trial judge or the Lord Chief Justice will also be asked to make recommendations to the Secretary

⁸⁷ The United Kingdom abolished the use of the death penalty for ordinary crimes in 1973.

⁸⁸ Stephen Livingstone, "Prisoner's Rights," *Civil Liberties in Northern Ireland, CAJ Handbook*, 1990, p. 81.

⁸⁹ Irish Council, *Northern Ireland's Prisons*, pp. 43-47.

⁹⁰ Livingstone, *Civil Liberties in Northern Ireland*, pp. 81-83.

of State for his final decision.

Prisoners sentenced to life (or indeterminate) sentences have complained that not knowing the amount of time they will be serving is an emotional hardship for both themselves and their families. Indeterminate sentences have also been criticized because political considerations have allegedly played an important role in releasing paramilitary prisoners. Some observers believe that prisoners whose cases are reviewed during an upsurge in political violence are unfairly denied release and therefore penalized for conditions beyond their control.

Prisoners convicted of serious crimes, including attempted murder, may also receive fixed sentences. Those prisoners and their advocates have complained that fixed sentences are often of longer duration than life sentences, which are intended as the maximum punishment. Northern Ireland officials have also complained that paramilitary prisoners receiving fixed sentences often remain "hard-liners" until just before their release is considered, whereas prisoners receiving indeterminate sentences may be better behaved during their imprisonment due to the uncertainty of the time of their reviews.

GENERAL CONDITIONS

In order to enjoy the superior conditions at Maghaberry, prisoners affiliated with paramilitary organizations must agree to serve their time integrated with members of the opposing paramilitary group.⁹¹ Prisoners at Maghaberry told us that the fact that they were serving their time at Maghaberry did not mean that they disavowed their affiliations with political groups; it only meant that they chose to serve their time in an integrated prison.

At the men's section of Maghaberry Prison there is in-cell plumbing. Single cells are available for all of the inmates. There is greater freedom of movement for even the highest-risk prisoners. While touring the prison, we observed many prisoners walking outside between wings without prison officers accompanying them.

In addition, vocational training is available for each prisoner. And, while visits at Belfast prison are limited to half an hour, prisoners at Maghaberry are allowed visits for up to two hours if the visiting area is not in great demand.

One of the cell blocks — Bann House — was opened as a Long-Term Prisoner Unit in January 1991. The purpose of the unit is to help prisoners serving long terms of imprisonment to achieve successful resettlement in the community. Upon arrival at the unit, each prisoner is interviewed and a training plan is devised which includes long-term goals and daily activities to meet those goals. Prisoners who are nearing the end of their "life" sentences concentrate on preparing for release.

Prisoners in this unit enjoy privileges not available to other Maghaberry prisoners, including in-cell color television, freer inter-wing association and greater access to the gym and handicraft facilities. The dining room at Bann House that we observed was very nice, with tablecloths on each of the small tables.

⁹¹ Prison officials estimated that only 12 to 15 prisoners were in Maghaberry prison on charges unrelated to paramilitary activities.

FOOD

There were frequent complaints about the food, particularly its lack of nutritional value. One prisoner told us that blood tests of prisoners show very low levels of iron.

VISITS AND HOME LEAVE

As noted, visits may last up to two hours at Maghaberry Prison. Prisoners complained about the lack of privacy during visits.

Prisoners in Northern Ireland serving life sentences who have served 12 years are allowed home leave during Christmas and in the summer. The home leave program has been quite successful and, according to prison officials, no long-term prisoners from Maghaberry or Maze prisons have absconded during leave.

DISCIPLINARY MEASURES

There are four punishment cells at Maghaberry. Each measures 6 feet, 9 inches by 9 feet and contains a toilet, sink, bed, table, and closet. Stripped cells are the same size as punishment cells, with a mattress on a platform and simple shelves. (Procedures regarding disciplinary measures are the same as in Belfast Remand prison.)

We interviewed a prisoner held in a punishment cell who told us that he had been placed in a punishment cell because he had been in a fight. He said he had not used abusive language, however. He told us that due process at Maghaberry "was a joke" and that prisoners who transfer from Maze are not allowed to return once they enter Maghaberry. He told us that there was a pervasive anti-Catholic attitude among the predominately Protestant staff. (The prison director later intimated that this prisoner was not stable when he asked us if the prisoner told us that he eats batteries and razors.)

Several prisoners whom we interviewed at Maghaberry told us that they felt the staff displayed "pettiness" in writing up reports on prisoners for offenses such as "disrespect." These prisoners told us that the prison service needs higher standards in recruiting prison officers. This complaint was repeated by prison monitors who have noted that the discrepancy between educated prisoners and less-educated prison officers increases tensions.

Maghaberry's Female Section

Women make up just two percent of the prison population in Northern Ireland. On May 27, 1991, the total population of the Women's Section at Maghaberry was 36; 13 prisoners were untried and 23 were sentenced. Five women were serving life sentences after being convicted for murder associated with paramilitary activities.

In general, physical conditions at the women's prison were quite good, with the general appearance of college dormitories. The single cells are 8 feet, 8 inches by 10 feet with in-cell plumbing, bed, small closet, desk, window, chair and table. A slightly larger mother-baby room equipped with a crib is available in each of the six wings, where a mother can keep her baby up to the age of one year. There is a certain amount of flexibility in the amount of time a baby may stay with its mother.

Unlike the men's section of the prison, the women's section is segregated by political affiliation.⁹² The women's prison also differs from the men's prison in its lack of activities. Many of the women prisoners, and prison monitoring groups, feel that the women's needs have been largely ignored in the prison system because of their small numbers. However, prison officials told us that many female prisoners refuse to take part in work or educational programs in the men's prison, thus adding to their inactivity. (Women are segregated from the men during work and educational programs in the men's section, according to prison officials.) During our visit, prisoners lounged in the television room, which contained a VCR and a stereo. Some did needlework.

The majority of female prisoners at Maghaberry are Catholic, with Republican political affiliations.⁹³ Catholic prisoners told us that the prison staff is predominantly Protestant, and that the Republican prisoners are treated unfairly because of the Protestants' "bigotry."⁹⁴

In one controversial incident before our June visit, a Republican prisoner on remand was forcibly strip-searched by eight female prison officers after she had a visit with an alleged paramilitary member. Although the search was not a cavity search, which is against the rules, the prisoner told us that she considers what happened to her rape.⁹⁵

This prisoner told us that the prison officers involved in the forcible search taunt her often. She also told us that she had been promised the results of the inquiry into her search but had not yet received it. (The prison director claimed that he had not agreed to share the results of the inquiry with her for security reasons.) She also told us that following this incident she was cited for disobeying an order and confined to her cell for talking to another prisoner through a window.

Following the forcible strip-search, the prison director called for an immediate investigation. It appears that a mid-level officer had conveyed incorrect information to the prison director that resulted in the prison director's authorization of the forcible strip-search. The officer cannot be named for fear of retaliation by Republicans in the community.

In a more recent incident, 21 Republican prisoners refused to be strip-searched during a cell-to-cell search of the women's section at Maghaberry Prison.⁹⁶ Prison staff forcibly strip-searched the prisoners,

⁹² Prisoners in the women's section of Maghaberry Prison are not "fully segregated," as prisoners are at Maze Prison. At Maghaberry Prison all the women prisoners are housed in the same unit, but they do not spend out of cell time with members of the opposing paramilitary group.

⁹³ As of October 14, 1991, 33 of the 44 female prisoners were Roman Catholic.

⁹⁴ The prison service confirms that most of the prison officers are Protestant.

⁹⁵ Forcible strip-searches are not against prison rules.

⁹⁶ The prison secretariat of the Northern Ireland Office would not comment on the specific reason for the search, but prison monitoring groups have reported that the search was ordered after a prison officer allegedly overheard a conversation about a gun being smuggled into the prison. The search involved the entire women's prison and produced no results.

resulting in mostly minor injuries to several prisoners. According to the Prison Secretariat, a member of the prison staff was also wounded during the incident, sustaining an eye injury.

At the time of our visit, one prisoner was kept in isolation and housed in a separate unit because she is an informant, or "supergrass." She is serving a life sentence. She reported that she receives visits every four or five weeks, and appeared to be cared for adequately. She had no complaints.

VISITS

Visiting rules for women prisoners are the same as for the male prisoners (see Visits in the Belfast Prison section above). The visiting room has tables placed very close together. Prison officers told us that visits are supposed to be within sight and hearing of a prison officer. They told us that they do not listen to conversations, however. At the time of our visit, there was no area for children to play in, but prison officials told us that they were planning to build a nursery. Two private visiting rooms are provided for visits with lawyers.

EDUCATIONAL AND WORK OPPORTUNITIES

As mentioned above, few activities are available for women prisoners at Maghaberry. Approximately six prisoners perform kitchen duties and there are an additional eleven orderly positions available. During winter months an additional ten positions are reportedly available at a small textile factory that makes trousers and pajamas for the prison service, according to prison officials.

Educational opportunities consist of basic education programs, cooking, typing and Open University courses. We observed a typing class in session during our tour. We also toured an impressive library that was being used by several prisoners.

MEDICAL FACILITIES

The women's prison contains a 3-bed hospital unit. Some of the female prisoners complained that the doctor for the women's prison is a man. They told us that a female doctor would be more appropriate, and that the prisoners were often embarrassed visiting a male doctor for certain ailments. When we asked prison authorities about the possibility of hiring a female doctor for the women's prison, we were told that no female doctors were available in the area.

MAZE PRISON

We were not permitted to visit Maze Prison because prison officials believe it is a "relic from the past."⁹⁷ Prison authorities did, however, provide us with a videotape of a BBC documentary about the prison. From this documentary, press articles and other printed materials, we can comment briefly on conditions at Maze Prison.

On October 14, 1991, the total population at Maze Prison was 471; of those, 36 were short-term

⁹⁷ Interview with prison service representative before visit.

prisoners used as orderlies at the prison. The remaining 435 long-term prisoners are housed in wings segregated by political affiliation — Loyalist or Republican. The majority of Maze prisoners (approximately 300) are Catholic. There are 1,200 prison officers at Maze, for a three-to-one prison officer to prisoner ratio. As in the rest of Northern Ireland, the majority of the prison officers are Protestant.

Prisoners at Maze are out of their cells most of the day and generally care for themselves. They are locked up for 90 minutes following lunch and for one hour after tea. The rest of the time they are out of their cells until the night-time lock-down. There is no integral sanitation at Maze Prison.

Prison officers do not possess as much control at Maze Prison as they do at other prisons in Northern Ireland. If they mete out too harsh a punishment for a prisoner, there is a real possibility of retribution by paramilitary members. As a Republican prisoner states in the BBC documentary:

In England they control people's lives by locking them up more and more. Over here, they know that's not practical so if they want the cooperation of the prisoners then they have to come to the people who will dictate Republican cooperation with them in terms of running the jail.

Educational and Work Opportunities

Some Maze prisoners utilize the Open University classes available. During the past five years, 27 prisoners have obtained degrees with honors from the Open University. In September 1991, 51 Maze prisoners were enrolled in Open University courses. Vocational training is also available on computers. Segregated prisoners who do not work receive a minimum of £2.40 and a maximum of £2.55 per week.

Visits

Prisoners at Maze can receive one visit per week of at least 30 minutes. Visits take place in cubicles that are shoulder-high for a great deal of privacy. Prisoners at Maghaberry frequently mentioned the Maze visiting room as ideal.

Home Leave

Maze prisoners serving life sentences are eligible for home leave after serving 12 years. They are allowed home leave for four days in summer and six days in winter, according to the documentary. So far, no one has failed to return from these visits because they know that if they abscond their "comrades" will suffer.

Police Detention Centers

In October 1991, Helsinki Watch published a detailed report on ill-treatment of detainees at Northern Ireland's police detention centers.⁹⁸ For this reason, our mission focused on prison conditions. However, it bears repeating in this report that we are aware of serious abuses which take place during the interrogation of detainees at police detention centers. In November 1991 it was reported that the United Nations' Committee Against Torture expressed grave concern over the treatment of detainees, many of

⁹⁸ See Helsinki Watch, *Human Rights In Northern Ireland*, (New York: Human Rights Watch, 1991).

whom alleged beatings during police interrogations.⁹⁹ In its complaint to the British government, the UN Committee presented a list of more than 30 prisoners who had received compensation after allegedly being beaten during interrogations at Castlereagh detention centre. The UN Committee also denounced the practice of holding detainees for up to 48 hours without access to a lawyer and the government's refusal to videotape interrogations.

The use of verbal threats and physical assaults by the Royal Ulster Constabulary is documented in the October 1991 Helsinki Watch report entitled, "Human Rights in Northern Ireland." Some of those cases include:

- Brian Gillen, who was arrested in 1987 and interrogated concerning the murder of a police officer. He was physically abused and suffered a punctured eardrum, a condition confirmed by a physician at the interrogation center. Gillen alleged that he was threatened throughout his interrogation and told that he should become an informer. A court found that Gillen had been assaulted and he was subsequently released.
- Martin McSheffrey stated that during his detention and interrogation in October 1989 he was hit on the ears and painfully cuffed at the wrists. He stated that he signed a confession because he was afraid of further abuse. A court threw out his confession and he was acquitted.
- Brian Austin stated that during his detention in January 1989 and again in November 1989 he was threatened with physical injury and death and was subjected to minor physical abuse. He was later released without charges.
- Patrick McBride was arrested in March 1990. He claimed he sustained physical injuries caused by the police during interrogation and brought his case to the European Court, challenging the United Kingdom's derogation from the European Convention with respect to the length of detention. His case is pending.
- Ciaran Doherty was arrested and detained twice in 1990 and claims both verbal and physical abuse. He also claims that he has been subjected to regular harassment by security forces.

The Helsinki Watch report documents dozens of additional cases of verbal abuse, threats, and derogatory comments during interrogations, primarily at Castlereagh detention center.

⁹⁹ Philippe Naughton, "U.N. Committee Slams British Record in Northern Ireland," Reuters, November 13, 1991.

PRISON CONDITIONS IN SCOTLAND

INTRODUCTION

Due to time constraints, we were unable to visit prisons in Scotland. The information contained in this section is based solely on information provided by the Scottish Prison Service.

PRISON POPULATION

Between April 1990 and March 1991, the average daily population in Scotland's prisons and young offenders institutions was 4,739. There is a Certified Normal Accommodation, known as the Design Capacity in Scotland, of 5,696.

There are 19 prisons in Scotland; 14 adult male institutions, one adult women's prison, three young offenders institutions (with young offenders also held at two adult prisons), and one remand center for adult males. As in the rest of the United Kingdom, local prisons hold remand prisoners awaiting trial or sentencing.

Overcrowding is not the serious problem it is in England, but at times between April 1990 and March 1991 the maximum number of prisoners at the large men's prisons equalled or slightly exceeded the space available. And at Longriggend men's remand institution, the average daily number of prisoners exceeded the capacity during April 1990 and March 1991.

PRISONER VIOLENCE

Prisoners interviewed in England mentioned that the amount of violence in Scottish prisons far exceeded that in the English prisons. The Scottish Prison Service notes that assaults against prison officers dropped from the April 1989 to March 1990 figure of 400, to the April 1990 to March 1991 figure of 358. However, during the same periods, reported assaults by prisoners against other prisoners more than doubled, from 273 to 564. Prison officials questioned about this increase conjecture that the increase may be due to a younger prison population, or to an increase in vigilance and reporting by prison officials.

DISCIPLINARY OFFENSES

According to statistics provided by the Scottish Prison Service, a very high number of offenses appear to be committed by prisoners. The average daily number of prisoners was 3,676 at adult male prisons between April 1990 and March 1991. The number of persons punished for offenses during that period totalled 4,155 (some were punished more than once). The total number of offenses committed was 10,926, meaning that each prisoner averaged three offenses during the year. The male young offenders' offenses and punishments are dramatically high, with an average of 9.7 offenses per head of the average daily population; female young offenders averaged 7.8 offenses per head of average daily population. (Prison officials explain the apparently high rate of offenses by noting that most prisoners commit no

offenses, yet some prisoners break the rules many times.)

SUICIDES OR DEATHS BY UNKNOWN CAUSES

Between April 1990 and March 1991, five prisoners in Scottish prisons died from self-strangulation, and the deaths of three additional prisoners were under investigation. Three of the eight deaths occurred at Barlinnie Prison for adult males, the largest prison in Scotland. Two of the deaths took place at Perth Prison for adult males.

CONCLUSIONS AND RECOMMENDATIONS

Prison conditions in the United Kingdom vary widely, although virtually each prison we visited was deficient in some way. In England, we observed very poor conditions at all of the local prisons that we visited, with the exception of the new Belmarsh prison, which was not yet fully operational. These prisons were overcrowded, lacked in-cell plumbing, and prisoners were locked in their cells for most of the day. In Northern Ireland, Belfast Remand Prison was in poor physical condition and prisoners spent all but a few hours locked up each day.

During our June 1991 visit, problems associated with prison conditions in England were receiving a great deal of media attention. The Woolf Report had been submitted to the government, and prisoners, prison officials, and others were eagerly awaiting the government's response to the report's recommendations on improving prison conditions. It appeared that the April 1990 riots, and the subsequent public debate over problems in the prison service and how they should be addressed, served as an urgent appeal to government leaders for fundamental reform. At the time of this writing, it is too soon to evaluate the government's response to this appeal.

Similarly, the beginning of an escalation of violence in Northern Ireland during our visit added to tensions within Northern Ireland's prisons, particularly Belfast Remand Prison. Just after our visit, there were increasing incidents of attacks among rival paramilitary members. Some months after our visit, as noted above, a bomb was detonated in the prison, killing two Loyalist prisoners. In response to the violent attacks within the prison, the Northern Ireland Office commissioned a review of the relations among paramilitary members in Belfast Remand Prison, and the prison service's attempts at increased integration. The results of that study are expected soon.

Unfortunately, it appears that large-scale uprisings and the loss of life have been necessary to bring about even limited improvements in prison conditions in the United Kingdom. As described in the recommendations below, the United Kingdom has a long way to go before all prisoners are afforded decent living conditions.

Helsinki Watch and the Prison Project, divisions of Human Rights Watch, offer a few recommendations aimed at improvement of prison conditions in England and Northern Ireland:

- In both prison systems remand prisoners are those subjected to the worst living conditions. Immediate steps should be taken to improve conditions for these prisoners. They should be allowed out of their cells more frequently and additional work and educational opportunities should be made available.
- Particular care should be taken to expand educational and work opportunities to help prisoners gain skills that might help to prevent recidivism once they are released.
- Sanitary conditions need urgent improvement. Particularly, in-cell plumbing in all prisons should be installed. Before this is achieved, a system allowing inmates to be escorted to the bathroom by a guard during in-cell hours should be implemented in order to abolish the humiliating practice of having to use chamber pots in the presence of cellmates.

- Steps should be taken to eliminate insect infestation.
- Inmates, especially those engaged in strenuous work or physical activities, should have regular and frequent access to showers.
- The punitive use of the segregation rule (Rule 43 in England and 25 in Northern Ireland) should end because it does not allow the prisoner to defend him or herself in disciplinary procedures.
- All prison staff should wear name badges at all times. (According to prison officials, this practice is currently being implemented.)
- Privacy of inmates whose correspondence is read by prison staff must be protected. Staff members who reveal contents of private correspondence should be disciplined.
- The last meal of the day should be served later in the evening (rather than in the afternoon, as is the practice in several institutions) so that prisoners are not without food for long periods.

In addition we offer recommendations that apply to the two separate geographical areas of our study.

ENGLAND

- Immediate steps must be taken to ease overcrowding throughout the prison system, particularly in local and remand prisons. Those measures should include:
 - terminating the practice of imprisoning fine defaulters and non-violent offenders awaiting trial who pose no threat to society; and
 - reducing the time spent on remand, particularly in light of statistics that show that 40% of male remand prisoners and 60% of female remand prisoners do not receive custodial sentences once tried and sentenced.
- Trials for prisoners on remand should not be delayed for the completion of psychiatric evaluations. If such evaluations are required, they should be completed expeditiously.
- Protective custody prisoners should be given access to work and educational programs, exercise time and association time. Steps should be taken to prevent fellow prisoners from taunting and physically attacking protective custody prisoners.
- Steps should be taken to identify prisoners prone to suicide and self-mutilation and provide sufficient psychiatric and medical attention. These prisoners should not be placed in isolation.
- The use of "body belts" should be eliminated.
- Physical restraints should never be used as a disciplinary measure.

- Transfers of inmates as a disciplinary measure must be terminated.
- Prisoners should be placed in facilities as close as possible to their families.
- Sentenced prisoners should be allowed more generous visiting privileges.
- Non-violent offenders should be allowed home visits on weekends.
- Public telephones for prisoners' use should be installed in all prisons in order to facilitate prisoners' contact with the families and legal advisors.
- Prisoners should be informed of the reasons for denials of visits.
- Relatives should be notified immediately of a prisoner's transfer.
- Irish prisoners who have applied for transfer to Northern Ireland's prisons and who fulfilled the criteria set out by the Home Office should be allowed to transfer to prisons closer to their homes.
- The practice of incarcerating illegal aliens, except in cases of individual determination that an alien has committed a criminal offense that warrants incarceration, should end.
- The problem of drug abuse and HIV/AIDS within British prisons should be acknowledged and dealt with. Educational courses on both issues and distribution of condoms among prisoners should be instituted throughout the prison system.
- Steps should be taken to recruit more minority staff members.
- Wages for inmates' work should be high enough to enable prisoners to purchase essentials from prison canteens.

NORTHERN IRELAND

- Time spent on remand should be shortened.
- A prisoner or his or her legal representative should be able to attend Life Sentence Review Board hearings. The prisoner should be given the reason(s) he or she has not been recommended for release.
- More Catholic prison officers should be recruited in order to balance prison staffs and to avoid the resentment felt among Catholic prisoners that the predominantly Protestant prison officers discriminate against them.
- Verbal harassment of Catholic prisoners should end.