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**Report to the United Kingdom Government
on the visit to the United Kingdom
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 29 July 1990 to 10 August 1990

The United Kingdom Government has requested the publication of this report and of its response. The response of the United Kingdom Government is set out in document CPT/Inf (91) 16.

Strasbourg, 26 November 1991

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Copy of the letter transmitting the CPT's report

Strasbourg, 27 March 1991

Dear Mrs Gibson,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report to the United Kingdom Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to the United Kingdom from 29 July 1990 to 10 August 1990. The report was adopted by consensus by the CPT at its eighth meeting, held from 20 to 21 March 1991.

I would draw your attention in particular to paragraph 242 of the report, in which the CPT requests the United Kingdom authorities to provide an interim and a follow-up report on action taken upon its report. More generally, the CPT is keen to establish an on-going dialogue with the United Kingdom authorities on matters of mutual interest, in the spirit of the principle of co-operation set out in Article 3 of the Convention; consequently, any other communication that the United Kingdom authorities might wish to make would also be most welcome.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours sincerely,

Antonio CASSESE
President of the European Committee for
the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment

Mrs May GIBSON
Western European Department
Room W 61
Foreign and Commonwealth Office
GB - LONDON SW1 2AH
United Kingdom

PREFACE

As the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is a new institution, knowledge of its mandate and functions is inevitably limited. The CPT has therefore deemed it appropriate to begin the first of its reports to each Party by setting out some of the Committee's salient features. This should prove particularly helpful in differentiating the basis and aims of the CPT from those of two other Council of Europe supervisory bodies within the field of human rights: the European Commission and European Court of Human Rights.

Unlike the Commission and the Court, the CPT is not a judicial body empowered to settle legal disputes concerning alleged violations of treaty obligations (i.e. to determine claims ex post facto).

The CPT is first and foremost a mechanism designed to **prevent ill-treatment from occurring**, although it may also in special cases intervene after the event.

Consequently, whereas the Commission's and Court's activities aim at "conflict solution" on the legal level, the CPT's activities aim at "conflict avoidance" on the practical level.

This being so, the guiding maxim for the CPT when performing its obligations must be to "extend the widest possible protection against abuses, whether physical or mental" (quotation from the 1979 UN Code of conduct for law enforcement officials as well as from the 1988 Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, both adopted by the General Assembly).

The CPT's activities are based on the concept of co-operation (Article 3 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; hereinafter referred to as "the Convention"). The CPT's task is not to publicly criticise States, but rather to assist them in finding ways to strengthen the "cordon sanitaire" that separates acceptable and unacceptable treatment or behaviour. In fulfilling this task the CPT is guided by the following three principles:

- i) that the prohibition of ill-treatment of persons deprived of their liberty is absolute,
- ii) that ill-treatment is repugnant to the principles of civilised conduct, even if used in milder forms, and
- iii) that ill-treatment is not only harmful to the victim but also degrading for the official who inflicts or authorises it.

The CPT first of all explores the prevailing factual situation in the countries it visits. In particular it:

- i) examines the general conditions in establishments visited;
- ii) observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty;
- iii) interviews persons deprived of their liberty in order to understand how they perceive (i) and (ii) and hear any specific grievances they may have;
- iv) examines the legal and administrative framework on which the deprivation of liberty is based.

Subsequently, the CPT reports to the State concerned, giving its assessment of all the information gathered and providing its observations. In this regard, it should be recalled that the CPT does not have the power to confront persons expressing opposing views or to take evidence under oath. If necessary, it recommends measures designed to prevent the possible occurrence of treatment that is contrary to what reasonably could be considered as acceptable standards for dealing with persons deprived of their liberty.

In carrying out its functions, the CPT has the right to avail itself of legal standards contained in not only the European Convention on Human Rights but also in a number of other relevant human rights instruments (and the interpretation of them by the human rights organs concerned). At the same time, it is not bound by the case law of judicial or quasi-judicial bodies acting in the same field, but may use it as a point of departure or reference when assessing the treatment of persons deprived of their liberty in individual countries.

To sum up, the principal differences between the CPT and the European Commission and European Court of Human Rights are:

- i) the Commission and the Court have as their primary goal ascertaining whether breaches of the European Convention on Human Rights have occurred. By contrast, the CPT's task is to prevent abuses, whether physical or mental, of persons deprived of their liberty from occurring; it has its eyes on the future rather than the past;
- ii) the Commission and Court have substantive treaty provisions to apply and interpret. The CPT is not bound by substantive treaty provisions, although it may refer to a number of treaties, other international instruments and the case law formulated thereunder;
- iii) given the nature of their functions, the Commission and the Court consist of lawyers specialising in the field of human rights. The CPT consists not only of such lawyers but also of medical doctors, experts in penitentiary questions, criminologists, etc;
- iv) the Commission and Court only intervene after having been petitioned through applications from individuals or States. The CPT intervenes ex officio through periodic or ad hoc visits;
- v) the activities of the Commission and Court culminate in a legally binding finding as to whether a State has breached its obligations under a treaty. The CPT's findings result in a report, and, if necessary, recommendations and other advice, on the basis of which a dialogue can develop; in the event of a State failing to comply with the CPT's recommendations, the CPT may issue a public statement on the matter.

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to the United Kingdom from 29 July 1990 to 10 August 1990.

2. The delegation consisted of the following Committee members:

- Mr Antonio CASSESE, President of the CPT (Head of delegation);
- Mr Bent SØRENSEN, First Vice-President of the CPT;
- Mr Jacques BERNHEIM, Second Vice-President of the CPT;
- Ms Astrid HEIBERG;
- Mr Rudolf MACHACEK.

The delegation was accompanied by the following members of the CPT's Secretariat:

- Mr Trevor STEVENS, Secretary of the CPT;
- Mrs Geneviève MAYER-FABIAN.

B. Nature of the visit to the United Kingdom

3. The visit to the United Kingdom was carried out in the framework of the CPT's programme of periodic visits for 1990. The United Kingdom was chosen by lot in November 1989 to receive a periodic visit, and the dates of the visit were set shortly afterwards. Consequently, the prison disturbances that occurred in the United Kingdom during the first half of 1990 had no bearing on either the decision to carry out the visit or the visit dates.

4. The delegation of the CPT decided to limit its activities to the area of England. Further, in the light of the information available to it, the delegation concluded that insofar as prison establishments were concerned, it should focus its attention on the so-called "local" prisons for males. It should also be pointed out that during this first visit to the United Kingdom, the emphasis was placed on prison, rather than police, matters.

C. Establishments visited by the delegation

5. The delegation visited the following places of detention:

Prisons

- Bullwood Hall Prison, Hockley, Essex;
- Leeds Prison;
- Brixton Prison, London;
- Holloway Prison, London;
- Wandsworth Prison, London.

Police establishments

- Chapeltown Police Station, Leeds;
- Millgarth Police Station, Leeds;
- Brixton Police Station, London;
- Hackney Police Station, London;
- Paddington Green Police Station, London.

The visits to Bullwood Hall Prison and Brixton Police Station were not notified in advance of the visit to the United Kingdom.

D. Persons met by the delegation

6. In addition to its meetings with the persons in charge at the places visited, the delegation held consultations with the national authorities and representatives of relevant non-governmental organisations.

7. The delegation met in particular:

i) Home Office

- Mrs Angela RUMBOLD, Minister of State with responsibility for prisons;
- Mr Brian EMES, Deputy Director General of the Prison Service of England and Wales;
- Mrs Rosemary WOOL, Director of Prison Medical Services;
- Mr Brian CAFFAREY, Head of P3 Division, Prison Department;
- Mr John INGMAN, Head of P1 Division, Prison Department;
- Mr Selwyn NOTTINGHAM, Principal, P5 Division, Prison Department;
- Mr Richard WEATHERILL, Principal, Police Department;
- Ms Martha WOOLDRIDGE, Principal, Police Department;
- Mr Jeremy CRUMP, Higher Executive Officer, Police Department.

ii) other authorities

- Judge Stephen TUMIM, Her Majesty's Chief Inspector of Prisons;
- Lord Justice WOOLF, Head of the 1990 Inquiry into Prison Disturbances;
- Mr David ABELSON JP, Vice-Chairman of the Board of Visitors Co-ordinating Committee.

iii) trade unions

- Mr David EVANS, General Secretary of the Prison Officers Association;
- Mr George ELIOTT, Vice-Chairman of the Prison Officers Association.

iv) other non-governmental organisations

Representatives of the following organisations:

- British Medical Association;
- Howard League;
- Justice;
- National Association for the Care and Resettlement of Offenders;
- National Council for Civil Liberties;
- Prison Reform Trust.

E. Co-operation of the national authorities with the visiting delegation

8. The CPT's delegation had fruitful discussions with Mrs Rumbold, Minister of State with responsibility for prisons, and senior officials of the Home Office at both the outset and the end of its visit. The CPT would mention in particular the highly co-operative attitude shown by officials of the Prison Department.

9. The delegation was received in a very satisfactory manner at all the prisons visited; both governor and prison officer grade staff displayed a willingness to co-operate fully with it. The delegation also met with a good degree of co-operation at the police establishments visited.

II. LEGAL FRAMEWORK

10. In the following paragraphs, brief reference is made to some of the legal provisions in or affecting England and Wales¹ that are relevant to the subject of torture and inhuman or degrading treatment or punishment of persons deprived of their liberty.

A. Human rights safeguards

11. The United Kingdom does not have a written constitution. Any human rights safeguards are to be found in the ordinary law rather than in entrenched constitutional provisions².

To torture or otherwise deliberately ill-treat a person deprived of his liberty is behaviour that would certainly fall foul of the criminal law, and the victim could also seek compensation under civil law.

12. These remedies of a general nature have recently been reinforced by a specific offence of torture by a public official or person acting in an official capacity. This offence was created by section 134 of the Criminal Justice Act 1988, in order to enable the United Kingdom to ratify the United Nations Convention against torture and other cruel, inhuman and degrading treatment or punishment. "Torture" is understood as the intentional infliction of severe pain or suffering, whether physical or mental and whether caused by an act or an omission. The maximum penalty for this new offence is life imprisonment.

13. It should also be noted in this context that according to section 78 of the Police and Criminal Evidence Act 1984, where it is alleged that confession evidence was obtained as a result of "oppression" (a notion defined as including torture, inhuman or degrading treatment, and the use or threat of violence (whether or not amounting to torture)), the confession is not to be allowed as evidence unless the prosecution proves beyond reasonable doubt that it was not, in fact, obtained that way.

14. The United Kingdom has ratified the European Convention on Human Rights and has accepted all the relevant provisions concerning its supervisory machinery. As already indicated, it has also ratified the United Nations Convention against torture.

¹ The legal situation in Northern Ireland and Scotland is not considered, since the CPT's delegation did not visit any establishments in those areas.

² It should be mentioned that lawyers frequently plead, and judges occasionally pay heed to, the Bill of Rights of 1688, which prohibits the infliction of "cruell and unusuall punishments".

B. Police custody

15. The Police and Criminal Evidence Act 1984 provides that a person shall normally not be kept in police custody for more than 24 hours without being charged. However, when the person has been arrested in connection with a "serious arrestable offence", his detention may under certain circumstances be extended by the police to 36 hours. A person's detention must be reviewed at regular intervals by a senior police officer.

If the police wish to prolong detention without charge beyond 36 hours, they must seek authorisation from a magistrates' court; the detainee must be brought before the court, and he is entitled to be legally represented. The court may authorise further detention for up to 36 hours. This period may subsequently be extended by the court at the request of the police. However, under no circumstances can police custody without charge be extended by the court beyond an overall length of 96 hours.

16. By way of exception to the Police and Criminal Evidence Act, section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 allows the police on their own authority to hold certain terrorist suspects for up to 48 hours. Again, detention must be reviewed at regular intervals by a senior police officer.

Police custody of such suspects may be extended by the Secretary of State (Home Secretary) for a further period or periods totalling 5 days. Hence, in this case, the maximum possible period of police custody without charge is 7 days.

17. The Police and Criminal Evidence Act provides that detainees have the right to have someone informed of their arrest and to have access to legal advice. The exercise of these rights by someone suspected of a serious arrestable offence may be delayed, but only under certain defined circumstances and never for longer than 36 hours or, in the case of terrorist suspects covered by the prevention of terrorism legislation, 48 hours. The courts have interpreted strictly the circumstances under which the right of access to legal advice can be delayed.

18. The Police and Criminal Evidence Act provides for the issuing of a series of codes of practice, concerning inter alia the detention, treatment and questioning of persons in police custody. The code on these latter matters spells out in considerable detail the application of the rights not to be held incommunicado and of access to legal advice, and also stipulates that detainees may be examined by a medical doctor of their own choice. As regards access to legal advice, it is provided in particular that before an interview commences, detainees must be informed of their right to free legal advice, and that, save for in exceptional circumstances, the detainee is to be allowed to have his legal advisor present while he is interviewed.

The same code lays down criteria for conditions in police cells and deals at some length with the interview process, including as regards the actual physical conditions under which interviews are to take place. Special safeguards are provided for vulnerable persons, such as juveniles or the mentally disordered. A distinct code provides for the tape recording of most police interviews in relation to serious offences.

A breach of the codes is a disciplinary offence. Further, a court could exclude evidence obtained under conditions which are in violation of the codes.

19. Procedures for dealing with complaints against the police are also set out in the Police and Criminal Evidence Act. The Act in particular established a Police Complaints Authority, which has an independent status and may not include among its members any person who is or has been a police officer. Any complaint alleging that conduct complained of resulted in death or "serious injury" (i.e. a fracture, damage to an internal organ, impairment of bodily function, a deep cut or a deep laceration) must be referred to the Authority; regulations also require reference to the Authority of any complaint alleging conduct which, if shown to have occurred, would constitute assault occasioning actual bodily harm. The Authority then supervises the investigation of such complaints by the police.

20. Finally, reference should be made to the system of lay visitors to police stations established under Home Officer Circular No. 12 of 1986. By virtue of this system, ordinary members of the public are appointed as independent observers, with the right to visit police stations without prior notice and to speak in private with detainees.

C. Imprisonment

21. The principal source of law in this area is the Prisons Act of 1952, as amended; it sets out the basic framework of imprisonment and, inter alia, contains a chapter on confinement and treatment of prisoners. Paragraph 2 of section 14 (cells) is particularly noteworthy: "No cell shall be used for the confinement of a prisoner unless it is certified by an officer (not being an officer of a prison) acting on behalf of the Secretary of State that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoners to communicate at any time with a prison officer."

22. The Prisons Act empowers the Secretary of State to "make rules for the regulation and management of prisons ... and for the classification, treatment, employment, discipline and control of persons required to be detained therein". These rules, known as the Prison Rules (latest version, 1964 as amended), are developed further by other regulations called Standing Orders and Circular Instructions.

23. The Prison Rules contain numerous provisions of relevance to the day-to-day treatment of a prisoner (clothing, food, sleeping accommodation, hygiene, daily exercise, work and education, letters and visits, removal from association, offences against discipline, punishments, etc). However, a breach of the Rules does not provide a prisoner with grounds for judicial redress.

Nevertheless, the fact of imprisonment does not deprive a person of all his rights. According to one well-known judicial pronouncement, a prisoner "retains all civil rights which are not taken away expressly or by necessary implication". In the case in question (*Raymond v Honey* 1982), the right of a prisoner to have unimpeded access to a court was upheld.

24. Prisoners who wish to make complaints of ill-treatment have various means at their disposal, both within and outside the prison system. Within the system, a prisoner may, inter alia, write direct, using a sealed envelope, to the Prison Governor, the Chairman of the Prison's Board of Visitors or the Area Manager, a procedure known as "Confidential Access". Outside the system, a prisoner has an unrestricted right of access to legal advice with a view to the instigation of legal proceedings. He is also free to write to, among others, the Chief of the local police, his Member of Parliament and international supervisory bodies.

25. The Prison Rules spell out a number of offences against prison discipline. Many of them can be adjudicated by the Prison Governor, but the more serious offences must be brought before the Prison's Board of Visitors. Both Governors and Boards of Visitors may allow the prisoner to be legally represented in appropriate cases. Various types of "awards" (i.e. punishments) are possible e.g. loss of privileges (up to 28 days (Governor), no time-limit (Board of Visitors)), cellular confinement (up to 3 days (Governor), up to 56 days (Board of Visitors)), loss of remission (up to 28 days (Governor), up to 120 days, or 180 days for a series of offences arising out of one incident (Board of Visitors)).

The adjudications of Governors and Boards of Visitors are subject to "judicial review" by the High Court. The High Court reviews the manner in which the decision was made and may quash it on grounds such as excess of jurisdiction, error of law or failure to comply with the principles of natural justice.

26. In parallel with the formal adjudication system, a prison Governor is empowered by Rule 43 (1) of the Prison Rules to order a prisoner's removal from association³. The Governor may decide to take this measure at the prisoner's own request and in the interests of the latter's own protection. However, he may also remove a prisoner from association with other prisoners where it appears desirable "for the maintenance of good order or discipline".

³ Rule 43 (1) reads as follows:

"Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the governor may arrange for the prisoner's removal from association accordingly".

27. The Prisons Act stipulates that the Secretary of State shall appoint a Board of Visitors for every prison.

Two specific tasks of the Boards of Visitors, the hearing of complaints made by prisoners and the adjudication of the more serious offences against prison discipline, have already been indicated. However, the Prison Rules place upon the Boards a much broader general duty to "satisfy themselves as to the state of the prison premises, the administration of the prison and the treatment of the prisoners".

In addition to the Boards of Visitors, the Prisons Act provides that duly authorised officers of the Secretary of State must visit all prisons and examine, inter alia, the treatment and conduct of prisoners.

These two inspection procedures were supplemented in 1981 by the setting up of an independent Inspectorate, Her Majesty's Inspectorate of Prisons.

III. FACTS FOUND DURING THE VISIT AND ACTION REQUIRED

A. Prisons

28. The delegation visited five prisons; three large local prisons for males (Brixton, Leeds and Wandsworth), a local prison for females (Holloway), and a further closed prison for females which accommodates both adult and young offenders (Bullwood Hall).

29. In setting out its findings, the CPT will, as far as possible, deal with the prisons of Brixton, Leeds and Wandsworth jointly, the issues raised being to a considerable extent common to the three prisons. Separate sections of the report shall be devoted to medical questions and to complaints, disciplinary and inspection procedures.

1. Brixton, Leeds and Wandsworth Prisons

a) general information

30. Brixton, Leeds and Wandsworth Prisons are all "local" prisons for males. The standard functions of a local prison are to hold persons awaiting trial or sentencing, and to receive newly convicted prisoners with a view to their assessment and subsequent relocation to the "training" prisons in which it is deemed appropriate for them to serve their sentences.

31. Brixton Prison was built in the early 19th century. The different wings of the establishment are set out in a broadly rectangular pattern, exercise areas and certain services (e.g. hospital and kitchen facilities and the administration block) being located within the rectangle. A very high proportion (approximately 75%) of the inmates are unconvicted. Further, the prison handles a large number of mentally disturbed prisoners, who are located in the prison's F wing or the adjacent hospital. The certified normal accommodation (CNA) of the prison is 729.

Leeds Prison was built in the middle of the 19th century. It has four main wings, set out in the form of a radial pattern leading off a central hemicycle. Approximately 40% of the inmates are unconvicted. The prison handles a large number (250+) of prisoners aged between 17-20; they are all located in the prison's B wing. The CNA of the prison is 627.

Wandsworth Prison was also built in the middle of the 19th century. It consists in fact of two prisons. The main prison possesses six wings set out in a radial pattern, five of which (A to E) are used for inmate accommodation. Alongside the main prison is a smaller prison, again of radial design, with three wings (G, H and K). Unlike Brixton and Leeds, there are no unconvicted prisoners at Wandsworth; nor are there any prisoners under the age of 21.

The Prison's primary function is, in principle at least, to assess newly convicted prisoners and allocate them to training prisons (a function which apparently also involves re-assessing a certain number of prisoners who fail to settle in the training prisons to which they were allocated). However, in recent years the small prison has become a centre for Rule 43 (own protection) prisoners; many of these prisoners can, the CPT's delegation was informed, expect to serve most, if not the whole, of their sentences at Wandsworth. The CNA of Wandsworth Prison is 1,275.

b) torture and other serious forms of ill-treatment

32. It should be said at the outset that the CPT's delegation heard no allegations within any of the five prisons visited, that prisoners had been subjected to ill-treatment amounting to torture; nor was any other evidence of torture found.

33. Some allegations were heard in the three male local prisons visited, that prisoners were on occasion physically assaulted ("beaten up") by prison staff. Frequently, the alleged ill-treatment related to the manner in which prison officers had intervened to deal with an incident (e.g. a fight, or a suspected passing over of contraband in the course of a visit); this question will be considered further at a later stage (see paragraphs 86 to 89 and 111 to 112).

Further, the delegation was informed that a police enquiry had been held at Leeds Prison during 1989, following which four prison officers had been arrested; three of them had subsequently been committed for trial on the charge of the assault of prisoners occasioning bodily harm.

The delegation was also informed, by an Assistant Governor at Wandsworth Prison, of a recent incident in which a prison officer had allegedly stubbed a cigarette on a prisoner's hand. It is particularly noteworthy that the incident had been reported by other members of the prison staff. Legal proceedings were underway.

34. Unfortunately, in any prison service, there are occasional examples of prison officers abusing their authority by ill-treating inmates. What is essential is for effective complaints procedures to be in place (see further, paragraphs 182 to 185) and, more generally, for prison management to deliver the clear message that such abuses of authority are not acceptable and will, if discovered, be dealt with severely. The delegation was satisfied from its talks with the governor grade staff at the prisons visited and with representatives of the local branches of the Prison Officers Association that they were both firmly committed to the stamping out of any ill-treatment of prisoners.

35. Having said this, the CPT would like to receive further particulars of an incident which apparently occurred in an exercise yard of Wandsworth Prison a few weeks before the delegation's visit, namely on 29 June 1990. Accounts of the incident vary: for some it was a multi-prisoner escape attempt, for others a protest about conditions in the prison. Whatever the precise nature of the incident, several prisoners independently told the CPT's delegation that they had been physically assaulted by prison staff on this occasion. The CPT would point out in particular that certain of the prisoners alleged that they had been assaulted in the Prison's Segregation Unit, after their removal there following the incident.

The CPT requests the United Kingdom authorities to provide full details of the incident which occurred at Wandsworth Prison on 29 June 1990 and of the examination of allegations by prisoners that they were ill-treated by prison staff during and/or following that incident.

c) inhuman or degrading treatment arising from the conditions of detention

i) *overcrowding, lack of integral sanitation, regime activities*

36. Much has been written, by Her Majesty's Chief Inspector of Prisons and others, about the ills that currently beset local prisons in England. Prominence is always given to a trinity of interrelated problems: overcrowding, lack of integral sanitation (which results in the "slopping out" procedure) and inadequate regime activities for prisoners. The CPT's delegation paid particular attention to these questions in the course of its visits to Brixton, Leeds and Wandsworth Prisons.

- overcrowding

37. The delegation began by visiting Wandsworth Prison. As already mentioned, the prison's CNA is 1,275; at the outset of the delegation's visit, the establishment was holding 1,516 prisoners.

The bulk of the prison's accommodation consists of "cells", which are defined in the Annual Report on the work of the Prison Service as "a secure unit of accommodation designed for one person only". In Wandsworth they each measure 2.1m x 3.9m (8.2m²), with a height of 2.4m.

The delegation found that in certain parts of the prison (in particular D and E wings) inmates were accommodated one to a cell. However, doubling up was rife throughout the rest of the establishment. No prisoners were being held three to a cell, though a small number were held four to a "room" i.e. two cells which had been joined by removing the intervening wall.

38. Despite having a CNA of 729, Brixton Prison was holding 1,005 prisoners at the outset of the delegation's visit. The great majority of the inmates were held two to a cell (the most significant exceptions being the category A inmates in the small high security units in A and D wings, who were accommodated one to a cell, and inmates in F wing⁴).

The cells were of two main sizes: 2.1m x 3.2m (6.7m²), with a height of 2.7m; and 2.1m x 4m (8.4m²), with a height of 2.8m. Cells of the latter size seen by the delegation in Wing C of the Prison were equipped with three beds; however, the delegation was informed that no prisoners had been held three to a cell during the previous three months.

39. Overcrowding, a significant problem at Wandsworth, worse at Brixton, reached an outrageous level at Leeds Prison. At the outset of the delegation's visit the establishment was holding 1,205 prisoners, in other words almost twice its CNA figure of 627. The Governor informed the delegation that approximately two-thirds of the inmates were accommodated three to a cell; the cells each measured 2.1m x 4.1m (8.6m²), with a height of 2.8m.

40. The cells in Brixton, Leeds and Wandsworth Prisons were of an acceptable size for one person. However, they were cramped accommodation for two persons (in particular in A and B wings of Brixton Prison), and excessively cramped accommodation for three. At the latter level of occupation, prisoners were practically confined to their beds, their buckets and washing bowls taking up most of the spare floor space. Additional cell furniture other than a small table or chair was out of the question. Ventilation in the cells was also inadequate for the holding of three to a cell.

41. The CPT will reserve its conclusions on the question of overcrowding until later. Indeed, to assess it properly, it also needs to be seen in the light of the position as regards integral sanitation and regime activities. However, it is already obvious from what has been said that the prison service is not meeting the standards it has set itself in terms of prisoner accommodation. The CNA figure was largely exceeded in each of the prisons visited (by almost 100% at Leeds), with cells designed for one person being routinely occupied by two or even three inmates.

- integral sanitation

42. Hardly any of the cells in the three prisons possessed toilets. Plans for the progressive installation of integral sanitation existed for each of the prisons. However, at the time of the delegation's visit, those plans had not yet begun to be implemented at either Leeds or Wandsworth; integral sanitation was in the process of being installed in the cells of Brixton's A Wing (see paragraph 50).

Interestingly, toilets apparently had been installed in the cells in Leeds and Wandsworth Prisons when they were built in the 19th century.

⁴ As regards F wing, see paragraphs 155 to 165.

43. In each of the three establishments, prisoners were provided with buckets or pots equipped with a lid (in principle a bucket or pot per prisoner), with a view to enabling them to comply with the needs of nature. At various stages of the day, prisoners were unlocked from their cells for some 5 to 10 minutes in order for them to empty and clean their buckets or pots as well as to fill their washing bowls (the so-called "slopping out" procedure). On these occasions, the prisoners could also use the toilet facilities adjacent to the slopping out sluices; however, with often a score (sometimes two score) of inmates at any one time for perhaps two toilets and two urinals, access to the facilities could be precarious.

44. The timing and frequency of the slopping out process varied somewhat from prison to prison, and even from wing to wing within the same prison. However, broadly speaking it occurred three times a day, first thing in the morning, at midday, and in the late afternoon (approximately 5.30 p.m. - albeit earlier on weekends). However, in certain wings or units there appeared to be only two slop outs per day. Further, there could (in particular at weekends) be a gap of 15 hours or more between the last slop out of a day and the first of the following day.

It should be added that prisoners might request during the day, up to the time of the arrival of the night shift (approximately 8.00 p.m.), to be released from their cells in order to use a toilet facility. Prison officers stated that such requests were complied with, other duties permitting. However, many prisoners alleged that whether or not a prisoner was allowed to leave his cell to use a toilet facility very much depended on the particular officer on duty.

45. The delegation made a number of early morning visits to cells, just before unlocking time. The air tended to be stale, but there was not the pervasive smell of excreta that one might have expected. Prisoners explained that they made every effort not to defecate in their cells but instead to wait until they were unlocked for slopping out or exercise. However, on occasion they were "caught out"; in that event, the usual practice was to defecate in a newspaper or, failing that, an item of underclothing, and then throw the package out of the window.

46. The delegation saw many such packages on the ground outside prison wings and on the roofs of adjacent buildings; the problem appeared to be particularly acute at Wandsworth. Certain prisoners (known euphemistically at Wandsworth as the "bomb squad") were assigned to collect the packages and other rubbish. However, it was clear that a considerable time might pass before the packages were removed. Refuse of this nature is, of course, extremely unhygienic and will tend to attract vermin. Moreover, a collection of the packages is a thoroughly dismal sight, for prisoners, prison staff and visitors alike.

47. The CPT considers that the act of discharging human waste, and more particularly of defecating, in a bucket or pot in the presence of one or more other persons, in a confined space used as a living area, is degrading. It is degrading not only for the person using the bucket or pot but also for the person(s) who are obliged to hear and smell his activities⁵.

The other consequences of the absence of integral sanitation - the many hours often spent in the presence of buckets or pots containing one's own excreta and that of others (or the removal of some of it through the cell window) and the subsequent slopping out procedure - are scarcely less objectionable. The whole process must, from start to finish, be extremely humiliating for prisoners. Moreover, the CPT's delegation was left in no doubt that slopping out was also very unpopular with the prison officers who had to supervise it; indeed, the task must be debasing for them.

48. The CPT's delegation was informed by Prison Department officials that "the Government is committed to ending slopping out as soon as possible".

The CPT welcomes this commitment. The present sanitary arrangements in Brixton, Leeds and Wandsworth Prisons, and no doubt in other establishments, are quite unacceptable; remedying this situation should be treated as a matter of the greatest urgency. The CPT intends to follow closely progress in this area.

49. The CPT is aware that there are different ways of enabling prisoners to have ready access at all times to toilet facilities. It is not the Committee's task, nor does it presume to have the technical competence, to offer advice on which of the options available would be the most suitable for any particular establishment. However, it would stress that the objective should be to avoid prisoners having to comply with the needs of nature in the presence of other persons in a confined area that is used as their living quarters.

50. In this connection, it must be said that the CPT's delegation was not overly impressed by the integral sanitation that it saw being installed in A Wing of Brixton Prison. The sanitation consisted of a toilet and washbasin inside the cell. Given the space required by this facility, the beds for the cells' two occupants were one above the other. A modicum of privacy was provided by a small wooden gate; the limited size of the cells (6.7m²) ruled out a complete and solid partition.

Certainly, this approach removes the need for slopping out and gives prisoners access to running water; as such it represents a significant step forward. However, it does not meet the objective mentioned in paragraph 49, at least not so long as doubling up continues in the cells. In the CPT's view, the integral sanitation being installed in Brixton's A Wing is only acceptable on the condition that the clear objective is to revert at the earliest opportunity to single occupancy i.e. to have the cells used as they were designed to be used.

It should be added that even with single occupancy, the above-mentioned method of providing integral sanitation still means that the prisoner could be said to be living in a toilet. Obviously, the provision of sanitary annexes would be a far preferable solution.

⁵ Prisoners informed the delegation that they would turn their back to someone who was defecating.

- regime activities (work, education and sport)⁶

51. Brixton, Leeds and Wandsworth Prisons are neither designated nor resourced as "training" prisons. In principle, prisoners should remain in these establishments a relatively short time before being released or transferred elsewhere (but see also paragraph 55, third sub-paragraph).

The organisation of satisfactory regime activities in an establishment with a rapid turnover of inmates is not a straightforward matter. There can clearly be no question of individualised treatment programmes of the sort that might be aspired to in a training prison. However, prisoners cannot simply be left to languish for weeks, possibly months, locked up in their cells.

52. The CPT's delegation examined the regime activities offered at the three prisons. It quickly became apparent that they were quite inadequate, a fact that was openly admitted by both governor grade staff and prison officers.

53. At Brixton, for example, there was only one workshop in operation, offering employment to a small number of Rule 43 (own protection) prisoners. Some other prisoners performed cleaning and maintenance tasks or worked in the kitchen. However, for the vast majority of inmates there was no work. Attempts were being made to offer education courses to inmates, but the facilities available were clearly not commensurate to the enormity of the task. Further, no sport was offered. A gymnasium existed, but it had been located outside the main perimeter wall (presumably due to the lack of space within the perimeter). It was advanced that security considerations ruled out the gymnasium's use by prisoners, with the sole exception of trusted inmates in the domestic work force. A 90 minute to two hour prisoner association period was offered once a week, during which a group of prisoners could meet and watch television together. It should be added that inmates in the high security units were favoured in this respect; they could associate for up to 5 hours every day.

54. The situation was only marginally better at Leeds and Wandsworth Prisons. A number of workshops existed in each of the prisons, but they were liable to be closed from time to time when staff were diverted to other (in particular escort) duties; at least one workshop was closed for this reason during the delegation's visit to Wandsworth Prison. The delegation was favourably impressed by the clothes repair shop at Wandsworth, which employed approximately 25 inmates from G, H and K Wings; the inmates themselves had responsibility for organising the workshop's activities, including the paper work. By contrast, the "textile" workshop next to D Wing was a disappointment. It came as something of a shock to members of the delegation to find, in 1990, grown men sitting on ancient wooden chairs sewing mail bags by hand with crude metal implements (admittedly some sewing machines were also being operated). No doubt the workshop enables a number of prisoners to get out of their cells; however, one might have wished for prisoners to be offered work with a higher vocational value. In any event, work was available for only a small proportion of the two prisons' inmate populations. No work was available for unconvicted prisoners at Leeds.

⁶ As regards outdoor exercise and visits, see paragraphs 98 to 101 and 109 to 112.

At least Leeds and Wandsworth possessed gymnasiums that could be used by prisoners, and physical education programmes were in operation. However, yet again the size of the facilities as compared to the demand meant that access was limited. A certain number of educational courses were offered at the two prisons, but they clearly needed to be developed considerably if their benefits were to reach a significant proportion of the inmates.

Association periods of two hours were offered to prisoners twice a week at Leeds. The delegation was informed that there were no prisoner association periods at Wandsworth.

55. To sum up, much of the little work that was available in the three prisons was of a dull, repetitive nature and did not involve the acquiring of any skills that might be of some use to the inmate outside prison; the clothes repair shop at Wandsworth was a notable exception. Further, the remuneration (a maximum of £3.95 a week) was extremely low; there was no prospect of the prisoner being able to save money (cf. Rule 76 of the European Prison Rules).

As regards education, it was not sufficiently developed to make a significant impact. Course places were few compared to the prison populations and, in any event, courses were often cancelled due to staffing considerations. Further, there were no special programmes in operation for illiterates. The physical facilities for education also needed to be improved, in particular at Brixton. Sports facilities also left much to be desired, in particular once again at Brixton.

These weaknesses as regards regime activities are all the more significant given that, despite their status as local prisons, many inmates do stay a considerable time at Brixton, Leeds and Wandsworth. The work, education and sport possibilities provided did not tally with that latter fact.

56. The direct result of the inadequate regime activities was that many prisoners routinely spent practically the whole of the day locked in their cells. Prisoners alleged, and it was confirmed by prison officers and governor grade staff, that out-of-cell time during a 24-hour period was on occasion as little as 1½-2 hours (for the exercise period, slopping out and food collection⁷) and frequently less than four hours. Moreover, the burden of enforced inactivity was practically always made heavier by cramped accommodation and the indignities flowing from having to comply with the needs of nature in a bucket in the cell. The seriousness of the situation is well illustrated by the fact that some prisoners to whom the delegation spoke regarded slopping out as one of the highlights of their day; the activity might be distasteful in itself, but it at least provided an occasion to get out of the cell and have some sort of contact with other prisoners.

It should also be noted that the position of unconvicted prisoners as regards regime activities tended to be even less favourable than that of the convicted⁸. Priority of access to what activities existed was usually given to convicted prisoners, who also enjoyed better facilities in certain other respects (e.g. at Leeds Prison, as regards library facilities). However, it was often the unconvicted who stayed longest in the establishments; at Brixton and Leeds the delegation met several inmates who had been held there on remand for periods approaching one year.

⁷ Prisoners at Brixton, Leeds and Wandsworth eat in their cells.

⁸ On the other hand, the unconvicted are entitled to far more visits than the convicted (see paragraph 110).

- assessment and proposals

57. Overcrowding, lack of integral sanitation and inadequate regime activities would each alone be a matter of serious concern; combined they form a potent mixture. The three elements interact, the deleterious effects of each of them being multiplied by those of the two others. It is a generally recognised principle that people are sent to prison as a punishment, not for punishment. However, many prisoners met by the CPT's delegation understandably perceived their conditions of detention as being in themselves a form of punishment.

In the CPT's view, the cumulative effect of overcrowding, lack of integral sanitation and inadequate regimes amounts to inhuman and degrading treatment. This is a matter that needs to be addressed with the utmost urgency.

How should the problem be tackled ?

58. As has been said before by others, the issues of overcrowding and inadequate regimes are inextricably linked.

How to improve regimes in the prisons visited was a constant theme of the delegation's discussions with prison management and prison officers. In the light of everything it heard, the CPT believes that the emphasis must be placed on eliminating overcrowding; remove that and the problem of inadequate regimes - though it will not resolve itself - will at least become solvable.

59. The CPT notes that the United Kingdom authorities have embarked on an important prison building programme and that other policies, which could lead to a reduction in the number of persons being sent to prison, are under consideration. The authorities hope that by the mid-1990s the problem of overcrowding will be largely overcome.

The CPT welcomes these steps and hopes that they will continue to be pursued actively.

60. However, the practice of housing three persons in a cell at Leeds and, on occasion, Brixton Prisons, must cease immediately. The combination of excessively cramped accommodation, lack of integral sanitation and very limited out-of-cell time results in totally unacceptable conditions of detention for the persons concerned. To this must be added the relationship-related difficulties that can arise with three to a cell.

The CPT recommends:

- that steps be taken immediately to put an end to prisoners being held three to a cell at Leeds and Brixton Prisons;

- that such steps also be taken as regards other establishments where a comparable situation exists.

61. The CPT also believes that as the prison population is brought into line with the certified normal accommodation, the status of the CNA figure of each establishment could usefully be reinforced. A ceiling might be envisaged, consisting of a certain percentage figure over the CNA, beyond which the acceptance of additional inmates to that particular establishment would be inadmissible. Such a mechanism should prevent any future slide into the sort of situation that exists today.

The CPT recommends that due consideration be given to the possibility of introducing, at the appropriate time, an enforceable ceiling on the inmate population of each prison.

62. Turning to the development of regime activities, this is a complex matter. Underlying it is the fundamental question of the objective that imprisonment is meant to serve; different schools of thought exist in this area. However, whatever the objective sought, the present situation in local prisons⁹ is manifestly unsatisfactory.

The CPT recommends that a thorough examination of the means of improving regimes in local prisons be undertaken without delay, and that fuller regimes be progressively introduced as overcrowding is brought down.

The CPT recommends that the regimes to be implemented in local prisons should aim at ensuring that prisoners spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature (work with vocational value, education, sport). The legal status and needs of convicted and unconvicted prisoners are not the same; this should be reflected in the rules and regimes applied to them. Further, any young persons held in a local prison should benefit from a regime adapted to their particular needs.

63. Of course, insofar as sentenced prisoners are concerned, it will remain important for the allocation procedure to be carried out as quickly as possible. Improvements in the regimes of local prisons should not have the effect of delaying the transfer of prisoners to a training establishment.

64. The CPT must at this point voice serious concern about the situation in B Wing of Leeds Prison. At the time of the delegation's visit, the wing was housing 260 persons aged between 17 to 20. The bulk of the prisoners were either on remand or awaiting sentence; 66 had been convicted and sentenced and were awaiting allocation to young offender institutions.

There was a history of suicides and self-harm among inmates in B Wing. However, the Governor informed the delegation that no suicides had occurred so far in 1990, and that a recent policy of avoiding as far as possible the holding of prisoners three to a cell in B Wing had brought about a reduction in the number of incidents of self-harm. Regrettably, the delegation was informed on the second day of its visit to the prison that an incident of hanging had occurred in B Wing the previous night; the person concerned, a 17 year old, died from his injuries on 12 August 1990¹⁰. He had been held in a cell together with two other persons.

⁹ The CPT's delegation did not visit any training prisons for males; consequently, the Committee is not in a position to express a view on the quality of regimes in such establishments.

¹⁰ The CPT understands that an open verdict was reached at the subsequent inquest.

The precise reasons for the above-mentioned incident, and for previous incidents, are not easy to elucidate. It should not be automatically assumed that the conditions of detention in B Wing were necessarily the main cause. However, it is difficult to avoid the conclusion that those conditions could well have been at least a contributory factor¹¹.

65. The young persons in B Wing were housed quite separately from adult prisoners. Further, the delegation was satisfied that there was no physical ill-treatment of the inmates by prison staff. The conditions of detention were, nevertheless, quite unsatisfactory.

The CPT has already recommended (see paragraph 60) that steps be taken immediately to put an end to prisoners being held three to a cell in Leeds Prison. As regards inmates in B Wing, additional steps must be taken at once. The already mentioned inadequacy of regime activities at Leeds must have a particularly deleterious effect on B Wing inmates. A prison officer described the problem succinctly: "people of that age should be tired when they go to bed; here they are not". The noise that emanated from B Wing throughout the evening (which incidentally was a considerable source of irritation to prisoners in other wings) bore out that statement.

66. The CPT's delegation noted that sincere attempts were being made to provide B Wing inmates with as much activity as possible; the efforts of physical education staff deserve particular mention. However, the odds appeared to be overwhelmingly stacked against the staff.

The CPT recommends:

- that the possibility of providing a significantly better regime for young persons held at Leeds Prison be reviewed immediately; and**
- in the event of the provision of such a regime proving unfeasible, that the under 21 inmate population (or at least a large proportion of it) be transferred elsewhere without delay, to an establishment capable of offering a fuller regime.**

67. **The CPT wishes to add that it would be preferable for prisoners under 21, whether on remand or convicted, to be held as a matter of course in establishments that have regimes meeting their particular needs and staff specifically trained in dealing with the young.**

In this connection, the CPT would like to have a clearer picture of the whole subject of young persons in adult prisons. It understands that males may be held on remand in an adult prison as from the age of 15, and females as from the age of 17. Further, convicted persons aged under 21 may apparently be held for some time in an adult prison awaiting sentencing or allocation to a young offender institution.

¹¹ On the question of suicide prevention, see also paragraphs 169 to 175.

The CPT requests the United Kingdom authorities to provide the following information:

- the approximate number of (i) males aged between 15 and 16, (ii) males aged between 17 and 20, and (iii) females aged between 17 and 20, currently held in adult prisons in the United Kingdom;**
- the legal restrictions, if any, on the sending of young persons aged between 15 and 20 to adult prisons;**
- planned changes, if any, in this area.**

68. In addition to remedying the situation in B Wing of Leeds Prison, the CPT considers that certain steps to improve (albeit modestly) regime activities for prisoners in general at Brixton, Leeds and Wandsworth could be taken immediately.

It recommends:

- that a higher priority be given to keeping open existing workshops in the three prisons and that, whenever possible, workshop activities be developed;**
- that the question of access for prisoners to the existing gymnasium at Brixton Prison be reviewed, with a view to allowing such access except when significant security considerations require otherwise;**
- that prisoner association periods be introduced at Wandsworth Prison.**

Further, the delegation heard that plans were afoot at Wandsworth to tarmac exercise yards, thereby enabling them to be used for sports activities. **The CPT very much hopes that staff resources will be sufficient to allow the yards to be fully exploited.**

69. Before leaving the question of regime activities, the CPT must state that it is perplexed by the position of the small prison (G, H and K Wings) at Wandsworth.

As already mentioned, this establishment has become a centre for Rule 43 (own protection) prisoners. The CPT noted that relations between staff and inmates in G, H and K Wings were distinctly more relaxed than in the main prison, and it was impressed by the efforts being made to develop activities for inmates, despite poor facilities. However, the CPT is unclear as to exactly what purpose the small prison at Wandsworth is meant to serve. Is it intended to be a place where prisoners are assessed with a view to their relocation elsewhere (i.e. the traditional function of Wandsworth) or, instead, a place where the whole of a sentence of perhaps several years has to be served? If the latter is the case, the prison should surely be designated and resourced accordingly i.e. as a training prison.

The CPT would like to receive the comments of the United Kingdom authorities on this matter.

70. The granting of ready access to toilet facilities at all times is clearly another essential step that needs to be taken without delay. It will remove some of the humiliating aspects of life in a local prison; it will also have the knock-on effect - via the elimination of slopping out - of enabling staff to devote more time to regime activities for prisoners. This will be beneficial for both inmates and prison officers.

The CPT recommends:

- that the provision of integral sanitation in cells at Brixton, Leeds and Wandsworth Prisons, and of ready access at all times to toilet facilities in prison establishments in general, be accorded a very high priority;
- that existing plans for the providing of ready access to toilet facilities be reviewed, prison by prison, with a view to ensuring that they are on schedule and to exploring the possibility of accelerating their implementation;
- that the overarching objective should be to avoid prisoners having to comply with the needs of nature in the presence of other persons in a confined space that is used as their living quarters;
- that if the integral sanitation installed in a cell cannot for practical reasons be isolated from the rest of the cell by means of a complete and solid partition, installation of the sanitation should be accompanied by a return at the earliest opportunity to single occupancy of the cell concerned (if this is not the case already).

The CPT would add that, whenever it is feasible, the provision of distinct sanitary annexes should be envisaged.

Further, the CPT requests the United Kingdom authorities to provide the following information:

- the present timetable for the installation of integral sanitation in prisoner accommodation at Brixton, Leeds and Wandsworth Prisons;
- the number of cells in prisons in the United Kingdom that have been provided with integral sanitation or other means of ready access at all times to toilet facilities during the last two years;
- the number of prison cells in the United Kingdom in respect of which ready access at all times to toilet facilities has not yet been provided;
- the number of such cells that it is planned to provide with ready access at all times to toilet facilities in each of the next three years.

71. Pending the installation of integral sanitation or other means of ready access to toilet facilities, various steps of a very practical nature should be taken to alleviate the effects of the existing situation. The CPT does not believe it is necessary for it to make proposals in this area.

However, it does wish to recommend that prison officers receive clear instructions to the effect that a request made by a prisoner during the day to be released from his cell for the purposes of using a toilet facility is to be granted, unless significant security considerations require otherwise.

ii) hygiene and clothing

72. The respect of proper standards of hygiene is an integral part of a humane environment.

The CPT's delegation found that the situation as regards hygiene varied in the three prisons; however, in each of them it was far from satisfactory.

73. When prisoners are in overcrowded accommodation and deprived of ready access to sanitation, washing and bathing facilities take on even more importance than usual.

With a few exceptions, cells in Brixton, Leeds and Wandsworth Prisons did not have running water. Prisoners were provided with washing bowls, which they could empty and fill with clean water in the course of the slopping out procedure. They would then use this to wash in their cells (see also paragraph 76, second indent). Under such conditions, regular access to bathing facilities is essential.

The delegation was informed that prisoners in Brixton (which has shower facilities on each wing) would certainly get one shower a week, and quite possibly more than one. At Leeds, bathing facilities were sufficient to provide a shower a week to each inmate, but no more. Governor grade staff at Wandsworth also said that they just managed to provide a shower a week to inmates (the situation was apparently better in the small prison, which had recently been provided with its own shower facilities); however, local representatives of the Prison Officers Association informed the delegation that it was not possible to guarantee that a prisoner would get a shower on the same day every week (in other words, he might go more than 7 days without a shower).

74. In the CPT's view, access for prisoners to bathing facilities at least once a week is an absolute minimum requirement (reference can also be made in this context to Rule 18 of the European Prison Rules) in any prison; further, the particular circumstances in a given prison may mean that simply meeting that requirement is not enough. In an establishment where prisoners do not have ready access to either toilet facilities or running water, a shower a week cannot be considered as sufficient.

Access to bathing facilities for prisoners at Leeds and Wandsworth (main establishment) Prisons falls below the threshold of acceptability. The CPT recommends that steps be taken immediately to ensure more frequent access to such facilities for prisoners in those establishments.

75. The delegation was also disturbed by the practice observed in Brixton Prison of running together the slopping out and food collection processes (it was noticed in B Wing, but may also exist in other parts of the establishment).

This practice resulted in prisoners passing each other, often on narrow landings and staircases, some of them carrying their buckets or pots and others, food trays. This is both unhygienic and uncivilised. As far as the delegation could judge, the problem was avoided at Leeds and Wandsworth and, according to a local representative of the Prison Officers Association, it had been avoided in the past at Brixton.

Whatever might be the cause of the present situation, some means of remedying it needs to be found without delay.

The CPT recommends that steps be taken to ensure that the procedures at Brixton Prison for slopping out and food collection are kept clearly apart.

76. Various other weak points on the subject of hygiene were observed in one or more of the prisons. In this connection, **the CPT wishes to recommend:**

- **that food serving facilities be situated as far away from slopping out areas as is operationally feasible;**
- **that prisoners be provided with adequate facilities for cleaning their eating and drinking utensils** (at the moment many prisoners appeared to be faced with the choice between cleaning them in the washing bowl used for personal hygiene or in the slopping out area - the problem was noticed in particular at Brixton and Leeds);
- **that razors be sterilised before being issued to a prisoner or, if they cannot be sterilised (e.g. because they are made of plastic), that each inmate be issued with a new razor.**

77. The CPT understands that the United Kingdom authorities have recently decided that prisoners should be provided with two pairs of underclothes per week. **It welcomes this development.**

The CPT would suggest:

- **that prisoners be provided with a clean towel more frequently than once a week (preferably, towels should be available on demand), and with two clean sheets each week (at present they get one);**
- **that prisoners be issued with a tea cloth** (thereby avoiding them having to use their towel for drying eating and drinking utensils);
- **that each new prisoner be provided with a clean set of blankets.**

78. It is a widely accepted rule that unconvicted prisoners are to be given the opportunity of wearing their own clothing (see, for example, Rule 95 of the European Prison Rules). To oblige a person who must be presumed to be innocent until the contrary is proven to wear prison clothes or shoes raises fundamental objections of principle.

The prison regulations in England and Wales are in line with the above-mentioned rule. However, the delegation did not see many prisoners in Brixton and Leeds wearing non-prison clothing (N.B. there are no unconvicted prisoners at Wandsworth). The delegation raised the subject with a remand prisoner at Leeds who was in prison clothes. He alleged that the system as operated meant that in fact an unconvicted prisoner could not get his own clothes. Officers in the prison's reception area commented that due to staff shortages it was often not possible to receive clean clothing brought in by a prisoner's family.

The CPT recommends that steps be taken immediately to ensure that unconvicted prisoners at Brixton and Leeds Prisons are able to wear their own clothes and shoes if they so wish.

d. other issues related to the CPT's mandate

79. As already stated (see Preface), the task of fact-finding with which the CPT has been entrusted must be geared to forestalling possible acts or practices of torture or inhuman or degrading treatment or punishment.

Consequently, in addition to ascertaining whether or not, in places where persons are deprived of their liberty by a public authority, torture or inhuman or degrading treatment or punishment actually occurs, the CPT must look into the conditions of detention as a whole in those places. The purpose of this examination is to verify whether there are general or specific conditions or circumstances that are likely to degenerate into torture or inhuman or degrading treatment or punishment, or are at any rate conducive to such inadmissible acts or practices.

i) prison staff - inmate relations and control methods

- general situation in the three prisons

80. Staff at Wandsworth Prison follow a strict, no-nonsense, approach; prisoners are told firmly what they have to do, and they are expected to do it, promptly and without any discussion. This method of working is apparently something of a tradition.

The CPT believes that a certain attenuation of the present, rather militaristic, attitude adopted by prison officers at Wandsworth could have a positive effect on relations between prison staff and inmates without in any way undermining security; on the contrary, it might well enhance security¹². Such a development is obviously already occurring in the small prison (G, H and K Wings).

¹² See also paragraph 85.

81. Relations between prison officers and inmates at Brixton Prison appeared on the whole to be relaxed, albeit very limited in scope. The atmosphere was more tense at Leeds, perhaps due to the extremely high level of overcrowding; nevertheless, staff and prisoners seemed to get on reasonably well.

82. The point should be made that it is one thing to adopt a firm attitude vis-à-vis prisoners, and quite another to display contempt for them.

In this connection, the CPT's delegation was concerned by certain drawings and signs which it saw displayed prominently, for example in the Segregation Unit at Wandsworth Prison and at the prison gate at Leeds, and which could certainly be (mis)construed as indicating disrespect for prisoners.

The CPT recommends that any drawings or other items that denigrate, or could reasonably be understood as denigrating, prisoners be removed from prison premises.

83. A small number of female prison officers were working on the wings at Brixton and Wandsworth. Prisoners viewed favourably this apparently recent development and male prison officers with whom the delegation spoke also appreciated the presence of female colleagues.

The CPT considers that the introduction of female prison officers in adult male local prisons is a positive step that can improve the general atmosphere on prison wings.

84. The delegation's overriding impression of prison staff - inmate relations in each of the three prisons was that the emphasis was on control and containment rather than communication and care, in marked contrast to the situation found in Holloway Prison (see paragraphs 117 and 118). The style of dialogue between prison officers and inmates varied somewhat from prison to prison, and from wing to wing within the same prison, but the scope of that dialogue was uniformly limited. Clearly, the major preoccupation of prison officers was getting everyone through the different routines of the day ; there was little opportunity to get to know the prisoners, even if staff had the inclination and the necessary skills to do so.

85. In the course of its visit to the United Kingdom, the delegation's attention was drawn to the notion of "dynamic security" being promoted by the Prison Department. The concept had three principal threads: purposeful activities for prisoners; treating people as individuals; developing good relationships between staff and prisoners. One of the underlying ideas was that positive steps to improve the quality of life in establishments would in turn enhance control and security. As for the present situation in Brixton, Leeds and Wandsworth Prisons, it can best be described as static security.

Of course, treating people as individuals and developing good relationships between staff and prisoners is not easy in an overcrowded prison in which the facilities for providing purposeful activities for prisoners are inadequate. The notion of dynamic security will become much more relevant to male local prisons when overcrowding is reduced and regimes can be improved; it should be noted in this connection that Holloway Prison is not overcrowded.

- control methods

86. The CPT's delegation heard a number of allegations by prisoners that prison officers had used excessive force when dealing with incidents e.g. a dispute between inmates or a suspected irregularity in the course of a visit. More specifically, allegations were made that prisoners had been physically assaulted by prison staff in the course of their removal from the scene of the incident to the Segregation Unit, and even in the Unit itself.

The delegation was not convinced that there was a systematic over-reaction on the part of prison officers when such incidents occurred. However, there might on occasion be a greater use of force than was reasonably required by the circumstances.

87. Staffing levels are an important factor in this context. A very low staff/inmate ratio will inevitably lead to prison officers being extremely concerned about the possibility of losing overall control. Under such circumstances, when an incident arises staff will be anxious to subdue it as rapidly as possible, in order to avoid the danger of it spreading; consequently, there will be a significant risk of excessive use of force. When, on the other hand, there is a reasonably good staff/inmate ratio, officers will feel more confident about taking a less hurried approach and attempting to talk out the incident.

88. The CPT's delegation had the opportunity on two occasions to see the removal of prisoners under force to Segregation Units, first at Wandsworth and subsequently at Brixton. At Wandsworth, delegation members were on their way to visit another part of the establishment when the alarm bell went off in the main prison; the Assistant Governor accompanying the delegation immediately invited it to witness the incident. At Brixton, the alarm was sounded while members of the delegation were visiting the Segregation Unit.

89. In both instances, the form of restraint employed was the wrist lock method. The CPT has no criticism to make of this technique; applied correctly, it is no doubt an effective means of controlling someone who is being violent while at the same time of limiting injuries on all sides.

In both instances again, the staff of the Segregation Unit immediately took over the charge of the prisoner from the wing staff who had brought him to the Unit. This is a sensible approach. However, in practice it is apparently not always possible to adhere strictly to this procedure. Staff at Wandsworth's Segregation Unit informed the delegation that following the already mentioned incident on 29 June 1990 (see paragraph 35), they had not been able to handle alone all the prisoners being brought to the Unit. Consequently, wing officers had become involved in the location and settling down procedures.

90. Prisoners taken to a Segregation Unit under force are seen as soon as possible by a medical officer. The delegation spoke with a number of prisoners who had in the past been taken to a Segregation Unit by force; some of them alleged that the medical examination took place in the presence of prison officers.

The CPT recommends:

- that the medical examination of a prisoner after his removal under force to a Segregation Unit be conducted out of the hearing, and preferably out of the sight, of non-medical prison staff;

- that the results of the medical examination as well as relevant statements made by the prisoner be formally recorded by the doctor, and the record made available to the prisoner.

91. The cells in the Segregation Units at Brixton, Leeds and Wandsworth Prisons were of the standard size. The general atmosphere and conditions were - as one would expect - more austere than on the wings, but not unacceptable. The precise conditions of detention of each prisoner varied according to his status (removal from association; cellular confinement as punishment), but in no case did they appear to the delegation to be excessively harsh.

The delegation was also shown the Units' restraint accommodation, used for the purposes of handling very violent prisoners; the conditions in the cells concerned call for no comment by the CPT.

92. The delegation noted from the relevant register in the Segregation Unit at Wandsworth Prison that a "body belt" had been used on four occasions in the Unit during 1990. The delegation asked to see the belt; it was produced immediately by a prison officer and was fitted, on request, to a member of the delegation. The restraint consisted of a leather belt which went around the waist and to which were attached two handcuffs; once fitted, the arms were held closely to the side of the body. It was observed that the belt engendered a feeling of being very cramped; it was clear that wearing it could quite quickly become a most uncomfortable experience.

As regards the Segregation Units at Brixton and Leeds, the registers indicated that a body belt had not been used in the Units during 1990. Staff stated that the belt was not kept within the Unit and had to be specifically requested.

The delegation was also provided with official statistics concerning the use of restraints in 1989. They showed that the body belt had been used in that year on two occasions at Brixton, on no occasion at Leeds, and on six occasions at Wandsworth.

93. Under the prison regulations in England and Wales, it is for the Governor to order the use of the body belt for the purpose of controlling a prisoner; further it is stipulated that no prisoner should be put under any form of restraint as a punishment.

In the CPT's opinion, the body belt is a potentially dangerous form of restraint; it could often exacerbate rather than improve a prisoner's psychological state and might also entail physical risks for the prisoner. Use of the belt will rarely - if ever - be justified.

For so long as (and to the extent that) the use of body belts remains legally possible, the CPT recommends:

- that body belts be stored outside Segregation Units;**
- that the issue and use of a body belt be always subject to the express authorisation of the Governor or his deputy;**
- that a prisoner wearing a body belt be kept under constant and adequate supervision by appropriately trained staff;**
- that the body belt be taken off at the earliest possible opportunity.**

ii) training of prison officers

94. Local and national representatives of the Prison Officers Association stated that there was a need to improve the training of prison officers. They stressed, in particular, the importance of better training in the art of speaking to prisoners.

The CPT's delegation itself noted that prison officers at Brixton, Leeds and Wandsworth tended to adopt a rather distant and defensive attitude vis-à-vis prisoners that could not be explained away entirely by the difficult conditions in the establishments.

95. The training of law enforcement personnel (prison officers, police officers, etc) is a subject to which the CPT attaches the greatest importance. There is arguably no better safeguard against the ill-treatment of a prisoner than a properly trained prison officer. Developed interpersonal communication skills are an essential part of the make-up of such an officer. They will often enable him or her to defuse a situation that could otherwise turn into violence. Moreover, they will lead to a general lowering of tension, and raising of the quality of life, in the establishment, to the benefit of both prisoner and prison officer.

96. Establishing a good relationship with a prisoner is not a question of intuition; it requires considerable skill. That skill must first be acquired, and then developed with time.

The CPT recommends:

- **that aptitude for interpersonal communication be a major factor in the process of recruiting prison officers;**
- **that during the training of prison officers, considerable emphasis be placed on acquiring and developing interpersonal communication skills.**

97. More generally, the CPT's delegation was informed that prison officers receive approximately three months of basic training, following which there was a certain amount of in-service training.

The CPT would like to receive information on training programmes for prison officers, both initial and on-going.

iii) outdoor exercise

98. The requirement that prisoners be allowed at least one hour of exercise in the open air every day is widely accepted as a fundamental safeguard. The scrupulous respect of this requirement is all the more important in prisons which offer only very limited regime activities.

99. The routines of each of the three prisons provided for one hour of outdoor exercise for prisoners each day. Further, the CPT's delegation heard no complaints from prisoners (including those subject to cellular confinement) about the availability or length of outdoor exercise. Consequently, it can be concluded that the outdoor exercise requirement is being met.

100. The exercise period is also an opportunity for prisoners to have access to toilet facilities. In this connection **the CPT must point out that the toilets in the A Wing exercise yard at Leeds Prison were found to be in a deplorable condition.**

101. The CPT considers that as far as is compatible with security considerations, prisoners should be allowed to use their outdoor exercise period in the manner they find the most relaxing; the notion of "exercise" should be interpreted broadly.

iv) reception facilities

102. Reception facilities at the three prisons were not satisfactory, and were especially poor at Leeds. The inadequacy of the present facilities was fully acknowledged by all concerned, and the delegation was informed of efforts being made to improve them. In particular, a much-needed new medical room was to be provided in the reception area at Leeds. In the longer term, entirely new reception facilities were planned at Leeds and Wandsworth.

103. When a prison is overcrowded, the efficiency of all its services will be adversely affected. Reception staff at Brixton, Leeds and Wandsworth appeared to be doing the best they could to cope with the workload; however, the pressure on them was considerable. Given these conditions, the role that the reception process could play in such crucial areas as suicide prevention and the protection of potentially vulnerable prisoners was inevitably undermined.

104. The delegation was particularly disturbed by something it noticed in the area where prisoners are first received at Leeds Prison. This area contains a reception desk, alongside which are a number of rooms for the temporary holding of new arrivals; prisoners go through the initial reception formalities in the full view of other prisoners awaiting their turn. A large group of prisoners were in the area when the delegation made the first of two visits; one of them was at the reception desk, being interviewed. The prisoner said something that was not audible to bystanders; however, the reaction of the reception officer - "Why do you want to go on Rule 43?" - could be heard by most, if not all, persons present. During its second visit, the delegation saw another prisoner standing in a very conspicuous position close to the exit leading to the next section of the reception building. The delegation was informed that he had sought the protection of Rule 43.

Under such circumstances, any attempts to persuade the persons concerned that they would be safe on normal location would surely be vain and even irresponsible.

105. Further, the delegation was informed that the information booklet handed to new prisoners had been translated into a number of languages. This is an excellent initiative. However, it noticed in one reception area that although there was an abundant supply of the booklet in various foreign languages, supplies of the booklet in English had run out.

106. The CPT recommends that a high priority be given to the improvement of reception facilities at Brixton, Leeds and Wandsworth Prisons, and in particular at Leeds.

v) *stability of location for unconvicted prisoners*

107. The CPT would also like to raise a specific point concerning the unconvicted. The CPT's delegation was informed that a remand prisoner would take all his belongings with him when he had a court appearance and that, in the event of his return to prison, he might well find himself in a different cell, with different cell mates, and possibly in another part of the prison, and hence supervised by different prison officers.

The CPT recognises that operational considerations may well be responsible for this situation. **However, it recommends that steps be taken to avoid, as far as possible, remand prisoners being uprooted in the manner indicated.**

vi) *contact with the outside world*

108. It is extremely important for prisoners to be allowed to have reasonably good contact with the outside world. Above all, a prisoner must be given the means of safeguarding his relationship with his family.

The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations.

- *visits*

109. Visiting facilities were cramped and noisy at Brixton and Wandsworth Prisons, in particular at the former establishment. There was no privacy. The CPT's delegation was informed that a new visiting centre was soon to be built at Wandsworth; it did not hear of any plans to improve the facilities at Brixton. Visiting facilities at Leeds Prison were of a distinctly higher standard.

The CPT would also draw attention to the very poor waiting facilities for visitors at Wandsworth Prison.

110. Under the Prison Rules in England and Wales, convicted prisoners are entitled to one visit every month. This rule is developed by other regulations, according to which such prisoners are to be allowed at least one visit a month of a minimum duration of 30 minutes. Unconvicted prisoners may in principle receive as many visits as they wish.

The delegation was informed that most convicted prisoners at Brixton and Leeds received only the required minimum of one visit a month; however, the visit apparently often lasted more than 30 minutes. As regards unconvicted prisoners, they were in practice allowed a visit every day at Brixton, and every second day at Leeds. The visits were supposed to last 15 minutes; however, the delegation was informed by prison staff that in fact they often lasted much longer.

The visit entitlement held by convicted prisoners is not sufficient to allow a prisoner to maintain good relationships with his family and friends. The CPT recommends that the visit entitlement be substantially increased.

111. It must also be pointed out that the CPT's delegation heard many complaints from inmates that prison officers overreacted when they suspected that prohibited items were being passed over in the course of a visit; these complaints were heard especially at Brixton and Wandsworth. It was alleged that the prisoner concerned would immediately be pounced upon and "dragged off", thereby causing great distress to his visitor as well as to other inmates and visitors present in the visiting area. These allegations were firmly denied by prison officers. They stated that if it was suspected that prohibited items had been or were in the process of being passed over, the prison officer would first interrupt the visit verbally and request that the inmate leave the room; difficulties tended to arise, they said, because the prisoner and his visitor often vigorously opposed that request.

112. The CPT is not in a position to determine which of these two competing versions is the correct one (and there might be at least a grain of truth in each of them). However, it would stress that the supervision of visits is a highly delicate task that calls for considerable skill on the part of prison officers. Reference has already been made to the importance of officers possessing good interpersonal communication skills (see paragraph 95); this is just as true in the visits area as on the wings.

The CPT would add that it is standard practice for prisoners to be searched after a visit. Under these circumstances, it might be the case that many instances of the suspected passing over of prohibited items could be dealt with quite satisfactorily outside the visiting room.

- other means of contact

113. The CPT would like to receive information on the possibilities for prisoners to send and receive letters, to make telephone calls and to be accorded home leave.

Further, the CPT believes that letters sent by a prisoner should not be recognisable to outsiders as having been sent from a prison.

2. Female prisons visited

a) Holloway Prison

i) *general information*

114. Holloway is the largest prison establishment for females in England and Wales. A prison has existed on the site since the middle of the 19th century. However, the current prison complex was built in stages during the 1970's and 1980's. The inmate accommodation consists of a number of connected wings, which are set out in a meandering pattern and surrounded by lawns.

115. Holloway is a local prison, and has a CNA of 517. At the time of the delegation's visit the prison was holding 473 prisoners. Approximately 50% of the inmates were on remand or awaiting sentencing, the other 50% having been convicted and sentenced. 47 of the inmates were aged between 17-20.

ii) *ill-treatment of inmates*

116. The delegation heard no allegations of the ill-treatment of inmates by staff. All the prisoners spoken to stated that they were treated in a civilised and courteous manner.

iii) *conditions of detention*

- prison staff - inmate relations

117. The delegation observed that there was a relaxed atmosphere within the prison. It was obvious that staff and inmates got on well together. Further, the delegation noted that the Prison Governor and his Deputy appeared to be very popular with both prisoners and prison staff.

118. From the delegation's talks with Governor grade staff and others, it became clear that serious attempts were being made at Holloway to follow the previously mentioned concept of "dynamic security". And, indeed, an impressive level of staff-inmate communication had been achieved, without falling into the trap of a lax regime.

The characteristics of the adjudications room provided a good example of the approach being adopted at Holloway. The room was quite spacious, and the furniture had been arranged in such a way as to avoid the face to face setting observed in other establishments.

- population, sanitation and activities

119. The threefold set of problems (overcrowding, lack of integral sanitation, inadequate regime activities) encountered at Brixton, Leeds and Wandsworth Prisons did not exist at Holloway. This, combined with the very good staff-inmate relations, meant that the general quality of life was much higher at Holloway than in the other prisons visited.

120. The actual inmate population was somewhat less than the establishment's certified normal accommodation (473 prisoners as compared to a CNA of 517), all inmate accommodation possessed a toilet and washbasin (including cells in the Segregation Unit), and there was an active regime, with inmates being unlocked for more than 8 hours a day (including at weekends).

As regards regime activities, particular mention should be made of the vocational training courses (office skills, home economics, hairdressing, etc) and of the excellent library and sports facilities.

- other issues

121. The delegation found that the reception and visiting areas were satisfactory. However, the delegation was not able to observe the actual reception process, as there were no newly-arrived prisoners in the reception area at the time of its visit.

122. Holloway has a distinct mother and baby unit. The delegation was informed that babies were delivered outside the prison at a nearby civil hospital, and that the mother and her child would remain together for nine months in the unit (apparently, this period was to be raised to eighteen months). The child would then be placed in the care of someone outside the prison.

123. The unit's facilities and the care given to mother and child appeared to be satisfactory. However, **a number of inmates in the unit complained about the level of hygiene; it was alleged in particular that cockroaches were to be found in the unit.**

124. Whether a mother should be allowed to keep her baby with her in prison and, if so, for how long, are controversial issues. The fundamental principle must be the respect of the baby's best interests. This may require the adoption of different approaches in different cases.

125. The delegation met an inmate in the prison's Segregation Unit who alleged that she was allowed only half an hour of outdoor exercise a day.

The delegation was not in a position to verify this allegation. However, the **CPT would emphasise once again that every prisoner should be allowed at least one hour of exercise in the open air each day (see also paragraphs 98 to 101).**

126. Finally, **there was one universal complaint, namely that the food in the prison was of poor quality.**

b) Bullwood Hall Prison

i) *general information*

127. The head of the delegation and a member of the CPT's Secretariat paid a brief visit to Bullwood Hall Prison. The establishment is situated in a rural area not far from Southend-on-Sea. The prison was built in 1962 for the purpose of holding young female offenders; however, in recent years it has accommodated an increasing number of adult female offenders.

128. The establishment is currently classified as both a closed prison for convicted adult females, with a CNA of 88, and a closed young offender institution for convicted females, with a CNA of 44. At the time of the delegation's visit there were 108 inmates, made up of 94 adult offenders and 14 young offenders.

Inmates can expect to serve most, if not all, of their sentences in the establishment. The inmate accommodation consists in principle of six "houses"; however, one of them had been closed for some time, apparently for refurbishment.

ii) *inhuman or degrading treatment arising from the conditions of detention*

129. As in Holloway, the delegation heard no allegations of the ill-treatment of inmates by the staff at Bullwood Hall.

On the other hand, the delegation was concerned by the overcrowding observed in some of the cells, by the lack of ready access to toilet facilities (something which the CPT finds particularly difficult to understand in an establishment built in 1962), and by the inadequacy of regime activities.

130. Doubling up existed in approximately one-third of the cells. The cells, some measuring 6.5m² and others 6.3m², were very cramped accommodation for two persons. It should be added in this connection that although during much of the daytime inmates would be out of their cells, it was not unusual for them to spend a stretch of 15 hours (from 5.00 p.m. to 8.00 a.m.) in their cells (see also paragraph 136).

131. The Prison Governor explained that the need to double up arose in large part from the temporary closure of one of the wings. He also commented that many inmates preferred to share a cell; however, the inmates whom the delegation spoke to who were two to a cell indicated that they were far from happy with the situation.

The CPT recommends that inmate accommodation at Bullwood Hall be reviewed with a view to ensuring that inmates are, save exceptional circumstances, held one to a cell.

132. Given the lack of ready access to toilet facilities, inmates were provided with a small pot for the purposes of complying with the needs of nature in their cells. The women would then slop out in very much the same way as the men in the male local prisons visited.

There was also no running water in the cells. However, there were washing facilities (including showers) on each floor, to which inmates could have access during the day.

133. Just as the men at Brixton, Leeds and Wandsworth, the women at Bullwood Hall tried as far as possible not to use their pots and instead to wait until they were unlocked, an effort which tended to give rise to physical and functional problems. If it was not possible for them to wait for unlocking, some women resorted to the method of removing excrement through the cell window; however, most inmates said they could not bring themselves to do this.

134. The CPT has already made known its views on the subject of access to toilet facilities (see, in particular, paragraph 47). The Committee would only add that it finds it particularly repugnant for a woman to be deprived of ready access to toilet facilities.

135. The CPT's delegation was informed by the Prison Governor and by Prison Department Officials that an electronic unlocking system, permitting ready access to toilet facilities at all times, was to be installed at Bullwood Hall in 1991. According to the 1989 Annual Report of the Board of Visitors for Bullwood Hall, installation of the electronic unlocking system was scheduled to start in 1989, "but nothing has happened".

The CPT recommends that the installation of the envisaged electronic unlocking system at Bullwood Hall Prison be commenced immediately.

The CPT also wishes to know whether it is planned to provide ready access at all times to toilet facilities throughout the whole of the prison, including the hospital.

136. The Prison Governor told the delegation that regime activities were being seriously undermined by a high level of staff absenteeism. The lack of staff meant that training courses were frequently cancelled, in particular those scheduled for the evening, and that inmates were often locked up for the night at 5.00 p.m.

137. The absence of association and out-of-cell activities in the early evening exacerbates the problems arising from the overcrowding in the cells and the lack of ready access to toilet facilities. More generally, it is obviously a matter of serious concern that an inmate's day should end at 5.00 p.m., for some 15 hours, in a prison that is meant to act as a training establishment.

The CPT recommends that appropriate steps be taken to ensure that association periods and other out-of-cell activities can be provided in the early evening at Bullwood Hall.

iii) other issues related to the CPT's mandate

- psychotherapeutic activities

138. The team that carried out the visit to Bullwood Hall did not include a doctor; consequently, it was not in a position to make an assessment of the medical facilities and care in the prison. Nevertheless, the delegation was concerned by the position of two persons in the Segregation Unit, whom the Prison Governor described as "permanent residents" of the Unit. Apparently, they were considered as suicide or self-harm risks, and the cells in the Segregation Unit were seen as the safest place to keep them; the delegation was told that the cells in the prison hospital were not suitable for the holding of this type of inmate.

139. The CPT would like to receive information about the resources at Bullwood Hall for the support and counselling of inmates considered as suicide or self-harm risks, and for psychotherapeutic activities for inmates in general.

- visits

140. The prison did not possess a proper visiting area; instead, one of the workshops was used for this purpose.

The delegation was informed that there were plans to provide a purpose-built visiting complex. **The CPT welcomes this and hopes that these plans will be implemented without undue delay.**

3. Broader issues of relevance to the CPT's mandate

a) medical questions

i) *introduction*

141. The provision of a satisfactory level of health care in a prison will always be a demanding task. In a prison that is overcrowded, does not provide prisoners with ready access to toilet facilities and offers very few regime activities, that task takes on herculean proportions. The physical and psychological well-being of a prisoner - already at risk by virtue of the very fact of incarceration - will be seriously prejudiced under conditions of this sort. The health care services of such a prison will tend to become overwhelmed by the day to day requests for medical attention; they will simply react to events, having no time to pursue a health policy of a preventive nature.

142. This is, generally speaking, the situation that the delegation found at Brixton, Leeds and Wandsworth Prisons, in particular at the first two establishments. The position at Holloway Prison was far better. As already mentioned, the delegation did not examine the health care services at Bullwood Hall, since the team that carried out the visit did not include a doctor.

ii) *medical screening on reception*

143. The delegation observed the medical screening procedure in the receptions at Brixton and Leeds Prisons.

At Brixton, a doctor and a hospital officer were in attendance. Newly-arrived prisoners were given a very rapid and superficial physical examination, accompanied by a few stereotyped questions about their state of mental health. At Leeds, the screening procedure was being carried out by a hospital officer, who indicated that in case of need he could call upon a doctor. It was not clear whether the prisoners would subsequently be examined by a doctor as a part of the reception process.

144. In both reception areas, the facilities used for the screening process were inadequate; in particular, there was not a satisfactory amount of privacy for the prisoners, which in turn meant that confidentiality was not guaranteed. It was also clear that doctors and hospital officers were under a certain amount of pressure from other prison staff to expedite matters.

145. Under such conditions, the value of the judgment reached at the reception stage as to a prisoner's physical and psychological state of health is clearly undermined.

146. The CPT recommends that every newly-arrived prisoner be properly interviewed and, if necessary, physically examined by a medical doctor as soon as possible after his admission, under conditions offering due respect for the prisoner's privacy and adequate guarantees of confidentiality; save for in exceptional circumstances, this interview/examination should be carried out on the day of admission.

iii) *general medical care*

147. Prisoners report sick to a prison officer, and are seen in the first instance by a hospital officer, who carries out an initial screening. If necessary, they will then be examined by a doctor. Hospital officers are also responsible for after care (distribution of medicines, etc).

The delegation found evidence of grossly overloaded sick parades. One doctor spoken to had 60 patients at his morning surgery. With such a workload it is questionable whether there would be sufficient time for an adequate diagnosis of each prisoner's health problems, and whether guarantees of confidentiality would be entirely satisfactory. The delegation was also informed that diagnostic procedures (e.g. blood samples, x-rays) could be the subject of delays.

148. The facilities and general level of medical care in the prison hospitals appeared on the whole to be satisfactory. There was also access to specialist care when necessary, through either the attendance of outside consultants or the sending of prisoners to civil hospitals.

However, the delegation was informed that hospital appointments had quite often to be cancelled because there was no staff available to provide an escort. In addition, some prisoners told the delegation that the means of transport employed for taking prisoners to and from an outside hospital did not always take their medical condition fully into account.

149. **The delegation was concerned about the adequacy of night cover.** At Wandsworth, for example, it was told that there were only two hospital officers on duty at night (for more than 1,500 prisoners); a doctor was on call.

150. The delegation found that certain medical facilities were being underused. At Leeds, for example, only 40 out of potentially 63 beds in the prison hospital were available for use. At Brixton, a new 12 bed care unit for AIDS patients had remained unused for months. In both cases the delegation was told that this underuse of facilities was due to lack of staff.

151. One specific point of concern for the delegation concerned diets. It met several inmates in prison hospitals who had recently had heart operations and who therefore should have been on a fat-free diet. Such a diet had been prescribed; however, the food the delegation saw being offered to the patients was anything but fat-free. The delegation was informed that prison kitchens were not always in a position to meet requests for special diets, and this in turn appeared to be discouraging doctors from actually prescribing such diets.

Similarly, the delegation heard that diabetic prisoners might have to wait a considerable time between meals, in particular at weekends.

The CPT recommends that steps be taken to ensure that sick prisoners can be provided with diets adapted to their condition, and that diabetic prisoners are given their meals at appropriate intervals.

152. It should also be pointed out that **several inmates at Holloway Prison expressed the view that there was insufficient gynaecological (as distinct from venereological) care.**

- iv) *the mentally disordered*
(with special reference to F wing of Brixton Prison)

- general remarks

153. The delegation was informed that the policy of the United Kingdom Government is that mentally disordered offenders should whenever possible receive care and treatment from health and social services. In this connection, the CPT has taken note of the circular issued by the Home Office in September 1990, which draws the attention of the courts to the possibilities of dealing with the mentally disordered within the health system rather than in prison.

154. The fact remains, however, that a considerable number of mentally disordered persons are still being kept in prison, a point well illustrated by Brixton's F wing. Prison Department officials told the delegation that this was in part because local health authorities had not - contrary to what had been envisaged - provided a sufficient number of secure units for persons on remand in respect of whom the court required a report on their mental condition.

This is an organisational matter that needs to be looked into by the United Kingdom authorities. **The CPT can only emphasise that where it is found necessary to deprive someone who is mentally ill of his liberty, he should be kept and cared for in a secure hospital facility that is adequately equipped and possesses appropriately trained staff.**

- F wing of Brixton Prison

155. F wing is situated alongside the prison hospital. It has four landings, with some 50 cells per landing. The wing accommodates a wide range of prisoners in need of psychiatric care or observation: remand prisoners in respect of whom the court has requested a medical report on their mental condition; prisoners in a reactive or depressive state or who are thought to be suicidal; prisoners suffering from minor psychiatric disorders; prisoners known to suffer from serious mental illness; etc.

156. At the time of the delegation's visit, the wing was housing 163 prisoners. A few of the prisoners were held two to a cell, but most had their own cell. The cells measured 2.1m x 3.1m (6.5m²), with a height of 2.7m. Like the rest of the prisoner accommodation at Brixton, the cells did not have a toilet or running water.

157. F wing and the prison hospital are, at least formally speaking, two distinct units. The hospital had several open wards, with a total of 82 beds. Some of them catered for prisoners with physical problems or viral infections; the other wards housed prisoners whom it was felt were in need of continuous supervision but whose mental state was such that they could be kept together with other prisoners in an open-plan setting.

158. The medical staff for the prison as a whole, including F wing and the prison hospital, was made up of a number of full time (6 at the time of the delegation's visit) and part-time medical officers, backed up by some visiting psychiatrists who attended the prison on a regular basis.

As regards support staff, the delegation was informed that there were 77 hospital officers in post (62 hospital officers, 13 senior hospital officers and 2 principal hospital officers), as compared to an authorised number of 111 (82 hospital officers, 24 senior hospital officers and 5 principal hospital officers). Of the 77 hospital officers, 15 possessed a recognised nursing qualification; the remainder had followed a 6-month Prison Department training course (see also paragraphs 179 to 181). A few qualified agency nurses were also hired.

159. It must be clearly stated that although F wing accommodates a large number of persons in need of psychiatric observation and/or care, it possesses neither the physical facilities nor the staff of a psychiatric hospital.

An inmate in F wing will usually be kept alone for lengthy periods in what is nothing other than a prison cell, subject to intermittent observation by a hospital officer; such an environment could easily exacerbate rather than improve the state of a mentally disordered person. As in other parts of Brixton Prison, in-cell time was frequently more than 20 hours a day. There was very little scope for prisoner association (a small association area existed on the bottom landing, and the delegation was informed that an inmate might have two hours of association per week). Further, there were no group therapy discussions and no developed individualised treatment programmes.

160. Similarly, there was no means of establishing a good doctor/patient relationship. With the exception of the prisoners held in one of the hospital wards, the doctor cared for his patient in the latter's cell; there were no rooms available providing a medically acceptable environment for discussions between the doctor and his patient.

Nor, for that matter, were there adequate facilities for meetings of medical and/or nursing staff.

161. From its general observation of their work, the delegation reached the conclusion that many of the hospital officers had not received adequate training in psychiatric nursing, or even in nursing in general. The delegation also consulted a number of prisoners' files; they contained, in particular, some indications that hospital officers were not fully trained in the handling of violent patients.

However, it should be emphasised that it is not the fault of hospital officers if they have not been sufficiently trained for the tasks that they are called upon to fulfil. Many of them were clearly committed to their work and indicated that they would welcome the chance of better training. It should also be said in this context that the figures given at paragraph 158 show that F wing was seriously understaffed at the time of the delegation's visit.

162. A particularly serious problem at Brixton concerned the treatment of patients who refused medication or who were so mentally disordered as to be incapable of giving their consent. Staff explained that the prison hospital at Brixton, just as other prison hospitals, was not a "hospital" within the meaning of the Mental Health Act 1983. As a result, it was not legally permissible to provide treatment to a patient in the prison against his will (save an ill-defined possibility under common law to provide treatment in extreme situations). Faced with such a patient who was in urgent need of medical treatment, the prison authorities could seek his transfer to a recognised psychiatric hospital. However, medical staff at Brixton alleged that it was often very difficult to find places for such patients in psychiatric hospitals; consequently, they could find themselves with a seriously mentally disordered patient in their custody for a considerable time without having the possibility to provide him with the treatment he required.

163. A severely mentally disturbed and violent patient would be placed in a "special medical room". The delegation noted that these were bare cells equipped only with a mattress on the floor; natural light in the cells was poor. In fact, the material conditions under which severely mentally disturbed and violent patients were kept were scarcely different from those to which a recalcitrant prisoner placed in the Segregation Unit would be subject.

A severely mentally disturbed and violent patient should be treated through close supervision and support, combined, if necessary, with sedation. The delegation was told that there was insufficient staff to allow close supervision of patients held in the special medical rooms. Moreover, the delegation had the clear impression that many of the hospital officers did not have the necessary experience in psychiatric nursing to be able to provide effective support to such a patient. As for sedation, this was not possible without the patient's consent. To sum up, the means did not exist to deal in a medically appropriate way with severely mentally disturbed and violent patients; the outcome must often be a traumatic experience for all concerned.

164. Government policy is that mentally disordered offenders should be dealt with as far as possible within the health system rather than the penal system. Implementation of this policy will involve having the means to prevent the mentally disordered being sent to prison in the first place as well to transfer rapidly out of prison, persons who are found to be mentally disordered.

The Director of the Prison Medical Service informed the delegation that in the light of the Government's policy in relation to mentally disordered offenders, it would not be appropriate to make the provisions of the Mental Health Act 1983 applicable within prisons, as this could encourage the courts to send mentally disordered persons to prison. Be that as it may, the present situation at Brixton Prison as regards the handling of psychiatric cases cannot be allowed to continue.

165. **The CPT recommends:**

- **that a review be carried out immediately into whether it is realistic to expect in the near future a major reduction in the psychiatric case workload presently faced by the medical services of Brixton Prison;**
- **in the event of that review providing a negative reply, that the medical services at Brixton Prison be provided with the wherewithal to care in a humane and medically appropriate manner with the patients in its charge. This would involve inter alia:**
 - i) **a significant increase in the number of staff with adequate training in psychiatric nursing;**
 - ii) **providing the means of dealing effectively with severely disturbed patients who refuse treatment (immediate transfer to an outside hospital, or the authority to provide treatment without consent);**
 - iii) **a significant improvement of the environment in F wing, and in particular the provision of facilities for social, creative and psychotherapeutic activities, of more association areas, of doctor/patient consultation rooms, and of integral sanitation in the cells.**
- v) *HIV antibody positive (HIV+) prisoners*

166. The delegation found that HIV+ prisoners at Wandsworth (as well as prisoners who it was feared might be HIV+ but who refused to take a blood test) were segregated from the rest of the inmate population; they were kept on one landing of K wing, together with prisoners suffering from hepatitis. The atmosphere on the landing was quite relaxed, and prisoners were treated as best as could be hoped for in the light of the means available. However, the prisoners concerned were nevertheless subjected to a very impoverished and discriminatory regime, and apparently might remain in K wing for a considerable time.

At Brixton and Leeds, the delegation noted that HIV+ prisoners were being kept in the prison hospital. HIV+ prisoners at Holloway were not segregated from the rest of the inmate population.

167. The CPT has taken note of the statement of Prison Service policy concerning HIV+ prisoners. The core of that policy is that HIV+ prisoners who are well should be kept on normal location; however, in the CPT's view, the statement gives far too much discretion to staff at local level to deviate from that policy line.

The CPT wishes to emphasise that there is no medical justification for the segregation of an HIV+ prisoner who is well.

168. **The CPT recommends that the policy of keeping HIV+ prisoners on normal location be pursued vigorously and that, in this connection, prison staff and inmates be fully informed at regular intervals of the medical realities in this area.**

vi) *suicide prevention*

169. For convenience, this subject is dealt with under the heading "medical questions". However, it should be stressed that it is a subject that concerns all prison staff, not just health care staff.

170. There was a recent history of suicides and self-harm in two of the prisons visited by the CPT's delegation, namely Brixton and Leeds. Moreover, as already mentioned, an ultimately fatal incident of hanging occurred in the course of the delegation's visit to Leeds Prison.

171. The CPT has taken note of the comprehensive report on suicide and self-harm in prisons in England and Wales, drawn up by HM Inspector of Prisons and presented to Parliament in December 1990. In the light of this report it would be superfluous for the CPT to make any specific recommendations on the subject of suicide prevention. However, it should be underlined that many of the recommendations and comments already made by the CPT are of direct relevance to the question of suicide prevention.

172. The central plank of a suicide prevention programme in a prison such as Brixton or Leeds must be to address the problems of overcrowding, lack of integral sanitation and inadequate regimes. It may be true that the conditions found in many local prisons will rarely be the sole and unique cause of a suicide; however, for someone who is already predisposed to taking his life, they might often prove the last straw.

173. Another key element of suicide prevention is the establishment of constructive relationships between staff and inmates, as well as between inmates (see also paragraph 107). As far as the delegation could see, contacts between prison staff and inmates tended to be impersonal (with the exception of Holloway). Staff will have to possess good interpersonal communication skills for there to be a significant improvement (see also paragraphs 94 to 96).

174. Steps to improve the general level of prison conditions and of staff-inmate relations must be accompanied by more specific measures aimed at identifying those most likely to commit suicide. In this connection it should be noted that adolescents as a group constitute a population at risk.

The reception process has a crucial role to play in this context; if it is performed properly, that process can both identify those most at risk and relieve some of the anxiety among newly-arrived prisoners in general. The CPT has already indicated that the conditions under which newly arrived prisoners were received at Brixton, Leeds and Wandsworth were unsatisfactory (see paragraphs 102 to 106 and 143 to 146).

Further, all prison staff, whatever their precise job, should be on the look out for (which implies being trained in recognising) signs of suicidal behaviour.

175. Of course, persons identified as a suicide risk should be subject to special precautions. In particular, they should not be placed alone in a cell with easy access to means of killing themselves (cell window bars, broken glass, belts or ties, etc), should benefit from counselling, support and appropriate association, and should, for as long as necessary, be kept under a special observation scheme.

vii) *health care staff*

- medical officers

176. In any prison medical service, a prison doctor will be a doctor at risk. His duty of care towards his patients (sick prisoners) may often enter into conflict with prison security and management considerations. This can give rise to difficult questions and choices of an ethical nature.

Consequently, it is important for a prison doctor not to become divorced from the general medical profession.

177. Full time prison medical officers are civil servants, and on matters relating to their working conditions and careers they are not formally represented by the main medical associations.

Most of the full time medical officers spoken to by the CPT's delegation indicated that they felt isolated from a professional standpoint. Their career paths tended to be closely linked with the Prison Service, and they had few possibilities of contact with doctors in general practice.

The CPT considers that in order to guarantee their full clinical independence, all prison medical officers should belong to the wider health community.

178. The CPT also wishes to underline the very particular nature of the tasks and responsibilities of a prison doctor; specialised education and training both before and after appointment is certainly required if those tasks and responsibilities are to be performed and shouldered satisfactorily.

The CPT welcomes the statement in the most recent Report on the work of the Prison Service (April 1989 - March 1990) to the effect that the training of medical officers was to be improved following a report by the Royal College of Physicians, and that a diploma in prison medicine was envisaged.

The CPT would like to receive full details of the improved training and of the envisaged diploma.

- nursing staff

179. Prison doctors are assisted by hospital officers, most of whom are chosen from among prison officers and provided with six months' training in basic nursing. Apparently, possibilities for further training also exist; however, the delegation was told that hospital officers could often not be freed for this purpose because of lack of staff.

The delegation was informed that approximately 16% of hospital officers held a recognised nursing qualification. It had been hoped to raise this figure to 30% over the last few years; however, this had not proved possible.

In addition, a small number of qualified civilian nurses were employed. The delegation found that the nursing staff at Holloway Prison was made up exclusively of qualified civilian nurses. Further, a few qualified civilian nurses were working at Brixton Prison.

180. Hospital officers have both a health care and a disciplinary role. The delegation had the impression that the latter would often take precedence over the former. This dual role must also complicate relations between hospital and medical officers.

181. The delegation saw that hospital officers were called upon to perform a wide-range of tasks, some of them requiring considerable nursing skills to be performed satisfactorily (in this connection, the delegation was astonished to learn that on occasion hospital officers stitched wounds). In the CPT's view, a six month course in basic nursing, no matter how intense, is not sufficient to provide those skills. This is in particular the case for hospital officers required to perform duties related to the mental health of inmates.

The CPT recommends that steps be taken to improve the quality of nursing care for prisoners.

b) complaints, disciplinary and inspection procedures

i) *complaints procedures*

182. Effective procedures for dealing with allegations of the ill-treatment of persons deprived of their liberty are an important safeguard against such treatment; they will, inter alia, have a considerable deterrent effect.

There have been two significant developments in this area in England and Wales in recent years, insofar as prisoners are concerned. Firstly, the disciplinary offence of making a false and malicious allegation against a prison officer has been abolished; consequently, there is no longer a risk of prisoners being deterred from making a complaint by the fear of counter disciplinary action. Secondly, the limitations on raising with outside bodies complaints which have not been raised through the internal procedures have progressively been removed; prisoners are now able to make complaints to outside bodies without making any use of internal procedures.

183. The CPT has examined the new Manual on prisoners' requests/complaints procedures issued in July 1990. There are clearly a large number of avenues, both internal and external, through which prisoners can make complaints, including about the manner in which they have been treated by staff. The CPT saw that a considerable effort had been made to explain to prisoners in straightforward terms the different possibilities open to them; it trusts that the booklet concerned will be circulated widely among prisoners.

184. As regards internal procedures, the CPT noted in particular the system of "Confidential Access", under which a prisoner can write directly, using a sealed envelope, to the Prison Governor, the Chairman of the Board of Visitors or the Area Manager. It is pointed out in the information booklet for prisoners that confidential access "is meant to be used only if your request or complaint is about something which you cannot raise with prison staff".

This is, in principle, a very good system. However, according to the manual, a complaint form and a confidential access envelope have to be asked for (presumably from prison staff) and the sealed envelope must be handed to prison staff.

The CPT wishes to suggest (i) that the complaint forms and confidential access envelopes be generally available to prisoners at some place (e.g. the library), thereby avoiding that a prisoner has to ask for them specifically, and (ii) that a system of transmission be devised which avoids prisoners having to hand the confidential access envelope to prison staff.

185. As regards external procedures, prisoners are free to write to a legal advisor, with a view to the instigation of legal proceedings, and/or to the Chief Officer of the local police force.

The CPT would like to be informed of the precise procedure followed in this respect, and in particular whether the above-mentioned letters to a legal advisor or Chief Officer of police may be opened and read by prison staff.

ii) *disciplinary procedures*

- adjudication

186. The basic elements of the adjudication system have already been described (see paragraph 25).

The CPT is aware that the adjudication system is the subject of considerable debate, and that one particular idea under discussion is the possibility of setting up independent prison disciplinary tribunals to take over the adjudication functions of Boards of Visitors. The CPT has no comment to make on this issue.

187. The occasion did not arise for the CPT's delegation to attend adjudication proceedings before a Board of Visitors. However, it did attend adjudications conducted by the Governors of Bullwood Hall and Wandsworth Prisons and by an Assistant Governor at Brixton Prison. In each case the delegation found that the quality of the proceedings was satisfactory.

- other discipline-related procedures

188. The CPT's delegation learned that another discipline-related system existed in parallel with the formal adjudication procedure. The system is based on Rule 43 of the Prison Rules, which provides for a prisoner's removal from association with other inmates under certain circumstances. Of course, removal from association under Rule 43 may be requested by the prisoner himself (although the decision rests with the Governor). However, removal from association may also be decided by the Prison Governor without any request from the prisoner, when it appears to him to be desirable "for the maintenance of good order or discipline".

Removal from association in the interests of good order or discipline would appear to be resorted to in particular when, although no formal disciplinary offence has been committed by, or can be proved against, the prisoner, the Governor possesses knowledge to the effect that he has caused, is causing or is likely to cause, trouble or subversion.

189. The CPT understands that a prisoner may not be removed from association under Rule 43 for a period of more than 3 days without the authority of a member of the Board of Visitors or of the Secretary of State (which presumably in practice means a senior civil servant), and that such an authority shall not be given for a period exceeding one month, though it may subsequently be renewed on a monthly basis.

190. **The CPT wishes to put the following questions concerning removal from association under Rule 43 for the maintenance of good order or discipline:**

- **what exactly does "removal from association" entail in practical terms?**
- **can removal from association be accompanied by other measures of a punitive nature and, if so, which?**
- **is a prisoner against whom the measure of removal from association is envisaged or decided:
 - (i) **informed of the reasons for this measure?**
 - (ii) **given an opportunity to present his views on the matter to a relevant authority?****
- **is a prisoner's removal from association subject to any form of control by a judicial or quasi-judicial authority?**

191. The CPT is also concerned by the temporary transfer of prisoners under Circular Instruction 10/74, which appears to be an offshoot of the Rule 43 (good order and discipline) system.

The CPT understands that under this procedure, the Governor of a dispersal prison may decide to transfer a prisoner to one of certain designated local prisons for a "cooling-off" period of up to 28 days. In principle, at the end of this period the prisoner is returned to the dispersal prison from which he came; however, if such a return is not considered appropriate, the prisoner can be sent on to another establishment.

192. In the course of its visit the CPT's delegation heard allegations that certain prisoners were subject to the provisions of Circular Instruction 10/74 on an on-going basis, with the result that they were constantly being moved from prison to prison (i.e. a sort of "prisoner in orbit"), the short stay in each prison being under a segregation regime.

The delegation met three prisoners in the Segregation Unit of one of the prisons visited who alleged that they were in this position. At the CPT's request, the Prison Department subsequently provided information concerning one of these prisoners; it showed that during a period of 18 months he had been transferred from one prison to another on 19 occasions, the majority of the transfers occurring as a result of the application of Circular Instruction 10/74. Fortunately, the prisoner now seems to have settled down in an establishment.

193. The CPT is fully aware that certain prisoners are extremely difficult to handle, and that the transfer of such a prisoner can sometimes prove necessary. However, the possibility of transferring a troublesome prisoner must be resorted to only in exceptional circumstances and be accompanied by appropriate safeguards. The continuous moving of a prisoner from one establishment to another can have very harmful effects on his psychological and physical well-being, and make the objective of settling him down somewhere all the more hard to achieve. It should be added that a prisoner in such a position will also have difficulty in maintaining appropriate contacts with his family and lawyers. Clearly, then, the practice of transferring troublesome prisoners is one that must be handled with the greatest of care.

194. The CPT might wish in due course to make some formal recommendations or comments in this area. However, **it would first of all like to request the most up-to-date version of Circular Instruction 10/74 (apparently it has recently been amended), and to put the following questions:**

- **what type of regime (segregation, etc) is applied to a prisoner who is transferred under Circular Instruction 10/74?**
- **is a prisoner in respect of whom it is envisaged or decided to apply Circular Instruction 10/74:**
 - (i) **informed of the reasons for this measure?**
 - (ii) **given an opportunity to present his views on the matter to a relevant authority?**
- **is the application of Circular Instruction 10/74 subject to any form of control by a judicial or quasi-judicial body?**

195. Circular Instruction 10/74 applies to convicted prisoners who have been allocated to dispersal prisons. However, the CPT's delegation also met a prisoner on remand who alleged that he had been the subject of frequent transfers and that he had not been informed of the reasons for these transfers.

The CPT would like to be informed of the prison authorities' powers to transfer prisoners, other than those covered by Circular Instruction 10/74, for discipline-related reasons, of the procedures followed in this respect and of any controls of a judicial or quasi-judicial nature to which such transfers are subject.

iii) *inspection procedures*

- Boards of Visitors

196. Every prison establishment has a Board of Visitors made up of independent members of the public. The various functions of the Boards have already been summarised (see paragraphs 24, 25 and 27).

197. Boards of Visitors have considerable powers in the fields of the inspection of their respective establishments and the treatment of inmates. In particular they have extensive rights of access to the establishment, to prisoners held there and to the prison records. Further, in addition to dealings with the Prison Governor, a Board of Visitors may directly address the Secretary of State on matters of particular concern and may even "in cases of urgent necessity" suspend a prison officer pending the Secretary of State's decision.

198. The system of Boards of Visitors is a very important safeguard for prisoners. However, the effectiveness of the Boards will depend on proper training for their members, a good organisation of their work within the establishment, and (perhaps above all) on their being seen by prisoners as bodies that are quite distinct from the prison staff and management.

199. The CPT's delegation was informed of measures taken in recent years to step up the training of Board members and to better organise the work of Boards in their respective establishments. The CPT welcomes these measures.

As regards the image of the Boards in the eyes of prisoners, it has often been said that the functions of the Boards of Visitors in the disciplinary field place them at something of a disadvantage when it comes to their "watchdog" role. Indeed, prisoners may tend to be wary of a body which at the same time as claiming to be there to look after their interests is also the body that adjudicates the most serious disciplinary charges against them. The CPT has no firm basis upon which to express a view on whether or not the Boards have succeeded in overcoming this disadvantage (and, indeed, the situation may well vary from Board to Board). When the subject of Boards of Visitors was raised with prisoners by members of the CPT's delegation, the usual reaction was something of the sort "they are good friends of the prison officers". However, the delegation had the impression that this was a stock reply which did not necessarily reflect accurately the feelings of prisoners (at least not of all of them).

200. Boards of Visitors must submit an Annual Report to the Secretary of State. It is up to each Board to decide whether their report should be published. The CPT's delegation saw a number of Annual Reports which had been published (for example, by the Board of Visitors at Wandsworth); they proved to be a very valuable source of information.

In the interests of transparency and of stimulating debate on the prison service, **the CPT would suggest that consideration be given to requiring Boards to publish their Annual Reports.** Of course, it should remain possible for the Boards' comments on certain issues to remain confidential.

- Her Majesty's Chief Inspector of Prisons

201. At the apex of the prison inspection system stands Her Majesty's Chief Inspector of Prisons, with his Inspectorate team of some twenty persons. There is a long history of prison inspection in England and Wales. However, the present Inspectorate, which is independent of the Prison Department, is of fairly recent origin, having been set up in 1981.

202. HM Inspectorate carries out full inspections (lasting up to one week) in over 20 establishments each year, as well as shorter visits to an equivalent number of establishments. The reports drawn up after full inspections are forwarded to the Prison Department and then published (albeit on occasion only after a delay of several months); reports drawn up after shorter visits can also be obtained on request.

203. The Inspector's reports are invariably of outstanding quality and on occasion fiercely critical of the conditions in the establishments visited. In addition to his inspection duties, HM Inspector of Prisons is also called upon to carry out special inquiries and reviews, such as the recent review of suicide and self-harm in prisons.

HM Inspector of Prisons and his Inspectorate team are in the vanguard of efforts to improve prison conditions in England and Wales, and it is no doubt to a considerable extent thanks to them that the question of prison reform is now being examined so seriously.

B. Police stations

a) introduction

204. As already indicated, the CPT's delegation visited five police stations, three in the London area and two in Leeds. Before describing the situation found in these establishments, it should be said that given its heavy programme of prison visits, the CPT's delegation was not able to devote as much attention as it would have wished to police matters. In particular, time constraints meant that it was not able to enter into contact with bodies such as the Police Complaints Authority and the Police Federation. This shortcoming shall be remedied in the course of the CPT's next visit to the United Kingdom.

205. In the course of its visit to the United Kingdom, the CPT's delegation was informed that there were a number of investigations being carried out into the activities of members of the West Midlands Police Force. **The CPT would like to receive as much information as possible concerning these investigations to the extent that they relate to allegations of the ill-treatment of detainees by police officers.**

More generally, the CPT would be grateful for statistics on cases referred to the Police Complaints Authority in recent years and their outcome (criminal charges; disciplinary charges, etc).

b) situation in the police stations visited

i) ill-treatment of detainees

206. The delegation found no evidence of the ill-treatment of detainees in the police stations visited. It spoke to persons held in each of the stations; none of them had any complaints about the manner in which they had been treated there.

Further, no complaints were heard in the prisons visited about the manner in which prisoners had been treated while in police custody.

207. The delegation was impressed by the high degree of professionalism displayed by the police officers in the stations it visited ; this showed itself in particular in their dealings with the detainees. The business of the police stations was conducted in an efficient yet humane manner. Police officers were firm but at the same time courteous towards detainees; the result was, on the whole, a rather relaxed atmosphere.

ii) *physical conditions of detention*

208. All the police cells seen by the delegation were of a good size. Detainees were held one to a cell. The delegation was informed that on occasion, due to a shortage of cells, it might be necessary to hold two to a cell ; the dimensions of the cells were quite adequate for this purpose.

The interview rooms were also quite spacious and reasonably furnished. Further, Brixton and Millgarth police stations possessed very good medical rooms.

209. Each cell was equipped with a toilet (though the delegation noted that the flushing mechanism was often defective). Further, an alarm bell was standard, thereby enabling the detainee to call for assistance in case of need. The cells had a bench-type fitting for the purposes of rest and sleep; a mattress and blankets were available at night, the former normally being left in the cell throughout the day.

210. The delegation found that the cells at Hackney and Paddington Green police stations were very warm, and that the ventilation was not particularly good in cells at Brixton and Hackney police stations.

Further, waiting facilities for persons attending the police stations (in particular for small children with their parents) were not ideal.

211. However, the only substantial criticism that can be made of the physical conditions in the stations visited concerns washing facilities for detainees. Shower facilities existed at Hackney and Millgarth police stations, but not in the other three stations (there was a shower in one particular suite of cells at Paddington Green, but it was not available for use by detainees in general). Detainees at Brixton and Paddington Green could clean themselves at a washbasin in the corridor outside the cells. At Chapeltown police station, there were no washing facilities whatsoever set aside for detainees ; however, they might be allowed to use a washbasin in the custody officer's room.

Of course, detainees usually only spend a very short time in a police station; however, on occasion a detainee might have to stay there a number of days. In any event, a detainee could well be in a very soiled state when he arrives at the station.

The CPT recommends that washing facilities for detainees at Brixton, Chapeltown and Paddington Green police stations be improved.

iii) other issues

212. A 14 year old boy was in custody at Chapeltown police station at the time of the delegation's visit. He had been held there for some 24 hours and was about to pass his second night at the station. He was due to appear in court the following morning. The police officers indicated that the boy had to be kept at the station as there was no secure accommodation available elsewhere.

The boy was facing a serious charge, which no doubt justified him being kept in custody pending his appearance before a court. However, **the CPT finds it regrettable that someone of his age should have to pass 36 hours or more (covering two nights) in a police cell.**

213. The delegation was satisfied that the detainees at the stations visited had been informed of their rights not to be held incommunicado and of access to legal advice. It saw the form used for this purpose, and noted also that the custody record opened for each detainee contained a statement to be signed by the detainee attesting that he had been informed of his rights.

However, the above-mentioned form did not appear to be available in any foreign languages. **The CPT recommends that the form used to inform a detainee of his rights be available in police stations in a wide range of languages.**

214. Custody records should contain full details of any action or occurrence involving the detainee. The delegation saw that they were kept assiduously ; even a request by a detainee for a glass of water was recorded.

215. The delegation was also impressed by the notice boards used in the police stations, to keep track of the situation of each detainee (time of arrest; review of detention; time of charge; etc). The purpose of these boards was no doubt to ensure that police officers did not fall foul of any of the requirements laid down in the Police and Criminal Evidence Act. However, the delegation found them very useful in the context of its own activities.

c) safeguards against the ill-treatment of detainees

216. The legislation and subsidiary rules concerning the detention, treatment and questioning of persons detained by the police have already been summarised (see paragraphs 15 to 18). They add up to an impressive level of legal protection against the ill-treatment of detainees.

217. In the context of legal safeguards against the ill-treatment of persons detained by the police, the CPT attaches particular importance to three rights: the right not to be held incommunicado; the right of access to legal advice; the right to be examined by a medical doctor of one's own choice.

As regards the first two of these rights, the CPT notes that they are formally guaranteed by law. The basic position is that these rights apply as from the outset of a person's custody by the police; exercise of the rights may be delayed only in certain closely defined circumstances, and any such delay is subject to clear time limits (a maximum of 36 hours or, in the case of persons detained under the prevention of terrorism legislation, 48 hours).

The CPT would like to receive an indication of the percentage of cases in which the rights not to be held incommunicado and of access to legal advice are delayed, a distinction to be made between persons detained under the Police and Criminal Evidence Act and persons detained under the prevention of terrorism legislation.

218. As regards more particularly the right of access to legal advice, it is important for police officers to refrain from discouraging in any way the exercise of this right by detainees.

The CPT welcomes the express provision to this effect recently introduced in the relevant Code of Practice ("No attempt should be made to dissuade the suspect from obtaining legal advice") and considers that the importance of this rule should be stressed upon police officers.

219. In order to gauge the effectiveness in practice of existing arrangements concerning access to legal advice, **the CPT would like to receive:**

- **any available statistics on the number of detainees who request legal advice and the number of them who actually receive such advice;**
- **full details of the duty solicitor scheme.**

220. The right to be examined by a medical doctor of one's own choice is not guaranteed by legislation. However, the relevant Code of Practice provides that if a detainee requests a medical examination, he may, in addition to an examination by a police surgeon, be examined by a doctor of his own choice at his own expense.

The CPT would like to receive further details concerning the possibility for a detainee to be examined by a doctor other than a police surgeon and, in particular, to be informed whether this possibility is open to a detainee who is being held incommunicado.

221. The electronic recording of police interviews is another useful safeguard against the ill-treatment of detainees.

The tape recording of police interviews relating to serious criminal offences would appear to be the rule in England and Wales, subject to certain specific exceptions. The system employed was explained to the delegation in the police stations it visited, and it seemed to offer all appropriate safeguards.

The CPT would like to receive the following information:

- **exceptions to the general rule of the tape recording of police interviews with persons suspected of serious criminal offences, and the reasons for those exceptions;**
- **plans, if any, to introduce video recording of police interviews.**

222. On the subject of police interviews, one particular concern of the CPT relates to the interrogation of persons who are mentally disordered or handicapped or who are under the influence of drugs or suffering withdrawal symptoms.

The CPT notes that the relevant Code of Practice contains a number of safeguards in this regard. However, for the safeguards to enter into play, the fact that someone is mentally disordered or handicapped or experiencing drug-related symptoms must be detected; this is not always a straightforward matter.

The CPT wishes to stress the importance of both police officers and police surgeons receiving specific training in the identification of such persons.

223. The maximum possible period of police custody without charge is another issue of direct relevance to the CPT's mandate.

The applicable rules in England and Wales have already been summarised (see paragraphs 15 and 16). The CPT notes that for "serious arrestable offences" of a non-terrorist nature, the period of police custody without charge, which in principle is no more than 24 hours, may be extended to 96 hours.

Equivalent maximum periods of police custody for non-terrorist offences are to be found in certain other European countries, though the maximum period is shorter in several others. It should be added that the possibility of extending police custody is accompanied by a number of safeguards (periodic reviews of detention; sanction of a magistrates court required after 36 hours) and that a detainee has the right not to be held incommunicado and to have access to legal advice, in principle as from the outset of his custody and in any event no later than 36 hours after being taken into custody (cf. the request for information in paragraph 217).

224. Of greater concern to the CPT is the possibility for someone to be held in police custody without charge for up to 7 days if suspected of a terrorist offence. The extension of the initial period of police custody (in this case, 48 hours), is a decision for the Secretary of State, not a magistrates court. On the other hand, a detainee held under the prevention of terrorism legislation has the right not to be held incommunicado and to have access to legal advice, in principle as from the outset of his custody and in any event not later than 48 hours after being taken into custody (cf. the request for information in paragraph 217).

The CPT is fully aware of the circumstances which led to the introduction and subsequent renewal of the prevention of terrorism legislation in general and of the provisions on detention in particular. **It trusts, nevertheless, that the need for the continued application of the above-mentioned exceptional measures relating to the detention of terrorist suspects by the police will be kept under close review.**

225. The importance of effective procedures for dealing with allegations of the ill-treatment of persons deprived of their liberty has already been underlined (see paragraph 182). The CPT has noted that a new police complaints procedure was introduced by the Police and Criminal Evidence Act 1984 (see also paragraph 19). The CPT has not yet had an opportunity to examine closely the working of this system and shall therefore refrain from making any comment upon it.

226. Finally, the CPT learned with interest of the system of lay visitors to police stations.

The CPT would like to receive full details of the practical application of this system in the United Kingdom and to be informed whether lay visitors are able to speak in private with detainees being held incommunicado.

IV. RECAPITULATION AND CONCLUSIONS

227. The CPT's delegation heard no allegations of torture in any of the prisons or police stations visited; nor was any other evidence of torture found.

A. Prisons

228. Some allegations were heard in the three male local prisons visited that prison officers had physically assaulted prisoners when dealing with incidents. The CPT's delegation was not convinced that there was a systematic overreaction by officers in such circumstances. However, there might on occasion be a greater use of force than was reasonably required, a situation which could possibly be explained to some extent by low staff/inmate ratios.

The CPT has requested further particulars of one particular incident which occurred at Wandsworth Prison on 29 June 1990.

229. The CPT's delegation found that the conditions of detention in the three male local prisons visited were very poor. In each of the three prisons there was a pernicious combination of overcrowding, inadequate regime activities, lack of integral sanitation and poor hygiene. In short, the overall environment in which the prisoners had to lead their lives amounted, in the CPT's opinion, to inhuman and degrading treatment.

230. The CPT has made a considerable number of recommendations with a view to tackling this problem. It is aware that the implementation of some of them will take time. However, on certain matters there can be no delay; in this regard, the CPT would stress in particular the importance of ending the practice of holding three prisoners to a cell, providing a significantly better regime in B wing of Leeds Prison or transferring elsewhere the under 21 inmate population to an establishment capable of offering a fuller regime, and granting more frequent access to bathing facilities at Leeds and Wandsworth (main establishment) Prisons.

The CPT has also made recommendations and comments on various other matters (prison staff-inmate relations, control methods, training of prison officers, reception facilities, stability of location for the unconvicted, contact with the outside world, etc). It would draw particular attention to one of the recommendations, namely that greater emphasis be placed on interpersonal communication skills of prison officers. The possession of such skills is essential if, as the CPT hopes, there is to be a decisive shift from containment and control to communication and care. Prison officer representatives told the CPT's delegation that they are keen to make progress in this area. Indeed, it would enrich considerably the prison officer's occupation.

231. The CPT's delegation was satisfied by the situation at Holloway Prison. Prisoners were given decent accommodation and sanitation facilities, and enjoyed good regime activities. Moreover, prison staff-inmate relations were very positive. The prison management had led the way in this area.

232. By contrast, the conditions found in the other female establishment visited, Bullwood Hall, are of considerable concern to the CPT. A number of inmates were kept in very cramped conditions for long periods at a time. Above all, there was no ready access to toilet facilities. The installation of the long envisaged electronic unlocking system must begin immediately.

233. The CPT has also made a number of recommendations and comments on medical questions in relation to prisons (e.g. medical screening on reception, the attitude to adopt vis-à-vis HIV+ prisoners, the position of health care staff, etc). The issue of greatest concern to the CPT in this context is the situation found by its delegation in F wing of Brixton Prison. F wing was used to accommodate a large number of persons in need of psychiatric observation and/or care; however, the delegation noted that there were neither the physical facilities nor the staff nor the legal possibilities of treatment of a psychiatric hospital. This situation cannot be allowed to continue. Either the inmates concerned should be placed elsewhere or the medical services at Brixton Prison should be provided with the wherewithal to care in a humane and medically appropriate manner with the patients in its charge.

234. The CPT also considered the complaints, disciplinary and inspection procedures concerning prisons. In this area it is preoccupied by the discipline-related procedures (removal from association for the maintenance of good order and discipline and the transfer of troublesome prisoners under Circular Instruction 10/74) that exist alongside the formal adjudication process. The CPT has raised a number of questions concerning the operation of these procedures, and is particularly interested to learn to what extent the principles of natural justice are respected. The CPT would add that the practice of transferring troublesome prisoners can, if abused, have very harmful effects on the psychological and physical well-being of the prisoners concerned. It must therefore be handled with the greatest of care and accompanied by appropriate safeguards.

235. The CPT has been highly critical of four of the five prisons visited by its delegation. It is fully aware that the establishments concerned are not a representative cross section of prisons in England and Wales. Moreover, the CPT has received information suggesting that conditions in many other prisons (in particular training establishments) are far better than those found in the establishments it visited. However, given the CPT's mandate (which is to strengthen the protection of persons deprived of their liberty from ill-treatment and not to make an overall assessment of prison establishments and other places of detention in a given country), the delegation considered that it had to focus its attention on those types of establishments which, according to reliable reports, were the most problematic.

B. Police stations

236. The CPT's delegation found no evidence of the ill-treatment of detainees in the police stations it visited; further, it was pleased to note the humane manner in which police officers conducted themselves towards those in their custody.

237. The physical conditions of detention in the stations visited were also on the whole satisfactory. However, in three of the stations there was considerable room for improvement as regards washing facilities for detainees.

238. More generally, the CPT noted that there was quite an array of formal safeguards against the ill-treatment of persons detained by the police; the codes of practice, in particular, are extremely good.

The CPT has raised a number of questions in this area, and is especially interested in the operation in practice of three rights - the right not to be held incommunicado, the right of access to legal advice and the right to be examined by a medical doctor of one's own choice - in relation to persons held under the Police and Criminal Evidence Act and to persons held under the prevention of terrorism legislation.

239. The CPT intends during its next visit to the United Kingdom to devote more time to police matters than it was able to in the course of the present visit. In the meantime, it shall follow with interest the work of the recently appointed Royal Commission on the criminal justice system.

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240. Finally, the CPT wishes to reiterate that throughout its visit, the Committee's delegation met with a very satisfactory degree of co-operation from the relevant authorities at both national and local level.

C. Action on the CPT's recommendations, comments and requests for information

241. The various recommendations, comments and requests for information formulated by the CPT are summarised in the Appendix to this report.

242. As regards more particularly the CPT's recommendations, having regard to Article 10, paragraph 2, of the Convention, the CPT requests the United Kingdom authorities:

- i) to provide within six months an interim report giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken (N.B. the CPT has indicated the urgency of certain of its recommendations);
- ii) to provide within twelve months a follow-up report providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the United Kingdom authorities to provide in the above-mentioned interim report reactions to the comments formulated in this report that are summarised in the Appendix as well as replies to the requests for information made.

APPENDIX

SUMMARY OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

A. Prisons

1. Brixton, Leeds and Wandsworth Prisons

a) recommendations

- concerning specifically the three establishments¹³

- steps to be taken immediately to put an end to prisoners being held three to a cell (Brixton and Leeds¹⁴) (paragraph 60);

- the possibility of providing a significantly better regime for young persons to be reviewed immediately and, if the provision of such a regime proves unfeasible, the under 21 inmate population (or at least a large proportion of it) to be transferred elsewhere without delay to an establishment capable of offering a fuller regime (Leeds) (paragraph 66);

- a higher priority to be given to keeping open existing workshops and, whenever possible, workshop activities to be developed (the three prisons) (paragraph 68);

- the question of access for prisoners to the existing gymnasium to be reviewed, with a view to allowing such access except when significant security considerations require otherwise (Brixton) (paragraph 68);

- prisoner association periods to be introduced (Wandsworth) (paragraph 68);

- the provision of integral sanitation in prisoner accommodation to be accorded a very high priority (the three prisons) (paragraph 70);

- steps to be taken immediately to ensure more frequent access to bathing facilities for prisoners (Leeds and Wandsworth (main prison)) (paragraph 74);

- slopping out and food collection procedures to be kept clearly apart (Brixton) (paragraph 75);

- food serving facilities to be situated as far away from slopping out areas as is operationally feasible (the three prisons) (paragraph 76);

¹³ See also under 3 (medical questions).

¹⁴ And any other establishments where a comparable situation exists.

- prisoners to be provided with adequate facilities for cleaning their eating and drinking utensils, and to be issued with either sterilised or new razors (the three prisons) (paragraph 76);
- steps to be taken immediately to ensure that unconvicted prisoners are able to wear their own clothes and shoes (Brixton and Leeds) (paragraph 78);
- any drawings or other items that denigrate, or could reasonably be understood as denigrating, prisoners to be removed from prison premises (the three prisons) (paragraph 82);
- a high priority to be given to the improvement of reception facilities (the three prisons (especially Leeds)) (paragraph 106).

more general recommendations

- consideration to be given to the possibility of introducing, at the appropriate time, an enforceable ceiling on the inmate population of each prison (paragraph 61);
- the means of improving regimes in local prisons to be examined without delay and fuller regimes to be introduced as overcrowding is brought down (paragraph 62);
- regimes to be implemented in local prisons to aim at ensuring that prisoners spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature; the different legal status and needs of convicted and unconvicted prisoners to be reflected in the rules and regimes applied to them; any young persons held in a local prison to benefit from a regime adapted to their particular needs (paragraph 62);
- as regards the providing of ready access at all times to toilet facilities (paragraphs 70 and 71):
 - i) the providing of such access in prison establishments in general to be accorded a very high priority;
 - ii) existing plans for the providing of ready access to toilet facilities to be reviewed, prison by prison, with a view to ensuring that they are on schedule and to exploring the possibility of accelerating their implementation;
 - iii) the overarching objective to be to avoid prisoners having to comply with the needs of nature in the presence of other persons in a confined space that is used as their living quarters;
 - iv) if the integral sanitation installed in a cell cannot for practical reasons be isolated from the rest of the cell by means of a complete and solid partition, installation of the sanitation to be accompanied by a return at the earliest opportunity to single occupancy of the cell concerned (if this is not the case already);
 - v) pending the installation of integral sanitation or other means of ready access to toilet facilities, prison officers to receive clear instructions to grant requests from prisoners to be released from their cells during the day for the purpose of using a toilet facility, unless significant security considerations require otherwise.

- the medical examination of a prisoner after his removal under force to a Segregation Unit to be conducted out of the hearing, and preferably out of the sight, of non-medical prison staff (paragraph 90);
- the results of the above-mentioned medical examination as well as relevant statements made by the prisoner to be formally recorded by the doctor, and the record made available to the prisoner (paragraph 90);
- as regards the use of body belts (paragraph 93):
 - i) body belts to be stored outside Segregation Units;
 - ii) the issue and use of a body belt to be always subject to the express authorisation of the Governor or his deputy;
 - iii) a prisoner wearing a body belt to be kept under constant and adequate supervision by appropriately trained staff;
 - iv) the body belt to be taken off at the earliest possible opportunity.
- aptitude for interpersonal communication to be a major factor in the process of recruiting prison officers (paragraph 96);
- during the training of prison officers, considerable emphasis to be placed on acquiring and developing interpersonal communication skills (paragraph 96);
- steps to be taken to avoid, as far as possible, remand prisoners being uprooted when they have a court appearance (paragraph 107);
- the visit entitlement of convicted prisoners to be substantially increased (paragraph 110).

b) comments

- the steps taken by the United Kingdom authorities to reduce overcrowding are welcomed, and it is hoped that they will continue to be pursued actively (paragraph 59);
- it would be preferable for prisoners under 21, whether on remand or convicted, to be held as a matter of course in establishments that have regimes meeting their particular needs and staff specifically trained in dealing with the young (paragraph 67);
- it is hoped that staff resources will be sufficient to allow the tarmacked exercise yards at Wandsworth to be fully exploited (paragraph 68);
- whenever it is feasible, the provision of distinct sanitary annexes in prisoner accommodation should be envisaged (paragraph 70);
- the decision to provide prisoners with two pairs of underclothes per week is welcomed, and it is suggested (paragraph 77):
 - i) that prisoners be provided with a clean towel more frequently than once a week (preferably, towels should be available on demand) and with two clean sheets each week;
 - ii) that prisoners be issued with a tea cloth;
 - iii) that each new prisoner be provided with a clean set of blankets.
- an attenuation of the present, rather militaristic, attitude adopted by prison officers at Wandsworth could have a positive effect on relations between prison staff and inmates without in any way undermining security (paragraph 80);
- the introduction of female prison officers in adult male local prisons is a positive step that can improve the general atmosphere on prison wings (paragraph 83);
- the toilets in the A Wing exercise yard of Leeds Prison were found to be in a deplorable condition (paragraph 100);
- as far as is compatible with security considerations, prisoners should be allowed to use their outdoor exercise period in the manner they find the most relaxing; the notion of "exercise" should be interpreted broadly (paragraph 101);
- as regards contact with the outside world, the guiding principle should be the promotion of such contact, any limitations upon contact to be based exclusively on security concerns of an appreciable nature or resource considerations (paragraph 108);
- letters sent by a prisoner should not be recognisable to outsiders as having been sent from a prison (paragraph 113).

c) requests for information

- full details of the incident which occurred on 29 June 1990 in an exercise yard of Wandsworth Prison and of the examination of allegations by prisoners that they were ill-treated by prison staff during and/or following the incident (paragraph 35);
- as regards young persons in adult prisons (paragraph 67):
 - i) the approximate number of (i) males aged between 15 and 16, (ii) males aged between 17 and 20, and (iii) females aged between 17 and 20, currently held in adult prisons in the United Kingdom;
 - ii) the legal restrictions, if any, on the sending of young persons aged between 15 and 20 to adult prisons;
 - iii) planned changes, if any, in this area.
- the comments of the United Kingdom authorities on the precise purpose the small prison (G, H and K Wings) at Wandsworth is meant to serve (paragraph 69);
- as regards the providing of ready access to toilet facilities (paragraph 70):
 - i) the present timetable for the installation of integral sanitation in prisoner accommodation at Brixton, Leeds and Wandsworth Prisons;
 - ii) the number of cells in prisons in the United Kingdom that have been provided with integral sanitation or other means of ready access at all times to toilet facilities during the last two years;
 - iii) the number of prison cells in the United Kingdom in respect of which ready access at all times to toilet facilities has not yet been provided;
 - iv) the number of such cells that it is planned to provide with ready access at all times to toilet facilities in each of the next three years.
- information on training programmes for prison officers, both initial and on-going (paragraph 97);
- information on the possibilities for prisoners to send and receive letters, to make telephone calls and to be accorded home leave (paragraph 113).

2. Female prisons visited¹⁵

a) recommendations

(Bullwood Hall Prison)

- inmate accommodation at Bullwood Hall Prison to be reviewed with a view to ensuring that inmates are, save exceptional circumstances, held one to a cell (paragraph 131);
- installation of the envisaged electronic unlocking system at Bullwood Hall to be commenced immediately (paragraph 135);
- appropriate steps to be taken to ensure that association periods and other out-of-cell activities can be provided in the early evening at Bullwood Hall (paragraph 137).

b) comments

(Holloway Prison)¹⁶

- inmates in the mother and baby unit complained about the level of hygiene (presence of cockroaches) (paragraph 123);
- every prisoner, including those held in the Segregation Unit, should be allowed at least one hour of exercise in the open air each day (paragraph 125);
- all prisoners complained about the prison food (paragraph 126);

(Bullwood Hall)

- the plans to provide a purpose-built visiting complex at Bullwood Hall are welcomed and it is hoped they will be implemented without undue delay (paragraph 140).

c) requests for information

(Bullwood Hall)

- whether it is planned to provide ready access at all times to toilet facilities throughout the whole of the prison, including the hospital (paragraph 135);
- information about the resources for the support and counselling of inmates considered as suicide or self-harm risks, and for psycho-therapeutic activities for inmates in general (paragraph 139).

¹⁵ Of course, many of the recommendations, comments and requests for information made under 1 also apply to female prisoners.

¹⁶ See also under 3 (medical questions).

3. Medical questions

a) recommendations

- every newly-arrived prisoner to be properly interviewed and, if necessary, physically examined by a medical doctor as soon as possible after his admission, under conditions offering due respect for the prisoner's privacy and adequate guarantees of confidentiality; save for in exceptional circumstances, this interview/examination to be carried out on the day of admission (paragraph 146);

- steps to be taken to ensure that sick prisoners can be provided with diets adapted to their condition, and that diabetic prisoners are given their meals at appropriate intervals (paragraph 151);

- as regards psychiatric cases at Brixton Prison (paragraph 165):

i) a review to be carried out immediately into whether it is realistic to expect in the near future a major reduction in the psychiatric case workload presently faced by the medical services of Brixton Prison;

ii) in the event of that review providing a negative reply, the medical services at Brixton Prison to be provided with the wherewithal to care in a humane and medically appropriate manner with the patients in its charge. This would involve inter alia:

. a significant increase in the number of staff with adequate training in psychiatric nursing;

. providing the means of dealing effectively with severely disturbed patients who refuse treatment (immediate transfer to an outside hospital, or the authority to provide treatment without consent);

. a significant improvement of the environment in F Wing, and in particular the provision of facilities for social, creative and psychotherapeutic activities, of more association areas, of doctor/patient consultation rooms, and of integral sanitation in the cells.

- the policy of keeping HIV+ prisoners on normal location to be pursued vigorously and, in this connection, prison staff and inmates to be fully informed at regular intervals of the medical realities in this area (paragraph 168);

- steps to be taken to improve the quality of nursing care for prisoners (paragraph 181).

b) comments

- the question of night cover gave rise to concern (paragraph 149);
- several inmates at Holloway Prison expressed the view that there was insufficient gynaecological (as distinct from venereological) care (paragraph 152);
- where it is found necessary to deprive someone who is mentally ill of his liberty, he should be kept and cared for in a secure hospital facility that is adequately equipped and possesses appropriately trained staff (paragraph 154);
- there is no medical justification for the segregation of an HIV+ prisoner who is well (paragraph 167);
- in order to guarantee their full clinical independence, all prison medical officers should belong to the wider health community (paragraph 177);
- the statement in the most recent Report on the work of the Prison Service (April 1989 - March 1990) to the effect that the training of medical officers was to be improved following a report by the Royal College of Physicians, and that a diploma in prison medicine was envisaged, is welcomed (paragraph 178).

c) requests for information

- full details of the above-mentioned improved training for medical officers and envisaged diploma in prison medicine (paragraph 178).

4. Complaints, disciplinary and inspection procedures

a) comments

- as regards the "Confidential Access" procedure, it is suggested (paragraph 184):

i) that complaint forms and confidential access envelopes be generally available to prisoners at some place (e.g. the library), thereby avoiding that a prisoner has to ask for them specifically;

ii) that a system of transmission be devised which avoids prisoners having to hand the confidential access envelope to prison staff.

- consideration might be given to the possibility of requiring Boards of Visitors to publish their Annual Reports (paragraph 200).

b) requests for information

- the precise procedure followed when a prisoner writes to a legal advisor with a view to the instigation of legal proceedings or to the Chief Officer of the local police, and in particular whether the above-mentioned letters to a legal advisor or Chief Officer of police may be opened and read by prison staff (paragraph 185);

- as regards removal from association under Rule 43 for the maintenance of good order or discipline (paragraph 190):

i) what exactly does "removal from association" entail in practical terms?

ii) can removal from association be accompanied by other measures of a punitive nature and, if so, which?

iii) is a prisoner against whom the measure of removal from association is envisaged or decided:

. informed of the reasons for this measure?

. given an opportunity to present his views on the matter to a relevant authority?

iv) is a prisoner's removal from association subject to any form of control by a judicial or quasi-judicial authority?

- as regards the transfer of prisoners under Circular Instruction 10/74 (paragraph 194):

i) what type of regime (segregation, etc) is applied to a prisoner who is transferred under Circular Instruction 10/74?

ii) is a prisoner in respect of whom it is envisaged or decided to apply Circular Instruction 10/74:

. informed of the reasons for this measure?

. given an opportunity to present his views on the matter to a relevant authority?

iii) is the application of Circular Instruction 10/74 subject to any form of control by a judicial or quasi-judicial body?

- the prison authorities' powers to transfer prisoners, other than those covered by Circular Instruction 10/74, for discipline-related reasons, the procedures followed in this respect, and any controls of a judicial or quasi-judicial nature to which such transfers are subject (paragraph 195).

B. Police stations

a) recommendations

- washing facilities for detainees at Brixton, Chapelton and Paddington Green police stations to be improved (paragraph 211);

- the form used to inform detainees of their rights to be available in police stations in a wide range of languages (paragraph 213).

b) comments

- it is regrettable that a boy of 14 should have to spend 36 hours or more (covering two nights) in a police cell (paragraph 212);

- the importance of the rule that no attempt should be made to dissuade a suspect from obtaining legal advice should be stressed upon police officers (paragraph 218);

- it is important for both police officers and police surgeons to receive specific training in the identification of mentally disordered or handicapped persons or persons experiencing drug-related symptoms (paragraph 222);

- the need for the continued application of the exceptional measures relating to the detention of terrorist suspects by the police should be kept under close review (paragraph 224).

c) requests for information

- full details of investigations into the activities of members of the West Midlands Police Force, to the extent that they relate to allegations of the ill-treatment of detainees by police officers (paragraph 205);
- statistics on cases referred to the Police Complaints Authority in recent years and their outcome (criminal charges; disciplinary charges, etc) (paragraph 205);
- an indication of the percentage of cases in which the rights not to be held incommunicado and of access to legal advice are delayed, a distinction to be made between persons detained under the Police and Criminal Evidence Act and persons detained under the prevention of terrorism legislation (paragraph 217);
- statistics on the number of detainees who request legal advice and the number of them who actually receive it (paragraph 219);
- full details of the duty solicitor scheme (paragraph 219);
- further details of the possibility for a detainee to be examined by a doctor other than a police surgeon and, in particular, whether this possibility is open to a detainee who is being held incommunicado (paragraph 220);
- as regards the electronic recording of police interviews (paragraph 221);
 - i) exceptions to the general rule of the tape recording of police interviews with persons suspected of serious criminal offences, and the reasons for those exceptions;
 - ii) plans, if any, to introduce video recording of police interviews.
- full details of the practical application of the lay visitors system and information on whether lay visitors are able to speak in private with detainees being held incommunicado (paragraph 226).