

## EXECUTIVE SUMMARY

The 2019 visit to Scotland focused on a few key issues that the CPT had raised in the report on its October 2018 visit. These included, notably, a re-examination of the treatment of women prisoners at Cornton Vale Prison as regards the use of long-term segregation and use of force measures, assessing the state of mental health care provision and analysing progress on the structural and conceptual reform of women's imprisonment. In addition, the CPT's delegation reviewed the overcrowding situation and the use of long-term segregation in the male custodial estate. The co-operation received from the authorities, and from the staff at the establishments visited, was excellent.

The CPT notes that the prison population of Scotland has continued to increase steadily, rising by 6.5% in one year, despite various measures pursued by the Scottish Government to address this phenomenon. The CPT underlines that urgent measures are required to counter this trend, including addressing the increase in the use of remand and assessing short-term sentencing policies.

The use of long-term segregation under Rule 95(11) and (12) of the Scottish Prison Rules remains worrying given the length of time for which certain prisoners are held in such conditions. The CPT recommends that the authorities reconsider their use of Rule 95(11)/(12) to segregate prisoners for years on end; it reiterates that alternatives to these forms of segregation should be urgently considered. More investment should be made in step-down facilities and the Committee trusts that the authorities will seriously consider the establishment of smaller therapeutic units for the limited numbers of prisoners concerned.

In 2018, the CPT had been pleased to note the reforms envisaged, and underway, to structurally overhaul and reconceptualise women's imprisonment in Scotland. However, a year later in October 2019, the number of women prisoners was still 85% above the envisaged maximum capacity of 230 and many women were still held in primarily male prison facilities. The CPT fully supports the concept of a culture change in female detention and the report goes into detail regarding the aspects that could be reformed; it recommends that the re-building of Cornton Vale Prison be used as an opportunity to undertake deep structural and conceptual changes that should address the design and layout of the facility, the provision of adequate care for vulnerable women prisoners, and the introduction of a different approach to the use of control and restraint measures and of segregation measures.

Positively, the vast majority of women prisoners met by the CPT's delegation at Cornton Vale Prison in the course of the 2019 visit stated that they were treated correctly by prison officers. Nevertheless, the CPT's delegation did receive two separate allegations of ill-treatment / excessive force applied to a prisoner by prison officers and escort staff respectively, in the context of control and restraint operations. The CPT recommends that prison staff should be reminded that no more force than is strictly necessary should be used to control women prisoners. It also underlines that, in the rare cases where prisoners need to be put into safer clothing for their own protection, this should only be undertaken by prison staff of the same sex as the prisoner. The CPT also invites the Scottish authorities to consider taking measures to roll out body-worn video cameras (BWVCs) for front-line prison staff; and that the relevant prison regulations should be amended to make it mandatory for BWVCs to be issued, worn and turned on by all prison staff who may have to use control and restraint operations, both planned and unplanned.

The CPT notes some improvements regarding the regime and treatment of women prisoners placed under Rule 41 orders (segregation and/or increased supervision for health reasons) in Ross House, and in the detection and transfer of women suffering from severe mental health disorders from Cornton Vale Prison to psychiatric facilities.

That said, unfortunately, in 2019, the CPT found that instances of problematic segregation under Rules 95 (11) and (12) in the “Dumyat” Separation and Reintegration Unit (SRU) persisted. The CPT reiterates its recommendation that a psycho-social support system for women prisoners held for longer than two weeks in segregation be established and that prisoners be provided with greater opportunities for association and engagement in purposeful activities, including being offered at least two hours of meaningful human contact every day and preferably even more. The CPT also recommends that a thorough review of the application of disciplinary sanctions for prisoners already in the SRU be undertaken, to ensure that prisoners are not placed in an environment that deprives them of any meaningful stimuli.

The CPT urges the Scottish authorities to seek alternative solutions to break the cycle of continued use of long-term segregation for certain vulnerable women prisoners. In light of the re-building of Cornton Vale Prison and the re-conceptualisation of women’s imprisonment, the CPT considers that the time is ripe to develop alternatives to long-term segregation in the SRU. The CPT recommends the development of step-down facilities at Cornton Vale Prison in the form of small therapeutic units that can provide a robust psycho-social support system for women prisoners, facilitating their reintegration process and providing a meaningful alternative to prolonged segregation in SRUs.

Lastly, the lack of secure psychiatric beds in Scotland for women prisoners remains a concern. The CPT recommends that urgent consideration be given to developing a specialised psychiatric unit within Scotland to care for women prisoners with severe mental health needs. In the meantime, the CPT recommends that those very few women prisoners requiring treatment in a high-secure mental health hospital are not left to languish in prison, and that steps be taken to facilitate their transfer, either to a medium-secure hospital in Scotland, with added security where necessary or, if feasible, to the State Hospital at Carstairs.