

## **INQUEST submission to the Justice Committee's inquiry into the future prison population and estate capacity**

### ***Introduction***

1. INQUEST is the only charity providing expertise on state related deaths and their investigation. For four decades, INQUEST has provided expertise to bereaved people, lawyers, advice and support agencies, the media and parliamentarians. Our specialist casework includes deaths in prison and police custody, immigration detention, mental health settings and deaths involving multi-agency failings or where wider issues of state and corporate accountability are in question.
2. INQUEST is deeply concerned about the rising prison population and overcrowding in prisons. We have concerns about both the government's plans to expand the prison estate and their policies to alleviate overcrowding. Chief among these concerns are the implications for prisoners' safety. Indeed, recent evidence arising from inquests into deaths in prison, discussed at the end of this submission, has highlighted instances in which the implications of overcrowding – such as staffing shortages – have been raised as factors relating to a death.

### ***What is the Ministry of Justice's current strategy for safely and effectively managing the prison population, and how effective is it?***

3. The Ministry of Justice (MoJ) have in the past year implemented plans via Operation Safeguard to house prisoners in police custody suites.<sup>1</sup> More recently, the MoJ announced the government would explore negotiations with European countries to 'rent' prison spaces for prisoners in the UK.<sup>2</sup> Both of these policies are extremely concerning with regard to the safety of prisoners.
4. The use of police cells has been a long-standing response by different governments when prison overcrowding has occurred in the past. However, as history shows, this strategy has not worked except to alleviate the immediate problem until another crisis erupts. INQUEST's Executive Director and others raised concerns regarding Operation Safeguard,<sup>3</sup> citing inadequate conditions in police custody suites for prisoners. Prisons are, in theory, designed to provide humane conditions in which the health, safety and welfare of prisoners and prison officers can be secured. While this standard is frequently unmet, it is hard to see how police cells, designed for short stays of days rather than months and weeks, can maintain the long-term psychological and physical safety of prisoners.

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<sup>1</sup> The Guardian, MoJ requests urgent use of 400 police cells for male prisoners, <https://www.theguardian.com/society/2022/nov/30/uk-government-requests-urgent-police-cells-male-prisoners>, November 2022

<sup>2</sup> Foreign prison rental to ensure public protection, <https://www.gov.uk/government/news/foreign-prison-rental-to-ensure-public-protection>, October 2023

<sup>3</sup> The Guardian, Operation Safeguard will put prisoners in danger, <https://www.theguardian.com/society/2022/dec/04/operation-safeguard-will-put-prisoners-in-danger>, December 2022

5. More recent plans to house prisoners in cells in different countries also distracts attention from the fundamental problem of meaningfully addressing prison conditions in England and Wales. While the proposed policy lacks detail, INQUEST is particularly concerned by the potential for rented prison places to result in an accountability gap. For example, how will the UK continue to carry out its international obligation to prevent torture and ill-treatment through a robust programme of independent monitoring in overseas prison cells? Further, how will deaths of UK prisoners abroad be investigated as per the UK's Article 2 duties? It is vital the government provide further clarity on how their proposed measures to address overcrowding in prisons ensures prisons are still open to independent scrutiny for monitoring bodies and courts.<sup>4</sup>

***Is the Government's commitment to deliver 20,000 prison places by the mid-2020s achievable and sufficient to manage the projected demand for places?***

6. INQUEST is deeply concerned about the rise in the prison population. The latest government figures show an appalling 24% increase in self-inflicted deaths across the estate.<sup>5</sup> As the prison population grows there is real concern this number will grow too. The MoJ's plans to prevent self-inflicted deaths is greatly lacking: in the Prisons Strategy White Paper, the MoJ announced plans to build only 290 new ligature free cells across the estate.<sup>6</sup> While there is of course value in ensuring cells are ligature free, a commitment to only 290 such cells is miniscule given the proposed expansion of the estate by 20,000 places – it amounts to approximately 1.5% of new prison places.
7. However, prison cells will still not be 'safe'. As INQUEST's casework has shown, the prison environment is one which dehumanises and is in and of itself dangerous.<sup>7</sup> It is worth noting that in 1983 the then Home Secretary announced the biggest prison building programme of the twentieth century. This programme did little to reduce crime and victimisation, nor did it alleviate the prison crisis.<sup>8</sup> Forty years on, prisons are still in crisis with a systemic failure to enact changes in response to inquests, investigations, inspectorate, and monitoring reports.
8. INQUEST believe the prison population should be reduced through changing sentencing policy<sup>9</sup>, stopping the prison building programme, drastically reducing the

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<sup>4</sup> Louise Finer in Justice Gap, <https://www.thejusticegap.com/renting-prison-space-overseas-an-accountability-gap-waiting-to-happen/>, October 2023

<sup>5</sup> Ministry of Justice, Safety in Custody Statistics, <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-june-2023>, October 2023

<sup>6</sup> Ministry of Justice, Prisons Strategy White Paper, <https://assets.publishing.service.gov.uk/media/61af18e38fa8f5037e8ccc47/prisons-strategy-white-paper.pdf>, December 2021

<sup>7</sup> For further information see INQUEST, Deaths of racialised people in prison 2015 – 2022: Challenging racism and discrimination,

<https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=b7f9a0d0-0f48-48a2-b995-c8870f5a5e6a>, October 2022 and INQUEST, Deaths in Prison: A National Scandal,

<https://www.inquest.org.uk/deaths-in-prison-a-national-scandal>, January 2020, January 2020

<sup>8</sup> Sim, J. (2009) Prisons and Punishment: Power and the Carceral State London Sage

<sup>9</sup> See for example recent changes in the United States via Pakes, F., Prison numbers set to rise 24% in England and Wales – it will make society less safe, not more, The Conversation,

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remand population (who accounted for 35% of self-inflicted deaths in custody in 2022)<sup>10</sup>, closing older, dilapidated institutions and redirecting criminal justice expenditure to welfare, health, housing, education and social care.

## ***What are the implications of the rise in the prison population for the resources required to manage prisons safely and effectively?***

9. Recent deaths in prison have evidenced the risks of the rising prison population. A review of coroners' Prevention of Future Death (PFD) reports from the past year shows the impact of stretched resources on the safety and wellbeing of prisoners.
10. The comparatively low numbers of staff working to support large prison populations has been raised at inquests. We are aware of one death in a local prison where the coroner leading the investigation recommended staffing levels at the prison be increased, and that the current staff shortages risked compromising the safeguarding of prisoners.<sup>11</sup>
11. Inadequate healthcare provision in prisons has been highlighted by coroners. One PFD report raised the fact 65% of primary healthcare staff in a prison were agency staff.<sup>12</sup> There is also evidence arising from coroners' investigations that show the inadequate access to psychiatric support in prisons: one inquest noted that despite a complex cohort of 750 prisoners, there was only availability for one day a week of a consultant psychiatrist's time. As the coroner in this case noted, this dearth of access jeopardised the prison's ability to meet the equivalence of care threshold for prisoners.<sup>13</sup> Another PFD issued following the death of a prisoner noted the prison did not have nurses or other healthcare staff in the prison during the night.<sup>14</sup>
12. While staffing in prison is not a panacea for the many concerns which compromise the safety of prisoners<sup>15</sup>, a lack of resources for staffing has a serious impact on the

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<https://theconversation.com/prison-numbers-set-to-rise-24-in-england-and-wales-it-will-make-society-less-safe-not-more-172566>, November 2021

<sup>10</sup> Prison Reform Trust, Prison: the facts, Bromley Briefings Summer 2023,

[https://prisonreformtrust.org.uk/wp-content/uploads/2023/06/prison\\_the\\_facts\\_2023.pdf](https://prisonreformtrust.org.uk/wp-content/uploads/2023/06/prison_the_facts_2023.pdf), June 2023

<sup>11</sup> For more information see the Prevention of Future Deaths report issued following the death of Michael Smith <https://www.judiciary.uk/prevention-of-future-death-reports/michael-smith-prevention-of-future-deaths-report/>, November 2022

<sup>12</sup> For more information see the Prevention of Future Deaths report issued following the death of Jack Zarrop, <https://www.judiciary.uk/prevention-of-future-death-reports/jack-zarrop-prevention-of-future-deaths-report/>, October 2023

<sup>13</sup> For more information see the Prevention of Future Deaths report issued following the death of Stephen Beadman <https://www.judiciary.uk/prevention-of-future-death-reports/stephen-beadman-prevention-of-future-deaths-report/>, June 2023

<sup>14</sup> For more information see the Prevention of Future Deaths report issued following the death of Lewis Johnson, [https://www.judiciary.uk/wp-content/uploads/2022/12/Lewis-Johnson-Prevention-of-future-deaths-report-2022-0397\\_Published.pdf](https://www.judiciary.uk/wp-content/uploads/2022/12/Lewis-Johnson-Prevention-of-future-deaths-report-2022-0397_Published.pdf), December 2022

<sup>15</sup> It is worth noting HMI Prisons' recent inspection of HMYOI Cookham Wood, which was critical of the fact there were 360 staff and several health care, education and other partners working in the prison and delivering "such an unacceptable service to just 77 children". The Inspectorate said this indicated this resource "was being wasted, underused or needed reorganising to improve outcomes at the site." HM Chief Inspector of Prisons, Report on an unannounced inspection of HMYOI Cookham Wood, <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2023/07/Cookham-Wood-web-2023.pdf>, May 2023. Also noteworthy is Justice

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services and programmes designed to support prisoners. For example, in the Prison and Probation Ombudsman's most recent annual report, they cite concerns with the key work programme in prisons including the fact some prisons have not been able to reinstate the programme since the COVID-19 pandemic.<sup>16</sup> One coroner found the key worker scheme at a prison was 'not fit for purpose'.<sup>17</sup>

13. Resources also impact on staff training. A recent PFD found not all staff working in HMP Pentonville receive ongoing first aid training, with the level of understanding by some prison officers seeming 'surprisingly low'.<sup>18</sup> Similarly, the coroner investigating the death of Andrew Shirley found 70% of staff working in HMP Hewell had not received proper training on ACCT management. The coroner said "[i]t is of considerable concern that such a high percentage of staff at the prison may not be in a position recognise [sic] the risk which a prisoner presents of suicide and/or self-harm". They also noted duty governors had not received training on completing segregation documentation.<sup>19</sup> <sup>20</sup> Concerns about all aspects of ACCT and its application have been repeatedly raised at inquests over the years.<sup>21</sup>

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Secretary Alex Chalk's comments on HMP Liverpool when he was a member of the Justice Committee: "the fact is that in Liverpool there were 549 staff against a benchmark of 466 staff. The report makes it crystal clear that this is not, perhaps unusually, an issue of staffing; it is an issue of leadership." Justice Committee, Oral Evidence on HM Inspectorate of Prisons report on HMP Liverpool, <https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/hm-inspectorate-of-prisons-report-on-hmp-liverpool/oral/77512.html>, January 2018.

<sup>16</sup> Prison and Probation Ombudsman, Annual Report 2022/23, [https://s3-eu-west-2.amazonaws.com/ppo-prod-storage-1g9rkjhjkhjmgw/uploads/2023/09/15.81\\_PPO\\_ARA\\_2022-23\\_WEB-1.pdf](https://s3-eu-west-2.amazonaws.com/ppo-prod-storage-1g9rkjhjkhjmgw/uploads/2023/09/15.81_PPO_ARA_2022-23_WEB-1.pdf), September 2023

<sup>17</sup> For more information see the Prevention of Future Deaths report issued following the death of Jason Williams, <https://www.judiciary.uk/prevention-of-future-death-reports/jason-williams-prevention-of-future-deaths-report/>, February 2023

<sup>18</sup> For more information see the Prevention of Future Deaths report issued following the death of Amarjit Singh, <https://www.judiciary.uk/prevention-of-future-death-reports/amarjit-singh-prevention-of-future-deaths-report/>, September 2023

<sup>19</sup> For more information see the Prevention of Future Deaths report issued following the death of Andrew Shirley, <https://www.judiciary.uk/prevention-of-future-death-reports/andrew-shirley-prevention-of-future-deaths-report/>, January 2023

<sup>20</sup> The issue of prison officer training has long been an issue. As Lord Harris's review 'Changing Prison, Saving Lives' noted in 2015, 'the question of professionalising the role of Prison Officer[s] has been debated for a number of years. During their 2009 inquiry into the role of Prison Officers, the House of Commons Justice Committee heard from Professor Andrew Coyle, who explained that giving prison officers "if they are lucky, eight weeks' training, sometimes within a prison, not in a prison college, and then sending them off to a dispersal prison, or to a local prison, or to a women's prison, or to a young offenders' prison and expecting them to know what to do and how to do it is really quite wrong" The Harris Review, Changing Prisons, Saving Lives Report of the Independent Review into Self-inflicted Deaths in Custody of 18-24 year olds, <https://assets.publishing.service.gov.uk/media/5a80a950ed915d74e622fba3/moj-harris-review-web-accessible.pdf>, July 2015

<sup>21</sup> For more information see INQUEST's response to the Justice Committee's inquiry into mental health in prisons, <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=74dc9177-91fd-4f17-b0c0-6a3d871d1a83>, June 2021

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## ***Conclusion***

14. As the evidence arising from recent inquest hearings show, the current levels of overcrowding and stretched resources in prisons impact the ability to keep prisoners safe. Successive governments have failed to properly consider measures to reduce reliance on prisons and the current government is committed to increasing the prison estate despite the increasing numbers of self-inflicted deaths. INQUEST believes there must be a dramatic reduction of the prison population and increased investment in welfare, health, housing, education and social care to prevent future deaths in prison.