



Ministry
of Justice



Home Office



Department
of Health &
Social Care

Independent Advisory Panel on Deaths in Custody

Chair: Juliet Lyon CBE

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www.iapondeathsincustody.org.uk

Kit Malthouse
Minister for Crime and Policing

02 April 2020

Dear Minister,

I am writing on behalf of the Independent Advisory Panel on Deaths in Custody (IAP) to you as Co-Chair of the Ministerial Board to support you in meeting your duty to take active steps to protect lives.

Your government is responsible and accountable for the safety and survival of thousands of people in custody. As Covid-19 spreads, we recognise that you and your officials are faced with some of the most difficult decisions you will ever have to make about balance of risk and the best ways to keep people safe.

Our considered advice is that you should now sanction and lead a programme of planned prison releases. This should be done on a cohort by cohort, case by case basis. Adequate support should be offered on release. A clear public explanation should, of course, be given.

People who should be considered for immediate safe release include those near the end of their sentences and those in the open prison estate; those serving short sentences; or held on remand, for non-violent crimes; those recalled for technical breach of licence; those who are elderly often with co-morbid health conditions; pregnant women and mothers and babies – where an important start is being made. For individuals approved for, but still awaiting, transfer from prison to psychiatric care (a comparatively small group but in high need and one that inevitably makes for disproportionate calls on staff time) this work should be expedited. The IAP believes that time is running out to do all this in a disciplined and controlled manner.

The priority now is to reserve prison for serious and violent offenders so that the public is not put at risk and hard-pressed prison governors and staff have the physical space and time to hold those individuals safely and securely. In the context of a global

pandemic, countries worldwide from South Korea and Iran to the US and Canada, from Holland to Ireland and Northern Ireland have already released thousands of prisoners variously on a temporary, compassionate or executive basis.

We recognise that the prison service in England and Wales has made commendable and rapid moves to improve, amongst other things, hygiene and cleanliness, communication with prisoners and phone contact with families to mitigate against further isolation and distress. We gather that emergency use of other secure environments is being explored. The IAP understands that efforts are being made to identify wings where prisoners who are unwell can be held separately. High numbers of staff are self-isolating and unable to work. We advise that you prioritise testing of staff and prisoners who are symptomatic.

Notwithstanding these important steps, in an unprecedented public health crisis it is not fair or proportionate to commit prisoners, and staff responsible for them, to try to survive in insanitary, overcrowded institutions largely devoid of independent oversight.

People are sent to prison to lose their liberty not their lives. We urge you to exercise leadership, to meet your human rights obligations and to accept full responsibility for the lives of people held in state custody.

We hope that you will accept and act on our advice.

As ever
Juliet

A handwritten signature in black ink, appearing to read 'Juliet Lyon', with a stylized flourish at the end.

Juliet Lyon CBE, Chair of the Independent Advisory Panel on Deaths in Custody

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cc: Nadine Dorries MP,
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