



IAPDC

EMAIL NEWSLETTER

WINTER 2021



www.iapondeathsincustody.org



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FROM THE IAPDC TO THE PSG

Let me start this Winter newsletter with huge thanks to all practitioner and stakeholder group (PSG) members for the work you do to prevent deaths in custody. We appreciate too the generous ways you draw on your knowledge and experience to inform and guide the work of the Independent Advisory Panel on Deaths in Custody (IAPDC) and the overall work of the Ministerial Council to protect lives.

Across the year we have valued your interest in, and support for, initiatives ranging from police leadership focused on keeping people safe to new guidelines for preventing deaths in immigration detention centres, now accepted and introduced by the Home Office. Thank you for helping to update the COVID Information Hub and your informed advocacy for community sentences with treatment requirements.

In the new year we expect positive outcomes from the implementation of Mental Health Units (Use of Force) Act (otherwise known as Seni's Law), the Justice Committee's continued inquiry and report into the impact of Indeterminate sentences for Public Protection (IPPs), and the announcement that exceptional case funding for bereaved families at inquests will no longer be means tested from January 2022.

We expect that the review of compassionate release, prompted by our avoidable natural deaths report with the Royal College of Nursing (RCN), will streamline and improve the process. We hope that our work, supported by the Chief Coroner, to improve the impact of preventing future death reports will bear fruit. Our 'prison - no place of safety' initiative, conducted in tandem with others, should help to ensure that people get the mental health and substance misuse treatment they need.

Meanwhile uppermost in all our minds is the threat of the new COVID variant of concern. The IAPDC will do all it can as an independent advisory body to make sure that people detained by the state and the front line staff responsible for their care are not forgotten in the government's drive to keep people safe from Omicron. We are again making the clear case for prioritising people, most of whom have underlying health conditions, held in inadequately ventilated closed environments. We commend all PSG members engaged in important, demanding face to face work and ask that you and everyone else stay safe.

With all good wishes for a peaceful new year,

JULIET LYON CBE



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COVID-19 VARIANT OF CONCERN

On 1 December the IAPDC wrote to the co-chairs of the Ministerial Board on Deaths in Custody (MBDC) – Victoria Atkins MP, Minister of State for Prisons; Gillian Keegan MP, Minister of State for Care and Mental Health; and Kit Malthouse MP, Minister of State for Crime and Policing – setting out concerns and advice regarding the new COVID-19 variant. The IAPDC advises that ministers expedite vaccination of prisoners and staff, introduce more robust and rigorous testing systems, and carry out physical and mental health checks for all people in prison following severe restrictions and extensive lockdown. Early release on compassionate grounds may need to be revised and re-introduced, not least as a safety valve for HMPPS.

The response the IAPDC has just received from the Prisons Minister sets out the considerable work we know is underway, but falls short of seeking to secure prisoners and prison staff as priority groups. Given significant threat levels, we will do our best to alert Cabinet members to the pressing need to provide additional assistance to prisons in order to save lives and to avoid prisons becoming ‘reservoirs of infection for any new variant of concern’, as the Scientific Advisory Group on Emergencies (SAGE) has warned.

Throughout the pandemic, the IAPDC has collaborated with National Prison Radio and Inside Time, the prisoners’ newspaper, to gather views from people in prison and to make sure their concerns and recommendations reach ministers and officials. In June last year ‘Keep Talking, Stay Safe’, examined prisoner experiences during the initial outbreak of COVID-19. This was followed in September 2020 by ‘Just One Thing: prison safety and COVID-19’, which analysed how to make prison safer, both during COVID-19 and in the longer-term.

This summer, interviews were recorded with a former prisoner, the daughter of a prisoner, a Samaritan Listener and an academic expert and clinician about safe emergence from lockdown. As part of our ‘Safe’ initiative, they were broadcast on NPR every Friday across June 2021, and you can listen to selected interviews on the IAPDC’s website.

The COVID Information Hub continues to prove useful to practitioners, policy makers and all interested parties. This week we have added a new international overview report by Penal Reform International to the hub and the second report by the Prisons and Probation Ombudsman (PPO) into learning from COVID-related deaths.

The IAPDC is gathering information for the forthcoming public inquiry into the COVID-19 pandemic. We will identify and acknowledge where effective action has been taken to protect the lives of people in custody and staff responsible for their care, as well as draw attention to specific instances where expert clinical, scientific and operational advice has been ignored and important opportunities missed.



Umbrella of Hope, HM Prison Full Sutton,
Commended Award for Painting, 2020.
Image courtesy of Koestler Arts

Invitation to members of the PSG:

Please update the IAPDC on work you are doing to keep people safe from Omicron and alert us to concerns you want raised with ministers and senior officials. Contact iap@justice.gov.uk.



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PROTECTING LIVES: PREVENTING SUBSTANCE MISUSE-RELATED DEATHS IN CUSTODY

The IAPDC and the Royal College of General Practitioners (RCGP) have been working together to examine how best to prevent drug and alcohol-related deaths in custody. After a successful roundtable event with cross-sector experts in April, we have engaged in further consultation and drawn on relevant research to produce a report setting out a cross-system approach to addressing alcohol and drug-related deaths within the criminal justice system. This new report, '[Protecting lives: a cross-system approach to addressing alcohol and drug-related deaths within the criminal justice system](#)' will be sent to ministers and discussed with lead officials. The report builds on [reviews by Dame Carol Black](#) and follows the publication of the Government's new [ten-year drugs plan](#) and the new [Prisons Strategy White Paper](#) which outline steps to reduce supply and improve treatment around substance misuse.

Recommendations from the report include:

- Better resourcing of community drug and alcohol services that divert individuals with substance misuse problems away from short custodial sentences into treatment in the community.
- Promoting wider collaboration between prison and community staff to encourage continuity of treatment, particularly during the transitional period when released from prison.
- Increasing the use of newly available opioid substitution therapy to help improve continuity of treatment and as a form of harm-reduction for opioid abuse.

**"...I'm stuck in hell where it's impossible to be a better man.
I'm surrounded by drugs."**

- Prisoner responding to the IAPDC's [Keeping Safe](#) consultation

PREVENTING DEATHS DURING AND FOLLOWING POLICE CONTACT

The IAPDC is working with policing minister Kit Malthouse MP to communicate his zero-tolerance approach to deaths involving the police. In November the minister [wrote jointly](#) with the IAPDC chair to Police and Crime Commissioners (PCCs) in England and Wales to call for further examples of good, local practice in preventing deaths at the point of, during and after, police custody, to ensure forces are learning from these tragic events.

Our [initial letter](#) in February 2021 received 20 detailed responses from police force areas as well as three from representative organisations. This has formed the basis of an [interim report](#) considering good practice in the areas of mental health, apparent post-custody suicides and embedding learning following a death. The IAPDC will publish a full report in the new year and work with the Home Office, policing partners, bereaved family members and other interested parties to progress and embed its recommendations.



STATISTICAL ANALYSIS OF RECORDED DEATHS IN CUSTODY BETWEEN 2016 AND 2019

The IAPDC has published its [latest statistical bulletin](#) providing a breakdown of all recorded deaths in custody in England and Wales from the start of 2016 to the end of 2019 in the following settings: prisons, immigration removal centres, police custody, and secure health settings (patients detained under the Mental Health Act).

For the first time, the analysis assesses deaths in custody through the perspective of population rates, which allows for further interpretation above straightforward consideration of total numbers.

Key findings include:

- Around one in five deaths in detention are self-inflicted.
- Deaths in all custodial settings are much higher than the background all-cause mortality for the general population of similar age and sex.
- Most deaths took place in prisons. The highest rate of deaths, however, is for people detained under the Mental Health Act.
- While there were more deaths in men than women in all settings, when the accompanying rates are considered, the difference in deaths between men and women narrowed.
- The proportion of deaths due to natural causes increased in the older age groups, and there were relatively more self-inflicted deaths in the younger age groups.
- There are significant gaps in data which need to be rectified.

“Focused on data and analysis of figures, essentially this report is about the deaths of people. Each one is a tragedy, for the individual and for the family. We believe that more can, and must, be done to keep people safe and to avoid the devastation and cost, in every sense, of each loss of life.”

- Juliet Lyon, chair of the IAPDC

Invitation to members of the PSG:

We welcome your thoughts on the content and methodology of the panel's new statistical analysis.
Please contact iap@justice.gov.uk.



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PRISONS WHITE PAPER

The Ministry of Justice's new Prisons Strategy White Paper sets out the department's strategy for prisons over the next two years as well as a longer-term 10-year vision. The strategy includes some welcome proposals and contains footholds for reform. The IAPDC believes that it should include a clear, unequivocal commitment to protect lives and keep people safe. The prevention of avoidable deaths – both natural and self-inflicted – must be a top priority for government.



Invitation to members of the PSG:

The White Paper invites responses to a number of questions. We would encourage PSG members to contribute to this consultation, which closes on 4 February 2022, as well as to highlight to the panel key areas concerning the prevention of deaths in custody that you want the IAPDC to emphasise in our response. Please contact iap@justice.gov.uk.

IAPDC AND MINISTERIAL BOARD ON DEATHS IN CUSTODY PRIORITIES FOR 2022

The IAPDC workplan for 2021/22 focuses on three priority areas:

- Mental health and substance misuse
- Embedding learning
- Physical health and COVID-19

The workplan contains 15 projects, of which nine focus solely on specific places of detention and six span cross-sector issues.

The panel's workplan complements the three priority areas of the Ministerial Board on Deaths in Custody. The Board met in full in November with an agenda focused on the health and justice response to the deaths of babies in prison and the joint inspectorate thematic report into mental health in the criminal justice system. Departments and the IAPDC provided updates on current work.



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IAPDC VACANCY - PUBLIC APPOINTMENT ADVERTISEMENT

John Wadham is stepping down as an IAPDC panel member at the end of 2021. We would like to thank John for his considerable contribution to the work of the panel, particularly in the fields of immigration detention and police custody, and his commitment to providing robust advice to ministers and officials on how they can meet their human rights obligations to protect life.

The IAPDC is now looking for a new expert panel member to lead and embed work to prevent deaths in all forms of state custody. Applications are open until 4 January 2022 and more information is available on the [Cabinet Office website](#).

Invitation to members of the PSG:

We would be grateful if members of the PSG could share this vacancy widely with your networks and partners. We particularly welcome applications from people with legal and human rights knowledge and experience. Please contact iap@justice.gov.uk with any further questions.



To support the IAPDC and work to prevent deaths in custody, you can:

1. Share the IAPDC [panel member vacancy](#) with your networks and colleagues.
2. Support the panel's calls to end the use of prison and police custody 'as a place of safety' in order to prevent avoidable deaths.
3. Read the latest [statistical report](#), [drugs and alcohol briefing](#) and our [interim report](#) on preventing deaths in, and immediately following, police custody.
4. Contribute your thoughts about the [Prisons White Paper](#) on ways to strengthen measures to prevent deaths in custody.
5. Alert the IAPDC to work you are doing to prevent deaths in custody and call on us for information and support.