

Keeping Safe

Driving down drug deaths



Juliet Lyon CBE

Most people know that if you could sort out drugs and drink you would cut crime, improve health and certainly reduce the risk of deaths in custody. Now the Independent Advisory Panel on Deaths in Custody (IAP) and the Royal College of General Practitioners (RCGP) are working together to contribute to a Prison Service review and wider government drug and alcohol policy.

Substance misuse in the criminal justice system is often approached as a security issue only. This has to be balanced with adequate treatment which puts preventing deaths in custody at the forefront. The overarching review on drugs by Dame Carol Black argues for a whole systems approach.

Before the pandemic, during the Keeping Safe consultation, Inside Time readers told us that drugs, debt and suicide were closely linked. Now both Covid restrictions and the introduction of body scanners in receptions have meant fewer drugs in prisons and less drug dealing and, in most places, a reduction in the violence that goes with them. As regimes open up, no one wants to go back to the days when, as one reader put it: "...I'm stuck in hell where it's impossible to be a better man. I'm surrounded by drugs." And another man explained: "Debt causes bullying and bullying causes stress and stress causes irrational thinking which causes self-harm."

There are ways to keep people safe. The first is preventative. Short prison sentences can entrench people further into substance misuse. Whereas community sentences with drug or alcohol treatment requirements can ensure that people get the support, medication and treatment they need to make different choices. I have written jointly with the Chair of the Magistrates Association to ask the Treasury for further funding in this Spending Review for robust court-ordered drug and alcohol treatment through Community Sentence Treatment Requirements. Rolled out across the country, this would improve health and divert individuals away from crime and away from the prison system.

You are most at risk when you move between prison and the community. According to probation inspectors, only one-third of prison leavers who have been referred to community treatment go on to attend within three weeks of release. Yet continuity of treatment is vital. Services need to work together to help bridge this transition, support people and not work in silos. Using a whole system approach, community treatment programmes should be about improving all aspects of someone's life (such as safe housing, money management and employment) instead of only trying to achieve abstinence.

The new government focus on skills training and jobs on release is important and matches the views of a woman in prison who advised our review:

"Setting up apprenticeships for released prisoners so they have something active and purposeful to do through the gate, learn a trade and earn a wage, instead of going out to the same thing - unemployment, benefits, boredom, abuse, sense of worthlessness, addiction - crime to pay for addiction."

There is scope to build on peer and family support - in custody and on release. Prolonged release Opioid Substitution Therapy (OST), which can be given as a weekly or monthly injection, should be encouraged as a form of treatment for opioid addiction. This gives a greater chance of continuing on a programme. The use of Naloxone should also be promoted in prisons to help reduce opioid overdoses.

No one knows just how many people in the criminal justice system die following substance misuse. The last dataset analysed for deaths in prison, now five years old, revealed that of the 88 drug-related deaths identified over a period of years, opiates were the most common drug type mentioned on death certificates. The Office for National Statistics (ONS) and HMPPS should collaborate again on a review to detail the current size of the problem in prisons with similar work carried out for deaths on community probation.

We need to learn more from investigations and expert clinical reviews. It's essential to implement recommendations made by coroners and by the Prisons and Probation Ombudsman, who now has authority to investigate deaths after release on probation. Understanding who is dying, where, how and why would inform more effective work to prevent tragic and avoidable substance misuse-related deaths in future. And save so much pain and heartache for everyone involved.

Juliet Lyon is Chair of the Independent Advisory Panel on Deaths in Custody (IAP)

The IAP would welcome your views on how to prevent drug and alcohol-related deaths. Please write to us at FREEPOST IAP - that's all you need to put on the envelope, nothing else. We look forward to hearing from you!

ELIZABETH WREAKES, PRISON LAW SPECIALIST OXLEY & COWARD SOLICITORS LLP

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Ryan Harman
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If you have been found guilty at adjudication for damage to prison or prison property the adjudicator must give you a requirement to pay compensation for this damage. This means that the prison can take monies directly from your prison accounts to pay for the costs of repairing the damage. This should not be used as a punishment but as a way to recover the costs to the Prison Service. Guidance on what should happen in these instances is included in PSI 05/2018 Prisoner Discipline Procedures, with particular detail in Annex C of this policy.

Adjudicators should inform you at the start of the adjudication that if you are found guilty you will be required to pay compensation for the damage caused, and how that would be recovered. The adjudicators should be provided with an assessment of the costs of the damage to help their decision making.

You should be given the opportunity to raise any mitigating factors - this means circumstances or factors which you think make your actions easier to understand and mean your punishment should be less severe. Annex C of PSI 05/2018 gives the example of ... 'where the prisoner has acted completely out of character and in response to very distressing personal circumstances'. It also reminds adjudicators that ... 'it would not normally be appropriate to lay disciplinary charges where the prisoner's actions were related to self-harm or preparations for it'. Mitigating factors must be recorded in the record of the hearing.

If a requirement to pay compensation is given, the adjudicator should avoid giving you a stoppage of earnings or deductions from earnings as a punishment, as this would make it more difficult to pay back the amount owed.

If you are given the requirement, you should be told the total amount to be recovered. This will normally be the full value of the damage, unless there are good reasons for it to be lower. The amount cannot be more than £2,000 and must not be more than the actual value of the damage caused. It can include labour costs for repair.

Monies can be taken from your private cash, savings and spends accounts. This can be in the form of a lump sum, or in regular deductions, or a combination of both. This will be decided outside of the adjudication.

Also separate from the adjudication process, the Governor must decide a minimum amount to be left in your account after payments towards the damage have been taken. This should be a minimum of £5 but can be more. To decide this they must take your personal circumstances into account, such as your need to maintain contact with family, your need to purchase any necessary items; any specific needs on ROTL or any needs relating to caring for a child in a Mother and Baby Unit.

If you are transferred between prisons, the recovery of outstanding compensation must continue at the new establishment. The debt can last for a maximum of 2 years or until your sentence expiry date, whichever occurs first, and regardless of whether the full amount has been repaid at this point.

If you are released from prison, recovery will stop but the amount will remain outstanding until you reach the two-year limit or your sentence expiry date. This means that if you are recalled to custody on a sentence that was being served when the compensation requirement was given, recovery can continue as long as it is still within two years. Similarly, if you were unconvicted at the time a requirement was given and then bailed, recovery can continue if you are then returned to custody on the same charge. Recovery should not continue if you are returned to custody solely on a different charge and sentence.

Annex C of the PSI explains that ... 'The actual decision to impose a compensation order for damage to prisons and prison property cannot be appealed against as this action is mandatory upon a finding of guilt for a charge under Prison Rule 51 (17) or 51 (17A) or YOI Rule 55 (18) or 55 (19)'. However, you could request a review of the adjudication itself - for more detail about how to do this please contact us and we can send you the PSI or our information sheet about adjudications which contain more details. Note that a review of the adjudication would include the actual amount owed, but not the minimum to be left in your account after payments - this decision is made by the Governor separately; so if you wish to challenge this you can do so using the internal complaints process.

You can contact our freephone, on 0808 802 0060, on Monday 3pm - 5pm, and Wednesday and Thursday 10.30am - 12.30pm. When we are not taking calls you can still leave a short voicemail. Alternatively, you can write to us at Prison Reform Trust, FREEPOST ND 6125, London EC1B 1PN. As always, we will respond to all enquiries as quickly as we can, by post or email-a-prisoner.

Please note, the above article focusses on prisons in England and Wales and may not apply elsewhere.

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