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**COVID-19 SECOND WAVE:  
URGENT STEPS FOR THE JUSTICE SYSTEM**

Policy briefing October 2020

#JusticePostCOVID

## COVID-19 SECOND WAVE: URGENT STEPS FOR THE JUSTICE SYSTEM

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### INTRODUCTION

With the number of confirmed cases of COVID-19 increasing sharply since the end of August and the number of hospital admissions and deaths also rising, we believe now is the time to look again at what urgent steps are required in order to ensure that the impact of COVID-19 on those in contact with the justice system is minimised. COVID-19 continues to significantly impact the most vulnerable in our society, including those in custody and those being released from prison.

We want to see urgent action from Government to relieve overcrowding in prisons by reintroducing the early release scheme and reducing the number of short sentences, remands and recalls.

To ensure the wellbeing and rehabilitation chances of people in prison, meaningful activities must be reintroduced or continued, including education, work and support. Where face-to-face activities can not take place then a resourced and functioning phone, email and video system should be in place.

We also need to ensure that when people do come out of prison they have somewhere to live, access to the basics, enough money to get by, and support to help them move on. Without this we are simply setting people up to fail and will see people coming out of prison into homelessness with a far greater chance of reoffending as a result.

Together our raft of recommendations represent a practical, pragmatic and necessary way forward for the Prison Service during this continuing crisis to ensure the safety of people in prison, their families and communities.



## IN PRISON

Prisons continue to deliver a limited regime, meaning that most people held in prison have been locked in their cells for up to 23 hours a day for the past seven months. Contact with family, access to education, offending behaviour programmes and interventions all continue to be severely impacted.

When the Coronavirus pandemic began to take hold in the UK, it was anticipated that the prison population would be hit very hard. Overcrowded prisons with inadequate sanitation would seem to present ideal conditions for the spread of a virus which was not fully understood. It is a tragedy that 23 people held in prison, 22 people on probation and nine members of staff have, so far, lost their lives to the virus. However, it is clear that the feared explosion in cases did not happen in the prison estate. By the end of August there were only 560 cases confirmed amongst adults and children held in the secure estate. And although it is understood that this represents an inaccurate picture of the genuine levels of infection because access to testing has been limited and variable, we have not witnessed an explosion of cases that we could have expected.

We applaud the Prison Service for the work that has been done, as this has clearly saved lives. Swift action and strong communication with staff and people in prison has helped to build a consensus that has meant that, in large part, there has been an understanding of the gravity of the situation and that everyone has to work together to save lives. We have worked closely and collaboratively with prisons in which we work to find alternative ways to deliver support. Widespread media coverage of our locked down society no doubt helped to demonstrate that the restrictions being imposed were not confined to within the prison walls.

However, with the growing number of cases in the community and recent outbreaks in several prisons, it is clear the danger is far from over. But it is also clear that the impact of the restrictions within prisons have been significant, not least on people's mental health and wellbeing. We believe we must now take further steps to ensure that the current level of restrictions does not continue indefinitely as this is unsustainable for those in prison.

Prisons have been cautiously restarting aspects of daily prison life, such as social visits, education and work – with adaptations where necessary to ensure safety. This is a good start, but it is difficult to see how, without a marked reduction in the number of people being held in prison, the severe restrictions on prison life can be eased substantially further. There is a real risk that the limited progress made in these areas could be lost as freedoms are restricted once again as the number of cases rises. The most effective step which can be taken to enable a relaxing of lockdown in our prisons is to reduce the prison population. Reducing overcrowding will allow purposeful and rehabilitative activities to be resumed. Our prisons were already overcrowded, and overcrowding takes on new meaning when we are all living in a new world of social distancing. Whilst it is welcome that the prison population is now less than 80,000 for the first time in many years, as the courts adapt to the new normal and begin to process cases more quickly the prison population will inevitably soon rise again.

## Recommended steps:

We believe Government should now take further steps to relieve overcrowding, by:

- **A presumption against prison sentences of less than 6 months:**
  - We know that short prison sentences are ineffective in reducing reoffending, and the churn created in our prisons by people on short prison sentences creates an unnecessary heightened risk of the transmission of COVID-19. It impacts local prisons who take new admissions, but also impacts across the prison estate as people are moved from local prisons to create additional capacity at those prisons that accept people from the courts.
  - A presumption against short prison sentences will therefore have the double benefit of reducing the size of the prison population and reducing the amount of movement into and within the prison estate.
- **The reinstatement of the early release scheme with a wider remit:**
  - The early release scheme for people in the last 2 months of their sentence delivered only limited reductions, with only 316 people being released<sup>1</sup> (from a predicted 4,000) by the end of August.
  - This scheme should be reintroduced with a wider scope (to include people with longer left to serve for example) and simplified qualification criteria.
- **Recall should be avoided as far as possible to prevent further spread of COVID-19 in the prison estate, except where the person is to be charged with further offences.**
- **Remanding someone to prison should only be used as a last resort**

These measures will reduce the size of the prison population, and mean that staff on the ground have the breathing space required to ensure that those still held in prison can have the widest possible access to time out of cells and meaningful activity. This is important to tackle the growing mental health crisis in our prisons, and to give people the best opportunity to use their time constructively, getting the help and support they need, in order that they can rebuild their lives on release.

Maintaining contact with friends and family is really important for people in prison, as links to the outside world can really help with the transition back into the community and strong family and community connection can support a reduction in reoffending. We therefore recommend the following steps:

- **Retaining the funding for the extra phone credit and reduced phone charges for people in prison;**
- **Improving in cell technology to ensure that people can contact family even if locked down;**
- **Continuing and expanding the use of video visits and email contact.**

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1. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/925232/HMPPS\\_COVID19\\_SEP20\\_Pub.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925232/HMPPS_COVID19_SEP20_Pub.pdf)



# LEAVING PRISON

As a charity delivering support in prison and in the community we have seen and heard first hand the very real impact of the lockdown and the critical need for support for people leaving prison, including having somewhere safe to stay and access to financial and health support. The Ministry of Justice plays a critical role in this but with responsibility for vital support also being held by other Government departments, a truly cross-governmental approach is needed.

The world outside the prison gate is very different from before the pandemic. Support is mostly delivered remotely, having somewhere to live is more important than ever, and having access to the basics is critical. In the earlier stages of the pandemic, the Ministry of Justice introduced a number of new forms of support, such as mobile phones on release and funding to help prison leavers who would otherwise be homeless. As we see a significant rise in cases, the tightening of restrictions in the community and local lockdowns across large parts of the country, it is vital that previous support remains and further steps are put in place to ensure the safety of people being released from prison. This is critical in order to protect them from infection, to help prevent the transmission of COVID-19, and also to ensure that they are given the best chance at a second chance.

## Recommended steps:

We believe that everyone leaving prison should have somewhere to live, access to the basics and enough money to get by, and support to help them move on. A Release Pack is even more critical during this time.

### 1. Housing

- The Ministry of Justice should reinstate the additional accommodation funding which will enable resettlement teams and probation officers to apply for additional support for people leaving prison otherwise at risk of homelessness during this period. This was a welcome and essential element of support earlier this year.
- There should be a clear duty and process to provide suitable accommodation for anyone who is released from prison if they are required to self isolate, are symptomatic or have tested positive for COVID-19. At present, there is no obligation for accommodation to be provided in these circumstances.

### 2. Basic essentials

- The discharge grant should be increased to £80 to help people afford the basics in the first days of release. This was the amount given to those released under the early release scheme and should be available to all.
- All prison leavers should receive a Release Pack including key essentials for those who need it, including:
  - Toiletries (including hand soap, a mask and hand sanitiser)
  - Basic food supplies
  - Change of clothes (if required)
  - Clear information about COVID-19 and restrictions
  - Clear points of contact for probation and other services

### 3. Communication

- The Ministry of Justice should again ensure that all prisoners leaving prison have a mobile phone, and are provided with one where necessary. This should be a smart phone with internet access in order to access vital services and maintain contact during isolation. Phones should be charged and have a basic four week data and calls package. Phones for people leaving prison have been crucial during the pandemic to ensure contact is maintained and support accessed.
- The DWP phone line should continue for prison leavers to enable people leaving prison to easily make a claim for Universal Credit.



## About Nacro

We are a national social justice charity with more than 50 years' experience of changing lives, building stronger communities and reducing crime. We believe that everyone should have the best chance at a second chance. That's why we combine practical and emotional support – helping to give people somewhere to live, skills, a job and connections as well as someone to turn to when life gets tough. And it is why we use our expertise to speak out and campaign to break down the barriers holding so many people back.



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