

# **Briefing on prisoners' diet and treatment**

**December 2010**

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## Criminal Justice Alliance briefing for Lord Sheldon's House of Lords question on prisoners' diet and treatment on Tuesday 21 December 2010 at 2.30pm

### **About the Criminal Justice Alliance**

The CJA is a coalition of 51 organisations - including campaigning charities, voluntary sector service providers, research institutions, staff associations and trade unions - involved in policy and practice across the criminal justice system.<sup>1</sup> The CJA works to establish a fairer and more effective criminal justice system.

### **Overview**

- The prison population in England and Wales has surged since the early 1990s and, as a result, the prison estate is severely overcrowded.
- Overcrowding is the main obstacle to prisoners being treated reasonably.
- Prison overcrowding results in degrading and inhumane conditions for prisoners.
- Overcrowding stifles access to essential support services for prisoners - many of whom have high-level, complex needs - including education and training, drug and alcohol treatment, and mental health support.
- Overcrowding also affects prisoners' access to a healthy diet and exercise; this can, in turn, have an effect on prisoner behaviour and the safety of the prison environment.

### **Context**

Due to the overuse of prison in England and Wales, the prison population has grown from 44,552 in 1993 to nearly 85,000 today. As a result, spending on prisons has increased dramatically in recent years, yet a massive prison-building programme has barely kept pace with demand. The prison system is, consequently, severely overcrowded, and prison overcrowding, described by Lord Woolf, a former Lord Chief Justice, as a "cancer" at the heart of the prison service, is the major obstacle to prisoners being treated reasonably and appropriately. It results in prisoners being held in inhumane and degrading conditions, prevents prisoners from accessing vital resources and support, and compromises work to rehabilitate prisoners.

The prison system as a whole has been overcrowded in every year since 1994. Overcrowding is defined by the Prison Service as a prison containing more prisoners than the establishment's Certified Normal Accommodation (CNA) level, which represents 'the good, decent standard of accommodation that the service aspires to provide all prisoners'.<sup>2</sup> At the end of November 2010, the prison population in England and Wales was 110% of the CNA level and 76 of the 137 prisons in England and Wales (55%) were overcrowded. The twelve most overcrowded prisons were all at more than 150% of their CNA level and the most overcrowded prison, HMP Kennet, designed for 175 people but holding 339, had a population of 194% of its CNA level.<sup>3</sup>

### **Key issues**

#### **1. Prison conditions**

The over-occupancy of prison cells has increased significantly in the past decade. In 1996-1997, there were 9,498 prisoners either doubled up in cells designed for one or held three in a cell designed for two. In 2008-2009, this had risen to 20,452 prisoners, accounting for 24.7% of the prison population.<sup>4</sup> As a result, in addition to living in cramped conditions, prisoners often do not have separate toilet facilities and eat meals in their cells. They are therefore expected to eat, sleep and defecate in the same small space. Over-occupancy also puts individual prisons' resources under strain, ensuring that they are not able to give sufficient attention to individual

<sup>1</sup> Although the CJA works closely with its members, this briefing should not be seen to represent the views or policy positions of each individual member organisation. For a full list of the CJA's members, please see <http://www.criminaljusticealliance.org/organisations.htm>

<sup>2</sup> The Prison Service, Prison Service Order 1900, Certified Prisoner Accommodation

<sup>3</sup> [http://www.hmprisonservice.gov.uk/assets/documents/10004C14pop\\_bull\\_nov\\_10.doc](http://www.hmprisonservice.gov.uk/assets/documents/10004C14pop_bull_nov_10.doc)

<sup>4</sup> Prison Reform Trust (2010) *Bromley Briefings Prison Factfile December 2010*, London: Prison Reform Trust.

prisoners, that facilities are insufficient in size, and that staff are overstretched as they try to maintain a safe and positive prison environment.

A 2009 report by the Council of Europe's Committee for the prevention of torture and inhuman or degrading treatment called levels of overcrowding in prisons in England and Wales "a state of affairs to be deplored ... it should be recalled that even with an occupancy level of 95% of the total design capacity of a prison estate, it becomes nigh impossible for a prison service ... to ensure respect for inmates' human dignity"<sup>5</sup>. The report also urged the government, "once again, to consider fresh approaches towards eradicating overcrowding as a chronic feature of the prison system".<sup>6</sup>

## 2. *Mental health*

Up to 90% of prisoners have some form of mental health problem, from acute psychiatric illnesses to more common conditions such as depression. 66% of prisoners, for instance, have a personality disorder and 45% have depression or anxiety, compared with 5.3% and 13.8% respectively of the general population.<sup>7</sup> Levels of self-harm are high, particularly in the female estate: women represent 5% of the prison population, but account for over half of all reported self-harm incidents.<sup>8</sup>

Overcrowding can have a significant impact on prisoners with mental health problems. It places pressure on healthcare facilities, so that prisoners do not have access to the level of support they need. Overcrowding also causes prisoners to be moved around the prison estate, as the prison system attempts to find space near to the appropriate court for prisoners on remand. "Churn", as this process is known, has a negative effect. The disruption of being moved from one prison to another can be extremely damaging to a prisoner's mental well being; 28% of self-harm incidents occurred within the first month of arriving in a prison.<sup>9</sup> Prison transfers can also affect continuity of care, with some prisoners becoming 'lost' in the system.<sup>10</sup> A 2004 report by the Joint Committee on Human Rights raised concerns about the link between prison overcrowding and self-inflicted deaths in custody.<sup>11</sup>

## 3. *Access to education, training and drug/alcohol treatment*

There are high levels of illiteracy and innumeracy among the prison population and almost half of all prisoners have no qualifications at all.<sup>12</sup> However, prison overcrowding places huge demand on educational services, and means that many prisoners cannot access courses; according to the Offender Learning and Skills Unit just under a third of the prison population is attending education classes at any time.<sup>13</sup>

Similarly, for the significant proportion of prisoners with drug or alcohol dependencies, accessing treatment in overcrowded prisons can be extremely difficult. Services for alcohol users are particularly scarce, and the level of overcrowding within the prison estate means that the high numbers of prisoners with alcohol problems are unlikely to receive the support they need. In a recent thematic report by HM Inspectorate of Prisons, 60% of those who entered

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<sup>5</sup> p. 20: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2009) *Report to the Government of the United Kingdom on the Visit to the United Kingdom* - <http://www.cpt.coe.int/documents/gbr/2009-30-inf-eng.pdf>

<sup>6</sup> *Ibid.*, p. 20.

<sup>7</sup> Centre for Mental Health (2009) *Briefing on Mental Health Care and the Criminal Justice System*, London: Centre for Mental Health.

<sup>8</sup> *Ibid.*

<sup>9</sup> Prison Reform Trust (2010) *Bromley Briefings Prison Factfile December 2010*, London: Prison Reform Trust.

<sup>10</sup> Durcan, G. (2008) *From the Inside: Experiences of Prison Mental Health Care*, London: Centre for Mental Health.

<sup>11</sup> Joint Committee on Human Rights (2004) *Deaths in Custody, Third Report of Session 2004-5*, London: The Stationery Office

<sup>12</sup> Prison Reform Trust (2010) *Bromley Briefings Prison Factfile December 2010*, London: Prison Reform Trust.

<sup>13</sup> *Ibid.*

prison with an alcohol problem said that they thought they would leave with an ongoing alcohol problem.<sup>14</sup>

Additionally, churn disrupts education, training, and drug and alcohol treatment, with prisoners moved before they can complete courses and programmes. Frequent moves, combined with prisoners being held further from home as a result, also damage family relationships, with visits being disrupted, and compromises resettlement work. Churn is a considerable problem within the prison estate, and affects a large number of prisoners: between June 2007 and June 2009, there were 270,000 prisoner transfers - an average of 2,600 a week.<sup>15</sup>

#### 4. Exercise and diet

The pressure on resources caused by prison overcrowding can also affect prisoners' access to exercise and a healthy diet. A report by the National Audit Office on prisoner diet and exercise found that just 43% of prisoners participate in some form of organised physical education activities. It noted that prisoners are provided with meals that rely heavily on convenience foods, such as burgers, tinned food and frozen vegetables, and that the average levels of salt in meals were far above the government's recommended levels - up to 93% more in the case of the adult male standard meals. Additionally, the report raised concerns about kitchens having to cope with larger populations than they were designed for, and the consequent delays between the preparation and serving of food. Since food is often not served within 45 minutes of its preparation, it can lose palatability and nutritional content.<sup>16</sup>

As well as its clear importance in terms of prisoners' physical health, the National Audit Office report emphasises food as a key issue in control in prisons and highlights the potential link between nutrition and prisoner behaviour. The report points to a study carried out in 1996-1997 at Aylesbury Young Offenders' Institution which looked at the effect of reinstating prisoners' intake of nutrients to government recommended levels. 231 young adult prisoners were randomly given either placebo or real capsules, which contained broadly the daily requirements of vitamins, minerals and essential fatty acids, and the number of disciplinary offences committed by each participant was monitored before and while taking the capsules. There was a statistically significant finding that those receiving the real capsules committed an average of 26.3% fewer offences than those taking the placebo; additionally, they showed a significant average reduction in disciplinary incidents of 35.1%, whereas the placebo group reduced their rate of offending by only 6.7%.<sup>17</sup> A nutritious diet can, then, be an important factor in reducing antisocial and violent behaviour in prisons, and in maintaining a safe and secure environment for prisoners.<sup>18</sup>

#### Conclusion

A reduction in the use of custody would alleviate prison overcrowding and free up space and resources in the prison estate so that, for those who do need to be there, prison offers a humane environment, and a real chance of rehabilitation.

For further information about this briefing, please contact Jon Collins, Campaign Director, at [jon.collins@criminaljusticealliance.org](mailto:jon.collins@criminaljusticealliance.org) or on 020 7840 1207.

<sup>14</sup> HM Inspectorate of Prisons (2010) *Alcohol Services in Prison: An Unmet Need*, London: HM Inspectorate of Prisons

<sup>15</sup> Prison Reform Trust (2010) *Bromley Briefings Prison Factfile December 2010*, London: Prison Reform Trust.

<sup>16</sup> National Audit Office (2006) *Serving Time: Prisoner Diet and Exercise*, London: The Stationery Office

<sup>17</sup> Appendix 3: National Audit Office (2006) *Serving Time: Prisoner Diet and Exercise*, London: The Stationery Office

<sup>18</sup> A new three-year study, which started in 2008, is looking further into the links between nutrition and prisoner behaviour. This study is much larger than the research conducted in Aylesbury YOI, with 1,000 prisoners aged 16-21 from HMYOIs Hindley, Lancaster Farms and Polmont in Scotland participating. In addition to looking at the effect of nutrition on violent behaviour, it is also examining it in relation to incidents of self-harm. For further information on the study, see Ramsbotham, D. and Gesch, B. (2009) 'Crime and Nourishment: Cause for a rethink?', *Prison Service Journal* no. 182.