

From: THE PRIVATE SECRETARY

cc Press Office



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

30 December 1983

Den David,

md

Prime Minister

30/12

.... I attach a copy of an article which the Home Secretary has sent to The Times today about prisoners in police cells.

.... It is in effect a response to the attached article by Mr Kilroy-Silk published on the features page of The Times on 14 December.

As you will see the Home Secretary's article (which we hope will be in Tuesday's edition) reflects the fact that by today all prisoners have in fact been cleared from police cells.

Mavis Cow
Hughtaylor

H H TAYLOR

D Barclay, Esq

ARTICLE FOR THE TIMES

For some time now prisoners on remand committed to prison custody have been held in substantial numbers in police cells. In 1983 the average number of such prisoners was about 280 with a record level of 626.

I have repeatedly expressed the view that this practice is highly undesirable. Cells of this kind were not built to hold such prisoners and are physically quite unsuitable for the purpose. Their use involves hardship for the prisoners and also causes considerable difficulty for those visiting them, especially their lawyers. It also ties down valuable police resources which are far better used elsewhere.

That is why I decided last July that this practice should cease and set a target of the end of 1983 for bringing it to an end. I knew that this was a very demanding target, and many people were highly sceptical of its attainment. Robert Kilroy-Silk, for example, in his article in the Times as recently as 14 December welcomed the objective but asked: "But can he keep it? ... Something more immediate and more radical is needed."

The answer is that I do not think it is right to interfere with the penal process, as Mr Kilroy-Silk implies I should, by the use of such measures as early release or an amnesty, in order to effect a measure of jail delivery. Nonetheless, by 30 December all police cells were cleared of remand prisoners committed to prison custody by the courts.

How was this achieved, how did the problem arise in the first place and what are the prospects for the future?

The problem arose mainly in London and the South East where the number of unconvicted prisoners has increased markedly in recent years. In the second half of 1983 there were over 300 more unconvicted prisoners in the South East region than in 1982.

At the same time, key parts of London prisons have been taken out of use for essential repairs and renovation. Refurbishment and repair had become urgently necessary. We have now introduced nationally by far the biggest programme this century for maintenance, rebuilding and extending the existing penal estate. But while the programme goes on it does mean we lose the use of accommodation, most notably some 450 cells, many holding more than one prisoner, at Brixton and Wormwood Scrubs.

So how, then, have we been able to attain the target? I was determined to avoid, if at all possible, simply shifting the problem by adding further to overcrowding in the prisons. Fortunately, we have been able to avoid this by bringing into use for sentenced prisoners accommodation which was either new or hitherto could not be used to its full extent. This enabled unsentenced prisoners to be transferred to accommodation previously used by sentenced prisoners. It has involved a radical restructuring of the functions of the London men's prisons. Wormwood Scrubs is now the main remand prison for London, although certain categories of remand prisoners are still held at Brixton. One wing of the training prison at Coldingley in Surrey is now used for unsentenced prisoners from London. In addition, some civil prisoners have been transferred from Pentonville to Ashford Remand Centre and some short-sentenced men sent to training prisons wherever space could satisfactorily be found. Together with the seasonal drop in the prison population, these and other measures have enabled us to achieve our immediate objective of clearing police cells of prisoners committed to custody by the courts.

In doing this the Prison Service has achieved an outstanding result at a time when the system was already under strain, and I greatly appreciate what they have done.

But the long-term task is not over. We must expect the prison population to rise, as it usually does, during the period up to Easter. The Prison Service is now engaged in the difficult

and major effort of seeking to absorb these additional pressures. We shall be gaining accommodation at Albany and Lewes prisons and, most importantly, the renovated 'A' Wing at Wormwood Scrubs. We are also considering further possibilities for better use of existing accommodation. The position will certainly be a very tricky one for a few weeks, and indeed months, to come. I cannot totally exclude the possibility of using police cells again if exceptional circumstances arise.

But I am confident that once the immediate period ahead of us is over, our more long-term policies will begin to have an effect. Our major prison building programme, the reduction of the minimum qualifying period for parole, the other measures designed to divert some offenders from custody: all of these factors should ensure that the routine use of police cells for prison overflow remains a thing of the past.

Time is running out, Mr Brittan

by Robert Kilroy-Silk

The Home Secretary has repeatedly promised that prisoners on remand would no longer be held in police and court cells by the end of this year. He has little time left. At the last count, on November 24, 478 prisoners were held in prison cells, among them nine youths and 17 women and girls. Earlier this year the practice was confined to the Metropolitan Police area. Now it has spread to 15 others.

The number of prisoners in police custody varies from day to day. The average is somewhere between 150 and 250, though a record of 511 was recently achieved. But whatever the number, the conditions in which they are held are, as the police are the first to point out, often appalling. Court cells are designed to hold prisoners for only a few hours, not for several nights or even weeks. Yet this is now the daily routine in London and elsewhere.

The worst conditions of all are probably at Camberwell court in south London, where two prisoners share a cell much smaller than the Victorian prison cell designed for one. The prisoners sleep on adjoining mattresses, one of which is on the floor, are locked up for at least 23 hours in every 24, are allowed exercise only if sufficient police are available to guard them and have no educational, vocational or

training facilities. Washing and toilet facilities are inadequate and there are no facilities to receive visitors, including legal advisers.

Such visits, as I witnessed earlier this year, take place with the visitor standing in the corridor and talking through the spyhole in the cell door. The whole procedure is degrading to the prisoner, the visitor and the police. Yet these are the lucky ones, at some other centres visitors are not allowed at all.

These prisoners, let us not forget, are on remand. They are still innocent, still unconvicted. Many, indeed will be acquitted, or if convicted be given a non-custodial sentence. Yet every one will have spent weeks, if not months, in dungeon-like conditions.

The Home Office now says it cannot calculate the number of police officers employed in dealing with remand prisoners in police cells. Last February, however, we learnt that about 26 sergeants and 90 constables were guarding 202 prisoners at 26 locations. As the number of prisoners and locations has increased, so, no doubt, has the number of police guards.

We know also that the cost to the Home Office of police overtime alone amounted to £1,725,865 between January and October 1982. This is an expense we could do

without, particularly at a time of extensive cuts in the health, welfare and social services.

Moreover, the police have better things to do with their time. Those officers currently acting as turnkeys joined the police force, we assume, to catch criminals. Given the increase in serious crime, especially in London, that is clearly where they are most needed.

So the Home Secretary's promise to end this disgraceful practice by the end of 1983 is welcome. But can he keep it? It is no good his saying that he has embarked on a prison building programme that will provide 10,000 new places by 1991. We need them now.

He has added to the prison population by the changes he has made in the parole system for long-term prisoners. The release of short-term, non-violent offenders will not be on a sufficient scale to help him fulfil his promise.

Something more immediate and more radical is needed. The question then is, has Mr Brittan the political courage to provide it? We do not have long to wait to find out.

The author is Labour MP for Knowsley North and chairman of the Parliamentary Penal Affairs Group.

©Times Newspapers Ltd, 1983

TIMES

16/12/83

11

Prison Service.