



Thematic Review

**The joint inspection of prisoner escort
and court custody in England and Wales
undertaken by**

**MCSI Inspection of Court Services
(HM MCSI)
and
HM Inspectorate of Prisons
(HMI Prisons)**

Contents

Chief Inspectors' Foreword

Summary of recommendations	1
----------------------------	---

Introduction	3
--------------	---

Background	3
------------	---

Custody and escort contracts	4
------------------------------	---

Timing of the inspection	4
--------------------------	---

Methodology	4
-------------	---

Joint working and performance management	5
--	---

Managing performance	5
----------------------	---

Inter-agency co-operation	6
---------------------------	---

Sharing information	6
---------------------	---

The treatment of prisoners at court and during escort	8
---	---

Clothing	9
----------	---

Food	9
------	---

Provision for prisoners with additional needs	10
---	----

Disabled access	10
-----------------	----

Vulnerable prisoners	11
----------------------	----

Language and interpretation	11
-----------------------------	----

Religious observance	12
----------------------	----

Conditions in which prisoners are held and custody staff work	13
---	----

Facility design and standards	13
-------------------------------	----

Repair and maintenance	15
------------------------	----

Cleaning	16
----------	----

The role of Lay Observers	16
---------------------------	----

Duration of the escort and court custody experience	18
Arrival times	18
Departure times	19
Delays during the day	19
The impact on child and female prisoners	20
Distances travelled	20
Protection of health, safety and security	22
Segregation	22
Cell capacities	23
Searching, confiscation and smoking policies	23
Risk management	24
Seatbelts in escort vehicles	24
Vans and van docks	25
Prison video links (PVLs) – an alternative approach	26
Arranging PVL hearings	26
Location of PVL equipment	28
Glossary	29

Chief Inspectors' Foreword

Until the end of March 2005, HM Magistrates' Courts Service Inspectorate (MCSI) had a duty to inspect and report to the Lord Chancellor on the organisation and administration of magistrates' courts. In April 2005, MCSI migrated into HM Inspectorate of Court Administration (HMICA) with a wider remit that includes inspection of the administration of the Crown, county and magistrates' courts, and the services provided for those courts. HMI Prisons inspects and reports to the Home Secretary on the treatment of prisoners and conditions in prisons in England and Wales. Together, these remits encompass the arrangements for escorting prisoners to and from court and detaining them in court custody before and after hearings, which is the subject of this inspection.

Traditionally, we have examined some aspects of prisoner escort and court custody, such as the standards of custody facilities in magistrates' courts, and the delivery of prisoners to prisons, during single agency inspections. But in September 2003, MCSI and HMI Prisons looked, for the first time, at the end-to-end process for escort and custody as part of the joint area inspection in Gloucestershire. Following that experience, we decided to conduct a thematic review of custody and escort arrangements across England and Wales. Overall, we found a very mixed picture.

We are pleased to report that our inspection has confirmed previous impressions that staff employed by all the custody contractors are generally caring, compassionate and respectful towards the prisoners in their care. There have been improvements in the provision of food and information, and an end to the appearance of prisoners in paper suits. However, the attention given to meeting the diverse needs of prisoners is limited and variable.

Safety and security is generally well managed although the communication of risks is not always effective. The absence of agreed upper limits for the number of prisoners per cell and a consistent policy on smoking have a detrimental effect on health, safety and decency for prisoners and staff.

The standard of custody facilities is improving and most are acceptable. However, the gap between the best and the worst is too wide. Poor joint working between the agencies involved compromises the management and maintenance of some facilities.

Poor implementation of the new contracts, and less than effective joint working, have also characterised the period following the introduction of new contracts for escort and custody in August 2004. Performance under the new contracts has been very disappointing, with prisoner welfare and court business suffering due to late arrivals at court and late returns to prison. Much of the attention has rightly been on the activity of the contractors and it is clear there is still much work to be done by them to improve performance. However, the prisons and courts need to recognise the role they too have to play in improving performance.

We are concerned that unless the National Offender Management Service (NOMS), the contractors and Her Majesty's Courts Service (HMCS) work together to identify and implement system-wide improvements to escort and custody, the levels of performance that could be achieved under the new contracts will not be realised. The signs of improvements that have been observable since last autumn are likely to plateau without more joint working. Contractors will continue to be unable to meet all their obligations, but will successfully plead mitigation against any penalties imposed if the reason for poor performance lies outside their control.

Inspectors also examined the use of prison video links (PVLs) and found they can provide an effective alternative to a personal appearance. However, ineffective booking arrangements, and the absence of links between youth courts and juvenile prisons, mean that PVL facilities are not fully exploited. This is particularly disappointing for women, young adults and juvenile prisoners who suffer disproportionately long days at court and lengthy journeys to more distant places of custody.

Of the eight recommendations contained within this report:

- ◆ four relate to the treatment of prisoners and conditions in court custody and under escort, including making more effective use of reports from Lay Observers
- ◆ two relate to health and safety in court custody facilities and on escort vehicles
- ◆ one is aimed at reducing delay
- ◆ one is concerned with the use of prison video links.

Some of the recommendations touch on areas that concern police custody suites, and we acknowledge that progress will, to some extent, depend on the co-operation of police custody staff. To the extent that these recommendations are addressed to the multi-disciplinary PECS board we anticipate that the police will form part of the solution to some of the problems identified.

We are pleased that the agencies are developing a joint action plan in response to our recommendations. Inspectors will monitor progress and report formally on how effectively each of the recommendations has been addressed, in approximately 18 months time. We hope that this report will serve as a catalyst for multi-agency working that moves us towards the common goal of establishing an effective and efficient system for prisoner escort and court custody, which places prisoner welfare, safety and security, and the business of the courts at its heart.

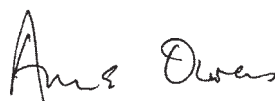
We are grateful to the staff in the Crown and magistrates' courts, the prisoner escort contractors, PECS and NOMS, who contributed to this inspection by sharing their experiences of escort and custody. We would also like to thank Sir Ron de Witt and the senior judiciary for allowing the inspection to include the Crown Court, which at the time of inspection was not within the remit of MCSI.

Although the inspection itself was undertaken under the auspices of MCSI, this report is published under the logo of HMICA (the successor body) who will be leading the post-inspection review process.



Dr Stella Dixon

former HM Chief Inspector, MCSI



Anne Owers

HM Chief Inspector, HMI Prisons

June 2005

Summary of recommendations

Recommendation 1

That HMCS ensure it meets its duty under the Disability Discrimination Act 1995 in relation to custody facilities.

Recommendation 2

That HMCS, PECS, NOMS and the custody contractors, in consultation with the police, work together to establish minimum standards, set out in a custody users' charter, which cover:

- ◆ treatment
- ◆ facilities
- ◆ vulnerability
- ◆ cell operational capacities
- ◆ diversity
- ◆ smoking.

Recommendation 3

That HMCS, PECS and the custody contractors work together, both strategically and operationally, to develop a joint approach to improving and maintaining the fabric of individual custody facilities by:

- ◆ prioritising investment using the agreed standards
- ◆ establishing local mechanisms for monitoring and maintaining the improvements.

Recommendation 4

That PECS and HMCS review the sponsorship and reporting arrangements for Lay Observers, with a view to ensuring that their reports are considered and actioned at an appropriate level.

Recommendation 5

That HMCS, NOMS, PECS and the custody contractors work together, both strategically and operationally, to reduce time between leaving prison in the morning and returning after the hearing, by:

- ◆ reducing the number of late arrivals at court
- ◆ reducing the number of late departures from court
- ◆ minimising the distances travelled by prisoners on court days.

Recommendation 6

That HMCS, NOMS, PECS and the contractors review arrangements at both strategic and operational levels for identifying, sharing and eliminating risks associated with escort and court custody and ensure communication of risk is effective and timely.

Recommendation 7

That PECS commission and publish the findings of independent research to determine the health and safety implications of installing seatbelts in cellular vehicles.

Recommendation 8

That HMCS, NOMS, PECS and the YJB ensure that better use is made of prison video links for hearings involving children, young adults and women and consider providing a national booking system for all PVL slots.

Introduction

Background

- 1 In September 2003, as part of a joint area inspection in Gloucestershire, MCSI (now HMICA) and HMI Prisons worked together for the first time to inspect the management and care of prisoners under escort and in court custody and the impact of prisoner delivery times on the running of the court.
- 2 Some aspects of prisoner escort and court custody have been examined previously as part of Prisoner Escort and Custody Service (PECS) security audits and HMI Prisons and MCSI inspections. However, the complex array of interfaces between prisons, courts, PECS, the police and other agencies involved with prisoner escort and court custody, had never before been examined.
- 3 Building on the experience gained in Gloucestershire, the Chief Inspectors of MCSI and HMI Prisons decided to continue their joint approach, by carrying out a review of prisoner escort and court custody across England and Wales. The inspection sought to determine whether:
“...the treatment and conditions experienced by prisoners, and other court users, in court custody are decent, respectful, safe and secure; they meet the diverse needs of those being held; and the operation of court custody supports the efficient administration of justice.”

This report presents the findings of that inspection.

- 4 Appearing in court whilst in custody is never going to be pleasant. Prisoner escort and court custody includes a number of inherently negative experiences including the deprivation of an individual's liberty, confinement in cellular vehicles and holding cells at court, sometimes lengthy journeys between prison and court and the prospect of a court appearance. However, there are many other factors, which can increase or reduce the stress associated with prisoner escort and court custody, over which greater control can be exercised.
- 5 These controllable factors include the:
 - ◆ treatment of prisoners at court and during escort
 - ◆ provision for prisoners with additional needs
 - ◆ conditions in which prisoners are held and transported
 - ◆ duration of the escort and court custody experience
 - ◆ protection of prisoners' health and safety.
- 6 The inspection has looked at each of these aspects and considered how effectively service providers are meeting the needs of prisoners and other stakeholders. The inspection has also examined prison video links as an alternative to prisoner escort and court custody and how effectively the agencies involved with prisoner escort and court custody work together.

Custody and escort contracts

- 7 In August 2004, a new generation of contracts for the delivery of prisoner escort and court custody services came into effect in England and Wales. Three private companies have been commissioned to collect prisoners from prisons and police stations and escort them to court. At court, the contractors operate the court custody facility and supervise the prisoners. They also transfer prisoners to and from courtrooms, supervise them whilst in the dock and escort prisoners back to designated locations after the hearing.
- 8 The contracts were awarded by the Prison Service – now part of the National Offender Management Service (NOMS) – following a detailed procurement exercise. The activities of the contractors are overseen by PECS, which is part of NOMS.

Timing of the inspection

- 9 The inspection took place five months after the start of the new contracts for the provision of prisoner escort and court custody services. There were clearly some transitional problems, which Inspectors took into account when reaching their judgements. However, the scope of the inspection went beyond the areas directly affected by the contract changeover. The timing of the inspection also enabled Inspectors to identify a number of issues relating to the operation and management of custody and escort, which were thrown into relief by the start of the new contracts.

Methodology

- 10 The inspection of prisoner escort and court custody was conducted jointly by MCSI and HMI Prisons. The inspection included Crown and magistrates' courts, although at the time of the inspection the Crown Court fell outside the remit of MCSI. Permission to include the Crown Court was provided by the Chief Executive of Her Majesty's Courts Service and the senior judiciary.
- 11 Information was gathered from court staff and the custody contractor using a questionnaire. The survey findings were used to identify emerging inspection issues and potential sites for fieldwork. Inspectors visited 17 courthouses across England and Wales and spoke to staff from the courts and the custody contractors. Conditions within the custody facilities were also inspected during courthouse visits.
- 12 Interviews were carried out with managers from HMCS, the custody contractors, PECS and NOMS. Existing sources of data were analysed, including performance data relating to the new contracts and the findings from HMI Prisons' database of prisoner surveys, examining their experiences of escort and court custody.
- 13 The inspection was carried out by the following staff from MCSI and HMI Prisons: Jeremy Smith, Monica Lloyd, Arif Hussain, Caroline Sage and Lori Buckley.

Joint working and performance management

- 14 The arrangements for prisoner escort and court custody are complex, involving a number of different agencies from the public and private sectors. To make the arrangements work effectively, close co-operation between those involved with service delivery is essential. The onus is currently on the custody contractors to improve performance. However, all the agencies have a part to play and benefits will be limited unless those in other parts of the system recognise the contribution they can make and the effect their action, or inaction, has on others.

Managing performance

- 15 Performance management is a major feature of the new escort and custody contracts. Contractors have introduced new IT systems, able to gather a vast range of information. Although some of the data collection has been automated through clever use of the latest technology such as Global Positioning, many custody staff describe a significantly increased workload because of the amount of information they are required to collect and record.
- 16 The new performance management framework includes an astonishing 235 measures, based on the performance obligations within the new contracts. Where the contractors fail to meet their obligations financial penalties are incurred, along with a much smaller range of rewards for good performance. Penalties were not applied until January 2005.
- 17 There is an assumption that enforcement of the contract standards will bring about the improvements in performance that are sought. However, where penalties are incurred, the contractor is able to plead mitigation if the reasons for the failure fall outside its control. The danger is therefore that, without system wide co-operation, performance improvements will quickly plateau, while contractors and PECS spend significant time generating and considering pleas for mitigation against contract penalties. In the meantime, court business and prisoner welfare will not improve. Inspectors noted some evidence that this is already occurring.
- 18 Despite the emphasis on performance under the new contracts, there is little evidence of the data generated being used to identify opportunities for improvement. In fact contractors and PECS are at risk of being overwhelmed by the sheer quantity of management information. There is also evidence of difficulties administering the new system.



One contractor has used performance data to identify the ten prisons that are slowest to discharge prisoners in the mornings, allowing improvement efforts to be focused more effectively.

- 19 Courts are required to collect performance information relating to the time taken for prisoners to be transferred from their cell to the courtroom (inter-agency Service Level Agreement). Most courts have co-operated with the collection of this information although some have refused to take part. Compared with the information gathering burden placed on the contractors, the burden on the courts is light. It is unfortunate, therefore, that some courts have decided not to contribute, especially as delays associated with the transfer of prisoners to the courtroom from the cells is a source of regular complaint by courts.

Inter-agency co-operation

- 20 Following serious shortcomings in service when new contracts came into force, local court and custody staff worked tirelessly to keep things working smoothly. In general, working relations and co-operation at the courthouse level are good, although performance problems have created some tensions. Joint working at a more strategic level is less effective and is based around the PECS Board, which oversees the management of prisoner escort and court custody at the national level, and PECS Forums, which provide strategic oversight and development for each contract area. Members of the PECS Forums have mixed views on their worth, and knowledge of the forums and their activity is poor away from forum members.
- 21 The start of the new contracts has seen the introduction of numerous new initiatives intended to improve performance. Many of these have been undermined by a lack of timely preparation before the contracts went live and poor inter-agency co-operation.

X Prisoners originating from a busy Young Offenders Institute, which serves a large number of courts, are often late for court because of the long distances travelled. The custody contractor has identified those courts with the longest journey times and has taken steps to ensure vehicles for these will be able depart first. However, the custody contractor reports that vehicles rarely depart in the most efficient order as prisoners are often brought down to reception with no regard for the order in which the vans are scheduled to leave.

X At one court, where very late arrivals were a regular problem, the contractor based two escort vehicles at the court. It was intended that these vehicles would be used to collect prisoners from local police stations, while the court was waiting for prisoners to arrive from elsewhere. The vehicles were rarely used for this purpose and instead were used to compensate for vehicle shortages.

Sharing information

- 22 Information sharing amongst all those involved in custody and escort is poor. There are many examples of information needs that are currently not met effectively, some of which are presented below.
- ◆ Custody contractors base their staffing levels at court on an assumption that all cases will involve a single defendant. If cases involve multiple defendants then additional dock officers have to be deployed, potentially causing disruption and delay elsewhere in the court. If the contractor is provided with adequate warning of multi-handers cases, additional staff can be provided. This rarely happens.
 - ◆ Each month, courts receive information from the contractors on the number of prisoners escorted, the number arriving late and the number of warrants provided outside the 30-minute target. This information is of limited use without additional detail on the length of such delays.
 - ◆ A day before the hearing, prisons provide details of the prisoners to be escorted the following day on Prisoner Information Forms (PIFs). These are the only source of information contractors receive before the prisoner is collected and contain information on the identity of the prisoner, any special needs, potential risks and details of the destination. PIFs are often poorly presented, in a variety of formats, and are sometimes illegible. The forms also include information on prisoners not destined for court, meaning contractors have to work out which prisoners they need to concern themselves with. Inspectors suggest that standardising and improving the quality of PIFs would significantly improve the efficiency and effectiveness of the process and recommend that, as part of Recommendation 6, steps are taken to improve the information provided by prisons to the contractors.

- ◆ A mental health assessment team, based in a busy court custody unit, could work more efficiently if it were able to access information held by other agencies. The team is typically notified of the identity of the individuals to be assessed in advance of the hearing date but is unable to use the notice period effectively to conduct valuable research. The team does not have access to the Internet from the custody facility and so cannot access medical records on-line or search other relevant databases. Important information is often contained within the CPS file but access to this is not possible until the day of the hearing.

We are also concerned about the communication of information about the risks that prisoners may constitute to themselves or others, which is discussed further in paragraphs 92-93.

The treatment of prisoners at court and during escort

- 23 In general, prisoners are well looked after whilst under escort or in court custody. During visits to court custody facilities, Inspectors were continually impressed by the respectful and caring attitude of the escort and custody staff towards prisoners in their charge. In turn, prisoners showed respect towards the custody and escort staff. These findings are confirmed by prisoner surveys, which find that most prisoners consider the custody and escort officers treat them well or very well.
- 24 Whilst appropriate attitudes and behaviour predominate amongst custody and escort staff, local cultures can vary and the attitude of one or two individuals can influence the way prisoners are treated. At one court visited the emphasis was on the welfare of the prisoners, whilst at a neighbouring court safety and security took priority. Within these two custody facilities the general atmosphere, the attitude of the custody staff and the treatment of prisoners were quite different.

✓ Boredom can be a significant problem for prisoners, who may have to wait for long periods of time either before or after their hearing. At many courts visited reading material is routinely provided for prisoners. Some custody staff bring in copies of free newspapers each day. However, at some courts, an attitude still persists that prisoners cannot be trusted with magazines and newspapers.

- 25 Some attitudes amongst custody and court staff are also potentially discriminatory. Attitudes towards, and treatment of, defendants in custody are often different from that for defendants free on bail. Examples include:
- ◆ The need for many prisoners in court custody to ask for toilet paper, paper towels and soap is seen as acceptable or inevitable by some. But the withdrawal of toilet paper, etc, from the public toilets at court would never be tolerated.
 - ◆ Courts regularly measure the length of time defendants **on bail** wait before their hearing. The measurement of equivalent waiting times for defendants **in custody** is patchy.
 - ◆ No smoking policies, which apply across the rest of the court estate, are applied inconsistently in court custody.
- 26 One of the biggest concerns for prisoners, in particular those remanded or sentenced to custody for the first time, is uncertainty over what is going to happen to them and where they are going to be taken. Many prisoners surveyed reported inadequate information, and previous inspections have also found this to be the case. However, during visits to custody facilities Inspectors were encouraged by improvements in this area. Some prisoners now have access to booklets describing the prison to which they are being sent, and at a few courts prisoners are also able to view prison reception videos whilst in the court custody facility. Unfortunately, some custody staff still assume that all prisoners are “regulars” and so know what to expect.

✓ At Truro Crown Court, a good custody facility had been enhanced further as part of the Safer Custody programme. Two cells had been equipped with televisions, which can be used to show videos about the prisons that serve Truro Crown Court. Newly remanded or sentenced prisoners are accommodated in one of these two cells and shown the video about the relevant establishment.

Prisoners at Truro Crown Court are also able to use a telephone linked directly to the Samaritans.

Clothing

- 27 Following the joint area inspection in Gloucestershire, Inspectors reported concerns over the appearance of a defendant at court in a paper forensic suit and no shoes. Since then, PECS has reiterated a previous directive that prisoners must have suitable clothing before appearing in court and that forensic suits are not acceptable. Inspectors are pleased to be able to report that custody contractors no longer accept prisoners wearing paper suits and one contractor keeps stocks of replacement clothes and footwear at each court.

Food

- 28 The food provided to prisoners is another aspect of prisoner care that has previously been criticised by Inspectors. Meals were judged not to have been adequate to sustain prisoners, especially if they had consumed their pre-packed breakfast the night before, or returned late to another small microwaved meal of the sort designed to “tide the prisoner over”. It is therefore welcome that the new custody and escort contracts clarify who is responsible for providing meals before the 07:00 and after the 19:00 watersheds. However, the sufficiency of meals still needs to be monitored and prisons should ensure that where breakfast is pre-packed, it is provided on the day of travel.
- 29 Inspectors found that, generally, prisoners are provided with adequate amounts of food and drink at court. Many custody staff are flexible and considerate with the provision of refreshments, often providing drinks to prisoners on request. At some courts a good range of meals is available, although at others the choice remains limited. A small number of courts lack adequate food preparation facilities and at these the provision of food is poor. Provision of food to meet diverse religious needs is patchy.

✓ At Torquay magistrates’ court, 11 menu options are available. Prisoners are provided with a laminated card, which includes details of the ingredients for each meal and whether it is suitable for those with particular dietary requirements such as vegan, halal or kosher food.

Provision for prisoners with additional needs

Disabled access

30 Disabled access to court custody facilities is generally poor. Stairs are the most common obstacle; however, other aids such as hearing loops are also rarely provided. Local interpretation of what constitutes an accessible custody facility varies.

31 New courthouses generally provide much better access for disabled prisoners, although some built in the last few years have still had to be adapted to provide improved access. The most recently built facilities, which have been built using the new DCA design guide, provide excellent access.

✓ At Cambridge Crown Court, which has been designed in accordance with the new DCA design guide, level access is provided to the custody facility from internal and external entrances. Once in the facility, wheelchair users can be easily accommodated in a cell with widened doors, and an accessible toilet is available. Prisoners or other court users with a hearing impairment can use an interview room fitted with a hearing loop. Access to courtrooms is via a dedicated custody lift.

✓ At Bicester magistrates' court a very small custody facility had been adapted to make it accessible for prisoners with mobility difficulties.

32 At some locations, where the custody facility is not fully accessible, court staff and custody contractors have worked together to develop a protocol for accommodating disabled prisoners. Changes to working practices, such as transferring prisoners using alternative routes, can be an effective and cost-efficient way of improving access, especially in locations where physical changes are not possible; but there are limitations and risks associated with this approach. At several locations where joint access protocols had been developed, other policies and practices, in particular those relating to emergency evacuations, had not been reviewed to accommodate a disabled person in the custody facility.

✓ In West Mercia, investment in improving accessibility has been focused on two courts in the area. Cases involving disabled defendants are heard at one of the two accessible courts.

33 Where steps have been taken to improve access, or where local staff have considered access needs, the emphasis tends to be on disabilities linked to mobility. Awareness of needs and provision for people with other types of disability, such as hearing impairment is often poor.

✗ Improvements to security provision have resulted in the installation of secure docks in many courtrooms. As a consequence, it is often difficult to hear proceedings from inside the dock. Some have been fitted with public address systems, but Inspectors found that these are not always switched on.

34 Replacement of custody facilities is not possible at the majority of courthouses. Some older courthouses have been effectively adapted to accommodate disabled court users but, in general, custody facilities have not been included in the programme of work to improve access to court buildings. Instead, efforts have focused on changes to practices and procedures, in accordance with Home Office requirements for enabling access for prisoners.

- 35 Whilst such an approach may accommodate the needs of prisoners, it does not necessarily meet the needs of other court users who may be disabled and could need access to the custody facility. For example, a disabled legal representative or probation officer could not visit prisoners at many courthouses. As a consequence, HMCS may not be meeting its statutory responsibilities under the Disability Discrimination Act, for custody facilities.

Recommendation 1: that HMCS ensure it meets its duty under the Disability Discrimination Act 1995 in relation to custody facilities.

Vulnerable prisoners

- 36 Many of the prisoners in court custody or under escort are vulnerable. Custody staff are generally aware of the types of vulnerability they are likely to encounter, although the level of knowledge and confidence in dealing with vulnerable prisoners is variable. Custody contractors have arrangements for providing training on mental health and substance misuse. However, when questioned, custody staff rarely report that they have had such training, but rely instead on experience acquired in the workplace.
- 37 In magistrates' courts, access to drug and alcohol workers and mental health professionals is generally available. In most cases mental health provision is based around a Community Psychiatric Nurse (CPN), available on-call. At some courts, more proactive schemes operate, in which a CPN visits the court and identifies any individuals in need of assessment.
- 38 At a small number of courts consultant-led schemes operate, which enable mental health assessments to be carried out within the court custody facility. These schemes are of great benefit, both to defendants whose needs are recognised, and to magistrates, who receive psychiatric reports straightaway, without having to adjourn the case to another date. The high proportion of prisoners admitted to hospital following an assessment (around 30%) illustrates the value and importance of these services. Disappointingly, at one court, the operation of the scheme was being disrupted by the late arrival of prisoners at court, which reduced the time available for assessments.

✓ At Horseferry Road magistrates' court, a consultant-led mental health referral team operates out of the custody facility on two days each week. Cases involving possibly mentally-disordered defendants are adjourned to Horseferry Road from other courts in central London on days when the referral scheme is operating, enabling the team to cover a wider area. The scheme is able to assess up to four defendants on the days it operates and can provide reports to the court the same day, if required.

- 39 Provision in the Crown Court is less well developed, although defendants appearing here are likely to have had prior access to mental health support in magistrates' courts and prisons.

Language and interpretation

- 40 The provision of written information to prisoners who cannot read English is generally good and, in one case, excellent. However, arrangements for other forms of communication with this group are not always adequate. Custody staff generally rely on the availability of the interpreter provided for the court hearing, although access to Language Line is available in one contract area.

- ✓ In London and the Southeast, the contractor has translated the prisoner information leaflets into 30 languages. Each of the translations, along with the English version, is also available in spoken form on a CD, which can be listened to in the custody facility or on the escort vehicle.

Religious observance

- 41 Provision for prisoners wishing to follow religious observance is patchy and, in most cases, poor. Many custody staff demonstrated a willingness to try to accommodate a prisoner's needs, although approaches were reactive rather than proactive. In general, staff lacked awareness and knowledge of the requirements of different religious faiths.
- 42 The diverse needs of prisoners should be identified and incorporated into the custody users' charter described at Recommendation 2.

Conditions in which prisoners are held and custody staff work

- 43 Most custody facilities in England and Wales reach an acceptable standard, although both excellent and appalling examples were encountered during this inspection. In general standards are improving, thanks to concerted efforts by PECS, DCA/courts and the custody contractors, particularly following the extension of the Decency Agenda from prisons to court cells, and ring-fenced funding. However, the difference between the best and the worst facilities is too wide. For custody staff, the custody facilities are their places of work. The working conditions experienced by these staff are often noticeably poorer than elsewhere in the courthouse.
- 44 Good facilities enable prisoners to wait in a safe, clean and relatively comfortable environment, minimising the stress associated with a court appearance. They also assist staff to fulfil their duty of care and contribute to the efficient running of the court.
- 45 In contrast, poor facilities can prejudice the exercise of the duty of care and add significantly to the stress of a court appearance and the task of supervising prisoners and meeting their needs, ultimately detracting from the efficient running of the court.

X At one of the 17 courts visited, the facilities could only be described as appalling. Every cell was filthy and covered with graffiti, much of which was extremely offensive and racist in nature. Several of the cells were also damaged, including one which could no longer be used because the destruction was so extensive. The level of vandalism witnessed must have accumulated over a long period; indeed, there was evidence that some of the graffiti was over ten years old.

Fortunately, since the Inspectors' visit, this facility has been partially refurbished, although Inspectors are concerned that these conditions had been tolerated for so long.

Facility design and standards

- 46 HMCS, HMICA, Lay Observers¹, PECS, custody contractors and the police all have a role in either inspecting, operating or providing court custody, but none of these groups share agreed standards for facilities, treatment or conditions. All those involved recognise the importance of these and are working towards improvements nationally and locally. However, the agencies' different priorities, perceptions and approaches reduce the effectiveness of both individual and co-ordinated efforts to effect improvements and can sometimes result in agencies pulling in different directions. Agreed standards would help all those involved, including Lay Observers, to agree priorities and co-ordinate efforts more effectively.

X The DCA and PECS attempted to identify the custody facilities in most need of improvement. However, the lists of courts identified by the two organisations were almost entirely different, indicating the use of significantly different criteria.

¹ Lay Observers are independent volunteers who visit prisoners in court custody and under escort, in order to check on their treatment and conditions.

- 47 The DCA has recently produced a new *Court Standards and Design Guide*, which is based on Home Office requirements and provides a gold standard for the construction of new custody facilities or those undergoing major refurbishment. However, the guide could not serve as a practical set of standards for existing facilities, as their application is not financially or physically viable at most courts.

✓ New courthouses such as the one in Northallerton, built in accordance with the new DCA Court Standards and Design Guide, can provide outstanding facilities for court users, including those in custody.

- 48 Courts have well-developed methods, based around a Court Charter, for describing the services and standards other users of the courts can expect to experience. However, existing court charters rarely refer to court users in custody and generally are not relevant to them.

Recommendation 2: that HMCS, PECS, NOMS and the custody contractors, in consultation with the police, work together to establish minimum standards set out in a custody users' charter, which cover:

- ◆ **treatment**
- ◆ **facilities**
- ◆ **vulnerability**
- ◆ **cell operational capacities**
- ◆ **diversity**
- ◆ **smoking.**

- 49 Many of the courts with inherently inadequate custody facilities have closed, or no longer hear cases involving defendants in custody. Opportunities for further improvement to the size and layout of custody facilities across the court estate are limited by budget and the constraints imposed by existing buildings. The construction of new courthouses is delivering improved facilities at a few locations, but this solution is not available in most cases.

- 50 The standard of upkeep is, in our view, as important as size and layout in determining the quality of a custody facility. For many years custody facilities have suffered from under investment. Bids to improve conditions have had to compete for funding with leaking roofs and broken down boilers. Under traditional methods for prioritising work and allocating estate funds, the refurbishment of custody facilities has not fared well. Uncertainty over the future of individual buildings has also resulted in the neglect of some facilities. However, from 2003/04 the benefits of ring-fenced funding for improvements to custody facilities have been felt, following the introduction of the Decency Agenda from the Prison Service.

✗ At one court, improvements to the custody facility had been put on hold as there were plans for a new courthouse. However, the prospect of a new courthouse had first been raised over ten years previously and there was little evidence of progress during that time. Yet necessary improvements to the custody facility were still not planned.

Repair and maintenance

- 51 The standards of maintenance and repair, in court custody facilities, varies from excellent to poor. All the courts that responded to the inspection survey had arrangements in place for dealing with damage and wear and tear, but these were often complex and not always effective. The case study below illustrates how complex arrangements can be.

X Prior to the creation of **HMCS**, one magistrates' court was managed by the **MCC**, although the building was owned by the **Local Authority**. Prisoners for court were accommodated in the cells belonging to the **police** station next door and looked after by the **custody contractor**, whose activities were overseen by **PECS**. The corridor, which connected the police custody facility with the courthouse, regularly flooded, at which times prisoners could not be transferred to court by the safe and secure route but instead were taken through public areas. Ownership of the linking corridor could not be established and none of the parties involved would accept responsibility for its maintenance.

- 52 The creation of HMCS should simplify the arrangements for building maintenance as the new agency owns and maintains its own estate, although some courts will continue to rely on the police for their custody facilities. The new arrangements should enable HMCS to take a more strategic and co-ordinated approach to estate management than was previously possible.

- 53 Vandalism is a common problem in custody facilities, which can be a significant drain on maintenance resources and quickly degrade the quality of facilities. The extent and severity of vandalism in court custody facilities ranges from almost none to extensive and severe, but effective supervision can prevent or limit its occurrence.

X At one court, two prisoners had dug out a large piece of jagged metal from around an observation panel. The metal had then been used to gouge the plaster elsewhere in the cell. Fortunately, the prisoners had limited their use of the metal object to damaging the cell and had not decided to use it as a weapon. The noise generated by the vandalism would have been clearly audible in the custody area but no action had been taken to stop it.

- 54 Where vandalism is addressed most effectively, local staff employ a range of techniques for dealing with it. Court and custody staff understand each others' roles and responsibilities for preventing and addressing the problem, but also operate flexibly and are willing to tackle problems practically. Appropriate action is also taken against the perpetrators and prisoners are warned of the consequences of their actions.

✓ At Bodmin magistrates' court the custody facility was spotlessly clean, with virtually no evidence of vandalism. Although not newly decorated, effective use of anti-graffiti paint and a policy of encouraging prisoners to clean off graffiti, rather than face further charges or prison discipline, meant the facility was maintained to a high standard.

- 55 At courts where vandalism is a problem, court and custody staff often see each other as having the lead responsibility. A negative cycle can develop where cell damage is common and action against prisoners committing acts of vandalism becomes difficult to take because the cell was not clean and damage free when the prisoner went in. Courts can become reluctant to invest money in heavily damaged facilities, especially if previous experience showed conditions deteriorated quickly after refurbishment. People working in, and visiting, poor facilities can become desensitised to the conditions and give up trying to improve things.

- 56 Custody contractors and courts all have policies for dealing with cases of vandalism. However, the effectiveness of these policies is determined by attitudes, actions and joint working of the staff on the ground.

Cleaning

- 57 All the courts visited or who responded to the questionnaire had similar arrangements in place for cleaning the custody facilities. Despite this, there is wide variation in the standard of cleanliness of facilities, which ranges from excellent to poor. The standard also varies within facilities, with some areas of the facility kept clean whilst dirt is allowed to accumulate elsewhere. For example, cells frequently have clean floors, which are swept and washed daily, but dirty walls that have not been cleaned for some time.
- 58 Arrangements for cleaning custody facilities are complex. Custody contractors are responsible for keeping them clean and tidy and also for specialised cleaning involving body fluid spills. The courts are responsible for providing a routine daily cleaning service in the facility and, in many cases, the court also undertakes occasional deep cleans.
- 59 The different standards of cleanliness frequently reflect the attitude and approach adopted by local staff. Discussions with custody staff in the cleanest facilities, revealed that they play an active role in keeping the facility clean, managing the cleaners provided by the court and also undertaking cleaning duties themselves. In contrast, where dirty conditions are evident, staff often complain that the cleaners do not do their job properly whilst failing to take any responsibility themselves. Without active management the complex cleaning arrangements fail to dovetail effectively, allowing pockets of dirt to start accumulating. Effective routine cleaning can also deliver financial benefits, reducing the need for expensive, in-depth cleaning.

✓ At Blackfriars Crown Court, the Custody Supervisor actively manages the cleaning staff. If areas of the facility have not been used the previous day the supervisor will direct cleaning staff to carry out more in-depth cleaning elsewhere.

Recommendation 3: that HMCS, PECS and the custody contractors work together, both strategically and operationally, to develop a joint approach to improving and maintaining the fabric of individual custody facilities by:

- ◆ **prioritising investment using agreed standards**
- ◆ **establishing local mechanisms for monitoring and maintaining the improvements.**

The role of Lay Observers

- 60 Lay Observers are an independent panel of volunteers who visit prisoners in court custody and under escort, in order to check on their treatment and conditions. Although independent, they are sponsored by the Home Office and receive a small amount of training from PECS. Individual panel members also receive induction training from the Chair of their local panel, which is the only method of providing consistency of judgement and approach.

- 61 Reports are produced by panel members following visits to court, which are forwarded to the custody contractors and PECS. Lay Observers also report their findings directly to the Home Secretary but courts receive copies of their reports via the contractors. Lay Observers' comments are often about custody facilities and several court managers express frustration over the lack of opportunity to respond to the comments made by Lay Observers, which may lack context. The current reporting mechanism, which is predominantly based within the Home Office, does not effectively incorporate the DCA and the courts, from where improvements to facilities can be delivered.
- 62 Lay Observers provide a valuable voluntary service, which helps ensure prisoners are appropriately cared for whilst under escort or in court custody. However, their effectiveness is inhibited by the absence of agreed standards, against which they can judge treatment and conditions, and the weak mechanism for reporting their findings.

Recommendation 4: that PECS and HMCS review the sponsorship and reporting arrangements for Lay Observers, with a view to ensuring that their reports are considered and actioned at an appropriate level.

Duration of the escort and court custody experience

- 63 A court appearance for a defendant remanded in custody almost inevitably entails a long day travelling to and from the court and a lengthy wait in court cells, even though the hearing may only last a few minutes. A study by HMI Prisons in 2004 revealed average periods away from the prison establishment of around 8.5 hours, although many prisoners' experiences may be shorter or much longer. In addition to the time away from the establishment, prisoners also spend time in the prison reception at the start and end of each day. Prisoners involved in lengthy trials will experience this routine on each day of the hearing.
- 64 The gruelling nature of the escort and court custody experience has received little attention from the courts, custody contractors or PECS. Courts monitor waiting times for defendants. However, many do not include defendants in custody in their sample and, of those that do, even fewer analyse the waiting times for those in custody separately. Information on the periods of time prisoners spend away from their establishments is also collected by the custody contractors. There is little evidence of any analysis of this information or any attempts to reduce day length. The attention of courts, contractors and PECS has, instead, been on the time prisoners arrive at court and any subsequent disruption of court business.
- 65 Well-documented performance problems following the introduction of new contracts for custody and escort in August 2004, will almost certainly have led to further increases in the length of days experienced by prisoners. However, PECS has not been able to provide information that would enable comparisons to be made with previous benchmarks (Prisoners Under Escort – Thematic Report by HMI Prisons, 2004), so the precise impact on this aspect of prisoner welfare cannot be determined.

Arrival times

- 66 The late arrival of prisoners at court has received a great deal of attention in recent months, probably because delays at this stage of the process can cause significant disruption to courts. Late arrivals were a particular problem during autumn 2004, although the consensus is that arrival times are now improving. Performance is still patchy, with many courts describing ongoing problems, although others have experienced very few difficulties throughout. Management attention has been directed at performance problems, which has deflected attention from other aspects of custody, including the Decency Agenda.
- 67 A measure known as Designated Ready and Available for Court Time (DRACT) has replaced the blanket arrival time measure of 30 minutes before the start of court, used under the previous contracts. The DRACT takes account of the travelling time between prisons, police stations and courts and the time needed for prisoners to have a legal visit, which were previously ignored. The intention to provide courts with more certainty and realism for prisoner arrivals is sensible but DRACTs have not yet been achieved consistently. For most courts, DRACT is 30 minutes before the start of court although, at some remote courthouses, the distances from prisons can mean that the DRACT is **after** the designated start time.
- 68 The unpredictable nature of arrival times at some courts causes problems. Court managers report that uncertainty over prisoner arrival times can undermine efforts to hear custody cases early in the day, as courtrooms can be left vacant if prisoners are late to arrive. Late arrivals cause particular problems when hearings are expected to last all day. They can also have wider knock-on effects, as less time is available for legal visits and mental health assessments.

Departure times

69 Late departures from court, for the return journey to prison, receive much less attention compared with late arrivals, but they have a significant impact on prisoner welfare. There are incentives within the new contracts to encourage the early return of prisoners to their establishments. However, the incentives are much smaller than the penalties for poor performance and, during the early months of the new contracts, examples of the early return of prisoners were far outweighed by reports of prisoners waiting for long periods after the end of court, before being returned to prison. As with arrival times, performance in terms of departure time is generally poor but patchy, with some evidence of recent improvement.

X A young prisoner, whose case had been adjourned at 10:40, did not return to the YOI until 21:00. The judge had specifically ordered that serious mental health issues be highlighted, adding that the individual should be assessed on entry to the YOI and that a transfer to hospital “may be appropriate”. A place at the YOI was confirmed at 11:38 but he remained in the court cells, apparently without a medical check, until 20:30. The prisoner’s needs could not then be dealt with comprehensively at the prison, due to the lateness of the hour.

70 Shortages of staff and vans have resulted in many instances of prisoners not leaving the courthouse until hours after the last hearing. Late departures also have knock-on effects for courts. Several courts report a need to stay open later until prisoners have been collected, sometimes incurring overtime costs for security staff. Others have had to change the time custody facilities are cleaned as cleaners working in the evening are unable to enter the custody facility while prisoners are still present.

X At one courthouse, two prisoners had been dealt with by 11:30 but the control centre notified the local staff that no van would be available to move them back to prison until the end of the day.

71 The provision of warrants by the court is often cited as a reason for delayed prisoner departures. Under the new contracts, courts are required to provide committal warrants within 30 minutes. In general, courts report fewer problems in meeting this target where warrants are completed in the courtroom immediately after the hearing, compared with those where warrants are prepared in an office by administrative staff and taken back into court for signing. Performance against this standard was variable, although there is little evidence that waiting for a warrant was a cause of delayed departure from court.

72 The custody contractors acknowledge the problems experienced since last August and are working hard to resolve them. Further improvements to performance in reducing the length of time prisoners are under escort will require combined efforts from all those involved in the system (see paragraphs 14 to 22).

Delays during the day

73 Delay in transferring prisoners from the cells to the courtroom is a problem frequently described by the courts. Many courts have secure holding rooms situated outside the courtrooms, which enable defendants to wait in a secure environment before entering the courtroom. These facilities minimise the time between cases involving defendants in custody. However, staffing levels often mean holding rooms cannot be used as there is nobody available to supervise the prisoner. The transfer of prisoners from the cells can also be delayed if no custody staff are available. Some courts pragmatically alternate custody and bail cases to address this problem.

- 74 Staffing shortages can be exacerbated if cases involve multiple defendants. These cases require additional custody staff to be deployed to the dock, which can have consequences for other activities within the cell area. Custody contractors require advance notice of additional staffing requirements for multi-handler cases.
- 75 Court proceedings can also be delayed while prisoners wait for legal visits. The number of interview rooms available in custody facilities is an important factor influencing the time taken to conduct legal visits. Many courts, including some built recently, do not have an adequate number of these interview rooms. The late arrival of prisoners may also compound delays in conducting legal visits. Prisoners arriving after court has started may find that their legal representative is busy in court or speaking with a client who is on bail. There is also the perception that legal representatives may prioritise clients on bail as custody cases can wait.

X One busy court had no interview rooms in the custody facility. As a consequence, legal representatives conduct interviews with clients through the cell door hatch. This problem was raised during an MCSI inspection in 2004 and plans were drawn up to provide interview facilities. These plans were subsequently abandoned.

The impact on child and female prisoners

- 76 Travelling times for child, young adult and female prisoners are longer than those for adult males, largely because there are fewer establishments that house these categories of prisoner and so the distance to court is typically longer. This situation is compounded by the fact that, because there are fewer prisoners, journeys involve more pick-ups and drop-offs, as it is less efficient to carry small numbers of prisoners in escort vehicles.

X At one juvenile prison, children were returning from court after 21:00 having left that morning before 08:00.

Distances travelled

- 77 The length of a prisoner's day will always be partially dependent on the distances between prisons and courts. Journeys can be extended and delayed by circuitous routes and intermediate stops, which particularly affect women, young adult and child prisoners. The custody and escort contracts are not intended to provide a taxi service and contractors will always have to strike a balance between the needs of individuals and an efficient, cost-effective operation. However, NOMS, PECS and the custody contractors have not addressed this matter in a co-ordinated and focused way.
- 78 The current performance framework records the number of miles covered by escort vehicles but not the distances travelled by individual prisoners. Without information on the distances travelled by prisoners, the agencies cannot assess the scale of the problem or assess the impact of efforts to reduce journey length. Such a measure might also provide insight into the effectiveness of the inter-prison transfer system. However, the benefits of introducing an additional performance measure would need to be considered alongside the costs of collecting even more data.

Recommendation 5: that HMCS, NOMS, PECS and the custody contractors work together, both strategically and operationally, to reduce time between leaving prison in the morning and returning after the hearing, by:

- ◆ **reducing the number of late arrivals at court**
- ◆ **reducing the number of late departures from court**
- ◆ **minimising the distances travelled by prisoners on court days.**

Protection of health, safety and security

- 79 The safety and security of prisoners is given an appropriately high priority and is generally well managed. Custody contractors have comprehensive operating procedures in place, covering most eventualities. However, custody staff sometimes still feel exposed, having to rely on their own judgement.
- 80 Appropriate emergency evacuation procedures are in place, although custody staff are often reluctant to take part in drills if prisoners are being held in the cells.

✓ At Bromley magistrates' court, staff play the parts of prisoners during evacuation drills. They are cuffed together and taken out to the designated safe area. This allows realistic drills without jeopardising security.

- 81 The introduction of red and green secure areas in custody facilities has helped clarify handcuffing procedures and has reduced the level of unnecessary cuffing. The risk of escape is assessed for each part of the custody facility, including the areas where prisoners disembark and the routes to the courtroom. Areas where escape risk is higher are designated red, and where risk is lower areas are designated green. Handcuffs are then only applied in the red areas of the custody facility.

Segregation

- 82 Various different groups of prisoners must be kept separate at all times during escort and court custody. Male and female prisoners; adult, youth and child prisoners; prisoners who are voluntarily segregated from others; and, additionally, those originating from prisons and police stations must be kept apart. The segregation requirements can often present challenges to staff, in particular at courts with a small number of cells.
- 83 Custody staff possess good awareness and knowledge of segregation requirements, as well as demonstrating flexibility when considering segregation needs. In addition to meeting the established segregation requirements, custody staff frequently consider prisoner welfare when making decisions.

✓ At one court, two black prisoners were accommodated in an area of the custody facility separated from a prisoner who was known to be racist.

- 84 Escort vehicles offer less effective segregation as prisoners can see and speak with each other during a journey. Effective supervision by escort staff stationed at the back of an escort vehicle can ensure inappropriate contact or communication is minimised. However, some women complain of being verbally abused when travelling with men.
- 85 Inspectors were pleased to find that, contrary to arrangements in 2003, children are no longer escorted on the same vehicles as adult prisoners. However, arrangements for ensuring the requirements of the Children Act (2004) are met throughout the escort and court custody experience are not clear.

Cell capacities

- 86 The absence of recognised and documented cell operational capacities can compromise safety and security. Most cells in court custody facilities can accommodate two or three prisoners, but operational capacities can be reduced if some prisoners need to be segregated. The need to consider the segregation policy makes it impossible to establish a single figure that designates the number of prisoners that can be accommodated within a facility. For example, a four-cell unit, that could accommodate 12 adult male prisoners, can only accommodate four prisoners if they must all be kept segregated.
- 87 At many courts, common sense and local co-operation between custody and court staff ensure that as the custody facility becomes full, prisoners are lodged elsewhere or new prisoners are not accepted by the court until space is available. However, at some courts, where links between the custody facility and the court are not effective, the numbers of prisoners housed in each cell can reach dangerous levels. Without agreed maximum operational capacities for each cell, the number of prisoners that can be housed safely is a matter of judgement for local custody and court staff. Even where custody operators are aware of these problems, they can be reluctant to challenge court decisions.

X One court, which can safely accommodate 8-12 prisoners, regularly becomes overcrowded, and on one occasion housed 19 prisoners in four cells.

- 88 Custody staff are sometimes only made aware of segregation needs when prisoners arrive. More effective advanced warning would enable better planning for segregation needs. The capacity of each cell in court custody should form part of the custody users' charter described in Recommendation 2. Such a statement would ensure all court and custody staff have a common understanding of allowable prisoner numbers.

Searching, confiscation and smoking policies

- 89 Prisoners originating from prison, police stations or arrested by court enforcement officers have been subject to different levels of search before transferring into the custody of escort staff. Prisoners may also be able to retain items such as matches, lighters, cigarettes or shoes in different types of establishment. This presents difficulties for escort staff.
- 90 The smoking policies that apply to the rest of the court are often not enforced in court custody facilities. Different smoking policies applied in prisons and police stations also add to the confusion over smoking and the retention of tobacco, lighters and matches. Lighted cigarettes and lighters are commonly used to vandalise cells. Court custody facilities are exempt from standard Fire Safety Regulations because they are a secure environment. However, the basis of the exemption, which includes a requirement that combustible material will not be allowed, is contravened by smoking and the retention of lighters and matches in court custody facilities.
- 91 Some custody staff allow prisoners to smoke as they believe this helps calm nerves ahead of a court appearance. However, custody staff also take advantage of the lax smoking policies in some custody facilities to smoke themselves. The application of different smoking policies from the rest of the court adds to the perception that prisoners and custody staff should somehow be treated differently, and may jeopardise the health protection afforded by the smoke-free environment enjoyed elsewhere in the court. Recommendation 2, on a custody users' charter, should include the introduction of a consistent policy on smoking in custody facilities across England and Wales.

Risk management

92 Relevant information about the risks prisoners may constitute to themselves or others is not always shared effectively between agencies. Information known by one agency may not be shared with others until it is too late to respond effectively. Most seriously, some investigations into deaths soon after arrival in custody have discovered that information about the state of mind of the individual was known to the court but not passed on to the prison. It is disappointing to note that little seems to have changed since poor transfer of prisoner information was highlighted in a previous joint inspection report in 2000: *Study of Casework Information Needs within the Criminal Justice System*.²

X In one prison, within three weeks, there were two cases of suicide shortly after arrival. It was discovered that information about the victim's vulnerability was recorded in the pre-sentence report. These reports had not accompanied the prisoner on the journey to prison, as recommended in the Casework Information Needs report, so the relevant information was not available when the initial cell sharing risk assessment was carried out.

X During one court visit, the custody supervisor telephoned the court manager 15 minutes before the start of court, to request the movement of a case to a courtroom with a secure dock. The Prisoner Escort Record, which arrives with the prisoner, had revealed the defendant to be violent with a record of hostage taking. The defendant was a convicted prisoner and this information was known to NOMS. Had this information been provided earlier, the time consuming, last minute, but ultimately successful efforts to rearrange the business of two courtrooms could have been avoided.

93 Health and safety risks in custody facilities are not always shared across areas and regions. Mechanisms are in place to facilitate the transfer of health and safety risks across area boundaries. However, Inspectors found that these are not always effective.

X At one court, local staff explained how a particular design of cell call button had been used by a prisoner to commit suicide. On a subsequent visit to a court in a different area, the Inspector observed cell call buttons in use, which appeared to be of the same design to that used as a ligature point. When asked, neither court nor custody staff had been informed of the risks associated with that design of button.

Recommendation 6: that HMCS, NOMS, PECS and the contractors review arrangements at both strategic and operational levels for identifying, sharing and eliminating risks associated with escort and court custody and ensure communication of risk is effective and timely.

Seatbelts in escort vehicles

94 An HMI Prisons survey revealed around 25% of prisoners felt unsafe during escort, mainly because there are no seatbelts in escort vehicles. PECS has thought carefully about the provision of seatbelts and the need to balance the safety benefits seatbelts provide in an accident, with the risk that belts could be used for self-harm.

² *Study of Casework Information Needs Within the Criminal Justice System*, (2000), a joint review undertaken by HMIC, MCSI, CPSI, HMI Prisons, HMI Probation and the Social Services Inspectorate.

- 95 Anecdotal evidence from road traffic collisions involving escort vehicles suggests that the health and safety of prisoners is not obviously jeopardised by the absence of seat belts. However, without further research PECS can provide no scientific basis for its conclusions, nor reassure prisoners that their safety is not compromised.

Recommendation 7: that PECS commission and publish the findings of independent research to determine the health and safety implications of installing seatbelts in cellular vehicles.

Vans and van docks

- 96 Special parking bays for escort vehicles are provided at many courts to enable prisoners to be taken on and off vans in a secure environment, away from public view. However, use of these van docks is often prevented by the obstruction or occupation of the facility by other vehicles. Larger escort vehicles sometimes cannot fit into smaller sized van docks. The absence of secure van docks, or their ineffective or inappropriate use, compromises the safety and security of prisoners, custody staff and the public.

X At one court, the Inspector was shown the secure van parking area only to find it was occupied by the court manager's car.

Prison video links (PVLs) – an alternative approach

- 97 Prison video links (PVLs) enable defendants in custody to appear before a court from the prison in which they are held, avoiding all of the problems associated with escort and court custody. PVLs provide an effective alternative to a personal appearance by a defendant in custody for many pre-trial hearings and, in addition, relieve pressure on the escort and custody service. However, the management of PVLs is often ineffective and the location of the links inappropriate.
- 98 Most prisoners tell us that they would much rather avoid the displacement of attending remand hearings in person if it can be avoided. Every time a prisoner is produced for court he or she is effectively discharged from the holding prison. All the prisoner's property is bagged up to travel with him or her, and the cell is emptied. There is no guarantee, particularly for young prisoners and adult males, that the prisoner will return to the same prison that he left that morning. This is a significant, yet avoidable, trauma for many.
- 99 The original argument for introducing PVLs was largely a financial one, based on an expectation that the number of journeys made by escort vehicles would decrease. However, due to the way payments were calculated, based on the number of journeys made rather than the number of prisoners carried, the anticipated benefits did not materialise. Payments under the new contracts are now calculated on the basis of the number of prisoners carried, which should enable the financial benefits of PVL hearings to be realised.
- 100 The inter-agency Service Level Agreement that accompanies the second generation PECS contracts states that full use should be made of video links including for Plea and Directions and other pre-trial hearings. Not all hearings can be heard by PVL and the decision to conduct a hearing using a PVL is a judicial one, which also requires the agreement of the defendant. Some courts are not aware of the full range of hearings that can be heard in this way, and ineffective administrative processes for arranging PVL hearings also reduce the number that can be held.
- 101 PVLs can also be used by probation officers and legal representatives to interview prisoners. Awareness and use of this facility is patchy, but increasing.
- 102 The usage of PVLs is overseen and monitored by PECS. However, the accuracy of this information is questionable as usage rates are not measured directly by the court. PECS believes a lack of will by the courts is the main reason more PVL hearings do not take place but there is no substantive evidence to support this view. Inspectors encountered enthusiasm amongst many court staff for PVL hearings. Courts cite unavailability of hearing slots and the inadequacies of the booking process as the main reasons.

Arranging PVL hearings

- 103 The arrangements for booking PVL hearings are complex and depend on the initiative of individual courts and prisons. The absence of centralised and co-ordinated booking arrangements means courts have to contact individual prisons to set up a link. A Home Office report on the use of PVLs reported two years ago that arrangements were difficult, but little appears to have changed since.

104 The ease with which a PVL can be arranged is dependent on the relationship between local court staff and the prison at which the defendant is held. At many courts effective links have been established with the local prisons, but others describe a lack of co-operation.

✓ The PVL team at Wandsworth prison is described by several courts as flexible and helpful.

105 Many courts block-book slots for a half-day or more each week. This practice guarantees the availability of the virtual courtroom in the prison and means that hearings can be scheduled in court, without the need to check availability with the prison. There are, however, a number of assumptions and drawbacks with block booking:

- ◆ If all the slots within a block-booked session are not used they are not then made available for other courts. As a consequence, the overall capacity of the PVL infrastructure is reduced.
- ◆ Courts find it difficult to book links outside their regular slots, placing restrictions on when a case can be heard by PVL. Court staff often report difficulties identifying PVL slots when all the parties in the case are available.
- ◆ Block-booking arrangements tend only to be established with the local adult male prison. A different process for arranging a PVL has to be followed when prisoners are housed elsewhere.

✗ At one court, staff complained that the allocation of a PVL slot on one morning each week, places restrictions on when the case can be heard, and makes it very unlikely that all the parties in a case will be able to attend at the available time.

106 Where prisoners are not held at a prison with block-booking arrangements – for example, in cases involving women, young adults or children – courts have to contact the relevant establishment in order to arrange an ad hoc PVL hearing. Court staff regularly report difficulties when attempting to arrange such hearings, which often cannot be booked whilst the case is still in court. As a consequence, a PVL date may not be agreed whilst all the parties are present.

107 The inability to arrange ad hoc links whilst the case is in court may reduce the likelihood of a PVL hearing in cases involving female, youth and child prisoners – although these groups would benefit the most from a prisoner welfare perspective, as they experience longer days.

108 A facility that enables court staff to arrange a PVL hearing for any prisoner – by phoning a single telephone number, irrespective of where they are being held – would enable more effective use to be made of PVLs. Child, youth and female defendants in custody would particularly benefit.

Recommendation 8: that HMCS, NOMS, PECS and the YJB ensure that better use is made of prison video links for hearings involving children, young adults and women and consider providing a national booking system for all PVL slots.

Location of PVL equipment

109 The location of most existing PVL equipment is based largely on previously anticipated usage rates and does not take into account the disproportionate distances travelled by some prisoners – particularly Category A prisoners, since the number of prisons holding them has been reduced. Additionally, some PVLs have been placed within remote magistrates' courts, possibly to increase courtroom utilisation. Court users are often reluctant to decamp to a different location for a PVL hearing, when they have business elsewhere.

X A court located 100 miles from the nearest prison and 200 miles from prisons housing women, young adults and children was not equipped with a PVL.

Inspectors are pleased to be able to report that, since the inspection, a PVL has been installed at this court.

110 All thirteen prisons that hold children have PVL facilities, but equivalent links are not in place in youth courts, except for vulnerable and intimidated witnesses giving evidence from elsewhere in the court building. The current PVL contract does not include links between juvenile prisons and youth courts and cannot be extended under the current terms of the contract. This effectively prevents the links in place in juvenile prisons being used at all, except where the youth court takes place in an adult courtroom, enabling utilisation of the adult network.

111 The physical location of virtual courtrooms within prisons is also an important factor that influences the efficient use of facilities. Where PVLs have been installed in remote locations, additional time and staffing is required to escort prisoners from their cells.

112 The installation of additional links is not possible under existing contract arrangements. However, HMCS, NOMS and the YJB are encouraged to work together to identify locations for the next generation of PVLs, which should take account of distances travelled as well as the likely demand for PVL hearings. In particular, the location of PVL equipment should ensure that women, young adults and children can use links whenever appropriate.

Glossary

CPN	Community Psychiatric Nurse
CPS	Crown Prosecution Service
DCA	Department for Constitutional Affairs
DRACT	Designated Ready and Available for Court Time
HMCS	Her Majesty's Courts Service
HMICA	Her Majesty's Inspectorate of Court Administration
HMI Prisons	Her Majesty's Inspectorate of Prisons
MCC	Magistrates' Courts Committee
MCSI	Magistrates' Courts Service Inspectorate
NOMS	National Offender Management Service
PECS	Prisoner Escort and Custody Service
PER	Prisoner Escort Record
PIF	Prisoner Information Form
PVL	Prison Video Link
SLA	Service Level Agreement
YJB	Youth Justice Board.
YOI	Young Offenders Institution

